

ORDINANCE NO. 2024- 08

AN ORDINANCE AMENDING SECTIONS 2.6.2, 4.13.5 C, 5.3.5 C (1), 5.3.16 A, 6.5.11 AND TABLE 6.13.3.1 OF THE LINCOLN UNIFIED DEVELOPMENT CODE AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINCOLN, ARKANSAS, THAT:

Section One: Title. This Ordinance shall be known as an Ordinance Amending Sections 2.6.2, 4.13.5 C, 5.3.5C (1), 5.3.16 A, 6.5.11 and Tab6.13.3.1 of the Lincoln Unified Development Code and for other Purposes.

Section Two: Section 2.6.2 of the Lincoln Unified Development Code Amended. Section 2.6.2 of the Lincoln Unified Development Code is hereby amended to read as follows:

2.6.2 Fee Schedule

~~Pre-Application Conference \$25.00~~

~~Large-Lot Split \$50.00~~

~~Lot Split, Lot Line Adjustment (un-platted), Lot Combination \$100.00~~

Development:

~~Preliminary Plat~~

~~29 lots or less \$250.00~~

~~More than 29 lots \$550.00~~

~~Final Plat~~

~~29 lots or less \$150.00~~

~~More than 29 lots \$350.00~~

~~Large Scale Developments:~~

~~Preliminary Plan \$200.00~~

~~Final Plan \$200.00~~

~~Small Site Plans/Grading Permit:~~

~~Less than 1 acre: \$100~~

~~1-5 acres \$200~~

~~Over 5 acres \$250~~

~~Re-zoning Requests: \$100.00~~

~~Conditional Use Permit \$100.00~~

~~Planned Unit Developments: \$100.00~~

~~Variance Request: \$50.00~~

~~Waiver Request: \$50.00~~

~~Fence Permit: \$25.00~~

~~Sign Permit:~~

~~Permanent: \$50.00~~

~~Temporary: \$10.00~~

~~Appeal:~~

~~Administrative Official decision: \$50.00~~

~~Planning Commission decision: \$100.00~~

~~Communication (Cell) Tower Permit: \$350.00~~

~~Small Cell Wireless Permit: See Section 4.18 Small Cell Wireless Communication for fees~~

Fees will be set by the City Council as deemed necessary.

Section Three: Section 4.13.5 C. of the Lincoln Unified Development Code Amended. Section 4.13.5 C of the Lincoln Unified Development Code is hereby amended to read as follows:

#### 4.13.5 Procedure for Variance Applications

##### C. Finding of Fact

For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each at least a minimum of three of the following facts exist with respect to the application:

- (1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
- (2) The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- (3) The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.

- (4) The alleged difficulty or hardship is not one of a financial matter.
- (5) The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.

Section Four: Section 5.3.5 C (1) of the Lincoln Unified Development Code Amended. Section 5.3.5 C (1) of the Lincoln Unified Development Code is hereby amended to read as follows:

#### 5.3.5 General provisions.

C. Irrigation. Required landscaping shall be irrigated by one of the following methods:

- (1) For Commercial, Industrial, and Multi-Family Residential Apartments, one of the following are required.
  - (a) Underground sprinkler system;
  - (b) Automatic drip system; or
  - (c) Or a hose bib attachment within 100 feet of all landscaped areas; or

Section Five: Section 5.3.16 A of the Lincoln Unified Development Code Amended. Section 5.3.16 A of the Lincoln Unified Development Code is hereby amended to read as follows:

#### 5.3.16 Recommended trees and shrubs.

A. Criteria. The following lists indicate plantings that meet the landscaping requirements. These are recommendations. Other species may be considered by the City, unless specifically prohibited in other official City documents or ordinances. No known invasive species shall be allowed. Trees and shrubs native to Arkansas may substituted for species listed in the Recommended Plants List.

- (1) All plant materials should be spaced appropriately in accordance with mature plant size.
- (2) Plant materials intended for screening as required should be spaced appropriately to form the appropriate screen upon maturity.
- (3) Perennials and grasses. No restrictions, natives and drought tolerant species preferred.

Section Six: Section 6.5.11 of the Lincoln Unified Development Code Amended. Section 6.5.11 of the Lincoln Unified Development Code is hereby amended to read as follows:

#### **6.5.11 Final Plat Certificates**

A. Final Plat Certificates - Each final plat, and final plan submitted to the staff for approval shall carry the following certificates printed thereon.

**Certificate of Owner**

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

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

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

Source of Title: Book \_\_\_\_ Page \_\_\_\_ Instrument Number: \_\_\_\_\_

**Certificate of Engineering Accuracy**

I, \_\_\_\_\_, hereby certify that this plat or plan correctly represents a plat or plan made by me, and that Engineering requirements of the Lincoln Unified Development Code have been complied with.

Signed \_\_\_\_\_

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

Professional Engineer No. \_\_\_\_\_ Arkansas

**Certificate of Surveying Accuracy**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

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

Signed: \_\_\_\_\_

Registered Land Surveyor No. \_\_\_\_\_ State of Arkansas

### Certificate of Final Plat Approval

Pursuant to the Lincoln Unified Development Code and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

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

Lincoln Planning Commission Chairperson \_\_\_\_\_

Administrative Official \_\_\_\_\_

Mayor \_\_\_\_\_

Section Seven: Table 6.13.3.1 of the Lincoln Unified Development Code Amended. Table 6.13.3.1 of the Lincoln Unified Development Code is hereby amended to read as follows:

#### 6.13.3 Roadway Classifications and Typical Sections

Roadway typical sections and minimum design standards shall be provided as noted in Table 6.13.3.1.

**Table 6.13.3.1: Roadway Typical Section and Design Standards per Street Classification**

Street Classification	Local w/o On Street Parking	Local w/On Street Parking	Downtown (B-1, RD)	Collector w/Side Path	Collector w/Open Ditches	Arterial w/Side Path	Arterial Boulevard
Design Speed (MPH)	25	25	25	30	30	40	45
Maximum Grade %	10	10	5	8	10	8	7
Number of Lanes	Two 9' Travel Lanes	Two 9' Travel Lanes w/7' On Street	Two 11' Travel Lanes w/ 7.5' On Street Parking	Two 11' Travel Lanes	Two 11' Travel Lanes Min. 4' shoulders	Two 11' Travel Lanes w/12' Center Turn Lane	Two 11' Travel Lanes w/12' Center Median

Street Classification	Local w/o On Street Parking	Local w/On Street Parking	Downtown (B-1, RD)	Collector w/Side Path	Collector w/Open Ditches	Arterial w/Side Path	Arterial Boulevard
		Parking Lane	Lanes both sides				
Min. Back of Curb Width (ft.)	23	29	38	25	Min. EOP 22'	37	37
Min. RIGHT-OF-WAY (ROW)	50	50	50	60	80	65	65
Min. Paved Width (ft.)	20	26	34	22	22	34	22
Min. sight distance (ft.)	155	155	155	200	200	305	360
Min. intersection sight distance (ft.)*	260	260	260	310	310	660	830
Min. horizontal centerline radius (ft.)*	200	200	200	333	333	765	1040
Minimum horizontal tangent between reverse curves (ft.)	100	100	100	200	200	400	400
Pedestrian accommodations	6' sidewalk both sides	5' sidewalk both sides	6' sidewalk both sides	6' sidewalk (S&W) 10' Side path (N&E)	No Requirement	6' sidewalk (S&W) 10' Side path (N&E)	6' sidewalk (S&W) 10' Side path (N&E)
Greenspace (ft.)	6' both sides	5' both sides	No Requirement	6' both sides	No Requirement	5' both sides	5' both sides
Min. Curb Width/Shoulder Width (ft.)	1.5' Curb & Gutter	1.5' Curb & Gutter	2' Curb & Gutter	1.5' Curb & Gutter	1.5' Curb & Gutter	1.5' Curb & Gutter	1.5' Curb & Gutter

\*minimum horizontal radii required in table is based on -2.00% roadway cross slope. However, the minimum horizontal radius shall adhere to current AASHTO minimum radius standards for urban roadways where roadway cross slope deviates from -2.00% or where superelevation is allowed.

\*minimum intersection sight distance:

-Corner sight distance measured from a point on the minor road at 13 feet back from the edge of the travel lane (flowline) and measured from a height of eye at 3.50 feet on the minor road to a height of object at 3.5 feet on the major road.

-For local/local street intersection, the minimum sight distance allowed is the stopping sight distance.

\*local interior residential sidewalk minimum of 4 feet unless Americans With Disabilities Act overrides.

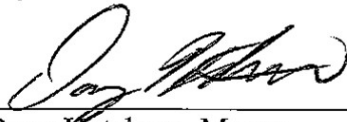
Section Eight: Effective Date. This Ordinance shall become effective from and after 91 days of its passage unless there is an Emergency Clause appended hereto.

Section Nine: Repealing Clause. Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

Section Ten: Saving Clause. Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

Section Eleven: Severability Clause. In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

Passed and Approved this 20<sup>th</sup> day of February, 2024.

  
\_\_\_\_\_  
Doug Hutchens, Mayor

(Attest)

  
\_\_\_\_\_  
Becky Carter, Clerk-Treasurer

