

Next scheduled Committee Meeting will be held in the City Council Chamber, 201 Spring Street, Springdale, Arkansas

- Monday, August 19<sup>th</sup> 5:30 p.m. is the next Committee meeting.
  - Committee agendas will be available on Friday, August 16, 2019.

SPRINGDALE CITY COUNCIL  
REGULAR MEETING  
TUESDAY, AUGUST 13<sup>th</sup>, 2019

- 5:55 p.m.      Pre Meeting Activities
- Pledge of Allegiance  
                    Invocation – **RICK EVANS**
- 6:00 p.m.      **OFFICIAL AGENDA**
1.      *Large Print* agendas are available.
  2.      Call to Order – Mayor Doug Sprouse
  3.      Roll Call – Denise Pearce, City Clerk
  - Recognition of a Quorum.
  4.      Comments from Citizens
  - The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.
  5.      Approval of Minutes – July 23<sup>rd</sup>, 2019    **Pg. 3 - 9**
  6.      Procedural Motions
  - A. Entertain Motion to read all Ordinances and Resolutions by title only.
  - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers. **7A, 7B, 7C & 8A.** Motion must be approved by two-thirds (2/3) of the council members).*
  7.      Planning Commission Report and Recommendation by Patsy Christie Director of Planning and Community Development:
  - A. **An Ordinance** accepting the Final Plat of the Tyson Heights Phase II Subdivision. **Pg. 10 - 12**
  - B. **An Ordinance** amending Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, The Downtown District Form Based Code; Declaring an emergency; and for other purposes. **Pg. 13**
  - C. **An Ordinance** amending Article 11 (Definitions) of the Zoning Ordinance of the City of Springdale, Arkansas; Declaring an Emergency; and for other purposes. **Pg. 14-50**
  8.      Ordinance Committee Report and Recommendations by Chairman Mike Overton:
  - A. **An Ordinance** amending Section 2-157 of the Springdale Code of Ordinances (Pertaining to competitive bidding process). **Pg. 51**
  - B. **A Resolution** authorizing the grant of a Utility Easement to Ozarks Electric across property owned by the City of Springdale, Arkansas (Parcel No. 815-28663-004 and Parcel No 815-28663-002, Springdale, Washington County, Arkansas). Committee recommended approval. **Pg. 52 - 57**
  9.      Finance Committee Report and Recommendations by Chairman Jeff Watson:
  - A. **A Resolution** amending the 2019 budget of the City of Springdale Fire Department (Ambulance ordered in 2018). Committee recommended approval. **Pg. 58**

10. Parks and Recreation Committee Report and Recommendations by Chairman Mike Lawson:
  - A. **A Resolution** appropriating funds for the Parks and Recreation Department (CIP #1904) (Pertaining to installation of synthetic turf). Committee recommended approval. Pg. 59 - 61
  - B. **A Resolution** accepting the guaranteed maximum price for construction of the Shaw Family Park. Committee recommended approval. Pg. 62 - 72
11. Street and CIP Committee Report and Recommendations by Chairman Rick Evans:
  - A. **A Resolution** authorizing contract execution for street striping services. Committee recommended approval. Pg. 73 - 74
  - B. **A Resolution** authorizing the City Attorney to settle a condemnation lawsuit wherein David Mancia is Defendant (815 E. Emma Avenue). Committee recommended approval. Pg. 75 - 78
12. Committee of the Whole Report and Recommendations by:
  - A. **A Resolution** affirming the City of Springdale's commitment to Life and designating the City of Springdale, Arkansas, as a Pro-Life City. Committee recommended approval. Pg. 79
13. Comments from Department Heads.
14. Comments from Council Members.
15. Comments from City Attorney.
16. Comments from Mayor.
17. Adjournment.

The City Council of the City of Springdale met in regular session on Tuesday, July 23, 2019, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Colby Fulfer	Ward 1
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Rose Lawrence	Mayor's Admin. Asst.

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Tom Evers	Chief Building Inspector
Aaron Hudman	Asst. Planning Director
Wyman Morgan	Director of Financial Services
Ashley Earhart	Public Relations Director
Brad Baldwin	Eng. & Public Works Director
Ron Findley	Neighborhood Services Director

REPORT ON ECONOMIC DEVELOPMENT

Scott Edmondson, Director of Business Development with the Springdale Chamber of Commerce, gave a 2nd Quarter 2019 report on economic development in the City of Springdale. (Report on file in City Clerk's Office)

CITIZENS COMMENTS

Joe Brooks and other citizens who own property in Bethel Heights spoke to City Council regarding the ongoing problem with waste water runoff on their properties in Bethel Heights. They have been collecting signatures from residents in Bethel Heights requesting an election to vote on dissolving the City of Bethel Heights. He asked for permission to collect signatures in the City of Springdale that are required to so they can get the issue on the ballot to dissolve Bethel Heights and allow then to come into the City of Springdale.

Bethel Heights needs 56 signatures and the City of Springdale needs 2,840 signatures. The petition would state there would be a consolidation of the smaller city into the larger city which would be Bethel Heights into the City of Springdale. Once signatures are obtained and verified, the question will go to the voters.

Other residents who spoke were Mr. and Mrs. Lawrence Bowen, Kevin Bowen, Tina Bowen, Charlotte Steele and Arlis Williamson.

City Attorney Ernest Cate said there is really no action to be taken by the City Council tonight.

Mayor Sprouse said the residents of Bethel Heights are seeking a remedy that is provided for by the State Constitution and by the law and there definitely is a problem that is causing them to initiate getting signatures to get the question of consolidation on the

ballot and the City of Springdale will abide by the people we represent. When the council is presented with a petition, there will be a vote to call for an election.

APPROVAL OF MINUTES

Council Member Evans moved the minutes of the July 9, 2019 City Council meeting be approved as presented. Council Member Jaycox made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Evans made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Fulfer made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

ORDINANCE NO. 5399 – AMENDING CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, THE DOWNTOWN DISTRICT FORM BASED CODE; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

Assistant Planning Director Aaron Hudman presented an Ordinance amending Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, the Downtown District Form Based Code; declaring an emergency and for other purposes.

A public hearing was held at their July 2, 2019 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Jaycox made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Ordinance was numbered 5399.

ORDINANCE NO. 5400 – REZONING PROPERTY OWNED BY SUNSET LIQUOR, INC. LOCATED AT 4828 W. SUNSET AVENUE, FROM A-1 TO C-5 AND DECLARING AN EMERGENCY

Assistant Planning Director Aaron Hudman presented an Ordinance rezoning .96 acres owned by Sunset Liquor, Inc., located at 4828 W. Sunset Avenue, from A-1 to C-5 and declaring an emergency.

A public hearing was held at their July 2, 2019 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Lawson made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Lawson made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Ordinance was numbered 5400.

ORDINANCE NO. 5401 – REZONING PROPERTY OWNED BY CHARLES AND ELIZABETH ADAMS LOCATED AT 3941 JULIO ROAD, FROM A-1 TO MF-4 AND DECLARING AN EMERGENCY

Assistant Planning Director Aaron Hudman presented an Ordinance rezoning 4 acres owned by Charles and Elizabeth Adams, located at 3941 Julio Road, from A-1 to MF-4 and declaring an emergency.

A public hearing was held at their July 2, 2019 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Jaycox made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5401.

ORDINANCE NO. 5402 – REZONING FIVE ACRES OWNED BY J. CARMEN MARTINEZ LOCATED AT 2124 N. 48<sup>TH</sup> STREET, FROM P-1 TO SF-2 AND DECLARING AN EMERGENCY

Assistant Planning Director Aaron Hudman presented an Ordinance rezoning 5 acres owned by J. Carmen Martinez, located at 2124 N. 48<sup>th</sup> Street, from P-1 to SF-2 and declaring an emergency.

A public hearing was held at their July 2, 2019 meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance “Do Pass”. Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Watson, Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5402.

RESOLUTION NO. 73-19 – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ENGINEERING SERVICES CONTRACT FOR THE EXTENSION OF SOUTH DIXIELAND ROAD (PROJECT NO. 18BS14)

Council Member Rick Evans presented a Resolution authorizing the execution of an amendment to an engineering services contract for the extension of South Dixieland Road (Project No. 18BS14).

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ENGINEERING SERVICES CONTRACT FOR THE EXTENSION OF SOUTH DIXIELAND ROAD (PROJECT NO 18BS14)**

**WHEREAS**, the City of Springdale is planning an extension of South Dixieland Road, and

**WHEREAS**, using the procurement procedures required by State Law, the program management team has selected Garver, LLC as the most qualified engineering firm for this project, and

**WHEREAS**, the amendment to the contract increases the not to exceed fee from \$19,600 to \$357,300, and

**WHEREAS**, project cost has been estimated to be \$5,230,513 including the cost of right-of-way/easement acquisition, utility relocation and construction.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL**



**FOR THE CITY OF SPRINGDALE, ARKANSAS,**

**Section 1.** Expenditures for this project will be paid from the 2018 Street Bond Construction Fund.

**Section 2.** The Mayor and City Clerk are hereby authorized to execute an engineering services contract amendment with Garver, LLC for engineering services relating to the extension of South Dixieland Road.

**Section 3.** The Mayor is hereby authorized to execute change orders to this contract provided the cumulative total does not exceed 10% of the original contract price.

**Section 4.** The Mayor is hereby authorized to institute eminent domain proceedings in any instance that an agreement has not been reached with the property owner regarding the amount of just compensation to be paid for the acquisition of property and easements for this project. All settlements proposed by the Mayor that exceed the appraised value will be presented to the City Council for approval.

**PASSED AND APPROVED** this \_\_\_\_ day of July, 2019

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

Council Member Jaycox moved the Resolution be adopted. Council Member Fulfer made the second.

The vote:

Yes: Overton, Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 73-19.

RESOLUTION NO. 74-19 – AUTHORIZING THE EXECUTION OF AN  
ENGINEERING SERVICES CONTRACT FOR STREET AND SIDEWALK/TRAIL  
IMPROVEMENTS TO WATKINS AVENUE (PROJECT NO. 18BS15)

Council Member Rick Evans presented a Resolution authorizing the execution of an engineering services contract for street and sidewalk/trail improvements to Watkins Avenue (Project No. 18BS15).

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN  
ENGINEERING SERVICES CONTRACT FOR STREET AND  
SIDEWALK/TRAIL IMPROVEMENTS TO WATKINS  
AVENUE PROJECT NO. 18BS15**

**WHEREAS**, the City of Springdale is planning Street and Sidewalk/Trail Improvements to Watkins Avenue from 48<sup>th</sup> Street to Gene George Blvd. and

**WHEREAS**, using the procurement procedures required by State Law, the program management team has selected McClelland Consulting Engineers, Inc. as the most qualified firm;

**WHEREAS**, the contract has been submitted for review using a lump sum price not to exceed \$114,495.00 for Basic Services and reimbursable expenses.

**WHEREAS**, project construction has been estimated to be \$1,564,322.00 including the cost of engineering services.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

**Section 1.** Expenditures for this project will be paid from the 2018 Street Bond Construction Fund.

**Section 2.** The Mayor and City Clerk are hereby authorized to execute an engineering services contract with McClelland Consulting Engineers, Inc. for Street and Sidewalk/Trail Improvements to Watkins Avenue.

**Section 3.** The Mayor is hereby authorized to institute eminent domain proceedings in any instance that an agreement has not been reached with the property owner regarding the amount of just compensation to be paid for the acquisition of property and easements for this project. All settlements proposed by the Mayor that exceed the appraised value will be presented to the City Council for approval.

**Section 4.** The Mayor is hereby authorized to execute amendments to this contracts as long as the cumulative value of the amendments do not exceed 10% of the original contract amount.

**PASSED AND APPROVED** this \_\_\_\_ day of July, 2019

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

The vote:

Yes: Fulfer, Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Resolution was numbered 74-19.

ORDINANCE NO. 5403 – RAZING AND REMOVAL OF A STRUCTURE LOCATED  
AT 962 W. SUNSET AVENUE – OWNER: BARBRE GROUP INVESTMENTS LLC

Council Member Brian Powell presented an Ordinance razing and removal of a structure located at 962 W. Sunset Avenue owned by Barbre Group Investments LLC.

After reading the title of the Ordinance, Council Member Lawson moved the Ordinance “Do Pass”. Council Member Jaycox made the second.



SPRINGDALE CITY COUNCIL  
JULY 23, 2019

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Powell made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Fulfer, Lawson

No: None

The Ordinance was numbered 5403.

DEPARTMENT HEAD COMMENTS

Buildings Official Tom Evers reported on the progress at 215 W. Maple. Eric Hanson, the contractor in charge, has assured him that they will be working on this project every day until it is finished.

Public Relations Director Ashley Earhart reported a public input session for Dean's Trail Phase III will be held on July 25<sup>th</sup>, from 4-6 p.m., at J.O. Kelly Middle School. The 2020 budget input sessions will be held on July 29<sup>th</sup> from 1:30 – 3:30 p.m. and July 30<sup>th</sup> from 5:00 – 7:00 p.m. in the City Council Room.

ADJOURNMENT

Council Member Overton made the motion to adjourn. Council Member Jaycox made the second.

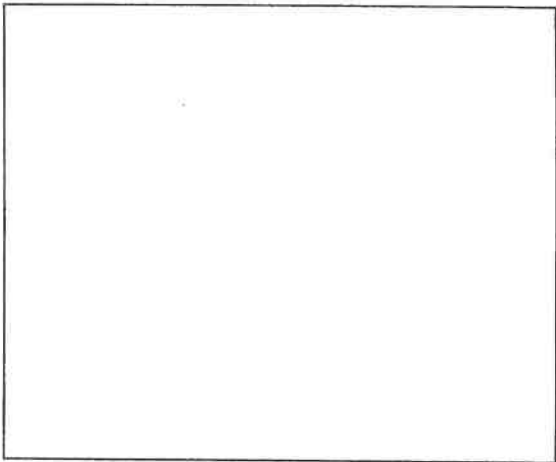
After a voice vote of all ayes and no nays, the meeting adjourned at 6:55 p.m.

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Doug Sprouse, Mayor

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Denise Pearce, City Clerk/Treasurer



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ACCEPTING THE FINAL PLAT OF THE TYSON HEIGHTS  
PHASE II SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS AND  
DECLARING AN EMERGENCY

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE,  
ARKANSAS:** That whereas, there has been duly presented to the city  
Planning Commission of Springdale, Arkansas a plat of certain lands in the City  
of Springdale, Washington County, Arkansas, being more particularly described  
as follows, to wit:

PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 7 AND PART OF THE SW 1/4 OF THE SW 1/4 OF  
SECTION 8 ALL IN TOWNSHIP 17 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS,  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 7;  
THENCE ALONG THE SOUTH LINE THEREOF N87°35'03"W 51.33 FEET TO THE POINT OF  
BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE N87°35'03"W 1202.86 FEET TO THE  
EASTERLY LINE OF SPRING CREEK ESTATES PHASE 2C, PER PLAT RECORD 023A-00000226;  
THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SEVEN COURSES: THENCE N41°52'26"E  
260.40 FEET; THENCE N23°33'24"E 313.26 FEET; THENCE N00°16'18"E 187.25 FEET; THENCE  
N05°06'42"E 80.26 FEET; THENCE N22°06'24"E 117.16 FEET; THENCE N32°13'04"E 401.14 FEET;  
THENCE N61°59'37"E 191.20 FEET TO THE SOUTH LINE OF HIDDEN LAKE SUBDIVISION PHASE VI,  
PER PLAT RECORD 17-32; THENCE ALONG SAID SOUTH LINE S87°35'47"E 250.73 FEET; THENCE  
LEAVING SAID SOUTH LINE S02°38'28"W 660.03 FEET; THENCE S87°57'37"E 329.91 FEET;  
THENCE S87°24'49"E 25.79 FEET TO THE WESTERLY LINE OF TYSON HEIGHTS PHASE I, PER PLAT  
RECORD 0024-00000148; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING ELEVEN  
COURSES: THENCE S02°49'34"W 124.24 FEET; THENCE N87°10'26"W 48.93 FEET; THENCE  
S02°49'34"W 50.00 FEET; THENCE S87°10'26"E 48.93 FEET; THENCE S02°49'34"W 239.20 FEET;  
THENCE N87°10'26"W 70.03 FEET; THENCE S02°49'34"W 50.03 FEET; THENCE 30.42 FEET ALONG  
A CURVE TO THE RIGHT WITH A RADIUS OF 20.00 FEET AND A LONG CHORD OF S40°44'28"E  
27.57 FEET; THENCE S02°49'34"W 106.52 FEET; THENCE S47°49'34"W 34.68 FEET;  
THENCE S02°23'23"W 43.93 FEET TO THE POINT OF BEGINNING, CONTAINING 24.01 ACRES,  
MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

**AND WHEREAS**, said Planning Commission, after holding a public hearing, has approved the plat as presented by petitioner, and has approved the dedication of streets, rights of way and utility easements as shown upon said plat and join with said petitioner in petitioning the City Council to accept the said plat of the Tyson Heights Phase I Subdivision to the City of Springdale, Arkansas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS**, that the plat of the Tyson Heights Phase II Subdivision as shown on the plat approved by the city Planning Commission, a copy of which is attached to this ordinance and made a part hereof as though set out herein word for word, be and the same is hereby accepted by the City of Springdale, Washington County, Arkansas, and the city hereby accepts for use and benefit to the public the dedications contained therein.

**EMERGENCY CLAUSE**: It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

**PASSED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Approved as to form:

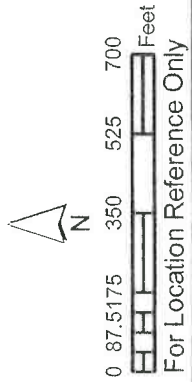
\_\_\_\_\_  
City Attorney





## Final Plat - Tyson Heights Phase II

CITY COUNCIL MEETING  
August 13, 2019





ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 32 OF THE  
CODE OF ORDINANCES OF THE CITY OF  
SPRINGDALE, ARKANSAS, THE DOWNTOWN  
DISTRICT FORM BASED CODE; DECLARING AN  
EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, contains the Downtown District Form Based Code for the City of Springdale, Arkansas;

**WHEREAS**, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to adopt revisions to the Downtown District Form Based Code for the City of Springdale, Arkansas;

**WHEREAS**, a public hearing was held before the Springdale Planning Commission on August 6, 2019, after notice was given of said hearing as required by law;

**WHEREAS**, notice of the consideration of this Ordinance was also published pursuant to Ark. Code Ann. §14-55-207;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:**

**Section 1.** There is adopted by reference a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Springdale, Arkansas, for inspection and view by the public, and being marked and designated as the "Downtown District Form-Based Code", for the City of Springdale, Arkansas.

**Section 2.** All other provisions of Chapter 32 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended by this ordinance shall remain in full force and effect.

**Section 3. Emergency Clause.** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED** this 13rd day of August, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

That which is underlined is added and that which is stricken through is deleted.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ARTICLE 11 (DEFINITIONS) OF THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**WHEREAS**, Article 11 of the Zoning Ordinance of the City of Springdale, Arkansas, contains the definitions used throughout the Zoning Ordinance;

**WHEREAS**, Article 11 of the Zoning Ordinance of the City of Springdale, Arkansas, needs to be amended to replace, update, and modernize the various definitions contained therein;

**WHEREAS**, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Article 11 of the Zoning Ordinance of the City of Springdale, Arkansas; and

**WHEREAS**, a public hearing was held before the Springdale Planning Commission on August 6, 2019, after notice was given of said hearing as required by law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:**

**Section 1:** Article 11 of the Zoning Ordinance of the City of Springdale, Arkansas, is hereby amended to read as follows:

**ARTICLE 11. - DEFINITIONS**

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The word "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

***Abutting*** means having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley, or waterways, lots which appear physically separated abut at the district line.

~~***Access*** means the way or means by which a piece of property is approached or entered.~~

~~***Accessory building or use*** means a building or use which:~~

- ~~1. Is subordinate to and serves a principal building or principal use;~~
- ~~2. Is subordinate in area, extent or purpose to the principal building or principal use served;~~
- ~~3. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and~~
- ~~4. Is located on the same zoning lot as the principal building or principal use.~~



**Accessory building, structure, or use** means a building, structure, or use which:

1. Is incidental and subordinate to and serves a principal building or principal use;
2. Is subordinate in area, extent, or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use; and
4. Is located on the same site as the principal building or principal use.

**Accessory dwelling unit** means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

**Accessory residential dwelling unit** means an independent dwelling unit which is subordinate and incidental to an attached principal commercial use located on the same lot.

~~**Accessory use or structure** means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.~~

**Active open space** means an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion.

**Advertising and media agencies** means a service business dedicated to creating, planning, and handling advertising (and sometimes other forms of promotion) for its clients.

**Agricultural equipment and supplies (sales & service)** means a use primarily engaged in the sale or rental of farm tools and implements. This definition includes the sale of large implements such as tractors and combines and accessory uses such as farm machinery repair and feed sales.

**Agricultural products processing** means a facility which involves the operation(s) of processing, preparing or packaging agricultural products which are not grown on the site.

**Agriculture-related Business** means an establishment engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production, including the bulk storage of hay, feed, seed, fertilizers, and related agrichemicals.

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

**Alternate living arrangement** means a structure in which households maintain private rooms yet share kitchen and plumbing facilities, central heat and common areas. Includes boarding homes, residential health care facilities, group home for the developmentally disabled and mentally ill, and congregate living arrangements.

**Alternative Tower Structure** means man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and are built for the express purpose of serving as a tower or for locating antennas.

**Ambulance service, headquarters** means a facility established to transport infirm or injured persons from one place to another by means of the appropriate vehicle. This use consists of all services related to provision of ambulance service including but not limited to: administration, operations, dispatch, communications, vehicle maintenance, eating facilities and storage and crew sleeping quarters.

**Ambulance service post** means a facility for the posting of crews and ambulance units only in various sections of the city. The post may consist of sleeping quarters for crew and parking of ambulances and employee vehicles.

**Amusement center (indoor)** means an amusement enterprise offering entertainment to the general public for a fee or charge wherein all activity takes place indoors. Such facilities include video game arcades and pool halls.

**Amusement center (outdoor)** means a facility offering entertainment, primarily to the general public for a fee where any portion of the activity takes place in the open. Such facilities include but not limited to golf driving ranges, archery ranges, miniature golf courses, and the like.

**Amusement/theme park** means an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

**Animal and pet services (indoor)** means an establishment that provides animal and pet care services (except veterinary), such as boarding, grooming, sitting, and training.

**Animal and pet services (outdoor)** means an establishment that provides animal and pet care services (except veterinary), such as outside runs, boarding or training.

**Animal daycare** means a facility that provides day or nighttime supervision for three (3) or more animals. Animals are kept inside the facility, except animals are permitted to be walked on a leash outside. Facilities that contain outdoor dog runs play areas, or kennels are not considered an animal daycare.

**Animal, Domestic or Household** means any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, and turtles.

**Animal, Exotic** means animals that are not usually found running at large within the natural areas of the State of Arkansas; that do not meet the definition of household/domestic animals or farm animals; that are not usually considered as a food supply or animal of burden in the United States, and which close relative or parentage are usually imported from another country.

**Animal, Farm** means any animal that customarily is raised in an agricultural, rather than urban, environment, for profit on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

**Animal, Game** means animals which are normally wild by nature, provide citizens with a portion of food for consumption, and are usually hunted under a permit issued by the State of Arkansas.

**Animal, Wild by Nature** means animals which normally fall within the category of scavenger or predator; may instill fear and apprehension in persons of normal sensitivity, when encountered; require extraordinary precautions to prevent escape, and will not usually voluntarily return to the domicile after escape.

**Animal Clinic** means an establishment for the diagnosis and treatment of pets and other animals including but not limited to dogs, cats, birds, and horses. All boarding of animals takes place in an enclosed structure and is incidental to clinic or hospital use.

**Animal Shelter or Kennel** means a public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time, where more than five (5) or more animals, more than four (4) months of age are kept.

**Animal Slaughtering and Processing** means a facility for the slaughtering and/or processing of animals into human food and the refining of their byproducts.

**Antique shop** means an establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design, or sentiment.

**Apartment hotel** means a facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom. Differs from the typical hotel in that transients are likely to rent rooms or suites for longer periods.

**Apartment unit** means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three (3) or more dwelling units.

**Apiculture: Beekeeping** means one or more hives or boxes occupied by bees (hives or boxes include colonies), but does not include honey houses, extraction house, warehouses, or appliances.

**Appliance repair- large** means a facility for the repair, service, and resale of televisions, refrigerators, freezers, stoves and similar items. (No outside storage)

**Appliance repair- small** means a shop for the repair of household and home equipment, such as electrical appliances, lawnmowers, tools, and similar items. (No outside storage).

**Aquarium** means an establishment where aquatic collections of living organisms are kept and exhibited.

**Arena/Auditorium** means an enclosed facility used for large public gatherings for viewing sports events, musical programs, public speeches, or ceremonies.

**Artisan shop** means a retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items being sold.

**Artisan/Craft Product Manufacturing** means an establishment manufacturing and/or assembling small products primarily by hand but in large runs, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. This definition does not include “artisan shop” which is separately defined.

**Art Dealer** means an establishment primarily engaged in retailing original and limited edition art works. Included are establishments primarily engaged in displaying works of art for retail sale in art galleries.

**Art gallery** means a building used for the exhibiting or selling of works of art such as paintings and sculptures.

**Art studio** means any building or place of business where artists use the premises for the creation, sale, and/or display of art or craft work.

**Arts and craft shop** means any business establishment that sells articles of artistic quality or effect or handmade workmanship.

**Asphalt or concrete batching plant (permanent)** means a facility for the storage and mixing of materials for concrete or for asphaltic surfacing, in which facilities are established on a permanent basis as a service industry.

**Assisted living facility or assisted care facility** means residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreation activities, financial services, and transportation. Range in size from a few rooms to more than a hundred (100). Facilities are sometimes combined with other types of housing, such as congregate apartment housing for the elderly and residential health care facilities.



**Auditorium** means a building, hall, or room for the gathering of an audience for speeches, concerts, etc. as in a school, library, etc. Sections of an auditorium include: stage, lodge, proscenium, orchestra, parquet, stalls, boxes, pit, orchestra circle, dress circle, balcony, gallery, top gallery, tiers, box office, and mezzanine.

**Auto (rental and leasing)** means an area or structure for storing or displaying cars, trucks, trailers, RVs and recreational goods, which are offered for rent for a fee.

**Auto or Equipment auction** means a facility for the sale of automobiles and large construction or farm equipment to the highest bidder.

**Auto and vehicle dealer** means a facility for display, service, and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, excluding heavy equipment.

**Auto and vehicle dealer (indoors)** means a climate controlled facility used for the display and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, but not including heavy equipment. All sales, service, storage, and display areas shall be indoors. Service and storage areas shall cumulatively be incidental and subordinate to the primary use of sales and display.

**Auto and vehicle impoundment or holding yard (no salvage)** means a parcel of land or a building that is used for the impoundment of vehicles and storage of inoperable vehicles usually awaiting insurance adjustment or transport to a repair shop and where vehicles are kept for a period not to exceed sixty (60) days.

**Auto and vehicle towing (wrecker)** means the operating of a truck for the towing of inoperable motor vehicles.

**Auto body and paint shop** means a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, or painting.

**Auto detailing service** means a facility for the cleaning, washing, waxing, and polishing of motor vehicles including steam cleaning.

**Auto glass, muffler, and seat cover shop** means an automotive service establishment specializing in assembly, fitting and installation of glass, seat covers, or mufflers in automobiles as a primary activity.

**Auto insurance claims office** means a branch office of a major auto insurance agency in which a liability adjuster assists in damage claims and adjustments to vehicles.

**Auto parts and accessory sales** means a facility having auto parts, accessories, and tools for sale (no repairing).

**Auto quick lube** means a facility which performs routine servicing of motor vehicles, including the replacement of elements and fluids which are expected to be routinely replaced on a frequent basis (such as engine oil and other lubrication; brake, transmission and power steering fluids; and air filters) generally while customers wait.

**Auto repair** means a facility for motor vehicle maintenance, service, and engine repair (not including painting or body and frame work).

**Auto repair or assembly (salvage parts)** means a facility which performs auto body, painting and engine repair and/or which assembles operable vehicles from salvage parts and components.

**Automatic teller machine (ATM)** means an automated device that performs banking or financial functions (deposits, withdraws, fund transfers) at a location remote from the controlling financial institution.

**Auto Salvage** means the dismantling or wrecking of motor vehicles or trailers, or the storage, keeping, selling, buying, or dumping of any wrecked, scrapped, ruined, dismantled, disabled, or inoperable motor vehicle or motor vehicle part.

**Bail bonds office** means a financial establishment proving legal assistance for a fee in posting bonds to release customers from a detention facility.

**Bait and tackle shop** means an establishment that provides for the retail sales of fishing supplies and general outdoor items to include live bait, tackle, camping supplies, and food items.

**Bakery** means an establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off site.

**Bakery and confectionary shop (neighborhood)** means a place for preparing, cooking, baking, and selling of products on the premises.

**Bank, credit union, or savings institution** means a completely enclosed facility, the primary use of which is the custody, loan, exchange or issue of money, the extension of credit and the transmission of funds.

**Bar Lounge or Tavern** means an establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service is secondary to the sale of beer, wine or other liquors. Does not include micro-breweries where patrons are served beer produced on the premises for on-site consumption, which are separately regulated.

**Bed and breakfast** means an overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. Differs from rooming and boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the facility.

**Bed and breakfast inn** means a house or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**Bedroom** means a private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. Will have windows, closets, and is physically separate from other rooms.

**Beekeeper** means a person who owns or has charge of one or more colonies of bees.

**Beekeeping equipment** means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

**Beer garden** means a tavern, private club or similar establishment having outdoor dining or drinking area or music (live or recorded).

**Beer, wine and liquor store** means a facility for the retail sale of beer, wine, or liquor not for on premise consumption.

**Bicycle sales and service** means an establishment retailing new or used bicycles in combination with repair services and selling replacement parts and accessories.

**Bingo parlor** means any building or part thereof utilized for the playing of "bingo" for money and prizes as defined and controlled under state regulations. This shall not be construed to include the use of structures or parts thereof for the playing of "bingo" for prizes only as a function of church, charitable or other nonprofit organizations.

**Boarding house** means a dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

Distinction between boarding houses and rooming houses, boarding houses provide meals, rooming houses provide only rooms.

From a zoning impact the number of rooms permitted should be restricted to certain zones with controls or permitted only as a conditional use. Another concern is how to assure that the houses remain safe and sanitary.

Problems may be addressed by licensing boarding and rooming houses, requiring periodic inspection, limiting the number of guests, prohibiting cooking facilities in guest rooms, requiring adequate parking, both in terms of number and location, and establishing a minimum floor area for guest rooms. In residential zones it may require the owner or operator to maintain their residence on site and personally collect rents to ensure that the structure remains principally a private dwelling unit.)

**Boat or marine craft dealer** means a facility for display, service, and sales of used or new boats or marine craft.

**Brewery** means a building or place that produces beer or a business involved in the production of beer. Breweries can take up multiple city blocks, or be a collection of equipment in a homebrewer's kitchen. The diversity of size in breweries is matched by the diversity of processes, degrees of automation, and kinds of beer produced in breweries. Typically a brewery is divided into distinct sections, with each section reserved for one part of the brewing process.

**Bridal shop** means a facility for the retail sale and/or rental of formal wedding apparel and for accessory items such as lingerie, floral arrangements, and invitations and for studio photography and registration services.

**Broadcasting Studio** means an establishment for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures.

**Buildable area** means the space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.

**Building.** See "structure."

**Building and Landscape Material Sales** means a retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Including, but not limited to, paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales.

**Building, attached** means a building which shares a continuous wall, roof, floor or other structural element with another adjacent building.

**Building, detached** means a building having no wall, roof, floor or other structural element in common with another building.

**Building, enclosed** means a structure which by design and construction provides a solid roof, and walls on all sides.

**Building height** means the vertical distance as measured through the central access of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or a gambrel roof. This definition shall not be deemed to include church steeples, bell towers, antennas, chimneys, or other similar structural embellishments.

**Building inspector** means the person or persons employed by the city and designated to perform zoning and building related inspections and other duties as may be specified by the mayor.



***Building line*** means a line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the zoning ordinance. It is equivalent to the setback or yard line.

***Building, nonconforming*** means an existing building which fails to comply with the regulations (for height, size, areas, yards, and location) set forth in this chapter applicable to the district in which this building is located.

***Building, principal*** means a building in which is conducted the main or principal use of the lot on which the building is situated.

***Bulk petroleum storage*** means storage tanks and accessory buildings used for dispensing of flammable or combustible liquids or gases into smaller containers or for use in industrial processes and distributed to the process by closed-circuit piping.

***Bulk storage of highly flammable materials*** means a facility for the storage of chemicals, gases, or liquids which are or could be caused to ignite or explode.

***Bus station and terminal*** means a facility on a common carrier line for bus docking, freight storage, and passenger loading and unloading. This shall not be construed to include passenger shelters, which may be located on a local bus route.

***Bus or Truck Storage or Garage*** means a facility in which currently licensed buses or trucks are stored or repaired.

***Bus, truck sales, and service*** means a use that sells and services buses and large trucks normally used for commercial purposes such as tandem axle and tractor trailers.

***Business support services*** means an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

***Cabinet and woodwork shop*** means a shop for the repair or creation of cabinets, individual items of furniture, and wooden home furnishings on a custom basis. This shall not be construed as a factory, planing mill or similar woodworking plant.

***Cameras, photographic supplies, and services*** means an establishment which retail and repair cameras, photographic equipment, film processing, and supplies. They also provide repair services and film developing.

***Camps, camping and related establishments*** means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

***Car wash (full-service)*** means a facility for the washing and cleaning of motor vehicles utilizing production line methods with conveyors, sprayers, blowers or other mechanical devices, and which employs hand labor.

***Car wash (self service)*** means a facility for washing and steam cleaning passenger automobiles (including self-service operation), operating either as a separate facility or in conjunction with another use.

***Carnival or circus*** means a traveling or transportable group or aggregation of rides, shows, games, or concessions of any combination thereof.

***Carpet and upholstery cleaning*** means services customers at individual home or business locations in carpet and upholstery cleaning.

***Casino gaming business*** means an establishment engaging in the gaming business which utilizes any game played with cards, dice, equipment, or any mechanical, electromechanical, or

electronic device, or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, blackjack, poker, keno, baccarat, roulette, craps, slot machine, video poker or any other gaming, percentage game or any other similar game or device.

**Catering service** means a facility that provides the service and the supply of food to be consumed off the premises.

**Certificate of occupancy** means an official certification that a premise conforms to provisions of the zoning ordinance (and building code) and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless a certificate is issued, a structure cannot be occupied.

**Check cashing service** means any establishment that provides to the customer an amount of money that is equal to the face value of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This term does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks, issue money orders, or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business.

**Chemicals, plastics, and rubber industry** means industries that process and transform organic and inorganic raw materials, plastics and rubber, and form products by chemical processes.

**Child and youth services (office)** means establishments that offer services such as adoption, foster care, drug prevention services, and life-skills training.

**Cigar, cigarette, or tobacco store** means a place where cigars, cigarettes, vapors, pipe tobacco, and related items are sold at retail.

**Civic building** means a structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

**Cleaner, dry cleaning, laundry (pick-up and drop-off)** means a custom cleaning shop with drop-off service for the cleaning and pressing of garments.

**Clinic** means an establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

**Club or lodge** means a building or portion of a building used by an association for the promotion of some common objective, excepting clubs the chief activity of which is a service customarily carried on by a business.

**Clothing and personal items** means a facility for the custom making of apparel and millinery not involving a factory.

**Clothing manufacturing** means an operation involving cutting, sewing, forming and packing of garments and similar items, including millinery and clothing accessories.

**Clothing store** means a retail facility for selling male and/or female apparel.

**Coffee roasting facility** means a facility, in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

**Collection agency** means a business engaged in the collecting or receiving of payment for others on any account, bill, or other indebtedness.



**Commercial grower** means the growing of crops and plants for commercial sale to nurseries, home improvement centers, and other large volume buyers.

**Commercial, industrial machinery, and equipment (rental and leasing)** means a business which rents or leases heavy equipment used for construction, mining, or forestry, earthmoving equipment, well-drilling machinery and equipment, or cranes.

**Commercial, industrial machinery and equipment (sales and service)** means a business which sales or services heavy equipment used for construction, mining, or forestry, earthmoving equipment, well-drilling machinery and equipment, or cranes.

**Commercial laundry** – means an establishment for providing dry cleaning and/or laundry service to smaller shops or pick-up stations, or to industry and commercial enterprises.

**Commissary** means a licensed or permitted food service establishment that provides required services to a food truck. A Commissary may provide anything from a source for obtaining potable water and disposing of wastewater; storage for food and supplies; or cooking facilities to prepare the food for sale and consumption.

**Common usable open space** means that portion of land or an area of water or a combination of land water within the site designated for a subdivision or a planned development and designed and intended for use and enjoyment of residents and owners of the subdivision or planned development, and easily accessible to all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development, but shall not include parking lots, streets and other areas designed primarily for other than common recreational or open space use.

**Community center** means a building used for recreational, social, education, and cultural activities, open to the public or a designated part of the public, usually owned and operated by a public or nonprofit group or agency.

**Community facility** means a building or structure owned and operated by a governmental agency to provide a governmental service to the public.

**Community food services** means establishments that collect, prepare, and deliver food for the needy. They distribute clothing and bedding, run collections for food donations, and provide meals at fixed or mobile locations. Examples are food banks, meal delivery programs, and soup kitchens.

**Community health and welfare clinic** means a community service facility where social, recreational, welfare, health, or child care assistance is provided by a public, quasi-public, tax-exempt, or church agency.

**Community recreation center** means a public or private recreational facility that includes community meeting rooms, and opportunity for other indoor activities to serve a neighborhood or area of the city. These facilities are not commercial operations but are normally owned and operated by the city or a neighborhood organization.

**Community recycling drop-off facility** means a facility designed to be a collection point where only pre-sorted recyclable materials are dropped off and temporarily stored prior to delivery to a center for collecting recyclable materials for processing. A community recycling drop-off facility is intended for household or consumer use. This facility can be temporary and/or mobile or a permanent installation that is the principal use.

**Community residential facility** means a community based facility licensed by the state or sponsored by an agency or organization certified by the state that provides room and board, personal care, habilitation services, and supervision in a multiple-family environment for sixteen (16) or more handicapped persons. The community residential facility site development plan shall comply with the following conditions in addition to the standard building permit requirements:

1. The facility shall have direct primary access to a street classified as a collector or arterial on the city's master street plan.
2. The facility shall provide approved screening from adjacent residences.
3. The facility's structure shall be similar in appearance to other typical single-family or multiple-family residences in the neighborhood.
4. The facility shall include landscaping and the lot amenities (decor) shall be similar to the adjacent residential lots.

NOTE: The following uses including, but not limited to, nursing homes, boarding and rooming houses, rescue missions, orphanages, fraternities, sororities and halfway houses shall not be considered group homes or community residential facilities. A community residential facility for the handicapped shall not house handicapped persons whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. It shall be the responsibility of the agency operating the group home to approve all applications for residents to assure compliance with this requirement.

**Computer and software shop** means a facility for the sale, repair and service of computers, software, and their parts and accessories.

**Condominium** means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

**Conference center** means a facility used for a conference and/or a seminar, with accommodations for sleeping, for preparation and eating, recreation, entertainment, resource facilities, and meeting rooms.

**Consumer rental center** means an establishment that rent household-type goods. Rental items include but not limited to: home health equipment; consumer electronics equipment, such as televisions, stereos, and refrigerators; furniture; and party supplies.

**Container storage** means cargo packed in a large (typically eight feet by eight feet by 20 feet) trunk-like box, and loaded, stored, and unloaded as a unit.

**Contractor's office** means a room or group of rooms used for conducting business affairs but may not include structures or open storage yards for supplies and operating equipment.

**Contractor's shop and storage yard** means a facility for general contractors, including buildings and open storage yards for supplies and operating equipment, but not constituting a junk or salvage yard.

**Convenience store (with gasoline sales)** means a facility associated with the sale of petroleum products that also offers for sale pre-packaged food, food items and consumer goods, primarily for self-service by the consumer.

**Convent or monastery** means dwelling unit of a religious order or congregation for persons under religious vows.

~~**Convention facility** means a building or portion thereof designed to accommodate three hundred (300) or more people in assembly.~~

**Convention/event center** means a facility designed for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including but not limited to temporary outdoor displays, food and beverage preparation and parking garages.

**Cosmetics, Beauty Supplies, and Perfume Stores** means a retail establishment known as a cosmetic or perfume store or beauty supply shops primarily engaged in retailing cosmetics, perfumes, toiletries, and personal grooming products.



**Country club** means an area containing a clubhouse and recreation facilities restricted to the use of specific membership and which may contain a golf course, tennis court, swimming pool, dining room, social facilities and similar recreation and service facilities.

**Courier and messenger services** means an establishment that provides air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers. These establishments may form a network including local, and point-to-point pick-up and delivery.

**Credit and finance establishment** means a public or private establishment which extends credit or lends funds.

**Criminal justice facility** means a facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments, and detention facilities, together with incidental storage and maintenance of necessary vehicles.

**Cultural facilities** means an establishment that documents the social and religious structures and intellectual and artistic manifestations that characterize a society. Includes museums; art galleries; and, botanical and zoological gardens of a natural, historic, educational, or cultural interest. While these activities may charge admission fees, the bulk of their expense are usually borne by public agencies, foundations, or donations.

**Dance hall** means any building, premises, pavilion, or place of business wherein dancing is permitted, conducted or engaged in by the public in general, including but not limited to private clubs as defined by ordinance and/or the laws of the State of Arkansas, either for profit or not.

**Data processing facility** means an establishment primarily involved in the compiling, storage, and maintenance of documents, records, and other types of information in digital form utilizing a mainframe computer. This term does not include general business offices, computer-related sales establishments, and business or personal services.

**Daycare, adult** means a group program designed to provide care and supervision to meet the needs of four (4) or more functionally impaired adults for periods of less than twenty-four (24) hours, but more than two (2) hours per day in a place other than the adult's own home.

**Daycare, family home** means a daycare facility with more than five (5) but less than sixteen (16) children, requiring licensure by the state and located within the home of the care giver.

**Daycare center** means all other childcare other than daycare, family home, requiring licensure by the state.

**Delivery service** means an establishment primarily engaged in undertaking the transportation of goods and people for compensation, and which may in turn make use of other transportation establishments in effecting delivery.

**Department store, warehouse club, or superstore** means a retail or wholesale development that typically requires high parking to building ratios and has a regional sales market. Regional retail/wholesale sales can include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

**Diagnostic laboratory testing facility** means a facility offering diagnostic or pathological testing and analysis of blood, blood fluids, pathological specimens, DNA sampling and analysis, and any other diagnostic test generally recognized in the healthcare industry.

**Doctor office and clinics** means a building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, no overnight patients shall be kept on the premises.

**Domestic violence shelter** means a temporary shelter for individuals affected by domestic violence. Such use shall be operated by a public or non-profit entity and may provide temporary lodging, counseling, day care, and support services.

**Dormitory** means a building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent monastery, or other similar institutional use.

**Driving range** means an area equipped with distance markers, clubs, balls, and tees for practicing golf.

**Drive-in restaurant or refreshment stand** means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**Durable goods** means an establishment in the durable goods subcategory sell or arrange the purchase or sale of capital or durable goods to other businesses. These establishments wholesale products, such as motor vehicles, furniture, construction materials, machinery and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts. Durable goods generally have life expectancy of at least three years.

**Dwelling, live/work** means a dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two (2) employees that do not dwell in the principal or accessory dwelling unit.

**Dwelling, single-family** means a detached residential dwelling unit other than a manufactured or mobile home designed for and occupied by one family only.

**Dwelling, manufactured home.** See manufactured home.

**Dwelling, multi-family** means a detached residential building containing more than one (1) dwelling unit, but not including row or townhouses.

**Dwelling, two-family** means a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families.

**Dwelling unit** means one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**Eave** means the weather-protective overhanging lower edge of a roof.

**Electric power plant** – an establishment that provides electric power generation, transmission, control, and distribution. Establishments include facilities that convert other forms of energy into electrical energy, electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring).

**Electrical equipment, appliance, and components manufacturing** means an establishment that manufactures computers, computer peripherals, communications equipment, audio equipment, lighting equipment, batteries, motors, and other products that generate, distribute and use electrical power. Included are manufactures of components for the above products and manufacturers of small and major household appliances.

**Electrical, plumbing, heat, & air conditioning** means a place of business primarily engaged in selling and/or distributing electrical, plumbing and HVAC products to suppliers and contractors with limited retail to the general consumer.



**Emergency & Relief Services** means an establishment primarily engaged in providing food, shelter, clothing, medical relief, resettlement, and counseling to victims of domestic or international disasters or conflicts (wars). Emergency relief may be needed following a natural disaster such as an earthquake, fire, drought, tornado, famine, hurricane, flood, mudslide, or a man-made disaster such as hazardous material containment, nuclear or biological threats, or acts of terrorism.

**Employment agency** means an agency that helps find jobs for persons seeking employment or assists employers in finding persons to fill positions that are open.

**Employment agency (day labor)** means an agency that assist in finding jobs for normally unskilled labor on a daily basis.

**Engine repair (all types)** means a facility for motor vehicle repair.

**Equestrian facilities** means a horse, donkey, and mule facility including horse ranches, boarding stables, riding schools and academies, and horse exhibition facilities. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**Equipment Rental, Indoor** means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including incidental maintenance and indoor storage.

**Equipment Rental, Outdoor** means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment with outdoor storage / rental yards. This definition does not include “construction and heavy equipment sales and rental” which is separately defined.

**Equipment, rental, service stores** means an establishment displaying and offering for rent equipment for domestic maintenance and improvement including cleaners, mowers, ladders, tillers, cement mixers, wheelbarrows, paint spraying equipment and similar items.

**Exhibition hall** means a large hall typically offering enough floor area to accommodate several thousand attendees and suitable for major trade shows.

**Extended care facility** means a long-term facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

**Extermination and pest control** means an establishment that exterminates and controls mosquitoes, rodents, termites, and other insects and pests.

**Facilities emitting odors** means any function that involves a process which emits or has the potential for emitting odor.

**Facilities handling explosives** means any function that involves a process dealing with a product with explosive potential.

**Family** means one (1) or more persons occupying a single dwelling unit, and living as a single, nonprofit housekeeping unit, provided that unless all members are related by blood or marriage, no such family shall contain over four (4) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family. In addition, a family shall be deemed to include four (4) or more persons occupying a dwelling unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition with the exception that handicapped persons whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others shall not be allowed.

**Family support services** means hotline centers, suicide crisis centers, or self-help organizations that provide counseling, support, and education.

**Feed store** means a facility for sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing, or commercial compounding of such items.

**Fence, opaque** means a manmade barrier constructed to provide privacy and visual separation between dissimilar uses. Such fences shall be impervious to rays of visible light.

**Financial Institution** means an establishment with the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and on-site automatic teller machines.

**Fine art and performance education (art, drama, speech, dance, music or similar skills)** means a place for the instructing, coaching or counseling of personal skills of the arts.

**Firearms range** means a facility designed and constructed for the practice and teaching of marksmanship with hand guns, rifles and shotguns and operated by a public agency or a quasi-public or private corporation approved by the city.

**Fitness Studio** means a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Examples include martial arts, yoga, dance, or similar activities but do not include spectator events.

**Floor, paint, wall covering, and window treatment store** means a facility for the display and sales of paint, carpeting, rugs, tile, vinyl, wallpaper and/or window treatments and the equipment and supplies for the hand application and maintenance of those things.

**Florist shop** means a facility for the retail sales of cut or uncut flowers and ornamental plants and accessory items.

**Food and beverage processing** means the preparation, processing, or canning and packaging of food and beverage products. Examples of activities included are bakeries, dairies, and bottling companies.

**Food distribution center** means an establishment that provides for the bulk transportation and distribution of food service products to large public or private institutions such as schools or offices.

**Food truck** means a business that serves food or beverages from a self-contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. Retail sale of non-food items not associated with the food or beverage operation is not permitted.

**Food truck court** means a primary land use located on one or more platted lots where two (2) or more food trucks are located to offer food or beverages only for sale to the public, functioning as a single business and authorized to provide, tables, play areas, a permanent structure, and other outdoor entertainment open to all customers of all vendors. This definition shall not be interpreted to include a congregation of mobile food establishment as a secondary and/or accessory use of land. Retail sale of non-food items is not permitted. Additional requirements are stipulated in article 6, section 3.18.

**Foundry or metal-works facility** means a facility for the melting, smelting, molding, or otherwise processing or manufacturing of metallic minerals or metal stock.



**Fraternity/sorority house** means a building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for fraternity members and their guests or visitors and affiliated with an institution of higher learning.

**Fund, Trust, or Other Financial Establishments** means an establishment which pools fund and trust assets on behalf of their shareholders. They act as principals or brokers in buying or selling financial contracts and provide related investment services, such as portfolio management; investment advice; and trust, fiduciary, and custody services.

**Funeral home or mortuary** means a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

**Furniture or home furnishing (new)** means a retail facility for displaying and selling new furniture, household appliances, and lawn furniture.

**Furniture or home furnishing (used)** means a retail facility for displaying and selling used furniture, household appliances, and lawn furniture.

**Furniture repair store and upholstery shop** means a facility for repairing and reupholstering furniture. The use of specialized equipment is included.

~~**Gasoline service stations** means any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune ups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted.~~

**Gasoline service station** means buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, no other: Sale and servicing of spark plugs, batteries, and distributor parts; tire servicing and repair, but no recapping or regrooving; replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like; radiator cleaning and flushing; washing and polishing, and sales of automotive washing and polishing materials; greasing and lubrications; providing and repairing fuel pumps, oil pumps, and lines; minor servicing and repair of carburetors; emergency wiring repairs; adjusting and repairing brakes; minor motor adjustments not involving removal of the head or crankcase or racing the motor; sales of cold drinks, package foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations; provision of road maps and other information material to customer; provision of restroom facilities. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage or automobiles not in operating condition, or other work involving noise, glare, fumes, and smoke. A filling station is not a repair garage or a body shop.

**Gift shop** means a retail establishment where items such as art, antiques, jewelry, books, and notions are sold.

**Glass sales and service** means a business which provides commercial glass and glazing for building storefronts, windows, doors, curtain walls, showcases, and skylights.

**Grain storage and processing** means a facility for the storage or mixing or grinding of grains or other prepared foods to be used as food for pets, livestock or fowl.

**Greenhouse** means a building or structure, temporary or permanent, that provides a controlled environment for the placement of plants for sale, the planning and raising of plants or the display of plants for education, entertainment, or artistic endeavor.

**Grocery store or supermarket** means an establishment where food and associated items are kept, displayed and sold at retail.

**Ground-mounted satellite television signal receiver dishes** means devices, commonly parabolic in shape, mounted at a fixed point on the ground for the purpose of capturing television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.

**Handicraft, ceramic, sculpture or similar art workshop** means a facility to individually create objects such as leather goods, jewelry, oven-fired, nonmetallic mineral products or carved three (3) dimensional works of art, including sale of such items at retail, not to be construed as a factory.

**Hardware store** means a facility of 30,000 or fewer square feet gross floor area primarily engaged in the retail sale of various basic hardware items such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, household appliances, lawn and garden supplies, etc.

**Hardware store (neighborhood)** means a retail facility consisting of a single main structure located at the edge of residential areas which exists for the purposes of selling tools, utensils, screws, nails, lawn and garden supplies and similar hardware items; with outside storage prohibited, and display areas limited to private walk areas in front of and adjacent to the main store structure.

**Health care facility** means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of physical or mental conditions. Includes: general or special hospitals; public health centers; diagnostic centers; treatment centers; rehabilitation centers; extended care facilities; long-term care facilities; residential health care facilities; and, outpatient clinics. These facilities may include laundries, cafeterias, gift shops, laboratories, and medical offices as accessory uses.

**Health club** means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers. May also include pro shops selling a variety of sports equipment and clothing; instruction programs; aerobic classes; and weight control programs as part of the club. Usually open only to members and guests on a membership basis and not to the public at large paying a daily admission fee.

**Health services** means establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

**Heliport** means a landing facility for rotary winged aircraft.

**Historical or archaeological institution** means a research repository for historic or archaeological resource inventory documents and related historic and materials.

**Hobby shop** means a facility for the retail sale of hobby supplies such as model kits, art equipment, and materials.

**Home improvement center** means a facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, lumbars, builder's hardware, household appliances, garden supplies, etc.

**Homeless shelter** means a facility providing temporary housing to indigent, needy, homeless, or transient persons; may also provide ancillary services such as counseling, life-skills classes, and vocational training, etc.

**Home occupation** means the accessory use of a residential dwelling for gainful employment in such a manner and under such conditions and restrictions that the business use is compatible with and does not disrupt the residential character of the neighborhood.

**Homeowner's association/property owner's association recreational center** means a private recreational facility and/or clubhouse designed and constructed as part of a subdivision



development and intended for the specific use of members of a homeowners/property owners association.

**Horse track** means a circular, elliptical, rectangular, oblong, or similarly shaped endless accessory structure either enclosed or outside, used for the exercise and/or training of horses and/or driver and riders on a farm.

**Hospice residential care facility** means a freestanding licensed hospice facility which provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

**Hotel** means a facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. Extended stay hotels, offer kitchen facilities, sitting rooms, and bedrooms as added amenities to attract longer term residents. These function more as apartment hotels than as traditional hotels.

**House, boarding** means a dwelling where meals, or lodging and meals, are provided for compensation, or where meals may be available on a commercial basis, for two (2) or more persons pursuant to previous arrangements, but which is not available to transients and with which no table board is furnished.

**Indoor recreation center** means a permanent structure containing facilities for recreational activities, organized games such as basketball and volleyball, exercise rooms, handball, and similar activities. May also include facilities for lectures, arts and crafts, special events, child-care centers, snack bars, pro shops, and instruction in various games.

**Industrial, Intensive** means a facility and surrounding yard designed primarily for the preparation, production, and distribution of objectionable materials such as chemicals, explosives, etc. Further, the production of such materials may create noxious odors or gases objectionable to businesses and residences. This may include manufacturing products from raw materials. Such uses include but are not limited to:

Aerosol containers, filling of

Animal and marine fat and oils, manufacturing or processing

Animal bones, offal or waste; assembly, incinerator, processing or utilization

Mineral preparation; non-metallic

Ore reduction

Paint, enamel, lacquer, turpentine, varnish, manufacturing

Paper manufacturing or processing

Arsenals

Production of crude petroleum, natural gas natural gas liquids

Chemicals compounding or packaging

Recycling and reclamation

Coal preparation

Rendering of animals

Creosoting or similar processing

Rubber products; natural or synthetic manufacturing

Explosives; manufacture, storage warehousing or wholesaling

Tanning of hides and skins

Fireworks; manufacture, storage,

Tar or tar products manufacturing or processing

Foundry

Warehousing or wholesaling flammable gases or liquids; storage

Batching or mixing plant, asphaltic or Portland cement, concrete, mortar or plaster

Railroad equipment storage or maintenance

Railroad freight terminal

Brick, tile, clay, or ceramic manufacture

Scrap or waste materials handling

Compounding of cosmetics and toiletries

Scrap steel cutting on contract basis

Dry cleaning and dyeing plant  
Sign painting  
Electronic equipment assembly and manufacture  
Steel products; fabrication and assembly  
Freight depot, railroad, or truck freight forwarding service  
Glass or glass products manufacturing

**Industrial, Light** means a facility and surrounding yard designed to provide an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations and for light manufacturing, assembling and fabrication without creating a nuisance of odor, noise, dust, vibrations, etc. Uses include but are not limited to:

Air conditioning and heating equipment manufacture  
Orthopedic or medical supplies manufacturing  
Jewelry manufacturing  
Book bindery  
Bus or truck storage or garage  
Leather goods fabrication  
Bottling works, all beverages  
Mattresses; rebuilding or renovating  
Brooms and brushes manufacturing  
Outdoor advertising plant  
Electrical equipment assembly  
Processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration, etc.  
Furniture manufacturing  
Vending machine sales, rental, repair and manufacturing  
Ice plant, dry or natural  
Instrument and meter manufacturing  
Wood distribution  
Venetian blind, window shade, and awning manufacture  
Industrial cleaning plant  
Wood or lumber processing  
Monument works

**Insurance office** means an establishment primarily engaged in acting as agents (i.e., brokers) in selling annuities and insurance policies.

**Interior decorator service** means an office or studio for the design, selection, and coordination of paint, wall coverings, fabrics, floor coverings, window treatments, furniture, and fixtures for architectural interiors.

**Investigation and security services** means an establishment that provides one or more of the following: investigation and detective services; guard and patrol services; the picking up and delivering of money or valuable items with protection while in transit; the selling of security systems, such as burglar and fire alarms and locking devices, along with installation, repair, or monitoring; and remote monitoring of electronic security alarm systems.

**Investment banking, securities, and brokerages** means an establishment primarily engaged in underwriting, originating, and/or maintaining markets for issues of securities.

**Janitorial services** means an establishment that clean building interiors, interiors of transportation equipment (e.g., aircraft, rail cars, ships), or windows.

**Jewelry store** means a facility which retails watches, rings, bracelets, necklaces and similar items.

**Laboratory, Dental or Medical** means an establishment that provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises except the custom fabrication of dentures.



**Laboratory, manufacturing** means an operation involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

**Laboratory, medical research** means a facility for performing scientific tests, analysis, or experimental studies.

**Laboratory, research** means a facility for scientific laboratory research in technology-intensive fields. Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities.

**Landscape contractor** means a business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage facilities) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground.

**Landscaping** means landscaping shall consist predominantly of any combination of grass, ground covers, shrubs, vines, hedges, or trees. A portion of the landscaped area may include non-living durable materials common to landscaping such as rocks, stone, bark, walls, and fences. Paving shall be excluded.

**Laundry and cleaning facilities (self-service)** means a facility where patrons wash, dry, and/or iron clothing or fabrics in machines operated by the patrons.

**Laundry, cleaner** means an establishment that provides dry cleaning and/or laundry service on the premise.

**Laundry, commercial/industrial** means an establishment used for cleaning fabrics, textiles, wearing apparel, or articles of any sort of volatile solvents.

**Laundry, cleaner (drop-off station)** means an establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

**Leather and allied products** means leather and allied product manufacturers: transform hides into leather by tanning or curing; fabricate leather into products for final consumption; and manufacture similar products from leather substitutes, such as rubber, plastics, or textiles. Rubber footwear, textile luggage, and plastic purses are some examples of products made from leather substitutes.

**Library or public arts complex** means an establishment for the loan or display of books or objects of art or science which is sponsored by a private, public or quasi-public agency in which the institution is open and available to the general public.

**Light fabrication and assembly process** means the manufacture and assembly of previously prepared materials such as food, drugs, cosmetics, cellophane, canvas, cloth, felt, fur, glass, leather, paints, paper or plastic.

**Limousine service** means a business that offers the public motor vehicles for carrying or transportation of passengers between airports and points within the city for a fixed charge or fee, or offering a vehicle with driver for transportation of passengers at an hourly rate.

**Lithographic shop or commercial printer** means an establishment involving the printing and publishing of books, magazines, newspapers, posters, and similar graphic material in volume.

**Livestock auction** means an establishment consisting of barns, pens and sheds for the temporary holding and sale of livestock.

**Loading space, off-street** means space logically and conveniently located for bulk pickups and deliveries, scaled to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**Local freight and furniture moving (no storage)** means an establishment that provides local general freight trucking, usually within a metropolitan area which may cross state lines. They handle a wide variety of commodities, generally pelletized and transported in a container or van trailer. Most trips are same-day return.

**Locksmith** means an establishment primarily engaged in the repair and sale of locks and keys.

**Lodger** means a transient renter whose meals may or may not be included in the cost of his or her rent.

**Lodging house** means a facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the fee.

**Long-term care facility** means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the governing authority or its members by marriage, blood, or adoption.

**Long distance freight and furniture moving (and storage)** means a long distance freight trucking establishments that provide long-distance general freight trucking, usually between metropolitan areas which may cross North American country borders. They handle a wide variety of commodities, generally pelletized and transported in a container or van trailer. Included are establishments operating as truckload (TL) or less than truckload (LTL) carriers.

**Lot** means, for purposes of this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street, and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
4. A parcel of land described by metes and bounds.

**Lot frontage** means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section.

**Lot measurements.**

1. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, and measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where width is measured at the building line.

**Lots of record** means a lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described in metes and bounds, the description of which has been so recorded.

***Lots, corner*** means a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (35) degrees.

***Lots, interior*** means a lot other than a corner lot with only one (1) frontage on a street.

***Lot, through*** means a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

***Lumber yard and building materials*** means a facility which principal business is storing and selling cut lumber and associated accessory building materials primarily to contractors.

***Machine, sheet metal, or welding shop*** means an establishment where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used as blacksmith, tinsmith, welding, and sheet metal shops.

***Mail services*** means a commercial business which conducts the retail sale of stationery products, provides packaging and mail services (both U.S. Postal and private service), and provides mailboxes for lease.

***Maintenance Service*** means a base facility for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use. When the base facilities for these services include service or storage yards they are instead classified under "Contractor Maintenance Yard".

***Mall or shopping center*** means a facility with five or more stores for retail goods and services, which are structurally designed in an integrated fashion around or along both sides of a promenade, walkway, concourse, or courtyard. Primary individual store entrances front onto this promenade. This may include offices and satellite or unattached structures that are served by the mall road network.

***Manufactured home*** means a factory-assembled detached dwelling unit with the following characteristics:

1. Originally designed for full-time occupancy containing sleeping, bath, and kitchen facilities.
2. Connection for utility systems provided on the intended site.
3. Designed for highway transport with wheels, chassis, tongue, and other features related to transportability.
4. Conformance with the minimum construction standards of the federal mobile home regulations of Title VI of Public Law 93-383, USC 5401.

This structural type is required to be placed upon permanent foundation supports with anchorage complying with the city's building codes. This definition shall be deemed to include modular homes that are factory assembled. This structural type is expressly prohibited in all zoning districts except SF-4 where it is a permitted use by right and A-1 district where it is allowed by conditional use permit.

***Manufactured home subdivision*** means a parcel of land platted for subdivision according to all requirements of the comprehensive plan, designed, or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured homes.

***Manufactured housing construction and safety standards code*** means Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and



regulations adopted thereunder (including information supplied by the home manufacturer, which has been stamped and approved by a design approval primary inspection agency, an agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), which became effective for mobile/manufactured home construction on June 15, 1976.

**Manufacturing, heavy** means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

**Manufacturing, light** means the processing or fabrication of certain materials or products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

**Manufacturing, medium** means the manufacturing of products from processed or unprocessed raw materials, where the finished product is noncombustible and nonexplosive. This manufacturing may produce noise, vibrations, illumination, or particulate that is perceptible to adjacent land users, but is not offensive or obnoxious. Odors produced on-site shall not have a negative effect on other businesses or properties in the area. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: glass products made from manufactured glass; clay and pottery products; food and beverages; candy and other confectionery products; computer hardware; products made from rubber, plastic, or resin; converted paper and cardboard products; fabricated metal products made from semi-finished metals.

**Marina** means a use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as fueling, servicing, pumping-out, chartering, launching, and dry-storage of boats and boating equipment.

**Medical appliance services** means a medical supplier who provides orthopedic appliances and prosthetic appliances.

**Medical Marijuana Cultivation Facility** means an entity that has been licensed by the Medical Marijuana Commission under §8 of Amendment 98 of the Arkansas Constitution, and cultivates, prepares, manufactures, processes, packages, sells to and delivers usable marijuana to a dispensary.

**Medical Marijuana Dispensary** means an entity that has been licensed by the Medical Marijuana Commission under §8 of Amendment 98 of the Arkansas Constitution.

**Medical Services, Clinic and Urgent Care** means a facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis and accommodates more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. Examples of these uses include: medical offices with four or more licensed practitioners and/or medical specialties; out-patient care facilities; urgent care facilities; and, other allied health services. These facilities may also include accessory medical laboratories.

**Medical Services, Doctor Office** means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care".

**Medical Services, Hospital** means facilities engaged primarily in providing in-patient diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. Includes on-site accessory clinics and laboratories, abortion clinics as authorized in Ark. Code Ann. §12-18-103 and §20-9-302, accessory retail uses and emergency heliports, and on-site ambulance dispatch facilities.

**Medical Services, Laboratory (non-research)** means a facility for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory – Research".

**Medical Services, Substance Abuse, or Mental Health Treatment Clinic** means a facility where the primary activity is the treatment and care of persons suffering from mental or emotional disorders or substance abuse.

**Mental health hospital** means a health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

**Microbrewery/microdistillery/microwinery** means an establishment for the manufacture, blending, fermentation, processing and packaging of no more than fifteen thousand (15,000) barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

**Miniature golf course** means a theme-oriented recreational facility, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups of one to four pay a fee to move in consecutive order from the first hole to the last.

**Mining** means a tract of land where various minerals, ore, etc. are extracted from the earth. May also include a distribution area for truck/rail loading of ore and materials. Uses include but are not limited to: exploration for minerals; mining of coal, metal ores and non-metallic minerals other than fuels; extraction of sand, gravel, clay, quarrying of rock; and removal of topsoil for sale purposes.

**Ministorage units** means a structure or structures containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**Mixed-use Building** means a single building containing both residential uses and non-residential uses.

**Mobile home** means a factory-assembled detached dwelling unit with the following characteristics:

1. Designed for full-time occupancy and containing sleeping, bath, and kitchen facilities.
2. Connection for utility systems provided on the intended site.
3. Designed for highway transport with wheels, chassis, tongue, and other features related to transportability.

This unit type is required to be placed on foundation supports with anchorage complying with the city's building codes. This unit type is also recognized as having been constructed prior to the adoption of the National Manufactured Home Construction and Safety Standards on June 15, 1976. This structure type is expressly prohibited whether for permanent or temporary occupancy in all zoning districts except MHP, Mobile Home Park District.

**Mobile home park** means any plot of ground on which there are located or intended to be located two (2) or more manufactured or trailer homes to be occupied for dwelling or sleeping purposes.

**Motel** means an establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

**Monument manufacturing** means a manufacturing process which involves the fabrication, carving/lettering, and etching of monument signs or memorials.



**Monument sales** means an establishment that sells upright monuments, statues, lawn decorations, gravestone plaques or mausoleum containers, monument signs, benches, and birdbaths to be used in cemeteries as memorials for the deceased, as monument signs to identify businesses or subdivisions, or for residential use in lawn of gardens.

**Motion pictures and sound recording studios** means an establishment that produces and distributes motion pictures and sound recordings.

**Motor freight terminals** means a facility for freight loading and freight storage.

**Motor vehicle repair and body shop** means property, building or portion thereof used for the service and repair of motor vehicles including major mechanical repair and body work, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations.

**Movie Theater (indoor)** means a building including a stage or screen for the projection of motion pictures to the public.

**Moving and storage** means a facility for warehousing, transferring, or keeping of goods.

**Moving company** means a company that moves the possessions of a family or business from one site to another.

**Multistoried parking structure** means a parking structure which is designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. This definition includes parking garages and deck parking.

**Museum** means a building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

**Neighborhood store** means a commercial establishment primarily engaged in the provision of frequently or recurrently needed goods for household supplies and hardware. Neighborhood stores shall not include fuel pumps or the selling of fuel for motor vehicles.

**Newspaper printing plant** means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

**Nonconforming building or structure** means any building or structure lawfully existing on the effective date of this chapter, as amended, which does not comply with all of the regulations of this chapter for governing parking, or bulk and area requirements for the zoning district in which such building or structure is located; provided, however, any building containing more than one (1) dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

**Nonconforming use** means any use lawfully being made of any land, building, or structure, on the effective date of this chapter, as amended, which does not comply with all the regulations of this chapter governing use for the zoning district in which such land, building, or structure is located.

**Nonconforming.** See article 8.

**Nondurable goods** means an establishment that sells or arranges the purchase or sale of nondurable goods to other businesses. These establishments wholesale products, such as paper



products, chemicals, drugs, textiles, apparel, footwear, groceries, farm products, petroleum products, alcoholic beverages, books, magazines, newspapers, flowers, and tobacco products. Nondurable goods generally have a life expectancy of less than three years.

**Nonmetallic manufacturing and mining** means an establishment that transforms, mines, dredges and quarries nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials. Included are establishments that manufacture bricks, concrete blocks, refractory glass, cement, concrete, lime, gypsum, abrasives, cut stone, and mineral wool.

**Office and administrative services** means an establishment that provides day-to-day office administrative services, such as financial planning, billing, record keeping, personnel employment, and logistics; holds securities ( or other equity interests) of companies in order to own a controlling interest or influence management decisions; oversee and administer the establishments of a company often by providing strategic or organizational planning.

**Office, corporate** means an establishment primarily engaged in providing internal office administration services as opposed to customer service in a single building or a campus setting; for example, the headquarters, regional offices or the administrative offices for a corporation. Generally the majority of the traffic generated from corporate offices comes from employees and not the general public.

**Office, general** means a place for the regular transaction of business but not to include retail sales, transfer of manufactured goods or storage of commodities.

**Office supply store** means an establishment or places of business engaged in the sale, rental, or repair of office equipment, supplies, and materials.

**Office, Small Scale** means an office facility with a gross floor area of 4,000 square feet or less, characterized by low employee densities and occupied by a business engaged in information processing, providing professional services, or engaged in the production of intellectual property. This definition does not include “medical services, doctor office” which is separately defined.

**Office, Large Scale** means an office facility with a gross floor area of more than 4,000 square feet, characterized by high employee densities and occupied by a business engaged in information processing, providing professional services, or engaged in the production of intellectual property. This definition does not include “medical services, doctor office” which is separately defined.

**Office-Warehouse** means a facility combining office and warehouse functions in a single structure, characterized by occasional truck deliveries and that does not create a nuisance such as dust, noise, or odors. Any warehouse activity with heavy trucking activities or nuisances shall be considered under the term “Warehousing or Wholesaling”.

**Off-site** means a circumstance whereby a tract of land is physically separated from another by the intervention of a public street, alley, or an unrelated ownership.

**Optical shop** means a facility for a dealer in optical items for correcting vision.

**Outdoor advertising business** means provisions of outdoor displays or display space on a lease or rental basis only.

**Outdoor music establishment** means any business or establishment that has a garden, patio, rooftop or premises not wholly enclosed by solid walls and fully roofed in which amplified or loud music is played that could be audible at nearby residences or businesses.

**Outdoor temporary sale** means open sales lots established for temporary periods of sale of seasonal commodities. Sales outdoor, temporary, shall be subject to a permit issued by the Director for a specific period of time, not to exceed 120 days.

**Packaging and distribution center** means a use where goods are received and/or stored for delivery to the consumer at remote locations.

**Paper and printing materials** means an establishment that manufactures paper and offer printing-related products. Paper manufacturers make pulp, paper, or converted paper products (e.g. paper bags). Printing establishments print products (e.g. newspapers, books, periodicals, and greeting cards) and perform support activities, such as bookbinding, plate making services, and data imaging.

**Parking** means the act of or a state wherein motion has completely ceased. The vehicle involved, whether trailer or self-propelled, has been disconnected from its power source or the engine has been turned off; the driver or operator has left the vehicle unattended.

**Parking garage** means an area or structure devoted to the parking or storage of motor vehicles.

**Parking lot** means use of a plot of ground or parcel of real estate for the parking of vehicles used by customers and employees of that business.

**Parking lot, commercial** means an area devoted to the parking or storage of motor vehicles for a fee.

**Parking lot, off site** means parking spaces which are not located on the same lot or tract occupied by the main use, but which are within three hundred (300) feet of such lot or tract.

**Parking space, off-street** means, for the purpose of this chapter, an off-street parking space shall consist of a nine (9) feet by nineteen (19) feet space located off the street right-of-way adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for all nonresidential use, and for multi-family residential uses with five (5) or more required parking spaces, shall be so designed, maintained and regulated that no maneuvering incidental to parking or unparking shall be on any public street or street right-of-way, walk or alley, and so that any automobile may be parked and unparked without moving another.

**Pawn shop** means a facility for loaning money on the security of personal property; unclaimed property may be sold on the premises.

**Pawn shop (no outside storage)** means a facility for loaning money on the security of personal property; unclaimed property may be sold on the premises; however, outside display or storage of unclaimed property or other inventory is expressly prohibited.

**Performance theater (indoor or outdoor)** means a facility that includes a stage for presenting live theatrical performances to the public.

**Petroleum product** means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft. "Petroleum product" includes but is not limited to motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, No. 1 diesel, and No. 2 diesel.

**Pet cemetery** means a parcel of land, buildings, and/or structures used for the interring of animal remains.

**Pet shop** means a facility for the display and sale of small animals, dogs, cats, fish and birds without involving commercial boarding or treating of any animal, fish or bird.

**Pet supply store** means a facility which retail pets, pet foods, and other pet supplies.

**Petroleum distribution facility** means a facility for the storage of fuels or other volatile products and for their distribution to retail sales facilities or other bulk purchasers, regardless of ownership.



**Pharmacy or drug store** means a facility for preparing, preserving, compounding and dispensing of drugs and medicines.

**Photocopy shop** means a facility for the reproduction and copying of printed material or drawings. This does not include sign shops, printing establishments, or similar large-scale operations.

**Photography studio** means a facility for taking and processing photographs, not a bulk processing plant.

**Pistol Range (indoor)** means an indoor facility designed and constructed for the practice and teaching of marksmanship with handguns.

**Plan** means a fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements and landscaping. A plan is prepared by a registered land surveyor, architect, or engineer, appropriately certified.

**Plan, final** means a fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements, landscaping. A final plan is prepared by a registered land surveyor, architect, or engineer. A final plan further contains proper certification for accuracy and deletes natural land features. Natural land features and elements illustrated on a preliminary plat are replaced in the final plan by structural elements such as walls, ditches, and other drainage facilities intended to alter land forms.

**Plan, preliminary** means a fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements and landscaping. A preliminary plan is prepared by a registered land surveyor, architect, or engineer. A preliminary plan further includes all development phase lines providing construction stages, topography, drainage, and other natural land features.

**Plat** means an engineering drawing which provides for all data related to a development of land and certified as to accuracy by a land surveyor or engineer.

**Plat, final** means an engineering drawing which provides for all data related to development of land certified as to accuracy by a land surveyor or civil engineer illustrating details necessary, conveying ownership, dedication, etc. However, no information as to physical features or use is reflected. A final plat is prepared in a form suitable for recording.

**Plat, preliminary** means an engineering drawing which provides for all data related to a development of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format with physical land features and usage.

**Pool hall** means a principal use billiard facility open to the general public, and which could sell and serve beverages and/or drinks on the premises.

**Portable Storage Units** means transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis.

**Principal dwelling unit** means a dwelling unit that is the primary and larger of two dwelling units located on a single lot.

**Print shop** means a facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses.

**Printing (commercial/industrial)** means a commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic and screen process printing.



**Private club** means a facility where food, beverage, entertainment, and meeting space is provided to specific membership only.

**Private passenger vehicle** means a vehicle which has current safety inspection and license plate, the primary purpose being to provide transportation for fewer than nine (9) people, a secondary purpose being to provide transport for small personal items, such as luggage, groceries, clothing, etc. This definition shall include all recreational vehicles, ATV's race cars, hobby vehicles, and vehicles authorized for use in association with a home occupation.

**Professional Services** means a business, primarily conducted in an office, which offers any service to the public by a licensed professional such as physicians, massage, occupational, or physical therapists, counselors, architects, engineers, lawyers, accountants, etc.

**Property management services** means a business establishment that manages real property for others.

**Public shop or yard of local, state or federal agency** means a facility such as office buildings, maintenance yards and shops required by branches of local, state or federal agencies for service to an area, such as highway department yard, city service center, experiment station, municipal or county jail or courts.

**Rail transportation** means the occupation and use of land, buildings, and structures for purposes directly connected with rail transportation of articles, goods, and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, and passenger and freight terminals.

**Recreational facilities** means a place designed and equipped for the conduct of sports and leisure-time activities.

**Recreational facility, commercial** is operated as a business and open to the public for a fee.

**Recreational facility, personal** is provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

**Recreational facility, private** is operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

**Recreational structure** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground that has a primary use that is recreational in nature. Among other things, recreation structures include tennis courts, basketball courts, swimming pools, and jogging trails.

**Recreational vehicle** means a vehicular portable structure designed to be used as a temporary dwelling for travel, recreational and vacation uses and which can operate independent of connections to sewer, water and electric systems.

**Recreational vehicle, dependent** means a vehicular portable structure which is dependent upon a service building for toilet and lavatory facilities.

**Recreational vehicle park** means any lot of land upon which two (2) or more recreational vehicle or tent sites are located, established or maintained for temporary occupancy by recreational vehicles of the general public. Recreational vehicles are used as temporary living quarters for recreation or vacation purposes.

**Rectory** means a residential building designated by a church to be used by the clergy of that church. A rectory is often located on or adjacent to the primary church property but such location is not required. The rectory may include such facilities as counseling rooms and private meeting rooms as well as general residential facilities but these uses are secondary to the primary use as a residential structure.

**Religious Facilities** means a place of worship and religious training and including accessory housing facilities such as a parsonage or rectory. A place where persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Uses include, but are not limited to church, synagogue or temple, including Sunday school facilities; parish house, parsonage or rectory; convent or monastery or novitiate; religious retreat facility; and, child care or mother's day out.

**Religious Institution** means a building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, recreational, or other uses not normally associated with worship. Includes churches, chapels, cathedrals, mosques, synagogues, temples, and similar designations.

**Repair Services, Equipment, and Large Appliances** means a service facility where various types of electrical, electronic, and mechanical equipment and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "automobile repair", the repair of small home appliances and electronic equipment, which is included under "repair service - household", maintenance and repair activities that occur on the client's site, which are included under "maintenance service" or repair services provided on the site of a retail use that sells the products for which repair services are offered, where the repair services are incidental to the on-site sales.

**Repair Services, Household** means an establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding "automobile repair" and "repair services, equipment, large appliances, etc." which are separately defined. Typical uses include home electronics and small appliance repair; shoe repair; watch or jewelry repair; upholstery services, or repair of musical instruments.

**Research and development services** means a service that engages in research, or research and development, of innovative ideas in technology-intensive fields.

**Residential care facility** means a facility licensed by the state department of human services that provides room and board, personal care, habilitation services and supervision for not more than eight (8) developmentally disabled (as defined by the "Location Act for Community Homes for Developmentally Disabled Persons"), and located in a single family residence.

**Residential Facility, Assisted Living** means a residential facility consisting of individual dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring non-medical assistance with day-to-day living matters. This definition does not include "residential facility – rehabilitation" which is separately defined. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

**Residential Facility, Extended Medical Care** means a residential facility providing nursing and medical care as a primary use with in-patient beds.

**Residential Facility, Rehabilitation** means a residential facility, either single dwelling or multi-unit facilities, licensed and supervised by a Federal, State, or county health or welfare agency that provides 24-hour nonmedical care of more than 8 (eight) unrelated persons rehabilitating from alcohol or drug abuse.

**Residential Facility, Temporary Shelter** means a residential facility providing temporary shelter for a person physically or mentally abused by family or for displaced persons and/or families. Such place may or may not provide on-site meals but furnishes a safe haven for people.

**Retail** means the sale of commodities or goods in small quantities to ultimate consumers.

**Retail, Large Scale** means a retail store with a gross floor area of more than 4,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry



goods, toys, furniture, antiques, books and stationery, pets, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

**Retail, Small Scale** means a retail store with a gross floor area of 4,000 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

**Rooming unit** means any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping but not for cooking or eating.

**Salon/spa services** means an establishment that provides health and beauty treatments for customers such as massage aroma therapy, exercise facilities, steam/sauna facilities, and hair salons.

**Salvage yard** means any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of: scraps or discarded pieces of metal, paper, cloth, tires, building materials, glass and other materials; inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances.

**Sand, gravel, stone or earth sale and storage facility** means a facility for storing and marketing sand, gravel, stone and earth.

**Satellite television signal receiving dishes.** See ground-mounted satellite television signal receiving dishes.

**Sawmill** means a facility having power driven machinery for the purpose of sawing logs and including accessory facilities for the drying and storage of wood materials or by-products.

**School, public, private, or denominational** means an education institution operated under the auspices of the Springdale School Board, or an educational institution operated by private or religious agencies which provide elementary or secondary education comparable to that which is offered by the public schools.

**School, business professional** means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, Barber College, beauty school or commercial art school, but not including trade schools.

**School, public or private** means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to a public elementary or secondary school, but not including trade or commercial schools.

**School, trade, or technical** means a business organized to operate for a profit and offering instruction and training in a trade such as welding, electrical, plumbing, truck driving, machinery operation and similar trades.

**Screening** means the use of natural or manmade topography, berms, fences, walls, trees, shrubs, ground cover or any combination thereof which partially or completely blocks the view of one (1) area from another.

**Screening, opaque** means a manmade device on or a natural feature of a property which restricts access or visibility, the purpose of which is to provide privacy, separation of use and ~~lessen~~ the impact of automobile lights on an adjacent use. Such screening shall be opaque in nature and disallow the passage of visible light frequencies.



**Seasonal Use** means a specific type of temporary use that reoccurs each year for a definite period of time and which occupies the same location and configuration.

**Senior citizens center** means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services, and the provision of facilities for recreational activities for older individuals.

**Setback line** means a line generally parallel to the front, side or rear lot line indicating the limit beyond which buildings or structures, including porches, attached garages, attached carports, balconies, stairways, eaves and overhangs, may not extend except as otherwise provided in ordinances. The location of the setback line shall be determined by the yard requirements or setback line requirements of the zoning district in which the lot is located.

**Sewing machine store (sales and service)** means a business establishment engaged in the business of selling and repairing sewing machines.

**Shoe repair shop** means a facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

**Sidewalk Café** means an outdoor dining area, not enclosed by a fence or other visual barriers in excess of 36 inches in height, placed on a public right-of-way and contains removable tables, chairs, planters or other appurtenances and is abutting/contiguous to a restaurant that performs food preparation, sanitation, and related services for the sidewalk café.

**Sidewalk Sales (Outdoor Vendors)** means a special temporary sale, not exceeding three consecutive days, to the public of any goods, wares or merchandise or services by any retail or wholesale business, which sale is conducted on private property of the business selling the merchandise or the public sidewalk immediately adjacent to the retail or wholesale business selling the merchandise.

**Single room occupancy (SRO)** – means a housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities. Closest models are hotels and apartment building, composed entirely of studio apartments. Have the potential to meet some of the need for lower cost housing without the use of subsidies. Most appropriate locations are areas where low-cost retail and service establishments are in walking distance, have access to mass transit lines so that travel to employment, services, and family is possible.

**Skating rink** means an establishment that provides facilities for participant skating.

**Slaughterhouse** means a facility for the slaughtering of animals; processing and refining of their byproducts; and prepared for distribution; activities may include packing, treating, storage or sale of the product on the premises.

**Small engine repair** means an establishment that provides maintenance and repair of low-power internal combustion engines. Equipment repaired includes but not limited to chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, and go-karts.

**Social assistance, welfare, and charitable services** means an establishment that provides social assistance services directly to individuals. They do not offer residential or accommodation services.

**Specialty Food Market** means an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies and hardware. These shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

**Specialty Manufacturing** means a specialty manufacturers with or without a retail front or other special manufacturers with minimal impacts to adjoining properties, including noise, traffic, lighting, odors, and hours of operation. Products are primarily assembled by hand. The

uses are limited by size to a maximum of 4,000 sq.ft of gross floor area and shall be operated only within a fully enclosed structure.

**Sporting goods stores** means an establishment primarily engaged in the retailing of new sporting goods, including bicycles and bicycle parts, camping equipment, fishing and hunting equipment, exercise and fitness equipment, athletic uniforms, athletic apparel for men, women and children, specialty sports footwear and other sporting goods, equipment and accessories.

**Sports complex or athletic field** means a large open or enclosed space used for games or major events which may be surrounded by tiers of seats for spectators.

**Stable, private** means a private accessory building for quartering horses.

**Stockyard** means a service involving the temporary keeping of livestock for slaughter, market, or shipping.

**Street line** means the right-of-way line of a street.

**Structure or building** means structure designed for habitation, shelter, storage, trade, manufacture, religion, business, education, and the like. A structure or edifice inclosing a space within its walls, and usually, but not necessarily, covered with a roof.

**Studio of the arts, private** means a working place for one engaged in artistic painting, sculpture, or other individual artistic endeavor.

**Substance abuse treatment facility** means a facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

**Swimming pool** means water related recreational facility designed and intended for access by the public. Pools that are part of a country club, health club, hotels and motels or similar uses are accessory to the principal use.

**Swimming pool sales and supplies store (without storage yard)** means a facility for display and retail sales of swimming pools, related supplies and service.

**Swimming pools, public** means any swimming pool other than a private swimming pool, including publicly and privately owned pools open to the general public and pools owned and operated in conjunction with membership organizations, motels, hotels, and other similar uses.

**Tailor shop** means a shop to alter, repair, fabricate, or fashion garments.

**Tanning salons** means any business that uses artificial lighting systems to produce a tan on an individual's body.

**Tanning, slaughtering, rendering of animals or fowl plants** means a facility in which the tanning, rendering, slaughtering, or butchering of animals is conducted. This use must be completely enclosed, except for live animal holding pens which shall meet all setback requirements.

**Tattoo/body piercing parlor** means an establishment whose principal business activity, either in terms of operations or as held out to the public, is the practice of one or more of the following: placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; and/or creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.

**Taxi service** means a facility licensed for operation under regulations established by the city to transport persons from one place to another by means of the appropriate vehicle. This use consists of all services related to provision of a taxi service including but not limited to: administration, operations, dispatch, communications, and vehicle maintenance.



**Taxidermy shop** means a facility for preparing, stuffing, and mounting the skins of animals, birds, or fish.

**Telecommunications and broadcasting studio** means a facility for broadcasting live or prerecorded programs by radio or television or recording of records, tapes, videotapes or other recording media. Such facility may perform activities necessary for recording, programming and receiving of radio and television signals. Such facility shall not engage in mass production.

**Telemarketer/call center** means a central office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization.

**Textiles** means an establishment that transforms natural or synthetic fiber into products (such as yarn or fabric) to be further manufactured into textile products.

**Thrift store** means an establishment primarily engaged in the sale of used clothing and/or household goods. This classification does not include antique shops.

**Tire sales** means a facility where the principal business is the sale or installation of new, used, or retreaded tires and tubes.

**Tobacco retailers** means a retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

**Tower or communications tower (wireless telecommunications facilities)** means any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) or more antennas.

**Towing impound yard** means a facility operated for the temporary storage of towed motor vehicles that are to be claimed by their title holders or agents, or transported to a repair shop.

**Towing service** means an establishment that provides for the removal of a motor vehicle by towing, carrying, hauling or pushing from public or private property when such vehicle has been ordered to be impounded to a public or private impound yard. This shall not include a "motor vehicle repair and body shop" use that has a tow truck and services vehicles on-site.

**Townhouses** means attached single-family dwelling units which can be either single-story or multi-story in height; which are physically attached one to another by common or adjoining walls on not more than two (2) sides; which have individual heating, air-conditioning, electrical and plumbing systems; which are located on individually platted lots; which are or may be individually owned, or may be rented.

**Toy store** means an establishment that sells games (including electronic), toys, dolls, and musical instruments.

**Trade show** means an exhibition organized so that companies in a specific industry can showcase and demonstrate their latest products, service, study activities or rivals and examine recent trends and opportunities. These events may be open to the public, or may be set up to be attended by company representatives (members of the trade) and members of the press only.

**Travel arrangement and reservation services** means an establishment that promotes or sells travel, tour, or accommodation services, such as providing maps and information, locating convention sites, arranging reservations, organizing group tours, etc.



***Travel trailer*** means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

***Truck or tractor sales and service facility*** means a facility for the sale and repair of trucks, tractors, or similar motorized vehicles.

***Truck stop/ travel plaza*** means an establishment engaged primarily in the fueling, or parking of tractor trucks, semi-trucks, or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers, or restaurant facilities primarily for use of truck crews.

***Use, principal*** means the main or primary purpose, for which land or a structure or use thereon is designed, arranged or intended, or for which it may be occupied or maintained under this chapter.

***Utility shop, storage yard, or building*** means a building and/or land used by a utility for the storage of poles, pipes, equipment, and materials for maintenance and administration of the utility services.

***Utility substation*** means a station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area.

***Variance*** means a variance is a relaxation of the terms of the zoning ordinance as pertains to height, area, and size of a structure or size of yards and open spaces as provided in article 11.

***Vehicle Storage Yard*** means the keeping outside of one or more motor vehicles (except inoperable vehicles), boats, trailers, or unoccupied recreational vehicles for more than 72 consecutive hours. The term "vehicle storage yard" does not include auto impoundment/salvage yard.

***Vending*** means a service for the maintaining and supplying of vending machines for candy and other small foodstuffs, novelties, pamphlets and cigarettes but not including beverages.

***Veterinary clinics (no outdoor kennels)*** means a facility with licensed practitioners of veterinary medicine, dentistry, or surgery for animals; also included are businesses that provide testing services for licensed veterinary practitioners.

***Veterinary clinic (with outdoor kennels)*** means a facility with licensed practitioners of veterinary medicine, dentistry, or surgery for animals; also included are businesses that provide testing services for licensed veterinary practitioners. In addition to indoor clinics, also provides outside pens or kennels for larger animals.

***Video, music, and software (rental and leasing)*** means an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMS, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMS, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses.

***Vocational rehabilitation*** means an establishment that provides job counseling, job training, and other vocational services.

***Warehouse*** means a facility engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

***Wedding Chapel*** means a facility which is made available to be rented principally for wedding ceremonies and may include a chapel, dressing rooms, offices, reception facilities, and gardens.

**Weight loss centers/diet or nutrition center** means a facility designed to assist persons in weight control through a combination of diet and exercise. Centers offer a combination of counseling, nutrition, and exercise measures.

**Wind Energy System, Small** means a wind energy conversion system used primarily to generate power for onsite consumption, 100 kW or less, consisting of a wind turbine, tower, base and associated control or conversion electronics.

**Wind Energy System, Large** – means a wind energy conversion system used primarily to generate power for offsite consumption, more than 100kW, consisting of one or more wind turbines and associated accessory facilities.

**Wood products manufacturing plant** means a facility which cuts, trims, planes or otherwise finishes wood products on an industrial scale.

**Yard** means an open space between a building or structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise herein provided.

1. *Front* – a yard extending across the front of a lot between the inner side lot lines, and being the minimum horizontal distance between the street line and the building or structure. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be required to have front yards.
2. *Rear* – a yard extending across the rear of a lot between inner side lot lines, and being the minimum horizontal distance between the rear lot line and the building or structure. For purposes of determining yard requirements on corner lots and through lots, there will be no rear yards, but only front and side yards.
3. *Side* – a yard extending along the side lot line between the front and rear yards, and being the minimum horizontal distance between the side lot line and the building or structure or any projection thereof.
4. *Special* – a yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the building inspector shall require a yard with minimum dimensions as generally required for side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

**Zero lot line dwellings** means detached single-family dwelling units which are located on individually platted lots in such a manner that one of the building's sides rests directly on a lot line. The same interior property line cannot be utilized for zero side yard construction on adjacent lots.

**Zoo** means a facility housing and displaying live animals, reptiles, and birds.

**Section 2:** All other provisions of the Zoning Ordinance of the City of Springdale, Arkansas, not specifically amended by this Ordinance shall remain in full force and effect.

**Section 3: Emergency Clause.** It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

**PASSED AND APPROVED** this \_\_\_\_\_ day of August, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 2-157 OF THE  
SPRINGDALE CODE OF ORDINANCES**

**WHEREAS**, Arkansas Statute § 19-11-249 allows for Cities to purchase commodities or services thru cooperative purchasing agreements, and

**WHEREAS**, the Springdale Code of Ordinances have not been amended to take advantage of this purchasing option;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Section 2-157 of the Springdale Code of Ordinances is amended as follows:

• **Sec. 2-157. - Competitive bidding process.**

Except as provided under A.C.A. § 14-58-104(a) and A.C.A § 19-11-249, competitive bids are required when the purchase or contract exceeds the sum of \$20,000.00, and the mayor, or his duly authorized representative, shall invite competitive bids thereon by legal advertisement in a newspaper as required by law. Bids received pursuant to said advertisement shall be opened and read on the date set for receiving said bids, in the presence of the mayor, or his duly authorized representative. The contract shall be awarded to the lowest responsible bidder provided, however, the mayor, or his duly authorized representative, may reject any and all bids received. Further, nothing in this paragraph shall limit the city council's authority under state law to waive competitive bidding when the city council finds it is not feasible or practical and purchases of greater than \$20,000.00 at state bid prices shall be exempt from the provisions of this section. The terms of an existing contract may be renewed or extended without soliciting bids, pursuant to A.C.A. § 14-58-104(b), subject to city council approval.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Ernest B. Cate, City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE GRANT OF A  
UTILITY EASEMENT TO OZARKS ELECTRIC ACROSS  
PROPERTY OWNED BY THE CITY OF SPRINGDALE,  
ARKANSAS (PARCEL NO. 815-28663-004 and PARCEL NO.  
815-28663-002, SPRINGDALE, WASHINGTON COUNTY,  
ARKANSAS).**

**WHEREAS**, the City of Springdale, Arkansas, owns two tracts of property known as Parcel No. 815-28663-004 and Parcel No. 815-28663-002, Springdale, Washington County, Arkansas ("the Property");

**WHEREAS**, Ozarks Electric currently has an electric transmission line across the Property, but is in need of a larger utility easement across the Property, as shown on the attached Exhibit "A";

**WHEREAS**, the utility easement is necessary for the construction of a new electric transmission line to enhance capacity in the area of the Property, and will be beneficial to future growth and development of the area; and

**WHEREAS**, Ark. Code Ann. §14-54-302 provides that the Mayor and City Clerk may execute the attached easement document when authorized to do so by Resolution approved by the City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS** that the Mayor and City Clerk are hereby authorized to execute the attached easement document granting a utility easement across the Property to Ozarks Electric.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That we the undersigned, whether one or more, THE CITY OF SPRINGDALE, 201 N Spring St. Springdale, AR 72764 hereinafter called "Grantor", for the sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged do hereby grant and convey unto **Ozarks Electric Cooperative Corporation (Grantee)**, hereinafter called "Cooperative", whose principal office is in Fayetteville, Arkansas, and unto its successors, licensees or assigns, a perpetual easement right, privilege, and authority to enter upon the lands of the undersigned Grantor, and to place, construct, reconstruct, erect, excavate, add to, relocate, rebuild, modify, change operating voltage level, repair, replace, patrol, operate and maintain on, over, and under the described lands, and in and upon all streets, roads, highways and other rights of way abutting said premises, overhead lines and underground cables of one or more circuits to serve as service, distribution, or transmission lines, or combinations of all, to transmit electrical energy and communications, including but not limited to poles, towers, wires, buried cable, guys, brace poles, guy wires, anchors, and other appurtenances necessary thereto, together with the right of ingress and egress to and from the lines of the Cooperative, over the lands of Grantor, which said lands of Grantor situated in the County of Washington, State of Arkansas, are described as follows:

SEE ATTACHED EXHIBIT "A" FOR PROPERTY OWNERS DESCRIPTION.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The location of the right-of-way easement on the above-described premises shall be determined by the Cooperative with the centerline being generally described as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Easement being 100 feet in width being 50 feet on either side of the centerline, with the centerline of easement being finally determined as constructed.

At points of angle and termination in the line, Cooperative shall have the right to place anchors, stub poles, and guy wires outside of the width and said easement shall also extend 20' in all directions from all anchors, stub poles, and guy wires. The extension of the easement for the anchors, stub poles and guy wire shall be finally determined as they are constructed.

Grantor do also hereby grant and convey to Cooperative the perpetual right to clear and keep clear by cutting, trimming, the application of federally registered herbicides or removing by any other manner all brush, trees, timber, and vegetation within the defined easement and, at the Cooperative's option, to trim or remove all other trees outside of the defined easement that would in the sole opinion of the Cooperative, endanger the safety of the public or be a hazard to the operation and maintenance of the lines. And to dispose of trees and brush in any manner desired by the Cooperative. And agree that no shrubs, trees, or structures shall be planted or constructed within the defined easement. And the removal of any structures, trees, or other obstructions placed in the easement after the construction of said line will be removed at the expense of the property owner.

Grantor agree to make no use of, nor permit others to make any use of said easement strip that would reduce in clearance or in any other way interfere with the proper and safe operation and/or maintenance of said line by



Cooperative. Grantor further agree that Grantor will not make or allow others to make any attachments to any line, poles, or structures of Cooperative although the Cooperative retains the right to do so at its discretion.

Grantor agree that all poles, wires, transformers and all other facilities installed by and at the expense of Cooperative on Grantor's property pursuant to the rights granted by this easement shall remain the property of Cooperative and may be removed by Cooperative at its option.

No delay in exercising any or all of the rights granted herein to Cooperative shall be interpreted to be a surrender of any of the said rights nor abandonment of the easement granted.

All provisions contained herein shall run with the land and be binding on the parties, their heirs, successors, representatives and assigns.

And any and all dower, curtesy, distributive shares or homestead interest the undersigned, or either of them, may have inconsistent with the rights herein conferred is hereby relinquished and released to the extent necessary to permit the free enjoyment of said rights and to that extent only. In so doing, the undersigned do not deed the ownership of said lands.

Grantor covenant to and with Cooperative that they are lawfully seized and possessed of said lands, and have good and lawful right to and power to sell and convey said land and the easement granted herein and that said land is free and clear of all liens and encumbrances and that Grantor will forever warrant and defend the title to said easement and the quiet possession thereof against the lawful claims and demands of all persons whomever.

IN WITNESS THEREOF, the grantor has set his hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF SPRINGDALE

X \_\_\_\_\_  
Signature of Grantor

X \_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Printed Name of Grantor

\_\_\_\_\_  
Printed Name of Grantor

**ACKNOWLEDGMENT**

STATE OF ARKANSAS )

COUNTY OF WASHINGTON )

BE IT REMEMBERED, that on this day personally appeared before me, the undersigned Notary Public with and for the County and State aforesaid, duly commissioned and acting, \_\_\_\_\_

\_\_\_\_\_, to me well known as the grantor(s) in the foregoing easement, and each stated that they had executed the same for the considerations and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

(SEAL)

\_\_\_\_\_  
Notary Public

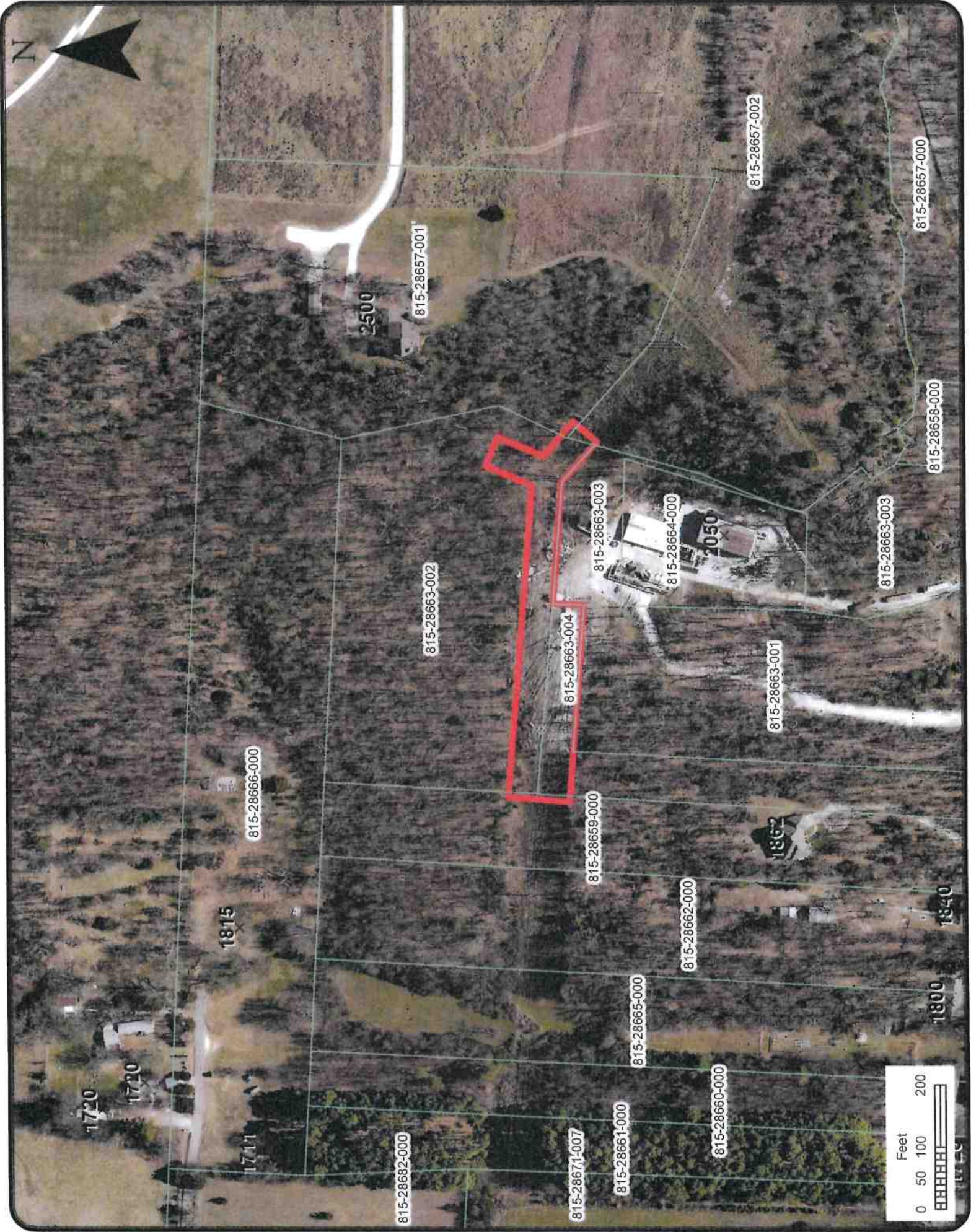
EXHIBIT “A”

Property Description

Tract 1:  
A part of the NW1/4 of the NE1/4 of Section 30, T-18-N, R-29-W, Washington County, Arkansas, and being more particularly described as follows to wit: Commencing at the SE Corner of the NE1/4 of the NE1/4 of said Section 30, thence N87°43'00"W, 1437.67 feet, S01°47'29"W, 74.64 feet, N87°41'13"W, 177.68 feet, N02°42'16"E, 74.85, N87°21'00"W 385.06 feet, N02°13'00"E, 756.77 feet, to the point of beginning and running thence N02°13'00"E, 344.49 feet, thence S84°21'00"E, 555.00 feet, to the toe of a bluff, thence with the toe of said bluff S12°40'51"E, 259.27 feet, S24°47'16"W, 119.92 feet, S14°30'27"W, 46.84 feet, thence leaving said bluff line N48°31'13"W, 79.30 feet, thence N85°59'39"W, 197.10 feet, thence N85°50'00"W, 307.42 feet, to the point of beginning containing 4.82 acres, more or less, Together with a 50 foot Right-of-Way for ingress and egress shown on plat of survey by WBR Engineering Associates, dated 05/27/2004.

Tract II:  
A part of the NW1/4 of the NE1/4 of Section 30, T-18-N, R-29-W, and being more particularly described as follows, to-wit: Beginning at a point which is N87°42'22"W 1614.16' and N87°21'00"W 385.06' from the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 30 and running thence N02°13'00"E 756.77' to a found iron pin, thence S85°50'00"E 307.42' to a found iron pin, thence S00°45'01"W 50.08' to a set iron pin, thence N85°52'28"W 238.16' to a set iron pin, thence S02°13'03"W 704.75' to a set iron pin, thence N87°21'00"W 70.50' to the point of beginning, containing 1.49 acres, more or less.







CITY OF  
SPRINGDALE

AR24 OZARK ELECTRIC COOPERATIVE  
FAYETTEVILLE, ARKANSAS  
EXHIBIT "A"

FOUND IRON PIN  
NW CORNER  
SEC. 30, T18N, R29W  
WASHINGTON COUNTY, AR

PART OF THE NORTHEAST QUARTER  
SEC. 30-T18N-R29W  
WASHINGTON COUNTY, AR.

LEGEND

- FOUND IRON PIN
- PROPOSED EASEMENT LINE
- EXISTING CENTERLINE
- SECTION LINE

TRACT # CITY OF SPRINGDALE  
DEED BOOK 2018 PAGE 34939

EASEMENT DESCRIPTION:

THE EASEMENT HEREIN GRANTED WILL BE A MAXIMUM OF 100 FEET WIDE AND LIE 50 FEET EACH SIDE UNLESS ADJUSTED TO PROPERTY LINE OF THE FOLLOWING DESCRIBED EXISTING CENTERLINE (SIDELINES ARE LENGTHENED OR SHORTENED AS REQUIRED TO END ON GRANTOR'S BOUNDARY)

COMMENCING AT A FOUND IRON PIN AT THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS; THENCE S87°40'23"E ALONG THE NORTH LINE OF SAID SECTION 30, 3183.98 FEET MORE OR LESS; THENCE S00°00'00"E, 566.38 FEET MORE OR LESS TO THE INTERSECTION OF THE CENTERLINE OF AN EXISTING TRANSMISSION LINE AND GRANTOR'S APPARENT BOUNDARY ALSO BEING THE POINT OF BEGINNING #1; THENCE S85°21'02"E ALONG SAID CENTERLINE, 514.37 FEET MORE OR LESS TO A POINT OF DEFLECTION; THENCE S49°42'52"E ALONG SAID CENTERLINE, 84.04 FEET MORE OR LESS TO THE GRANTOR'S APPARENT EAST BOUNDARY LINE AND TERMINUS POINT.

ALSO GUYING TRACT:

BEING 50 FEET IN WIDTH AND 72.48 FEET IN LENGTH, LYING 25 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS CONSTRUCTED:

COMMENCING AT THE ABOVE SAID POINT OF DEFLECTION; THENCE N22°28'03"E, 52.52 FEET MORE OR LESS TO THE POINT OF BEGINNING #2 OF SAID GUYING TRACT; THENCE CONTINUING N22°28'03"E, 72.48 FEET MORE OR LESS TO THE TERMINUS POINT.

598.41 LINEAR FEET APPROX.

0.65 ADDITIONAL ACRES MORE OR LESS

0.1 ACRES MORE OR LESS, GUYING TRACT

THIS EXHIBIT DEPICTS APPARENT OWNERSHIP LINES AND WAS PREPARED EXCLUSIVELY FROM INSTRUMENTS OF RECORD AND IS SUBJECT TO ALL RESTRICTIONS, EASEMENTS OR RIGHT-OF-WAYS, IF ANY. 05-21-2019

THIS DRAWING IS A DOCUMENT OF SERVICE AND IS THE PROPERTY OF ALLGEIER, MARTIN and ASSOCIATES, INC. THIS DOCUMENT SHALL NOT BE USED ON THIS OR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF ALLGEIER, MARTIN and ASSOCIATES, INC.

CERTIFICATE OF AUTHORITY  
ARKANSAS NO. 128



ALLGEIER, MARTIN and ASSOCIATES, INC.  
CONSULTING ENGINEERS  
7251 EAST 24TH STREET  
JOPLIN, MISSOURI 64804 (417) 860-7200

ERIC S. DURKIN  
ARKANSAS P.L.S. #1718  
AGENT FOR ALLGEIER, MARTIN and ASSOCIATES, INC.



NOT TO SCALE

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AMENDING THE  
2019 BUDGET OF THE CITY OF  
SPRINGDALE FIRE DEPARTMENT

**WHEREAS**, the Fire Department 2018 budget included funds for an ambulance that was not delivered and paid for until 2019, and

**WHEREAS**, the unspent funds from the 2018 budget were not included in the 2019 budget.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that** the 2019 budget of the City of Springdale Fire Department is hereby amended as follows:

<u>Department</u>	<u>Account No.</u>	<u>Description</u>	<u>Present Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Proposed Budget</u>
Fire	10106014228050	From Reserves	240,000	212,000		452,000

**PASSED AND APPROVED** this 13<sup>th</sup> day of August, 2019

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROPRIATING FUNDS FOR THE  
PARKS AND RECREATION DEPARTMENT  
(CIP #1904)**

**WHEREAS**, the City of Springdale is in the process of making improvements to the Parks & Recreation Center and desire to install synthetic turf on two soccer fields, and

**WHEREAS**, the City has received a proposal of \$124,389 from Shaw Sports Turf based on their contract with The Interlocal Purchasing System, and

**WHEREAS**, A.C.A § 19-11-249 states that "A public procurement unit may participate in ....a cooperative purchasing agreement for the acquisition of commodities or services".

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that there is hereby appropriated \$124,389 from the funds in the CIP Fund reserved for park land acquisition for the purchase of synthetic turf.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney





866.703.4004  
185 South Industrial Blvd.  
Calhoun, GA 30701  
www.shawsportsturf.com

July 12, 2019

Proposal 2 (TIPS Contract #170205)

Project: Springdale P & R Indoor  
Springdale, AR 72764

Shaw Contract Flooring Services, Inc., dba Shaw Sports Turf is pleased to provide the following proposal for your upcoming project:

Product	Description	Area/SF	Price
Legion HP 2.25	Synthetic Turf and Installation	22,275 SF +/-	\$124,389

**Notes:** All appropriate taxes will be charged unless proof of tax-exempt status/certificate is supplied to Shaw Sports Turf related to this project.

**Scope of Work Inclusions**

- Supply and install our Shaw Sports Turf Synthetic Turf System over base provided by others generally in accordance with manufacturer product specifications, warranty and installation methods (including turf, sundries and infill materials)
- Price based on standard Shaw Sports Turf colors for each product (custom yarns not included)
- Supply and install tufted and inlaid game field markings:
  - Lines/Markings – Soccer Lines
  - Logo -- NONE
  - Letters -- NONE
- Supply and install turf system infill materials: ambient processed SBR and silica sand
- One (1) GMAX test performed upon completion of each field
- All usable remnants of new material generated by Shaw Sports Turf shall become property of owner.
- Quote based upon use of Shaw Sports Turf standard adhesive; other adhesives at additional cost
- Provide 8 year manufacturer warranty for our turf system only and instructions in turf care/maintenance
- Prices based upon private wage schedule in effect at time of proposal.
- Prices based upon one mobilization. Re-mobilization will incur additional costs (each mobilization)
- Provide Payment and Performance Bond

**Scope of Work Exclusions**

- Any bonds, bonding fees, or additional insurance policies (unless noted above)
- Any Prevailing Wages, Union Wages or Union Requirements
- Any Shock Pad or E layer
- Any grooming and/or maintenance equipment (Unless Option Chosen)
- Any Engineering and/or Design fees and/or survey work
- Any Independent Testing or testing of any kind
- Any sub grade or base testing of any kind
- Maintenance of field or other turf treatments
- Any materials, labor, equipment associated with: grading, hauling, over-excavating, soil treatment/remediation/stabilization, sub grade work, excavation of heavy rock, drainage or stone base work of any kind



866.703.4004  
185 South Industrial Blvd.  
Calhoun, GA 30701  
www.shawsportsturf.com

- Any concrete curbing and/or nailer board materials and/or installation
- Any extra adhesive for glue down curbing design (prices estimated for nailer board installation)
- Locating, relocation, removal, supply, installation and/or repair of any existing or proposed utilities
- Contaminated soils, unsuitable soils, hazardous material removal and remediation
- Any lettering, logos and/or additional field markings not specified above
- Provision of any additional sports equipment, score clocks, bases, home plates, pitching rubbers, foul poles, soccer nets, corner flags, netting, goal posts, etc. (no labor or supplies of any kind)
- Track removal and/or replacement
- Crossing protection for asphalt, concrete, landscaping, tracks, etc.
- Site Security
- Anything not specifically stated in our above scope of work.
- Changes in the specifications and/or scope of work are subject to change orders and may require additional charges

#### Conditions

- Adequate staging area to be provided by the client (within 200' of installation)
- Executed Contract contingent upon site visit and approval by Shaw Sports Turf representative
- Proposal amount is subject to the payment terms established upon credit review by Shaw Sports Turf Financial Services at project award or approval.
- Standard manufacturing lead times is 21 working days from signed contract/shop drawing approval.
- This proposal is valid for 90 days.
- Price(s) subject to increase. Items that may affect increase(s) include but are not limited to: raw material costs, freight costs, manufacturing costs, taxes, etc.

Please contact me with any questions regarding this proposal.

Best regards,

Wynn Vinson  
Territory Manager  
Shaw Sports Turf  
Phone: 601.416.4767

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ACCEPTING THE GUARANTEED  
MAXIMUM PRICE FOR THE CONSTRUCTION OF  
SPRINGDALE'S SHAW FAMILY PARK  
PROJECT NO. 18BPP1  
PROJECT NO. 18BS16**

**WHEREAS**, Arkansas Statute 19-11-801 provides for the employment of a construction manager for public improvement projects, and

**WHEREAS**, Shaw Family Park has been designed and bids taken from sub-contractors, and

**WHEREAS**, Milestone Construction Company, LLC has proposed a guaranteed maximum price of \$10,708,989 for the construction of Shaw Family Park, and

**WHEREAS**, \$9,785,763 will be paid from the 2018 Park Bond Construction Fund and \$923,226, that pertains to sidewalks/trails, will be paid from the 2018 Street Bond Construction

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that

1. The City Council accepts the guaranteed maximum price of \$10,708,989 submitted by Milestone Construction for the construction of Shaw Family Park.
2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders do not exceed 10% of the guaranteed maximum price.

**PASSED AND APPROVED** this 13<sup>th</sup> day of August, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney



**Guaranteed Maximum Price Amendment**

for the following PROJECT:  
*(Name and address or location)*

Shaw Park  
Downum Road & Ball Road  
Springdale, AR 72762

**THE OWNER:**  
*(Name, legal status and address)*

City of Springdale  
201 Spring Street  
Springdale, AR 72764

**THE CONSTRUCTION MANAGER:**  
*(Name, legal status and address)*

Milestone Construction Company, LLC  
2002 S. 48th Street, Suite A  
Springdale, AR 72762

**ARTICLE A.1**

**§ A.1.1 Guaranteed Maximum Price**

Pursuant to Section 2.2.6 of the Agreement, the Owner and Construction Manager hereby amend the Agreement to establish a Guaranteed Maximum Price. As agreed by the Owner and Construction Manager, the Guaranteed Maximum Price is an amount that the Contract Sum shall not exceed. The Contract Sum consists of the Construction Manager’s Fee plus the Cost of the Work, as that term is defined in Article 6 of this Agreement.

**§ A.1.1.1** The Contract Sum is guaranteed by the Construction Manager not to exceed Ten Million Seven Hundred Eight Thousand Nine Hundred Eighty-Nine and no/100’s Dollars (\$ 10,708,989.00 ), subject to additions and deductions by Change Order as provided in the Contract Documents.

**§ A.1.1.2 Itemized Statement of the Guaranteed Maximum Price.** Provided below is an itemized statement of the Guaranteed Maximum Price organized by trade categories, allowances, contingencies, alternates, the Construction Manager’s Fee, and other items that comprise the Guaranteed Maximum Price.  
*(Provide below or reference an attachment.)*

The Guaranteed Maximum Price is divided as follows:  
Shaw Family Park - \$9,785,763  
County Line & Ball Road Project \$923,226  
See Attachment "A" for Breakdown by Trade

**§ A.1.1.3** The Guaranteed Maximum Price is based on the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:  
*(State the numbers or other identification of accepted alternates. If the Contract Documents permit the Owner to accept other alternates subsequent to the execution of this*

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Amendment, attach a schedule of such other alternates showing the amount for each and the date when the amount expires.)

- Alternate #3 - Construct fourth tennis court
- Alternate #5 - Install lighting for north half of park (Fixture A5 – Qty-21)

§ A.1.1.4 Allowances included in the Guaranteed Maximum Price, if any:  
(Identify allowance and state exclusions, if any, from the allowance price.)

Item	Price (\$0.00)
See Attachment "A"	

§ A.1.1.5 Assumptions, if any, on which the Guaranteed Maximum Price is based:

§ A.1.1.6 The Guaranteed Maximum Price is based upon the following Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
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§ A.1.1.7 The Guaranteed Maximum Price is based upon the following Specifications:  
(Either list the Specifications here, or refer to an exhibit attached to this Agreement.)  
See Attachment "C"

Section	Title	Date	Pages
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§ A.1.1.8 The Guaranteed Maximum Price is based upon the following Drawings:  
(Either list the Drawings here, or refer to an exhibit attached to this Agreement.)  
See Attachment "B"

Number	Title	Date
--------	-------	------

§ A.1.1.9 The Guaranteed Maximum Price is based upon the following other documents and information:  
(List any other documents or information here, or refer to an exhibit attached to this Agreement.)

Addendum #1	Dated 7/16/2019
Addendum #2	Dated 7/19/2019
Addendum #3	Dated 7/29/2019
Addendum #4	Dated 7/31/2019
Pre-Bid RFI #'s 1-14	Dated 7/9/2019 - 8/5/2019

ARTICLE A.2

§ A.2.1 The anticipated date of Substantial Completion established by this Amendment:

420 Calendar Days from receipt of Notice to Proceed

OWNER(Signature)

Doug Sprouse, Mayor  
(Printed name and title)

  
CONSTRUCTION MANAGER(Signature)

Sam Hollis, President  
(Printed name and title)

Init.

/

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User Notes: (3B9ADA41)



Additions and Deletions Report for
AIA® Document A133™ – 2009 Exhibit A

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 09:13:25 ET on 08/08/2019.

PAGE 1

Shaw Park
Downum Road & Ball Road
Springdale, AR 72762

...

City of Springdale
201 Spring Street
Springdale, AR 72764

...

Milestone Construction Company, LLC
2002 S. 48th Street, Suite A
Springdale, AR 72762

...

§ A.1.1.1 The Contract Sum is guaranteed by the Construction Manager not to exceed Ten Million Seven Hundred Eight Thousand Nine Hundred Eighty-Nine and no/100's Dollars (\$ 10,708,989.00 ), subject to additions and deductions by Change Order as provided in the Contract Documents.

...

The Guaranteed Maximum Price is divided as follows:
Shaw Family Park - \$9,785,763
County Line & Ball Road Project \$923,226
See Attachment "A" for Breakdown by Trade

PAGE 2

Alternate #3 - Construct fourth tennis court
Alternate #5 - Install lighting for north half of park (Fixture A5 – Qty-21)

...

See Attachment "A"

...

See Attachment "C"

...

See Attachment "B"

...

<u>Addendum #1</u>	<u>Dated 7/16/2019</u>
<u>Addendum #2</u>	<u>Dated 7/19/2019</u>
<u>Addendum #3</u>	<u>Dated 7/29/2019</u>
<u>Addendum #4</u>	<u>Dated 7/31/2019</u>
<u>Pre-Bid RFI #'s 1-14</u>	<u>Dated 7/9/2019 - 8/5/2019</u>

...

420 Calendar Days from receipt of Notice to Proceed  
**PAGE 3**

Sam Hollis, President

**Certification of Document's Authenticity**  
AIA® Document D401™ – 2003

I, Sam Hollis, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 09:13:25 ET on 08/08/2019 under Order No. 4120223263 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document A133™ – 2009 Exhibit A, Guaranteed Maximum Price Amendment, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.

Sam Hollis  
(Signed)

PRESIDENT  
(Title)

8/8/19  
(Dated)





## Shaw Family Park - Bid Breakdown

8/5/2019

Bid Package	Shaw Park Amount	Street Project Amount	Proposed Bidder
Bid Package No. 3A - Concrete	\$ 639,346	\$ 310,000	NEC, Inc.
Bid Package No. 4A - Masonry	\$ 25,841		Stronghold Masonry
Bid Package No. 5A - Site Steel Supply	\$ 1,756		STI Metal Fab
Bid Package No. 5B - PEMB Erection	\$ 23,134		Mid-Land Construction
Bid Package No. 6A - Millwork	\$ 2,500		
Bid Package No. 7A - Joint Sealants	\$ 13,250		Roberts McNutt
Bid Package No. 8A - Doors, Frames, Hardware, and Specialty Supply	\$ 7,789		Wesche Company
Bid Package No. 8B - Door, Hardware, and Specialty Installation	\$ 1,250		Milestone Construction
Bid Package No. 8C - Glass & Glazing	\$ 2,400		
Bid Package No. 8D - Overhead Doors	\$ 3,480		Royal Overhead Door
Bid Package No. 9A - Metal Studs, Drywall, Insulation, and Ceilings	\$ 18,782		T&J Specialty Contractor
Bid Package No. 9C - Flooring	\$ 500		
Bid Package No. 9G - Painting	\$ 7,672		MC Contractors
Bid Package No. 10D - Signage	\$ 39,866		Best Sign Group
Bid Package No. 11H - Playground Equipment	\$ 310,795		RJR Enterprises
Bid Package No. 11J - Extreme Fitness Equipment	\$ 110,846		ACS Playground
Bid Package No. 12E - Site Furnishings	\$ 78,797		Milestone Construction
Bid Package No. 12F - Dog Park Furnishings	\$ 22,628		Milestone Construction
Bid Package No. 13A - Pre-Engineered Metal Building	\$ 27,159		Can-Am
Bid Package No. 13C - Pre-Fabricated Restroom Buildings	\$ 296,374		Restroom Facilities, Inc.
Bid Package No. 13D - Splash Pad	\$ 361,010		RJR Enterprises
Bid Package No. 22A - Plumbing	\$ 81,422		
Bid Package No. 23A - HVAC	\$ 10,030		Professional Air
Bid Package No. 26A - Electrical Design-Build	\$ 898,957	\$ 481,550	Multi-Craft
Bid Package No. 31A - Earthwork and Storm Drainage	\$ 2,552,276	\$ 40,000	Double S Dirtworks
Bid Package No. 32A - Asphalt Paving	\$ 472,530	\$ 25,400	Tomlinson
Bid Package No. 32B - Pavement Specialties	\$ 12,060		Southern Striping
Bid Package No. 32C - Fencing	\$ 131,610		Robinson Fence

2002 S. 48<sup>th</sup> Street, Ste. A / Springdale, Arkansas 72762

p 479.751.3560 / f 479.751.4841 / www.mstonecc.com

Bid Package No. 32D - Landscaping and Irrigation	\$ 1,421,065	\$ 7,130	Hellas Construction NEC, Inc.
Bid Package No. 32H - Tennis Court Surfacing and Equipment	\$ 54,276		
Bid Package No. 33A - Site Utilities	\$ 198,284		
Items Not In Bid Packages			
Allowance #1 - Additional Hydroseeding in Hatched Areas	\$ 38,250		
Allowance #2 - Relocate Mailboxes	\$ 1,500		
Allowance #3 - Bush Hog	\$ 100,000		
Allowance #4 - Electric Company Charges	\$ 50,000		
Fuel Storage Tank - Anderson	\$ 1,725		
Rod Hung Canopy	\$ 5,000		
Pallet Racks - Uline	\$ 2,788		
Meter Fees	\$ 14,158		
Building Permit	\$ 4,000		
Supervision	\$ 548,099		
General Conditions	\$ 400,770		
Builder's Risk Insurance	\$ 26,772		
General Liability Insurance	\$ 48,560		
Bond Cost	\$ 89,532		
Construction Contingency	\$ 183,177	\$ 17,282	
Overhead & Fee	\$ 443,746	\$ 41,865	
	\$ 9,785,763 Total Park	\$ 923,226 Total Street Improvements	

  
www.mstonecc.com



### Shaw Family Park Plan Sheet Listing

Drawing Sheet	Date	Drawing Sheet	Date
C/I – Cover Sheet	6.26.2019	L6.1.7 Enlarged Planting & Site Furnishings	6.26.2019
L1.1 Existing Conditions	6.26.2019	L6.1.8 Enlarged Planting & Site Furnishings	6.26.2019
L2.1 Site Demolition Plan	6.26.2019	L6.2 Planting & Site Furnishing Details	6.26.2019
L3.1 Overall Site Plan	6.26.2019	L8.1 Site Lighting & Electrical Plan	6.26.2019
L3.1.1 Enlarged Site Plan	6.26.2019	Civil Cover Sheet	6.27.2019
L3.1.2 Enlarged Site Plan	6.26.2019	C1.1 Overall Layout	6.27.2019
L3.1.3 Enlarged Site Plan	6.26.2019	C1.1.1 Enlarged Overall Layout	6.27.2019
L3.1.4 Enlarged Site Plan	6.26.2019	C1.1.2 Enlarged Overall Layout	6.27.2019
L3.1.5 Enlarged Site Plan	6.26.2019	C1.1.3 Enlarged Overall Layout	6.27.2019
L3.1.6 Enlarged Site Plan	6.26.2019	C1.1.4 Enlarged Overall Layout	6.27.2019
L3.1.7 Enlarged Site Plan	6.26.2019	C1.1.5 Enlarged Overall Layout	6.27.2019
L3.1.8 Enlarged Site Plan	6.26.2019	C1.1.6 Enlarged Overall Layout	6.27.2019
L3.2 Play Area & Splash Pad	6.26.2019	C1.1.7 Enlarged Overall Layout	6.27.2019
L4.1 Concept Grading Plan	6.26.2019	C1.1.8 Enlarged Overall Layout	6.27.2019
L4.2 Play Area & Splash Pad	6.26.2019	C2.1 Storm Drainage Plans	6.27.2019
L5.1 Site Details	6.26.2019	C2.2 Storm Drainage Plans	6.27.2019
L5.2 Site Details	6.26.2019	C2.3 Storm Drainage Plans	6.27.2019
L5.3 Site Details	6.26.2019	C2.4 Storm Drainage Plans	6.27.2019
L5.4 Site Details	6.26.2019	C2.5 Storm Drainage Plans	6.27.2019
L5.5 Site Details	6.26.2019	C2.1.1 Storm Drainage Profiles	6.27.2019
L5.7 Play Area Play & Details	6.26.2019	C2.1.2 Storm Drainage Profiles	6.27.2019
L5.8 Splash Park Plan & Details	6.26.2019	C2.1.3 Storm Drainage Profiles	6.27.2019
L5.8A Splash Park Prelim Shop Drawings	6.26.2019	C2.1.4 Storm Drainage Profiles	6.27.2019
L5.8B Splash Park Prelim Shop Drawings	6.26.2019	C2.1.5 Storm Drainage Profiles	6.27.2019

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Shaw Family Park Plan Specification Listing

Specification Section	Date	Specification Section	Date
City of Springdale General Specifications Version 18.1029	6.27.2019	32 93 00 Trees, Plants & Ground Cover	6.27.2019
31 11 00 Site Preparation & Clearing	6.27.2019	33 11 00 Water Utilities	6.27.2019
31 13 00 Tree Protection	6.27.2019	33 30 00 Sanitary Sewerage	6.27.2019
31 22 00 Site Grading	6.27.2019	33 44 00 Storm Drainage Structures	6.27.2019
31 23 00 Excavation & Backfill	6.27.2019	13 12 00 Fountains	6.27.2019
31 23 16 Rock Removal	6.27.2019	13 14 14 Aquatic Play Equipment	6.27.2019
31 25 00 Storm Water Pollution Prevention Plan	6.27.2019	SP-1 Tennis Court Construction	6.27.2019
31 37 16 Rip-Rap	6.27.2019	SP-2 Baseball Chain Link Backstops	6.27.2019
32 11 16 Crushed Stone Base Course	6.27.2019	SP-3 Maintenance Building	6.27.2019
32 12 16 Asphaltic Paving	6.27.2019	SP-4 Elevated Diesel and/or Gasoline Storage Area with Containment Basin	6.27.2019
32 13 13 Concrete Curbs, Walks & Paving	6.27.2019	SP-5 Restrooms	6.27.2019
32 17 23 Pavement Markings	6.27.2019	Appendix A	6.27.2019
32 31 13 Chain Link Fencing	6.27.2019	SWPPP Report & Notice of Coverage	6.27.2019
32 84 00 Irrigation System	6.27.2019	Appendix B	6.27.2019
32 92 00 Sodding	6.27.2019	Geotechnical Report	6.27.2019

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING CONTRACT  
EXECUTION FOR STREET STRIPING SERVICES**

**WHEREAS**, a request for bids was advertised and competitive bids were received on July 26, 2019; a copy of the single responsive bid received is attached, and

**WHEREAS**, Time Striping, Inc., submitted the lowest bid in the amount of \$69,443, and

**WHEREAS**, the funds for striping work were approved in the 2019 Public Works budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL  
FOR THE CITY OF SPRINGDALE, ARKANSAS**, that

Section 1. The Mayor and City Clerk are hereby authorized to execute a contract with Time Striping, Inc., for thermoplastic pavement markings in the amount of \$69,443.00.

Section 2. The Mayor is authorized to approve change orders as long as the cumulative total of the change orders does not exceed 10% of the original contract price.

**PASSED AND APPROVED** this \_\_\_\_\_ day of August, 2019.

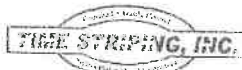
\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



DBE Certified

P.O. BOX 1236 • VAN BUREN, ARKANSAS 72957

PHONE (479) 474-0452 • FAX (479) 474-0498

WWW.TIMESTRIPING.COM

Please accept the following bid for the subbid for the CITY OF SPRINGDALE Re-Stripe Project bid. All items are bid together as an "All" or "Nothing" quote. Call Spencer Stillman at 479-353-2011 for options for separating items. All prices are good for 30 days.

Time Striping, Inc. has been providing quality "On Time Service" to contractors for more than 30 years. Time is a member of and actively supports the Arkansas Association of General Contractors, the American Traffic Safety Services Association, the American Public Works Association, the Arkansas Asphalt Pavement Association and the Arkansas Good Roads Transportation Council. For a fully insured and bonded pavement marking and traffic control subcontractor, committed to professional service and quality workmanship, allow Time Striping, Inc. to service all of your contractor needs.

Please give us as much notice as possible of your upcoming requirements.

Job No: CITY OF SPRINGDALE		County: BENTON		Bid Date: 06/10/19	
Item No	Description	Unit	Plan Qty	Unit Price	Item Total
719002W	Thermoplastic Pavement Markings - 6" Striping	LF	46,285.00	\$0.60	\$27,771.00
719005W	Thermoplastic Pavement Markings - 12"	LF	4,746.00	\$7.00	\$33,222.00
719201	Thermoplastic Pavement Markings - Words	Each	7.00	\$350.00	\$2,450.00
719202	Thermoplastic Pavement Markings - Arrows	Each	20.00	\$300.00	\$6,000.00
Grand Total					\$69,443.00

**JOB SPECIFIC NOTES:**

**NOTES:**

1-Any work performed outside of The Sequence of Construction or work performed for the contractor that is Not Paid for By AHTD is due upon completion of the work.

2-Bonding - Price does not include bonding. For questions about bonding call John Townsend at 479-474-0452.

3-Indemnification: Time Striping, Inc. will only be liable for it's own products or actions or the products or actions of its subcontractors. Time Striping, Inc. will not honor this quote if a contract states any greater liabilities than stated above.

4-Please include a copy of this bid in any contract written or all these notes in their entirety. Time Striping, Inc. will not sign any quote that does not include all of these notes.

5-Time Striping, Inc. does not include any costs associated with insurance, construction, and flagging requirements on railroad property per the special provision. If Time Striping, Inc. is required to provide railroad protective liability insurance, please add \$5,000.00 to this quote.

6-Time Striping Inc will not accept any contracts that requires RETAINAGE of any amount to be held from its pay.

**Pavement Markings notes:**

1-Pavement Markings - Please install foilback tape directly on centerline on temporary surfaces. However, on Final surface offset tape 14 inches from centerline to avoid painting over.

2- Contractor to be responsible for the cleanliness of the roadway for permanent striping application.

3- Our unit prices include all mobilizations necessary for pavement marking installation per phased construction or for installing markings per AHTD

"3-day" or 14-day" rule. Our prices do not include any mobilizations required due to pavement repair or patching where pavement markings were damaged or destroyed by others. Such repair work will be charged \$1,600.00 for paint or \$1,500.00 for thermoplastic per mobilization plus the quantity of markings repaired at the contract unit price.

4- On projects where rumble stripe is to be installed on edge lines, our price for installing pavement markings includes layout for rumble strips with chalk so long as the layout can be done during normal mobilizations to install centerline markings. If any mobilizations outside of normal centerline pavement marking operations are required, a mobilization charge of \$1,500 per occurrence will be charged.

Sincerely,

*Cindy M. Williams*

Cindy M. Williams

Time Striping, Inc



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY  
TO SETTLE A CONDEMNATION LAWSUIT WHEREIN  
DAVID MANCIA IS DEFENDANT.**

**WHEREAS**, the City of Springdale filed a lawsuit against David Mancía to condemn a tract of land located at 815 East Emma Avenue for the Springdale Airport Expansion Project;

**WHEREAS**, the City of Springdale deposited the sum of \$103,000.00 into the Registry of the Court as estimated just compensation for the subject property;

**WHEREAS**, David Mancía has provided two appraisals for the property, the first being for \$214,000.00, and the second being for \$141,000.00, and has extended an offer to settle the condemnation lawsuit for the total sum of \$141,000.00;

**WHEREAS**, it is the recommendation of the City Attorney that the City Council approve the additional sum of \$38,000.00 to settle this lawsuit, as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**WHEREAS**, the Springdale Airport Commission has recommended approval of this settlement, and this is the last remaining case that is pending for this project.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City Attorney is hereby authorized to settle the David Mancía condemnation lawsuit for the total sum of \$141,000.00, with the amount of \$38,000.00 to be paid from Capital Improvement Funds.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY

Matthews  
Campbell  
Rhoads  
McClure &  
Thompson P.A.  
ATTORNEYS

119 South Second Street  
Rogers, AR 72756-4525

PH 479/636-0875  
FX 479/636-8150

David R. Matthews<sup>3</sup>  
Craig A. Campbell (Ret.)  
George R. Rhoads<sup>3</sup>  
Edwin N. McClure<sup>1,2</sup>  
Larry J. Thompson  
Sarah L. Waddoups  
Scott Tidwell<sup>1,3</sup>  
Ryan P. Blue  
Edmond Joseph McGehee  
Brent A. Johnson  
Jordan L. Snoderly

Kimberly R. Weber<sup>4</sup>  
M. Anneliese Reed  
Mary B. Matthews  
of counsel

<sup>1</sup> also admitted in Missouri  
<sup>2</sup> also admitted in New York  
<sup>3</sup> also admitted in Oklahoma  
<sup>4</sup> also admitted in Texas

Email  
ejm@mcrmt.com

Website  
[www.mcrmt.com](http://www.mcrmt.com)

July 19, 2019

Mr. Ernest B. Cate  
Plaintiff's Attorney  
ecate@springdalear.gov

Re: *City of Springdale, Arkansas v. David J. Mancía*  
Case No.: 72CV-18-3289-1

Dear Ernest:

I represent David J. Mancía. We have obtained the attached appraisal report from Mark E. Risk, GAA with respect to 815 E. Emma Avenue. Professor Risk—whose qualifications are shown on pages 79-82 of the report—has determined that the market value of the subject property as of the date of taking was **\$141,000**. The valuation is supported by a number of closely correlated sales comparables.

We have the utmost confidence in Professor Risk's ability to defend his work at trial. In the interest of avoiding the time and expense of prolonged discovery and litigation, my client is willing to settle this matter for \$38,000 (\$141,000 – the \$103,000 already received). Please note that we have come down, in good faith and on our own, \$73,000 from the initial appraisal value we received from appraiser Tara Hickman.

Please let me know within 14 days of your receipt of this letter if the City is willing to pay my client \$38,000 to conclude this matter. **Anything less than \$141,000 is not just compensation.**

Sincerely,

/s/ Edmond Joseph McGehee

Edmond Joseph McGehee

**Appraisal Report**

David Mancia  
815 E Emma Ave  
Springdale, AR 72764  
As of **March 31, 2019**

**Presented To:**

Joey McGehee  
Matthews, Campbell, Rhodes, McClure & Thompson, P.A.  
119 South 2<sup>nd</sup> St.  
Rogers, AR 72756

**Presented By:**

The Real Estate Consultants  
118 N. East Avenue  
Fayetteville, AR 72701  
(479) 442-0762

**Prepared By:**

Mark E. Risk, GAA  
AR State Certified General Appraiser #CG0202

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File # 19-0026



## Transmittal Letter



Date: July 12, 2019

To: Joey McGehee  
119 S. 2<sup>nd</sup> St.  
Rogers, AR 72756

Re: David Mancia  
815 E Emma Ave, Springdale, AR

Dear Mr. McGehee:

Per your request, I hereby certify I conducted a survey of matters pertinent to developing an opinion of the **Market Value** of the above captioned property. You and David Mancia are the client and intended users. This report is prepared for your exclusive benefit and may not be relied upon by any other party. Any other party relying on information contained in this document, without express permission, does so at their own risk.

I also certify this appraisal report conforms to Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Foundation. The following pages contain data gathered during my investigation, showing the appraisal process in detail with conclusions rendered. Please note this report is subject to stated **Assumptions & Limiting Conditions**, including any applied Extraordinary Assumptions &/or Hypothetical Conditions.

My primary emphasis was to determine the following:

- Estimate the market value of the subject property prior to the taking by the City of Springdale.

In the following sections, I analyze relevant facts and apply appropriate appraisal processes to the property. Therefore, it is my considered opinion the market value of the subject, – **as of the Effective Date of March 31, 2019** and subject to referenced assumptions and conditions – is as follows:

**One Hundred Forty One Thousand Dollars**  
**\$141,000**

Respectfully submitted,

Mark E. Risk, GAA  
AR State Certified General Appraiser #CG0202  
The Real Estate Consultants, Inc.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AFFIRMING THE CITY OF SPRINGDALE'S  
COMMITMENT TO LIFE AND DESIGNATING THE CITY OF  
SPRINGDALE, ARKANSAS, AS A PRO-LIFE CITY.**

**WHEREAS**, we are granted inalienable rights by our Creator, among them being life, liberty and the pursuit of happiness, and these inalienable rights have been clearly stated and implemented throughout our Nation's history, most notably in the Declaration of Independence;

**WHEREAS**, denying the right to life of a created being is to deny liberty, the pursuit of happiness and all other unalienable rights;

**WHEREAS**, equality takes on its greatest form at the point of creation;

**WHEREAS**, the City of Springdale places the highest value on each individual's right to life;

**WHEREAS**, the General Assembly of the State of Arkansas has repeatedly affirmed its commitment to life, evidenced by legislation it has passed over time, including but not limited to:

- Act 1696 of 2005 – The Unborn Child Pain Awareness and Prevention Act
- Act 301 of 2013 – The Arkansas Human Heartbeat Protection Act
- Act 1086 of 2015 – The Woman's Right-to-Know Act
- Act 45 of 2017 – The Unborn Child Protection from Dismemberment Abortion Act
- Act 392 of 2017 – The Born-Alive Infant Protection Act
- Act 733 of 2017 – The Sex Discrimination by Abortion Prohibition Act
- Act 493 of 2019 - The Cherish Act
- Act 619 of 2019 - The Down Syndrome Discrimination by Abortion Prohibition Act
- Act 653 of 2019 – The Prohibition of Public Funding of Human Cloning and Destructive Embryo Research Act

**WHEREAS**, the City of Springdale affirms the value of human life at every stage; and

**WHEREAS**, the City of Springdale affirms its commitment to life, evidenced by its dedication to educate every child, provide economic opportunity for personal gain, welcoming of non-profit entities that provide care and assistance toward the well-being of everyone, and its financial commitment to the Springdale Senior Center which cares for our senior citizens.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that based on the foregoing, the City of Springdale, Arkansas hereby recognizes and designates itself as Arkansas's first Pro Life City.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Ernest B. Cate, City Attorney