

## **Part A**

### **Chapter 1**

#### **Purpose**

##### **Article 1-1 Purpose and Authority**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals or the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire and other dangers, to provide adequate light and air, to prevent the over-crowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City. The City of De Queen exercises its territorial jurisdiction within a five mile radius according to state statute 14-56-413.

##### **Article 1-2 Conforming To Plans**

The City Planning Commission of De Queen, Arkansas, having made a comprehensive study of present conditions and future growth of the city and prepared and adopted a Land Use Plan, finds that this Ordinance would carry out the intent of the Land Use Plan.

## Chapter 2 Definitions

### Article 2-1 Definitions

- A. For the purpose of this Ordinance certain terms or words used herein shall be interpreted or defined as follows:
1. Words used in the present tense include the future tense;
  2. Words in the singular include the plural number, and words in the plural include the singular;
  3. The word “shall” is mandatory, not directive, and the word “may” is permissive;
  4. The word “structure” includes the word “building” and
  5. The word “lot” includes the word “plot”.
- B. Certain words in this Ordinance are defined for the purpose hereof as follows:
1. **Accessory Structures:** A subordinate structure located on the same lot with the principal structure. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory shall be considered as a part of the principal structure.
  2. **Accessory Use:** A use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant of a residence. In buildings restricted (for) use, the office of professional service persons or

customary family occupations and workshops not conducted for compensation shall be deemed accessory use.

3. **Alley:** A minor public way used for utility easements and vehicular service access to back or side of property facing a street. A public way not over twenty (20) feet in width.
4. **Apartment Complex:** Any multi-structure development containing resident housing for multifamily dwelling.
5. **Area:** This term refers to the amount of land surface in a lot or parcel of land.
6. **Area Requirement:** The yard, lot area, width of lot, height of structure, and parking requirements as set forth a specific zone in this Ordinance.
7. **Building or Structure:** Any structure constructed or used for residence, business, or industry, or other public or private purposes, or accessory thereto.
8. **Building, Accessory:** A subordinate building, the use of which is incidental to that of a principal building on the same lot.
9. **Building, Height of:** The vertical distance from the established average sidewalk grade or street grade or finished grade at the building line, which ever is highest to the highest point of the building, excluding spires, towers and domes not for human occupancy, flagpoles, masts, and aerals.
10. **Building, Principal:** A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district any dwelling shall be deemed to be the principal building on the lot on which same is located.
11. **Commission:** The Planning Commission of the City of De Queen, Arkansas.
12. **Conditional Uses:** A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Planning Commission that under the particular circumstances present such use is in harmony with the permitted

uses of the zone. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as conditional uses.

13. **Council:** The City Council of the City of De Queen, Arkansas.
14. **District:** A section or sections of the City of De Queen for which regulations governing the use of buildings and premises, and building height and area are prescribed.
15. **Dwelling:** A house, apartment building, or other stationary building designed or used primarily for human habitation. The word “dwelling” includes the following:
  - (a) **Single-family dwelling:** A detached residence designed for or occupied by one family only.
  - (b) **Two-family dwelling:** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.
  - (c) **Multi-family dwelling:** A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each. It does not include mobile homes or tents.
16. **Family:** One or more persons occupying premises and living as a single, non-profit housekeeping unit. A family shall be deemed to include the necessary servants.
17. **Gasoline Service Station:** An establishment, the business of which is the operation of a motor fuel dispensing station, where repair work is limited to

lubricating and washing of motor vehicles, changing and minor repair of tires, and where no body work or major chassis or motor repairs are made.

18. **Home Occupation:** Home occupation is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which the following conditions are met:
  - (a) It does not involve the use of commercial vehicles operating from the residence.
  - (b) It does not require the use of more than two rooms otherwise normally considered as living space.
  - (c) It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
  - (d) It does not have a sign in excess of four square feet to denote the business, occupation or profession, and such sign must be attached to the structure.
  - (e) It does not involve the external display of goods and services.
  - (f) The occupation must be carried on by the occupant of said residence. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having no more than one full time operator shall be considered a permitted home occupation.
19. **Lot:** Land occupied or to be occupied by a structure or use and its accessory structures and uses, and including such open spaces as required under this Ordinance and having its principal frontage upon a public street or officially approved place.
20. **Lot Line or Property Line:** The boundary dividing a given lot from a street, an alley, or adjacent lots.
21. **Zoning Lot:** A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of zoning compliance is designed by the owner or developer as a tract to be used, developed, or built upon a unit, under single ownership or unified ownership or control, as assigned to particular use, building or structure, for which a building permit or certificate of zoning compliance are issued or including such area of land as

may be required by the provisions of this regulation for such use building or structure.

22. **Lot Of Record:** A lot, the boundaries of which are filed as a legal record.
23. **Manufactured Home:** “Manufactured Home- multi-sectional” means a manufactured home with the following requirements and with the additional characteristic of modular delivery to the permanent home site. This structural type shall consist of two (2) or more modules designed for permanent attachment to make one (1) dwelling unit, consisting of:
  - (a) Removal of all transport elements.
  - (b) Orientation compatible with placement of adjacent structures.
  - (c) Underpinning with permanent materials.
  - (d) Off-street parking per single-family dwelling standard
  - (e) Lot size must conform to all R-2 requirements
24. **Mobile Home:** Any structure that is portable or that may be moved from location to location as opposed to a site built building. Singlewide mobile homes are permissible in mobile home parks only.
25. **Mobile Home Park:** An area that provides placement of mobile homes and singlewide manufactured homes.
26. **Non-Conforming:** That use of structure, which does not meet the requirements of the zone in which the use of structure is located at the time of the effective date of this Ordinance.
27. **Open Space:** Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structure or portion of structures whatever.
28. **Parking Space:** An on-lot space for parking one motor vehicle having an area of not less than two hundred (200) square feet exclusive of space necessary to provide access to street or alley, turn arounds, and all isle space must be ADA approved.
29. **Places of Public Assembly:** A meeting place for more than thirty-five (35) persons to which the public or membership groups are assembled regularly or

occasionally, including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

30. **Principal Use:** The main recognized use of a structure or of land.
31. **Prohibited Uses:** A use of land or a structure which is not excluded from a zone by the operation of other provisions of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.
32. **Single Family Dwelling:** A house or other structure in which the individual family unit, containing only one part, reside under one roof and form one domestic circle consisting of a head of the family unit who is under a legal obligation to support the other members and the other members are dependent upon him or her for support.
33. **Story:** That portion of a structure included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a structure used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.
34. **Street:** A public way of more than twenty (20) feet established by or maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed or dedicated.
35. **Structure:** Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, walls, billboards, and poster panels.
36. **Subdivision:** A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets for the purpose of the construction of single-family dwellings.
  - (a) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the

resultant lots are equal to or exceed the standards or ordinances of the municipality.

- (b) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.
  - (c) The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other improvements.
37. **Open Uses In Undeveloped Areas:** Any activity whose operation is conducted entirely out of doors, or within the confines of a temporary shelter, and as a matter of normal operation are transient in nature.
38. **Variance:** A modification or variation of the provisions of this Ordinance as applied to a specific piece of property.
39. **Yard:** The horizontal distance from a lot line to a parallel designed line. A yard is an open and unoccupied space extending the full distance of lots.

Alley – A minor permanent public service way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Bench Mark – A definite point of known elevation and location and of more or less permanent character.

Block – An area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, or other similar areas or facilities.

Building Line – A line of a plat between which line and the street right-of-way, no portion of the building may be erected, excluding landings, open balconies, and roof overhangs, subject, however, to the further requirements of the zoning ordinance.



City – The City of De Queen, Arkansas.

City Clerk – The city clerk of the City of De Queen, Arkansas.

City Collector – The city collector of the City of De Queen, Arkansas.

County – Sevier County, Arkansas.

County Recorder – The recorder of Sevier County, Arkansas.

Cul-de-sac – A short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

Developer – That person, firm or corporation by whom a tract will be subdivided and improved pursuant to the requirements of this chapter.

Easement – A grant by the property owner for the use by the public, a corporation, or persons, of a strip of land for specific purposes.

Engineer – Engineer means a registered professional engineer in good standing in the State of Arkansas whose seal shall appear on all construction drawings and plans for improvements.

Final Plat – A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording, and includes the bill of assurance.

Flood Plain – A geographic area susceptible to periodic inundation from overflow of natural waterways the extent to be determined the U. S. Army Corps of Engineers.

Frontage – That edge of a lot bordering a street.

Frontage Road – A street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

Health Department – The Sevier County Health Department.

Improvements – Street pavement, sidewalk pavement, pedestrian way pavement, water mains, storm sewers, sanitary sewers, signs, monuments, landscaping, streetlights, and other similar items.

Improvement Plans – The engineering drawing showing types of materials and construction details for the physical structures and facilities excluding dwelling units to be installed in conjunction with the development of the subdivision.

Lot – A platted parcel of land intended to be separately owned,

developed, or otherwise used as a unit.

Lot Area – The total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.

Lot, Corner – A lot abutting upon two or more streets at their intersection.

Lot, Double Frontage – A lot having frontage on two (2) non-intersection streets, as distinguished from a corner lot.

Master Plan – A composite of the mapped and written proposals recommending the physical development of the community which shall have been adopted by the Planning Commission.

Performance Guarantee – Any security which may be accepted in lieu of a requirement that certain improvements be made before the planning commission or other approving body approves a final plat, including performance bonds by sub-divider or improvement contractors, escrow agreements, and other similar collateral or surety agreements.

Planning Commission – The Planning Commission of the City of De Queen, Arkansas

Plat – A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

Preliminary Plat – A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and the details are not completely computed.

Roadway Width or Surfaced Width – Roadway width or surfaced width means that portion of the street available for vehicular traffic.

**Chapter 3**  
**Establishment of Districts**

**Article 3-1 Classification Of Districts**

For the purpose of promoting the public health, safety morals and general welfare of the community, the City of De Queen, Arkansas, is hereby divided into the following districts:

- R-1 District ..... Single family residential district**
- R-2 District..... Single, two and multiple family residential district**
- R-2S ..... Single, two and multi-family (no manufactured homes)**
- R-MH.....**
- C-1 District ..... Central business district**
- C-2 District ..... Highway Commercial**
- C-3 District..... Neighborhood Commercial**
- I-1 District ..... Industrial**

**Article 3-2 Boundary of Districts**

The boundaries of the zoning districts are hereby established as shown on the map entitled “Zoning District Map of De Queen, Arkansas” dated Sept. 16, 2008 and adopted by ordinance

945 and amended on Feb. 17, 2009 by Ordinance 956 which is a part of this Ordinance and which is on file in the office of the City Clerk.

**Article 3-3 Certificate of Occupancy for all Districts**

The Office of Code Enforcement (OCE) will issue a certificate of occupancy upon the inspection of all completed new construction in all districts. No such building shall be occupied without said certificate.

**Article 3-4 Interpretation of District Boundaries**

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, said street lines shall be construed to be such.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as approximately following section lines shall be construed as following section lines.
- E. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- F. Boundaries indicated as approximately following alleys shall be construed as following alleys.
- G. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Adjustment.

## **Chapter 4**

### **Zoning Districts**

#### **Article 4-1 Residential Use District (R-1)**

This district is intended to include those quiet residential neighborhoods characterized by single-family homes on large lots, plus certain areas where similar residential development is likely to occur. With the exception of recognized businesses, there should not be any commercial/retail operations in a residential zone area.

The front yard requirements of this Ordinance for residential uses shall not apply to any lot where the adjoining developed lots with principal buildings are within one hundred (100) feet of the lot and are within the same block and zoning district, are fronting on the same side of the street and where the average depth of the front yards of such lots is either less or more than the minimum required front yard depth. In such case, the minimum front yard depth shall

be the average of the existing front yard depths of the adjacent developed lots with residential buildings.

A. Permitted Uses

1. Detached one-family dwellings.
2. Churches or similar places of worship.
3. Schools offering a general education course.
4. Public parks, playgrounds and other municipal recreational uses.
5. General-purpose farm, garden or nursery, provided, however, that no odor or dust producing substance or use shall be permitted within 100 feet of any property line.
6. Hospitals.
7. Unoccupied utility substations.
8. Day Care (public or private) pre-school.
9. Accessory structures and uses pertinent to the principal structure and use.

B. Lot Area

1. One family dwelling: Minimum 6,500 square feet, with public sewer. Minimum area for lots without public sewer shall be in accordance with the Arkansas Department of Health standards.

C. Yard Requirements

1. Front Yard: 25 feet from property line or 50 feet from center line of existing right-of-way, whichever is greater.
2. Side Yard: Minimum 7 ½ feet from each property line.
3. Yard On A Side Street: 10 feet from the property line or 40 feet from the center of the existing right-of-way, whichever is greater. (*Amended by Ordinance 1004*)
4. Rear Yard: Minimum of 15 feet from property line or 25 feet from center of alley whichever is greater.
5. Unattached Accessory Buildings: Shall be required to be set back at least 7 ½ feet from an interior side lot line.

D. Width



1. Minimum width of lot at the front yard line or building line shall be 60 feet for one family dwelling.

E. Height

1. Maximum height be two and one-half (2 ½ ) stories and not to exceed thirty-five (35) feet.

F. On-lot Parking Space

1. Single family dwellings: one on-lot parking space shall be provided.
2. Schools and Public and Private Buildings: Adequate parking as determined by the Code Enforcement Dept. shall be provided for employees and the public.

G. Places of Public Assembly

1. Height

- (a) Maximum height shall be two stories and not to exceed thirty-five (35) feet for that portion of the structure utilized for assembly or offices.
- (b) Unoccupied structure may exceed this height with the permission of the Planning Commission.

2. 2. Yard Requirements

- (a) Minimum of 25 feet from all property lines. On property abutting a street, 25 feet from property line or 50 feet from center line & existing right-of-way, whichever is greater.

3. On-lot Parking

- (a) Places of public assembly shall provide one on-lot space for each four persons accommodated in the assembly hall.

H. Structure Coverage

1. 1. On any lot, the area occupied by structures, including accessory structures, shall not exceed thirty-five (35 percent) of the total area of such lot.

I. Sign Requirements

1. No signs or advertising displays are permitted except that one (1) sign not exceeding four square feet in area may be erected to advertise the premises as

being for sale or rent and church bulletins not more than 20 square feet in area.

2. The locations of such signs shall be off any street right-of-way and within the building lines.

#### **Article 4-2 Residential Use District (R-2)**

This district is intended to include those quiet residential neighborhoods characterized by single, two, and multi-family dwellings, plus certain areas where similar development is likely to occur. With the exception of recognized home businesses, there should not be any commercial/retail operations in a residential zone.

The front yard requirements of this Ordinance for residential uses shall not apply to any lot where the adjoining developed lots with principal buildings are within one hundred (100) feet of the lot and are within the same block and zoning district, are fronting on the same side of the street and where the average depth of the front yards of such lots is either less or more than the minimum required front yard depth. In such case, the minimum front yard depth shall

be the average of the existing front yard depths of the adjacent developed lots with residential buildings.

A. Permitted Uses

1. One family dwellings
2. Two family dwellings
3. Multi-family dwellings
4. Churches or similar places of worship
5. Parks, playground, and other public uses
6. Schools offering a general education course
7. Day care (public or private)
8. Hospitals, nursing homes, doctor and dental clinics, etc.
9. Accessory structures and uses pertinent to the principal structure and use
10. Home occupations- Ref. Art. 5-4 of General Provisions
11. Unoccupied substations for public utilities
12. Multi-sectional manufactured homes allowed according to ordinance 773. A minimum of 20 ft. is required between each manufactured home and skirting is also required.

B. Lot area

1. One family: Minimum 6,000 square feet for first unit, with public sewer.
2. Two family: Minimum 8,500 square feet with public sewer.
3. Multi-family: 8,500 square feet for the first two-family unit plus 1,500 square feet for each additional unit, with public sewer.
4. The minimum lot area for lots without public sewer shall be in accordance with the Arkansas Department of Health standards.

C. Yard Requirements

1. Front yard: 25 feet from property line or 50 feet from center line of existing right-of-way, whichever is greater.
2. Side yard: Minimum 7 ½ feet from each property line.

3. Yard On A Side Street: 10 feet from the property line or 40 feet from the center of the existing right-of-way, whichever is greater. (*Amended by Ordinance 1004*)
4. Rear yard: Minimum of 10 feet from property line or 20 feet from center of alley whichever is greater.
5. Unattached Accessory Buildings: Shall be required to set back at least 7 ½ feet from an interior side lot line, and they shall not cover more than 30 percent of the rear lot line.

D. Width

1. Minimum width of a lot at the front yard line or building line shall be 50 feet for one family dwelling and 70 feet for two family dwelling. For each additional family unit over two, an additional 10 feet shall be added to minimum width requirements.

E. Height

1. Maximum height of a structure shall be two and one-half (2 ½) stories and not to exceed thirty-five (35) feet.

F. On-lot Parking Space

1. One family and two-family: one on-lot parking space shall be provided for each family unit.
2. Multi-family: four on-lot parking spaces shall be provided for the first two family units, plus one on-lot parking space for each additional family unit.
3. Schools and Public and Private Buildings: adequate parking as determined by the Code Enforcement Dept. shall be provided for employees and the public.

G. Places of Public Assembly

1. Height

- (a) Maximum height shall be two and one-half (2 ½) stories and not to exceed thirty-five (35) feet for that portion of the structure used for assembly or offices.
- (b) Unoccupied structures may exceed this height with the permission of the Planning Commission.

2. Yard Requirements

- (a) a. Minimum of 25 feet from all property lines. On property abutting a street, twenty-five (25) feet from property line or 50

feet from center line of existing right-of-way, whichever is greater.

3. On-lot Parking

- (a) Places of public assembly shall provide one on-lot parking space per each four persons accommodated in the assembly hall.

H. Structure Coverage

- 1. On any lot the area occupied by all structures, including the accessory structures shall not exceed forty percent (40%) of the total area of such lot.

I. Sign Requirements

- 1. No signs or advertising displays are permitted except that one (1) sign not exceeding four square feet in area may be erected to advertise the entire premises as being for sale or rent.
- 2. The location of such signs shall be off any street right-of-way and within the building lines.

**Article 4-2a Residential Use District (R-2S)**

This district is identical in all permitted uses and requirements to R-2, with the exception that multi-section manufactured homes are not permitted in zone R-2S. (*Ordinance 980*)

**Article 4-2b Residential Manufactured Home R-MH**

This district encourages affordable housing of varied types in specified locations within the city. The district is characterized by site-built housing and manufactured homes placed on individual lots with uniform design guidelines imposed to maintain neighborhood

harmony and consistency in appearance. This district is also intended to provide for manufactured home subdivisions, as well as manufactured home parks. (*Ordinance 1044*)

Permitted uses:

Accessory buildings and uses

Single family dwelling

Manufactured home

Manufactured home parks

Any use permitted in R-2

**Article 4-3 Business District (C-1)**

This district is located centrally to the surrounding area and is intended to provide space for retailing of all kinds, professional offices, banks, hotels, and places of amusement, plus limited wholesaling, manufacturing, warehousing and storage of goods which do not unduly disturb the character and historical appearance of the area. New construction is welcomed and encouraged in downtown. While there will be no prohibition on the type of building to be built or its construction material, new construction must ensure that its building façade and

general appearance possess and maintain the historical appearance, integrity and characteristics of downtown.

A. Permitted Uses

1. Churches, schools, and other places of assembly
2. Loft Apartments
3. Public and commercial recreational activities
4. Hospitals and nursing homes
5. Combination display store, office, warehouse and fabrication shop for specialty contractors
6. Automobile supply house with minor overhaul and machining of parts
7. Retail establishment providing good services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor motels, and restaurants.
8. Office (public or private), and bank buildings and uses.
9. Manufacturing that by reason of operation is not a nuisance in respect to noise, odor, dust, vibration, etc. (no repair works performed out doors). Must have paved lot where normally accessible to public.
10. 10. Wholesaling and warehousing.
11. Bulk storage of non-combustible materials.
12. Automotive sales, service, repair, and storage.
13. Theatres and other places of public assembly.
14. Public buildings and uses.
15. Parking lots.
16. Mortuaries.
17. Garages and gasoline service stations subject to the following provisions:
  - (a) No repair work is performed out-of-doors.
  - (b) Pumps, lubricating or other devices are located at least twenty (20) feet from any street right-of-way.

- (c) All fuel, oil or similar substances are stored underground at least thirty-five (35) feet distance from any street or lot time.
- (d) All automobile parts, dismantled vehicles and similar articles are stored within a building or behind a private fence.

B. Yard Requirements

- 1. Front Yard: None required
- 2. Side Yard: None required except that wherever a commercial use district abuts a residential use district, a 25 foot side yard shall be required.
- 3. Rear Yard: 10 feet from property line or center of alley where one exists. Wherever a commercial use district abuts a residential use district, a 25-foot side shall be required.

C. Loading and Unloading

- 1. Loading and unloading facilities shall be provided so as not to block any public way. All maneuvering of vehicles and the process of loading and unloading shall be off any street right-of-way.
- 2. Parking requirement in downtown will take into consideration the off street parking and will be subject to the final approval of the Code Enforcement Dept.

D. Places of Public Assembly

- 1. Places of public assembly shall meet the requirements for places of public assembly in Article 4-1G.

E. Signs

- 1. In no case shall the sign extend closer to the curb than 3 feet.

F. On-lot Parking Space

- 1. On-lot parking facilities shall be provided all employees.
- 2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.
- 3. Motels, parks, shall provide one on-lot parking space for each sleeping unit or mobile home space.
- 4. All parking lots must be paved.

G. Loft Apartments



1. Loft apartments to be built in existing downtown buildings are permissible when meeting all the requirements of new construction.

**Article 4-4 General Commercial (C-2)**

This district is intended to provide space for certain retail activities and serves primarily to serve the motoring public. It is characterized by establishments such as motels, drive-in

restaurants, automobile sales and service, gasoline service stations, professional offices, and retail and service shops.

A. Permitted Uses

1. Churches, schools, and other places of assembly
2. Public and commercial recreational activities.
3. Hospitals and nursing homes
4. Combination display store, office, warehouse and fabrication shop for specialty contractors
5. Automobile supply house with minor overhaul and machining of parts
6. Mobile home parks in accordance with ordinance # 774. A copy of this ordinance can be found on page 60 of this booklet.
7. Retail establishment providing good services such as grocery, drug, hardware, variety stores and similar uses, and hotels, motor motels, multifamily dwellings containing five (5) or more units, and restaurants.
8. Office (public or private), and bank buildings and uses.
9. Manufacturing that by reason of operation is not a nuisance in respect to noise, odor, dust, vibration, etc. (no repair works performed out doors). Must have paved lot where normally accessible to public.
10. Wholesaling and warehousing.
11. Bulk storage of non-combustible materials.
12. Automotive sales, service, repair, and storage.
13. Theatres and other places of public assembly.
14. Public buildings and uses
15. Parking lots
16. Mortuaries
17. Garages and gasoline service stations subject to the following provisions:
  - (a) No repair work is performed out-of-doors.
  - (b) Pumps, lubricating or other devices are located at least twenty (20) feet from any street right-of-way.

- (c) All fuel, oil or similar substances are stored underground at least thirty-five (35) feet distance from any street or lot time.
  - (d) All automobile parts, dismantled vehicles and similar articles are stored within a building or behind a private fence.
18. Similar uses deemed by the Planning Commission to be in character with the zone.
  19. Accessory structures and uses that are incidental to the permitted uses and that are not detrimental to the adjacent or the character of the district.

B. Yard Requirements

1. 1. Front yard depth: Minimum of 40 feet from all street property lines or 65 feet from center line of existing right-of-way, whichever is greater, if off-street parking is in front of the building. Front yard may be reduced to 25' from the front property line if parking is on the side or rear.
2. 2. Side yard width: The minimum width between unconnected buildings shall be 15 feet and 7 and one-half feet from side property line. When a commercial use district abuts a residential use of district, a 25-foot side yard shall be required.
3. 3. Rear yard depth: Minimum of 15 feet from rear property line or centerline of alley where one exists. Wherever a commercial use district abuts a residential use district, a 25-foot rear yard shall be required

C. Height

1. Maximum height of a structure shall not exceed thirty-five (35) feet, except that structures with interior sprinklers systems for fire control as specified in the codes of the City of De Queen may exceed the thirty-five (35) foot height

limit. Appurtenances may also exceed the height limit when in conformance with Article 5-11 of this regulation.

D. On-lot Parking Space

1. On-lot parking facilities shall be provided all employees.
2. Provisions shall be made for on-lot and customer parking to handle normal anticipated demand.
3. Motels, mobile homes, parks, shall provide one on-lot parking space for each sleeping unit or mobile home space.
4. Parking lots must be paved.

E. Loading and unloading

1. Loading and unloading facilities shall be provided so as not to block any public right-of-way.

**Article 4-5 Neighborhood Commercial (C-3)**

This district is intended to provide a quiet business environment and is to be used to provide a buffer between major traffic and intense commercial districts and residential districts. No uses within this zone shall be an all night operation.

A. Permitted Uses

1. Office buildings-Doctors, dentists, lawyers, architects, engineers, realtors, insurers, and Certified Public Accountant (CPA).
2. Barber Shop.
3. Beauty Shop.
4. Churches.
5. Dry Cleaners.

B. B. Yard Requirements

1. Front yard depth: Minimum of 40 feet from all property lines.
2. Side yard width: the minimum width between unconnected buildings shall be 15 feet and 7 and one-half feet from property line. When a commercial use district abuts a residential use district a 25-foot side yard shall be required.

3. Rear yard depth: minimum of 10 feet from rear property lines or center line of alley where one exists. Wherever a commercial use district abuts a residential use district, a 25-foot side shall be required.

C. Signs

1. Sign regulations are addressed in the City of De Queen Sign Ordinance under Article IV. Ordinance 860, January 20, 2004.

D. On-Lot Parking Space

1. On-Lot parking facilities shall be provided for all employees.
2. Provisions shall be made for on-lot and customers parking to handle normal anticipated demand.
3. All parking lots shall be paved.

**Article 4-7 Industrial District**

This space is intended to provide space for manufacturing activities, whole selling, warehousing, storage, assembling, packaging and similar uses.

A. Permitted Uses

1. The manufacturing, compounding, processing, packaging, assembling “storage and shipping” or storage of products, equipment and materials when it is found by the enforcement officer that the specific location and the safeguards provided will so reduce the noise, dust, odor, or vibration so as not to be detrimental or dangerous to the health, safety or general welfare of the community.
2. The storage of all bulk materials, when it is found by the Code Enforcement Department that the specific location and the safeguards provided will reduce the danger of fire or explosion so as not to be dangerous to the health, safety or general welfare of the people. Storage of all bulk materials is subject to

authorization of Office of Code Enforcement. Appeals regarding decisions made by the OCE may be made to the board of adjustments.

3. Wholesaling and warehousing

B. Prohibited Uses

1. Residential Use: No structure may be constructed or altered for residential use.

C. Area Regulations

1. The area of the lot occupied by all structures shall not exceed 50% of the total lot area.
2. No building shall be altered and no new building constructed on any lot having a width of less than 50 feet at the front building line.
3. No building shall be altered and no new building shall be constructed on any lot having less than 5,500 square feet of area.
4. Buildings shall provide a front yard of not less than 30 feet, a rear yard of not less than 25 feet, and two side yards, each not less than 15 feet, provided however, that where a railroad track is used jointly, the side yard on the track may be reduced to conform to the track layout.

D. On-Lot Parking

1. Adequate on-lot parking space shall be provided for all employees and visitors.

E. On-Lot Loading and Unloading Facilities

1. Each structure or use shall provide on-lot loading and unloading facilities, which will not block a street, alley, or other public way.

F. Off-Street Parking

1. Adequate off-street parking and on-lot parking space shall be provided for all employees, customers, and visitors. In all cases, the forward most 25 feet of the front yard shall be maintained as unobstructed open space and shall not be used for parking unless proper control is provided through curb lines, entrances, and exits; and in no case, will parking be permitted in a manner so

as to result in automobiles backing into any street or otherwise interfering with moving traffic.

G. Off-Street Loading Requirements

Off-street loading space shall be provided in the following ratio:

1. For structures containing less than 25,000 feet of gross floor area, one foot for each 12,500 square feet of gross floor area or increment there of. Each berth shall have a net area of not less than 420 square feet.
2. For structures containing less than 25,000 square feet of gross floor area, the number of berths are specified in the following table. Each such berth shall be at least 10 feet wide, 35 feet long and 15 feet high.
3. 

Square Feet of Gross Floor Area .....	Required # of Berths
25,000 up to and including 40,000.....	1
40,001 up to and including 100,000.....	2
100,001 up to and including 160,000.....	3
160,001 up to and including 240,000.....	4
240,001 up to and including 320,000 .....	5
320,001 up to and including 400,000.....	6

For each additional 90,000 over 400,000 one additional berth

H. Landscaped Area Requirements

1. Each lot shall provide and maintain a landscaped area in the front and side yard setback area. A landscaped strip at least 10 feet wide, exclusive of walks and driveways, shall be provided on each street property line. The area shall be suitably treated with ground cover, trees and shrubs to present an attractive appearance to the industrial district.

I. Walls

1. All junk yards must be enclosed by fencing sufficient in height to render them compatible to abutting uses within and adjacent to this district.

## **Chapter 5**

### **General Provisions**

For the purpose of this Ordinance there shall be certain general regulations which will apply to the City as a whole as follows. Any use that is not specifically permitted in a district as a permitted use, and accessory use or a conditional use, is hereby specifically prohibited. In the regulations for some zones specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses.

#### **Article 5-1 Annexed Area**

- A. Territory annexed to the City after adoption of this Ordinance shall be given zone designation within 120 days after the effective date of annexation in accordance with the amendment procedures of this Ordinance.
- B. Before official zone designation is made after annexation, all requests for building permits shall be referred to the Code Enforcement Department or a committee may recommend issuance of the permit if said use conforms to the land use plan and the structure meets the requirements of the zone in which it is to be located.

#### **Article 5-2 Procedure to Determine Compatible Use**

- A. The Planning Commission shall hear requests for determining whether a particular use proposed, not explicitly set forth in the permitted uses for a zone, is compatible (i.e., in character) with other uses both existing and permitted.
- B. The Planning Commission shall hear such application on its merits, taking into consideration such factors as existing uses, topography, access, ownership, location, major streets, etc.
- C. The Planning Commission may recommend conditions under which a use may be permitted in order to insure compatibility.
- D. The finding of a use to be compatible in one location does not mean the same use is compatible at another location, even within the same zone.
- E. The Planning Commission shall recommend to the City Council, and the City Council shall by majority vote affirm or override the recommendation of the Planning Commission.

#### **Article 5-3 Principal Structure On Lot**

- A. In residential districts only one principal structure and its customary accessory structures may hereafter be erected on any lot unless otherwise provided in this Ordinance.
- B. The equipment of an accessory structure with sink, cook stove, or other kitchen facilities for the independent occupancy thereof other than by servants or guests shall



be considered evidence that such structure is not an accessory structure but a separate dwelling and must meet all minimum lot area and yard requirements of the district in which it is located.

**Article 5-4 Occupations permitted in residential structures utilized for residential purposes in residential zones (Home Occupation)**

- A. An occupation may be carried on in a residential structure in a residential zone only if the following are compiled with:
1. It does not involve the use of commercial vehicles operating from the residence.
  2. It does not require the use of more than two rooms otherwise normally considered as living space.
  3. It does not require the use of an accessory building or of yard space or an activity outside the main structure not normally associated with residential uses.
  4. It does not have a sign in excess of four square feet to denote the business, occupation or profession, and such sign must be attached to the structure.
  5. It does not involve the external display of goods and services.
  6. The occupant of said residence must carry on the occupation. The keeping of not more than two roomers or boarders shall be considered a permitted home occupation. A beauty shop having no more than one full time operator which is the resident of the dwelling which the activity is taking place shall be considered a permitted home occupation.

**Article 5-5 Areas not to be diminished**

- A. The lot or yard areas required by this Ordinance for a particular building or use at the time of passage of this ordinance or later constructed or established shall not be diminished and shall not be included as a part of the required lot, open space or yard area of any other building or use. If the lot, open space or yard areas required by this ordinance for a particular building or lot is not met, it shall be deemed a violation and punished as provided in this ordinance.

**Article 5-6 Vision Clearance Requirement**

- A. Except in zones allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across a triangle formed by the points measured twenty (20) feet distance along the property lines from the intersection of two streets or fifteen (15) feet along both the street and alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obstructing or partly obstructing free-standing wall, fence or foliage higher than

thirty (30) inches above the grade or in the case of trees, foliage lower than five (5) feet. Vertical measurement shall be made from the adjacent top of the street curb, surface of an alley or street or the official established grade thereof, whichever is higher.

- B. On portions of a lot not covered by street or alley intersection restrictions the height of free-standing walls and fences of any length, and foliage continuous for five (5) feet or more, shall be limited to forty-eight (48) inches on any street line and for yard set back along any side lot line. On all other portions of the lot, said walls, fences and continuous foliage barriers may not exceed a height of ninety-six (96) inches.

#### **Article 5-7 Height Exceptions**

The following appurtenances may exceed the prescribed height limit except when they would violate the height restriction of an aircraft approach or turning zone, provided they are normally required for a use permitted in the zone in which they are erected or constructed, and after a finding by the Code Enforcement Dept. that such exception will not be unduly detrimental to the surrounding property. They include: flagpoles, chimneys, cooling towers, elevator bulkheads, belfrys, penthouses for other than living purposes, grain elevators, stacks, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, other mechanical appurtenances and their protective housings: and radio, television, microwave and other electronic transmission or receiving towers.

#### **Article 5-8 Flood Plain Area**

The city will strongly discourage the platting of property or the erection or expansion of buildings within areas determined to be within areas subject to flooding and mudslides, or either. Builders who build in such an area will build at their own risk.

If the building permit applicant is other than the owner or prospective owner of the land on which the building or structure is to be erected, a copy of the permit with the foregoing language shall be sent to the owner or prospective buyer.

Owners of property shall maintain water flow without creating flooding problems for neighborhood or for other property owners. A drainage site plan must be submitted to the Code Enforcement Dept.

#### **Article 5-9 Open Uses In Undeveloped Areas**

It is recognized that there may be extensive areas of undeveloped land within the city upon which the planned type of development will not take place for a considerable time. It is

therefore reasonable and proper that interim uses not in conformity with the land use plan be allowed.

The Planning Commission is authorized to grant special use permits for property within the City of De Queen, Arkansas allowing for uses not allowed as a matter of right in said zone under the following conditions:

A. Standard:

1. The proposed use shall be an open land type of use and shall not involve the erection of permanent buildings or other permanent improvements and shall be located in an undeveloped area of the city, provided, however, that permanent buildings shall be allowed which conform with the zoning in force for the parcel.
2. The proposed use and the placement thereof upon the land shall be such that it shall not be unsightly to the general public nor interfere with the enjoyment or use of neighboring properties.
3. All temporary uses and structures shall comply with all provisions of the zone in which the proposed use is located except that the list of permitted uses may be modified by special use permit.
4. The Planning Commission may append reasonable conditions to any special use permit to the end that the objectives of this regulation may be upheld.

B. Procedure:

1. Before issuing any special use permit, the Planning Commission shall hold a public hearing and shall give notice thereof to all property owners within 300 feet and to the City Council.
2. The Code Enforcement Dept. shall enforce compliance with the terms of the special use permit and shall initiate action for the renewal or cessation of the activity at the expiration of the special use permit.
3. No special use permit shall be issued for a period to exceed six months to be reviewed by the planning commission, provided however, that such special use permit may be renewed for additional periods not to exceed one year each,

after a notice and a public hearing and a finding that conditions have not changed sufficiently to warrant denial of such a renewal.

4. No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use permit.

#### **Article 5-11 Finding, Conditional Uses**

- A. The Planning Commission shall hold a public hearing and shall give notice thereof to all property owners within 300 feet and to the City Council.
- B. The Planning Commission shall hear each application on its merits, taking into consideration such factors as existing uses, topography, access, ownership, location, major streets, etc.
- C. The Planning Commission may recommend conditions, limitations, and design features under which a conditional use may be permitted in order to ensure compatibility with nearby properties.
- D. The finding of a use to be compatible in one location does not mean the same use would be compatible in a different zone.
- E. Before authorizing a conditional use, the Planning Commission shall make the following determinations:
  1. That all parties directly having interest have been notified of the proceedings.
  2. That all specific conditions of this regulation relative to the conditional use have been met.
  3. That the applicant has made a binding agreement for any specific limitations or conditions to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties, or that no special limitations are necessary to protect the public.
  4. That the conditional use with specific limitations and design features as may have been required will further the aims of the land use plan and will not be unduly detrimental to nearby properties.
  5. That in the event that opposing interest cannot be resolved, the Planning Commission shall find that balancing the interests of the city in preserving the land use plan or the interests of nearby properties against the interest of the

petitioner in using his property as proposed to be used, the granting of the conditional use permit is required by considerations of justice and equity.

**Article 5-12 Dwelling-Complex**

- A. An application shall be submitted to the Planning Commission requesting construction of dwelling-complex development.
- B. The application shall consist of a plat indicating the siting of dwellings-complex buildings, along with the arrangement of parking spaces and such other information required by this regulation and other applicable city ordinances.
- C. The plat shall meet applicable requirements of the subdivision regulations.
- D. The Code Enforcement Dept. shall issue a building permit for the approved development plan in conformance with the approved application. All plans, sketches, diagrams and calculations shall form the basis for issuance of the building permit in conformity therewith. Plan changes which increase the number of dwelling units, building height or bulk or change the location of structures, shall require resubmission for approval. Minor adjustments in the orientation of buildings or in the number of dwelling units, building units, building height or bulk, may be approved by the Code Enforcement Dept.
- E. Dwelling-Complex developments shall meet the following conditions:
  - 1. Dwelling-complex developments shall be located along or at the intersection of streets classified as collector or higher classification. Access to and from the dwelling complex development shall be entirely to the streets fronting the dwelling-complex development.
  - 2. The proposed dwelling-complex developments will be in harmony with the purposes of this regulation and will not adversely nearby properties.
  - 3. The amount of open space will be in harmony with nearby properties.
  - 4. The development shall have an access road paved with a dust free material not less than 25 feet in width and a right-of-way of not less than 45 feet, which shall have unobstructed access to a public street as specified in. "1" above. All parking areas within the dwelling-complex development shall abut the access road.
  - 5. No structure within the development shall be closer than 15 feet to any interior lot line and 25 feet to any bordering street line.

## **Chapter 6**

### **NON-CONFORMING**

#### **Article 6-1 Non-Conforming Use Of Land**

Where at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
- B. If any such non-conforming use of land ceases for any reason for a period of six months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

#### **Article 6-2 Non-Conforming Structure**

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics or the structure or its location on the lot, such structures may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Such structure, upon the approval of the Board of Zoning Adjustments, may be remodeled to maintain the premises in a safe and usable condition.
- B. Should such structures be destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- C. Such structure, upon the approval of the Board of Zoning Adjustment may be added to if said addition meets the area requirements of the zoning district in which the structure is located, provided said use of structure is in conformance with this ordinance.

#### **Article 6-3 Non-Conforming Use of Structure**

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it

remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any Non-Conforming use may be extended to any portion of a structure arranged or designed for such non-conforming use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any non-conforming use of a structure, or structure or premises, may be changed to another non-conforming use provided that the Board of Adjustment shall determine that the proposed use is equally appropriate to the district than the existing non-conforming use.
- D. Any Non-Conforming use once changed to a conforming use shall thereafter conform to the regulations for the district in which such structure is located and all new uses shall be conforming uses.
- E. When a Non-Conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months, the structure or structure and premises in combination, shall not thereby be used except in conformance with the regulations of the district in which it is located.

## Chapter 7

### BOARD OF ZONING ADJUSTMENT

#### **Article 7-1 Organization of Board of Zoning Adjustment**

- A. A Board of Zoning Adjustment, hereinafter referred to as the Board, is hereby established in conformance with Act 186 of the 1957 General Assembly as provided by Section 5 (As 19-2928 par. b.). The Board shall have no other functions or responsibilities except those specifically provided by Act 186 of 1957, as amended which stated:

“The zoning regulation shall provide for a board of zoning adjustment, which may either be composed of at least three (3) members or the planning commission as a whole may sit as the board of zoning adjustment. It is deemed by this ordinance that the planning commission as a whole shall sit as the board of zoning adjustments. The board of zoning adjustment shall have the following functions:

1. Hear appeals from the decision related solely to the issue of zoning of the administrative officers with the respect to the enforcement and application of this regulation: and may affirm or reverse, in whole or part, said decision of the administrative officer.
2. Hear requests for variance from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning regulation would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action provisions of the zoning regulation. The board of zoning adjustment shall not permit, as a variance to ensure compliance and to protect adjacent property.

Decisions of the board of zoning adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction.”

- B. Upon appointment and annually thereafter the Board shall meet, organize, and elect its own chairman who shall serve for one year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board for the purpose of taking minutes at the meetings.

#### **Article 7-2 Organization and Meetings**

- A. The following provisions are designed to meet the requirements of Act 186 of 1957 as amended. The City Planning Commission shall establish the procedures for



processing requests for revisions to the zoning ordinance and to the zoning map.

1. The Board shall consist of the Planning Commission. The terms of individual Board member shall be the same as those of the Planning Commission members sitting as the Board of Zoning Adjustment. Vacancies shall be filled for unexpired term of any member whose term becomes vacant in the same manner as the original appointments.
2. The Board shall elect, in January of each year, a chairman. The Chairman may appoint a secretary who is not a member of the Board and who shall receive such compensation from the City of DeQueen as may be affixed from time to time by the City Council.
3. Meetings of the Board shall be held at such time and at such place within the City of DeQueen as the Board may designate and may meet at any time on call of the chairman.
4. The Board shall keep minutes of its proceedings which shall contain as a minimum:
  - (a) Time, date and place of meeting.
  - (b) Names of members present.
  - (c) Citation, by number and description, of appeal or application.
  - (d) Pertinent facts of the case.
  - (e) Names of persons appearing and their interest in the case.
  - (f) Record of vote by name.
  - (g) Authority for decision (cite ordinance or statute) and reason for conditions imposed. The minutes of the meeting shall be filed by the secretary of the Board in the office of the city clerk and shall be public record.
5. The presence of majority of the members shall be necessary to constitute a quorum and the concurring vote of a majority of the quorum present shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under provisions of Act 186 of 1957, as amended.
6. The secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven days in advance of the meeting, by mail or

in person.

### **Article 7-3 Appeals From the Decision of the Enforcement Officer**

- A. If an individual believes that the decision of the Code Enforcement Dept. in matters related to the regulations herein is in error regarding interpretation or application of this regulation to his property, may file a petition for hearing to reverse the decision of the enforcement officer at least 15 days in advance to a meeting of the Board.
- B. The Board shall determine if the petition is within its jurisdiction and if not, dismiss said petition. If the petition is within the jurisdiction of the Board, the Board will cause notice to be given and conduct a public hearing on the petition in conformance with paragraph A below.

### **Article 7-4 Variances**

- A. An individual may petition the Board for a variance from the literal provisions of the zoning regulation in instances where strict enforcement of the zoning regulation would cause undue hardship due to the circumstances unique to the individual property under consideration and grant such variance only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning regulation. The Board shall schedule a public hearing on the petition within 30 days of the date of filed petition.
- B. The Board shall not permit, as a variance, any use in a zone that is not permitted in that zone under this regulation.
- C. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
- D. A variance from the terms of this regulation shall not be granted by the Board unless and until a written application for a variance is submitted demonstrating:
  - 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property,

which do not apply generally to other property in same zoning district and neighborhood.

2. That the literal interpretation of the provisions of this regulation would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this regulation.
3. That the exceptional or extraordinary circumstances or conditions do not result from the actions of the applicant.
4. That the granting or the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
5. That the granting of such a variance will not be contrary to the objectives and intent of the plans in effect and will be in keeping with the spirit and intent of the zoning regulation.

#### **Article 7-5 Notice And Fees**

A. Wherever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation in the city, said notice to designate the particular location with which the appeal, or application is concerned, and a brief statement as to what the appeal or application consists of. A sign three (3) feet wide and four (4) feet high shall be placed upon the property by the enforcement officer giving the date and place of the public hearing and what the appeal or variance consist of, fifteen (15) days before the date of public hearing. The Board shall also give notice all lessees and owners of property that lies within 300 feet of the proposed change of zone shall be notified of the public hearing and the proposed change by first class mail at least one week before the public hearing. The Board may give notice of the hearing to interested persons and organizations as it shall deem feasible and practicable. Upon the date of the hearing any party may appear before the Board in person or by attorney.

B. Such fees shall be set by the City and published annually.

#### **Article 7-6 Appeals From Decisions Of The Board**

Appeal from decision of the Board shall be to the court of record having jurisdiction within thirty (30) days from the date of the decision of the Board.

## **Chapter 8**

### **Amendments**

#### **Article 8-1 Amendments**

##### **A. Amendments to Text**

1. The City Council may recommend to the Planning Commission amendments to the text of this regulation or the Planning Commission may, on its own motion, initiate amendments.
2. Proposed amendments to the text shall be advertised in a paper of general circulation at least one time 15 days in advance to a public hearing to be conducted by the Planning Commission. After the public hearing the Planning Commission shall make a report and recommendation to the City Council pertaining to the proposed amendment to the text. The city council action on the report and recommendation shall be final.

##### **B. Change in Zone Classification**

1. A petition giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning Commission by the property owner or his legally designated agent. The petition shall include a statement and diagram explaining the proposed changes.
2. The following procedures as set forth in Act 186 of 1957, as amended, shall be followed:
  - (a) The Planning Commission shall hold a public hearing on a proposed change in zone classification. Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one time fifteen (15) days prior to the hearing.
  - (b) Following the public hearing, the proposed change in zone classification may be approved as presented or in modified form by a majority vote of the Planning Commission and recommended for adoption by the City Council, with reasons for such recommendation stated in writing.
  - (c) The City Council, by majority vote of the entire membership, may by ordinance adopt the recommended change in zone classification submitted by the Planning Commission or may return the proposed change in zone classification to the Planning Commission for further study and recommendation. If the City Council does not concur with the recommendation of the Planning Commission as submitted after re-study, the City

Council may, by a majority vote of the entire membership amend this regulation by granting the requested change in zone classification in full or in modified for.

3. If the Planning Commission disapproves a proposed change in zone classification, the reasons for such disapproval shall be given in writing to the petitioner within fifteen (15) days from the date of the hearing. Within fifteen (15) days following receipt of notice of Planning Commission action, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he considers the Planning Commission's findings and decisions to be in error. The City Council, by a majority vote of the entire membership, may approve the appeal of the petitioner.
4. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the commission or legislative body, whichever is later, unless the commission finds that a substantial reason exists for waiving this limitation.

**Chapter 9**  
**Enforcement Officer, Building Permit,**  
**Penalty For Violation**

**Article 9-1 Enforcement**

The provisions of this Ordinance shall be administered by an Enforcement Officer designated by the City Council.

**Article 9-2 Building Permit**

A building permit will be issued only when the application has been approved by the building official as meeting requirements of this Ordinance. All applications for building permits shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected and its location on the lot, and such other information as may be necessary to provide for the enforcement of this Ordinance. A record of such application and plans shall be kept by the building official and are subject to review by the Planning Commission.

**Article 9-3 Penalty for Violation**

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than five hundred dollars (\$500.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

## Chapter 10 Legal Status Provisions

### **Article 10-1 Interpretation, Conflict With Other Laws**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, or the general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinance, the most restrictive, or that imposing the higher standards, shall govern.

### **Article 10-2 Validity**

The provisions of this Ordinance are hereby declared to be severable. Should any section, article, paragraph, sentence, sentence or clause of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

### **Article 10-3 Effective Date**

This Ordinance shall take effect and be in force, immediately from and after the date of its adoption, the public health, safety and welfare so demanding.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 1979.

Attest:

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor

## **CHAPTER 11. WIRELESS COMMUNICATIONS FACILITIES.**

The purposes of these regulations are described as follows:

### **Section 1: Statement of Purpose**

- A. To establish general guidelines for the siting of Wireless Communications Facilities (WCF) and granting of Tower Use Permits.
- B. To minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures, including utility poles, signs, water towers, buildings and other WCF where feasible;
- C. To preserve the stability of land values of properties near and adjacent to proposed commercial tower locations.
- D. To protect residential and historic areas from the uncontrolled development of WCF by requiring reasonable siting conditions.
- E. To streamline and expedite permitting procedures to effect compliance with the Federal Communications Act of 1996;
- F. To facilitate the use of public property and structures for WCF.

### **Section 2: Definitions**

*Antenna Array* means one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

*Attached Wireless Communications Facility (Attached WCF)* means Antenna Array attached to an existing building or structure which shall include, but not be limited to, utility poles, signs or water towers, with any accompanying pole or device that attaches the Antenna Array to the existing building or structure and associated connection cables, and any equipment facility which may be located either inside or outside the Attachment Structure.

*Collocation or Site Sharing* means use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of



communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

*Department* means the Code Enforcement Department.

*Department Standards*, as used in this Chapter shall mean those standards set forth in Section 4 hereof.

*Equipment Facility* means any structure used to contain ancillary equipment for a WCF that includes cabinets, shelters, an extension or addition onto an existing structure, pedestals, and other similar structures.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communication Commission.

*FTA* means the Federal Telecommunications Act of 1996.

*Height*, when referring to a WCF, shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

*Monopole Tower* is a supporting structure composed of a solid pole without any guy-wired support.

*Review Process*. As used in this Chapter, Review Process shall mean those processes set forth in Section 5 hereof.

*Setback* means the required distance from the foundation of WCF land based elements, including guy-wires, to the property lines of the parcel on which the WCF is located.

*Stealth Technology* means systems, components and materials used in the construction of WCF which are designed to mask or conceal the WCF to make it less visually intrusive to the surrounding property.

*Support Structure* means a structure designed and constructed specifically to support an Antenna Array, and may include a monopole tower, a self supported lattice tower, a guy-wire supported tower or other similar structures. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

*Temporary Wireless Communications Facility (Temporary WCF)* means a WCF to be placed in service for ninety (90) or fewer consecutive days at the same location.

*Tower Use Permit (TUP)* means a permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and any special conditions

determined by the Code Enforcement Officer or Planning and Zoning Commission to be appropriate under the provisions of this Chapter.

*Wireless Communications* means any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

*Wireless Communication Facility (WCF)* means any unstaffed facility for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array,

connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation. This definition may also include an attachment to an existing structure.

### **Section 3: Applicability**

- A. **Permit Required.** No person, firm or corporation shall install or construct any WCF unless and until a Tower Use Permit (TUP) has been issued pursuant to the requirements of this chapter.
  
- B. **Exclusions.**
  - 1. **Existing Facilities.** Any communication tower currently located in the City of De Queen, Arkansas, shall be excluded from this Regulation except that any additions to existing towers would be subject to the provisions herein.
  
  - 2. **Communication Tower Exclusion:** These regulations apply only to communication towers and not to business radio towers or broadcast towers.
  
  - 3. **Amateur Radio Facilities.** This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
  
- C. **Relationship to Other Ordinances.** This chapter shall supersede all conflicting requirements of other code provisions and ordinances regarding the locating and permitting of WCF.
  
- D. **Building Codes.** Construction of all WCF's shall comply with the requirements of the City of De Queen Building Codes and permitting process in addition to the requirements of this chapter.

### **Section 4: Development Standards.**

- A. **Height standards.** The following height standards shall apply to all WCF installations.
  - 1. **Attached WCF.** Any attached WCF shall not add more than twenty (20) feet in height to the existing building or structure to which it is attached (Attachment Structure).
  
  - 2. **WCF with support structures.** WCF with support structures shall be limited to the maximum heights as described in the following table.

<b>WCF Can Be Approved by Administration with these height limits</b>	
<b>Zone</b>	<b>Maximum Height</b>
I-1 Industrial	250 feet
C-2 Highway Commercial	200 feet

<b>WCF in these Zones Must Be Reviewed by Planning and Zoning Commission</b>	
<b>Zone</b>	<b>Maximum Height</b>
C-1 Historic Commercial	100 feet with Stealth Technology
C-3 Neighborhood Commercial	100 feet with Stealth Technology
R-1 Residential	100 Feet with Stealth Technology
R-2 Residential	150 feet with Stealth Technology

- B. **Administrative Approval.** Attached WCF with or without new building construction and WCF in Zones I-1 Industrial and C-2 Highway Commercial may be permitted by administrative review as long as they meet all development standards.
- C. **Planning and Zoning Commission Review.** Any application for WCF permit in R-1 Residential, R-2 Residential, C-1 Commercial or C-3 Commercial shall require submission to the Planning and Zoning Commission, as described in Section 6 below.
- D. **Support structures** for WCF shall be of the Monopole type in all zones except I-1 and C-2
- E. **Support structures** located in the R-1, R-2, C-1 and C-3 zones shall use stealth technology with a design to be approved by the Planning Commission..
- F. **Setback Standards.** The following setback standards shall apply to all WCF installations.
  - 1. **Attached WCF.** Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of

the Attachment Structure so long as the Antenna Array does not encroach upon an adjoining parcel.

2. **WCF with Support Structures.** WCF with Support Structures shall meet the setback requirements for principle structures of the applicable zone in which they are located.
3. **WCF with Support Structures abutting or located in residential zones.** WCF with Support Structures which abut property zoned residential on any side or which is located within any residential zone, shall be set back a distance at least the height of the tower measured from the base of the tower to the property line of the residential lot.

G. **Landscaping and Screening.** The following landscaping and screening requirements shall apply to all WCF facility installations.

1. **New Construction.** New WCF With Support Structures and Attached WCF with new building construction shall be landscaped in accordance with the applicable provisions of the landscape ordinance which may now or hereafter be adopted.
2. **Land Form Preservation.** Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible; provided, however, that vegetation causing interference with the antenna's performance or inhibiting access to the Equipment Facility may be trimmed.
3. **Existing Vegetation.** Existing vegetation on a WCF site may be used in lieu of required landscaping where approved by the Planning and Zoning Commission.

H. **Aesthetics, Placement, Materials and Colors.** WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the WCF, the use of compatible or neutral colors, or stealth technology.

I. **Lighting and Signage.** The following lighting and signage requirements shall apply to all WCF facility installations.

1. **Artificial Illumination.** WCF shall not be artificially illuminated, directly or indirectly, except for: a. security and safety lighting of equipment buildings if such lighting is appropriately down shielded to keep light within the boundaries of the site; and b. such illumination of the WCF as may be required by the FAA or other applicable authority installed in a manner to minimize visual impacts on adjacent residences.
2. **Signage.** WCF shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small

message containing provider identification and emergency telephone numbers. Such sign shall not exceed 2 square feet in area.

- J. **Security Fencing.** WCF with Support Structures shall be enclosed by a security fence not less than 6 feet in height. Security features may be incorporated into the buffer, landscaping and screening requirements for the site. Nothing herein shall prevent security fencing which is necessary to meet requirements of State or Federal agencies.
- K. **Radio Frequency Emissions** The following radio frequency emissions standards shall apply to all WCF facility installations.
  - 1. **RF Impact.** The FTA gives the FCC sole jurisdiction of the regulation of Radio Frequency (RF) emissions, and WCF which meet the FCC standards shall not be conditioned or denied on the basis of RF impact.
  - 2. **FCC Compliance.** In order to provide information to its citizens, copies of ongoing FCC information concerning WCF and RF emission standards may be requested. Applicants for WCF shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.
  - 3. **Sound Prohibited.** No sound emissions such as alarms, bells, buzzers or the like are permitted.
- L. **Structural Integrity.** WCF with Support Structures shall be constructed to the Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled “Structural Standards for Steel Antennas Towers and Antenna Supporting Structures” (or equivalent), as it may be updated or amended. Each Support Structure shall be capable of structurally and functionally supporting at least three antenna arrays.
- M. **Collocation agreement.** All applicants for WCF are required to submit a statement with their application agreeing to allow collocation of other WCF providers. The statement shall include the applicant’s policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers. The Collocation Agreement shall be considered a condition for issuance of a TUP.

### **Section 5: Review process.**

- A. **General.** The applicable development standards referred to herein are those set forth in section 4 of this ordinance.
- B. **Permitting Procedures.** Attached WCF with or without new building construction and WCF with monopole support structures that meet the development standards may be permitted by Administrative Review except as herein specified. All other WCF with support structures, regardless of type, to be sited in or abutting any

residential zone shall be subject to the Planning and Zoning Commission review process and may not be approved solely by the Administrative Review process. All WCF applications that do not conform with the development standards or are otherwise not eligible for Administrative Review shall be subject to the Planning and Zoning Commission review process.

- C. **WCF as part of Coordinated Development** Approval. WCF as part of a proposed residential or nonresidential subdivision Planned Unit Development (PUD), site plan, conditional rezoning, or other coordinated development approval shall be reviewed and approved through these processes.
- D. **WCF for Temporary Term** Temporary WCF for a term not to exceed 90 days are permitted by Administrative Review and, in case of emergency, shall be given expedited review.

## **Section 6: Approval Procedure**

- A. **Application Submission**. All requests for a Tower Use Permit, regardless of WCF type shall submit an application in accordance with the requirements of this section.
  - 1. **Application Contents**. Each applicant requesting a TUP under this chapter shall submit a scaled site plan containing a scaled elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the WCF and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing and, if relevant as determined by staff, topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing WCF shall include a Radio Frequency Intermodulation Study with their application.
  - 2. **Submission Requirements**. Application for a TUP shall be submitted to the code enforcement officer on forms prescribed by the Department. The application shall be accompanied by a site plan containing the information described above. If Planning and Zoning Commission Review is required, the application and site plan shall be placed on the next available commission agenda in accordance with the agenda deadlines established by the Department.
  - 3. **Application Fees**. Each application shall be accompanied by a plan review fee of \$500 and a Radio Frequency Intermodulation Study review fee of \$500 (collocation applications only). These fees shall be used to engage an engineer or other qualified consultant(s) to review the technical aspects of the application and Radio Frequency Intermodulation Study (if required).
  - 4. **Technical Assistance**. In the course of its consideration of an application, the code enforcement officer, the Planning and Zoning Commission or the City Council may deem it necessary to employ an engineer(s) or other consultant(s) qualified in the design and installation of WCF to assist the code

enforcement officer, commission or council in the technical aspects of the application. In such cases, any reasonable costs incurred by the city, not to exceed fifteen hundred (\$1,500) for the technical review and recommendation, shall be reimbursed by the applicant prior to the final city hearing on the TUP.

- B. **Administrative Review.** The following administrative review process shall apply to all WCF applications eligible for administrative review.
1. **Review Authority.** Review of WCF under this section shall be conducted by a panel composed of the code enforcement officer, mayor and city clerk.
  2. **Review Criteria.** The review panel shall review the application for compliance with the development standards.
  3. **Timing of decision.** The review panel shall render a decision on the WCF application by written response to the application within 10 business days after the receipt of the completed application, except that an extension may be agreed upon by the application.
  4. **Deferral.** The review panel may defer administrative approval of WCF for any reason. Deferral of administrative approval shall require submission to the Planning and Zoning Commission for review.
  5. **Application Denial** If administrative approval is not obtained due to noncompliance with the development standards, the applicant may appeal the denial by applying for Planning and Zoning Commission Review.
  6. **Application Approval.** If the TUP application is in compliance with the development standards and otherwise meets the requirements of this section, the code enforcement officer shall issue a Tower Use Permit (TUP).
- C. **Planning and Zoning Commission Review.** The following shall apply to all Tower User Permit applications requiring submission to the Planning and Zoning Commission:
1. **Review Authority.** The Planning and Zoning Commission shall be the review authority for TUP applications not eligible for Administrative Review or otherwise referred to the Commission.
  2. **Notice.** Notice of the application and the public hearing by Planning and Zoning Commission shall be accomplished in the same manner as a conditional use permit under the Land Development Code.
  3. **Hearing.** The Planning and Zoning Commission shall review and consider the TUP application at a public hearing. At the hearing, interested persons may appear and offer information in support of or opposition to the proposed



application. The Planning and Zoning Commission shall consider the following in reaching a decision.

- (a) **Development Standards Variance.** The TUP application shall be reviewed for compliance with the Development Standards set forth in Section 4; provided that the applicable Development Standards may be reduced or waived so long as the approval of the WCF meets the goals and purposes of Section 1. The Planning and Zoning Commission may authorize a variance from the Development Standards by specific inclusion in a motion for approval. No such variance authorized by the Planning and Zoning Commission shall be the basis for subsequent variance requests to the Board of Zoning Adjustment.
- (b) **Tower Siting Conditions.** The Planning and Zoning Commission may impose conditions and restrictions on the application or on the premises benefitted by the TUP as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding property, in accordance with the purposes and intent of this Chapter. The violation of any condition shall be grounds for revocation of the TUP. The Planning and Zoning Commission

may impose such conditions in addition to the Development Standards upon the following findings:

- (i) 1. The WCF would result in significant adverse visual impact on nearby residences
  - (ii) 2. The conditions are based upon the purpose and goals of this Chapter as set forth in Section 1
  - (iii) 3. The conditions are reasonable and capable of being accomplished.
4. **Action.** Following the public hearing and presentation of all evidence, the Planning and Zoning Commission shall take one of the following actions:
- (a) approve the application as submitted;
  - (b) approve the application with conditions or modifications;
  - (c) defer the application for additional information or neighborhood input; or
  - (d) deny the application.
5. **Findings.** All decisions rendered by the Planning and Zoning Commission concerning a Tower Use Permit shall be supported by written findings of fact and conclusions of law based upon substantial evidence in the record.
6. **Timing of Decision.** The Planning and Zoning Commission shall render its decision within 60 days or less of the final submission of all required application documents and technical evaluations.
7. **Appeals.** The decision of the Planning and Zoning Commission may be appealed to the City Council under the following circumstances:
- (a) Only the applicant and those who registered an objection to the TUP in the record of the Planning and Zoning Commission shall have standing to appeal.
  - (b) Only such evidence or testimony in support of or opposition to the issuance of the TUP which was provided to the Planning and

Zoning Commission may be presented to the City Council unless the Council, by majority vote, decides to hear new information.

- (c) Notice of appeal shall be accomplished by the appellant in the same manner as a conditional use permit under the Land Development Code.
- (d) Appeal of decisions of the City Council shall be filed in Circuit Court within thirty (30) days of the final decision on the TUP.

**Section 8: Shared facilities and collocation policy; Facilitating location on public property.**

- A. **Collocation.** All WCF shall be constructed to be capable of sharing the facility with other providers, to collocate with other existing WCF and to accommodate the future collocation of other WCF. Applicants proposing a new WCF shall demonstrate that it has made a reasonably good faith attempt to find a collocation site. Competitive conflict and financial burden are not deemed to be adequate reasons against collocation.
- B. **Location On Public Property.** The City will work with telecommunication providers to facilitate the siting of WCF on suitable City owned or controlled property, by identifying existing facilities, the appropriate contact persons, and the appropriate procedures in accordance with this Section.

**Section 9: Removal of abandoned WCF.**

Any WCF that is not operated for a continuous period of twelve (12) months, or such lesser time if the City is so advised by the provider or landowner, shall be considered abandoned, and the owner of such WCF may be required to remove same within ninety (90) days of notice to the City that the WCF is abandoned. If the WCF is not removed within ninety (90) days, the City may remove it and recover its costs from the owner of the WCF or from the

landowner. If there are two or more users of a single WCF, this provision shall not become effective until all providers cease to use the WCF.

#### **Section 10. Nonconforming WCF.**

WCF in existence on the date of the adoption of this Chapter, which do not comply with the requirements of this Chapter (nonconforming WCF) are subject to the following provisions:

- A. **Expansion.** Nonconforming WCF may continue in use for the purpose now used, but may not be expanded without complying with this Chapter, except as further provided in this Section.
- B. **Additions.** Nonconforming WCF may add additional antennas (belonging to the same provider or other providers) subject to Administrative Review under Section 6.
- C. **Repairs.** Nonconforming WCF which become damaged or destroyed due to any reason or cause, may be repaired and restored to its former use, location, and physical dimensions subject to the provisions of this Chapter. Such repairs must be commenced within one year after said damage or destruction, or said WCF shall be deemed abandoned.

#### **Section 11: Revocation of Tower Use Permits.**

Any Tower Use Permit issued pursuant to this Chapter may be revoked by the Planning and Zoning Commission after a hearing as provided hereinafter. If the Commission finds that any permit holder has violated any provision of this Chapter, or has violated any federal, state, or local law or ordinance, or has failed to make good faith reasonable efforts to provide or seek collocation, the Commission may revoke the Tower Use Permit (TUP) upon such terms or conditions, if any, that the Commission may determine.

Prior to initiation of revocation proceedings, the Code Enforcement Officer shall notice the permit holder, in writing, of the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed sixty (60) days. The permit holder shall provide the Code Enforcement Officer with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, the Planning and Zoning Commission shall convene a public hearing to consider revocation of the Tower Use Permit. The hearing shall be conducted pursuant to notice by publication in a newspaper with general circulation in the city not less than 10 days prior to the hearing and by written notice to the permit holder.

At any such hearing, the permit holder may be represented by an attorney and may cross examine opposing witnesses. Other interested persons may comment. The Planning and Zoning Commission may impose reasonable restrictions with respect to time and procedure

and may, but is not required to, provide for stenographic or other recording of the hearing or portions thereof.

**Section 12: Penalty.**

The fine or penalty for violating any provisions of this Chapter shall, upon conviction in the municipal court, not exceed five hundred dollars (\$500.00) for any one specified offense or violation, or double that sum for each repetition of such offense or violation; provided, further, that if a thing prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof in the violation of this Chapter shall not exceed two hundred fifty dollars (\$250.00) for each day that it may be unlawfully continued.

## **Part B**

### **Subdivision Regulations**

#### **Chapter I**

#### **Purpose, Authority, and Jurisdiction**

These rules and regulations are intended to serve the following purposes:

- A. To assist orderly, efficient and integrated development within the territorial jurisdiction.
- B. To promote the health, safety, morals, and general welfare of the residents of the City of De Queen and environs.
- C. To insure conformance of subdivision plans with the public improvement plans of the City of De Queen and environs.
- D. To secure fair handling of all subdivision plans by providing uniform procedures and standards for observance both by developers and the commission.

Any person subdividing land within the territorial jurisdiction shall submit to the commission, plates of the subdivision and plans for indicated improvements according to these regulations. In considering the approval of a plat, the commission shall observe and enforce the requirements and procedures set forth herein. In the case of a plat constituting a replat of land into two or more lots, all of which will be served by an existing street or streets, the commission shall have the power to vary the said requirements so that substantial justice may be done and the public interest served.

No person proposing to make or have made a subdivision within the territorial jurisdiction shall proceed with any construction work on the proposed subdivision, including grading, before obtaining a certification of preliminary plat approval, and shall not convey title to any lot or lots before obtaining from the commission a certification of final plat approval and acceptance of the plat.

## **Chapter 2**

### **Procedural Requirements**

#### **A. Procedure for Approval of Preliminary Plat**

Whenever any subdivision of a tract of land is proposed to be made, the developer shall first submit to the staff, at least fifteen (15) calendar days prior to the Commission meeting at

which the plat is to be considered, an application for a Certification of Preliminary Plat Approval which shall consist of:

1. Four copies of the Preliminary Plat and other documents as described in Section 3 B.
2. A letter formally requesting consideration of the Commission.
3. A receipt from the City Recorder acknowledging payment of a filing fee.

The city shall collect a fee per plat, plus additional fees per lot; such fees will be set by the City and published annually. The plat will not be reviewed or considered in any respect until such fee has been collected.

### **B. Form and Content of Preliminary Plat**

The preliminary plat shall be prepared by an engineer registered to practice in the State of Arkansas. The accuracy of all survey data must be certified by a land surveyor registered to practice in the State of Arkansas.

The plan shall be prepared in compliance with these regulations and the following:

1. Blueline or blackline prints of the proposed subdivision drawn to a scale of not greater than one hundred (100) feet to the inch.
2. The maximum sheet size shall be thirty-six (36) inches by forty-eight (48) inches.
3. Whenever two (2) or more sheets are required, they shall be accompanied by an index sheet showing the entire subdivision layout on one (1) sheet.
4. The Preliminary Plat shall have or be accompanied by this information:
  - (a) A key map showing the tract and its relation to the surrounding area.
  - (b) The name of the owner and developer.
  - (c) The name and seal of the registered land surveyor responsible for the survey and the survey and contour information on the plat.
  - (d) The title or name of the subdivision, which must not be so similar to that of an existing subdivision as to cause confusion.
  - (e) North point, date, graphic scale.
  - (f) Existing and proposed restrictive covenants and restrictions.



- (g) The location, name, and width of all existing streets, alleys, and easements within or adjacent to the proposed subdivision or within a distance of two hundred (200) feet of the proposed subdivision.
- (h) Physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area in acres draining into the subdivision, and other features pertinent to the subdivision.
- (i) Ground elevation which contours at vertical intervals based on gulf mean elevation.
- (j) The plat shall show the actual boundary survey; however, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions. The acreage to be subdivided shall be shown.
- (k) The proposed plan for the subdivision shall be shown, including all proposed streets and their names. Alleys, easements, width of right-of-way for streets and alleys, the proposed pavement width and storm drainage shall be shown.
- (l) Source of water supply.
- (m) Evidence that utility service is available to the property.
- (n) A designation of the proposed uses of land within the subdivision.
  - (i) The location and description of any land to be reserved or used for parks, schools, or other public or private purposes.
  - (ii) If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided.
  - (iii) The following notice shall be placed on the preliminary plat: Preliminary Plat for Inspection Only. In no way official or approved for record purposes.
  - (iv) The following certificates shall be placed on the preliminary plat:

## Certificate of Preliminary Plat Approval

All requirements of the De Queen Subdivision Rules and Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provision of said Rules and Regulations.

This Certificate shall expire \_\_\_\_\_

Date

Date of Execution \_\_\_\_\_

Name

De Queen Planning Commission

## Preliminary Engineering Certificate

I, \_\_\_\_\_, hereby certify that this proposed Preliminary Plat correctly represents a plan completed by me, or under my supervision on \_\_\_\_\_, 20\_\_\_\_; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed of the property are correctly described and located.

Date of Execution \_\_\_\_\_

Name \_\_\_\_\_

Registered Professional Engineer

No. \_\_\_\_\_, Arkansas

## Preliminary Surveyor's Certificate

I, \_\_\_\_\_, hereby certify that this proposed Preliminary Plat correctly represents a survey completed by me, or under my supervision on \_\_\_\_\_, 20\_\_\_\_; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

\_\_\_\_\_  
Date of Execution \_\_\_\_\_

\_\_\_\_\_  
Name \_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_Arkansas

### **C. Processing of Preliminary Plat**

1. Upon receipt of application for a certificate of preliminary plat approval, the commission shall check the preliminary plat as to its conformity with the master plan, street plan, land use plan, zoning districts and the standards and specifications set forth or referred to herein.
2. Within thirty (30) calendar days after the preliminary plat is formally filled, the commission shall approve or disapprove such plat, or conditionally approve it with modifications. The commission shall inform the developer in writing of the action taken.
3. The developer, in the letter of application, may request direct action on the application by the commission at its next regular meeting. In such case, the commission need not take action on any application received less than ten (10) calendar days before its meeting. Commission approval or disapproval of a preliminary plat shall be reported to the developer in writing within five (5) calendar days of such action.
4. Approval of the preliminary plat shall be governed by the following qualifications:
  - (a) Approval of a preliminary plat is only tentative pending submission of the final plat.
  - (b) Approval of the preliminary plat does not constitute approval of sewer, water, or utility plans. The developer shall be responsible

for obtaining approval of these systems from the appropriate agencies as follows:

Streets and drainage .....	Planning Commission
Sanitary Sewer .....	Sewer Department
Private Utilities .....	Utility Companies
Water .....	Water Department

5. The planning commission or designated committee thereof shall consider detailed street and drainage plans and specifications for each subdivision at a regular meeting as an agenda item.
6. Approval of the preliminary plat shall be effective and binding upon the commission for eighteen (18) months and thereafter as long as work is actively progressing on installation of required improvements.
7. Receipt by the developer of the executed certificate of preliminary plat approval is authorization to proceed with:
  - (a) The preparation of detailed plans and specifications and the installation of any improvements required, subject to the approval of agencies having authority as listed in paragraph 4(b) above.
  - (b) The preparation of the Final Plat or part thereof as specified in Section E.

**D. Procedure for Approval of the Final Plat**

Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the developer may submit to the staff an application for review and approval of the Final Plat, which shall consist of:

1. A letter formally requiring review and final approval of the Plat
2. The Final Plat and other documents as specified in Section 3D
3. A statement by the Water and Sewer Department that the developer has:
  - (a) Installed all improvements in accordance with the plans and specifications approved by the Commission, or
  - (b) A performance guarantee acceptable to the Commission has been posted with the City of De Queen in sufficient amount to assure the completion of all required improvements, or
  - (c) Executed a contract with the City of De Queen acceptable to the City guaranteeing the completion of all required improvements.

## **E . Form and Content of the Final Plat**

The Final Plat shall be prepared in compliance with these regulations and the following:

1. A reproducible original and four blueline or blackline prints at a scale of not more than one hundred feet to the inch.
2. The drawing shall be neat, legible and suitable for filing for record in the office of the County Clerk. Patching and pasting of paper or other attachments is not acceptable.
3. Allowance shall be made for one-half inch border at the top, bottom, and right edges of the sheets and a one and one-half inch border at the left edge of the tracing sheets.
4. When more than one sheet is used for a Plat, a key map showing the entire subdivision on smaller scale shall be shown on the first sheet.
5. The Plat shall show or be accompanied by this information:
  - (a) The name of the owner and developer
  - (b) Boundary and written legal description of the property in the subdivision.
  - (c) Names and addresses of the owners and developers
  - (d) Name and address of the surveyor who prepared the Plat.
  - (e) Title, including name of subdivision and name of City, County, and State.
  - (f) Acreage in the subdivision
  - (g) Date, graphic scale and north arrow.
  - (h) Location of proposed lots, streets, alleys, easements, building setback lines, and other features shall be shown with dimensions.
  - (i) Location and description of any land to be dedicated or reserved for parks, schools, or other public purposes.
  - (j) Lot and block numbers in logical sequence.
  - (k) All necessary dimensions, including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and the

chords and arcs of curves shall be shown. All curve information shall be shown for the centerline of the street based on arc definitions. Dimensions shall be shown from all streets based on arc definitions. Dimensions shall be shown from all angle points and points of curve lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

- (l) Location and description of all section line corners and government survey monuments in or near the subdivision, to at least one of which the subdivision shall be referenced.
- (m) The following certificates shall appear on each Final Plat:

## Certificate of Owner

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted, and subdivided said real estate in accordance with the within Plat.

Date \_\_\_\_\_ Signature \_\_\_\_\_

Source of Title

DR \_\_\_\_\_ Page \_\_\_\_\_

## Certificate of Recording

This document, number \_\_\_\_\_, filed for \_\_\_\_\_  
recorded \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_  
in Plat book \_\_\_\_\_, page \_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

For Bill of Assurance see Deed Record

\_\_\_\_\_  
Book \_\_\_\_\_ Page \_\_\_\_\_



## Certificate of Surveying Accuracy

I, \_\_\_\_\_, do hereby certify that this Plat correctly represents a survey and a plan made by me or under my supervision, that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown; and that all requirements of the City of De Queen have been fully complied with.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Signature

Registered Land Surveyor \_\_\_\_\_

No. \_\_\_\_\_ Arkansas

This certificate of Final Plat Approval shall be on both the Final Plat and the Bill of Assurance substantially as follows:

## Certificate of Final Approval

Pursuant to the all the City of De Queen's rules, regulations, requirements, and under the conditions of all applicable City ordinances this document is given Final Plat approval by the City of De Queen. All of the conditions of approval having been completed, this document is hereby accepted, and this Certificate executed under the authority of said Rules and Regulations.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
City Official

## **F. Process of Final Plat**

1. Whenever the Final Plat has been submitted to the staff, which Final Plat conforms in general to an approved Preliminary Plat, and the provisions of Chapter 2 D, the Commission shall have the authority to approve the Final Plat.
2. The developer may request, by letter, direct action on the application by the Commission at its next regular meeting.
3. The Commission may cause a registered engineer to check the Final Plat for correctness, charging the cost to the developer if the Plat is found to be in error, and the preparer fails to make the necessary corrections.
4. Failure of the Commission to act within thirty (30) business days from the receipt of application shall be deemed approval of the Final Plat and waives all further Plat requirements of these rules and regulations. Such failure to act shall be so noted by the Commission on the Plat to be filed for record. An extension of an additional 30 days may be request by the Commission and granted by the Mayor in writing.
5. The basis for disapproval of the Final Plat shall include:
  - (a) Failure to install improvements according to detailed plans and specifications as previously approved by the Planning Commission.
  - (b) Failure to comply with any written agreements or conditions of approval issued by the Commission or the Code Enforcement Dept.
  - (c) Failure to post satisfactory guarantee of improvements as described above in Paragraph D(3).
6. If the Final Plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.
7. Final Approval of the Final Plat shall be indicated by the Planning Commission Chairman executing a certificate of final plat approval on the plat upon receipt of one of the following:
  - (a) A certificate submitted by the Office of Code Enforcement, stating that all improvements and installations to the subdivision have been completed in accordance with the plans and specifications previously approved by the Planning Commission. The Office of Code Enforcement shall have ten business days to review the Final Plat and on-site improvements, determine

conformance or nonconformance, and notify the Planning Commission and the developer of his findings.

- (b) An executed contract between the developer and the City to install the required improvements, said contract shall be based on a satisfactory demonstration to the Planning Commission of his financial ability to make the required improvements.
  - (c) A performance bond which shall:
    - (i) Run to the City.
    - (ii) Be in an amount determined by the Planning Commission to be sufficient to complete the improvements and installation for the subdivision in compliance with these rules and regulations.
    - (iii) Be with surety by a company entered and licensed to do business in the State of Arkansas, and
    - (iv) Specify the time for the completion of the improvements and installations.
8. Approval of a Final Plat by the Commission shall not be deemed acceptance of any of the dedications on the plat, it being contemplated that such acceptance will be made by the City or the County, as prescribed by law.

## **Chapter 3**

### **Acceptance of Final Plat By Sections**

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all the requirements of this Ordinance with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and the Final Plat thereof are approved in section by the Commission, each Final Plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

## **Chapter 4**

### **Replatting**

The Replat shall meet all requirements for a new subdivision that may be pertinent.

A fee of twenty-five dollars (\$25.00) per re-plat shall be collected for each re-plat that does not require a preliminary plat. If a preliminary plat is required, the fee for the re-plat shall be the same as required for a preliminary plat. The re-plat will not be reviewed or considered in any respect until such fee has been collected.

## **Chapter 5**

### **Flood Plain Regulations**

#### **A. General**

The City will strongly discourage the platting of property for construction purposes that is in a natural flood plain or other area that is subject to flooding.

#### **B. Liability**

The City will not be financially liable for any damages due to flooding.



## Part C

### Apartment Complex Regulations

- A. All structures for apartment complex development shall be followed by the same regulations as stated in the subdivision section of this handbook with the following specifications.

**Residential Use District (R-1)**

No apartment complexes may be allowed in R-1

**Residential Use District (R-2)**

Apartment complexes may be allowed in R-2

**Central Business District (C-1)**

Loft apartments are permissible in existing historic downtown buildings and must meet all the requirements of new construction

**Central Business District (C-2)**

Apartment Complexes are allowed for five or more units.

- B. The following specifications apply for all apartment complex developments in all districts:
1. **Lot Size:** There must be 8,500 square feet for the first two apartment units and 1,500 for each additional apartment. Not to include a second or third story.
  2. **Plans:** All plans for developments must be designed by a certified architect or engineer.
  3. **Height:** The maximum height is not to exceed three stories
  4. **Yard Requirements:** The front line must be 25 feet from the front property line. The sides must have 7 ½ feet of property, and the rear property must have ten (10) feet of property.
  5. **On-Lot Parking Spaces:** Off Street parking spaces shall have a paved surface and be designated to the units. All developments must be curbed and guttered

and provide a solution to carry run-off water. The following guidelines apply for resident parking spaces:

<u>Units</u>	<u>Spaces Required</u>
1 bedroom .....	1 parking space
2 bedrooms .....	2 parking spaces
3 bedrooms .....	3 parking spaces

In addition to the said resident parking space guidelines, there shall be two guest parking spaces for every five units.

6. **New Construction:** All new construction must meet ADA requirements.
7. **Landscaping:** All landscaping must be suitable. Refer to requirements in the I-1 zoning requirements.
8. **Lighting:** Adequate outside lighting shall be provided in and around parking areas as determined by the Code Enforcement Dept. and the Zoning Board. The Housing and Urban Development standards set for such lighting in the continuation of Federal development projects shall be used as guidelines.
9. **Plats:** All plats shall comply with either the regulation set forth in the subdivision street requirements or the said parking lot regulations for apartment complexes.
10. **Plumbing:** Must be pre-approved by the Arkansas Department of Health.

C. **Dwelling - Complex**

1. An application shall be submitted to the Planning Commission requesting construction of dwelling - complex development.
2. The application shall consist of a plat indicating the siting of dwelling - complex buildings, along with the arrangement of parking spaces and such other information required by this regulation and other applicable city ordinances.
3. The plat shall meet applicable requirements of the subdivision regulations.
4. The Enforcement Officer shall issue a building permit for the approved development plan in conformance with the approved application. All plans, sketched, diagrams and calculations shall form the basis for issuance of the building permit in conformity therewith. Plan changes, which increase the number dwelling units, building height or bulk, or change the location of structures, shall require resubmission for approval. Minor adjustments in the



orientation of buildings or in the number of dwelling units, building units, building height or bulk, may be approved by the Enforcement Officer.

5. Dwelling - Complex developments shall meet the following conditions:
  - (a) Dwelling - complex developments shall be located along or at the intersection of streets classified as collector or higher classification. Access to and from the dwelling complex development shall be entirely to the streets fronting the dwelling - complex- development.
  - (b) The proposed dwelling - complex- developments will be in harmony with the purposes of this regulation and will not adversely affect nearby properties.
  - (c) The amount of open space provided will be in harmony with nearby properties.
  - (d) The development shall have an access road paved with a dust free material not less than 25 feet in width and a right-of-way of not less than 45 feet, which shall have unobstructed access to a public street as specified in. (a) above. All parking areas within the dwelling - complex development shall abut the access road.
  - (e) No structure within the development shall be closer than 15 feet to any interior lot line and 25 feet to any bordering street line.

## Part D

### Mobile Home Regulations

#### Ordinance No. 773

**An Ordinance Amending Ordinance No 588, Repealing Ordinance No 763,  
to Establish Zoning For Multi-Sectional Manufactured Homes  
in Individual Private Lots in the City of De Queen, Arkansas**

**WHEREAS**, following proper notices and hearing before the City Planning Commission as required by Ordinance No 588 and other applicable law, the said Commission has recommended that Ordinance No 588 be amended to provide for placement of manufactured homes on individual private lots; and

**WHEREAS**, it has been established that Ordinance No. 763 does not adequately address the needs of the citizens of De Queen, Arkansas;

NOW THEREFORE, BE IT ORDAINED BY THE DE QUEEN, ARKANSAS CITY COUNCIL THAT:

#### **SECTION ONE: INTENT**

The De Queen, Arkansas, City Council finds and declares that manufactured housing offers the citizens of the City of De Queen as additional opportunity to own and live in decent, safe, and affordable housing on a permanent basis. The De Queen, Arkansas, City Council further finds that there is a need for more affordable housing within the corporate limits and extraterritorial zoning jurisdiction.

It is the intent of this Ordinance to allow the placement of manufactured homes on a foundation system, as defined herein, in residential districts, provided that the homes meet appearance and dimensional criteria which will protect the character and property values of those single-family residential areas. The intent of this Ordinance is to increase the housing opportunities for individuals with a low or moderate income.

#### **SECTION TWO: DEFINITIONS**

- A. The term “single-family dwelling” as used in Ordinance No. 588 shall include manufactured housing units manufactured in accordance with the provisions set forth in 24CFR Part 3280-Manufactured Home Construction and Safety Standards as amended October 25, 1994 and installed in accordance with applicable state regulations. Any future revisions to either the federal or state regulations regarding manufactured housing shall automatically amend this ordinance to conform to such revisions.
- B. All Manufactured Homes shall be multi-sectional.

“Manufactured Home- multi-sectional,” means a manufactured home with the

following requirements and with the additional characteristic of modular delivery to the permanence home site. This structural type shall consist of two (2) or more modules designed for permanent attachment to make one (1) dwelling unit, consisting of:

1. Removal of all transport elements.
2. Orientation compatible with placement of adjacent structures.
3. Underpinning with permanent materials.
4. Off-street parking per single-family dwelling standard
5. Lot size must conform to all R-2 requirements

C. MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE means the standard for construction, design, and performance of the manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283 and 42 USC 5401, *et seq* as mandated in the United States of America and as administered by the United State Department of Housing and Urban Development.

D. FOUNDATION SYSTEM means an assembly of materials constructed with the intent of not being removed from its installation site, designed to support the structure, and engineered to resist the imposition of external natural forces.

### **SECTION THREE: PERMITTED PLACEMENT**

A manufactured home, as defined herein, that has not been altered in violation of applicable codes, shall be granted a building permit for location in residential two (R-2) zone only.

Nothing herein is to be construed as overriding any restrictive covenants.

The Planning Commission may subject any such manufactured home and the lot on which it is placed to any or all of the same development standards to which any single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback and side and rear yard requirements, standards for enclosures, access and vehicle parking and architectural and aesthetic requirements. However, any architectural requirements imposed on the multi-sectional manufactured home structure itself, exclusive of any requirements for any and additional enclosures, shall be limited to roofing and siding material. In no case may the Planning Commission apply any development standards which will have

the effect of totally precluding manufactured homes from being installed as permanent residences, based solely on the method of assembly or delivery to the building site.

The dwelling shall meet the appropriate exterior appearance criteria, as herein, set forth in Section Four (4) and Section Two-B.

**SECTION FOUR: THE MULTI-SECTIONAL MANUFACTURED HOME SHALL:**

- A. Be occupied only as a single family Residential Use.
- B. Be subject to all provision of the Zoning Ordinance applicable to residential structures qualifying for siting in the same area.
- C. Be placed on permanent foundations, or footings, on piers, or on blocks and with skirting material in accordance with Arkansas State requirements or manufacturer recommendations, whichever are more stringent. Both the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installations instructions prescribed by the manufacturer.
- D. Have a roof composed of a material used on site-built residential dwellings, such as fiberglass, shake, asphalt, or tile, copper or metal, which shall be installed onto a surface appropriately pitched for the materials used.
- E. Have connections for electrical, gas, water and drain made permanent and in accordance with other applicable City and State regulations.

**SECTION FIVE: PERMITS**

All applicable permits otherwise required for a single-family residential unit shall also be required for a multi-sectional manufactured unit.

**SECTION SIX: ORDINANCE NO. 763 IS HEREBY REPEALED**

**SECTION SEVEN: EFFECTIVE DATE**

Because of the urgent need to provide additional housing in the City of De Queen, it is hereby found that an emergency exists, and that this Ordinance shall be in full force and effect from and after its enactment.

ENACTED this 2nd day of December, 1997.

## **Ordinance No. 774**

### **An Ordinance Amending Ordinance No. 588 to Amend Mobile Home Park Regulations**

WHEREAS, following proper notices and hearing before the City Planning Commission as required by Ordinance No. 588 and other applicable law, the said Commission has recommended the Ordinance No. 588 be amended to provide for placement for Mobile Homes and Single Wide Manufactured Homes.

BE IT ORDAINED BY THE DE QUEEN, ARKANSAS CITY COUNCIL, THAT ORDINANCE NO. 588 BE AMENDED TO READ:

**SECTION ONE:** The definition of a singlewide manufactured home be included as outlined in Ordinance No. 773.

**SECTION TWO:**All mobile homes and single-wide manufactures homes will only be located in mobile home parks and restricted to single family dwellings. (Excluding temporary construction units that serve as an office or storage building during a construction project.)

All existing such structures otherwise located a t the time of passage of this Ordinance will be “Grand fathered” and allowed to remain until they become uninhabitable, condemned, or destroyed by nature or fire. No such location will be granted further use as a site for a singlewide manufactured home or mobile home.

**SECTION THREE:**Mobile Home Parks shall only be located in HIGHWAY COMMERCIAL ZONE (C-2).

**SECTION FOUR:**Chapter Four (4), Article 4-4 HIGHWAY COMMERCIAL (C-2), Section F. Mobile Home Park be amended to read:

#### **F. Mobile Home Park**

The Mobile Home Park shall conform to the following requirements:

The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

Mobile home and single-wide manufactured home spaces shall be

Provided consisting of a minimum of 2,500 square feet for each space which shall be at least 30 feet wide and clearly defined. (Existing Mobile Home Parks, meeting all other criteria,

shall be “Grand fathered” as established; no further expansion shall be made that does not conform to the new square foot requirements.)

Mobile Homes and single-wide manufactured homes shall be so harbored on each space that there shall be at least a 15-foot clearance between homes.

All mobile homes and single-wide manufactured home spaces shall abut an all-weather driveway of not less than 20 feet in width, which shall have unobstructed access to a public street.

Each Mobile Home Park shall have service buildings to house such toilet, bathing and other sanitation facilities as the City may specify.

An electrical outlet supplying at least 110 volts, and sewer, water and gas connections shall be provided each mobile home/single-wide manufactured home space.

#### **SECTION FIVE: EFFECTIVE DATE**

Because of the urgent need to provide additional housing in the City of De Queen, it is hereby found that an emergency exists, and that this Ordinance shall be in full force and effect from and after its enactment.

ENACTED this 2nd day of December, 1997

**A. All mobile home parks shall follow the same regulations as stated in the subdivision section of this handbook with the following specifications.**

**Residential Use District (R-1)**

Mobile home units are not permissible in the R-1 district.

**Residential Use District (R-2)**

Multi-sectional homes are permitted in accordance with Ordinance #773. A copy of Ordinance #773 can be found on page 55 of this booklet.

**Central Business District (C-1)**

Mobile home units are not permissible in the C-1 district.

**General Business District (C-2)**

Mobile home parks are permissible in accordance with Ordinance #774 and the following described specifications. (Copy of Ordinance #774 found on page 59)

1. Streets: Streets in the C-2 district must be paved. Such streets shall meet the subdivision street requirements
2. Spacing: There must be a minimum of 20 feet between each mobile home unit.
3. Skirting: Skirting is required on mobile home units. Material should match the manufactured home and not take away from the characteristics of the home.

## Chapter VII

### Minimum Required Improvements

#### Required Improvements

Every subdivider shall be required to install, at his own expense, or to have installed by the appropriate public utility the following improvements:

#### A. Street Grading

1. All streets shall be cleared and graded as approved by the City Inspector.
2. Finished grades shall be at levels approved by the City Inspector or the appropriate agency.

#### B. Street Paving

1. Street paving widths shall be in conformance with standards set forth by the City Board of Directors.
2. Streets shall be paved to widths specified in Chapter IX. The subdivider shall install pavement up to thirty-six (36) feet in width from back of curb to back of curb.

#### C. Curbs and Gutters

1. Curbs and gutters shall be installed in all new subdivisions. Installations shall be in accordance with the specifications as adopted by the City Council.

#### D. Sidewalks

1. Sidewalks shall have a width of four (4) feet and shall be installed on both sides of all streets for a distance of at least two thousand (2,000) feet on those streets, which would provide direct access to a school site.
2. Sidewalks shall be constructed on both sides of Collector Streets and Major Thoroughfares.
3. The Commissions may require additional sidewalks and wider sidewalks near commercial areas, schools, and other places of public assembly.
4. Sidewalks in residential areas shall abut property lines and shall conform to the City Specifications adopted by the City Board.

#### E. Utility Lines



1. Water Supply

- (a) Where a public water supply is available, the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street.
- (b) Where a public water supply is not available, each lot in a subdivision shall be furnished with a water supply system approved by the Health Department.

2. Sanitary Sewage Disposal

- (a) Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide connections to each lot.
- (b) Such sanitary sewerage system shall be installed and the connections installed to each lot prior to the installation of the street pavement.
- (c) Where a public sanitary sewer is not accessible, an alternate method of sewage for each lot, or a community sewage disposal system may be used when in compliance with the standards of the Health Department, and the regulations.
- (d) In the Preceding paragraphs (1) (b) and (2) (c) of this Section, Utilities; the phrase “Every subdivider shall be required to install...” shall be interpreted to mean that the subdivider shall install the improvements referred to herein, or whenever a septic tank and absorption system or private water supply is to be provided, that the subdivider shall require, as a condition in the Bill of Assurance of the subdivision, that those facilities shall be

installed by the builders of the improvements of the lots in accordance with these rules and regulations.

3. Storm Drainage

- (a) Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts and other facilities.
- (b) All drainage facilities shall be so designed to serve the entire drainage area.
- (c) All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the City Inspector.
- (d) The City Inspector and Planning Commission shall approve all drainage features.

4. Other Utilities

- (a) Other utilities to be installed in a subdivision shall be located in the grass plot outside of the curb lines. If stubs to the property lines are not installed, then connections between the lots and the lines shall be made without breaking into the wearing surface of the street. Jacking operations are recommended.

F. Monuments

- 1. Monuments shall be of concrete at least four (4) inches in diameter or square, three (3) feet long, with a flat top. Top of monuments shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the finished grade. Monuments shall be set on all outside lines of the subdivision at angle points and points of curve.
- 2. All lot corners shall be marked with metal pins not less than one-half (1/2) inch in diameter and twenty-four (24) inches long and driven so as to be flush with the finished grade.

G. Fire Hydrants

- 1. Fire hydrants shall be placed so that no lot in a residential subdivision is more than five hundred (500) feet from a hydrant located on the same street. The

Commission may require other spacing in commercial or an industrial subdivision.

H. Street Names

1. Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with specifications adopted by the City Council.

I. Exceptions

1. The Commission, upon request of the subdivider, shall permit special exceptions to be made to the improvements and procedures required by these rules and regulations when, in the opinion of the Commission, such exceptions are in keeping with the intent of these rules and regulations, and when exceptions will provide for a development, the character of which will be in conformance with existing platting and development in the general neighborhood of the proposed subdivision may be required to furnish special information in order to aid the Commission in its determinations.

## Chapter VIII Design Criteria

### A. Streets

The locations and width of all highways, thoroughfares, streets, and roads shall conform to the Master Street Plan.

The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width.

#### 1. Street Right-Of-Way Widths

- (a) Arterial..... 80 foot minimum
- (b) Collector Street..... 60 foot minimum
- (c) Collector Street No Parking ..... 50 foot minimum
- (d) Residential Street..... 50 foot minimum
- (e) Cul-de-sac..... 50 foot minimum
- (f) Alleys..... 20 foot minimum

#### 2. Street Paving Widths and Types

- (a) Arterial..... Specified by the Planning Commission
- (b) Collector Street ..... 36 feet back to back of curb
- (c) Residential Street ..... 27 feet back to back of curb
- (d) Cul-de-sac..... 27 feet back to back of curb
- (e) Cul-de-sac turnarounds Forty (40) foot pavements Radius

#### 3. General

- (a) Subdivisions that adjoin existing streets shall be dedicated additional right-of-way to meet the above minimum street width requirements from each side of the centerline.
- (b) When the subdivision is located on only one side of the centerline of an existing street, one-half of the required right-of-way, in no case less than twenty-five feet, nor more than fifty feet measured

from the centerline of the existing right-of-way, shall be provided.

- (c) When a tract fronts on streets other than minor streets or collector streets, the Commission may require affected lots fronting on such major streets to be provided with frontage roads.
- (d) Grades on minor streets and cul-de-sac shall not exceed 12 per cent. Grades on all other streets shall not exceed standards of the Comprehensive Plan, or when no standards have been established, 7 per cent shall be the maximum grade permitted. Street grades along the gutter shall not be less than one-half of the 1 per cent provided adequate drainage can be obtained.
- (e) Street intersections shall be as nearly at right angles as possible and no intersection shall be at an angle less than 75 degrees. Detailed designs of intersections may be required.
- (f) Property line radius at street intersections shall not be less than 25 feet and where the angle of street intersections is less than 90 degrees, the Commission may require a greater radius.
- (g) Curb line radius at street intersections shall be at least twenty-five feet and where the angle of street intersection is less than 90 degrees; the Commission may require a greater radius.
- (h) Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- (i) Cul-de-sac streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long. There shall be provided at the closed end, a turnaround having an outside right-of-way diameter of at least 100 feet.
- (j) Alleys may be required at the rear of all lots to be used for business purposes, but shall be provided in residential blocks

except where the subdivider produces evidence satisfactory to the Commission, of the need of alleys.

B. Designs

1. The Commission shall have authority to disapprove street lot patterns that will, in its judgment, result in hazards to the general health, safety and welfare of the citizens of De Queen.

C. Lots

1. General

- (a) Insofar as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a street or road.
- (b) The size, shape and orientation of every lot shall be, as the Commission deems appropriate for the type of developments and use contemplated. No lot shall be more than three and one-half (3-1/2) times as deep as it is wide, not shall any lot average less than one hundred (100) feet deep.
- (c) Every residential lot served by a public sewage system shall not be less than than fifty (50) feet wide at the building line or less than six hundred (6,000) square feet in area.
- (d) For residential lots not served by a public or community sanitary sewage system, lot sizes shall be determined as follows:

A subdivider shall conduct a percolation test on each proposed lot in a subdivision and indicate the location and result of each test on the preliminary plat; the dimensions and area of each lot may be established at the levels necessary to fulfill the requirements of the Health Department and the Arkansas Pollution Control and Ecology Commission.

- (e) Building lines for residential lots shall be at least twenty-five (25) feet from each street property line. Corner lots shall be at least

seventy-five (75) feet wide at the building line to allow for side street building lines.

D. Easements

1. Easements no less than ten (10) feet wide may be required by the Commission for drainage and utility lines.

E. Water Supply and Distribution System

1. All subdivisions shall be provided with water supply and water distribution systems approved by and meeting the requirements of the State Department of Health.
2. The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized engineering design criteria shall be used to design the system. The minimum size water main for the entire urban area shall be six inches in diameter.
3. Fire hydrants shall be located so that every building within the subdivision will be within 500 feet of a fire hydrant. The water distribution system and the location of fire hydrants shall be in Bureau and the City water Department. Additional fire hydrants that are desired by the City shall be paid for by the City.
4. The City may require larger water mains than are necessary to serve the subdivision in order to provide for future developments for the area. In the event that larger lines are required, then the developer shall be entitled to participating aid from the City on said oversized lines.

F. Sewage Collection and Treatment System

1. All subdivisions shall be provided with an approved sewage collection and treatment system.
2. Connection with the City's sanitary sewer system shall be required except where the Planning Commission determines that such connection will require

unreasonable expenditure when compared with other methods of sewage disposal.

3. When septic tanks are permitted, the developer shall conduct percolation tests in accordance with requirements of the State Department of Health in order to determine the adequacy of proposed lot sizes and the soil.
4. If a sanitary sewer treatment system is to be installed, the plans for such system shall be approved by the State Department of Health prior to approval of the Final Plat by the Planning Commission.
5. The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the State Department of Health shall be used to design the system.
6. The minimum size line, excluding house service lines, shall be six (6) inches in diameter.
7. Manholes shall not be spaced more than four hundred (400) feet apart and shall be provided at all changes in grade, direction, and pipe size.
8. The City may require larger sewer lines than are necessary to serve the subdivision and future development of the same subdivision, in order to provide for future development of the area. In the event that said larger lines are required, the developer may be entitled to participating aid from the City on said oversized lines.

#### G. Drainage

1. Storm drainage for residential areas shall be designed for a five-year frequency rainfall, shopping centers and industrial developments for a ten-



year frequency, and downtown and central business district for a twenty-five year frequency rainfall.

2. The drainage system shall be designed and constructed to handle rainfall runoff that originates in or traverses the subdivision.
3. Street crowns shall not be flattened, or warped from one side of the street to the other for the purpose of causing water to flow from one side of the street to the other side.
4. In general, rainfall runoff that cannot be handled in streets shall be put onto pipe or lined channels, except major outfall channels which handle water from drainage area beyond the subdivision being constructed.
5. No open drainage channels shall be constructed within the area dedicated as public streets and alleys.

#### H. Water and Sewer House Service Connection

1. Water and sewer service connection shall be provided for every lot in the subdivision and the Water and Sewer Department shall govern the size and material.
2. Only one structure shall be served by each individual service line.

#### I. Other Utilities

1. The developer shall make arrangements with the appropriate private utility companies for the extension of their respective utility services to and within the subdivision.

#### J. Site Grading

1. After completion of the streets and utilities, the site shall be cleaned up and graded to drain properly.

## Chapter IX

### Responsibility For Payment Of Installation Costs

#### A. Streets

1. General: The developer shall pay the entire cost of constructing all streets that do not exceed thirty-six (36) feet between the backs of curbs. The thirty-six foot wide street is recognized as the standard collector pavement width in the City.
2. Residential Streets: The developer shall pay the entire cost of constructing all residential streets.
3. Collector Streets: the developer shall construct collector streets as part of the subdivision.
4. Boundary and Access Streets: New streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed by the developer as part of the subdivision developments.

#### B. Street Signs

The developer shall pay for street signs and their installation. The City will install the signs.

#### C. Sidewalks

The developer shall pay for all sidewalks required by the Planning Commission.

#### D. Water Distribution System

All water lines will be installed at the developer's expense to the size and extent necessary to serve the subdivision. Lines of a larger size than required by the subdivision may be eligible for participation on a pro rate share basis by the City.

#### E. Sewage Collection and Treatment System

The developer shall pay all costs of the sewage collection and treatment system, except over-sized collection lines which the City requires for future development of the area.

The City may require larger lines than are necessary to serve the subdivision in order to provide for future development of the area. In the event that said larger

lines are required, the developer may be entitled to participating aid from the City on said over-sized lines.

An eight-inch nominal inside diameter sewer line has been established by the City as the minimum size of sewer line for purposes of determining the extent of participating aid from the City. The City will only participate in the cost of sewer lines which are sized larger than eight inches for reasons of providing for future development. This does not apply to lines sized larger than eight inches for the purpose of serving future sections of the same subdivision.

The amount of participation by the City will be determined by taking alternate bids for the over-sized line versus the cost of an eight-inch line. The City will pay the difference in cost between the over-sized line and the eight-inch line, as determined by the alternate bids.

F. **Storm Drainage System**

The developer shall pay all costs of the drainage system.

G. **Engineering and Surveying**

The developer shall pay all fees and charges for engineering and surveying services required by this Ordinance.

H. **All Other Costs**

The developer shall pay all other costs that are not specifically covered by this section.

## **Chapter X**

### **AUTHORITY OF CITY INSPECTOR**

The City Inspector or his representative shall have the authority to inspect any and all improvements to insure that they are in conformance with all plans, specifications, and any written agreements, which have been approved by the Planning Commission. He has the authority to require the removal and/or replacement, at the expense of the developer, of any phase of the work, which is not in accordance with the requirements of the plans approved in accord with this Ordinance.

## Chapter XI

### CONSTRUCTION PLANS AND SPECIFICATIONS

#### **A. General**

Prior to the construction of any streets or utilities, the developer shall furnish two complete sets of plans and specifications for said construction to the City Inspector. These documents shall be transmitted in writing.

These plans and specifications will be reviewed for conformity with this Ordinance and any existing City Standards. The plans and specifications shall be approved in writing prior to any construction.

The City Inspector shall be notified prior to the beginning of construction so that he may inspect the work.

#### **B. Plans**

The plans shall be securely bound and shall consist of a title sheet and such plan- profile and detail sheets as are required to meet the requirements of this Ordinance and to properly define the proposed work.

The title sheet shall show the name of the subdivision, engineer, date, and an index of drawing.

Each plan-profile and detail sheet shall contain the minimum general information, engineer's seal and signature, north arrow, and a title block showing name of the subdivision, scale, date, and sheet number.

The plan-profile will generally be drawn to a horizontal scale of no greater than one (1) inch to one hundred (100) feet and a vertical scale of one (1) inch to ten (10) feet.

## **Chapter XII**

### **Final Inspection**

Upon completion of construction, the developer shall arrange a final inspection of all streets and utilities. This inspection may be attended by the developer, his engineer, the contractor, and the City Inspector.

If the City Inspector determines that the streets and utilities are complete and in accordance with the approved plans and specifications, he shall so inform the developer in writing. The developer shall then transmit in writing to the City a Notice of Completion, the required bonds, and the as-built drawings.

## **Chapter XIII**

### **Formal Acceptance By City**

After the City Inspector has inspected the work and indicated to the developer that the streets and utilities conform to approved plans, the developer shall give a formal Notice of Completion to the City.

Upon receipt of the above, the City Inspector will issue a Notice of Acceptance of the streets and utilities and will present the final plat to the Planning Commission for approval.

## **Chapter XIV**

### **Special Provisions**

- A. No building, repair, plumbing, or electrical permits shall be issued by the City for any structure on a lot in a subdivision for which a Final Plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained here or referred to herein have not been complied with in full.
- B. The City shall not repair, maintain, install, or provide any streets or public utility service in any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- C. The City shall not sell or supply any sewage service within a subdivision for which a Final Plat has not been approved or filed for record, nor which the standard contained herein or referred to herein have not been complied with in full.
- D. When directed by the City Board, the City Attorney shall institute appropriate legal action to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof, which occurs within the City, within the extraterritorial jurisdiction of the City, or within any area subject to all or a par of the provisions of this Ordinance.
- E. If any subdivision exists for which a Final plat has been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the city Board shall pass a resolution reciting the fact of such noncompliance or failure to secure Final Plat approval, and reciting the fact that the provision of paragraphs A, B and C of this Section will apply to the subdivision and the lots therein, the City Clerk shall, when directed by the City Board, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the County. If full compliance and Final Plat approval are secured after the file and instrument in the Deed Records, paragraphs A, B and C no longer apply.
- F. The provisions of this Section shall not be construed to prohibit the issuance of permits for nay lots upon which a residence building exists and was in existence prior to passage of the initial subdivision, not to prohibit the repair, maintenance or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage or this Ordinance was by meter and bounds, and/or any subdivision or lot, therein, recorded, which subdivision was in existence prior to the passage of this Ordinance.



Occupancy permits will be issued when utilities and streets are complete and accepted by the City.

G. Conditions

Deferment of final street improvements will be accepted only under the following conditions:

1. The property is adequately served by all-weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.
2. The property is served by all essential permanent utilities, such as water, sewage, electricity, and gas.
3. The reason for noncompletion at this time is beyond the control of the builder and is one which makes it impossible and impractical to proceed.
4. The work can be completed in twelve (12) months or less.
5. The occupancy of the deferred properties shall not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar, or destroy work previously completed (such as provision of adequate drainage outfall, for example.)

## **Chapter XV**

### **Improvements Outside Corporate Limits**

All costs incurred in the extension of water and sewer facilities beyond the corporate limits of the City shall be paid by the developer and/or group receiving the benefits of said extensions.

**Chapter XVI**  
**Modifications or Design Requirements**  
**Minimum Improvements and Subdivision Regulations**

- A. These rules and regulations are the standard requirements of the City. The Planning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commissions shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare of the vicinity. No variance shall be granted unless the Commission finds:
1. That there are special circumstances or conditions affecting the land involved such that the strict applications of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
  2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  3. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.
  4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

Such findings of the Commissions, together with the specific facts upon which such findings are based, shall be incorporated into the official Minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

## **Part D**

### **Introduction**

This document establishes standards for streets, storm sewers, and other improvements within the area of jurisdiction of the City of De Queen including improvement districts, covering design, approvals, materials, constructions methods, and construction materials.

Streets design procedures follow those contained in the “AASHTO Interim Guide for Design of Pavement Structure 1972” published by the American Association of State Highway and Transportation Officials. Materials and methods follows those contained in the Arkansas State Highway Commissions 1978 edition of “Standard Specifications for Highway Construction.”

# Chapter 1

## Approval of Plans and Specifications

### **Specifications**

Specifications shall be defined collectively as all of the terms and stipulations contained in the written portion of information furnished. Three (3) complete sets of specifications shall be submitted to the City by the developer (hereinafter referred to as “developer”) prior to receiving contractor’s bids on the proposed improvements. The main body of the specifications shall include such information and requirements as is necessary to produce and define a first class, workmanlike job. Attached to each of the three (3) copies of the specifications submitted shall be the soil analysis report of a reputable testing laboratory, if applicable.

### **Plan**

The plan shall be defined collectively as all of the drawings pertaining to the project and made a part thereof, and also such supplementary drawings as the engineer may issue from time to time in order to clarify the drawings, or for the purpose of showing changes in the work, or for showing details not previously shown. Three (3) sets of complete plans shall be submitted to the City prior to receiving contractors’ bids on the proposed improvements. The plan shall show the plan, profile, and shall specifically show, by dimensions, alignment, and right-of-way widths, the gradient and vertical curve data, and shall indicate drainage structures as to location, size material, and gradients.

### **City Approval**

The City has the option to require of the engineer, copies of all notes and calculations pertaining to any information or drawings contained in the plans and specifications. The City shall write a letter of approval for the plans and specifications when said plans and specifications meet the requirements of the City, and shall return one (1) copy of the completed plans and specifications which shall bear the City’s seal of approval. The City shall approve or disapprove these plans and specifications within thirty days (30) or they are automatically approved streets as 2.15. The Standard Pavement as outlined in these specifications shall be defined as Asphaltic Concrete Hot mix Wearing Surface placed on a Compacted Crushed Stone Base Course (SB-2) or Gravel Base (GB-2) conforming to Arkansas State highway Department Specifications. All types of flexible pavements including soil cement stabilization with asphalt surfacing shall be permitted providing it will result in a pavement of equal or greater stability. The thickness of flexible pavements, Class 1 and 2 shall be determined by following the A.A.S.H.O. procedures. An Engineer’s report documenting the design of Class 1 and 2 pavements shall be presented, and as a minimum it shall include soil test data, traffic counts and the computation work sheets.

### **Requirements for Storm Sewers**

The capacity of all storm sewers shall be determined by using the rational formula approach, giving due consideration to rainfall intensity, soil characteristics, proper run-off coefficients,

slope, and the hydraulic properties of the pipes used. Interceptors should be placed at intervals not to exceed six hundred (600) linear feet, except under special conditions as approved by the City. The designed rainfall intensity shall be based on time of concentration of at least a once in ten (10) year expectancy. The minimum design velocity should not exceed 10 feet per second.

**Alternate Design Criteria**

Alternate design procedures may be used by the design engineers in lieu of those contained herein. When the Engineers elects to follow alternate design procedures, it is his responsibility to document the alternate procedure and receive City approval prior to preparation of plans. If alternate design procedures suggest lesser requirements, the Engineer shall be prepared to present this difference to the City.

## Chapter 2 Basis Of Design

### Classifications Of Streets

Streets shall be placed under four (4) classifications according to their traffic use, depending on the total volume and frequency of expected wheel loads in the heavier weight classifications.

Classification of Streets	Definition	Minimum Width
1	Heavy duty streets, including downtownAs specified business streets, state and country truckby Planning line routes through the City, principalCommission traffic arteries serving large manufacturing districts, freight terminals, docks, and warehouse.	As specified by Planning Commission
2	Heavy duty streets, including downtownAs specified business streets, state and country truckby Planning line routes through the City, principalCommission traffic arteries serving large manufacturing districts, freight terminals, docks, and warehouse.	As specified By Planning Commission
3	Collector, (Secondary arterial) streets 36 feet and/or feeder routes used for collecting and dispersing traffic to and from the primary arterial system.	36 feet
4	Residential streets carrying little traffic27 feet except that originating on the street, or occasional delivery trucks.	27 feet

### Requirements for Rigid Pavements

Thickness of rigid concrete pavements, Class 3 and 4, shall be either 6” thick without reinforcing steel or 5” thick with reinforcing steel as required by these specifications. The thickness of rigid concrete pavements, Class 1 and 2, shall be determined by following the American Association of State Highway and Transportation Officials procedure. An

engineer's report documenting the design shall be presented, and as a minimum, it shall include soil test data, traffic counts, and the computation work sheets.

### **Requirements for Flexible Pavements**

Thickness of flexible pavements, Class 3 and 4 shall be computed in accordance with the table contained in Figures 2, 3A, and 3B to achieve structural numbers (SN). The minimum SN for Class 4 streets is 1.85 and for Class 3

- A. **Contraction Joint:** Contraction joints shall be spaced in the mixture. The maximum of fifteen feet (15') spacing shall be used when gravel is used. All construction joints shall be cut to a minimum of twenty per cent (20%) of the total thickness of the slab including sawed joints.
- B. **Expansion Joints Other Than Transverse:** Expansion joints shall be formed about all features projecting through or into the pavement, such as poles, hydrants, manholes, and storm sewer appurtenances, and shall be formed between the pavement slab and existing curbs, buildings, or other structures. Unless otherwise designated, such joints shall be constructed one-half inch (1/2") in width and may be of either premolded or poured type.
- C. **Longitudinal Joints:** Longitudinal joints shall be placed perpendicular and parallel to the centerline of the pavement and shall be keyed in multi-lane pavement. Longitudinal joints shall be free or tied, as determined by the engineer.
- D. **Forms:** Forms shall be of steel and/or of wood, two inches (2") thick, dressed on the top and inside. Battered, bent, twisted or broken forms shall not be used. All forms used shall be cleaned and oiled before concrete is placed against them, and when staked and placed, shall have rigid, tight connections at the joints.
- E. **Placing of Concrete**
  - 1. **Pouring:** No pouring of concrete on any street shall begin without notifying the City Inspector at least twelve (12) hours prior to beginning operations. If the City Inspector does not inspect the base within the said twelve-hour period, the base shall be deemed approved. Concrete shall not be placed until it has been checked by the engineer and accepted by the City Inspector. All forms shall be set and securely staked to the lines and grades established by the engineer. The concrete shall be deposited on a thoroughly wetted subgrade in such a manner as to minimize rehandling, and shall be deposited in one course. Spading or vibrating shall be required adjacent to all forms and joints. Placing shall be a continuous operation without bulkheads as nearly as us practical. Concreting operations will not be permitted when a descending air temperature falls below forty degrees Fahrenheit (40 F.) nor resumed until an ascending air temperature reaches thirty-five degrees Fahrenheit (35 F.). The City will not accept any pavement which has been damaged by frost. Under



no circumstance shall the placing of concrete on a frozen subgrade be permitted.

2. **Screeding:** Screeding, spreading, and finishing machines shall be preferred. If the scope of the work does not permit the use of this machine, the following procedure shall be followed:

After the concrete has been deposited, it shall be approximately leveled and struck off to such depth below the finish grade as required to place reinforcing mats or wire mesh, and shall be properly consolidated prior to placing the reinforcing mats or mesh, when applicable, as the case may be. Additional one and one-half inches (1-1 1/2") thick, and shall be of the same height as the slab in which it is placed.

3. **Poured Joint Filler:** Poured joint filler shall be bituminous material of an approved type, conforming to A.A.S.H.O. Designation M-18 or rubber-base compound conforming to Federal Specification SS-F-336, or asphalt with mineral filler as defined by special provision 701 Arkansas State Highway Department.

4. **Deformed Metal Plate Joints:** Deformed metal plate joints shall be of an approved type.

5. **Redwood Plank Joint Filler:** Structural grade redwood planks shall be used as joints filler when load transmission connectors are utilized in making transverse joints. The planks shall be three-fourths inch (3/4") thick and shall have a minimum width of one-half inch (1/2") less than the slab thickness at any point. Joint filler shall be poured into the one-half inch (1/2") recess.

- F. **Curing Compounds:** Curing compounds may include such materials as silicate of soda, calcium chloride, or any of several other curing compounds approved by the City Inspector. While clear curing membrane with a fugitive dye is acceptable, the white-pigmented curing membrane is preferred.

- G. **Subbase:** Excavation, embankment and subbase shall be in accordance with Section A.

### **Methods**

1. **Placing Reinforcing:** All pavements may be reinforced with Number 3 deformed bars at twenty-four (24") centers both directions. Welded wire mesh may be used as an alternate if an equal amount of steel is installed. Mats of reinforcement shall be lapped twelve inches (12"). Slab reinforcement should

be placed about two inches (2") below the finished surface of the pavement unless otherwise directed by the engineer.

2. **Joints:**

- (a) **Transverse Joints:** Transverse joints fall into two (2) general classes; expansion joints and contractions joints; and shall be of the type and dimensions shown on the approved plan, and shall be constructed perpendicular and at right angled to the centerline of the pavement.
  - (i) **Expansion Joints:** Minimum spacing shall be sixty feet (60') center to center as nearly as is practical. All edges shall be tooled and rounded. When dowel bars are used, they shall be placed at one-half (1/2) of the slab depth and a line through the horizontal axis shall be parallel to the surface of the slab. One end of all dowels on a common side of the joint shall be greased and fitted with an expansion cap. When load transmission connectors are used greasing may be dispensed with.

## Chapter 3

### Materials and Methods For Constructing Rigid Pavements

#### Materials

- A. **Portland Cement Concrete:** Portland Cement concrete shall have a minimum compressive strength of three thousand (3000) pounds per square inch in twenty-eight (28) days, and its maximum slump when placed shall not exceed four inches (4"). Concrete shall be mixed in accordance with current ASTM requirements.
1. **Cement:** Portland Cement shall conform to current American Society for Testing Materials (A.S.T.M.) standards.
  2. **Fine Aggregate:** Sand shall be clean, sound, properly graded, and free from organic materials that might seriously reduce the strength of the concrete. Sand shall be uniformly graded from one hundred per cent (100%) passing the three-eighths inch (3/8") sieve to not more than eight per cent (8%) passing the Number 100 sieve. Sands containing at least twelve per cent (12%) to fifteen per cent (15%) passing the Number fifty sieve are preferred. Colorimetric tests shall show not darker than a very light amber. Fine aggregate consisting of cubicle particles is desired, and will produce concrete of the required workability. A fineness modulus of two and seventy-nine hundredths (2.79) is recommended.
  3. **Coarse Aggregate:** Aggregate shall be of hard, durable rock or gravel, and shall be free from shale, chert, or organic material. Rock shall conform to A.S.T.M. Designation D 289. Coarse aggregate consisting of rounded or cubicle particles is preferred. The gradation shall be conform, between the limits of one and one-half inch (1-1/2") and one-fourth inch (1/4") size particles. In no case shall the maximum size aggregate exceed one-third (1/3) of the design depth of the pavement. A fineness modulus of seven and two-tenths (7.2) is recommended.
  4. **Water:** Water to be used shall be potable, i.e., drinkable and shall be clean and free from oils, salts, and other injurious substances.
- B. **Reinforcement:** All reinforcing shall meet current American Association of State Highway Officials (A.A.S.H.O.) specifications for welded steel wire fabric, billet

steel bars, rail steel bars, or axial steel bars, all for concrete reinforcement. Deformed bars shall comply with current A.A.S.H.O. Designation M-137.

1. **Load Transmission Connections:** “Starlug” load transmission connectors or equal are permissible.
- C. **Joint Filler:** Joint filler shall consist of pre-molded, poured, deformed, metal plated, or structural grade redwood planks.
1. Premolded Joint Filler: Pre-molded joint filler shall be of the nonextruding type, shall be from three-fourths inch (3/4”) to
- D. **Strength Tests:** Flexural strength of concrete shall be determined in accordance with A.S.T.M. Standard method of test, Designations C31 and C 78. When compressive test cylinders are required, they shall be taken in accordance with A.S.T.M. Designation C 31. Three (3) test cylinders shall be taken for each day’s run. One which shall be broken at seven (7) days and two (2) of which shall be broken at twenty-eight (28) days.
- E. **Subbase:** Excavation, embankment and subbase shall be in accordance with Section 4.
- F. **Final Inspection and Certifications:** Prior to final inspection the contractor shall be required to make a general clean-up of the construction area. The pavement, curbs, and all appurtenances shall be properly backfilled, and shall be clean and free from fractures, spalling or defects. Providing all construction meets the requirements of the City, a letter of approval of construction shall be written by the City Inspector. The City’s acceptance for maintenance shall be in accordance with maintenance bonds as provided by the contractor to the City of roughened texture if the final belting does not accomplish the result desired. Forms shall not be removed for at least twelve (12) hours after placing of concrete. All holes, voids, or honeycomb shall be moistened and filled with 1.2 mortar, and floated smooth.
- G. **Surface Tests:** After the concrete has hardened, the surface of the pavement shall be tested with a ten foot (10’) straight edge as previously described. Ordinates measured from the straight-edge to the surface of the pavement shall not exceed one-eighth inch (1/8”) per foot from the nearer point of contact, and the maximum variation in ten feet (10’) shall not exceed three-eighth inch (3/8”). The contractor shall be required to remedy any deviation in excess of the above tolerance as directed by the City Inspector.
- H. **Curing:** As soon as the pavement has been finished and has attained sufficient set to prevent marring the surface, it shall be cured by an approved, moist curing method or by spraying with an approved compound. Extreme care shall be exercised during the early curing period to prevent extreme reductions in the surface temperature of the slab. No edge of the slab shall be exposed to the air during the curing period. The

length of the curing period depends upon the rate at which the concrete hardens, normally from three (3) to ten (10) days.

- I. **Opening To Traffic:** The normal period of time for keeping the pavement closed to traffic shall be fourteen days (14). This period may be shortened subject to the results of suitable tests to determine the quality and strength of the concrete, and only then with the consent of the City Inspector, and in no case shall pavement be opened before the longitudinal and transverse joints are properly poured and the pavement cleaned of all foreign substances. The City shall be notified at least seven days in advance of opening any pavement to traffic.
- J. **Subbase:** Excavation, embankment and subbase shall be in accordance with Section 4.

### **Tests and Inspection**

- A. **Tests of Concrete:** Tests as outlined in this section shall be made during and after paving is complete in order to determine consistency, air content, strength, thickness, and air content tests when they are performed by the Engineer/Contractor shall be made by a reputable testing laboratory and shall be at the contractor's expense. Results shall be mailed directly to the engineer and the City Inspector by the laboratory.
- B. **Slump Tests:** Slump shall be checked to test the consistency of the mix by the method described in A.S.T.M. Standard C 143.
- C. **Air Content:** Air content of concrete may be determined by any of the following A.S.T.M. methods; Air Content Designations C 138, C 173, and c 231 concrete shall be deposited and struck off to a depth above the finish grade that when properly consolidated, the surface shall conform to the line and grade desired. The strike-off board shall be straight, free from warp, and shod on the striking surface with a steel strip, and shall be shaped to the required curvature and crown. The strike-off board shall be moved forward with a combined longitudinal and transverse motion and without raising either end above the side forms during the strike-off process. A slight excess of material must be kept in front of the cutting edge at all times. The entire area of the pavement shall be tamped in such a manner as to secure maximum compaction and to reduce voids to a minimum.
- D. **Integral Curb:** The cross-section of the integral curb shall conform to the City's standard, and the concrete mix used shall be the same as that used in the concrete pavement, and shall be poured as one-course construction, with special attention being given to spading and tamping, to insure adequate compaction and surfaces free from honeycomb. All integral curb sections shall make allowance for driveway openings in accordance with City standards. The concrete for integral curb may be left high on the outside form by a notch in a screed, or it may be carried back from the paver after the pavement surface has been struck off. The integral curb shall be shaped by a "mule" or by a straight-edge guided by temples of proper shape,

temporarily inserted in the concrete at regular intervals. Joint spacing shall be the same as required in the pavement. The final finish shall match the texture of the adjoining pavement. Designed low points and flat grades shall be checked by pouring a small amount of water into the gutter at some distance from the inlet before final finishing operations are completed.

- E. **Straight-Edge Testing and Longitudinal Floating:** Immediately following screeding and compaction operations, the slab surface shall be tested for trueness with a straight-edge. Any depressions found shall be filled with freshly mixed concrete, struck off, consolidated, and refinished. Longitudinal floating shall be done in conjunction with checking with the straight-edge testing and floating operation shall continue until the entire surface is found to be free from observable departures from the straight-edge, and until the surface of the slab has the required grade and contour.
  
- F. **Belting and Finishing:** The pavement shall be finished by two (2) application of a soft, flexible belt of approved composition, from eight inches (8”) to twelve inches (12”) in width. The belt shall be moved forward with a combined transverse and longitudinal motion, the longitudinal advance being very slight for the first belting, but with a sweeping motion for the final belting. Care should be exercised that the belting operation does not work the crown out of the pavement. Prior to the concrete attaining its initial set, the surface shall be given a final belting to produce a uniform surface of roughened texture. Excess water, laitance, or foreign matter brought to the surface during the course of the finishing operation shall be removed immediately by means of a squeegee drawn from the center of the slab toward either edge. Brooming may be required by the City Inspector to provide a surface.

## Chapter 4

### Materials and Methods For Constructing Flexible Pavements

#### Materials

- A. **Portland Cement Concrete:** The concrete mix used shall meet the requirements specified in Chapter 3, “Materials and Methods For Constructing Rigid Pavements.”
- B. **Excavation and Embankment:** This portion of the road bed shall consist of excavation, construction of embankment, disposal or compaction of all material. Excavation and embankment shall be classified as the following:
1. Common excavation shall consist of all excavation not included as rock excavation.
  2. Rock excavation shall consist of igneous, metamorphic and sedimentary rock which cannot be excavated without blasting or the use of rippers, and all boulders or other detached stones each having a volume of ½ cubic yard or more.
  3. Unclassified excavation shall consist of the excavation and disposal of all materials of whatever character encountered in R/W.
  4. Embankments shall be constructed of approved borrow material. It shall consist of a soil, or a mixture of soil and stone or gravel or other acceptable material reasonably free from sod, stumps, logs, roots or other perishable or deleterious matter, and shall be capable of forming a stable embankment when compacted. The stone or gravel shall be of such size as not to interfere with compaction requirements.
- C. **Subbase Course Material:** A subbase will not be required for excavations into bed rock, however, additional depth of base course will be required in these instances. In

all other cases the subbase course shall be constructed of one of the following materials:

1. Selected material, Designation SM-1, SM-2, or SM-3, current Arkansas Highway Specifications (301).
2. Subbase, Current Arkansas Highway Specifications (302).
3. Lime Treated Subgrade, current Arkansas Specifications (314).

D. **Base Course Material:** The base course shall be constructed of one of the following materials:

1. Gravel Base Course, Designation GB-2 or GB-3, current Arkansas Highway Specifications (305).
2. Crushed Stone Base Course, Designation SB-2, current Arkansas Highway Specifications (306).
3. Plant Mixed Crushed Stone Base Course, Designation SB-4 or SB-5, current Arkansas Highway Specifications (307).
4. Crushed Stone Bituminous Concrete Base Course, Designation Type I or Type II, current Arkansas Highway Specifications (310).
5. Sand-Asphalt Hot Mix Base Course, current Arkansas Highway Specifications (311).
6. Portland Cement Stabilized Base Course, current Arkansas Highway Specifications (312).

E. **Asphaltic Concrete Hot Mix Surface Course:** Asphaltic concrete hot mix surface course shall be composed of a compacted mixture of mineral aggregate and asphalt cement, and shall be the product of an approved mixing plant of the separate weight batch type or continuous mixing type. Asphaltic concrete hot mix surface course shall conform to the compositions specified herein. The materials forming the mixture shall in all cases be measured separately by weight, and shall be heated before



entering the mixer to a temperature between two hundred seventy-five degrees Fahrenheit (275) to three hundred seventy-five degrees Fahrenheit (375).

1. **Composition Of Mix:** The asphaltic concrete hot mix surface course shall conform to the standard specifications set forth by the Asphalt Institute and Arkansas Standard Specifications for Highway Construction.

- (a) **Mineral Aggregate:** Mineral aggregate shall conform to the following gradations:

<b>Total Retained On</b>	<b>Type 2</b>	<b>Type 3</b>	<b>Tolerance</b>
¾" sieve	0%	-	-
½" sieve	3-15%	0%	-
No. 4 sieve	25-45%	20%-40%	+ -5%
No. 10 sieve	45-60%	45-60%	+ -5%
No. 40 sieve	68-80%	65-80%	+ -4%
No. 80 sieve	80-92%	80-92%	-
111No. 200 sieve	90-96%	90-96%	+ -2%

At least one-half (1/2) of the fraction passing the No. 200 sieve shall be limestone dust.

2. **Asphaltic Cement:**

<b>Penetration Grade</b>	<b>Percent By Weight</b>	<b>Tolerance</b>
50-100	4.5 – 7.5%	+ - 0.4%

Asphaltic cement shall meet current A.S.T.M. specification and latest revisions.

- F. **Bituminous Surface Treatment:** The bituminous surface treatment may consist of a prime coat followed by one or more seal coats as specified, in accordance with these specifications and those requirements contained on the plans and the requirements of Section 403 of ASHC, Standard Specifications for Highway Construction.

Methods

- A. **Forms:** Forms shall be of steel and/or of wood, two inches (2") thick, dressed on the top and insides. Battered, bent, twisted or broken forms shall not be used. All forms used shall be cleaned and oiled before concrete is placed against them, and when staked and placed, shall have rigid, tight connections at the joints.
- B. **Portland Cement Concrete Curb and Gutter:** All curb and gutter shall be poured as one course construction. Concrete shall be placed in the forms on a compacted,

wetted subgrade and shall be tamped and spaded until mortar covers the entire surface. Tamping and spading shall be given special attention to insure adequate compaction and surfaces free from honeycomb. The cross-section of the curb and gutter shall conform to the City's standard. The surface shall be struck off smooth between templates, shaped to the required cross-section, and it shall be finished with a wooden float and steel trowel and broomed to produce a uniform surface or roughened texture. Joint spacing shall be the same as required in Chapter 3, "Materials and Methods for Constructing Rigid Pavements." Expansion joints shall be used behind or at the ends of the curb wherever it abuts sidewalks, driveways or other structures. The curb and gutter shall be grooved one inch (1") deep with an approved grooving tool at intervals as specified under Chapter 3, Methods, paragraph 2, Joints. All curb and gutter sections shall make allowance for driveway openings in accordance with City Standards.

- C. **Placing Embankment and Course Material:** The course and embankment shall be placed in courses not to exceed six inches (6") in compacted thickness each course having compacted thickness as directed by the engineer. The material shall be spread the same day it is hauled, and shall be thoroughly mixed by approved mechanical equipment to secure a uniform distribution of the fine and course particles. Proper compaction shall be ninety-five per cent (95%) Modified Proctor with one field density test required per one thousand (1000) square yards of base compaction. The procedures contained in the Arkansas Standard Specifications for Highway Construction shall be followed by the contractor. The City Inspector shall be notified at least twelve (12) hour period, the base will be deemed approved.
- D. **Preparation of Base Course for Receiving Surface Treatment:** Prior to the arrival of the surface course mixture on the work, the prepared base shall be cleaned of all loose and foreign materials, and shall be primed with bituminous material specified. The prime coat shall be applied with an approved type, self-propelled asphalt distributor with minimum pressure of forty pounds (40) at the rate of five-hundredths (.05) to four-tenths (.4) gallon per square yard of surface. The specific rate of application shall be as directed by the engineer. The prime coat shall, in any case, be placed sufficiently in advance of laying the wearing surface as to permit thorough curing. Contact surfaces of curbs, gutters, manholes, and other structures adjacent to the paving area shall be painted with a thin, uniform coating of hot asphaltic cement, cutback, or emulsified asphalt before the surface mixture is applied against them.
- E. **Transporting and Placing Asphaltic Concrete Hot Mix Wearing Surface:** The methods employed in performing the work, and all equipment, tools and machinery used in handling materials and in executing any part of the work, shall be subject to the approval of the engineer before the work is started, and whenever found unsatisfactory, shall be changed or improved as required by the engineer.
  - 1. **Transporting and Placing Asphaltic Concrete Hot Mix Wearing Surface:** The mixture shall be transported from the paving plant to the work in tight vehicles with metal bottoms, previously cleaned of all foreign substances, and lightly lubricated with a thin oil or soap solution. Excessive lubricant will not

be permitted. When directed by the engineer, the vehicle shall be suitably insulated, and each load shall be covered with a canvas or other suitable material. Care shall be exercised by truck drivers so as not to disturb or loosen the prepared base course when entering or leaving the project area.

2. **Placing the Mixture:** The mixture shall be laid only upon a base which is dry, or at least free from standing water, and only when weather conditions are suitable and the mixture shall have a temperature range of from two hundred seventy-five degrees Fahrenheit (275 F) to three hundred twenty-five degrees Fahrenheit (325 F). Prior to the delivery of the mixture on the work, the prepared base shall be cleaned of all loose or foreign material. No asphaltic concrete material shall be mixed or placed when a descending air temperature reaches forty degrees Fahrenheit (40 F), or shall not be started until an ascending air temperature reaches thirty-five degrees Fahrenheit (35 F). All asphaltic concrete mixture shall be unloaded into a mechanical, self-powered paver which is capable of spreading the mixture true to the line, grade and crown set by the engineer. Care shall be exercised to insure the mixture being unloaded into the mechanical paver so that no material will fall between the truck and the paver onto the prepared base course. Such deposits shall be removed immediately. Hand spreading shall be allowed in areas inaccessible to the paving machine, and/or such areas as directed by the engineer. The laying process shall be continuous as nearly as is practicable. Care shall be exercised by the contractor not to destroy or loosen the base course material during the laying operations.
3. **Rolling:** The asphaltic concrete mixture shall be compressed while in a plastic condition and as soon after being raked as it will bear the rollers without undue displacement or hair-cracking. All rollers used shall be approved type in the eight (8) ton to twelve (12) ton class, self-propelled, and in good condition. Each roller shall be manned by a competent, experienced operator, and shall be kept in continuous operation as nearly as is practicable. The rolling surface of the wheels shall be properly moistened with water, but an excess of such moisture will not be permitted. Along curbs, headers, and similar structured, and all places not accessible to the roller, the surface mixture shall be thoroughly compacted with hot tampers to produce sealed joints.
4. **Joints:** The roller shall pass over the unprotected and freshly laid mixture when the laying of the course is to be discontinued for such length of time as to permit the mixture to become chilled. In all such cases, provision shall be made for a proper bond with new surface mixture by cutting back the joint shall be painted with a course. The exposed edge of the cut joint shall be painted with a thin coat of hot mixture which shall be raked against the joint, thoroughly tamped with hot tampers, and rolled. Hot smoothing irons may be

used for sealing joints, but in such cases extreme care shall be exercised to avoid burning the surface.

5. **Surface Tests:** Before the completion of rolling, the surface shall be tested for thickness and contour and corrected as necessary while still hot by properly adding or removing material, and by reshaping and rerolling until the finished surface complies with the best requirements. The finished surface shall show no deviation from the general surface in excess of one-eighth inch (1/8") per foot. Ordinates measured from the face of a ten foot (10') straight-edge to the surface of the pavement shall not exceed three-eighth inch (3/8") per foot in distance from the nearer point of contact, with the further provision that the maximum variation in ten feet (10') shall not exceed one-fourth inch (1/4"). Such portions of the completed surface course found defective in compression or finish shall be removed and replaced with suitable material by the contractor.
6. **Opening To Traffic:** The normal period of time for keeping the pavement closed to traffic is the period required for the finished pavement to cool to atmospheric temperature; however, upon completion of the work, the contractor or engineer shall so notify the Inspector in order that traffic control signs and devices may be installed prior to general traffic use.

F. **Placing Bituminous Surface Treatment:**

1. **General:** The methods employed in performing the work, and all equipment, tools and machinery used in handling material shall be subject to the approval of the Engineer. Equipment, tools and machinery used must be maintained in a satisfactory condition, and must conform to requirements provided in Section 403 of Arkansas State Highway Commission, Standard Specifications for Highway Construction.

No bituminous material shall be applied upon a surface having excess moisture nor when general weather conditions are not suitable. Special precaution shall be observed to insure a uniform distribution.

2. **Sweeping and Cleaning:** Before the bituminous material is applied, the surface shall be swept reasonably free of dust, dirt, and loose or foreign material.
3. **Application of Bituminous Material:** The bituminous material shall be applied as provided in Section 403 of ASHC, Standard Specifications for Highway Construction at a rate of application indicated on the plans. After bituminous material is applied, no equipment or traffic of any kind will be permitted on the surface until the aggregate is applied thereon.
4. **Applications of Aggregate:** The aggregate shall be placed immediately following the application of the bituminous material. Operations shall not

proceed in such manner that bituminous material will be allowed to chill, set up, dry or otherwise impair retention of the aggregate. The aggregate shall be distributed over the bituminous material to the lines and at the rate of application indicated on the plans or as directed.

5. **Rolling:** Rolling shall begin immediately behind the spreader and shall consist of a minimum of two complete coverages. The rollers shall be approved pneumatic tired rollers. All rolling shall be completed the same day the aggregate is applied.

After the embedded aggregate has set, the surface shall be lightly broomed or otherwise maintained as directed for a period not to exceed 4 days. Excess material shall be swept from the entire surface by means of rotary brooms.

6. **Temperature and Seasonal Limitations:** Bituminous material shall not be applied when the air temperature is below 60 F., nor shall it be applied after October 31 and prior to April 1 except by written approval from the City.

### **Tests and Inspections**

- A. **Tests of Concrete:** Tests shall meet specifications as outlined in Chapter 3, paragraph 1, "Materials and Methods for Constructing Rigid Pavements."
- B. **Tests of Embankment and Course:** Tests of all materials used in the embankment, subbase and wearing surface shall be made during and after paving is completed in order to control and determine the quantity, quality and thickness of the various materials placed. All tests shall be made by a reputable testing laboratory and shall be at the contractors expense. Results shall be mailed directly to the Developer's Engineer and the City by the laboratory. The laboratory report shall show the sieve analysis in per cent passing, batch weight in pounds for the various materials used, temperature of mixture, and an analysis of the surface course mixture leaving the plant. Only current A.S.T.M. standard methods shall be employed. At least one test shall be taken for each four hundred (400) tons of asphaltic material but not less than one per day.
- C. **Certifications:** Letters of certifications shall be provided to the contractor/developer or the material supplier, certifying that the subbase, base and asphaltic wearing surface comply with the specifications and reference documents.

**Chapter 5**  
**Materials and Methods for Constructing Excavation and Fills,  
Pipe Culverts and Storm Sewers, Catch Basins,  
Drop Inlets and Junction Boxes, Subdrains, Sidewalks, ETC.**

**Materials**

- A. **Fills:** Materials used in the construction of compacted fills for roadways, storm sewers, sidewalks, etc., shall be composed of earth, sand, gravel or other suitable material.
- B. **Pipe:** Pipe used in the construction of culverts and storm sewers, shall be plain concrete, reinforced concrete or bituminous coated corrugated metal pipe or pipe arch with paved invert. Plain concrete pipe may be up to twenty-four inches (24") with the approval of the City.
1. **Reinforced Concrete Pipe:** Reinforced concrete pipe shall conform to A.S.T.M. Designation C 76.
  2. **Bituminous Coated Corrugated Metal Pipe or Pipe Arch With Paved Invert:** Bituminous coated corrugated metal pipe or pipe arch with paved invert shall be Armco Standard or equal, and shall meet requirements for H-15 truck loading plus impact.
  3. **Plain Concrete Pipe** shall conform to A.S.T.M. Designation C-14.
- C. **Rings and Covers, and Grates and Frames:** Cast iron shall be of good quality and of such character that it shall make the metal of the casings strong, tough and of even grain. All castings shall be smooth, free from scale and cracks and other defects that might render them unsuitable for the use for which they are intended.
1. **Rings and Covers:** Rings and covers shall be of two (2) main types: sidewalk and street type. The combined weight of the standard sidewalk type shall be approximately one hundred twenty-five (125) pounds total, and the standard

combined weight of the street type shall be approximately two hundred fifty (250) pounds total.

- D. **Brick or 6" Vertical Cell Tile:** Brick shall be clean, whole, free from cracks or warpage and shall produce a ringing sound when two (2) bricks are struck together.
- E. **Subdrain Tile:** Subdrain tile shall conform to current A.S.T.M. specifications and shall pass standard methods of testing A.A.S.H.O.
- F. **Filter Medium:** Filter medium shall meet current Arkansas State Highway specifications for filter rock.
- G. **Portland Cement Concrete for Sidewalks and Appurtenance:** Portland Cement concrete for sidewalks and appurtenances shall have a minimum compressive strength of not less than two thousand (2,000) pounds per square inch in twenty-eight (28) days. Its maximum slump in place shall not exceed four (4") inches. Concrete shall be mixed in accordance with current A.S.T.M. requirements.
- H. **Clearing and Grubbing:** Clearing and grubbing shall consist of the entire removal and satisfactory disposal of any tree, stumps, logs and other vegetation, and all debris within the right-of-way, or as indicated on the plans, and/or as directed by the engineer.
- I. **Site Grading:** Site grading shall conform to the slopes and grades specified in the plans. The work may be executed by any approved method and by the use of any excavating and transporting equipment adapted to the work. The finished graded surface shall conform to the slopes and grades specified and present a neat, smooth surface, free from all obstructions, except trees designated to be left in place.
- J. **Excavation and Fills:** Excavation shall consist of all cutting in the roadway and adjacent areas, and the cutting and removal of all unsuitable material, regardless of character, from the subgrade, all in conformity with the lines and grade shown on the plans. Unless directed by the engineer, excavation shall not be carried below the elevations indicated on the drawings except when soft or otherwise unsuitable material is encountered. This material be removed and replaced with suitable material in accordance with the procedure specified for fills, with the further provision that all loose rock or boulders found in the subgrade shall be broken off and removed to a depth of not less than six inches (6") below the surface of the subgrade. Suitable material shall consist of earth, sand, gravel or other satisfactory materials.

Fills shall be built up with suitable materials from excavation which is free from mulch, trees, tree boles, rubbish and frozen materials. Earth or friable materials used in constructing fills shall be placed in successive horizontal layers of loose material not more than six inches (6") in depth. Each layer shall be spread with a sheepsfoot roller, pneumatic tired roller, or other approved equipment, until thoroughly compacted to ninety per cent (90%) of maximum density obtained moisture content,

as determined by the Modified Proctor Compaction Test.

Where rock is to be incorporated fills composed largely of earth or friable materials, the rock shall be reduced to a maximum size of six inches (6") with the further provision that no rock of six inch (6") maximum size be within six inches (6") of the finished subgrade. Subgrade compaction shall extend a minimum distance of one foot (1') beyond the outside edges of the pavement and/or curb and gutter, and maximum distance as determined by the width of right-of-way. Except as otherwise provided, the top six inches (6") of subgrade in every area shall be compacted to ninety-five per cent (95%) of maximum density obtained at optimum moisture content, as determined by the Modified Proctor Compaction Test. The developer shall notify the City Inspector at least twenty-four (24) hours prior to placing any material on the completed subgrade in order that the City Inspector may check the line, grade and crown of the subgrade. If the City Inspector does not make the inspection after proper notification within the next regular work day, the subgrade shall be deemed approved.

In those instances where more than one inspection by the City Inspector is necessary due to what is determined by the first inspection to be unsatisfactory construction an inspection fee in the amount of twenty-five dollars (\$25.00) shall be assessed against the contractor for each such additional inspection. Provided, however, where there is evidence that such unsatisfactory construction resulted by reason of an act of God or through no fault of the contractor or owner, then no such inspection fee shall be assessed regardless of the number of inspections necessary.

Upon completion of all excavation and fill within the right-of-way, the City Inspector may require Proctor Density Tests at any given location to determine the compaction of the subgrade. The costs of all tests shall be borne by the contractor.

- K. **Backfill of Utility Lines:** All utility lines under any improvement shall be laid prior to setting any forms for construction. As soon as the joints of the utility lines have hardened to such an extent that they will not be damaged by backfilling, suitable materials from the spoil bank shall be brought up on compacted layers not exceeding six inches (6") in depth of loose material. The first layer shall not exceed above the spring line of the pipe in any case. Compaction of backfill shall be carefully and thoroughly done so as not to displace utility lines from their original positions. All the backfill materials shall be at optimum moisture, and shall meet density requirements outlined in Chapter 5, Methods, paragraph 1 (c) "Excavation and Fills". If the City Inspector questions the matter of compliance with specifications, then he shall direct that a density test be made, the findings of which shall be conclusive.
- L. **Pipe Culverts and Storm Drains:** All excavation shall be carried to an elevation where foundation materials are satisfactory to the City Inspector, regardless of



elevations shown on the plans. Pipe culverts and storm drains shall be placed either by hand or by mechanical means, and shall be laid and backfilled as specified herein.

1. **Forming Bed for Pipe:** Where pipe is laid below the ground line, the trench shall be excavated to the required depth and to the minimum width practicable for the existing working conditions. The bottom of the trench shall be shaped to conform to the bottom of the pipe, and to afford a uniform bearing throughout its entire length. Recesses shall be excavated to receive the bells where bell and spigot pipe is used. When rock is encountered in the trench, it shall be removed to a minimum depth of six inches (6") below the pipe,, and this excess depth shall be refilled with suitable material and stabilized. Where pipe is not laid in a trench, a uniform, firm bed shall be made as specified above.
2. **Laying The Pipe:** Pipe culverts and storm drains shall be laid to the lines and grades established by the engineer, with the hubs and bells upgrade. Spigot ends shall be fully entered into the adjacent hubs or bells. All joints shall be fully sealed by the methods and materials recommended by the pipe manufacture. The insides of all joints shall be finished smooth.

When corrugated metal pipe or pipe arch sections are used, they shall be joined with a band made of the same material as the pipe. Any pipe which is not in true alignment or which shows settlement after laying shall be taken up and relaid by the contractor.

3. **Backfilling:** The material used for backfilling pipe culverts and storm drains under any improvement shall be at optimum moisture, and shall be free from large lumps, clods or rocks, and it shall be placed alongside the pipe culverts or storm sewers in layers of approximately six inches (6") and thoroughly compacted to an elevation equal to the spring line of the pipe. Subsequent layers of backfill material shall be placed uniformly over the contour of the pipe in layers not to exceed six inches (6"), and shall be compacted for the entire depth of the trench. Backfill compaction by puddling or jetting with water shall not be permitted unless it is nonplastic materials.

- M. **Catch Basins, Drop Inlets and Junction Boxes:** Concrete floors for catch basins, drop inlets an junction boxes shall be poured at least twenty-four (24) hours prior to beginning construction on the walls. Floors shall be constructed to the full outside dimensions indicated in the plans. Walls shall be so constructed as to form a tight joint with the floor and around all inlets and the outlet pipes. Walls may be constructed of plain concrete or reinforced concrete meeting requirements outlined Chapter 3, Materials, paragraph 1, or brick masonry, as required by the City Inspector. Forms for concrete walls shall be smooth on the inside face and shall be securely staked to conform with the lines and grades established by the engineer. They shall be set in such a way to prevent springing when concrete is placed against them. All forms shall be cleaned and oiled before concrete is placed against them. No concrete shall be poured until the City Inspector has inspected the forms, the

placing of reinforcing steel and castings, and has given his approval to proceed with the work. All castings shall be set accurately to the finished elevations. They shall be set in full mortar beds with firm bearings on the walls or securely fastened to the forms so that no movement will occur when concrete is poured around them.

In construction of brick masonry walls, the brick shall be thoroughly wetted immediately before being laid, and they shall be laid in full courses in full and close mortar joints. At least one (1) course in every seven (7) shall be composed of headers. No spalls or bats shall be used except for shaping around irregular openings. All joints shall be completely filled with mortar. Portland Cement mortar shall be proportioned one (1) part of cement to two (2) parts of sand. Retempering of mortar will not be permitted.

- N. **Subdrain Tile:** All trench excavation for the installation of subdrain tile shall be carried to the depth and width as specified in the plans. Trenches shall be inspected and approved by the City Inspector prior to placing any filter stone or subdrain tile. The uniform layer of filter stone at least four inches (4") deep shall be placed in the bottom of the approved trench prior to installing subdrain tile. The subdrain tile shall be laid to the lines and grades established by the engineer. The subdrain tile shall be installed in conformance with the tile manufacturer's recommendations.
- O. **Construction of Sidewalks:** All sidewalks shall be constructed to the grades heretofore established for the streets on which sidewalks are to be laid, and the responsibility for establishing sidewalk grades with relation to the top elevation of the curb for the various streets shall rest with the City Inspector. Sidewalks shall be constructed with a flat surface and shall be pitched toward the curb at the rate of one-fourth inch (1/4") per foot, unless otherwise directed by the City Inspector. The width of sidewalks in all residential areas shall be four feet (4') except on the case of repairs to existing sidewalks, in which case the repairs shall conform to the present width.

Transverse expansion joints not less than one-half inch (1/2") thick of the premolded, nonextruding type shall be placed every sixty feet (60') along sidewalks, and at all points where walks bear against curbs, buildings or other structures. All concrete shall be cut at least twenty per cent (20%) of the full depth of the sidewalk at intervals equal to the width of the walk. All corners shall be rounded so as not to leave any square edges or sharp projections.

- P. **Adjusting Manholes, Etc. To Proper Grade:** The paving contractor shall see that all valve boxes, manhole covers, cleanouts, etc., are set to the proper grade as established by the engineer, and shall carefully finish all pavement to them. The contractor and utility company shall be responsible for all valve boxes, manhole covers, and cleanouts, etc., which might be sealed shut during construction

operations. Any boxes or covers damaged by the contractor shall be repaired by him before paving, and shall bring such damages to the City Inspector's attention.

### **Tests and Inspections**

- A. **Tests for Compaction of Fills and Subgrade:** Tests for compaction of fills and subgrade shall be run by a reputable testing laboratory and shall be made in accordance with procedures outlines by "Modified Proctor" by the A.A.S.H.O.
- B. **Tests of Concrete:** Tests of concrete shall be in accordance with Chapter 3, Tests and Inspections, paragraph 1.
- C. **Tests of Pipe and Subdrain Tile:** Tests of pipe and subdrain tile shall be in accordance with latest revised standard methods of A.S.T.M.
- D. **Final Inspection:** Prior to final inspection, the contractor shall be required to make a general clean-up of the construction area. All backslopes of cut and fill areas and backfills of storm drains, catch basins, drop inlets, junction boxes, subdrain tile, sidewalks and other structures shall be properly dressed to a firm, neat and clean surface, free from defects of any kind. Providing all construction meets the requirements of the City, a letter of approval of construction shall be written by the City Inspector within ten (10) days of the receipt of request for inspection. The City's acceptance shall be in accordance with prevailing ordinances. If the City Inspector fails to approve or disapprove the construction within the said (10) ten day period, it shall be deemed approved.

## Chapter 6

### Seeding

#### Description

Seeding shall consist of furnishing and applying fertilizer, seed and water in accordance with these specifications on all street right-of-way and as directed by the City Inspector.

The work under this item shall be accomplished as soon as practicable after grading in the area has been completed in order to deter erosion of the roadway and siltation of streams.

#### Materials

- A. **Fertilizer:** Fertilizer shall be commercial grade, uniform in composition, free flowing and suitable for application with mechanical equipment, delivered to the site in labeled containers, conforming to current Arkansas fertilizer laws and bearing the name, trademark and warranty of the producer.
- B. **Seed:** The seed shall be labeled in accordance with current rules and regulations of the Arkansas State Plant Board and shall have a minimum of 98% pure seed and 85% germination by weight, and shall contain no more than 1% weed seeds. A combined total of 50 noxious weed seeds shall be the maximum amount allowed per pound of seed with the following exceptions: Johnson grass seed, wild onion seed, wild garlic seed, field bindweed seed or nut grass seed will not be allowed in any amount whatsoever. Seed shall be furnished in sealed, standard containers. Seed which have become wet, moldy or otherwise damaged in transit or in storage will not be acceptable.

Legumes shall be inoculated with an approved culture as recommended by the manufacturer, just prior to seeding.

Seed shall be composed of the varieties and amount by weight as shown below, based on time of application:

<b>Variety</b>	<b>Weight, Lbs.</b>
	<b>Per Acre</b>

**March 1-April 15**

Tall Fescue (Ky. 31).....	35
Red Top (Common) .....	5
Weeping Love Grass (Eragrostis Curvula) ..	5
Lespedeza (Korean) .....	30

**April 16 – June 30**

Weeping Love Grass (Eragrostis Curvula) ..	5
Bermuda Seed (Common) hulled.....	10
Lespedeza (Korean) .....	30

<b>Variety</b>	<b>Weight, Lbs.</b>
	<b>Per Acre</b>

**July 1 – August 31**

Weeping Love Grass (Eragrostis Curvula) ..	5
Bermuda Seed (Common) Hulled.....	5
Bermuda Seed (Common) unhulled.....	10
Brown Top Millet.....	15

**September 1 – October 15**

Tall Fescue (Ky. 31).....	35
Red Top (Common) .....	5
Crimson Clover (Dixie).....	20

Seed planted between July 1 and August 31 may require more water than that specified in order to survive. Therefore, watering will continue after germination until growth is established.

- C. **Water:** The water shall be of irrigation quality and free of impurities that would be detrimental to plant growth.

**Methods**

- A. **Seedbed Preparation:** That portion of the right-of-way to be seeded shall be dressed to the shape and section shown on the plans. It shall be thoroughly pulverized by means of disk harrows or other approved methods, thoroughly mixing the soil to a depth of not less than 4 inches (2 inches for slopes 4:1 or steeper) below finish elevation. Regardless of the pulverizing method used, the soil shall be removed and the soil left in a suitable horticultural condition to receive the fertilizer and seed.

Water may be applied before, during and after seedbed preparation, as directed by City Inspector, in order to maintain the desired moisture content in the soil.

B. **Fertilization:** Fertilizer shall be applied at the rate of 800 pounds per acre of 10-20-10, or the equivalent amount of plant food. Fertilizer shall be uniformly incorporated into the soil to a depth of at least 2 inches. If the contractor so elects, the fertilizer may be drilled into the soil or combined with the seed in the hydro-seeding operation. If the fertilizer is incorporated into the hydro-seeding operation, the depth requirement will be waived.

C. **Seeding:**

1. **Broadcasting:** Broadcast solving may be accomplished by hand seeders or by approved power equipment. Either method shall result in uniform distribution and no work shall be performed during high winds. The area seeded shall be lightly firmed with a cultipacker immediately after broadcasting.
2. **Drilled In Rows:** When seed is drilled in rows, the rows shall be parallel to the toe of the slope. Fertilizer and seed shall not be drilled together and shall not be mixed.
3. **Hydro-Seeding:** If a hydro-seeder is used for seeding, fertilizer and seed may be incorporated into one operation but a maximum of 800 pounds of fertilizer shall be permitted per each 1500 gallons of water, or if the contractor so elects, the fertilizer may be applied during preparation of the seedbed. The area shall be lightly firmed with a cultipacker immediately prior to hydro seeding.
4. **Water:** After application of the water shall be applied in sufficient quantity to thoroughly moisten the soil to a depth of pulverization and then as necessary to germinate the seed and maintain growth.
5. **Restoration:** The contractor shall maintain seeded areas from the time of completion until final acceptance.

### **Inspection**

The City Inspector shall examine and approve each phase of the seeding process. Final acceptance will be based on the growth attained to hold the soil.