# CITY OF NORFORK ZONING ORDINANCE 2014-00

A COMPREHENSIVE ZONING ORDINANCE HEREAFTER KNOWN, CITED AND REFERRED TO AS THE “NORFORK ARKANSAS ZONING ORDINANCE”, DIVIDING THE CITY OF NORFORK, BAXTER COUNTY, ARKANSAS, INTO DISTRICTS, REGULATING AND RESTRICTING THE LOCATION, USE AND INTENSITY OF USES WITHIN SAID DISTRICT, REQUIREING PERMITS AND PROVIDING FOR THE ADMINISTRATION OF AND PENALTIES FOR VIOALTION OF SAID ORDINANCE, AND DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the city has found after extensive study and review that it would be in the best interest of the citizens of the City of Norfork to replace the original 1995 ordinance with a new ordinance to be known as “CITY OF NORFORK ZONING ORDINANCE 2014-00”

WHEREAS, public hearing was held on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WHEREAS, three (3) copies of this ordinance were on file in the City Clerk’s office prior to its adoption; and

WHERE AS, the Planning Commission has approved and recommended adoption of this document entitled the “CITY OF NORFORK ZONING ORDINANCE 2014” on file with the City Clerk; and

WHEREAS, it would be in the best interest of the City to provide for the orderly growth and development of the city, and to promote the public welfare and safety of its citizens; by adopting the following ordinance.

NOW THEREFORE, be it ordained by the Mayor and the City Council of Norfork, Arkansas, that:

# NORFORK, ARKANSAS ZONING ORDINANCE 2014-00

# ARTICLE I

**ARTICLE** **01.00.00 TITLE AND AUTHORITY**

This ordinance is a basic zoning ordinance and shall hereafter be known, cited, and referred to as the “CITY OF NORFORK ARKANSAS ZONING ORDINANCE 2014-00”

ACT 186 of 1957 of the General Assembly of the State of Arkansas, as amended, empowers the City to enact zoning regulations and to provide for their administration, enforcement and amendment. The Council of the City, pursuant to the provisions of the Act 186 of 1957 of the General Assembly, as amended, has established a planning commission, which has divided the City into districts and has prepared regulation pertaining to these districts in accordance with the comprehensive development plan. These regulations apply to all land and structures and are in effect throughout the corporate limits of the City.

**ARTICLE** **01.01.00 INTENT AND PURPOSE**

This zoning ordinance is adopted to the end:

1. That adequate light, pure air and safety from fire and other dangers may be secured;

(B) That the taxable value of land and buildings throughout the City and it’s
 territorial jurisdiction be conserved;

 (C) That congestion in the public streets may be lessened or avoided;

 (D) That the hazard to persons and damage to property resulting from the
 accumulation or runoff of storm or flood waters may be lessened or avoided; and

 (E) That the public health, safety, and welfare may otherwise be promoted.

 The fulfillment of this purpose is to be accomplished by seeking the following
 objectives;

**ARTICLE** **01.01.01 PROPER LIVING AND WORKING CONDITIONS**

To prevent the overcrowding of land and undue concentration of structures in each zoning district, thereby ensuring proper living and working conditions and preventing the development of blight and slums.

**ARTICLE** **01.01.02 ACCESS**

To provide convenience of access to property;

**ARTICLE** **01.01.03 TRANSPORTATION**

To facilitate the provisions of adequate transportation services such as water, fire protection, roads, sewer, schools and parks.

**ARTICLE** **01.01.04 CONSERVATION AND PROTECTION**

To conserve the value of property throughout the City and to protect the character and stability of residential, commercial and industrial districts

**ARTICLE** **01.01.05 DISTRICTS**

To divide the City into districts of such number, shape, area, and of such different classes, according to the use of land, building, the height and construction of buildings, the intensity of use, and the area of open spaces and recreational spaces as may be deemed best suited to carry out the purpose of this ordinance.

**ARTICLE 01.01.06 PRESERVATION**

To preserve and ensure the preservations of natural resources

**ARTICLE 01.01.07 CONTROL**

To isolate or control the location of unavoidable nuisance producing uses, and to protect against fire, explosion, noxious fumes and other dangers

**ARTICLE 01.01.08 POWER AND DUTIES**

To define the powers and duties of the administrative and inspection officers and bodies

**ARTICLE 01.01.09 PENALTIES**

To prescribe penalties for any violations of the provisions of this ordinance or of any amendment thereto.

The standards and requirements contained in this ordinance and the district reflected on the Zoning Map Appendix I page ”A” are intended to implement the objectives of the plan for the City.

**ARTICLE II**

**ARTICLE 02.00.00 RULES AND DESIGNATIONS**

In the construction of this ordinance and any subsequent amendment, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise.

Words and terms not defined shall have the meaning indicated in by common dictionary and/or legal definition.

**(A)** **Rules**

1. Words used in the present tense shall include the future.

2. Words in the singular number shall include the plural number, and the plural
 number shall include the singular number.

 3. The masculine gender includes the feminine and neuter.

 4. The word “**Board**” shall mean the Board of Zoning Adjustment of the City of
 Norfork, Baxter County, Arkansas.

 5. The word “**Building**” shall include the word “structure” and shall include all
 other improvements of every kind, regardless of similarity to buildings.

 6. The words “**Building Official**” shall mean the building inspector.

 7. The word “**City**” shall mean the city of Norfork, Baxter County, Arkansas.

 8. The word “**Clerk**” shall mean the Administrative Clerk.

 9. The word “**Commission**” shall mean the Planning Commission of Norfork,
 Baxter County, Arkansas.

 10. The word “**Council**” shall mean the City Council of Norfork, Baxter County,
 Arkansas.

 11. The words “**Fee Ordinance**” shall mean the Norfork Permit Fee Ordinance.

 12. The word “**May**” is permissive.

 13. The word “**Lot**” shall include the words “piece”, “plot” and “parcel”.

 14. The word “**Person**” shall include “firm”, “association”, “corporation”, as well as
 an “individual”.

 15. The word “**Plan**” shall mean the Norfork Development Plan of the City of
 Norfork, Baxter County, Arkansas.

 16. The word “**Recorder**” shall mean the duly elective Recorder/Treasurer of
 Norfork, Baxter County, Arkansas, also known and cited as City Clerk.

 17. The word “**Shall**” is mandatory and not discretionary.

 18. The phrase “**Used For**” shall include the phrases “arranged for”, “designed
 for”, intended for”, “maintained for” and “occupied for”.

**(B) Definitions**

**Abandoned Sign:** A sign no longer identifies or advertises a bona fide business
 lesser, service, owner, product or activity, or for which no legal owner
 can be found.

 **Accessory Structure:** A subordinate structure located on a lot with the principal
 structure, where an accessory structure is attached to the principal
 structure in a substantial manner, as by a roof, such accessory shall be
 considered as part of the principal structure. An example of an
 accessory structure for a non-residential structure would be an
 educational building of a church, with the sanctuary being the principal
 structure.

**Accessory Use:** A use which is customarily incidental to the principal use. In
 buildings restricted to residential use, the office of a professional man
 or customary family work-shop not conducted for compensation shall
 be deemed accessory use.

**Alley:** A narrow passage or way not in excess of twenty (20) feet which
 affords a secondary means of vehicular access to abutting properties
 and not intended for general traffic circulation.

**Alterations:** Any change in size, shape, character, occupancy or use of a
 building or structure.

**Anchoring:** The securing in the ground of an approved device to which a tie
 down strap or cable may be affixed that meets the requirements of
 state and federal regulations.

**Apartments:** A multiple family dwelling.

**Area, Area Requirements:** Area is a term referring to the amount of land area
 in a lot or parcel. Area requirements mean the yard, lot area, width of
 lot, and parking requirements as set forth in a specific district in this
 ordinance.

**Automobile Junk or Salvage Yard:** An area in a district where motor vehicles
 are disassembled, dismantled, junked or “wrecked”, or where motor
 vehicles are stored. A special use permit is required.

**Automobile Service Station:** A building or portion thereof, or lot used for
 offering for retail sale to the public, fuels, oils and accessories for
 motor vehicle; where repair service is minor, where no storage or
 parking space is offered for sale or rent.

**Awning Sign:** The use of an awning attached to a building for advertisement,
 identification or promotional purposes, provided that only that portion
 of the awning which bears graphics, symbols and/or written copy shall
 be construed as being a sign.

Board of Zoning Adjustments: An ad hoc board which consists of at least three (3) members of the Planning Commission and may be the entire Commission which shall have the following functions: (1) Hear appeals from the decisions of the administrative officers of the city in respect to the enforcement and application of the zoning code—may affirm, reverse in whole or in part; and (2) Hear requests for variances from the literal provisions of the zoning code in instances where strict enforcement of the code would cause undue hardship.

**Banks and Financial Institutions:** Commercial banks, savings and loan
 associations, brokerage offices, and other similar financial institutions,
 but not including pawn shops.

**Bed and Breakfast** (or **B&B**): a small [lodging](http://en.wikipedia.org/wiki/Lodging) establishment that offers overnight accommodation and [breakfast](http://en.wikipedia.org/wiki/Breakfast), but usually does not offer other meals. Typically, bed and breakfasts are private homes with fewer than 10 bedrooms available for commercial use.

**Billboard:** An outdoor advertised sign or poster panel which advertises
 products, businesses and/or services not connected with the site on
 which the sign is located, and which sign is a substantial permanent
 structure with display services of a type which are customarily leased
 for commercial purposes. (May be lighted or unlightedd.)

**Block Front:** All of the property on one (1) side of the street between two
 intersecting streets or between an intersecting street and the dead-end
 of a street.

 **Building:** Any structure including a roof supported by walls designed or
 intended for the support, enclosure, shelter or protection of persons,
 animals, chattels, or property and forming a construction that is safe
 and stable. The word building shall include the word structure.

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

 **Building, Height Of:** The vertical distance measured from the average
 elevation of the finished grade at the front of the building to the
 highest point of the structure, exclusive of chimneys, ventilators, or
 other extensions above the roof line that are not intended for
 occupancy or internal usage by persons.

 **Building Line:** The line of the building nearest the front line of the
 lot. This face includes sun parlors and covered porches whether
 enclosed or unenclosed but does not include steps.

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

 **Building Inspector:** A person appointed by the Mayor and approved by the City
 Council of Norfork to inspect construction or other uses for compliance
 with these regulations, and referred herein as the building inspector.

**Building Permit: a**[**permit**](http://en.wikipedia.org/wiki/License)**required in most**[**jurisdictions**](http://en.wikipedia.org/wiki/Jurisdiction)**for new**[**construction**](http://en.wikipedia.org/wiki/Construction)**, or adding onto pre-existing**[**structures**](http://en.wikipedia.org/wiki/Structure)**, and in some cases for major** [**renovations**](http://en.wikipedia.org/wiki/Renovation)**. Generally, the new construction must be**[**inspected**](http://en.wikipedia.org/wiki/Inspect)**during construction and after completion to ensure compliance with applicable local**[**building codes**](http://en.wikipedia.org/wiki/Building_code)**. Failure to obtain a permit can result in significant**[**fines**](http://en.wikipedia.org/wiki/Fine_%28penalty%29)**and**[**penalties**](http://en.wikipedia.org/wiki/Sanctions_%28law%29)**, and even**[**demolition**](http://en.wikipedia.org/wiki/Demolition)**of unauthorized construction if it cannot be made to meet code.**

**Business: is an**[**organization**](http://en.wikipedia.org/wiki/Organization)**involved in the**[**trade**](http://en.wikipedia.org/wiki/Trade)**of**[**goods**](http://en.wikipedia.org/wiki/Good_%28economics%29)**,**[**services**](http://en.wikipedia.org/wiki/Service_%28economics%29)**, or both to** [**consumers**](http://en.wikipedia.org/wiki/Consumer) **in exchange of other goods, services, or money. Businesses may also be**[**not-for-profit**](http://en.wikipedia.org/wiki/Non-profit_organization)**or**[**state-owned**](http://en.wikipedia.org/wiki/Government-owned_corporation)**.**

 **Carport:** An open sided, roof automobile shelter, usually formed by extension of
 the roof from the side of the building.

**Changeable Copy Sign:** A sign whose information content can be changed or
 altered (without changes of altering the sign frame, sign supports or
 electrical parts) by manual or electric. A sign on which the message
 changes more than eight (8) times within a day is considered an
 electronic message sign.

**Child Care Center:** Any place, home or institution which receives five (5) or
 more children under the age of sixteen (16) years, and not common
 parentage, for care apart from their natural parents, legal guardians or
 custodians, when received for regular periods of time for
 compensation, provided, however said use is operated in compliance
 with all federal, state and local statutes.

**Clinical, Dental, Medical Chiropractic, Podiatric, Naturopathic, Homeopathic:** A facility for the examination and treatment of ill and afflicted
 human out-patients by duly licensed practitioners, provided, however
 that patients are not kept overnight except in emergency conditions;
 said clinic shall be operated in compliance with all federal, state and
 local statutes.

**Clinic, Veterinarian:** A facility for the examination and treatment of ill animals
 by duly licensed practitioners, which may or may not provide boarding
 or kennel facilities.

**Construction Specifications:** The term used to indicate the gross floor area of
 a building in reflection to the lot area, the height of the structure; and
 the percentage of land coverage allowable for each building on a
 zoning lot.

**Density:** The numerical percentage reflecting the concentration of dwelling structures
 within any given area of the residential land use.

**Directional Sign:** A single-faced or double- faced sign not exceeding two (2)
 feet x three (3) feet (six square feet) in surface area per side,
 designed to guide or direct pedestrian or vehicular traffic to an area,
 place or convenience on the premises upon which the sign is located,
 i.e., entrance and exit signed and/or other similarly worded sign when
 used for the sole purpose of controlling mobile and pedestrian traffic.

**District, Zoning:** Any section, sections or divisions of the City of Norfork within
 which the governing the use of land, density, construction regulation,
 height, and coverage of buildings and other structures are uniform.

**Drive-In Commercial Uses:** Any retail commercial use providing considerable
 off-street parking and catering primarily to vehicular trade such as
 drive-in restaurant, drive-in theaters and similar uses.

**Dwelling Single Family:** A detached structure designed for or occupied be one
 (1) family only.

**Dwelling Multi-Family:** A residential building containing two (2) or more
 dwelling structures, exclusive or auto or trailer courts or camps, hotel
 or motels.

**Easement:** A grant by a property owner for use of a strip or parcel of land by the
 general public, a corporation, or a certain person or persons for a
 specific purpose of purposes.

**Existing:** The established fact of the legal use of the land structure at the time of the effective date of these regulations.

**Family:** One (1) or more persons occupying premises and living as a single,
 non-profit housekeeping structure.

**Fences and Walls:** Any man-made structure, partition or enclosure of wood,
 iron or other material enclosing or dividing a piece of land.

**Frontage:** The length of a front lot line or lines.

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

**Garage, Public or Repair:** A building in which are provided facilities for the
 care, servicing, repair of equipment or automobile, and may or may
 not offer for fuels, oils and other accessories for sale to the public.

**Inn: G**enerally establishments or buildings where travelers can seek [lodging](http://en.wikipedia.org/wiki/Lodging) and, usually, [food](http://en.wikipedia.org/wiki/Food) and [drink](http://en.wikipedia.org/wiki/Drink). They are typically located in the country or along a highway.

**Junk Yard:** An area in a district designated for storage of discarded or
 inoperable appliances, automobiles and other items which parts
 thereof may be recycled, sold or otherwise utilized.

**Lot:** A parcel of land occupied or intended for occupancy by a use
 permitted in this ordinance including one (1) main building together

with its accessory building, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street.

**Lot Area:** The total horizontal area included in the lot.

**Lot Corner:** A lot abutting upon two (2) or more streets at their intersection.

**Lot, Double Frontage:** A lot which is an interior lot extending from one (1)
 street to another and abutting a street at two (2) ends.

**Lot, Lines:** The lines bounding a lot as defined herein.

**Lot Line, Front:** In the case of an interior lot, the line separating said lot from
 the street which is designed as the front street in the request for a
 building permit.

**Lot Line, Rear:** The lot boundary opposite and most distant from the front lot
 line. In case of a pointed or irregular lot, it shall be an imaginary line
 parallel to and farthermost from the front lot line.

**Lot Line, Side:** Any lot line other than the front or rear lot line as defined herein.

**Lot of Record:** A lot or parcel of land, the deed of which has been recorded in
 the office of the county recorder, prior to the passage of this
 ordinance, including property included in metes and bounds.

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

**Manufactured (mobile) Housing, Independent:** are homes built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. Manufactured homes may be single- or multi-section and are transported to the site and installed. (*mobile home* is the term used for manufactured homes produced prior to June 15, 1976, when the HUD Code went into effect. Despite the formal definition, *mobile home* and *trailer* are still common terms in the Structureed States for this type of housing.)

**Manufactured ~~(mobile)~~ Home Space, Single:** A plot of ground providing a
 minimum space of four thousand four hundred (4,400) square feet
 within a manufactured (mobile) home park designated for the
 accommodation of (1) single wide manufactured (mobile) housing
 independent dwelling structure.

**Manufactured ~~(mobile)~~ Home Space, Double:** A plot of ground providing a
 minimum space of six thousand six hundred (6,600) square feet within
 a manufactured (mobile) home park or elsewhere designated for the
 accommodation of one (1) double-wide manufactured (mobile)
 housing independent dwelling structure.

**Modular Manufactured Housing:** These structures will meet most local
 building codes and are subject to standard regional and/or state
 building codes for modular construction. Although a modular house
 can be transported on a steel undercarriage, the undercarriage is not
 a permanent and necessary structural component, and is usually
 removed when placed on a foundation.

**Motel:** A motel or motor court is a business comprised of a building or group
 of buildings so arranged as to furnish overnight accommodations for extended stay or transient guests and operated in compliance with all federal, state and local statues. If a kitchens or restaurant is operated on the premises for the convenience of guests, said facilities shall be in compliance with all federal, state and local statutes.

**Non-Conforming:** Any building or land lawfully occupied by a use at the time of
 passage of these ordinances which does not conform with the use or
 area regulations of the district in which it is located.

**Norfork Development Plan:** An official statement reflecting the objectives,
 polices, and ambitions of the community regarding future physical
 growth. The criteria which are determined and established by authority
 as a rule for the measure of quality, value, extent and quantity, and is
 a projection of what future conditions are likely to be. Once adopted,
 the plan serves as a guide for making land use changes, preparation
 of implementing ordinances (zoning, plating), preparation of capital
 improvement programs, and the rate, timing and location of future
 growth. The Plan reflects the general location or various land uses,
 major streets, parks, public buildings, zoning districts and other public
 improvements. The Norfork Development Plan shall be hereinafter
 called the Plan.

**Nursing, Congregate or Convalescent Home:** An institution for the care of
 children or the aged or infirm, providing lodging, meals, and licensed
 nursing car and operated in compliance with all federal, state and
 local statutes.

**Occupation:** a regular activity performed for payment, that occupies one's time, Employment, [Career](http://en.wikipedia.org/wiki/Career), a course through life, [Profession](http://en.wikipedia.org/wiki/Profession), a vocation founded upon specialized training, [Vocation](http://en.wikipedia.org/wiki/Vocation), an occupation to which a person is specially drawn.

**Open Space:** Any unoccupied space on a lot that is open and obstructed to the
 sky, and occupied by no structures or portions of a structure whatever.

**Parking Space:** An on-lot space available for the parking of one motor vehicle
 and having an area of not less than one hundred eighty (180) square
 feet exclusive of easements and have direct access to a street of
 alley. It shall measure not less than nine (9) feet by twenty (20) feet.

**Plan:** A shortened reference for the Norfork Development Plan.

**Portable Sign:** Any sign not permanently attached to the ground or other
 permanent structure, including but not limited to signs with attached
 wheels and those converted to A or T frame structure.

**Principal Structure:** A structure in which a principal use of the lot on which the
 structure is located.

**Principal Use:** The specific primary purpose for which the land, building, or
 structure is used or intended to be used.

**Property Line:** The line bounding a lot as described herein.

**Public, Semi-Public, Quasi-Public Assembly:** A use typified as schools,
 churches. Public buildings (i.e., post offices, community buildings,
 other federal, state, and municipal governmental buildings) and social
 civic organizations.

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

**Resort Use:** A dwelling or lodging structure or structures designed for occupancy by
 transient tourist and vacationers together with facilities which
 constitute a place to which people generally go that provides lodging,
 food, beverages, rest and recreational activities areas; all utilities shall
 be in compliance with existing codes and ordinances.

**Setback:** Distance between the lot line and the building line.

 **Short Term Rental:** Houses, housing structures or rooms rented to transient
 guests that rent for less than thirty (30) consecutive days.

**Sign Area:** The area within a line including the outer extremities of all letters,
 figures, character, and delineations, or within a line including the outer
 extremities of the framework of background of the sign, whichever
 includes the larger area. The support for the sign background,
 whether it be columns, a pylon, a building or a part thereof, shall not
 be included in the sign area.

**Sign, Business:** An accessory sign which direct attention to a profession,
 business, commodity or service conducted sold or offered on the lot
 on which the sign is located.

**Sign, Identification:** An accessory sign which content is limited to the name
 and/or occupation of the occupant or for announcement purposes,
 such as is utilized by churches and other public and quasi-public
 agencies.

**Single Family Dwelling:** A single detached dwelling contains only one dwelling structure and is completely separated by open space on all sides from any other structure, except its own garage or shed.

**Site Plan Review:** The purpose whereby local officials, usually the Commission
 and staff, review the site plan of a development to assure that they
 meet the stated purposes and standards of zoning and other
 regulations, provide for the necessary public facilities such as roads
 and schools, and protect and preserve desirable features and
 adjacent properties through appropriate location of structures and the
 use of landscaping. Site plan review is usually required in connection
 with many flexible land use regulation techniques. The process often
 allows considerable discretion to be exercised by local officials since it
 may deal with hard to-define aesthetic and design considerations.

**Standards:** While often used loosely to refer to all requirements in zoning
 ordinance, the term usually is used to mean site design regulations
 such as lot area, height limits, frontage, landscaping, yards, and floor
 area ratio as distinguished from use regulations.

**Street:** A public thoroughfare dedicated and accepted by the city of a private
 thoroughfare, either of which is more than twenty (20) feet and which
 affords a principal means of access to abutting property and is
 maintained under public authority.

**Structure:** Anything constructed or erected with a fixed location on the ground.
 With reference to the foregoing, a structure shall include fences, walls
 buildings and signs.

**Structural Alterations, Exterior**: Any exterior change in the supporting
 members of a building, such as bearing walls or partitions, columns,
 beams, or girders, or any substantial change in the roof or in the
 exterior walls.

**Toxic Matter:** Materials which are capable of causing injury to living organisms
 by chemical means.

**Trailer, Hauling, Transporting:** A vehicle standing on wheels or on rigid
 supports which is used for transporting boats, cargo, or property, but
 exclusive of any temporary dwelling for persons.

**Use of Land:** The unoccupied portion of a lot shall be considered to be in the
 same use as is the principal structure located on the lot unless such
 land is utilized for open storage.

**Yard:** An open space on the same lot with a building unobstructed from the
 ground upward and measured as the minimum horizontal distance
 between the lot line and the main (principal) building.

**Yard, Front:** A yard extending across the front of a lot between the side yard
 lines, and being the minimum horizontal distance between the street
 line and the main (principal) building or any projections of uncovered
 steps, uncovered balconies, or uncovered porches. On corner lots the
 front yard shall be considered as parallel to the street upon which the
 lot has the least dimension.

**Yard, Rear:** A yard extending across the rear of the lot between the side lot
 lines measured between the rear lot lines in the rear of the main
 building or any projection other than steps, unenclosed porches or
 entrance ways.

**Yard, Side:** A yard between the main building and the side line of the lot, and
 extending from the front lot line to the rear yard. And being the
 minimum horizontal distance between a side lot line and the side of
 main (principal) building or any projection thereof

**Zero-Lot Line:** A development approach in which a building is sited on one or
 more lot line with no yard: Conceivably, three or four sides of the
 building could be on lot lines. The intent is to allow more flexibility in
 site design and to increase the amount of usable open space on the
 lot between buildings, especially in urban areas with high density and
 small lots.

**Zoning Lot:** A parcel of land that is designated by its owner or authorized agent
 as a tract, all of which is to be built upon as a structure under single
 ownership. A zoning lot may consist of any standard lot or a
 combination of lot and any legally recorded portion of a lot that existed
 prior to the passage of this ordinance. When determining the front, rear,
 and side yard setbacks for a zoning lot, the required distance shall be
 measured from the exterior boundaries of said zoning lot.

**ARTICLE III SCOPE OF REGULATIONS**

**ARTICLE 03.01.00 GENERAL USE INSTRUCTIONS**

It is not the intent of these regulation to prohibit land usage of pre-existing construction start-ups completed in compliance with 03.02.00 or existing lots and lot areas as described in Article 03.05.00 prior to the adoption of this zoning ordinance; nor is it intended to supersede recorded subdivision covenants more restrictive than the provisions of this zoning ordinance; nor is it intended to unduly restrict usage of lands or structures existing prior to adoption of this zoning ordinance that may not conform to regulation contained therein.

**ARTICLE 03.02.00 PRE-EXISTING CONSTRUCTION**

However, nothing herein shall require any change in the plans, construction, or designated use of a building under construction, at the time of the adoption of this zoning ordinance Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of this ordinance, provided construction is started on said building within one hundred twenty (120) days after adoption of this zoning ordinance and diligently prosecuted to completion in accordance with plans on which the building permit has been issued.

Completion shall be accomplished within twelve (12) months of the effective date of this ordinance unless otherwise approved by City Council acting on a Commission recommendation.

**ARTICLE 03.03.00 CONSTRUCTION REGULATION**

In this ordinance, construction regulations are expressed in terms of maximum structure height, lot coverage, and minimum front, corner side, side and rear yards. No structure or part thereof shall hereafter be built, moved or remodeled, and no structure of land shall hereafter be used, occupied or designed for use or occupancy so as to:

 (A) Exceed the maximum lot coverage percentage, structure height,
 specified in the zoning district in which the structure is located;

 (B) Provide any setbacks for front, rear, corner side and side yard that is less
 than that specified for the zoning district in which such structure of use of
 land is located or maintained, except as stated below in Article 03.08,00
 below.

**ARTICLE 03.04.00 EXISTING LOTS AND LOT AREAS IN A ZONING**

 **DISTRICT**

 (A) On any vacant lot in a residential use district which is on plat of record at
 the time of passage of these regulations, a residential dwelling may be
 erected even though the lot be of less area, depth or width than required
 by regulations of the residential use district in which the lot is located,
 provided however that all other yard requirements are met.

 (B) On any vacant lot in a commercial use district which is on plat of record
 at the time of the passage of these regulations, a commercial structure
 may be erected even though the lot be of less area, depth or width than
 required by the regulations of the commercial district in which the lot is
 located, provided however that all other yard requirements are met.

 **ARTICLE 03.05.00 NUMBER OF STRUCTURES AND USES ON A**

 **ZONING LOT**

 (A) One (1) principal and residential structure shall be located on a zoning
 lot in a residential district.

 (B) In commercial districts, any number of structures and/or structures may be
 constructed on a single zoning lot.

**ARTICLE 03.06.00 PLATTED BUILDING AND SETBACK LINES**

A recorded subdivision plat may impose a building or setback line for a lot that is greater than the minimum front, rear, side or corner setback required by the application section of this ordinance.

Lots abutting government property shall maintain the same building setbacks as other lots not abutting said government property in the districts in which the lots are located.

**ARTICLE 03.07.00 LOT SIZE REQUIREMENTS AND CONSTRUCTION**

 **REGULATIONS FOR PUBLIC UTILITY FACILITES**

 **AND STRUCTURES**

Except for public utility facilities and structures below the surface of the ground, all public utility facilities and structures, i. e., public service uses,(lying on or above the ground) shall be required to comply with lot size requirements and construction regulations, the zoning district in which they are located, and shall observe the applicable minimum front, side, corner side and rear yard requirements. The maximum height shall be observed as allowed in the construction regulations for each district.

Setbacks requirements for public facilities and structures shall be in compliance with City and State regulations.

Public facilities and utilities (public services uses and structures) shall be permitted in all districts and defined as follows:

 (A) Electric and telephone substations and distributions equipment;

 (B) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or

 other similar equipment for distribution to consumers for transmission of
 electricity, water or natural gas.

 (C) Pumping stations;

 (D) Transformer stations;

 (E) Wells;

 (F) Water storage reservoirs;

**ARTICLE 03.08.00 SEWER AND WATER FACILITIES**

All structures built hereafter must be in compliance with City sewer and water department codes and ordinance.

**ARTICLE 03.09.00 HOME OCCUPATIONS (BUSINESSES)**

Any business may be carried on in a residential district only if the following are complied with:

 (A) It does not involve the use of commercial vehicles operating from the
 residence.

 (B) It does not require the use of an accessory building or of yard space or
 an activity outside the main structure not normally associated with
 residential uses;

 (C) It does not have a sign in excess off two (2) square feet to denote the
 business, occupation or profession, and any such sign must be attached
 to the structure;

 (D) It does not involve the external display of goods and services;

 (E) The occupation must be carried on only by the occupant family of said
 residence.

**ARTICLE 03.10.00 PROHIBITED HOME OCCUPATION**

Prohibited home occupations in all residential districts are those governed by federal, state and local health regulations and/or requiring licensing.

**ARTICLE 03.11.00 NEW LIGHTING ON POLES AND SPOTLIGHTS**

1. No outside lighting shall be permitted which creates a hazard to traffic.

 Lights shall be properly shaded to prevent glare to adjacent property
 and/or streets. Lighting must be installed in accordance with state
 codes.

 (B) This section does not pertain to holiday decorations lights used during
 Christmas and New Year holidays.

 (C) The council has the authority to approve all street lights that are outside
 the boundaries of property owners in the City.

**ARTICLE IV**

**ARTICLE 04.00.00 NON-CONFORMING BUILDING, STRUCTURES**

 **AND USES**

**ARTICLE 04.01.00 STATEMENT OF PURPOSE**

Under Act 186 of 1957 as amended, the Board shall not permit as a variance, any use in a zone that is not permitted under the ordinance. The Board may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

 (A) This ordinance establishes separate districts, each of which is an
 appropriate area for the location of the uses which are permitted in
 that district. It is necessary and consistent with establishment of these
 districts that those non-conforming buildings, structures and uses
 which substantially and adversely affect the orderly development and
 taxable value of other property in the district be permitted to continue
 within certain restrictions.

 (B) The purchasers of non-conforming buildings, structures or uses are
 entitled to the same right as their granter, and prior knowledge of the
 non-conforming nature of the building, structure or uses is irrelevant.

 This accords with the general principle that *zoning rights run with the
 land, not with persons.*

**ARTICLE 04.02.00 AUTHORITY TO CONTINUE NON-CONFORMING**

 **BUILDINGS, STRUCTURES AND USES**

Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, shall become non-conforming upon the adoption of this ordinance, or any subsequent amendments thereto and may be continued, rebuilt, remodeled, repaired, replaced, restored, altered and/or enlarged subject to the following regulations.

**ATTICLE 04.03.00 REPAIRS AND ALTERATION TO NON**

 **CONFORMING BUILDINGS AND STRUCTURES**

Repairs and alterations may be made to a non-conforming building or structure provided that:

 (A) Structural alterations to non-conforming buildings and structures
 which decrease the prior buildings setbacks shall meet the setback
 requirements of this ordinance where structure is located: If building
 or structure does not comply with the setbacks of this ordinance,
 then said building or structure shall not be enlarged, but may be
 otherwise continued, rebuilt, remodeled, repaired, replaced,
 restored, or altered.

 (B) A non-conforming building, structure or use may also be continued,
 rebuilt, remodeled, repaired, replaced, restored, or altered in such a
 manner as to conform to the regulations of the district in which it is
 located; e.g. it then becomes “conforming”.

**ARTICLE 04.04.00 RELOCATION OF BUILDING OR STRUCTURE**

 (A) No non-conforming building or structure shall be moved in whole or

 in part to any other location on the same lot unless every portion of
 such building or structure which is moved is made to conform to
 building setback requirements of the district in which it is located.

 (B) No non-conforming building or structure shall be moved from its
 original to any other location in any district as provided in this
 ordinance unless said building or structure shall conform to all of
 the regulations and requirements of the district in which said
 building or structure shall be relocated.

**ARTICLE 04.05.00 RESTORATION OF A DAMAGED BUILDING OR**

 **STRUCTURE DESIGNED OR INTENDED FOR A**

 **NON-CONFORMING USE**

 (A) A non-conforming building or structure which is destroyed by fire or
 other casualty or act of God may be continued, rebuilt, remodeled,
 repaired, replaced, restored, and/or altered provided
 aforementioned activity is diligently prosecuted to completion
 within the time period required by building permit regulations.

 (B) A non-conforming building or structures which is destroyed or
 damaged by fire or other casualty or act of God may also be
 enlarged provided said building or structure shall have setbacks
 equal to or greater than the setbacks of the district wherein the
 said building or structure is located and subject to the same
 provision of Article 04.05.00 (A) above.

**ARTICLE 04.06.00 TIME EXTENSION**

In case of hardship, an application may be made to the Board for an extension of time stated in Article 04.05.00 above.

**ARTICLE 04.07.00 LAND**

The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure therein is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

**ARTICLE 04.08.00 QUESTION OF FACT**

Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board after public notice and in accordance with rules of the Board.

**ARTICLE V**

**ARTICLE 05.00.00 ESTABLISHMENT OF DISTRICT AND/OR USE**

 **ZONE**

The City is hereby divided into five (5) zoning districts, as indicated on the Zoning District Map which accompanies and is a part of these regulations.

 R-1- Single Family Residential

 R-2- Multi-Family Residential

MR-1- Manufactured Home
 HR-1- Historical/Recreational
 B-1- Business/Commercial
 B-2- Business/Commercial/Single Family
 Residential/Manufactured Homes

**ARTICLE 05.01.00 BOUNDRIES**

The boundaries of these districts are shown on the Zoning District Map. The original of this map is properly attested and on file with the Recorder of Deed of Baxter county. A copy of this map is on file with the Recorder of the City and also accompanies these regulations. The said map and all the information shown thereon shall have the same force and effect as if fully set forth or described herein.

Where uncertainty exists as to the boundaries as shown on the Zoning Districts Map the following rules apply:

 (A) Boundaries indicated as approximately following the center lines of
 streets, highways, and alley shall be construed as following such
 center lines.

 (B) Boundaries indicated as approximately following platted lot line
 shall be construed as following such lot lines.

 (C) Boundaries indicated as approximately following city limits shall be
 construed as following city limits.

 (D) Boundaries indicated as parallel to or extensions of features
 mentioned in the preceding rules shall be so construed.

 (E) In circumstances not covered by the preceding rules, the Board
 shall interpret the district boundaries.

 (F) When a lot is held in one ownership on the effective date of this
 ordinance is divided by a district boundary line, the entire lot shall
 be construed as within the less restrictive district.

 **ARTICLE 05.02.00 R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

This district is intended for residential neighborhoods characterized by single family
 residential dwelling containing a suitable lot area, excluding single family manufactured
(mobile) home dwelling structures which are restricted to the MR-1 district.

**ARTICLE 05.02.01 R-1 PERMITTED USES**

 (A) Single family dwellings

 (B) Public schools, churches, and church-affiliated day care center

 (C) Non-commercial recreational buildings and community center

 (D) Home occupations as permitted in accordance with Article 03.10.00

 (E) Post Offices

 (F) Public services

 (G) Public facilities in accordance with Article 03.08.00 and city codes and
 ordinances

 **ARTICLE 05.02.02 R-1 ACCESSORY USES**

 (A) As permitted.

 (B) Fences may be put on property lines but must have the finished side
 facing away from the property.

 (C) Portable buildings require a five (5) foot setback from all property lines

 **ARTICLE 05.02.03 R-1 PERMITTED SPECIAL USES**

 (A) Hospitals
 (B) Police departments
 (C) Library
 (D) Clinic (medical), congregate care, nursing homes
 (E) Cemeteries, mausoleums in accordance with Arkansas statutes
 (F) Parks

 **ARTICLE 05.02.04 R-1 TEMPORARY USES**

Temporary uses as permitted by approval of the Planning Commission.

**ARTICLE 05.02.05 R-1 CONSTRUCTION REGULATIONS**

*.* Structure height not to exceed two and one-half (2-1/2) stories or thirty five (35) feet in height, whichever is lower. Detached garages and carports are not to exceed fifteen (15) feet in height.

**ARTICLE 05.02.06 R-1 AREA REQUIREMENTS**

(1) Minimum lot area: 7,500 square feet
 (2) Minimum lot width: 75 feet at the front property line
 (3) Front yard: 30 foot setback from the property line
 (4) Side and back yard: 10 foot setback from the property line
 (5) Side and back yard, street: 25 foot setback from the property line
 (6) Side and back yard, alley: 25 foot setback from center of the alley
 (7) No more than fifty percent (50%) of the ground’s surface may be
 covered by building or hard surface materials

**ARTICLE 05.02.07 R-1 MAINTENANCE REQUIREMENTS**

1. All roofing materials shall be secure without gaps or damaged shingles,
2. All windows shall be operative without broken panes or damaged trim or screening,
3. All exterior siding and underpinning shall be in place and undamaged. No dented, torn, burnt, loose or mildewed siding will be allowed,
4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order,
5. Any attached gutters shall be in good working order,
6. All cornice materials shall be in place and undamaged,
7. Paint shall be uniform and unblemished,
8. Doors shall be plumb and fully operational. No damaged screening or doors fixtures shall be allowed,
9. All flooring shall be structurally undamaged and secure. Holes in the flooring or flooring that is missing, denied, broken or in a state of damage or decay will not be allowed.

**ARTICLE 05.02.08 R-1 ADDITIONAL REQUIREMENTS**

 (1) All structures shall have a minimum dimension of all sides of 20 feet
 (2) New structures constructed shall have siding materials compatible with other structures within 200 feet, unless specifically approved by the Planning Commission.
 (3) All structures shall have a door oriented toward the front yard.
 (4) All structures shall have a covered front landing of at least six (6) feet and oriented to the front yard.

**ARTICLE 05.03.00 R-2 MULTI-FAMILY AND MULTI-CLUSTERED
 RESIDENTIAL DISTRICT**

 This district is intended to permit diversification in the location of residential structures
 that are classified as multi-family dwelling structures, one (1) and two (2) stories in
 height, multi-clustered dwellings constructed on a zero lot line. The following regulation
 and requirements will permit the construction of low cost private housing of good
standards and quality.

It is further intended that all multi-family developments will incorporate a reasonable amount of open space for recreational amenities and will provide for the preservation of natural amenities such as vegetation, flood plains, wild life topography.

Not less than forty (40) percent of the lot area—not including parking-- must be retained as unobstructed open space. All structure groups shall abut or have access to a dedicated street and must be so arranged that any dwelling structure is accessible to emergency vehicles.

**ARTICALE 05.03.01 R-2 PERMITTED USES**

 (A) Any use permitted in R-1 residential district;

 (B) Multi-family dwelling structures

 (C) Multi-family clustered dwelling structures constructed on a zero lot line

 (D) Public schools

 (E) Churches and church-affiliated

 (F) Non-commercial recreational buildings and commstructurey centers

 (G) Home occupations

 (H) Public facilities and utilities

**ARTICLE 05.03.02 R-2 ACCESSORY USES**

 (A) Accessory uses permitted by approval of the Planning Commission.

 (B) Fences may be put on property lines but must have the finished
 side facing away from the property.

 (C) Portable buildings require a five (5) foot setback from all property
 lines.

**ARTICLE 05.03.03 R-2 PERMITTED SPECIAL USES**

 (A) Hospitals
 (B) Police departments
 (C) Library
 (D) Clinic (medical), congregate care, nursing homes
 (E) Cemeteries, mausoleums in accordance with Arkansas statutes
 (F) Parks

**ARTICLE 05.03.04 R-2 TEMPORARY USES**

Temporary uses permitted by approval of the Planning Commission.

**ARTICLE 05.04.00 MR-1 MANUFACTURED HOME DISTRICT**

It is the intent of this ordinance to allow the placement of manufactured homes, as defined herein, in certain residential districts, provided that such manufactured homes meet Federal Construction and Safety Standards set forth by the Department of Housing and Urban Development (HUD) and are installed in accordance with rules and regulations promulgated by the Arkansas Manufactured Home Commission.

It is the further intent of this Ordinance to permit manufactured homes in an effort to increase the housing opportunities available to residents of the City.

**ARTICLE 05.04.01 MR-1 PERMITTED USES**

(A) Single family dwellings
 (B) Public schools, churches, and church-affiliated day care center

 (C) Non-commercial recreational buildings and community center

 (D) Home occupations as permitted in accordance with Article
 03.10.00

 (E) Post Offices

 (F) Public services

 (G) Public facilities in accordance with Article 03.08.00 and city codes
 and ordinances

**ARTICLE 05.04.02 MR-1 ACCESSORY USES**

(A) As permitted
 (B) Fences may be put on property lines but must have the finished side
 facing away from the property.
 (C) Portable buildings require a five (5) foot setback from all property
 lines.

**ARTICLE 05.04.03 MR-1 PERMITTED SPECIAL USES**

 A) Hospitals

(B) Police departments

(C) Library
(D) Clinic (medical), congregate care, nursing homes

 (E) Cemeteries, mausoleums in accordance with Arkansas statutes
 (F) Parks

**ARTICLE 05.04.04 MR-1 TEMPORARY USES**

Temporary uses permitted by approval of the Planning Commission.

**ARTICLE 05.04.05 MR-1 AREA REQUIREMENTS**

(1) Minimum lot area: 7,500 square feet
 (2) Minimum lot width: 75 feet at the front property line
 (3) Front yard: 30 foot setback from the property line
 (4) Side and back yard: 10 foot setback from the property line
 (5) Side and back yard, street: 25 foot setback from the property line
 (6) Side and back yard, ally: 25 foot setback from center of the alley
 (7) No more than fifty percent (50%) of the ground’s surface may be
 covered by building or hard surface materials

(Note: we stopped here on 05-27-2014)

**ARTICLE 05.04.06 MR-1 MAINTENANCE REQUIREMENTS**

(1) All roofing materials shall be secure without gaps or damages
 shingles
 (2) All windows shall be operative without broken panes or damaged
 trim or screening
 (3) All exterior siding and skirting shall be in place and undamaged.
 No dented, torn, burnt, loose or mildewed siding will be allowed.
 (4) All kitchen and bathroom facilities shall be fully operational and
 all mechanical equipment shall be in good working order
 (5) Any attached gutters shall be in good working order
 (6) All cornice materials shall be in place and undamaged
 (7) Paint shall be uniform and unblemished
 (8) Doors shall be plumb and fully operational. No damaged screening
 or door fixtures shall be allowed.
 (9) All flooring shall be structurally undamaged and secure. Holes in the
 flooring or flooring that is missing, dented, broken or in a state of
 damage or decay will not be allowed.

**ARTICLE 05.04.07 MR-1 ADDITIONAL REQUIREMENTS**

(1) All manufactured homes shall have the tongue, wheels and axles of
 trailer removed
(2) No manufactured homes may be placed in any Special Flood
 Hazard Area (SFHA) within the city of Norfork, Arkansa

(3) All manufactured homes must meet all applicable federal safety standards in force in June 1976 and prior years.
(4) All structures shall have a minimum dimension of all sides of 20 feet
(5) All structures shall have an approved underpinning and/or skirting
 system and meet all state tie-down requirements.

(6) New structures constructed shall have siding materials compatible
 with other structures within 200 feet. Unless specifically approved
 by the Planning Com

(7) All structures shall have the front door oriented toward the front

 yard.
(8) All structures shall have a covered front landing of at least six (6)
 feet and oriented to the front yard..

**ARTICLE 05.05.00 HR-1 HISTORICAL/RECREATIONAL DISTRICT**

Norfork, Arkansas is one of the oldest settled communities in Arkansas. There still exist a number of historic homes and buildings situated in the older downtown section of the village along Highway 5. Included in these structures is, of course, the Wolf House, the oldest log structure and courthouse west of the Mississippi River.

It is the intent of this ordinance to preserve these historic structures and to add a historic theme to the District which begins on the north with the Wolf House and continues east and south along highway 5 to the historic Horace Mann School Building.

In addition, it is the intent of the city to create walking trails, footpaths, bicycle routes, and pocket parks throughout the city and along the two rivers.

 **ARTICLE 05.05.01 HR-1 PERMITTED USES**

 (A) Single family dwellings

 (B) Public schools, churches, and church-affiliated day care center

 (C) Non-commercial recreational buildings and commercial center

 (D) Home occupations as permitted in accordance with Article 03.10.00

 (E) Post Offices

 (F) Public services

 (G) Public facilities in accordance with Article 03.08.00 and city codes and
 ordinances

**ARTICLE 05.05.02 HR-1 ACCESSORY USES**

( A) As permitted.

 (B) Fences may be put on property lines but must have the finished side
 facing away from the property.

 (C) Portable buildings require a five (5) foot setback from all property lines

**ARTICLE 05.05.03 HR-1 PERMITTED SPECIAL USES**

(A) Hospitals
(B) Police departments
(C) Library
(D) Clinic (medical), congregate care, nursing homes

(E) Cemeteries, mausoleums in accordance with Arkansas statutes
 (F) Parks

**ARTICLE 05.05.04 HR-1 TEMPORARY USES**

Temporary uses as permitted by approval of the Planning Commission.

**ARTICLE 05.05.05 HR-1 AREA REQUIREMENTS**

(1) Minimum lot area: 7,500 square feet
 (2) Minimum lot width: 75 feet at the front property line
 (3) Front yard: 30 foot setback from the property line
 (4) Side and back yard: 10 foot setback from the property line
 (5) Side and back yard, street: 25 foot setback from the property line
 (6) Side and back yard, alley: 25 foot setback from center of the alley
 (7) No more than fifty percent (50%) of the ground’s surface may be
 covered by building or hard surface materials

ARTICLE 5.05.06 **HR-1 MAINTENANCE REQUIREMENTS**

1. All roofing materials shall be secure without gaps or damaged shingles,
2. All windows shall be operative without broken panes or damaged trim or screening,
3. All exterior siding and underpinning shall be in place and undamaged. No dented, torn, burnt, loose or mildewed siding will be allowed,
4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment shall be in good working order,
5. Any attached gutters shall be in good working order,
6. All cornice materials shall be in place and undamaged,
7. Paint shall be uniform and unblemished,
8. Doors shall be plumb and fully operational. No damaged screening or doors fixtures shall be allowed,
9. All flooring shall be structurally undamaged and secure. Holes in the flooring or flooring that is missing, denied, broken or in a state of damage or decay will not be allowed.

**ARTICLE 5.05.07**

(1) All structures shall have a minimum dimension of all sides of 20 feet
 (2) New structures constructed shall have siding materials compatible with other structures within 200 feet, unless specifically approved by the Planning Commission.
 (3) All structures shall have a door oriented toward the front yard.
 (4) All structures shall have a covered front landing of at least six (6) feet and oriented to the front yard.

**ARTICLE 05.06.00 B-1 COMMERICAL CENTRAL BUSINESS**

 **DISTRICT**

This district is intended to encourage shopping centers with planned off street parking in an attractive and convenient core. No land shall be used or occupied except as otherwise provided in this ordinance for other uses than one or more of the following permitted and special uses.

All business or servicing shall be conducted within completely enclosed buildings and the shopping center shall provide public restroom facilities.

The Commission or Board shall determine if a use, other than specifically provided in any commercial district, is a permitted use, special permitted use, accessory use or a prohibited use in any district.

 **ARTICLE 05.06.01 B-1 PERMITTED USES**

1. Retail businesses which supply commodities on premises
2. Antique stores (10) General merchandise
3. Apparel stores (11) Grocery stores
4. Appliance stores (12) Hardware stores
5. Book stores (13) Home furnishing stores
6. Bakeries (14) Jewelry stores
7. Camera stores (15) Pharmacy/drug stores
8. Confectionery stores (16) Sporting goods stores
9. Delicatessens (17) Restaurants
10. Floral shops (18) Varity stores
11. Business service establishments which perform services on the premises
12. Banking institutions (5) Other financial institutions
13. Chamber of Commerce
14. Indoor cinema theaters
15. Insurance agencies
16. Personal service establishments which perform services on the premises
17. Barber shops (5) Photography studios
18. Beauty shops (6) Shoe repair shops
19. Dry Cleaners (7) Tailoring shops
20. Laundromats
21. Professional establishments
22. Attorneys-at-law offices and other legal services
23. Chiropractic offices, clinics, and services
24. Dental offices, clinic, and services
25. Medical offices and services
26. Physicians’ offices, clinics, and services
27. Podiatrists offices and clinics, and
28. Optometrists offices, clinics, and services
29. Opticians office, clinics, and services

 (E) Public, quasi-public, governmental building and facilities

1. Churches (3) Libraries
2. Commstructurey buildings (4) Municipal buildings

(F) Public utilities and facilities

(G) Short term rentals consisting of the following

 (1) Hotels (4) Resorts
 (2) Motels (5) Houses rented for less than thirty (30)
 (3) Lodges consecutive days per customer

(H) Other such businesses and service. The commission shall determine any
 question-of-fact.

**ARTICLE 05.06.02 B-1 ACCESSORY USES**

 (A) As permitted

 (B) Fences may be put on property lines but must have the finished
 side facing away from the property.

 (C) Portable buildings require a five (5) foot setback from all property
 lines.

 **ARTICLE 05.06.03 B-1 PERMITTED SPECIAL USES**

 Residence of the proprietor of B-1

 **ARTICLE 05.06.04 B-1 TEMPORY USES**

 As permitted. The commission shall determine any question-of-fact.

**ARTICLE 05.06.05 B-1 ACCESS REQUIREMENTS**

 (A) On all B-1 commercial lots with less than two hundred (200) feet

 of frontage on a public street/road, access is limited to one (1)

 combined ingress and egress, with a minimum width of twenty

 (20) feet and a maximum width of thirty-two (32) feet measured

 from the inside curbs at the property line

 (B) On all B-1 commercial lots of two hundred (200) feet and over

 fronting on a public street/road, access is limited to two (2)

 combined ingresses and egresses, with a minimum width of

 twenty (20) feet and a maximum width of thirty-two (32) feet

 measured from the inside curbs at the property line

 (C) Ingress and egress shall meet all State and City requirements

**ARTICLE 05.07.00 B-2 COMMERICAL /SINGLE
 FAMILY RESIDENTIAL/MANUFACTURED HOMES
 DISTRICT**

The B-2 Zoning is established to permit and encourage the combining of Commercial Business, Single-family Residential and Manufactured Home on individual lots in a suitable environment.

**ARTICLE 05.07.01 B-2 PERMITTED USES**

As permitted in the B-1, R-1 and MR-1 permitted uses

**ARTICLE 05.07.02 B-2 ACCESSORY USES**

As permitted in the B-1, R-1 and MR-1 accessory uses

**ARTICLE 05.07.03 B-2 PERMITTED SPECIAL USES**

As permitted in the B-1, R-1 and MR-1 permitted special uses

**ARTICLE 05.07.04 B-2 TEMPORARY USES**

As permitted in the B-1, R-1 and MR-1 temporary uses

**ARTICLE 05.07.05 B-2 ACCESS/AREA REQUIREMENTS**

As required in the B-1, R-1 and MR-1 requirements

**ARTICLE 05.08.00 SIGNAGE**

This Ordinance shall be known as the Norfork Sign and Billboard Ordinance.

**ARTICLE 05.08.01 REGULATION OF SIGNS**

All signs hereafter erected on any lot in any Zoning District, except official, traffic and street signs, shall conform to the provisions of this Ordinance, unless otherwise provided.

 (A) Portable non-flashing signs whether lighted or unlighted, may be
 placed on a ninety (90) day permit in any commercial zone
 subject to the following

 1. A permit shall be obtained from the City Clerk subject to
 payment of a permit fee of $25.00

 2. The sign shall observe a minimum ten (10) foot setback
 from any curb or edge or pavement but in no case shall
 the sign be placed beyond the property line

 3. Any sign remaining after ninety (90) days shall be subject
 to removal by City.

 (B) No sign shall be erected as to prevent free ingress and egress
 from any door, window or fire escape and no sign of any kind
 shall be attached to a standpipe or fire escape.

 (C) No sign shall be erected at the intersection of any street in such a
 manner as to obstruct free and clear vision or at any location
 where, by reason of position it may interfere with or obstruct the
 view of traffic sign lines or traffic control devices. If located within
 direct line of vision of a traffic control device, no flashing or
 intermittent red, green or amber illumination shall be used.

 (D) Any sign affixed against the wall of a building and not more than
 fifteen (15) inches in thickness shall not be deemed a projecting
 sign. Projecting signs may extend not more than forty-eight (48)
 inches beyond the building line or over public property, in no
 event closer than two (2) feet to the curb line and shall be at
 least ten (10) feet above the finished grade of the sidewalk. Wall
 signs shall not extend more than fifteen (15) inches over public
 property; however, lighted devises may extend not more than six
 (6) feet over public property provided the lowest part of such
 devise is at least fifteen (15) feet above the finished grade.

 (E) Business and advertising signs are required to observe the same
 setback (25 feet) side yard and height limitations as provided for
 the other building or structure in the zoning district, provided that
 where drive-in service or parking facilities are provided, one (1)
 business sign not exceeding forty-five (45) square feet in area
 may be erected in any required setback area if it is not located
 nearer to the street or highway right-of-way line more than one
 half (1/2) the required setback, not to exceed fifty (50) feet.

 (F) The illumination of any sign within fifty (50) feet of and facing a
 residential zone lot line shall be diffused or indirect and
 designated to prevent direct rays of light from shining into
 adjoining residential district; and in no event shall flashing or
 intermittent illumination be permitted where the sign faces
 directly into and is nearer than three hundred (300) feet to the
 dwellings in a residential district.

 (G) Directional or information signs of a public or quasi-public nature
 not exceeding six (6) square feet in area may be permitted in
 any district on approval of the Building Inspector. Any
 illumination shall be non-flashing, uncolored and confined to the
 face of the sign. No advertising matter whatsoever shall be
 permitted on signs of this type.

 (H) Temporary signs indicating an event of public interest such as a
 state or local fair, cattle or horse show, etc., may be erected in a
 thirty (30) day non-renewable permit in any zone on approval of
 the Building Inspector.

 (I) Political signs may be placed on private property with the
 owner’s permission no earlier than sixty (60) days prior to
 primary, general or special elections and must be removed
 within 72 hours following the election. The owner of the property
 shall be responsible for removal.

 (J) Wherever a sign become structurally unsafe or endangers the
 safety of a building or premises, or endangers the public safety,
 the Building Inspector shall give written notice to the owner of the
 sign or the owner of the premises on which the sign is located,
 that such be made safe or removed within ten (10) days.

 (K) Any business or outdoor advertising sign legally existing prior to
 the adoption of this code and which does not conform to these
 provision shall not be altered or changed in over-all dimensions,
 except to conform to the provision of this code. If damaged to an
 extent in excess of one half (1/2) of its current replacement value,
 it shall not be rebuilt, provided that nothing contained herein shall
 be construed to prevent normal maintenance and repairs,
 repainting or posting of such signs or structure. Nothing in this
 section shall require the taking, elimination, alteration or
 diminishment of a legally erected outdoor advertising sign without
 first making the payment of just monetary compensation thereof.

 (L) Unless otherwise provided in these regulations, all signs shall be
 constructed and erected in accordance with the building code for
 the City of Norfork, Arkansas.

 (M) Billboards are prohibited in all residential zoning districts without
 the approval of the Building Inspector.

**ARTICLE 05.08.02 VIOLATIONS & PENALTIES**

If the City finds that a sign has been abandoned, or is structurally, materially or electrically defective or is otherwise in violating of this ordinance, the City shall issue a written order to the sign owner and the owner of the real property upon which the sign is situated. The order shall specify the sections of the ordinance violated and set a deadline of twenty-one (21) days from the date of the order in which to correct the alleged violation or to file an appeal.

Failure to comply within twenty-one (21) days shall be subject to prosecution in the local courts and upon convictions, shall be subject to a fine of not less than $10 but not more than $500 for each day that the violation continues. Each day that the violation
continues will constitute a separate offense.

 **ARTICLE 05.09.00 ANNEXED LAND**

All land which may hereafter be annexed to the City shall be classified in the R-1
 residential district.

 (A) When land is automatically classified in the R-1 residential district
 pursuant to this section the Commission of the City shall, within
 ninety (90) days after annexation, schedule and hold a public
 hearing with respect to zoning classification of the annexed land.

 (B) Prior to the Council action on any zoning recommendation, all
 permits for construction on lands not zoned shall be forwarded to
 the aforementioned Commission for recommended issuance of
 said permit. The Council shall issue final approval after the

 Commission has reviewed all plans to see that they meet the
 requirements of the zone classification pending.

 (C) A question-of-fact shall be determined by the Commission, which
 will send the district classification recommendation to the Council
 for its final decision.

 **ARTICLE 05.10.00 CITY ZONING MAP**

The text and base map of the City, which is filed in the office of the Recorder of the
 Deeds of Baxter County, Arkansas, and recorded with the Recorder, are a part of this
 zoning ordinance and shall be the official base map of the aforementioned City.

**ARTICLE VI**

**ARTICLE 06.00.00 ADMINISTRATION AND ENFORCEMENT**

The administration of this ordinance is hereby vested in three (3) offices of the
government of the City of Norfork, as follows

 (A) Administration Clerk, hereinafter called the Clerk

 (B) Planning Commission, hereinafter called the Commission

 (C) Legislative Body (City Council of Norfork, Arkansas) hereinafter
 called the Council

**ARTICLE 06.01.00 AUTHORITY, PROCEDURES AND STANDARDS**

This article shall first set forth the authority of each of these offices and then describe the procedures and substantive standards with respect to the following administration
functions

 (A) Applications and issuance of all building permits, accessory use
 permits, special use permits and temporary use permit

 (B) Enforcement, inspection, appeals from the decision of the
 Commission.

 (C) Variances and special use permits, appeals and variations of
 the zoning ordinance and appeals from the decision of the
 Commission.

 (D) Amendments to the zoning regulations and the Zoning District

 Map, amendments by the public body, and amendments by
 individual property owners

 (E) Legislative body authority

 (F) Special uses

**ARTICLE 06.01.01 ADMINISTRATIVE CLERK**

The Recorder/Treasurer or the Court/Water Clerk of the City shall hereinafter be referred to as the Administration Clerk, unless otherwise designated by Council, and shall be responsible for the administration of these regulations and policies.

The Clerk will act as an agent between the public, planning commission and the
 legislative body (City Council).

 The Clerk shall be responsible for the proper processing and forwarding of all
 documents, applications and permits;

 (A) Review all permits and forward to the proper officials for
 review, inspection and enforcement;

 (B) Keep a current dated permanent file of records and

 documents

 (C) Review applications for special use permits and forward to the Building Inspector.

 (D) Maintain records of all minutes taken from regular and special

 Commission and Board meetings, workshops, and public

 meetings

 (E) Certify date, file and notify the Commission chairperson or

 secretary of all applications for developments, maps, plats,

 survey, correspondence, appeals and amendments.

 (F) Give legal notice to local newspaper for public hearings; give

 notice to department heads and/or other commissioners when

 a consultation between departments and/or other

 commissioner is needed.

**ARTICLE 06.01.02 THE PLANNING COMMISSION**

The Legislative Body of the City has hereby created a planning commission to be
 known, cited and referred to as the Commission of the City.

1. The Commission of the City shall consist of at least five (5) members who shall serve without compensation;
2. The Commission shall have all the duties and functions authorized by Arkansas statue ACT 186 of 1957, as amended.
3. Not more than one-third of its members (also called Commissioners) may hold any other municipal office or appointment, except membership on the Board of or Joint Planning agency.
4. The members of Commission shall be named and appointed by the Mayor of the City, and their appointments shall be valid and effective upon confirmation by the Council of the City.
5. The members of the Commission shall each be appointed for a term of five (5) years commencing January 1.
6. Each member (Commissioner) will serve a term of five (5) years.
7. The Mayor, if deems necessary, may dismiss any Commissioner who misses more than three (3) consecutive regular meetings of the Commission.
8. When the term of a commissioner shall expire or occur, the Mayor of the City shall make a nomination to fill such vacancy subject to approval of the Council of the City.
9. When a new commissioner is appointed to replace a commission who resigns he/she will finish the term of the resigning commissioner.

1. The Building Inspector is to be appointed by the Mayor of the City with the approval of the Council of the City.

The provisions of this ordinance shall be enforced by the Building Inspector.

The zoning ordinance shall be observed by denial of the issuance of building and use permits in accordance with Arkansas Statue 19-2829 by the Building Inspector shall:

1. Review and affix his signature on all permits issued, after inspecting all construction and land to determine compliance with this ordinance.
2. Make and maintain current records of this ordinance including, but not limited to, building, and use permits and appeals;
3. Give a monthly report to the Commission to be included in the Commission minutes.
4. Inspect the placement of public notice signs for appeals and amendments after the City employees have placed said signs on the property of the owner(s) requesting amendments or appeal; the building inspector shall also inspect said property for removal of public notice sign.
5. Forward to the Clerk all applications for construction to be dated and processed by the Clerk.
6. Forward to the Clerk all applications including, but not limited to, amendments, appeals, special uses, temporary uses, and variances not found to be in compliance with this ordinance.
7. Notify in writing any person found to be in violation of these regulations, stating the nature of the violation and ordering action to be taken necessary to be in compliance with this ordinance.
8. MEETINGS
9. For legal compliance, the Commission shall convene a minimum of one (1) meeting in each quarter of each calendar year. For the City of Norfork, the Commission shall meet monthly on the last Monday of each month.
10. A quorum shall consist of a minimum of 51% of the entire membership.
11. Order of business shall be in accordance with the bylaws of said commission.
12. All plans, appeal amendments, recommendations, variances and reports shall require a majority vote of the entire Commission to pass in accordance with Arkansas statue 19-2830.
13. Authority and Jurisdiction
14. The Commission shall review and update the Plan’s text and maps as required.
15. The Commission shall hear and decide matters upon which it is required to pass under this ordinance.
16. The Commission shall receive and review all applications for subdivisions as set forth under these regulations;
17. The Commission shall review all application for approval of the non-listed uses, and report facts and findings, and make recommendations to the Council of the City;
18. Amendment by a Public Body

 The Council of the City may suggest that the Commission of said City amend the

 text of these regulations, or the Commission itself may desire to initiate the

 amendment of the text.

 (1) Amendments to the text proposed by the Commission shall be advertised

 in the paper of general circulation in the aforementioned City at least

 fifteen (15) days in advance of any public hearing to be conducted by said

 commission.

 (2) The Commission shall make a report of facts, findings and

 recommendations to Council pertaining to the text of these regulations.

 Action on the report by the Council shall be final.

1. Amendment by individual property owners

 (1) A petition stating the legal description of the property involved and

 the zoning classification requesting for the property, or indicating the

 proposed amendment, shall be submitted by the property owner or his

 designated agent to the Clerk who shall acknowledge and certify the

 petition and submit said petition to the Commission.

 (2) The petition shall also include a statement and diagram explaining the

 proposed change, the street name and numerical house number from the

 Clerk of the City.

 (3) The amendment petition shall be submitted with a filing fee of $100.00.

 (G) Public Hearings

Upon receipt of a petition proposing an amendment to the text of these regulations, the Commission of the City, in accordance with Arkansas Act 186 of 1957 as subsequently amended.

 (1) Shall authorize the Clerk to publish a legal notice of the public hearing in a

 newspaper of general circulation in the City once, no less than fifteen (15)

 days but not more than thirty (30) days of the date of the public hearing;

 supplemental or additional notices may by law be published, as prescribed

 from time to time.

 (2) Shall hold a public hearing on a proposed amendment to these regulations.

 (3) May approve a proposed amendment as presented or in modified form

 following the public hearing by a majority vote of the entire number of

 commissioners on the Commission.

 (4) May disapprove a proposed amendment, and shall give the reason to the

 Petitioner and Council in writing within fifteen (15) days from the date of
 the decision.

 (5) The Council by majority vote of four (4) of its entire membership of six (6)

 may by ordinance adopt the recommended amendment submitted by the

 Commission, or further study and recommendation.

 (6) If the Council does not concur with the recommendations of the

 Commission, either as first submitted or as submitted after restudy, the

 Council may, by majority vote of its members, amend these regulations by

 granting the request for the proposed change in zoning classification in full

 or in modified form.

 (7) Following disapproval of a proposed amendment by the Commission, the

 petitioner may appeal such disapproval to the Council, provided that the

 petitioner specifically states in writing to the Clerk why he finds the

 Commission’s findings and decision in error, Said appeal shall be filed in

 the Clerk’s office within fifteen (15) days of receipt of notice of the

 Commission’s action.

 (8) No application for a change of zoning classification will be reconsidered by

 the Commission within twelve (12) months from the date of final

 disapproval unless the Commission finds that a substantial reason exists

 for waiving this limitation.

(H) Public Notice

There shall be conspicuously placed upon the property to be acted upon a sign giving notice of the filing of a petition for rezoning.

 (1) The public notice sign shall be placed on the premises at least fifteen (15)

 days prior to any hearing on the matter and shall remain thereon until the

 Council of the City has taken final action on the petition.

 (2) Said sign shall not be less than four (4) feet by four (4) feet with a white

 background and messages in red letter not less than three (3) inches in

 height.

 (3) The message on said sign shall be substantially as follows:

*NOTICE*

*A PETITION SEEKING THE REZONING OF THIS PROPERTY HAS BEEN FILED WITH THE CITY OF NORFORK, ARKANSAS; OBJECTIONS MAY BE MADE IN ACCORDANCE WITH THE ATTACHED PETITION.*

 (4) A copy of all documents and the rezoning request shall be placed in a

 plastic protective bag and attached to the sign.

 (5) City employees shall place the sign on property to be acted upon at the time

 given by the Clerk; the Building Inspector shall inspect said sign for

 placement according to this regulation

 (6) City employees shall remove the public notices sign from the property acted

 upon at the time given by the Clerk; the building inspector shall inspect the

 property for removal of said sign in accordance with these regulations

 (7) The placement of said sign shall comply with all state and city setback

 regulations and shall not obstruct traffic view or constitute an invasion of

 individual property owners right to view. The sign shall not be attached to

 trees, utility poles of living plants.

 (8) The Clerk shall be authorized to have city employees place the public notice

 sign or signs on the petitioner’s property to be acted upon after payment of

 an amendment filing fee of $100.00.

(I) Written protests on amendments

The Council of the City may grant or deny any application; provided however that in the case of a written protest against any proposed amendment of the regulations or districts, signed and acknowledged by the owners within five hundred (500) feet of the frontage, rear, side or directly opposite from the property proposed to be altered is filed with the Clerk.

 (1) The amendment shall not be passed except by a majority vote of the

 Council.

 (2) In such cases, a copy of the written protest shall be served by the protestor

 or protestors on the applicant for the proposed amendment, and a copy on

 applicant’s attorney; if any by certified mail at the address of such applicant

 and attorney shown on the application for the amendment.

(J) Amendment fees are required to covers the cost of maintenance and use of a public notice sign or signs provided by the City. Before any action shall be taken as provided in this article, any person or person’s proposing a change in zoning classification on his property shall deposit a required fee of $100.00 for the petition of an amendment and the public notice sign or signs to cover approximate expenses involved in processing the amendment petition and for maintenance of the public notice sign.

1. Repeal of amendment

In any case where a change of boundary lines of the Zoning District Map have been granted, and where no development has taken place within one and one-half (1-1/2) years, the Commission of the City shall recommend to the Council of the City that such zoning be affirmed or repealed or rezoned to its most appropriate district classification

(K) Standards

Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, The Commission shall:

 (1) Make facts and findings based upon all the evidence presented to it

 (2) Make its recommendation to the Council

 (3) Shall consider among other pertinent matters the following:

 (a) Existing uses of the property within the general area of the property in

 question;

 (b) The Zoning classification of the property within the general area of the

 property in question;

 (c) The trend of development, if any, in the general area of the property in

 question including changes, if any, which have taken place in its

 present classification.

(4) When the change in zoning is in conformance with the Plan of the City and

 its official Zoning District Map, the Commission shall not recommend the

 adoption of a proposed amendment unless it finds:

 (a) The adoption of such amendment is in the best interest of the City, and

 not solely for the interest of the applicant

 (b) Either the proposed amendment will correct an existing error or

 changing conditions makes the proposed amendment necessary.

**ARTICLE 06.01.03 LEGISLATIVE BODY AUTHORITY**

Nothing in this ordinance, as stated in Arkansas Act 186 of 1957 as amended, and

statue 19-2830 shall be construed to limit the Council’s authority to recall ordinances

and resolutions by a vote of the majority of its members.

1. Mandatory procedural requirement specified in the statues are as follows; the municipal legislative body (Council) can only adopt a recommended plan by majority vote of its entire membership. (A majority is 4 members).

(1) Mandatory procedures for adoption and filing the legislative body (Council) of

 the City may return plans or plans and recommend ordinances and

 regulations to the Commission for further study or certification, or by a

 majority vote of the entire membership (membership of the whole), may by

 ordinance or resolution adopt plans and recommended ordinances or

 regulations submitted by the Commission

 (2) Following adoption of plans and ordinances by the legislative body (Council),
 the adopted plans, ordinances and regulations shall be filed in the office of
 the Recorder, who shall file with County Recorder of the Deeds of Baxter
 County.

1. Procedures for amendments

After adoption of plans and ordinances and regulations and proper filing in the offices of the Recorder and the Recorder of Deeds of Baxter County, no alteration, amendment, extension, abridgment, or discontinuance of the plans or ordinances may be made except in conformance with the above procedure, or by a majority vote of the Council (Arkansas Statute 19-28301).

1. Violation

 (1) The legislative body (Council) may enjoin any individual or property owner

 who is in violation of a planning ordinance to prevent or correct such

 violation (Arkansas Act 186 of 1957, Section 5, as amended, Arkansas

 statute 19-28291

 (2) Any individual aggrieved by a violation of a planning ordinance may request

 an injunction against any individual or property owner in violation of a

 planning ordinance, or may petition for mandamus any official to enforce the

 provisions of a planning ordinance (Arkansas Act 186 of 1957) Section 5, as

 amended, Arkansas statute 19-2829).

 (3) In addition to any remedy now provided by law, appeals from final action

 taken by administrative, Quasi-judicial and legislative agencies concerned in

 administration of this act (Arkansas Act 186 of 1957 Section 7 as amended

 in 1965, NO. 134) may be taken to the circuit court of the appropriate county

 wherein the same shall be tried de novo according to the same procedure

 applicable to appeals in civil actions from decisions of inferior courts,

 including the right of trial by jury (Arkansas statute 19-2830.1).

**ARTICLE 06.02.00 BUILDING AND OTHER PERMITS AND CERTIFICATES**

No structure shall be erected, moved, added to, or externally altered without a building permit. No building permit shall be issued except in conformity with the provisions of these regulations, except after written order by the Board.

If construction is not started within six (6) months and diligently prosecuted to completion or not completed within eighteen (12) months this permit becomes null and void.

**ARTICLE 06.02.01 PERMITS**

All applications and fees as provided on the building application shall be accompanied by a plan induplicate drawn to scale, showing:

(1) Dimensions and shape of the lot to be built upon; to include elevations if in the flood
 plain or floodway.

(2) Sizes and locations on the lot of structures already existing, if any

(3) Location and dimensions of the proposed structure or alteration.

(4) Such other information as shall be required including:

 (a) The existing or proposed structural alterations;

 (b) The existing or proposed uses of structures and land:

 (c) The number of families, housekeeping structures, or rental structures the structure is designed to accommodate;

 (d) The conditions existing on the lot

 (e) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of these regulations.

 (5) Accessory, special use and temporary use permits.

**ARTICLE 06.03.00 ACCESSORY USES**

**ARTICLE 06.03.01 ACCESSORY USES-GENERAL**

(A) An accessory use is permitted in any zoning district in connection with any principal

 use which is permitted within such district.

(B) A building permit is required for an accessory use to be placed or constructed on

 any lot, tract, or parcel in the City except:

 (1) No Accessory use is permitted in a front yard except those permitted by

 federal and state statutes; and

 (2) No accessory structure shall be constructed and occupied in any district in the

 City prior to the competition of the principal structure to which it is an

 accessory; however contractor sheds, portable sheds or structures are

 allowed if in compliance with a temporary use.

**ARTICLE 06.03.02 PERMITTED ACCESSORY USES**

The following permitted accessory uses are as follows:

 (A) Private detached garages and carports that shall not exceed fifteen (15) feet

 in height.

 (B) Driveways; A current survey or driven iron pins may be required to determine

 the boundary of the lot lines,

 (C) Storage structures that shall not exceed ten (10) feet in height, and shall

 have side and rear yard setbacks of ten (10) feet,

 (D) Swimming pools,

 (E) Cabanas,

 (F) Fences,

 (G) Antenna transmitting and/or receiving towers.

 (H) Satellite dishes and other signal-receiving or transmitting dishes or plates.

**ARTICLE VII**

**ARTICLE 07.00.00 GENERAL**

**ARTICLE 07.01.00 ENFORCEMENT**

The enforcement of these regulations shall be the responsibility of the building inspector.

**ARTICLE 07.02.00 FEES**

The Council of the City shall set fees for all applications, permits or appeals for by these regulations to defray the costs of advertising, mailing notices, processing, inspecting, and copying applications, permits and use permits.

**ARTICLE 07.03.00 CONTRADICTORY REGULATIONS**

Where any contradictory regulations, restrictions or requirements imposed by any provision of this ordinance upon the use of any land, building, structure or improvements are either restrictive or less restrictive, than restrictions of requirements imposed by any other provision of this ordinance, or any other law of any governmental body having jurisdiction over the subject matter thereof, the restrictions or requirements which are more restrictive apply.

**ARTICLE 07.04.00 VIOLATIONS**

 (A) If the building inspector shall find that the provisions of these regulations are

 being violated, he shall notify in writing the person responsible for

 such violations, indicating the nature of the violation and ordering the action

 necessary to correct it.

 (B) Should the person responsible for such violation fail to take the necessary

 action to correct it, the building inspector shall notify Council of the violation;

 said Council shall certify the violation with the City Attorney; and said

 Attorney shall within seven (7) days thereafter apply to Chancery Court for an

 injunction, mandamus, or other process to prevent, enjoin, abate or remove

 said violation to these regulations.

**ARTICLE 07.05.00 PENALTIES/FINES FOR VIOLATIONS**

Any person, firm or corporation who shall violate any of the provisions of this ordinance or amendments thereto, or fails to comply thereafter or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars ($100.00) for each offense nor no less than twenty-five ($25.00). Each day that a violation of this ordinance shall be permitted to continue shall constitute a separate offense. The owners or owners of the building or premises or part thereof where anything in violation of this ordinance shall be place, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided.

**ARTICLE 07.06.00 SEVERABILITY**

The provisions of these regulations are hereby declared to be severable. Should any article, section, paragraph, sentence, word, phrase or clause of this ordinance be declared for any reason to be invalid, such invalidity shall not affect the validity or enforceability of any other article, section, paragraph, sentence, word, phrase, or clause of this ordinance

**ARTICLE 07.07.00 EFFECTIVE DATE**

These regulations shall take effect and be in full force immediately from and after the date of their adoption, the public health, safety, and general welfare so demanding.

**ARTICLE 07.08.00 EMERGENCY CLAUSE**

This ordinance being necessary for:

 (A) The present and future growth of the City of Norfork, Arkansas

 (B) The preservation of the peace, health, and welfare of the citizens of said City

 (C) The clarification and simplification of the present Zoning District Map and test

 are important for the general public; and that

 (D) The updating of said text and Zoning District Map is a necessity to establishment

 of new boundaries and jurisdiction of the City of Norfork following annexations;

 and that

 (E) This ordinance being the comprehensive development plan zoning ordinance

 shall be published in pamphlet form as provided by law;

An emergency is declared and this ordinance shall be in full effect from and after its adoption, signing, approval and publication as provided by law.

**ARTICLE VIII**

**ARTICLE 08.00.00 ADOPTION**

This comprehensive zoning ordinance has been adopted and recommended to the Council of the City by the Commission of the City.

Planning Commission Secretary Planning Commission Chairman

PASSED AND ADOPTED THIS DAY OF \_\_\_\_\_ , 2014

 ORDINANCE NO.

 ATTEST CITY OF NORFORK, ARKANSAS

RECORDER/TREASURER MAYOR