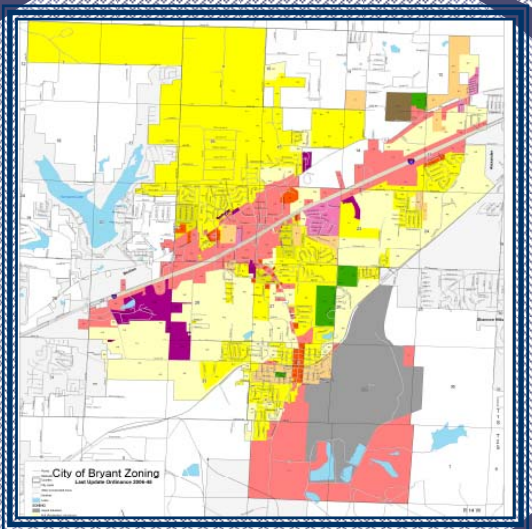


CITY OF BRYANT



ZONING REGULATIONS

210 S.W. 3rd Street
Bryant, AR 72022
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City of Bryant
Zoning Regulations

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CITY OF BRYANT ZONING REGULATIONS

In accordance with the authority granted by the
Legislature of the State of Arkansas
as provided by
Act 186 of 1957, as amended.

Approved September 27, 1999
Ordinance No. 99-16

CITY OF BRYANT

ZONING ORDINANCE

The Bryant Planning Commission by approval of these zoning regulations at their 3/8/99 meeting has recommended that these regulations be approved by the Bryant City Council. The Bryant Planning Commission will not act on any new request for rezoning or submissions for preliminary plat approval until action has been taken on these zoning regulations by the Bryant City Council.

These zoning regulations apply to all zoning requests and subdivision preliminary plat submissions not currently on the Planning Commission agenda as of 3/8/99 and all subdivision final plats submitted for approval 30 days after these zoning regulations are approved by the Bryant City Council.

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SECTION 1 - PURPOSE, AUTHORITY, JURISDICTION, EFFECTIVE DATE

- A. **Purpose.** The zoning regulations set forth herein are enacted to implement the Land Use Plan for the City of Bryant, Arkansas and to promote the health, safety, and general welfare of the citizens of the City.
- B. **Authority.** The provisions set forth in these regulations have been prepared in accordance with the authority granted by the Legislature of the State of Arkansas as provided by Act 186 of 1957, as amended.
- C. **Jurisdiction.** These regulations shall apply to all land in the City of Bryant; land added to the boundary of the city by legal process, and extra territorial planning/zoning areas.
- D. **Effective Date.** These regulations shall become effective on the date the Bryant City Council approves this document by ordinance.

SECTION 2 - DEFINITIONS

- A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

- 1. The word shall is mandatory, the word may is permissive.
- 2. The word "lot" is the same as "plot", "parcel", or "site".

- B. For the purpose of these regulations, the following terms or words are defined as follows:

Abutting: Having property or district lines in common.

Access: The way or means by which a piece of property is ingressed or egressed or entered.

Accessory Building or Use: A building or use which: (1) is a secondary building to the primary building; (2) is located on the same lot of record as the principal building or principal use.

Addition: Any construction, which increases the size of a building or residence under the same roof.

Advertising sign or structure: Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever (except public signs), placed for outdoor advertising purposes on a frame ground or on any building or structure.

Alley: A permanent public service way, which affords only a secondary means of access to abutting property.

Alteration: See Addition

Apartment: A residential use dwelling in a building containing three or more dwelling units.

Area: Area is the amount of land surface in a lot, plot, or parcel.

Area Requirements: The yard, lot area, lot width, lot coverage, and parking requirements as set forth in a specific district.

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Basement: That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building sits.

Bed and Breakfast Establishments: A residential dwelling unit with two or more rooms that are rented or intended to be rented to overnight or weekly guests but not for long term residents.

Board of Zoning Adjustment: The Planning Commission members serve as the Board of Zoning Adjustment.

Buffer: A strip of land established to protect one type of land use from another. A buffer strip is landscaped or kept as open space.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, and coverage) have been met.

Building: See Structure.

Building, Attached: A building, which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Building, Detached: A building having no wall, roof, floor, or other structural element in common with another building.

Building, Facade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building, Height: The vertical distance as measured from the elevation of the lowest ground to building elevation; to the highest point on the roof, excluding protrusions,

antennas, and chimneys.

Building Line: A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the yard line.

Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in this ordinance applicable to the district in which this building is located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the Zoning Ordinance, building code, and city ordinances may be used or occupied.

Care Center, Child: Any place, home or institution which receives three or more children under the age of 16 years, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation.

Care Center, Elderly: Any facility which provides respite care on a regular basis for elderly persons, apart from their family, legal guardians, or custodians, for regular periods of time for compensation.

City: The City of Bryant, Arkansas.

Commission: The Planning Commission of the City.

Conditional Use: Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as listed in this regulation.

Convenience Store: Retail outlets that offer products including motor fuel generally used or consumed on a day by day basis by the purchaser.

Coverage: The lot area covered by all buildings located thereon, including the area covered by roof overhang.

Design Vocabulary: The design used to create a distinctive unity where all buildings share a thematic character, and all buildings share basic design elements, which complement each other.

District: See Zoning District.

Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one or more un-pierced common wall extending from ground to roof.

Dwelling, Combination: Ground floor retail or professional offices with a residence on the second floor. See also "Mixed Used".

Dwelling, Multiple Family (Apartments): A single structure with three or more separate family living areas. Two or more structures on one site constitute a multifamily dwelling complex.

Dwelling, Single-Family Detached: A freestanding dwelling designed for and occupied by not more than one family. A Manufactured Home or Mobile Home is not, by this regulation defined as a dwelling, Single Family Detached. The following types of structures may be construed to be Dwellings, Single-Family Detached:

1. Prefabricated Home (see definition)
2. Stick-built, Conventional Home (see definition)

Dwelling, Two Family: (Duplex) A building designed for and occupied by two families in separate dwelling units, living independent of each other. Manufactured or mobile homes shall not be “set-up” or sited to form a two family dwelling.

Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit, which is intended to accommodate one family.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for utilities, and other public or private use given by the owner of land to another party. Normally not used for vehicular access.

Eave: The weather protective overhanging lower edge of a roof.

Enforcement Officer: A person employed by the City of Bryant designated with the responsibility of assuring compliance with city ordinances and regulation.

Family: An individual or two or more persons related by blood, marriage, adoption or common bond plus any domestic or medical employees maintaining a common household in a dwelling unit.

Fence: A man-made barrier constructed to provide containment and privacy or visual separation between one ownership and another.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Garage Apartment: A dwelling unit for one family located on the second floor situated over a vehicular garage.

Garden Apartments: A garden apartment shall have direct ground level access to the outside.

Gasoline Service or Filling Station: Any area or land, including structure thereon, that is used for the retail sales of gasoline, oil, fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or the sale of butane or propane fuels.

Guest House or Domestic Employee Quarters: Any apartment or other separate building used for family members, non-permanent visitors, or domestic employee that pay no rent.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Kennel: Any lot or premises on which are kept three or more domesticated house pets for commercial purposes for more than six months.

Landscaping: A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.

Loading Space (Off-Street): An unobstructed, hard surface area located on public right-of-way and the use of which is for the standing, loading or unloading of trucks and trailers.

Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a publicly dedicated right-of-way or other approved private drive. Said lot shall comply with the Subdivision Rules and Regulations in effect by the city and recorded by Saline, County.

Lot Area: The total horizontal area included within legally defined lines enclosing the lot.

Lot, Corner: A lot located at the intersection of two streets with frontage on both streets.

Lot Coverage: The percentage of lot area occupied by the principal and accessory

buildings on such lot.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage: A lot having frontage on two non-intersecting streets.

Lot, Interior: A lot other than a corner lot, which is flanked by other lots and has only one street frontage.

Lot, Flag: The same as an interior lot except there is only driveway access to a street. No substantial street frontage is present.

Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot Line, Side: A lot line other than a front or rear lot line.

Lot Lines: The property boundary lines.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line to determine the minimum width allowed in this zoning regulation.

Manufactured Home (Class A and Class B): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling unit shall bear a seal certifying that it is built in compliance with the federal Manufactured Housing and Safety Standards Code. The two types (Class A and Class B) of manufactured homes are distinguished as follows: The Class A Manufactured Home is shipped in two or more sections for assembly on a permanent foundation having a minimum floor area of 950 square feet. The Class B Manufactured Home is a single section placed on a permanent foundation having a minimum floor area of 720 square feet. Neither Class A nor B Manufactured Homes have ever been mounted on a chassis with attached wheels or with a towing tongue.

Mixed Use (Residential): A Mixture of land use in an existing subdivision or specific geographic area and/or consisting of two or more of the following uses on a majority of the lots: (1) Single Family
(2) Mobile Home (3) Duplex

Mobile Home: A single-family unit with the following characteristics: Designed for full-time occupancy; and, to be transported after fabrication on its own wheels and with towing

tongue to an approved lot where it will be anchored and utilities connected.

Mobile Home Park: A mobile Home Park is any plot of ground not less than six (6) acres, upon which two or more mobile homes or class A or B manufactured housing is allowed on a rental basis.

Mobile Home Space: A mobile home space means ground within a mobile home park designed for the accommodation of one mobile home or one manufactured home.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance or which was previously nonconforming.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, which does not comply with all the regulations of this ordinance.

Occupied Space: The square feet within a structure that is occupied by patrons, visitors, employees and shoppers, waiting rooms, patient treatment areas and areas for exercise and recreation that are enclosed. Display areas, retail space, material assembly areas, meeting rooms and lodging accommodations will be included. Specifically excluded from occupied space will be storage areas and unimproved enclosed building space primary for products, materials and supplies where employees are not permanently assigned. Occupied space in a motel or hotel will be 70% of the total square footage.

Opaque: As applies to a fence or screen required in this ordinance means, a fence or screen that blocks vision.

Open Space, City Network: Areas represented on the "City of Bryant Land Use Plan" as "Conservation/Open Space" and other similar areas that subsequently may be designated by the city.

Open Space, Lot, and Parcel: Shall mean a yard, court or the space between two buildings or between a building and the boundary line of a parcel not developed or improved.

Parking Lot: Any area, subject to wheeled traffic including access areas, used for parking.

Parking Space, Off-Street: A designated, lined space for the parking of a motor vehicle within a parking lot and having a permanent means of access to a street right-of-way.

Plan-Unit, Development (PUD): A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A PUD can be required by the planning commission for any proposal not clearly covered in the zoning districts.

Plan, Final: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements,

structural elements, and landscaping. A final plan is prepared by a registered land surveyor, or architect or engineer or a disciplinary team of these professionals. A final plan further contains proper certification for accuracy and will be recorded by the county clerk.

Plan, Preliminary: A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A preliminary plan is prepared by a registered land surveyor, architect or engineer and will only be changed by approval of the city.

Plat: A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including but not limited to property lines, streets, easements, drainage facilities, utilities, legal notation and the like. The final plat is suitable for filing for record with the Circuit Clerk/Recorder of Saline County.

Pre-fabricated Home: A detached single-family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, at a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling shall meet or exceed the building codes of the city.

Principal Use: The use, which fulfills the primary function of an establishment, institution, household, or other entity.

Property Line: The legal boundary of a lot that locates the lot by word description, and physically on the ground.

Reclassification: An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

Residence: A building or part of a building containing one or more dwelling units but not including:

1. Such transient accommodations as a transient hotels, motels, tourist homes, dormitories or similar establishments;
2. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations.

Retirement Center: A multi-family development intended for use by retired persons and not open for rental or sale to the general public.

Right-of-Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.

Satellite Receiving Antenna: A dish-shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

Site Plan: See Development Plan

Site Plan Review: The process whereby the Planning Commission or staff reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this ordinance.

Stick-built, Conventional Home: A detached single-family dwelling that is principally constructed at the site from standard building materials and that meet or exceed the building codes of the city.

Storm Cellar: An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster.

Structural Alteration: Any external change in either the supporting members of a building, such as: a bearing wall, column, beam or girder; or in the dimension or configuration of the roof or other exterior wall.

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks.

Town House: A row of houses (up to six) connected by common sidewalls. A single dwelling unit in the town house arrangement may be one or two stories but no town house dwelling unit is second story only. Each dwelling unit has direct ground floor access to the outside.

Use: A purpose to which land is committed.

Variance: An exception from the strict application of the provisions of this ordinance. Only the Zoning Board of Adjustment can hear a request for a variance.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

SECTION 3 - ZONING MAP

- A. The City is hereby divided into zoning districts as shown on the Official Zoning Districts Map, which currently is enforced. Any change will require a re-zoning request to the planning commission.

SECTION 4 - APPLICATION OF ZONING DISTRICT REGULATIONS

- A. The regulations pertaining to each zoning district establish the character of the zoning district, and the regulations shall be applied uniformly within the zoning district.
- B. When a use is proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission shall determine whether said use is compatible (i.e., in character) and if it is so finds that it is, authorize said use to be established. Mixed uses or uses not covered under the established zoning districts must be submitted as a Planned Unit Development (PUD). The Planning Commission shall decide each application on its merits.
- C. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.
- D. No building or other structure shall hereafter be erected or altered that does not comply with all conditions of the zoning district.
- E. Interpretation of District Boundaries. When uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - 1. District boundary lines in general are intended to be along or parallel to the centerline of streets, alleys, easements, other rights-of-way, and creeks, streams, or other water channels.
 - 2. District boundary lines are intended to be along or parallel to property lines or the lot lines of platted additions.
 - 3. In the absence of specific distances such dimensions shall be determined by the scale of the Official Zoning Map.

SECTION 5 - RESIDENTIAL DISTRICT R-1

The R-1 Residential District is intended for the building of a one-family dwelling or duplex on a separate and distinct platted lot of record. No area shall be an R-1 district unless it shall currently be served by City of Bryant sewer and water. Single-family manufactured homes and mobile homes as defined in this regulation are not permitted by right in the R-1 district. Separate districts are established for the location of manufactured and mobile homes.

There will continue to be a demand or market for one-family and two-family dwellings which are located in subdivisions with individual lots in the medium to large range of 7,200 to 15,000 or more square feet or on lots of record of comparable size. It is permissible to propose development of large lot subdivisions in the R-1 Residential District or to issue permits for single-family dwellings on lots of record. If the proposal meets all other requirements of this district the Planning Commission may approve the development. Provided, however, it is recommended that subdivisions with such large lot development be protected by deed restrictions on type of development and covenants to prevent lot splits and other practices that may be detrimental to the large lot concept for a particular subdivision.

A. Uses Permitted by Right

One single-family detached dwelling of not less than one thousand (1,000) square feet or a duplex with not less than 1500 square feet of heated/cooled living space, as the primary or principal use on a lot of record.

B. Accessory Buildings and Uses

The following accessory structures and uses of land provided such structure and uses of land do accompany and are located on the same lot as the one family dwelling and do not include any activity commonly conducted as a business. All accessory uses require a City of Bryant building permit. Accessory buildings may not be located in front yards and shall not occupy over twenty-five percent of rear yard.

1. Private auto garages, storage shed or building for the storage of household related goods, and children's playhouses.
2. Private greenhouses for non-commercial, horticultural purposes.
3. Private swimming pools, tennis courts and similar recreational facilities.

C. Temporary Uses

The following temporary buildings and items of ownership where such building or item conforms to the height and yard requirements of this zone are allowed.

Model Homes when used as a sales office or demos and/or Subdivision Sales Offices subject to the approval of the Planning Commission and limited to eighteen months used.

D. Conditional Uses

The following uses may be permitted in the R-1 District subject to the approval of a conditional use permit and all required submissions and conditions thereof.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, kindergarten, elementary and secondary schools, and retirement centers.
3. Public parks, playgrounds, and recreation buildings.
4. Public utility buildings and facilities to provide local service.

E. Yard and Area Requirements

Yards, front, rear and side, are identified in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in ninety degree angular turns.

The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Where accessory buildings have roof overhangs, the minimum distance between overhang edges shall be four (4) feet.

1. Single Family Detached

- A. Minimum lot area, 7,200 square feet, and a lot width of not less than 60 feet at the front building line.
- B. Front Yard — There shall be a minimum of twenty feet from the property line but the yard may vary from lot to lot up to thirty feet in order to create diversity.
- C. Side Yard — There shall be a minimum side yard setback of eight feet on each side of the principal building when located on an interior lot. Corner lots shall have a side yard facing a street that is fifteen feet.
- D. Rear Yard — There shall be a minimum rear yard setback of twenty feet.
- E. Accessory Building Yards — Accessory buildings and recreation structures shall not be closer than ten feet to the rear property line and no closer to a side lot line than the principal building line. Private auto garages are allowed no closer to front or side property line than the principal building line.
- F. Lot Coverage — The principal building and all accessory buildings on a lot shall not occupy more than forty percent of the total lot area.

- G. Height Regulation – No building in the R-1 District hereafter erected or structurally altered shall exceed a height of thirty-five feet or be more than 2-1/2 stories.
- F. **Off-Street Parking** – A minimum of three off street, covered or uncovered open parking spaces are required per each family dwelling unit.
- G. A developer Bill of Assurance is required and must address lots designated for single family or duplex.

SECTION 5.5 - RESIDENTIAL DISTRICT R-1.S

The R-1.S Residential District is intended for the building of a one-family dwelling on a separate and distinct platted lot of record. No area shall be an R-1.S district unless it shall currently be served by City of Bryant sewer and water. Single-family manufactured homes and mobile homes as defined in this regulation are not permitted by right in the R-1.S district. Separate districts are established for the location of manufactured and mobile homes.

There will continue to be a demand or market for one-family dwellings which are located in subdivisions with individual lots in the medium to large range of 7,200 to 15,000 or more square feet or on lots of record of comparable size. It is permissible to propose development of large lot subdivisions in the R-1.S Residential District or to issue permits for single-family dwellings on lots of record. If the proposal meets all other requirements of this district the Planning Commission may approve the development. Provided, however, it is recommended that subdivisions with such large lot development be protected by deed restrictions on type of development and covenants to prevent lot splits and other practices that may be detrimental to the large lot concept for a particular subdivision.

- A. **Uses Permitted by Right**
One single-family detached dwelling of not less than one thousand (1,000) square feet of heated/cooled living space, as the primary or principal use on a lot of record.
- B. **Accessory Buildings and Uses**
The following accessory structures and uses of land provided such structure and uses of land do accompany and are located on the same lot as the one family dwelling and do not include any activity commonly conducted as a business. All accessory uses require a City of Bryant building permit. Accessory buildings may not be located in front yards and shall not occupy over twenty-five percent of rear yard.
 - 1. Private auto garages, storage shed or building for the storage of household related goods, and children’s playhouses.
 - 2. Private greenhouses for non-commercial, horticultural purposes.
 - 3. Private swimming pools, tennis courts and similar recreational facilities.

C. Temporary Uses

The following temporary buildings and items of ownership where such building or item conforms to the height and yard requirements of this zone are allowed.

Model Homes when used as a sales office, or demos, and/or Subdivision Sales Offices, are subject to the approval of the Planning Commission and limited to eighteen months use.

D. Conditional Uses

The following uses may be permitted in the R-1.S District subject to the approval of a conditional use permit and all required submissions and conditions thereof.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, kindergarten, elementary and secondary schools, and retirement centers.
3. Public parks, playgrounds, and recreation buildings.
4. Public utility buildings and facilities to provide local service.

E. Yard and Area Requirements

Yards, front, rear and side, are identified in the definition section of this regulation. Yard space between a building wall and the adjacent lot line shall be measured perpendicular to the lot line at the point where the wall is closest to the lot line to determine the minimum allowable yard dimension. The "closest point" measurement is made to compensate for walls running at an angle (not parallel) to the lot line or walls with the vertical plane stepped back in ninety degree angular turns.

The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Where accessory buildings have roof overhangs, the minimum distance between overhang edges shall be four (4) feet.

1. Single Family Detached
 - A. Minimum lot area, 7,200 square feet, and a lot width of not less than 60 feet at the front building line.
 - B. Front Yard – there shall be a minimum of twenty feet from the property line but the yard may vary from lot to lot up to thirty feet in order to create diversity.
 - C. Side Yard – there shall be a minimum side yard setback of eight feet on each side of the principal building when located on an interior lot. Corner lots shall have a side yard facing a street that is fifteen feet.

- D. Rear Yard – there shall be a minimum rear yard setback of twenty feet.
 - E. Accessory Building Yards – Accessory buildings and recreation structures shall not be closer than ten feet to the rear property line and no closer to a side lot line than the principal building line. Private auto garages are allowed no closer to front or side property line than the principal building line.
 - F. Lot Coverage – the principal building and all accessory buildings on a lot shall not occupy more than forty percent of the total lot area.
 - G. Height Regulation – No building in the R-1.S District hereafter erected or structurally altered shall exceed a height of thirty-five feet or be more than 2-1/2 stories.
- F. **Off-Street Parking** – A minimum of three off street, covered or uncovered open parking spaces are required per each family dwelling unit.
- G. A developer **Bill of Assurance** is required and must address lots designated for single family.

SECTION 6 - RESIDENTIAL DISTRICT R-2

Residential District R-2. This district is intended to provide residential development of moderately spacious character, with less variety in dwelling types than those permitted in the R-1 zone but with conditional uses allowed.

A. Uses Permitted by Right

- 1. One single-family detached dwelling of not less than one thousand four hundred (1,400) square feet of heated/cooled living space, as the primary or principal use on a lot of record.

B. Accessory Uses

The following accessory structures and uses of land provided such structure and uses of land do accompany and are located on the same lot as the one family dwelling and do not include any activity commonly conducted as a business. All accessory uses require a City of Bryant building permit. Accessory buildings may not be located in front yards and shall not occupy over twenty-five percent of rear yard.

- 1. Private auto garages, storage shed or building for the storage of household related goods, and children’s playhouses.
- 2. Private greenhouses for non-commercial, horticultural purposes.
- 3. Private swimming pools, tennis courts and similar recreational facilities.

C. Temporary Uses

The following temporary buildings and items of ownership where such building or item conforms to the height and yard requirements of this zone are allowed.

Model Homes when used as a sales office, or demos, and/or Subdivision Sales Offices, are subject to the approval of the Planning Commission and limited to eighteen months use.

D. Conditional Uses

The following uses may be permitted in the R-1.S District subject to the approval of a conditional use permit and all required submissions and conditions thereof.

1. Churches and other religious institutions and their accessory buildings and uses.
2. Nursery school, day care center, kindergarten, elementary and secondary schools, and retirement centers.
3. Public parks, playgrounds, and recreation buildings.
4. Public utility buildings and facilities to provide local service.

E. Yard and Area Requirements

1. Minimum lot area:
Single-family - Ten thousand (10,000) square feet provided lot is served by the Bryant public sanitary sewer system.

In areas not served by the Bryant Sewerage System, the minimum lot size shall be consistent with the recommendation of the State Health Department.

2. Minimum lot width (measured at front building line).
 - A. Single-family dwelling - seventy-five (75) feet.

3. Minimum yard requirements:

- | | |
|----------------------------------|---------|
| A. Front | 25 feet |
| B. Side | 8 feet |
| C. Side (exterior on corner lot) | 15 feet |
| D. Rear | 25 feet |

4. Height Regulation

No building in the R-2 District hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or be more than 2 ½ stories.

5. Off-Street Parking - Minimum of three covered or uncovered off street parking spaces.

F. A Developer bill of assurance is required.

SECTION 7 - RESIDENTIAL DISTRICT R-E

Residential District R-E. This district is intended to provide for residential development that is low density in character. The primary reason for the establishment of this zone is to permit development in areas, which are not served by a public sewer sanitary sewerage system. The minimum lot sizes are necessarily large to ensure adequate space for septic tanks and tile fields needed for private disposal of sewage. The zone includes developed sub-divisions which do not have public sewer service but which have large lot areas by design and approved by the Health Department. It is to be expected that public sanitary sewerage system will become available.

A. Uses Permitted by Right

One single-family detached dwelling on a lot of record.

B. Accessory and Temporary Uses

Accessory and temporary uses permitted in the R-E district shall be the same as those permitted in the R-1 district.

C. Conditional Uses

Conditional uses permitted and the procedure to achieve approval of their establishment shall be the same as those permitted in the R-1 district. However, the establishment of places of public assembly are prohibited due to lack of public sewer service.

D. Yard and Area Requirements

1. Minimum lot area:

A. Single familyone (1) acre,
Provided the minimum requirement set by the state or county health department for a septic tank is as little as one (1) acre, whichever is greater shall apply.

2. Minimum lot width:

A. Single family.....125 feet

3. Minimum yard requirements:

A. Front	25 feet
B. Side	15 feet
C. Side (exterior on corner lot)	25 feet
D. Rear	25 feet

An existing platted subdivision with smaller than specified lots may be included in an R-E zone for plan continuity.

SECTION 8 - MANUFACTURED HOUSING ("CLASS A") DISTRICT RM

The RM Manufactured Housing district is established to accommodate a growing market for single-family housing of "Class A" manufactured housing. A policy is declared to exist which prohibits the re-zoning and in-fill of platted vacant lots in the R-1, R-2, R-3, or RE districts, to an RM district. "Class B" manufactured housing shall be permitted only in the Mobile Home Park (MHP district).

A. "Class A" Manufactured Housing Code Requirements

1. All "Class A" Manufactured Housing structures to be located within the City of Bryant must comply with all protective codes currently in effect.

This includes the following:

- A. Standard Building Code (Southern Building Code if none exist)
 - B. Arkansas State Plumbing Code
 - C. National Electric Code
 - D. Code for Energy Conservation in New Building Construction
 - E. Any additional codes and regulations which may be in effect.
3. "Class A" Manufactured Housing shall be secure to a permanent foundation. The design engineer and/or architect with the manufacturer shall furnish anchor drawings and/or specifications that will be sufficient for the completed structure to withstand wind velocity pressure at seventy (70) miles per hour wind speed and Zone I earthquake design.

B. "Class A" Manufactured Housing Inspection

Procedure

Inspection shall be made as required by each Code during the construction of all manufactured housing to be located within the City of Bryant or within subdivisions regulated by the City.

C. Use Regulations

1. Permitted Uses
 - A. One single-family unit as the primary or principal use on a lot of record. Said unit may be:
 1. A conventional, site-built single family dwelling
 2. A new "Class A" single family dwelling
2. Accessory, Temporary and Conditional Uses

Accessory, temporary and conditional use allowed in the RM district, shall be the same as those in the R-1 district.

D. Height Regulation

No building hereafter erected or structurally altered shall exceed a height of thirty-five feet or be more than 2-1/2 stories.

E. Area Regulations

1. Front Yard – There shall be a front yard setback having a depth of not less than twenty-five feet.
2. Side Yard – There shall be a side yard setback on each side of the building having a width not less than ten percent of the average lot width up to a maximum of ten feet for interior lots. Corner lots shall have a side yard on the exterior or street side of not less than fifteen feet.
3. Rear Yard – There shall be a rear yard setback having a depth of not less than twenty-five feet, excluding accessory buildings which shall be a minimum of ten feet from the property line.
4. Lot Area – Lot area shall not be less than 7,200 square feet and a lot width of not less than sixty feet at the front building line. Lots not served by public water supply and/or public sanitary sewer shall be no less than the minimum size proposed for a single-family dwelling by the State and County Health Departments.
5. Lot Coverage – The main building (principal use) and all accessory buildings on a lot in the aggregate shall not occupy more than 40 percent of the total area of the lot.
6. Off-Street Parking – Minimum of three covered or uncovered spaces.

SECTION 9 - MOBILE HOME PARK DISTRICT MHP

The “MHP” Mobile Home Park District recognizes a specific housing type in the City of Bryant. This zoning district is created for the specific purpose of establishing reasonable sites and providing for the development of mobile home parks or courts at appropriate locations. It is the intent of this regulation that this district be located so as to not adversely affect the established residential development patterns and densities of the City.

A. Development Criteria

Unless otherwise specifically provided in this section, the following development criteria shall apply to this district.

1. All properties within this district shall be contiguous and shall be totally developed under a unified site plan submitted to and approved by the Planning Commission. Criteria for submittal of the accompanying site plan shall follow the guidelines set

forth in the Planned Unit Development.

2. All landscaping, screening, open space and other common facilities shall be provided and maintained by the mobile home park.
3. When a mobile home park either adjoins or is across the street from other residential zones, a 6' privacy fence, with landscaping and a 50' green space will be required.
4. A storage area shall be provided at a central location, at the rate of two hundred (200) square feet per mobile home for the storage of boats, campers, etc (one half to be covered).
5. Class B" manufactured homes and mobile homes shall have tie downs and underpinning installed within ninety (90) days from the siting in a MHP Mobile Home Park District.
6. Off street parking spaces will be required.

B. Use Regulations

1. Permitted Uses
 - A. "Class A & B" manufactured homes and mobile homes.
 - B. Recreational vehicles with self-contained sanitary facilities capable of being connected to a public or community water and sanitary sewage collection system.
2. Accessory Uses
 - A. Laundromat, vending machine center, recreation facilities, and related accessory uses incidental to the primary home use, provided that such structures be exclusively for the use of the residents of the mobile home park.
3. Temporary Uses
Temporary uses allowable in the MHP Mobile Home District shall be the same as those in the "R-1" Single-Family District.
4. Conditional Uses
 - A. Conventional, site-built, single-family residential buildings.

C. Height Regulations

No manufactured or mobile home or building hereafter located, erected or structurally altered shall exceed a height of fifteen (15) feet.

D. Area Regulations

1. Site Area – The minimum site area shall be twenty (20) acres.

2. Exterior Setback – The minimum setback from any exterior property line shall be twenty-five (25) feet.
 3. Interior Setback – The minimum setback from any interior drive shall be twenty (20) feet.
 4. Average Tract Width – The average width of a mobile home park space shall be not less than forty (40) feet.
 5. Mobile Home Separation – The minimum separation between mobile homes shall be twenty (20) feet.
 6. Density – The maximum allowable density in any mobile home park shall be ten (10) mobile homes per gross acre.
 7. Awnings and Carports – Awnings and carports may extend no more than nine (9) feet from a mobile home into the minimum twenty (20) foot separation distance. The carport or awning must be open from the ground to the roof structure; and must be constructed of non-combustible materials.
- E. **Off-Street Parking** - Two per each mobile home units plus one additional for each five units for guest.
- F. **Ingress and Egress** - There will be a distinctive primary access entrance with a maximum of one thru street or one required stub out for future street connection.

SECTION 10 - DESCRIPTION OF COMMERCIAL DISTRICTS

The Commercial Districts established by this ordinance are designed to include the following two specific purposes:

- (1) To provide sufficient Neighborhood Commercial District (NCD) space, at appropriate locations and in proximity to established residential areas, for local retail and service commercial catering specifically to the recurring shopping needs of the occupants of nearby residences.
- (2) To provide sufficient Highway Commercial District (HCD) space at appropriate locations for varying types of wholesale and retail commercial, miscellaneous service activities and light industrial uses that are consistent in their marketing functions. These areas can accommodate those commercial and service uses which either generate heavy traffic or depend upon heavy traffic for their marketing function, and which often require open storage of products for sale, which serve not only the local residents but also the traveling public.

A. The Commercial Districts

The Commercial Districts shall be cited in this regulation and on the official zoning map of Bryant, Arkansas as follows:

1. "NCD" Neighborhood Commercial District
2. "HCD" Highway Commercial District

B. General Zoning District Restrictions

Unless otherwise specifically exempted in the appropriate district, the following restrictions shall apply to the two types of commercial districts:

1. Any lighting shall be so placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor, or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds the general level of noise, odor, or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.
2. All trash receptacles and trash or garbage pickup shall be oriented away from the street side of the property and adequately screened.
3. All signage shall be in conformance with the current Bryant sign regulations.

SECTION 11 - NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) C-1

The NCD district is located within neighborhood centers and is designed to serve the retail needs of the surrounding residential neighborhood.

The NCD district shall generally be located at or near street intersections and within walking distance of residential areas. The design plan of uses in the NCD district should emphasize street landscape areas. The display of retail goods is permitted out of doors for special occasions or holidays.

Any use which is found by the City of Bryant to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, light glare, noise, vibration or other disturbance is expressly prohibited.

A. NCD District Development Criteria

1. All business establishments shall only deal directly with the customer. All goods produced on the premises shall be sold exclusively on the premises.
2. Loading or service areas shall be physically separated from all streets but shall provide motor vehicle access or egress, preferably by alleys.

B. NCD District Use Regulations

These listed uses are typical and suggest the kinds of retail sales and services intended in the District. Others of similar character will be considered by the Planning Commission when submitted for establishment. The combination of two

or more of the retail products listed as permitted uses may be sold from one establishment as is commonly done in "convenience" stores.

C. Permitted Uses

Antique Shops

Automobile service station

(all repair work shall be performed within a building. Tools parts, and dismantled vehicles shall be stored within a building or screened from view from public streets).

Bakery or confectioner

(provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)

Bank or trust company, savings and loan (drive-in only facility not permitted)

Barbershop

Beauty Shop

Book, newspaper, and magazine store

Business office

Dairy products store

Daycare

Delicatessen

Drugstore

Electronics, computers, video tape shops

Florists

Fruit store

Gift shop

Grocery store

Hardware store

Horticultural nursery products store

Household appliance, retail and repair

Jewelry store

Laundromat

Laundry and cleaning pick-up station

Market, produce

Medical and dental clinics

Offices for professional services

Photographic supply store

Residential uses permitted in the R-2 district

Restaurant, café, or tea room (no drive through service)

Shoe repair shop

Tailor, pressing, laundry and cleaning shop

(including valet services with not more than three pressing machines, and one dry cleaning unit)

Taxicab stand

Telegraph or messenger service

Theater, cinema, non-pornographic

Upholstery shop

Variety and dry goods store

Veterinarians, office and kennel, all facilities enclosed, no outside animal runs or pens.

Wearing apparel store, new, used

D. Conditional Uses

Funeral homes, Veterinarians

Industrial manufacturing, yard areas, and material stockpiles

Pet shops, retail sale of domestic pets.

Public utility buildings and structures

Mixed Use, (retail and office) (retail and residential) (office and residential).

E. Bulk and Area Regulations for Commercial Uses and Mixed-Use Buildings

1. Lot area: minimum of 2,500 square feet; maximum 16,000 square feet.
2. Lot width: at front building line, minimum 25 feet; maximum 80 feet.
3. Lot depth: generally lots should be longer than wide. Maximum lot width (80') @ front building line then depth = 200 feet.
4. Yard dimensions:
 - A. Front – commercial retail/service or mixed use, none required
 - B. Side (each side) – a minimum of five (5) feet if not attached to an adjacent building, maximum of twenty (20) feet
 - C. Rear – a minimum of fifty-five (55) feet.
 - D. The front and side yard dimensions set forth in this subsection may be increased up to an additional fifteen (15) feet by the Planning Commission if deemed in the interest of public safety.
5. Height: Three stories, finished first floor must be level with the sidewalk, maximum height of forty-five (45) feet.
6. Building coverage of lot: maximum of seventy (70) percent.
7. Absorption (non-impervious) areas; minimum ten (10) percent of lot.
8. Parking: all parking must be off street. One (1) space per each 200 square foot of commercial use is required.
9. Screening Requirement
When a NCD abuts a residential district, a minimum 6' high wood, rock or masonry fence is required with a landscape screen to buffer any NCD structure or activity from the residential district. Street frontage is exempt from the fencing requirement. See the Bryant Landscape Regulation for specific landscape treatment.

SECTION 12 - HIGHWAY COMMERCIAL DISTRICT HCD C-2

Highway Commercial Districts are the intended locations for retail sales, wholesale sales, service, storage establishments and light industry serving the Bryant population, the regional market and the traveling public. These essential activities, which may involve some disturbance to adjacent residential areas, are to be located in the corridor of I-30 and Arkansas State Highway 5. Residential uses are not intended for location in the HCD except only as living quarters for

caretakers, and/or watchmen and their families.

A. HCD Development Criteria

1. The open storage of retail and wholesale goods in conjunction with business establishments is permitted.
2. Parking, loading, or service areas shall be physically separated from all streets. The minimum suitable separation shall be a curbed earth strip of at least ten (10) feet in width running the front width of the lot. Suitable driveways, which channel motor vehicles to access or egress, shall be provided and may cross the curbed separation area. See the Bryant Landscape regulation for treatment of the separation area.

B. HCD Use Regulations

1. Permitted Uses

All retail sales and service uses permitted in the NMU Neighborhood Mixed Use district but without square footage restrictions on gross leaseable floor area.

Animal boarding place or veterinarian's clinic, enclosed kennel

Antique sales

Auction house

Automotive uses:

Auto, truck and trailer rental lot

Service stations

Car wash

Parking and storage garages and lots

Parts and supply stores

Repair garages and body shops

New and used sales and service

Retail establishments selling goods, as:

Hardware, feed, poultry supplies, home building supply, lumber, farm equipment, mobile homes, marine equipment (boats, trailers, etc.), etc.

Eating establishments (cafes, restaurants). Drive-in service permitted

Offices for professional and service people, including:

Doctors, dentists, lawyers, Realtors, radio, and television broadcast studios, general offices, medical clinics, and nursing homes

Daycare Facilities

Drive-in banks and Savings and Loan Associations, etc.

Dry cleaning and laundry establishments.

Warehousing – commercial, warehouse, mini storage and open storage

Wholesale, sales and storage

Commercial recreation, as:

Bowling alleys, golf driving ranges, drive-in theaters, and skating rinks, etc.

Automatic laundries (unattended), laundry and dry cleaning plant

Funeral homes

Motels, motor hotels, and retirement centers

Recreation vehicle sales and repair

Places of public assembly

Printing and publishing

Mobile and manufactured home sales
Marine equipment sales, storage, repair

C. Conditional Uses

Uses proposed for development in this district which are not specifically listed as permitted may be considered for development if found to be "in character" with the district by the Planning Commission. The procedure for Conditional Use Review, Section 18, shall be utilized for uses not listed.

D. Bulk and Area Regulations

1. Height Regulation

No building which is not an office building hereinafter erected or structurally altered shall exceed a height of forty-five (45) feet or be more than three (3) stories. Office buildings shall not exceed a height of four (4) stories.

2. Area Regulations

A. Lots fronting along roadways designated as Class I through Class IV (Interstate 30 and frontage roads, State Highway #5, and other roads designated as such) shall adhere to the following area requirements:

1. *Front Yard* – There shall be a front yard having a set-back of not less than 50 feet from the front property line to the front line of the building.
2. *Side Yard* – Side yard set-back shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard set-back shall be no less than twenty five (25) feet.
3. *Rear Yard* – There shall be a rear yard having a depth of not less than 15 feet except when abutting residential area, hence the rear yard shall not be less than 55 feet. In the case of a corner lot (abutting a street), and when providing a 25 foot exterior side yard, the rear yard may be reduced to be not less than 25 feet.
4. *Lot Coverage* – Maximum lot coverage for all principal and accessory buildings shall be 35 percent of the total area of the site.

B. Lots fronting along roadways designated as Class V or Class VI, interior local commercial streets developed in conjunction with an approved commercial subdivision may adhere to the following area requirements:

1. *Front Yard* - None Required.
2. *Side Yard* - Side yard setback shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than twenty-five (25) percent of the lot dimension.
3. *Rear Yard* - There shall be a rear yard having a depth of not less than fifteen (15) feet except when abutting residential area hence the rear yard shall not be less than fifty-five (55) feet. In the case of a corner lot (abutting a street), and when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than twenty-five (25) feet.
4. *Lot Coverage* - Maximum lot coverage for all principal, accessory buildings and off-street parking shall be eighty-five (85) percent of

the total area of the site.

- C. The front, side and rear yard dimensions set forth in subsection D-2 A & B may be increased to accommodate anticipated future highway improvements or to provide safer sight distance for motoring public by the Planning Commission. The maximum allowable increase is twenty (20) feet.
3. Screening Requirements
When a HCD abuts a residential district, a minimum 6' high wood, rock or masonry fence is required with a landscape screen to buffer any HCD structure or activity from the residential district. Street frontage is exempt from the fencing requirement. See the Bryant Landscape Regulation for specific landscape treatment.
4. Parking Requirements
Per city or one (1) space per each of three hundred (300) square foot of occupied space.
5. Absorption (non-impervious) area; minimum ten (10) percent of lot.
6. Signs - All signage shall be in conformance with current Bryant sign regulations.

SECTION 13 - OS OPEN SPACE DISTRICT OS

A. Purpose and Intent

The "OS" District has the purpose to protect the public health, safety, and welfare by protecting set aside open space whether for institutional reasons or aesthetic reasons or for the protection of land area where natural topography creates practical difficulty for urban development. It is the intent of this district to enhance the natural conditions of open space areas and to reduce the disproportionate costs of providing public facilities.

The "OS" District is proposed for application to public and private recreational areas including playground, pedestrian walkways, buffer strips, parks, golf courses, and country clubs where these uses comprise a significant component of the city's open space network.

B. Preservation of Open Space

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof

1. Dedication of open space to the municipality or an appropriate public agency, if there is a public agency willing to accept the dedication.
2. Common ownership of the open space by a Residence Association which assumes full responsibility for maintenance.
3. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

C. Development Criteria

Unless otherwise specifically provided in this ordinance, the following development criteria shall apply to the "OS" District.

1. Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.
2. The location of off premises outdoor advertising shall be prohibited.
3. Where the "OS" District is established, all such areas shall remain in their natural state unless otherwise authorized by the City of Bryant.
4. A buffer of "OS" zoning shall be no less than twenty (20) feet wide.
5. Enhancement, such as additional screening or planting, of the open space area, when proposed for use as a required buffer zone, may be required.

D. Conditional Uses

All uses of land and structures and the building or alteration of proposed structures in the "OS" District whether by private or public means, shall be construed to be conditional uses and shall follow the procedures for conditional uses found in Section 18 of this ordinance. Some uses which are characteristic of an open space district and which may be considered for conditional use as listed

1. Municipal, governmental, private or philanthropic, recreational use, including parks, playgrounds, tennis courts, golf courses, open skating rinks, hiking or bridle paths, and bicycle paths.
2. Country club, golf course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for mutual recreation for the members and not as a business for profit.
3. Wildlife refuge or bird sanctuary.
4. Greenhouses and structures associated with a public arboretum.
5. Recreation, refreshment, and service buildings in parks, playgrounds and golf courses.
6. Park facilities.
7. Public utility buildings and facilities when necessary for serving the surrounding area.

E. Area Regulations

No yard or height dimensions are set in this section for uses and structures in the "OS" District. Determination of area regulations and flood plain ordinance compliance shall be determined and recommended by the Planning Commission in the conditional use review process on a case by case basis.

SECTION 14 - FLOODWAY DISTRICT (FEW)

A. Purpose and Intent

The "FW" Floodway District designates areas where special flood hazards exist. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property. The purpose of the "FW" district is to protect the lives and property of persons living in areas subject to the effects of the Floodway. The following provision shall apply

Encroachments are prohibited, including fill, new construction, alteration of stream beds to new location, substantial improvements and other development unless certification by a registered professional is provided demonstrating that encroachment will not result in any increase in flood levels during occurrence of the base flood discharge.

B. Conditional Uses

1. Landing strips for air craft
2. Marinas and boat landings
3. Public or private parks
4. Golf courses
5. Temporary mobile storage
6. Athletic fields

The conditional uses and others in character with those listed may all be considered but all are subject to the limitations cited in the preceding paragraph and approved by the Corps of Engineers.

SECTION 15 - PLANNED UNIT DEVELOPMENT (PUD)

A. Planned Unit Development - Standards, Conditions and Review Guidelines

This section covers all landowners not previously addressed in the other sections and those parties desiring a land use not allowed in the zoning district in these regulations. The Planning Commission shall consider the

Planned Unit Development (PUD) in lieu of the intent, purpose, standards, and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity, and welfare of the community.

1. Screening and Landscaping – In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties,

the Planning Commission shall require landscaping and screening.

2. Open Space – Well-designed open space is an important factor in providing for innovative design and visual attractiveness. Open space shall be evaluated utilizing the following general guidelines:
 - A. A minimum of ten to fifteen percent (10-15%) of gross Multi-Family Residential areas shall be designated as usable open space.
 - B. Single Family detached developments shall have a minimum of 500 square feet of usable private open space per unit.
 - C. No more than one-third of the common usable open space may be covered by water.
3. Traffic Circulation – The following traffic circulation guidelines shall apply:
 - A. The adequate internal and external street systems.
 - B. Sites without access to either collector or arterial streets shall be developed at a density not to exceed four (4) units per gross acre.
 - C. The traffic circulation system shall be compatible with its proper function, and in connecting streets and the Master Street Plan.
 - D. Internal local streets shall be designed to discourage speeding through the neighborhood unit and to adjacent areas.
4. Parking Standards – The off-street parking and loading standards found in this regulation shall apply to the specific gross usable or leasable floor areas of the respective use areas. The Planning Commission will designate those streets or street segments, which will be designed for on street parking and off street parking requirements.
5. Ordinances - Land uses approved for other zoning districts included in the PUD must comply with all applicable ordinances.
6. Financing of Public Improvements – The Planning Commission shall encourage the applicant to establish improvement districts or other equitable means of financing infrastructure improvements.

B. General Eligibility and Staging Requirements Applicable to Planned Unit Development (PUD)

Three standards of eligibility, which must be met, relate to location, ownership, and size. Projects may be staged at the option of the developer.

1. Location – Eligible properties shall lie within the planning and zoning area of the city.

2. Ownership – Eligible applicants for preliminary plan review must be the landowners of record, holders of a lease for not less than 50 years, or their authorized agent and beneficiaries of all properties in question. The approved final development plan shall be binding on all subsequent owners of the land until revised or repealed as authorized in this Article.
3. Minimum Size – Eligible properties must normally be ½ acre or larger in size (gross acreage). Smaller parcels may be eligible if justified by the owner.

C. **Application Review Procedures, Planned Unit Development (PUD)**

The PUD application procedure shall consist of three phases: (a) A pre-application conference with City of Bryant “staff” comprised of three city department heads named by the Mayor; (b) a Preliminary Development Plan reviewed by the Planning Commission and the City Council; and (c) a Final Development Plan and Plat approved as a whole or in phases by the Planning Commission and city staff following its review for compatibility with the comprehensive land use plan.

- A. The preliminary development plan will be reviewed by staff and any other affected City departments, and their recommendations shall be forwarded to the Planning Commission. A public hearing for the preliminary plan shall be set not later than sixty (60) days after filing and shall be legally advertised by the Planning Commission at least one time in a newspaper of general circulation in the city, fifteen (15) days before the meeting.

At the public hearing before the Planning Commission, the applicant and interested citizens will have the opportunity to discuss the merits of the PUD proposal. The Planning Commission will evaluate the proposal in light of regulation guidelines and will take action after weighing the recommendations of the staff, the developer’s presentation, and the community’s response. The Commission shall approve, grant approval conditioned on specified modifications, or disapprove of the planned unit development proposal. The applicant will receive written notification of the action taken by the Planning Commission within ten days of the meeting date. Detail concerning the approval status follows:

- B. If the preliminary development plan is conditionally approved, the applicant shall have ninety (90) days from the date of the Planning Commission action granting conditional approval, to submit a revised preliminary development plan.

If a preliminary development plan is denied, the applicant may appeal to the City Council, provided a written request is filed within thirty (30) days of the denial by the Planning Commission.

The final Development Plan and Plat shall be approved prior to the issuance of any building permits within any portion of the PUD.

- C. The applicant shall generally have one year from the date of preliminary plan approval to submit the final Development Plan and Plat.
- D. The Final Development Plan and Plat review shall be conducted by the Planning

Commission and staff. They will review the final development plan and plat to determine that no substantial changes were made to those elements of the plan agreed upon in the preliminary development plan. If substantial changes are found to have been made to the agreed elements, then the application must be resubmitted for Preliminary Development Plan review.

- E. The Final Development Plan and Plat shall be deemed to be in substantial compliance with the Preliminary Development Plan provided the plan and plat does not:
- A. Increase proposed floor area for nonresidential use
 - B. Increase total building coverage.
 - C. Increase building height.
 - D. Increase total number of dwelling units by more than five (5) percent within a given phase.
- D. After the Final Development Plan and Plat has been approved, the applicant shall enter into an agreement with the City in order to install the required public improvements. The applicant shall either:
- A. Post a performance bond in an amount determined by the project engineer and approved by the City staff; said deposit to be placed in an interest-bearing account with interest credited to the applicant and subject to an agreement permitting the City of use the deposit for completion of the improvements if the applicant becomes in default under the contract for improvements; or
 - B. Enter into a tri-party agreement with the City and project lender requiring that:
 - The funds for the required improvements will be set aside and held separate from the balance of the development financing.
 - The funds set aside will be disbursed only for the required public improvements and for no other purpose.
 - The funds will be disbursed in direct payment for completion of the improvements if the applicant becomes in default under the contract for improvements.
- E. **Development Plan Submittal**
- 1. A PUD plan meeting the following requirements will be required:
 - A. .Submitted on a sheet not to exceed 24" x 30", or less than 12" x 24", and containing a small-scale vicinity map. Informational items may be developed as overlays of the basic map such as floor area, landscaping, etc.
 - B. To scale (scale indicated) and directionally oriented.
 - C. Proposed lot lines and plot designs.

- D. Existing and proposed circulation system of all streets (arterial, collector, residential) including off-street parking areas, services areas, loading areas, and major points of access to public rights-of-way (ingress and egress).
- E. Existing and proposed pedestrian circulation systems, including sidewalks.
- F. Proposed treatment of the perimeter of the property, including materials and techniques used such as screens, fences, and walls as well as description of uses, setbacks, and their relationship to surrounding uses.
- G. General schematic landscape plan of the treatment of the area used for private and common open space (including open space buffers).
- H. Location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, and similar public and semipublic use.
- I. Location, dimensions, nature of all existing and proposed easements (utility, streets) and public improvements (drainage, sewers, water, etc.).
- J. Indication of location of structures and structure dimensions, dimensioned distances between buildings, and distance from structures to property lines.
- K. Description of the following existing conditions of the property:
 - Contours at 2-foot or 5-foot intervals.
 - Watercourses.
 - Flood plains.
 - Unique natural features.
 - Forest cover.
- L. A legal description of the total site proposed for development, including a statement of present and proposed ownership.
- M. A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
- N. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Unit Development, including land areas, and dwelling units.
- O. An approved preliminary plat in accordance with the Subdivision Regulation for the City of Bryant.
- P. Final submittal of PUD will include: water and sewer line locations, copies of any maintenance agreements, dedications of public right-of-way. Approved street names. Actual location of all improvements.

- Q. .The final PUD plat must by filed for record with the County in the same manner as a subdivision.

F. Filing Fees

Filing fees for Planned Unit Development applicants shall be those established from time to time by the City Council.

In the event that a Preliminary Plan application is withdrawn prior to Planning Commission action, the applicant shall be entitled to a refund as established from time to time by the Planning Commission.

G. Causes for Revocation

- 1. The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

- A. If the applicant has not submitted a Final Development Plan to the staff within one year of Preliminary Plan approval.
- B. If no building permit has been issued within two years from the recording date of the Final Development Plan and Plat.
- C. If the applicant does not adhere to the phased development schedule.
- D. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the Final Development Plan and Plat are proceeding at a substantially slower rate than other project components.

- 2. Procedures for Revocation

- A. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or his authorized agent notifying him of his alleged default and setting a time at which he shall appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke his Planned Unit Development. The Commission's recommendation shall be forwarded to the City Council for disposition as in original approvals.
- B. In the event any Planned Unit Development is revoked by the City Council because any of the above defaults have occurred, the City Council shall take the appropriate action to prohibit any further development and shall file for record such action in the City Clerk's office.
- C. In the event of revocation any completed portions of the development or those portions for which building permits have been issued, shall be treated to be a whole and effective Planned Unit Development.

H. **Bills of Assurance, Covenants, Trusts and Homeowner Associations**

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures and similar common elements.

SECTION 16 - MIXED USE DISTRICT (R-X)

This district is a residential district that is resident in nature and has a mixture of at least two of the following land uses:

1. Single Family Residents
2. Mobile Homes
3. Duplex

The developed area should be clearly mixed land and constitute a majority of the lots or sites available in the subdivision or geographic area being zoned R-X.

- A. .Uses permitted by right. Single family detached dwellings of not less than one thousand square feet:
Duplexes of not less than fifteen hundred square feet.

Mobile homes placed on foundation with underpinning and off street parking.

- B. Accessory Uses same as R-1 District.
- C. Temporary Uses same as R-1 District.
- D. Conditional Uses same as R-1 District.
- E. Yard and Area Requirements same as R-1 District.
- F. Restrictions: Mixed use zoning districts will be established at the time these zoning regulations are adopted. Only areas being annexed into the City of Bryant after adoption of these zoning regulations will be allowed mixed use zoning. A mixed use zoning district can be re-zoned to another residential zoning district by a petition submitted by fifty one percent of the land owners in that district requesting that the planning commission change the zoning. If the district is re-zoned those land uses not complying with the new zoning will become non-conforming.

SECTION 16.5 - INDUSTRIAL/MINING

- (a) *Purpose and intent.* The Industrial/Mining zoning district (I/M) is intended to accomplish the following purposes:

- (1) To allow the most efficient and effective utilization of extracted or quarried

natural resources while minimizing detrimental impact on adjacent properties.

- (2) To minimize the conflict between urban land uses, extractive land uses and rural land uses by protecting areas suitable and desirable for mining uses from the intrusion of incompatible uses.
- (3) To protect non-mining uses within or near mining areas from the undesirable effects of mining operations.

In this section mining includes the extraction of various natural resources including bauxite, sand, gravel, limestone, granite and others. It is the intent of the I/M district to allow the mining and utilization of these resources, but not to permit the disfiguration or pollution of land beyond the point of reasonable recovery. The I/M district is designed to assure that these resources be properly managed so as not to create a hazard or nuisance which either immediately or in the future adversely affect the health, safety or general welfare of the community. This section applies to such district. For the purpose of this district, mining will not include or preclude any individual from filling, landscaping, terracing or grading any lot for development or redevelopment.

(b) ***Development criteria.*** Unless otherwise specifically provided in this chapter, the following development criteria shall apply to the I/M mining district.

- (1) Dumping of trash, waste or other offensive materials of any kind is prohibited unless officially approved as a governmental or private landfill.
- (2) Off-premises outdoor advertising is prohibited.
- (3) Any mining, extraction or quarrying operation must comply with the permitting provisions of The Arkansas Open-Cut Land Reclamation Act of 1977 (A.C.A. § 15-57-301 et seq.) and subsequent revisions or amendments.
- (4) The emission of vibration, noise, odor, smoke, dust or particulate matter outside the boundaries of the site which adversely affects the health, safety or general welfare of the community is prohibited.

(c) ***Permitted uses.*** The following uses shall be permitted in the I/M mining districts:

- (1) Any mining, extraction or quarrying operation (except for coal) which complies with the bulk and area provisions of this section along with the necessary accessory structures required for said operation.
- (2) Remediation, reclamation, restoration, conservation or research, including water and solid waste collection, transfer, storage, treatment and discharge.
- (3) Agriculture, farming, gardening, silviculture orchards and other customary agricultural pursuits.
- (4) Forestry land operations.

- (5) Industrial uses such as manufacturing, assembling and fabrication, and for warehousing, wholesale, service uses, mining, and remediation/restoration.

A. Uses Permitted

1. General manufacturing, assembly or fabrication
2. Extraction and/or beneficiation of minerals, ores and other natural materials
3. Remediation/Reclamation/Restoration/Conservation
4. Water collection, transportation, storage, treatment, and discharge
5. Agriculture, Silviculture, etc.
6. Greenhouse or nursery
7. Airport or land field
8. Warehousing or wholesaling
9. Automobile/Truck Sales and Leasing
10. Self-Storage Facility (Mini-Storage/Mini-Warehouses)
11. Recycling/Reuse/Demolition
12. Private Roads - Not open to the general public, but serving permitted uses of the district
13. Field Assembly or Fabrication
14. Research or Testing
15. Any permitted use in the C-1 and C-2 Districts
16. Similar uses in character with the District.

B. Conditional Uses

1. Outdoor storage of materials associated with industrial uses
2. Batching or Mixing Plan, Asphaltic or Portland Cement, Concrete, Mortar or Plaster
3. Manufacturing of Cement, Lime or Plaster-of-Paris
4. Manufacturing of Ceramic Products - Brick, Tile, Clay, Glass, Porcelain
5. Manufacturing of Asphalt or Asphalt Products
6. Compounding or Packaging of Chemicals
7. Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products
8. Manufacturing of Custom Ceramic Products
9. Manufacturing of Food Products, including Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles
10. Storage of Flammable Gases or Liquids
11. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Bauxite or the State of Arkansas
12. Research or Testing Laboratory
13. Petroleum Products Storage
14. Landfill
15. Uses proposed for development in this District which are not

specifically listed as permitted may be considered for development if found to be “in character” with the District by the Planning Commission. The procedure for conditional use review, Section 18, shall be utilized for uses not listed.

- (d) *Height regulations.* There shall be no height restriction in the I/M mining district.
- (e) *Area regulations.* The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:
 - (1) *Front yard.* There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than fifty (50) feet. This front yard requirement shall apply to any portion of the tract of land zoned for I/M mining which abuts any public street.
 - (2) *Side yard.* There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than thirty-five (35) feet from any building or structure to the side property line.
 - (3) *Rear yard.* There shall be a rear yard having a depth of not less than thirty-five (35) feet.
 - (4) *Lot area regulations.* There shall be a lot area of not less than ten (10) acres. In addition, no dimension (depth or width) shall be less than two hundred fifty (250) feet.

SECTION 17 - SCHOOLS, CHURCHES, AND AIRPORT-INDUSTRIAL

17.1 Schools and Churches

A. Purpose and Intent

It is the intent of these zoning regulations to allow churches, public schools, and private schools the greatest possible flexibility in accommodating the citizens of the community. These land uses will be allowed in all zoning districts provided an adequate parking plan and open space scheme for the proposed development is submitted to the planning commission and approved. No specific number of parking spaces or open space criteria will be specified.

B. Churches

The development of a new church site in any zoning district will require a site plan that will show the parking accommodations, open space, and landscaping. A parsonage for one family will be allowed on-site.

Site expansion of existing churches will be allowed provided additional parking requirements are addressed,

C. Public and Private School

New development and expansion of schools will be allowed in any zoning district provided

off street parking is made available to faculty, students, and busses. If total off-street parking is not provided then an adequate parking plan must be submitted to the planning commission and approved.

17.2 Airport - Industrial

A. Purpose

These district regulations apply to the land on which the Saline County Airport is located as well as to adjacent lands owned by the Saline County Airport Commission as of December 13, 2004. The purpose of this section is to establish a zoning district to protect the operation of the airport and to permit industrial development activities to be carried out by the Saline County Airport Commission.

B. Intent and Administration

It is the intent of the Bryant Planning Commission and City Council that the Saline County Airport Commission shall assume sole responsibility for the creation and enforcement of regulations for the operation and development of the property owned by the commission, including the issuance of building permits. Further, the Saline County Airport Commission shall develop standards for construction and development within the district, said standards to comply with the Arkansas State Fire Prevention Code.

SECTION 18 - CONDITIONAL LAND USE AND VARIANCES

Where a land use is not specifically authorized for a certain zoning this land use can be allowed on a conditional basis. To obtain conditional land use authority the individual desiring to have this land use and the owner of the property must apply to the planning commission for a conditional land use permit. The planning commission after a public hearing and without objection from any adjoining property owner can authorize the issuance of a conditional land use permit. This permit will be issued with a specific land use and expiration date and can only be renewed one time. The permit can also be conditioned regarding bulk and area regulations, parking requirements, ingress and egress and landscaping. The holder of a conditional use permit must comply with all building codes, ADA accessibility requirements, and obtain appropriate permits before beginning business. The planning commission may delegate conditional use permit issuance to the city staff when appropriate.

Variations - An applicant for a variance must give a written request to the zoning board of adjustment. The board will require the applicant to have written consent from any adjoining property owner affected. The board may deny the variance or a thirty(30 day notice to issue the variance will be issued. If no written objection is received during the thirty (30) day notice period the variance will be issued.

Communication and Microwave Towers - If a land owner wants to allow a tower to be built on their property and the property is zoned commercial the owner would need to come to the commission with a plat of the property and a written request for approval to allow the tower to be built as a conditional use. The tower height must be shown on the request. If a land owner wants to sell a portion of land to someone that wants to put a tower up, the property would need to be replatted and then the portion for the tower would have to be rezoned and come in under PUD. (Towers can exceed the three (3) story height limit.) A tower must be a minimum of thirty feet

(30') from the property line.

SECTION 19 - AMENDMENT TO REGULATIONS

These regulations may be amended by changing the boundaries of the zoning districts or by changing any other provision thereof whenever the public necessity and general welfare require such amendment.

A. Application for Amendment

Amendment may be initiated by the City Council, and the Planning Commission, in accord with the procedure set out in Act 186 of 1957, as amend. One or more owners of land may file an application for a proposed amendment. Such application must be filed with the City of Bryant two weeks prior to the date of the next regularly scheduled Planning Commission meeting. At the meeting the Planning Commission will set the date for a public hearing on the proposed amendment.

B. Procedure for Amendment

Upon filing an application for amendment with the City, these regulations may be amended by the following procedures

1. The Planning Commission shall hold a public hearing on the proposed amendment not less than 15 days after notice of such hearing has been published in a newspaper of general circulation in Bryant. The notice shall be published at the applicant's expense and shall give the time and place of the hearing and the proposed change. The applicant shall inform all owners of land, by certified letter, return receipt requested, which lies within 300 feet of the land for which the zoning change is requested of the time, date, and place of the public hearing and the proposed change in zoning designation. A certified list of property owners, all return receipts, a copy of the letter, plat, and vicinity map shall be furnished to the Planning Commission in care of the City at least five (5) days prior to the public hearing.
2. The applicant shall procure signs from the City, for the purpose of posting the property proposed for a change in zoning.
 - A. The signs will be displayed on the property on a post not less than 15 days prior to the date of the public hearing.
 - B. The sign shall be displayed to be prominent and full view of the passing motorist and pedestrian.
 - C. The signs shall be posted along the frontage abutting any street at an interval of one hundred (100) feet.
 - D. Properties with less than two hundred (200) feet street frontage shall be posted with at least one sign along the frontage abutting

each street.

- E. All such signs posted shall be maintained by the applicant to remain visible and readable until the conclusion of the subject public hearing, or to the final conclusion of the resolution of the request. Subject signs shall be removed from the property by the applicant within five (5) days of the concluding action.
 - F. Failure to post the required signs or to maintain the signs resulting in the property not being properly posted for three days out of the required time may result in a postponement of the public hearing or withdrawal of the agenda item until such time full compliance with posting procedure is achieved.
- 3. The amendment, as presented or modified by the action following the public hearing, shall be voted on by the Planning Commission.
 - 4. Following such vote, the Planning Commission shall certify its recommendations to the City Council.
 - 5. The Council may return the proposed amendment to Planning Commission for further study, or by majority vote adopt by ordinance the proposal as submitted by the Planning Commission.
 - 6. If the Planning Commission disapproves the proposed amendment, the proponent may appeal to the City Council, which shall review the action and may approve the proposed amendment only by not less than two-thirds vote of all the members. Such appeal shall be made via the City Clerk, who shall transmit one copy to the Planning Commission, which will prepare and transmit a report to the applicant, stating why the proposed amendment was disapproved.
 - 7. Should the proposal be adopted by the City Council, the amendment ordinance shall be filed with the office of the City Clerk.
- C. **Fee**
The application fee for an amendment to these regulations shall be as set by the City for each piece of property submitted in the application, none of which is refundable.
 - D. **Re-submission of Application**
No re-submission of a zoning amendment application will be allowed within 12 months after the date of action by the Planning Commission or City Council, unless the City Council or Planning Commission waives this limitation for good cause.

SECTION 20 - ENFORCEMENT AND PENALTY FOR VIOLATION

- A. **Zoning Enforcement Officer(s)**
The provisions of these regulations shall be administered by a code enforcement officer.

The City of Bryant or any property owner may request an injunction against any property owner in violation of these regulations, or may mandamus any official to enforce the provisions thereof.

B. Building Permit Required

After the effective date of these regulations, a building permit shall be required before work can commence on the construction or the excavation for the construction of any building or structure, or the moving or alteration of any building within the City limits of Bryant.

A residential permit to build will be issued only after the application has been approved by the building coordinator, as meeting the requirements of these regulations. All applications shall be accompanied by a plan-duplicate drawn to scale and showing actual dimensions of the lot, building size, and its location on the lot, and such other information as may be necessary. A record of such application and plats shall be kept in the permit office. Commercial building permits must be submitted to the Planning Commission for review and approval. Building Permit Fees must be paid.

C. Penalty for Violation

Violation of any provisions of these regulations shall be deemed a misdemeanor and upon conviction thereof, a person, corporation, or firm will be subject to penalties provided by law. Each day a violation exists shall be deemed as separate offense.

D. Certificate of Occupancy Required

No new structure or addition to an existing structure shall be occupied and no permitted or conditional use of a building shall be changed unless a Certificate of Occupancy is issued therefore by the Code Enforcement Officer. Conditional uses that are changed to another conditional use must go through the Planning Commission before a Certificate of Occupancy can be issued.

1. Procedure

- A. Application – A Certificate of Occupancy shall be applied for coincident with the application for a Building Permit.
- B. Action on Application – The Code Enforcement Officer shall inspect the property which is the subject of an application upon completion of the building or structure, after a completed application has been filed, and shall issue a Certificate of Occupancy if the premises of the property comply in all respects with the applicable development regulations in effect for the City of Bryant. If the premises do not so comply, the Code Enforcement Officer shall deny the application in a written notice mailed to the applicant within five (5) days after the inspection of the property, specifying the provisions of which Ordinance or Code the structure or development does not comply.
- C. Temporary Certificates of Occupancy – A temporary Certificate of Occupancy may be issued for a portion or portions of a building, which may

safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding sixty (60) days. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of any other matter required by this section.

SECTION 21 - VALIDITY

A. **Validity**

Should any section, subsection, paragraph, clause or provision of these regulations be declared by a court of the competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared invalid.

Addendum 1

Tower Policy

If a land owner wants to allow a tower to be built on their property and the property is zoned commercial the owner would need to come to the Planning Commission with a plat of the property and a written request for approval to allow the tower to be built as a conditional use. The tower height must be shown on the request.

If a land owner wants to sell a portion of land to someone that wants to put a tower up, the property would need to be re-platted and then the portion for the tower would have to be rezoned and come in under PUD zoning.

(Towers can exceed the three (3) story height limit.) A tower must be a minimum of thirty feet (30') from the property line.

Planning Commission approval October 11, 1999

Addendum 2

Definitions

Occupied Space - For purposes of this zoning ordinance commercial occupied space is defined as that square feet within a structure that is occupied by patrons, visitors, employees and shoppers, waiting rooms, patient treatment areas and areas for exercise and recreation that are enclosed. Display areas, retail space, material assembly areas, meeting rooms and lodging accommodations will be included. Specifically excluded from occupied space will be storage areas and unimproved enclosed building space primary for products, materials and supplies where employees are not permanently assigned. Occupied space in a motel or hotel will be 70% of the total square footage.

Planning Commission approval December 13, 1999.

Addendum 3

ORDINANCE NO. 2002-03

AN ORDINANCE TO CONTROL THE CLEARING, EXCAVATING, FILLING AND GRADING OF UNDEVELOPED LOTS TO MINIMIZE EROSION, FLOODING AND INCONVENIENCE TO ADJOINING PROPERTY OWNERS

Whereas: It is in the best interest of the residence of Bryant, Arkansas to control the clearing, excavating, filling and grading of undeveloped lots to minimize erosion, flooding and inconvenience to adjoining property owners.

Now Therefore: Before any owner of property that is one acre or more that is unimproved alters the contours by clearing and/or grading or places more than 50 cubic yards of fill, a site clearance permit must be obtained from the City of Bryant.

Further: The applicant will complete a request for site clearance and pay a fee in the amount of \$5.00. The city will be allowed five (5) business days to process the application and to make site investigations. The city will review the application in regards to flood plain and potential or sediment runoff into drainage tributaries. The city will approve, conditionally approve subject to erosion control methods, or disapprove the application.

Permits issued will be for a specific time with no additional work being performed after the permit period. If the site is to remain unimproved after the site clearance then permanent erosion control and detention of stormwater must be provided. Property owners seeking a building permit will comply with all permit regulations.

By issuing a site clearance permit, the city in no way obligates itself to approving any re-zoning or building permit. Property owners failing to comply with this site clearance ordinance will be notified of their violation and given three (3) working days to comply or be subject to a fine of \$100.00 per day until the site has been restored.

Now Therefore: The City Council hereby adopts this ordinance with the effective date being 30 days after council approval. Property owner appeals to city action taken to enforce this ordinance will be directed to the Bryant City Council.

February 25, 2002

Date Approved

Addendum 4

ORDINANCE NO. 2002-02

AN ORDINANCE ESTABLISHING ALLOWABLE TIME LIMITS FOR APPROVALS TO DEVELOP OR CONSTRUCT WITHIN THE CITY OF BRYANT

Whereas, it is in the best interest of the City of Bryant and a developer or contractor to expedite construction after approval to assure that all current zoning, building codes, and regulations are set aside the following are hereby established:

Preliminary Plat Approval - A developer will have a maximum of 6 months to begin development of a subdivision after receiving preliminary plat approval and the developer will have a maximum of 18 months to complete the development or phase of development and submit to the Planning Commission a request for final plat approval. Failure to comply with these limits will result in the Planning Commission withdrawing approval unless the developer has appeared before the Planning Commission and obtained an extension.

Site Plan and Construction Plan Approval - The builder will have a maximum of 6 months to obtain a building permit from the City of Bryant after site plan and construction plan approval. Failure to obtain the building permit will result in termination of the approval unless the builder appears before the Planning Commission and obtains a time extension.

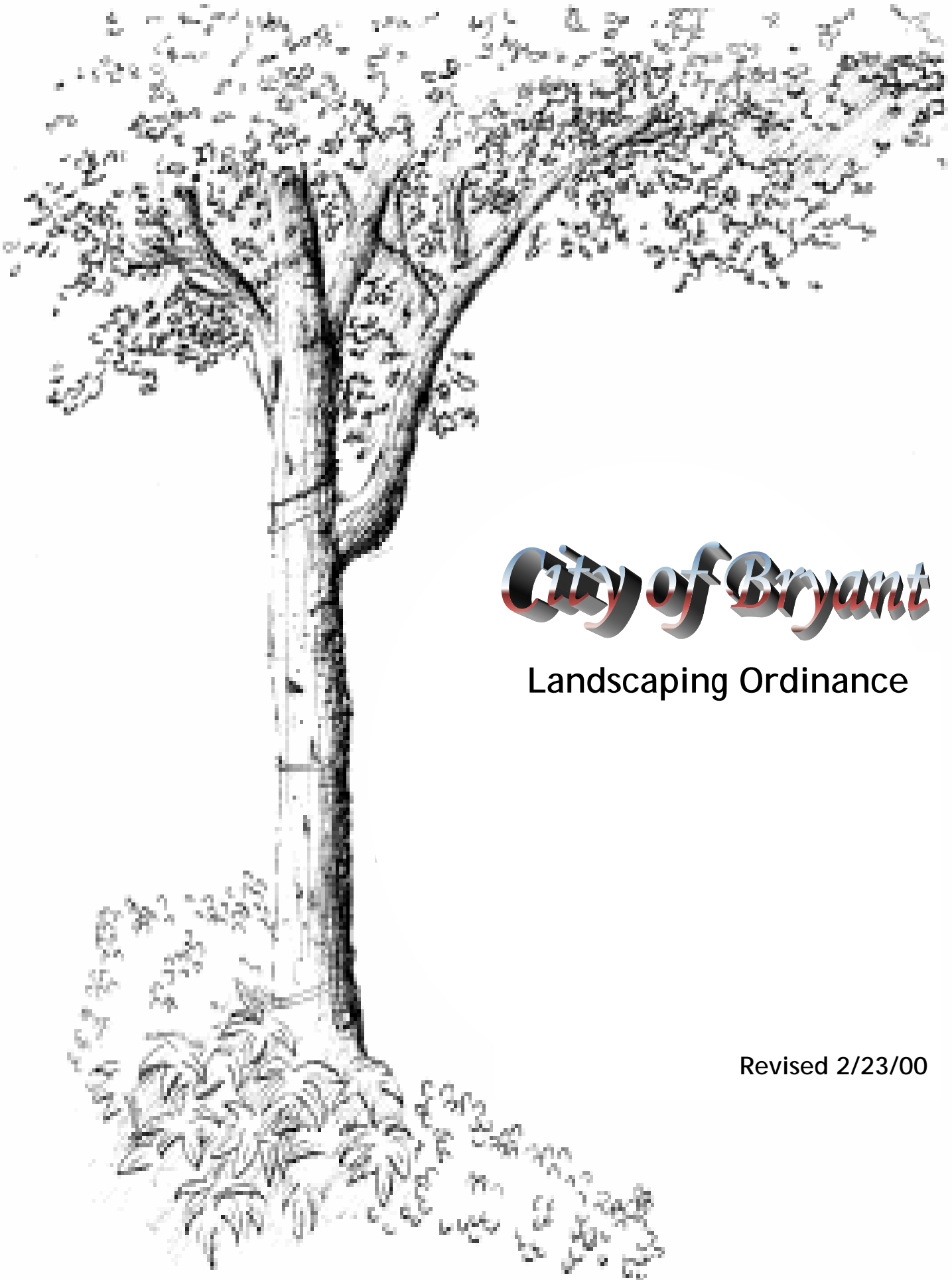
Building Permits - The builder or contractor will have a maximum of 12 months to complete the project authorized by the building permit from the date the permit is issued. Failure to comply with this schedule will result in the city not issuing an occupancy permit until the builder has appeared before the Planning Commission and obtained an approved extension.

The secretary of the Planning Commission will be responsible for monitoring deadlines for subdivisions and site plan and construction plan approvals and will notify the Chairman of the Planning Commission 30 days in advance of the deadline if appropriate action has not been taken.

The City Building Inspector/ Code Enforcement Officer will be responsible for monitoring building permits and service notice to the builder or developer in writing 60 days prior to the expiration date of the permit.

February 01, 2002

Date Approved



City of Bryant

Landscaping Ordinance

Revised 2/23/00

City of Bryant Landscaping Ordinance

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LANDSCAPING ORDINANCE

CITY OF BRYANT

SECTION I PURPOSE

The purpose of this regulation is for the City of Bryant to establish minimum standards for the provision, installation, and maintenance of landscape grading, planting, and compliment the zoning regulation in order to achieve a more healthy, beautiful and safer community in the following subject areas.

SECTION II APPLICABILITY

This landscape regulation applies to all public, private, and institutional development, expansions and redevelopment after the effective date of this ordinance except the construction of an individual single-family detached dwelling on a lot of record where the subdivision of land process is not involved. Further, the applicant for a building permit for the rehabilitation of a structure or parking lot when the cost of the rehabilitation exceeds the existing value of the structure or parking lot by fifty (50) percent or more shall, make the landscaping become conforming.

SECTION III DEFINITIONS

Words in the text or tables of the ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary shall prevail. In any case, the office of the Zoning Enforcement in Bryant shall have the right to interpret the definition of the word.

Definition Terms

Berm: A mound of earth designed to provide visual interest, screening of areas, and to reduce noise.

Buffer or Buffer Yard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Caliper: The diameter of tree trunks expressed in inches as determined by an instrument designed to measure the diameter of cylindrical objects.

Deciduous: A plant with foliage that is shed annually.

Evergreen: A plant with foliage that persists to the extent that it is never bare limed.

Landscaping: A design of any combination of living plants and nonliving material such as rocks, pebbles, sand, mulch, walls, fences suggested for use in this ordinance to screen or beautify specific areas.

Mulch: Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Nonconforming Landscaping: areas that were established in and around Bryant prior to the adoption of this landscape ordinance that are not landscaped in accordance with at least the minimum requirements of this ordinance.

Opaque Fence: A fence that is constructed of materials in such a way that light and thus visibility is not transmitted through the fence.

Ornamental Tree: a tree planted primarily for its beauty value as opposed to its function of shade or screening even though it may perform all three functions.

Plant Unit: The number of grouping (spacing) of landscaping materials for a landscape variable as outlined by this ordinance.

Screen: An arrangement of plants, berms, fences, or walls or combinations of these and other elements designed and situated to reduce the impact of noise and visual intrusions.

Separation: An area between a street or other improvement and a parking lot to be used as a beautification area and buffer.

Shade Tree: Usually a deciduous tree - rarely an evergreen-planted primarily for its overhead canopy to produce shade.

Shrub: a woody plant, smaller at maturity than mature trees, characterized by a dense stem pattern and may be multiple trunked with foliage from the ground up.

Specimen Tree: A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Street: A public thoroughfare for vehicle travel.

Woodlands, Existing: Existing trees and shrubs on a site contemplated for development which may be considered to accomplish the same general function as those required for the landscape plan of the contemplated development.

Zoning Definitions: The definitions in the City of Bryant zoning regulation - applies to this ordinance.

Zoning Regulation: That part of the City of Bryant zoning regulations pertaining to planting, landscaping, and beautification.

SECTION IV: MINIMUM LANDSCAPING CRITERIA

	Residential Subdivision	C-1	C-2	PUD
Trees	N/A	1 each 1/3 acre or Fraction	1 each 1/2 acre or Fraction	X*
Evergreens	N/A	1/ 2,000 Sq. Ft.	1/ 2,000 Sq. Ft.	X*
Bedding Plants or Ground Cover in Containment	Primary Entrance must be Landscaped	100 Sq. Ft. Minimum	100 Sq. Ft. Minimum	X*
Lawn (Grass)	N/A	Options	Options	X*
Open Space Natural or Landscaping	100 Sq. Ft./Lot	N/A	N/A	X*

* Landscape design must be approved

- No Planting within 5 feet of a fire hydrant.
- Spacing will be 40' between trees.
- Tree must be a minimum 3" in diameter @ the base and 12'+ tall.
- Existing trees meeting the minimum size can be counted to meet the criteria.
- No trees can be planted within thirty-foot (30') of a property corner or driveway.
- Shrubs along street right-of-way lines cannot exceed thirty inches (30") in height.
- Separations noted in the zoning regulations must be bermed or screened with landscaping and ground cover or grass.

SECTION V. PLANT MATERIAL SELECTION

A. The following list of trees are those which have been found to be best suited to the central Arkansas area. There are many more trees that are strong growth trees but the ones in the following lists require the least amount of

maintenance. Additional trees may be selected for use in required landscape areas when proven to be hearty in this area.

1. Primary List:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Bald Cypress	Taxodium distichum
Chinese Elm	Ulmus parvifolia
Flowering Bradford Pear	Pyres Calleryana "Bradford"
Ginkgo (male)	Ginkgo bilaba
Honey Locust	Gleditsia triacanthos
Loblolly Pine*	Pinus Taeda
Pin Oak	Quercus palustris
Sawtooth Oak	Quercus acutissima
Sugar Hackberry	Celtis laevigata
Willow Oak	Quercus phellos

*Evergreen trees

2. Secondary List:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
American Holly*	Ilex opaca
Crab Apple	Malus spp.
Crepe Myrtle	Lagerstoemia indica
Dogwood	Comus florida
Hawthorn	Crataegus opaca
Redbud	Cercis Canadensis
River Birch	Betula nigra
Southern Magnolia*	Magnolia grandiflora
Swamp Red Maple	Acer reburm
Water Oak	Quercus nigra
Weeping Willow	Salix babylonica

*Evergreen Trees

B. Trees/shrubs on public rights-of-way

All tree/shrub species listed in A, 1-2 and C, 1-2 may be used in the public tight-of-way,

C. Shrub Species

The following list of shrubs, are those which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list, along with the secondary list, are those shrubs which may be planted in the required

landscape area. Additional selective shrubs may be substituted when proven to be hearty in this region.

1. Primary List:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Evergreen Hollies	Ilex species
Nandina	Nandina domestica

2. Secondary List:

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
Abelia	Abelia grandiflora
Boxwood	Busus sempervirens
Chinese Photinia	Photinia serrulata

Note: Secondary listed shrubs require increased maintenance

D. Grasses

1. The following grasses may be used to comply with this ordinance:

Mayer Z-52	Zoysia
Bermuda Grass	Bermuda Grass hybrids
Centipede	St. Augustine
Fescue	

2. The Grasses listed in subsection (1) above are the more commonly used grasses adjacent to vehicular use areas.

E. Ground Covers

1. The following primary list of ground covers are recommended for use to comply with this ordinance.

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>
DwarfNandina	N. domestica "Harbour Dwarf"
Junipers	Juniperus species
Liriope	Liriope Muscari
Memorial Rose	Rosa Wichuraiana
Mondo Grass	Ophiopagon japonicus
Periwinkle	Vinca minor
Spreading Euonymus	E. fortunei "Radicans"

2. Secondary List: (This list can be used but must be confined to a bed.)

COMMON NAME

Carolina Jessamine
Dwarf Bamboo
English Ivy
Honeysuckle

SCIENTIFIC NAME

Gelsemium sempervirens
Arundinaria pygmaea
Hedera Helix
Lonicera sempervirens

SECTION VI MAINTENANCE

- A. The developer, his successor and the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning and other maintenance of all planting on private property of a development. Plant materials which are installed for compliance with this ordinance, both on private property and the public right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials shall be replaced.
- B. The owner of land abutting a constructed public right-of-way shall be responsible for the tree planting strip lying between the private property line and the curblineline or backslope line and shall be required to regularly weed, mow, prune and maintain plantings in compliance with good horticultural practices.
- C. If the owner of land thus situated as in (2) above, neglects or refuses to maintain the areas as proscribed, after having been given ten (10) days notice in writing to maintain by the City, the owner shall be guilty of a misdemeanor.

SECTION VII PLANNING COMMISSION APPROVAL

The City of Bryant Planning Commission will review and act on all landscaping proposals at the time building plans are submitted and in the case of subdivision at the preliminary plat submittal.

A certificate of occupancy will not be issued for a commercial establishment nor will the final subdivision plat be approved until landscaping requirements are satisfied.

SECTION VIII ENFORCEMENT

The code enforcement officer of the City of Bryant will enforce this ordinance and issue citations as authorized by law.

ORDINANCE NUMBER 2006-42

AN ORDINANCE TO CONTROL THE ERECTION OF BILLBOARDS WITHIN THE CITY OF BRYANT, ARKANSAS. TO ESTABLISH FEES, AND FOR OTHER PURPOSES.

WHEREAS, it has been determined by the City Council of the City of Bryant, Arkansas, that the control of billboard advertising is in the best interest of development of the City of Bryant. Such billboards adversely affect the safe and orderly flow of pedestrian and vehicular traffic within the city limits by contributing to poor visibility, congestion, and obstructions on the roadway, and might also result in harm to the welfare of the City by creating visible clutter and blight and by promoting a negative aesthetic impact in the city.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS THAT:

SECTION I: DEFINITIONS:

- A. **Commercial Sign:** Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, electronic messaging, billboard or any other thing which is designed, intended, or used to advertise or inform regarding an individual business, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, any part of the advertising or informational content of which is visible from any place on the main traveled way of Interstate or Federal aid Primary Highway, or any part of the advertising or informational content of which is visible from any place on the streets and highways within the City of Bryant.
- B. **Free Standing Sign:** A permanently installed sign supported upon the ground by poles or braces not attached to a building.
- C. **Maintenance:** The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design or structure.
- D. **Billboard:** A billboard is an off-premises a free standing sign, object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by and means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of religious or political candidates or issues.
- E. **Owner:** A person identified and recorded as such on official records. For the purpose of this ordinance, the owner of the property on which a sign is located is presumed to be the owner of the sign, unless official records required by this Ordinance indicate otherwise.
- F. **Permanent Sign:** To set, fix, or secure in or on a support, thereby allowing such sign to become a fixed object to be used for the purpose of advertising or identifying any establishment, product, goods or services.
- G. **Sign:** Any device, structure, fixture, or placard using graphics, symbols, color and/or written copy to advertise, to announce the purpose of, or to identify the purpose of a person, entity, establishment, product, good, service, or event or to communicate information of any kind to the public.

- H. **Sign Facing:** The directional view of a sign visible from the approaching traveled way-

SECTION II: REGULATED OFF-PREMISE SIGN REQUIREMENTS:

- A. The regulated billboard requirements of this ordinance are to ensure there are no unplanned construction of billboards and that there are no pedestrian or vehicular traffic safety or hazardous situations developed within the city limits of Bryant because of poor visibility, congestion, and obstructions on the roads and highways and that the welfare of the City is protected by preventing visible clutter and blight and by promoting a positive aesthetic impact.
- B. **Billboard requirements:**
 - 1. There will be no new billboards allowed within the city limits of Bryant, Arkansas, except where allowed by the Arkansas Highway Department on Interstate 30.
 - 2. Billboards on Arkansas Highways 5 and 183 will be capped to the total number of signs existing in the city limits at the time of the acceptance of this ordinance.
 - 3. As soon as practical after the effective date of this ordinance, the City shall compile an inventory of existing billboards within the City. Until the inventory is completed, no billboard shall be erected, modified, or relocated, nor shall the City of Bryant issue any permits. Following completion of the inventory, the City shall grant a billboard permit for each existing billboard reflecting the location, size, height, zoning, and the degree of conformity with the requirements of this ordinance. Only inventoried billboards may be issued alteration or relocation permits. Billboard owners can accelerate the inventory process by providing the necessary inventory information for their billboards. If owners have provided necessary inventory information for all billboards in their ownership, the City shall release billboard permits for that ownership, regardless of the degree of completion of the remainder of the inventory.
 - 4. Billboards shall not be altered with regard to size, shape, orientation, height, or location without the prior issuance of a billboard alteration or relocation permit. All such permits shall require full compliance with the provisions of this ordinance, except that alteration permits are exempted from the 1000 feet spacing requirement of Item 9 below. Ordinary and necessary repairs which do not change the size, shape orientation, height, or location of an inventoried billboard shall not require alteration permits.
 - 5. All existing billboards or those billboards under contract prior to the adoption of this ordinance are grand-fathered within the city limits of Bryant.
 - 6. Billboards on Arkansas Highways 5 and 183 will not be allowed to relocate within the city limits of Bryant. However, they may relocate to Interstate 30 provided the owner obtains a relocation permit. Billboards will meet the Arkansas Highway Department and Federal Highway regulations. An application/registration request must be submitted to the Bryant Planning Commission for review and approval.
 - 7. The number of commercial signs per billboard shall comply with the standards provided for in Regulations for Control of Outdoor Advertising on Arkansas Highways as provided for by the Arkansas Highway Department.
 - 8. All non-grandfathered billboards will have a maximum size of 14 feet by 48 feet and will be spaced no closer than 1000 feet from another billboard unless specifically exempted by another section of this Ordinance.

9. No billboard shall be located in such a position that it obstructs or obscures the view of vehicular or pedestrian traffic in such a manner as to endanger the safe movement thereof.
10. Each billboard, any single face of which is larger than 24 square feet, shall be set back at least 25 feet from any road or street right-of-way line, measured from the closest part of the sign.
11. All billboards shall be erected in conformity with the front, side and rear yard requirements of the zoning district in which they are located.
12. No billboard shall be permitted whenever property zoned residential would be between the sign and the roadway toward which it is oriented.
13. No part or foundation or support of any billboard shall be placed on, in, or over any public property, including public rights-of-way, or any utility or drainage easement, or upon telephone or utility poles, or natural features such as trees and rocks, except for the following:
 - a. Signs, displays, and devices which locate, identify, mark, or warn of the presence of pipelines, utility lines, or rail lines and appurtenances thereto, including, but not limited to, markers used in maintenance, operation, observation, and safety.
 - b. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct and regulate pedestrian or vehicular traffic
14. Any wood pole billboard may be upgraded to a monopole provided it conforms to the Arkansas Highway Department and Federal Highway regulations. Prior to replacement, a building permit must be obtained from the City of Bryant.
15. New, replacement, upgraded, or relocated billboards will be single faced and no more than two sides.
16. After the effective date of this ordinance, it shall be unlawful for any person to erect, expand, move, or place any billboard which does not conform to the requirements set forth herein.
17. All billboards other than those allowed herein are prohibited within the city limits.

SECTION III: APPLICATIONS AND REGISTRATIONS:

- A. Applications for billboards to be located within the city limits will have a plan sheet showing, but not limited to, the following: location, materials list, methods of construction, anchoring and supporting, landscape plan, and certification of compliance to all federal, state, and/or city codes.
- B. Applications will be turned into the Planning Commission office before the deadline for the regularly scheduled monthly meeting.
- C. All existing billboards or those under contract prior to the adoption of this ordinance, which are located within the city limits, are not subject to application or building fees. However, all billboard owners, unless otherwise exempted in this Ordinance, will be required to register with the City of Bryant, Permit Office for purposes of obtaining a valid permit and establishing the annual Billboard Permit fee.

- D. The Planning Commission shall take appropriate action on applications for permits under this Ordinance pursuant to the rules and procedures established for other similar matters before the Planning Commission.

SECTION IV: FEES AND MAINTENANCE:

- A. Purpose
 - 1. The purpose of the annual permit fee is to offset the cost to the City of Bryant of enforcement of this Ordinance and should not be construed as a charge for the privilege of doing business.
- B. General Administrative:
 - 1. Billboard building permit, one time fee, is seventy-five dollars (\$75.00).
 - 2. Annual Billboard Permit fees will be for the period January 1 through December 31 (annually).
 - 3. Billboard owners will be required to apply and pay annual permit fees to the City of Bryant, Permit Office, not later than January 1 of each year. If fees are not paid by January 30 of each year, Section V: Enforcement, will apply as stated below.
- C. Annual Permit Fees for billboards within the Bryant City limits will be one hundred dollars (\$100.00) annually.
 - 1. No Annual Permit fee will be required for the following billboards:
 - a. Signs, displays, and devices which locate, identify, mark, or warn of the presence of pipelines, utility lines, or rail lines and appurtenances thereto, including, but not limited to, markers used in maintenance, operation, observation, and safety.
 - b. Signs advertising the sale or lease of property on which they are located;
 - c. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct and regulate pedestrian or vehicular traffic
- D. The owner shall maintain all freestanding billboards and the premises surrounding the sign in a clean, sanitary, and inoffensive condition, free of all obnoxious substances, rubbish, and weeds.
- E. All billboards shall be properly maintained at all times. Exposed surfaces shall be clean and painted (if paint is required). Defective parts shall be replaced.
- F. Construction and placement of all billboards must conform to the applicable traffic codes of the city and in no way restrict the safe view and/or efficient movement of traffic.

SECTION V: ENFORCEMENT

- A Code Enforcement shall send a certified letter notifying the billboard owner of non-payment of fees, damage, safety violation, hazard, non-maintenance, or non-compliance with this ordinance. From the day of receipt of this certified letter, the owner will have 20 days (includes Saturdays and Sundays) to show the violation(s) have been resolved or/repair(s) have been arranged or completed.

- B After 20 days, code enforcement will notify the Bryant City Police Department and the billboard owner may be ticketed and fined up to \$500 per violation. Each day after the 20th day after the receipt of the initial certified letter shall constitute a separate violation for purposes of enforcement.
- C If the violation(s) is not addressed within 60 days of receipt of the initial certified letter, the city will withdraw the permit and have the billboard removed at the owner's expense.
- D These time periods and limitations shall commence to run upon the receipt of the first letter received by the billboard owner from the City of Bryant for each individual violation. The time shall not be affected, re-initialized, or excluded in any manner, even by the receipt of subsequent letter(s) by the billboard owner for the same offense.

SECTION VI: GENERAL REPEALER: All ordinances and resolutions and parts hereof in conflict with this ordinance are hereby repealed to the extent of such conflict, specifically including 2004-05.

SECTION VII: SEVERABILITY: Should any section, clause, or phrase of this ordinance be declared by the courts to be invalid, that validity shall not affect the other provisions of this Ordinance which shall be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VIII: CODIFICATION: This ordinance shall be codified. The sections may be renumbered or relettered to accomplish this intention.

ORDINANCE NO. 2005-05

**AN ORDINANCE TO BE ENTITLED: NOISE CONTROL
ORDINANCE FOR THE CITY OF BRYANT, ARKANSAS**

WHEREAS, excessive sound and vibration are a serious hazard to the public health and welfare, safety, and the quality of life; and

WHEREAS, the people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health or welfare, or safety, or degrade the quality of life; and

NOW, THEREFORE, it is the policy of the City of Bryant, Arkansas to prevent excessive sound and vibration which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

This ordinance shall apply to the control of all sound and vibration originating within the limits of the City of Bryant.

SECTION I: General

It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud and raucous noise which term shall mean any sound which, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the city limits as defined below.

SECTION II: Prohibited Acts

The following acts, and the causing thereof, are declared to be in violation of this ordinance:

1. Engine Exhaust

The discharge into the open air or the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device which will effectively prevent loud and disturbing noises therefrom.

Noise and smoke producing devices prohibited. (Ark. Code Ann. § 27-37-601)

- a. Every motor vehicle shall at all times, be equipped with a factory-installed muffler or one duplicating factory specifications, in good working order and in constant operation, to prevent excessive or unusual noise and annoying smoke.

- b. No person shall use on a motor vehicle upon the public roads, highway, streets, or alley of this state, nor shall any person sell for use on a motor vehicle upon the public roads, highways, streets, or alleys of this state, a muffler, other than as defined in subsection (a) of this section, cutout, bypass, similar device, or any type device which produces excessive unusual noise or smoke.

2. Jake brakes

The creation or emission of engine of exhaust noise through the use of "Jake brake" or other similar engine compression retarding device so as to create a loud or disturbing noise, except when such devices are used as a safety device.

3. Radios, Televisions, Boomboxes, Phonographs, Stereos, Musical Instruments and similar devices

The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and which unreasonably disturbs the peace, quiet, and comfort of neighbors and passers-by, or is plainly audible at a distance of **50 feet** from any person in a commercial, industrial area, or public space. The use or operation of a radio, television, boombox, stereo, musical instrument, or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player(s) or operator(s) of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet, and comfort of neighbors in residential or noise sensitive areas, including multi-family or single-family dwellings.

4. Motor vehicle radios, vehicle horns, signaling devices, and similar sound devices

Using, operating or permitting to be played any radio, music player, or audio system in a motor vehicle which produces or reproduces sound in such manner as to cause a loud and disturbing noise which is plainly audible to persons other than the occupants of said vehicle. Phrases need not be discernible and bass reverberations are included. Plainly audible means any sound produced by a sound amplification system from within the vehicle.

The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City of Bryant, for more than **ten (10) consecutive**

seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

Sounding or permitting sounding of any amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than **ten (10) consecutive seconds** in any hourly period. The reasonable sounding of such devices by **houses of religious worship, ice cream trucks, seasonal contribution solicitors** or by the City of Bryant, for traffic control purposes are exempt from the operation of this provision.

The intentional sounding or permitting the sounding outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle, or similar emergency signaling device, except in an emergency or except as provided in Subsections (1) and (2), below.

(1) Testing of an emergency signaling device shall occur between **7:00 a.m. and 7:00 p.m.** Any testing shall use only the minimum cycle test time. In no case shall such test time exceed **five (5) minutes**. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(2) Sounding or permitting the sounding of any exterior burglar or fire alarm or any motor vehicle burglar alarm, in accordance with Bryant Ordinance No. 40 of 2003.

5. Building construction or repair

The erection including excavating, demolition, alteration or repair of any building so as not to create a loud and disturbing noise between the hours of 10:00 p.m. until dawn on Monday through Saturday, except in case of urgent necessity in the interest of public health and safety and then only with a permit from the City Inspector/Code Enforcement, which permit may be granted only while the emergency exists. If the City Inspector/Code Enforcement should determine that the public health and safety necessitates the issuance of such a permit and will not be impaired by the erection, demolition, alteration or repair of any building or the excavation or repair of any building or the excavation of streets within the hours of 10:00 p.m. and dawn Monday through Saturday or on Sunday, he may grant permission for such work to be done within such hours or within time period during such hours, upon application being made at the time the permit for the work is issued or during the progress of the work.

6. Animals and Birds

Unreasonably loud and raucous noise emitted by an animal or bird for

which a person is responsible. A person is responsible for an animal if the person owns, controls or otherwise cares for the animal or bird. Sounds made by animals or birds in animal shelters, kennels, veterinary hospitals, pet shops or pet kennels, licensed under and in compliance with licensing and permitting provisions set forth by the City of Bryant are exempt from this subsection.

7. Loading and Unloading

Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects between the hours of 10:00 p.m. and dawn the following day in such a manner as to cause a noise disturbance across a residential real property boundary.

8. Domestic Power Tools

Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, or similar device used outdoors in residential areas between the hours of 10:00 p.m. and dawn the following day so as to cause a noise disturbance across a residential real property boundary.

9. Loudspeakers, Amplifiers, Public Address Systems, and Similar Devices

The unreasonably loud and raucous use or operation of a loudspeaker, amplifier, public address system, or other device for producing or reproducing sound between the hours of **10:00 p.m. and 7:00 a.m.** on weekdays, and **10:00 p.m. and 10:00 a.m.** on weekends and holidays in the following areas:

- (1) Within or adjacent to residential or noise-sensitive areas;
- (2) Within public space if the sound is plainly audible across the real property line of the public space from which the sound emanates, and is unreasonably loud and raucous.

This shall not apply to any public performance, gathering, or parade for which a permit has been obtained from the City of Bryant.

Section III: Person responsible for violation

Any person, owner, agent or supervisor in charge of operating, ordering, directing or allowing the operation or activity creating noise shall be guilty of a violation of this article and subject to the penalties.

SECTION IV: Exceptions to Ordinance

Emergency Exception

The provisions of this ordinance shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

The term "loud and disturbing noise" does not include noise or sound generated by the following:

1. Radios, sirens, horns, and bells on police, fire, and other emergency response vehicle.
2. The testing of emergency tornado warning systems (sirens, horns, and bells).
3. Public activities on or in municipal, city parks (July 4th activities, Fall Fest, National Night out), school athletic facilities, sporting event(s), musical production, parades or other activities with the approval of the Mayor or the Bryant City Council.
4. Excavation or emergency work repairs of bridges, street, or highways by or on behalf of the City of Bryant, Saline County, or the State of Arkansas, during the nighttime when the public welfare and convenience renders it impossible to perform such work during the day.
5. This provision shall not apply to sound trucks duly licensed under the provision of any revenue ordinance, or ordinance of the city in connection with political rallies.
6. Fire alarms and burglar alarms, prior to the giving of notice and a reasonable opportunity for the owner or tenant in possession of the premises served by any such alarm to turn off the alarm.
7. Religious worship activities conducted in a permanent structure, including but not limited to bells, chimes, and organs.
8. The movement of aircraft which is in all respects conducted in accordance with, or pursuant to, applicable federal laws or regulations.
9. Locomotives and other railroad equipment.
10. Fireworks displays within such hours and conditions as may be imposed by the issuance of the permit or discharging of fireworks as allowed by ordinances of the city.

SECTION V: Penalties:

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor upon conviction by the municipal court of Bryant, Arkansas and shall be subjected to a penalty of not less than one hundred dollars (100.00) plus court costs and not more than five hundred dollars (\$500.00) plus court costs.

SECTION VI: Other Remedies

No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this ordinance or from other law.

SECTION VII: Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

SECTION VIII: Effective Date

This law/ordinance shall take the effect on April 28, 2005.

By: Brenda Cockerham
Brenda Cockerham
City Clerk

By: Paul E. Halley
Paul E. Halley
Mayor

ORDINANCE NO. 2005- 13

AN ORDINANCE FOR THE CLEARANCE OF UNSIGHTLY AND UNSANITARY CONDITIONS OF REAL PROPERTY AND FOR OTHER PURPOSES

WHEREAS, it is to the benefit of the citizens of the City of Bryant to live within an area free of unsightly and unsanitary conditions , and

WHEREAS, it is the duty of the City to protect the health and welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BRYANT, ARKANSAS

SECTION ONE: It may become necessary to order the owner or occupant of lots and other real property within the city limits to cut weeds, remove garbage, rubbish and other unsightly and unsanitary articles and things upon said property, including junked or abandoned motor vehicles and non-working appliances; and to eliminate, fill up or remove stagnant pools of water or any other unsanitary thing, place or condition which may become a breeding place for mosquitos, flies, rodents, and germs harmful to the health of the community, after it has been ascertained by proper investigation that such condition actually exists.

A. If the owner or occupant of any lot or other real property within the City of Bryant shall neglect or refuse to remove, abate or eliminate any such conditions or condition as may be provided above, after having been given 20 days to do so by written notice by certified mail, or after seventy two (72) hours by personal service, then the City is authorized to do whatever is necessary to correct said condition and charge the costs thereof plus 10% penalty for collection, to the owner of said lots or other real property.

1. The city is given lien against the property for the costs.
2. The notice may be issued by a police officer employed by the city, the city attorney, or the code enforcement officer employed by the city.
3. The city shall file the lien with the circuit clerk no later than 120 days after the city completes the clean-up work on the property.

B. The lien may be enforced and collected in either one (1) of the following manners:

1. At any time within three (3) years after the work has been done, by an action in the circuit court; or
2. The amount of the lien may be determined at a hearing before

the governing body of the municipality held after thirty (30) days' written notice by mail, Return Receipt Requested to the owner of the property, if the name and address of the owner are known, and placed on the tax books as delinquent taxes, and collected accordingly.

- C. In the alternative to charging costs against the property and correcting said situation, the city may, through a duly authorized officer, issue a summons to appear in District Court of the City of Bryant to the owner or occupant of the property, giving a day to appear in Court on the face of said summons for violation of this ordinance.

SECTION TWO: Violation of Ordinance

Violation of this ordinance shall be a unscheduled misdemeanor, which shall carry a fine of not more than \$100.00 plus costs. The court may, at its option, make said fine a civil penalty to prevent a criminal conviction of the person charged with violation of this ordinance. A condition of receiving a civil penalty shall be a correction of said violation.

Each day that a violation of this ordinance occurs shall be a separate violation. However a civil penalty shall only be available for the first occurrence. If a summons is issued then no additional summons may be issued for the same violation alleged in the first summons. A failure to appear and issuance of a warrant shall be deemed a final determination for purposes of this ordinance.

SECTION THREE: Definitions

- A. Junked or abandoned automobile- any motor vehicle incapable of starting or moving under its own power, or one damaged to the extent that it cannot be started or move under its own power, or any vehicle incapable of being licensed under the laws of the State of Arkansas, or one that has not been moved for a period of one month from its present position, or that has not been moved for one week if parked in a city street or right of way.
- B. Uncut weeds- grass or weeds which have grown to a height of more that 6 inches when not being used as a pasture or for other agricultural purposes.
- C. Unsanitary- any article which constitutes a health hazard.
- D. Unsightly- any non-working product which may be described as trash of no apparent value.

SECTION FOUR: General Repealer

All ordinances or parts of ordinances in conflict herein are Repealed. Specifically #95-19, 95-37, 95-29. The provision of this ordinance is hereby declared to be severable, and if any provisions shall for any reason be illegal or invalid, such holding shall not effect the validity of the

remainder of this ordinance.

PASSED AND APPROVED THIS 27th DAY OF June 2005.

ATTEST: *Brenda Cockerham*
BRENDA COCKERHAM, CITY CLERK

APPROVED: *Paul C. Halley*
PAUL HALLEY
MAYOR OF BRYANT