

TITLE 14

ZONING

Chapters:

- 14.04 Zoning Ordinance
- 14.08 Flood Damage Prevention
- 14.12 Annexing, Vacating and Re-Zoning Property

CHAPTER 14.04

ZONING ORDINANCE

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14.04.01 Zoning map

- 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 official zoning map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the seal of the City under the following words: "This to certify that this is the official zoning map referred to in section one of Ordinance Numbered 303 of the city of West Fork, Washington County, Arkansas", together with the date of the adoption of this ordinance.
- C. If, in accordance with the provisions of this ordinance, changes are made in the district boundaries, such changes shall be entered on the zoning map with the date and ordinance number affecting such change.
- D. The official zoning map shall be located in the office of the City Clerk and shall

be prima facie evidence as to the current zoning status of land, buildings and other structures in the City. The City Clerk shall cause to have corrected the zoning district boundaries on the official zoning map as need demands. (Ord. No. 303, Sec. 1)

14.04.02 Districts

(1) Zoning Districts: The following districts are hereby established: R-Residential; R-1 Two-Family Residential; R-2-Two, Three and Four Family Residential; R-3-Multi-Family Residential; R-0 - Residential Office; MH-Mobile/Manufactured Home Residential C-General Commercial; I-Industrial; I-1-Light Industrial; and A-Agricultural (Ord. No. 303, Sec. 2.)

(2) Application of Zoning District Regulations

- A. 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.
- B. 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.
- C. The use proposed for a zoning district that is not explicitly permitted or prohibited within the zoning district, the Planning Commission 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 Planning Commission shall decide each application on its merits, taking into consideration such factors as existing uses, access, location, major streets, plans, etc. 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.
- D. All front, side and rear yard set backs 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.)

14.04.03 Zoning districts - Character, permitted uses and area requirement

(1) **R-Residential** - Intended to provide for single-family residential development, public buildings and other public uses.

- A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) and (10).
- B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	8,000	8,000	25'	25'	7'	25'	80'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 1.)

(2) **R-1 Two-Family Residential.** Intended to provide for two-family residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) &)10)

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	8,000	8,000	25'	25'	7'	25'	80'
Two-family	12,000	6,000	25'	25'	7'	25'	100'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 3. uses normally conducted in a single-family house shall use the single-family area requirements.

Note 4. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303 Sec. 2.)

(3) **R-2 Two, Three and Four-Family Residential**. Intended to provide two, three and four-family residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirement: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Two-family	12,000	6,000	25'*	25'	7'	25'	100'
3-4 family	16,000	4,000	50'*	75'	15'	25'	200'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

* See Note 2.

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 3. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 4. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 3.)

(4) **R-3 Multi-Family Residential.** Intended to provide for multi-family high density residential, public buildings and other public uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 2.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Two-family	12,000	6,000	25'*	25'	7'	25'	100'
3-4 family	16,000	4,000	50'*	75'	15'	25'	200'
Multi-family	43,560	3,630	50'*	75'	15'	25'	200'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Other uses	43,560	----	35'	35'	25'	35'	200'

* See Note 3.

Note 1. For structures over twenty-four feet (24') in height an additional one foot (1') shall be added to each setback for each foot the structure exceeds twenty-four feet (24').

Note 2. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 3. Off-Street parking will be allowed in required yard area subject to review and approval of design by the Planning Commission of any parking in the front yard.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 4.)

(5) **R-O Residential Office.** Intended to provide for the conversion of existing structures to office use or construction of offices where the construction of residential use is no longer practical, or to establish transition between residential and non-residential uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family Residential/	6,000	6,000	25'	25'	7'	25'	60'
office mix	8,000	8,000	25'	25'	7'	25'	80'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Office	12,000	----	30'	25'	20'	30'	100'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations (12) Parking Requirements. (Ord. No. 303, Sec. 5.)

(6) **MH - Mobile/Manufactured Home Residential.** Intended to provide for the placement of individual mobile/manufactured home, mobile/manufactured home parks, mobile/manufactured home subdivisions and other uses.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9(& (10).

B. Minimum Area Requirements: (See Note 1.)

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Single-family	6,000	6,000	25'	25'	7'	25'	60'
Mobile/manuf home	130,680	130,680	25'	25'	7'	25'	100'
Mobile/manuf home park	130,680	4,000	25'	25'	7'	25'	40'
Mobile/manuf subdivision	130,680	6,000	25'	25'	7'	25'	50'
Church/Sch.	87,120	----	35'	35'	25'	35'	200'
Office	12,000	----	30'	25'	20'	30'	100'
Other uses	43,560	----	35'	35'	25'	35'	200'

Note 1. The lot sizes are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 6.)

(7) **C - General Commercial.** Intended to provide for business and services building area, off-street parking, drives and lot areas.

A. Permitted and Conditional Uses. See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Rear Yard	
All uses		50'	10'	25'

Note 1. The lot sizes shown are minimum and may have to be increased for individual lots based upon State Health Department requirements for septic tank installation.

Note 2. A single-family house to be built in a C-District shall use the single-family requirements of the R-2 District, except the front, side, side on street and rear yard requirements of the C-District shall apply.

Note 3. Residential uses may be mixed with commercial uses provided all residential units have at least two entrances/exits one of which is separate from the commercial uses and 1000 square feet of heated floor space not including the garage.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) parking Requirements. (Ord. No. 303, Sec. 7.)

D. Height Regulations: Any structure that exceeds twenty-four (24) feet in height shall be set back from all property lines on additional one (1) foot of height over twenty-four (24) feet.

E. Lot Coverage: The maximum lot coverage for all structures shall not exceed fifty (50) percent of the lot area. (Ord. No. 303, Sec. 7.)

(8) **I - Industrial** - Intended to provide for the full range of industrial activities.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4:(9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Side Yard On Street	Rear Yard
All uses See Note 2.	50'	25'*	50'	25'*

Note 1. Lot sizes may have to be increased based upon State Health Department requirements for septic tank installation.

Note 2. Where a side or rear property line abuts a railroad track or spur, and it is necessary to build closer than the setback line established by the ordinance, the Board of Adjustment may waive the setback requirements after review and recommendation from the Planning Commission.

Note 3. The maximum lot coverage for all structures shall not exceed fifty (50) percent of the lot area.

Note 4. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 5. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. Ample space must be provided for trucks to load and maneuver off the public right-of-way. (Ord. No. 303, Sec. 8.)

(9) **I-1 Light Industrial**. - Intended to provide locations within the City for a wide range of industrial uses which are free of objectionable influences, such as light glare, noise, dust and odor, or which can readily control such influences.

A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements: (See Note 1.)

	Front Yard	Side Yard	Side Yard On Street	Rear Yard
All uses	50'	25'*	50'	25'*

*See Note 2.

Note 1. Lot sizes may have to be increased based upon State Department requirements for septic tank installation.

Note 2. Where a side or rear property line abuts a railroad track or spur, and it is necessary to build closer than the setback line established by the ordinance, the Board of Adjustment may waive the setback requirements after review and recommendation from the Planning Commission.

Note 3. The maximum lot coverage for all structures shall not exceed fifty percent (50%) of the lot area.

Note 4. Any structure that exceeds twenty-four feet (24') in height shall be set back from all property lines an additional one foot (1') of height over twenty-four feet (24').

Note 5. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 6. uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking - See Section 4: General Regulations, (12) Parking Requirements. Ample space must be provided for trucks to load and maneuver off the public right-of-way. (Ord. No. 303, Sec. 9.)

(10) **A-Agricultural**. Intended to provide for a full range of agricultural activities, to preserve existing agricultural activities and to protect the rural area from urban type uses and densities without benefit of a full range of public facilities until such time as the public facilities are available.

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A. Permitted and Conditional Uses: See Schedule of Uses Section 4: (9) & (10).

B. Minimum Area Requirements:

	Minimum Land Area Sq. Ft	Minimum Land Area Square Feet per D.U.	Front Yard	Rear Yard	Side Yard	Side Yard On Street	Lot Frontage
Agri uses	5	----	----	----	----	----	----
Any struct. related to a permitted use other than single-family and church	5	----	50'	50'	30'	50'	----
Single family	5	5	35'	25'	7'	25'	200'
Church	3	----	35'	35'	25'	35'	200'
Other uses	3	----	35'	35'	25'	35'	200'

Note 1. Lot size may have to be increased based upon State Health Department requirements for septic tank installation.

Note 2. Uses normally conducted in a single-family house shall use the single-family area requirements.

Note 3. Uses that normally do not have area requirements i.e. police alarm box, fire alarm box, utility lines, sidewalks, etc. shall not have area requirements.

C. Off-Street Parking: See Section 4: General Regulations, (12) Parking Requirements. (Ord. No. 303, Sec. 10.)

(11) **Scenic Highway/State Highway Overlay District**

A. Intent and Purpose

1. To support the designation of U.s. Highway 71 and Interstate 540 (Interstate 49) as scenic byways.
2. To protect and enhance the designated scenic byways by providing for non-residential developments which will preserve and enhance the natural, rural and open character of the byways.

3. To preserve and enhance the natural, rural and open character of State Highway 170 which connects the two Scenic Byways through the city of West For.
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 includes all and in the city of West Fork within 600 feet of the right-of-way of any designated Scenic byway and State Highway. This includes U.S. Highway 71 (a.k.a. North Centennial Ave. and South Centennial Ave.) And the now under construction Interstate 540. The Overlay Districts also include State Highway 170 (a.k.a. Main Street from Centennial U.S. Highway 71 to Maple Ave., McKnight Ave. from white St. to Phillips and Philips St. from McKnight St. to Interstate 540 (I-49). The boundaries of the Scenic Highway Overlay District are shown on the official zoning map of the city of West Fork.

C. Application of District Regulations and Standards

1. The regulations and standards shall apply to all non-residential development in any zoning district except development exclusively for agricultural purposes. Development includes but in 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.

D. Development Regulations and Standards

1. Setbacks - all principal and accessory non-residential development shall be setback 50 feet from the right-of-way line. This distance may be reduced to 25 feet if the parking is removed and placed in the side or rear yard and the front setback is landscaped.
2. Screening - all mechanical and utility equipment, trash enclosures and

parking lots shall be screened in the following manner:

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- a. All mechanical and utility equipment on the side of the building and/or on the ground shall be screened by fence and/or vegetation if it is visible from the highway right-of-way. Screening of roof-mounted utilities shall be incorporated into the structure, utilizing materials compatible with the supporting building.
 - b. Trash enclosures shall be screened on three sides with the access not visible from the highway.
3. Exterior appearance - All structures shall be architecturally designed to have front facades facing the highway. An elevation drawing shall be submitted with the building permit application showing the front facade.
 4. Building Materials - Thirty (30) percent of the front facade visible from the highway right-of-way shall be constructed of wood, glass, masonry or other natural looking material. If concrete or cinder block is being used only a decorative type block is acceptable. Standard or plain face concrete or cinder block may be used on the remaining portions of the building. The remaining portion of the front facade may also be metal or other material if the metal or other materials are similar in appearance to wood, masonry or other natural looking material.
 5. Utilities - Above ground utilities may be located on the rear property line. If it is not feasible to place the utilities at the rear property line than utilities shall be placed underground.
 6. Outdoor Storage - All outdoor storage of materials and equipment shall be screened with earth berms and landscaping or natural vegetation or wooden, masonry or natural looking fencing.
- 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.)

14.04.04 General regulations

- A. **Annexed Area** All territory which may hereafter be included within the zoning jurisdiction of West Fork shall be annexed to the city of West Fork as a residential area and shall be subject to the requirements of the R-Residential district unless the annexing ordinance accepts such annexed area in a district other than R-Residential, and such annexed area shall continue in such district until such time as this ordinance and the zoning map shall have been amended to zone such territory otherwise.
- B. **Occupation Permitted in Residential Structures Utilized for Residential Purposes in a Residential District.** An occupation may be carried on in residential structure in a

Residential District only when it: -153.2-

1. Does not require the use of more than two rooms otherwise normally considered as living space.
 2. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with the residential uses.
 3. Does not have a sign in excess of four square feet in area to denote the business, occupation, or profession, and such sign must be attached to the structure.
 4. Does not involve the display of goods and services.
- C. **Lot Area** Only on a lot of record existing prior to April 23, 1974 may a residential structure be erected in a Residential District after review and approval by the Planning Commission even though the lot be of less area or width than required by these regulations, provided all other requirements are met.
- D. **Non-Conforming**
1. Non-conforming use of land and structures may be continued and improved but not expanded so long as it remains otherwise lawful.
 2. Once a non-conforming use is changed to a permitted use in the district, the non-conforming use shall not be reestablished.
 3. A non-conforming use can be changed to another nonconforming-use, only if the use to which it is being changed has been determined by the Planning Commission to be a more appropriate use than the existing non-conforming use.
 4. Any use of a structure not permitted, or any structure not intended for uses permitted may not be rebuilt or reestablished if damaged in excess of two-thirds of its fair sale value immediately prior to damage.
- E. **Placement of Mobile/Manufactured Homes -- Individually, in Mobile/Manufactured Home Parks, or in Mobile/Manufactured Home Subdivisions** All mobile/manufactured homes to be placed in the City of West Fork shall conform to the following requirements:
1. Placed on a permanent foundation, incorporating anchorage tie downs at a maximum interval of 20 feet along each side which can sustain a minimum tensile stress of 2800 pounds.
 2. A water supply system including fire hydrants approved by the City of West Fork and the Arkansas State Health Department.
 3. A sewer system approved by the City of West Fork and the Arkansas State

4. A fuel supply, fuel storage and electrical system which meets adopted City Code requirements.
5. Mobile/Manufactured Home Subdivisions shall be platted according to the requirements of the adopted Subdivision Regulations.
6. Streets in Mobile/Manufactured Home Parks intended for dedication to the public shall be constructed to City Street standards.

The Planning Commission may allow the temporary placement of a mobile/manufactured home in any zoning district during the construction period of a building or use which is a permitted use within the district. The Planning Commission shall establish a time period for temporary placement and items 2, 3, and 4 above shall apply to any temporary mobile/manufactured home placement.

F. Planned Unit Development A Planned Unit Development may be located in any district subject to the review and approval of the Planning Commission.

1. Planned Unit Developments are authorized to be established in any District, subject to the requirements of this sub-section and all other pertinent provisions of this ordinance, provided that each such development shall consist of a minimum of one (1) acre.
2. The purpose of planned developments is to encourage innovation in housing types and design, to encourage innovation design approaches in other developments and in all development to conserve and efficiently use open space in conjunction with development.
3. The permitted uses in a planned development shall be the permitted uses allowed in the zoning district or districts in which the proposed development lies, except as follows:
 - a. Commercial Use Provision -- in a residential Planned Unit Development of 50 units or more there may be permitted as an accessory use, commercial use subject to the following conditions:
 - (1) The commercial parcel shall not exceed 50 square feet of gross floor area for each dwelling unit in the Planned Unit Development and shall not exceed a total area of 10,00 square feet of gross floor area;
 - (2) The commercial development shall be for the use of the occupants of the Planned Unit Development and is not intended to attract non-occupant patrons;
 - (3) No commercial use shall be closer than one hundred (100) feet to

any property outside the Planned Unit Development which is zoned for residential purposes;

(4) Any sign in the commercial area shall be attached flat against the building wall, shall not be animated, flashing, and shall not be visible from outside the planned area; and,

(5) No commercial area shall be occupied until at least eighty (80%) of the dwelling units are occupied.

4. General Requirements:

a. Lot Area -- There shall be no minimum lot area in a Planned Unit Development, except that any lots having either a private water supply or sewage treatment facility may not be reduced below the area or width set forth in SECTION 3 or The State Health Department requirements, whichever is most restrictive unless approved by both the Planning Commission and the State Health Department.*

*The minimum set back requirements will, however, apply to the outside boundaries of the tract to be developed.

b. Number of Dwelling Units -- The total number of dwelling units shall not exceed the maximum number allowed by the Residential District in which the development is proposed and shall be determined as follows:

(1) The maximum number of dwelling units shall be obtained by dividing the area of the residential part of the Planned Unit Development by the minimum land area per dwelling unit allowed in the Residential District covering the development; and

(2) No residential Planned Unit Development will be allowed in other than Residential Districts.

c. Common Open Space -- The minimum land area to be devoted to common open space shall be as follows: For each square foot by which the minimum lot area established by the zoning ordinance is reduced, one square foot must be devoted to common open space.

(For example: On a twenty (20) acre tract to be developed residentially in which ten (10) acres is in steep slope and wooded and the other ten (10) is flat and clear, the entire twenty (20) acres may be used to calculate the total number of dwelling units that may be constructed. The units may be constructed on the flat and clear ten (10) acres and the steep and wooded land retained in permanent common open space.)

d. Ownership and Maintenance of Common Open Space -The ownership and maintenance may be accomplished in one of two ways: The common open space may be accepted by the City as public land and the City assumes the maintenance responsibility or the common open space stays with the development and a neighborhood association shall be formed and responsible for the maintenance and conservation of the open space.

e. Off-Street Parking -- The off-street parking requirements shall be the same as provided in the Zoning District covering the development except that there shall be one (1) parking space for each 250 square feet of floor area for any commercial portion of a residential Planned Unit Development.

f. Approval and Platting of Planned Unit Developments-- Each request for a Planned Unit Development shall be approved by the Planning Commission and shall be platted in keeping with the requirements of the Subdivision Regulations. Partial platting of a Planned Unit Development will be permitted provided that an overall layout has been approved by the Planning Commission and that the proportional amount of permanent common open space is provided with each partial platting.

G. **Fees** The applicant for a change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$50.00 to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the City of West Fork.

H. **Amendments**

1. The zoning regulation, when amended, shall be amended in conformance with the requirements of Act 186 of the 1957 General Assembly as required for the initial adoption of this ordinance.

2. The Planning Commission shall establish the procedures for processing requests for revisions in the zoning regulations.

3. No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or City Council, whichever is later, unless the Planning Commission or City Council finds that a substantial reason exists for waiving this limitations

4. An applicant for a change of zoning or the applicant to the Board of Adjustment shall be required to reimburse the City of West Fork for costs of public notices and the conducting of a public hearing.

5. Appeal by Petition to the City Council -- Following disapproval of a proposed amendment by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City

Clerk why he considers the Planning Commission's findings and decisions are in error. Such appeal shall be filed with the City Clerk within fifteen (15) days from the date of the Planning Commission action.

I. Schedule of Uses (See Appendix A)

J. Conditional Use Criteria The Planning Commission shall hear and decide each request for conditional use as listed in the Schedule of Uses. The Planning Commission shall hold a public meeting within ninety (90) days of the date of the application and may authorize the Conditional Use only after all of the following criteria (a-j) have been answered with an affirmative finding.

1. A written application has been filed with the city and the fee has been paid.
2. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact a signed affidavit by the owner must be submitted.
3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Is screening and egress safe and convenient?
7. Are Off-Street Parking and loading areas adequate?
8. Will refuse and service areas not cause adverse effects on adjacent property?
9. Will Off-Street Parking and loading areas not cause adverse effects on adjacent property?
10. Will signs be in compliance with the city's sign ordinance?

The Planning commission shall have sixty (60) days from the date the public hearing is held, to make its decision. If the Planning Commission does not make its decision within the sixty (60) day period the application shall be approved and the applicant may proceed. (Ord. No. 326, Sec. 1.)

K. Landscaping Requirements It is the intent of the City of West Fork to encourage the landscaping of commercial and industrial areas within the City; to lessen the impact of parking areas, to aid in making West Fork a more attractive community and to help replace plant material lost in the construction process.

In the C-General Commercial, I-Industrial and I-I-Light Industrial Districts it is required that a portion of the front yard between the right-of-way line and the front face of the main structure be landscaped with plant material that will address all three of the criteria stated in the intent above. Landscaping in addition to that stated above is encouraged but it is not a requirement.

There are no specific plant material or total area requirements which will allow the developer maximum flexibility in the design and choice of plant material. A landscape plan shall be submitted to the Planning Commission for approval prior to a building permit being issued for construction. The Planning Commission shall approve, approve with recommended changes or disapprove the landscape plan. The reasons for disapproving a landscape plan shall be stated in writing and provided to the developer. The developer shall revise and resubmit a landscape plan that was disapproved and the Planning Commission shall again review the plan. Once a landscape plan is approved by the Planning Commission a building permit may be issued for construction.

The Planning Commission shall forward a copy of the approved landscape plan to the building inspector. The building inspector shall be responsible for supervision of the landscape construction in keeping with the approved landscape plan.

Minor changes in the approved landscape plan may be approved by the building inspector. If in the opinion of the building inspector proposed changes are considered major the changes must be approved by the Planning Commission. (Ord. No. 303, Sec. 11.)

L. Parking Requirements

Use	Parking Spaces Required (off-street)
(a) Residential (single-family, duplex, multi-family, manufactured housing and mobile home)	2 per dwelling unit
(b) Other Residential:	
College dormitory	1 per 4 dormitory beds
College fraternity or sorority	1 per 2 residents
Nursing or convalescent home	1 per 1,000 sq. ft. of floor area
Room and boarding	1 per each bed
(c) Commercial:	
Office	1 per 200 sq. ft. of floor area
Retail	1 per 300 sq. ft. of floor area
Service 1	per 400 sq. ft. of floor area
(d) Other Commercial:	
Auction house	1 per 100 sq. ft. of floor area
Auto auction	1 per 100 sq. ft. of floor area
Bar, lounge or tavern	1 per each 4 seating capacity
Barber or beauty shop	3 per chair
Bus station	1/4 of the total land area
Carwash	1 per 2 employees
Drag strip	1 per 4 seating capacity

Furniture store:	
Under 10,000 sq. ft.	1 per 500 sq. ft. of floor area
Over 10,000 sq. ft.	1 per 1,000 sq. ft. of floor area
Hotel or motel	1 per sleeping room plus 1 per 225 sq. ft. of accessory facilities
Livestock sale barn	1 per 2 employees plus 1 per 10 animal capacity
Lumberyard	1 per 2 employees plus 1 per 400 sq. ft. of retail floor area
Miniwarehouse	1 per 2 employees
Mobile home sales	1 per 2 employees plus 1 per 10 mobile homes' capacity
Private club or lodge	1 per 4 seating capacity
Restaurant	1 per 4 seating capacity
Railroad passenger station	1 per 300 sq. ft. terminal area
Small animal kennels and board	1 per 250 sq. ft. of floor area
(e) Industrial and light industrial shift plus visitor parking	1 per each 1 employee on the largest
(f) Other Industrial:	
Building materials, general every 400 sq. ft. of retail floor area	1 per every 2 employees plus 1 per
(g) Warehousing	1 per every 2 employees
(h) Recreation	
Amusement, commercial (inside)	1 per 40 sq. ft. of floor area
Amusement, commercial (outside)	
Miniature golf	1 per hole plus 1 per employee
Water slide	1 per 800 sq. ft. of land area
Driving range	1 per tee plus 1 per employee
Auditorium	1 per every 4 seats
Bowling alley	5 per alley
Country club	30% of person capacity
Dance hall	1 per 100 sq. ft. of building area
Dominos	1 per 40 sq. ft.
Fairgrounds	1/4 of the land area
Fishing dock	30% of person capacity
Go-cart track	1 per 800 sq. ft. of land area
Golf course	10 per green
Guest ranch	30% of person capacity
Indoor theater	1 per 4 seats
Park	1/10 of land area
Racetrack	1 per every 4 seats

Rifle range	1 per stand
Rodeo grounds	1 per every 4 seats
Skating rink	1 per every 100 sq. ft.
Slot-car track	1 per every 40 sq. ft.
Stable	30% of person capacity
Swimming pool	30% of person capacity
Tennis court	2 per court
Zoo 1/4 of land area	
(i) Public and quasipublic:	
Cemetery, mausoleum	2 per each employee
Crematory and church	1 per 4 seats of chapel or sanctuary capacity
Jail	1 per 500 sq. ft. floor area
Community center	1 per 500 sq. ft. floor area
Day camp	2 per employee
Detention home	2 per employee
Religious, charitable or philanthropic organization	1 per 800 sq. ft. floor area
Fire station	2 per employee
Hospital	1 ½ per bed plus 1 per employee
Library, art gallery and museum	1 per 400 sq. ft. floor area
Funeral home	1 per 400 sq. ft. of assembly area plus 1 per 300 sq. ft. of nonassembly area
Orphanage	2 per employee
Planetarium	1 per 800 sq. ft. of floor area
Police station	1 per 500 sq. ft. of floor area
Post office	1 per every 2 employees plus 1 per every 400 sq. ft. floor area
School K-9	1 per 1,200 sq. ft. of floor area
School 10-12	1 per 800 sq. ft. of floor area plus 1 per stadium seats
School-Trade	1 per 800 sq. ft. of floor area
Convent or monastery	1 per 600 sq. ft. of floor area
Day nursery or child care center children	1 per employee plus 1 per every 3
Private school	1 per 800 sq. ft. of floor area
Public animal pound	1 per 400 sq. ft. of floor area
College, university or seminary	1 per 600 sq. ft. of classroom floor area plus 1 per 4 dormitory beds plus 1 per 4 stadium seats

(Ord. No. 303, Sec. 4.)

14.04.05 Board of Adjustment

Designation, Organization, Meetings of the Board

- A. The Board of Adjustment, hereinafter referred to as “The Board,” shall consist of the members of the Planning Commission.
- B. 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. Each session of the Board shall be a public meeting with public notice of said meeting and business to be carried out and published in a newspaper of general circulation in the city at least one time seven days prior to the meeting.

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.

Variances The Board may hear requests for variances from the literal provisions of the zoning ordinances in instances where strict enforcement of the zoning ordinances 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 zoning ordinance. The Board shall not permit, as a variance, any use in a zone that is not permitted under the regulations. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

Fees The appellant to the Board of Adjustment shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of \$25.00 to cover such other costs as may be incurred in connection with such appeal. Such fee is to be deposited in the General Fund of the City of West Fork.

Appeals From the Decision of The Board The decision of the Board in respect to appeals from the decision of the enforcement officer and to request for variances shall be subject to appeal only to a Court of Record having Jurisdiction. (Ord. No. 303, Sec. 5.)

14.04.06 Enforcement

- A. The provision of this ordinance shall be administered by an enforcement officer designated by the City Council. No structure shall be erected, moved, added to or structurally altered, without a building permit. All applications for building permits shall provide such information as is necessary to determine conformance with these regulations.

B. If the enforcement officer shall find that the provisions of this ordinance are being violated and shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action to correct it, should the person, firm, corporation, or agent responsible for said violation fail to take the necessary action to correct it, the enforcement shall notify the City Council, which shall certify the violation to the City Attorney. The City Attorney shall, within seven days, apply to a court having jurisdiction to remove the violation. Each day a violation exists after notification by the enforcement officer, is a separate offense. The violator may be also charged with a misdemeanor and be subject to a fine not less than \$25.00 nor more than \$1,000.00. (Ord. No. 303, Sec. 6.)

14.04.07 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 STRUCTURE OR USE: Any structure or use on the same lot with, and customarily incidental and secondary to the main structure or use including satellite receiving dishes.

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.

AUTOMOBILE-JUNK AREA OR GRAVEYARD: An area other than a street or alley used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked automobiles or their parts.

AUTO WRECKING: The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipments, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.

BED AND BREAKFAST FACILITY: A permanently owner occupied private home with a maximum of three (3) guest rooms furnishing temporary lodging and breakfast to paying customers.

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: That portion of a lot remaining after required yards have been provided.

BUILDABLE WIDTH: Width of the building site after the required yards have been provided.

BUILDING: Any structure intended for shelter, housing or enclosure of persons, animals or chattel.

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 SETBACK LINE: The distance required by this ordinance to be maintained between a given lot line, easement or right-of-way line and any structure--front, rear, or side, as specified.

BUILDING, MAIN: Building in which is conducted the principal use of the lot on which it is situated.

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: A tract of land, private or public, divided into plots for internment of the human dead and in compliance with applicable state statutes.

CHILD CARE CENTER: A private establishment enrolling four or more children where tuition, fees, or other forms of compensation for the care of the children is charged. The term "Child Care Center" indicates day care nurseries, day care centers and any other facility that falls Within the scope of the definition set forth herein, regardless of auspices. Exempted from this definition is any facility operating as a kindergarten, nursery school or Head Start in conjunction with an elementary and/or secondary school system, whether it be public, private or parochial, whose primary purpose is a structured school readiness program. Space requirements shall be as stipulated by the State Board of Health and Standard Building Code.

CONFORMING USE: Any lawful use of a building or lot which complies with the provisions of this ordinance.

COVERAGE: The percentage of the lot area covered by the building area.

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: Any building, or portion thereof, which is designed or used as living quarters for one or more families.

DWELLING, SINGLE-FAMILY: A dwelling designed to be exclusively occupied by one family.

DWELLING, TWO-FAMILY: A dwelling designed to be occupied by two families living independently of each other.

DWELLING, MULTI-FAMILY: A dwelling designed for occupancy for three or more families living independently of each other.

DWELLING UNIT: A room or group of rooms occupied or intended to be occupied as separate living quarters.

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.

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.

FAMILY: One or more persons related by blood or marriage, including adopted children, or not

more than four (4) unrelated persons occupying premises and living as a single nonprofit housekeeping unit. A family shall be deemed to include domestic servants employed by said family.

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.

GASOLINE, SERVICE OR FILLING 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.

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 a family residing on the premises which is clearly incidental and secondary to the use of the dwelling unit, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings.

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.

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.

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, INTERIOR: A lot other than a corner lot.

LOT AREA: The total area included within the front, side and rear lot lines.

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.

MEDICAL AND DENTAL FACILITIES:

- A. **Convalescent, Rest, or Nursing Home:** A health facility where persons are housed and furnished with medical and/or nursing care.
- B. **Dental office or Doctors office:** A facility for the examination and treatment of patients.
- C. **Hospital:** An institution providing comprehensive health services.
- D. **Public Health Center:** A facility primarily utilized by a health unit for the provisions of public health services.

MOBILE HOME: A structure, transportable in one or more sections, which is at least 8 feet in width and 32 feet in length, which is built on a permanent foundation when connected to the required utilities.

MOBILE HOME PARK: A parcel of land in which land spaces are rented or leased for placement of mobile homes.

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 HOMES: A modular home is a factory fabricated dwelling over 32 feet in length and at least 24 feet wide designed and constructed without carriage or hitch collar as stationary house construction for placement upon a permanent foundation, to be permanently connected to utilities, and to be used for year-round occupancy. It may consist of two or more components that can be separated when transported but designed to be joined into one integral unit. A modular home must meet the minimum construction standards for house construction as specified in the Standard Building Code, the Federal Housing Administration Minimum Property Standards.

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.

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

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.

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.

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

SIGNS: Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants of premises, or other identification of premises not having commercial connotations;
- B. Flags and insignia of any government except when displayed in connection with commercial promotion;
- C. Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

SIGN, ON-SITE: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

SIGN, OFF-SITE: A sign other than an on-site sign.

SMALL ANIMAL CLINIC: A commercial facility operated to provide treatment and care including temporary boarding for domestic animals.

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.

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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.

TOWN HOUSE: One of a series of two or more attached single-family dwelling units, separated from one another by a continuous vertical party walls without openings from the lowest floor to the roof and with property lines separating each unit along the party wall.

TRAILER, CAMPER, RECREATION VEHICLE: A portable or mobile dwelling used for temporary occupancy, self contained, intended for camping, travel or recreational purposes and not for extended occupancy.

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 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.

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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.)

14.04.08 Filing fee for zoning change. The applicant for a change in zoning shall pay (in addition to all required advertising costs) to the City Clerk a filing fee of Twenty-Five Dollars (\$25.00) to cover such costs as may be incurred in connection with such application. Such fee is to be deposited in the General Fund of the City of West Fork. (Ord. No. 277.)

14.04.09 Conditional Use Criteria The Planning Commission shall hear and decide each request for conditional use as listed in the Schedule of Uses. The Planning Commission shall hold a public meeting on each request and may authorize the Conditional Use only after all of the following criteria have been answered with a yes finding.

1. A written application has been filed with the City and the fee has been paid.
2. The applicant has provided proof that each adjacent property owner has been notified by return receipt mail or personal contact. If personal contact a signed affidavit by the owner must be submitted.
3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Have all yard, setback and other area requirements been met?

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7. Is screening and buffering adequate?
8. Is ingress and egress safe and convenient?
9. Are Off-Street Parking and loading areas adequate?
10. Will refuse and service areas not cause adverse affects on adjacent property?
11. Will Off-Street Parking and loading areas not cause adverse affects on adjacent property?
12. Will signs be in compliance with the City's sign ordinance?
(Ord. No. 295.)

14.04.10 Schedules of Uses adopted by reference The Schedules of Uses in Ordinance 295 are adopted by reference. (Ord. No. 295.)

CHAPTER 14.08

FLOOD DAMAGE PREVENTION

Sections:

- 14.08.01 Statutory authorization, finding of fact, purpose and methods
- 14.08.02 Definitions
- 14.08.03 General provisions
- 14.08.04 Administration
- 14.08.05 Provisions for flood hazard reduction

14.08.01 Statutory authorization, findings of fact, purpose and methods.

A. Statutory Authorization. The Legislature of the State of Arkansas has in statutes delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council of West Fork, Arkansas, does ordain as follows:

B. Findings of Fact.

- (1) The flood hazard areas of West Fork, Arkansas, are subject to periodic inundation

which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and.

(7) Insure that potential buyers are notified that property is in a flood area.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or cause excessive increases in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging and other developments which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands. (Ord. No. 182, Art. 1)

14.08.02 Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, VI-30, VE or V.

BASE FLOOD - means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement buildings (i) built in the case of a building in Zone AI-30, AE, A, A99, AO, AH, B, C, X and D to have the top of the elevated floor or in the case of a building in Zones VI-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, A, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODWAY (REGULATORY FLOODWAY) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform in 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.

HABITABLE FLOOR - means any floor usable for the following purposes: which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; 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 Program regulations.

MANUFACTURED HOME - 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 connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (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.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank that is principally above ground as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

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 flood plains of coastal or riverine areas. (Ord. No. 182, Art. 2)

14.08.03 General provisions.

A. Lands to Which This Ordinance Applies. The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of West Fork, Arkansas.

B. Basis For Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of West Fork Arkansas," dated January, 1980, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

C. Establishment of Development Permit. A Development Permit shall be required to assure conformance with the provisions of this ordinance.

D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation. In the interpretation and application of this ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimed of Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. No. 182, Art. 3)

14.08.04 Administration.

A. Designation of the Floodplain Administrator. The City Building Inspector is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of §§ CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit applications to determine whether proposed building sites will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local government agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example: where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Soil and Water Resource Division, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Section 14.08.05.

(9) 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 AI-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 (1) foot at any point within the community.

C. Permit Procedures.

(1) Application for a 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 and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 14.08.05 B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

e. Maintain a record of all such information in accordance with Section 14.08.04 (B)(1);

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following related factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others:

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location where applicable.

i. The availability of alternative locations not subject to flooding or erosion damage; for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

D. Variance Procedures.

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above 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. (Section 14.08.01 C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variances is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Section 14.08.04 D(1)-(9) are met, and (ii) 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. (Ord. No. 182, Art. 4)

14.08.05 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(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 new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 14.08.03 (B), (ii) Section 14.08.04 B(8) or (iii) Section 14.08.05 C(4), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation,. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 14.08.04 C(1)a is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed to that below 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 buoyance. A registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify 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.

(3) Enclosures - new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding 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 (2) openings having a total net area of not less than one (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 one (1) foot above ground.
- 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.

(4) Manufactured Homes -

- a. Require that all manufactured homes to be placed within Zone A shall be installed using methods and practices which minimize flood damage. for the purpose 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.
- b. All manufactured homes shall be in compliance with Section 14.08.05 B(1).
- c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph B(4) of this Section.

C. Standards for Subdivision Proposals.

- (1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Section 14.08.01 B, C, and D of this ordinance.
- (2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Section 14.08.03 C, Section 14.08.04 C, and the provisions of Section 14.08.05 of this ordinance.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development, including manufactured home parks, and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 14.08.03 B or Section 14.08.04 B(8) of this ordinance.
- (4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established in Section 14.08.03 B are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures:

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below 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 of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Section 14.08.04 C(1)a are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

E. Floodways. Floodways - located within areas of special flood hazards established in Section 14.08.03 B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If Section 14.08.05 E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.08.05. (Ord. No. 182, Art. 5)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

14.12.01 Annexing

14.12.01 Annexing

Ord. No. 2008-402

Part of NW ¼ of Sec. 5, Twp 14 N, Range 30 West

Ord. No. 2008-406

SE Corner of NE ¼ of Sec. 28, Twp 15 N, Range 30 West