

ORDINANCE NO. 186

AN ORDINANCE AMENDING ORDINANCE NO. 169, SECTION 7 DISTRICT REGULATIONS, SECTION 10 GENERAL STANDARDS, ADDING SECTION G, PARKING LOT LANDSCAPING REQUIREMENTS, ADDING SECTION H, NONCONFORMING PARKING LOTS, CHANGING SECTION 11 TO SIGNS, AMENDMENTS TO 12, AND CHANGING SECTION 12 FEES TO SECTION 13, FOR THE CITY OF BETHEL HEIGHTS, ARKANSAS

WHEREAS, The City of Bethel Heights has previously enacted Zoning Ordinance No. 169.

NOW THEREFORE, be it ordained and enacted by the Mayor and the City Council of the City of Bethel Heights, Arkansas Ordinance No. 169 shall be amended to include the following:

Section 1: Ordinance No. 169 Section 7, District Regulations, 5. R-MH Residential Manufactured Housing shall include:

j. Permits.

1. All residential manufactured housing will be required to obtain a permit from the Building Permit Division specifying the location of the structure before any manufactured home may be placed on any property. Residential manufactured housing parks are required to obtain an annual permit.
2. Upon proof of compliance by the applicant of all requirements of this ordinance the Building Permit Division shall issue an occupancy permit for the applicant.
3. Upon removal of an existing manufactured house a permit will be required to replace the existing manufactured house. The house shall be replaced within thirty (30) days of the removal of the existing manufactured house. All permits will be issued by the Building Permit Division. An occupancy permit will also be required for the applicant.
4. If the manufactured house is not replaced in the allotted time on property that has not been rezoned R-MH, the land will no longer be grandfathered as R-MH and will be rezoned according to the use.

Section 2: Ordinance No. 169 Section 10, General Standards, (b) Off-Street Parking and Off-Street Loading Facilities (d) Parking Space Schedule shall include:

8. Multi-family, duplex, triplex – 2 per dwelling unit.
9. Warehouse & Wholesale - 1 per 2,000 sq. ft. of GFA.
10. Park – 2 per acre.
11. Hotel and motels – 1 per guest room, plus 75% of spaces required for accessory uses.
12. Manufacturing and Industrial – 1 per 1,200 sq. ft. of GFA or one per employee, whichever is greater.

Section 3: Adding Section h. Parking Lot Landscaping Requirements.

(A) Submittal Requirements.

A landscaping plan shall be submitted for all parking lots containing five (5) spaces or more. The landscape plan shall indicate the species of all plants, size of each plant at the time of planting, spacing requirements for each plant, and the type of edging and mulch to be used for the planting beds. The planting plan may be incorporated with the site or grading plan.

(B) General Requirements.

1. Separation of landscaped areas and vehicles. All landscaped areas shall be protected from potential damage by vehicles by placing concrete curbs or wheel barriers adjacent to the landscaped area except as provided in subsection (C ) (1) (a).

2. Vehicle overhang. Except when exercising when option 3, (C) (1) (c), a portion of a standard parking space may be landscaped instead of paved to meet part of the landscaping requirement. The landscaped area may be up to two feet of the front of the space as measured from a line parallel to the direction of the bumper of the vehicle using the space. Landscaping may only be groundcover plants in the overhang area.

3. Maintenance. The current owner of the property shall be responsible for the maintenance of all required landscaping.

a. Planting beds. All landscaping shall be planted within areas designated as planting beds, this includes tree lawns, tree islands, and tree pits. Planting beds shall have amended soil to insure the health of the plant materials. All sod shall be removed within the planting bed and mulch shall cover the bare soil to ease maintenance. Sod will be allowed in tree lawns and tree islands if no other plant material is included within these areas.

b. Replacement landscaping. Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have 60 days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.

c. Timing of installation. Landscaping shall be provided prior to the issuance of a final certificate of occupancy.

d. Size and type of plant material. All plant material shall meet the requirements established by the American Standard for Nursery Stock. Trees shall have a minimum two (2) inch caliper at the time of installation. Shrubs are to reach an average height of three (3) feet within two years of installation. Plant species installed in vehicular use areas are to be approved by the planning administrator.

(C) Interior landscaping requirements.

1. Amount of landscaping. Parking lots containing 10 or more vehicles shall be landscaped utilizing one of the following options:

a. Option 1. Narrow tree lawn. A continuous strip between rows of parking. The minimum width of a tree lawn is eight feet (8'); however, if large tree species are used the minimum width is 10 feet. One tree shall be planted for every 12 parking spaces with this option. If planting a 10 foot wide tree lawn, only large tree species shall be used and one tree shall be planted for every 15 parking spaces. Trees may be grouped or spaced within the lawn area.

b. Option 2. Tree island. 150 square feet minimum width of eight feet (8'). Only medium tree species are allowed within landscape islands. One tree shall be planted for every 12 parking spaces with this option.

c. Option 3. Tree pit. 36 square feet minimum, minimum width of six feet (6'). Tree pits must be covered with either a grate of some form of permeable pavers, (brick or stone). Only small species of trees are allowed in tree pits. Vehicle overhang is not allowed with this option. One tree shall one planted for every 10 parking spaces with this option.

\*Minimum width of all islands are measured from actual planting area, (back of curb to back of curb).

2. Exceptions. All parking lots used solely for the purpose of providing areas for the display and storage of motor vehicles for sale, lease, and rental shall be exempt from the interior landscaping requirements.

(D) Perimeter landscaping requirement. Parking lots containing five (5) or more spaces shall be landscaped meeting the following requirements:

1. Side and rear property lines. All parking lots shall have five feet (5') of landscaped area between the property line and parking lot. The two foot (2') vehicle overhang option may be included to meet this requirement. Depending on the use and location, additional area and screening may be required.
2. Property lines adjoining street right-of-way.
  - a. Residential zones. Except for permitted entrance drives, every parking lot shall be landscaped for an equal and uniform width of 15 feet parallel to the front property line(s) street right-of-way.
  - b. Nonresidential zones. Except for permitted entrance drives, every parking lot shall be landscaped for an equal and uniform width or 10 feet parallel to the front property line(s) street right-of-way.
3. Required plant material. Landscaping in these areas shall contain one tree every 30 linear feet plus a continuous planting of shrubs along the street right-of-way, exclusive of permitted entrance drives. Trees along the perimeter may be grouped to allow flexibility in design. The requirement for a continuous planting of shrubs is intended to lessen the effect of extensive paving. Groupings of shrubs are encouraged; however, a continuous planting will be required as well. A minimum 50% of shrubs shall be evergreen.

Section 4: Adding Section i. Nonconforming parking lots. All parking lots and/or parking areas which were in existence on the effective date of this ordinance may continue in a nonconforming state until such time as the following shall occur.

- a. Rehabilitation. A building permit is granted to rehabilitate a structure on the property exceeding 50% of the current replacement cost of the structure. At such time, 50% of the existing parking lot area shall be required to be brought into compliance with the provisions of this ordinance. This shall continue with the percentage of rehabilitation cost; and/or
- b. Enlargement or reconstruction. A building permit is granted to enlarge or reconstruct a structure on the property exceeding 10% of its existing gross floor area. At such time 10% of the existing parking lot and/or parking area shall be brought into compliance with the provisions of this section. This shall be on a graduated scale until reaching 100% of the required landscaping; and/or
- c. New Curb Cut. When a new curb cut is granted for the nonconforming parking lot, the parking lot and/or parking area shall be required to be brought into compliance with the provisions of this ordinance.

Section 5. Adding sign regulations. Changing Section 11 Amendments to Section 12, changing Section 12 Fees to Section 13, Section 11 will become Signs.

## Section 11. SIGNS

### 1. General Regulations

- a. Permit required. It shall be unlawful for any person to erect, relocate, or keep within the City any sign or other advertising structure except as exempted herein without first obtaining a sign permit from the Zoning Administrator or designee.
- b. Illuminated signs. All illuminated signs shall, in addition, be subject to the provisions of the electrical code, and the permit fees required thereunder.
- c. Fees. Every applicant, before being granted a permit hereunder, shall pay to the Zoning Administrator's office the permit fee as set forth in Section 13 Fees.
- d. Maintenance of premises. All freestanding signs and the premises surrounding the same shall be maintained by the owner thereof in a clean sanitary and inoffensive condition, free of rubbish and weeds.

### 2. Permit Application/Issuance

- a. Application. Applications for initial sign permits shall be made upon forms provided by the Zoning Administrator of designee and shall contain or have attached thereto the following information:

(1) Applicant Identification. Name, address and telephone number of the applicant.

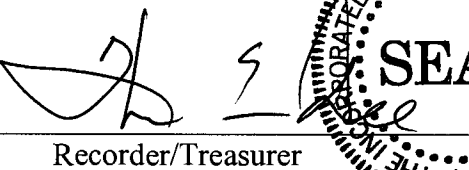
- (2) Location. Location of building, structure, or lot to which or upon the sign or other advertising structure is to be attached or erected.
  - (3) Position. Position of the sign or other advertising structure in relation to nearby buildings or structures.
  - (4) Blueprints/drawings. One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
  - (5) Consent of owner. Written consent of the owner of the building, structure, or land to which or on the structure is to be erected.
  - (6) Electrical permit. Any electrical permit required and issued for said sign. Application requesting electrical permit for proposed sign must accompany sign application.
- b. Issuance of sign permit. It shall be the duty of the Zoning Administrator or designee, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure and sign are in full compliance with all the requirements of this Section and all other laws and ordinances of the city, he shall within five business days issue the sign permit. If the Zoning Administrator or designee fails to reject a completed sign application (that purports to show full compliance with all code requirements) within two five business days of its submission by written explanation of why such application fails to meet all code requirements, the sign application shall be deemed approved and a sign permit shall be immediately issued to the applicant. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, the said permit shall become null and void.
3. Exemptions. Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. The exemptions shall apply to the requirement for sign permit only. No sign permit shall be required for the erection of the following signs:
- a. Professional name plates. Professional name plates erected flat on walls of building and not exceeding four (4) square feet of display surface area.
  - b. Building construction signs. One on-site building construction sign on each construction site in any zoning district, provided that maximum display surface area shall be eight (8) square feet or less in R zoning districts: 32 square feet or less in other zoning districts.
  - c. Real estate signs. There may be erected one on-site unanimated real estate sign not over five (5) square feet in area while the lot is for sale.
  - d. Home occupation signs. Home occupation signs erected flat against the wall and not exceeding three (3) square feet.
  - e. Memorial signs, name signs. Memorial signs of tables, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

- f. Traffic signs, etc. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non advertising signs as may be approved by the City Council.
- g. Banners.
  - 1. Public/private events. Banners shall be exempted when used in conjunction with public and private events as follows:
    - a. Election campaigns. Election campaign banners when said banners are not placed more than two weeks prior to and removed within 72 hours following the election to which the banner applies or the final election that the candidate is eligible to run for office in that year, whichever is earlier.
    - b. Public events. Public event banners when said banners are not placed more than two weeks prior to and removed within 72 hours following the event to which the banner applies.
    - c. Private sales events. Banners placed on private property for advertising a special sales event and are not placed more than two weeks prior to and be removed within 72 hours following the event to which the banner applies.
  - 2. Advertising. Banners bearing advertising matter shall be considered wall or freestanding signs, depending upon mounting and shall meet all regulations pertaining thereto.
- h. Signs on windows. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to the lawful business conducted therein. No signs affixed to a window and visible outside shall flash or fluctuate illumination.
- i. Subdivision signs. One temporary subdivision identification sign indirectly illuminated, not to exceed 50 square feet in area per surface may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within 50 feet of a dwelling in a R district occupied as a dwelling.
- j. Freestanding bulletin boards. A freestanding bulletin board shall be set back a minimum of 15 feet from street right-of-way. Bulletin boards may not be electronic message boards.
- k. Signs that constitute a traffic hazard. No sign or other advertising structure as regulated by this chapter shall be erected on any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of the wording, position, shape, or color, it may interfere with, obstruct view of or be confused with any authorized traffic sign, signal or device.
- l. Use of vehicle as sign. It shall be unlawful to use a vehicle or a trailer as a sign in circumvention of this chapter.

Section 5. THEREFORE, That the remainder of Ordinance No. 169 shall remain in full force and effect.

Ordinance No. 186 PASSED and APPROVED this 21st day of December, 2004.

APPROVED:   
Mayor

ATTEST:   
Recorder/Treasurer

