

ORDINANCE NO. 2017- 03

**AN ORDINANCE AMENDING TITLE 14 ZONING,
CHAPTER 14.04 ZONING ORDINANCE OF THE JOHNSON
MUNICIPAL CODE, BY ADDING WILKERSON-MAIN
OVERLAY DISTRICT TO SECTION 14.04.05 DISTRICT
REGULATIONS, DECLARING AN EMERGENCY TO
EXIST AND OTHER MATTERS RELATED THERETO**

WHEREAS, City staff, the engineer for the City and the Planning Commission have spent many hours studying, discussing, receiving public input and ideas on a design overlay district for the area encompassing S. Wilkerson Street and Main Drive;

WHEREAS, the Planning Commission as a result of these efforts, along with their consultants, recommends for the area around S. Wilkerson Street and Main Drive in the central part of the City additional design regulations;

WHEREAS, an overlay district in these areas will protect and enhance Johnson's appearance, (particularly as one enters the City from the East or from the South) Johnson's identity, and the City's natural and economic vitality;

WHEREAS, such an overlay district will preserve property values of surrounding property and provide good civic design and arrangement; and,

WHEREAS, having heard from staff and consultants, and having traveled the areas covered by the sign requirements contained in this ordinance, the Planning Commission finds that the sign size limitations contained in the ordinance have been selected in a way that permits motorists and pedestrians to view and read the signs, as well as meets the safety and aesthetic goals of this overlay district.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, That:

Section 1: Title 14, Chapter 14.04, Section 14.04.05 of the Johnson Municipal Code is hereby amended by the addition of the Wilkerson-Main Overlay District description, regulations and boundaries (attached hereto as Exhibit A and B) which shall appear in the Johnson Municipal Code immediately below the Johnson Mill Boulevard District regulations adopted by Ordinance 2017-09 (and as amended) and prior to "Agricultural and Residential Districts".

Section 2: The Wilkerson-Main Overlay District, as described on Exhibit A hereto, with regulations and standards as set out in Exhibit B is hereby created to expand the design regulations of the area around S. Wilkerson Street and Main Drive in the central part of the City, which will enhance and protect Johnson's appearance, (particularly as one enters the City from the East or from the South) as well as the City's identity and economic vitality while providing good civic design and arrangement and aid mobility.

Section 3: The Wilkerson-Main Overlay District contains those areas of Johnson identified on the Wilkerson-Main Overlay District Map (a reduced facsimile of which is attached hereto as Exhibit C) and is generally those areas of the City adjacent to either Main Drive beginning at the East city limit to just beyond the railroad tracks and S. Wilkerson Street from Main Drive to Mud Creek and the intersecting streets/roads as more specifically described at Exhibit A and as depicted on the Wilkerson-Main Overlay District Map. The regulations and standards applying to the Wilkerson-Main Overlay District, whether set forth on the attached or in other provisions of the Johnson Municipal Code or Ordinances of the City shall apply to all properties identified as being within the Wilkerson-Main Overlay District. Such regulations and standards shall be in addition to and shall overlay all other Code/Ordinances regulations and standards including but not limited to zoning district, signage regulations, development, redevelopment and expansions of existing development. Should there be a conflict between the regulations and standards of the Wilkerson-Main Overlay District and those underlying regulations and standards, the regulations and standards of the Wilkerson-Main Overlay District shall control except to the extent that there should be a conflict between this Overlay District and the Hilltop/Hillside Overlay District in which case the regulations and standards of the Hilltop/Hillside Overlay District shall control.

Section 4: That the Wilkerson-Main Overlay District Map (48" by 36") with original signatures maintained at City Hall is hereby adopted to identify those areas in the City lying within such Wilkerson-Main Overlay District. Any conflict between the description of the Wilkerson-Main Overlay District contained in Exhibit A and the Wilkerson-Main Overlay District Map maintained at City Hall shall be resolved by the Map yielding to the description in Exhibit A.

Section 5: That except as provided above neither the Wilkerson-Main Overlay District nor the Wilkerson-Main Overlay District Map shall otherwise affect previous Ordinances, Resolutions or adopted codes/standards for development/construction within the City of Johnson.

Section 6: Whereas, the City has hosted a public meeting and a public hearing concerning the adoption of enhanced design regulations and standards for the area within the Wilkerson-Main Overlay District whereby the majority saw a need for such and felt the need for the change was long overdue, therefore in order to preserve the health, safety and welfare of those in the City an emergency is hereby declared, and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED this 9th day of January, 2018



CHRIS KEENEY, Mayor

ATTEST:



JENNIFER ALLEN, Recorder-Treasurer

Exhibit A TO ORDINANCE NO. 2018- 03

THE WILKERSON-MAIN OVERLAY DISTRICT

Reference Official Zoning Map depicting overlay district

Approximate Overlay District Description:

The Wilkerson-Main Overlay district begins at the far eastern Johnson City limits on Main Drive, then follows the City limit line South approximately 760 feet and then west along clear creek approximately 3750 feet, then turning south again to follow the City limits line approximately 1555 feet south to its intersection with Joyce Boulevard. It then runs west along the Centerline of Joyce Boulevard approximately 1075 feet, and then south taking in the frontage lots along Wilkerson Street and between Jack Drive and Wilkerson Street.

It then follows the parcel lines in a south and easterly direction approximately 390 feet, then turning along the parcel line in a north easterly direction approximately 737 feet to the eastern City limit line. The boundary then follows the City Limit line south approximately 833 feet, west approximately 735 feet, north approximately 586 feet, and then west approximately 771 feet to its intersection with Wilkerson Street.

The boundary then proceeds approximately 413 feet north easterly along the centerline of Wilkerson Street, and then west approximately 520 feet along the parcel line to the Railroad Right of Way, then turning north westerly to follow the Railroad Right of Way for approximately 2,630 feet. The boundary then turns east (crossing Ball Street) for approximately 1,151 feet and then north for approximately 183 feet to the centerline of First street. Then east along the centerline for 60 feet, then northerly approximately 822 feet, following parcel lines, then west along parcel lines approximately 918 feet to the centerline of Hewitt Street. Then south approximately 430 feet along the centerline of Hewitt Street to the intersection of Hewitt and Second Streets, then westerly 390 feet, then south 90 feet, then west 185 feet then north easterly approximately 525 feet, then north westerly 230 feet along the parcel line, then north 55 feet, then north easterly 200 feet along the parcel line, then south easterly approximately 186 feet, then north easterly approximately 245 feet, then south easterly approximately 283 feet to the centerline of Hewitt, then north easterly along Hewitt for approximately 1,095 feet, then due east approximately 2,172 feet, then south approximately 466 feet, then east approximately 287 feet, then north approximately 460 feet, then east approximately 315 feet to the City limits line, then south along the City limits line approximately 582 feet to the centerline of Main Drive, then approximately 1630 feet east along Main Drive and the City limits line to the point of beginning.

The following residential areas are excluded from the proposed Wilkerson Main Overlay District:

Lots 2-17 of Ravenswood Subdivision and Lots 3-31, 36-57 of Green Acres Subdivision.

Exhibit B to Ordinance No 2018-03

14.04.05 Wilkerson-Main Design Overlay District

A. PURPOSE:

It is the purpose of this ordinance to preserve and protect the health, safety, and general welfare, preserve and enhance the natural beauty, and create an attractive, environmentally sound and healthy urban landscape for the residents of the City of Johnson. This ordinance is written primarily with multi-family and commercial developments in mind.

New Single Family- detached residential development within this overlay district shall be required to comply with Sections **B., Buildings**, and **F., Sidewalks**, **G. (2), Frontage and R.O.W. Trees**, **I., Underground Utility Wires**, and **M., Non-conforming Structures** only. In addition, no garage, carport, or other parking structure (attached or detached), shall be located closer to the street than the front façade of the new home.

All other development types shall comply with all sections of this code.

B. BUILDINGS:

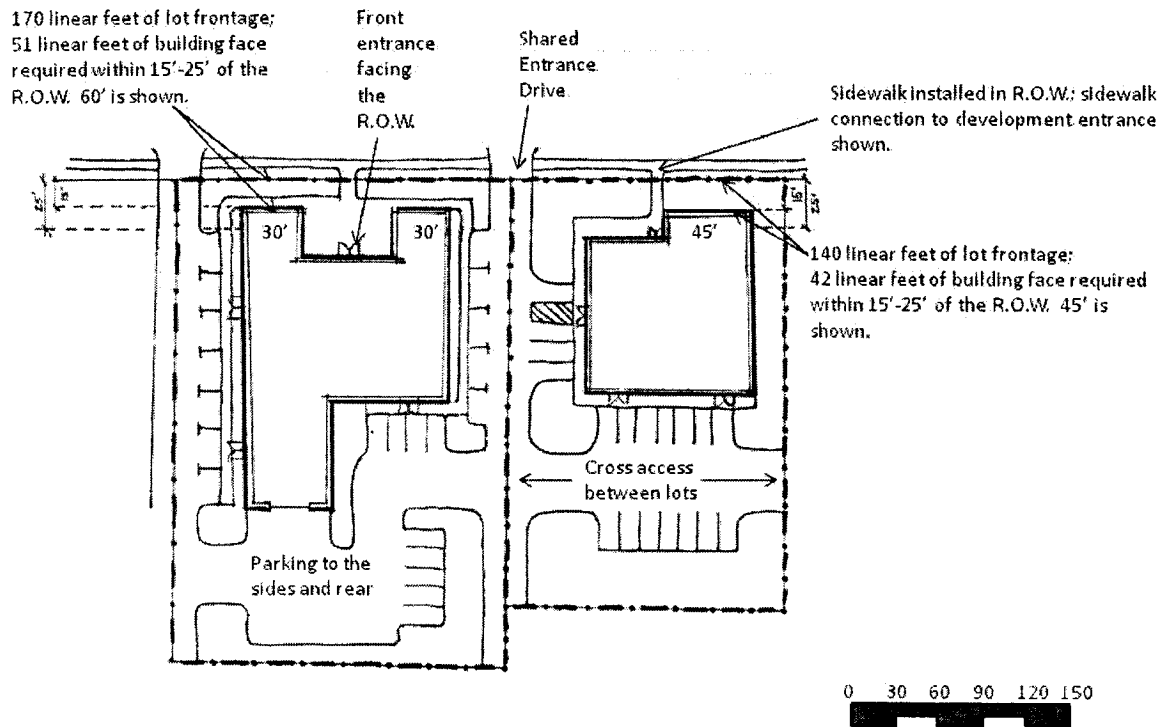
A minimum of thirty percent (30%) of the linear lot frontage shall contain the vertical building face. Buildings shall be located between 15' and 25' from the adjacent Master Street Plan R.O.W. and have at least one entrance from the R.O.W. side. *(This is to create a comfortable pedestrian-scaled corridor within this overlay district.)*

These standards apply to both building faces along the adjacent R.O.W., however a building entrance is required only on one frontage.

Buildings are limited to a maximum of three stories in height above ground level (if the ground level varies throughout the building's base, a walkout basement may be allowed partially below ground level and not be considered as an above-grade story of the building).

Figure 1.1

Example of building face placement, shared drives, cross access drive, and sidewalk connections.



C. PARKING AND DRIVES:

Place parking in the rear or to the side of the lot. (*Avoiding a large expanse of off street parking that is difficult for a pedestrian to navigate.*)

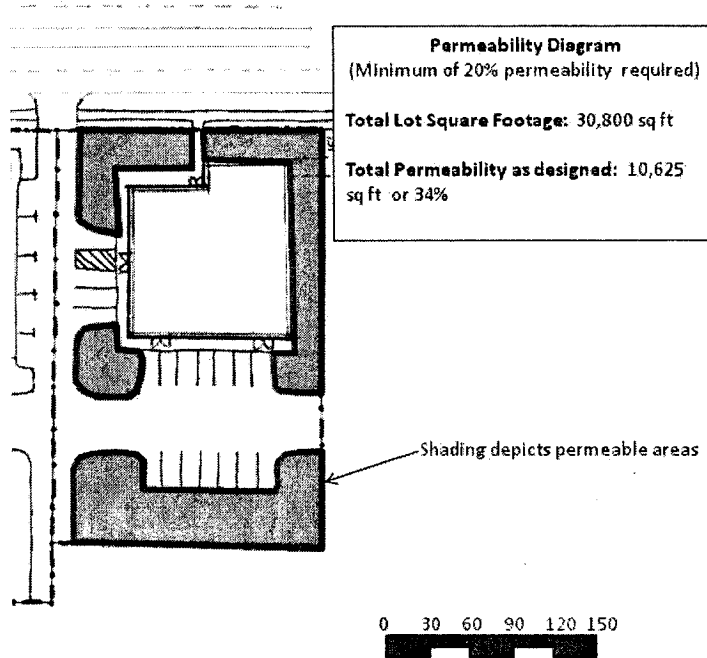
Commercial drives shall be a minimum of 20' in width (larger widths may be required by fire code);

D. PERMEABILITY:

Care should be taken to preserve permeable surface on the site. Limiting parking areas, using permeable pavers, and maintaining natural water systems should be a priority. The goal is to maintain 30% permeable surface area of the site; **20% permeability is required.**

The developer should show permeability percentages as a small diagram on the plan sheets submitted for review. The diagram should show the location of all permeable areas as shaded/hatched areas. An accompanying table shall state the percentage of permeable areas on site by stating the total site square footage and the total square footage of permeable areas. **See Figure 1.2 for example.**

Figure 1.2
Example of permeability diagram:



E. SIGNAGE: See Attached: Appendix A, Wilkerson-Main Overlay District Sign Regulations

F. SIDEWALKS:

A minimum six-foot-wide pedestrian sidewalk is required within the adjacent road R.O.W. If this sidewalk is shared with a bike path the minimum width is 12'. This sidewalk can be located anywhere between the street edge and the furthest extent of the road R.O.W., but must remain an open walking space. The sidewalk built within the R.O.W. must connect with any existing sidewalks on either side of the lot and connect with a sidewalk internal to the lot (a minimum of 6' in width) which leads to a building entrance. **See Figure 1.1 for example.** Detailed specifications can be found within the City's Master Street Plan.

G. SITE DEVELOPMENT and PARKING LOT LANDSCAPE STANDARDS

(1) Front Landscaped Area.

A fifteen to twenty-five foot (15'-25') wide landscaped area shall be provided along the front property line between the front building face and the roadway (or adjacent drives or parking areas if this is a lot not adjacent to the public ROW). When adjacent to a public road this area shall be exclusive of and adjacent to the Master Street Plan right-of-way. Corner lots are required to have a front landscaped area on both frontages.

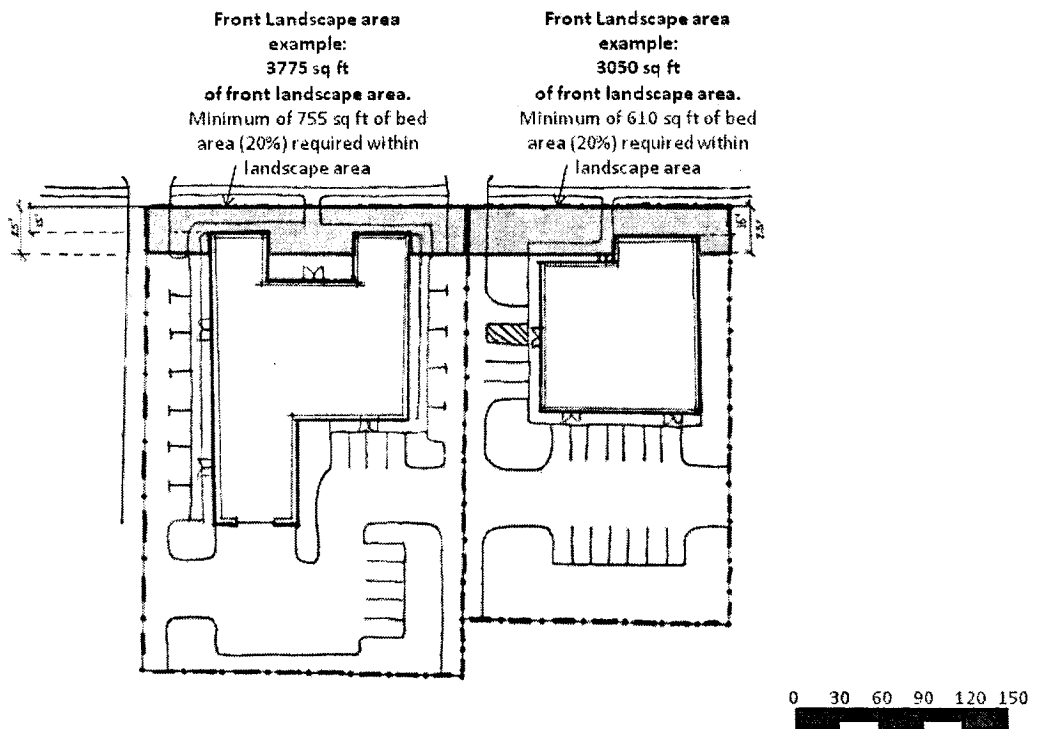
Points of access (entrance drives, exit drives, service drives, etc.) site amenities, and sidewalks may cross the landscaped area. The square footage of the front landscape area shall be stated on the plans.

See Figure 1.3 for Example.

- (a) At a minimum, twenty percent (20%) of the landscape area shall be a bed area (defined by steel edging, rock borders, or other similar material) containing a mixture of shrubs and perennials.
- Shrubs shall be a minimum of 2 gallons in size upon planting. Specification of shrub type and spacing must be appropriate for the chosen species to create groupings of shrubs.
 - Perennials shall be a minimum of 1 gallon in size upon planting.
 - Mulch, gravel, or other similar material should be used within bed areas to limit weeds and preserve water.
 - The square footage of the bed areas within the front landscape area shall be stated on the plans.

Figure 1.3

Example of front Landscape area and 20% bed area.



- (2) **Frontage and R.O.W. Trees:** One tree per twenty-five linear feet (25') shall be planted in the R.O.W. or front landscape area. The trees may be grouped together or equally spaced along the frontage. All trees shall have a 2-inch caliper (diameter) measured 6-inches above ground level at the time of planting. Tree species listed as prohibited by the City's Master Street Plan document shall not be used.

- I. A minimum of two thirds of the required trees must be large trees spaced a minimum of 20' on center; no maximum spacing. The large trees may be in the front landscape area and/or between the curb and sidewalk and/or the R.O.W. (Trees planted within the ROW must adhere to the Master Street Plan tree planting regulations).
One third can be understory trees. Understory trees can only be placed within the front landscape area and must be spaced *a minimum* of 15' on center. A wider minimum spacing may be required by the City to accommodate certain species of trees.
There is a list of plant materials, the Overlay District Plant List (Appendix B), including large/medium trees, understory trees, evergreen and deciduous shrubs and perennials that are allowed within this district. *(The trees are required to provide shade and environmental enhancement. The flexible spacing allows discretion in the design of the site to allow for building accents and signage to be unobscured.)*
- II. Plans shall indicate the spacing of trees along all public and private streets within the development site.
- III. At the request of the developer, the City may exempt specific areas from required tree planting where the terrain, utilities, or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
 - Where the finish grade slope in the planting area between the top back of the street curb and the property line is more than 30%.
 - Where bedrock is encountered within 30 inches of finish grade in the planting area between the top back of the curb and the property line.

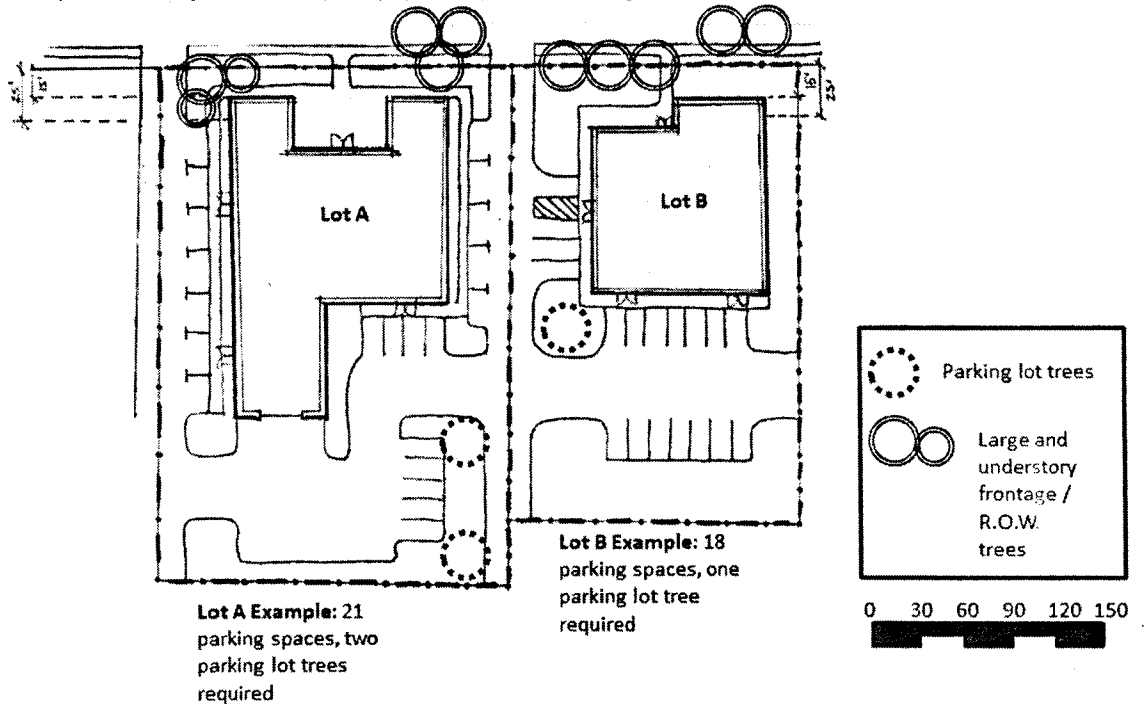
Alternative landscaping requirements may be put in place by the City to compensate for these areas

- IV. Plans shall identify the species of trees to be planted. Frontage trees shall be large species canopy trees (see attached Appendix B).
Please see Figure 1.4 for example.

Figure 1.4
Examples of requirements for R.O.W./ Frontage and Parking lot trees.

Lot A: One tree per 25' of frontage shall be planted.
Example: 170' of lot frontage; six frontage trees required. Four of the six frontage trees must be large trees; two trees may be understory.

Lot B: One tree per 25' of frontage shall be planted.
Example: 140' of lot frontage; five frontage trees required. Three of the five frontage trees must be large trees; two trees may be understory.



(3) Parking Lot Landscape Screening:

Parking lots containing five (5) or more spaces shall be screened from the public right-of-way and adjacent properties with a continuous row of plants to form a minimum three-foot tall hedge.

Shrubs, grasses, and other plants shall be spaced appropriately for their species to form a screening hedge.

Plans shall indicate the spacing, size, location, and botanic and common name of the plant materials specified.

Location of these beds should best provide screening of parking areas from R.O.W. and frontage pedestrian sidewalk network. Fifty percent (50%) of the shrubs in these beds shall be evergreen.

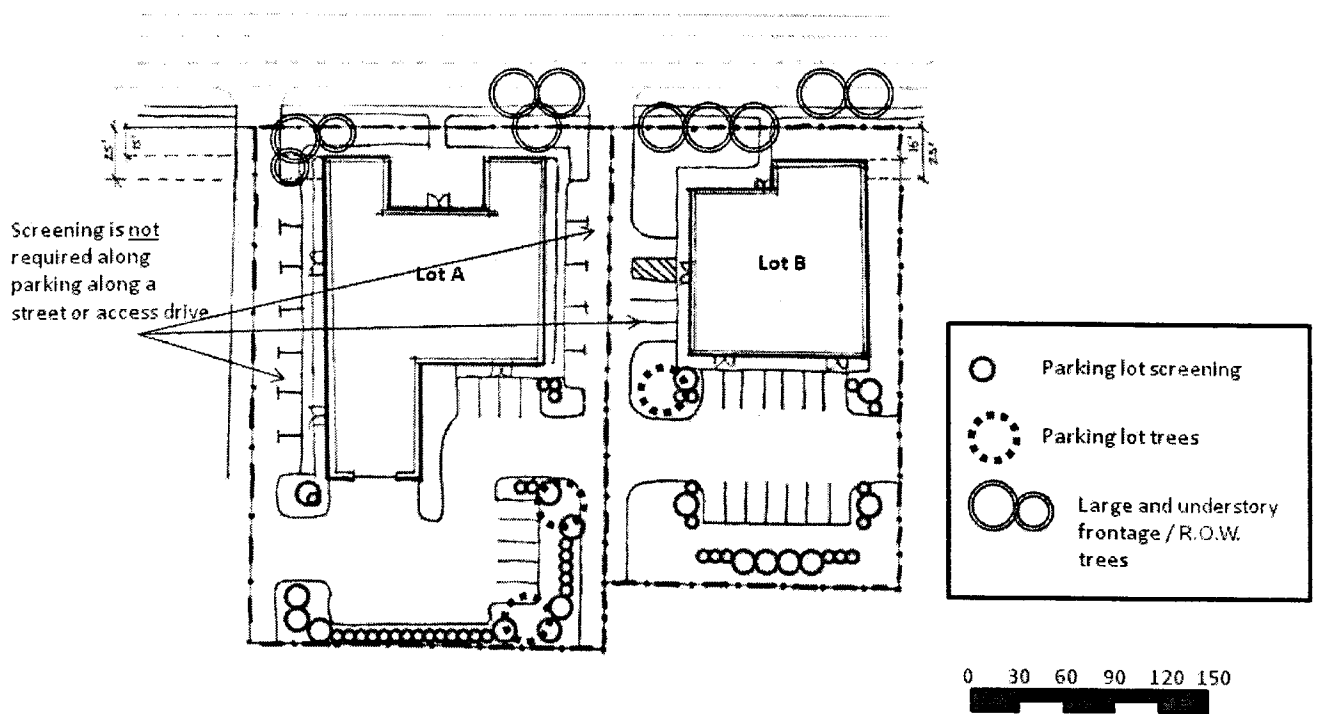
All edges where beds meet lawn shall be defined. If using steel, then a minimum of 4" x 1/8" flat steel edging. Masonry materials may also be used for edging.

In cases where two parking lots abut one another and are not separated by a driving aisle or street, parking lot screening shall not be required on both properties along this shared property line.

- a) In the case of one lot developing first with existing parking lot landscape screening, the adjoining property should leave a minimum of an eight-foot wide bed or lawn area along the property line to be landscaped as the property owner wishes. The required parking lot trees (below) may be included in this area.
- b) If both parking lots are being submitted and developed simultaneously, then it is permissible that the screening landscape requirements may be divided equally between the two properties (with some portions of the landscaping being located on either side of the property line).
- c) Parallel, on-street parking, or any other type of parking directly accessed from an access drive or street is not required to be screened. See Figure 1.5 for examples.

Figure 1.5

Examples of Parking Lot Screening.



(4) PARKING LOT TREES:

Parking lots shall have one tree per 10 parking spaces. These shall be in a planting island with 9'x16' minimum area (back of curb to back of curb) or in a continuous landscape area with 8' minimum width. These trees can be selected from the Parking Lot Tree list and not limited to the Overlay District Plant List. Tree species listed as prohibited by the City's Master Street Plan document shall not be used. A minimum of two tree species must be

used in any parking lot with two or more trees. *(The City would like to avoid tree wells and limited root growth area and encourage soil areas that are large enough to support healthy, mature trees.)* See **Figure 1.4** for examples.

(5) PRESERVATION OF SIGHT TRIANGLES:

No plant material mass shall be between the height of 3' to 5' (prune low growing shrubs to below 3' and maintain the bottom limbs of small tree canopies to a minimum of 5') in the sight distance areas at driveways (30' sight triangle from the edge of driveway curb and street curb). There is a list of plant materials, Appendix B- Overlay District Plant List, including large trees, understory trees, evergreen and deciduous shrubs and perennials that are recommended. *(The beds can be near the parking edge or near the sidewalk, but shall be located to best screen the parking based on topography, existing trees, utilities, etc.)*

(6) IRRIGATION:

The developer must provide one of the following:

- A permanent irrigation system
or
- An adequate number of hose bib connections (so that every part of the landscape area on site is within 100' radius of a hose connection).

The chosen option above must be depicted on the plans in sufficient detail for the City to determine its adequacy.

I. Underground Utility Wires:

In the new residential developments requiring Planning Commission approval and in new commercial developments, all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground and concentrated into shared easements with above ground utility elements clustered when feasible. The minimum utility easement shall be 15' in width; unless a specific utility will allow a smaller minimum width.

- Exemptions. The following shall be exempt from the requirements of this section:
 1. Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service. A permit obtained from the City for said temporary service, addressing the nature and duration of said service, shall be required.
 2. Existing lines of 12Kv and above.
 3. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.
 4. Nothing herein shall be construed to usurp the authority of the Arkansas Public Services Commission and in all instances of conflict, the rules and regulations of said Arkansas Public Service Commission shall prevail.

J. Commercial, Office and Mixed-Use Design and Development Standards

- (A) Applicability. Refer to City of Johnson’s Commercial Building Design Standards adopted by ordinance 2012-01. These design and development standards apply to commercial developments, office developments, and small-scale production.
- (B) Driveways. Shared drives are encouraged and cross access between properties shall be required to adjacent developed and undeveloped properties. **See Figure 1.1.**
- (C) Build Out. Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.
 - (a) Amendments. Amendments to the drawings, information, and plans shall be submitted to the City. Amendments which are determined to be insignificant or minor may be approved by the City Staff without Planning Commission Approval. Significant amendment must be approved by the Planning Commission when approval was given through the large-scale development process, or by the City Staff if approval was given through the building permit process.
 - (b) Review. Amendments shall be considered using the same standards as the initial design approval.
 - (c) Noncompliance. Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large-scale development approval, or the building permit approval void.

K. Outdoor Lighting.

- (1) This chapter is intended to:
 - (a) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
 - (b) Protect drivers and pedestrians from the glare of non-vehicular light sources that can impair safe travel;
 - (c) Promote efficient and cost-effective lighting;
 - (d) Allow for flexibility in the style of light fixtures;
 - (e) Reduce atmospheric light pollution.
- (2) Applicability.
 - (a) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two (2) family residential dwellings.

- (b) All outdoor lighting fixtures existing and legally installed and operative before the adoption of this ordinance are exempt from these requirements.
- (c) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this ordinance.
- (d) In the event of a conflict with any other section of this ordinance, the more stringent requirement shall apply.
- (e) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.

(3) Exemptions.

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

- (a) Single and two (2) family residential units.
- (b) Navigation lights (i.e. airports, buildings, heliports, radio/television towers).
- (c) Seasonal decorations with individual lights in place no longer than sixty (60) days.
- (d) Other special situations approved by the city for temporary or periodic events (i.e. parades, festivals, etc.).
- (e) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than twelve (12) minutes after activation.
- (f) Emergency lighting only as necessary and required by the adopted Building Code of the City of Johnson.
- (g) Illumination of flags.
- (h) Decorative street lighting.
- (i) Fossil fuel lighting.
- (j) Accent lighting.

(1) Landscape Elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.

- (2) Building-Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
- (3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto non-reflective surfaces of the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed lights shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.
- (4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.
- (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.
- (6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures if it meets the following requirements:
 - i. Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
 - ii. Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
 - iii. Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

- iv. Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
 - v. Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.
- (7) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

L. SITE AMENITIES

Each commercial and multi-family (4-family or greater in size) development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the amenities listed below.

Any such areas shall have direct access to the public sidewalk network (depending on the project's relationship to the public R.O.W., access to the areas may be via frontage areas on public or private R.O.W.s or the internal sidewalk network – with the exception of tree preservation- below). Such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- a. Patio, seating area;
- b. Pedestrian plaza with benches;
- c. Mini park, square or green;
- d. Transit stop (coordination with Ozark Regional Transit or other transit authority required);
- e. Public art;
- f. Window shopping walkway;
- g. Outdoor play area;
- h. Kiosk area;
- i. Water feature;
- j. Clock tower or steeple;
- k. Benches and bike racks;
- l. Tree preservation (if there are good, healthy specimen trees onsite deemed preservation worthy by the City or the City's professional representative). If specific trees are approved by the City for preservation, then the specifications for preservation of those trees shall be set out by the City at that time. All preservation specifications must be adhered to by the developer throughout construction.

m. Any other deliberately shaped area and/or focal feature that, in the Planning Commission's judgment adequately enhances such development and serves as a gathering place.

If site furniture is selected as an amenity of choice, the following are preferred to provide continuity in the district (acceptable substitutions similar in design and quality are also allowed with approval by the planning commission or their designee):

Benches: The specified benches and seating area shall be separate from the sidewalk. These should be installed on concrete (or other approved hard surface) and under shade whenever possible. *(This is to encourage pedestrian friendly areas.)* Bench suggested requirements: Victor Stanley Lily Bench, 6' surface mount, Model LIL-20 with pointed armrests and horizontal steel slats, black.

Bike Racks: One bike space per 20 parking spaces. These should be located separate of the pedestrian sidewalks and should be easily accessible between the bike path and the building entrance. These must be on a hard surface (concrete or other approved hard surface).

(More bike racks encourage more bike use and keeps bikes from blocking sidewalks and other areas.) Bike rack suggested requirements: Victor Stanley Freesia Bike Rack, surface mount, Model BFRE-161 single arch with cross bar, black.

M. Nonconforming Structures (Expansion of site elements or actual footprint)

It is the intent of this section to regulate nonconforming structures that are created when zoning designations or regulations are created or changed such that an existing lawfully established structure, no longer conforms to the regulations of the Code. It is also the intent of this section to permit nonconformities to continue as they exist presently and to guide future development to be consistent with the city's planning policy and regulations.

- (1) Nonconforming structures are permitted to exist for continued and creative reuse to contribute to the surrounding character, diversity, and services in the neighborhood until such structures are removed.
- (2) Repairs to nonconforming structures or portions thereof are permitted, so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
- (3) Reconstruction of nonconforming structures or portions thereof amounting to less than 50% of the existing square feet are permitted so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
- (4) Voluntary removal, damage or destruction of a nonconforming structure or portion thereof amounting to 50% or more of the existing square feet shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.
- (5) Involuntary damage to or destruction of a nonconforming structure (from fire, winds or other calamity) shall permit the owner to rebuild, reconstruct or restore the structure on the same footprint of the original structure plus any addition or expansion that is allowed by the underlying zoning district. Such reconstruction is permitted if it begins within twelve (12) months of the loss and complies with all other applicable zoning, development and building codes.
- (6) For nonconforming structures located in this overlay district, which utilizes build-to zones and requirements for a minimum buildable street frontage, all new construction that increases the existing building(s) footprint or volume of habitable space by 50% (after the effective date of this ordinance) or more shall comply with the standards of the underlying zoning district. Building additions/expansions that increase the existing building(s) footprint or volume of habitable space on a property by less than 50% may be located outside of the build-to zone, so long as they are compliant with all other applicable zoning and development ordinances.
- (7) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (8) A structure or portion thereof within any zoning district may be altered to decrease its nonconformity.
- (10) Owners of nonconforming structures are encouraged to keep such structures in good condition by regular maintenance and prompt repairs when necessary. If the city's Building Official notifies the owner of any unsafe or unlawful condition of the building, the owner must repair such unsafe or unlawful condition promptly. The Building Official may impose a reasonable time limit for the repairs to be complete. Failure of the owner to promptly and satisfactorily complete the necessary repairs may result in penalties as laid out in the City's Code of Ordinances.
- (11) A nonconforming structure may be brought into conformity by way of an approved variance from the Board of Adjustment, a rezoning action, or by altering the structure to comply with the standards of the underlying zoning district. A structure constructed unlawfully shall not be considered a nonconforming structure for the purposes of this chapter and is a prohibited structure unless it is brought into compliance as provided herein.
- (12) If multiple building permits for additions or expansions are applied for (on a single structure) after the date of this ordinance, any percentage of expansion shall be considered as cumulative in nature.

**Appendix A
Wilkerson-Main Overlay District
Sign Regulations**

Overview

As set forth in Subsection B – Regulations for Overlay Districts of **Section 5 – Sign Regulations by District** of the City of Johnson Sign Regulations, these regulations for the Wilkerson-Main Overlay District shall supersede the Johnson Sign Regulations to the extent that these regulations conflict. Sections 1 through 4 of the City of Johnson Sign Regulations do not conflict with these Wilkerson-Main Overlay District and therefore shall remain in full force and effect for all property within the Wilkerson-Main Overlay District.

All property within the Wilkerson-Main Overlay District shall be subject to additional regulations beyond those set forth in **Section 5 – Sign Regulations by District** of the City of Johnson Sign Regulations as follows:

Wilkerson-Main Overlay District Sign Regulations

A. Sign Regulations for the Wilkerson-Main Overlay District – Permitted Signs

Wilkerson-Main Overlay District	
Awning	A
Canopy	A
Crown	--
Double Post	A
Monument	--
Projecting	--
Pylon	--
Sandwich Board	A
Shingle	A
Subdivision	--
Wall	A
Window*	--

*Window Signs and Original Art Displays shall be permitted in the Wilkerson-Main Overlay District without a permit.

-- = Not Allowed

A =Allowed

C =Allowed through a Conditional Use Permit issued by the Planning Commission.

Wilkerson-Main Overlay District- Appendix A- Sign Regulations

- B. Any Sign type that is not listed above shall be prohibited.

- C. The following regulations for each Sign type shall apply to any permitted use in a Wilkerson-Main Overlay District.

i. *Awning Sign.*

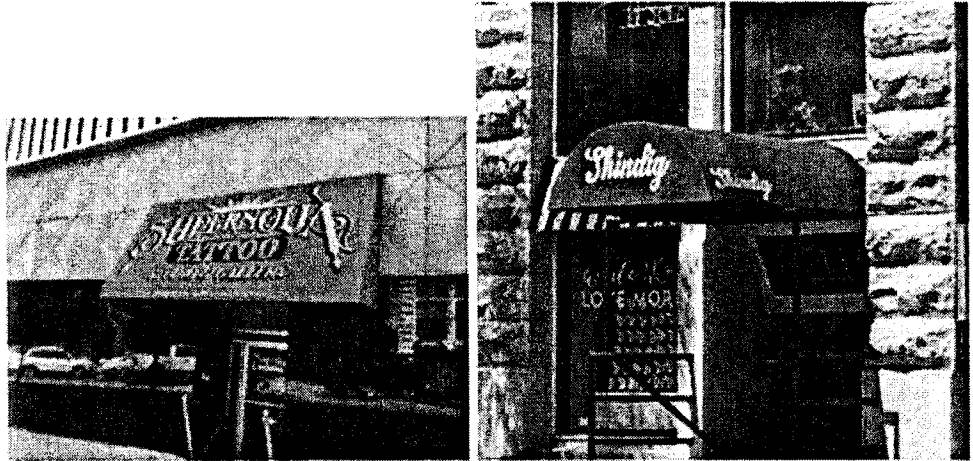


Photo Credit: Juliet Richey

Description	Sign Dimensions
<p>A Sign where graphics or symbols are painted, sewn or otherwise adhered to the awning fabric or material that is soft or flexible as an integrated part of the awning itself.</p>	<ul style="list-style-type: none"> • Width (max) – no greater than 75% of the width or depth of the awning. • Area (max) – 9 SF total
Regulations	Number of Signs
<ul style="list-style-type: none"> • Shall not extend beyond the awning itself. • Only awnings over ground story windows may contain a Sign. 	<p>In a single tenant situation, 1 Awning Sign permitted per awning. The Awning Sign can be placed on either the front or side valance. For multi-tenant awning Signs, and a canopy that extends the length of several tenants, each tenant may have a maximum of 9 SF on the Awning Sign.</p>

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

ii. *Canopy Sign.*



Photo Credit:wikimedia.org

Description	Sign Dimensions
<p>Any Sign that is mounted, painted, or otherwise applied on or attached to an architectural canopy or structural protective cover over an outdoor area.</p>	<ul style="list-style-type: none"> ● Width – no greater than 75% of the width or depth of the canopy ● Height of text or graphics on the canopy – 2’ ● Area (max) – 9 SF ● Sidewalk clearance (min) – 10’

Regulations	Number of Signs
<ul style="list-style-type: none"> ● The Canopy Sign shall not extend beyond the length or the width of the canopy, but it may extend either above or below the canopy. ● Only canopies over ground story windows may contain a Sign. ● No Signs shall be permitted on fuel or gas station canopies unless the canopy is affixed to the building. 	<p>1 Canopy Sign permitted per each customer entrance. The Canopy Sign can be placed on either the front or side valance.</p>

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 SF.

iii. *Double Post Sign.*



Photo Credit: Juliet Richey

Description	Sign Dimensions
<p>A permanently affixed Sign which is wholly independent of a building for support where the primary support is supplied by two posts.</p>	<ul style="list-style-type: none"> ● Sign Area (max) - 48 SF ● Height (max) - 5'
Regulations	Number of Signs
<p>Must be set back at least 5 feet from the front lot line and 5 feet back from the side lot line.</p>	<ul style="list-style-type: none"> ● Only 1 (one) Double Post Sign (or Monument Sign) is allowed per street frontage. ● Where more than one Double Post Sign or Monument Sign is allowed on the same property, they must be a minimum of 500 feet apart.

iv. Monument Sign.



Photo Credit: Juliet Richey

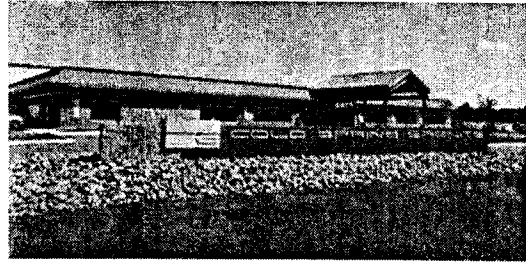


Photo Credit: Sarah Warzecha, Cold Spring Granite, via Wikimedia Commons



Photo Credit: royalsignsystems.ca

Description	Sign Dimensions
<p>A free-standing and permanently affixed Sign that is supported by a solid base (other than poles) such that no air space is visible within or between any portion of the sign display area and sign structure.</p>	<ul style="list-style-type: none"> ● Sign Area (max per Sign) <ul style="list-style-type: none"> ● 1 tenant - 48 SF ● 2 to 3 tenants - 64 SF ● 4 to 5 tenants - 72 SF ● 6 or more tenants - 96 SF ● Height (max) - 5'
Regulations	Number of Signs
<ul style="list-style-type: none"> ● Must be set back at least 10 feet from the front lot line and 10 feet from the side lot line. ● The size of the Monument Sign for applicants which include more than 6 tenants may be increased by Conditional Use Permit approved by the Planning Commission. 	<ul style="list-style-type: none"> ● Only one Monument, Double Post or Freestanding Sign is allowed per street frontage. ● Where more than one Monument, Double Post or Freestanding Sign is allowed on the same property, they must be a minimum of 500 feet apart.

v. *Projecting Sign.*



Photo Credit: Elliott Brown, Wikimedia Common

Description	Sign Dimensions
<p>A sign, other than a wall , canopy, or awning sign, that is mounted to the wall or surface of a building or structure and which is supported by a wall of a building or structure and projects from the building by twelve (12) inches or more.</p>	<ul style="list-style-type: none"> • Height (max): 4' (mounted below 2nd floor); 8' (mounted between 2nd and 3rd floor) • Spacing from building façade (max) - 1' • Projection width (max) - 4' • Depth (max) - 1' • Clear height above sidewalk (min) - 10'
Regulations	Number of Signs
<ul style="list-style-type: none"> • May be mounted on a building corner when the building is at the intersection of two streets • Top of the Sign may be no higher than the top of the building. 	<p>A Maximum of one Projecting Sign or Shingle Sign for each individual building or for each public street frontage side of an individual building.</p>

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 SF.

vi. Sandwich Board Sign.



Photo Credit: Juliet Richey

Description	Sign Dimensions
<p>A moveable Sign not secured or attached to the ground or surface upon which it is located.</p>	<ul style="list-style-type: none"> • Sign Area (max) - 6 SF (per side) • Sign height (max) - 3' • Sign width (max) - 2.5
Regulations	Number of Signs
<ul style="list-style-type: none"> • Must be removed and placed indoors at the close of business each day. • Cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility. • May not be illuminated. 	<p>Each ground floor tenant can have one (1) Sidewalk Sign located adjacent to the primary façade on the sidewalk with the principal customer entrance or up to 8 feet from the façade.</p>

vii. *Shingle Sign.*

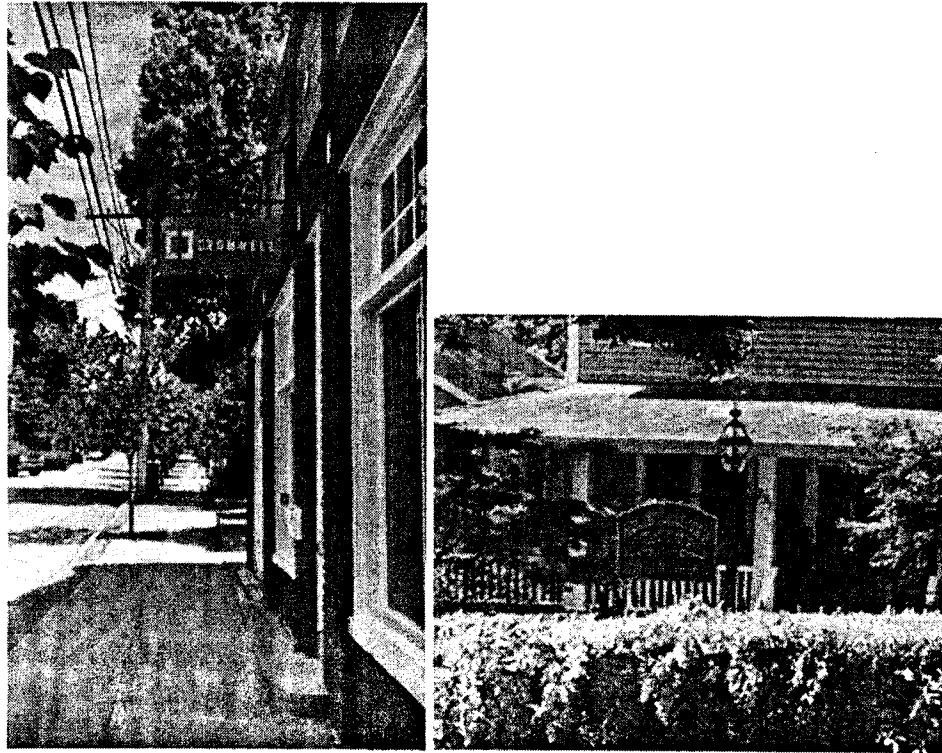


Photo Credit: Juliet Richey

Description	Sign Dimensions
<p>A small Projecting Sign that hangs from a bracket or support and is located over or near a building entrance.</p>	<ul style="list-style-type: none"> ● Sign Area (max) - 9 square feet ● Height (max) - 3' ● Spacing from building façade (max) - 1' ● Projection width (max) - 3' ● Depth (max) - 6" ● Clear height above sidewalk (min) - 10'
Regulations	Number of Signs
<ul style="list-style-type: none"> ● Must be located within 5 feet of an accessible building entrance. ● Must be located below the window sill of the second story on a multi-story building or below the roof line of a single story building. ● Only unlit or indirect illumination allowed 	<p>A Maximum of one Projecting Sign or Shingle Sign for each individual building or for each public street frontage side of an individual building.</p>

viii. Subdivision Sign.

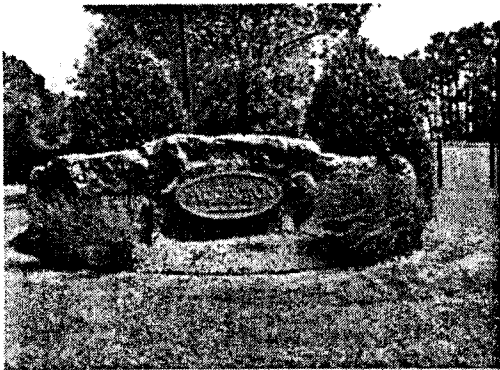


Photo credit: Juliet Richey

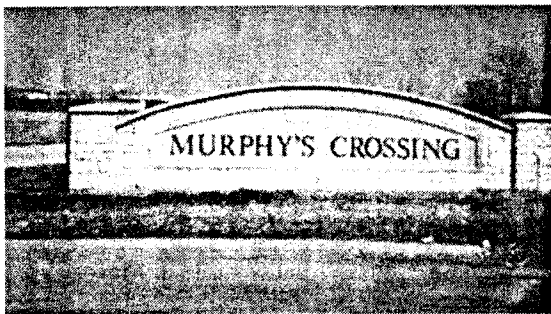


Photo Credit: Rogers Healy and Associates

Description	Sign Dimensions
<p>A permanently affixed Sign which is wholly independent of a building for support attached along its entire width to a continuous pedestal or wall that is used to identify entry to a development.</p>	<ul style="list-style-type: none"> • Sign Area (max) – 24’ SF (sign face) • Height (max) - 5’ (sign face)
Regulations	Number of Signs
<ul style="list-style-type: none"> • Must be set back at least 10 feet from the front property line and 15 feet from the side property line. • Must not impair vision or line of sight for incoming or outgoing traffic. 	<p>Two subdivision Signs are allowed per street frontage, one on each side of an entrance street into a subdivision.</p>

ix. Wall Sign.



Photo Credit: Mike Mozart, Jeepers Media

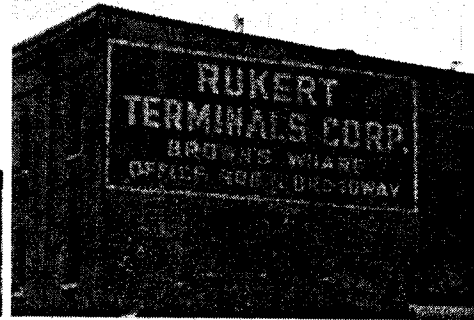


Photo Credit: Max Pixel

Description	Sign Dimensions
<p>Any attached sign other than a Projecting Sign, canopy, or awning, which is permanently attached to or painted on any wall of any building and projects from the plane of the wall less than twelve (12) inches.</p>	<ul style="list-style-type: none"> • Sign Area - 1 SF area per linear foot of store frontage or 32 SF if the store is less than 32 feet wide.
Regulations	Number of Signs
<ul style="list-style-type: none"> • Must be no higher than 18 feet above the sidewalk • Must not extend above the roof line or above a parapet wall of a building with a flat roof. • Must not cover architectural detail. • Must not extend above the lower eave line of a building with a pitched roof. 	<p>One Wall Sign per individual building or for each public street frontage of the building.</p>

Total Sign Area Allocation:

The combined square footage of Awning, Canopy, Crown, Projection and Wall Signs shall not exceed 20% of the total square footage of the wall area of that side of the building, not to exceed a maximum total amount of 800 square feet.

x. *Window Sign.*



Photo credit: Juliet Richey

Description	Sign Dimensions
<p>An attached Sign that is not a Temporary Sign and which is attached to, painted on, etched or otherwise adhered to a window or which is displayed within twelve (12) inches of the window and is legible from outside the window.</p>	<ul style="list-style-type: none"> • N/A
Regulations	Number of Signs
<ul style="list-style-type: none"> • No Permit Required. • Limited to 35% of window area. 	<p>No restrictions</p>

Appendix B- Overlay District Recommended Plant Lists

(A) Overview:

1. All plant materials should be spaced appropriately in accordance with mature plant size.
2. Plant materials intended for screening as required in the district should be spaced appropriately to form the appropriate screen upon maturity.
3. These are recommendations. Other species may be considered by the City (unless specifically prohibited in the Master Street Plan Document or other official City Documents or Ordinances).

(B) Overlay Recommended Plant Lists:

Large/ Medium Trees

Common Name	Scientific Name	Not to be used as a street tree
American Beech	<i>Fagus grandifolia</i>	x
Baldcypress	<i>Taxodium distichum</i>	
Bitternut Hickory	<i>Carya cordiformis</i>	
Black Oak	<i>Quercus velutina</i>	
Black Walnut	<i>Juglans nigra</i>	
Bur Oak	<i>Quercus macrocarpa</i>	
Chinkapin Oak	<i>Quercus muehlenbergii</i>	
Frontier Elm	<i>Ulmus carpinifolia x parvifolia</i>	
Jefferson Elm	<i>Ulmus americana 'Jefferson'</i>	
Lacebark Elm	<i>Ulmus parvifolia</i>	
Littleleaf Linden	<i>Tilia cordata</i>	
Northern Red Oak	<i>Quercus rubra</i>	
Osage Orange	<i>Maclura pomifera</i>	x
Pecan	<i>Carya illinoensis</i>	
Prospector Elm	<i>Ulmus wilsoniana</i>	
River Birch	<i>Betula nigra</i>	x
Shagback Hickory	<i>Carya ovata</i>	
Shingle Oak	<i>Quercus imbricaria</i>	
Shumard Oak	<i>Quercus shumardi</i>	
Silver Linden	<i>Tilia tomentosa</i>	
Southern Magnolia	<i>Magnolia grandiflora</i>	x

Southern Red Oak	<i>Quercus falcate</i>	
Sycamore	<i>Platnus occidentalis</i>	
Sugarberry	<i>Celtus laevigata</i>	
Swamp White Oak	<i>Quercus bicolor</i>	
Tuliptree	<i>Liriodendron tulipifera</i>	
Turkish Filbert	<i>Corylus colurna</i>	
Water Oak	<i>Quercus nigra</i>	
White Oak	<i>Quercus alba</i>	
Willow Oak	<i>Quercus phellos</i>	
American Hophornbeam	<i>Ostrya virginiana</i>	
American Holly	<i>Ilex Opaca</i>	x
Chinese Pistache	<i>Pistacia chinensis</i>	
Crape Myrtle	<i>Lagerstroemia indica</i>	
Goldenrain Tree	<i>Koelreuteria paniculate</i>	
Japanese Zelcova	<i>Zelcova serrata</i>	

Understory Trees

Common Name	Scientific Name	
American Smoketree	<i>Cotinus obovatus</i>	
Crabapple	<i>Malus species</i>	
Cherry	<i>Prunus serrulata</i>	
Fringe Tree	<i>Chionanthus virginicus</i>	
Flowering Dogwood	<i>Cornus florida</i>	
'Little Gem' Magnolia	<i>Magnolia grandiflora 'Little Gem'</i>	
Natchez Crape Myrtle	<i>Lagerstroemia indica 'Natchez'</i>	
Oriental Arborvitae	<i>Platycladus orientalis</i>	
Oklahoma Redbud	<i>Cercis reniformis 'Oklahoma'</i>	
Possumhaw	<i>Ilex deciduas</i>	
Serviceberry	<i>Amelanchier arborea</i>	
Saucer Magnolia	<i>Magnolia x soulangiana</i>	
Star Magnolia	<i>Magnolia stellata</i>	
Sweet Bay Magnolia	<i>Magnolia virginiana</i>	
Yaupon Holly	<i>Ilex vomitoria</i>	

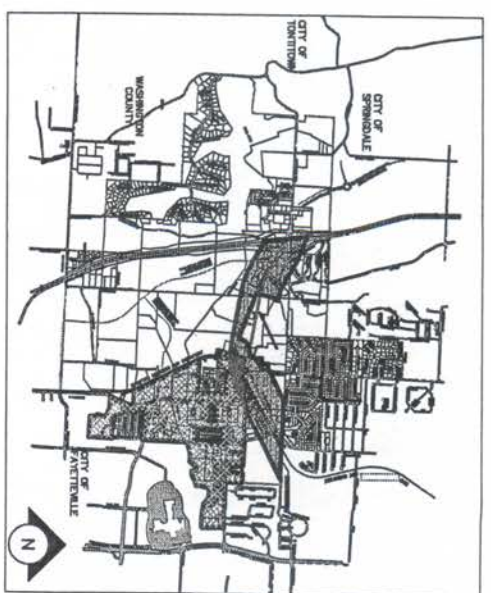
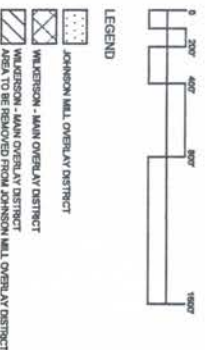
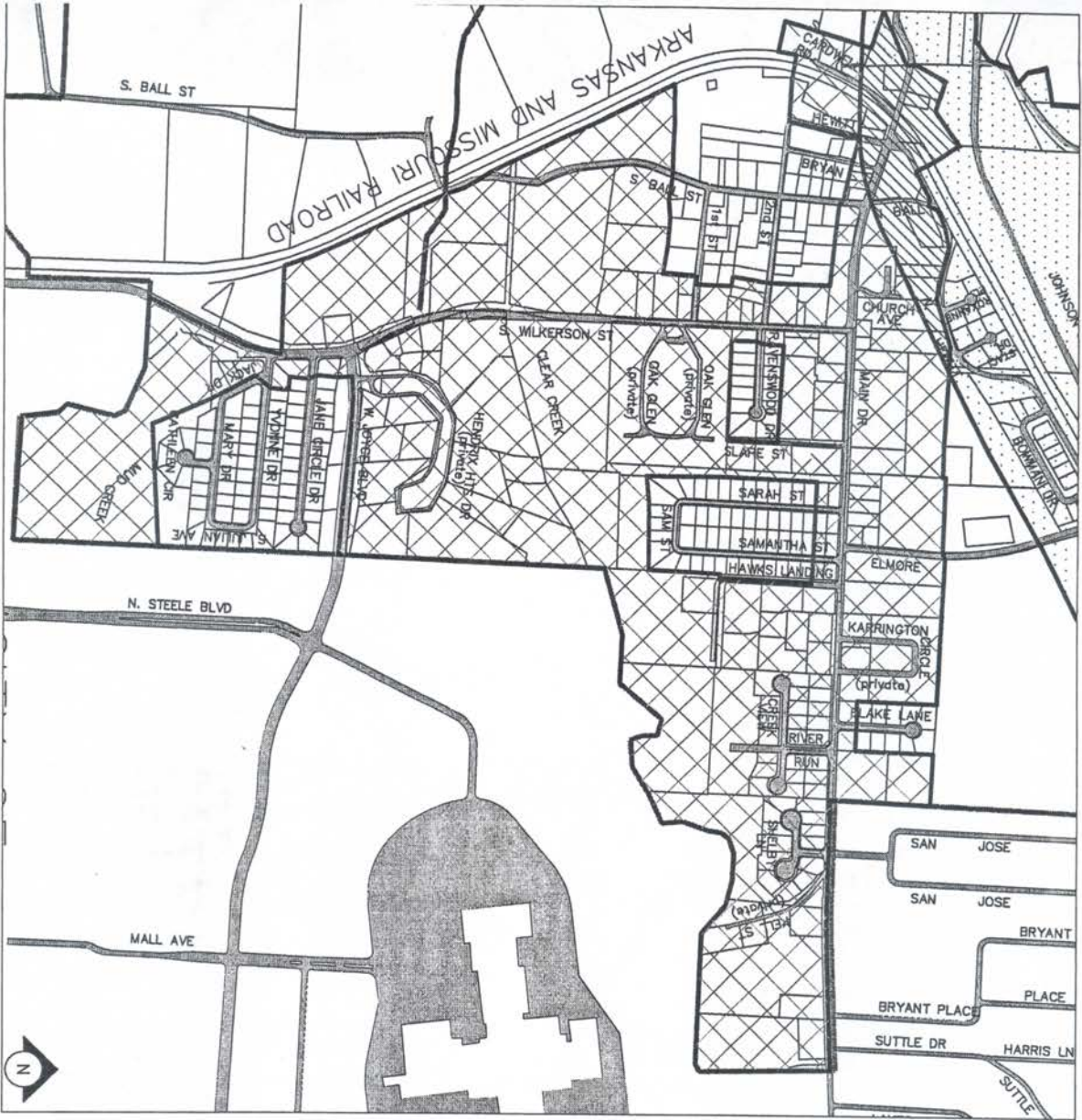
Shrubs

Common Name	Scientific Name	
Summersweet	<i>Clethra alnifolia</i>	
Butterfly Bush	<i>Buddlei davidii</i>	
Chokeberry	<i>Aronia species</i>	
Cotoneaster	<i>Cotoneaster species</i>	
English Laurel	<i>Prunus laurocerasus</i>	
Elderberry	<i>Sambucus nigra</i>	
Fragrant Sumac	<i>Rhus aromatic 'Gro-Low'</i>	
Inkberry Holly	<i>Ilex glabra</i>	
Compact Japanese Holly	<i>Ilex crenata 'Compacta'</i>	
Seagreen Juniper	<i>Juniperus X pfitzeriana 'Sea Green'</i>	
Boxwood	<i>Buxus sinica var. insularis 'Wintergreen'</i>	
Dwarf Yaupon Holly	<i>Ilex vomitoria (dwarf cultivars)</i>	
Nellie R. Stevens Holly	<i>Ilex 'Nellie R. Stevens'</i>	
Foster's Holly	<i>Ilex attenuata 'Fosteri'</i>	
Fothergilla	<i>Fothergilla gardenia</i>	
Glossy Abelia	<i>Abelia grandiflora</i>	
Hydrangea	<i>Hydrangea species</i>	
Mugo Pine	<i>Pinus mugo</i>	
Pieris	<i>Pieris species</i>	
Pyracantha	<i>Pyracantha species</i>	
Spiraea	<i>Spiraea species</i>	
Twig Dogwood	<i>Cornus sericea</i>	
Viburnum	<i>Viburnum species</i>	
Weigela	<i>Weigela species</i>	
Yew	<i>Taxus species</i>	
Yucca	<i>Yucca species</i>	

Perennials and Grasses: no restrictions

Wilkerson - Main Overlay District
 City of Johnson Boundary

November 13, 2017



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Exhibit C to Ordinance No. 2018-03