



Planning Board

Darrell Watts – Chairman
Rocky Clinton-Vice-Chairman
Michael Lunsford-Secretary
Larry Roberts-Member
Kevin Boortz-Member

City Engineer-Garver
City Planner-Courtney McNair
City Attorney-Harrington-Miller
Public Works Director-James Clark
Code Enforcement Officer-Brett Freeland
Building Inspector-Roger Duncan

Planning Board/Board of Zoning Adjustments Public Hearing Agenda

Date: Tuesday, January 22, 2019

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

1. **Board of Zoning Adjustments Meeting Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
 - a. Pendergraft Fence Variance Request
 - b. Correction and clarification to Chapter 90.400.4 - CROSS-SECTIONS AND RIGHT-OF-WAY WIDTHS
4. **Comments from Citizens**
5. **Meeting Adjourned**



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Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

1. **Planning Board Meeting Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes**
 - a. Approval of December 27, 2018 Public Hearing Minutes
 - b. Approval of December 27, 2018 Planning Board/Board of Zoning Adjustments Minutes
5. **Comments from Citizens**
6. **Old Business**
7. **New Business**
 - a. Pendergraft Fence Variance Request
 - b. Napa Subdivision Final Plat
 - c. Correction and clarification to Chapter 90.400.4- CROSS-SECTIONS AND RIGHT-OF-WAY WIDTHS
 - d. **ADDED-Extension Request by MH Backhoe LSD. It will expire in February 2019 if the 6-month extension is not granted.**
8. **Review Items for Placement on City Council Agenda (if applicable)**
 - a. Pendergraft Fence Variance Request
 - b. Correction and clarification to Chapter 90.400.4
9. **Reoccurring Items and Items for Review**
 - a. Review of Approved Projects & Expirations
 - b. Review Building Activity
10. **Comments from Staff**
 - a. 2018 Year End Reports
 - b. Discuss draft changes to ordinances regulating:
 - i. This Month: Tow Yards, Accessory Dwellings
 - ii. Next Month: Temporary Uses, Food Vendors
 - iii. Discussion: Final LSD inspection fee
 - iv. Rocky and Kevin (as he took over Sue's spot when she left) are up for renewal in February, and officer elections are in February.

c. Upcoming Meetings:

- i. City Council is Tuesday, February 5, 2019.
- ii. Committee of the Whole is Tuesday, February 19, 2019.
- iii. February Planning Board Meeting is Tuesday, February 26, 2019.
- iv. Staff has a training class March 25-26. March 26 is the date of the Planning Board Meeting. Can this be rescheduled to March 27?

11. Comments from Board Members

12. Meeting Adjourned



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Planning Board/Board of Zoning Adjustments Public Hearing Minutes

Date: THURSDAY, December 27, 2018

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

1. Board of Zoning Adjustments Meeting Call to Order

2. Roll Call

Rocky Clinton was absent

3. Approval of Agenda

a. Lynch Rezoning Request

Kevin Boortz motioned to approve the agenda Second by Larry Roberts Motion Passes

4. Comments from Citizens-

Blake with E.S.I. was present to answer any questions the Planning Board may have.

5. Meeting Adjourned- Adjourned



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Planning Board/ Board of Zoning Adjustments Minutes

Date: THURSDAY, December 27, 2018

Time: 6:00 p.m. – Tontitown City Hall, 201 E. Henri de Tonti, Tontitown, AR 72770

1. Planning Board Meeting Call to Order

2. Roll Call

Rocky Clinton was absent

3. Approval of Agenda

Larry Roberts motioned to approve the agenda Second by Michael Lunsford Motion Passes

4. Approval of Minutes

a. Approval of November 27, 2018 Public Hearing Minutes

b. Approval of November 27, 2018 Planning Board/Board of Zoning Adjustments Minutes

Larry Roberts motioned to approve Second by Kevin Boortz Motion Passes

5. Comments from Citizens- None

6. Old Business- None

7. New Business

a. Lynch Rezoning Request

Michael Lunsford motioned to approve with conditions Second by Kevin Boortz Motion Passes

b. Paramount Metals Large Scale Development

Larry Roberts motioned to approve with conditions Second by Michael Lunsford Motion Passes

8. Review Items for Placement on City Council Agenda (if applicable)

a. Lynch Rezoning Request

9. Reoccurring Items and Items for Review

a. Review of Approved Projects & Expirations

Reference the city's website for detailed report.

b. Review Building Activity

Reference the city's website for detailed report.

10. Comments from Staff

a. Discuss draft changes to ordinances regulating Tow Yards, Temporary Uses, Food Vendors, and fees charged to developments with over 50 lots/units. (Still doing research)

Tap Fees Only

There will be Public Hearing regarding taps fees at the next C.O.W. meeting January 15, 2019, then will go to a vote at the next City Council Meeting in February.

b. Upcoming Meetings:

- i. City Council is Wednesday, January 2, 2019.
- ii. Committee of the Whole is Tuesday, January 15, 2019.
- iii. January Planning Board Meeting is Tuesday, January 22, 2019.

11. Comments from Board Members-None

12. Meeting Adjourned- All in favor



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **January 22, 2019**
Project: **Pendergraft Variance**
Planner: Courtney McNair

AGENDA ITEM

A

VARIANCE REQUEST

1070 Piazza
Parcel #: 830-38128-000

SUMMARY: Request for a variance to allow a 6-foot tall fence to be constructed in the front yard of a residence.

CURRENT ZONING: R3-Residential, minimum 9600 SF lot size

PROPOSED USE: Single-family residential

CITY WARD: 1-Gene McCartney and Henry Piazza

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: City of Tontitown
Sewer: Septic
Road Access: Piazza Road
Electric: Ozarks Electric
Cable: Cox Communications
Phone: ATT
Natural Gas: Black Hills Energy
School District: Springdale

PROJECT SYNOPSIS:

The Pendergraft Fence Variance Request is to allow a 6-foot tall fence to be constructed in front of a residence. Code states:

153.215 FENCES.- (F) *Front yard. Unless approved by the Planning Board, a fence over 36 inches in height shall not be located in the front yard or be positioned any closer to the front property line than the front surface of the building for a typical residential lot. Decorative fencing not exceeding 36 inches is allowed in front yards.*

The applicant is requesting to place a 6-foot privacy fence approximately 75 feet off of Piazza Road that is approx. 100 feet long in the front yard of a rental property he owns.

153.262 POWERS AND DUTIES. (as relating to variance requests)

(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

STAFF ANALYSIS: The layout of the lot and it's proximity to Piazza Road are unique. While this is a fairly typical single family lot, it is triangular in shape and the residence is set more to the back of the lot. There is no real back yard area to fence.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

STAFF ANALYSIS: The existing use is residential.

(3) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

STAFF ANALYSIS: The applicant is asking for a 6-foot fence to help screen an existing residence. The maximum fence allowed is 8 feet tall, so the applicant is not asking for the maximum, just enough for their desire to have a fenced yard area.

(4) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

STAFF ANALYSIS: The fence will be placed far enough off of Piazza road that it should not interfere or be injurious to drivers along this road.

(5) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

STAFF ANALYSIS: The fence must be constructed as generally submitted. If it is too near Piazza Road, it could cause concern, but as presented should not cause any hazard.

(6) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.

STAFF ANALYSIS: Residential uses and accessory uses are allowed by right in R3.

TECHNICAL INFORMATION:

Utilities:

Water: City of Tontitown Water-No concerns were submitted for the requested variance.

Electric: Ozarks Electric-No concerns were submitted for the requested variance.

Septic: This residence has an existing system and the proposed fence will not be detrimental to the system.

Cable: Cox Communications-No concerns were submitted for the requested variance.

Phone: AT&T-No concerns were submitted for the requested variance.

Natural Gas: Black Hills Energy-No concerns were submitted for the requested variance.

Streets:

This property access Piazza Road. No additional drives are being proposed.

Fire:

No concerns were submitted for the requested variance.

Police:

The Police Chief has no concerns for the requested variance.

STAFF ANALYSIS: The impact of this variance request will be minimal to the surrounding area, existing utilities, and streets and fire.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no comments at the time of this report.

STAFF RECOMMENDATION: Staff finds the requested variance is to correct a unique hardship not caused by actions of the applicant.

Therefore, staff recommends approval of the Pendergraft Fence Variance Request to allow a 6-foot tall fence to be constructed in front of a residence.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. The fence must be placed generally as presented.
2. A fence permit is required.



Piazza Rd

PIZZA RD

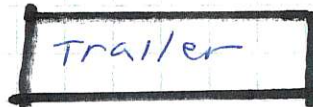
200

CLEAN

75'

Fence 100'

Fence



181

218

Variance for Ralph
Pendergraft for fence to
enclose front of trailers and yard

City of Tontitown-Planning
JAN 02 2019
RECEIVED

Courtney McNair

From: kinax construction <kinaxoffice@gmail.com>
Sent: Tuesday, January 22, 2019 4:42 PM
To: Courtney McNair
Subject: Final plat approval for Napa

Courtney
Please Table us tonight.
We will set up with you a special meeting around the 30th to final Napa.

I know Jason sent over the Drainage report.
And we should be able to have sod , Rip Rap in place and small issues handled before then.

Thanks

--

Kevin Nalley
Kinax Construction Inc.

CHAPTER 90: STREETS AND SIDEWALKS

90.400.4 CROSS-SECTIONS AND RIGHT-OF-WAY WIDTHS.

(A) Skewed street sections will not be allowed without specific approval of the City Engineer.

(B) The minimum right-of-way shall be as follows:

- ~~(1) Principal Arterial—90 feet unless listed below:~~
 - ~~—(a) Highway 412 Arterial/Boulevard section—100 feet;~~
 - ~~—(b) Highway 112 Arterial—90 feet.~~
- ~~(2) Minor Arterial—90 feet unless listed below:~~
 - ~~—(a) Boulevard section—95 feet.~~
- ~~(3) Collector—70 feet;~~
- ~~(4) Local—50 feet.~~
- ~~(5) Greater widths may be required if needed to accommodate a particular street design.~~
- ~~(6) Typical street cross sections shall be as follows:~~
 - ~~—(a) Principal Arterial—59 feet unless listed below:~~
 - ~~1. Highway 412 Arterial/Boulevard section—66 feet.~~
 - ~~—(b) Minor Arterial—37 feet unless listed below:~~
 - ~~1. Boulevard section—44 feet.~~
 - ~~—(c) Collector—37 feet unless listed below:~~
 - ~~1. Boulevard section—44 feet.~~
 - ~~—(d) Local—23 feet unless listed below:~~
 - ~~1. With on street parking (one side only)—29 feet.~~

<i>Street Type</i>	<i>Required Right-of-Way Width</i>	<i>Typical Cross-Section</i>
Principal Arterial	100 feet	59 feet unless listed below: <ul style="list-style-type: none"> • Highway 412 Arterial/Boulevard section - 66 feet.
Minor Arterial	95 feet unless listed below: <ul style="list-style-type: none"> • May be reduced to 90 feet if the Planning Board approves a non-boulevard section. 	44 feet unless listed below: <ul style="list-style-type: none"> • May be reduced to 37 feet if the Planning Board approves a non-boulevard section.

		<ul style="list-style-type: none"> • ROW section allows for two additional driving lanes if necessary.
Collector	70 feet	44 feet unless listed below: <ul style="list-style-type: none"> • May be reduced to 37 feet if the Planning Board approves a non-boulevard section.
Local	50 feet	29 feet with parking on one side. 23 feet with no parking.

(C) Pavement cross slopes for local streets shall be 3% and for collector and arterial streets shall be 2%, unless otherwise approved by the city. Gutters shall be sloped to match the street cross slope.

(D) On the elevated side of a uniform cross slope or super-elevated street, the gutter may slope toward the street centerline, provided the gutter cross slope does not exceed the cross slope of the adjacent lane. Transitions from normal crowns to uniform cross slope or super-elevated sections shall provide for minimum longitudinal grades. Super-elevated sections shall conform to the ARDOT standard drawings.

(Ord. 2009-11-347, passed 11-3-09; Am. Ord. 2010-06-356, passed 6-1-10; Am. Ord. 2018-11-816, passed 11-6-18)



Earthplan Design Alternatives, PA
Civil Engineering / Landscape Architecture

January 18, 2019

Courtney McNair, AICP, CFM
Planning Official
City of Tontitown
201 East Henri De Tonti
Tontitown, AR 72770

RE: MH Backhoe Commercial Building extension request

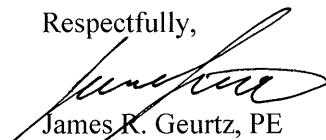
Ms. McNair,

We would like to formally request an extension to the Large Scale Development for the MH Backhoe Commercial Building approval. We request an additional six months starting from the original six month period. During final plan creation, an encroachment issue became apparent with an adjacent property owner. The owner attempted to work with the adjacent property owner to satisfy both parties. However, an agreement was unable to be achieved and thus our design has been revised to yield to the encroaching fence.

Final plans have been submitted to the City for final approval. Construction is anticipated to start once all final approvals and permits are giving from the City, Highway Department and State Health Department. This request is to ensure that the owner still has approval once the all the final permits from the State agencies are received.

Please contact our office at 479-756-1266 or feel free to email me at jrg@eda-pa.com if you have any questions or comments concerning the review.

Respectfully,


James R. Geurtz, PE
President

Approved_Projects_Expirations

Project Name	Approval Date	Start/Expiration Date 152.101	Comments
South Point Subdivision-Phase I	December 27, 2016	-	Final Approval granted 10/11/2018
South Point Subdivision-Phase II	February 28, 2017	-	In Construction
Venezia Piazza-LSD	April 25, 2017	-	In Construction (COO issued for Building 2, suites 8&9 only, COO issued for Building 3). No additional until LSD complete.
Napa Subdivision	February 27, 2018	-	In Construction
Cross Pointe Church LSD	April 26, 2018	-	In Construction
Path Utilities LSD	June 26, 2018	-	Revised Pre-Con meeting held 1/18/19. Ok to begin site work.
Ozark Self Storage LSD	July 31, 2018	July 31, 2019	Extension granted 11/27/18.
Plaza Tire LSD	July 31, 2018	-	In Construction
MH Backhoe Commercial	August 28, 2018	February 28, 2019	Asking for extension.
Waste Management CNG Prelim LSD	August 28, 2018	-	In Construction
Bolder Coffee	October 23, 2018	April 23, 2019	Plans approved.
Paramount Metals LSD	December 27, 2018	June 27, 2019	Pre-Con meeting held 1/18/19. Ok to begin construction
			1/22/2019 9:52

Building Activity Report:	YTD 2019	# Permits
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YTD 2018

Variance

% change

RESIDENTIAL VALUATION	\$ 4,254,205.81	
Single Family Permits		15
COMMERCIAL VALUATION	\$ 113,075.00	-
RESIDENTIAL PERMIT FEES	\$ 17,696.38	
COMMERCIAL PERMIT FEES	\$ 53.71	
Other Permits	\$ 2,138.83	
Total Fees Assessed	\$ 41,986.88	
<i>For Information Only:</i>		
Water Tap	\$ 14,250.00	
Sewer Tap	\$ 7,500.00	

\$ 3,401,663.88
11
\$ 2,323,285.60
5
\$ 14,319.16
\$ 10,767.40
\$ 1,560.00
\$ 41,300.13

\$ 852,541.93
4
\$ (2,210,210.60)
(5)
\$ 3,377.22
\$ (10,713.69)
\$ 578.83
\$ 686.75

20.04%
26.67%
-1954.64%
19.08%
-19947.07%
27.06%
1.64%

As of 1/22/2019

Building Activity Report:	YEAR END 2018	# Permits
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YEAR END 2017

Variance

% change

RESIDENTIAL VALUATION	\$ 41,434,387.23	
Single Family Permits		157
COMMERCIAL VALUATION	\$ 12,939,788.42	
		27
RESIDENTIAL PERMIT FEES	\$ 172,053.79	
COMMERCIAL PERMIT FEES	\$ 57,315.99	
Other Permits	\$ 26,537.48	
Total Fees Assessed	\$ 430,109.64	
<i>For Information Only:</i>		
Water Tap	\$ 115,950.00	
Sewer Tap	\$ 57,000.00	

\$ 32,500,266.00
101
\$ 6,708,116.50
18
\$ 133,531.24
\$ 28,063.87
\$ 21,562.51
\$ 282,512.31

\$ 8,934,121.23
56
\$ 6,231,671.92
9
\$ 38,522.55
\$ 29,252.12
\$ 4,974.97
\$ 147,597.33

21.56%
35.67%
48.16%
33.33%
22.39%
51.04%
18.75%
34.32%

As of 1/22/2019

§ 70.03 WRECKER COMPANIES.

Each wrecker company who wishes to receive requests for services from law enforcement agencies for by the city or the Code Enforcement Officer, except calls that arise from the requests of owners of vehicles, must immediately conform to the following regulations and specifications. Failure to conform to these regulations and specifications will constitute grounds for the summary removal of a wrecker company from the list of approved wrecker companies maintained by city law enforcement agencies.

(A) Each company must provide 24-hour continuous service for the acceptance and release of vehicles, and for requests for service or the return of personal property.

(B) All towing services must have a telephone number in the name of the business published in the local directory or accessible through directory assistance.

(1) The phone must be answered 24 hours per day.

(2) If a pager system is used, calls must be returned to the calling party within three minutes.

(C) All wreckers must be in mechanically safe condition; must display a proper commercial motor vehicle license, as required by and in accordance with state laws; and must possess a license and decal issued by the Arkansas Towing and Recovery Board. All wreckers shall have permanent lettering on both sides showing the name and telephone number of towing company.

(1) Lettering shall be no less than three inches in height and shall have a professional appearance.

(2) Magnetic signs are prohibited.

(D) No towing service owner or operator shall be placed on the city's wrecker service rotation list if he or she has been convicted of a felony or misdemeanor involving theft, fraud or a dishonest false statement.

(E) Each company must have in continuous effect, liability insurance in sufficient amount to cover any claim against them resulting from property damage or personal injury occurring while rendering service at the request of city law enforcement agencies or the Code Enforcement Officer.

(1) A copy of the insurance coverage shall be provided to the Code Enforcement Officer upon application for the rotation list.

(2) Copies of any subsequent insurance renewals shall also be forwarded to the Code Enforcement Officer.

(F) All towing operators shall obey all Arkansas Statutes regulating traffic, unless otherwise directed by a police officer or law enforcement agency.

(G) Each towing and storage facility must maintain a lighted storage area, surrounded by fencing adequate to secure and prevent entry by unauthorized persons, and must hold itself responsible for any theft or vandalism to vehicles or other property in its care or control. The

storage facility must be located within the city limits, unless a variance is granted by the Code Enforcement Officer.

(H) (1) No towing company shall proceed to the scene of an accident investigated by city law enforcement agencies, unless requested to do so by city law enforcement agencies or the driver or registered owner of the disabled vehicle.

(2) In the event that a towing company, or any of its employees, are notified of an accident from a source other than a police agency, the towing company shall immediately notify the proper law enforcement authority.

(I) Upon request for service, each company must either immediately make available a suitable wrecker and operator, or else immediately inform the requesting party that no suitable wrecker is available, so that service may be obtained from another company, if necessary.

(1) A towing company may not summon the services of another company as a substitute.

(2) If a towing service operator arrives at the scene and determines that he or she cannot safely or effectively perform the required services, he or she shall notify the on-scene officer, and the next listed towing service will be contacted.

(3) Any towing service that follows this procedure will be placed back on the rotation list and will not be charged with the call.

(J) Upon arrival at an accident scene, the towing service operator will stand by and will not proceed to work on or remove any vehicle until directed to do so by a city law enforcement agency or emergency personnel.

(K) Each towing vehicle will be properly equipped with the tools and accessories to insure the safe recovery and transportation of a towed vehicle, as well as the required removal of glass and other injurious substances from a wreck or damaged vehicle as required by A.C. § 27-51-1405(c).

(L) Service charges made by wrecker companies must be reasonable in view of the service performed, the time of day that service is performed, and the geographical location.

(1) Reasonableness will be determined by comparison of service charges of a particular company with those of other wrecker companies within the same general area that perform substantially the same service.

(2) A storage charge will not be added until after a vehicle has been held for 24 clock hours.

(M) If no approved provider with an impound lot located inside the city limits is available, law enforcement or the Code Enforcement Officer may utilize any provider on the Washington County Sheriff's Department's approved list.

(Ord. 2007-07-296, passed 7-10-07)

§ 153.162 WRECKING, SALVAGE, AND JUNKYARDS.

(A) Because of the nature and character of their operations, motor vehicle wrecking and salvage yards, junkyards, and similar uses of land can have a serious detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. For the purpose of evaluating whether the proposed utilization of land for a vehicular wrecking or junkyard properly minimizes its objectionable characteristics, the standards established below shall be used.

(B) *Location.* Because of the tendency of salvage yards to promote the breeding of vermin, no such operation shall have less than a 300-foot buffer zone to any residential district, or 100-foot buffer zone from commercial or Industrial zoned property(s) and streets

(C) *Screening.* The interior area of any existing salvage or wrecking operation shall be screened from view by fencing, not to exceed eight feet in height, within 18 months after the effective date of these regulations, and wrecking yards shall be so screened as a condition of approval. Such screening shall be uniform, consistent, and neat in appearance, and shall be properly maintained during the life of the use. No advertising, with the exception of one identification sign not exceeding 12 square feet, shall be placed on said screening. Storage between the street and such screening is expressly prohibited, as is the stacking of such vehicles above or beyond such screening.

(Ord. 2017-05-635, passed 5-2-17)

<i>Zoning Districts</i>	<i>C-1</i>	<i>C-2</i>	<i>I</i>
<i>Residential uses</i>			
Single-family detached	C	C	C
Duplex, triplex, 4-plex	C	C	C
Loft apartment	C	C	C
Multi-family	C	C	C
<i>Civic and commercial uses</i>			
Airport or airstrip	NP	NP	C
Animal care, general	C	P	C
Animal care, limited	P	P	NP
Auditorium or stadium	NP	C	C
Automated teller machine	P	P	P
Bank or financial institution	P	P	P
Bed and breakfast	P	P	NP
Car wash	C	P	P
Cemetery	P	P	P
Church	P	P	P
College or university	P	P	P
Communication tower	C	C	P
Construction sales and service	NP	P	P
Convenience store	P	P	C
Day care, limited (family home)	P	P	C
Day care, general	P	P	C
Entertainment, adult	NP	C	C
Funeral home	C	P	NP
Golf course	P	P	NP
Government service	P	P	P
Hospital	P	P	NP
Hotel or motel	NP	P	NP

Library	P	P	P
Medical service/office	P	P	P
Museum	P	P	C
Nursing home	P	P	NP
Office, general	P	P	C
Parking lot, commercial	NP	P	C
Parks and recreation	P	P	C
Pawn shops	NP	P	C
Post office	C	P	C
Recreation/entertainment, indoor	C	P	C
Recreation/entertainment, outdoor	C	P	C
Restaurant, fast food	C	P	P
Restaurant, general	P	P	P
Retail/service	C	P	C
Safety services	P	P	P
School, elementary/middle and high	P	P	P
Service station	C	P	P
Signs	*	*	*
Utility, major	C	C	C
Utility, minor	P	P	P
Vehicle and equipment sales	NP	P	P
Vehicle repair, general	NP	P	P
Vehicle repair, limited	C	P	P
Vocational school	C	P	P
Warehouse, residential (mini) storage	NP	C	P
Industrial, manufacturing and extractive uses			
Asphalt or concrete plant	NP	NP	C
Auto wrecking or salvage yard	NP	NP	C
Basic industry	NP	NP	P
Freight terminal	NP	C	P

Manufacturing, general	NP	NP	P
Manufacturing, limited	NP	NP	P
Mining or quarrying	NP	NP	C
Research services	C	C	P
Warehousing	NP	NP	P
Welding or machine shop	NP	C	P
Agricultural uses			
Agriculture, animal	NP	C	P
Agriculture, crop	P	P	P
Agriculture, farmers' market	C	P	P
Agriculture, product sales	NP	C	P
Animal, farm	NP	NP	NP
Chicken, hobby	NP	NP	NP

§ 150.005 PROCEDURES FOR CONSTRUCTION OF DWELLINGS.

(A) From and after the passage of this section, and in accordance with the authority granted in A.C. § 14-56-416 and elsewhere in state law, it shall be unlawful for any person, firm or corporation to build, erect or construct any home, building or structure within the corporate limits of the City of Tontitown, Arkansas, except as hereinafter provided.

(B) Any person, firm or corporation desiring to build, erect or construct such home, dwelling, building or structure within the corporate limits of the City of Tontitown, Arkansas, shall make application for a building/zoning permit with the application to be filed with the City Building/Zoning Official of the City of Tontitown, Arkansas, and with such application to contain such information as may be required by the City Council of the City of Tontitown, Arkansas.

(C) The City Building/Zoning Official shall consider the application in relation to the ordinances and/or standards or regulations adopted by the City Council, and the City Building/Zoning Official shall have the sole discretion in either approving or denying the building/zoning permit applied for by the applicant.

(D) The standards or regulations heretofore mentioned shall be considered as adopted by the City Council when dated and signed by the Mayor and Recorder/Treasurer at any regular or special meeting of the City Council, and a copy of the guidelines and standards shall be on file with the City of Tontitown, Arkansas for inspection by any interested persons at reasonable times.

(E) Minimum requirements for dwellings.

(1) In no case shall a primary dwelling consist of less than 1,000 heated square feet of floor area.

(2) Accessory dwellings are not allowed.

(3) All dwellings shall be constructed on a permanent foundation.

(4) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system.

(F) The Mayor of the City of Tontitown, Arkansas shall have the authority to delegate any of its authority or powers provided herein to any person in order to implement this section.

(G) This section shall apply to either new construction or improvements or additions to existing structures, the cost of which exceeds \$1,000; provided, however, that no permit shall be required for any improvements solely within the interior of any existing structure.

(H) The Mayor shall designate or employ a Building/Zoning Official and a Building Inspector to carry out the intent of this section.

(I) Any person receiving written notification from the City of Tontitown that he or she is in violation of the provisions of this section and any amendments thereto shall have a period of 30 days following the receipt of such notice in which to effect compliance or otherwise will upon conviction be subject to a fine in keeping with A.C. § 14-55-504 as amended by General Assembly of the State of Arkansas.

(J) It shall be unlawful for any person, firm or corporation to construct move any dwelling, home, buildings or other structures onto lands within the corporate limits of Tontitown, Arkansas, unless a building/zoning permit as provided for in this section shall have first been obtained. Violation of this section shall subject the violators to the same penalties as provided in this section.

(K) The Building/Zoning Administrator shall review each application for a building permit to determine its conformity with the flood hazard resolution and any other ordinance or resolution of the city, and the city shall not approve a building permit in the flood hazard area unless it complies with the requirements of the flood hazard resolution and the requirements of the flood insurance program.

(L) The City Council, by a majority vote, shall establish the fee schedule for issuance of a permit. This schedule may be amended by the City Council from time to time by the same vote. Every building/zoning permit shall become null and void if construction or installation authorized by the permit is not commenced within six months from the date of such permit, or if the construction or installation is abandoned for a period of six months once the construction or installation is commenced. No home, dwelling or building shall be occupied before a certificate of occupancy is issued by the building/zoning official.

(M) Any person aggrieved by the issuance of denial of a building/zoning permit shall be submitted by the aggrieved party in writing to the Building/Zoning Official within ten days of the final decision or issuance. Such appeal shall state the reasons for the appeal, and such appeal shall be heard by the Board of Zoning Adjustments. No appeal submitted after the ten day period shall be considered by the Board of Zoning Adjustments.

(Ord. 46, passed 9-25-68; Am. Ord. 64, passed 3-2-76; Am. Ord. 2016-08-591, passed 8-3-16; Am. Ord. 2017-12-667, passed 12-5-17; Am. Ord. 2018-11-817, passed 11-6-18)

§ 150.006 PROCEDURES FOR ADDRESSING PROPERTY.

Prior to issuance of a building permit, the structure shall be addressed as outlined in §§ [152.235](#) through [152.240](#).

(Ord. 2012-10-397, passed 10-2-12; Am. Ord. 2016-08-591, passed 8-3-16)

§ 153.164 EMERGENCY HOUSING UNITS.

Emergency housing units may be approved as conditional uses in A, R-E, R-1, R-2 and R-3 districts, for the purpose of providing temporary accommodations for persons in need of daily assistance due to health reasons. The following regulations shall apply to emergency housing units:

(A) *Hardship.* Before approving a conditional use for an emergency housing unit, the Planning Commission shall determine that the applicant has a special need to provide temporary, nearby living quarters for a relative who needs daily assistance due to health reasons. The applicant shall provide proof of such hardship, evidenced by a letter from a physician or other appropriate professional. The commission shall also determine that allowing an emergency housing unit would alleviate a social, economic or physical hardship for the resident of the principal dwelling or the resident of the emergency unit. Consideration of the effect on adjoining property shall also be factored into the commission's decision. A permit granted for such purposes shall expire no later than one year from the date of approval. The commission may approve a one-time extension of up to one year of this period if the applicant applies for such extension within the original one year time period.

(B) *Unit type.* Only manufactured housing units may be approved for emergency placement.

(C) *Removal.* Upon expiration of a conditional use permit for an emergency housing unit, the unit shall be promptly vacated, and within 90 days of permit expiration, be removed from the premises.

(Ord. 2017-05-635, passed 5-2-17)



City Engineer – Garver Engineering
City Planner – Courtney McNair
City Attorney – Harrington-Miller
Public Works Director – James Clark
Code Enforcement Officer – Brett Freeland

Planning Board
Darrell Watts, Chairman
Rocky Clinton, Vice Chairman
Michael Lunsford, Secretary
Larry Roberts, Member
Kevin Boortz, Member

Election of Planning Board Officers February 2019

Name:	Term Expiration:	Current Position:	New Position:
Darrell Watts	Feb 2020	Chairman	_____
Rocky Clinton	Feb 2019	Vice-Chairman	_____
Michael Lunsford	Feb 2020	Secretary	_____
Kevin Boortz (took over Sue's position)	Feb 2019	Member	_____
Larry Roberts	Feb 2020	Member	_____