

# TITLE 14 – ZONING CODE

## West Fork, Arkansas

May 3, 2024 DRAFT

### TABLE OF CONTENTS:

<b>SECTION 14.01 AUTHORITY AND PURPOSE .....</b>	<b>5</b>
14.01.01 Authority .....	5
14.01.02 Purpose.....	5
14.01.03 Jurisdiction .....	5
<b>SECTION 14.02 VALIDITY AND REPEAL.....</b>	<b>5</b>
14.02.01 Validity .....	5
14.02.02 Severability.....	5
14.02.03 Repeal.....	5
<b>SECTION 14.03 ADMINISTRATION AND ENFORCEMENT .....</b>	<b>6</b>
14.03.01 Enforcement Official .....	6
14.03.02 General Provisions .....	6
14.03.03 Fees.....	7
14.03.04 Enforcement.....	7
14.03.05 Public Hearings .....	9
14.03.06 Classification of Annexed Lands.....	9
14.03.07 Board of Adjustment.....	9
14.03.08 Variances .....	10
<b>SECTION 14.04 OFFICIAL ZONING MAP .....</b>	<b>12</b>
<b>SECTION 14.05 ZONING AMENDMENTS.....</b>	<b>12</b>
14.05.01 General .....	12
14.05.02 Entities who may initiate an amendment .....	12
14.05.03 Procedure for Map Amendments by property owners or their agent .....	12
14.05.04 Procedure for Amendments by the Planning Commission .....	14
14.05.05 Procedure for Amendments by the City Council .....	15
<b>SECTION 14.06 ZONING DISTRICTS .....</b>	<b>16</b>
14.06.01 Districts, Generally .....	16
14.06.02 A – Agricultural.....	17
14.06.03 RE – Residential Estates.....	17
14.06.04 R – Residential.....	17
14.06.05 R1 – Two-Family Residential.....	18

14.06.06 MU-N1 – Mixed Use Neighborhood (1).....	18
14.06.07 MU-N2 – Mixed Use Neighborhood (2).....	19
14.06.08 TC – Town Center.....	19
14.06.09 MU-C – Mixed Use Commercial.....	20
14.06.10 RMF – Multi-Family Residential.....	20
14.06.11 RMF-1 – Multi-Family Residential (1).....	21
14.06.12 LI – Light Industrial.....	21
14.06.13 I – Industrial.....	22
14.06.14 IC – Interstate Corridor District.....	22
14.06.15 Scenic Highway Overlay District.....	23
14.06.17 Bluff Protection Overlay District.....	25
<b>SECTION 14.07 SCHEDULE OF USES.....</b>	<b>29</b>
<b>SECTION 14.08 PLANNED ZONING DISTRICT.....</b>	<b>30</b>
14.08.01 Applicability.....	30
14.08.02 Purpose.....	30
14.08.03 Prohibited Modifications.....	31
14.08.04 Procedures.....	31
14.08.05 Pre-Application Plan and Conference.....	31
14.08.06 Planned Zoning District Development Application and Plan.....	31
14.08.07 Modifications to approved Planned Zoning Districts.....	33
<b>SECTION 14.09 DESIGN STANDARDS.....</b>	<b>34</b>
14.09.01 General Standards.....	34
14.09.02 Outdoor Mitigation Standards.....	36
14.09.03 Parking Spaces by Use.....	38
14.09.04 Bicycle Parking Requirements.....	38
14.09.05 Industrial Development Standards.....	39
14.09.06 Site Design Standards: Non-residential and Multi-Family Residential (over four units) uses.....	42
14.09.07 Building Design: Non-residential and Multi-Family Residential (over four units) uses.....	44
14.09.08 Two, Three, and Four Family Units.....	48
<b>SECTION 14.10 ADDITIONAL DISTRICT PROVISIONS.....</b>	<b>51</b>
14.10.01 Campgrounds and RV Parks.....	51
14.10.02 Self Storage Units.....	55
14.10.03 Short Term Rentals.....	56
14.10.04 Outdoor and Mobile Food Vendors.....	58
14.10.05 Manufactured Homes.....	63
14.10.06 Home Occupations.....	65
14.10.07 Zero Lot Line Development.....	65
<b>SECTION 14.11 CONDITIONAL USES.....</b>	<b>67</b>
14.11.01 Purpose.....	67
14.11.02 Application for Conditional Use Permit.....	67

14.11.03 Public Notice and Hearing .....	68
14.11.04 Planning Commission review.....	68
14.11.05 Conditions, requirements, and limitations of Conditional Use .....	69
14.11.06 Revocation of a Conditional Use Permit .....	69
<b>SECTION 14.12 NONCONFORMITIES.....</b>	<b>70</b>
14.12.1 Nonconforming Use of Land.....	70
14.12.2 Nonconforming Use of a Structure .....	70
14.12.3 Nonconforming Structures.....	70
14.12.4 District Changes.....	71
14.12.5 Non-Conforming Lots of Record.....	71
<b>SECTION 14.13 LANDSCAPE REGULATIONS.....</b>	<b>72</b>
14.13.01 Purpose.....	72
14.13.02 Applicability.....	72
14.13.03 General provisions.....	72
14.13.04 Landscape Plan standards.....	73
14.13.05 Street Trees .....	74
14.13.06 Parking Lot Landscape Standards.....	75
14.13.07 Detention facility landscape.....	77
14.13.08 Tree Preservation and Landscape Reduction.....	78
<b>SECTION 14.14 OUTDOOR LIGHTING and ILLUMINATION .....</b>	<b>81</b>
14.14.01 Purpose.....	81
14.14.02 Applicability.....	81
14.14.03 Exemptions.....	82
14.14.04 Prohibitions.....	82
14.14.05 Submittals.....	82
14.14.06 General Standards.....	83
14.14.07 Existing and Nonconforming Outdoor Light Fixtures.....	87
<b>SECTION 14.15 SIGNS.....</b>	<b>88</b>
14.15.01 Definitions .....	88
14.15.02 Prohibited Signs .....	91
14.15.03 Signs Authorized in Every District.....	92
14.15.04 Permit Required .....	93
14.15.05 Sign Regulations by District.....	94
14.15.06 Regulations for Overlay Districts.....	108
14.15.07 Illumination.....	108
14.15.08 Changeable Copy Signs.....	108
14.15.09 Procedures.....	108
14.15.10 Nonconformity and Modification.....	108
14.15.11 Compliance.....	109
14.15.12 Generally.....	109
<b>SECTION 14.16 DEFINITIONS .....</b>	<b>111</b>

DRAFT

**SECTION 14.01 AUTHORITY AND PURPOSE**

**14.01.01 Authority**

The provisions set forth in this ordinance have been prepared in accordance with the authority for zoning, as provided by the Legislature of the State of Arkansas as provided by A.C.A. §14-56-401 through §14-56-426, as amended.

**14.01.02 Purpose**

The Zoning regulations set forth herein are enacted to promote the health, safety and general welfare of the citizens of West Fork; to lessen traffic congestion; to reduce dangers from fire and other natural hazards; to facilitate adequate provisions of transportation, water sewerage, streets, schools, parks, and other public requirements; good civic design and arrangement; to insure the orderly development of the community; and to carry out various objectives of the West Fork Vision Plan.

**14.01.03 Jurisdiction**

The Jurisdiction of this ordinance shall include all land in the city limits of West Fork. This ordinance shall also apply to any land added to the city limits, for whatever reason, after the adoption of this ordinance.

**SECTION 14.02 VALIDITY AND REPEAL**

**14.02.01 Validity**

This zoning code and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the code shall not be affected thereby.

**14.02.02 Severability**

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**14.02.03 Repeal**

All or parts of ordinances in conflict with this zoning code or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give the code full force and effect upon its adoption by ordinances of the City Council of the City of West Fork, Arkansas.

**SECTION 14.03 ADMINISTRATION AND ENFORCEMENT**

**14.03.01 Enforcement Official**

This article shall be enforced by the Enforcement Official, as determined by the Mayor or their designee. It shall be a violation of this article for any person to erect, alter, move, or improve any building or structure until a building permit has been obtained in congruence with the regulations of this article.

**14.03.02 General Provisions**

A. **Compliance.** It is illegal to erect, construct, reconstruct, alter, maintain, or use any land, building, or structure in violation of any order of the City Council, Board of Adjustment, Planning Commission or Enforcement Official.

B. **Utilities Underground.** Except for locations within Industrial or Agricultural zoning districts, the following general utility placement standards shall be applied:

(1) *New service.* In new developments requiring planning commission approval, all utility wires, lines, and/or cables in said developments utilized by electric and/or telecommunications companies shall be placed underground. Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service are exempt from this requirement. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.

(2) *Existing service.* Existing overhead wires may be placed underground at the developer's expense. Each development must be evaluated by electric provider to see if it is possible to place overhead wires underground.

C. **Recreational Vehicles (RV) not a dwelling unit.** In no case shall a camper or RV be used as a dwelling unit or for dwelling purposes within the City of West Fork. For the purposes of this section, the following shall apply:

(1) Recreational vehicles may be used as temporary living quarters for no more than five (5) consecutive days, at any given time; and

(2) Recreational vehicles may be used as temporary living quarters for no more than ten (10) total days within any 90-day time period.

(3) For the purposes of this section, consecutive days occur as described in this subsection unless the applicable RV is removed from the property and nearby right-of-way for a period of at least 24 hours.

(4) This section shall not apply to recreational vehicles properly situated within RV Parks approved by the City of West Fork.

D. **Driveway standards.** The following general driveway standards apply throughout the City of

West Fork:

- (1) Access to property shall be allowed only by means of a driveway, and no other portion of the lot frontage shall be used for ingress or egress.
- (2) Driveways shall be designed and placed to minimize interference with adjacent street traffic and all proposed driveways require City approval.
- (3) All driveways and drive approaches shall be maintained in a manner that prevents gravel, soil, mud, and other material from washing or rolling onto paved streets. Driveways or approaches not complying may be identified by the Enforcement Official as a violation of this section and shall be remedied by the property owner upon notice by the City.
- (4) *Paving standards to protect paved streets.* These driveway paving standards shall only apply when the adjacent street or road used for access is paved at the time of driveway construction approval by the City.
  - (a) All new driveways shorter than seventy-five (75) feet in length shall be paved the entire length from street edge to garage or end of drive.
  - (b) All new driveways longer than seventy-five (75) feet in length shall be paved from street edge into the property a minimum of twenty-five (25) linear feet.

#### 14.03.03 Fees

The city council shall establish a schedule of fees and a collection procedure for all zoning and development applications, building permits, appeals and other matters pertaining to this article, by resolution. The schedule of fees shall be posted in the city administrative office and may be altered or amended only by the city council.

#### 14.03.04 Enforcement

- A. **Complaints.** All complaints of violations of this Code may be submitted in writing to the Enforcement Official and shall state the location and the nature of the alleged violation. Upon receipt, the alleged violation shall be investigated, and appropriate action taken.
- B. **Right of Entry and Inspection.** In applying for a grading permit or other City permit which authorizes the alteration of land, the applicant shall be deemed to have consented to an inspection to determine whether construction is proceeding according to the grading plan or other applicable permit.
- C. **Stop Work Order.** A stop work order may be issued for any work being performed without required permits or plans, or for permitted work when corrections to code violations are not made in a timely manner.
- D. **Liability**

- (1) *Owner of Record.* The owner of record of any real property or appurtenance thereto, who participates in, assists, directs, creates, or maintains any situation in violation of the Zoning Code may be held liable for the penalties or remedies ascribed herein.
- (2) *Others.* Tenants, occupants, architects, builders, contractors, agents or other persons, who participate in, assist, direct, create, or maintain any situation in violation of the Zoning Code may be held liable for the penalties or remedies ascribed herein.

E. **Notice of Violation.** When an owner or other person participates in, assists, directs, creates, or maintains any situation in violation of the Zoning Code, a notice of violation shall be issued to the person responsible. The violation notice shall be served either personally or by certified mail, postage prepaid, return receipt requested, and shall contain the following:

- (1) The name of person liable (owner of record or others).
- (2) The street address, when available, or a description of the building, structure, or land where the violation is occurring.
- (3) A statement specifying the nature of the violation.
- (4) A description of the remedial actions necessary to bring the development activity into compliance with the Zoning Code, and a time schedule for the completion of such remedial actions.
- (5) A statement of the penalty, or penalties that shall or may be assessed against the person(s) to whom the notice is directed.
- (6) A statement that an appeal may be filed.

F. **Emergencies.** If a violation exists that poses a danger to the public health, safety, or welfare, or which requires immediate action to prevent irreparable damage, the city may invoke any of the penalties, remedies, revocation of permits or stop work orders as authorized by the Zoning Code or any other ordinances of the City or by State Law without service of a written notice.

G. **Remedial Work**

- (1) *Remedial work.* When a violation notice has been served, remedial work shall begin, as directed, within seven (7) days of the receipt of notice.
- (2) *Lien.* If remedial work is not mitigated and completed as described in the violation notice, within the prescribed time period, the city is hereby authorized to enter upon the property and take necessary actions to correct or remove the conditions described in the notice. The costs of correcting said condition shall be charged to the owner, and the city shall have a lien against such property for such costs.
- (3) *Permit Revocation.* If remedial work is not undertaken as directed by the violation notice, the City's remedies may include the revocation of permits, orders to stop work, and any other remedies provided by the ordinances of the city or Arkansas State Law.

H. **Additional Remedies.** In addition to other remedies available under City ordinances and State law, in situations where appropriate to protect occupants or address willful and repeated refusal to correct non-compliant conditions, the Enforcement Official shall have the right, after proper



notice is given and an opportunity for the occupant or owner to be heard, to disconnect the water service to a building.

- I. **Penalty.** The provisions of the zoning and planning ordinances, regulations and code sections shall be enforced by the Enforcement Official and may be enforced as set forth in applicable state law. When these ordinances, regulations and code sections are enforced through the issuance of misdemeanor citation, the penalty shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) per day of violation.

#### **14.03.05 Public Hearings**

- A. Public hearings shall be held for all zoning amendment requests, Conditional Use Permits, Planning Commission decision appeals, and revisions/amendments to the Comprehensive Plan and its supporting regulations (most commonly amendments to this code or other development-related codes). Public Hearings shall be held for any other items in accordance with state statutes.
- B. Amendments to the plan, this or other development related codes, or requests for zoning map amendments require an advertised notice of public hearing to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting (or as required by state statute).

#### **14.03.06 Classification of Annexed Lands**

All land annexed into the City of West Fork after the adoption of this code shall be governed by the following procedures:

- A. Annexed lands shall be automatically assigned to the A-Agricultural District, unless the Planning Commission recommends an alternate zoning district, and the City Council adopts the recommended zoning along with the annexation ordinance.
  - (1) Planning Commission review of alternate zoning districts as described in this section shall be subject to the submittal deadlines on the development review calendar as adopted by the Commission and shall include consideration of the Future Land Use Map and any other applicable resources adopted by the City of West Fork.
  - (2) Annexation contingent zoning recommendations do not require a public hearing at Planning Commission and may be considered by the Planning Commission with a staff review memo accompanying the annexation application or other supporting documents.

#### **14.03.07 Board of Adjustment**

- A. **Authority.** Pursuant to the authority provided in A.C.A. § 14-56-416, the planning commission sits as the board of adjustment.
- B. **Procedures.** The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and

decisions.

C. **Public notice.** Each session of the Board shall be a public meeting with public notice of said meeting as provided below.

- (1) *Published notice.* Each session of the Board and the general business to be carried out shall be published in a newspaper of general circulation in the city at least one (1) time and at least seven (7) days prior to the meeting, or as otherwise required by state law.
- (2) *Posted notice.* At least seven (7) days prior to the public hearing date, the applicant shall post a public meeting sign on the subject property in an area clearly visible from the public right-of-way. In cases where the subject property fronts more than one street, a sign shall be placed along each applicable street.

D. **Powers and duties.** The board of adjustment shall have all powers and duties prescribed by law and by this article, which are more particularly described as follows:

- (1) *Appeals from the Decision of Enforcement Officer.* The Board may hear appeals from the decision of the enforcement officer in respect to the enforcement and application of these regulations and may affirm or reverse, in whole or part, such decisions of the enforcement officer.
- (2) *Variances.* The Board shall hear requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the ordinance.
  - (a) The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations.
  - (b) The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

E. **Appeals From the Decision of The Board.** Decisions of the Board in respect to appeals from the decision of the enforcement officer and for variances shall be subject to appeal only to a Court of Record having Jurisdiction.

#### **14.03.08 Variances**

Pursuant to the procedures provided within A.C.A. § 14-56-416, variances may be requested in congruence with the following:

A. **Application.** At the time of filing, the applicant shall provide the application fee. The application shall contain the following information and include the following documents:

- (1) Name and address of applicant.

- (2) Request letter containing the interpretation that is claimed or specific request that has been made, with applicable sections of the zoning code referenced, and with the applicant's response to how the application conforms to each finding, as noted below in subsection 14.03.08(C)(1), Findings.
- (3) Address or description of the property.
- (4) A plan or drawing, delineating:
  - (a) Relevant portions of the property.
  - (b) Relevant existing and proposed improvements and structures.
  - (c) Any other information needed to evaluate the request. A scaled drawing based on a survey of the property may be required by the Administrative Official or Planning Commission when more detail is needed to evaluate the request.

#### **B. Notice of Public Meeting**

- (1) Variance applications shall be reviewed and determined by the board of adjustment and each session of the board shall be a public meeting with public notice of the meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time and at least seven (7) days prior to the meeting.

#### **C. Findings**

- (1) A variance from the terms of this zoning ordinance shall not be granted until the applicant demonstrates that:
  - (a) Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration;
  - (b) The applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

**D. Conditions.** The board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

**E. Uses.** Under no circumstances shall the board of zoning adjustment grant a variance to allow a use that is not permissible under the terms of this section in the district involved, or any use expressly or by implication prohibited by the terms of this zoning ordinance in said district.

**SECTION 14.04 OFFICIAL ZONING MAP**

**14.04.01 Generally**

- A. The city is hereby divided into districts as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. The City of West Fork shall maintain the map at a convenient location designated by the Mayor and filed with the City Clerk. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the official zoning map consists of a digital copy as shown on the official City of West Fork website, and designated as such, and as amended by ordinance adopted by the City Council and signed by the Mayor.

**SECTION 14.05 ZONING AMENDMENTS**

**14.05.01 General**

This ordinance shall be amended in conformance with the requirements of A.C.A. § 14-56-422, as initially adopted and as they subsequently may be amended.

**14.05.02 Entities who may initiate an amendment**

The following entities may initiate a request to amend this code or the zoning map, only as specifically provided below.

- A. **Property owners.** The owner of a property or their appointed agent may initiate an action to request an amendment *only* to the zoning map.
- B. **Planning commissioners.** A member or members of the Planning Commission may initiate an action to amend this code or the zoning map.
- C. **Council members.** A member or members of the City Council may initiate an action to amend this code or the zoning map.

**14.05.03 Procedure for Map Amendments by property owners or their agent**

Amendments by property owners may only be made in the following manner:

- A. **Application.** An application for a zoning map amendment shall be filed with the Enforcement Official. The application shall at a minimum include the following:
  - (1) Non-refundable application fee.

- (2) Name and address of applicant.
- (3) Memorandum stating that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
- (4) Address and legal description of property.
- (5) A map of the subject property, delineating: the dimensions of property; approximate location of buildings with appropriate dimensions; land uses of adjacent properties.
- (6) A vicinity map clearly depicting the location and context of the subject rezone request.

**B. Public notification.**

- (1) Upon receipt of the completed application for a zoning map amendment, the Enforcement Official shall place the request on the Planning Commission meeting agenda for the public hearing according to the submittal schedule approved by the Planning Commission.
- (2) *Posted sign.* At least seven (7) days prior to the public hearing date, the applicant shall post a public hearing notice sign on the subject property in an area clearly visible from the public right-of-way. In cases where the subject property fronts more than one street, a sign shall be placed along each applicable street.
  - (a) This sign shall be a minimum two (2) feet by three (3) feet in size.
  - (b) The applicant shall be responsible for producing this sign, having the sign placed, and all associated costs affiliated with this sign. The sign shall be designed and displayed in a manner to withstand the weather conditions present during this display period.
  - (c) This sign shall include all information as specified by the Planning Department in the application packet.
- (3) *Published notice.* Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing, or as otherwise specifically prescribed by state law. The content of said notice shall describe the location of the request, the size of the area requested to be rezoned, the current zoning, and the proposed zoning. The applicant shall be responsible for the cost of this notification.

**C. Public hearing.** The Planning Commission shall hold a public hearing to consider the requested Zoning Map amendment.

**D. Planning Commission action.** Following the public hearing, the application may be recommended as presented, or in modified form, by a majority of the entire Planning Commission and forwarded to the City Council. If the map amendment fails to receive a

recommendation by the Planning Commission, the application shall be forwarded—as the next step in the application process—to the City Council for consideration.

- E. **City Council action.** The City Council may adopt the recommended amendment as submitted by the Planning Commission, or in modified form, may not adopt the amendment, or may return the proposed amendment to the Planning Commission for further study and recommendation. Any amendment hereto shall become effective only upon passage by ordinance by a majority of the full City Council.

#### **15.05.04 Procedure for Amendments by the Planning Commission**

Amendments may be made only in accordance with the procedures outlined herein:

- A. **General.** The Planning Commission may, from time to time, either upon request by one or more of its members, by recommendation from City staff, by direction of the City Council, or during its normal planning activities, consider amendments or additions to the Zoning Code or Map.

- B. **Notification for map or text amendments:**

- (1) *Published notice.* Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing, or as otherwise specifically prescribed by state law. The content of said notice shall describe the location of the request, the size of the area requested to be rezoned, the current zoning, and the proposed zoning (for map amendments)—or the nature of the business requiring public notification (for text amendments).
- (2) *School district notice.* Notice by first class mail to the boards of directors of all school districts affected by a proposed plan, ordinance, or regulation shall be provided sufficiently in advance to allow representatives of all affected school districts a reasonable opportunity to submit comments on any proposed plan, ordinance, or regulation.

- C. **Public access to documents.** Three (3) copies of the map, code, or pertinent parts thereof, and any related documents shall be filed either electronically or by hard copy in the office of the city clerk for inspection and view by the public prior to the passage of the ordinance, or as otherwise required by state law.

- D. **Public Hearing.** The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code or Map.

- E. **Planning Commission action.** Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.

- F. **City Council action.** Following the Planning Commission recommendation, the commission shall certify such to the City Council for its consideration and adoption. The City Council may

return the text or map amendment to the commission for further study or recertification--or by a majority vote of the entire membership may adopt by ordinance the text or map amendments submitted by the commission.

- G. **Filing and recording.** Following adoption by the City Council, the adopted plans, ordinances, and regulations shall be filed in the office of the city clerk. The city clerk shall file the plans, ordinances, and regulations as pertain to the territory beyond the corporate limits (the planning area) with the county recorder.

#### **14.05.05 Procedure for Amendments by the City Council**

After adoption of plans, ordinances, and regulations and proper filing in the offices of city clerk and county recorder, no alteration, amendment, extension, abridgement, or discontinuance of the plans, ordinances, or regulations may be made except in conformance with the procedure prescribed above (as provided by state law §14-56-422), or by a majority vote of the city council, as provided by §14-56-423 .

# **SECTION 14.06 ZONING DISTRICTS**

## **14.06.01 Districts, Generally**

A. **Zoning Districts.** The following districts are hereby established:

- A – Agricultural;
- RE- Residential Estates;
- R -- Residential;
- R-1—Two-Family Residential;
- MU-N1 -- Mixed Use Neighborhood (1);
- MU-N2 – Mixed Use Neighborhood (2);
- TC – Town Center;
- MU-C – Mixed Use Commercial;
- RMF – Multi-Family Residential;
- RMF-1 – Multi-Family Residential, (1);
- IC -- Interstate Corridor;
- LI – Light Industrial;
- I – Industrial;
- Scenic Highway Overlay District; and
- Bluff Protection Overlay District

B. **Setback and Lot Area Chart (Appendix A).** *Appendix A, Setback and Lot Area Chart*, comprehensively depicts minimum lot size, maximum building footprint, height and width requirements, setbacks and related standards for each zoning district. *Appendix A* shall be referenced in tandem with the district regulations below.

C. **Application of Zoning District Regulations.**

- (1) The area requirements pertaining to each zoning district shall be applied uniformly within the zoning district except as may be varied by the Planning Commission.
- (2) The uses permitted or prohibited in each zoning district established the character of the zoning district and shall include, but shall not be limited to, those uses enumerated as being permitted or prohibited within a respective zoning district.
- (3) The use proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Enforcement Official shall determine whether said use is compatible (i.e. in character with other uses in the district), and if it decides in favor or said use, it shall authorize said use to be established. The Enforcement Official shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc; however, the request may be forwarded to the Planning Commission for further review and determination. The Planning Commission may impose conditions under which a use may be permitted in order to insure compatibility. The finding of the use to be compatible in one location does not imply that the same use is compatible at another location, even within the same zoning district.



- (4) All front, side and rear yard setbacks established by this ordinance shall be measured from the planned right-of-way as shown in the Major Street Plan. (Ord. No. 303, Sec. 2.)

#### **14.06.02 A – Agricultural.**

Intended to provide for a full range of agricultural activities and single-family residential land uses, to preserve existing agricultural activities and to protect the rural landscape and resources from urban type uses and densities without benefit of a full range of public facilities until such time as the public facilities are available.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

##### **A. Minimum Lot Size**

- (1) *Single Family Residential: 5 acres*
- (2) *Nonresidential, Assembly, and other allowable uses: 1 acre*

#### **14.06.03 RE – Residential Estates.**

This district is intended for application to those areas of the city where it is deemed desirable for rural single-family residential environment, and to provide open spaces to protect natural areas, floodplains, and watercourses, and to provide for single-family development on large lots and parcels. *Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

##### **A. Minimum Lot Size**

- (1) *Single Family Residential: 2 acres*
- (2) *Nonresidential, Assembly, and other allowable uses: 1 acre*

#### **14.06.04 R – Residential.**

Intended to provide for areas of connected, generally gridded street networks of single-family residential development, with public buildings and other public uses also allowed to serve the area and offer transitions along neighborhoods.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

##### **A. Minimum Lot Size**

- (1) *Single Family Residential: 7,000 sq ft, except that up to 20% of the residential lots within a single subdivision or development may be a minimum of 6,000 sq ft and have a minimum frontage of 60 linear feet.*

- (2) *Nonresidential, Assembly, and other allowable uses: 6,000 sq ft*

#### **14.06.05 R1 – Two-Family Residential.**

Intended to provide for single-family residential (including single family attached townhomes) and two-family residential, public buildings and other public uses.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

##### **A. Minimum Lot Size**

- (1) *Single Family Residential: 7,000 sq ft, except that up to 20% of the residential lots within a single subdivision or development may be a minimum of 6,000 sq ft and have a minimum frontage of 60 linear feet.*
- (2) *Two Family units: 8,000 sq ft; and 4,000 sq ft per dwelling unit*
- (3) *Townhomes (single family attached): 3,000 sq ft per dwelling unit; and maximum of two attached*
- (4) *Nonresidential, Assembly, and other allowable uses: 6,000 sq ft*

#### **14.06.06 MU-N1 – Mixed Use Neighborhood (1).**

Designed to accommodate a wide variety of building types arranged in a traditional town development pattern. Intended to provide one, two, three and four-family residential, public buildings and uses, office, and neighborhood commercial uses at an appropriate neighborhood scale to maintain and grow the walkable area of the city.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

**A. Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

##### **B. Additional Criteria:**

- (1) *Maximum density of 9 residential dwelling units per acre.*
- (2) *Maximum of 4 attached townhomes (attached single-family).*
- (3) *Maximum of 4 units per individual multi-family structure (each lot/development may contain multiple individual structures, subject to setbacks and other maximums).*

- (4) Maximum of *5,500 sq ft ground floor building footprint* for all non-single family residential uses and all non-residential uses (larger sizes possible via Conditional Use Permit approval).

#### **14.06.07 MU-N2 – Mixed Use Neighborhood (2).**

Designed with the same intent and similar form as provided in MUN-1, the MUN-2 District is provided to accommodate a slightly larger non-residential footprint and slightly higher density for residential uses.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

**A. Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

**B. Additional Criteria:**

- (1) Maximum density of *10 residential dwelling units per acre*.
- (2) Maximum of *5 attached townhomes* (attached single-family).
- (3) Maximum of *4 units per individual multi-family structure* (each lot/development may contain multiple individual structures, subject to setbacks and other maximums).
- (4) Maximum of *9500 sq ft ground floor building footprint for commercial or mixed use* (larger sizes possible via Conditional Use Permit approval).
- (5) *Maximum of 6000 sq ft ground floor building footprint for structures solely of multifamily use* (larger sizes possible via Conditional Use Permit approval).

#### **14.06.08 TC – Town Center.**

This district is intended to encompass the original downtown portion of the city and adjacent areas as appropriate. The district provides for mixed use development in compatible form, scale and character to the historic buildings within this district, with the intent of accommodating growth and redevelopment in a way that honors the historic character of the community.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

**A. Minimum Lot Size:** see **Appendix A: Setback and Lot Area Chart**.

**B. Additional Criteria:**

- (1) Maximum of *7000 sq ft ground floor building footprint for commercial or mixed use* (larger sizes possible via Conditional Use Permit approval).

- (2) Not permitted: single-family detached or attached structures are not permitted.

#### 14.06.09 MU-C – Mixed Use Commercial.

This district is intended to provide for a mix of uses, including general commercial, community services, and various types of residential development. This district includes a front build-to zone, which provides an emphasis on building form along the corridor, while encouraging the majority of new parking areas to be developed along the side or rear of properties.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

B. **Additional Criteria:**

- (1) *Non-residential and Mixed Uses:* 15,000 sq ft ground floor building footprint maximum (larger sizes possible via Conditional Use Permit approval).
- (2) *Residential Uses only:*
  - a. Maximum of eight (8) attached townhomes.
  - b. Maximum of 6,000 sq ft ground floor building footprint (each lot/development may contain multiple structures); (larger sizes possible via Conditional Use Permit approval).
  - c. Only permitted to place one single family residential detached home per *existing* lot. No *new* lots may be created solely for single family detached residential purposes.

#### 14.06.10 RMF – Multi-Family Residential.

This district encourages a variety of housing types to expand housing choices for all families and aims to promote good civic design and arrangement by maintaining reasonable design standards within existing neighborhoods. The principal use of land includes single and two-family dwellings, townhouses, low-rise multiple-family dwellings and garden apartments. Recreational, educational, and other limited neighborhood services located to serve the residential areas are also permitted to provide convenient and connected living areas.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

B. **Additional Criteria:**

- (1) Maximum density of *12 residential dwelling units per acre*.
- (2) Maximum of *7,000 sq ft ground floor building footprint* for all non-single family residential uses and all non-residential uses (larger sizes possible via Conditional Use Permit approval).
- (3) Not permitted: single-family *detached* structures are not permitted.

#### **14.06.11 RMF-1 – Multi-Family Residential (1).**

Similar to RMF with regard to overall form and intent, RMF-1 provides for a higher density in residential development and a larger ground floor maximum for compatible non-residential development.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

#### **B. Additional Criteria:**

- (1) Maximum density of *16 residential dwelling units per acre*.
- (2) Maximum of *11,000 sq ft ground floor building footprint* for all non-single family residential uses and all non-residential uses (larger sizes possible via Conditional Use Permit approval).
- (3) Maximum of 3 stories allowable, if the fire official determines adequate fire protection is available.
- (4) Not permitted: single-family *detached* structures are not permitted.

#### **14.06.12 LI – Light Industrial.**

Intended to provide locations within the city for a range of light industrial uses which are free of objectionable influences, such as light glare, noise, dust and odor, or which can readily control such influences. Typical uses include light manufacturing, assembling and fabrication, warehousing, wholesale, and some service uses.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** No minimum lot size; see setbacks and other applicable criteria in *Appendix A: Setback and Lot Area Chart*.

**B. Additional Criteria:**

- (1) Maximum of *2 stories allowable*. Additional height or stories may be considered via the PZD Process. The fire official will determine if adequate fire protection is available when determining maximum height or number of stories above two (2).
- (2) Maximum building footprint coverage area: *50%*.
- (3) Residential uses: not permitted.

**14.06.13 I – Industrial.**

Intended to provide for the full range of industrial activities, including those heavy industrial uses not otherwise provided for in the districts established by this zoning code.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** No minimum lot size; see setbacks and other applicable criteria in *Appendix A: Setback and Lot Area Chart*.

**B. Additional Criteria:**

- (1) Maximum of *2 stories allowable*. Additional height or stories may be considered via the PZD Process. The fire official will determine if adequate fire protection is available when determining maximum height or number of stories above two (2).
- (2) Maximum building footprint coverage area: *50%*.
- (3) Residential uses: not permitted.

**14.06.14 IC – Interstate Corridor District**

Interstate Corridor is a mixed-use district allowing for many commercial and office uses, as well as multi-family residential buildings up to four (4) stories tall, subject to Fire Official approval. This district allows for the tallest structures by right in West Fork, with overall character being important given the proximity to I-49. Most lands within this district will also be subject to the *Scenic Highway Overlay District*, as further defined and described below in *Section 14.06.15*.

*Appendix A, Setback and Lot Area Chart* provides more detail than contained in this subsection and shall be referenced in tandem with the below criteria.

A. **Minimum Lot Size:** see *Appendix A: Setback and Lot Area Chart*.

**B. Additional Criteria:**

- (1) Maximum density of *24 residential dwelling units per acre*.

- (2) Maximum of *4 stories allowable*, if the fire official determines adequate fire protection is available.
- (3) Maximum building footprint coverage area: *60%*.
- (4) Only permitted to place one single family residential detached home per existing lot. No new lots may be created solely for single family detached residential purposes.

#### **14.06.15 Scenic Highway Overlay District**

##### **A. Intent and Purpose.**

- (1) To support the designation of U.S. Highway 71 and Interstate 49 as scenic byways.
- (2) To protect and enhance the designated scenic byways by providing for developments which will complement and enhance the natural character of the byways.
- (3) To enhance the character of State Highway 170 which connects the two Scenic Byways through the City of West Fork.
- (4) To address aesthetic and environmental concerns which include but are not limited to soil erosion, vegetation preservation and provision, visual enhancement and drainage.
- (5) To preserve and enhance the economic value and viability of property within the designated boundaries of the Overlay District.

##### **B. Overlay District Boundaries**

The Overlay District Boundaries--as also shown on the official zoning map of the City of West Fork-- includes all land within the city limits of West Fork that lies within 600 feet of the right-of-way of any designated Scenic byway and State Highway, those of which include:

- (1) U.S. Highway 71 (North Centennial Ave. and South Centennial Ave.);
- (2) I-49;
- (3) State Highway 170

##### **C. Application of District Regulations and Standards**

- (1) The regulations and standards shall apply to all non-single family residential development in any zoning district except development exclusively for agricultural purposes, as is allowed per the underlying zoning district. The regulations and standards shall also not apply to pre-existing residential subdivisions. Development includes but is not limited to new development, redevelopment and expansion of existing development within the boundaries of the overlay district.

- (2) The regulations and standards shall be in addition to and overlay all other ordinance regulations and standards. If a conflict exists these regulations and standards shall apply.
- (3) An elevation drawing shall be submitted with the building permit application or Site Plan Review application—whichever first becomes applicable--showing the front façade, to review for compliance with the below standards.

#### **D. Development Regulations and Standards**

- (1) *Exterior appearance.* Proposed structures shall be architecturally designed to include an entrance facing the highway or street. This section shall not be interpreted to apply to requiring that an entrance faces I-49, but rather the access road(s) that serve those properties adjacent to the interstate.
- (2) *Storage and screening.* The below storage and screening standards shall apply when vegetated areas are either cleared or resurfaced into bare earth, gravel, pavement or roof area—for the purpose of utilizing the cleared or roofed area for the respective business operations--in either of the following amounts:
  - (a) Over 3,000 SF of new or expanded structural roof areas; or
  - (b) When over ¼ acre (10,890SF) of vegetation is cleared or resurfaced as described above; or when said land area becomes utilized for parking of vehicles or equipment.
    - (i) *Outdoor materials and equipment* – In cases where the underlying zoning district allows for a land use that includes outdoor storage of materials or equipment that is not intended or offered for sale—all of such items shall be screened behind the buildings or via any or a combination of the following: landscape vegetation, earthen berms, or via wooden, masonry, or other natural looking fencing or walls.
    - (ii) *Vehicle Repair, towing, or impound services* -- Partially dismantled, non-operable, or wrecked automobile/motor vehicles shall be either screened behind a 6-foot privacy fence or stored in an enclosed building. In locations where the terrain or road elevation requires additional measures to adequately screen these items, additional measures including earthen berms and/or evergreen screening trees may be required as a condition of approval by the Planning Commission.
- (3) *Signs. Installation of any new signage within the Overlay district shall be as follows:*
  - (a) Along U.S. 71 (Centennial Ave.), new signs shall be either by way of wall signs, awning signs, or monument signs not exceeding 75 square feet nor eight (8) feet in height. Awning signs permanently affixed to a building may exceed the eight (8) foot height maximum but may not exceed the height of the building onto which it is attached.



- (b) Along I-49, new signs shall be either by way of wall signs, awning signs, monument signs or pylon signs, each subject to the below criteria:
  - (i) Wall signs: Wall signs shall have no restrictions when painted or printed directly onto a building wall.
  - (ii) Awning signs: Awning signs shall be attached directly to a building façade and may not lie higher than the top of the building.
  - (iii) Monument signs: Monument signs shall not exceed 120 square feet nor twelve (12) feet in height above the pavement elevation of the adjacent interstate road elevation. However, when monument signs are proposed on lands lying at a higher elevation than that of the adjacent interstate, the sign height shall not exceed twelve (12) feet above the average established ground level beneath the sign.
  - (iv) Pylon signs: Pylon signs shall not exceed 100 square feet in area per side. They shall also not exceed thirty (30) feet above the pavement elevation of the adjacent interstate roadway elevation.
    - a. When pylon signs are proposed on lands lying at a higher elevation than that of the adjacent interstate, the maximum sign height shall not exceed thirty (30) feet above the ground level beneath the sign, except that the maximum sign height shall not exceed twenty-five (25) feet above ground level beneath the sign when said ground level is more than five (5) higher than adjacent interstate elevation.
    - b. Pylon signs shall be placed within 200' of the edge of the I-49 Right-of-Way, and are subject to other applicable standards as provided by the Sign Regulations.
- (c) Along AR 170, new signs shall be as allowed by *Section 14.14 Signs* and by the applicable zoning district.

E. **Exemptions** - Any development or building permit that has been approved prior to the approval date of this ordinance shall be exempt so long as their approval period is active. (Ord. No. 314, Sec. 11.)

#### **14.06.17 Bluff Protection Overlay District.**

##### **A. Purpose and Intent.**

These regulations are established to achieve the following benefits along the West Fork White River within the City of West Fork:

- (1) To protect the integrity and natural character of the bluffs and the land immediately adjacent and uphill of the bluff lines along the West Fork White River.
- (2) To filter and reduce pollutants into the water, including but not limited to: sediment and associated nutrients, pesticides, vehicle related pollutants, and other contaminants.

- (3) To improve aquatic and wildlife habitat along the bluffs of the West Fork White River.

## B. Applicability.

*Bluffs along the West Fork White River.* This section shall apply to all bluffs and land adjacent to bluffs that lie along the West Fork White River within the city limits of the City of West Fork, as further described below.

## C. Definitions.

- (1) *Bluff.* A riverside slope of 70 degrees or steeper that rises five (5) feet or more above the ordinary high-water mark and being comprised primarily of visible rock, or as otherwise determined by the Enforcement Official. For the purposes of this definition, the visible rock shall run at least 30 linear feet along the river. Cut banks composed primarily of sediment shall not be considered a bluff.



**FIGURE A: NOT A BLUFF**



**FIGURE B: EXAMPLE OF A BLUFF**

- (2) *Top of Bluff.* the point above the bluff where there is a clearly identifiable break in the land from steeper land below the break to a gentler slope above the break.
- (3) *Bluff protection zone:* means the bluff and the area of land extending fifty (50) linear feet landward from the Top of Bluff, measured horizontally on a line perpendicular to the top of bluff.

## D. Development or plat approval.

Subdivision and other development applications shall be subject to the following to be reviewed and approved at the time of subdivision or development approval:

- (1) *Bluff protection zone.* The Bluff protection zone, where applicable, shall be depicted on the plat or plan, and labeled as Bluff protection zone, with a note stating the area is subject to the protections of Section 14.06.16, Bluff Protection Overlay District.

## E. Allowable exceptions.

- (1) *Permit required.* Upon submittal of a [choose application name] application, the Enforcement Official may permit the following structural exceptions, as noted below.

- (a) **Existing principal structures within the Bluff Protection Zone.**
- (i) *Reconstruction within Existing Footprint.* Existing principal structures located within the Bluff protection zone as of the effective date of this ordinance may be redeveloped or reconstructed within the same footprint.
  - (ii) *Minor alterations.* Minor alterations or additions to an existing principal structure, such as an awning, deck, or porch shall also be permitted, provided the modifications do not extend more than 10 feet further toward the Top of bluff than the existing principal structure, and does not occur any closer than thirty (30) feet from Top of bluff.
- (b) **Accessory structures without a foundation.** Accessory structures without a foundation which are no taller than twenty (20) feet and which have a footprint no larger than 150 square feet--including storage sheds, playground equipment, gazebos, decks, stairs, etc.--may be constructed and maintained within the Bluff protection zone, provided the accessory structure and the overall limits of disturbance are located no closer than thirty (30) feet from the Top of bluff.
- (c) **Fences and low walls.** Fences no more than eight (8) feet in height; timber walls and rock walls which do not exceed eight (8) feet in height; and standard farm fences, such as woven-wire, that are allowable within the applicable zoning district, may be constructed if located no closer than thirty (30) feet from Top of bluff. Existing fences may be maintained where currently established.
- (d) **Drainage facilities permitted with an approved subdivision or development application.** In cases where proposed development adjacent to the Bluff protection zone involves drainage facilities, these drainage facilities may be permitted within the Bluff protection zone, provided the overall limits of disturbance required to construct and maintain the drainage facility are located no closer than thirty (30) feet from the Top of bluff. Approval of any drainage facility within this area is subject to review by the City Engineer, subject to the Purpose and Intent of this ordinance. The scope of the review shall include streamside best management practices, including but not limited to water quality protection.
- (e) **Trails for hiking, biking, and related trail infrastructure.** Trails and related trail infrastructure may be constructed and maintained within the Bluff protection zone, provided the trails and related limits of disturbance are no closer than thirty (30) feet from the Top of bluff, and provided that any related infrastructure does not exceed the parameters provided within subsection b. Accessory Structures without a Foundation. All projects will be subject to section (2) Protection measures for Allowable Exceptions; however, a City permit will not be required for trail development coordinated directly by the City of West Fork.

(2) *Protection measures for Allowable Exceptions:*

- (a) **Site protection measures.** Prior to any land clearing, material mobilization, or soil disturbing activity associated with a permitted Allowable Exception, the Bluff protection zone boundaries and the polyline depicting thirty (30) feet from Top of bluff shall be clearly delineated on site with survey flags by the applicant, and such delineation shall be maintained throughout construction activities. The subject site property lines shall also be clearly marked for City observation throughout the project. Additional measures for tree protection or erosion control may be required by the Enforcement Official or designated representative to achieve the intent of this ordinance.
- (b) **Site inspections.** A site inspection followed by periodic inspections during construction will be conducted by the Enforcement Official or designated representative to ensure compliance with the Bluff Protection Overlay District regulations.

**F. Prohibited uses and activities.**

The following uses/activities shall be prohibited within the *Bluff protection zone*, except where such activity may be permitted by the Enforcement Official, if specifically clarified below. Where a use is not listed, but is similar to a prohibited use, the Enforcement Official may determine the use to be prohibited, in keeping with the spirit of this ordinance.

- (1) *Grading, filling, clearing, or similar construction activities.* Note: Minor land alteration may be permitted by the Enforcement Official for the construction of an improvement covered under subsection E. Allowable Exceptions. However, City approval is required prior to construction, mobilization, or any related activity on the land.
- (2) *Removal or clearing any woody vegetation that is not considered to be:* invasive; in poor health or dying; or for emergency reasons, as provided in subsection G. Exemptions for Emergencies.
- (3) Storage of hazardous materials or chemicals unless within waterproof containers and within a structure.
- (4) Parking lots.
- (5) Construction of any new buildings or accessory structures with a building footprint larger than 150 square feet.
- (6) Parking or storage of motor vehicles.
- (7) Septic systems and/or lateral lines.
- (8) In-ground pools.
- (9) Animal feedlots or kennels.

- (10) Housing or maintenance of livestock; however, this activity may continue if currently in use upon the adoption of this ordinance.
- (11) Addition of new utility lines or utility infrastructure. However, essential utility service lines for water and sewer may be extended using erosion control and streamside best management practices if located no closer than thirty (30) feet from Top of Bluff and approved by the Enforcement Official or their designee. Site protection measures as provided in subsection *E(2) Protection Measures for Allowable Exceptions* shall be followed.

G. **Exemption for Emergencies.** Actions taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards are exempt from the provisions of these regulations.

## **SECTION 14.07 SCHEDULE OF USES**

### **14.07.01 Schedule of Uses (See Appendix B)**

- A. **Generally.** The Schedule of Uses, which may also be known as the table of permitted uses, is located in *Appendix B* of this title.
- B. **Permitted uses.** Where the letter “P” appears on the line of uses and in the column of a district, the use is permitted in that district, subject the *Appendix A, Setback and Lot Area Chart*, as well as other applicable restrictions.
- C. **Conditional uses.** Where the letter “C” appears, this use may be permitted subject to acquiring a conditional use permit, as set forth in *Section 14.11, Conditional Uses*.
- D. **Prohibited uses.** Where the letters “NP” appears, the associated use is not allowed within the district.
- E. **Uses not listed.** When a use is proposed that is not listed in the table of permitted uses, the Enforcement Official shall recommend the appropriate districts that the use may be located in, based on land uses that are similar in size, bulk, and traffic generation. If the applicant does not agree with this interpretation, they may appeal the interpretation to the board of zoning adjustment.

**SECTION 14.08 PLANNED ZONING DISTRICT**

**14.08.01 Applicability**

To be considered for a Planned Zoning District, the applicant shall meet the following criteria:

- A. **Location.** Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of West Fork.
- B. **Size.** There shall be no minimum or maximum tract size for a PZD application.

**14.08.02 Purpose**

The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and development whose purpose is redevelopment, economic development, cultural enrichment, conservation subdivision/development or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The Planning Commission and City Council may consider any of the following factors in review of a Planned Zoning District application:

- A. **Flexibility.** Providing for flexibility in the distribution of land uses, in the lot sizes and standards of development and in other matters typically regulated in zoning districts.
- B. **Compatibility.** Providing for compatibility with the surrounding land uses.
- C. **Harmony.** Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- D. **Variety.** Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- E. **No Negative Impact.** Does not have a negative effect upon the future development of the area;
- F. **Coordination.** Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- G. **Open Space.** Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- H. **Natural Features.** Maximum enhancement and minimal disruption of existing natural features, including streams, slopes, springs, contiguous wooded acreage, and related amenities.

- I. **Future Land Use Plan.** Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
- J. **Special Features.** Better utilization of sites characterized by special features of geographic location, topography, size, or shape.
- K. **Recognized Zoning Consideration.** Whether any other recognized zoning consideration would be violated in this PZD.

**14.08.03 Prohibited Modifications**

Planned Zoning Districts shall not allow the following zoning or development standards to be modified in a way that is less compliant with the following current standards:

- A. Grading, erosion control, and stormwater management/drainage and flood damage prevention requirements.
- B. Public improvement standards as required by the Subdivision Code.
- C. Access management standards.
- D. Sign code requirements.

**14.08.04 Procedures**

A planned zoning district shall follow all procedures for zoning amendments, in addition to the specific requirements contained in this *Section 14.08*. Applicable permitting, development inspections, and infrastructure standards shall all follow those standards as otherwise provided in the City Code.

**14.08.05 Pre-Application Plan and Conference**

A pre-application plan and conference is recommended to provide information to the City of the developer’s intention with respect to the nature and scope of the PZD, and to allow the developer to be informed of the City’s policies concerning development alternatives for the area. The formal application for PZD includes a Rezoning - Planned Zoning District Permit Application. It shall be the responsibility of the applicant to request the pre-application conference from the Enforcement Official.

**14.08.06 Planned Zoning District Development Application and Plan**

**A. General Requirements.**

- (1) *Application.* The PZD request shall be processed with a rezoning application. The PZD may be conditionally approved, subject to City Council approval of the planned zoning district zoning standards.

- (2) *Master development plan.* A master development plan shall be submitted in a manner that appropriately conveys the conceptual plan for the area, while including supplemental sheet(s) as needed to accommodate the additional clarifications as required with the establishment of the PZD.
- (3) *Written description.* The PZD application shall include a written description of the proposed improvements and zoning standards to be utilized on the master development plan, all of which will become a part of the zoning ordinance for the planned zoning district.
- (4) The PZD may include more restrictive development regulations than those which are included in other sections of the code, but standards shall not be established that fall below these minimum standards.

## **B. Master Development Plan Provisions**

Master Development plans shall include the following language, verbatim, on one of the sheets:

- (1) *Authority.* This planned zoning district (PZD) master development plan is authorized by the City of West Fork Zoning Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by the master development plan, as amended and approved by the city council.
- (2) *Adoption.*
  - (a) The adoption of this PZD master development plan shall evidence the findings and decision of the city council that this planned zoning district for (name of development) is in general conformity with the city's future land use plan, master street plan, and other policy documents in force at the time of its adoption.
  - (b) The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this master development plan do not address a particular subject, the relevant provisions of the City's Code, as amended, or any other applicable resolutions or regulations of the City, shall be applicable.
- (3) *Enforcement.* To further the mutual interests of the residents, occupants, and owners of the PZD master development plan and of the public in the preservation and integrity of the plan, the provisions of this plan relating to the use of land, statements of commitments, development and architectural standards, and the location of common open space shall run in favor of the city and shall be enforceable at law or in equity by the city without limitation on any power or regulation otherwise granted by law.
- (4) *Conflict.* Where there is more than one provision within the PZD master development plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern.



- C. **Construction of Community Amenities.** Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD development plan shall be constructed with the first phase of development.

**14.08.07 Modifications to approved Planned Zoning Districts**

- A. **Minor Modifications.** Minor modifications to an approved PZD development plan shall follow the criteria established for the specific development category.
- B. **Major Modifications.** Major modifications to an approved PZD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

## **SECTION 14.09 DESIGN STANDARDS**

Unless otherwise clarified in this section, the following requirements shall apply to all developments involving duplex, triplex, quadplex, and other multi-family developments. Section 14.09 also applies to non-residential development, with *Section 14.09.05 Industrial Development Standards* specifically applying to that type of development. This Section does not apply to single-family house development nor agricultural uses or improvements.

**14.09.01 General Standards.** The following general standards shall apply to all applicable development except for development within Industrial and Agricultural zoning districts.

**A. Utilities Underground.** The following general utility placement standards shall be applied:

- (1) *New service.* In new developments requiring planning commission approval all utility wires, lines, and/or cables in said developments utilized by electric and/or telecommunications companies shall be placed underground. Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service are exempt from this requirement. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.
- (2) *Existing service.* Existing overhead wires may be placed underground at the developer's expense. Each development must be evaluated by electric provider to see if it is feasible and reasonable to place overhead wires underground.

**B. Paving.** All driveways used for vehicle ingress and egress shall be paved in accordance with Street Department standards.

**C. Common Amenities for Certain Residential Development.**

- (1) All residential developments over 40 total units shall provide at least one (1) amenity credit, per items (a), (b), or (c) below.
  - (a) The following amenities are worth one (1) credit, and may be selected to meet this criteria:
    - (i) Pool - sized appropriately. To be approved by the Planning Commission;
    - (ii) Club house or recreation building with community recreation facilities such as gym equipment, yoga studios, or other indoor recreation/wellness amenities;
    - (iii) Private park with at least one piece of children's playground equipment, park benches, and landscaping sized appropriately. To be approved by the Planning Commission;
    - (iv) Splash pad park;

- (b) The following amenities are worth one-half (1/2) credit, such that at least two (2) items will be required to equal one (1) amenity credit:
    - (i) Community garden with accessible hoses and hose bibs for irrigation;
    - (ii) Indoor bike parking facility equipped with areas to lock residents' bikes and within a room accessible to only residents. When this option is utilized, indoor bike parking shall accommodate twice the amount as provided within *Section 14.09.04 Bicycle Parking Requirements*, and only two (2) outdoor bike racks shall satisfy the requirements for outdoor bike parking.
    - (iii) Dog park with appropriate facilities;
    - (iv) Outdoor sports facility. May include a pickleball court, volleyball court, basketball court, tennis court, soccer field, disk golf course, or other facility approved by the Planning Commission;
    - (v) Hiking or biking trails; AND/OR
    - (vi) An alternative amenity or combination of amenities may be requested by the applicant to fulfil this requirement. Any alternative shall be required to be approved by the Planning Commission.
  - (c) All multi-family developments with over 100 total units shall provide at least two (2) amenity credits. All multi-family developments with over 200 units shall provide at least three (3) amenity credits. For every 150 units over 200, an additional amenity credit shall be required.
- (2) These amenities shall be as centrally located as possible and accessible by internal walkways.
  - (3) All amenities shall be maintained by the property owner.

D. **Private or Semi-Private Outdoor Residential Space.** All duplex, triplex, quadplex, and multi-family residential development shall provide at least one (1) usable private or semi-private outdoor space for each unit as provided below in *Table 14.09A*.

<b>Table 14.09A</b>				
<b>Private or Semi-Private Outdoor Residential Space: Size and Dimensions</b>				
<i>Type of Outdoor Space</i>	<i>Minimum Length</i>	<i>Minimum Width</i>	<i>Minimum Height</i>	<i>Minimum Area (in Square Feet)</i>
Patio	6 feet	6 feet	As specified in IBC for habitable overhead height	42
Porch	6 feet	6 feet	Same as above	42
Balcony	5 feet	5 feet	Same as above	30

**14.09.02 Outdoor Mitigation Standards**

The following standards apply to all applicable developments and existing development expansions requiring Site Plan Review review, except for Industrial uses.

**A. Utility and mechanical equipment screening**

- (1) Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow.
  - (a) Adjusting the architectural or landscape profile to screen those elements from view.
  - (b) Placing those elements on service courts or other locations usable by the general public.
  - (c) Integrating those elements into the architecture or landscaping of the site.
- (2) Screening shall be equally effective in the winter and the summer seasons.
- (3) For rooftop equipment, parapet walls or other screening methods approved by Planning Commission, are required along street frontages and bordering residential areas.

- (4) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:
  - (a) The degree of visibility from all adjacent public ways;
  - (b) The architectural compatibility of the design and color of the yards, meters and equipment of the building;
  - (c) Possible visibility from future public ways;
  - (d) Internal overall appearance in relation to the site; and
  - (e) If adjacent to and visible from residential uses, residential zoning categories, or other marginally compatible uses.

**B. Dumpster and Garbage Screening.** All waste, trash and garbage receptacles shall be completely screened by an opaque fence or wall, including an opaque access gate.

- (1) All trash receptacle storage areas shall be screened. If the units are served by individual trash service, the two-family, three-family, or four-family units shall be designed in a manner that provides access to residents to store trash receptacles out of sight.
- (2) The design of the opaque enclosures shall include design/construction measures to assure that the sizing of the enclosure is adequate to accommodate the housing and servicing of the desired refuse container without damaging the enclosure.
- (3) Walls shall be made from the same or similar material as the primary material of the primary structure onsite. Alternatively, if fencing is chosen in lieu of a wall, treated fencing lumber or cedar shall be utilized for the opaque enclosure. When wooden fencing is chosen, the fence shall be maintained regularly in a way that keeps the wood sealed and protected.
- (4) Any damage to the dumpster or refuse area enclosures must be repaired within 30 days.
- (5) All refuse must be contained within the enclosure area.
- (6) Any dumpster or refuse area shall be located no closer than five feet (5') from the fascia of any adjacent structure.

**C. Light and noise.** Any lighting shall be placed and positioned to reflect away from adjacent residential districts. No excessive or unusual noise, odor, or vibration shall be emitted so that it constitutes a nuisance that substantially exceeds the general level of noise, odor, or vibration emitted by uses adjacent to or immediately surrounding the site. Such a comparison shall be made at the property boundary of the site.

**D. Outdoor Storage and Display.**

- (1) Setbacks for Displays - There shall be a setback of twenty feet (20') for permanent open displays of any kind.
- (2) No permanent open display shall be permitted on sidewalks or public rights-of-way.
- (3) Any portion of a property used for storage and display of vehicles or merchandise shall be improved with a dust proof surface such as SB-2 gravel or paved with a sealed surface which shall be maintained in such a manner that dust shall not be produced.
- (4) Automobile, truck, tractor, boat, mobile home, and related sales areas shall not be required to screen fully assembled merchandise ready for sale.
- (5) Yards without buildings or merchandise shall be landscaped with grass or shrubs and shall be maintained in an orderly manner.
- (6) A completely enclosed building shall be provided for service and assembly of vehicles and equipment. Such an activity shall be considered an incidental part of a retail operation.

**14.09.03 Parking Spaces by Use**

A. **Minimum quantities.** There shall be no minimum number of parking spaces required for non-residential uses. New residential uses shall provide parking as provided below in *Table 14.09B*.

<b>Table 14.09B</b>	
<b>Parking Spaces by Use</b>	
<i>Type of Residential Use</i>	<i>Minimum number of vehicular parking spaces required</i>
Residential, Single Family	2 per dwelling unit
Residential, Duplex	1.5 per dwelling unit
Residential, Multi-Family	1 per one-bedroom unit; 1.5 per two-bedroom unit; 2 per three-bedroom and higher units

B. **On-Street Parking.** Each permitted on-street parking space directly adjacent to a project frontage may count toward the parking count required by Table 14.09A. The intent to utilize on-street parking for this purpose shall be clarified in the development application, and approval of on-street parking is subject to approval by the Enforcement Official.

**14.09.04 Bicycle Parking Requirements**

A. **When bicycle parking racks are required.** When new parking is proposed or added to a site, bike racks shall be provided. Bike racks shall be designed to accommodate at least two

(2) bikes each. The following table shall be used to determine the minimum number of bicycle parking racks to provide with such applicable development:

Table 14.09C		
Bike Rack Quantity		
Total bike racks required	Total off-street vehicular parking spaces proposed in a nonresidential development	Total off-street vehicular parking spaces proposed in a multi-family residential development
1	1--20	1--30
2	21--40	31--60
3	41--60	61--90
4	61--80	91--110
5	81--100	110--130
One additional rack per	Each additional 20 spaces above 100	Each additional 20 spaces above 130

**14.09.05 Industrial Development Standards**

A. **Site planning.** This sub-section A, *Site Planning* applies to only new development within Industrial zones.

- (1) *Building placement.* Buildings shall be placed so that they have the least amount of impact on surrounding properties. Buffering, landscaping, and setbacks should be used to enhance compatibility when and industrial use is abutting a commercial use, marginally compatible use, or when abutting a residential use/residential zoning category.
- (2) *Parking placement.* No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street, unless the principal building and/or parking lots are screened from view by outlot development and additional tree plantings or berms. Whenever possible, attempt to link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. Parking lots shall be designed in regular, rectangular shapes. Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties. Access easements shall be shown on the site plan to provide cross access to adjacent properties. The location of this cross access shall be approved by the Planning Official.
- (3) *Pedestrian circulation.* Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances. Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks,

or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

**B. Building design.** The sub-section applies to new buildings and developments within industrial zones .

- (1) *Material.* All industrial buildings shall at a minimum have a decorative wainscot of no less than four feet tall, and entry façade at the main entrance that extends to the roofline. The wainscot and entry façade material shall consist of a combination of brick, textured concrete block, stucco, wood, synthetic stone, or natural stone. The remaining exterior material shall not include masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl, or other similar materials. Building trim shall also be included. TRIM is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement.
- (2) *Color.* The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted. This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing.
- (3) *Compatibility.* All industrial structures shall be designed in a manner compatible with other structures in the surrounding vicinity. The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common development and on all elevations of each building to achieve design harmony and continuity with itself.
- (4) *Scale and bulk.* The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size, and relationship to street width.
- (5) *Wall articulation.* Buildings shall avoid long uninterrupted façade planes and/or blank walls. All industrial buildings with façades greater than 300 feet in length shall incorporate wall plane projections or recesses that are at least two feet deep. Projections/recesses must be at least 25% of the length of the façade. No uninterrupted length of a façade may exceed 300 feet in length.
- (6) *Façades.* All industrial structures shall be architecturally finished on all sides, as detailed in (I)(1) with the same materials, detailing, and features when visible from the public realm or adjacent to residential areas. The degree of visibility from the public realm shall be evaluated using the following criteria:
  - (a) The degree of visibility from all adjacent public ways;



- (b) Possible visibility from future buildings and public ways;
  - (c) Internal overall appearance in relation to the site; and
  - (d) If adjacent to, and visible from, residential uses, residential zoning categories, or other marginally compatible uses.
- (7) *Roofs.* Roof lines and/or parapets shall be varied with a change in height every 300 linear feet in the building length. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by the Planning Commission.
- (8) *Entrances.* Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:
- (a) Canopies or porticos;
  - (b) Overhangs;
  - (c) Recesses/projections;
  - (d) Arcades;
  - (e) Raised corniced parapets over the door;
  - (f) Peaked roof forms;
  - (g) Arches;
  - (h) Architectural detail such as tile work and moldings integrated into the building structure and design;
  - (i) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
  - (j) Other architectural features approved by the Planning Commission.

**C. Utility and mechanical equipment screening.** This division applies to new development and new buildings within industrial zones.

- (1) Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by the Planning Commission are required along street frontages and bordering residential areas.
- (a) Adjusting the architectural or landscape profile to screen those elements from view.
  - (b) Placing those elements on service courts or other locations usable by the general public.
  - (c) Integrating those elements into the architecture or landscaping of the site.

- (2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:
  - (a) The degree of visibility from all adjacent public ways;
  - (b) The architectural compatibility of the design and color of the yards, meters, and equipment of the building;
  - (c) Possible visibility from future buildings and public ways;
  - (d) Internal overall appearance in relation to the site; and
  - (e) If adjacent to and visible from residential uses, residential zoning categories, or other marginally compatible uses.

**14.09.06 Site Design Standards: Non-residential and Multi-Family Residential (over four units) uses.**

**A. Building placement.** This *Subsection A, Building placement* applies to new buildings and building expansions, as more specifically described below.

- (1) New structures shall be placed with as much of the building width at the front of the lot as possible, to maximize front façade exposure to the public. For commercial structures located on corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.
- (2) When building expansions are proposed on lots that are currently regulated by a build-to zone in lieu of a traditional front setback, existing buildings may be expanded in the existing location and are not required to be extended to the build-to line. New primary buildings and reconstruction of a demolished or damaged primary building shall meet any current build-to area requirements, when applicable.
- (3) The front façade shall be kept parallel with the street.

**B. Parking placement.** This *Subsection B, Parking placement* shall only be applied to new developments and redevelopments.

- (1) *Commercial and Institutional uses.*
  - (a) No more than 30% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by outlot development and additional tree plantings or berms.
  - (b) Adjacent parking lots shall be linked, or shared parking areas provided, which

can serve neighboring buildings simultaneously.

- (c) Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties.
- (d) Access easements shall be shown on the site plan to provide cross access to adjacent properties.
  - (i) The location of this cross access shall be approved by the Planning Commission.

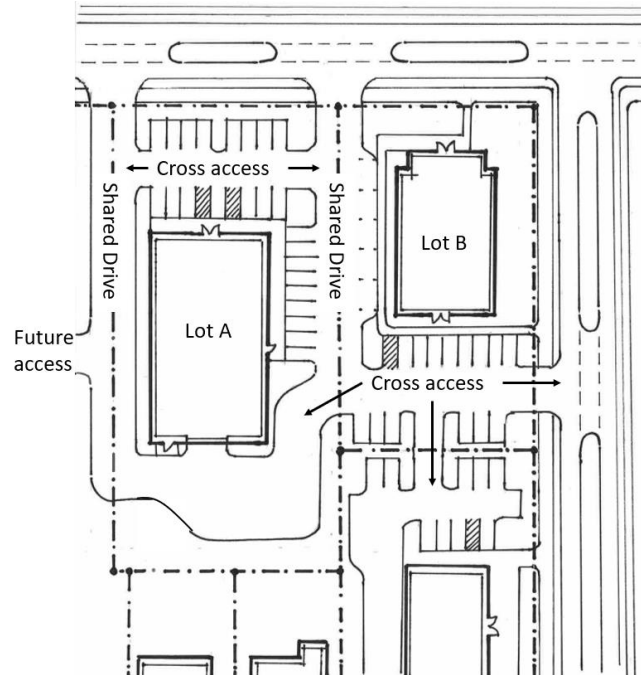
(2) *Multi-family uses (more than four units).*

- (a) Parking is to be primarily interior to the development with the building façade along the street, unless the parking lots are screened from view by additional landscape buffering.
- (b) Parking may be placed along internal access drives, so long as the parking areas are clearly defined by landscaped curb bump outs between buildings, or every ten (10) parking spaces, whichever provides more bump outs.
- (c) Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties.
- (d) Access easements shall be shown on the site plan to provide cross access to adjacent properties.
  - (i) The location of this cross access shall be approved by the Planning Commission.

## Access Required

### Access and Shared Drives

- ❖ Cross Access is required for commercial developments.
- ❖ Access must be in the form of a Legal Access Easement and shown on the Large-Scale Development Plans.
- ❖ Access must be planned for adjacent properties that are undeveloped or under-developed.



### C. Pedestrian circulation.

- (1) Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
- (2) Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries.
- (3) All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
  - (a) Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

### 14.09.07 Building Design: Non-residential and Multi-Family Residential (over four units) uses.

Section 14.09.07 applies to new developments, new buildings, and building expansions when the expansion equals more than 50% of the existing building square footage.

A. **Material.** This subsection below regarding material standards shall only apply to the sides of the building that face the right-of-way:

- (1) The primary material shall constitute at least 75% of the wall area, excluding glass.

- (2) The primary exterior material shall consist of a combination of brick, textured concrete block, stucco, wood, synthetic stone or natural stone. The remaining exterior material shall be considered building trim. Note: Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement.
- (3) No masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim.

#### **B. Compatibility.**

- (1) All commercial and multi-family structures shall be designed in a manner compatible with other structures in the surrounding vicinity.
- (2) The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.

#### **C. Scale and bulk.**

- (1) The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings.
- (2) The scale of the building shall also consider building setback, lot size and relationship to street width.
- (3) Special care, however, shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include:
  - (a) Limiting building size.
  - (b) Creating shadow patterns for depth.
  - (c) Using building articulation to:
    - i. Create a variety of scale relationships.
    - ii. Create the appearance or feeling of a residential scale.
- (4) Constructing buildings that are sympathetic to a structure on an adjoining property.
- (5) Using a design technique or element that:
  - (a) Creates a human scale appropriate for a residential use.

- (b) Prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more substantial than a structure in a single-family residence zoning district.
  - (6) Allowing the construction of a structure, including a multi-family structure, that exhibits a human scale and massing that is appropriate for a residential use.
- D. **Wall articulation.** This subsection below regarding wall articulation shall only apply to the sides of the building that face the right-of-way:
- (1) Buildings shall avoid long uninterrupted façade planes and/or blank walls.
  - (2) All commercial and multi-family buildings with facades greater than 50 feet in length shall incorporate wall plane projections or recess that are at least two feet deep. Projections/recess must be at least 25% of the length of the façade.
  - (3) No uninterrupted length of a façade may exceed 50 feet in length.
- E. **Facades.** This subsection below regarding facades shall only apply to the sides of the building that face the right-of-way:
- (1) All residential and nonresidential structures shall be architecturally finished on all sides with same materials, detailing, and features when visible from the public realm or adjacent residential areas. The degree of visibility from the public realm shall be evaluated using the following criteria:
    - (a) The degree of visibility from all adjacent public ways;
    - (b) Possible visibility from future public ways based on the Master Street Plan;
    - (c) Internal overall appearance in relation to the site; and
    - (d) If adjacent to, and visible from, residential uses, residential zoning categories, or other marginally compatible uses.
- F. **Roofs.**
- (1) Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length.
  - (2) Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
  - (3) Alternative lengths and designs may be acceptable and may be approved by Planning Commission.

## **G. Accessory Buildings**

- (1) Commercial accessory buildings are allowed when there is a need for additional space outside of the main commercial structure for general merchandise storage, storage of materials or products intended to be kept outside, or when additional storage is needed for maintenance equipment or similar equipment or products.
- (2) Accessory buildings shall be compatible with and harmonize with the general character of the buildings within the district. Truck trailers, metal storage containers, or other types of containers that are not buildings will not be considered accessory structures and will not be considered compatible in commercial zones, except when used as temporary storage during construction, a special event(s), or an emergency situation, but in no case shall the use exceed six (6) months.
- (3) Accessory structures shall meet the same building setback as other buildings in the zoning class they are located in and shall be at least 10' from any other existing building on the lot. No accessory building shall be constructed in a way to allow runoff, rainfall, seepage, or any other detrimental condition to negatively affect adjacent properties.

## **H. Entrances**

- (1) Buildings containing dwelling units on the second (2nd) and higher floors above grade shall:
  - (a) Not contain exterior stairwells between the front façade and the right-of-way for units accessed on the second (2nd) or higher floor above grade.
  - (b) Not contain exterior stairwells that are visible from the public right-of-way for units accessed on the third (3rd) or higher floor above grade.
  - (c) Provide internal access to any dwelling units on the third (3rd) and higher floors above grade.
- (2) Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:
  - (a) Canopies or porticos;
  - (b) Overhangs;
  - (c) Recesses/projections;
  - (d) Arcades;
  - (e) Raised corniced parapets over the door;
  - (f) Peaked roof forms;

- (g) Arches;
- (h) Architectural detail such as tile work and moldings integrated into the building structure and design;
- (i) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
- (j) Other architectural features approved by Planning Commission.

**I. Architectural details.**

- (1) All buildings shall be designed to incorporate no less than three (3) of the architectural elements from the list below, in addition to regulations regarding the design of entrances above.
- (2) Buildings over 50,000 square feet shall include a minimum of five (5) of the referenced architectural elements. Buildings over 100,000 square feet shall include a minimum of six (6) of the referenced architectural elements.
  - (a) Canopies, awnings, or porticos;
  - (b) Recesses/projections;
  - (c) Arcades;
  - (d) Peaked roof forms;
  - (e) Arches;
  - (f) Display windows;
  - (g) Accent materials (minimum of 15% of exterior façade);
  - (h) Architectural details (such as tile work and moldings) integrated into the building façade;
  - (i) Articulated cornice line;
  - (j) Articulated ground floor levels or base;
  - (k) Varied roof heights; or
  - (l) Other architectural features approved by Planning Commission.

**14.09.08 Two, Three, and Four Family Units**

**A. Applicability.** The below standards shall be applied to two, three, and four-family buildings proposed on a single lot. When more than one of these building types are contained on a lot such that more than four (4) cumulative units are proposed, the proposal shall alternatively follow the criteria of Section 14.09.05 through 14.09.06, *Site Design Standards and Building Design Standards: Non-residential and Multi-Family Residential (over four units)*.

**B. Site Planning.**

- (1) *Shared driveways or alleys.* If shared driveways or alleys are proposed with any development, they shall comply with the current fire, building, and planning codes. The width of any shared alley or driveway shall be approved by the City Fire Official, and additional width may be required at the Fire Official's discretion. Any shared private



driveways or alley(s) must be maintained by individual owners or a property owners' association.

(2) *For rear or alley-loaded units:*

- (a) Where rear or alley loaded, garage or carport may extend beyond rear façade. Setbacks for ancillary structures shall be five (5) feet from the rear and side property lines. Shared garage or carport structures shall be allowed to have a zero (0) foot setback on the shared side of the structure.
- (b) If the development is designed for rear trash pickup, additional width and structural requirements may be placed on the rear-loaded shared alleys or shared driveways.
  - (i) For two-family buildings with front-loaded driveways, garages, or carports, the driveway shall extend at least 25 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way or obstructing the pedestrian access.
  - (ii) *For three and four-family buildings:* A maximum of two drives per building is allowable. Sharing drives between buildings is encouraged. All parking shall be to the side or rear of the structure. The minimum parking areas required for residential units will not be allowed within the public street ROW unless specifically approved by the Planning Commission.

**C. General building standards:**

- (1) Two-family, three-family, and four-family building facades shall be varied. There shall be a minimum of three (3) alternative building facades before a repeat design may be utilized. In no case shall two identical building facades be placed adjacent to one another. The level of variation in building façade shall be approved by Planning Staff.
- (2) For all units with a garage or carport, the garage or carport shall be placed behind the front building façade. Garages and carports may be attached or detached.
- (3) Each entry, whether combined or individual unit entries, shall be clearly visible on each building.
- (4) Each building façade shall have articulation; no façades containing only one plane shall be accepted.
- (5) Buildings containing dwelling units on the second (2nd) and higher floors above grade shall:
  - (a) Not contain exterior stairwells between the front façade and the right-of-way for units accessed on the second (2nd) or higher floor above grade.

- (b) Not contain exterior stairwells that are visible from the public right-of-way for units accessed on the third (3rd) or higher floor above grade.
- (c) Provide internal access to any dwelling units on the third (3rd) and higher floors above grade.

D. **Exterior building materials:** This subsection below regarding exterior building materials shall only apply to the sides of the building that face the right-of-way:

- (1) The primary material shall constitute at least 75% of the wall area, excluding glass.
- (2) The primary exterior material shall consist of a combination of brick, textured concrete block, stucco, cement-based board or similar masonry product, wood, synthetic stone, or natural stone.
- (3) Alternative materials may be proposed for approval by Planning Staff unless the material is specifically prohibited in this section.
  - (a) Material sample board is required to be submitted when proposing any alternative materials.
  - (b) The Planning Staff have the authority to deny any alternative materials if they are found to be in conflict with the intent of this code.
  - (c) No Masonite, asphaltic exterior wall or roof material, aluminum, or steel siding (other than approved architectural metal or composites), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute the primary exterior materials.

**SECTION 14.10 ADDITIONAL DISTRICT PROVISIONS**

**14.10.01 Campgrounds and RV Parks**

**A. Intent.**

- (1) The intended function of campgrounds and recreational vehicle (RV) parks is to provide short-term sites for RVs, tents and similar accommodations for camping, vacationing, recreation, extended work-related projects, travel or related purposes, and this section is intended to provide minimum standards through which recreational vehicle parks are maintained and developed.
- (2) This section also provides minimum standards related to the use of individual recreational vehicles within the city—all of which are provided for the health, sanitation, general public safety and welfare of the citizens of the city.
- (3) RVs occupied by park managers are specifically recognized as being exempt from this requirement.

**B. Recreational Vehicles (RV) not a dwelling unit.** In no case shall a camper or RV be used as a dwelling unit or for dwelling purposes within the City of West Fork. For the purposes of this section, the following shall apply:

- (1) Recreational vehicles may be used as temporary living quarters for no more than five (5) consecutive days, at any given time; and
- (2) Recreational vehicles may be used as temporary living quarters for no more than ten (10) total days within any 90-day time period.
- (3) For the purposes of this section, consecutive days occur as described in this subsection unless the applicable RV is removed from the property and nearby right-of-way for a period of at least 24 hours.
- (4) This section shall not apply to recreational vehicles properly parked and connected at RV Parks approved by the City of West Fork.

**C. Review Process.** Applications to develop and operate RV Parks shall follow the normal development review process as provided for Site Plan Reviews.

- (1) Development or expansion of an RV Park or the letting of any camping spaces prior to approval is prohibited.
- (2) Occupancy of premises without Certificate of Occupancy is prohibited.

**D. Location of Recreational Vehicle Parks.** RV Parks may be permitted only within the designated zoning districts as provided on the Permitted Use Chart—and are also subject to the additional criteria as provided below.

## E. Park Dimensional Requirements

- (1) *Park Size.* Minimum three (3) acres.
- (2) *Lot Frontage.* 100' Minimum.
- (3) *Campsite area.* No RV or camper campsite shall comprise less than 1,200sf, with a minimum width of twenty feet and a minimum depth of forty feet.
- (4) *Density.* Gross density shall not exceed ten (10) units per acre.

## F. Park Development Standards

- (1) *Utilities Underground.* All public utilities within an RV Park shall be underground.
- (2) *Utilities.* There shall be no permanent electricity/water/sewer hook ups for each site/RV nor in an RV owners' name.
- (3) *Roadways.* Interior park roadways shall be paved and crowned to facilitate drainage away from the traveling lanes. One-way streets shall have a minimum width of eleven (11) feet and two-way streets shall have a minimum width of twenty-four (24) feet, with twenty-six (26) feet at hydrant locations. For the purposes of this specific subsection, the word *paved* includes permeable pavers and permeable pavements, but does not include gravel.
- (4) *Parking.* Each site must contain paved surface parking for one vehicle (10' X 20') plus an improved RV pad (contained/compacted gravel or similar) for RV (10' X 25'). For the purposes of this specific subsection, the word *paved* includes permeable pavers and permeable pavements, but does not include gravel.
- (5) *Parking setback from streets.* No parking shall be permitted along or off the internal access drive in a location that is closer than 50 feet from the point of beginning.
- (6) *Campsite separation.* Campsites shall be laid out so that separation between RV pads shall be not less than twenty (20) feet under any circumstances.
- (7) *ROW Access* – There shall be no direct access to campsites from public ROW.
- (8) *Open Space.* Not less than twenty percent (20%) of the gross site area shall be provided for recreation or open space. Required stormwater mitigation areas may be included to meet this requirement.

- (9) *Buffers.* Buffers apply as follows:
- (a) Along property lines where adjoining property is zoned for residential, there shall be provided a buffer area with a depth of not less than thirty-five (35) feet. This area shall not be used for any purpose other than to serve as a passive buffer between the campground and adjoining residential property.
  - (b) Management headquarters, living quarters, recreational facilities, toilets, dumping stations, showers, coin operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground shall be setback no less than 100 feet from property lines adjacent to residential zoning districts.
  - (c) Additionally, a screening fence shall be provided along such property lines with a height of four (4) feet forward of front yard setback line, and a height of six (6) feet in all other locations. Along property lines where adjoining land is not zoned residential, the minimum buffer area depth shall be ten (10), with no screening fence required.
- (10) *Skirting.* There shall be no removal of wheels or hitches (except as necessary for emergency repair), nor installation of any skirting/underpinning.
- (11) *Utilities.* There shall be no permanent electricity/water/sewer hook ups for each site/RV nor in an RV owners' name.
- (12) *Fire hydrants.* Fire hydrants shall be spaced in accordance with the Arkansas Fire Prevention Code.
- (13) *Site Numbers.* Each space shall be identified by a sign with space identification letters/numbers, measuring a minimum of three inches tall, posted in a conspicuous location on the space.

G. **Refuse Disposal.** Collection, storage and disposition of refuse shall be handled with individual receptacles at campsites, shared dumpsters placed throughout the park, or some combination of the two. Dumpsters must be screened. Garbage containers must have lids. No burning of any refuse shall be permitted in any RV Park. Refuse shall be collected not less than one (1) time per week.

H. **Sewage/Sanitary Disposal Station.** Every RV Park shall provide a sanitary disposal station for the sole purpose of removing and disposing of wastes from RV holding tanks. Design and operation of such stations shall be reviewed and approved by the Arkansas Department of Health. RV Park sewage facilities shall be installed and operated according to the City of West Fork sewer and water standards.

I. **High-risk flood areas.** For the purposes of this section, "high risk of flood areas" are those areas shown as Special Flood Hazard Areas (SFHA) on the effective Flood Insurance Rate Maps (FIRM) produced by the Federal Emergency Management Agency (FEMA), or other

areas documented by the City to have a high risk of flooding. In addition to the overall development obtaining a Floodplain Permit prior to any land alteration or construction, the following regulations shall apply:

- (1) *Campgrounds and RV Parks located within high-risk flood areas.*
  - (a) An emergency action plan shall be submitted to the City detailing the steps that will be taken in a flood emergency to protect the life and safety of its patrons.
  - (b) It shall be the responsibility of the management for the Campground or RV park to monitor the local weather forecast and inform the campground or RV park users anytime that a flood related watch, warning, or advisory notice has been issued by the National Weather Service for the local area. When a flood-related warning or advisory has been issued, the tent and RV pad areas of the campground shall be vacated from the park or to an area outside of the SFHA.
  - (c) Warning signs shall be placed near the entrance to advise campers that the area is within the high-risk flood zone and providing emergency contact information in the case of a flooding event.
- (2) *RVs and campers within high-risk flood areas.*
  - (a) RVs and campers shall be fully licensed and ready for highway use. To meet this requirement, the RV or camper shall be on wheels, attached to the site only by quick disconnect type utilities, and have no permanently attached additions or apparatus.
  - (b) All utility hook ups, connections, and attachments shall be above the Base Flood Elevation (BFE).

## 14.10.02 Self Storage Units

A. **Residential (mini) self-storage units.** The following are prohibited uses of self-storage facilities or areas:

- (1) Storage of flammable or hazardous chemicals, petroleum products, or explosives.
- (2) No retail sales, commercial, wholesale, miscellaneous sales shall take place from individual units or other areas within the area surrounding the individual units with the exception of the commercial frontage or office buildings onsite;
- (3) The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- (4) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment by the renters of the units and/or renters of any outdoor storage space; and
- (5) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

B. No individual storage unit may be used for a residential dwelling, for keeping of animals, or for the purposes of operating a business (except for the purpose of providing storage for a business that is located off-site).

C. Any outside storage including boats, trailers, equipment, vehicles--as well as vehicles/equipment for rental use--shall be screened and shielded from public right-of-way.

D. Self-storage uses located within or adjacent to any district other than I-1 (Light Industrial) or I (Industrial) shall adhere to the following:

- (1) A minimum eight-foot-tall masonry wall or other opaque privacy fence (as approved by the city) on the sides and rear of the property.
- (2) The frontage of the property shall not contain any visible exterior roll up doors. Along with driveways and parking areas, the right-of-way frontage of the property shall consist of one or a mixture of the following structure types:
  - (a) The facility office, manager's residence, retail or other mixed use type buildings (as allowable within the zoning category where the development is located).
  - (b) Storage buildings with facades mimicking standard commercial/office development.
  - (c) Any portion of the right-of-way frontage not containing buildings or entrance gates must be completely screened from the ROW by a six-foot-tall minimum

height masonry wall/decorative fencing facing the street.

- (d) Entrance gates may not be chain link. The gates shall be an opaque material such as wood, decorative metal, or other material. Decorative non-opaque gates such as wrought iron or other similar type gates may be acceptable at the discretion of the Planning Commission.
- (3) All lighting shall not exceed 20 feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

### **14.10.03 Short Term Rentals**

#### **A. Purpose**

- (1) These regulations are intended to provide a balance between the rights of homeowners to operate short-term residential rental units, and the protection of public health, safety and welfare. These provisions also seek to protect the users of short-term rentals.
- (2) The public interests to be protected under this section include the following:
  - (a) Maintaining the quality and character of existing neighborhoods;
  - (b) Controlling the spread of unregulated parking on quiet residential streets;
  - (c) Maintaining life-safety standards for visitors to the City of West Fork;
  - (d) Allowing reasonable use of private residences to generate income; and
  - (e) Providing short-term lodging options for visitors.

#### **B. Regulations**

- (1) Short-term rentals are permitted in all residential units, provided that adequate parking exists, in accordance with the parking standards applicable to the zoning district in which the short-term rental is located.
- (2) All short-term rental units shall obtain a business license, annually, to operate in the City of West Fork.
  - (a) As a requirement for a municipal business license, an applicant for a short-term rental shall include the identification of a Rental Host and a local 'Primary Contact' who will serve as an administrative contact and respond onsite at all times during which the unit(s) are rented, within one (1) hour.
  - (b) As a requirement for a municipal business license, all proposed short-term



rentals must submit a signed affidavit attesting to the placement and working order of all items listed as standards below.

- (3) Short term rentals shall meet the following standards, to be verified via affidavit:
- (a) Working smoke detectors placed in all sleeping rooms and common areas.
  - (b) Working carbon monoxide detector present if there are fuel fired appliances in the unit or if the unit has an attached garage.
  - (c) Five-pound ABC type extinguisher mounted in the kitchen where visible and readily accessible.
  - (d) Any residence being used in whole or part for rental must have the address posted on the street side of the structure with numbers readily visible from the road. If the structure is not readily visible from the public street, then the address must be posted on a placard near the driveway.
  - (e) All sleeping areas must have two options of egress, one of which can be an operable window.
  - (f) Quiet hours shall be enforced as in any residential setting, as provided in *Chapter 7.56, Excessive Noises*.
  - (g) Short-term rental units shall be rented for quiet occupancy only. No Short-Term unit shall be rented for the purpose of providing entertainment, parties, gatherings, or comparable events. Parties, weddings, and other events, which involve more persons than are allowed with the maximum number of occupants shall be prohibited.
  - (h) The maximum number of occupants shall be defined as: Maximum of two (2) people per bedroom, plus an additional two (2) persons, with a maximum of ten (10) people per short-term residential unit regardless of the number of bedrooms.

#### 14.10.04 Outdoor and Mobile Food Vendors

A. **Purpose.** The purpose of this section is to establish reasonable rules and regulations regarding outdoor fixed and mobile food vendors as well as outdoor food vendor courts to allow operation while ensuring such use is compatible with nearby properties, fosters an aesthetically appealing streetscape and does not create a dangerous traffic condition.

B. **Conveyance types.**

- (1) *Outdoor Food Vendors.* Refers to food vendors operating from a parked location for a fixed time.
- (2) *Mobile Food Vendors, non-fixed.* Refers to food vendors operating via travel with periodic stops (ice cream trucks, etc).
- (3) *Outdoor Food vendor courts:* areas involving three (3) or more outdoor food vendor vehicles or operations.

C. **Exemptions.** The provisions of *Section 14.10.04, Outdoor and Mobile Food Vendors*, do not apply to the following:

- (1) Special events authorized or organized by the City of West Fork.
- (2) Private events held on private property not open to the general public.
- (3) Children's lemonade stands.
- (4) Non-profit organizations that prepare and donate or give away food for free.

D. **Prohibitions.** The following conduct is prohibited for outdoor and mobile food vendors.

- (1) Obstruct vehicular traffic flow.
- (2) Obstruct pedestrian circulation or flow.
- (3) Obstruct traffic signals or regulatory signs.
- (4) Violation of City Noise Ordinance.
- (5) Conduct business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create a nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

E. **General Provisions.** All outdoor and mobile food vendors shall abide by the regulations specified below:

- (1) *Business license.* All mobile food vendors shall obtain a business license prior to

operating within the City of West Fork.

- (a) Mobile food vendors parked at a property for no longer than 72 hours shall only be held to Subsections A through F., and do not require additional review.
  - (b) All other mobile food vendors shall be subject to *Section 14.10.04* as further provided below.
- (2) *Waste disposal.* The mobile food vendor has the responsibility to dispose of all waste in accordance with all applicable laws. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles.
- (3) *Utilities.* Above ground utility connections shall not interfere with pedestrian or vehicular safety.
- (4) *Signage.*
- (a) Signage is allowed on mobile food vendor vehicles. Any signage outside the Mobile Food Vendor Vehicle is limited to sandwich board signs.
  - (b) Mobile Food Vendor Courts shall additionally follow sign regulations for the zone in which they are located.
- (5) *Non-transferrable.* The mobile food vendor permit issued shall not be transferable in any manner.
- (6) *ADA compliance.* Mobile food vendors, and the sites upon which they operate, shall comply with the Federal Americans with Disabilities Act (ADA) requirements if the public has access to the interior of any mobile vending unit.
- (7) *Outdoor Food Vendors on City-Owned Property.* The city administration may prescribe additional or alternate stipulations for mobile food vendors that operate in city parks and other city owned properties.
- (8) *Outdoor Food Vendors within high-risk flood areas.* For the purposes of this section, “high risk of flood areas” are those areas shown as Special Flood Hazard Areas (SFHA) on the effective Flood Insurance Rate Maps (FIRM) produced by the Federal Emergency Management Agency (FEMA), or other areas documented by the City to have a high risk of flooding. All outdoor food vendor permits located in areas of high flood risk shall meet the following;
- (a) Food trucks or food trailers shall be fully licensed and ready for highway use, in that the food truck or food trailer is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions or apparatus.
  - (b) No overnight parking, including overnight staging, storing, or sitting of any apparatuses associated with the mobile food vendor permit.

(i) Exceptions:

- a. A Floodplain Development Permit is obtained; or
- b. Vendors setup for no longer than four (4) days.

F. **Business License Requirements.** All business license applications for outdoor or mobile food vendors shall contain the following:

- (1) *Application fee.* Each business license application to conduct an outdoor or mobile food vendor business shall be accompanied by an application and appropriate Business permit fee. Business licenses shall be issued to the owner of the mobile food vendor vehicle.
- (2) *Multiple locations.* Multiple physical locations may be issued under one business license and fee per Mobile Food Unit.
- (3) *State & local permits.* A valid copy of all necessary permits required by state and county health authorities, all of which shall be conspicuously displayed at all times during the operation of the business.
- (4) *City permits.* A valid copy of current, city issued business license, which shall be conspicuously displayed at all times during the operation of the business.
- (5) *Property owner authorization.* If located on private property, written authorization, signed by the property owner or legal representative of record, stating that the prospective mobile food vendor is authorized to operate on the subject property.
- (6) *Site Plan.* For outdoor food vendor courts and any outdoor food vendors that will remain parked on an individual site for more than 72 hours shall include a site plan with the business license application. Individual mobile food vendor applicants that will park no longer than 72 hours at an individual site are exempt from the site plan requirements. Site plans shall provide:
  - (a) **Existing conditions.** The dimensions, location, and size of all existing infrastructure located near the proposed vending location, including location of street edge, sidewalks, access drives, parking spaces, fire hydrants, street and private signage, trees, and any other above grade improvements, including utility infrastructure.
  - (b) **Proposed improvements.** The general location of proposed mobile food vendor vehicle use areas, dining areas, trash receptacles, restroom facilities (can be shared use agreement), and lighting.
  - (c) **Vehicle separation.** The location of a barrier to separate vehicular and customer service areas, including ordering and dining areas. The barrier may be implied or physical and constructed with landscaping elements (including temporary/mobile potted plants or planting areas); gated fencing; changes in ground surface texture, material, or color; or similar treatments. Utilization of existing curbs may also satisfy the barrier requirement.

- (d) **Vehicle parking area.** Location for adequate off-site parking, the surfaces of which shall be asphalt, concrete, or other durable-semi permeable surface, such as SB2 gravel, as approved by the Administrative Official. Single mobile food vendors may utilize only on-street parking, if approved by the Administrative Official and clarified on the Site Plan.

**G. Additional Site Plan criteria for Outdoor Food Vendor Courts.** The following additional provisions apply to site plans for Outdoor Food Vendor Courts:

- (1) *Site Drainage.* Outdoor Food Vendor Courts shall include details on the site plan regarding how the proposed site design will accommodate surface water into appropriate conveyance structures and clarify if any land alteration is needed.
- (2) *Pedestrian Circulation.* Outdoor food vendor courts shall not have continuous curb cuts or exacerbate a dangerous pedestrian condition. New courts may close continuous curb cuts or improve pedestrian conditions with temporary materials subject to approval of the City Planning Commission. Acceptable materials include planters, plinths, benches, pavers, and other furniture. Temporary improvements installed by mobile food vendor courts shall not reduce access for pedestrians with disabilities or otherwise be in non-compliance with the Americans with Disabilities Act (ADA).
- (3) *Sanitation.* Adequate restroom facilities either on-site or through a shared use agreement with a neighboring business shall be provided. Portable toilets, if used, must be screened from view of the public.
- (4) *Site Plan Review applicability.* Outdoor Food Vendor Courts proposing five (5) or more outdoor vendors or vendor spaces shall submit a Site Plan Review application and be subject to those requirements in addition to the Outdoor Food Vendor specific regulations herein.

**H. Mobile Food Vendor, Non-fixed Requirements.** The following apply to mobile food vendors that operate via travel with periodic stops:

- (1) *Equipment requirements and features:*
  - (a) Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
  - (b) Signs stating "WATCH FOR CHILDREN" must be provided on the front and back of the vehicle in at least four (4) inch letters of contrasting colors.
  - (c) Passenger side mirror.
  - (d) Business name, address, and phone number printed in minimum two-inch letters on each side of the vehicle.

- (e) Trash receptacle.
- (2) *Operational requirements.*
- (a) The vehicle shall be lawfully parked or stopped before vending can take place.
  - (b) The vehicle shall not be stopped for vending purposes when no customers are present.
  - (c) Vending shall take place from the right side of the vehicle.
  - (d) Vending shall not occur with a customer standing on the passing side of the vehicle.
  - (e) Vehicles shall not be operated in reverse to accommodate a customer.

**I. Business License Issuance and Administration**

- (1) Subject to the additional standards herein, business licenses for food vendors shall be issued and administered as established in the current business license ordinance for the City of West Fork.
- (2) *Chapter 4.24, Occupational Licenses* provides more detailed information, including provisions for issuance, expiration, renewal, penalties, and revocation of said licenses.

### **14.10.05 Manufactured Homes**

When manufactured home lots and subdivisions are being developed, the following regulations are in addition to the requirements of this ordinance.

#### **A. Definitions:**

- (1) The terms “manufactured home”, and “mobile home” each have a unique definition, as provided in Arkansas Code Annotated §20-25-102, §14-54-1602, or as otherwise defined in Arkansas Law.
- (2) The term “permanent structures” that is used herein shall mean housing built on a concrete slab or permanent foundation that is subject to the provisions of the International Residential Building Code, 1 & 2 Family Dwelling.
- (3) The term “person” as used herein shall mean any individual, corporation, or other governmental or private entity.
- (4) All other words and phrases used herein shall be afforded their usual dictionary meaning for purposes of interpretation and enforcement.

#### **B. Placement of Manufactured and Mobile Homes:**

- (1) A mobile home shall not be placed within the City Limits of West Fork, Arkansas.
- (2) A manufactured home may be placed only within the Agricultural (A) Zoning District as indicated on the Permitted Use Chart and shall be subject to the applicable utility connection, anchoring, or other inspections determined necessary for health, safety, and welfare by the City’s Building Official. However, all inspections performed must be allowable under state and federal law. For any applicable inspections, Manufactured Homeowners shall be subject to the same respective inspection fees, and bond requirements and charges as owners of permanent structures.
- (3) No mobile home or manufactured home may be used as an “Accessory Building.”

#### **C. Certificate of Occupancy Required:**

- (1) When a manufactured home is placed, permanent utility connections are required, and no person may occupy a mobile home or manufactured home until the City Inspector has issued a certificate of occupancy for the structure.
- (2) The manufactured home, when placed at a qualified location in the City, shall be oriented so that the entry to the dwelling faces the street along which the home is located (or addressed if it is situated on a corner lot). The entry shall include a covered front porch or stoop oriented toward the front yard.
- (3) Perimeter foundation enclosure shall be installed on manufactured homes. The perimeter foundation enclosure shall be constructed of the same or like exterior

material covering the home or shall be constructed of rock, brick or concrete.

- (4) Setback requirements applicable to permanent structures in a residential zone shall have equal application to manufactured homes.

**D. Location of Manufactured Homes**

- (1) Not more than one (1) manufactured home may be placed on a lot or parcel of land.
- (2) Manufactured homes may be located on a parcel within an allowable zoning district provided they meet City of West Fork requirements including the following:
  - (a) A person placing a manufactured home at a qualified location in the City shall place the same so that the entry to the dwelling faces the street along which the home is located.
  - (b) Setback requirements applicable to permanent structures in a residential zone shall have equal application to modular and manufactured homes.
  - (c) Unit must have permanent water and sewer/septic connections.
  - (d) All necessary permits must be acquired from the City of West Fork.
  - (e) No occupancy can occur until all applicable inspections have been performed.

**E. Electrical Service.** All electrical service lines to manufactured homes shall comply with applicable local and state electrical codes and ordinances.

**F. Fuel Source.** All manufactured homes shall be supplied with an approved electric or approved fuel source.

**G. Fire Protection.** The manufactured home subdivision and/or individual structures shall be subject to the rules and regulations of existing Federal, State and City Fire Codes.

**H. Manufactured Home Standards.** All manufactured homes shall meet requirements of the Standard Building Code or a Federally mandated construction code.

**I. Non-conforming use replacement.**

- (1) Notwithstanding any other provision, when a nonconforming situation is the result of a mobile home or manufactured home placed on a lot where such structure is nonconforming and that structure is destroyed, demolished, or removed, a new, manufactured home may be replaced on such lot if it is placed within one (1) year of the structure's removal. Mobile homes are prohibited and may not be replaced with a mobile home; however, a mobile home may be replaced with a manufactured home.
- (2) The structure (or structure remains) shall be removed within three (3) months from the destruction or demolition (or other condition which makes the home uninhabitable) of



the structure, or within three (3) months of the structure's release back to the owner in cases of fire, police, insurance, or other ongoing investigations.

- (3) In either case (1) or (2) above, the applicant may request one (1) three-month extension from the Enforcement Official. One (1) additional three-month extension may be requested from the Planning Commission.

#### **14.10.06 Home Occupations**

A. **Permitted.** Home occupations are permitted and may be carried out in a residential structure within a residential district only when in accordance with the following provisions:

- (1) Does not require the use of more than two rooms otherwise normally considered as living space.
- (2) Does not create noise, vibration, glare, or fumes outside the dwelling unit beyond that of a general residential use, and the home occupation may not involve storage of hazardous materials.
- (3) Does not have a sign more than four (4) square feet in area to denote the business, occupation, or profession. Such sign must be attached to the structure.
- (4) Does not involve the display of goods and services nor involve outside storage of equipment or materials.
- (5) Does not involve parking off the driveway, except for typical residential street parking.

#### **14.10.07 Zero Lot Line Development**

A. **Purpose.** The purpose of zero lot line development is to:

- (1) Maximize usable private open space;
- (2) Provide more flexibility with new residential development while assuring that essential considerations are adequately regulated;
- (3) Protect critical areas; and
- (4) Promote the efficient use of land.

B. **Applicability.** When two (2) or more lots are being developed with new single-family or duplex residential construction, the proposed development may utilize *Section 14.10.07, Zero Lot Line Development*.

C. **Requirements.** All zero lot line developments shall comply with the zoning requirements of the subject property, except as otherwise provided below:

- (1) *Building setbacks.*
  - (a) One interior side setback shall be reduced to zero (0'), and the opposite side setback on the lot shall be increased by an amount equal to the side setback reduction on the zero-lot line side. The proposed residential structure shall be constructed *at the side property line* utilizing the zero (0') foot side setback. See *Subsection (2) Contextual application*, for exceptions and additional criteria.
  - (b) Accessory buildings and other structures on the lot shall conform to the building setback specifications as prescribed above but are not required to be placed at the side property line.
- (2) *Contextual application. Zero lot line developments proposed adjacent to existing lots not utilizing the zero-lot line development pattern shall follow the below contextual requirements:*
  - (a) The zero-lot line development shall utilize the zero (0') foot side setback in lieu of the street side setback, as applicable. This shall result in a pattern that provides for the greater side setback to lie adjacent to the existing lots of which are not a part of the development.
  - (b) Zero-lot line developments that do not include a corner or street side lot shall place the residential structure no closer than five (5) feet from the side property line adjacent to lots not utilizing the zero-lot line development pattern, which shall operate as the lesser side setback.
    - (i) The opposite side setback shall be increased by an amount equal to the side setback reduction on the lesser five (5) foot setback side.
    - (ii) This shall result in a pattern that provides for the greater side setback to lie adjacent to the existing lots on the other end of the development and provides the required separation for the maintenance and drainage easements as described in *Subsection (3)*, with the exception that the maintenance and drainage easement shall be located and platted on the subject property.
- (3) *Maintenance and Drainage Easements.* A perpetual easement for maintenance and drainage shall be provided on the lot adjacent to the zero-lot line property line; see exception in *Subsection (2)(b)*. This easement:
  - (a) Shall be a minimum of five (5) feet wide.
  - (b) May contain walls, fences, and other customary yard accessories.
- (4) *Platting Requirements.* Required maintenance and drainage easements shall be depicted, dimensioned, described and recorded:

- (a) On associated preliminary and final plats associated with new subdivisions.
- (b) On surveyed replats as follows: When this section is being utilized on existing platted lots, a replat showing the effected lots shall be submitted for review and approval.
- (c) On a plat document that will run with the land, in any other cases not covered by (a) or (b).

## **SECTION 14.11 CONDITIONAL USES**

### **14.11.01 Purpose**

- A. The uses listed as “C” or “conditional uses” under the various districts herein or on *Appendix B, Schedule of Uses* are so classified because they may more intensely dominate or have a potential for an unfavorable or adverse impact to, the area in which they are located, as compared with other uses permitted in the district.
- B. Special consideration must be given to each conditional use permit application, including the specifics of the proposed use, to determine if a permit should be granted, and if so, to provide for any reasonable conditions to protect the character and integrity of the area in which use is proposed.

### **14.11.02 Application for Conditional Use Permit**

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following:

- A. Name and address of the applicant.
- B. A signed statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.
- C. Address and legal description of the property.
- D. Written statement describing the nature of the request, explaining how the requested use comports with the requirements of this section.
- E. Maps of the property as follows:
  - (1) A vicinity map to scale showing property requesting the Conditional Use Permit clearly outlined in the center of a circle with a radius of one-quarter mile.
  - (2) A paper copy and a digital copy of the plot plan or site layout of the subject property at a regular and legible scale, showing the zoning of adjacent properties, existing and proposed building locations on the subject property, along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.

- (3) Additional paper copies as required by the Enforcement Official.
- (4) Digital copy format to be determined by the Enforcement Official.

F. The application shall be accompanied by the prescribed fee as indicated on the application.

#### **14.11.03 Public Notice and Hearing**

- A. **Public hearing required.** A public hearing shall be held by the Planning Commission for consideration of a conditional use permit.
- B. **Published notice.** Notice of such hearing shall be published by the Enforcement Official at least one time and at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of West Fork. The applicant shall be financially responsible for this publication and bear the cost of such required advertising.
- C. **Posted notice.** The applicant shall post a public hearing sign at least fifteen (15) days prior to the Planning Commission meeting. Proof of notice shall be provided as required by this chapter.
  - (1) Posting of the sign by the prescribed time shall be the responsibility of the applicant.
  - (2) The applicant must use the sign or template provided by the City of West Fork and be financially responsible for the cost of the sign materials.
  - (3) The sign shall be in plain view of and easily readable from the adjacent street(s).

#### **14.11.04 Planning Commission review**

The Planning Commission shall evaluate the proposed use utilizing the following criteria:

- A. The establishment, maintenance, and operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- B. The establishment of the Conditional Use will not adversely impact the orderly growth and development of the area surrounding the location of the proposed Conditional Use and is harmonious with the vision and plans as described and represented in the zoning and planning ordinances, plans and regulations.
- C. The proposed land use is, or through conditions can be made, compatible with other area uses and existing occupants.
- D. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- E. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application and design.

#### **14.11.05 Conditions, requirements, and limitations of Conditional Use**

- A. Planning Staff and the Planning Commission shall pay special attention to the creation of conditions, requirements, and limitations to Conditional Uses; tailored to meet the goals represented by the purpose of the Conditional Use and the criteria for evaluating an application for a Conditional Use.

Such conditions may include limitations on operational hours, dimensions, orientation, and location of facilities as well as other conditions which are imposed to serve the goals of compatibility and harmony with the area surrounding the location of the proposed Conditional Use as well as diminish any potential for adverse impact of the Conditional Use on other area uses and existing occupants.

- B. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.

#### **14.11.06 Revocation of a Conditional Use Permit**

A Conditional Use Permit granted hereunder shall become void, as provided below:

- A. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed, the Enforcement Official may revoke such permit utilizing the below process:
- (1) A 30-day written notice shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked.
  - (2) Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

## **SECTION 14.12 NONCONFORMITIES**

### **14.12.1 Nonconforming Use of Land**

- A. A Nonconforming use of land may not be changed, except to a conforming use.
- B. Nonconforming uses of land are not allowed to increase in intensity, become larger, or occupy a greater area of land than was occupied when it became a nonconforming use.
- C. Nonconforming uses shall be allowed to continue until deemed permanently abandoned.
- D. A Nonconforming use of land which stops for a continuous period of more than twelve (12) months will be deemed permanently abandoned. Any land use thereafter must conform to the requirements and regulation of this Unified Development Code.

### **14.12.2 Nonconforming Use of a Structure**

- A. A Nonconforming use of a structure commenced prior to the adoption of these regulations may be continued, subject to conditions of operation as may be required by the Board of Adjustment to protect the health, safety, and welfare of the community and adjacent properties.
- B. A Nonconforming use of a structure which stops for a continuous period of more than twelve (12) months will be deemed permanently abandoned. Any land use thereafter must conform to the requirements and regulations of this Unified Development Code.
- C. A Nonconforming use of a structure may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of passage of these regulations.
- D. A Nonconforming use of a structure may be changed to a use of similar or lesser intensity, as determined by the Enforcement Official, if no structural changes are necessary.
- E. Once changed to a conforming use, a structure cannot be reverted to a nonconforming use.

### **14.12.3 Nonconforming Structures**

- A. A Nonconforming structure built prior to the adoption of this Code that does not conform to these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, may be continued so long as it remains otherwise lawful.
- B. Should a structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code.
- C. The structure may also be added to provided that the use of the structure is conforming, and so long as the addition does not increase the structure's existing degree of nonconformity or otherwise become less compliant.

#### **14.12.4 District Changes**

Whenever the boundaries of a zoning district or overlay district are changed, so as to transfer an area from one district to another, the foregoing provisions shall also apply to any newly created nonconforming uses or structures therein.

#### **14.12.5 Non-Conforming Lots of Record**

Any legally established lot of record existing before the adoption of this ordinance that does not meet the minimum lot size or lot dimension requirements for the current Zoning District may be utilized for those uses as prescribed by the applicable zoning district, subject to the applicable setback, height, and other applicable standards of the current zoning district.

- A. Applicants desiring additional flexibility with proposed development may consult with the Enforcement Official on the Zoning Variance or Zoning Amendment procedures.

# **SECTION 14.13 LANDSCAPE REGULATIONS**

## **14.13.01 Purpose.**

The purpose of this section is to ensure minimum landscape standards as an integral part of development and to protect the health and welfare of its citizens through the administration of urban canopy and other landscape standards.

## **14.13.02 Applicability.**

The provisions of this section shall apply to all Preliminary Plat, Final Plat, and Site Plan Review applications as administered by the City of West Fork, and as further specified below.

## **14.13.03 General provisions.**

- A. **Sight distances.** Safe sight distances at intersections and points of access must be maintained. No landscaping shall constitute a hazard to traffic, including, but not limited to, landscaping located within the sight triangle of an intersection.
- B. **Maintenance and replacement of landscape:** Landscape improvements associated with the approved landscape or other development plan shall be properly maintained. Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have sixty (60) days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.
- C. **Native plants.** With the intent to best support the local ecosystem and to utilize plants naturally resilient in this area, it is recommended that a minimum of thirty-three percent (33%) of required shrubs shall be native to the region. See **Appendix C, Recommended Plants List** for more clarification on the plants that are classified as regionally native.
- D. **Prohibited plants.** With the intent to minimize the use of invasive plants within the City of West Fork, plants as referenced within **Table D.1 within Appendix C** may not be proposed or planted with projects requiring a Landscape Plan.
- E. **Size and Type of Plant Material.**
  - (1) All plant material shall meet the requirements established by the American Standard for Nursery Stock.
  - (2) Deciduous trees shall have a minimum of 2-inch caliper and evergreen trees shall have a minimum height of five (5) feet at the time of installation, unless otherwise approved by the Mayor or their designee. Deciduous trees chosen from the native plant list may be planted with a minimum 1-inch caliper.



- (3) Shrubs shall be a minimum of three (3) gallons in size. However, use of shrubs chosen from the native plant list may be planted via one (1) gallon pot size.
- F. **Irrigation:** All landscape areas shall be provided with an adequate means of irrigation either through hose bibs within 100 feet of all landscaped areas or an automatic irrigation system. A description of the type of irrigation proposed shall be included with each landscape and/or development plan.
- (1) *Backflow prevention.* To protect the public water supply from the possibility of contamination or pollution from backflow into the water system, all proposed in-ground irrigation systems shall be served by a backflow prevention assembly (BFP). Prior to certificate of occupancy, the BFP shall be inspected and approved by the Public Works Director or their designee.
- G. **Street light accommodation:** Large species trees shall be planted no closer than fifteen (15) feet from pedestrian light poles.
- H. **Minor changes.** Minor changes in the approved landscape plan may be approved by the Enforcement Official. If in their opinion the proposed changes are considered major, the changes must be approved by the Planning Commission.

#### 14.13.04 Landscape Plan standards

- A. **Landscape plan information.** The following information is required on landscape plans:
- (1) Date, scale, north arrow, project name;
  - (2) *Existing vegetation:* Location, general type and quality of existing vegetation, including trees on site over six inches in diameter, except in areas determined by the Enforcement Official to be heavily wooded;
  - (3) Existing water features and approximate centerline of existing water courses.
  - (4) *Grading.* Existing topography and proposed grading.
  - (5) *Preservation.* Existing vegetation to be preserved shall be labeled.
  - (6) *Proposed plants.* Location and labels for all proposed plants.
  - (7) The location and size or dimensions of existing and proposed drive aisles, streets and alleys, parking areas, and other improvements.
  - (8) Existing and proposed structures on the property.
  - (9) Existing and proposed utility, drainage, and access easements; and existing and proposed utilities, including both underground and overhead lines on or adjacent to

the lot.

- (10) *Landscape details.* Plant list with botanical and common names, quantity, spacing, and size of all proposed landscape improvements such as earth berms, walls, fences, buffer areas.
- (11) *Installation details.* Planting and installation details as necessary to ensure conformance with all required standards.
- (12) *Irrigation.* The plans shall indicate the type of irrigation to be used. If hose bibs are proposed, the locations of each shall be depicted on the plan.

#### **14.13.05 Street Trees**

A. **Applicability.** In addition to all Preliminary Plat and Final Plat applications, landscape plans associated with development shall also conform to the requirements of this subsection when any of the following are proposed:

- (1) New structures or development requires a Site Plan Review application; *or*
- (2) Expansion of 50% or more of the existing building square footage occurs on existing buildings under 15,000 square feet; *or*
- (3) Expansion of 20% or more of the existing building square footage occurs on existing buildings sized 15,000 square feet or more; *or*
- (4) Existing parking areas are expanded or paved. In these cases, *Section 14.13.05, Street Trees*, shall only apply to the street frontages adjacent to or most closely aligned with the new or paved parking areas.

#### **B. Residential Lots.**

- (1) *Quantity.* Street trees shall be planted one (1) tree per lot, and lots with multiple frontages shall be planted with one (1) tree per street frontage.
- (2) *Location.* Street trees shall be planted within the right-of-way, as shown on the applicable Master Street Plan designated section.
- (3) *Timing of planting.* Street trees shall be planted after the installation of the sidewalk, and prior to the request for a Certificate of Occupancy inspection. A note shall be provided on the Final Plat containing the language of the previous sentence.

#### **C. All other street frontages.**

- (1) *Local and collector streets:* A minimum of one (1) tree per 30 linear feet shall be planted within the right-of-way, as shown on the applicable Master Street Plan

designated section.

- (2) *Higher classification streets:* A minimum of one (1) tree per 45 linear feet shall be planted within the right-of-way, as shown on the applicable Master Street Plan designated section.
- (3) *Timing of planting:* Street trees shall be planted along with other required development infrastructure and prior to the request for Final Plat, Site Plan, or other development approval.

**D. Street tree planting standards.**

- (1) Street trees shall be 2-inch caliper size.
- (2) Large species shade trees shall be utilized for the street tree planting requirements except where overhead power lines present a conflict. In the presence of overhead power lines, small species trees shall be planted in lieu of large species trees.
- (3) At the request of the developer, the Mayor or their designee may exempt specific areas from required tree planting where the terrain or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
  - (a) Where the finish grade slope in the designated planting area exceeds 30%. This exemption will be administratively considered only for development sites that contained such slopes prior to development.
  - (b) Where bedrock is encountered within 24 inches of finish grade within the designated planting area.
  - (c) Where existing healthy trees that are shown to be preserved within the right-of-way are in such proximity that they would prevent a new tree from establishing a typical canopy when mature.
    - (i) Trees planned for preservation shall be protected throughout development and shall be replaced at the frequency required within this section if and when they die or become poor in health.

**14.13.06 Parking Lot Landscape Standards**

- A. **Applicability.** *Section 14.13.06, Parking Lot Landscape Standards* applies to all new parking lots or the expansion of existing parking lots in any zone other than I-Industrial which results in a total parking area with 30 or more total spaces. In cases of expanded parking lots, *Subsection B, Parking islands or Narrow tree lawn* shall only apply to the *new* parking areas. In cases where existing gravel parking is proposed to be paved with asphalt or concrete, only

*Subsection C, Buffering*, shall apply.

**B. Parking islands or Narrow tree lawn.** Parking lots or developments containing parking lots shall provide deciduous shade trees in the quantity of one (1) tree for every ten (10) parking spaces. Applicants may utilize one (1) of the below methods—or a combination of the two methods—to achieve.

- (1) *Parking islands:* One (1) parking island with one (1) tree shall be provided for every ten (10) parking spaces with this option, with a maximum run of ten (10) parking spaces permitted without a tree island. Islands shall be a minimum of nine (9) feet wide, as long as the parking spaces it separates, and protected by raised curbs to prevent damage to plantings by vehicles. Dimensions are measured from front of curb to front of curb.
- (2) *Narrow tree lawns:* A continuous landscape strip between rows of parking may be provided in place of and/or in conjunction with parking lot islands. The minimum width shall be eight (8) feet (measured front of curb to front of curb), with one (1) tree per every ten (10) parking spaces.
- (3) *Generally:* the following shall apply.
  - (a) When calculating the total number of trees required based on the number of proposed parking spaces, fractions shall be rounded to the nearest whole number.
  - (b) Parking islands and narrow tree lawns shall be planted in groundcover, organic mulch, or perennials; turf grass is not allowed.

**C. Buffering.** Off-street parking areas shall be buffered from adjacent properties and public rights-of-way, as follows:

- (1) A minimum of a five (5) foot-deep green space between the parking area and the public right-of-way(s) and adjacent properties;
- (2) A minimum of five (5) shrubs or perennial grasses shall be planted per twenty-five (25) feet of required linear buffering distance. Exception: intersecting elements such as driveways may break the area requiring buffering.
  - (a) Perennial grasses. Up to 50 percent (50%) of required shrubs may instead be accomplished via required perennial grasses. When perennial grasses are used in lieu of or along with required shrubs, the following shall apply:
    - (i) Each five (5) perennials shall count as one (1) shrub.
    - (ii) Minimum size for plantings shall be four (4) inch pots.

#### D. Exceptions.

- (1) All parking areas used solely for the purpose of providing areas for the display and storage of motor vehicles or equipment for sale, lease, and rental shall be exempt from *Section 14.13.06, Parking Lot Landscape Standards*.
  - (a) However, customer and employee parking and loading areas associated with such activities are not exempt and shall be subject to these parking tree requirements as well as the parking lot buffering requirements.
  - (b) If such property changes uses and is no longer exempt from this Section, the standards shall be enforced at that time.

#### 14.13.07 Detention facility landscape

A. **Applicability and standards.** All development required to install detention ponds shall also be required to submit a landscape plan for approval by the Planning Commission adhering to the following general guidelines. Where stormwater requirements are met with retention, underground detention, or other alternative stormwater management measures as approved by the City Engineer, these developments shall not be required to meet the requirements of Detention Facility Landscaping:

- (1) *Site conditions.* All plant materials chosen must be appropriate for the soils, hydrology, and other site conditions.
- (2) *Plant species.* All plant species shall be selected from either the recommended plant species list (Appendix C) or shall be an approved alternative.
- (3) *Best Management practices.* The landscape plan should be designed using best-management practices to minimize the need for herbicides, pesticides, and soil amendments during the life of the facility.
- (4) *Minimize maintenance.* The design should minimize the need for mowing, pruning, and irrigation.
- (5) *Primary function.* The landscape shall not impede the primary function of the stormwater facility.

B. **Quantity requirements.** The stormwater facility is defined to be equivalent to the area of the detention basin, including the bottom and the side slopes, plus a 5-foot buffer around the detention basin. The developer shall install minimum plant material quantities per 3,000 square feet of the stormwater facility as follows:

- (1) One (1) conifer / evergreen or deciduous tree;

- (2) Four (4) large shrubs or small trees
- (3) Six (6) grass-like plants or shrubs
- (4) Groundcover plants, one (1) per twelve (12) inches on center with triangular spacing, unless seed or sod is specified and installed.
- (5) *Appendix A.* In meeting the above standards, species shall be chosen from *Appendix C, Recommended Plant List: Section C: Stormwater Facility Plants.*
- (6) *Protection of stormwater pond banks.* Required trees, shrubs, and other woody plants may not be proposed or planted on the pond banks or side slopes. These areas shall be planted with perennials, groundcovers, grasses, and other herbaceous plants.

#### **14.13.08 Tree Preservation and Landscape Reduction**

A. **Applicability:** If an applicant is preserving and protecting existing trees on the development site, the existing trees may be used as a credit toward a reduction in the tree and landscape planting requirements, as described below and as approved by the Planning Commission.

B. **Eligible trees:** Trees for which credit is given shall be clearly depicted on the landscape plan and shall be protected from injury throughout construction and protected as a site element after project completion. Tree preservation credits will not be allowed for:

- (1) Trees located within a utility, drainage, or access easement.
- (2) Any dead tree, any tree in poor health, or any tree subjected to material storage, grade alterations, or other disturbance within the drip line of the tree's canopy.
- (3) Invasive tree species as indicated in *Appendix C.*

C. **Submittal requirements:**

- (1) *Grading and Utility Plans, as applicable.* All grading and utility plans associated with the development application shall depict the location of the trees to be preserved as well as the overall limits of disturbance, to ensure the preservation goal can be achieved.
- (2) *Tree preservation data.* Landscape Plans associated with tree preservation credits as provided above shall include the following information in addition to the standard landscape plan requirements:
  - (a) Proposed construction entrance/exit.
  - (b) Proposed limits of disturbance, including any on-site and off-site land.

- (c) Proposed locations for material storage, equipment storage, concrete washout, and vehicle access.
- (d) Surveyed location of existing trees, including depiction of canopy.
- (e) Identification of trees to be preserved, including the location of tree trunks and overall canopy, as well as the species, overall health, and diameter at breast height (DBH) of each individual tree to be preserved.
- (f) Show location of proposed tree protection fencing for trees to be preserved.

**D. Tree protection measures:**

- (1) Before commencing construction activity, the applicant shall construct tree protection fencing along the tree dripline or 10 feet from the trunk, whichever is greater, for all trees planned for preservation. These measures shall be inspected by the City along with any required erosion control measures.
- (2) Trees depicted as preserved shall be protected from construction activity to prevent damage by construction vehicles, materials, debris, spoils or equipment in areas with preserved trees.
- (3) No filling, excavating, land, or soil disturbance shall take place in areas with preserved trees.
- (4) Tree protection measures surrounding the areas with preserved trees shall be maintained throughout the construction process and through requested final inspections. Protection measures shall be removed after receipt of the Certificate of Development Compliance.
- (5) Trees or tree canopy areas damaged during construction will not be eligible for tree preservation credits.

E. **Preservation and Landscape Reduction Chart:** Credits for preserved trees shall be permitted at the following rates:

**Fig. 14.13(A): Preservation and Landscape Reduction Chart**

Diameter of preserved tree (DBH of each individual tree)	Number/Type of Trees Credited
4-7.9 inches	3 large shrubs or small detention trees
8-17.9 inches	6 large shrubs or small detention trees <i>and</i> 1 large detention tree
18-23.99 inches	12 large shrubs or small detention trees <i>and</i> 3 large detention trees
24-29.9 inches	16 large shrubs or small detention trees; <i>and</i> 4 large detention trees; <i>and</i> 1 unbuildable lot or non-residential lot street tree.
30-35.99	<i>and</i> 8 large detention trees; <i>and</i> 3 unbuildable lot or non-residential lot street trees
36+ inches	All required large shrubs or small detention trees; <i>and</i> All required detention trees; <i>and</i> 4 unbuildable lot or non-residential lot street trees



# **SECTION 14.14 OUTDOOR LIGHTING and ILLUMINATION**

**14.14.01 Purpose.** This section is intended to:

- A. Reduce light pollution;
- B. Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- C. Protect drivers and pedestrians from the glare of non-vehicular light sources that can impair safe travel;
- D. Promote efficient and cost-effective lighting;
- E. Allow for flexibility in the style of light fixtures;
- F. Reduce atmospheric light pollution. Minimize urban sky-glow to help protect the scenic view of the night sky.
- G. Provide greater safety for pedestrians on public trails and sidewalks.

**14.14.02 Applicability.** The outdoor lighting regulations apply as follows:

- A. **Development applications.** All developments, expansions, improvements, and changes requiring a Site Plan Review, Small-scale development, or Conditional Use Permit application shall meet the provisions of this chapter.
  - (1) Any existing non-conforming lights or light fixtures on the building and associated property grounds shall be either removed or replaced with fixtures that meet the requirements of Section 15.08.
  - (2) The development application set shall clearly depict and clarify the location of all existing lights and proposed light removals or replacement. After review and approval of the plan set, compliance will be verified prior to issuance of the Certificate of Development Compliance or formal approval letter (Conditional Use applications), as applicable.
- B. **Other:**
  - (1) In the event of a conflict with any other section of this chapter, the more stringent requirement shall apply.
  - (2) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.

**14.14.03 Exemptions.** The following are exempt from the requirements of *Section 14.14*, except where they create a glare or hazard to the public, or as otherwise noted:

- A. Agricultural, single and two (2) family residential uses.
- B. Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than ten (10) minutes after activation.
- C. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Where possible, lighting should be cutoff.
- D. Temporary emergency lighting, used by police, firefighting or medical personnel for as long as the emergency exists.
- E. Routine maintenance, including changing the lamp ballast, starter, photo control, fixture housing, lens and other required components.
- F. Airport lighting provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
- G. Neon lights only as permitted by the sign regulations.
- H. Illuminated signs only as permitted by the sign regulations.
- I. The outdoor illumination of digital signs, specifically excluding billboards, in compliance with the sign code.
- J. Flags. Up-lighting of flags shall have a maximum lumen output of 1,300 lumens with a cone of light directed on the flag itself. Down-lighting of flag poles is encouraged.

**14.14.04 Prohibitions.**

- A. The operation of searchlights for advertising purposes is prohibited.
- B. Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.

**14.14.05 Submittals.** When developments require compliance with this chapter, a lighting plan shall provide evidence of compliance with the requirements of this chapter. At the applicant's discretion, the data listed below in *Section 14.14.05(A)* may be provided concurrently on the Site Plan in lieu of a separate civil sheet, if such can be displayed in a clear manner. The submittal shall contain the following information:

**A. Outdoor Lighting Plan.** A lighting plan is required to be submitted along with development plans, containing the following:

- (1) Plans indicating the location, type, and height of all existing and proposed outdoor

light fixtures including both building and ground mounted fixtures;

- (2) A description of each outdoor light fixture, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
- (3) A Photometric data, such as that as furnished by the manufacturer; and
- (4) Any additional information as may be required by City Staff in order to determine compliance with this chapter.

**14.14.06 General Standards.** The following standards shall apply to all outdoor lighting installed after the effective date of this chapter, unless otherwise exempted in *Section 14.14.03, Exemptions:*

- A. **Compliance.** Neither utility companies nor others may install a non-compliant streetlight within the City of West Fork.
- B. **Cutoff required.** All nonexempt outdoor light fixtures with an initial output greater than or equal to 2,000 lumens shall be full cutoff, as defined by IESNA.
- C. **Installation.** All outdoor light fixtures that have cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
- D. **Shielding.** Beyond the cutoff requirements above, all light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house side shielding to minimize light trespass on residential properties.
- E. Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding, and hooding are shown in example lighting figures, attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.
- F. The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to ensure that the illumination is only pointing downward onto the ground surface.
- G. Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- H. All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
- I. All lighting shall meet the Arkansas Shielded Outdoor Lighting Act.

- J. Luminaires shall have a B.U.G. rating associated for backlight, up light, and glare. The B.U.G. acronym describes the amount of light emitted from a street luminaire's housing.
- K. All lighting shall be within the 2,500K to 5,500K range of color temperatures for uniformity.
- L. All lighting shall be 75-80 CRI minimum on the color rendering index (CRI).
- M. This chapter may be enforced on the basis of a formal complaint submitted to the Planning Department or Code Enforcement Officer.

**N. Sports field and outdoor recreation facility lighting.**

- (1) Shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting.
- (2) Fixtures shall have optics, shields or cut-offs that limit glare and spill of light outside of recreation facilities being illuminated.
- (3) Fixtures shall be aimed so that the beams are directed and fall within the primary playing or performance area, and fixtures shall be mounted such that the cut-off angle is as close to parallel with the ground plane being illuminated as possible to reduce glare.
- (4) Primary field, recreation area or event area lighting shall be Class IV facility lighting or less intense, as defined by IESNA RP-6-01, Section 1.2.
- (5) All such light fixtures shall be turned off one hour after the end of the last event.

**O. Accent lighting**

- (1) *Landscape/facade lights.* Landscape and facade lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way. Down-lighting is encouraged.
- (2) *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 in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
- (3) *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. Pole mounted accent lighting for a building or structure is not permitted.

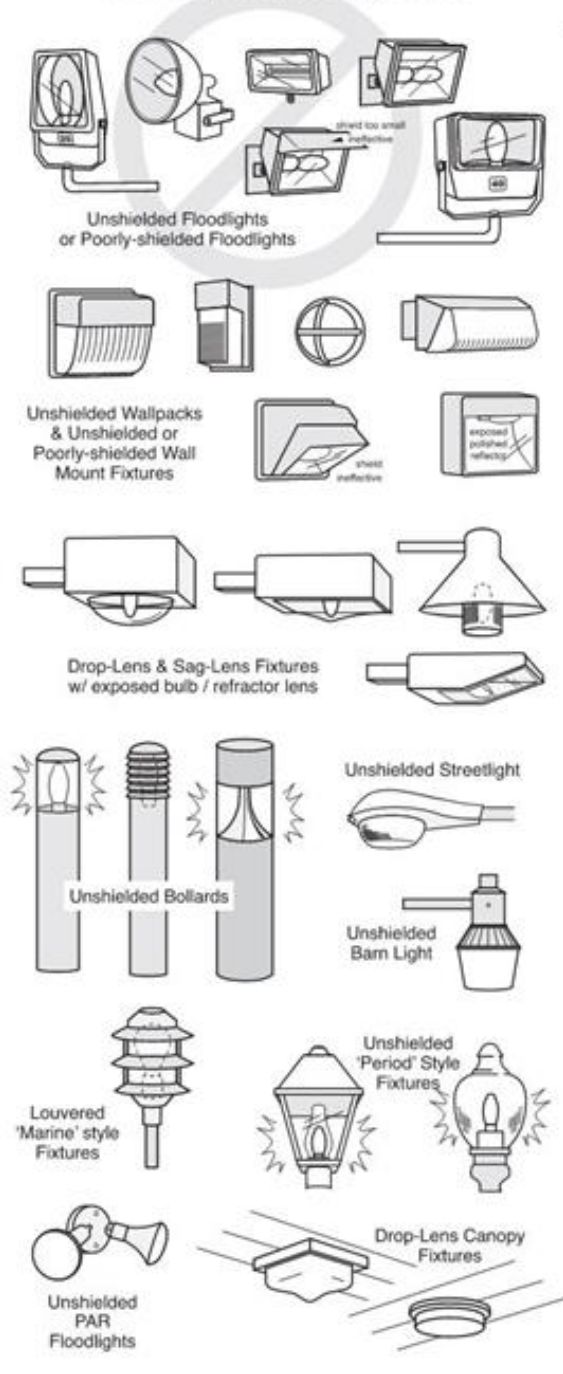
- (4) *Ground mounted accent lighting.* Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from 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 in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.
- (5) *Pedestrian lighting.* 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.* This lighting type shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures if it meets the following requirements:
  - (a) Neon or led lighting shall only be used to accent architectural elements of nonresidential structures.
  - (b) 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.
  - (c) 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.
  - (d) Neon or led used in signs shall be regulated pursuant to the sign ordinance.
  - (e) 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 building's linear façade length.
  - (f) **Festoon Lighting.** Strands of individual, low-intensity, white or yellow decorative lights used to illuminate the outdoor patio space of bars, restaurants, or other commercial occupancies during their normal business hours. Festoon lighting systems shall be designed and operated so that the associated light does not extend beyond the applicable property line.

Fig. 14.14(A): Light Fixture Exhibit A

**Examples of Acceptable & Unacceptable Lighting Fixtures**

**Unacceptable/Not Compliant**

Fixtures that produce glare and light trespass




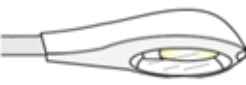














**Acceptable/Compliant**

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



\*GRAPHICS CREATED BY BOB CRELIN. USED WITH PERMISSION.

**Fig. 14.14(B): Light Fixture Exhibit B**

BAD		GOOD			
	→				
Tip : Make sure the fixture is aligned horizontally and choose the intensity of the lamp wisely.					
	→				
Tip : A motion detector is ideal to use the light only when needed.					
	→				
Tip : Choose a light fixture where the lamp is hidden to reduce glare.					
	→				
		Cool-white > 2700 K	Yellow « bug free »	Warm-white < 2700 K	Amber
Tip : Yellow light bulbs are an efficient and cheap way to reduce the negative impacts of light at night.					

\* GRAPHICS CREATED BY BOB CRELIN. USED WITH PERMISSION.

### 14.14.07 Existing and Nonconforming Outdoor Light Fixtures

Lighting installed prior to the effective date of this ordinance shall comply with the following:

- A. **Legal, nonconforming:** All nonconforming outdoor light fixtures for which a building permit has been approved or are lawfully installed and operable on the effective date of this chapter are exempt from all outdoor lighting requirements in this chapter.
- B. **Compliance.** Compliance with this chapter through either removal or replacement of legal nonconforming outdoor light fixtures shall be achieved as applicable per *Section 14.14.02, Applicability.*

## **SECTION 14.15 SIGNS**

### **14.15.01 Definitions**

- A. This Sign Code shall refer to definitions set forth in the West Fork Code of Ordinances except as modified below:
- (1) *Awning Sign.* A sign painted on, printed on, or attached flat against the surface of an awning.
  - (2) *Banner Sign.* Any sign made of fabric, vinyl or any similar non-rigid material typically projecting from or attached to a pole, building, wire, or string.
  - (3) *Billboard.* Any off-site structure or portion thereto upon which are signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display Government Signs.
  - (4) *Canopy Sign.* Any Sign that is mounted, painted, or otherwise applied on or attached to a canopy or structural protective cover over an outdoor area.
  - (5) *Signs placed onsite during a construction project.* Signs that related to a construction project and placed on the construction site. Such signs typically identify the developers, designers, contractors, or other individuals or firms involved with the construction project.
  - (6) *Digital Billboard.* An electronically displayed Billboard that is static or changes messages by any electronic process or remote control.
  - (7) *Digital Sign.* An electronically displayed Sign that is static or changes messages by any electronic process or remote control.
  - (8) *Electric Sign.* Any Sign containing electrical wiring. This does not include Signs illuminated by an exterior floodlight source.
  - (9) *Flashing Sign.* Any illuminated Sign on which the artificial light is not always maintained stationary or constant in intensity and color when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, shall be considered a Flashing Sign.
  - (10) *Freestanding sign.* A sign supported permanently upon the ground by poles or braces and not attached to any building. Post, pylon, and monument signs fall within the broader category of freestanding signs but are more specifically regulated herein.
  - (11) *Signs erected for governmental or genuine traffic management purposes.* Signs that are constructed, placed or maintained by the federal, state or local government, or by a contractor thereof.
  - (12) *Illuminated Sign.* A sign with an artificial light source incorporated internally or



- externally for the purpose of illuminating the sign.
- (13) *Incidental sign.* Small signs measuring no more than 2ft by 3ft and typically used near driveways for wayfinding or directional purposes.
  - (14) *Integral Sign.* A Sign that is embedded into the material of a building.
  - (15) *Monument Sign.* A free-standing and permanently affixed Sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure. A Monument Sign may incorporate a single or multiple licensed business listing.
  - (16) *Portable Sign.* Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.
  - (17) *Post Sign.* A permanently affixed Sign which is wholly independent of a building for support where the primary support is supplied by two or more posts or poles.
  - (18) *Projecting Sign.* A Sign, other than a wall 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.
  - (19) *Pylon sign (or pole sign).* A Sign erected and maintained on a freestanding frame, mast or pole not attached to any building, such that the sign face is eight (8) feet or more above grade.
  - (20) *Sign used for real estate purposes.* Temporary signage used by property owners or real estate professionals during the time in which real estate is or will be for sale or lease, and during the time immediately following the sale or lease of real estate.
  - (21) *Roof Sign.* A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.
  - (22) *Sandwich Board Sign.* A moveable Sign not secured or attached to the ground or surface upon which it is located.
  - (23) *Sign.* Any device used for visual communication intended to attract the attention of the public and visible to the public right-of-way. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a Sign or Sign face shall be considered a sign.
  - (24) *Sign Area:* The space enclosed within the extreme edges of the Sign on each Sign Face, not including the supporting structure or where attached directly to a building wall or surface; the space within the outline enclosing all the characters of the words, numbers or design.

- (a) If the sign lettering and/or logo is not enclosed or framed in any way, then the area of the letters and/or logo themselves may be considered the sign area.
- (25) *Sign Face*: The entire display surface area of a Sign upon, against or through which copy is placed or reflected.
- (26) *Shingle Sign*. A small Projecting Sign that hangs from a bracket or support and is located over or near a building entrance.
- (27) *Subdivision Sign*. 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 the entry to or name of an entire development.
- (28) *Temporary Sign*. A sign not constructed or intended for long-term use, and administered as provided in *Section 14.15.03, Signs Authorized in Every District*.
- (29) *Vehicle Sign*. Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs. Magnetic signs are allowed.
- (30) *Wall Sign*. Means any attached Sign other than a Projecting Sign or a Banner Sign, 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. An Integral Sign shall be considered a Wall Sign.
- (31) *Window Sign*. An attached Sign which 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.
- (32) *Windblown Signs*. A fluttering, spinning, windblown or inflatable device, including pennants, streamers and propeller discs.

### 14.15.02 Prohibited Signs

A. **Compliance.** Signs are prohibited in all Zoning Districts unless:

- (1) Constructed pursuant to a valid building permit when required by this Code; and
- (2) Authorized under this Code.

B. **Commercial Signs in Residential Zones.** Commercial Signs are prohibited in exclusively single-family residential zones or on property used for non-transient residential uses, except for those properties on which a home occupation or a transient residential use has been approved by the City of West Fork.

C. **Prohibited Signs.** The following Signs shall be prohibited in the City of West Fork:

- (1) Billboards and Digital Billboards;
- (2) Signs located on a lot or parcel in which no addressed building is present.
- (3) Signs with fluctuating illumination, including any sign that flashes, blinks, or fluctuates in light intensity or is animated;
- (4) Signs which revolve, rotate or moving in whole or in part;
- (5) Windblown Signs, except flags as described as provided herein;
- (6) Signs that constitute a traffic hazard are prohibited, and no Sign or other advertising shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision;
- (7) Roof Signs;
- (8) Search lights;
- (9) Signs on or affixed to trees or utility poles, except that Signs may be placed on utility poles for utility identification purposes by the proper utility;
- (10) Reflective or mirrored signs; and
- (11) Signs placed or affixed within public right of ways or encroach upon a public right-of-way, except for Government Signs and that Wall Signs, Awning Signs, Canopy Signs, Projecting Signs, Shingle Signs and Sandwich Board Signs may encroach as provided herein.
- (12) It shall be unlawful to use a parked vehicle or trailer as a sign in circumvention or violation of any part of this Code (regular vehicle wrapping on licensed and registered vehicles is allowed).

### 14.15.03 – Signs Authorized in Every District

The following provisions sets forth Signs that are authorized in every District and exempt from the permit process.

- A. **Temporary signs.** Temporary signs may be placed and maintained for up to thirty (30) days in any district and not require a permit when the cumulative sign faces do not exceed sixteen (16) square feet in size. The following exceptions and allowances also apply:
- (1) *Temporary signs during elections.* Allowed on private property so long as they are maintained completely out of the right-of-way and do not meet the size or definition of a billboard.
  - (2) *Temporary Signage utilized for real estate purposes.* Up to two (2) temporary signs may be located on a property not to exceed six (6) square feet for residential zoned properties and 40 square feet for properties in all other zoning districts and removed within 10 days of sale, lease, or rental.
  - (3) *Temporary signage utilized when a property under construction:* Non-illuminated signs, no more than forty-eight (48) square feet in area in strictly residential zones and no more than sixty-four (64) square feet in area in all other zones. Shall be removed within thirty (30) days following completion of construction.
  - (4) *Signs on a property at the time of a garage sale, yard sale, estate sale or auction.* Allowed on private property up to seven (7) days prior to the scheduled event and no longer than two (2) days after the scheduled event.
- B. **Required postings** by state or federal law, public signs or notices, or any sign relating to an emergency. Such as safety signs, danger signs, traffic signs, and official logo signs erected along state and federal highways.
- C. **Markers located on designated historic sites:** historical markers as recognized by local, state, or federal authorities.
- D. **Signs of two (2) square feet or less**, non-illuminated, attached to building or structure, or supported by a post and arm structure, 1 per occupancy.
- E. **Window signs, Incidental signs, and Sandwich board signs.**
- F. **Signs Not in View.** Signs which are not exposed to view from a public right-of-way, park, or other public place shall not be regulated by this Code.
- G. **Inflatable signs** less than ten (10) feet high, by ten (10) feet wide, ten (10) feet deep, or one-thousand (1000) cubic feet. Larger inflatable signs require a permit and are allowed for a special event one time per year for a maximum of 30 days.
- H. **Sign face changes** not requiring any change to the structure of a sign.

#### 14.15.04 - Permit Required

A. **In General.** A sign permit is required prior to the display and erection of any sign except as provided in *Section 14.15.03*.

B. **Application procedures.**

- (1) *Application.* An application for a Sign permit must be filed with the Administrative Official or designee on forms furnished by City. The applicant must provide sufficient information to determine if the proposed Sign is allowed under this Code and other applicable laws, regulations, and ordinances. An application for a Temporary Sign must state the dates intended for the erection and removal of the Sign. An application for any Sign must state the date when the owner intends to erect it.
- (2) *Permit fee.* A nonrefundable fee as set forth in the fee schedule adopted by the City must accompany all Sign permit applications.
- (3) *Review by Administrative Official.* The Administrative Official or designee must promptly process the Sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within ten (10) days after receipt. Any application that complies with all provisions of this Code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (4) *Rejection of Application.* If the Sign permit application is rejected, the Administrative Official shall provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this Code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (5) *Duration and revocation of permit.* If a Sign is not installed and a use permit issued within six (6) months following the issuance of a Sign permit (or within thirty (30) days in the case of a Temporary Sign permit), the permit shall be void. The permit for a Temporary Sign must state its duration, not to exceed thirty (30) days unless another time is provided in this code or the zoning ordinance. The City may revoke a Sign permit under any of the following circumstances and at any time:
  - (a) **Misleading.** The City determines that information in the application was materially false or misleading;
  - (b) **Conformity to Application.** The installation does not conform to the Sign permit application;
  - (c) **Violation of Code.** The Sign violates this Code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
  - (d) **Maintenance and Abandonment.** The Administrative Official determines that the Sign is not being properly maintained or has been abandoned.

C. **Appeals.** All decision and interpretations of the Code Officer under this Code shall be considered final administrative actions for the purpose of appeals set forth in the West Fork Municipal Code.

**14.15.05 - Sign Regulations by District**

A. The following Signs shall be permitted to the zoning districts as indicated below. Specific requirements for each Sign are shown on the following pages. All of the following Sign types require a Sign permit.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Awning</i>	--	--	--	--	A	A	A	A	A	A	A	A	A
<i>Canopy</i>	--	--	--	--	A	A	A	A	A	A	A	A	A
<i>Digital</i>	--	--	--	--	--	--	--	--	--	A	A	A	A
<i>Monument</i>	A	A	--	--	A	A	A	A	A	A	A	A	A
<i>Post</i>	A	A	--	--	--	--	--	--	A	A	A	A	A
<i>Projecting</i>	--	--	--	--	--	--	A	A	A	A	A	A	A
<i>Pylon</i>	--	--	--	--	--	--	--	--	--	--	--	--	A
<i>Sandwich Board</i>	--	--	--	--	A	A	A	A	A	A	A	A	A
<i>Shingle</i>	--	--	--	--	A	A	A	A	A	A	A	A	A
<i>Subdivision</i>	A	A	A	A	A	A	A	A	--	A	A	A	A
<i>Wall</i>	A	A	--	--	--	A	A	A	A	A	A	A	A
<i>Wall-Painted</i>	A	A	--	--	A	A	A	A	A	A	A	A	A
<i>Window</i>	A	A	--	--	A	A	A	A	A	A	A	A	A

-- = *Not Allowed*  
 A = *Allowed*

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 Zoning Districts.

(1) **Awning Sign.**



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"> <li>• Width (max) – no greater than 75% of the width or depth of the awning.</li> <li>• Area (max) –no greater than 50% of the area of the awning.</li> </ul>
Regulations	Number of Signs
<ul style="list-style-type: none"> <li>• Shall not extend beyond the awning itself.</li> <li>• Only awnings over ground story windows may contain a Sign.</li> </ul>	<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, 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.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
Awning	--	--	--	--	A	A	A	A	A	A	A	A	A

(2) **Canopy Sign.**



Photo Credit: wikimedia.org



Description	Sign Dimensions
-------------	-----------------

Any Sign that is mounted, painted, or otherwise applied on or attached to an architectural canopy or structural protective cover over an outdoor area.

- Width – no greater than 75% of the width or depth of the canopy
- Height of text or graphics on the canopy – 3' maximum
- Sign Area (max) –24 SF
- Sidewalk/driving surface clearance (min) – 10'

Regulations	Number of Signs
-------------	-----------------

- For canopies attached to a building:
- 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 canopy over ground story windows may contain a Sign.

- For canopies attached to a building:
- 1 Canopy Sign permitted per each customer entrance. The Canopy Sign can be placed on either the front or side valance.

- For free-standing canopy:
- 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.

- For free-standing canopy:
- 1 sign allowed per canopy side

**Total Sign Area Allocation:**

**For awnings attached to a building:**

The combined square footage of Awning, Canopy, 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.

**For free-standing canopy:**

No more than 24 sq ft per side of canopy signage allowed per free-standing canopy.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Canopy</i>	--	--	--	--	A	A	A	A	A	A	A	A	A



(3) **Digital Signs.**



Description	Sign Height, Dimensions and Number of Signs
-------------	---

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>An electronically displayed Sign that is static or changes messages by any electronic process or remote control. Permanently affixed Sign which is wholly independent of a building for support. May only be a part of a monument sign type. A Digital Sign shall only be used in conjunction with another non- digital signage type.</li> </ul> | <ul style="list-style-type: none"> <li>Sign Face Area and Height- the Digital Sign shall be no greater than 60% (sixty percent) of the size of the accompanying non-digital signage. Reference the individual sign area restrictions for the signage type with which the digital sign will be paired.                             <ul style="list-style-type: none"> <li>Only 1 (one) digital sign is allowed per street frontage of each lot.</li> <li>Total Structure Height (max) – eight (8) feet in height or less</li> </ul> </li> </ul> |
|---|--|

Regulations	Regulations (cont.)
-------------	---------------------

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>Allowed only within 50 (fifty) linear feet (to the east or west) of the HWY 71 R.O.W.</li> <li>Must have highway frontage</li> <li>No sign message shall be displayed for a period of time less than twenty (20) seconds.</li> <li>No sign shall display animated or video messages, including flashing, blinking, fading, rolling, shading dissolving, exploding, or any other effect that gives the appearance of movement.</li> <li>No sign shall include any audio message</li> </ul> | <ul style="list-style-type: none"> <li>Transition from one message to another message shall appear instantaneous as perceived by the human eye.</li> <li>Signs shall utilize automatic dimming technology to adjust the brightness of the sign relative to ambient light so that at no time shall a sign exceed a brightness level of three tenths (0.3) foot candles above ambient light, as measured using a foot candle (Lux) meter.</li> <li>All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.</li> </ul> |
|--|--|

	A-1	RE	R	R-1	MU-N1	MU-N2	RM-F	RM-F-1	TC	MU-C	L-I	I	IC
<i>Digital</i>	--	--	--	--	--	--	--	--	--	A	A	A	A

(4) **Monument Sign.**



Description	Sign Dimensions
-------------	-----------------

A free-standing and permanently affixed Sign that is supported by a solid base (other than poles) and such that no air space is visible within or between any portion of the sign display area and sign structure.

- Sign Area (max per Sign)
- 1 tenant - 48 SF
  - 2 to 3 tenants - 72 SF
  - 4 to 5 tenants - 84 SF
  - 6 or more tenants - 100 SF
- Height (max) - 8'

Regulations	Number of Signs
-------------	-----------------

- Must be set back at least 10 feet from the side lot line.

- Only one Monument, Double Post or Freestanding Sign Structure is allowed per street frontage.
- Where more than one Monument, Double Post or Freestanding Sign Structure is allowed on the same property, must be a minimum of 500 feet apart.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Monument</i>	A	A	--	--	A	A	A	A	A	A	A	A	A

(5) **Post Sign.**



Description	Sign Dimensions
-------------	-----------------

A permanently affixed Sign which is wholly independent of a building for support where the primary support is supplied by *two or more* posts.

- Sign Area (max):
  - 48 SF
- Height (max) :
  - 8'

Regulations	Number of Signs
-------------	-----------------

- Must be set back at least 5 feet from the side lot line.
- Must be located on a site that contains a structure.

- Only 1 (one) Post Sign Structure (or Monument or Pylon Sign) is allowed per street frontage.
- Where more than one Monument Sign or Pylon Sign is allowed on the same property, must be a minimum of 500 feet apart.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Post</i>	A	A	--	--	--	--	--	--	A	A	A	A	A

(6) **Projecting Sign.**



Photo Credit: Elliott Brown, Wikimedia Commons

Description	Sign Dimensions
-------------	-----------------

A Sign, other than a wall 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.

- Height (max): 4' (mounted below 2<sup>nd</sup> floor)
- Spacing from building façade (max) - 4'
- Projection width (max) - 6'
- Depth or thickness (max) - 1'
- Clear height above sidewalk (min) - 10'
- Area (max): 24 square feet per side

Regulations	Number of Signs
-------------	-----------------

- 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.

A Maximum of one Projecting Sign or Shingle Sign for each individual building or for each public/private street or parking area frontage side of an individual building.

**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.

	A-1	RE	R	R-1	MU- M1	MU- M2	RM A	RM A	TC	MU-C	L-I	I	IC
<i>Projecting</i>	--	--	--	--	--	--	A	A	A	A	A	A	A

(7) **Pylon Sign.**



	A-1	RE	R	R-1	MU-N1	MU-N2	RM-F	RM-F-1	TC	MU-C	L-I	I	IC
<i>Pylon</i>	--	--	--	--	--	--	--	--	--	--	--	--	A

Description	Sign Dimensions
-------------	-----------------

A Sign erected and maintained on a freestanding frame, mast or pole and not attached to any building.

- Sign Area (max) - 100 SF
- Total Structure Height (max) –30 feet above the adjacent pavement elevation of I-49 and as further described in *Sec. 14.06.16, Scenic Highway Overlay District.*

Regulations	Number of Signs
-------------	-----------------

- Pylon signs are only permitted along and within 200’ of the I-49 right-of-way, as provided within *Section 14.06.16, Scenic Highway Overlay District.*
- Single Tenancy use only.
- May not be located on a lot or parcel in which no addressed building is present.
- Must be setback from side property lines no less than as required by the side building setback line.

- Only 1 Pylon Sign Structure is allowed per street frontage of each lot.
- Where more than one Pylon Sign Structure is allowed on the same property, pylon signs shall be a minimum of 500 feet apart.
- Placement of the sign within the lot may be evaluated by the enforcement official to achieve appropriate spacing of signage between adjoining lots

(8) **Sandwich Board Sign.**



Description	Sign Dimensions
-------------	-----------------

A moveable Sign not secured or attached to the ground or surface upon which it is located.

- Sign Area (max) – 7.5 SF
- Sign height (max) – 3'
- Sign width (max) – 2.5

Regulations	Number of Signs
-------------	-----------------

- 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.

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.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Sandwich Board</i>	--	--	--	--	A	A	A	A	A	A	A	A	A

(9) **Shingle Sign.**



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"> <li>• Sign Area (max) – 9 square feet</li> <li>• Height (max) – 3’</li> <li>• Spacing from building façade or bracket (max) – 2’</li> <li>• Projection width (max) – 3’</li> <li>• Depth (max) – 6”</li> <li>• Clear height above sidewalk (min) – 10’</li> </ul>
Regulations	Number of Signs
<ul style="list-style-type: none"> <li>• Must be located below the windowsill of the second story on a multi-story building or below the roof line of a single-story building.</li> <li>• May not be illuminated.</li> </ul>	<p>No more than one (1) Projecting Sign or Shingle Sign may be permitted for each individual building or each tenant of an individual building.</p>

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Shingle</i>	--	--	--	--	A	A	A	A	A	A	A	A	A

(10) **Subdivision Sign.**



Description	Sign Dimensions
-------------	-----------------

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 the entry to or name of an entire development.

- Sign Area (max) – 48 SF (sign face)
- Height (max) – 8’ (sign face)

Regulations	Number of Signs
-------------	-----------------

- 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.

One subdivision sign is allowed per entrance.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Subdivision</i>	A	A	A	A	A	A	A	A	--	A	A	A	A



(11) **Wall Sign.**



Photo Credit: Mike Mozart, Jeepers Media

Description	Sign Dimensions
-------------	-----------------

Means any attached Sign other than a Projecting Sign or a Banner Sign, which is permanently attached to and projects from the plane of a wall less than twelve (12) inches.

- Sign Area – a maximum of 15% of the square footage of the building’s wall area facing a public/private street, drive, or parking area.

Regulations	Number of Signs
-------------	-----------------

- Must not extend above the roof line or above a parapet wall of a building with a flat roof.

While there is no set restriction on the maximum number of signs allowed, multitenancy buildings must consider that the percentage of wall area must be divided between multiple tenants (if a building has multi-tenancy occupancy).

In no event shall the Sign Area for available frontage used by multiple tenants exceed the maximum Sign Area set forth in this section.

**Total Sign Area Allocation:**

The combined square footage of Awning, Canopy, 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 per wall.

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Wall</i>	A	A	--	--	--	A	A	A	A	A	A	A	A

(12) **Wall—Painted.**



Photo Credit: Max Pixel

Description	Sign Dimensions
-------------	-----------------

- |  |  |
|--|--|
| <p>Means any painted wall on any wall of any building.</p> | <ul style="list-style-type: none"> <li>Painted signs may be sized up to 100% of the square footage of the exterior wall area.</li> </ul> |
|--|--|

Regulations	Number of Signs
-------------	-----------------

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Must not extend above the roof line or above a parapet wall of a building with a flat roof.</li> </ul> | <ul style="list-style-type: none"> <li>N/A</li> </ul> |
|---|---|

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Wall-Painted</i>	A	A	--	--	A	A	A	A	A	A	A	A	A

(13) **Window Sign.**



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"> <li>• N/A</li> </ul>
--	---

Regulations	Number of Signs
-------------	-----------------

<ul style="list-style-type: none"> <li>• No Permit Required.</li> <li>• Limited to window area.</li> </ul>	<p>No restrictions</p>
--	------------------------

	A-1	RE	R	R-1	MU-N1	MU-N2	RM F	RM F-1	TC	MU-C	L-I	I	IC
<i>Window</i>	A	A	--	--	A	A	A	A	A	A	A	A	A

#### **14.15.06 – Regulations for Overlay Districts.**

Sign regulations enacted for Overlay Districts within the City shall supersede this Code to the extent that such regulations conflict.

#### **14.15.07 Illumination.**

No Sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

- A. **Limitations.** Illumination is restricted to incandescent or LED light bulbs rated at one hundred and fifty (150) watts, or an amount not to exceed two thousand seven hundred (2,700) lumens. Illumination shall also not exceed that of 4,000 Kelvins.
- B. **Internal Illumination.** Internally illuminated Signs must be lit from a concealed source. No exposed lamps or tubes shall be permitted. The minimum depth for illuminated signs shall be four (4) inches. Illuminated signs may be set out from the mounting surface in order to create a silhouette effect.
- C. **External Illumination.** Signs may be externally illuminated as provided herein, but external illuminated must direct light at the Sign only and avoid spill-over of light.

#### **14.15.08 Changeable Copy Signs.**

Manual and electronic changeable copy on Monument Signs shall be permitted provided that the manual or changeable copy does not exceed 40% of the Sign Area and the copy rotation may not exceed three (3) times per day.

#### **14.15.09 Procedures.**

Applications for a Sign permit must be processed through the Enforcement Official or their designee.

#### **14.15.10 Nonconformity and Modification.**

- A. A nonconforming sign cannot be replaced by another nonconforming sign, including face material, except that the substitution or interchange of poster panels or painted boards on a nonconforming sign is permitted.
- B. All nonconforming Signs must be maintained in a safe manner and in good repair.
- C. Minor repairs and maintenance of nonconforming signs is permitted. However, no structural repairs, structural changes or changes in the size, shape or technology currently being used on the sign is permitted except to bring the sign out of its nonconforming condition and into compliance with the requirements of this code.
- D. Nonconforming signs may stay in place until one of the following conditions occurs:

- (1) The business advertised ceases at that location, except that the substitution or interchange of poster panels or painted boards is permitted;
- (2) The deterioration of the sign makes it a hazard; or
- (3) The sign has damage exceeding 50% of its replacement cost.

#### **14.15.11 - Compliance.**

Any non-conforming Sign which is altered, relocated, or replaced in a manner not complying with this code must be brought immediately into compliance with all provisions of this Code.

#### **14.15.12 - Generally**

##### **A. Substitution Clause.**

- (1) These regulations are not intended to regulate the message or content of non-commercial signs or temporary signs. A sign with a non-commercial message may substitute a sign with a commercial message, provided it meets all requirements of this code.

##### **B. Enforcement.**

- (1) Except as otherwise provided herein, these regulations shall be enforced by the Enforcement Official appointed or designated by the Mayor.
- (2) It shall be a violation of these regulations for any person to erect, alter, move or improve any Sign until an appropriate Sign permit has been obtained under these Regulations.
- (3) The Enforcement Official may remove Temporary Signs that are in violation of these regulations, including but not limited to signs which have been improperly placed in the city right-of-way.
- (4) If the Enforcement Official or designee shall find that any Sign is unsafe or insecure, is abandoned or maintained in a dilapidated condition or has been constructed or is being maintained in violation of the provisions of the regulations or any other ordinance of the City of West Fork, they shall give written notice of the violation or problem to the sign permittee or owner of the property on which the sign is located.
  - (a) The notice shall require removal of the Sign and/or structure within seven (7) days.
  - (b) If the permittee or owner fails to remove or alter the Sign so as to comply with the standards set forth in these regulations seven (7) days of the receipt of said notice, the city may remove or alter such Sign to comply with the West Fork Municipal Code.

- (c) All expense incidental to such removal or alteration shall be charged to the owner of the property upon which the sign is or was located and shall constitute a lien upon the property.

## **SECTION 14.16 DEFINITIONS**

For the purpose of these Regulations certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, the word "person" includes a firm or corporation as well as an individual, and the word "lot" includes the words "plot" and "parcel", except where the natural construction of the writing indicates otherwise. The word "shall" is always mandatory and not permissive. "Map" means the Zoning Map of the city of West Fork.

**Accessory Buildings and Uses:** An accessory building is a subordinate building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as, the use of the main building or principal use of the land. An accessory use is one, which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When "accessory" is used in the text, it shall have the same meaning as accessory use.

**Adult Daycare Center:** Establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. This definition does not alter the allowances and regulations as provided in *Chapter 6, Animals and Fowl*. Further, vegetable and flower gardens shall be allowed citywide and are not restricted by zoning.

**Alley:** A minor right-of-way dedicated to public use which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

**Apartment House or Multi-Family Dwelling:** Any structure designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, flats, and town houses or condominiums, but not including auto or trailer courts or camps, hotels, motels, or resort-type hotels.

**Applicant:** A person, firm or corporation, requesting approval of a development.

**Automobile Junk or Salvage Yard:** An area, outside of a building where motor vehicles are disassembled, dismantled, junked, or "wrecked", or where inoperable motor vehicles or used parts of motor vehicles are stored. A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvage of machinery or vehicles that are not in operating

condition, or for the sale of parts there from; or for the collecting, storage, and salvage of waste paper, scrap metal, or other discard material.

**Automobile Impound/Tow Yards:** Premises used primarily for the storage of operable automobiles or wrecked vehicles until they are placed back in the control of the owner and/or insurance company, so long as no operable automobile, inoperable junk or wrecked automobile remains on site for more than 90 calendar days.

**Automobile Repair or Service Station and Fuel Station:** Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil fuels, and installation of other minor automobile accessories, and which may or may not include facilities of lubricating, washing or cleaning, but not including storage and rental of vehicular equipment.

**Automobile, Boat, or Equipment Sales and Leasing:** An establishment engaged in the retail sale or rental, from the premises, of motorized vehicles, along with incidental service or maintenance. Typical uses include automobile and truck sales, automobile rental, boat sales, and motorcycle sales. These provisions do not apply to machinery used for agriculture purposes.

**Bed and Breakfast Facility:** An owner-occupied dwelling unit that contains guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

**Billboard:** An outdoor advertising structure which advertises a use, product, or service not necessarily found on the premises.

**Boarding House:** Any dwelling unit other than a hotel or motel where for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for persons other than the permanent residents.

**Buffer:** An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or berm, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

**Buffer Area:** An area which acts as a separation area between two or more noncompatible districts.

**Buildable Area:** The area of that part of the lot not included within the yards or open spaces herein required.

**Buildable Width:** The width of the building site after the required yards or open spaces have been provided.

**Building:** Any structure including a roof supported by walls, designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; and forming a



construction that is safe and stable. A building is a type of structure. See “Structure” for more information.

**Building, Alteration Of:** Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, any addition to a building or movement of a building from one location to another.

**Building, Site Coverage:** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

**Building, Main or Principal:** A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.

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

**Building Set-back Line:** A line parallel to the street right-of-way at the front of the property and property line at the side and rear of the property which indicates the limit beyond which buildings or structures may not be built. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.

**Building Site:** A single parcel of land occupied or intended to be occupied by a building or structure, and appropriate accessory buildings or uses.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**City:** The City of West Fork, Arkansas.

**Club or Lodge:** A membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to West Fork.

**Commission:** The Planning Commission of the City of West Fork.

**Communication Facility or Tower:** Any unstaffed facility covered under the Telecommunications Act of 1996 used for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

**Conditional Use:** A use permitted in zones where they are specifically listed as a conditional use. The conditional use is only permitted in a particular zoning district upon review with authorization by the Planning Commission.

**Contractor or Utility Equipment Parking/Storage Yard:** Outdoor areas used for storage of outdoor construction equipment and materials, items for retail and wholesale sales, storage of any other business-related materials, and the like. All vehicles stored outside must be currently licensed or operational.

**County Clerk:** The County Clerk of Washington County, Arkansas.

**Day Care Center/Child Care Center:** Any Child Care Facility conducted under public or private supervision on a profit or nonprofit basis providing direct care and protection for minor children. Any facility that is open more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period is considered a Child Care Center and shall be subject to provisions of the Child Care Facility Licensing Act. This definition includes, but is not limited to, a nursery, a nursery school, a registered home day care, a day care family home, or day care center. However, this definition does not include:

- A. Special schools or classes operated solely for religious instruction.
- B. Facilities operated in connection with a church, shopping center, business or establishment where children are cared for not more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a seven (7) day period.
- C. Educational facilities, whether public or private, which operate solely for educational purposes in grades one (1) or above and does not provide any custodial care.
- D. Kindergartens or preschools operated as a part of the public schools of this state.
- E. Any situation, arrangement, or agreement by which one (1) or more persons care for fewer than six (6) children from one (1) family at the same time.
- F. Any recreational facility or program, whether public or private, which operates solely as a place of recreation for minor children, where children are not cared for more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a seven (7) day period.
- G. Any state-operated facility to house juvenile delinquents or any serious offender program operated by a state designee to house juvenile delinquents, foster home, group home, or custodial institution.

**Daycare Center /Child Care Center, Public or Non-profit:** A childcare center conducted by a religious institution, school or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including religious study schools and day camps.

**Daycare Center/Child Care Center, Private:** A commercial childcare center conducted under private, for-profit, auspices providing direct care and protection for children.

**Day Care Family Home:** A situation, arrangement, or agreement by which one or more persons care for eight (8) to sixteen (16) children from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.

**Day Care-Residential Home:** A situation in which the resident of a home cares for seven (7) children or less.

**Conforming Use:** Any lawful use of a building or lot which complies with the provisions of this ordinance.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operation.

**District:** Any zoning district established by this ordinance

**Dwelling, or Dwelling Unit:** Any room or group of rooms, including manufactured housing dwelling units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family or housekeeping unit, but not including travel trailers, or house boats.

**Dwelling, Attached:** A dwelling having any portion of one or more walls in common with adjoining dwellings.

**Dwelling, Combination:** Ground floor retail or professional offices with a residence on the second floor or other arrangement of mixing residential and non-residential uses. Also known as Mixed Use.

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

**Dwelling, Loft:** A dwelling unit located in a multi-story commercial structure where the commercial and residential uses are vertically separated with the commercial uses on the ground floor and the residential uses on the upper floors.

**Dwelling, Single-Family:** A dwelling designed to be exclusively occupied by one family.

**Dwelling, Two-Family, Also Duplex:** Two (2) Dwelling Units sharing a detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit. Also known as a duplex.

**Dwelling, Three-Family, also Triplex:** Three (3) Dwelling Units sharing a detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit. Also known as a triplex.

**Dwelling, Four-Family, also Quadplex:** Four (4) Dwelling Units sharing a detached Building, each Dwelling Unit of which provides a residence for a single housekeeping unit. Also known as a quadplex.

**Dwelling or Complex, Multi-Family:** A Building or portion thereof, containing five (5) or more Dwelling Units where each unit provides a residence for a single housekeeping unit. Each Dwelling unit has direct access to the outside or to a common hall.

**Dwelling, Townhouse:** Two or more single-family dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance, is located on an individual lot, and is designed to be occupied and may be owned by one family.

**Easement:** A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

**Enforcement Official:** The person so designated by the Mayor to administer the provisions of this Zoning Code. The Enforcement Official may be provided with the assistance of such other persons as the Mayor may direct.

**Equipment Facility:** Any structure used to contain ancillary equipment for a Wireless Communication Facility/Tower, which includes cabinets, shelters, and a build out of an existing structure, pedestals, and other similar structures.

**Excavate:** Means to dig out, scoop out, hollow out, or otherwise make a hole or cavity by removing soil, sand, gravel, or other material from any property so as to change the grade of such property.

**Garage Apartment:** A dwelling unit erected as part of a private garage.

**Garage, Private:** An accessory building or part of a main building used for storage purposes for one or more vehicles.

**Garage, Public:** Any building other than a private garage, available to the public for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire, or sale

**Habitable Floor:** Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor."

**Home Occupation:** Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change

the character thereof, and which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein. (Ord. No. 434, Sec. 5.)

**Hospital:** An institution providing comprehensive health services.

**Hotel Or Motel:** A building containing sleeping rooms designed to be occupied as the temporary abiding place of transient persons with or without a restaurant. other typical characteristics include daily rental rates, central office and telephone switchboard, majority of units without kitchen or cooking facilities, daily linen service and ancillary uses such as coffee shop, bar, gift shop, swimming pool and exercise room.

**Indoor Recreational and Entertainment Facilities:** An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, and that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, pool halls and video game arcades.

**Junkyard, Open Storage:** An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, or salvaged.

**Kennel:** An establishment in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded or trained for remuneration or offered for sale.

**Large scale development:** (see Site Plan Review)

**Lot:** For purposes of this ordinance, 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, and may consist of: (a) A single lot of record; (b) A portion of a lot of record; (c) A combination of complete lots of record; (d) A parcel of land described by metes and bounds; provided that in no case of division or combinations shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

**Lot, Corner:** A lot located at the intersection of and abutting on two (2) or more streets.

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

**Lot, Double Frontage:** A lot, other than a corner lot which has frontage on more than one street. Also referred to as through lot.

**Lot Area:** The total area included within the front, side and rear lot lines.

**Lot, Interior:** A lot other than a corner lot.

**Lot Frontage:** That dimension of a lot or portion of a lot abutting on a street.

**Lot Line, Front:** In the case of an interior lot, the line separating said lot from the street. In the case of a corner or through lot, the line separating said lot from the street which the house will face, to be determined from the request for a building permit. Front lot line is synonymous with street right-of-way line.

**Lot Width:** The width of a lot at the front lot line.

**Lot Of Record:** A lot, the plat of which has been recorded in the office of the Circuit Clerk.

**Manufacturing-Light:** Characterized by less capital-intensive and more labor-intensive operations. Products classified as light industry tend to be targeted toward end consumers rather than other businesses. Consumer electronics and clothing manufacturing are examples of light industry. Light industry facilities typically have less environmental impact than those associated with heavy industry.

**Manufacturing-Intense:** Intensive Manufacturing Facilities can have a significant impact on the environment, and the use and enjoyment of surrounding property. Characterized by capital-intensive and less labor-intensive operations. Products made by an economy's heavy industry tend are less likely to be targeted toward end consumers. Includes such uses as: automobile manufacturing, mining, petroleum, and steel industries which require very large capital investment in weighty machinery and plants of significant size.

**Manufactured Home:** A dwelling unit constructed in a factory in accordance with the federal standards, and meeting the definitions set forth in the federal standards and under Arkansas Code §20-25-102, which states:

- (A) "Manufactured home" means a structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty square feet (320 sq. ft.) or more and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. .
- (B) "Manufactured home" includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- (C) "Manufactured home" shall include any structure which meets all the requirements of this subdivision (9) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the federal standards;

**Manufactured Home Park:** A parcel of land in which land spaces are rented or leased for placement of mobile homes.

**Mobile Food Vendor:** Any person or persons that owns or operates a mobile food vendor vehicle for the purpose of mobile food vending which is defined as a vendor that prepares and/or serves food and/or beverages from a self-contained vehicle either motorized, or, within a trailer that is readily movable without disassembling for transport to another location. Mobile food vendor vehicles may commence outdoor food vending from a fixed location, or, commence outdoor food vending from a non-fixed location.

**Mobile Home:** as defined by §14-54-1602, which states: “Mobile home” means a dwelling unit constructed in a factory before the enactment of the federal standards.

**Federal standards, as noted directly above is defined in §14-54-1602** as: “Federal standards” means the federal Manufactured Home Construction and Safety Standards, 24 C.F.R. pt. 3280, promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. § 5401 et seq., as it existed on January 1, 1976.

**Mobile Home Subdivision:** A mobile home subdivision is a tract of land in which spaces or lots for mobile homes are for sale in which the purchaser receives fee simple title to the space or lot.

**Modular Home:** a factory-built structure as defined by Arkansas Code §20-25-102, which states: “Modular home” means a factory-built structure

- (A) Produced in accordance with state or local construction codes and standards; and
- (B) Designed to be used as a dwelling unit with a foundation when connected to the required utilities.

**Nonconforming Use:** A structure and/or land use lawfully occupied by a use that does not conform to the regulations of the district in which it is situated at the time of the passage of this ordinance.

**Nursing Home or Group Residential:** A health facility where persons are housed and furnished with medical and/or nursing care.

**Public Health Center:** A facility primarily utilized by a health unit for the provisions of public health services.

**Open display Commercial:** A use in which items are typically placed for public sale in open air display, including, but no limited to souvenir shops, novelty shops, t-shirt shops, and lawn-mower shops.

**Outdoor Storage:** A depository or place for storing goods related to the establishment on the same premises and not located within a building.

**Outdoor Recreational Facilities-Outdoor Event Facilities:** An establishment offering recreation, entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, and miniature golf courses.

**Parking Space, Off Street:** For the purposes of this ordinance, an off-street parking space shall consist of a space 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.

**Permitted Use:** That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

**Place of Worship:** An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

**Planned Unit Development:** A land tract in which a multiplicity of land uses may be permitted including single-family residential, multi-family residential, public use and compatible commercial use, and in which land not used by residential or commercial structures and yards but required by basic zoning of the site shall be reserved collectively in contiguous units accessible to all the building sites in the development as open space for the purpose of providing recreational facilities and pedestrian circulation.

**Primary Residence:** A housing unit in which an owner or lessee resides.

**Processing and Assemblage- Limited:** Low impact, small-scale, manufacturing uses that have minimal odor, noise, lighting, and traffic associated with the use. The building footprint is not to exceed 8,000 square feet in size. Examples include manufacture of small medical equipment, computer hardware, and hand-crafted products.

**Professional Office:** A building or structure where no on-premise stock of goods for sale to the general public are maintained (incidental sales of supplied may be allowed) and the operations and services of which are generally of a personal, medical, financial, or legal nature, including, but not limited to, doctors, lawyers, photographers, barbers or beauticians, Engineers, or public service companies.

**Public Utility:** Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

**Recreational Vehicle (RV):** Self-propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities, intended for camping, travel, or recreational purposes and not for extended occupancy.

**Residential Structure:** A building or portion thereof designed or used exclusively for residential occupancy but not including hotels, motels and motor lodges.

**Restaurant:** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable



containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**Restaurant, Drive through or Fast food:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

**School:** A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

**Self-Storage Facility:** A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

**Short Term Lodging/Rental:** A lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest for a fee for 30 days or less per each duration. Also called "Vacation Rentals"

**Short Term Rental Primary Contact:** An administrative representative of a short-term rental host who will be available to respond to any problems, issues, or questions that arise during the short-term rental of a unit. The Primary Contact shall reside locally within the West Fork area.

**Short Term Rental Host:** Host: Any person, relative, or business entity, including a tenant whose lease extends beyond any short-term rental period, who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

**Signs:** Any outdoor device, figure, painting, message, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service, or other information.

**Sign, Sandwich board:** a moveable sign not secured or attached to the ground or surface upon which it is located; typically forming an "A" or tent shape, and no taller than 5' off the ground.

**Site Plan Review:** The process by which applicable developments and land use proposals are reviewed for conformance with city code prior to any permitting may be approved. For the purpose of this definition, applications for Site Plan Review shall be submitted for the following types of development:

- 1) Multi-family residential development involving more than two (2) units on a single lot.
- 2) Non-residential development that is not agricultural in nature.
- 3) Non-residential development expansions when the expansion(s) represent 20% or more of the existing building footprint.

- 4) Non-residential development associated with an agricultural land use that involves creation of new impervious areas that equal one (1) acre or more in size.

**Small Animal Clinic:** A commercial facility operated to provide treatment and care including temporary boarding for domestic animals.

**Solar Facility-Utility-Scale Generation:** A private or public solar generation facility that sells the power generated directly into the electric grid. Often, utility-scale solar projects are described as being “in front of the meter” as opposed to distributed generation systems, which are “behind the meter” — i.e. a system that is paired with the energy load of a facility and supplies that facility directly with power.

**Solar Facility-Accessory:** A solar energy system that is accessory to the principal use of the property and is structurally mounted to the ground or the roof of a building. For the purposes of zoning, accessory ground mounted solar energy systems shall be considered accessory structures.

**Space Satellite Receiving Systems:** A structure which receives audio-visual wave frequencies from earth orbiting communications satellites. These satellite systems shall be considered as an accessory use.

**Stable, Private:** An accessory building for the keeping of horses, or mules owned by the occupants of premises and not kept for remuneration, hire or sale, and not to exceed one large animal per 20,000 square feet.

**Story:** That portion of a building, other than a basement, included between the surface of any floor and the ceiling next above it.

**Street:** Any public right-of-way which affords the principal means of access to abutting property.

**Street Line:** Public right-of-way line of a street.

**Structure Or Building:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile/manufactured homes, walls, fences, billboards and poster panels, but do not include driveways, sidewalks, patios and other similar facilities.

**Structural Alterations:** Any change in the roof, exterior walls or supporting members of a building.

**Substantial Improvement:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the actual cash value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

**Unobstructed Open Space:** An area of land upon which no structure may be erected.

**Use Conditional:** A use which is listed as conditional in the schedule of uses and must be reviewed and approved by the Planning Commission prior to its being allowed.

**Used And New Car Sales:** Two (2) or more automobiles shown, advertised, or displayed for sale.

**Use Permitted:** A use which is listed as permitted in the district in the schedule of uses and is allowed in the zoning district without further action of the Planning commission.

**Variance:** A modification of the literal provisions of this ordinance which the Board is permitted to grant when strict enforcement of said provisions would cause undue hardship (such hardship cannot be self created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.

**Yard:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front:** A yard located in front of the front elevation of a building unoccupied and unobstructed by any portion of a structure from the ground upward and extended across a lot between the side lot lines and being the minimum distance between the front property line and the outside wall of the main building.

**Yard, Rear:** A yard extending across the rear of the lot measured between inner yard lines and being the minimum distance between the rear lot line and the rear of the main building. on both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**Yard, Side:** A yard between the building and the side line of the lot unoccupied and unobstructed by any portion of a structure from the ground upward and extending from the front building line to the rear building line and being the minimum distance between a side lot line and the outside wall of the side of the main buildings.

**Zoning Map:** The official zoning map or maps which are a part of the Zoning Ordinance and delineates the boundaries of the zoning districts. (Ord. No. 303, Sec. 7.)

## **SECTION 14.17 FLOOD DAMAGE PREVENTION CODE**

### **ARTICLE 1 DEFINITIONS**

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

**44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations)** Parts 59-75 contain Federal regulations upon which local floodplain managements are based

**44 CFR § 65.12** – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

**“100-year flood”** is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

**“500-year flood”** is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

**“Accessory Structures”** are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

**“Adverse impact”** means any negative or harmful effect.

**“AE or A1-30 Risk Zones”** are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

**“AH Risk Zones”** are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

**“AO Risk Zones”** are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

**“A Risk Zones”** are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

**“Appeal Board”** means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

**“Automatic”** entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

**“Base flood”** is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

**“Basement”** is any enclosed area that is below grade on all sides.

**“BFE”** is the acronym for Base Flood Elevation.

**“Buoyancy”** is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

**“Certificates of Compliance”** are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

**“CFR”** is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

**“Clearing”** is the act of cutting timber or shrubs from an area

**“Commercial business park”** is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants which service these offices.

**“Concrete deadman anchors”** are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

**“Covenant”** is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

**“Crawlspace”** is a type of structural foundation where the space beneath the lowest floor

is typically not deep enough to allow a person to stand and not all four walls are below grade.

**“Critical Facilities”** include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

**“D Zones”** areas in which the flood hazard has not been determined, but may be possible

**“Deed restriction”** refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

**“Development”** means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

**“Development Permit”** refers to the permit required for placing a “development” in the floodplain.

**“Easements”** are rights or permissions held by one person to make specific, limited use of land owned by another person.

**“Elevation Certificate”** refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to

practice in the State of Arkansas.

**“Erosion”** is the process of soil removal by moving water.

**“Existing Structure”** means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

**“Existing Manufactured Home Park or Subdivision”** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**“Expansion to an Existing Manufactured Home Park or Subdivision”** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**“Federal Emergency Management Agency”**, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

**“FEMA”** is the acronym for the Federal Emergency Management Agency.

**“Fill”** refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

**“FIRM”** is the acronym for Flood Insurance Rate Map.

**“Flood Fringe”** refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

**“Flood Insurance Rate Map” (or “FIRM”)** refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.  
flood maps

**“Flood Insurance Study” (or “FIS”)** is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

**“Floodplain Management”** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**“Flooding events”** are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

**“Floodplain”** refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

**“Floodplain Administrator”** refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

**“Floodplain Development Permit”** is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

**“Floodproofing”** is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

**“Floodproofing Certificate”** refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

**“Floodway” or “Regulatory Floodway”** refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

**“Flow-through openings”** are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

**“Functionally dependent use”** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**“Grade”** means the surface of the ground.

**“Grading”** means to smooth the surface of the ground, typically with heavy construction equipment.



**“Highest Adjacent Grade” (HAG)** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**“Historical Structure”** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or;
  - b. Directly by the Secretary of the Interior in states without approved programs.

**“Hydrodynamic forces”** are the forces and stresses associated with moving water, including impacts from objects carried in the water.

**“Hydrostatic flood forces”** are the forces and stresses associated with standing floodwaters.

**“Lacustrine Flooding”** is flooding associated with a lake.

**“Lateral forces”** are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

**“Lowest floor”** refers to the lowest floor of the lowest enclosed area (including Basement). For a typical **slab-on-grade construction**, the lowest floor is the top of the first floor of the structure. For a typical **basement foundation construction**, the elevation of the lowest floor is the top of the basement floor. For a typical **crawlspace foundation construction**, the elevation of the lowest floor is the top of the first floor of the structure. For a typical **split-level construction**, the elevation of the lowest floor is the top of the first living area floor. For a **manufactured home installation**, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The **garage floor** and **crawlspaces** are not the lowest floor as long as there are no living areas in the garage and it is used solely for

storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

**“Manufacture Homes” or Structures** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

**“Manufactured Home Park or Subdivision”** means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

**“Mean Sea Level”** (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

**“Mixed Use Structures”** are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

**“New Construction”** means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**“New Manufactured Home Park or Subdivision”** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**“No Adverse Impact principle”** is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

**“Nonresidential Structures”** are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

**“No-Rise Certificates”** are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

**“Piers”** are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

**“Pilings”** are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

**“Ponding”** is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

**“Recreational vehicles”** means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**“Risk Zones”** categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

**“Riverine flooding”** is flooding associated with a river or stream channel.

**“RV”** is the acronym for recreational vehicle.

**“Screw augers”** are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

**“Section 404 Wetlands Permit”** is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

**“SFHA”** is the acronym for Special Flood Hazard Area.

**“Shallow flooding”** means a depth of less than 3 feet.

**“Slab anchors”** are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

**“Special flood hazard areas”** are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

**“Start of Construction”** includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**“State Coordinating Agency”** is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

**“Stream channels”** are depressed natural pathways through which water of any quantity routinely flows.

**“Structural development”** is a development that includes the placement or construction of a structure.

**“Structure”** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**“Substantial damage”** is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

**“Substantial improvement”** is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure’s official status of “historical structure.”

**“Uses vulnerable to floods”** are simply any land or structural uses that may be negatively affected by a flood.

**“Variance”** is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

**“Violation”** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

**“Watercourse alteration”** refers to any change that occurs within the banks of a watercourse.

**“Water Surface Elevation”** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**“X Risk Zones”** are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

## **ARTICLE 2 ADMINISTRATION**

### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Mayor of West Fork or his designee, is hereby appointed the Floodplain Administrator.

### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

It is the duty and responsibility of the Floodplain Administrator or his designee to:

- (1) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (2) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (3) **Review applications for Floodplain Development Permits** to:
  - a) Evaluate proposed projects for reasonable safety from flooding;
  - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
  - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
  - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (4) **Approve or deny applications for Floodplain Development Permits** on the basis of:
  - a) The proposed development's compliance or non-compliance with the provisions of this Code;

- b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
- c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
- d) The proposed development's susceptibility to flood damage;
- e) The proposed development's compatibility with existing and planned community development;
- f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
- g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
- h) The proposed development's functionally dependent use;
- i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and
- j) The relationship of the proposed use to the comprehensive plan for that area.

(5) **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)

(6) **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse**, and submit evidence of all such notifications to FEMA.

(7) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.

- (8) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)
- (9) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
- (10) **Issue Certificates of Compliance.**
- (11) **Maintain all records and documents pertaining to this Code for public inspection.**

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A **Floodplain Development Permit is required** for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

#### **SECTION D. PERMIT PROCEDURES**

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to approve or deny issuance of a Floodplain Development Permit is subject to appeal to the designated Appeal



Board. Within the City of West Fork, Arkansas the Board of Zoning Adjustment is the designated Appeal Board.

**SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIREMENTS OF THIS CODE**

- (1) Applicants must submit petitions for variances directly to the Appeal Board (Section F).
- (2) Variances may only be issued:
  - a) if showing a good and sufficient cause;
  - b) granting of the variance will not result in any adverse impact upon other lands;
  - c) if granting of the variance will not result in any additional threats to public safety;
  - d) if granting of the variance will not result in extraordinary public expense;
  - e) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
  - f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
  - g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
  - h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.
- (3) Variances may not be issued for developments inside a regulatory floodway unless
  - a) all requirements of 44 CFR §65.12 are first met; or
  - b) the following requirements are met:
    1. a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;

2. protective measures are employed to minimize damages during flooding events; and
  3. the variance does not result in any adverse impact to other lands.
- (4) Examples of developments for which variance petitions may be appropriate include but are not limited to
- a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
  - b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
    1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
    2. the variance is the minimum necessary to preserve the historic character and design of the structure.
  - c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
    1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
    2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **SECTION F. APPEAL BOARD**

- (1) Within **the** City of West Fork, Arkansas the Board of Zoning Adjustment is the designated Appeal Board.
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.
- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

## ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

### SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements** shall be **designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements** shall be constructed by methods and practices that **minimize flood damage**;
3. **All new construction or substantial improvements** shall be constructed **with materials resistant to flood damage**;
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection** standards or located outside the SFHA.
5. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
6. For the purposes of this Code, all **mixed-use structures** are **subject to the more stringent requirements of residential structures**.
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code**.
9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-

the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.

10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
  - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than 1 foot above grade.
  - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either

- (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
  - (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

## **SECTION B. RISK ZONE SPECIFIC STANDARDS**

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

---

### **(1) In AE or A1-30 Risk Zones: Special Flood Hazard Areas with base floods determined**

- a) **For Residential Structures in Zone AE or A1-30:**
  - 1. For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
  - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

**b) For Nonresidential Structures in Zone AE or A1-30:**

1. All new commercial, industrial or other nonresidential structures must either:
  - a. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or
  - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

**c) For Manufactured Homes in Zone AE or A1-30:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,

- b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
- a. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

**d) When a regulatory floodway has not been designated**, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

---



## **(2) Floodways**

### **High risk areas of stream channel and adjacent floodplain**

- a) **Developments** in regulatory floodways are **prohibited, unless**
1. **A No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
  2. **All requirements of 44 CFR §65.12 are first met.**
- b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.

---

## **(3) In AH or AO Risk Zones:**

### **Special Flood Hazard Areas of shallow flooding**

- a) **For Residential Structures in Zones AH or AO:**
1. All new residential structures must be constructed with the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
  2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
  3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

**b) For Nonresidential Structures in Zones AH or AO:**

1. All new commercial, industrial or other nonresidential structure must either:
  - a. have the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
  - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below 3 feet or more above the published BFE in Zone AH, or 3 feet or more above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

**c) For Manufactured Homes in Zones AH or AO:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,
  - b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in

addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:
    - a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
    - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
  4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
  - d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
  - e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.
- 
-

**(4) In “A” Risk Zones:**

**Special Flood Hazard Areas with no base flood elevations determined**

- a) **In Zone A, The applicant or the applicant’s agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
  
- b) **For Residential Structures in Zone A:**
  1. For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
  2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
  3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
  
- c) **For Nonresidential Structures in Zone A:**
  1. All new commercial, industrial or other nonresidential structures must either:
    - a. have the lowest floor (including basement) elevated 2 feet or more above the base flood level or

- b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
  3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

**d) For Manufactured Homes in Zone A:**

1. All manufactured homes that are placed or substantially improved on sites:
  - a. outside of a manufactured home park or subdivision,
  - b. in a new manufactured home park or subdivision,
  - c. in an expansion to an existing manufactured home park or subdivision, or
  - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
  - a. the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or
  - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.