

ORDINANCE NO. 08-15

TOWN OF HIGHFILL, BENTON COUNTY, ARKANSAS

AN ORDINANCE TO ESTABLISH REGULATIONS, REQUIREMENTS AND PROCEDURES FOR THE REVIEW AND APPROVAL OF SITE DEVELOPMENTS AND FOR OTHER PURPOSES

WHEREAS, the Town of Highfill has the potential for significant growth based on its proximity to NWA Regional Airport; and

WHEREAS, the Town has determined that careful planning is required in order to protect the character of the Town while encouraging growth and development; and

WHEREAS, the Town has enacted various ordinances and regulations concerning development, planning and zoning; and

WHEREAS, the Town of Highfill recognizes that in order to meet the Town's goals, as expressed in the Town's Comprehensive Plan, it is necessary to continue refining the existing ordinances relating to development and planning; and

WHEREAS, the Town of Highfill has determined that there is a need to enact certain requirements that shall apply to site development projects in the Town of Highfill to protect the health, safety and general welfare of the Town, its citizens and its environs.

NOW THEREFORE, BE IT ENACTED, by the Town Council of the Town of Highfill, as follows:

Section 1. **Purpose.** The purpose hereof is to set forth the requirements and procedures for the review and approval of site developments under the jurisdiction of the Highfill Planning Commission (hereinafter referred to as the "Planning Commission").

In addition to the procedures and requirements set forth herein, the provisions of the Town of Highfill Zoning Code, Subdivision Regulations, building, fire and other construction codes, Flood Damage Prevention, and any other applicable statutes, codes, ordinances, resolutions, regulations or policies, together with all amendments thereto, shall also apply to site developments under the jurisdiction of the Planning Commission.

All proposed development shall be reviewed for consistency with planning and development goals contained in the Town of Highfill Comprehensive Plan, Land Use Plan and any other plans, together with all amendments thereto, prepared by the Planning Commission and adopted by the Town Council.

Section 2. **Authority.** This ordinance is adopted in accordance with the authority granted by Act 186 of the 1957 Arkansas General Assembly (Ark. Code Ann. §14-56-402).

Section 3. **Definition.** Any development meeting any one (1) of the following criteria shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit or any other permits issued by or through the Town of Highfill:

(1) Any new development other than a single-family construction or two-family (duplex) construction;

(2) Any addition to an existing development requiring more than 25 parking spaces;  
or

(3) Any addition to an existing building involving more than 5,000 square feet.

Section 4. Application Procedure.

(a) The developer shall prepare and file an application for approval of the site development with the Highfill Planning Commission.

(b) In order for the development to be considered at the next regular meeting of the Planning Commission, the application, including any required fee, must be submitted at least thirty (30) days prior to the meeting.

(c) The application shall consist of the following information:

(1) Written request to the Planning Commission describing the intended use of the property and formally requesting consideration by the Commission;

(2) Completed Site Development Application and Checklist;

(3) Receipt from the Town acknowledging payment of an application fee in accordance with the current Fee Schedule approved by the Town Council;

(4) Twelve (12) copies of Site Plan prepared by a licensed and qualified engineer or architect drawn to a scale of not more than one hundred (100) feet to one (1) inch and containing or accompanied by the information set forth in Section 5 hereof; and

(5) Any such other data and information that may be required by the Town or the Planning Commission.

Section 5. Site Plan Requirements.

(a) The Site Plan shall be prepared by a licensed and qualified engineer or architect drawn to a scale of not more than one hundred (100) feet to one (1) inch and shall include or be accompanied by the following:

(1) Names, addresses, telephone numbers of all parties involved in the project, including owner, developer, engineer, architect and surveyor;

(2) Name of development;

(3) Date;

(4) Graphic scale;

(5) North arrow on each page thereof;

- (6) Boundary survey of the property;
- (7) Separate written legal descriptions for each tract, if more than one (1), including the area of the tract in square feet or acres that read clockwise;
- (8) Point-of-beginning ("POB") from a permanent well-defined reference point; clearly label the POB on the Site Plan;
- (9) Vicinity map of the project with a radius of one (1) mile from the project showing relationship to existing street pattern including existing street names and class per Master Street Plan and 100 year floodplain boundary;
- (10) Current zoning classification for the property and the proposed development;
- (11) Current zoning classification for all adjacent properties and the names and addresses of all adjacent property owners as well as the county tax parcel number of each property;
- (12) Topography at contour intervals of two (2) feet for ground slope between level and ten percent and at five (5) feet intervals for ground slope exceeding ten percent; contours of adjacent property within one hundred (100) feet of the project;
- (13) Location of all physical features of the property including but not limited to creeks, ponds, drainage swales and wetlands, including those extending beyond the property line onto adjacent properties, to show the relationship of the proposed development with adjacent properties;
- (14) Location and description of all known potentially dangerous areas or conditions on the property including areas subject to flooding, slope instability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards;
- (15) Location and dimensions of all existing and proposed streets, rights-of-way, and center lines, including curve data for any street forming a project boundary;
- (16) Location and dimensions of all existing and proposed structures indicating structures to remain and structures to be removed;
- (17) Show 100 year floodplain and/or floodway and base flood elevations and reference the FIRM panel number and effective date;
- (18) A note regarding wetlands, if applicable; note if Army Corps of Engineers determination is in progress;
- (19) Site coverage note indicating the percentage of the site that is covered by an impervious surface, such as parking lots, and the Floor Area Ratio (size of building in square feet divided by net land area, expressed as a decimal number);
- (20) Location and dimensions of open space areas;
- (21) Location and dimensions of all setbacks from property lines and between structures;

(22) Location, dimensions and purpose (i.e. water, sewer, access, etc.) of all easements on or affecting the property;

(23) Location and size of any property to be dedicated or reserved with special conditions for special uses;

(24) Copies of all existing and/or drafts of any proposed covenants, conditions or restrictions, if any;

(25) Existing and proposed sidewalks;

(26) Existing and proposed storm drainage improvements and drainage runoff quantities (cubic feet per second);

(27) Existing and proposed driveways and curb cuts, including driveway widths, radius and distance from other property lines and street intersection(s);

(28) (A) Identify and show the location, size, surfacing, landscaping and arrangement of:

(i) parking spaces

(ii) handicapped parking spaces and ramps

(iii) loading areas

(B) Indicate the pattern of traffic flow; and

(C) Provide a table indicating the total number of general parking spaces required (based on zoning classification of the project) and the total number provided, the total number of handicapped parking spaces required and the total number provided;

(29) Location, dimension and description of screening or landscape buffers where proposed and/or required by Town;

(30) Location of proposed dumpsters and screening in accordance with the zoning code;

(31) Location and description of existing and proposed streetlights;

(32) For residential development provide a description of commonly held areas, if applicable, and provide a table of the following information:

(A) the total number of dwelling units and the gross floor area of the building; and

(B) the total number of each type of unit (by number of bedrooms, for example) and the floor area for each type of unit;

(33) For non-residential development, provide a table of the following information:

(A) the gross floor area of the building, and if for multiple uses;

(B) the floor area for each type of use;

(34) Location and description of existing and proposed signage;

(35) Location, dimensions and purpose of all known on-site and off-site existing and proposed utilities;

(36) A written description of any waivers from the foregoing requirements that are requested and the reason(s) justifying such waiver.

(b) The Planning Commission may waive any of the foregoing requirements when, in its discretion, the requirement is not necessary due to the nature of the proposed development, or other circumstances that justify such waiver. A pre-application conference to review and discuss the proposed development can be arranged and is strongly encouraged.

(c) The application/checklist shall be signed by the property owner of record.

(d) The following certificates shall be placed on the Site Plan:

(1) Engineering Certificate.

"I, \_\_\_\_\_, hereby certify that this proposed Site Plan correctly represents plans and specifications completed by me, or under my supervision on \_\_\_\_\_, 20\_\_; that the boundary shown hereon corresponds with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

(Signed)

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

\_\_\_\_\_  
Name - Registered  
Professional Engineer No.\_\_\_\_, Arkansas"

(2) Surveyor's Certificate.

"I, \_\_\_\_\_, hereby certify that this proposed Site Plan correctly represents a survey completed by me, or under my supervision, on \_\_\_\_\_, 20\_\_; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments found or placed on the property are correctly described and located.

(Signed)

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

\_\_\_\_\_  
Name- Registered Land Surveyor  
No. \_\_\_\_\_, Arkansas"

(3) Certificate of Site Plan Approval.

"All requirements of the Highfill Site Development Regulations relative to the preparation and submittal of a Site Plan having been fulfilled, approval of this Plan is hereby granted, subject to completion of provisions of said Regulations.

This certificate shall expire \_\_\_\_\_  
Date

(Signed)

\_\_\_\_\_  
Date of Execution                      Chairman  
Highfill Planning Commission"

(e) An architect's or engineer's stamp is required on the drawings when building cost is seventy-five thousand dollars (\$75,000.00) or greater (not including the value of the land) or on multi-family housing that contains five (5) or more units.

(f) If the project costs exceed twenty thousand dollars (\$20,000.00), an Arkansas State Contractor's License is required.

Section 6.     Site Development Approval.

(a) In order for the development to be considered at the next regular meeting of the Planning Commission, the application, including any required fee, must be submitted at least thirty (30) days prior to the meeting.

(b) The Planning Commission, and the Town's Engineer, shall review any site development plan for compliance with all applicable statutory provisions: city zoning, fire, building, housing, floodplain, and all other codes and ordinances of the Town of Highfill and to determine that the development is consistent with the planning goals of the Town, as identified in applicable plans adopted by the Town Council.

(c) Within ninety (90) days after the application is filed, the Planning Commission shall approve or disapprove the development, or conditionally approve it with modifications. The Planning Commission shall inform the developer of the action taken within five (5) business days.

(d) Failure or refusal to submit a required item or the failure to comply with the provisions, codes, or ordinances of the Town shall constitute a reason to deny a site development.

(e) Failure of the development to comply with the planning goals of the Town shall constitute a reason to deny a site development.

(f) If the Planning Commission determines that the proposed site development complies with all applicable requirements and is consistent with the planning goals of the Town, the Planning Commission may approve the development.

(g) If the Planning Commission determines that the proposed site development does not comply with the applicable requirements or that it is not consistent with the planning goals of the Town, the Planning Commission shall have the option to deny the application, approve with conditions or table the proposal until the next regularly scheduled meeting.

(h) Upon obtaining approval from the Planning Commission, the developer may commence construction after obtaining a building permit and any other required permits.

(i) The approval of a site development plan is conditioned upon the completion of the following tasks within one (1) year of the date of its approval:

(1) For any renovation or new construction, receive a building permit; and

(2) Receive all permits and approvals required by Town, State and Federal regulations to start construction of the development.

Prior to the expiration of the one (1) year time limit, an applicant may request, in writing, the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year period.

If the required tasks are not completed within one (1) year from the date of approval or within an allowed extension period, the approval of the site development shall expire, and all plans and permits shall be rendered null and void.

(j) The approval of a site development is conditioned upon the completion of the following tasks within two (2) years of the date of the issuance of a Building Permit:

(1) Completion of the project;

(2) Receiving final inspections; and

(3) Obtaining a final Certificate of Occupancy.

Prior to the expiration of the two (2) year time limit, an applicant may request the Planning Commission to extend the two (2) year period by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the normal three (3) year period.

If the applicant fails to meet the requirements of subsection (j) within two (2) years from the date of issuance of the Building Permit or during an allowed extension period, the approval of the site development shall expire, and all plans and permits shall be rendered null and void.

(k) Approval of site development shall be limited to the type of building/development stated within the letter accompanying the application. Should the developer decide to build or develop the property in a manner inconsistent with the use stated in the letter and Site Plan, a new application shall be required.

Section 7. Site Development Minimum Design Standards.

(a) Purposes.

(1) To protect and enhance the appearance, identity and natural and economic vitality of the Town.

(2) To address environmental concerns which include, but are not limited to, soil erosion and drainage.

(3) To enhance and preserve the quality of life and integrate the different zones and uses in a compatible manner.

(4) To address public safety issues.

(5) To preserve property values of surrounding property.

(6) To provide good civic design and arrangement.

(b) Applicability.

The standards set forth herein shall apply to the following zoning districts:

(1) C-1, Neighborhood Commercial;

(2) C-2, General Commercial;

(3) I-1, Light Industrial;

(4) I-2, General Industrial;

(5) AIA, Airport Influence Area;

(6) PUD, Planned Unit Development District;

(7) Any other zoning district where commercial or industrial uses are allowed as a conditional use.

(c) Site Development Standards. The following standards shall apply, in addition to the Minimum Required Improvements and Design Standards identified in the Town of Highfill Subdivision Regulations or other applicable standards, to site developments.

(d) Landscaping. Landscaping is required as follows:

(1) Landscaping shall be provided which is sufficient to provide soil stability and suitable drainage.

(2) Trees, shrubs, groundcover and grass shall be the primary components of landscaping and shall be placed and/or retained in such a manner as to reduce runoff.

(3) The current property owner shall properly maintain all landscaping and shall replace any landscaping that dies or is damaged.

(4) Native vegetation should be used when possible in order to minimize watering.

(e) Screening for commercial and industrial buildings and development.

(1) Screening shall mean a view obscuring fence, berm, architectural treatment, vegetation or a combination of the above, of a sufficient height to prevent the view of screened items from vehicular and pedestrian traffic on adjacent streets and from residential property. If vegetation is utilized as a screen, it shall be planted at a density sufficient to become view obscuring within two (2) years from the date of planting.

(2) Mechanical and utility equipment, trash enclosures and outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:

(A) All mechanical and utility equipment located on the wall or the ground shall be screened. All roof-mounted utilities and mechanical equipment shall be architecturally screened by materials and colors consistent with the design of the building. Mechanical and utility equipment over thirty (30) inches in height shall meet building setback requirements.

(B) Trash enclosures shall be screened with access not visible from the street.

(f) Fences. The following types, height and location of fences shall be prohibited:

(1) Razor and/or barbed wire fences are prohibited if visible from the street right-of-way or residence, unless and except barbed wire fences used for agricultural purposes.

(2) Chain link fence is prohibited if closer to the street than the front of the building in zoning districts C-1 and C-2. Residential uses are exempt from this requirement.

(3) The height of fences in front of the primary structure may be solid up to thirty (30) inches in height. Any part of a fence which exceeds thirty (30) inches in height shall not obstruct the view of the primary structure from the right-of-way.

(g) Site coverage. A maximum of eighty-five percent (85%) of the development site may be covered by the ground floor of any structures, parking lots, sidewalks, private streets and drives or any other impermeable surface.

(h) Design elements guidelines for commercial and industrial structures.

(1) A commercial or industrial structure or development shall be designed to avoid or minimize the following elements:

(A) Unpainted concrete precision block walls;

(B) Square "box-like" structures;

(C) Metal siding which dominates the main façade:

(D) Large, blank, unarticulated wall surfaces;

(E) Large, out-of-scale signs with high intensity, metallic, black light-reactive or fluorescent colors.

(2) A commercial or industrial development which contains more than one building should incorporate a recurring, unifying and identifiable theme for the entire development site.

(3) A development should provide compatibility and transition between adjoining developments.

(4) Buildings should have architectural features and patterns that provide visual interests, at the scale of the pedestrian, reduce massive aesthetic effects and recognize local character.

(5) Exterior building materials and color should be aesthetically pleasing and compatible with materials and colors in adjoining neighborhoods. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited as a predominant building color.

(i) Design review. The following drawings, information and plans shall be submitted to the Planning Commission for design review and approval:

(1) Rendered elevation drawing of the main façade at 1/16 Inch to one (1) foot (minimum) scale showing adjoining context and a description of external building materials.

(2) Proposed landscaping to be used as screening shall be shown on the Site Plan.

(j) Build-out. Build-out of the project shall conform to the drawings, information and plans approved. Amendments to the drawings, information and plans shall be submitted to the Planning Commission for prior review and approval. Amendments shall be considered using the same standards as the initial design approval. Failure to build out the project according to the approved drawings, information and plans, or approved amendments thereto, shall render the site development approval, or the building permit, void.

(k) As-built Site Plan. Upon completion of the development, the developer shall file with the Planning Commission an "As-built Site Plan" for the site development showing:

(1) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;

(2) The location of any freestanding signs and the setback distance of said signs from the street right-of-way and adjoining property lines;

(3) The location, number, dimensions and surfacing of all parking spaces and of all screens or fences;

(4) The location and size of all water, sewer, gas, electric, telephone and television cable lines; and

(5) The location and description of all landscaping.

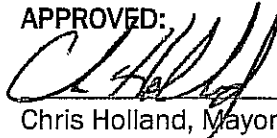
Section 8. **Severability Provision.** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 9. **Repeal of Conflicting Ordinances and Resolutions.** All ordinances and resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

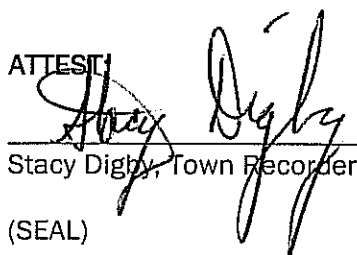
Section 10. **Declaration of Emergency.** It is hereby found and determined that the Town of Highfill does not currently have in place regulations, requirements and procedures for the review and approval of site developments for new construction and development, as well as additions and improvements to existing developments, within the Town, including commercial and multifamily buildings and other structures, in order to insure proper review thereof for consistency with planning and development goals contained in the Town of Highfill Comprehensive Plan, Land Use Plan and any other plans, together with all amendments thereto; and based upon the needs of the Town of Highfill in connection with its current and future growth, said Ordinance is vital to insure the orderly, safe and proper growth and development of the Town of Highfill. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation and protection of the public peace, health, safety and welfare of the Town and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto this Ordinance. If the Ordinance is vetoed by the Mayor and the veto is overridden by the Town Council, it shall become effective on the date the Town Council overrides the veto.

PASSED AND APPROVED this 9th day of October, 2008.

APPROVED:

  
Chris Holland, Mayor

ATTEST:

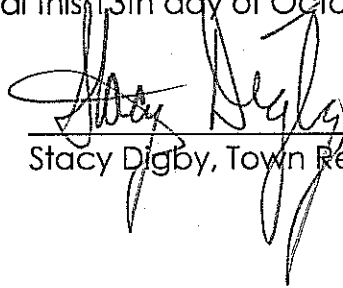
  
Stacy Digby, Town Recorder

(SEAL)

CERTIFICATE

I, Stacy Digby, Town Recorder of the Town of Highfill, Arkansas, do certify that the foregoing pages are a true and correct copy of Ordinance No. 2008-15 adopted at a meeting of the Town Council held at the regular meeting place in the Town at 6:30 p.m., on the 9th day of October, 2008, and that said Ordinance is of record in the records of the Town, now in my possession as Town Recorder.

GIVEN under my hand and seal this 13th day of October, 2008.



\_\_\_\_\_

Stacy Digby, Town Recorder

(SEAL)