



**WASHINGTON COUNTY, ARKANSAS**  
**County Courthouse**

**REGULAR MEETING OF THE**  
**WASHINGTON COUNTY QUORUM COURT**

Thursday, September 19, 2024  
6:00 p.m.  
Washington County Quorum Court Room

**A G E N D A**

1. **CALL TO ORDER AND WELCOME** **JUDGE DEAKINS**
2. **PRAYER AND PLEDGE**
3. **ADOPTION OF AGENDA**  
At the beginning of each meeting, the agenda shall be approved. Any JP may request an item to be added or removed from the agenda subject to approval of the Quorum Court.
4. **PRELIMINARY MOTIONS**
5. **CITIZEN'S COMMENTS**  
Fifteen-minute comment period with a three-minute limit for each individual to comment on items on the agenda or other items.
6. **APPROVAL OF MINUTES** – Approval of Minutes August 15, 2024 Quorum Court Meeting.
7. **COUNTY JUDGE'S REPORT** (7.1) **JUDGE DEAKINS**
8. **CONSENT AGENDA**
  - 8.1 **AN ORDINANCE DE-APPROPRIATING SURPLUS AMOUNTS FROM FULL-TIME SALARIES Q2** Item 24-0-077 **JP RICKER**
  - 8.2 **AN ORDINANCE PROJECTING REVENUE AND CARRYOVER TOTALING \$78,715.70 IN THE VETERAN'S TREATMENT GRANT** Item 24-0-078 **JP LYONS**

**8.3 AN ORDINANCE AMENDING THE IT BUDGET FOR 2024; AND, FOR OTHER MATTERS PERTAINING THERETO** Item 24-0-079 **JP LYONS**

**8.4 AN ORDINANCE AMENDING THE CIRCUIT COURT VIII BUDGET FOR 2024; AND, FOR OTHER MATTERS PERTAINING THERETO** Item 24-0-080 **JP LYONS**

**NEW BUSINESS**

**9. AN ORDINANCE CREATING NEW PLANNING AND ZONING LAW IN WASHINGTON COUNTY; AND, FOR OTHER MATTERS PERTAINING THERETO** Item 24-0-057 **JP ECKE**

**10. COMMITTEE REPORTS**

**10.1 County Services/Finance and Budget**

**11. ADJOURNMENT**

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**MINUTES OF THE  
REGULAR MEETING OF THE  
WASHINGTON COUNTY QUORUM COURT**

Thursday August 15, 2024  
6:00 PM  
Washington County Courthouse

Judge Patrick Deakins called the meeting to order at 6:00 PM.

The following members were present: Taylor, Wilson, Simons, Bowerman, Lyons, Ecke, Dean, Washington, Cogger, Highers, Leming, Ricker and Pond. Dennis and Rios Stafford were absent.

JP Washington led the Prayer and Pledge.

JP Leming made a motion to adopt the agenda, seconded by JP Lyons and passed via voice vote

JP Dean made a motion to read ordinances and resolutions by title only, seconded by JP Ricker and passed via voice vote

Citizen comments – Mary Williams and Sherry Main spoke

Judge Deakins moved to approval of the minutes. JP Lyons motioned to accept the minutes, seconded by JP Bowerman and passed via voice vote.

Judge Deakins gave the Judge’s report and introduced Michael Stewart as the new chief of staff

Judge Deakins moved on to item 8, the consent agenda. County attorney Lester read each item on the consent agenda by title only

**8.1 AN EMERGENCY ORDINANCE FOR THE PROTECTION OF THE TRAVELING PUBLIC** Item 24-0-071

**8.2 AN ORDINANCE CREATING TWO NEW GRANT FUNDS, AND FOR OTHER MATTERS PERTAINING THERETO** Item 24-0-072

**8.3 AN ORDINANCE AMENDING THE ROAD DEPARTMENT BUDGET FOR 2024** Item 24-0-075

**8.4 AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE TONTITOWN** Item 24-0-076

**8.5 A RESOLUTION ORDERING THAT AN ELECTION BE HELD ON NOVEMBER 5, 2024 ON THE QUESTION OF AUTHORIZING SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS** Item 24-R-006

**8.6 A RESOLUTION ADOPTING THE 2023 WASHINGTON COUNTY HAZARD MITIGATION PLAN UPDATE** Item 24-0-007

JP Lyons made a motion to pass the consent agenda, seconded by JP Dean. Public comments were heard from Sherry Main. A roll call vote was taken and tallied as follows

- Taylor – Yes
- Wilson – Yes
- Simons – Yes
- Bowerman – Yes
- Lyons – Yes
- Ecke – Yes
- Dean – Yes
- Washington – Yes

61 Cogger – Yes  
62 Dennis – Absent  
63 Highers – Yes  
64 Rios Stafford – Absent  
65 Leming – Yes  
66 Ricker – Yes  
67 Pond – Yes  
68

69 **8.1 AN EMERGENCY ORDINANCE FOR THE PROTECTION OF THE TRAVELING**  
70 **PUBLIC** Item 24-0-071 was adopted as **ORD 2024-066**

71 **8.2 AN ORDINANCE CREATING TWO NEW GRANT FUNDS, AND FOR OTHER**  
72 **MATTERS PERTAINING THERETO** Item 24-0-072 was adopted as **ORD 2024-067**

73 **8.3 AN ORDINANCE AMENDING THE ROAD DEPARTMENT BUDGET FOR**  
74 **2024** Item 24-0-075 was adopted as **ORD 2024-068**

75 **8.4 AN EMERGENCY ORDINANCE CALLING A SPECIAL ELECTION ON THE**  
76 **QUESTION OF THE LEVY OF THE ANNUAL DUES OF THE TONTITOWN**  
77 Item 24-0-076 was adopted as **ORD 2024-069**

78 **8.5 A RESOLUTION ORDERING THAT AN ELECTION BE HELD ON NOVEMBER 5,**  
79 **2024 ON THE QUESTION OF AUTHORIZING SUNDAY SALES OF ALCOHOLIC**  
80 **BEVERAGES FOR OFF-PREMISES CONSUMPTION WITHIN THE CITY OF**  
81 **FAYETTEVILLE, ARKANSAS** Item 24-R-006 was adopted as **RES 2024-005**

82 **8.6 A RESOLUTION ADOPTING THE 2023 WASHINGTON COUNTY HAZARD**  
83 **MITIGATION PLAN UPDATE** Item 24-0-007 was adopted as **RES 2024-006**

84

85 Judge Deakins moved to item 9 on the agenda **AN ORDINANCE RATIFYING A**  
86 **CONDITIONAL USE PERMIT FOR THE DESERT SAND COMMERCIAL BUILDINGS**  
87 **PROJECT** Item 24-0-073. County attorney Lester read the ordinance by title only for the  
88 first time. JP Dean introduced the ordinance and motioned to suspend the rules and move it  
89 to a second reading, seconded by JP Lyons and passed via voice vote. County attorney  
90 Lester read the ordinance by title only for the second time. JP Dean motioned to suspend  
91 the rules and move to the third reading, seconded by JP Lyons and passed via voice vote.  
92 County attorney Lester read the ordinance by title only for the third time. JP Dean motioned  
93 to pass the ordinance, seconded by JP Lyons. No discussion was had and no public  
94 comments were offered. A roll call vote was taken and tallied as follows.

95  
96 Taylor – Yes  
97 Wilson – Yes  
98 Simons – Yes  
99 Bowerman – Yes  
100 Lyons – Yes  
101 Ecke – Yes  
102 Dean – Yes  
103 Washington – Yes  
104 Cogger – Yes  
105 Dennis – Absent  
106 Highers – Yes  
107 Rios Stafford – Absent  
108 Leming – Yes  
109 Ricker – Yes  
110 Pond – Yes

111

112 Motion passes

113 **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT FOR THE DESERT SAND**  
114 **COMMERCIAL BUILDINGS PROJECT** Item 24-0-073 was adopted as **ORD 2024-070**

115

116 Judge Deakins moved to item 10 on the agenda. **AN ORDINANCE RATIFYING A**  
117 **CONDITIONAL USE PERMIT FOR THE KRAMER FACILITY PROJECT** Item 24-0-074.  
118 County attorney Lester read the ordinance by title only. JP Ricker introduced the ordinance,  
119 director Ata spoke. JP Ricker motioned to suspend the rules and move to the second  
120 reading, seconded by JP Pond and passed via voice vote. County attorney Lester read the  
121 ordinance by title only for the second time. JP Ricker motioned to suspend the rules and  
122 move to a third reading, seconded by JP Pond and passed via voice vote. County attorney

123 Lester read the ordinance by title only for the third time. JP Ricker motioned to pass the  
124 ordinance, seconded by JP Washington. Director Ata spoke again. A roll call vote was taken  
125 and tallied as follows

126  
127 Taylor – Yes  
128 Wilson – Yes  
129 Simons – Yes  
130 Bowerman – Yes  
131 Lyons – Yes  
132 Ecke – Yes  
133 Dean – Yes  
134 Washington – Yes  
135 Coger – Yes  
136 Dennis – Absent  
137 Highers – Yes  
138 Rios Stafford – Absent  
139 Leming – Yes  
140 Ricker – Yes  
141 Pond – Yes

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143 Motion passes. **AN ORDINANCE RATIFYING A CONDITIONAL USE PERMIT FOR THE**  
144 **KRAMER FACILITY PROJECT** was adopted as ORD 2024-071

145  
146 Judge Deakins moved to item 11 on the agenda. **A RESOLUTION TO ENHANCE**  
147 **TRANSPARENCY IN RESOLUTIONS** Item 24-R-005. County attorney Lester read the  
148 resolution by title only. JP Bowerman introduced the resolution. JP Bowerman motioned to  
149 pass the resolution, seconded by JP Simons. Heavy discussion followed. JP Lyons  
150 motioned to send the resolution down to a committee meeting, seconded by JP Dean.  
151 Discussion continued and JP Lyons' motioned passed via voice vote, **A RESOLUTION TO**  
152 **ENHANCE TRANSPARENCY IN RESOLUTIONS** Item 24-R-005 was sent to committee

153  
154 Judge Deakins moved to item 12 on the agenda **A RESOLUTION APPOINTING ALFORD**  
155 **MAIN TO SOLEMNIZE THE WEDDING** Item 24-R-008. County attorney Lester read the  
156 resolution by title only. JP Coger motioned to pass the resolution, seconded by JP Highers.  
157 Discussion was had. Public comments were heard by Sherry Main. A roll call vote was  
158 taken on the motion and tallied as follows

159  
160 Taylor – Yes  
161 Wilson – Yes  
162 Simons – Yes  
163 Bowerman – Yes  
164 Lyons – Yes  
165 Ecke – Yes  
166 Dean – Yes  
167 Washington – Yes  
168 Coger – Yes  
169 Dennis – Absent  
170 Highers – Yes  
171 Rios Stafford – Absent  
172 Leming – Yes  
173 Ricker – Yes  
174 Pond – Yes

175  
176 Motion passes. **A RESOLUTION APPOINTING ALFORD MAIN TO SOLEMNIZE THE**  
177 **WEDDING** Item 24-R-008 was adopted as RES 2024-007.

178  
179 Judge Deakins advised that committee reports were included in the packet

180  
181 Meeting adjourned at 6:44 p.m.

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Item 24-O-077

Requested by: County Judge Patrick W. Deakins  
Drafted by: County Attorney Brian R. Lester

**ORDINANCE NO. 2024-**

**APPROPRIATION ORDINANCE**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE DE-APPROPRIATING SURPLUS AMOUNTS FROM FULL-TIME SALARIES FOR VARIOUS DEPARTMENTS AND RESTORING TO UNAPPROPRIATED RESERVES, AS REQUIRED BY THE 2024 BUDGET CONTROLS, FOR THE SECOND QUARTER OF 2024.**

**WHEREAS,** budget controls require surplus personnel appropriations be de-appropriated from full-time salaries each quarter and returned to unappropriated reserves.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** There is hereby de-appropriated the total amount of \$1,277,200 from the following budgets and line items and restored to the unappropriated reserves in the fund indicated for 2024:

County Judge	10000100.1001	\$ 700
Circuit Clerk	10000102.1001	21,000
Collector	10000104.1001	42,000
Assessor	10000105.1001	87,000
Buildings & Grounds	10000108.1001	36,000
Comptroller	10000113.1001	12,000
Purchasing	10000118.1001	11,000
Grants Department	10000120.1001	14,600
Animal Shelter	10000308.1001	7,500
Sheriff	10000400.1001	250,000
Circuit Court III	10000403.1001	28,000
Circuit Court IV	10000404.1001	14,000
Circuit Court VI	10000406.1001	21,000
Circuit Court VIII	10000408.1001	35,000
Prosecuting Attorney	10000416.1001	12,900
Juvenile Detention Center	10000444.1001	11,500

43	Collector's Automation	30010104.1001	3,500
44	Recorder's Cost	30060128.1001	500
45	County Library	30080600.1001	19,000
46	Jail Operations	30170418.1001	650,000

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51 PATRICK W. DEAKINS, County Judge

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DATE

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55 BECKY LEWALLEN, County Clerk

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57 Introduced by:  
58 Date of Adoption:  
59 Members Voting For:  
60 Members Voting Against:  
61 Members Abstaining:  
62 Members Absent:

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65 Committee History: Finance and Budget 05/07/2024-to May QC

66 Quorum Court History:

Item 24-O-078

Requested by: County Judge Patrick W. Deakins  
Drafted by: County Attorney Brian R. Lester

**ORDINANCE NO. 2024-**

**APPROPRIATION ORDINANCE**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE PROJECTING REVENUE AND CARRYOVER TOTALING \$78,715.70 IN THE VETERAN’S TREATMENT GRANT; AND, APPROPRIATING SAID AMOUNT TO THE VETERAN’S TREATMENT GRANT FUND FOR 2024.**

**WHEREAS**, Ordinance 2024-10 appropriated carryover amounts in grant funds for 2024; and,

**WHEREAS**, the Veteran’s Grant Fund was inadvertently omitted and needs to be appropriated to properly fund the grant.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** There is hereby recognized carryover of \$78,715.70 in the Veteran’s Treatment Grant (3513) for 2024.

**ARTICLE 2.** There is hereby appropriated \$78,715.70 in the Other Professional Services line item in the Veteran’s Treatment Grant Fund (35130524.3009) for 2024.

\_\_\_\_\_  
PATRICK W. DEAKINS, County Judge

\_\_\_\_\_  
DATE

\_\_\_\_\_  
BECKY LEWALLEN, County Clerk

Introduced by:  
Date of Adoption:



Item 24-O-079

Requested by: County Judge Patrick W. Deakins  
Drafted by: County Attorney Brian R. Lester

**ORDINANCE NO. 2024-**

**APPROPRIATION ORDINANCE**

**BE IT ENACTED BY THE QUORUM COURT OF THE  
COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN  
ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE AMENDING THE IT BUDGET FOR  
2024; AND, FOR OTHER MATTERS PERTAINING  
THERE TO.**

**WHEREAS**, the IT department requests a transfer of \$75,000 within its  
budget an upgrade to the county’s accounting software; and,

**WHEREAS**, the county’s budget controls require Quorum Court approval  
for the transfer.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** The total amount of \$75,000 is hereby reduced  
from the Capital Improvements line item in the IT Budget (10000115.4009) for 2024.

**ARTICLE 2.** The total amount of \$75,000 is hereby increased in  
the Software Support and Maintenance Agreements line item in the IT Budget  
(10000115.3102) for 2024.

\_\_\_\_\_  
PATRICK W. DEAKINS, County Judge

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DATE

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BECKY LEWALLEN, County Clerk

Introduced by:  
Date of Adoption:  
Members Voting For:  
Members Voting Against:  
Members Abstaining:

Item 24-O-080

Requested by: Circuit Judge Diane Warren  
Drafted by: County Attorney Brian R. Lester

**ORDINANCE NO. 2024-**

**APPROPRIATION ORDINANCE**

**BE IT ENACTED BY THE QUORUM COURT OF THE  
COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN  
ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE AMENDING THE CIRCUIT COURT  
VIII BUDGET FOR 2024; AND, FOR OTHER  
MATTERS PERTAINING THERETO.**

**WHEREAS,** Circuit Court VIII Judge Diane Warren requests additional funding in the amount of \$11,500 to modify and supplement the cubicles for the juvenile probation officers and interns.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** There is hereby appropriated the total amount of \$11,500 from the unappropriated reserves in the General Fund (1000) to the Other Professional Services line item in the Circuit Court VIII Budget (10000408.3009) for 2024.

\_\_\_\_\_  
PATRICK W. DEAKINS, County Judge

\_\_\_\_\_  
DATE

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BECKY LEWALLEN, County Clerk

Introduced by:  
Date of Adoption:  
Members Voting For:  
Members Voting Against:  
Members Abstaining:  
Members Absent:

Committee History:  
Quorum Court History:

Item 24-O-057

Requested by: County Judge Patrick W. Deakins  
Drafted by: County Attorney Brian R. Lester

**ORDINANCE NO. 2024-**

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CREATING NEW PLANNING AND ZONING LAW IN WASHINGTON COUNTY; AND, FOR OTHER MATTERS PERTAINING THERETO.**

**WHEREAS**, the current Planning and Zoning laws in Washington County have been piecemealed together since the 1970s; and,

**WHEREAS**, the County Judge and the Quorum Court desire to adopt a new county planning and zoning ordinance that better protects the rural parts of Washington County, allows for actual zoning and re-zoning of property, and is generally more advantageous to the citizens of Washington County.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF WASHINGTON COUNTY, ARKANSAS:**

**ARTICLE 1.** The Quorum Court hereby adopts The Freedom and Property Preservation Zoning Act of Washington County, attached hereto and incorporated herein as if set forth word for word.

**ARTICLE 2.** The Washington County Zoning Map is hereby adopted by reference and shall be on file in the office of the County Clerk. Furthermore, the map, as amended from time to time by the Quorum Court, shall be available at the Washington County Planning Department office.

**ARTICLE 3.** Any ordinance currently in conflict herewith is repealed and replaced.

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PATRICK W. DEAKINS, County Judge

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42 BECKY LEWALLEN, County Clerk

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44 Introduced by:

45 Date of Adoption:

46 Members Voting For:

47 Members Voting Against:

48 Members Abstaining:

49 Members Absent:

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52 Committee History:

53 Quorum Court History:



**THE FREEDOM AND  
PROPERTY  
PRESERVATION  
ZONING ACT OF  
WASHINGTON  
COUNTY**

**1) IN GENERAL**

**A) Definitions.** The following definitions shall be used in the interpretation hereof. Words used in the present tense include the future tense, and words in the singular include words in the plural. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. The word “shall” means mandatory, and the word “may” means permissive. As used in this ordinance:

- 1) Accessory Building and Uses: A subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is a use that is customarily incidental, appropriate, and subordinate to the principal use of land and buildings, and located upon the same lot therewith.
- 2) Administrative Officer: A county employee designated by the County Judge. The default Administrative Officer shall be the Director of the Planning Department.
- 3) Agricultural Uses: (1) The care and production of livestock and livestock products, poultry and poultry products, apiary products, and plant and animal production for nonfood uses; by way of illustration, but without limitation, this includes horses, greenhouses, and kennels; (2) The planting, cultivating, harvesting, and processing of crops and timber; (3) The production of any plant or animal species in a controlled freshwater or saltwater environment; and (4) silviculture and aquaculture.
- 4) Alley: A minor permanent public service way, not in excess of twenty (20) feet, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.
- 5) Apartment: A room or suite of rooms within a building with separate cooking, bathing, and sleeping facilities and intended as a single dwelling unit. Structures containing two (2) or more dwelling units are considered apartments.
- 6) Area: The amount of land surface in a lot or parcel of land.
- 7) Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall without openings, then each such portion shall be deemed to be a separate building.
- 8) Building Coverage: The land area covered by all buildings on a lot, excluding eaves.
- 9) Building Height: The average vertical distance from the finished lot grade to the highest point of the building.
- 10) Building Line: A line parallel to a lot line establishing an area between it and the lot line where no portion of the building may be erected. Such prohibition shall exclude landings, open balconies, and roof overhangs, subject, however, to the further requirements of this ordinance. Measurements shall be made from the nearest wall or supporting post, whichever is closest to the lot line.
- 11) Building & Farm Supply Company: Any establishment that sells hardware, tools, lumber and other supplies related to building, farm, or home care.

- 12) Building setback lines: A line beyond which buildings or structures may be erected.
- 13) Cemetery: A place for burial of human remains, excluding crematoriums.
- 14) Church: A building, together with its accessory buildings and uses, where people regularly assemble for religious worship. Accessory uses shall include day-care facilities and other non-profit, church associated uses.
- 15) Clinic: A facility for diagnosis and treatment of medical, chiropractic, dental or psychological outpatients, and which may be used by one or more practitioners.
- 16) Clubs and Lodges: An association of persons for the non-profit promotion of some common purpose, such as charity, fellowship, or something similar.
- 17) Construction plans and specifications: Detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities, and other improvements.
- 18) Contour intervals: Topographic map lines connecting points of equal elevations.
- 19) Convalescent Home: A health care facility, including rest homes and nursing homes, where persons are housed and furnished with meals and continuing nursing services.
- 20) County Engineer: A licensed engineer designated as such by the County Judge.
- 21) County plan: The County's comprehensive plan, whether in whole or in part, as adopted by the County Planning Board, approved by the Quorum Court and duly recorded in the Office of the Circuit Clerk of the County.
- 22) County Planning Board: The Washington County Planning Board, as appointed by the County Judge and confirmed by the Quorum Court.
- 23) County road: A highway, road or street dedicated for public use and accepted by the County for maintenance. Some roads may not have been formerly dedicated, but have been accepted and maintained by the County for many years and are designated by the County Road Department as County roads.
- 24) County Road Superintendent: The person designated by the County Judge to have overall responsibility of the County roads.
- 25) County Surveyor: A licensed surveyor designated as such by the County Judge.
- 26) Cul-de-sac: A minor street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.
- 27) Day Care Center: A commercial establishment where childcare services are provided pursuant to State laws and fire codes, and in accordance with and licensed by appropriate State agencies.
- 28) Day Care Family Home: A home where day care services are provided to a maximum of ten (10) children, with a maximum of two (2) adults in attendance. The operator shall reside in the structure, and the facility must conform to all laws and regulations, both State and local, applicable thereto, with the most restrictive regulations prevailing.
- 29) Dedication: Land and improvements offered to the city, County or State and accepted by them for public use, control and maintenance.

- 30) Developer: Any person engaged in the development of land, and in the dividing, subdividing or re-subdividing of land into lots or parcels for the purpose of conveyance within the scope and application of this ordinance.
- 31) Development: The act of changing the state of a tract of land after its function has been purposefully changed by man; including, but not limited to, structures on the land and alterations to the land.
- 32) Development plan: A drawing showing all proposed improvements to a piece of property, including, but not limited to, streets, parking lots, buildings, drives, signs, utilities, drainage, grading and planting by size and location.
- 33) Development of land: Includes, but is not limited to, the provision of access to lots and parcels, the extension or provision of utilities, except for agricultural purposes, the subdivision of land into lots and blocks, or the parceling of land (including lease or rent) resulting in the need for access and utilities.
- 34) Development Plan: A dimensioned presentation (or site plan) of the proposed development of a specified parcel of land which reflects thereon the location of buildings, easements, parking arrangements, public access, and other similar and pertinent features. Required development permits shall be issued based on an approved development plan.
- 35) District: A portion or section of the County within which uniform zoning regulations apply.
- 36) Drainage Plan: A detailed analysis of current drainage on any proposed land development and the impact of the development on the existing drainage including drainage off-site and including the impact on County or public roads both on-site or off-site. Such analysis shall be accompanied with a certificate by a licensed engineer that such will have no significant impact on off-site drainage.
- 37) Drive-In Establishments: A facility where services or products are delivered to persons in vehicles by means of a drive-up window or carhop.
- 38) Donate: To give without the exchange of money or other monetary considerations.
- 39) Dwelling, Single-Family: A residential dwelling unit designed for or occupied by one family only, and being on a permanent foundation.
- 40) Dwelling Unit: A room or group of rooms located within a dwelling forming a habitable unit for one family.
- 41) Easement: A grant of right of use or privilege for general or specific purposes to the public, a corporation or persons made by the owner of the property.
- 42) Enforcing official: The Administrative Officer designated by the County Judge.
- 43) Engineer: A registered professional engineer in the State of Arkansas.
- 44) Exemption: A division of land not subject to the requirements specified herein.
- 45) Family member: Any person who is a natural or legally defined sibling, offspring, spouse, grandchild or parent of the property owner.
- 46) Farm divisions: (See "Splits.")



- 47) Final plat: The final plat, plan or drawing and any accompanying required data or information which is submitted to the County Planning Board for final approval of a proposed subdivision.
- 48) Five (5) plus acres: A one-time submission of a final plat for filing with the County Recorder.
- 49) Health Department: The Arkansas Department of Health.
- 50) House: A structure traditionally designed for human habitation, other than a manufactured home, that is permanently affixed to real property though capable of being moved and whose movement along public roads may only be accomplished by a professional house or structural mover.
- 51) Improvements: Includes, but is not limited to, grading, street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water and sanitary storm sewer lines, and other utilities, and other features.
- 52) Informal plat: A one-time submission of a record plat prepared for the transfer of property and not considered a subdivision.
- 53) Land: One or more contiguous parcels under one ownership.
- 54) Land development: Development including, but not limited to, subdivisions, mobile home parks, mobile home subdivisions, large-scale developments, tract splits, lot splits, streets, roads, bridges, storm drainage systems, water and sanitary sewer systems, off-site improvements, landfills, airports, public utilities, etc. The term land development shall include activities to prepare land for development including but not limited to activities such as grading and clearing; however, development shall not include agricultural activities.
- 55) Land surveyor: A licensed land surveyor in the State.
- 56) Large-scale development (LSD): The development of a lot or parcel, said parcel being larger than one (1) acre, developed as a single improvement. The term "development" shall include, but not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities and shall include installation of an individual or other type of sewer system.
- 57) Lot: A division of land intended as a unit for the transfer of ownership or for development.
- 58) Lot, corner: A lot of which at least two adjacent sides abut on intersecting streets.
- 59) Corner lot: A lot of which at least two (2) adjacent sides abut on intersecting streets.
- 60) Double frontage lot: A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
- 61) Mobile Home Park: Two (2) or more mobile homes on a parcel intended for rent, sale, or lease.
- 62) Notification Area: the area around a proposed project's property lines (exterior boundary) where notifications of the proposed project shall be mailed to the adjoining property owners.
  - (a) Rezoning, General Conditional Use Permit (CUP), Land Development such as large-scale developments (LSD), subdivisions, and variances (excluding minor subdivisions and replat of subdivisions and minor subdivisions).

The developer/applicant for a conditional use or a variance shall send a certified letter to all adjoining property owners within the Notification Area of three hundred (300) feet of the exterior boundary of the proposed use at least fourteen (14) days prior to the scheduled meeting of the Board, at which the application is to be reviewed. Said letter shall state the date, time, place of the review of the proposed application and the location of the proposed use.

- (b) Rezoning, High-Intensity/High-Impact Conditional Use Permit (HI-CUP) and High-Intensity/High-Impact Large Scale Development (HI-LSD), such as mining, quarrying, industrial. Notice shall be sent to surrounding property owners, by the developer/applicant, within one-half mile (2640 feet) of the exterior boundary of any large-scale development, by certified mail at least thirty (30) days prior to the meeting of the Planning Board at which time the preliminary plat shall be reviewed; stating the date, time, and place of the proposed development review.
- 63) Parcel: An area of land under one ownership.
- 64) Permitted Uses: See Uses Permitted.
- 65) Plat, concept: A generalized sketch of a proposed development containing sufficient information to allow the planning board to assist the developer in complying with these regulations.
- 66) Plat, final: see *Final plat*.
- 67) Plat, preliminary: see *Preliminary plat*.
- 68) Plat review committee: A committee composed of the Planning Director, Administrative Officer, and/or representatives of utility companies, the County Road Superintendent, county engineer, and any other agencies, when in the opinion of the Board, they could benefit public interest.
- 69) Preliminary plat: The preliminary or tentative plat or plan, map or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Board for consideration and tentative approval.
- 70) Private road: A privately created and maintained road. Such roads are not accepted by a government entity for maintenance.
- 71) Private road development (PRD): A development that utilizes, in whole or in part, a private road for access.
- 72) Public road: A highway, road or street dedicated for public use and/or used by the public generally, but not accepted by a government entity for maintenance. These roads are classified by the County Road Department as "residential drives".
- 73) Replat: The process of changing a previously approved land development either by alteration of a lot, parcel, or tract, or the placement of another type of development on a lot or tract different from the one previously contemplated when originally approved or by other changes made to the original plat. All replats must go through the planning process as set out in section 4 or may be done administratively if it qualifies for such
- 74) Right-of-way (ROW): The land opened, reserved or dedicated for a street, walk, drainage or other public purposes.

- 75) Road width/surface width: That portion of any street designated for vehicular traffic and, where curbs are laid, that portion of the street between the curbs.
- 76) Service roads: A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access and including frontage roads or streets.
- 77) Setback line: A line or lines parallel to property line(s) intended for future right-of-way as established by the current County Highway Plan.
- 78) Street (including “roads” and “highways”): The full width between the property lines open to use by the public as a matter of right, for the purpose of providing access.
- 79) Structural Mover: An individual or company that moves structures. Structural movers are skilled professionals who specialize in the safe and efficient movement and relocation of buildings or large structures like homes, businesses, and other buildings, often for large-scale projects. They use highly specialized equipment to lift and move heavy structures safely to their new location.
- 80) Shared Easement: An easement which connects more than one lot without public road frontage.
- 81) Street classification: The Washington County Master Street Plan classifies streets and County roads into the following broad categories:  
Alley: A minor public way dedicated to public use for utility easements and public access to the back or side of properties abutting a street. Alleys are not intended for use as private drives and will not be maintained as such.  
Arterial: A street or road of considerable continuity which serves or is intended to serve as a principal traffic way between separate areas, districts, communities or densely developed areas; and is the main means of access to the primary street system or expressway.  
Collector: A street which, in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to major arterial street systems.  
Dead-end street: A street having one end open to traffic and being permanently terminated by a vehicular turnaround.  
Private drives and driveways: A travel way installed and maintained by others and not part of the County Road system. They are intended to provide access to and from a residence, lot, and parcel of land, apartment complex or other private development approved by the County Planning Board.  
Residential: Minor streets used primarily to provide access to abutting properties.
- 82) Subdivisions: The subdivision of land into lots and blocks, the parceling of land resulting in the need for access or utilities, or the dividing of an existing lot or parcel into two (2) or more lots or parcels; a minor subdivision consists of four (4) lots or less.
- 83) Uses Permitted: These areas so zoned are designated as agricultural and single-family residential, the latter to have a lot, tract or parcel size of no

less than one (1) acre; however, if any city requires a larger size in its subdivision regulations, then the larger size will be controlling.

84) **Variance**: A variance is a request for relief or waiver from the strict application of zoning regulations to alleviate an unusual hardship to a particular property to deviate from existing zoning laws and ordinances. Variance request doesn't modify zoning laws or ordinances. It allows property owner(s) to change or adjust land use under unique circumstances (i.e. hardship that is not for profit or financial gain) in ways that otherwise wouldn't be permitted.

85) **Zoning Official**: The Administrative Officer designated by the County Judge.

**B) Notice of Ordinance**. Attorneys, engineers, surveyors, real estate licensees, abstract and title companies, and mortgage and lending institutions shall disclose to all potential buyers, sellers and developers of property the existence of the development regulations herein.

1) All attorneys, engineers, surveyors, real estate licensees, abstract companies, title companies and mortgage and lending institutions doing business in Washington County, Arkansas, are hereby required to disclose in writing to all clients who are potential seller/buyers and/or developers of property in Washington County, Arkansas, of the existence of this Ordinance and that they may be affected by it.

2) Failure to comply with this section shall be deemed a misdemeanor and punishable by up to one thousand dollars (\$1,000.00) per occurrence.

## **2) PLANNING BOARD and ZONING BOARD OF ADJUSTMENT**

**A) Establishment**. Pursuant to Ark. Code Ann. § 14-17-203, the County Judge, with approval of the majority of the members of the County Quorum Court, may establish a County Planning Board and a Zoning Board of Adjustment.

**B) Membership**. The County Planning Board and the Zoning Board of Adjustment shall consist of seven (7) members, all of whom shall be residents of the County. The Planning Board and the Zoning Board of Adjustment shall be composed of the same members.

**C) Duties and Functions**. The duties and functions of the County Planning Board and the Zoning Board of Adjustment shall include those duties and functions enumerated in Ark. Code Ann. §14-75-205 and as may be requested or assigned by the Quorum Court from time to time.

**D) Appropriations**. The County Planning Board and the Zoning Board of Adjustment shall submit any requests for appropriations of funds, or proposals to apply for financial assistance from State or Federal government agencies to support activities of the Board, to the County Judge for his approval and inclusion in executive department budget requests submitted to the Quorum Court for appropriation of funds.

**E) Regular Meetings**. The County Planning Board and the Zoning Board of Adjustment shall adopt a schedule for their regular meetings. The regular meeting schedule may be modified as needed by a majority of the members of the boards.

**F) Compensation**. Each member of the Washington County Planning Board shall receive seventy-five dollars (\$75.00) per meeting attended, not to exceed four (4) meeting in one (1) month.

### **3) BUILDING AND BUILDING REGULATIONS**

#### **A) Generally.**

- 1) Portable toilets to be provided as follows:
  - (a) Every General Building Contractor shall provide toilets at construction jobsites as required by federal code.
  - (b) General Building Contractor is hereby defined as any person, firm, or entity, who for compensation engages in the building or erection of structures or controls or directs the construction of buildings or other structures.
  - (c) Jobsite is defined as one (1) or more contiguous lots, parcels, or tracts wherein constructions activities are taking place on a development that requires approval by the Washington County Planning Board or the Planning Administrator.
  - (d) Construction activities include but are not limited to building construction, dirt work, utility construction, landscape and drainage work.
  - (e) A violation of this subsection shall be punishable by a fine of two hundred fifty dollars (\$250.00). Each day said violation exist shall be considered as a separate violation

#### **B) Moving of Buildings and Occupancy**

- 1) Permit Required. No permanently constructed building or part of any such building shall be moved off or on to any property in the unincorporated portion of the County, or along or upon a county road without first obtaining a permit from the Administrative Officer.
- 2) Permit Application. Any person desiring to move a house as defined in this Division or a structure as defined in A.C.A. § 27-35-301 utilizing county roads shall first file with the Administrative Officer a written application; if a permit for such would also be required, other than for a manufactured home, by the Arkansas Highway and Transportation Department when utilizing state roads pursuant to A.C.A. § 27-35-301 et seq. ***A copy of the Application for House or Structure Moving Permit can be found in the Forms section as Form A.***
- 3) Permit approval or denial. The Administrative Officer may deny issuance of the permit, if in his/her opinion:
  - (a) The process of moving the house or structure will cause physical injury to persons and/or property.
  - (b) The house or structure or occupancy of the house or structure will violate any other requirements of the County and State including sanitation and land use requirements that may be in effect.
  - (c) The applicant has failed to apply for a permit in violation of this Division.
  - (d) The applicant has, without a permit from the county, failed to pay compensation in full for damages to persons or property while moving a house or structure.
- 4) Appeal. If the Administrative Officer denies issuance of the Moving Permit, the applicant may appeal the decision to the County Planning Board within ten (10) days of the denial. The Board shall hear the appeal not later than thirty (30) days of the date of notice of appeal by the applicant. The decision of the County Planning Board shall be final.

- 5) Occupancy permit for moved buildings and structures. The Administrative Officer shall issue an Occupancy Permit, upon request, when all certifications required on the permit have been properly made. ***A copy of the Application for Occupancy Permit can be found in the Forms section as Form B.***
- 6) Bond required. No permit to move a house or structure shall be issued until a bond in an adequate sum has been filed with the Administrative Officer to indemnify the County from damage. The minimum bond will be five thousand dollars (\$5,000.00). The bond posted herein shall not be deemed to have waived damage incurred over and above the bond amount.
- 7) Notices to be given. Upon issuance of the moving permit, the Administrative Officer shall cause notice to be given to the Sheriff's Department, telephone and electric companies, the County Road Department, and others whose property may be affected by the moving of the house or structure. The notice shall include the route to be taken, time moving is to start, and estimated time of completion.
- 8) Fees. The applicant shall at time of application pay to the County a fee of two hundred fifty dollars (\$250.00) for the Moving and Occupancy Permit. In the event of denial of issuance of Moving Permit, the two hundred fifty dollars (\$250.00) fee shall be returned to the applicant. In the event the house or structure is moved from a site in the unincorporated portion of the County to a site within a city, town or other County, a fee one hundred dollars (\$100.00) will be charged for the Moving Permit.
- 9) Term of Permit. The Moving Permit is valid for a period of sixty (60) days from the date of issuance. However, at least three (3) days' written notice must be given to the administrative office prior to actual moving.
- 10) Other requirements. Issuance of a Moving Permit by the County does not relieve the applicant of securing other permits and meeting other requirements that may be required by the law of any political entity and the applicant may not proceed until he or she has procured such and furnished proof to administrative officer. Nor does the issuance of a moving permit by any other agency of government relieve the individual from securing a County Moving Permit and Occupancy Permit.
- 11) Violations.
  - (a) Moving of houses or structures or occupancy of a house or structure moved on site in violation of this subsection is a misdemeanor and punishable by a fine of not more than five hundred dollars (\$500.00) for the first offense and one thousand dollars (\$1,000.00) for the second offense and if continuing in nature two hundred fifty dollars (\$250.00) per day. It is the intent of this section that both the owner of the house or structure in question and the mover of the house or structure are equally obligated to apply for the permit herein, and the failure of either to comply with the requirements herein shall constitute a violation of this subsection.
  - (b) The County Judge is authorized to take appropriate civil action to recover any damages sustained by the county and to enjoin and restrain any violation of this subsection.

### **C) Procurement of Professional Services**

- 1) Building Contractors.
  - (a) Act 429 of 1995 (A.C.A. § 19-11-801(c)) provides that the State of Arkansas and its political subdivisions may utilize more flexible procedures for professional services.
  - (b) The Quorum Court desires that building contractors acting as a consultant be included in professional services that do not require competitive bidding.

#### **4) LAND DEVELOPMENT IN THE UNINCORPORATED AREAS OF WASHINGTON COUNTY, ARKANSAS**

##### **A) Generally.**

- 1) Purpose. The purpose of this Article is to set forth procedures, requirements, minimum standards, specifications and acceptance criteria for the development of all unincorporated land under the jurisdiction of the Washington County Planning Board. Said land development shall include, but not be limited to, tract splits; large-scale development; subdivision and improvement of industrial, residential and commercial developments. The purpose of the road development guidelines and standards contained herein is to contribute to the dual function of traffic circulation and means for access to land and water.
- 2) Authority. Washington County has complied with the prerequisites of Act 422 of 1977 by the adoption of an official road plan for the unincorporated areas of the County. These regulations are adopted pursuant to the authority granted by Act 422 of 1977. Washington County was granted authority by Arkansas Act 422 of 1977 for the control of land development.
- 3) Area of Jurisdiction. This Article shall apply to all unincorporated areas of Washington County, except as otherwise provided by law.
- 4) Territorial Jurisdiction. The territorial jurisdiction is an unincorporated area adjoining the corporate limits of a municipality in which the authority to control the development of land is vested and is now or hereafter exercised by the municipality in accordance with the provisions of Act 186 of 1957, as amended. The limits of the territorial jurisdiction area are those now being or hereafter exercised by a city as allowed by Ark. Code Ann. § 14-56-413. A copy of all proposed land development plans within the territorial jurisdiction areas shall be submitted to the Washington County Planning Office. Developments and improvements in these territorial jurisdiction areas are still located in the unincorporated area of Washington County, therefore remain under the jurisdiction of Washington County for maintenance of roads.
- 5) Conformance to official plans.
  - (a) All land developments in the unincorporated areas of Washington County shall conform to the official plans, standards, requirements, and regulations that are in effect, including the territorial jurisdiction areas, except:
    - (i) It is the intent of the County that development and improvement of land within the unincorporated area of the County, but within the territorial jurisdiction of any municipality, shall be developed to the standards and regulations approved by the municipality, when

requested by said municipality. Any municipality that desires to have unincorporated land within its territorial jurisdiction developed to its standards and regulations, shall provide formal notice to the County Judge. Washington County shall enforce a city's standards of development within the city's territorial jurisdiction if the city requests the same of the County in writing, which shall be filed with the County Clerk.

- (b) Subdivisions located in the territorial jurisdiction areas of incorporated cities shall be developed in accordance with the particular city's standards.
- 6) Lots or parcel size. Individual lots or parcels that require both a septic system and water well shall be of sufficient size to satisfy the Arkansas Department of Health requirements. Minimum frontage shall be one-hundred (100) feet for lots that are less than five (5) acres and one-hundred sixty-five (165) feet for lots five (5) acres and greater. In instances where sanitary sewer is not available, lots shall not be created or approved without a finding by the Arkansas Department of Health that the lot can accommodate an on-site waste disposal system, and otherwise comply with the Arkansas Department of Health requirements.
- 7) Metes and bounds. No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision, without compliance with the applicable provisions of this Article or amendments thereto, shall be permitted. This provision is aimed at preventing an attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
- 8) Authorization to consult. The County Judge is authorized to consult with an independent registered professional engineer if he has concerns about the impact of any development to County or public roads, or to drainage. This initial consultation shall be at the expense of the County. If after said consultation concerns still exist then the County Judge may retain said engineer to perform a complete analysis of said development at the expense of the developer. Preference shall be given to engineers located within one hundred (100) miles of the County.
- 9) Fire flow tanks and other measures.
- (a) This section shall be applicable to any land development utilizing fire flow tanks and/or other allowed measures.
  - (b) Fire flow tanks and other allowed measures including, but not limited to, ponds and pumps when approved for use by the local fire department or Administrative Officer, shall be designed by and installed under the supervision of a professional engineer who shall certify to the County that such has been designed and installed so that it meets all applicable state laws and codes.
  - (c) Requests by any developer to utilize fire flow tanks or other allowed measures shall be accompanied by a plan prepared by a professional engineer, for the design and long-term maintenance and inspection of said tanks and other measures to be approved by the local fire department or Administrative Officer.
  - (d) The following definitions are hereby adopted:



- (i) *Fire flow tanks* are hereby defined as follows: an above or below ground tank made of concrete or composite materials utilized to assist in firefighting.
- (ii) *Other allowed measures* are hereby defined as follows: including but not limited to holding ponds; dry hydrants; and pumps utilized to assist in firefighting. [Subsections (d)(i) and (d)(ii) may be individually or collectively referred to as systems.]
- (iii) The *responsible management entity (RME)* is hereby defined as follows: the person, persons, corporation, partnership, or other entity that has the managerial, financial and technical oversight over any system including but not limited to operations and management, permit compliance, record keeping, reporting, customer service, billing and collection and is fully responsible for the long-term cost-effective operations in accordance with all applicable regulations and performance requirements.
- (e) An RME shall be designated by the developer and shall comply with all state laws and regulations, the provisions in this section, and any regulations promulgated hereto.
- (f) The RME shall charge a sufficient rate or fee that includes reserves for operation, maintenance, emergencies, and capital improvements.
- (g) Before any such land development is approved by the Washington County Planning Board, the RME shall provide the following to the Administrative Officer:
  - (i) The name and location of the land development to be served by the system and the type of system that is being utilized; and that such has been approved by the local fire department or the Administrative Officer;
  - (ii) The number of lots to be served;
  - (iii) The rate or fee that will be charged to the property owners;
  - (iv) The amount of reserves that will be built into any rate or fee along with evidence indicating how these reserves are adequate and appropriate to provide long-term sustainable performance and compliance with permits;
  - (v) The legal entity that will own and retain the necessary services and the exact name, address and phone number of said entity;
  - (vi) A copy of the contract to be executed for the maintenance and inspection;
  - (vii) Plans to enforce and collect the rate or fee to be charged; and
  - (viii) Any other matter deemed relevant by the Administrative Officer.
- (h) The RME shall report to the Administrative Officer, upon request, any matters relevant to the operation including, but not limited to operation and maintenance issues, environmental issues, financial matters, customer service issues, and any other matter deemed relevant by the Administrative Officer. A bond, letter of credit, or other similar instrument, in an amount to be determined by the Administrative Officer, shall be posted by the RME to ensure compliance with this section and any regulations promulgated hereto.

- (i) The following provisions shall apply to non-residential large-scale developments not charging a fee for operation:
  - (i) The RME in such a development shall maintain sufficient sums of money that include reserves for operation, maintenance, emergencies and capital improvements.
  - (ii) Before any such large-scale development is approved by the Planning Board, the RME shall provide the following to the Administrative Officer:
    - (A) The size and location of the land development to be served by the system and the type of system that is being utilized and if such has been approved by the Fire Marshal;
    - (B) The square footage of the facility to be served;
    - (C) The projected cost of operating and maintaining the system on an annual basis;
    - (D) The amount of reserves that will be retained along with evidence of how these reserves will adequately provide for sustainable performance and compliance with permits;
    - (E) The legal entity that will own and retain the necessary services and the name, address and telephone number of said entity;
    - (F) A copy of the contract to be executed for the maintenance and inspection;
    - (G) Any other matter determined relevant by the Administrative Officer.
- (j) The following provisions shall apply to all land developments: Any system owned, operated, and maintained by a volunteer fire department, or similar entity approved by the State Fire Marshal, shall be exempt from the provisions of this section.
- (k) A violation of this section or any regulation promulgated hereto shall be enforceable by appropriate civil action by the County Judge. Such civil remedy shall include but is not limited to injunctive relief, civil sanctions, and removal of the RME from operating or in any other manner managing said system. Attorney fees and any other costs related to any civil action may also be recovered.
- (l) This section shall be applicable throughout the unincorporated area of the County including the territorial jurisdiction of any municipality, except those exercising their options pursuant to section A(5)(i) of Section 4. This section shall not be applicable in the event any such system is, or becomes, owned, maintained, or operated by an incorporated city or other approved public entity. In the event that an incorporated city or other approved public entity enacts ordinances or rules and regulations concerning said systems, then the more stringent provisions shall apply.

**B) Approval Procedures**

- 1) Procedures. The procedures for land development approval involve the following steps: Step 1- Zoning Action; Step 2- Concept Plat submittal; Step 3- Preliminary Plat submission and approval; Step 4- Construction Plans and

Specification submission and approval; and, Step 5- Final Plat submission, approval, and filing.

(a) Step 1: Zoning Action.

- (i) Before development of any parcel of land within the unincorporated area of Washington County, the Administrative Officer shall determine the proper zoning for the development. *See Section 5: Zoning.*
- (ii) Upon a determination that zoning is proper, the developer shall continue to Step 2.
- (iii) Upon a determination that re-zoning is required, the developer shall apply for re-zoning. The fee for said application shall be five hundred dollars (\$500.00).
- (iv) Upon receipt of said application and the payment of the fee, the Administrative Officer shall coordinate with the Quorum Court secretary the preparation of an ordinance re-zoning the property, or portion thereof.
- (v) The Administrative Officer, not less than 21 days before presentation of the ordinance to the Quorum Court, shall provide the date, time, and place of said meeting of the Quorum Court to the applicant and a list, with addresses, of all property owners within the Notification Area of the exterior boundaries of the proposed parcel, or portion thereof, to be re-zoned.
- (vi) The developer/applicant shall send a certified letter to all adjoining property owners within the Notification Area of three hundred (300) feet of the exterior boundaries of the proposed parcel, or portion thereof, to be re-zoned, at least fourteen (14) days prior to the scheduled meeting of the Quorum Court at which the ordinance is to be introduced. Said Notice shall state the date, time and place of the meeting.
- (vii) If the parcel is not properly zoned for the development, an ordinance re-zoning the parcel, or portion thereof, must be passed by the Quorum Court in order for the developer to proceed beyond this step. The failure of the Quorum Court to pass an ordinance rezoning the property (or portion thereof) shall be considered a denial of the request.
- (viii) Zoning decisions of the Quorum Court may be appealed to the Circuit Court within thirty (30) days from the date of the action by the Quorum Court.

(b) Step 2: Concept Plat submittal.

- (i) When a developer intends to develop a parcel of land within the unincorporated area of Washington County, and the property is properly zoned, a Concept Plat must first be submitted to the Administrative Officer for review applicable to the planning requirements. This conference may be of assistance to the developer through the prevention of unnecessary expense in the plat preparation.
- (ii) The Concept Plat may be a legible free-hand drawing superimposed upon a print of a site map or aerial photograph which shall provide the following data:

- (A) Name, address and telephone number of the owner, developer, engineer and/or surveyor;
  - (B) Development name, date, north arrow and approximate acreage;
  - (C) Topography (available USGS interval or better) or elevation models (such as DEM, DTM, and DSM);
  - (D) Proposed street pattern;
  - (E) Proposed storm drainage, on-site and off-site, to an existing major channel;
  - (F) Existing watercourses and floodplains, if any;
  - (G) Existing adjoining or abutting streets, roads and developments;
  - (H) Existing water and sanitary sewer systems; and,
  - (I) Any additional information the developer considers pertinent.
- (iii) While in concept form, the developer or engineer may consult with the Administrative Officer to get acquainted with the planning requirements. During this conference, the general features of the land development, its layout, facilities and required improvements, including off-site improvements, shall be determined to the extent possible and necessary for preparation of the Preliminary Plat.
- (iv) A Plat Review Committee meeting may be scheduled within fifteen (15) days following the receipt of the Concept Plat submission.
- (c) Step 3: Preliminary Plat submission and approval. When a land development is proposed, the first formal application for approval shall be the Preliminary Plat directed to the Planning Board and submitted to the Administrative Officer.
- (i) *Preliminary Plat:* The Preliminary Plat submission shall consist of the following:
    - (A) Payment of the Preliminary Plat fee.
    - (B) Presentment of six (6) paper copies or one (1) .pdf of the Preliminary Plat of the proposed development. The plat shall include the information indicated for Preliminary Plat in Section 4(B)(1)(g).
  - (ii) *Submission time and review schedule:*
    - (A) Following submittal of the Preliminary Plat, the Administrative Officer shall distribute the plat to the Plat Review Committee for its review and comments. The Administrative Officer shall schedule a meeting of the Plat Review Committee with the Developer's representatives to consolidate the review comments.
    - (B) The Plat Review Committee shall consist of the Planning Director, Administrative Officer, Road Superintendent and Assistant Superintendent, and county engineer.
    - (C) The Planning Board shall consider the Preliminary Plat along with all reports and comments by the Plat Review Committee, other County departments, officials, utility companies and others, which are of record at the time of the Planning Board meeting. Within thirty (30) days after the Planning Board reviews the submission, it shall indicate its approval, disapproval, or approval with conditions. Such approval, disapproval or approval with conditions shall be

conveyed to the developer's representatives at a regular Planning Board meeting.

(iii) *Preliminary Plat approval*: Approval of the Preliminary Plat shall be subject to the following stipulations:

(A) Such approval does not constitute authorization to proceed with the construction until the Construction Plans and Specifications (step 4) have been approved by the Administrative Officer and County Road Superintendent, nor authorization to sell lots until the Final Plat is approved and filed in the Washington County Circuit Clerk's office.

(B) Receipt by the developer of the Planning Board's written approval of the Preliminary Plat authorizes the developer to proceed with the following:

1. Preparation of the Construction Plans and Specifications required for Step 4, which includes:
  - a. Detailed street plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the Administrative Officer and County Road Superintendent.
  - b. Detailed storm drainage plans, profiles and specifications accompanied by soil analysis and design calculations to be reviewed and approved by the Administrative Officer and County Road Superintendent.
  - c. Detailed water and sewer plans, profiles and specifications to be submitted by the developer to the Arkansas Department of Health for review and approval. One (1) informational copy shall be submitted to the Administrative Officer and County Road Superintendent for his use and review only.

*Note: The developer is responsible for obtaining the approval of the Arkansas Department of Health or other water utility provider for the water and sewer or septic system plans and specifications as well as approval from all other utility companies for the utilities provided to the project.*

2. The installation of the site improvements after the Construction Plans and Specifications (step 5) have been approved by the County Administrative Officer and Road Superintendent.
3. Preparation of the Final Plat in accordance with the Final Plat procedures outlined in step 5.

(C) The Preliminary Plat shall be effective for one (1) year from date of approval to implement the following items:

1. Approval of step 4 (Construction Plans and Specifications).
2. Initiate and progressively continue construction improvements.
3. Approval and filing of the Final Plat (see bonding requirements, step 5).

(D) Any Preliminary Plat not activated within twelve (12) months from date of approval shall be null and void.

(E) All improvements must be completed within thirty-six (36) months from date of Preliminary Plat approval. If not, the performance bond, as set out below, shall compensate the County for all unfinished construction costs.

1. Said performance bond shall run in favor of the county and be in an amount sufficient to complete the improvements for the development as determined by the Road Superintendent.
2. Said bond must be written by a surety authorized to do business in the State of Arkansas.
3. However, if, in the opinion of the county, the project has been abandoned, or County or private property is being damaged by action, or inaction, the said performance bond shall be forfeited immediately at the option of the County at any time prior to the end of the thirty-six-month period. A letter of credit may be accepted in lieu of all or part of said bond.
4. Separate bonds or letters of credit shall be executed to protect County roads or other County property.
5. This bond does not take the place of any bonding requirements as to any contractor. If the developer and the contractor are one and the same, then the bonds to be posted by the contractor shall protect the County.

(d) Step 4: Construction Plans and Specifications Approval; Insurances and Additional Bonding Requirements.

(i) Submission Requirements and Procedures.

(A) Receipt by the developer of the Planning Board's written approval of the Preliminary Plat authorizes the Developer to proceed with the development of the detailed plans and specifications for the proposed improvements. The detailed construction plans and specifications consisting of the following shall be developed by a professional engineer registered in the State of Arkansas and submitted to the appropriate agency for review and approval prior to the developer advertising for bids or beginning construction.

(B) Payment of the construction plans and specification review fee contained in section 4(B)(1)(f).

(C) One (1) copy of the Preliminary Plat and approval letter from the Planning Board.

(D) Three (3) complete sets of construction plans or one (1) .pdf plan (one approved copy will be returned to the developer) and specifications for the proposed improvements containing the following information for review and approval by the County Road Superintendent:

1. Street classifications, soils analysis, street typical section and pavement section of each street or street classification in the proposed development in accordance with the requirements of this Article.
2. Street profile, design calculations, soils analysis and plans and specifications in accordance with the requirement of this Article.

3. Storm drainage calculations, profile and plans and specifications in accordance with the requirements of this Article.
  4. As appropriate, design calculations, profile and plans and specifications for all required off-site improvements in accordance with the requirements of this Article.
  5. The engineer's estimated cost of all improvements.
  6. One (1) copy of the water and sanitary sewer profiles.
- (E) Two (2) sets of the water and sanitary sewer plans and specifications shall be submitted to the Arkansas Department of Health for approval.
- (ii) Bonding and Insurance Requirements: The contractor and subcontractor performing the grading, street, storm drainage, water and sanitary sewer improvement construction shall carry the following:
- (A) Performance and payment bonds in the amount of one hundred percent (100%) of total construction costs.
  - (B) Workman's Compensation Insurance for all employees and those subcontractors engaged in work on the site, in accordance with Arkansas' Compensation Laws.
  - (C) Insurance for protection against damage which may arise from operations of the kinds and limits listed below:
    1. Public liability insurance in an amount not less than five hundred thousand dollars (\$500,000.00) for injuries, including accidental death, to any one person, and subject to the same limit for each person, in an amount not less than five hundred thousand dollars (\$500,000.00) on account of one (1) accident.
    2. Property damage and vehicle liability insurance in an amount of not less than five hundred thousand dollars (\$500,000.00) for one accident, and subject to that limitation, in an amount not less than five hundred thousand dollars (\$500,000.00) for all damages to or destruction of property during the policy period.
  - (D) In addition, the contractor shall obtain insurance, running for the construction period of the project, naming as the insured therein all officials and employees of Washington County and their representatives. Such insurance shall be in form and substance similar to Railroad Protective Liability Policy as approved by Federal, State and Railroad agencies. Limits of liability shall be the following:
    - Bodily Injury liability (including death):
      - \$500,000.00 per person
      - \$500,000.00 per occurrence
    - Physical Damage liability (damage to or destruction of property):
      - \$500,000.00 per occurrence
      - \$500,000.00 aggregate
  - (E) Proof of insurance coverage shall be furnished by the Contractor to the County Road Superintendent prior to commencement of work on the site. Insurance shall be carried with insurance companies

- licensed in the State of Arkansas. The required insurance shall be kept in force until the contractor's work is accepted by the County.
- (iii) County Road Superintendent's actions: Within fifteen (15) days, the County Road Superintendent shall approve, disapprove, or approve with conditions the street and storm drainage plans and specifications in writing and return one (1) copy to the developer. However, any approval action of the plans and specifications does not constitute approval of the Final Plat.
  - (iv) Inspections by the County Road Superintendent: All street and storm drainage and utility construction within the road right-of-way shall be subject to inspection by the County Road Superintendent. The required phase inspections are contained in section G.
  - (v) Time Limitations and Stage Construction:
    - (A) After approval of the detailed plans and specifications of proposed improvements, construction work shall begin within one (1) year and the construction completed within three (3) years thereafter. If not, the original plans and specifications shall be subject to review and updating by the appropriate agencies. Any changes resulting from this review and updating shall be made at the developer's expense.
    - (B) Stage Construction: The following applies to land developments approved for stage construction:
      1. If the detailed plans and specifications for the future stage(s) are submitted and approved as part of the original plans and specifications and construction has not started within three (3) years after the approval date, or if construction work ceases for any twelve-month period thereafter, the plans and specifications shall be resubmitted to the appropriate agencies for review and updating to meet the current standards and specifications. Any changes resulting from this review and updating shall be made at the developer's expense.
      2. If the detailed plans and specifications for any future stage are developed at a later date, they shall be submitted to the appropriate agencies. The plans and specifications shall meet the current standards, regulations and specifications at that time.
  - (vi) Maintenance Bond Requirements: Upon completion of the work and final inspection by the appropriate agency, the developer shall furnish the following maintenance bonds:
    - (A) Street and storm drainage improvements: An acceptable maintenance bond shall be provided in the amount of fifty percent (50%) of the actual construction cost against defects in workmanship and materials for a period of one (1) year from the date of the final inspection. The bond shall be filed with the County Judge's office after the final inspection and prior to acceptance by the County.



- (B) Water and sanitary sewer improvements: An acceptable maintenance bond shall be provided in the amount of fifty percent (50%) of the actual construction cost against defects in workmanship and materials for a period of one (1) year from date of the final inspection. The bond shall be filed with the appropriate government agency after the final inspection and prior to the acceptance by the County.
  - (C) Stage construction: When stage construction is approved prior to future stage development, an inspection of the condition of the existing street system shall be made by the County Road Superintendent, developer, contractor and engineer to document the existing condition of the streets. The contractor shall make repairs to street damages as they occur during the construction of the next stage of development. An inspection of the existing street system shall be made as a part of the final inspection of the new stage of street improvements. All damages noted by the County Road Superintendent shall be satisfactorily corrected prior to acceptance of the new stage of improvement. Repair of all damage will be at the developer's expense.
  - (D) Water, sanitary sewer, street and storm drainage in a new stage of construction shall carry the normal one-year maintenance bond as specified for the initial construction of improvements, as outlined in subsections (1) and (2) above.
- (vii) Conditions of Acceptance:
- (A) The County shall not have any responsibility with respect to any street, road or other improvement, notwithstanding the use of the same by the public, unless the street, road or improvement has been accepted by the County.
  - (B) The County shall, within thirty (30) days after the improvements have been offered for dedication to the County, accept the improvements provided the improvements have been constructed in accordance with the conditions and requirements of the County. County maintenance will begin when the required one-year maintenance bond has expired.
  - (C) Prior to requesting final acceptance of the improvements into the County System, the developer shall submit the following:
    1. Two (2) paper copies or one (1) digital (.pdf) copy of the as-built plans for street and storm drainage and two (2) paper copies or one (1) digital (.pdf) copy of the as-built plans for water and sanitary sewer shall be submitted to the Washington County Planning Office.
    2. Certified proof that all improvements are free of liens and debts shall be submitted to the Washington County Planning Office.
    3. Certified proof that all professional fees and improvement costs have been paid shall be submitted to the Washington County Planning Office.

- (e) Step 5: Final Plat submission, approval, and filing. After the Planning Board approves the Preliminary Plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the Planning Board an application for approval of the Final Plat.
- (i) The application for approval of the final plat shall consist of the following:
    - (A) Application for approval of Final Plat.
    - (B) Payment of the Final Plat fee contained in section 4(B)(1)(f).
    - (C) Six (6) reproductions or paper copies or one (1) digital (.pdf) copy of the Final Plat which shall require the information for Final Plats contained in section 4(B)(1)(g). The Final Plat shall be reviewed by the Plat Review Committee prior to final action by the Planning Board, if required by the Administrative Officer. If revisions are required, the developer shall resubmit six (6) paper copies or one (1) digital (.pdf) of the revised plat containing the revisions to the Administrative Officer for distribution to the Planning Board.
    - (D) Assurances that the improvements indicated in the Final Plat and/or required by this division have been installed or assurances they will be installed. Such assurances shall consist of:
      - 1. A certification by the County Road Superintendent that all improvements have been completed and accepted.
      - 2. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.
  - (ii) Reserved.
  - (iii) County Planning Board's Action: Upon review of the Final Plat and other required information and certifications, the Planning Board shall approve or disapprove the Final Plat. The approval or disapproval shall be provided in writing by the Administrative Officer.
  - (iv) Developer's final action: Upon approval by the Planning Board, the developer shall:
    - (A) Submit to the Administrative Officer a minimum of two (2) reproducible copies of the Final Plat with appropriate signatures of approval (use waterproof ink only).
    - (B) Obtain the signatures of the Road Superintendent, Administrative Officer, and County Judge, and submit both copies with covenants and certifications to the Circuit Clerk's office.
    - (C) Have the Circuit Clerk record one (1) copy and note on the other copy the recording information such as date, time, book and page number.
    - (D) Return one (1) original recorded copy or a digital (.pdf) copy to the Planning Administrative Officer.

*NOTE: Approval of the Final Plat by the Planning Board shall not be deemed acceptance by the County of any of the dedications shown on the plat. Such acceptance shall be made by the County Judge in the manner prescribed by law. When the County Judge accepts the*

*improvements into the County Road System, no maintenance will be performed by the County until the maintenance bonds have expired.*

- (v) Signatures. The Final Plat shall be signed by the Administrative Officer.
- (vi) Number of plats. The Administrative Officer may request additional copies of the Plat, if the amount required by subsection (iv)(D) is not sufficient for the necessary distribution.
- (vii) All plats for land developments approved by the Washington County Planning Board shall be contingent upon receipt by the Developer of any Federal, State or local permits or approvals, if any, whether known or unknown to the Board or the Developer.
- (f) Fees due to planning office. Fees shall be established and modified, from time to time, by the Planning Board. A list of approved fees can be accessed at the office of the Planning Administrator.
- (g) Plat requirement for land development.
  - (i) The original plat shall be drawn in waterproof ink on reproducible, stable base material at a scale which best suits the size of the property being platted. Preferably, the sheets should be standard print size and the scale should be one (1) inch equals one hundred feet (100').
  - (ii) Plats submitted to the Planning Office shall have the following information shown or made reference to and attached thereto. The Administrative Officer shall deliver the information to the Planning Board for review and consideration of Concept, Preliminary and Final Plats.

	<b>General Information</b>	<b>Concept Plat</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
(1)	Name and address of owner, developer, engineer and surveyor	X	X	X
(2)	Name of the land development, date, graphic scale, north arrow, total acreage and individual tract acreage	X	X	X
(3)	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lot and blocks shall be numerically identified, boundaries shown by bearings and distance, and property located by Section, Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners		X	X
(4)	Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners		X	X

(5)	Vicinity sketch at a scale appropriate to show the relationship of the development with surrounding improvements and communities, and other information requested by the Planning Board	X	X	X
(6)	If stage development is involved, the complete development plan with the stages of development and construction shown		X	X

	<b>Existing Conditions for Land Development</b>	<b>Concept Plat</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
(7)	Original topography at one-foot, two-foot, five-foot, or ten-foot contour intervals		X	X
(8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number		X	X
(9)	Existing roads, streets, culverts, railroads, and other features: The plat shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes	X	X	X
(10)	Existing utilities: Ownership names and dimensions on overhead and underground power and communications lines, sewers, water mains, gas mains, and other underground structures, including water wells and septic systems within the development or immediately adjacent thereto		X	X
(11)	Flood areas: 100-year flood per FEMA map	X	X	X
(12)	Watercourses: If the proposed development is traversed by a watercourse, channel, stream, creek or river, the present and proposed location of each shall be shown	X	X	X
(13)	Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service		X	

(14)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar		X	
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	<b>Proposed Improvements</b>	<b>Concept Plat</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
(15)	Location, dimensions and names of all proposed roads, streets, alleys, easements, blocks, parcel and lot lines and address numbers, dedications and reservations		X	X
(16)	Street typical sections and pavements sections for each classification of street		X	X
(17)	Bearings and linear dimensions referenced to true north of all lines, interior angles of lots may be shown in lieu of bearings		X	X
(18)	Proposed use of all land within the development		X	X
(19)	Location and size of all proposed utility lines		X	X
(20)	Drainage plan for entire area		X	
(21)	Sizes of all driveway and road tiles shall be stated			X
(22)	Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines		X	X

	<b>Information to Supplement the Plat</b>	<b>Concept Plat</b>	<b>Preliminary Plat</b>	<b>Final Plat</b>
(23)	Access control: The openings for ingress and egress from the platted area to public street, road or highways		X	X
(24)	Letter of transmittal		X	X
(25)	Payment of review fee	X	X	X
(26)	Certification of survey and accuracy of survey by the surveyor			X
(27)	Certification of ownership, title and dedication by the developer			X
(28)	Certification of the developer's engineer that the design meets the County's design standards			X

(29)	Signature block for Planning Administrative Officer/Planning Director			X
(30)	Signature block for the County Road Superintendent to certify approval of streets, grading and drainage improvements and easements; and receipt of required Maintenance Bonds			X
(31)	Signature block for the Arkansas Department of Health to certify approval of water and sanitary sewer improvements			X
(32)	Guarantees in lieu of improvements		X	X
(33)	A notice stating: "Each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division."			X

Detailed plat checklists and signature blocks for large scale, subdivision, minor subdivision and replat of minor subdivision developments listed in Appendix D.

(h) Exemptions.

- (i) The intent of these exemptions is to achieve the following:
  - (A) To balance private and public interests;
  - (B) To expedite the review and approval process for subdivisions that may have a low impact on public resources, facilities, and services and/or the need for them;
  - (C) To expedite the distribution of land among family members;
  - (D) To promote safety;
  - (E) To monitor the growth and development of the county;
  - (F) To ensure proper legal descriptions, identification and recordation of subdivided land boundaries; and
  - (G) To protect natural resources.
- (ii) The following are exempt from the provisions specified in the county development regulations:
  - (A) The division of land into parcels for the purpose of selling or donating the parcels to family members. Only one (1) such division shall be allowed per family member and all parcels must be at least one (1) acre in size.
  - (B) The division of land into an unspecified number of tracts, each of which are at least forty (40) acres, more or less, in size.
  - (C) The division of land into four (4) parcels, three (3) of which must be at least five (5) acres, and one which may be at least one (1) acre. Previous divisions for family members shall not be counted toward the four parcels exempted in this section.
  - (D) The division of land for the sale or exchange of tracts between adjoining landowners, where such sale or exchange does not create additional lots.

- (E) The division of land which may be ordered by a court.
  - (F) The division of land which is to be used for cemetery purposes, and the division of land to create burial plots in a cemetery.
  - (G) The public acquisition of strips of land for the widening or opening of streets and/or easements.
  - (H) The transfer of an interest in land for mortgages, liens or deeds of trust provided that the division of land is not the result of a seller-financed transaction.
  - (I) A division of land for the purpose of conveying a parcel(s) to a public service, nonprofit organization.
  - (J) A conveyance made to correct errors in prior conveyances.
  - (K) The division of land creating no more than four (4) lots, regardless of size and public road frontage, that is in a territorial planning area pursuant to Ark. Code Ann. § 14-56-413 and has been approved by the Planning Commission of the appropriate city.
- (iii) Exemptions (A) through (C) above are subject to the following:
- (A) Owners are not required to improve, maintain or dedicate right-of-way along existing public roads, except that the County Road Superintendent may set the standard for drainage tiles. There shall be a deed restriction with each land conveyance stating that no new improvements will be constructed on any new or existing parcels within a sufficient distance (as determined by the County Road plan) from the centerline of any existing public road to accommodate future road improvements.
  - (B) Only two (2) parcels may be created without public road frontage. Parcels not fronting a public road must be connected to a public road with an easement for ingress, egress and utilities. The easement must be a total width of thirty (30) feet, and can be a shared easement (see the definition of "shared easement").
  - (C) Parcels fronting a public road must have at least one hundred (100) feet of frontage if they are less than five (5) acres in size, and at least one hundred sixty-five (165) feet of frontage if they are five (5) acres or greater in size.
  - (D) A survey is recommended but not required. Before a transaction can be considered exempt, such must be approved by the Administrative Officer. If a survey is done then the person seeking approval shall cause the survey to be recorded with the Circuit Clerk.
- (iv) Building setbacks as set out below shall be required for all parcels smaller than twenty (20) acres and they shall be depicted on the survey as lines as well as text:
- (A) Side setback from property line (feet)..... 10'
  - (B) Rear setback from property line (feet)..... 20'
  - (C) Front building setback from street ROW (feet)..... 25'
- If in a city planning area, setback may be varied base on that city's requirements. The city's code will determine lot frontage minimums.

- (v) To effectively administer the above, a survey shall be required for all exempt lot splits where all tracts created are less than twenty (20) acres each; this shall include the remaining tract if such is less than five (5) acres. The remaining tract is hereby defined as the tract retained by the owner of the property who is seeking the exempt split. The person seeking approval shall cause said survey to be recorded with the Circuit Clerk.
  - (vi) As exempt splits have no formal utility review at this time, the front setback (25 feet from ROW) should be also denoted on the survey as a public utility easement.
  - (vii) If the plat/survey submitted for an exemption request shows multiple tracts at less than five (5) acres, a Minor Subdivision review and approval will be required.
- 2) Violations. A violation of this subsection or failure to comply with the provisions herein specified shall subject the person, firm, or corporation to a fine in the maximum amount of one-thousand dollars (\$1,000) for any one specified offense or violation, or two-thousand dollars (\$2,000) for each repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall incur an additional fine of five-hundred dollars (\$500) for each day that it continues.

**C) Design Standards.**

- 1) Conformity. The proposed land development shall meet the provisions of this section.
- 2) Fitness for Development.
  - (a) Flood Hazard Areas: A Flood Hazard Area is one subject to a base flood as defined by the Federal Insurance Administration and as identified on its "Flood Hazard Boundary Map" as provided by FEMA. A copy of the map shall be displayed in the Washington County Planning Office and available on the Planning Department County's website. The following regulations apply to Flood Hazard Areas:
    - (i) No plat of a land development shall be approved that contains lots or building sites in a flood hazard area unless the elevation of the sites for structures are above the level of the base flood, as required by FEMA.
    - (ii) When a portion of a land development contains portions of flood hazard areas, they shall be clearly delineated on the Preliminary and Final Plats. No structures shall be constructed in the areas so designated (see section 4(A)(9)).
  - (b) Based on topographic maps, soil surveys prepared by the U.S. Department of Agriculture, and drainage information, the Planning Board may require that steep grades, unstable soil and floodplains be set aside and not subdivided until corrections are made to protect life, health, and property.
- 3) Residential lot and block standards for subdivisions.
  - (a) The following standards apply:
    - (i) Minimum Subdivision Lot Standards.
      - (A) Area (square feet), excluding access easements ..... 1 acre
      - (B) Side setback from property line (feet) ..... 10'



- (C) Rear setback from property line (feet) ..... 20'
- (D) Frontage (feet) ..... 75'
- (E) Frontage for all cul-de-sac lots (to be measured from the building setback line) ..... 75'
- (F) Front building setback from street ROW (feet) ..... 25'
- (G) Corner lot building setback from street ROW (feet) ..... 25'

(Applicable to any side of lot adjacent to ROW)

- (b) Individual lots that require both a septic system and water well shall be of sufficient size to satisfy the Arkansas Department of Health requirements for safe water of septic system. Minimum frontage shall be seventy-five feet (75').
- (c) Residential Lot Size and Shape: The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- (d) Residential Blocks:
  - (i) Width: Blocks shall be two (2) tiers of lots wide, except where topography, highways, railroads, streams, utility lines or other physical features will not permit.
  - (ii) Length: Blocks shall be at least three hundred feet (300') long, but no longer than fourteen hundred feet (1,400').
  - (iii) Easements: Where required for drainage and utilities, easements shall be at least fifteen feet (15') wide. If there is an adjoining easement, the total combined width of both easements shall be at least fifteen feet (15'). Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic stream beds, where required.
- 4) Lot and block standards for mobile home parks.
  - (a) Lot Size and Density:
    - (i) A minimum of fifty-five hundred (5,500) square feet shall be provided for each single mobile home, and a minimum of ten thousand (10,000) square feet shall be provided for each double mobile home excluding access easements. Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen feet (15').
    - (ii) All standards contained in "Rules and Regulations Pertaining to Mobile Homes and Travel Trailer Parks" adopted by the Arkansas State Board of Health shall apply.
  - (b) Boundary and Buffer Areas: Depending upon location, density of proposed mobile home park and other factors, the Planning Board may require buffers where deemed necessary.
  - (c) Road and Street Maintenance: All roads and streets within the mobile home park or providing access to the mobile home park that will be dedicated to the County shall be designed and constructed in accordance with the design requirements and specifications contained in this section. All private access roads and streets shall be maintained by the landowner and private maintenance signs shall be posted at the beginning of the private drive.

- (d) Parking: At least two (2) off-street designated parking spaces shall be provided for each mobile home.
  - (e) Tie-Downs: Tie-downs, in accordance with State and Federal Regulations, shall be constructed and made available to the mobile home park tenants.
  - (f) Easements: Easements at least fifteen feet (15') wide shall be provided, where needed, for utilities. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic stream beds, where required.
- 5) Street design criteria for land development. All design criteria for streets and roads in land developments are contained in Table 1 and Table 2 of Appendix A and as follows. The traffic classification and soil types described in Appendix A of this chapter, and as follows, shall be used to determine the minimum pavement structure for each proposed street or road:
- (a) Extensions: All street and road extensions shall meet all design standards unless approved by the County Judge in writing.
  - (b) Substandard widths: Land developments that adjoin substandard existing county roads shall meet the requirements contained in section 4(C)(10).
  - (c) Street names and numbers: Names and numbers of streets and roads shall be consistent with natural alignment and extensions of existing streets or roads. New street or road names must be used which will not duplicate or be easily confused with existing names and must be approved by the County 9-1-1 Data Base Coordinator. Each development shall be reviewed by the 9-1-1 Data Base Coordinator to assign 9-1-1 addresses to each lot and said lot addresses shall be shown on the Final Plat.
  - (d) Curb and gutter: The curb and gutter, if required or if used, shall be designed and constructed in accordance with the requirements of this section. Curb and gutter sections are encouraged in industrial and commercial areas. Also, the required right-of-way may be reduced in curb and gutter sections.
  - (e) Tangents: A straight tangent at least one hundred feet (100') long shall separate reverse curves.
  - (f) Temporary cul-de-sac: Temporary cul-de-sac designed to provide future connections with adjoining undeveloped areas shall provide a temporary turnaround easement and shall be designed in a manner which will prevent excessive accumulation of runoff water at the dead end. However, said cul-de-sac shall not exceed one thousand two hundred feet (1,200) in length, measured to the outer edge of the turnaround from the edge of the right-of-way of the existing county road which serves as access to the land development.
  - (g) Permanent cul-de-sac: Streets with permanent cul-de-sacs shall not exceed twelve hundred feet (1,200') in length, measured to the outer edge of the turnaround, from the edge of the right-of-way of the existing county road which serves as access to the land development. All turnarounds shall have radii as follows:
    - (i) Hard surface pavements: Surface radius with curb and gutter at forty-five feet (45'); without curb and gutter at fifty feet (50'). Right-of-way

with curb and gutter shall be fifty feet (50'); without curb and gutter, sixty (60) feet.

- (ii) Gravel surface: Driving surface radius shall be at fifty feet (50') with a sixty-foot right-of-way.

Alternative methods that may be used to conform to the cul-de-sac lengths, include but are not limited to:

- (iii) Divided entrances;
- (iv) Emergency access only roads, with or without gating; and/or
- (v) Bonds or other adequate surety to insure future improvement of alternative access roads.

Such alternative methods shall be approved by the County Judge and the local fire department or Administrative Officer and such approval shall not be unreasonably or arbitrarily withheld.

- (h) Intersections: Streets shall be designed to intersect as nearly as possible at right angles, provided that no street shall intersect at any other street at less than seventy-five (75) degrees.
  - (i) Intersections of local streets shall have a minimum driving surface radius of thirty feet (30').
  - (ii) Intersections of collector or high-density residential streets shall have a minimum driving surface radius of forty feet (40').
  - (iii) All corner radii must be shown on the street improvement plan.
- (i) Street grades: Street grades shall conform to the following:
  - (i) Street grades for arterial highways should not exceed ten percent (10%); grades for all other classifications of streets should not exceed twelve percent (12%). Exceptions: Grades of up to seventeen percent (17%) will be accepted for a distance not to exceed three hundred feet (300') and in such cases concrete surfacing with curb and gutter may be required based on storm drainage provisions.
  - (ii) All changes in grade shall be connected by a vertical curve of a reasonable radius to assure adequate sight distance.
  - (iii) In approaching intersections, there shall be a suitable leveling of the street grade, generally not exceeding five percent (5%), for a distance of not less than fifty feet (50') from the nearest line of the intersecting street.
  - (iv) To the extent possible and practical, all minor streets and driveways should be sloped away from the major street or County road to prevent water and debris from being deposited on the major street or road.
  - (v) The grade within the intersection should be as level as possible, and consistent with proper provisions for drainage.
- (j) In platting lands abutting federal and state highway or other arterial traffic ways, every effort shall be made to cushion the adverse impact of heavy or high-speed traffic on such lands, especially where used for residential purposes; to minimize interference with through traffic operations; and, to reduce vehicular and pedestrian accident hazards.
- (k) Private roads: Privately maintained roads may be established in certain circumstances as follows:

- (i) Subdivisions containing four (4) or fewer single-family residential lots may elect to establish a private road to serve the lots, provided the road right-of-way connecting the lots to the county road is a minimum width of thirty feet (30’).
- (ii) Subdivisions containing five (5) to ten (10) single-family residential lots may elect to establish a private road to serve the lots. However, the road connecting the lots to the county road must be constructed to the specifications noted below. Before final plat approval, the road superintendent shall visually inspect the road to ensure that general compliance with the specifications noted below have been met:
  - (A) Fifty-foot road right-of-way;
  - (B) Fourteen-foot road wide road surface with eight-inch compacted SB-2, or six-inch compacted SB-2 on a prepared subgrade;
  - (C) Four-foot shoulder;
  - (D) Four-foot ditch;
  - (E) Twelve percent (12%) maximum grade;
  - (F) Fifty-foot minimum cul-de-sac radius at the end;
  - (G) Drainage provided with adequate pipes and culverts as necessary.
- (iii) A development that utilizes, in whole or in part, a private road for access shall be referred to as a "private road development" or "PRD."
- (iv) The plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS."
- (v) In cases where the private road easement serves at least three (3) homes and is at least five hundred feet (500’) in length (measured from the intersection of the County/Public Road ROW to the furthest existing or proposed residential structure) the following shall be applicable:
  - (A) The developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.
  - (B) The developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).
  - (C) New private road subdivisions must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Operations Office) prior to the final subdivision plat approval. The private road subdivision developer or applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Operations Office or the County Planning Office, and be in accordance with U.

S. Department of Transportation Manual on Uniform Traffic Control Devices.

- (vi) All private road subdivisions shall be required to comply with Appendix A regarding sight distances when a private road intersects with a county or public road.
  - (vii) Any gravel private road that intersects with a paved county or public road at such an incline such that the gravel will be washed or carried out onto the county or public road must be paved for a distance up to 30 feet. A lesser amount may be required depending on the gradient or condition of the drive.
- 6) Sidewalks. If sidewalks are used or required, Appendix A designates the width and thickness. To the extent possible, all sidewalks should be located at the right-of-way line. At all driveways, the curb and gutters and sidewalks shall be modified to accommodate the handicapped.
- 7) Storm drainage systems. Storm frequencies for use in design should generally be according to the American Association of State Highway and Transportation Officials (“AASHTO”) and the Federal Highway Administration (“FHWA”) criteria and the minimum frequencies given below of the various classes of roads. No exact criteria for flood frequency of allowable backwater/headwater values can be set which will apply to an entire project or roadway classification. The flow of water in the gutter should be restricted to a depth, and corresponding width, which will not severely obstruct or cause a hazard to traffic. This flow is a function of the quantity of water, the gutter gradient, roughness of the pavement where the flow is contained, and cross section shape of the flow area. The engineer shall provide complete documentation concerning the selection of design frequency and criteria.
- (a) The developer shall install storm drainage facilities, including drains, sewers, catch basins and culverts necessary for the proper drainage of all surface water, and serve the entire drainage area.
  - (b) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural ditches or streams approved by the County Road Superintendent.
  - (c) The developer is responsible for correcting any drainage or flooding problems occurring on adjacent or downhill or downstream property as a result of the development.
  - (d) Minimum flood frequency for subdivision and mobile home streets is as follows:
    - (i) Cross drains:
      - (A) Class III and IV roads: 25-year flood, unless the adjacent structures in the drainage area are designed to a higher flood frequency.
      - (B) Class I and II roads: 10-year flood if the drainage area is less than two (2) square miles and the average daily traffic (“ADT”) is less than 750. If either is exceeded, use a 25-year flood frequency.
    - (ii) Storm sewers:
      - (A) Class III and IV roads: 25-year flood unless the connecting system is designed to a higher flood frequency.

(B) Class I and II roads: 10-year flood unless the connecting system is designed to a higher flood frequency.

Note: If local drainage facilities and practices have provided drains of a lesser standard than specified above, special consideration should be given to whether it is realistic to design the proposed system to a higher standard than available outlets.

- (e) The County Road Superintendent shall approve any changes in the storm drainage system.
  - (f) The provisions herein are also meant to authorize detention and/or retention ponds when deemed necessary by the County Engineer to address drainage within a land development and on surrounding properties; the quantity and the quality of any runoff from any development shall not be substantially altered from pre-development conditions.
- 8) Culverts and bridges. Culverts and bridges shall be installed where needed in accordance with existing Arkansas Highway and Transportation Department Standards and Specifications. They shall be designed for an H-20 load.
- 9) Pavement section design for land developments.
- (a) Street Classifications for Pavement Design. The street classifications contained below shall be used to select the Street Geometrics contained in Table 1 of Appendix A and the Pavement Structure contained in Table 2 of Appendix A. Each street shall be classified by function and/or traffic in one (1) of the following classes:
    - (i) Class I—light residential: This would be rural residential streets and drives which have light traffic and little or no truck traffic, short dead-end streets, and possibly short cross streets with less than fifty (50) vehicles per day and not more than five (5) average eighteen-kip EALs per day, or not more than thirty-six thousand five hundred (36,500) total eighteen (18) kip EALs (Equivalent Single Axle Loads) during the twenty-year design period.
    - (ii) Class II—residential, minor residential collector and light commercial: This would include (a) residential subdivision streets with no through traffic; (b) cross streets in the established street system; (c) light commercial streets in a small commercial area. These streets would have an average of fifty (50) to two hundred and fifty (250) vehicles per day and not more than ten (10) average eighteen (18) kip EALs per day, or not more than seventy-three thousand (73,000) total kip EALs during the twenty-year design period.
    - (iii) Class III—residential collector and commercial streets: This would include (a) the major streets in a residential subdivision used to get to the through streets or highway; collectors will have the right-of-way over the above Class I and II streets; and (b) commercial streets. They would have an average of two hundred and fifty (250) to five hundred (500) vehicles per day and not more than forty (40) average eighteen (18) kip EALs per day, or not more than two hundred ninety-two thousand (292,000) total eighteen (18) kip EALs during the twenty-year design period.

- (iv) Class IV—minor residential arterial, heavy commercial, and light industrial streets: These streets would include (a) through streets in a residential subdivision; (b) heavy commercial streets; and (c) light industrial streets. They would have an average of five hundred (500) to eight hundred fifty (850) vehicles per day and not more than eighty (80) average kip EALs per day, or not more than five hundred eighty-four thousand (584,000) total kip EALs during the twenty-year design period
- (v) Class V: All higher class streets and highways, or any time the eighty (80) average eighteen (18) kip EALs or the five hundred eighty-four thousand (584,000) average eighteen (18) kip EALs are expected to be exceeded, formal design procedures shall be used for each individual street. The PCA, TAI, AASHTO, or other recognized design procedures may be used. The design for each street or highway shall be approved by the County Road Superintendent.

\*\*\*ADT may be estimated at the rate of five (5) round trips per resident or dwelling unit.

\*\*\*EALs for Class I and II streets based on one hundred percent (100%) of the one-way ADT times a load factor of 0.09 for single-unit trucks, plus five percent (5%) of the one-way ADT times a load factor of 1.00 for multiple-unit trucks.

\*\*\*EALs for Class III and IV streets are based on one hundred percent (100%) of the one-way ADT times a load factor of 0.09 for single-unit trucks, plus ten percent (10%) of the one-way ADT times a load factor of 1.00 for multiple-unit trucks.

(b) Soil Classifications: The subgrade soils shall be classified according to the Group Index Classification into the following three (3) major soil types:

- (i) Sands and Gravels: A-1, A-2, and A-3 Group Index. These are non-plastic materials with gravel and sand-size material.
- (ii) Silts: A-4 and A-6 Group Index. The A-4 soil is a minus-40 sieve size which has an LL less than 40 and a PI less than 10. The A-6 soil is a minus-40 sieve material with an LL less than 40 and a PI more than 10. Both soils have very little clay.
- (iii) Clays: A-5, A-7 and A-7-6 Group Index. These are the clays and have an LL greater than 40 and an PI greater than 10. The AS Group Index classification soils have an LL greater than 40 and a PI less than 10. A-7 Group Index soils are very poor soils which should be avoided if possible.

(c) Pavement Sections: The pavement sections for Class I, II, III and IV streets shall meet or exceed the following requirements:

- (i) All streets shall be classified according to traffic and subgrade soil type. The results of the sieve analysis and LL and PI test run during the construction of the subgrade shall be used to verify the soil type used in the pavement design. If the soil type changes, the pavement structure shall be redesigned accordingly. It is strongly recommended that the engineer have preliminary sieve analysis and LL and PI tests performed before detailed plans and specifications for the streets are prepared. Copies of all test results shall be provided to the County Road Superintendent.

- (ii) Regardless of the design procedures used, the proposed pavement sections for Class I, II, III and IV streets shall be equal to or exceed the minimum pavement sections shown in Table 2, Minimum Pavement Sections, of Appendix A, Part II, Technical Provisions, for the particular street classification and soil type, with the following exceptions:
  - (A) A pavement structure of six (6) to eight (8) inches of compacted crushed stone base and a double bituminous surface treatment may be approved for residential streets and county roads with light traffic and little or no truck traffic. Such conditions may occur in the following: (a) small rural subdivisions and mobile home parks; (b) rural subdivisions with large three- to five-acre lots; or (c) existing minor county roads meeting these criteria.
  - (B) Paved roads are required in all developments except for those which qualify to be built as private roads.
- (iii) Formal design procedures, such as the PCA, TAI, AASHTO, shall be used for all Class V and higher streets, or when the projected daily eighteen (18) kip EALs load exceeds eighty (80), or when the total eighteen (18) kip EALs for the twenty-year design period exceeds five hundred eighty-four thousand (584,000).

10) Requirements for improving off-site roads.

- (a) Existing County roads: When a proposed land development causes a need for improvements to off-site roads and dedication of right-of-way, the developer shall be responsible in conformance with County standards for the following:
  - (i) In all cases, for the entire length of the proposed land development, the developer shall dedicate a minimum of thirty feet (30') of right-of-way measured from the centerline of the existing County road. For unusual alignment or terrain conditions, the Planning Board and/or County Judge may require a greater width of right-of-way dedication. The required width of right-of-way dedication shall be determined during the Preliminary Plat review and approval stage; in any event said dedication must bear a reasonable relationship to the needs created by the proposed land development. When the proposed development is of a size and magnitude to show cause for additional off-site road improvements that the County does not have in its annual Plan, any off-site road shall be improved by and at the expense of the Developer in accordance with County standards; subject to the reasonable relationship test as stated above.
  - (ii) The road improvement cost shall include, but not be limited to, the costs of right-of-way clearing, roadway excavation and embankment, bridges, pipe and box culverts, roadway shaping, drainage blankets, base, paving, utility adjustments, and miscellaneous items. The Developer's proportionate share of the road improvements costs shall bear a reasonable relationship to the needs created by the land development.



- (iii) The type of road improvement shall be based on the Washington County Policy for Improving County Roads. The Developer's proportionate share of the cost of improving the County road shall be determined by the County Road Superintendent based on the reasonable relationship test set out above.
- (iv) The Washington County Policy for Improving County Roads is as follows: Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage and budget, one (1) of the following types of improvements shall be made:
  - (A) Patching and bituminous surface treatment within existing right-of-way with some possible alignment and drainage work; or
  - (B) Patching and hot mix overlay within existing right-of-way with some possible drainage and alignment work; or
  - (C) Reconstruction of the road to the County standards, involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base, paving and miscellaneous items. Paving shall be waived for developments not meeting the criteria noted below for paved roads. Paving, if required, shall consist of a double bituminous surface treatment or asphalt hot mix surface course. Paved roads are required in all developments except for those which qualify to be built as private roads.
- (v) The required off-site improvements and the developer's proportionate share of the cost shall be determined at the Preliminary Plat review and approval stage.
- (vi) It shall be the responsibility of the Developer to acquire and dedicate any necessary right-of-way subject to the reasonable relationship test set out above.
- (vii) It shall be the responsibility for the Developer's Engineer to certify that the proposal of the Developer regarding roads will be adequate based on a traffic study and minimum standards of the County subject to review of an Engineer retained by the County Judge, at the expense of the Developer.
- (b) Existing private roads: When a proposed land development has direct access to or fronts on an existing private road, the developer shall be responsible for the following:
  - (i) If the entire length of the drive serves four (4) or fewer single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must be a thirty-foot right-of-way.
  - (ii) If the entire length of the drive serves five (5) to ten (10) single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must meet the specifications noted below. Before final plat approval, the Road Superintendent shall visually inspect the road to ensure that general compliance with the specifications noted below have been met:
    - (A) Fifty-foot road right-of-way;

- (B) Fourteen-foot wide road surface with eight-inch compacted SB-2, or six-inch compacted SB-2 on a prepared subgrade;
  - (C) Four-foot shoulder;
  - (D) Four-foot ditch;
  - (E) Twelve percent (12%) maximum grade;
  - (F) Fifty-foot minimum cul-de-sac radius at the end;
  - (G) Drainage provided with adequate pipes and culverts as necessary.
- (iii) If the entire length of the drive serves more than ten (10) single-family residential lots, counting both existing lots and those proposed, the portion of the private road connecting the proposed lots to the county road must be constructed to the county standard and will be accepted for maintenance, thereafter, by the county.
  - (iv) In cases 1 and 2 above, a development that utilizes, in whole or in part, a private road for access shall be referred to as a "Private Road Development" or "PRD."
  - (v) In cases 1 and 2 above, the plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARD. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS. THE ROAD WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE COUNTY UNTIL IT IS CONSTRUCTED TO THE COUNTY STANDARD AT THE EXPENSE OF THE PROPERTY OWNERS."
  - (vi) In cases where the private road easement serves at least three (3) homes and is at least five hundred (500) feet in length (measured from the intersection of the County/Public Road ROW to the furthest existing or proposed residential structure), the following shall be applicable:
    - (A) The developer shall be responsible for paying the county road department for the purchase and installation of a sign indicating that the road is maintained by the property owners.
    - (B) The developer shall file for public record a "Private Road Maintenance Disclosure Statement" (provided in Part II, Technical Provisions, Appendix C).
    - (C) All new private road land developments must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Operations Office) prior to the final plat approval. The private road developer or Applicant shall be responsible for erecting the street sign stating the name of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Operations Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.

11) Water systems for land developments. The water supply system shall be approved by the water utility provider or the Arkansas Department of Health

or its authorized agent and shall meet the requirements noted below, based on the availability of a public water supply:

- (a) Available public water supply: When an approved public water supply is within fifteen hundred feet (1,500) of a land development, the Developer shall provide a potable water system with service to each individual lot within the land development.
- (b) Private water supply: When an approved public water supply is not within fifteen hundred feet (1,500) of a land development, another water supply system proposed by the developer must be approved by the Arkansas Department of Health in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the land development.
- (c) Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.

12) Sanitary sewer system for land development (Compliance with Ordinance 2003-37 required, see Appendix D). The sanitary sewer system shall be approved by the Arkansas Department of Health and shall meet the requirements noted below, based on the accessibility of a public sanitary sewer system:

- (a) Accessible public sanitary sewer system: When an approved public sanitary sewer system is reasonably accessible, the developer shall install a system of sanitary sewer mains and shall connect to such system, and each lot within the land development shall be provided with a connection to the public sanitary sewer system. The sanitary sewer system and connections shall be approved by the Arkansas Department of Health.
- (b) Community sanitary sewer systems: When an approved public sanitary sewer system is not reasonably accessible, the developer shall install a community sewage treatment system or plat the minimum lot size to accommodate individual sewage disposal systems. The community sewage system and/or minimum lot size and individual sewage disposal system shall meet the Arkansas Department of Health requirement for land development, and shall be approved by the Arkansas Department of Health.
- (c) Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.

- (d) Any land development as defined in this ordinance that utilizes septic systems, also known as Individual Sewage Disposal Systems, must be designed so that the tank, lateral lines and alternate area are all located on one (1) lot, parcel, tract or dwelling unit.
  - (e) Only one (1) septic system shall be allowed on any lot, parcel, and tract or dwelling unit.
  - (f) Any such septic system must be located on the lot, parcel, tract or dwelling unit to be served by said system.
- 13) Dedication of land for public park sites. In all land developments, the developer may designate areas for parks, playgrounds, recreational areas and/or green spaces. If the developer proposes to dedicate any of these areas to the County, they must be consistent with the local planning jurisdiction and they must have the approval of the Administrative Officer at the Preliminary Plat review and approval stage. Otherwise, the developer shall make provisions for the maintenance of these areas by an escrow fund, property owner's association, or other such means.
- 14) Health Department Permit Required. Seller of any residential or business structure or land upon which a residential or business structure is to be constructed or placed to procure a certificate from the Arkansas Department of Health that the septic system is approved or the land has been tested and approved for installation of a septic system; required.
- (a) No residential or business structure that would require a septic system or tract of land upon which such residential or business structure is to be constructed or placed with or without an existing system shall be sold until the seller of the residential or business structure or tract procures at the seller's expense a certificate or permit from the Arkansas Department of Health.
  - (b) Said certificate or permit shall comply with regulations of the Arkansas Department of Health so as to ensure that the soil is suitable for a septic system and does not in conjunction with surrounding systems contribute to a danger to public health or the ground water, including, but not limited to, phosphorus levels.
  - (c) The cost of said inspection and approval may be collected at closing of any such sale.
  - (d) This section shall apply to the unincorporated portions of Washington County, Arkansas.
  - (e) A violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) and, if of a continuing nature, two hundred and fifty dollars (\$250.00) per day for each day such violation exists.
- 15) Community sewer systems.
- (a) "Community sewer systems," also known as "decentralized sewer systems," are defined as follows: Any system serving two (2) or more individual lots for the collection and disposal of domestic or industrial wastewater of a liquid nature, including various devices for the collection, conveyance and treatment of the treated wastewater effluent and the monitoring of the affected groundwater quality and the management of the associated solid waste byproducts (septage and sludge).

- (b) To ensure compatibility in the event of annexation, all community sewer systems located within two (2) miles of any incorporated city shall be designed as "gravity flow" unless the city most likely to annex the area where the system is located prefers otherwise. The Administrative Officer shall make this determination after consulting with the cities involved.
  - (c) Gravity flow means water or waste water flowing through a higher elevation to a lower elevation due to the force of gravity without aid of individual lot interceptor tanks. This shall not exclude lift stations.
  - (d) All community sewer systems shall contain a SCADA (Supervisory and Data Acquisition) system as follows:
    - (i) Automatic call-out or text to emergency contact number during alarm event.
  - (e) Prior to construction plan approval pursuant to section 4(B)(1)(d), proof of application from the Arkansas Department of Environmental Quality showing a permit has been applied for and is deemed administratively complete shall be submitted to the Planning Administrator.
  - (f) Prior to receiving final plat approval pursuant to section 4(B)(1)(e), proof of the operation permit from the Arkansas Department of Environmental Quality shall be submitted to the Planning Administrator.
  - (g) This section shall be enforceable by appropriate civil action by the County Judge.
  - (h) All community sewer systems are required to have a back-up generator in the event of power outage, said generator to be approved by the Administrative Officer or the Arkansas Department of Health.
- 16) Flood Hazard Areas. A Flood Hazard Area is one subject to a base flood as determined by the Federal Emergency Management Agency (FEMA) identified on its Flood Insurance Rate Map (FIRM).
- (a) No plat of a subdivision shall be approved that contains lots or building sites in the flood hazard area unless the elevation of the sites for structures are above the level of the base flood.
  - (b) When a portion of a land development contains portions of flood hazard areas, they shall be clearly delineated on the plat. No structures shall be constructed in the areas so designated.
- 17) Gated communities.
- (a) Any gated community, or subdivision, in Washington County shall comply with the uniform standards to be promulgated herein. A gated community or subdivision is a residential area containing more than four (4) lots in which access to the subdivision streets is restricted by the use of a guard house or electronic arm and in which residents may gain entry by using electronic cards, identification stickers, codes, or remote-control devices. This definition of gated community shall also include large scale developments, residential or otherwise.
  - (b) As it is unlawful to block public roads, roads in said communities or subdivisions must be private and thus the County will not accept the roads or streets for maintenance.

- (c) As there is a possibility in the future that gates may be removed and the residents may desire that the County accept the roads and streets; said roads and streets must still be built to the specifications as set out herein.
- (d) Rules.
  - (i) All gates will be siren activated.
  - (ii) All gates will have a keypad accessible to law enforcement personnel (Sheriff's Deputies) and emergency services (Fire Department and EMS). Access codes will be provided only to the law enforcement agency, fire department, and EMS service provider covering that area.
  - (iii) Upon activation, the gates shall remain locked open to allow access by additional responding units. A timed device shall accomplish closure of the gates or a switch-operated relay may be installed near the gate.
  - (iv) A means of mechanical override shall be constructed in a way to allow access by emergency services agencies during power outages or other situations that may not allow the gates to open by an electrical mechanism.
  - (v) The setbacks from public roads, gate widths, road ways, roadway construction and turn-arounds will be constructed in accordance with county regulations and will accommodate vehicles up to and including tractor trailer vehicles.

18) Large Scale Development Standards.

- (a) Large scale development is hereby redefined as follows:
  - (i) The development of a lot or parcel larger than one (1) acre developed as a single improvement. The term "development" shall include but will not be limited the construction of a new improvement, construction of an addition to an existing improvement, or a parceling which results in the need for access and utilities; and,
  - (ii) Shall include commercial land alteration by way of excavating, quarrying, mining, or similar activities; examples include but are not limited to dirt pits, gravel pits, quarries, asphalt plants, concrete and cement plants, and any other commercial operation that would generate heavy traffic such that affected roads would require improvements or increased maintenance or present a danger to the public safety on said roads but in no event shall include a farm or other agricultural facility, nor shall it include a single family residence.
- (b) This section shall be applicable only to large-scale developments as set out in subsection (a)(ii) above.
- (c) Such large-scale developments shall be set back from the edge of any County or public road no less than two hundred and fifty feet (250’).
- (d) The approach to such large-scale developments from the edge of County or public road to the edge on the development shall be no less that forty (40) feet in width and paved in accordance with specifications to be promulgated by the County Road Superintendent so as to decrease dust, dirt, and mud from being deposited on and around County and public roads. This provision shall not apply to any large-scale development which is situated on an unpaved County or public road; however, in the event

said road is later paved then this article will apply to said large-scale development three (3) years from the date of pavement.

- (e) Every large-scale development shall develop and submit a dust abatement plan to prevent dust from causing a traffic hazard on County and public roads. Said plan shall include, in accordance with regulations to be promulgated by the County Road Superintendent, the applying of water or a dust palliative as needed.
- (f) Every large-scale development shall maintain and clean the approaches as set out above on a regular basis and shall be responsible for removal of any foreign objects on a County or public road which have been deposited on said road as a result of activity generated by said development.
- (g) All large-scale developments shall require any vehicle leaving its facility to be securely covered and/or sealed so as to prevent any load from dropping, sifting, leaking, or otherwise escaping therefrom regardless of the date of manufacture as set out in Ark. Code Ann. § 27-35-110.
- (h) For reasons of public safety, this article shall have retrospective application to existing large-scale developments three (3) years from the enactment of this section. When there are unique, unnecessary, and unreasonable hardships in applying the strict letter of this section, said large-scale development may apply to the Planning Board for a variance. Financial impact alone shall not be grounds for such variance.
- (i) If any large-scale development desires to begin operations before complying with any provision of this section it shall post an acceptable surety bond, cash or irrevocable letter of credit to ensure said compliance in the amount of one hundred twenty-five percent (125%) of the estimated cost of said improvements and in any event must be in compliance with this section no later than one (1) year from the date of final approval by the Planning Board.
- (j) This section shall be immediately applicable to any existing large-scale development that expands its operation after the effective date herein; unless prior to the passage of this section there have been substantial steps taken towards implementation of the expansion, or there has been substantial investment made, or substantial obligation incurred on the part of the development in regard to such expansion.
- (k) Road and right-of-way standards are hereby set as follows for large-scale developments that are wholly or partially residential in character:

	<b>DWELLING UNIT</b>	<b>RIGHT-OF-WAY</b>	<b>ROAD</b>
(A)	<b>Single-Family</b>		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 4(C)(5)(k)(i)
	5 to 10	50 feet	Private: See subsection 4(C)(5)(k)(ii)

	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(B)	<b>Duplex/Triplex</b>		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 4(C)(5)(k)(i)
	5 to 10	50 feet	Private: See subsection 4(C)(5)(k)(i)
	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(C)	<b>Other Multifamily (road/street leading to the parking lot) parking lot/area must be private</b>		
	Number of units:		
	1 to 4	30 feet	Private: See subsection 4(C)(5)(k)(i)
	5 to 10	50 feet	Private: See subsection 4(C)(5)(k)(i)
	Over 10	Public: See minimum standards for roads to be dedicated to the county for maintenance	Public: See minimum standards for roads to be dedicated to the county for maintenance
(D)	<b>Other Large-scale Developments (including, but not limited to, RV Parks and storage facilities)</b>		20 feet minimum width driving surface; ability to withstand 75,000 pounds in all weather conditions; adherence to State Fire Code with regards to access*

\*Nothing herein shall be construed as allowing non-adherence to the State Fire Code where otherwise applicable.

All new private road large scale developments must have their proposed private roads named according to 9-1-1 procedure (submittal and approval of the proper paperwork through the 9-1-1 Addressing Office) prior to the final plat approval. The private road developer or applicant shall be responsible for erecting the street sign stating the name



of the private road prior to final plat approval. The sign placement must be inspected by the 9-1-1 Addressing Office or the County Planning Office, and be in accordance with U. S. Department of Transportation Manual on Uniform Traffic Control Devices.

- (l) The following public utility services and structures are hereby exempt from the Washington County ordinance provisions concerning large-scale developments:
    - (i) Utility boxes;
    - (ii) Passenger stops for buses;
    - (iii) Police alarm boxes;
    - (iv) Historical markers, watershed improvement projects, water conservation projects, or flood control projects;
    - (v) Utility mainline, local transformer and station, water pump stations, waterline flushing assembly, water storage facilities, PRV vaults, electric regulation stations, sewage lift station, manholes, natural gas pressure control stations, individual septic systems, other necessary structures and equipment for water, sewage, and other utility facilities. However, in residential areas, lift stations and pump stations may be required to insulate their station machinery, if the noise produced by such machinery would be an annoyance to the surrounding residential community;
    - (vi) Booster generators, not owned by a utility, which are utilized for homes, poultry houses and other agricultural facilities;
    - (vii) Any additions or expansions of municipal fire department volunteer fire departments, or ambulance service buildings or facilities located in the unincorporated portions of the County.
  - (m) The following public utility services and structures are hereby not exempt from the Washington County ordinance provisions concerning large-scale developments:
    - (i) Other utility uses, such as power generation facilities, solid waste disposal facilities, and water or sewage treatment plants not part of a specific land development, and natural gas compressor stations.
    - (ii) Nothing herein shall be construed to mean that any land development itself that utilizes any of the aforesaid is exempt from the land development process.
- 19) Hazardous chemicals.
- (a) This section shall be applicable only to large-scale developments as set out in section C(18)(a)(ii).
  - (b) Hazardous materials and chemicals shall be the following:
    - (i) Any substance designated pursuant to Section 311(b)(2)(a) of the Federal Water Pollution Control Act;
    - (ii) Any element, compound, mixture, solutions, or substance designated by the U. S. Environmental Protection Agency (EPA) pursuant to the Comprehensive Environment Response, Compensation, and Liability Act of 1980, Section 102 (CERCLA);

- (iii) Any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act or RCRA), but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by the Act of Congress;
  - (iv) Any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act;
  - (v) Any hazardous air pollutant listed under Section 112 of the Clean Air Act;
  - (vi) Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the U.S. Environmental Protection Agency has taken action pursuant to Section 7 of the Toxic Substances Control Act; and,?
  - (vii) Any substance designated as extremely hazardous substance pursuant to Section 302(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA).
- (c) Notice shall be sent to surrounding property owners, by the Developer/Applicant within one-half mile of the exterior boundary of any large scale development, by certified mail at least thirty (30) days prior to the meeting of the Planning Board at which time the preliminary plat shall be reviewed; stating the date, time, and place of the proposed development review. Furthermore, notice shall be provided to the County Judge and members of the Quorum Court and shall include a list of all hazardous chemicals or materials that will be used, generated or stored on said development.
- (d) Any such large-scale development must post a surety bond in the amount of fifty thousand dollars (\$50,000.00) for financial assurance that it will properly manage any such chemicals.
- (e) The Planning Board may postpone any action until all other legal and/or environmental requirements of any other local, State, or federal agency have been met.
- (f) If any land development raises environmental concerns, the Planning Board may, at the expense of the developer, retain its own qualified consulting engineer to assist it and the Planning Director in assuring that all environmental issues have been properly addressed by the developer and its engineer. Said consulting engineer shall maintain an office no greater than one hundred (100) miles from Washington County.
- (g) Public comments shall be taken prior to any decision by the Planning Board at the preliminary plat stage and the final plat stage. Approval of the preliminary and final plat shall not take place at the same meeting and the approval of the final plat shall be no sooner than the next regularly scheduled meeting.
- 20)  Vehicular access from private drive.
- (a) No land development, including that subject to exemption as set out in herein, shall be approved if any anticipated structure's driveway shall be so arranged such that it is necessary for a vehicle to back out onto any County or public road.

- (b) Every owner or developer of any such land development shall certify that no driveways shall be constructed in violation of this section and such shall be noted on any plat or exemption application.
- (c) No structure or driveway, regardless as to whether it is part of a land development, shall be built, installed or erected in such a manner that it will be necessary for any vehicle to back out onto any County or public road.
- (d) This section shall not be applicable to interior roads in a land development.

**D) Administration and Enforcement.**

- 1) Adoption, administration and enforcement. It is the intent of this Article that the public interest be protected by a thorough review of all proposed plats and construction plans and specifications without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review, approval and enforcement of this Article shall be as follows:
  - (a) The Washington County Planning Board shall be responsible for the planning requirements and proposed development activities contained in Section 4(A), Section 4(B) (except 4(B)(1)(d)), and Section 4(C) (with assistance from the County Road Superintendent).
  - (b) The County Road Superintendent shall be responsible for the approval of proposed street and storm drainage plans and specifications and the inspection, testing and acceptance of said improvements, including offsite improvements. These activities are contained in Section 4(B)(d), Section 4(E), Section 4(F), Section 4(G), and Section 4(H).
- 2) Appeal procedures. The following appeal procedures have been established:
  - (a) Planning Board Decisions:
    - (i) The developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Board to the County Judge by filing such a notice of appeal with the County Clerk within ten (10) days from the date of such decision.
    - (ii) The County Judge shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Board were in error. Following such hearings, the County Judge may affirm, modify, or reverse any finding or decision of the Planning Board or may refer the proposed development back to the Planning Board for additional study. The County Judge may refuse to approve the proposed improvement for any of the reasons specified in this Article.
  - (b) County Road Superintendent decisions:
    - (i) The developer or owner or contractor of any proposed land development may appeal the decision of the County Road Superintendent to the County Judge by filing such a notice of appeal with the County Judge within ten (10) days from the date of such decision.
    - (ii) The County Judge shall hear all persons desiring to be heard on the question of whether the findings and decisions of the County Road Superintendent were in error. Following such hearings and review, the

County Judge may affirm, modify or reverse any finding or decision of the County Road superintendent.

(c) The County Judge may waive the above appeal requirements; however, the County Judge's decision shall be final.

3) Variations.

(a) If the provisions of these standards are shown by the developer (by plan or written statement) to cause undue hardships as they apply to the proposed land development, depending on the nature of the hardship a variance from such provisions may be granted by the Zoning Board of Adjustment upon a three-fourths majority vote of the full Board and approved by the Administrative Officer, so that substantial justice may be done and the public interest secured; provided that the variance will not have the effect of nullifying the intent and purpose of this Article.

(b) In granting a variance Washington County, the Zoning Board of Adjustment, Administrative Officer, County Road Superintendent or County Judge may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied. When any such variance is granted, the motion for approval shall include a statement describing the variance and the facts upon which the issuance of the variance is based; all such variances shall be enumerated on the final plat.

(c) If the developer requests a reduction to the street widths or pavement sections and/or right-of-way width, the County Judge may obtain the services of a knowledgeable registered professional engineer to review the site and the developer's proposal and submit a written report of recommendations. The developer shall agree to the engineering study fee and the developer shall be responsible for reimbursing the County for any engineering study fees.

(d) The County Judge is authorized to consult with an independent registered professional engineer if he has concerns about the impact of any development on County or public roads or drainage. This initial consultation shall be at the expense of the County. If after said consultation concerns still exist then the County Judge may retain said engineer to perform a complete analysis of said development at the expense of the developer. Preference shall be given to engineers located within one hundred (100) miles of the County.

(e) Transfer or adjustments of a property line between adjoining property owners which does not create a landlocked parcel shall not require a variance by the Planning Board.

4) Severability. If any section, paragraph, clause, phrase or part of this Article is for any reason invalid, such decision shall not affect the validity of the remaining provisions; and the application of those provisions to any persons or circumstances shall not be affected thereby.

5) Enforcement. In order to carry out the purpose of this Article and to assure an orderly program of land development after the effective date of this Article:

(a) No plat of any tract of land within the planning area jurisdiction of the Washington County Planning Board or the Planned Growth Area of any

city planning commission shall be accepted by the County Recorder for filing unless the plat has been approved by the Planning Board, or Washington County Planning Administrative Officer.

- (b) No conveyance by metes and bounds of tracts coming under the definition of land development without compliance with the applicable provisions of this Article or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent this Article by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
  - (c) No dedication of roads or streets shall be accepted by the County unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required plat.
  - (d) Suburban development in the Planned Growth Area of a city shall be under the jurisdiction of that particular city's regulations. However, no dedications of land or streets to the County shall be accepted by the County until the particular city has approved the Final Plat and construction of improvements and the County has received the appropriate maintenance bonds for the street and storm sewer improvement work.
- 6) Inspection. The County Judge, members of the Planning Board, Administrative Officer, County Road Superintendent or any of their authorized representatives may review the records or enter the development to review and inspect the improvements and work for compliance with this Article.
- 7) Penalties. A violation of this Article or failure to comply with the provisions herein specified shall subject the person, firm or corporation to the following penalties:
- (a) *Violations*: Violations shall be subject to a fine in the maximum amount of two hundred dollars (\$200.00). Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense.
  - (b) *Civil action*: The County Judge may institute a civil suit to prevent or remove a violation of this Article and for damages sustained by the County. Any affected person may institute a civil suit to prevent or remove a violation of this Article and for damages sustained against any person or entity other than the County.
- 8) Administrative handling of certain planning issues.
- (a) Accidental minor encroachments into the setback provisions for lots may be granted a variance by the Zoning Board of Adjustment if the structure is complete and there is no evidence of bad faith.
  - (b) Replats of lots within a subdivision may be approved administratively by the Planning Administrative Officer if such is in an extra territorial planning area of a city, the city has approved such, there are no utility issues, and if the lot size is at least ten thousand (10,000) square feet.

**E) Roadway, Base, and Pavement Plans and Specifications**

- 1) Generally. The roadway, base, drainage, and pavement plans and specifications for proposed streets and roads or County roads shall equal the following minimum standards and be in accordance with the standards set forth in this Division. Any conditions or items not covered shall be [in] accordance with the current Arkansas Highway and Transportation Department's Standard Specifications.
- 2) Clearing and grubbing.
  - (a) All trees, stumps, roots and other obstructions not designated to remain shall be cleared and/or grubbed in such a manner so as to not cause injury to other things designated to remain. Stump holes shall be filled with suitable material and compacted.
  - (b) If material is to be burned, it shall comply with all applicable laws and ordinances, and shall be under the constant care of competent watchmen.
- 3) Roadway excavation and embankment.
  - (a) Suitable material shall consist of soil or a mixture of soil, stone or gravel. It shall be free of sod, logs, stumps, roots and other deleterious matter; and it shall be capable of forming a stable embankment when compacted.
  - (b) All suitable material obtained during the excavating operations shall be used in the construction of the roadway embankments and subgrade, and all unsuitable material shall be used behind the curb or hauled to an approved waste area.
  - (c) All roadway cuts and grades shall conform to those shown on the approved plans or approved plan changes.
  - (d) Sod and vegetable matter shall be removed from the surface upon which embankment of less than four (4) feet is to be placed.
  - (e) Roadway embankment shall be constructed in layers not to exceed eight (8) inches (loose measurement). Each layer shall be compacted at or near optimum moisture for that particular soil to at least ninety-five percent (95%) of the maximum density, as determined by AASHTO T 99 (Standard Proctor).
  - (f) In areas where solid rock is encountered, it shall be excavated to a depth of eight (8) inches below subgrade elevation and replaced with approved material.
  - (g) Rock obtained during excavation operations may be placed in layers not exceeding thirty (30) inches. The rock shall be placed in a manner that the voids between the rock fragments are filled with suitable material. The top twelve (12) inches of the finished subgrade shall not contain rock over four (4) inches in its greatest dimension.
  - (h) Embankment which is adjacent to structures and inaccessible to normal compaction equipment shall be placed in four-inch (loose measurement) layers and compacted to at least ninety-five percent (95%) of maximum density as obtained by AASHTO T 99. The material shall be compacted with mechanical equipment where it is inaccessible to the normal compaction equipment.
- 4) Subgrade.
  - (a) In fill sections where A-5, A-6, or A-7 soils are encountered which have an LL greater than 40 or a PI greater than 17, an upgraded embankment

material should be used in the top two feet (2') of the subgrade; or the top six (6) inches of the subgrade treated with lime. In cut sections where A-5, A-6 or A-7 soils are encountered which have a LL greater than 40 or a PI greater than 17, the top inches (6") of the subgrade should be treated with lime. These requirements are in addition to the pavement section required based upon the soil type of the existing subgrade material.

- (b) When lime treatment is required, the subgrade shall be finished to stringline grade prior to adding and mixing the lime. The depth of the lime treatment shall be checked at 500-foot intervals. The depth of the lime treatment shall be at least five and one-half inches (5½"). If the depth is less than five and one-half inches (5½"), the section represented by the test shall have additional lime added and the section reprocessed.
  - (c) The subgrade shall be prepared in such a manner to ensure a firm foundation that is stable and free from dust pockets, wheel ruts and other defects.
  - (d) The top eight (8) inches of the subgrade shall be compacted to a density, as determined by AASHTO T 191 or T 238, of not less than ninety-five percent (95%) of the maximum density obtained by AASHTO T 99. This shall be accomplished by scarifying as necessary, shaping and compacting to the required grade and section at near optimum moisture content.
  - (e) The finished subgrade shall be stringlined within ¾ inch of the finished grade and typical section shown on the approved plans.
- 5) Curb and gutter.
- (a) The subgrade shall be shaped and compacted to the required grade and section as shown on the plans. All unsuitable material, including soft and yielding material, shall be removed and replaced with suitable material and compacted to the proper density.
  - (b) (1) For flexible pavements, the appropriate depth of base material shall be carried at least one (1) foot beyond the back of the curb for drainage. This requirement only applies when the total flexible pavement structure is ten (10) inches or more. This will require a minimum of four (4) inches of SB-2, SB-3, asphalt stabilized base, or cement treated base between the subgrade and the curb and gutter. In efforts not to produce a trench section, the base material should be daylighted where possible and feasible. If the flexible pavement structure is less than ten (10) inches it is not required to carry the base material under the curb and gutter. Figure II shows this detail.  
(2) For concrete pavement, Figure II is modified to the following: The special subbase shall be carried at least one (1) foot beyond the back of the curb and gutter. The slope of the subgrade shall be maintained under the curb and gutter and for at least one (1) foot behind. Any buildup for the curb and gutter shall be with the special subbase. In efforts not to produce a trench section, the special subbase should be daylighted where possible and feasible.
  - (c) All utility lines, including service lines, shall be laid, backfilled and compacted with SB-2 or SB-3 base or other material suitable to the County Road Superintendent before the curb and gutter is constructed.

- (d) Any service or utility line crossings not placed before the pavement and curb and gutter are constructed shall be installed by boring, and the procedures shall be approved by the County Road Superintendent. A permit and a cash deposit or bond shall be required. Cutting of the pavement will not be permitted except in extreme and unusual conditions. Such exceptions shall be approved by the County Road Superintendent in writing.
- (e) All curb and gutter shall be constructed of Portland cement concrete in accordance with the dimensions in Figure II. The concrete shall meet the AHTD requirements for Class S(AE) air entrained concrete, and have a minimum twenty-eight-day compressive strength of four thousand (4,000) psi when tested in accordance with AASHTO T 23.
- (f) Where flexible pavements are used, contraction joints shall be provided at twenty-five-foot intervals. Expansion joints shall be provided at all stationary structures, such as drop inlets and at curb returns. They are to be constructed at right angles to the curb line. Where rigid pavements are used, sawed joints shall be provided to match the transverse joints in the concrete pavement and expansion joints shall be provided at stationary structures such as drop inlets and at curb returns.
- (g) All contraction joints shall be constructed to the proper width and depth, cleaned, and the joint material installed in strict compliance with the manufacturer's recommendations.
- (h) The contraction joint material shall meet the AHTD requirements for pavement joint material, and the supplier shall furnish a materials certification on the joint material.
- (i) The expansion joint material shall have a thickness of one-half (1/2) inch and conform to AASHTO M 213.
- (j) The curb and gutter shall be cured with a curing compound or wet burlap.
- (k) If the subgrade, subbase or base is dry, it shall be wetted just prior to placing the concrete so the moisture will not be pulled from the concrete.
- (l) After the concrete curb and gutter has set, the area behind the curb shall be partially backfilled before the base material is placed and compacted.
- (m) Curb modifications for driveways shall be in accordance with the detail in Figure III. The driveway shall slope up to a minimum elevation at the roadway right-of-way equal to the height of the curb. As an alternate, the entire curb and gutter section for the driveway may be sawed vertically for the full depth and removed. The curb and gutter shall then be constructed as a part of the driveway. The modified curb and gutter must have the shape shown in Figure III, and have half-inch filled construction joints at each end of the driveway.
- (n) Where sidewalks are required, to the extent possible, they shall be located at the right-of-way line and constructed within the right-of-way.
- (o) The sidewalk material, width and depth shall be as follows:
  - (i) The concrete shall meet the AHTD requirements for Class A air entrained concrete, with a minimum twenty-eight-day compressive strength of three thousand (3,000) psi.



- (ii) In residential areas the sidewalks shall be four (4) feet wide and four (4) inches thick.
  - (iii) In commercial and industrial areas the sidewalks shall be five (5) feet wide and four (4) inches thick, except in the areas of all driveways and ten (10) feet either side of the driveway limits, where the sidewalk thickness shall be increased to six (6) inches.
  - (p) At all roadway intersections and where necessary at driveways the curb and gutter and sidewalk shall be modified to accommodate the handicapped.
- 6) Crushed stone base course.
- (a) The base material shall consist of a mixture of crushed stone and natural fines, and shall have a percent loss by the Los Angeles Test (AASHTO T 96) not greater than forty-five (45). The material shall contain no more than five percent (5%), by weight, of deleterious. The crushed stone base material shall meet the following gradation requirements:

**Total Percent Retained by Weight**

Size of Sieve	SB-2	SB-3
1"	0	0
3/4"	10—50	40—35
#4	50—75	50—75
#40	70—90	70—90
#200	90—97	90—97

- (b) The fraction passing the No. 200 sieve shall not be greater than two-thirds (2/3) the fraction passing the No. 40 sieve. The fraction passing the No. 40 sieve shall have a LL not greater than 25 and a PI not greater than 6.
- (c) The depth of the crushed stone base course shall be within 1/2 inch of the required depth shown in Table 1. The average of all depth measurements shall not be less than the required depth shown in Table 1, and any depth in excess of the + 1/2 inch shall not be used in computing the average depth.
- (d) The base course shall be placed on an approved subgrade and spread uniformly in such a manner that no segregation of coarse and fine particles will occur. Under no circumstance shall the base course be placed on a frozen subgrade.
- (e) The base course shall be constructed in layers not exceeding eight (8) inches of compacted depth at substantially optimum moisture. The contractor must be capable of compacting the material at this depth, otherwise the material be placed and compacted in layers. The density of the compacted material in each layer, as determined by AASHTO T 191 or T 238, shall not be less than ninety-eight percent (98%) of the maximum density obtained in the laboratory.

- (f) The laboratory density shall be obtained as follows: the sample is prepared by removing the aggregate retained on the three-fourths-inch sieve and adding passing aggregate passing the three-fourths-inch sieve and retained on the No. 4 sieve in an amount equal to that removed. The sample so prepared shall be compacted in five (5) equal layers in a cylindrical mold six (6) inches in diameter and seven (7) inches high. Each layer shall be compacted by fifty-five (55) blows with a ten-pound, two-inch diameter hammer dropped at a height of eighteen (18) inches. Trial sample specimens shall be molded at various moisture contents. The oven dry weight per cubic foot of material at optimum moisture content is termed the maximum density.
- (g) When stringlined, the surface shall be within 1/2 inch of the typical section shown in Appendix B.
- 7) Cement treated crushed stone base. The cement treated crushed stone base shall meet the Arkansas State Highway Commission's Standard Specifications for Highway Construction, hereafter, referred to as the AHTD Standard Specification, requirements for cement treated crushed stone base course, with the following exceptions:
- (a) The cement treated crushed stone base shall consist of aggregate meeting the requirements for SB-2 or SB-3, three percent (3%) to six (percent 6%) by weight of Type I Portland cement, and water at one percent (1%) of optimum. The percent cement and water shall be determined from laboratory tests. The specimens of aggregate, cement and water must develop a compressive strength of at least 6y50 psi in seven (7) days. The type of asphalt used for protection and cover for the cement treated base will be at the option of the contractor, subject to the approval of the County Road Superintendent.
- (b) The cement treated base shall not be mixed or placed while atmospheric temperature is below thirty-five (35) degrees Fahrenheit within twenty-four (24) hours, or when the weather is foggy or rain. During cold weather the cement treated base shall be protected for seven (7) days. When the temperature is expected to drop below thirty-five (35) degrees Fahrenheit, a sufficient supply of hay, straw, or other material suitable for cover and protecting the previously placed material shall be used. Any cement treated base which has been damaged by freezing, or otherwise, shall be removed and replaced at the contractor's expense.
- (c) The crushed stone base, cement and water shall be mixed in a pugmill type central plant, a self-propelled or self-powered traveling mixer equipped with a rotor or other approved type mixer that will thoroughly mix the base and cement at the required depth and at or near the optimum moisture content, or by other methods approved by the County Road Superintendent.
- (d) The cement treated crushed stone base shall be placed on an approved subgrade and spread uniformly in such a manner that no segregation of coarse and fine particles will occur. Under no circumstances shall the base course be placed on a frozen subgrade.

- (e) The cement treated crushed stone base shall be constructed in layers not exceeding six (6) inches of compacted depth at substantially optimum moisture. The density of the cement treated crushed stone base, as determined by AASHTO T 191 or T 238, shall not be less than ninety-eight percent (98%) of the maximum laboratory density obtained by the procedures described in section 11-111 for crushed stone base courses.
  - (f) After the cement treated base has been finished, it shall be protected from drying by the application of approximately two-tenths (0.2) gallon per square yard of bituminous material. The bituminous material shall be applied as soon as possible, but in no case later than twenty-four (24) hours and maintained for seven (7) days.
  - (g) No vehicles shall be allowed on the cement treated base during the seven-day curing period. Finished portions of cement treated base that are used by construction equipment shall be protected in such a manner to prevent equipment from marring or damaging the completed work. Any damage to the cement treated base resulting from vehicles shall be removed and replaced at the contractor's expense.
  - (h) The depth of the cement treated base shall be within 1/2 inch of the depth shown in Table 2, Appendix A. The average of all depth measurements shall not be less than the required depth shown in Table 2, Appendix A, and any depth in excess of the + 1/2 inch shall not be used in computing the average depth.
  - (i) When stringlined, the surface shall be within 1/2 inch of the typical section shown in Appendix B.
- 8) Special subbase.
- (a) Unless waived in writing by the County Road Superintendent, a special subbase shall be placed under all rigid pavements. The minimum thickness of the special subbase shall be two (2) inches unless the County Road Superintendent specifies a thicker depth. But in no case should the depth exceed four (4) inches.
  - (b) The special subbase shall be one (1) of the materials listed below:
    - (i) Coarse limestone screenings meeting the following gradation:

<b>Screen Size</b>	<b>Percent Retained</b>
1/2"	0
#4	24— 35
#10	78— 88
#20	92—100
#40	94—100
#200	96—100

- (ii) Surface treatment aggregate meeting the AHTD Standard Specification requirements for Class 10 Mineral aggregate.

- (iii) Any other well-draining material approved by the County Road Superintendent.
  - (iv) If necessary, the special subbase shall be rolled with a light steel roller, but a specific density will not be required.
- 9) Prime and tack coats. The materials and workmanship for primes and tack coats shall be AHTD Standard Specification requirements for prime and tack coats, with emphasis on the following items:
- (a) The prime coat shall be a medium curing cut back or an asphalt penetrating prime. The tack coat shall be a rapid curing cut back or an emulsified asphalt. The type and application rate of each shall be determined by the engineer.
  - (b) Care shall be taken to clean the surface to be tacked or primed of dust, dirt and loose or foreign materials prior to the application.
  - (c) Prime coats shall not be placed when the surface temperature is below fifty (50) degrees Fahrenheit; nor shall it be applied to a surface having an excess of moisture, nor when the general weather conditions, in the opinion of the engineer, are not suitable.
  - (d) If the prime coat becomes damaged before the surface course is placed, it shall be repaired at the contractor's expense.
  - (e) The surface of all structures, such as curbs and bridge rails, shall be protected from the prime or tack coat.
  - (f) If traffic is to use the prime coat before the surface is placed, it shall be covered with a blotter course consisting of clean sandy material or commercially processed sand or sand-size screenings.
  - (g) Excess material shall be removed and then blotted.
- 10) Bituminous surface treatment. Bituminous surface treatments (chip seals) shall meet the AHTD Standard Specification requirements for bituminous surface treatment, with emphasis on the following items:
- (a) The aggregate shall meet the AHTD requirements.
  - (b) The asphalt material and the application temperature shall meet the AHTD requirements for bituminous materials.
  - (c) Bituminous surface treatments shall not be placed between the period of October 15 and April 15, nor when the surface temperature is below sixty (60) degrees Fahrenheit. Note the temperature requirement is on the surface and not air temperature. Bituminous surface treatments placed in the early spring or late fall when the ground has cooled, but the air temperature rises above sixty (60) degrees Fahrenheit, have a very poor success rate.
  - (d) The surface shall be properly cleaned and all structures protected from the spray.
  - (e) Each time the distributor begins an asphalt application, it shall be started on paper, such as wrapping paper, which can be removed leaving a good starting line and eliminate any overlap.
  - (f) Unless approved by the County Road Superintendent, the equipment shall meet the AHTD requirements.

- (g) If an asphalt emulsion is used, it is very critical to have the aggregate loaded and ready to spread prior to applying the emulsion. The spreading of the aggregate should follow very closely behind the distributor.
  - (h) The aggregate shall be rolled with a pneumatic tired roller before the asphalt has chilled or the emulsified asphalt breaks.
  - (i) The surface shall be maintained for up to four (4) days, as directed by the engineer.
  - (j) If a succeeding application is required, it shall follow the same construction procedures as the first. It shall not be placed until the preceding application has cured and the rock properly set.
- 11) Asphalt stabilized base course. Asphalt stabilized black base shall meet the AHTD Standard Specification requirements for hot mix asphalt stabilized base course, with the following exceptions:
- (a) The depth of the asphalt stabilized base shall be within 1/2 inch of the required depth shown in Table 2, Appendix A. The average of all depth measurements shall be not less than the required depth shown in Table 2, Appendix A, and any depth in excess of + 1/2 inch shall not be used in computing the average depth. When stringlined, the surface shall be within + or - 1/2 inch of the typical section shown in Appendix B.
  - (b) The aggregate shall meet the requirements for SB-2 or SB-3 crushed stone base course.
  - (c) The aggregate and asphalt shall be mixed in an approved drum or batch plant, and placed on an approved subgrade with a normal hot mix paver.
  - (d) The mixture shall be rolled and compacted while hot to a minimum density of ninety-eight percent (98%) of the maximum density as obtained by AHTD proctor design procedures.
  - (e) Unless otherwise directed by the County Road Superintendent, a tack coat shall be used between succeeding asphalt layers. The tack shall meet the AHTD Standard Specification requirements for tack coat.
  - (f) The supplier shall submit a materials certification containing the aggregate gradation, asphalt type and content, and the unit weight in pounds per cubic foot.
- 12) Asphalt hot mix binder and asphalt hot mix surface courses. The asphalt hot mix binder and surface courses shall meet the AHTD Standard Specifications for hot mix binder and surface courses with the following exceptions:
- (a) The depth of the asphalt hot mix binder course shall be within 3/8 inch of the required depth shown in Table 2, Appendix A. The average of all depth measurements shall be not less than the required depth shown in Table 2, Appendix A, and any depth in excess of + 3/8 inch shall not be used in computing the average depth.
  - (b) The depth of the asphalt hot mix surface course shall be within 1/4 inch of the depth shown in Table 1, Appendix A, plus any additional depth required as a result of deficient depth(s) of binder and base material. The average of all depth measurements shall be not less than the required depth, and any depth in excess of the + 1/4 inch shall not be used in computing the average depth.

- (c) The crushed stone base course of cement treated crushed stone base course shall be primed. The prime coat shall meet the AHTD Standard Specification requirements for prime coat. The prime shall cure for at least seventy-two (72) hours, or as approved by the County Road Superintendent before placing any asphalt layer. EPR-1 can be substituted in lieu of MC-30. Curing time must be a minimum of two (2) hours.
  - (d) Unless otherwise directed by the County Road Superintendent, a tack coat shall be used between succeeding asphalt layers. The tack shall meet the AHTD Standard Specification requirements for tack coat.
  - (e) The binder course shall meet the AHTD gradation requirements for Type II binder course or Type II surface course.
  - (f) The surface course shall meet the AHTD gradation requirements for Type II or Type III surface course.
  - (g) The binder and surface course shall be designed with a minimum fifty-blow Marshall stability of one thousand (1,000) pounds; a flow of 8 to 16; and two (2) to five percent (5%) air voids. A job mix formula shall be established and approved by the engineer for both the binder course and the surface course.
  - (h) The supplier shall submit a materials certification giving the stability, gradation, asphalt type and content, flow, voids, and maximum theoretical density of both the binder and surface course mixes used.
  - (i) Both binder course and surface course shall be compacted to a minimum of ninety-two percent (92%) of maximum density as determined by the fifty-blow Marshall design procedures.
  - (j) If the nuclear gauge is used to determine density, it must be correlated with cores taken from the roadway.
  - (k) The minimum thickness of binder or surface course shall be two (2) inches. The maximum thickness that can be placed is four (4) inches provided the contractor can demonstrate that he can obtain the required density.
  - (l) In no case shall the speed of any roller exceed three (3) miles per hour. If a vibratory roller is used for compaction, special care shall be taken not to de-compact the mixture by over-rolling. The number of roller passes is very critical to proper compaction.
  - (m) The surface course surface, when checked with a ten-foot straight edge parallel to the centerline, shall not exceed + or - one-fourth-inch.
- 13) Portland cement concrete pavement. Portland cement concrete pavement shall meet the AHTD Standard Specification requirements for Portland cement concrete pavement, with the following exceptions:
- (a) The depth of the concrete pavement shall be within  $\frac{1}{4}$  inch of the required depth shown in Table 2, Appendix A, plus any additional depth required as a result of a deficient subbase depth. The average of all depth measurements shall not be less than the required depth, and any depth in excess of the +  $\frac{1}{4}$  inch shall not be used in computing the average depth.
  - (b) The concrete shall have a minimum twenty-eight-day compressive strength of four thousand (4,000) psi. The concrete shall contain an air

entraining agent which produces five percent (5%) two percent (2%) air entrainment in the concrete. The slump shall be two (2) to four (4) inches if conventional paving equipment is used, and one (1) to two (2) inches if slipform paving equipment is used.

- (c) The concrete shall be placed on an approved subbase or subgrade which shall be wetted just prior to placing the concrete.
  - (d) After the concrete has been placed, consolidated and struck off with a transverse screen or slipform paver, it shall be checked for surface smoothness with a ten-foot straightedge parallel to the centerline for surface. The straightedge shall be lifted and placed on the centerline and pulled to the edge of the pavement. Each time the straightedge is moved forward, it shall overlap the preceding area by at least one-half of the straightedge length. Any surface irregularities shall be corrected at this time while the concrete is still in a plastic condition. Care shall be taken in a slipform operation not to pull down the pavement edge during the straightedge operation.
  - (e) Unless otherwise specified by the County Road Superintendent, the pavement lanes shall be tied together with thirty-inch #4 reinforcing bars on thirty-six-inch centers.
  - (f) The concrete pavement shall be cured with a curing compound meeting the AHTD Standard Specifications for curing compound.
  - (g) Unless otherwise specified by the County Road Superintendent, the transverse joints shall be sawed in the concrete pavement perpendicular to the centerline and on fifteen-foot centers. The depth of the joint shall not be less than one-fourth the slab thickness (T) plus one-half inch. The joint width shall be approximately one-fourth inch. The longitudinal centerline joint and the longitudinal joint between lanes of a four-lane roadway shall be sawed to the same joint depth and width dimensions, or the new lane may be keyed to the adjacent lane.
  - (h) All joints shall be filled with a silicone joint material, preformed joint material, or joint material meeting the AHTD requirements for PCC pavement contraction and warping joint material. The joint preparation and installation of the joint material shall be in accordance with the manufacturer's recommendations.
- 14) Surface tests. The contractor shall check the surface of each material with a ten-foot straightedge, and any correction to the surface shall be made to the flexible layers prior to final compaction or to the concrete surface while the concrete is still plastic.
- (a) The finished surface when checked with a ten-foot straightedge parallel to the center line shall show no deviation more than one-fourth-inch for ACHM surfaces or concrete surfaces.
  - (b) Skin patching and feather edging of the final surface course will not be permitted except at the beginning or ending of the project. Surface deviations in excess of one-fourth inch shall be corrected by grinding or overlaying, or as directed by the County Road Superintendent.
- 15) Structural concrete.

- (a) All structural concrete for traffic-bearing structures and any structures in which the surface may be exposed to de-icing chemicals, such as curbs, gutters, sidewalks, steps, pavements, driveways, bridge decks, parapet walls, drop inlets, etc., shall meet the AHTD requirements for Class S (AE) air entrained concrete with a minimum twenty-eight-day compressive strength of four thousand (4,000) psi.
- (b) The concrete for all other non-traffic-bearing structures and structures not exposed to de-icing chemicals shall meet the AHTD requirements for Class A concrete with a minimum twenty-eight-day compressive strength of three thousand (3,000) psi.

**F) Storm Drainage, Pipe and Pipe Underdrain Requirements**

- 1) Minimum requirements. The plans and specifications for proposed storm drainage systems shall be equal to the following minimum standards:
  - (a) Pipe:
    - (i) Reinforced concrete pipe shall conform to AASHTO M 170 for circular pipe and to AASHTO M 206 for arch-shaped pipe. Class III shall be the minimum class of pipe used. The joint seal shall be either cement mortar, three (3) parts sand and one (1) part cement, or cold applied performed plastic gaskets conforming to AASHTO M 198, Type B.
    - (ii) Corrugated steel pipe shall conform to AASHTO M 36, AASHTO M 190 for coated pipe and to AASHTO M 218 for sheets to form pipe. As an alternate to bituminous coated pipe, precoated pipe meeting the requirements of AASHTO M 245 and M 246, for Type B, may be substituted.
    - (iii) The manufacturing and furnishing of corrugated aluminum pipe shall conform to the requirements of AASHTO M 196 and to AASHTO 197 for sheets to form pipe.
    - (iv) Flared end sections shall be of the same material as the pipe for a given installation, except bituminous coating will not be required for metal ends when specified for the pipe. The steel sheets shall have a thickness of 0.064 inches or more.
    - (v) The reinforced concrete flared end section for circular and arch concrete pipe shall meet the applicable requirements for Class II or higher class of pipe.
    - (vi) Corrugated metal pipe shall be capable of withstanding an H-20 load.
    - (vii) Coupling band for corrugated metal pipe shall be the same metal as used in the pipe and shall be a single or double piece with bolts and angles.
    - (viii) All pipe shall have a minimum cover at subgrade elevation of one (1) foot at the shoulder or curb, unless otherwise approved by the County Road Superintendent.
- 2) Excavation, trench preparation and installation.
  - (a) Where the pipe is laid below ground line, the trench shall be excavated to the required depth and width to allow sufficient room for tamping of backfill. The bottom of the trench shall be shaped to conform to the



bottom of the pipe with recesses excavated to receive the bells where bell and spigot pipe are used. Where pipe is not laid in a trench, a uniform firm bed shall be made as specified above.

- (b) When rock is encountered in the trench, it shall be removed to minimum depth of six (6) inches below the pipe, and the excess depth shall be filled with a suitable material and compacted.
  - (c) All unsuitable material, including soft and yielding material, shall be removed and replaced with suitable material and compacted to ensure a firm support.
  - (d) The pipe shall not be laid in water or in unsuitable weather or trench conditions unless approved by the County Road Superintendent.
  - (e) After each joint of pipe has been graded, aligned and placed in final position, the bedding material shall be deposited and compacted under and around each side of the pipe and back of the bell, or the end thereof, to firmly hold and maintain the pipe in proper position and alignment and backfilling operations.
  - (f) No debris creating a clogging action shall be allowed to remain in the storm drainage system.
  - (g) All storm drainage pipe, under any roadway improvement, shall be backfilled with SB-2, SB-3 base or material approved by the County Road Superintendent and compacted before the base and curb and gutter are constructed. The backfill base material shall be brought up evenly on each of the pipes to avoid displacement. Special care shall be taken to compact the material under the haunches of the pipe. The base material shall be compacted with mechanical equipment to at least ninety-eight percent (98%) of the maximum density as determined by AASHTO T 180.
  - (h) When culvert pipe is to be relayed, the construction procedures shall be in accordance with the AHTD Standard Specification requirements for relaying culvert pipe.
  - (i) When structural plate pipe and arches are used, the materials and construction procedures shall be in accordance with the AHTD Standard Specification requirements for structural plate pipe and arches. Flared end sections may be used when approved by the County Road Superintendent.
- 3) Headwalls, drop inlets and junction boxes.
- (a) All drainage structures shall be constructed of reinforced concrete.
  - (b) The minimum thickness of reinforced concrete walls, floors, and tops shall be six (6) inches.
  - (c) Concrete drainage structures shall be constructed with reinforcing steel having a maximum spacing of twelve (12) inches on centers and a minimum size of #4 bar.
  - (d) Concrete bottoms for structures shall be poured at least twenty-four (24) hours prior to beginning construction of the vertical walls.
  - (e) Junction boxes shall have a minimum interior dimension of four (4) feet.
  - (f) Walls shall be constructed to form a tight joint with the floor and around the inlet and outlet pipes. The pipes shall be flush with the inside surface of the wall.

- (g) Unless otherwise directed by the County Road Superintendent, all drop inlets, box culverts and junction boxes shall have two-inch to three-inch weep holes at the subgrade elevation.
- (h) Headwalls shall be constructed on the upstream and downstream sides of the storm drainage system where no other drainage structures are required, or flared end sections may be used when approved by the County Road Superintendent.
- 4) Rings, covers, grates and frames.
  - (a) Iron castings shall conform to ASTM A 48 Class 30A for gray iron castings.
  - (b) The combined weight of the ring and lid for sidewalk type shall be a minimum of one hundred twenty-five (125) pounds and for the street type shall be a minimum of three hundred (300) pounds.
- 5) Pipe underdrain.
  - (a) Pipe underdrain shall be installed in all sidehill cut sections any area where subsurface water is encountered and other areas as determined by the County Road Superintendent.
  - (b) The underdrain shall be located just behind the curb.
  - (c) Outlets shall be provided on at least three hundred-foot intervals, or as approved by the County Road Superintendent. To the extent possible, the underdrain pipe should be connected to the drop inlets or box culverts of the storm drainage system.
  - (d) The underdrain material and construction procedures shall be in accordance with the AHTD Standard Specifications for pipe underdrain, with the following exceptions:
    - (i) Only corrugated polyethylene tubing and acrylonitrile - butadiene - styrene pipe shall be used in the construction of pipe underdrain.
    - (ii) Granular filter material shall meet the requirements of the AHTD Standard Specifications for coarse aggregate for Class A concrete or the pavement filter blanket material requirements contained in this Article.
    - (iii) The nonwoven geotextile fabric having the following properties shall be used as a liner for the pipe underdrain:

<b>Properties</b>	<b>Test Procedure</b>	<b>Value</b>
Weight, oz./sq. yd.	ASTM* D - 1910	4.1 min.
Thickness, mils	ASTM D - 1777	40 min.
Tensile strength, lbs.	ASTM D - 1682	115 min.
Elongation, percentage	ASTM D - 1682	55 min.
Puncture strength, lbs.	ASTM D - 751	70 min.
	(Modified)	
Mullen burst strength, psi	ASTM D - 751	260 min.
Coefficient of permeability,	Constant head	0.10 min.
cm./sec.		

- (iv) Trenches shall be excavated to a minimum depth of twenty-six (26) inches below the top of the curb or as directed by the County Road Superintendent.
- (v) Following excavation of the trench, the nonwoven geotextile fabric liner shall be placed in the trench. The liner shall be of sufficient width to cover the bottom and sides of the trench and lap a minimum of one (1) foot across the top of the granular filter material used to backfill above the top of the pipe.

**G) Inspection and Sampling and Testing Requirements.**

1) Inspections.

- (a) The following three (3) types of inspections will be made during the progress of the project:
  - (i) Intermediate progress inspections, which can be made at any time.
  - (ii) Phase inspections which are required at the completion of a major phase of work.
  - (iii) Final acceptance inspection which will be made upon the completion of all work.
- (b) All inspections will be made by the County Road Superintendent or his designated representative. The phase inspections and the final inspection will be made with the contractor and the engineer.
- (c) The County Road Superintendent has the authority to increase the number of inspections and/or sampling and testing.
- (d) A phase inspection is required upon the completion of the following phases of work:
  - (i) Completion of the subgrade.
  - (ii) Completion of the base course and curb and gutter.
  - (iii) Completion of the paving.
- (e) Any work performed on a phase prior to the approval of the previous phase shall be removed and replaced with satisfactory materials and workmanship.
- (f) All unsatisfactory work or materials shall be removed and replaced with satisfactory materials and workmanship.
- (g) If the project is long, the phase inspections may be made on a smaller portion of the project, but not less than one thousand (1,000) feet in length.
- (h) The engineer is responsible for contacting the County Road Superintendent at least twenty-four (24) hours prior to the need of a major phase inspection.
- (i) The engineer will accompany the County Road Superintendent and/or his designated representative on all inspections.

2) Testing.

- (a) The Developer shall, with the approval of the County Road Superintendent, retain the services of a testing laboratory or registered professional engineer, practicing in the materials and testing field,

hereafter referred to as the lab engineer, to perform all sampling and testing. The Developer will be responsible for the costs of all sampling and testing performed on the project, including any additional sampling and testing as a result of failing tests and/or poor workmanship.

- (b) The lab engineer will report all test results to the County Road Superintendent.
- (c) In the case of failing tests or poor workmanship, the County Road Superintendent may direct the lab engineer to perform additional sampling and testing. The Developer will be responsible for the costs of any additional sampling and testing resulting from failing tests and/or poor workmanship.
- (d) The following is the minimum sampling and testing frequency:
  - (i) Cross drain backfill: Minimum of one (1) density test per pipe or box culvert location.
  - (ii) Storm drain backfill: Minimum of one (1) density test per five hundred (500) lineal feet of pipe when the storm drain is located in the street or under the curb and gutter.
  - (iii) Embankment: Minimum of one (1) density test per layer per five hundred (500) lineal feet or roadway.
  - (iv) Subgrade: Minimum of one (1) density test, one (1) LL and one (1) PI per five hundred (500) lineal feet of roadway with a minimum of three (3) density tests and three (3) depth measurements per project. Also, there will be a minimum of one (1) gradation test and one (1) PI test per project.
  - (v) Lime treated subgrade: Minimum of one (1) density test, one (1) depth measurement, one (1) LL and one (1) PI per five hundred (500) lineal feet of roadway with a minimum of three (3) density and three (3) depth measurements per project.
  - (vi) Base course: Minimum of one (1) density test and one (1) depth measurement (depth sounding) per five hundred (500) lineal feet of roadway, with a minimum of three (3) density tests and three (3) depth measurements per project. Also, there will be a minimum of one (1) gradation test and one (1) PI test per project.
  - (vii) Asphalt stabilized base (black base), ACHM binder, and ACHM surface courses: For each material, a minimum of one (1) density test and one (1) depth measurement per five hundred (500) lineal feet of roadway, with a minimum of three (3) density tests and three (3) depth measurements per project. Also, there will be a minimum of one (1) extraction to determine the asphalt content and aggregate gradation for each material for the project.
  - (viii) Structural concrete for drainage structures: A minimum of one (1) set of three (3) concrete cylinders per fifty (50) cubic yards of concrete or portion thereof. One (1) cylinder will be broken at seven (7) days and the other two (2) will be broken at twenty-eight (28) days.
  - (ix) Structural concrete for curb and gutter: A minimum of one (1) set of three (3) concrete cylinders per one thousand (1,000) lineal feet of

curb and gutter. One (1) cylinder will be broken at seven (7) days and the other two (2) will be broken at twenty-eight (28) days.

- (x) Concrete pavement: A minimum of one (1) set of three (3) concrete cylinders per five hundred (500) lineal feet of pavement, with a minimum of one (1) set per project. The set shall be broken in seven (7) and twenty-eight (28) days as described above. Also, one (1) core and depth measurement per five hundred (500) feet of completed pavement with a minimum of one (1) per project.

#### **H) Acceptance of Material and Workmanship.**

- 1) Corrective actions. The following provides for corrective actions to be taken and/or provisions for accepting a street or road into the County System when test results indicate non-specification materials or workmanship have been incorporated into the project. Any penalties which are assessed shall be paid to the Washington County Road Department Fund by the owner/developer before a street or road will be accepted by Washington County. The penalties paid into the Washington County Road Department Fund shall be used at the discretion of the County Judge to maintain and/or construct roads and streets in Washington County.
  - (a) Density for embankment, subgrade, pipe backfill, and crushed stone base course: Recompress until the minimum density is obtained.
  - (b) Depth of lime treated subgrade: The depth of the lime treated subbase shall be at least five and one-half (5½) inches. If the depth is less than five and one-half (5½) inches, additional lime shall be added to the section represented by the test and the section reprocessed.
  - (c) Depth of crushed stone base course: The depth of the crushed stone base shall be within ½ inch of the required depth. If the deficient depth is greater than one-half inch of the required depth, the existing material represented by the test(s) will be ripped up, new added and recompressed to the proper density. The average of all depth measurements shall not be less than the required depth shown in Table 2, Appendix A, and any depth in excess of + ½ inch will not be used in computing the average depth. If not, the deficient depth will be added to the required depth of the surface course or concrete pavement.
  - (d) Density for asphalt treated base or cement treated base: When any individual density is below ninety-five percent (95%), the section represented by this test will be removed and replaced. The average of all densities shall be ninety-eight percent (98%) or greater. If the average density of the project is below ninety-eight percent (98%) the following penalties shall be assessed:
    - 97.5 percent to 97.9 percent—3 percent of the cost of the in-place material.
    - 97.0 percent to 97.4 percent—5 percent of the cost of the in-place material.
    - 96.0 percent to 96.9 percent—10 percent of the cost of the in-place material.
    - 95.0 percent to 95.9 percent—25 percent of the cost of the in-place material.
    - Below 95 percent—Remove and replace.
  - (e) Depth of asphalt treated base or cement treated base: The depth of the asphalt treated base or the cement treated base shall be within ½ inch of the required depth. The average of all depth measurements shall not be

less than the depth shown in Table 2, Appendix A, and any depth in excess of + or - 1/2 inch will not be used in computing the average depth. If not, the deficient depth will be added to the required depth of the surface course or concrete pavement.

- (f) Density of ACHM binder and surface: No individual density shall be lower than ninety percent (90%) of maximum theoretical density. Any section with a density below that value shall be removed and replaced. The average of all densities for the project shall be not less than ninety-two percent (92%) of maximum theoretical density. If this average is less than ninety-two percent (92%), the following penalties shall be assessed:
  - 91.5 percent to 91.9 percent—3 percent of the cost of the in-place material.
  - 91.0 percent to 91.4 percent—5 percent of the cost of the in-place material.
  - 90.5 percent to 90.9 percent—15 percent of the cost of the in-place material.
  - 90.0 percent to 90.4 percent—30 percent of the cost of the in-place material.
  - Below 90.0 percent—Remove and replace.
- (g) Depth of ACHM binder: The depth of the binder shall be within 3/8 inch of the required depth. The average of all depth measurements shall not be less than the depth shown in Table 2, Appendix A, and any depth in excess of + 3/8 inch will not be used in computing the average depth. If not, the deficient depth will be added to the required depth of the surface course or concrete pavement.
- (h) Depth of ACHM surface: The depth of the asphalt hot mix surface course shall be within 1/4 inch of the required depth plus any additional depth(s) required due to deficient depths in the base and binder courses. The average of all depth measurements shall not be less than the required depth, and any depth in excess of + 1/4 inch will not be used in computing the average depth. If the average depth is less, it will be corrected by overlaying with additional ACHM surface, or as directed by the County Road Superintendent.
- (i) Surface tolerance of ACHM surface: If the surface deviation is greater than + or - 1/4 inch when checked with a ten-foot straight edge, the surface smoothness will be corrected as directed by the County Road Superintendent.
- (j) Class A structural concrete strength: The average twenty-eight-day compressive strength of the two (2) cylinders of a set shall be at least three thousand (3,000) psi. If the average strength is lower, the following penalties shall be assessed:
  - 2,750 to 2,999 psi—5 percent of the cost of the in-place material.
  - 2,500 to 2,749 psi—10 percent of the cost of the in-place material.
  - 2,250 to 2,499 psi—20 percent of the cost of the in-place material.
  - 2,000 to 2,249 psi—40 percent of the cost of the in-place material.
  - Below 2,000 psi—Remove and replace.
- (k) Class S (AE) air entrained structural concrete strength: The average twenty-eight-day compressive strength of the two (2) cylinders of a set shall be at least four thousand (4,000) psi. If the average strength is lower, the following penalties shall be assessed:
  - 3,750 to 3,999 psi—5 percent of the cost of the in-place material.

3,500 to 3,749 psi—10 percent of the cost of the in-place material.  
3,250 to 3,499 psi—20 percent of the cost of the in-place material.  
3,000 to 3,249 psi—40 percent of the cost of the in-place material.  
Below 3,000 psi—Remove and replace.

(l) Concrete pavement strength: The average twenty-eight-day compressive strength of the two (2) cylinders of a set shall be at least four thousand (4,000) psi. If the average strength is lower, the following penalties shall be assessed:

3,750 to 3,999 psi—3 percent of the cost of the in-place material.  
3,500 to 3,749 psi—7 percent of the cost of the in-place material.  
3,250 to 3,499 psi—15 percent of the cost of the in-place material.  
3,000 to 3,249 psi—25 percent of the cost of the in-place material.  
2,500 to 2,999 psi—40 percent of the cost of the in-place material.  
Below 2,500 psi—Remove and replace.

(m) Concrete pavement depth: The concrete pavement depths shall be within  $\frac{1}{4}$  inch of the required depth plus any additional depth required as a result of deficient subbase depth. The average of all depth measurements shall not be less than the required depth, and any depth in excess of  $+\frac{1}{4}$  inch will not be used in computing the average depth. If the average depth is less, the following penalties shall be assessed:

Required depth to  $-\frac{1}{8}$  inch—1 percent of the cost of the in-place material.  
Minus  $\frac{1}{8}$  to  $-\frac{1}{4}$  inch—3 percent of the cost of the in-place material.  
Minus  $\frac{1}{4}$  to  $-\frac{3}{8}$  inch—7 percent of the cost of the in-place material.  
Minus  $\frac{3}{8}$  to  $-\frac{1}{2}$  inch—15 percent of the cost of the in-place material.  
Minus  $\frac{1}{2}$  to  $-\frac{5}{8}$  inch—25 percent of the cost of the in-place material.  
Minus  $\frac{5}{8}$  to  $-\frac{3}{4}$  inch—40 percent of the cost of the in-place material.  
More than minus  $\frac{3}{4}$  inch—Remove and replace.

(n) Surface tolerance of concrete pavement: The concrete surface shall not show any deviation greater than one-fourth ( $\frac{1}{4}$ ) inch when checked with a ten-foot straight edge. Any deviation greater than this shall be corrected by grinding, removing and replacing, or as directed by the County Road Superintendent.

## **5) ZONING**

### **A) OFFICIAL ZONING MAP.**

- 1) The County is hereby divided into districts, or zones, as hereinafter described, and as shown on the Official Zoning Map. This map, together with all explanatory data thereon, is hereby adopted by reference, and declared to be a part of this ordinance.
- 2) The Official Zoning Map shall be certified as such by signature of the County Judge, attested by the County Clerk.
- 3) If, in accordance with the provisions of this ordinance, changes are made in district boundaries or other data portrayed on the Official Zoning Map, such change shall be made on said map within thirty (30) days after the amendment has been approved by the Quorum Court.
- 4) No changes of any nature shall be made in the Official Zoning Map or information shown thereon, except in conformity with the procedures set

forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance.

- 5) Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be located in the County Clerk's Office, shall be the final authority as to the current zoning status of property in the County.
- 6) Where uncertainty exists as to the boundaries of districts shown on the Official Zoning Map, the Zoning Official shall employ the following rules in interpretations thereof. Decisions of the Zoning Official are subject to appeal to the Zoning Board of Adjustment as herein provided:
  - (a) Boundaries indicated as approximately following the centerlines of roads or alleys shall be construed to follow such centerlines.
  - (b) Boundaries indicated as approximately following jurisdictional limits shall be construed as following jurisdictional limits.
  - (c) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - (d) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline, shall be construed as moving with the actual shoreline.
  - (e) Boundaries indicated as parallel to, or extensions of, features indicated above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
  - (f) Whenever any road, alley, or other public way is vacated or abandoned by action of the County Court or Quorum Court pursuant to law, the zoning district boundaries on each side of such road, alley, or public way shall be automatically moved to the centerline of same and all area included therein shall then and henceforth be subject to all appropriate regulations of the extended districts.

**B) ADMINISTRATION AND ENFORCEMENT.**

- 1) The Zoning Official shall be designated by the County Judge, and shall be responsible for the administration and enforcement of this ordinance subject to exceptions contained herein. After making contact and giving proper notice, the Zoning Official may enter any structure, premises, or land to perform any duty imposed by this ordinance.
- 2) If the Zoning Official shall find that any of the provisions of this ordinance are being violated, the Zoning Official shall notify the person, as well as the property owner of record, both of whom shall be responsible for such violation, in writing. Said notice shall indicate the nature of the violation and order the action necessary to correct it. the Zoning Official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations or changes thereto; discontinuance of any illegal work being done; or the Zoning Official shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.
- 3) With the exception of agricultural uses, and agricultural and single-family structures not located in the regulatory floodplain as shown on FEMA floodplain maps, a development permit shall not be issued for the erection,



- alteration, or moving of any building or structure until after the Zoning Official has reviewed the permit request and formally determined that the property is zoned a classification that allows the use proposed. All permissions required by the County for the development shall be issued at the County Planning Office.
- 4) All applications for development permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations of existing buildings, if any, on the lot; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Official, including existing or proposed buildings or proposed uses of the building and land; conditions existing on the lot and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. One copy of the plans shall be returned to the applicant after the Zoning Official shall have marked such copy either as approved or disapproved and attested to same, by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Official.
  - 5) With the exception of agricultural and single-family structures and uses, it shall be unlawful to use or occupy or permit the use or occupancy of any building or property, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a formal determination has been made by the Zoning Official evidencing that the proposed use of the building or land conforms to the requirements of this ordinance. The Zoning Official shall maintain a record of all such determinations, and copies shall be furnished upon request to any person. Failure to obtain a zoning determination shall be a violation of this ordinance.
  - 6) The Zoning Official shall be responsible for addressing all questions regarding interpretation and enforcement of this Ordinance. Decisions of the Zoning Official shall be appealable only to the Zoning Board of Adjustment. Decisions of said Board shall be subject to appeal only to a court of record having jurisdiction.
  - 7) Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Official, who shall record properly such complaint, immediately investigate and take action thereon, as provided by this Ordinance.
  - 8) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Whenever these requirements are at variance with the requirements of any other lawfully adopted rules or regulations, the most restrictive, or that imposing the higher standards, shall govern. The County shall not be responsible for enforcing deed restrictions or covenants.
  - 9) The owner or tenant of any building, structure, property, or part thereof, and any architect, engineer, contractor, agent, or other person who willfully

- commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense, and suffer the penalties herein provided.
- 10) Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. After the expiration date indicated by the notice of violation, any person who violates this section (Section 5 – Zoning) or fails to comply with any of its requirements shall, be fined one-thousand dollars (\$1,000.00). In addition, anyone so convicted shall be responsible for paying all costs and expenses involved in the case. After the expiration date indicated by the notice of violation, each day such violation continues shall be considered a separate offense.
  - 11) The Washington County Sheriff's Office shall enforce this ordinance.

**C) ZONING BOARD OF ADJUSTMENT**

- 1) A Zoning Board of Adjustment (ZBA) is hereby established. The ZBA is a separate board with separate duties and responsibilities from the County Planning Board, however its membership shall be composed of the entire membership of the County Planning Board.
- 2) The Zoning Board of Adjustment shall establish regular meeting dates, adopt rules and procedures for the conduct of its business, and keep a public record of all findings and decisions.
- 3) Each session of the Zoning Board of Adjustment shall be a public meeting with public notice given of such meeting and the business to be carried on. The developer/applicant shall be responsible for (1) ensuring that public notice is given as provided by law at least fourteen (14) days prior to the meeting; and (2) posting said notice on the County website. All applications shall be accompanied by evidence or an affidavit that the applicant has notified all adjoining property owners within the notification area of the nature of the request, and of the time, date, and place of the meeting.
- 4) The Zoning Board of Adjustment shall have the following functions:
  - (a) Hear appeals from decisions of the Zoning Official in respect to the enforcement and application of this section; and may affirm or reverse, in whole or in part, said decision of the Zoning Official.
  - (b) Hear requests for variances from the literal provisions of this section in instances where strict enforcement would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this section. The Zoning Board of Adjustment shall not permit, as a variance, any use in a zone that is not permitted in that zone. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.
- 5) A variance is authorized only for lot area, lot width, lot depth, size of structure, road frontage, or size of yards and setbacks; provided a lot area variance shall not be required for existing non-conforming lots created in conformance with then existing County regulations. Establishment or expansion of a use otherwise prohibited, or not specifically permitted in a zone, shall not be allowed by a variance, nor shall a variance be granted

because of the presence of non-conformities in the zoning district or uses in an adjoining district.

- 6) A three-fourths majority of the Board shall be required for the approval of a variance request.
- 7) The Zoning Board of Adjustment shall issue approval of a variance only after finding that:
  - (a) Special hardship conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district;
  - (b) Literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this section;
  - (c) The special hardship conditions and circumstances do not result from the actions or proposed actions of the applicant; and
  - (d) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- 8) Any affected resident or taxpayer aggrieved by any decision of the Zoning Board of Adjustment may appeal said decision only to a court of record having jurisdiction.

**D) GENERAL PROVISIONS.**

- 1) No land shall be used or occupied, no structure shall be erected, moved, converted, altered, enlarged, used or occupied, and no use shall be operated, unless it is in conformity with the regulations herein prescribed for the district in which such structure or land is located. This provision shall not be construed to affect any uses or land or structure that existed at the effective date of this section. Existing non-conforming lots may be utilized in accordance herewith.
- 2) No open space required by these regulations for a particular structure or use shall be claimed at the same time as open space for another structure or use.
- 3) No lot, open space, parking or loading space shall be reduced in area or dimension below that required by these regulations, except pursuant to decisions of the Zoning Board of Adjustment.
- 4) Any use of a structure or land lawfully existing, or one for which a permit has been lawfully issued at the effective date of these regulations may be continued subject to provision herein.
- 5) All structures constructed, placed, or occupied in conformance with this section shall also conform to all other ordinances and regulations of the County, including floodplain regulations. Also, as a condition of the issuance of a development permit, applicants shall acknowledge their legal obligation and responsibility to comply with all provisions of the most current edition of the Arkansas Fire Prevention Code, which is based on the International Fire, Building, and Residential Codes. Responsibility for compliance with the American's with Disability Act (ADA) provisions rests, in all respects, with the permittee and the property owner.
- 6) No structure or planting shall be placed in any yard or the road right-of-way (ROW) so that it interferes with the visibility at intersections.

- 7) Dedication to the public use of land shall not be a condition for any zoning or use approval.
- 8) Land annexed into an incorporated area shall, upon the annexation's effective date, no longer be subject to this section.
- 9) Off-street parking facilities and off-street loading facilities shall be provided on the site for each use as prescribed herein.
- 10) Each permitted use or lot shall have access to a public street or road, provided that such may be connected to a public street by an easement for access purposes, such being of record, at least thirty feet (30') in width.
- 11) The provisions of these regulations are severable. If any section, paragraph, sentence, or clause shall be declared invalid, the remainder of the regulations shall not be affected.
- 12) It is expressly understood that all districts provide for the compatible existence of agricultural activities and uses.
- 13) Regarding regulations pertaining to the placement, construction and maintenance of antenna arrays and communication towers, see Section 7, herein.

**E) NONCONFORMING STRUCTURES AND USES**

- 1) Continuance of Use
  - (a) Any lawfully established use of a structure or land, on the effective date of this Ordinance, or of amendments hereto, that does not conform to the use regulations for the district in which it is located, shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided herein.
  - (b) Any legal nonconforming structure may be continued in use provided there is no physical change other than necessary maintenance and repair, except as otherwise permitted herein.
  - (c) Any structure, for which a permit has been lawfully granted prior to the effective date of this Ordinance, or of amendments hereto, may be completed in accordance with the approved plans. Such building shall thereafter be deemed a lawfully established building.
- 2) Discontinuance of Use
  - (a) Whenever any part of a structure or land occupied by a nonconforming use is changed to, or replaced by, a use conforming to the provisions of this Ordinance, such premises shall not thereafter be used or occupied by a nonconforming use, even though the structure may have been originally designed and constructed for the prior nonconforming use.
  - (b) Whenever a nonconforming use of a structure or part thereof, has been discontinued or abandoned for a period of one (1) year or more, such use shall not be re-established, and the use of the premises thereafter shall be in conformity with the regulations of the district.
  - (c) Where no enclosed structure is involved, discontinuance of a nonconforming use for a period of six (6) months shall constitute abandonment, and shall not thereafter be used in a nonconforming manner.
  - (d) A use not authorized by the County, in effect at the time this Ordinance becomes effective, shall be discontinued and not re-established, except

when such use shall be in conformance with the provisions of this Ordinance.

- 3) Change of Use
  - (a) The nonconforming use of any structure or portion thereof may be occupied by another similar, or less intense, nonconforming use, as may be determined by the Zoning Official, subject to appeal to the Zoning Board of Adjustment. No building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restrictive use.
- 4) Repairs and Alterations
  - (a) Normal maintenance of a nonconforming structure or of a conforming structure containing a nonconforming use is permitted. Such structures may be expanded a maximum of fifty percent (50%) in gross floor area.
  - (b) Alterations may be made when required by law, or when such alterations will actually result in eliminating the nonconforming use.
  - (c) No structure partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.
  - (d) A structure that is nonconforming with respect to yards or any other element of bulk regulated by this Ordinance, shall not be altered or expanded in any manner which would increase the degree or extent of its nonconformity with respect to the bulk regulations for the district in which it is located.
- 5) Damage and Destruction
  - (a) If a nonconforming structure or a structure containing a nonconforming use is damaged or destroyed by any means to the extent of sixty percent (60%) or more of its replacement value at that time, the structure can be rebuilt or used thereafter only in compliance with the provisions of the district in which it is located.
  - (b) In the event the damage or destruction is less than sixty percent (60%) of its replacement value based upon prevailing costs, the structure may then be restored to its original condition and the structure and use thereof may then continue as before the partial destruction.
  - (c) In either event, restoration or repair of the structure or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently pursued to completion. Failure to exercise the options herein provided within the time specified shall be considered a voluntary abandonment and structure(s) may be rebuilt and used thereafter only for a conforming use and in compliance with provisions of the district in which it is located. Existing non-conforming lots may be utilized.

## **F) DISTRICT REGULATIONS**

- 1) Establishment of Districts.
  - (a) The following zoning districts, which may be referred to by their abbreviations, are hereby established:
    - (i) A\R – Agricultural\Residential
    - (ii) C1 – Light Commercial

- (iii) C2 – General Commercial
- (iv) I – Industrial
- (b) A description of each district follows:

**(i) A\R – Agricultural\Residential**

(A)Description and Intent: This district is intended for application to those areas of the County where it is deemed necessary and desirable to protect agricultural lands, as well as the rural residential environment, and to provide open spaces to protect natural areas, floodplains, and watercourses, and to provide for single-family development on large lots and parcels. All unincorporated territory not zoned as commercial or industrial classification is zoned A\R.

(B)Permitted Uses: Agricultural Uses; Single-Family Dwellings; Manufactured Homes; Churches; Day Care Family Homes; Emergency Medical Services (EMS); Fire Stations (See Use Table).

(C)Conditional Uses: Cemeteries (See Use Table).

(D)Lot Dimensions:

- |                                   |          |
|-----------------------------------|----------|
| 1. Minimum Area                   | 1 acre   |
| 2. Minimum Width at Building Line | 120 feet |
| 3. Minimum Front Setback          | 25 feet  |
| 4. Minimum Side Setback           | 10 feet  |
| 5. Minimum Rear Setback           | 20 feet  |

(E)These areas so zoned are designated as agricultural and single family residential, the latter to have a lot, tract, or parcel size of no less than one (1) acre; however, if any city requires a larger size in its subdivision regulations, then the larger size will be controlling.

(F)Parking Requirements: Two (2) off-street parking spaces shall be required for each single-family dwelling. Parking requirements for other uses shall be provided pursuant to subsequent provisions hereof.

(G)Building, Area, & Miscellaneous Regulations:

1. Accessory buildings shall be set back a minimum of five feet (5') from the side or rear lot lines.
2. Each principal structure shall be finished on a permanent foundation, and shall be constructed in accordance with the Arkansas Fire Prevention Code (AFPC).
3. Only one dwelling unit per lot, regardless of lot size, shall be permitted.
4. Manufactured homes shall be at least twelve feet (12') in width and fifty feet (50') in length. Manufactured homes shall be installed in accordance with recommended installation procedures of the manufacturer, and the standards established by the International Conference of Building Officials (ICBO), and published in the most recent editions of "Guidelines for Manufactured Housing Installations." Such homes shall be properly tied-down and anchored, and completely skirted. Such

skirting shall be uniform, consistent in type and color, and be neat in appearance.

**(ii) C1 – Light Commercial**

(A) Description and Intent: This district is intended for use in areas of transition between residential uses and general commercial areas, and in areas that are designed to accommodate administrative, executive, and professional offices and associated uses, as well as limited retail trade and services that can be operated in harmony with adjacent residential and agricultural uses.

(B) Permitted Uses and Conditional Uses: (See Use Table).

(C) Lot Dimensions:

- |                                   |          |
|-----------------------------------|----------|
| 1. Minimum Area                   | 1 acre   |
| 2. Minimum Width at Building Line | 120 feet |
| 3. Minimum Front Setback          | 30 feet  |
| 4. Minimum Side Setback           | 15 feet  |
| 5. Minimum Rear Setback           | 15 feet  |

(D) Parking Requirements: Off-street parking and off-street loading facilities shall be provided as required in Section I(2).

(E) Building Height, Area, & Miscellaneous Regulations:

1. No building shall exceed two and one-half stories, nor shall it exceed thirty-five feet (35') in height.
2. Building coverage shall not exceed forty percent (40%) of the lot area.
3. Where a "C1" district abuts an A\R district or use, an opaque fence of wood, chain-link fence with opaque screening, or masonry construction having a height of not less than six feet (6') shall be erected and maintained between such properties.
4. Any light used to illuminate "C1" uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.

**(iii) C2 – General Commercial**

(A) Description and Intent: This district is intended to be applied to general commercial areas that provide for heavy retail trade, service, and business needs of the public. This district is generally located along, and immediately adjacent to, major roads. It may be assigned at commercial nodes where major roads intersect now or in the future, and is not intended to be used in a strip manner.

(B) Permitted Uses and Conditional Uses: (See Use Table).

(C) Lot Dimensions:

- |                                   |          |
|-----------------------------------|----------|
| 1. Minimum Area                   | 1 acre   |
| 2. Minimum Width at Building Line | 120 feet |
| 3. Minimum Front Setback          | 30 feet  |
| 4. Minimum Side Setback           | 15 feet  |
| 5. Minimum Rear Setback           | 15 feet  |

(D) Parking Requirements: Off-street parking and off-street loading facilities shall be provided as required in Section I(2).

(E) Building Height, Area, & Miscellaneous Regulations:

1. No building shall exceed thirty-five feet (35') in height.
2. Building coverage shall not exceed forty percent (40%) of the lot area.
3. Screening, with an opaque fence of wood or masonry construction, or chain-link fence with opaque screening, of at least six feet (6') in height, shall be erected and maintained when a "C2" use abuts an A-R district or use.
4. Any light used to illuminate "C2" uses and associated parking areas, shall be so designed and arranged to reflect the light downward, and away from adjacent residential properties.

**(iv) I – Industrial**

(A) Description and Intent: The industrial zoning district is intended to provide for the development of light, medium, or high-impact/high-intensity industrial uses and their related uses that can be operated compatibly with commercial, residential, and agricultural uses. Certain commercial and other complementary uses are also permitted. Suitable uses in this district include freight terminals, warehousing, wholesaling, packaging, storage, fabrication, mining and quarrying, display and such limited manufacturing that does not create a nuisance for residential, commercial, or agricultural neighbors. Adequate and suitable transportation facilities are a necessity when assigning this classification.

(B) Permitted Uses and Conditional Uses: (See Use Table).

(C) Lot Dimensions:

- |                                   |          |
|-----------------------------------|----------|
| 1. Minimum Area                   | 5 acres  |
| 2. Minimum Width at Building Line | 300 feet |
| 3. Minimum Front Setback          | 150 feet |
| 4. Minimum Side Setback           | 20 feet  |
| 5. Minimum Rear Setback           | 20 feet  |

(D) Parking Requirements: Off-street parking shall be provided pursuant to provisions herein.

(E) Building Height, Area, & Miscellaneous Regulations:

1. No building shall exceed thirty-five feet (35') in height.
2. Each structure or use shall provide off-street parking and off-street loading facilities as required in Section I(2). On-lot loading and unloading facilities shall be designed to allow such activities to be carried on without blocking or in any way interfering with traffic.
3. Building coverage shall not exceed fifty percent (50%) of the lot area.
4. Screening, with an opaque fence of wood, chain-link fence with opaque screening, or masonry construction of at least six feet (6') in height, shall be erected and maintained when an industrial district use abuts any other district or use; provided in the alternative, a natural area buffer may be approved at site plan approval.



5. Any light used to illuminate an industrial use and associated parking areas shall be so designed and arranged to reflect the light downward, and away from adjacent properties
- 2) **Commercial and Industrial Use Table.** Uses permitted in the foregoing districts are set forth in the following table. Where the letter “P” appears opposite a listed use and underneath a district, the use is permitted in that district “by right” subject to: (1) providing off-street parking and loading facilities as required; (2) providing landscaping and screening as may be required; and (3), conformance with special conditions applying to certain uses as set forth herein.

Where the letter “C” appears instead of “P”, the use is permitted subject to acquiring a conditional use permit (CUP) as set forth herein. Where neither a “P” nor “C” appears similarly within the table, the use is not permitted.

**USE TABLE  
COMMERCIAL & INDUSTRIAL DISTRICTS  
ZONING DISTRICTS**

<b>AGRICULTURAL USES</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Agriculture, animal	P	P	P
Agriculture, crop	P	P	P
Agriculture, farmers market	P	P	P
Agricultural, general	P	P	P
Agriculture, product sales	P	P	P

<b>RESIDENTIAL USES</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Single-family	P	P	C
Manufactured Home/Mobile Home	P	C	
Duplex/Triplex	P	C	

<b>CIVIC AND COMMERCIAL USES</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Airport or airstrip			C
Animal care, general	C	P	C
Animal care, limited	P	P	
Auditorium or stadium		C	C
Automated teller machine	P	P	P
Bank or financial institution	P	P	P
Bed and breakfast	P	P	

Car wash	C	P	P
Cemetery	P	P	P
Church	P	P	P
College or university	P	P	P
Communication tower	C	C	P
Construction sales and service		P	P
Convenience store	C	P	C
Day care, limited (family home)	P	P	
<b>CIVIC AND COMMERCIAL USES</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Day care, general	C	P	
Emergency Medical Services (EMS)	P	P	P
Entertainment, adult*		C	C
Fire Stations (Sub-Station, Rural)	P	P	P
Funeral home	C	P	
Golf course	P	P	
Government service	P	P	P
Hospital	P	P	
Hotel or motel		P	
Library	P	P	P
Medical service/office	P	P	P
Museum	P	P	C
Nursing home	P	P	
Office, general	P	P	C
Parking lot, commercial		P	C
Parks and recreation	P	P	C
Pawn shops		P	C
Post office	C	P	C
Recreation/entertainment, indoor	C	P	C
Recreation/entertainment, outdoor	C	P	C
Recreational vehicle park		P	P
Restaurant, fast-food	C	P	P
Restaurant, general	P	P	P

Retail/service	C	P	C
Safety services	P	P	P
School, elementary/middle & high	P	P	P
Service station	C	P	P
Signs/Billboards	**	**	**
Utility, major	C	C	C
Utility, minor	P	P	P
Vehicle and equipment sales		P	P
<b>CIVIC AND COMMERCIAL USES</b>	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Vehicle repair, general		P	P
Vehicle repair, limited	C	P	P
Venue and Event centers	C	P	
Warehouse, residential (mini-storage)	C	P	P
Wrecker service/Temp. Impounding		C	P

**INDUSTRIAL, MANUFACTURING & EXTRACTIVE USES**

	<b>C-1</b>	<b>C-2</b>	<b>I</b>
Asphalt or concrete plant			C
Auto wrecking or salvage yard***			C
Basic industry			P
Freight terminal		C	P
Manufacturing, general			P
Manufacturing, limited			P
Mining or quarrying			C
Research services	C	C	P
Warehousing		C	P
Welding or machine shop		C	P

\*Compliance with Ordinance 1998-5 required (see Appendix D).

\*\*Signs and Billboards shall comply with the County Ordinance. Compliance with Ordinance 1996-1 required (see Appendix D).

\*\*\*Compliance with Ordinances 1982-29, 1984-7, 1992-4, and 2004-71 required.

**G) CONDITIONAL USES**

- 1) Nature and Description. Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of

operation and external effects. Given their unique character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. Such uses are listed under the various districts herein as “conditional uses,” and may be located in the district or districts so designated only in accordance with the procedure described herein.

- 2) Development Standards and Review Guidelines. All development shall be designed in such a way as to minimize any potential negative impact on the surrounding area. Special attention shall be given to buffering commercial and industrial developments from adjacent single-family residential and agricultural areas. Design of the internal traffic circulation system, ingress and egress, off-street parking, loading, and pedestrian ways shall be sensitive to such conditions as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, and the proper relationship of different land uses. Landscaped areas shall be provided to protect water quality, and reduce erosion, heat and glare. Such areas shall be maintained in an attractive condition. Existing trees on a development site should be retained where possible. Screening, open space, or other buffer may be required to give adequate separation between uses which are not compatible and shall also be provided for the beautification and enhancement of the property. In carrying out the purpose of this section, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.
  - (a) The proposed use is within the provision of “conditional uses” as set out in this section.
  - (b) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
  - (c) The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
  - (d) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.
  - (e) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this section.
  - (f) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian ways are sufficiently adequate, and not inconsistent with requirements of this Ordinance.
  - (g) The proposed landscaping and screening of the proposed use are in accordance with provisions of this Ordinance.
  - (h) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust, and odor are addressed.
- 3) Procedure for Authorizing. The following procedure is established to integrate properly the conditional use with other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- (a) An application shall be filed with the Zoning Official, upon forms prescribed for that purpose, accompanied with the appropriate fee established by the Quorum Court to defray processing costs. The application shall be accompanied by graphic representation showing the location and proposed use of the site, letter of intent/project description, along with such other descriptive material necessary for decision-making. Such may include, but is not limited to: preliminary site plans showing proposed uses and structures; proposed ingress and egress to the site, including adjacent streets; proposed off-street parking and landscaping; lighting and signage; a preliminary plan for provision of sanitation and drainage facilities; and proximity of adjacent uses and buildings. Each application shall be verified by at least one of the owners of the property proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application. The filing deadline for inclusion on the Planning Board agenda shall be the 1<sup>st</sup> day following the previous month's Planning Board meeting. Should that day fall on a weekend or holiday, the next following workday shall be the filing deadline.
- (b) Upon determining that an application is proper and complete, the Zoning Official shall insure that the matter is set for public hearing before the Planning Board. The Zoning Official shall be responsible for (1) ensuring that public notice is given as provided by law at least fourteen (14) days prior to the meeting; and (2) posting said notice on the County website. All applications shall be accompanied by evidence or an affidavit that the applicant has notified, by certified mail, all property owners within the Notification Area of the exterior boundaries of the subject property of the proposed use, and of the time, date, and place of the public hearing.
- (c) The Planning Board shall review conditional use permit applications at its regularly scheduled meeting, at which time interested persons may appear at the required public hearing and offer information in support of or against the proposed conditional use. Following the public hearing, the Planning Board may approve the application as presented, approve it with conditions, table it with cause for not to exceed three (3) months (unless good cause is shown), or deny the application. Approval by the Planning Board shall require an affirmative vote of a majority of its authorized membership. Such applications shall be referred to the Quorum Court for final approval consideration and ratification. In approving such conditional uses, the Planning Board shall impose such conditions and restrictions upon the premises as it deems necessary to reduce or minimize the adverse effects of the use. Compatibility with surrounding property shall be insured to the maximum extent practicable. In no case shall the Planning Board authorize reduction from minimum requirements of this Ordinance relating to area, setbacks, parking, or landscaping. In addition, no conditional use authorized by the Planning Board shall be subsequently considered in connection with a variance request to the Zoning Board of Adjustment. If the Planning Board disapproves or denies a conditional use application, the reasons for such action shall be given to the applicant within fifteen (15) days from the date

of the decision. The applicant may, within thirty (30) days after the Planning Board's denial, request Quorum Court approval. Should such a request be made, public notification, consistent with the original notification for Planning Board consideration, of such consideration shall be made.

- (d) No development permit shall be issued for any building or structure not in conformance with the site plan and all other conditions imposed in granting a conditional use permit. The construction, location, use, or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the approval. No structure, use or other element of any approved site plan shall be eliminated, significantly altered, or provided in another manner unless an amendment to the conditional use is approved. The procedure for amending a conditional use permit shall be the same as required for the original approval. Substantial work or construction under a conditional use permit must be commenced within one (1) year (12 month period from the day of CUP approval), or the permit shall terminate. Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in the particular permit, the property owner may request that the permit be reviewed by the Planning Board, which may extend it for an unlimited period or for an additional period of years. Once any portion of the conditional use permit authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. Conditional use approval shall go with the property, and shall not be affected by ownership changes. All conditions relating to or limiting the use, status, or operation of the development, after issuance of an occupancy permit, shall be complied with by the applicant or his successors or assigns. Failure to do so shall constitute a violation of this Ordinance, and shall be cause for revocation of the conditional use authorization. Provided sufficient site information is submitted with the approved development plan, the Planning Board may waive otherwise mandated site plan review requirements.

#### **H) ACCESSORY USES**

- 1) General Description. An accessory building is a subordinate building or a portion of the principal building, the use of which is customarily incidental to that of the dominant use of the principal building or land. An accessory use is one that is customarily incidental, appropriate and subordinate to the principle use of land and buildings, and located upon the same parcel therewith. Subject to limitations herein, accessory buildings and uses are permitted in all zones.
- 2) Location Requirements and Standards. An accessory building shall not be located within a required street (front or street side) setback or right-of-way (ROW); shall be subject to the side setback standards of the underlying zoning district; shall be set back at least ten feet (10') from a property line; and shall not be located within any public easement or over any known utilities or septic lines. With the exception of agricultural uses, accessory buildings shall

not exceed the floor area of the principal use. Unless otherwise provided herein, and provided site visibility is not obstructed, permitted signs, fences and walls shall be allowed within setbacks. An accessory building attached to a main building shall be made structurally a part and have a common wall with the main building, and shall comply in all respects with the requirements applicable to the principal building. Provided detached, open-sided carports may be located in the side yard, no closer to the front lot line than the principal building, and provided required side setbacks are met. Unless attached to the principal structure, accessory buildings shall be located at least twenty feet (20') from any other structure. With regard to height limitations, accessory structures associated with residential uses shall not exceed fifteen feet (15') in height, measured from the side wall. In commercial districts, such structures shall not exceed twenty-five feet (25') in height or the height of the principal structure on the lot. Provided however, that accessory structures (such as barns) associated with normal agricultural operations shall be exempt from this limitation.

- 3) Residential Accessory Uses. Residential accessory uses shall include the following accessory uses, activities, facilities, and structures: fences and walls; garages, swimming pools, carports and off-street parking and loading areas; gardens; gates and guard houses; home occupations (subject to limitations and requirements outlined below); playhouses, patios, cabanas, porches, gazebos and household storage buildings; radio and television receiving antennas; recreational and play facilities for residents; storm and fallout shelters; and other necessary and customary uses determined to be appropriate, incidental and subordinate to the principal use on the lot.
  - (a) A home occupation shall be allowed as an accessory use in any district subject to compliance with the following requirements, which are intended to balance protection of residential character with enabling residents to work from home:
    - (i) The home office or business is clearly secondary to the use of the dwelling as a residence and does not change the residential character or appearance of the dwelling or lot in any visible manner.
    - (ii) The work done in the home office or business creates no objectionable odor, noticeable vibration, or offensive noise that increases a level of ambient sound at the property lines.
    - (iii) The home office or business does not involve the external display of goods or services, and does not cause unsightly conditions or waste visible from off the property.
    - (iv) The home office or business does not cause interference with radio, telephone, or television reception in the vicinity.
    - (v) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.
    - (vi) The home office or business sells no articles on the premises that are not produced on the premises.

- (vii) A home occupation shall be carried on wholly within the principal residential structure. No home occupations shall be allowed in accessory buildings or garages.
  - (viii) The home office or business occupies no more than thirty-five percent (35%) of the total floor area of the residence.
  - (ix) There shall be no external alteration of the dwelling, nor storage of supplies or equipment outside.
  - (x) Not more than one (1) truck of not more than two (2) ton capacity, and no semi-trailers, incidental to the home occupation, shall be kept on the premises.
  - (xi) Customers may visit the site only during the hours of 8 AM to 8 PM, and no more than six (6) customers or clients may visit the site in any single day.
  - (xii) Parking to serve a home occupation shall be provided off-street, and no such parking shall be permitted in a required setback, other than in a driveway. In no event shall yard areas be converted to off-street parking to serve a home occupation.
- (b) Prohibited home occupations include, but are not limited to the following:
- (i) Barber and beauty shops.
  - (ii) Dispatch centers, where employees come to the site to be dispatched to other locations.
  - (iii) Commercial animal boarding and care facilities.
  - (iv) Assembly or repair of large appliances.
  - (v) Repair or assembly of vehicles or equipment with internal combustion engines, or any other work related to motor vehicles and their parts.
- (c) Garage sales, also commonly called rummage or yard sales, are permitted as accessory uses provided, they meet the following requirements:
- (i) Each such sale shall be registered by email or telephone with the Zoning Official;
  - (ii) Each property address and/or person shall be limited to no more than four (4) such sales per year;
  - (iii) Sales shall not last longer than four (4) consecutive days;
  - (iv) Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants;
  - (v) No goods purchased for resale may be offered for sale;
  - (vi) No consignment goods, food, or drinks may be offered for sale; and,
  - (vii) Directional and advertising signs shall comply in all respects with county ordinances. Pursuant to law, no signs shall be placed on traffic or official signs, utility poles, living trees, or in the right-of-way (ROW).

**I) GENERAL STANDARDS**

- 1) **Manufactured Homes.** All manufactured dwelling units shall comply with the following standards:
- (a) **Size**
    - (i) The minimum width of a manufactured home shall be twelve feet (12'), with width measured perpendicular to the longest axis at the narrowest part; and,



- (ii) The length of a manufactured home shall not be less than fifty feet (50'), with length measured along the longest axis.
- (b) Installation of Unit
  - (i) Guidelines. The unit shall be installed in accordance with the recommended installation procedures of the manufacturer, and the standards established by the International Conference of Building Officials (ICBO) and published in the most recent edition of "Guidelines for Manufactured Housing Installations." Compliance with the latest edition of the Arkansas Fire Prevention Code (AFPC) is required by law.
  - (ii) Foundation & Skirting. Such homes shall be properly tied-down and anchored, with complete skirting of the foundation area under the home. Such skirting shall be uniform, consistent in type and color, and be neat in appearance.
- (c) Entrance Landing Area. At the main entrance door to the unit, there shall be a landing that is a minimum of five (5) square feet constructed in accordance with AFPC requirements.
- (d) Transport Equipment. All running gear, tongues, axles, and wheels must be removed at the time of installation of the unit on the lot.
- (e) Finished Floor Elevation. The finished floor of the unit shall meet the manufacturer's specifications unless the unit is located in a floodplain, in which case floodplain regulations shall rule.
- (f) Additions. Attached additions and detached garages shall comply with the Arkansas Fire Prevention Code, and floodplain regulations, if applicable. All standards of this section shall apply to such additions and garages.
- (g) United States Department of Housing and Urban Development ("HUD") Code Certification. As a condition of manufactured home placement in any district under this Ordinance, evidence shall exist that the dwelling unit was constructed in accordance with the federal (HUD) standards and meets the definition set forth in the federal standards and under A.C.A. 20-25-102.
- 2) Off-Street Parking and Off-Street Loading Facilities
  - (a) Off-Street Parking Facilities Required
    - (i) A parking space shall be an area for the parking of a motor vehicle, plus those additional areas and facilities required to provide for the safe ingress and egress from said space. The area set aside to meet these provisions must be usable and accessible for the type of off-street parking need which must be satisfied.
    - (ii) At the time of initial occupancy of a site or of construction of a building, there shall be provided off-street parking facilities for automobiles in accordance with the requirements of these regulations.
    - (iii) Parking Space Schedule
      - (A) Single-family residential – 2 spaces/dwelling unit.
      - (B) Retail Sales & Convenience Stores – 4 spaces/1,000 square feet of gross floor area
      - (C) Business/Professional Offices & Banks – 3½ spaces/1,000 square feet of gross floor area

- (D) Personal Services – 4 spaces/1,000 square feet of gross floor area
  - (E) Restaurants – 12 spaces/1,000 square feet of gross floor area
  - (F) Day Care Facilities – 1 space/staff and/or attendant, plus 2 additional spaces; An off-street drop-off and pick-up area shall be provided as a condition of approval
  - (G) Churches – 1 space/4 seats in the sanctuary
- (b) Location of Off-Street Parking Facilities. In all districts, off-street parking facilities prescribed in this section shall be located as hereinafter specified.
- (i) For residential dwellings and commercial establishments, parking facilities shall be located on the same site as the buildings they are to serve.
  - (ii) For any church, there shall be allowed the use of joint parking facilities in connection with any building or use not normally open, used, or operated during the principal operating hours of a church.
  - (iii) No parking shall be allowed in any front yard of a residential use, except when parked on the driveway, provided such does not block a sidewalk or create an obstruction to visibility.
  - (iv) When the required parking spaces for residential dwellings are not to be provided in a covered garage or carport, such spaces shall be located or constructed so that it may be later covered by a garage or carport structure.
  - (v) No parking at commercial establishments shall be located within the first ten feet (10') of the required front or side setback nearest the adjoining street(s).
- (c) Standards for Off-Street Parking Facilities
- (i) Each parking space shall be not less than eighteen feet (18') in depth and nine feet (9') in width, exclusive of aisles and access drives. Including the ingress and egress areas and aisle space, the parking area shall provide for three hundred (300) square feet per vehicle.
  - (ii) All parking areas shall have adequate ingress or egress to a street or alley. Sufficient room for turning and maneuvering vehicles shall be provided on the site.
  - (iii) Entrances and exits to parking lots and other parking facilities shall not be closer than twenty-five feet (25') to street intersections, and shall be subject to site plan approval.
  - (iv) If the parking area is illuminated, lighting shall be arranged so as to not cause glare to adjoining residential uses.
  - (v) No commercial repair work, servicing of vehicles, or parking of new or used motor vehicles for the purpose of storage, rent, or sale shall be conducted on a required parking area.
  - (vi) All required off-street parking and loading spaces, and the driveways serving off-street parking and loading spaces, shall be paved with asphalt or concrete; provided driveways serving single-family dwellings and agricultural uses shall be exempt from such paving requirement.
  - (vii) All off-street parking and loading areas shall be designed with drainage facilities adequate to dispose of all stormwater, and to not increase the stormwater runoff onto the surface of adjoining properties or streets.

- (viii) The perimeter of all off-street parking and loading areas and their access drives shall be curbed; provided single-family dwellings and agricultural uses are exempt. Landscape islands and other interior features within parking lots shall also be protected by curbs. The area between the curb and the property line, except for the driveway, shall be maintained as green space.
- (ix) Off-street parking areas containing five (5) or more spaces, shall have such spaces delineated by pavement striping. Pursuant to Americans with Disability Act (ADA) standards, a portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located and reserved for use by persons with physical disabilities. Responsibility for compliance with ADA, in all respects, shall rest with the applicant.
- (x) Off-street parking and loading spaces shall be designed to permit exiting vehicles to enter the public right-of-way in a forward motion. No off-street parking or loading space shall be allowed that requires vehicles to “back” onto a public right-of-way (ROW), except single-family residential and agricultural uses developed on local and collector streets.
- (xi) Off-street loading spaces shall be at least fourteen feet (14’) by forty-five feet (45’) in size, with a minimum eighteen (18’) foot height clearance.
- (xii) Drive aisles within off-street parking lots shall be two-way, with a minimum width of twenty-four feet (24’).
- (xiii) All required parking and loading spaces, driving aisles, and access ways shall be constructed prior to the issuance of a certificate of occupancy.
- (xiv) Off-street parking, as an accessory to residential uses, includes the parking of licensed passenger automobiles, pickup trucks, vans, recreational equipment and recreational vehicles solely for use by the occupants of the dwelling or by guests of the occupants. Under no circumstances shall off-street parking, as an accessory use, be used for the parking of commercial vehicles which weigh over two (2) tons.
- (xv) One boat, one trailer and one recreational vehicle may be parked outdoors on a lot in a residential subdivision provided that:
  - (A) The boat, trailer or recreational vehicle is owned and used by a resident of the premises;
  - (B) The boat, trailer or recreational vehicle is not parked in the area between the front of the residence and the street or other area between the structure and the street, except for the purpose of loading or unloading during a period of less than one day (except as provided in subsection (b)(iii) herein);
  - (C) The boat, trailer or recreational vehicle is not used for living purposes; however, the owner may temporarily reside in a trailer or recreational vehicle while actively contracting of his or her primary residence on the property (as permitted by any existing restrictive covenants). The amount of time that he or she may temporarily

reside in the trailer/recreational vehicle shall be reasonable, as determined by the Administrative Officer, and

(D) The boat, trailer or recreational vehicle is currently registered and licensed, as required by state law.

(xvi) In addition to meeting the off-street parking requirements of this section, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards:

(A) Stack Space Schedule

1. Fast-food restaurants, food trucks, one hundred and ten feet (110'), measured from the order station.
2. Banks, seventy feet (70'), measured from the teller drop.
3. Automatic car wash, fifty feet (50'), measured from the entrance.
4. Other uses, thirty feet (30'), measured from the pick-up window.

(B) Design and Layout. Vehicle stack spaces shall be subject to the following design and layout standards:

1. Stack spaces shall be designed so as not to impede pedestrian access to the building; on and off-site traffic movements; or movements into or out of parking spaces.
2. Stack space lanes shall be a minimum of eight feet (8') wide, and shall be separated from other internal driveways with painted lines or curbing.

3) Driveways and Access

(a) Access to property shall be allowed only by way of driveways, and no other portion of the lot frontage shall be used for ingress or egress. Continuous curb cuts are prohibited.

(b) Driveway design shall be such that minimization of interference with through street traffic is achieved, and shall be subject to site plan review and approval by county engineer. The types of vehicles that a driveway is intended to serve shall be a prime factor in determining the acceptable radii of driveways.

(c) At least one driveway shall be permitted for each lot.

(d) Driveways shall be located a minimum of ten feet (10') from the side property lines. A separation of twenty feet (20') is required between the driveways on one lot and the driveways on the adjacent lots. Driveways on the same lot shall be no closer than fifty feet (50') to each other.

(e) Driveways on corner lots shall be located as far away from the intersection as possible. In no case shall a driveway be installed closer than ten feet (10') to the beginning of the curb radius.

4) Ingress/Egress Driveway Width. The width of the driveway throat shall not exceed forty feet (40') in width. Driveway lanes shall be a minimum of ten feet (10') in width and shall not have more than three (3) lanes in one entrance/exit.

5) Dumpster Screening. Dumpsters located in any district shall be screened from view on three sides by a fence or wall with a minimum height of six feet (6'), or one foot (1') taller than the dumpster, whichever is greater, and be compatible in material and color with the principal structure on the lot.

- 6) Corner Visibility. On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet (2') and eight feet (8') above curb grade with the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, twenty-five feet (25') from their point of intersection. This sight triangle standard may be increased in those instances deemed necessary, or in the case the county engineer requires it, for promoting traffic safety, and may be lessened at intersections involving one-way streets.
- 7) Fences
  - (a) Fences shall not exceed eight feet (8') unless approved by the Planning Board; provided fencing around tennis courts and other recreational amenities, shall be exempt from this height limit.
  - (b) Fences shall comply with the corner visibility standards of (#6) above.
  - (c) Fences in residential subdivisions shall be constructed so that the horizontal and vertical support posts are inside the fence area or hidden from view of those outside the fenced area. This requirement shall not apply to fences that abut nonresidential zoning districts or in situations where the owner of the lot adjacent to the fence agrees to a plan for placing support posts on the "outside" of the fence. All exposed steel, except galvanized metal, shall have a color finish coat applied to them and be preserved against rust and corrosion.
  - (d) All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surfaces finishes shall be maintained in their original condition as designed. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

**J) AMENDMENTS**

- 1) The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. Such changes may be initiated by the Planning Board, Quorum Court, or the County Judge. In addition, individual property owners may petition for district boundary changes on the Official Zoning Map for property of which they are the owner of record. Such a petition may be referred to as a rezoning request.
- 2) All proposed changes, additions, and amendments shall be submitted in writing for public hearing, review, and recommendation by the Planning Board; with final approval consideration resting with the Quorum Court. Said submittal shall include a statement and drawings, if appropriate, explaining the proposed changes.
- 3) No action to make changes in the zoning ordinance text or the zoning map may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the public hearing shall be provided as stated in Section 4(B)(1)(a)(v).
- 4) In addition, all rezoning applications shall be accompanied by evidence or an affidavit that the applicant has notified all property owners within the Notification Area of the property proposed for rezoning of the proposed change, and of the time, date, and place of the public hearing.

- 5) Public hearings relative thereto shall be held by the Planning Board. Proponents and opponents are both entitled to be heard regarding the request. Following public hearing, the Board may recommend, by a majority vote of its authorized membership, approval of a proposed amendment to the Quorum Court, which has final approval authority.
- 6) If the Planning Board tables a petitioner's application, a decision on the tabled application shall be made at the next regularly scheduled meeting of the Board. If an affirmative motion to recommend approval of the rezoning is passed by the Board, the matter will be referred to the Quorum Court for approval. If an affirmative motion to recommend approval is not passed by the Planning Board, the reasons for such shall be given in writing to the petitioner within fifteen (15) days from the date of the decision. The petitioner may get the matter before the Quorum Court, provided the petitioner files a request in writing with the County Clerk that states specifically why the Planning Board's findings and decisions were arbitrary, capricious, and inappropriate. Such appeal shall be filed with thirty (30) days of the Planning Board action.
- 7) If a rezoning application is denied, no application for the same classification shall be permitted if such application includes any portion of the property previously considered for rezoning within twelve (12) months from the date of the action of the Quorum Court.

#### **K) APPEALS**

- 1) Appeals of decisions made pursuant to this section shall be made by filing the appeal form provided by the Planning Administrator.

#### **6) FLOOD DAMAGE PREVENTION**

1. Lands to which this Ordinance Applies. The ordinance shall apply to all Special Flood Hazard Areas (SFHA) within the jurisdiction of Washington County, AR.
2. Methods of Reducing Flood Losses. This ordinance uses the following methods to accomplish the stated purpose:
  - A. This ordinance restricts or prohibits structures or uses in SFHA that adversely impact health, safety or property during flooding events;
  - B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred over the past five years;
  - C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
  - D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
  - E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

3. Flood Damage Prevention Code Adopted by Reference. There is hereby adopted by reference a “Flood Damage Prevention Code for Washington County, Arkansas,” by Ordinance 2024-003, filed of record on January 23, 2024. The code includes:

ARTICLE 1: DEFINITIONS

ARTICLE 2: ADMINISTRATION

ARTICLE 3: PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced Code shall be filed in the office of the County Clerk and County Planning Department and shall be available on the Planning Department’s website for inspection and copying by any person during normal office hours.

4. Finding of Facts.

- A. FEMA has identified SFHA of Washington County, AR in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Washington County, AR and incorporated areas” dated 01/25/2024, with an effective Flood Insurance Rate Map (FIRM)” dated 01/25/2024, hereby incorporated by reference.

- B. These SFHA are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into SFHA. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

5. Abrogation and Greater Restrictions. This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

6. Interpretation. In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;

- B. Be liberally construed in favor of the governing body; and

- C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

7. Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. The best available documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside SFHA will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within SFHA from all

flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

8. Compliance. Constructing, locating, substantially altering, or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

9. Penalty and Non-Compliance. Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

A. The Floodplain Administrator is authorized to enforce the provisions of this ordinance; to request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties;

B. Issue cease and desist orders on non-compliant floodplain development projects; and

C. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.

(1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

(2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition, the defendant is subject to payment of all associated court costs and costs involved in the case.

10. Severability. If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

11. Emergency Clause. It is hereby found and declared by Washington County, AR that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

## **7) PLACEMENT, CONSTRUCTION AND MAINTENANCE OF ANTENNA ARRAYS AND COMMUNICATION TOWERS**

**A) Purpose.** The purpose of these regulations is to promote the efficient and effective provision of communication services in compliance with the Telecommunications Act of 1996 while responding to the significant concerns of the citizens of the County. The intent of these regulations is to protect the general



safety and welfare of the citizens of the County by providing for rules governing the location, construction, repair and maintenance of antenna arrays and communication towers in the unincorporated areas of the County.

**B) Definitions.**

- 1) Antenna array: One (1) or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omnidirectional antenna (rod), a directional antenna (panel) and/or a parabolic antenna (disc). The antenna array does not include the support structure, as defined herein.
- 2) Applicant: The person or persons making an application to the county for approval of a tower or major modification, as defined herein, or, for continuing obligations hereunder, any legal successor to such person(s). Such person(s) need not be a tower or land owner.
- 3) Major modification: A "major modification" to a tower or support structure is a change from personal use to nonpersonal use or commercial use; any increase in height which would require a significant increase in lighting or noise level; or increase in height of more than twenty-four feet (24') for towers at two hundred fifty feet (250') or less in height or increases in height by more than ten percent (10%) of tower's original height if over two hundred fifty feet (250'); any increase in width by more than eighteen (18) inches, or for guyed towers in excess of five hundred feet (500') in height, fifty percent (50%) of the towers' original width, or six inches (6") in diameter in the case of a monopole.
- 4) Personal use: A noncommercial use by a resident of the subject property. If any revenues are generated from the operation of the tower, it will not be for personal use as such term is used herein.
- 5) Residence: A dwelling which is either currently inhabited by one (1) or more persons legally entitled to be there, or suitable for such habitation. It specifically does not include abandoned or other structures which are not suitable for human habitation.
- 6) Support structure: Any existing structure onto which one (1) or more antenna arrays are placed; they need not be towers.
- 7) Tower: A "tower" is any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna arrays, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The fact that one (1) or more antenna arrays is placed on any structure which was not primarily intended for such purpose does not convert the structure into a tower.

**C) General applicability.** The administrative review procedures of subsection G, herein, shall apply to the placement and modification of antenna arrays and the construction of certain new towers as described in subsection G. The remainder of these regulations shall apply to the construction and major modification of towers, whether or not they are designed to provide cellular, personal communications service (PCS) and/or specialized mobile radio service, except as provided herein. These regulations shall also apply to all outbuildings and facilities built in connection with any tower governed by these regulations. Any

major modifications to a tower or facility must be approved in the same way that a new tower would have to be approved. If a tower is damaged or for other reasons is to be replaced, the repair or replacement is subject to these regulations only if the repair or replacement amounts to a major modification as defined herein. These regulations do not cover incorporated areas within the County, unless specifically approved and/or adopted by the municipality.

**D) Exclusions.** The regulations adopted herein shall not apply to the following towers:

- 1) Towers for personal use which, including the height of all attached antenna arrays, do not extend more than eighty (80) feet from the ground;
- 2) Placement of antenna arrays which cannot be used for emergency services or 911 calls on existing support structures so long as the placement does not increase the total height of the original support structure by more than twenty-four (24) feet, and does not significantly increase the lighting or noise levels of the structure;
- 3) Temporary structures designed to be used for not more than fourteen (14) days in connection with a special event or for any reasonable period of time in and immediately following an emergency, including without limitation those towers which are identified as "C.O.W.s" or "Cellular on Wheels".

**E) Projects subject only to administrative review.** Certain projects falling within the ambit of these regulations are subject only to administrative review, and may be approved by the staff of the County Planning Board in the manner described in section 7(G), herein. Projects which are subject only to administrative review are:

- 1) Placement of antenna arrays which might be used for emergency services or 911 calls on existing support structures which do not increase the total height of the original support structure by more than twenty-four (24) feet, and which will not significantly increase the lighting or noise levels of the structure. Outbuildings and facilities built in connection with such antenna arrays are subject to the same administrative review.
- 2) Construction of new towers or major modifications to existing towers so long as either of the following conditions are satisfied:
  - (a) After the construction or modification of the tower, there will be no residences which are within four hundred (400) feet plus the height of the tower from the perimeter of the base of the tower; or
  - (b) All persons owning said residences or the land upon which said residences are located have consented in a signed writing to the construction or modification of said tower.
  - (c) In any event, the owner of land upon which the tower sits must agree in writing to either sub-paragraph (1) or (2); unless the lease for the site states otherwise.

**F) Procedures for administrative review of an antenna array.**

- 1) A project involving placement of an antenna array on an existing support structure, which is subject to administrative review pursuant to the terms of this section, shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to the ordinance from which this section derived, in Appendix "E1" and entitled

"Application for Administrative Approval of Antenna Array (Cellular/PCS Provider)". The applicant must also submit information from a licensed Professional Engineer certifying the capacity (loading and otherwise) of the tower for the new array (in addition to all existing arrays) and a letter of intent from the tower owner indicating their intent to share space.

- (a) If the application is complete and complies with the terms of this section, the staff shall approve the application without the necessity for review by the full Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application. Administrative review shall not be available if any variance from these regulations is requested.
- 2) The owner of the property upon which the tower sits must consent in writing to the above and Appendix E1 should be amended to reflect such; unless the lease for the site states otherwise.

**G) Procedures for administrative review of a tower.**

- 1) A project involving construction of or major modification to a tower, which is subject to administrative review pursuant to the terms of this section, shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to Ordinance No. 99-34 in Appendix "E2" and entitled "Application for Administrative Approval of Tower." The applicant must also provide a letter certifying that the tower meets or exceeds design criteria and all current local, state, and federal requirements regarding the construction, maintenance and operation of the tower; said letter to be issued by an architect, engineer, manufacturer, or other similar professional if determined to be qualified by the Planning Administrator.
- 2) If the application is complete and complies with the terms of this section, the staff shall approve the application without the necessity for review by the full planning board. If, for any reason, the staff determines that administrative approval is not appropriate, the applicant shall be entitled to amend the application to come within the ambit of section H herein, and to have the amended application considered by the Planning Board. The staff shall use best efforts to provide a response to any application within five (5) working days, and a failure to respond within fifteen (15) working days after receipt of a completed application shall be deemed to be an approval of such application. Administrative review shall not be available if any variance from these regulations is requested.
- 3) The owner of the property upon which the tower sits must consent in writing to the above and Appendix E2 should be amended to reflect such; unless the lease for the site states otherwise.

**H) Procedures for regular review.**

- 1) A project which is subject to regular review pursuant to the terms of this section shall be submitted to the staff of the County Planning Board, and shall contain the information required by the form which is attached to Appendix E3 and entitled "Application for Approval of Tower or Antenna Array." The

- applicant must also provide a letter certifying that the tower meets or exceeds design criteria and all current local, State, and Federal requirements regarding the construction, maintenance and operation of the tower; said letter to be issued by an architect, engineer, manufacturer, or other similar professional if determined to be qualified by the Planning Administrator.
- 2) If the application is complete and complies with the terms of this Article, the staff will submit the application to the full Planning Board, which shall approve the application if it is complete and complies with the terms of this section. The staff shall maintain a calendar of submittal dates for each Planning Board meeting. A completed application submitted prior to a given submittal date shall be presented for consideration at the applicable Planning Board meeting. In no event shall a submittal date be more than sixty (60) days prior to the scheduled Planning Board meeting. The applicant is to be notified within sixty (60) days after initial consideration by the Planning Board of the decision of the Planning Board with regard to the application.
  - 3) The owner of the property upon which the tower sits must consent in writing to the above and Appendix E3 should be amended to reflect such; unless the lease for the site states otherwise.

**D) Preference for collocation.**

- 1) All applicants seeking permission to construct one (1) or more towers in the County shall cooperate in collocation of antenna arrays on their towers where feasible. This requirement shall not be deemed to require applicants to incur additional expense to construct their towers in order to facilitate collocation. All applicants seeking permission to construct a new tower primarily dedicated for cellular or PCS communication purposes shall, where feasible, design and construct said tower so as to accommodate collocation of at least one (1) additional cellular or PCS provider in addition to applicant. Collocation is not required if the new antenna array would interfere with the applicant's use of the tower, or with reasonably foreseeable future uses anticipated by applicant. Upon the request of any third party whose request for collocation has been denied, applicant agrees to provide a written explanation of reasons for the denial.
- 2) All applicants seeking permission to construct a tower in order to serve one (1) or more specific purposes must demonstrate in the application process that they had made a reasonable and good faith effort to collocate their antenna arrays on existing towers or support structures. This paragraph does not apply to applicants who desire to construct a tower for the primary purpose of attracting other persons to collocate on the tower.
- 3) In complying with the requirements of paragraph (b), applicants must include the information required in the appropriate application form, provided that:
  - (a) With regard to the required statement that the owners of all such towers have been contacted and asked about the possibility of collocation, an explanation of why such contact was not made will be satisfactory if it indicates that a particular tower was obviously unsatisfactory for technological or safety reasons, or if the owner could not be located after reasonable inquiry.

- (b) With regard to the required statement explaining why the available towers in the area are not suitable for collocation, by way of example and not limitation, existing towers would be unsuitable if collocation would cause interference problems, if there are other technological problems, if the tower is already filled to capacity, if the cost of collocation would exceed the cost of a new tower, if collocation would require a major modification (as such term is defined herein), or if collocation would not satisfy the reasonably foreseeable future needs of applicant which would be served by construction of a new tower.
- (c) With regard to the supplemental information which may be required by the staff of the Planning Board, applicant may delete any and all references to confidential pricing information in any correspondence required to be submitted.
- (d) The owner of the property upon which the tower sits must consent in writing to the above; unless the lease for the site states otherwise.

**J) Setback from road.** All towers shall be set back from the nearest edge of all roads, as recognized by the County 911 Operations Office with a specific name or number, by at least twenty (20) feet plus the height of the tower. The edge of the road shall be defined as the edge of pavement or the edge of the unpaved surface at the time of the application.

**K) Setback from residences.** Towers subject to this article will be located so that there will be no residences where the nearest part of the residence is within one hundred fifty percent (150%) of the height of the tower from the base of the tower, unless all persons owning said residences or the land on which said residences are located consent in a signed writing to the construction of said tower.

**L) Mitigation of visual impact.** In minimizing any aesthetic problems with a proposed tower or antenna array, applicants agree to take the following steps:

- 1) Signage at the site is limited to non-illuminated warning and equipment identification signs.
- 2) Unless specifically required by law or a regulatory authority or because there is no technologically feasible alternative, no tower shall be equipped with strobe lights which operate at night.

**M) Precautions against excessive noise.** Equipment used in connection with a tower or antenna array shall not generate noise that can be heard beyond the site. This prohibition does not apply to air conditioning units no noisier than ordinary residential units or generators used in emergency situations where the regular power supply for a facility is temporarily interrupted; provided that any permanently installed generator shall be equipped with a functional residential muffler.

**N) Precautions against trespassers.** The base of every tower must be surrounded with a fence at least six (6) feet in height and topped with either barbed wire or razor wire. The gate for such fence shall be kept locked except when authorized personnel are working on or around the tower. The fence must be posted with signs warning against trespass and providing a number to call in case of an emergency. With the exception of towers constructed in such a way that it is not reasonably practicable to do so, any ladder or other apparatus

designed to aid in the climbing of a tower shall be constructed so that the bottom twelve (12) feet of such ladder or apparatus is not readily accessible except when it is in use by construction, maintenance, repair or other authorized personnel.

**O) Maintenance of towers and facilities.** By making an application hereunder, applicant agrees to regularly maintain and keep in a reasonably safe and workmanlike manner all towers, antenna arrays, fences and outbuildings owned by applicant which are located in the County. Applicant further agrees to conduct inspections of all such facilities not less frequently than every twelve (12) months. Applicant agrees that said inspections shall be conducted by one (1) or more designated persons holding a combination of education and experience so that they are reasonably capable of identifying functional problems with the facilities.

- 1) The staff of the Planning Board may request in writing from the applicant documentation regarding such inspections and maintenance activities at any such facilities. Such requests by staff for documentation shall not be made more than three (3) times per year on any given tower. Applicant agrees to provide the documentation within thirty (30) days after the mailing of any such request from the staff. Said documentation shall be in the form of a sworn statement and shall include but need not be limited to the following items, unless the staff specifically indicates that one (1) or more of the following items need not be provided:
  - (a) The estimated date on which the tower was originally constructed and the estimated date of all modifications thereto.
  - (b) Verification of safe and appropriate grounding and electrical connections as per the version of the National Electrical Code in effect at the last modification or addition to the electrical system.
  - (c) Structural design certification by the tower manufacturer regarding the facility's capability to withstand a combination of one-half (1/2) inch accumulation of ice and seventy (70) mile per hour winds.
  - (d) A statement that all antenna arrays on such tower have been attached and maintained in accordance with the specifications of the manufacturer, if any.
  - (e) For a guyed tower, a statement that all guy wires are being properly maintained so that structural integrity of the tower is not compromised.
  - (f) For any lattice tower, a statement that all welds and other joints are being properly maintained so that they do not show signs of wear which would make the tower unsafe.
  - (g) For lighted towers, verification of payment of the most recent applicable electric bill or other evidence that the facility remains functional and the safety signals are in working order.
  - (h) For unlit towers, a statement by the owner verifying the continued use or need for the structure.
  - (i) For structures which are painted for cosmetic reasons, proof that the tower has been painted within the last five (5) years, or proof satisfactory to the staff that the exterior does not currently need painting.
- 2) If any such information is not submitted within thirty (30) days after the first notice, the staff shall send a second written notice requesting the documentation within fifteen (15) days from the date of the second mailing. If

the staff does not receive the requested information by the end of normal business on the 15<sup>th</sup> day from the date on which the second notice was mailed, the staff shall place the issue of whether the tower has been abandoned on the agenda at the next regularly scheduled County Planning Board meeting.

- 3) At that meeting, the Planning Board shall determine whether the subject tower has been abandoned. If the owner/operator fails to respond or appear before the Board, or fails to present evidence regarding the above described items, the Planning Board shall make a determination of abandonment and forward said finding to the Quorum Court for action.
- 4) The Quorum Court, at its next regularly scheduled meeting, shall consider the determination of abandonment forwarded by the Planning Board, along with any subsequent submittals by the owner/operator of the tower. The owner/operator may submit a remedial action plan which may call for the owner/operator to be given a reasonable time, not to exceed three (3) months, to implement a plan to restore the facility to safe operations. The Quorum Court may adopt such plan or any substitute plan deemed by the Court to be reasonable. If at any time, the Court finds that the tower in question has been abandoned, the Court shall instruct the County Judge to have the tower removed at the owner's expense. Any salvage value derived from the removed structures shall be applied to the costs of removal, if not paid by the owner.

**P) Regulatory compliance.** Applicant, by requesting approval of any tower or antenna array in the County, certifies and agrees that no towers or antenna arrays under the applicant's control will emit electromagnetic radiation (EMR) in excess of federal safety and health guidelines as adopted by any authorized federal regulatory agency.

**Q) Opportunity for public response.** Except as expressly provided herein, all persons owning property within eight hundred (800) feet plus the height of the tower from the base of the tower must be notified in writing and given a chance to voice opposition or support for any proposed antenna array, tower or major modification to an existing tower at a public meeting.

**R) Burden of proof.** Applicant must prove that any application under these regulations satisfies all of the applicable requirements of these regulations.

**S) Enforcement.** Violations of the provisions of this section or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of conditional uses, variances, or waivers) shall be enforced against the tower owner in accordance with Section 4 of this ordinance.

**APPENDIX A**  
**STREET AND PAVEMENT**  
**SPECIFICATIONS**



## APPENDIX A - STREET AND PAVEMENT SPECIFICATIONS

**TABLE 1. STREET FUNCTIONAL CLASSIFICATION FOR LAND DEVELOPMENTS.**

<b>DESIGN REQUIREMENTS</b>	<b>Alley</b>	<b>Dead-End Street</b>	<b>Residential</b>	<b>Collector</b>	<b>Arterial</b>	<b>Boulevard</b>
MIN. ROW WIDTH w/ SHOULDERS	30'	60'	60'	80'	90'	100'
MIN. ROW WIDTH w/ CURB AND GUTTER	30'	50'	50'	60'	80'	90'
MIN. FORE/BACK SLOPE	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1
PAVEMENT SECTION	Shoulder or C&G					
PAVEMENT WIDTH w/ SHOULDERS	10' Min	20'	20'	24'	48'	n/a
SHOULDER WIDTH	2' Min	4'	4'	10'	8'	n/a
PAVEMENT WIDTH w/ CURB AND GUTTER	14' B-B Min	24' B-B	28' B-B	36' B-B	48' B-B Min	2@24'
MIN. MEDIAN WIDTH	n/a					10'
PAVEMENT THICKNESS	See Notes 1 and 2					
SHOULDER THICKNESS	See Note 1					
PARKING	See Note 3				None	None
SIDEWALKS	No	Optional <sub>1</sub>	Optional	Optional	Optional	Optional

STREET SPACING	300' to 1400'					
DESIGN SPEED	10 MPH	20 MPH	25 MPH	35 MPH	45 MPH	45+ MPH
MIN. SIGHT DISTANCE CREST VERT CURVE	110'	200'	250'	300'	350'	350'
INT. TO CURB CUT/DRIVE	n/a	40'	40'	40'	50'	50'
MIN. CURB RADIUS	10'	25'	25'	40'	50'	50'
MIN. STREET JOG	See Note 4			200'	200'	200'
STREET GRADES	See Note 5					
MIN. INTER. APPROACH SPEED	25 MRH See Note 6					
MAX. INTER. GRADE WITHIN 100'	Flat See Note 6					
MIN. INTERSECTION ANGLE	75 Degrees					
MAX. RES. DRIVEWAY WIDTH	24'					
MAX. COMM/INDUS DRIVEWAY WIDTH	40'					
BR. / CULV. DESIGN LOAD	H-20					
SERVICE VOLUME (VEHICLES PER DAY)	<200	<500	<3,000	<6,000	<25,000	<25,000

<b>HORIZONTAL SIGHT DISTANCE AT INTERSECTIONS</b>		
<b>Design Speed (mph)</b>	<b>Intersection Sight Distance Left Turn Movements (ft.)</b>	<b>Intersection Sight Distance Straight Across/Right Turn (ft.)</b>
25	280	240
30	335	290
35	390	335
40	445	385
45	500	430
50	555	480
55	610	530
60	665	575
65	720	625
70	750	670

**Street functional classification definitions:**

*Alley:* A minor public way dedicated to public use for utility easements and public access to the back or side of properties abutting a street. Alleys are not intended for use as private drives and will not maintained as such.

*Arterial:* A street or road of considerable continuity which serves or is intended to serve as a principal traffic way between separate areas, districts, communities or densely developed areas; and is the main means of access to the primary street system or expressway.

*Boulevard:* A street or road that could be either a collector or arterial by functional classification, but also has the design feature of a center median separating opposing directions of traffic, and has breaks in the median only at intersecting streets no closer than three hundred (300) feet.

*Collector:* A street which, in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to major arterial street systems.

*Dead-end street:* A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

*Private drives and driveways:* A travelway installed and maintained by others and not part of the County road system. They are intended to provide access to and from a residence, lot, and parcel of land, apartment complex or other private development approved by the County Planning Board.

*Residential:* Minor streets used primarily to provide access to abutting properties.

General note: Any street or roadway construction involving federal and/or state highway department funds shall meet the federal/state requirements.

General note: If the developer requests reduction to the street widths or pavement section and/or right of way width, the county judge may obtain the services of a knowledgeable registered professional engineer to review the site, the developer's proposal and submit a written report with recommendations. The developer shall agree to the engineering study and shall be responsible for reimbursing the county for any engineering study fee.

Note 1: The pavement structure shall meet or exceed the pavement structure in Table 2 for the particular traffic classification and soil type.

Note 2: In curb and gutter sections, the full pavement structure shall be carried the full width from curb to curb.

Note 3: On-street parking shall not be permitted on arterial classifications. Parking on other streets shall be regulated by the county on each individual street.

Note 4: Normally the distance shall be one hundred and fifty (150) feet, however this distance may be varied in unusual terrain and topography.

Note 5: See subsection 4(c)(5).

Note 6: For all road classifications except arterials and boulevards, the approach speed in hilly terrain may be reduced to twenty (20) mph; the sight distance reduced to seventy (70) feet; and the grade within one hundred (100) feet of the intersection increased to four (4) percent.

**Table 2. MINIMUM PAVEMENT SECTION BY STREET AND SOIL CLASSIFICATION**

Class	Soil Classification		SN	Double	Composite	Composite	Full Dept.	Concrete
of	Group	Soil	Req.	Chip Seal	Flexible	Flexible	Asphalt	Pavement
St.	Index	Description	Note 2	(SN)	(SN)	(SN)		
I/II	A-1	Gravel/Sand		DBST	2" Surf.	2" Surf.	2" Surf.	5" PCC

	A-2	No Clay	1.70	6" Base	6" Base	4" CTBase	4" B.Base	Pavement
	A-3			(N/A)	(1.72)	(1.88)	(1.88)	Note 1
—————								
I/II	A-4	Silt, Silty	1.85	DBST	2" Surf.	2" Surf.	2" Surf.	5½" PCC
	A-6	Sand, Sandy	1.85	7" Base	7" Base	4" CTBase	4" B.Base	Pavement
		Silty Clay		(N/A)	(1.86)	(1.88)	(1.88)	Note 1
—————								
I/II	A-5	Clay		DBST	3" Surf.	2" Surf.	2" Surf.	6" PCC
	A-7	LL over 40	2.35	8" Base	8" Base	6" CTBase	6" B.Base	Pavement
	A-7-6	PI over 10		(N/A)	(2.44)	(2.38)	(2.38)	Note 1
—————								
III	A-1	Same as above			2½ Surf.	2" Surf.	2" Surf.	5½" PCC
	A-2		1.85	(N/A)	6" Base	4" CTBase	4" B.Base	Pavement
	A-3	Gravel/Sand			(1.94)	(1.88)	(1.88)	Note 1
—————								
III		Same as above			2" Surf.	2" Surf.	2" Surf.	6" PCC
	A-4		2.30	(N/A)	2" Bind.	6" CTBase	6" B.Base	Pavement
	A-6	Silt			4" Base	(2.38)	(3.28)	Note 1
					(2.32)			
—————								

III	A-5	Same as above			2" Surf.	2" Surf.	2" Surf.	6½" PCC
	A-7		3.15	(N/A)	3" Bind.	2" Bind.	2" Bind.	Pavement
	A-7-6	Clay			7" Base	6" CTBase	6" B.Base	Note 1
					(3.18)	(3.26)	(3.26)	
—————								
IV	A-1	Same as above			3" Surf.	2" Surf.	2" Surf.	6½" PCC
	A-2		2.30	(N/A)	6" Base	6" CTBase	6" B.Base	Pavement
	A-3	Gravel/Sand			(2.30)	(2.38)	(2.38)	Note 1
—————								
IV		Same as above			2" Surf.	2" Surf.	2" Surf.	7" PCC
	A-4		2.75	(N/A)	3" Binder	6" CTBase	6" B.Base	Pavement
	A-6	Silt			4" Base	(2.82)	(2.82)	Note 1
					(2.76)			
—————								
IV	A-5	Same as above			2" Surf.	2" Surf.	2" Surf.	7½" PCC
	A-7		3.45	(N/A)	4" Bind.	3" Bind.	3" Bind.	Pavement
	A-7-6	Clay			6" Base	5" CTBase	5" B.Base	Note 1
					(3.48)	(3.45)	(3.45)	

CLASS V OR HIGHER BY FORMAL DESIGN ONLY, using PCA, TAI, AASHTO, or other formal Pavement Design Procedures.

Note 1: Unless otherwise approved by the County Road Superintendent, all PCC pavements shall have a minimum of 2 inches of special subbase unless the County Road Superintendent specifies a thicker depth, but in no case shall the depth of the special subbase exceed 4 inches. The special subbase specifications are contained in Chapter 50-G(sic).

Note 2: A pavement structure of 6 to 8 inches of compacted crushed stone base and a double bituminous surface treatment may be approved for residential street and County roads with light traffic and little or not truck traffic. Such conditions may occur in the following; (1) Small rural subdivisions and mobile home parks; (2) Rural subdivisions and mobile home parks with large 3 to 5 acre lots; or (3) existing minor county roads meeting this criteria.

The above table contains a few of the more commonly used pavement material combinations. The engineer, with the approval of the County Road Superintendent, may use the other material combinations if the flexible pavement layered theory is followed; the required structural number (SN) is provided; and the minimum layer thickness and the material coefficients shown below are used, with the exception that the ACHM Surface thickness as indicated in the table is the minimum thickness allowed for each minimum pavement section shown. The LL and PI Test results allowed for each minimum pavement section shown. The LL and PI test results of the subgrade shall be used or verifying the final pavement surface. If the developer requests reduction to the street widths or pavement section and/or right-of-way width, the County Judge may obtain the services of a knowledgeable registered professional engineer to review the site, the Developer's proposal and submit a written report with recommendations. The Developer shall agree to the engineering study for any engineering study fees.

<b>TYPE OF MATERIAL</b>	<b>MATERIAL COEFFICIENT PER INCH OF MATERIAL</b>	<b>MINIMUM LAYER THICKNESS</b>
Double Bituminous Surface Treatment .....	-*-	*Note*
Portland Cement Concrete Pavement .....	-**-	5 inches
Special Subbase .....	-**-	*Note 1*
ACHM .....	0.44	2 inches
ACHM .....	0.44	2 inches
Asphalt Stabilized Base (Black Base) .....	0.25	4 inches
Cement Treated Crushed Stone Base .....	0.25	4 inches
Treated Subgrade .....	0.00	6 inches

Crushed Stone Base (SB-2 or SB-3) .....	0.14	4 inches
Gravel Base Course (GB-2 or GB-3) .....	0.11	4 inches
Soil Cement (400 to 600 PSI) .....	0.20	6 inches
Levelup Course .....	0.00	Thickness as Needed

-\*-: Bituminous surface treatment have no specified thickness and are not considered a structural layer. They add little or no strength to the pavement structure.

-\*\* -: Part of the rigid pavement design, and the flexible pavement coefficients do not apply.

### **Definition of construction terms.**

*AASHTO*: American Association of State Highway and Transportation Officials.

*AASHTO T 99 (Standard Proctor)*: Laboratory determination of the maximum density to which a soil can be compacted using a 5.5-pound hammer and a 10-inch drop.

*AASHTO T 180 (Modified Proctor)*: Laboratory determination of the maximum density to which a soil can be compacted using a 10-pound hammer and a 18-inch drop.

*ACHM*: Asphalt concrete hot mix.

*ADT*: Average daily traffic.

*AHTD*: Arkansas Highway and Transportation Department.

*ASTM*: American Society for Testing and Materials.

*DBS*: double bituminous surface treatment (double chip-and-seal).

*EAL*: Equivalent axle load, usually 18 Kip EAL's.

*FHWA*: Federal Highway Administration.

*Kip*: A unit of measure equal to 1,000 pounds.

*LL*: Liquid limit; the moisture content at which a soil passes from a plastic state to a liquid state.

*PL*: Plastic limit; the lowest moisture content at which a soil passes from a dry loose state to a plastic cohesive state.

*PI*: Plastic index; the difference between the liquid limit and the plastic limit of a soil.

*psi*: Pounds per square inch.

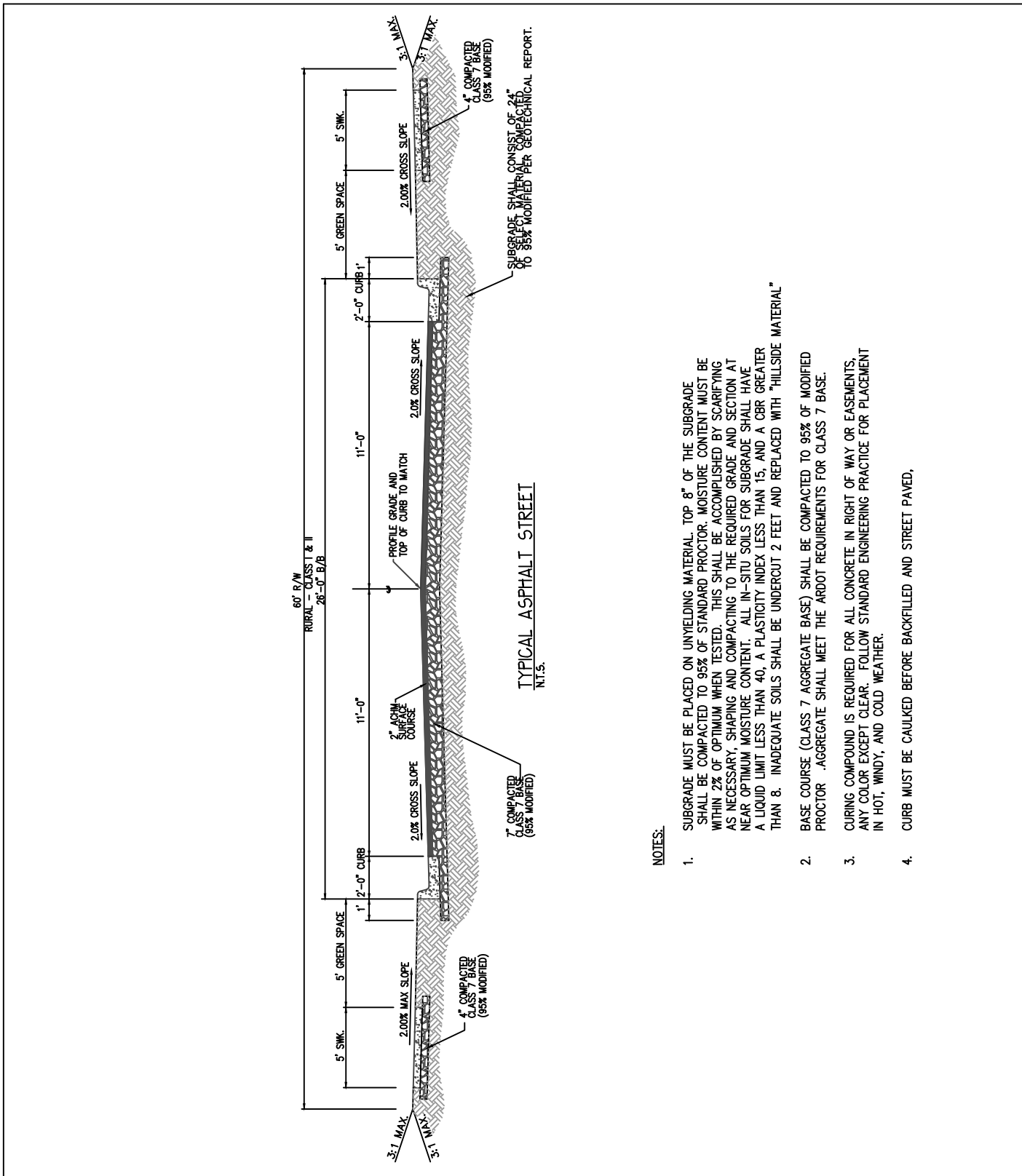


## **APPENDIX B**

### **DETAILED STURCTURAL ILLUSTRATIONS**



2615 S BRINK DR. FAYETTEVILLE, AR 72701 (479)444-1724



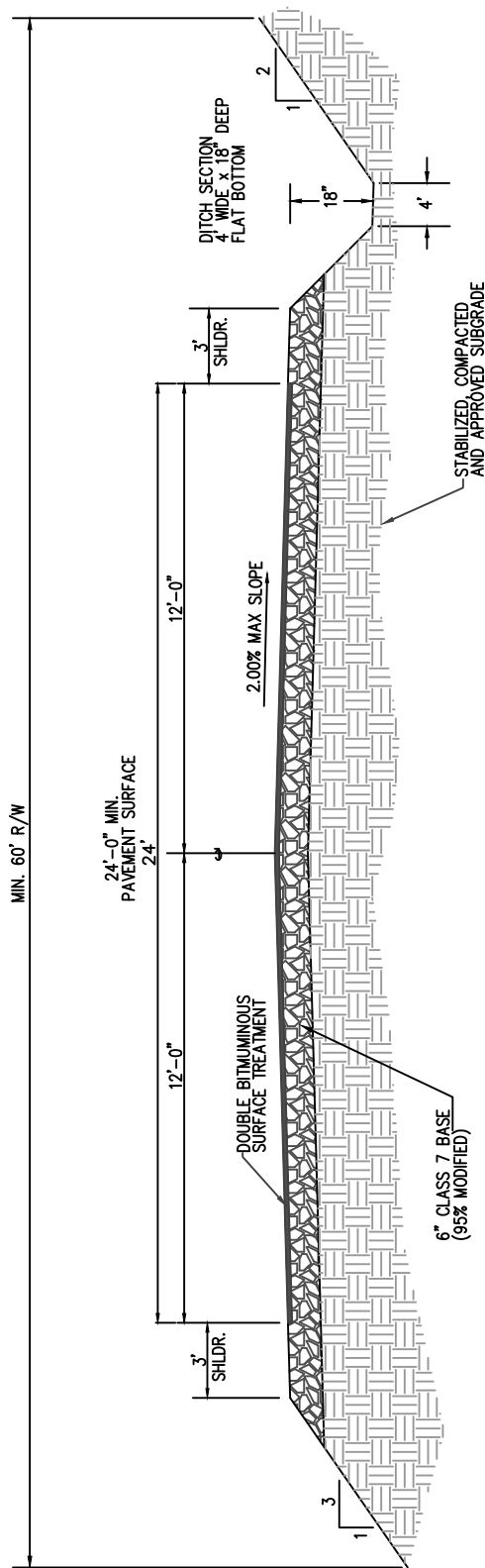
**NOTES:**

1. SUBGRADE MUST BE PLACED ON UNYIELDING MATERIAL. TOP 8" OF THE SUBGRADE SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR. MOISTURE CONTENT MUST BE WITHIN 2% OF OPTIMUM WHEN TESTED. THIS SHALL BE ACCOMPLISHED BY SCARIFYING AS NECESSARY, SHAPING AND COMPACTING TO THE REQUIRED GRADE AND SECTION AT NEAR OPTIMUM MOISTURE CONTENT. ALL IN-SITU SOILS FOR SUBGRADE SHALL HAVE A LIQUID LIMIT LESS THAN 40, A PLASTICITY INDEX LESS THAN 15, AND A CBR GREATER THAN 8. INADEQUATE SOILS SHALL BE UNDERCUT 2 FEET AND REPLACED WITH "HILLSIDE MATERIAL"
2. BASE COURSE (CLASS 7 AGGREGATE BASE) SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR. AGGREGATE SHALL MEET THE AASHTO REQUIREMENTS FOR CLASS 7 BASE.
3. CURING COMPOUND IS REQUIRED FOR ALL CONCRETE IN RIGHT OF WAY OR EASEMENTS, ANY COLOR EXCEPT CLEAR. FOLLOW STANDARD ENGINEERING PRACTICE FOR PLACEMENT IN HOT, WINDY, AND COLD WEATHER.
4. CURB MUST BE CAULKED BEFORE BACKFILLED AND STREET PAVED.

COUNTY ROAD SECTIONS-ASPHALT		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-1A	DATE: 12/7/23	DRAWN BY: GB



2615 S BRINK DR. FAYETTEVILLE, AR 72701 (479)444-1724



**24' CHIP SEAL ROAD**  
N.T.S.

**NOTES:**

1. SUBGRADE MUST BE PLACED ON UNYIELDING MATERIAL. TOP 8" OF THE SUBGRADE SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR. MOISTURE CONTENT MUST BE WITHIN 2% OF OPTIMUM WHEN TESTED. THIS SHALL BE ACCOMPLISHED BY SCARIFYING AS NECESSARY, SHAPING AND COMPACTING TO THE REQUIRED GRADE AND SECTION AT NEAR OPTIMUM MOISTURE CONTENT. ALL IN-SITU SOILS FOR SUBGRADE SHALL HAVE A LIQUID LIMIT LESS THAN 40, A PLASTICITY INDEX LESS THAN 15, AND A CBR GREATER THAN 8. INADEQUATE SOILS SHALL BE UNDERGUT 2 FEET AND REPLACED WITH "HILLSIDE MATERIAL"
2. BASE COURSE (CLASS 7 AGGREGATE BASE) SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR .AGGREGATE SHALL MEET THE ARDOT REQUIREMENTS FOR CLASS 7 BASE.
3. CURING COMPOUND IS REQUIRED FOR ALL CONCRETE IN RIGHT OF WAY OR EASEMENTS, ANY COLOR EXCEPT CLEAR. FOLLOW STANDARD ENGINEERING PRACTICE FOR PLACEMENT IN HOT, WINDY, AND COLD WEATHER.
4. CURB MUST BE CAULKED BEFORE BACKFILLED AND STREET PAVED.

COUNTY ROAD SECTIONS—CHIP AND SEAL

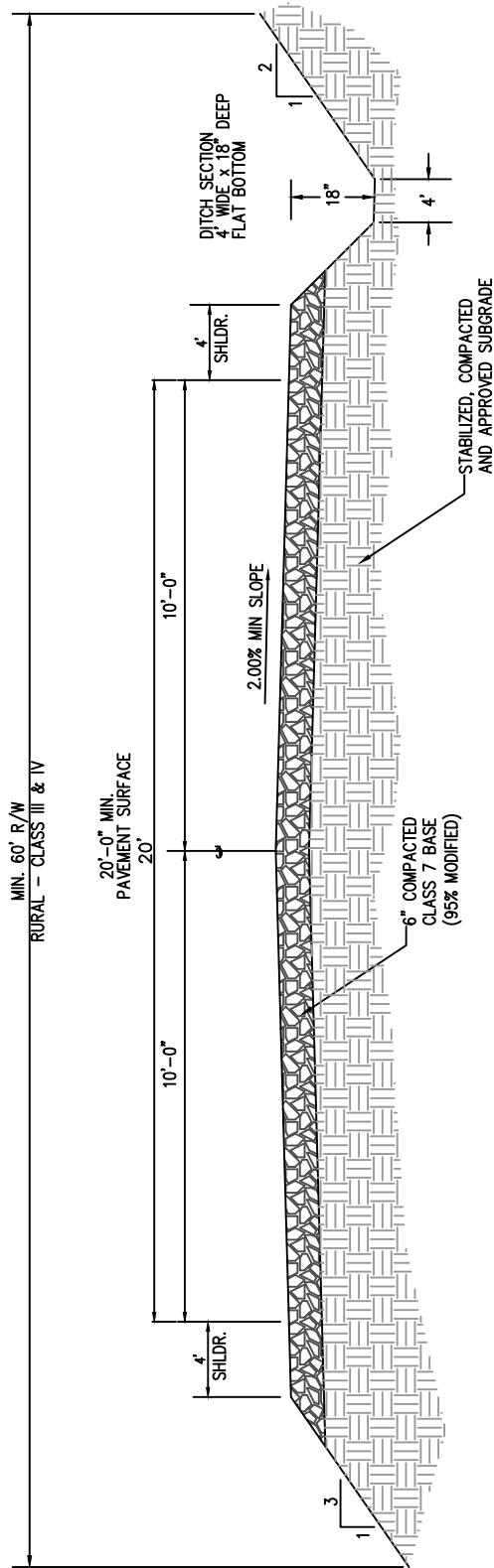
STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS

DRAWING: D-1B | DATE: 12/7/23 | DRAWN BY: GB



2615 S BRINK DR. FAYETTEVILLE, AR 72701 (479)444-1724



**TYPICAL 20' GRAVEL ROAD**  
N.T.5.

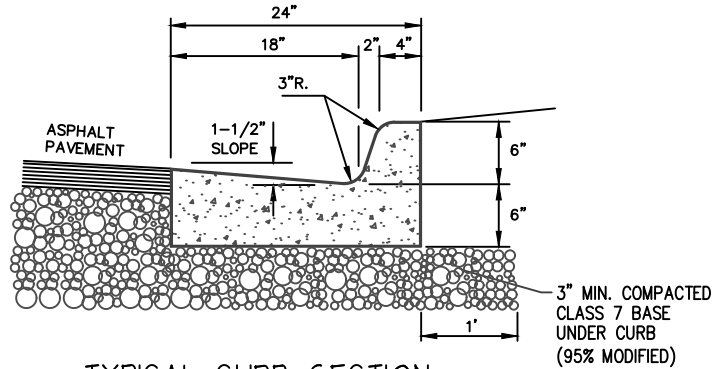
**NOTES:**

1. SUBGRADE MUST BE PLACED ON UNYIELDING MATERIAL. TOP 8" OF THE SUBGRADE SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR. MOISTURE CONTENT MUST BE WITHIN 2% OF OPTIMUM WHEN TESTED. THIS SHALL BE ACCOMPLISHED BY SCARIFYING AS NECESSARY, SHAPING AND COMPACTING TO THE REQUIRED GRADE AND SECTION AT NEAR OPTIMUM MOISTURE CONTENT. ALL IN-SITU SOILS FOR SUBGRADE SHALL HAVE A LIQUID LIMIT LESS THAN 40, A PLASTICITY INDEX LESS THAN 15, AND A CBR GREATER THAN 8. INADEQUATE SOILS SHALL BE UNDERCUT 2 FEET AND REPLACED WITH "HILLSIDE MATERIAL"
2. BASE COURSE (CLASS 7 AGGREGATE BASE) SHALL BE COMPACTED TO 95% OF MODIFIED PROCTOR. AGGREGATE SHALL MEET THE ARDOT REQUIREMENTS FOR CLASS 7 BASE.
3. CURING COMPOUND IS REQUIRED FOR ALL CONCRETE IN RIGHT OF WAY OR EASEMENTS. ANY COLOR EXCEPT CLEAR. FOLLOW STANDARD ENGINEERING PRACTICE FOR PLACEMENT IN HOT, WINDY, AND COLD WEATHER.
4. CURB MUST BE CAULKED BEFORE BACKFILLED AND STREET PAVED.

COUNTY ROAD SECTIONS—GRAVEL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-1C	DATE: 12/7/23	DRAWN BY: GB

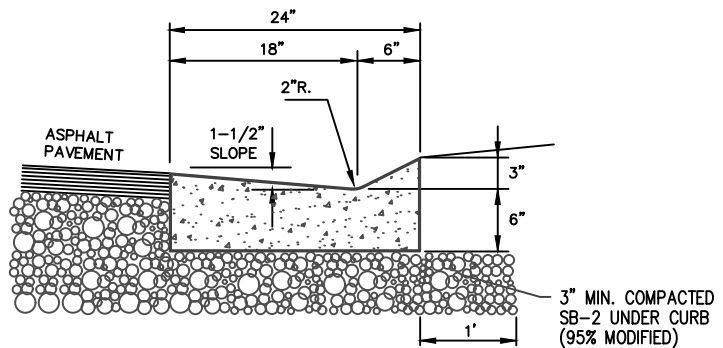
**NOTES:**

1. CONCRETE FOR CURB AND GUTTER TO BE CLASS A, 3500 PSI, 5.5 BAG MIX WITH 4-7% AIR ENTRAINMENT.
2. ALL CURB AND GUTTER SHALL HAVE A BROOMED FINISH UNLESS OTHERWISE SPECIFIED.
3. MODIFIED CURB (TYPE I) SHALL BE PLACE ACROSS ALL DRIVEWAY ENTRANCES.
4. MODIFIED CURB (TYPE II) SHALL BE PLACED ACROSS ALL SIDE STREETS WHERE THE LONGITUDINAL GRADE IS LESS THAN 1%.
5. SAW CUT JOINTS AT 15' O.C. SEAL WITH ONE PART COLD APPLIED SILICONE JOINT SEALER OR OTHER APPROVED SEALANT. ALL JOINTS TO BE SEALED PRIOR TO FINAL ASPHALT PLACEMENT.
6. PROVIDE 1/2" PREFORMED EXPANSION JOINT MATERIAL (ASPHALT IMPREGNATED FIBERBOARD OR OTHER APPROVED MATERIAL) AT STATIONARY STRUCTURES, (DROP INLETS, END OF CURBS, DRIVEWAYS - SEE DETAIL) OR AS DIRECTED BY ENGINEER.



TYPICAL CURB SECTION

N.T.S.



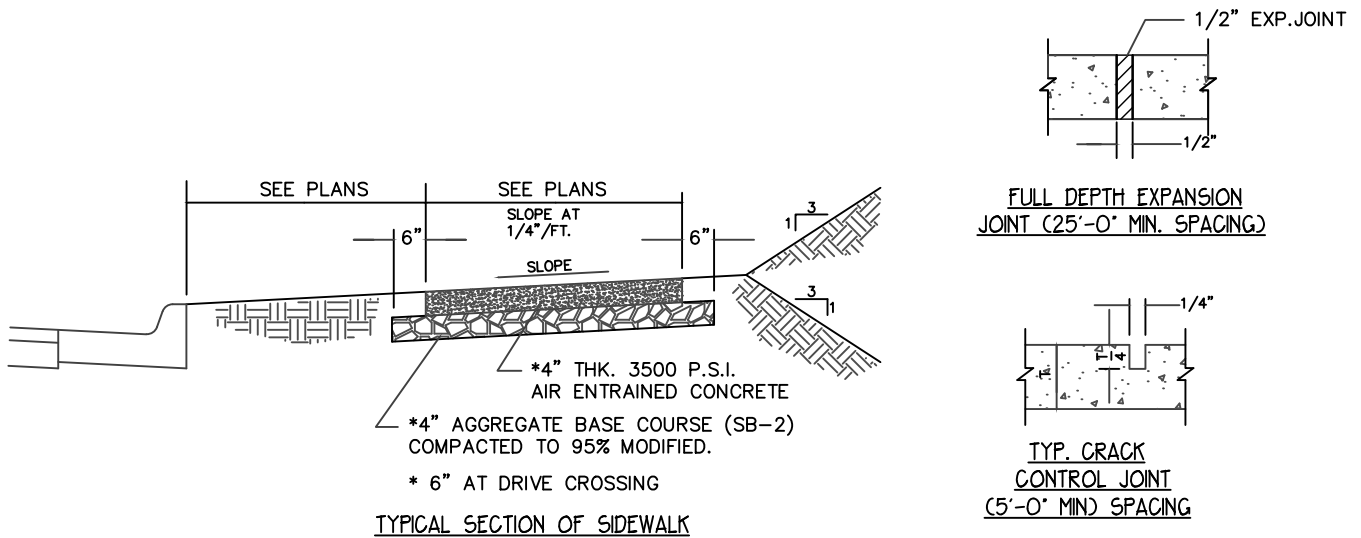
MODIFIED CURB  
+ GUTTER SECTION

N.T.S.



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CURB DETAILS		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-2	DATE: 12/7/23	DRAWN BY: GB

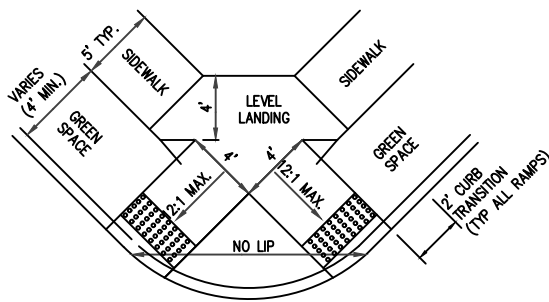


STANDARD SIDEWALK DETAIL  
N.T.S.

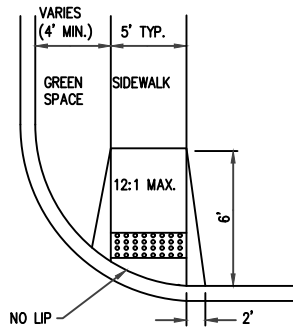


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STANDARD SIDEWALK DETAILS		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-3	DATE: 12/7/23	DRAWN BY: GB



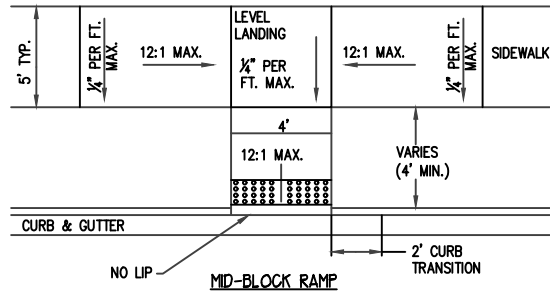
TYPE 1 RAMP



TYPE 2 RAMP

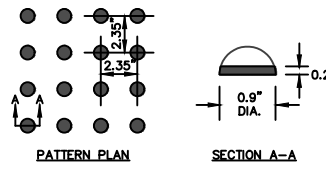
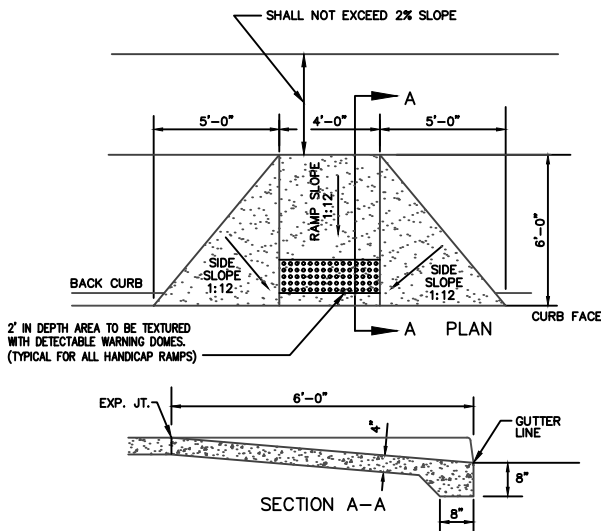
NOTES:

1. THE LENGTH OF THE RAMP SHALL BE SUCH THAT THE SLOPE DOES NOT EXCEED 12:1.
2. THE NORMAL GUTTER SHALL BE MAINTAINED THROUGH THE AREA OF THE RAMP.
3. THE MINIMUM THICKNESS FOR THE RAMP, WALK & LANDING SHALL BE 4".
4. RAMP TO BE TEXTURED WITH DETECTABLE WARNING DOMES, TYPICAL FOR ALL HANDICAP RAMPS, SEE ADA STANDARDS 4.7.7



MID-BLOCK RAMP

HANDICAP RAMP DETAILS  
N.T.S.



- 1) DETECTABLE WARNING DOMES TO BE LIMITED TO RAMP SURFACES ONLY.
- 2) DETECTABLE WARNING DOME MATERIAL SHALL BE AN INTEGRAL PART OF WALKING SURFACE.
- 3) DETECTABLE WARNING DOMES TO BE PAINTED WITH CONTRASTING COLORS, EITHER LIGHT ON DARK OR DARK ON LIGHT.
- 4) USE COTE-L INDUSTRIES, INC., OF TEANECK, N.J. MANUFACTURER OF "SAFTI-TRAX" & "SAFTI-TRAX MATS" OR EQUAL  
TEL: 201-836-0733 FAX: 201-836-5220 OR  
<http://www.cotelind.com>
- 5) TYPICAL SIDEWALK CROSS SLOPE SHALL NOT EXCEED 2% MAXIMUM.
- 6) ALIGN DETECTABLE WARNING DOME AREA WITH BACK OF CURB.

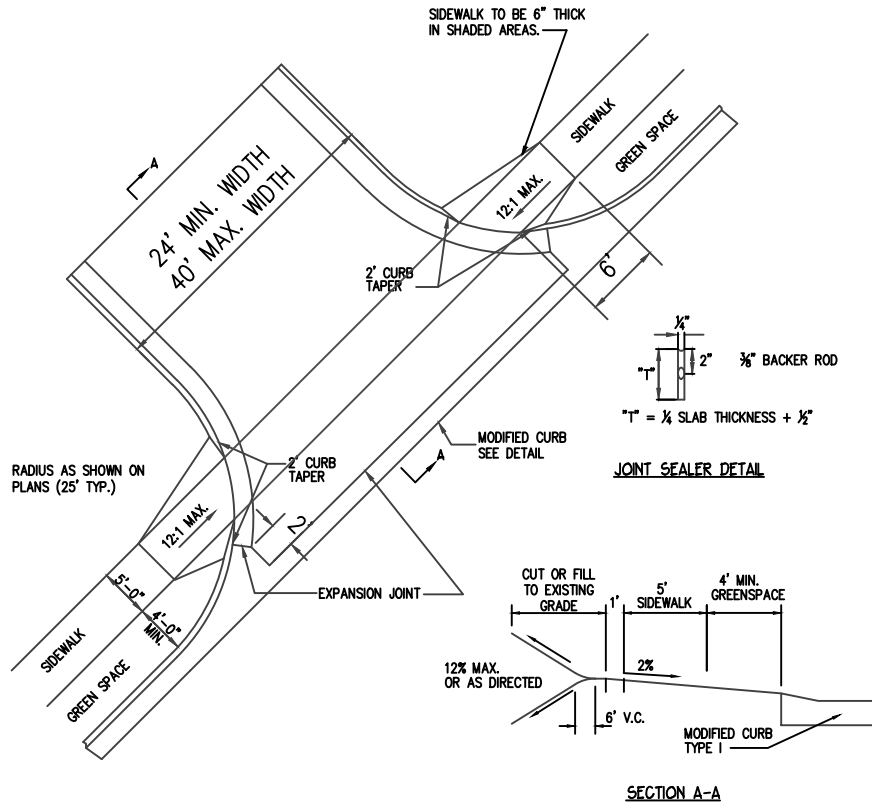
HANDICAP RAMP DETAIL  
N.T.S.



HANDICAP RAMP DETAILS

STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS



### COMMERCIAL DRIVEWAY DETAIL

N.T.S.

**NOTES:**

1. 1/2" PREFORMED EXPANSION MATERIAL CONFORMING TO AASHTO M213 SHALL BE PLACED AS SHOWN, OR AS DIRECTED BY THE ENGINEER.
2. CONCRETE CURB TO BE SAWCUT AT 15' INTERVALS PERPENDICULAR TO THE GUTTER LINE AND SEALED SEE DETAIL.
3. HANDICAP RAMP COMPLYING WITH A.D.A. REQUIREMENTS TO BE CONSTRUCTED AT ALL COMMERCIAL DRIVEWAYS.
4. CONTRACTION JOINTS TO BE PLACED IN CONCRETE DRIVEWAY SO THAT NO SLAB DIMENSION IS MORE THAN 15'.
5. DRIVEWAY SECTION TO BE 3" ASPHALT WITH 8" AGGREGATE BASE COURSE UNLESS OTHERWISE SPECIFIED.

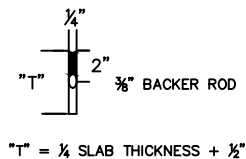
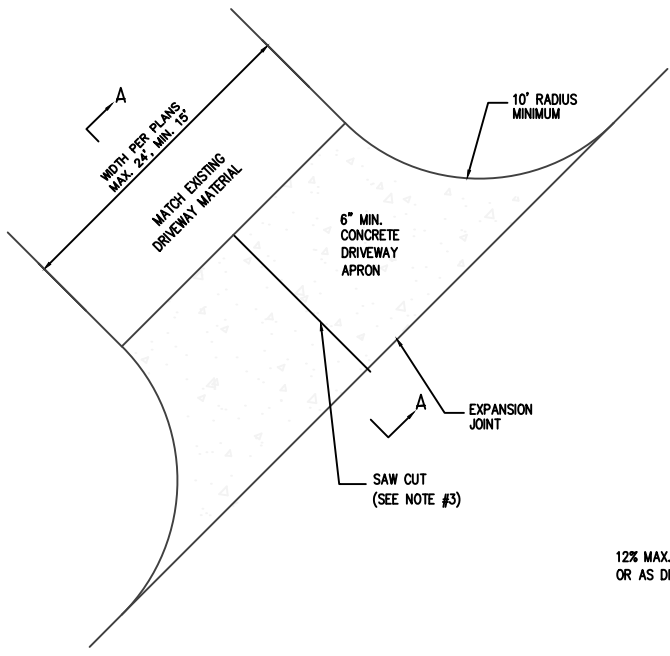


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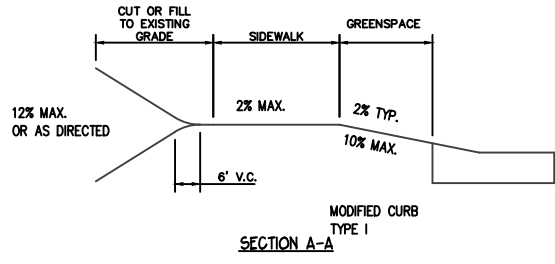
COMMERCIAL DRIVEWAY DETAIL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-5	DATE: 12/7/23	DRAWN BY: GB







JOINT SEALER DETAIL



RESIDENTIAL DRIVEWAY DETAIL  
N.T.S. NO CURB



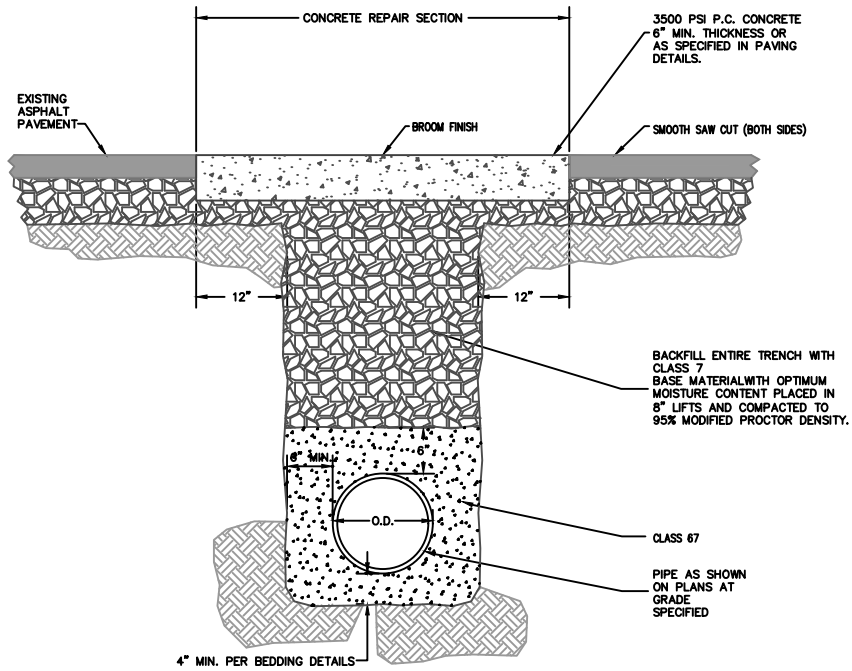
2615 S BRINK DR. FAYETTEVILLE, AR 72701 (479)444-1724

RESIDENTIAL DRIVEWAY NO CURB DETAIL

STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS

DRAWING: D-7	DATE: 12/7/23	DRAWN BY: GB
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ASPHALT STREET REPAIR  
N.T.S.



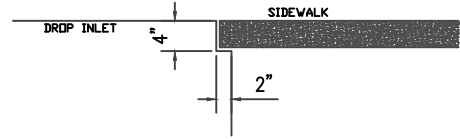
ASPHALT STREET REPAIR

STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS

**DROP INLET NOTES**

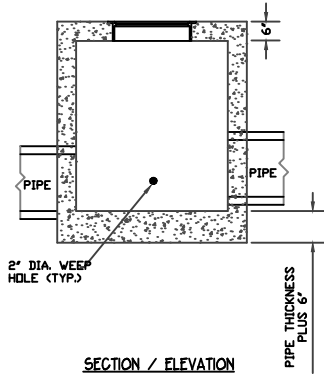
1. ALL EXPOSED CORNERS TO HAVE 3/4" CHAMFER.
2. ALL REINFORCEMENT BARS SHALL BE GRADE 60 AND SHALL HAVE A MINIMUM 2" COVER UNLESS OTHERWISE NOTED.
3. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3500 p.s.i. - TOP 18" SHALL BE CAST-IN-PLACE.
4. BASE AND INLET WALLS SHALL BE CAST MONOLITHICALLY FOR CIRCULAR STRUCTURES.
5. INVERTS SHALL BE POURED MONOLITHICALLY WITH FOOTING.
6. CURB INLET BACK OPENING LOCATIONS SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER.
7. WHEN AN INLET IS PLACED ADJACENT TO CONCRETE PAVEMENT, THE GUTTER DEPRESSION SHALL BE FORMED IN CONCRETE PAVEMENT.
8. PIPES MAY ENTER BOX FROM ANY ANGLE OF ELEVATION AS DIRECTED BY THE ENGINEER. REINFORCING BARS SHALL BE CUT TO CLEAR PIPE BY 2".
9. THE EXPANSION JOINT SHALL HAVE A THICKNESS OF 1/2" AND CONFORM TO AASHTO M213.
10. REFER TO CURB AND GUTTER DETAILS FOR APPROPRIATE CURB CONFIGURATION AND GUTTER DIMENSIONS AT EACH INLET LOCATION.
11. REFER TO PLAN AND PROFILE SHEETS TO DETERMINE EXTENSIONS AND SIZE (IF ANY) ACCOMPANYING DROP INLETS.
12. STEPS ARE REQUIRED IN STORM DRAIN MANHOLES THAT ARE AT 4 FT OF DEPTH AND GREATER (FROM INVERT TO RM). CENTERLINE OF MANHOLE LD SHALL BE 2 FT FROM THE WALL WHERE STEPS ARE LOCATED. STEPS (6" x 12") SHALL BE COPOLYMER POLYPROPYLENE PLASTIC WITH STEEL CORE AT 18" APART.
13. PRIOR TO AND DURING PLACEMENT OF PAVEMENT IN FRONT OF INLETS, THE CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AT ALL TIMES. THE METHODS USED FOR THIS WORK SHALL BE APPROVED BY THE ENGINEER.



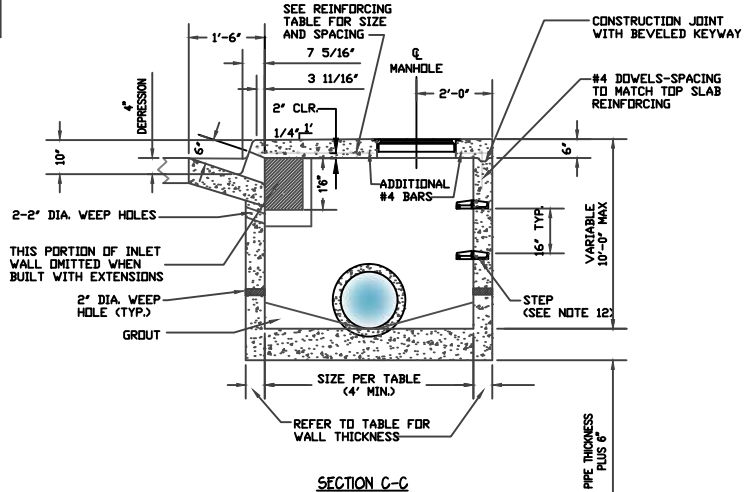
**NOTCH FOR SIDEWALKS**

STRUCTURE SIZING & REINFORCING TABLE			
INSIDE DIMENSION	DIAMETER OF OUTLET PIPE	MIN. WALL THICKNESS	TOP CONCRETE SLAB REINFORCING
4'	12" - 27"	6"	# 4'S @ 8" D.C. E.W.
5'	30" - 42"	8"	# 4'S @ 7" D.C. E.W.
6'	48" - 54"	8"	# 5'S @ 9" D.C. E.W.

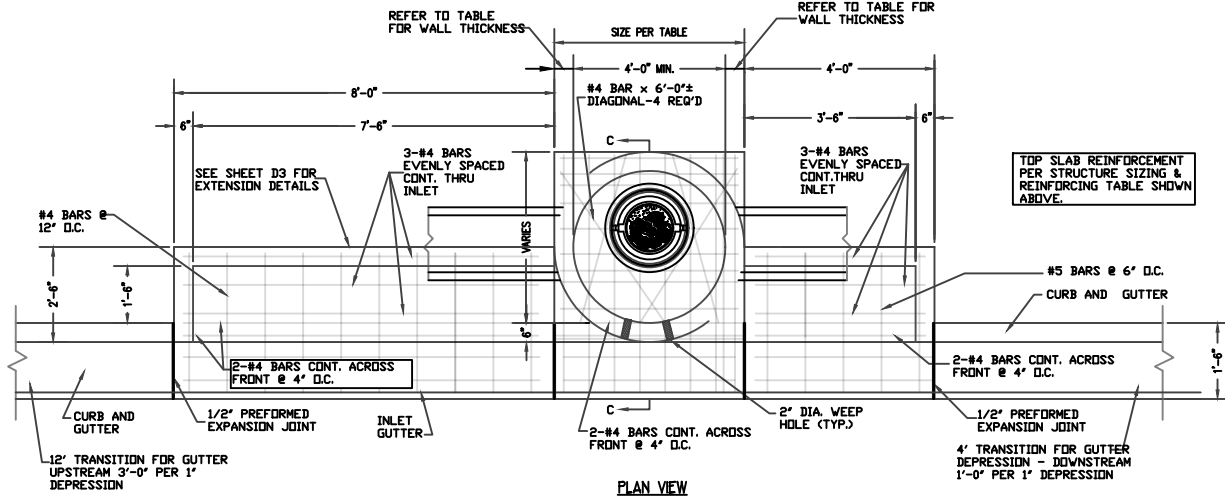
\* LIMIT DEFLECTION TO 60 DEGREES. IF GREATER USE NEXT LARGER MANHOLE DIAMETER/SIZE.



**SECTION / ELEVATION**



**SECTION C-C**



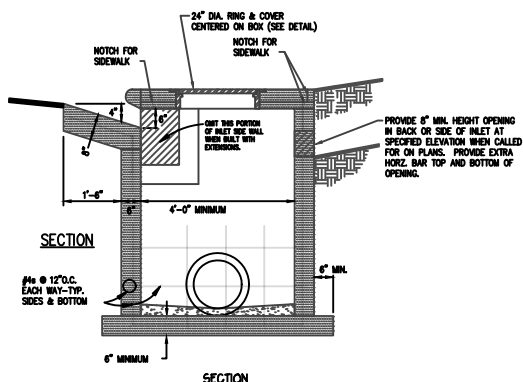
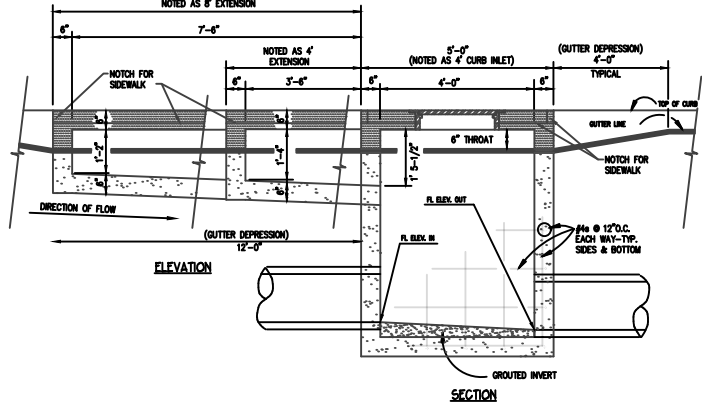
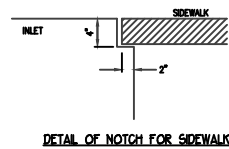
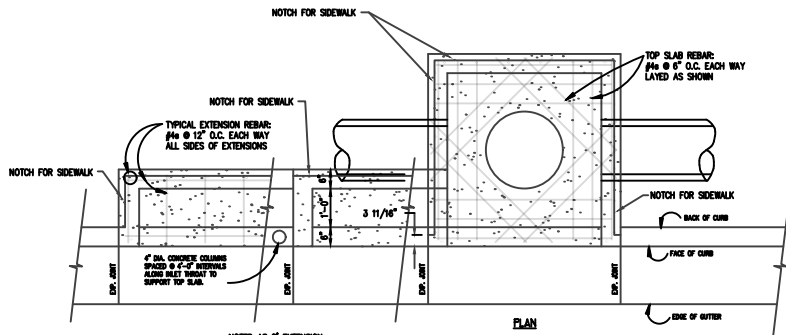
**PLAN VIEW**

**CIRCULAR DROP INLET DETAILS**



CIRCULAR DROP INLET  
STANDARD DETAILS  
WASHINGTON COUNTY, ARKANSAS

DRAWING: D-9	DATE: 12/7/23	DRAWN BY: GB
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**RECTANGULAR CURB INLET**  
N.T.S.

NOTE: START GUTTER DEPRESSION AT THE END OF EXTENSION WHEN EXTENSION IS CALLED FOR

GUTTER DEPRESSION  
NOTE: UPSTREAM DEPRESSION SHALL BE 1" PER 3'(12 FEET) AND THE DOWNSTREAM DEPRESSION SHALL BE 1" PER FOOT(4 FEET)

- NOTES:
1. PIPES MAY ENTER BOX FROM ANY ANGLE OR ELEVATION AS APPROVED BY ENGINEER.
  2. REINFORCING BARS SHALL BE CUT TO CLEAR PIPE BY 1-1/2".
  3. PROVIDE 3/4" CHAMFER ON ALL EXPOSED CORNERS.
  4. ALL REINFORCING BARS SHALL HAVE 1-1/2" MINIMUM COVER.
  5. PRECAST STORM SEWER BOXES ARE NOT ALLOWED.

NOTE: FOR CONNECTION TO AN EXISTING INLET, SAW CUT A SQUARE SECTION OF THE BOX TO BE REMOVED, REMOVE EXISTING PIPE AND CONCRETE, THEN INSTALL PROPOSED PIPE & GROUT TO MATCH EXISTING INLET W/ NON-SHRINK GROUT.



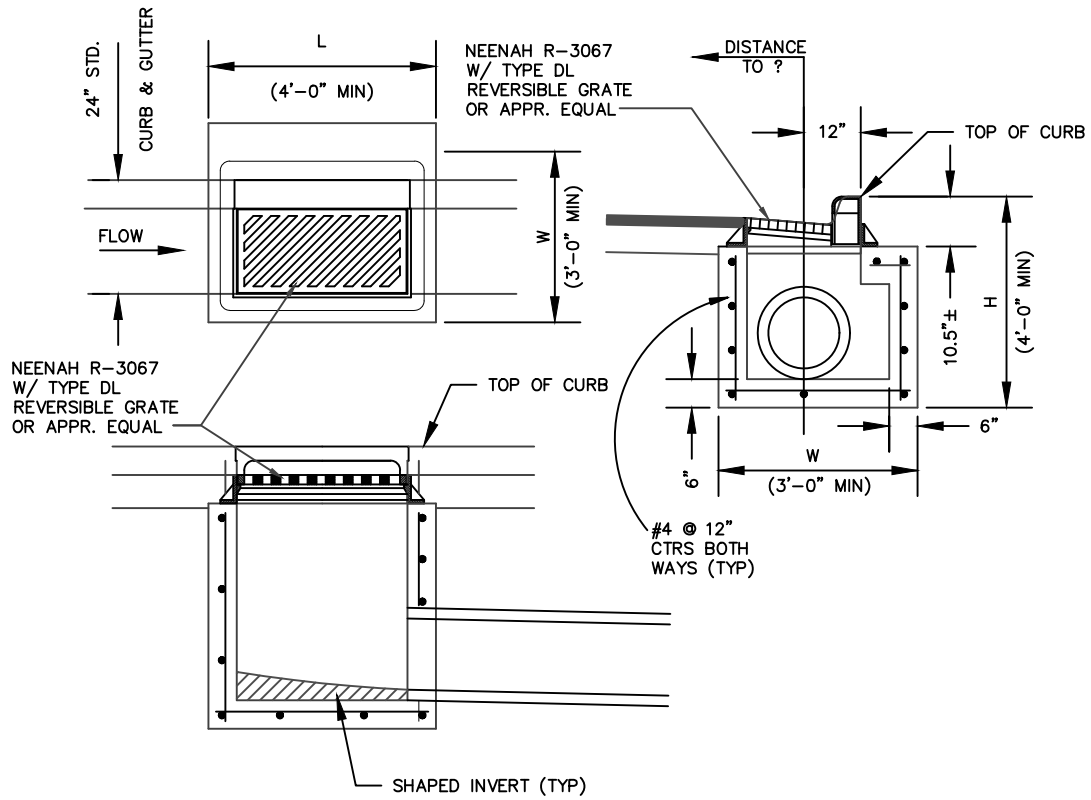
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RECTANGULAR CURB INLET

STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS

DRAWING: D-10	DATE: 12/7/23	DRAWN BY: GB
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GRADED CURB STYLE INLET  
N.T.S.

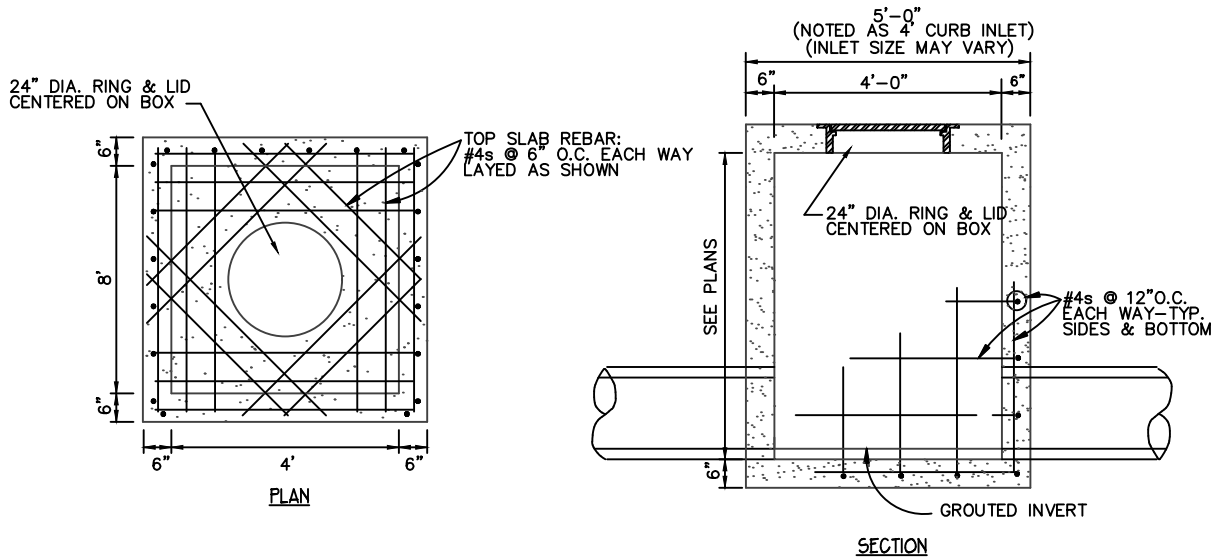


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JUNCTION BOX DETAIL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-12	DATE: 12/7/23	DRAWN BY: GB

ALL INLETS SHALL BE CONSTRUCTED OF PORTLAND CONCRETE WITH A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI WHEN TESTED. ALL CONCRETE SHALL CONTAIN AN AIR ENTRAINING AGENT WHICH PRODUCES FIVE PERCENT PLUS OR MINUS TWO PERCENT AIR ENTRAINMENT IN THE CONCRETE.

ALL MATERIALS AND CONSTRUCTION SHALL COMPLY WITH CITY REQUIREMENTS. IN THE CASE OF CONFLICTS, THE CITY'S CRITERIA SHALL GOVERN.



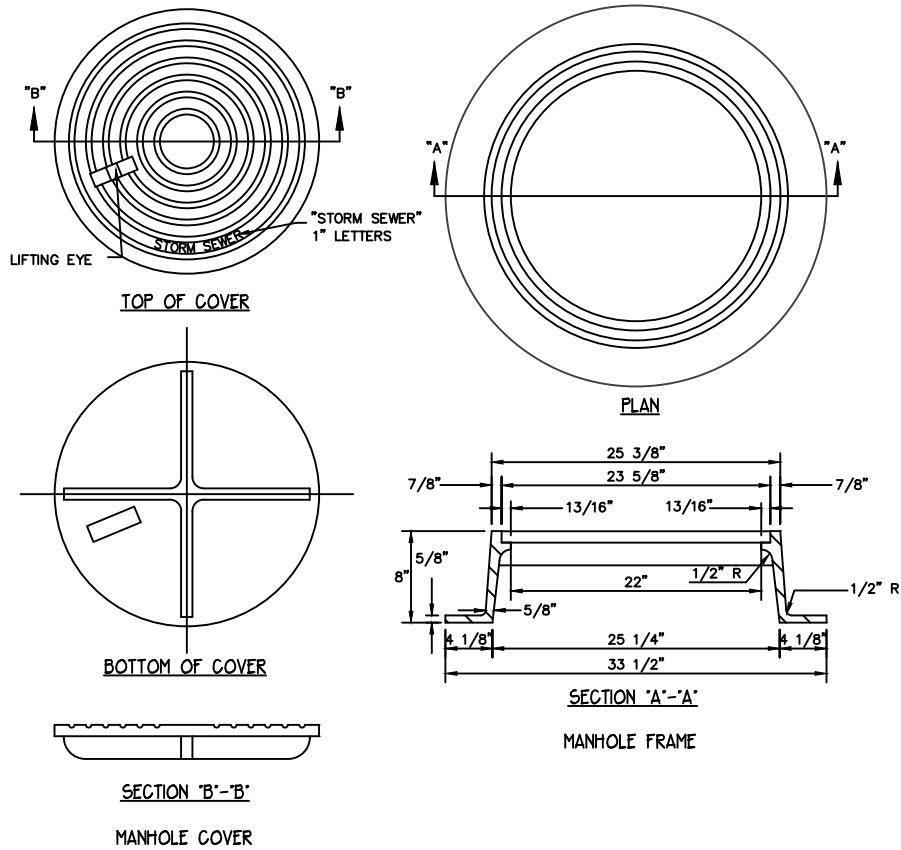
- NOTES:
1. PIPES MAY ENTER BOX FROM ANY ANGLE OR ELEVATION AS APPROVED BY ENGINEER.
  2. REINFORCING BARS SHALL BE CUT TO CLEAR PIPE BY 1-1/2".
  3. PROVIDE 3/4" CHAMFER ON ALL EXPOSED CORNERS.
  4. ALL REINFORCING BARS SHALL HAVE 1-1/2" MINIMUM COVER.

STORM SEWER JCT. BOX DETAIL  
N.T.S.



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JUNCTION BOX DETAIL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-12	DATE: 12/7/23	DRAWN BY: GB



FRAME + COVER DETAIL  
 N.T.S.

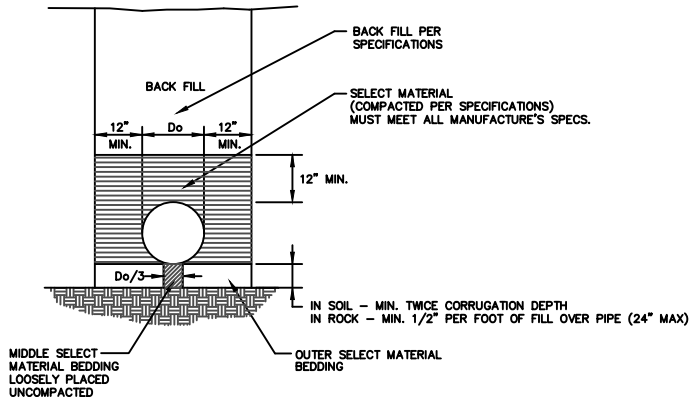


FRAME AND COVER DETAIL

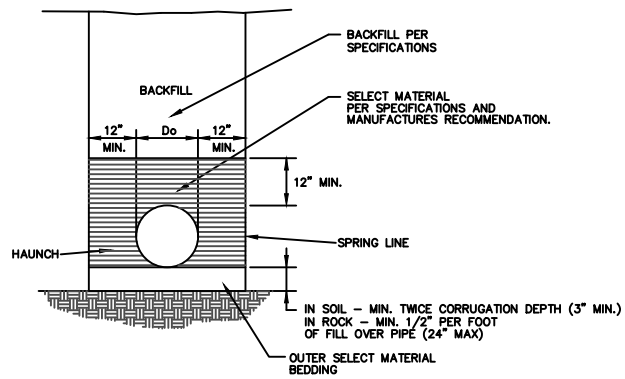
STANDARD DETAILS

WASHINGTON COUNTY, ARKANSAS

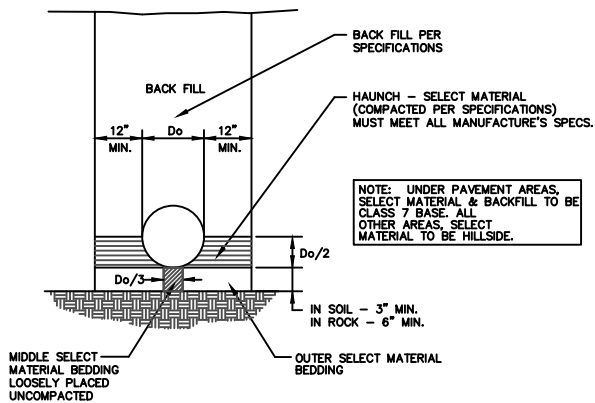




METAL PIPE INSTALLATION DETAIL  
N.T.S.



PLASTIC PIPE INSTALLATION DETAIL  
N.T.S.



CONCRETE PIPE INSTALLATION DETAIL  
N.T.S.



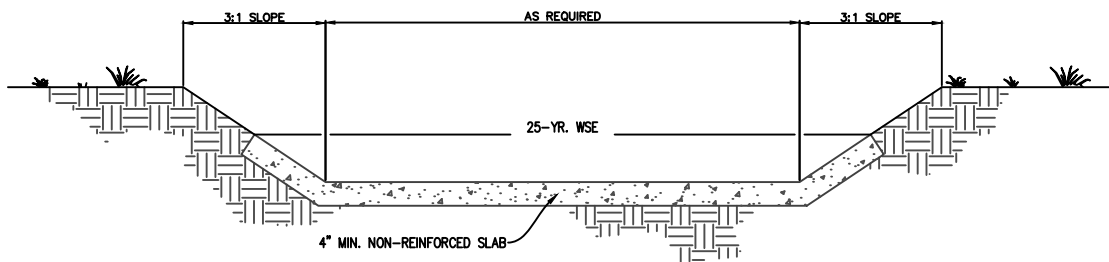
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PIPE BEDDING DETAILS		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-14	DATE: 12/7/23	DRAWN BY: GB

ALL SWALES SHALL BE CONSTRUCTED OF PORTLAND CONCRETE WITH A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 3,500 PSI WHEN TESTED. ALL CONCRETE SHALL CONTAIN AN AIR ENTRAINING AGENT WHICH PRODUCES FIVE PERCENT PLUS OR MINUS TWO PERCENT AIR ENTRAINMENT IN THE CONCRETE.

EXPANSION JOINTS SHALL BE PROVIDED AT 200 FOOT INTERVALS, AND AT ALL STATIONARY STRUCTURES. JOINT MATERIAL SHALL HAVE A THICKNESS OF ONE-HALF INCH AND CONFORM TO AASHTO M 213 STANDARDS.

SWALES MUST HAVE CONTRACTION JOINTS SAWS EVERY 15 FEET ON CENTER, AND SHALL BE SAWS TO A DEPTH OF  $\frac{1}{2}$ " WITH A WIDTH OF  $\frac{1}{8}$ ". MATERIAL USED TO SEAL JOINTS SHALL BE AS SPECIFIED IN SECTION 501 AHTD STANDARD SPECIFICATIONS OR AS APPROVED BY THE ENGINEER. (MINISEAL 50 OR EQUAL).

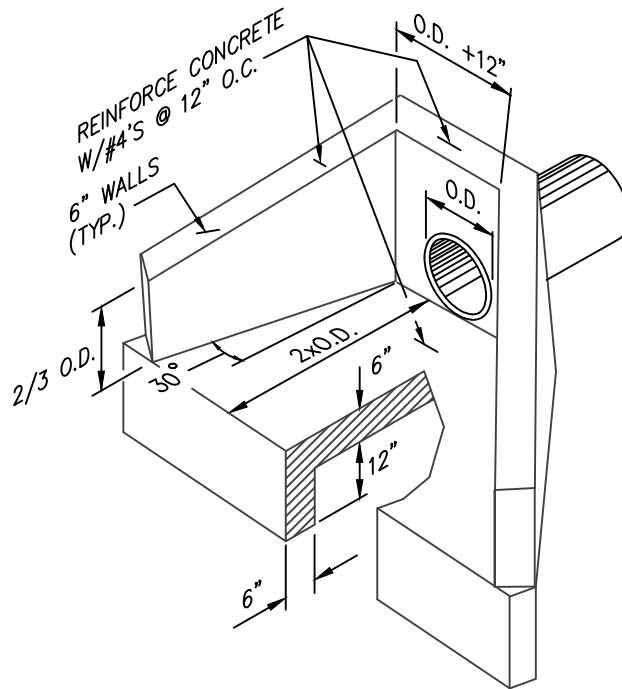


CONCRETE CHANNEL  
N.T.S.



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CONCRETE CHANNEL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-15	DATE: 12/7/23	DRAWN BY: GB



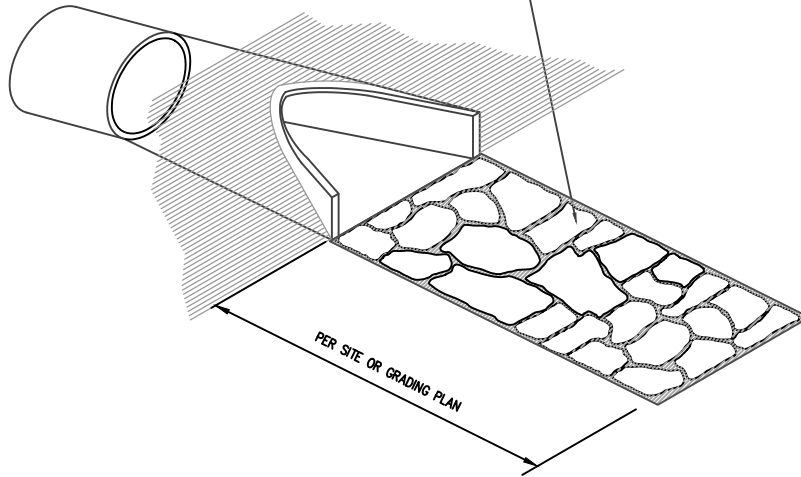
CULVERT HEADWALL  
NTS



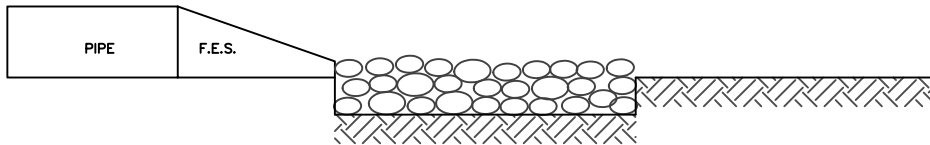
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CULVERT HEADWALL DETAIL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-16	DATE: 12/7/23	DRAWN BY: GB

PLACE RIP-RAP AND CONCRETE SLURRY IN ALL AREAS INDICATED ON THE DRAWING. THE STONE SHALL CONSIST OF FIELD STONE OR ROUGH, UNHEWN QUARRY STONE AS NEARLY UNIFORM IN SECTION AS IS PRACTICAL. THE STONES SHALL BE DENSE, RESISTANT TO THE ACTION OF AIR AND WATER, AND SUITABLE IN ALL ASPECTS FOR THE PURPOSE INTENDED. UNLESS OTHERWISE SPECIFIED, ALL STONES USED AS RIP-RAP SHALL WEIGH BETWEEN 50-150 POUNDS EACH.



RIP-RAP DETAIL #1  
N.T.S.

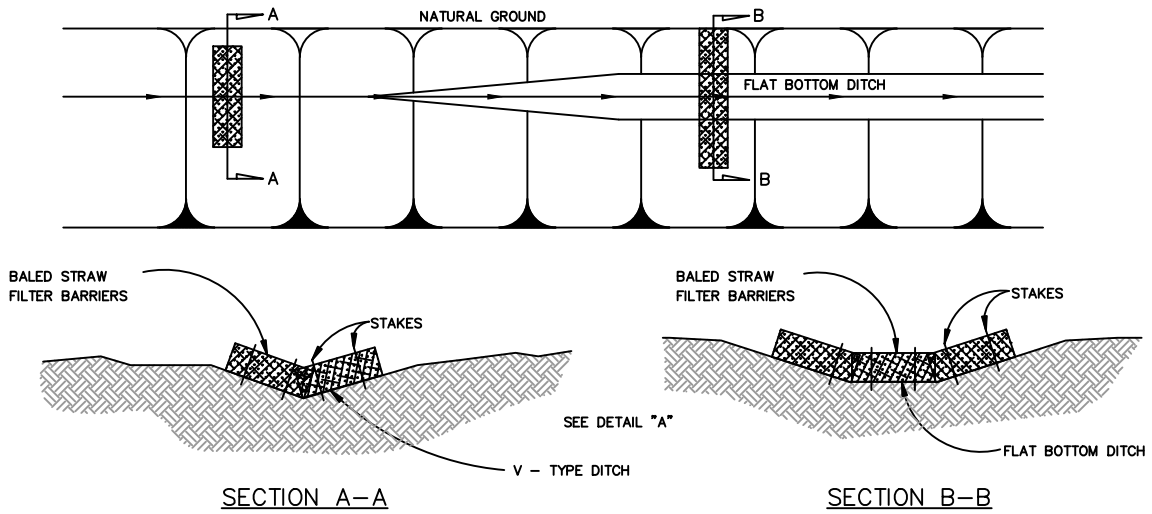


RIP-RAP DETAIL #2  
N.T.S. PROFILE VIEW

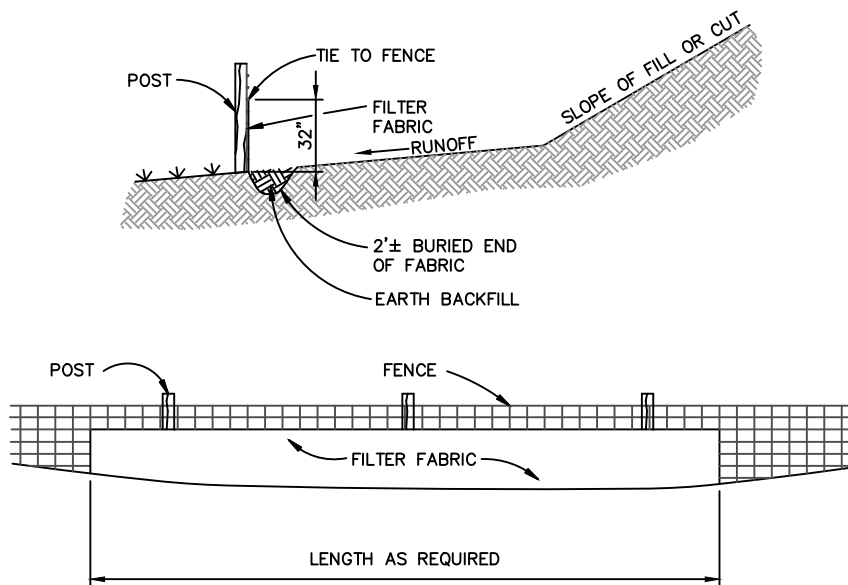


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OUTLET PROTECTION DETAIL		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-17	DATE: 12/7/23	DRAWN BY: GB



BALED STRAW FILTER BARRIER  
N.T.S.



FILTER FABRIC BARRIER (SILT FENCE)  
N.T.S.



2615 S BRINK DR. FAYETTEVILLE, AR 72701 (479)444-1724

EROSION CONTROL DETAILS		
STANDARD DETAILS		
WASHINGTON COUNTY, ARKANSAS		
DRAWING: D-18	DATE: 12/7/23	DRAWN BY: GB

**APPENDIX C**  
**PRIVATE ROAD DISCLOSURE**  
**STATEMENT**

**APPENDIX C - PRIVATE ROAD DISCLOSURE STATEMENT**

The road named \_\_\_\_\_, located in the subdivision recorded under the name of \_\_\_\_\_, is declared to be privately maintained and is subject to the following:

1. The road is not constructed to an all-weather standard.
2. The maintenance of the road shall be the responsibility of the current and future property owners in the subdivision.
3. The ability of emergency service personnel to respond to an emergency in the subdivision is affected by the condition of the private road. It is strongly recommended that property owners adequately improve and maintain the road to ensure emergency access.

IN TESTIMONY WHEREOF, the developer(s), \_\_\_\_\_ (Name of developers) has caused this instrument to be signed and (his) (her) (their) seal(s) to be hereto affixed this day of \_\_\_\_\_ (Date) .

(Signature of developer)

(Signature of developer)

(Signature of developer)

STATE OF ARKANSAS	)
	) SS
COUNTY OF WASHINGTON	)

I, the undersigned Notary Public in and for the County and State afore said do hereby certify that \_\_\_\_\_ personally appeared before me and acknowledged the due execution of this document.

Witness may hand and seal this day of \_\_\_\_\_ (Date)

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**APPENDIX D**  
**PLAT CHECKLIST AND SIGNATURE BLOCKS,**  
**AND**  
**OTHE RELATED PLANNING ORDINACES**



## LSD PLAT CHECKLIST

The following information is required on Preliminary and Final LSD Plans as designated. LSD Plans missing more than four (4) required informational items will not be included on the agenda:

	<b>General Information</b>	Concept Plan	Preliminary Plan	Final Plan
(1)	Name and address of owner, developer, engineer and surveyor.	X	X	X
(2)	Name of the land development, date, graphic scale, north arrow, total acreage and individual tract acreage	X	X	X
(3)	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lot and blocks shall be numerically identified, boundaries shown by bearings and distance, and property located by Section, Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners.		X	X
(4)	Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.		X	X
(5)	Vicinity sketch at a scale appropriate to show the relationship of the development with surrounding improvements and communities, and other information requested by the Planning Board.	X	X	X
(6)	If stage development is involved, the complete development plan with the stages of development and construction shown.		X	X

	<b>Existing Conditions for Land Development</b>	Concept Plan	Preliminary Plan	Final Plan
(7)	Original <i>and proposed</i> topography at ten-foot contour intervals.		X	X
(8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. <i>Include parcel numbers.</i>		X	X
(9)	All LSD Plans presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer.		X	X
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>LSD plan</i> shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes.	X	X	X
(11)	Existing utilities: Ownership names and dimensions on overhead and underground power and communications lines, sewers, water mains, gas mains, and other underground structures, including water wells and septic systems within the development or immediately adjacent thereto. <i>Show the existing utilities and list the utility companies on the plat.</i>		X	X
(12)	Flood areas: 1% (100-year) flood per FEMA map.	X	X	X
(13)	Watercourses: If the proposed development is traversed by a watercourse, channel, stream, creek or river, the present and proposed location of each shall be shown.	X	X	X
(14)	Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.		X	X
(15)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. <i>If none, add a note to the plans stating there are none. (Signature Block 6)</i>		X	X

	<b>Proposed Improvements</b>	Concept Plan	Preliminary Plan	Final Plan
(16)	Location, dimensions and names of all proposed roads, streets, alleys, easements, blocks, parcel and lot lines and address numbers, dedications and reservations.		X	X
	<i>Address numbers, OR on lots that are over one-half acre in size, add the following note to the plat: Lots that are over one-half acre in size will need to be addressed after the home location is known.</i>			X
(17)	Street typical sections and pavements sections for each classification of street.		X	X
(18)	Bearings and linear dimensions referenced to true north of all lines, interior angles of lots may be shown in lieu of bearings.		X	X
(19)	Proposed use of all land within the development.		X	X
(20)	Location and size of all proposed utility lines.		X	X
(21)	Drainage plan for entire area.		X	
	Sizes of all driveway and road tiles shall be stated			X
(22)	Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines.		X	X

	<b>Information to Supplement the Plan</b>	Concept Plan	Preliminary Plan	Final Plan
(23)	Access control: The openings for ingress and egress from the platted area to public street, road or highways.		X	X
(24)	Letter of transmittal.		X	X
(25)	Payment of review fee.	X	X	X
(26)	Certification issued by the County Tax Collector to the effect there are no delinquent taxes payable at the time of the <i>LSD Plan</i> approval.			X
(27)	Certification of survey and accuracy of survey by the surveyor. <i>(Signature Block 2)</i>			X
(28)	Certification of ownership, title and dedication by the developer. <i>(Signature Block 3)</i>			X
(29)	Certification of the developer's engineer that the design meets the County's design standards. <i>(Signature Block 1)</i>			X
(30)	Signature block for Planning Board Approval. <i>(Signature Block 8)</i>			X
(31)	Signature block for the County Road Superintendent to certify approval of streets, grading and drainage improvements and easements; and receipt of required Maintenance Bonds. <i>(Signature Block 7)</i>			X
(32)	Signature block for the Arkansas Department of Health to certify approval of water and sanitary sewer improvements. <i>(Signature Block 4)</i>			X
(33)	A notice stating: "Each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division." <i>-May not be applicable to LSD. Provide proof that a water tap to accommodate the development is available or that there is adequate space for a well on the property along with any septic systems, as per Arkansas Department of Health Standards, which requires a minimum of 100' of separation. If a decentralized sewer system is being used. (Signature Block 10)</i>			X
(34)	<i>All remaining Signature Blocks as appropriate. (Signature Blocks 5, 6, 9, 11)</i>			X
(35)	<i>Add note to plan: Any further splitting, use or land development not considered with this approval must come before the Planning Board for a separate approval.</i>			X
(36)	<i>Add note to plan: Review of these plans is limited to general compliance with Washington County codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements, even if error, omissions or any inadequacies are discover after plan approval. The County's requirement shall govern over any conflicts with the plans or specifications. Any conditions determined in the field that require changes shall be subject to further review and corrective action to be paid for by the developer.</i>			X

Items in italics were added for clarification.

## Signature Blocks

*If the plat (or any portion of the plat) is located within a City's Planned Growth area, please check with the applicable city and provide whatever signature blocks they may require in addition to the below blocks. (Appendix D)*

### 1. CERTIFICATE OF ACCURACY OF STREET AND ROAD PLANS AND SPECIFICATIONS:

I certify that the street and road plans and specifications hereon comply with the requirements and specifications contained in the "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County".

Date: \_\_\_\_\_ Engineer: \_\_\_\_\_

### 2. CERTIFICATE OF ACCURACY OF SURVEY:

I certify that the plan shown and described hereon is a true and correct survey and that the monuments have been placed as shown hereon as required by "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County".

Date: \_\_\_\_\_ Surveyor: \_\_\_\_\_

### 3. CERTIFICATE OF OWNERSHIP & DEDICATION:

I hereon certify that I am the owner of the property described hereon and I do hereby dedicate all street, access, utility, & drainage easements to public or private use as indicated.

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

### 4. STATE HEALTH DEPARTMENT APPROVAL:

The plan and specifications as shown on the plat were approved by the Arkansas State Health Department by letter.

Dated: \_\_\_\_\_ Signed By: \_\_\_\_\_

### 5. UTILITY EASEMENTS:

We hereby certify that all utility easements shown on this plat are satisfactory for providing service if and when service is available.

Gas: \_\_\_\_\_ Electricity: \_\_\_\_\_

Water: \_\_\_\_\_ Telephone: \_\_\_\_\_

Cable TV: \_\_\_\_\_

### 6. DECLARATIONS OF COVENANTS AND RESTRICTIONS (if applicable):

Covenants and restrictions are as shown on the appropriate document signed by the owner on \_\_\_\_\_, and filed with the Circuit Clerk on \_\_\_\_\_

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

### 7. COUNTY ROAD SUPERINTENDENT APPROVAL:

*(Use block 7a or 7b as appropriate, but not both.)*

7a. The road and easement locations shown on this Plat, the road plans submitted, and the grading and drainage plans submitted are approved. The required maintenance bonds have been received.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

7b. The road easements shown are approved.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

### 8. PLANNING BOARD APPROVAL:

*(Use block 8a if in a city planning area and block 8b if not.)*

8a. This plat lies within the planning jurisdiction of the City of \_\_\_\_\_ . The plans for ingress and egress shown on this plat were approved by the Washington County Planning Board at a meeting held on (date) \_\_\_\_\_ .

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

8b. This plat was approved by the Washington County Planning Board at a meeting on (date): \_\_\_\_\_ .

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

### 9. COUNTY FIRE MARSHAL APPROVAL:

This plat meets minimum fire code requirements as per current County Policy, as of June 9, 2005.

County Fire Marshal: \_\_\_\_\_ Date: \_\_\_\_\_

### 10. PUBLIC UTILITY COORDINATOR APPROVAL:

*(Applicable when a community sewer system is being utilized.)*

This subdivision is in compliance with County Ordinances regarding Community Sewer Systems.

Public Utility Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

*(Note: Less signatures may be required in certain instances. Check with the Planning Administrator to see which signatures are necessary if the land development has four (4) plats or less, no road improvements, or is an exempt split.)*

### 11. COUNTY JUDGE APPROVAL:

The road easement dedications shown are approved. Acceptance of roads and streets into the County Road System will occur after they are constructed to Washington County specifications.

County Judge: \_\_\_\_\_ Date: \_\_\_\_\_

## SUBDIVISION PLAT CHECKLIST

The following information is required on Preliminary and Final Plats as designated. Plats missing more than four (4) required informational items will not be included on the agenda:

	<b>General Information</b>	Concept Plat	Preliminary Plat	Final Plat
(1)	Name and address of owner, developer, engineer and surveyor.	X	X	X
(2)	Name of the land development, date, graphic scale, north arrow, total acreage and individual tract acreage	X	X	X
(3)	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lot and blocks shall be numerically identified, boundaries shown by bearings and distance, and property located by Section, Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners.		X	X
(4)	Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.		X	X
(5)	Vicinity sketch at a scale appropriate to show the relationship of the development with surrounding improvements and communities, and other information requested by the Planning Board.	X	X	X
(6)	If stage development is involved, the complete development plan with the stages of development and construction shown.		X	X

	<b>Existing Conditions for Land Development</b>	Concept Plat	Preliminary Plat	Final Plat
(7)	Original <i>and proposed</i> topography at ten-foot contour intervals.		X	X
(8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. <i>Include parcel numbers.</i>		X	X
(9)	All plats presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer.		X	X
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>plat</i> shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes.	X	X	X
(11)	Existing utilities: Ownership names and dimensions on overhead and underground power and communications lines, sewers, water mains, gas mains, and other underground structures, including water wells and septic systems within the development or immediately adjacent thereto. <i>Show the existing utilities and list the utility companies on the plat.</i>		X	X
(12)	Flood areas: 1% (100-year) flood per FEMA map.	X	X	X
(13)	Watercourses: If the proposed development is traversed by a watercourse, channel, stream, creek or river, the present and proposed location of each shall be shown.	X	X	X
(14)	Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.		X	X
(15)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. <i>If none, add a note to the plats stating there are none.</i>		X	X

	<b>Proposed Improvements</b>	Concept Plat	Preliminary Plat	Final Plat
(16)	Location, dimensions and names of all proposed roads, streets, alleys, easements, blocks, parcel and lot lines and address numbers, dedications and reservations.		X	X
	<i>Address numbers, OR on lots that are over one-half acre in size, add the following note to the plat: Lots that are over one-half acre in size will need to be addressed after the home location is known.</i>			X
(17)	Street typical sections and pavements sections for each classification of street.		X	X
(18)	Bearings and linear dimensions referenced to true north of all lines, interior angles of lots may be shown in lieu of bearings.		X	X
(19)	Proposed use of all land within the development.		X	X
(20)	Location and size of all proposed utility lines.		X	X
(21)	Drainage plan for entire area.		X	
	Sizes of all driveway and road tiles shall be stated			X
(22)	Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines.		X	X

	<b>Information to Supplement the Plat</b>	Concept Plat	Preliminary Plat	Final Plat
(23)	Access control: The openings for ingress and egress from the platted area to public street, road or highways.		X	X
(24)	Letter of transmittal.		X	X
(25)	Payment of review fee.	X	X	X
(26)	Certification issued by the County Tax Collector to the effect there are no delinquent taxes payable at the time of the plat approval.			X
(27)	Certification of survey and accuracy of survey by the surveyor. <i>(Signature Block 2)</i>			X
(28)	Certification of ownership, title and dedication by the developer. <i>(Signature Block 3)</i>			X
(29)	Certification of the developer's engineer that the design meets the County's design standards. <i>(Signature Block 1)</i>			X
(30)	Signature block for Planning Board Approval. <i>(Signature Block 8)</i>			X
(31)	Signature block for the County Road Superintendent to certify approval of streets, grading and drainage improvements and easements; and receipt of required Maintenance Bonds. <i>(Signature Block 7)</i>			X
(32)	Signature block for the Arkansas Department of Health to certify approval of water and sanitary sewer improvements. <i>(Signature Block 4)</i>			X
(33)	A notice stating: "Each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division. <i>Provide proof that a water tap to accommodate the development is available or that there is adequate space for a well on the property along with any septic systems, as per Arkansas Department of Health Standards, which requires a minimum of 100' of separation. If a decentralized sewer system is being used. (Signature Block 10)</i>			X
(34)	<i>All remaining Signature Blocks as appropriate. (Signature Blocks 5, 6, 9, 11)</i>			X
(35)	<i>Add note to Plat: Any further splitting, use or land development not considered with this approval must come before the Planning Board for a separate approval.</i>			X
(36)	<i>Add note to Plat: Review of these plats is limited to general compliance with Washington County codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements, even if error, omissions or any inadequacies are discovered after plat approval. The County's requirement shall govern over any conflicts with the plans or specifications. Any conditions determined in the field that require changes shall be subject to further review and corrective action to be paid for by the developer.</i>			X

Items in italics were added for clarification.

## Signature Blocks

*If the plat (or any portion of the plat) is located within a City's Planned Growth area, please check with the applicable city and provide whatever signature blocks they may require in addition to the below blocks. (Appendix D)*

### 1. CERTIFICATE OF ACCURACY OF STREET AND ROAD PLANS AND SPECIFICATIONS:

I certify that the street and road plans and specifications hereon comply with the requirements and specifications contained in the "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County".

Date: \_\_\_\_\_ Engineer: \_\_\_\_\_

### 2. CERTIFICATE OF ACCURACY OF SURVEY:

I certify that the plat shown and described hereon is a true and correct survey and that the monuments have been placed as shown hereon as required by "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County".

Date: \_\_\_\_\_ Surveyor: \_\_\_\_\_

### 3. CERTIFICATE OF OWNERSHIP & DEDICATION:

I hereon certify that I am the owner of the property described hereon and I do hereby dedicate all street, access, utility, & drainage easements to public or private use as indicated.

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

### 4. STATE HEALTH DEPARTMENT APPROVAL:

The plan and specifications as shown on the plat were approved by the Arkansas State Health Department by letter.

Dated: \_\_\_\_\_ Signed By: \_\_\_\_\_

### 5. UTILITY EASEMENTS:

We hereby certify that all utility easements shown on this plat are satisfactory for providing service if and when service is available.

Gas: \_\_\_\_\_ Electricity: \_\_\_\_\_

Water: \_\_\_\_\_ Telephone: \_\_\_\_\_

Cable TV: \_\_\_\_\_

### 6. DECLARATIONS OF COVENANTS AND RESTRICTIONS (if applicable):

Covenants and restrictions are as shown on the appropriate document signed by the owner on \_\_\_\_\_, and filed with the Circuit Clerk on \_\_\_\_\_

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

### 7. COUNTY ROAD SUPERINTENDENT APPROVAL:

*(Use block 7a or 7b as appropriate, but not both.)*

7a. The road and easement locations shown on this plat, the road plans submitted, and the grading and drainage plans submitted are approved. The required maintenance bonds have been received.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

7b. The road easements shown are approved.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

### 8. PLANNING BOARD APPROVAL:

*(Use block 8a if in a city planning area and block 8b if not.)*

8a. This plat lies within the planning jurisdiction of the City of \_\_\_\_\_. The plans for ingress and egress shown on this plat were approved by the Washington County Planning Board at a meeting held on (date) \_\_\_\_\_.

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

8b. This plat was approved by the Washington County Planning Board at a meeting on (date): \_\_\_\_\_.

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

### 9. COUNTY FIRE MARSHAL APPROVAL:

This plat meets minimum fire code requirements as per current County Policy, as of June 9, 2005.

County Fire Marshal: \_\_\_\_\_ Date: \_\_\_\_\_

### 10. PUBLIC UTILITY COORDINATOR APPROVAL:

*(Applicable when a community sewer system is being utilized.)*

This subdivision is in compliance with County Ordinances regarding Community Sewer Systems.

Public Utility Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

*(Note: Fewer signatures may be required in certain instances. Check with the Planning Administrator to see which signatures are necessary if the land development has four (4) plats or less, no road improvements, or is an exempt split.)*

### 11. COUNTY JUDGE APPROVAL:

The road easement dedications shown are approved. Acceptance of roads and streets into the County Road System will occur after they are constructed to Washington County specifications.

County Judge: \_\_\_\_\_ Date: \_\_\_\_\_

## MINOR SUBDIVISION PLAT CHECKLIST

The following information is required on Preliminary and Final Plats as designated. Plats missing more than four (4) required informational items will not be included on the agenda:

	<b>General Information</b>	Preliminary/Final Plat
(1)	Name and address of owner, developer, engineer and surveyor.	X
(2)	Name of the land development, date, graphic scale, north arrow, total acreage and individual tract acreage	X
(3)	Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lot and blocks shall be numerically identified, boundaries shown by bearings and distance, and property located by Section, Township and Range and tied to the nearest of two (2) defined and referenced Section Corners or Quartersection Corners.	X
(4)	Concrete or approved aluminum monuments shall be placed at the exterior boundary corners and one-half-inch by eighteen-inch steel pins shall be placed at all lot corners.	X
(5)	Vicinity sketch at a scale appropriate to show the relationship of the development with surrounding improvements and communities, and other information requested by the Planning Board.	X
(6)	If stage development is involved, the complete development plan with the stages of development and construction shown.	X

	<b>Existing Conditions for Land Development</b>	Preliminary/Final Plat
(7)	Original <i>and proposed</i> topography at ten-foot contour intervals.	X
(8)	Names of adjacent land developments and ownership of adjacent property including corresponding deed book and page number. <i>Include parcel numbers.</i>	X
(9)	All plats presented to the planning board and filed for record shall note the uses of adjacent property. The determination of said use shall be the responsibility of the developer.	X
(10)	Existing roads, streets, culverts, railroads, and other features: The <i>plat</i> shall show the location, name, width, surface type, surface condition and right-of-way width of all existing or platted roads, streets or other public ways within or adjacent to the proposed improvement, including features such as existing permanent buildings, water courses, railroads, municipal corporation limits, county's state lines, planning district limits, oil and gas lines or wells, abandoned wells and dry holes.	X
(11)	Existing utilities: Ownership names and dimensions on overhead and underground power and communications lines, sewers, water mains, gas mains, and other underground structures, including water wells and septic systems within the development or immediately adjacent thereto. <i>Show the existing utilities and list the utility companies on the plat.</i>	X
(12)	Flood areas: 1% (100-year) flood per FEMA map.	X
(13)	Watercourses: If the proposed development is traversed by a watercourse, channel, stream, creek or river, the present and proposed location of each shall be shown.	X
(14)	Soil analysis: The developer shall indicate the types of soil found in the plat area according to the USDA Soil Conservation Service.	X
(15)	Plat and deed restrictions: Restrictions, if any, with use and perimeters defined. Plat restrictions should be certified as to current legality by a member of the Arkansas Bar. <i>If none, add a note to the plats stating there are none. (Signature Block 6)</i>	X

	<b>Proposed Improvements</b>	Preliminary/Final Plat
(16)	Location, dimensions and names of all proposed roads, streets, alleys, easements, blocks, parcel and lot lines and address numbers, dedications and reservations.	X
	<i>Address numbers, OR on lots that are over one-half acre in size, add the following note to the plat: Lots that are over one-half acre in size will need to be addressed after the home location is known.</i>	X
(17)	Street typical sections and pavements sections for each classification of street.	X
(18)	Bearings and linear dimensions referenced to true north of all lines, interior angles of lots may be shown in lieu of bearings.	X
(19)	Proposed use of all land within the development.	X
(20)	Location and size of all proposed utility lines.	X
(21)	Drainage plan for entire area.	
	Sizes of all driveway and road tiles shall be stated	
(22)	Building setback lines as fixed by the County, building lines and any setback lines established by public authority, and those stipulated in the deed restrictions and right-of-way lines.	X

	<b>Information to Supplement the Plat</b>	Preliminary/Final Plat
(23)	Access control: The openings for ingress and egress from the platted area to public street, road or highways.	X
(24)	Letter of transmittal.	X
(25)	Payment of review fee.	X
(26)	Certification issued by the County Tax Collector to the effect there are no delinquent taxes payable at the time of the <i>plat</i> approval.	X
(27)	Certification of survey and accuracy of survey by the surveyor. <i>(Signature Block 2)</i>	X
(28)	Certification of ownership, title and dedication by the developer. <i>(Signature Block 3)</i>	X
(29)	Certification of the developer's engineer that the design meets the County's design standards. <i>(Signature Block 1) Not Applicable to Minor Subdivisions</i>	
(30)	Signature block for Planning Board Approval. <i>(Signature Block 8)</i>	X
(31)	Signature block for the County Road Superintendent to certify approval of streets, grading and drainage improvements and easements; and receipt of required Maintenance Bonds. <i>(Signature Block 7)</i>	X
(32)	Signature block for the Arkansas Department of Health to certify approval of water and sanitary sewer improvements. <i>(Signature Block 4)</i>	X
(33)	A notice stating: "Each individual lot developer shall obtain approval of septic system from the Washington County Health Department Sanitarian Division. <i>Provide proof that a water tap to accommodate the development is available or that there is adequate space for a well on the property along with any septic systems, as per Arkansas Department of Health Standards, which requires a minimum of 100' of separation. If a decentralized sewer system is being used. (Signature Block 10)</i>	X
(34)	<i>All remaining Signature Blocks as appropriate. (Signature Blocks 5, 6, 9, 11)</i>	X
(35)	<i>Add note to Plat: Any further splitting, use or land development not considered with this approval must come before the Planning Board for a separate approval.</i>	X
(36)	<i>Add note to Plat: Review of these plats is limited to general compliance with Washington County codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements, even if error, omissions or any inadequacies are discovered after plat approval. The County's requirement shall govern over any conflicts with the plans or specifications. Any conditions determined in the field that require changes shall be subject to further review and corrective action to be paid for by the developer.</i>	X

*Items in italics were added for clarification.*



## Signature Blocks

(Appendix D)

1. CERTIFICATE OF ACCURACY OF STREET AND ROAD PLANS AND SPECIFICATIONS:

**Not Applicable to Minor Subdivisions**

2. CERTIFICATE OF ACCURACY OF SURVEY:

I certify that the plat shown and described hereon is a true and correct survey and that the monuments have been placed as shown hereon as required by "Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County".

Date: \_\_\_\_\_ Surveyor: \_\_\_\_\_

3. CERTIFICATE OF OWNERSHIP & DEDICATION:

I hereon certify that I am the owner of the property described hereon and I do hereby dedicate all street, access, utility, & drainage easements to public or private use as indicated.

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

4. STATE HEALTH DEPARTMENT APPROVAL:

The plan and specifications as shown on the plat were approved by the Arkansas State Health Department by letter.

Dated: \_\_\_\_\_ Signed By: \_\_\_\_\_

5. UTILITY EASEMENTS:

We hereby certify that all utility easements shown on this plat are satisfactory for providing service if and when service is available.

Gas: \_\_\_\_\_ Electricity: \_\_\_\_\_

Water: \_\_\_\_\_ Telephone: \_\_\_\_\_

Cable TV: \_\_\_\_\_

6. DECLARATIONS OF COVENANTS AND RESTRICTIONS (if applicable):

Covenants and restrictions are as shown on the appropriate document signed by the owner on \_\_\_\_\_, and filed with the Circuit Clerk on \_\_\_\_\_

Date: \_\_\_\_\_ Owner: \_\_\_\_\_

7. COUNTY ROAD SUPERINTENDENT APPROVAL:

(Use block 7a or 7b as appropriate, but not both.)

7a. The road and easement locations shown on this plat, the road plans submitted, and the grading and drainage plans submitted are approved. The required maintenance bonds have been received.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

7b. The road easements shown are approved.

County Road Superintendent: \_\_\_\_\_

Date: \_\_\_\_\_

8. PLANNING BOARD APPROVAL:

(Use block 8a if in a city planning area and block 8b if not.)

8a. This plat lies within the planning jurisdiction of the City of \_\_\_\_\_. The plans for ingress and egress shown on this plat were approved by the Washington County Planning Board at a meeting held on (date) \_\_\_\_\_.

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

8b. This plat was approved by the Washington County Planning Board at a meeting on (date): \_\_\_\_\_.

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

9. COUNTY FIRE MARSHAL APPROVAL:

**Not Applicable to Minor Subdivisions**

10. PUBLIC UTILITY COORDINATOR APPROVAL:

**Not Applicable to Minor Subdivisions**

11. COUNTY JUDGE APPROVAL:

The road easement dedications shown are approved. Acceptance of roads and streets into the County Road System will occur after they are constructed to Washington County specifications.

County Judge: \_\_\_\_\_ Date: \_\_\_\_\_

# **LAND DEVELOPMENT SEPTIC REQUIREMENTS**

## **Land Development Septic Requirements**

Seller of any residential or business structure or land upon which a residential or business structure is to be constructed or placed to procure a certificate from the Washington County Health Department that the septic system is approved or the land has been tested and approved for installation of a septic system; required.

- (a) No residential or business structure that would require a septic system or tract of land upon which such residential or business structure is to be constructed or placed with or without an existing system shall be sold until the seller of the residential or business structure or tract procures at the seller's expense a certificate or permit from the Washington County Health Department.
- (b) Said certificate or permit shall comply with regulations of the Washington County Health Department so as to ensure that the soil is suitable for a septic system and does not in conjunction with surrounding systems contribute to a danger to public health or the ground water, including, but not limited to, phosphorus levels.
- (c) The cost of said inspection and approval may be collected at closing of any such sale.
- (d) This section shall apply to the unincorporated portions of Washington County, Arkansas.
- (e) A violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) and, if of a continuing nature, two hundred fifty dollars (\$250.00) per day for each day such violation exists.

(Ord. No. 2003-37, Arts. 1-5, 7-10-03)

KAREN COMBS PRITCHARD  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

03 JUL 11 AM 11 54

FILED

**ORDINANCE NO. 2003-37**

**BE IT ORDAINED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:**

**AN ORDINANCE REQUIRING THE SELLER OF ANY  
RESIDENTIAL OR BUSINESS STRUCTURE OR LAND  
UPON WHICH A RESIDENTIAL OR BUSINESS  
STRUCTURE IS TO BE CONSTRUCTED OR PLACED TO  
BE REQUIRED TO PROCURE A CERTIFICATE FROM THE  
WASHINGTON COUNTY HEALTH DEPARTMENT THAT  
THE SEPTIC SYSTEM IS APPROVED OR THE LAND HAS  
BEEN TESTED AND APPROVED FOR INSTALLATION OF  
A SEPTIC SYSTEM.**

**WHEREAS**, with the rapid growth in Washington County, Arkansas, it is increasingly difficult to install safe septic systems that not only protect the owner of a specific piece of property, but also those surrounding property owners, and the ground water throughout the County and the phosphorous levels in rivers, streams, and other bodies of water; and,

**WHEREAS**, levels of phosphorous have focused on area farmers without adequately addressing other sources that contribute to this problem; and,

**WHEREAS**, the cities in Washington County have been required to improve their waste water treatment due to the effect of effluent discharge and its effect on water quality; and,

**WHEREAS**, currently existing mechanisms are inadequate to ensure the health and safety of the citizens of Washington County with respect to septic systems.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON, STATE OF ARKANSAS:**

**ARTICLE 1.** No residential or business structure that would require a septic system or tract of land upon which such residential or business structure is to be constructed or placed with or without an existing system shall be sold until the seller of the residential or business structure or tract procures at the seller's expense a certificate or permit from the Washington County Health Department.


ORDINANCE NO. 2003-37  
PAGE 2

**ARTICLE 2.** Said certificate or permit shall comply with regulations of the Washington County Health Department so as to ensure that the soil is suitable for a septic system and does not in conjunction with surrounding systems contribute to a danger to public health or the ground water, including but not limited to phosphorus levels.

**ARTICLE 3.** The cost of said inspection and approval may be collected at closing of any such sale.

**ARTICLE 4.** This ordinance shall apply to the unincorporated portions of Washington County, Arkansas.

**ARTICLE 5.** A violation of this ordinance shall be punishable by a fine of up to \$500.00 and, if of a continuing nature, \$250.00 per day for each day such violation exists.

  
\_\_\_\_\_  
JERRY HUNTON, County Judge

7-11-03  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Earvel Fraley  
Date of Passage: July 10, 2003  
Votes For: 10 Votes Against: 3  
Abstentions: 0 Absent: 0

# **SIGNS AND BILLBOARDS ORDINANCE**

## **ARTICLE I. IN GENERAL**

### **Sec. 12-1. Off-premises sign exclusion zones along designated portions of roads and highways.**

(a) That all off-premises signs visible from a designed scenic corridor shall henceforth be prohibited except as may be approved pursuant to the "Logo Sign Program" of the Arkansas State Highway Commission Minute Order No. 87-518, as amended; or the "Tourist Oriented Directional Sign" (TODS) Program of the Arkansas State Highway Commission when established, including amendments; and official traffic or government signs. U.S. Highway 71, U.S. Highway 412 west of the Tontitown corporate limit, Arkansas Highway 540 (including any future identifying designation), and Arkansas Highway 16 east of Fayetteville in the unincorporated part of Washington County are hereby designated as scenic corridors and "Off-Premises Sign Exclusion Zones", together with such other roadways as may be so designated by ordinance of the Quorum Court.

(b) A "sign" referred to herein shall mean an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, or billboard greater than four (4) square feet which is designed, intended, or used to advertise or inform, whether the same be permanent or of portable installation.

(c) Penalty, enforcement. A violation of this section shall be considered a misdemeanor and punishable by up to one hundred dollars (\$100.00) and/or thirty (30) days in jail. Each day that a violation exists shall be considered a separate offense. In addition, the County Judge is authorized to institute any civil action to enforce the provisions of this ordinance.

(Ord. No. 96-1, Arts. 1--3, 1-11-96)

**Editor's note:** Nonamendatory Ord. No. 96-1, Arts. 1--3, adopted Jan. 11, 1996, has been included herein as section 12-1 at the discretion of the editor.

Secs. 12-2--12-10. Reserved.

FILED

'96 JUN 12 AM 11 20

CLERK OF PROBATE COURT  
WASHINGTON CO. ARK.

ORDINANCE NO. 96- 1

BE IT ENACTED IN THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE TO EXCLUDE OFF-PREMISE SIGNS FROM  
CERTAIN DESIGNATED SCENIC CORRIDORS IN  
WASHINGTON COUNTY, ARKANSAS; AND FOR OTHER  
PURPOSES.

WHEREAS, under Amendment 55, Section 1 of the  
Constitution of the State of Arkansas, a county acting through its  
Quorum Court may provide for services and functions related to open  
spaces, planning and zoning; and,

WHEREAS, the scenic nature of roadways should  
be preserved to protect the public interest; to promote the public  
health, safety and welfare; to promote tourism and to preserve the  
natural beauty and aesthetics of Washington County.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. That all off-premise signs  
visible from a designated scenic corridor shall henceforth be  
prohibited except as may be approved pursuant to the "Logo Sign  
Program" of the Arkansas State Highway Commission Minute Order No.  
87-518, as amended; or the "Tourist Oriented Directional Sign"  
(TODS) Program of the Arkansas State Highway Commission when  
established, including amendments; and official traffic or  
government signs. U S. Highway 71, U. S. Highway 412 west of the  
Tontitown corporate limit, Arkansas Highway 540 (including any  
future identifying designation), and Arkansas Highway 16 East of  
Fayetteville in the unincorporated part of Washington County are  
hereby designated as scenic corridors and "Off-Premise Sign  
Exclusion Zones", together with such other roadways as may be so  
designated by ordinance of the Quorum Court.

ARTICLE 2: A "sign" referred to herein shall  
mean an outdoor advertising sign, light, display, device, figure,  
painting, drawing, message, placard, poster, or billboard greater  
than 4 sq. ft. which is designed, intended, or used to advertise or  
inform, whether the same be permanent or of portable installation.

ARTICLE 3: Penalty Enforcement. A  
violation of this Ordinance shall be considered a misdemeanor and  
punishable by up to \$100 and/or 30 days in jail. Each day that a  
violation exists shall be considered a separate offense.

In addition, the County Judge is authorized to  
institute any civil action to enforce the provisions of this  
ordinance.



ARTICLE 4: All laws and ordinances and parts thereof in conflict are hereby repealed.

ARTICLE 5: The provisions of this Ordinance are deemed to be severable and, if any portion is heretofore deemed invalid, such invalidity shall not affect the remainder.

Charles A. Johnson  
CHARLES A. JOHNSON, County Judge

1/12/96  
DATE

Marilyn Edwards  
MARILYN EDWARDS, County Clerk

Sponsor: Darrious Mullins

Date of Passage: 1-11-96

Votes For: 8 Votes Against: 4 Abstentions: 1

**ADLT ENTERTAINMENT**  
**AND**  
**SEXUALLY ORIENTED BUSINESSES ORDINANCE**

## **ARTICLE II. SEXUALLY ORIENTED BUSINESSES**

**Editor's note:** Ord. No. 98-5, Arts. 1—6, adopted February 12, 1998, did not specifically amend the Code; hence, inclusion herein as new Art. II, §§ 2.9-21-2.9-26, was at the discretion of the editor.

### **Sec. 2.9-21. Purpose and intent.**

It is the purpose of this Article to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the County and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within unincorporated areas of the County. The provision of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

(Ord. No. 98-5, Art. 1, 2-12-98)

### **Sec. 2.9-22. Definitions.**

- (a) *Adult arcade.* Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image producing devices are maintained to show images to five (5) or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" (i) or "specified areas" (j).
- (b) *Adult bookstore or adult video store.* A commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any (1) or more of the following.
  - (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" (i) or "specified Anatomical areas" (j).
- (c) *Adult cabaret.* A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (1) Persons who appear in a state of nudity; or
  - (2) Live performances which are characterized by the exposing of "specified sexual activities" (i) or "specified anatomical areas" (j); or
  - (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities (i) or "specified anatomical areas" (j)
- (d) *Adult motion picture theater.* A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize (specified sexual activities" (i).
- (e) *Adult Theaters.* A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" (i) or "specified anatomical areas" (j).
- (f) *Nudity or state of nudity.*

- (1) The appearance of the bare human buttock, anus, male genitals, female genitals, or areola of the female breast.
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
- (g) *Person*. An individual, proprietorship, partnership, corporation, association, or other legal entity.
- (h) *Sexually oriented business*. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater or adult theater as the same are defined herein.
- (i) *Specified sexual activities*.
  - (1) Human genitals in a state of sexual stimulation or arousal.
  - (2) Acts of human masturbation, sexual intercourse, or sodomy.
  - (3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- (j) *Specified anatomical areas*.
  - (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and
  - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(Ord. No. 98-5, Art. 2, 2-12-98)

### **Sec. 2.9-23. Classification.**

Sexually oriented businesses are classified as follows:

- (1) Adult arcade;
- (2) Adult bookstores and adult video stores;
- (3) Adult cabarets;
- (4) Adult motion picture theaters; and
- (5) Adult theaters

(Ord. No. 98-5, Art. 3, 2-12-98)

### **Sec. 2.9-24. Location.**

Sexually oriented businesses may be allowed subject to the following:

- (1) No sexually oriented business may be operated within five hundred (500) feet of:
  - a. A church;
  - b. A public or private elementary, secondary or post-secondary or post-secondary school, pre-school, or child care facility;
  - c. A public park.
- (2) No sexually oriented business may be operated:
  - a. Within two hundred (200) feet of a boundary of a residential area of any residential use, public hotel or motel; or
  - b. Within four hundred (400) feet of a residential area or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line of the residential area or use.
- (3) No sexually oriented business may be operated within one thousand (1000) feet of another sexually oriented business or within two hundred (200) feet of any

room, building, premises, place or establishment that sells or dispenses alcohol or beer.

- (4) For the purposes of subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

(Ord. No. 98-5, Art. 42 2-12-98)

**Sec. 2.9-25. Penalties.**

- (a) Any person operating or causing to be operated any sexually oriented business in violation of any part of this Article, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (b) If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.
- (c) A person who operates or causes to be operated a sexually oriented business in violation of this Article shall be subject to a suit for injunction as well as prosecution for criminal violations.

(Ord. No. 98-5, Art. 5, 2-12-98)

**Sec. 2.9-26. Exceptions to restrictions on location.**

A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, residential area, or residential uses.

(Ord. No. 98-5, Art. 6, 2-12-98)

'98 FEB 17 PM 2 07

MARILYN EDWARDS  
CO. & PROBATE CLERK  
WASHINGTON CO. ARK.

## ORDINANCE NO. 98-5

BE IT ENACTED BY THE QUORUM COURT  
OF THE COUNTY OF WASHINGTON,  
STATE OF ARKANSAS, AN ORDINANCE  
TO BE ENTITLED:

**AN ORDINANCE DEFINING AND CLASSIFYING SEXUALLY  
ORIENTED BUSINESSES; PROVIDING RESTRICTIONS ON  
THE LOCATION OF SEXUALLY ORIENTED BUSINESSES;  
AND PROVIDING PENALTIES FOR VIOLATIONS.**

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM  
COURT OF WASHINGTON COUNTY, ARKANSAS:

**ARTICLE 1.** PURPOSE AND INTENT. It is the purpose of this Ordinance to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of Washington County and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within unincorporated areas of the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

**ARTICLE 2.** SEXUALLY ORIENTED BUSINESS -  
DEFINITION

(a) **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" (i) or "specified anatomical areas" (j).

(b) **Adult Bookstore or Adult Video Store.** A commercial establishment whose principal business purposes is to offer for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" (i) or "specified anatomical areas" (j).

(c) **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) persons who appear in a state of nudity; or
- (2) live performances which are characterized by the exposing of "specified sexual activities" (i) or "specified anatomical areas" (j); or
- (3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" (i) or "specified anatomical areas" (j).

(d) **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize "specified sexual activities" (i).

(e) **Adult Theaters.** A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified sexual activities" (i) or "specified anatomical areas" (j).

(f) **Nudity or State of Nudity.**

- (1) The appearance of the bare human buttock, anus, male genitals, female genitals, or areola of the female breast.
- (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

(g) **Person.** An individual, proprietorship, partnership, corporation, association, or other legal entity.

(h) **Sexually Oriented Business.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, or adult theater as the same are defined herein.

(i) **Specified Sexual Activities.**

- (1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

(j) ***Specified anatomical areas.***

(1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**ARTICLE 3. SEXUALLY ORIENTED BUSINESSES — CLASSIFICATION.** Sexually oriented businesses are classified as follows:

- (a) Adult arcade,
- (b) Adult bookstores and adult video stores,
- (c) Adult cabarets,
- (d) Adult motion picture theaters, and
- (e) Adult theaters.

**ARTICLE 4. LOCATION.** Sexually oriented businesses may be allowed subject to the following:

- 500 feet of:
- (a) No sexually oriented business may be operated within
    - (1) a church,
    - (2) a public or private elementary, secondary or post-secondary school, pre-school, or child care facility.
    - (3) a public park



(b) No sexually oriented business may be operated:

(1) within 200 feet of a boundary of a residential area of any residential use, public hotel or motel, or

(2) within 400 feet of a residential area or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line of the residential area or use.

(c) **No sexually oriented business may be operated within 1,000 feet of another sexually oriented business or within 200 feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer.**

(d) For the purposes of subsection (a), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

#### **ARTICLE 5. PENALTIES.**

(a) Any person operating or causing to be operated any sexually oriented business in violation of any part of this Ordinance, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).


(b) If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.

(c) A person who operates or causes to be operated a sexually oriented business in violation of this Ordinance shall be subject to a suit for injunction as well as prosecution for criminal violations.

**ARTICLE 6.** A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, residential area, or residential uses.

Ordinance No. 98-5  
Page 5

**ARTICLE 7.** Severability. If any provision of this Ordinance is deemed invalid, such invalidity shall not affect the validity of the remaining portions and to such extent each provision herein is deemed severable.

  
\_\_\_\_\_  
CHARLES A. JOHNSON, County Judge

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
MARILYN EDWARDS, County Clerk

Sponsor: Kenley Haley

Date of Passage: February 12, 1998

Votes For: 9 Votes Against: 3  
Abstention: 1 Absent: 0

**APPENDIX E**

**COMMUNICATION TOWER AND ANTENNA  
ARRAY APPLICATION FORMS**

# APPENDIX E1

Questions? Contact the Planning Office!  
Phone (479) 444-1724. Fax (479) 444-1786

<https://www.washingtoncountyar.gov>  
2615 S Brink Drive, Fayetteville, AR 72701

## **WASHINGTON COUNTY, ARKANSAS** **ADMINISTRATIVE APPROVAL OF ANTENNA (CELLULAR/ PCS PROVIDERS)**

### **Administrative Approval of antennas applies to:**

- ❑ Placement of antennas on existing support structures which:
  - do not increase the total height of the original support structure by more than twenty-four (24) feet, and
  - will not significantly increase the lighting or noise levels of the structure
- ❑ Outbuildings and facilities built in connection with such antenna.

### **Scenario 1: If antennas are being replaced with new antennas which will have the same (or lesser) loading, etc., and the ground footprint is not changing, only the following will be required:**

- ❑ **Application** - completed Appendix "E1"- application for Administrative Approval of Antenna (Cellular/ PCS Providers)
- ❑ **Letter** - from the structural engineer stating the tower does not currently exceed its maximum loading capacity and that the change-out of antenna(s) will not increase the loading, noise levels, lights, or tower height.
  - OR
- ❑ **Structural Analysis Report** - from a licensed Professional Engineer certifying the capacity (loading and otherwise) of the tower for the new antenna and all existing antenna on the support structure.
- ❑ **Plans (if available)** - showing the newest proposed antennas & any change-out plans for any equipment on the ground, etc.

### **Scenario 2: If the antennae are additional (not switch outs), or have greater loading, the following will be required:**

- ❑ **Application** - completed Appendix "E1"- application for Administrative Approval of Antenna (Cellular/ PCS Providers)
- ❑ **Letter** - from the structural engineer stating the tower does not currently exceed its maximum loading capacity and that the change-out of antenna(s) will not increase the loading, noise levels, lights, or tower height.
  - OR
- ❑ **Structural Analysis Report** - from a licensed Professional Engineer certifying the capacity (loading and otherwise) of the tower for the new antenna and all existing antenna on the support structure.
- ❑ **Plans (if available)** - showing the newest proposed antennas & any change-out plans for any equipment on the ground, etc.

**APPENDIX "E1"**

**APPLICATION FOR ADMINISTRATIVE APPROVAL  
OF ANTENNAS  
(CELLULAR/PCS PROVIDERS)**

**WASHINGTON COUNTY, ARKANSAS**  
**APPLICATION FOR ADMINISTRATIVE APPROVAL**  
**OF ANTENNAS (CELLULAR/PCS PROVIDERS)**

**Applicant:**

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Company \_\_\_\_\_ applying \_\_\_\_\_ for \_\_\_\_\_ antenna \_\_\_\_\_ approval: \_\_\_\_\_

To whom County should send correspondence (names and addresses):

\_\_\_\_\_

**Property Upon Which The Tower Rests:**

Parcel Number: \_\_\_\_\_

\*For address/property owner search, please use the Washington County Assessor's website or call 479-444-1500 to obtain the correct parcel number.

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Road Information:

U.S., State or County Road(s) giving access: \_\_\_\_\_

Road Surface type: \_\_\_\_\_

**Tower Information:**

FCC-ASR # \_\_\_\_\_

\*If no FCC-ASR #, please contact the Planning Office to determine if additional location information is needed.

Parcel # of Tower: \_\_\_\_\_

\*For address/property owner search, please use the Washington County Assessor's website or call 479-444-1500 to obtain the correct parcel number.

Latitude of Tower: \_\_\_\_\_ Longitude of Tower: \_\_\_\_\_

Type of Structure: \_\_\_\_\_

9-1-1 Address: \_\_\_\_\_

Existing height of tower (in feet): \_\_\_\_\_

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Antenna Information:**

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Height of tower after antenna(s) are added (in feet): \_\_\_\_\_

Proposed Antenna(s) Center-Line Elevation: \_\_\_\_\_

How many antenna do you have a lease for on this tower? \_\_\_\_

How many of these antennas are existing on this tower? \_\_\_\_

How many antennas are proposed to be added with this application? \_

Is the proposed antenna a technology upgrade? \_\_\_\_\_

Please indicate:

New antenna, ancillary equipment, and/or structures. Please list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Replacement antenna, ancillary equipment, and/or structures. (Please note if the antenna proposed has a heavier loading than the existing antenna it is replacing). Please list:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will there be any change in lighting or noise levels to the tower?

No  Yes (If yes, please explain on an attached sheet)

Is all equipment located within the Leased Area?

No (If no, please explain on an attached sheet)  Yes

.....  
I certify under perjury that I have read this application. The statements and answers made herein and all data, information and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: (please print) \_\_\_\_\_

Capacity in which signed: \_\_\_\_\_

**CHECKLIST  
APPROVAL OF ANTENNA**

**9-1-1 Information: (Sign Alternative (a) or (b), not both)**

**(a)** Applicant hereby certifies that the tower or antenna array in question is not used for the provision of 9-1-1 services, and if the use of such tower or antenna array is changed to include such services the provider of such services will be directed by Applicant to provide the information required by subsection (b).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (please print) \_\_\_\_\_  
Capacity in which signed \_\_\_\_\_

**(b)** Applicant hereby certifies that the following information, in form reasonably satisfactory to the Washington County 9-1-1 Operations, has been provided to the Washington County 9-1-1 Operations:

- a footprint map for all sectors of the tower or antenna array
- an address for each sector of the tower meeting the address standards provided by Washington County 9-1-1 Operations, including separate designations for each sector

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (please print) \_\_\_\_\_  
Capacity in which signed \_\_\_\_\_

---

Staff Use Only

This application was approved by the Staff of the Washington County Planning Board on (date):

\_\_\_\_\_

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_



**APPENDIX "E2"**

**APPLICATION FOR ADMINISTRATIVE APPROVAL OF  
TOWERS  
(CELLULAR/PCS PROVIDERS)**

**WASHINGTON COUNTY, ARKANSAS**  
**APPLICATION FOR ADMINISTRATIVE APPROVAL OF TOWER**

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

I certify under perjury that I have read this application. The statements and answers made herein and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Signature \_\_\_\_\_ Date \_\_\_\_\_ Name (please print) \_\_\_\_\_

Capacity in which signed \_\_\_\_\_

Property Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

To whom should County send correspondence (names and addresses):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Information:

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Tax Parcel numbers: \_\_\_\_\_

Planning Area: \_\_\_\_\_

Quorum Court District: \_\_\_\_\_

Road Information:

U.S., State or County Road(s) giving access: \_\_\_\_\_

Road surface: \_\_\_\_\_

Environmental Information:

Is the project subject to the National Environmental Policy Act?

Yes  No

If yes, have the NEPA requirements been met?

Yes  No (Please explain on attached sheet)

**CHECKLIST**  
**ADMINISTRATIVE APPROVAL OF TOWER (continued)**

1. Plat review fee. (Waived for towers for personal use.)
2. Submit One Digital .pdf (or 5 hard copies) of the plat/plans, as required by the Staff to the project planner or [planning@washingtoncountyar.gov](mailto:planning@washingtoncountyar.gov). Only plats with complete information as outlined in this packet will be accepted.
3. Completed Application Form.
4. If the tower is being constructed for a specific purpose, a list of all existing towers within a 1 mile radius of the proposed site, or such smaller area as Applicant demonstrates would be suitable for the purpose to be served by the tower.
5. A statement that the owners of all such towers have been contacted and asked about the possibility of co-location, or an explanation of why such contact was not made.
6. A signed statement explaining why the available towers in the area are not suitable for co-location.
7. At the request of the Staff of the Planning Board, copies of correspondence with the owners of such towers, and such other additional information about one or more potential co-location sites, including a tower study, as may be required to ascertain whether co-location is infeasible.

**The Plat must include the following information:**

1. Name and address of owner, applicant, and surveyor.
2. Date, scale ( 1" - 100' preferred), and north arrow.
3. Vicinity map with scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines, and county lines.
4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township, and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.
5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified.
6. The location and identification existing roads or access ways within and to the property and within 20 feet plus the height of the tower from the base of the perimeter of the tower.
7. The location and size of existing easements on or adjoining the property, or a note that there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of perennial and intermittent water courses on or adjoining the property or a note indicating there are none.
10. A note describing any plat and deed restrictions or a note indicating there are none.

(Information required on Plat continued on next page)

**CHECKLIST**  
**ADMINISTRATIVE APPROVAL OF TOWER (continued)**

Signature Blocks on the Plat

1. Certificate of Accuracy of Survey.

I certify that the plan shown and described hereon is a true and correct survey in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Washington County.

Date: \_\_\_\_\_ Surveyor: \_\_\_\_\_

2. Staff Approval

This plat was approved by the Staff of the Washington County Planning Board on (date): \_\_\_\_\_

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

Information which must be on either the plat or a signed Site Plan (at the option of the Applicant)

1. The location of all outbuildings to be placed on the property in connection with the tower.
2. The location of all personal residences within 800 feet plus the height of the tower from the perimeter of the base of the tower.
3. The names of the owners of such residences and copies of their signed consents to the placement of the proposed tower.
4. The existing topography on the property, as per existing U.S. Geological Services survey maps.

Signature Block on the Site Plan

Certificate of Accuracy

I certify that the information provided herein is true and correct and is in compliance with the Regulations, Standards and Specification for the Division, Development and Improvement of Unincorporated Land in Washington County.

Date: \_\_\_\_\_ Applicant/Engineer: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_

Capacity in which signed: \_\_\_\_\_

(Information required in connection with Application continued on next page)

CHECKLIST  
ADMINISTRATIVE APPROVAL OF TOWER (continued)

9-1-1 Information: (Sign alternative (a) OR (b), NOT BOTH)

(a) Applicant hereby certifies that the tower in question is not used for the provision of 9-1-1 services, and if the use of such tower is changed to include such services, the provider of such services will be directed by Applicant to provide the information required by subsection (b).

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

Name (please print) \_\_\_\_\_

Capacity in which signed \_\_\_\_\_

b) Applicant hereby certifies that the following information, in form reasonably satisfactory to the Washington County 9-1-1 Operations, has been provided to the Washington County 9-1-1 Operations:

-a footprint map for all sectors of the tower or antenna array

-an address for each sector of the tower meeting the address standards provided by Washington County 9-1-1- Operations, including separate designations for each sector

-a ten digit Pseudo ANI for each sector of the tower

-a non-disclosure agreement between the Applicant and Washington County 9-1-1 Operations, to be signed by the Washington County 9-1-1 Director or other authorized individual

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

Name (please print) \_\_\_\_\_

Capacity in which signed \_\_\_\_\_

**APPENDIX "E3"**

**APPLICATION FOR APPROVAL  
OF TOWER OR ANTENNA ARRAY**

**WASHINGTON COUNTY, ARKANSAS**  
**APPLICATION FOR APPROVAL**  
**OF TOWER OR ANTENNA ARRAY**

Name of Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

I certify under perjury that I have read this application. The statements and answers made herein and all data, information and evidence herewith submitted are, to the best of my knowledge and belief after reasonable investigation, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve my application or might set conditions for approval.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: (please print) \_\_\_\_\_  
Capacity in which signed: \_\_\_\_\_

Property Owner: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

To whom should County send correspondence (names and addresses):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Information:  
Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Tax Parcel numbers: \_\_\_\_\_  
Planning Area: \_\_\_\_\_  
Quorum Court District: \_\_\_\_\_

Road Information:  
U.S., State or County Road(s) given access: \_\_\_\_\_  
Road Surface: \_\_\_\_\_

Environmental Information:  
Is the project subject to the National Environmental Policy Act?  
\_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, have the NEPA requirements been met?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

**CHECKLIST**  
**APPROVAL OF TOWER OR ANTENNA ARRAY (continued)**

1. Plat review fee. (Waived for towers for personal use.)
2. Up to Five (5) hard copies or one (1) PDF copy of the plat, as required by staff to the project planner or [planning@washingtonty.gov](mailto:planning@washingtonty.gov). Only plats with complete information as outlined in this packet will be accepted.
3. Completed Application Form.
4. If the tower is being constructed for a specific purpose, a list of all existing towers within a 1-mile radius of the proposed site, or such smaller area as applicant demonstrates would be suitable for the purpose to be served by the tower.
5. A statement that the owners of all such towers have been contacted and asked about the possibility of co-location, or an explanation of why such contact was not made.
6. A signed statement, explaining why the available towers in the area are not suitable for co-location.
7. At the request of the Staff of the Planning Board, copies of correspondence with the owners of such towers, and such other additional information about one or more potential co-location sites, including a tower study, as may be required to ascertain whether co-location is infeasible.
8. If you are asking for a waiver of a requirement, submit a completed "Variance Request Form," which may be obtained from the Planning Office.

**The Plat must include the following information:**

1. Name and address of owner, applicant & surveyor.
2. Date, scale (1"-100' preferred), and north arrow.
3. Vicinity map with scale and north arrow indicating surrounding roads, municipal limit lines, growth area boundaries, state lines & county lines.
4. Legal description of the property on which the tower is to be placed, with dimensions and angles sufficient to locate all lines. Property shall be located by Section, Township and Range, and tied to the nearest defined and referenced Section or Quarter Section Corner.
5. The precise location and dimensions of the proposed tower or existing tower as it is to be modified.
6. The location and identification of existing roads or access ways within and to the property and within 20 feet plus the height of the tower from the base of the perimeter of the tower.
7. The location and size of existing easements on or adjoining the property, or a note there are none.
8. The location of flood areas on the property or a note indicating there are none.
9. The location of perennial and intermittent watercourses on or adjoining the property or a note indicating there are none.
10. A note describing any plat and deed restrictions, or a note indicating there are none.



**CHECKLIST**  
**APPROVAL OF TOWER OR ANTENNA ARRAY (continued)**

**Signature Blocks on the Plat**

1. Certificate of Accuracy of Survey.

I certify that the plan shown and described hereon is a true and correct survey in compliance with the Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County.

Date: \_\_\_\_\_ Surveyor: \_\_\_\_\_

2. Planning Board Approval

This plat was approved by the Washington County Planning Board at a meeting on (Date): \_\_\_\_\_

Planning Director: \_\_\_\_\_ Date: \_\_\_\_\_

**Information that must be on either Plat or a signed Site Plan  
(At the option of the applicant)**

1. The location of all outbuildings to be placed on the property in connection with the tower.
2. A list of all property owners (including corresponding deed book and page numbers) who own the land within \_\_\_ feet, plus the height of the tower from the perimeter of the base of the tower.
3. The location of all personal residences within 150% of the height of the tower from the perimeter of the base of the tower.
4. The existing topography on the property, as per existing U.S. Geological Services survey maps.

**Signature Block on Site Plan**

1. Certificate of Accuracy

I certify that the information provided herein is true and correct and is in compliance with the Regulations, Standards and Specifications for the Division, Development and Improvement of Unincorporated Land in Washington County.

Date: \_\_\_\_\_ Applicant /Engineer: \_\_\_\_\_

Name of Signatory: \_\_\_\_\_

Capacity in which signed: \_\_\_\_\_

**CHECKLIST  
APPROVAL OF TOWER OR ANTENNA ARRAY (continued)**

**9-1-1 Information: (Sign Alternative (a) or (b), not both)**

**(a)** Applicant hereby certifies that the tower or antenna array in question is not used for the provision of 9-1-1 services, and if the use of such tower or antenna array is changed to include such services the provider of such services will be directed by Applicant to provide the information required by subsection (b).

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (please print) \_\_\_\_\_  
Capacity in which signed \_\_\_\_\_

**(b)** Applicant hereby certifies that the following information, in form reasonably satisfactory to the Washington County 9-1-1 Operations, has been provided to the Washington County 9-1-1 Operations:

- a footprint map for all sectors of the tower or antenna array
- an address for each sector of the tower meeting the address standards provided by Washington County 9-1-1 Operations, including separate designations for each sector
- a ten digit Pseudo ANI for each sector of the tower
- a non-disclosure agreement between the Applicant and Washington County 9-1-1 Operations, to be signed by the Washington County 9-1-1 Director or authorized individual

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Name (please print) \_\_\_\_\_  
Capacity in which signed \_\_\_\_\_

## **FORMS**

**FORM A: Application for House or Structure Moving Permit**

**APPLICATION FOR HOUSE  
OR STRUCTURE MOVING PERMIT**

Washington County, Arkansas

1. Address from which house or structure is to be moved:  
Site Address \_\_\_\_\_  
Lot No. \_\_\_\_\_ Block \_\_\_\_\_  
Subdivision \_\_\_\_\_  
U.S. Survey Description \_\_\_\_\_
2. Time of day moving will take place (must be during daylight hours):  
Begin \_\_\_\_\_ (a.m.)(p.m.)  
End \_\_\_\_\_ (a.m.)(p.m.) (No later than 3:00 p.m.)
3. Address to which house or structure is to be moved:  
Site Address \_\_\_\_\_  
Lot No. \_\_\_\_\_ Block \_\_\_\_\_  
Subdivision \_\_\_\_\_  
U.S. Survey Description \_\_\_\_\_
4. Type of house or structure (description) \_\_\_\_\_
5. Current use of house or structure at site from which it is to be moved \_\_\_\_\_
6. Proposed use of house or structure at site to which it is to be moved \_\_\_\_\_
7. A site plan drawn to scale on which the house or structure is to be located is to be furnished, including dimensions and identifying the public way providing access to the land. The drawing shall also indicate the location of the building on the land.
8. Names and addresses of adjacent property owner: Attached signature form must be completed before permit is granted.
9. Utility company and police signatures: Attached form must be completed before permit is granted.
10. Occupancy permit: If house or structure is to be occupied at new site, attached form must be completed before permit is granted.
11. City planning clearance: If structure is to be located in a city or in a city's planning area, clearance from the municipal planning office must be obtained.

Applicant's signature

Date

THIS APPLICATION IS MADE ON THE \_\_\_\_\_ AND THE ABOVE CRITERIA  
BEING MET IS HEREBY APPROVED

(Administrative Officer)

Date

**FORM B: Application for Occupancy Permit**

APPLICATION FOR OCCUPANCY PERMIT  
Washington County, Arkansas

\_\_\_\_\_  
Name of Applicant

\_\_\_\_\_  
Address and Phone Number

\_\_\_\_\_  
Address of House or Structure

An Occupancy Permit may be issued for a house or structure moved to a site when the following are satisfactorily complied with:

1. Sewage Disposal:
  - a. Connected to approved public or private sewage company system or septic tank. Permit approved by the County Sanitarian.  
Certification \_\_\_\_\_
2. Water Supply:
  - a. Connected to approved public or private water provider or well or other supply approved by the Health Department or applicable provider. (N/A if hauling water.)  
Certification \_\_\_\_\_
3. Houses or structures using natural gas fuel must meet requirements of Southern Standard Gas Code.  
Certification by distributor gas company \_\_\_\_\_
4. Houses or structures using liquefied gas must meet the Arkansas LP Gas Code.  
Certification by distributor providing LP tank and gas \_\_\_\_\_

\_\_\_\_\_  
The above criteria being met, occupancy is hereby permitted.

Administrative Officer

Date

**Washington County, Arkansas**  
**Sexually Oriented Business Application**

**Name of Business:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Fax#:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**I certify under perjury that the following statements and answers herein made and all data, information and evidence herewith submitted are, to the best of my knowledge and belief, true and correct. I understand that the submittal of incorrect or false information is grounds for invalidation of this application. I understand that the County might not approve what I am applying for, or might set conditions on approval.**

**Signature of applicant or Representative** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property Owner:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Fax#:** \_\_\_\_\_

**I certify under penalty of perjury that I am the owner of the property that is the subject of this application or I am the owner's authorized agent and I have read all of this application and consent to its filing.**

**Signature of Property Owner or Agent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**To whom should the County send correspondence? (List names and addresses)**

**Property Information:**

**Section:** \_\_\_\_\_, **Township:** \_\_\_\_\_, **Range:** \_\_\_\_\_

**Tax Parcel Number(s):** \_\_\_\_\_

**Planning Area:** \_\_\_\_\_ **School District:** \_\_\_\_\_

**Quorum Court/JP District:** \_\_\_\_\_

**Read Information:**

U.S., State, or County road # giving access to property: \_\_\_\_\_

Road surface (asphalt, chip & seal, gravel or unimproved): \_\_\_\_\_

Right of way width: \_\_\_\_\_

**Utility Information:**

(Check box if utility has existing lines on for fronting the property and write name of the company.)

Water Company Name: \_\_\_\_\_ Electric Company Name: \_\_\_\_\_

Gas Company Name: \_\_\_\_\_ Telephone Company Name: \_\_\_\_\_

Cable Company Name: \_\_\_\_\_ Sewer System / Septic: \_\_\_\_\_

Total Acreage of Property: \_\_\_\_\_ Proposed Use of the Property: \_\_\_\_\_

**Washington County, Arkansas**  
**Sexually Oriented Business Checklist**

Definition of a sexually oriented business (Se. 2.9-22, 23)

Sexually oriented businesses are classified as follows (Please check the following as it applies)

**1. Adult Arcade.**

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image producing devices are maintained to show images to five (5) or fewer viewers at one time, and where images are so displayed.

**2. Adult Bookstores and adult video stores.**

A commercial establishment whose principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following:

Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".

**3. Adult cabaret.**

A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. Persons who appear in a state of nudity
2. Live performances which are characterized by the exposing of "specified sexual activities" or "specified anatomical areas".
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas".

**4. Adult motion picture theater.**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, excluding those which



are rated by the Motion Picture Association of America, which emphasize (specified sexual activities).

**5. Adult theaters.**

A theater, concert hall, auditorium, or similar commercial establishment, which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of “specified sexual activities” (i) or “specified anatomical areas”.

---

**For Planning Staff Use Only:**

**Location (Sec 2.9-24)**

Please check next to the following if they should apply:

1. No sexually oriented business may be operated within five hundred (500) feet of:
  - a. A church. \_\_\_\_\_
  - b. A public or private elementary, secondary or post-secondary school, pre-school, or child care facility. \_\_\_\_\_
  - c. A public park \_\_\_\_\_
2. No sexually oriented business may be operated:
  - a. Within two hundred (200) feet of a boundary of a residential use, public hotel or motel. \_\_\_\_\_
  - b. Within four hundred (400) feet of a residential area or any residential use as measured by automobile travel distance from the exit of a sexually oriented business property to the property line of the residential area or use. \_\_\_\_\_
3. No sexually oriented business may be operated within one thousand (1,000) feet of another sexually oriented business or within two hundred (200) feet of any room, building, premises, place or establishment that sells or dispenses alcohol or beer. \_\_\_\_\_
4. For the purposes of subsection (1), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where sexually oriented business is conducted, to the nearest property line of the premises of a church or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district or residential lot.

**Penalties (Sec 2.9-25)**

- (a) Any person operating or causing to be operated any sexually oriented business in violation of any part of this Article, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).
- (b) If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.
- (c) A person who operates or causes to be operated a sexually oriented business in violation of this Article shall be subject to a suit for injunction as well as prosecution for criminal violations. (Ord. No. 98-5, Art. 5, 2-12-98)

**Sec. 2.9-26. Exceptions to restrictions on location.**

A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a pre-school, a child care facility, a public park, residential area, or residential uses. (Ord. No. 98-5, Art. 6, 2-12-98)



## WASHINGTON COUNTY, ARKANSAS

### County Courthouse

### **FINANCE & BUDGET/COUNTY SERVICES COMMITTEE REPORT – SEPTEMBER**

Judge Deakins

The Finance & Budget Committee met Tuesday, September 10, 2024 at 6:00PM. Members present were: David Wilson, Sean Simons, Ed Bowerman, Kyle Lyons, Charles Dean, Shawndra Washington, Beth Coger, Robert Dennis, Suki Highers, Evelyn Rios Stafford, Willie Leming, Gary Ricker, and Butch Pond. Justices Lisa Ecke and Coleman Taylor were absent. JP Wilson led the prayer and pledge. The Committee heard reports from Treasurer Hill, Employee's Insurance Report from Charles Angel, Comptroller's report from Paul Sherman, JDC report from Chris Tinsley and the Sheriff's report from Jay Cantrell. Four ordinances were passed on to the Quorum Court via the consent agenda. One resolution was removed from the agenda before the agenda was adopted and another was removed after discussion. The committee heard an opening presentation on the 2025 County Budget and STEP compensation plan from Director's Sherman and Burchett. Public comments were heard and meeting was adjourned at 8:22PM.