

TITLE 14

ZONING

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- 14.04 Zoning Ordinances
- 14.08 Fencing Code
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CHAPTER 14.04

ZONING ORDINANCES

Sections:

- 14.04.01 Definitions
- 14.04.02 Residential Building Code R-1
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14.04.01 Definitions Words used in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “shall” is to be taken as mandatory and not directory.

Certain words and phrases shall, for the purpose of this ordinance, have the following definitions:

Accessory structure - a subordinate structure located on the same 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 structure shall be considered as part of the principal structure.

Accessory use - a use which is customarily incidental to the principal use, as a garage for the storage of an automobile by occupant of the residence.

Area - the amount of land surface in a lot or parcel of land.

Area requirements – the yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this ordinance.

Dwelling – a unit intended to be occupied as housekeeping unit.

Family – one or more persons occupying premises and living as a single, non-profit housekeeping unit.

Lot – land occupied or to be occupied by structure or use and its accessory structures and uses, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

Mobile home – any vehicle or similar portable structure originally having no foundation other than wheels, jacks, or skirting and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Modular or panelized home – a structure, partially prefabricated off-site in a factory setting and assembled on a prepared foundation at the site, conforming to the same building codes and requirements as a site built structure.

Non-conforming – any use of property (land or structure) existing at the time of passage of this ordinance that does not conform to the regulations prescribed in this ordinance shall be deemed a non-conforming use.

Open space – any unoccupied space on the lot or parcel that is open and unobstructed to the sky and not occupied by any structure or portion of structures whatsoever.

Parking space – 250 square feet of useable and accessible space.

Places of public assembly – a meeting place for more than thirty –five (35) persons to which the public or membership groups are assembled regularly or occasionally, including but not limited to schools, churches, auditoriums, theaters, funeral homes, stadiums and similar places of assembly.

Principal use – the chief or main recognized use of a structure or of land.

Property line – the line bounding a lot or parcel as defined herein.

Sign, advertising – a sign which directs attention to a business, commodity, or service which is entirely or primarily conducted, sold or offered elsewhere than upon the lot on which the sign is located.

Sign, business – an accessory sign which directs attention to a profession, business, commodity, or service conducted, sold, or offered on the lot.

Sign, identification – an accessory sign the content of which 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.

Story – that portion of structure included between the upper surface of any floor and the upper surface of the floor immediately above; also any portion of a structure used for human occupancy between the top floor and the roof. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the structure exceeds four (4) feet.

Street – a public way of more than 20 feet established by and maintained under public authority, a private way open for public use, and a private way plotted or laid out for ultimate public use, whether or not constructed.

Structure – Anything constructed or erected with a fixed location on the ground, having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.

Yard – the horizontal distance from a lot line to a parallel designated line. The distance is measured from the property line to the nearest foundation wall or other vertical wall of the structure, provided the roof or other overhanging projection is less than three (3) feet. Should the overhang be greater than three (3) feet, the yard line shall be measured to the center of the overhang.

14.04.02 Residential Building Code R-1

A. Residential Building Code R-1 Revised

1. Effective upon adoption of this ordinance, any new single-family residence erected or installed in areas zoned R-1, presently designated as Section 1 through 4, Section 7 through 12, Section 14, and Section 16, shall have a minimum habitable living space of at least one thousand four hundred square feet (1,400), and shall conform to the International Building Code of the Southern Building Code Congress International (SBCCI), latest revision. If a conflict exists between the

aforementioned code and any information stated herein, the more stringent requirement shall apply. (Ord. No. 2016-04, Sec. 1.)

2. No manufactured homes shall be permitted in areas zoned R-1.
3. Any structure intended for human habitation shall be erected on a permanent foundation and anchored to same, with footings of poured concrete installed below frost line on undisturbed soil. Footings shall be of sufficient size to prevent any settlement of supported structure. Foundation walls shall extend at least 6" above finished grade. Footings and foundation walls shall conform to Briarcliff standards for footings and foundations.
4. Roof shall have a minimum pitch of 1 in 4 and an overhang of at least 6" on all side. Roofing shingles shall be tab-type asphalt composition, with a minimum weight of 230 lb/100 square feet.
5. Garages, room additions or carport structures attached to a residence shall conform in appearance to the residence and provided with the same type of foundation.
6. Any permanent detached structure shall have an eave height no higher than a straight horizontal line from the eave height of the adjacent residential dwelling, or in lieu of a horizontal line, shall have an eave height of no greater than 10' above the highest existing surrounding grade. Roof shall have an overhang of least 6" and a minimum pitch equal to or greater than the roof pitch of the adjacent residential dwelling with a minimum of 4 in 12 with preferred tab type shingles of asphalt composition, 230 lb/100 square feet minimum weight, unless variance granted by Planning and Zoning, with final approval by the Briarcliff City Council.
7. Grading around all permanent structures shall be sloped so as to provide drainage away from foundations and building walls.
8. No tent, trailer, motor home shed or other temporary type of shelter shall be used for human habitation unless specifically provided for in the Briarcliff Building and Zoning Regulations with this exception: A self-contained recreational vehicle may be parked and occupied on a resident's property for a period not exceeding two (2) weeks. After the two (2) week period, said recreational vehicle cannot be occupied within the city any further until a one month period has elapsed unless a variance is obtained from the city office for special circumstances. (Ord. No. 1-15-11.)

9. Property fencing or other enclosures shall require Planning Commission approval before installation.
10. Building exterior surfaces shall be completed within six (6) months of the date of permit issuance.
11. No building shall be located on any residential lot nearer than twenty-five feet (25) from any street front property line, or nearer than seven and one-half (7 ½) feet to any side lot line. If a side easement exists, such easement will take precedence if greater than seven and one-half (7 ½) feet. No temporary or permanent structure or driveway will be permitted to encroach upon said easement.
12. No pole building or other such structure of a commercial nature, with the exception of a temporary storage building less than 150 square feet in size, shall be constructed in any residentially zoned area.
13. Each new residence (whether a stick built or manufactured home) will have a hard surfaced driveway constructed by owner in accordance with Briarcliff Driveway Code (residential and commercial driveways).

B. Building permits

1. No construction, installation, or erection of any structure, except for a temporary storage building, shall be performed without first obtaining a permit from the City Clerk's office. Temporary structures shall only be allowed as an adjunct to an existing residence.
2. Planning and Zoning Commission shall review all plans for conformance to codes before any permit is issued. An application for permit can be obtained at the office of the City Clerk.
3. Issuance of building permit for a residence shall be dependent on submission of proof of acceptable percolation test and septic system design approved by the Public Health Officer and submission of a survey of subject property by a registered land surveyor licensed in the state of Arkansas. Visible survey stakes shall be installed before any construction is started.

- C. Exceptions to the code The Planning and Zoning Commission will consider exceptions to the code as outlined herein only on a case-by-case basis. As a general rule, the consideration will be to allow for higher-level construction than what is listed in the code. The Planning and Zoning Commission shall submit their recommendations to the City Council for final approval. (Ord. No. 1-15-11 A.8)

14.04.03 R-1S Building Code

- A. Residential Building Code R-1S Effective upon adoption of this ordinance, any single family residence built in the area zoned R-1S, presently designated as “The Summit”, shall have each lot restricted to the construction of one (1) permanent one family dwelling.
1. Each dwelling unit must have not less than 2,000 square feet of heated living area on the main floor, exclusive of basements, porches, garages and patios and must have a minimum of a two-car garage.
 2. All dwellings are required to have indoor toilet facilities.
 3. All electrical, plumbing, heating and cooling, and other construction of whatever kind and nature shall equal or exceed the requirements of the applicable Building Code and other applicable codes.
 4. No structure shall have an exposed foundation. The façade or covering of the house must be completed to the ground. These areas shall be covered with brick, stone, stucco, or EFIS system, Hardiplank or comparable in cost and qualify upscale façade.
 5. No more than 30% of any dwelling or other permitted structure may be covered with vinyl siding of which the majority of such permitted vinyl siding may not face the street in front of such dwelling or structure.
 6. Upscale log homes or any other non-convention upscale dwelling may only be constructed if approved in advance of construction and in writing by the Planning and Zoning Commission and the City Council.
 7. Bright colors are prohibited. All construction shall be of new materials and shall be completed within one (1) year of construction initiation.
 8. No house trailer, mobile homes, or prefabricated homes shall be permitted on any lot. Separate storage buildings and garages are permitted only if constructed and finished to match exterior of house. Storage building shall set behind front line of the house. Prefabricated storage buildings and carports are not permitted. All driveways are to be concrete.
 9. The developer may at any time designate lots or sections of “The Summit” for condominiums or apartments by providing written notice to a majority of all lot owners, and with approval of the Briarcliff Planning and Zoning and City Council. Lots as may be so designated from time to time shall have dwellings of no less than 1,200 square feet of heated and cooled living area.
 10. In R1-S no animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, and other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose. (Ord. No. 5-8-2006.)

- B. Building setbacks No building structure shall be located on any lot nearer than thirty (30) feet to the road right-of-way, ten (10) feet to any side lot lines, nor nearer than twenty-five (25) feet to any rear lot line. The owner of two or more contiguous lots may utilize said lots to build any conforming structure so that it occupies said lots without interfering with easements set out on the recorded plat. A single residence may be placed on more than one (1) lot, but said property shall be considered one (1) lot and said lot may not be subdivided at a later date. Swimming pools and hot tubs may only be constructed in rear yard areas and are exempt from the 25 foot setback except they cannot encroach on any easements. All swimming pools must be fenced in. Any above ground swimming pool must be surrounded by a solid fence so as it cannot be seen from the street in front of the residence.
- C. Temporary structures
1. No used or previously erected house or structure or facility of a temporary character, such as a motor home, modular or prefabricated house, garage, trailer, basement without a house on top, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence either temporarily or permanently. No houses or portions of houses shall be moved or placed on any lot.
 2. Only during construction of a home, a builder or individual lot owner may use a construction shed or trailer for storage of equipment or materials temporarily. However, the developer, at its discretion, may place and use such facilities at various locations on the property.
- D. Trade or business No trade, business or commercial activity shall be carried on upon any lot.
- E. Building materials No building material of any kind or character shall be placed upon any of the property except in connection with then current construction or as may be placed there by the contractor.
- F. Special restriction on Lots 20, 21 and 22 Lots 20, 21 and 22 are required to so construct any dwelling so that such dwelling shall face or front the street in “The Summit” (currently intended to be named Denmark Circle). Such dwellings shall not be allowed to face or front Arkansas Highway 342. (Ord. No. 4-5-2006)

- G. Propane tanks All propane tanks and similar storage tanks and facilities shall be either buried below ground, or fenced and landscaped around so as to not be visible from any direction. All such items shall be set back a minimum of forty (40) feet from all property lines. (Ord. No. 5-8-2006)
- H. In R-1S no fences shall be erected in front of or in the front side yard of any dwelling. No fences or landscaping shall be located as to obstruct clear sight of all street intersections and signs. Fencing finished on only one side must be constructed with the finished side facing out. Rear yard fences can be decorative brick, stone, wrought iron, cedar, or coated plastic or coated chain link (with coatings of white, black or green). (Ord. No. 2017-02, Sec. 10.)

14.04.04 R-1M Building Code This code covers all lots in Sections 5 and 6.

- A. Residential Building Code R-1M This code covers all lots in sections 5 and 6.
 - 1. Manufactured homes are restricted to the aforementioned sections only, and all lots in said sections are to be used exclusively for residential purposes and single family occupancy, except for those lots specifically designated otherwise. (Ord. No. 2016-04, Sec. 2.)
 - 2. Manufactured homes may be situated on all lots, inclusive, in lieu of construction of a site built residence, provided only one manufactured home may be situated on a lot and all manufactured homes must be less than five (5) years old, be approved by the Planning and Zoning Commission and must have minimum living space floor dimensions of twelve feet (12) in width and sixty (60) feet in length, exclusive of tongue. All requests for variances approved by the Planning and Zoning Commission must be submitted to the City Council at its next meeting for final approval. After approval by Planning and Zoning, and the City Council if necessary, a permit must be obtained from the City Clerk's office at a cost of Fifty Dollars (\$50.00) prior to the home being brought into the city. (Ord. No. 8-13-2011, Sec. 1.)
 - 3. No camping trailer, motor home, tent, shack, garage, temporary structure, or other accessory structure shall at any time be used for human occupancy, with the following exception: A self-contained recreational vehicle may be parked and occupied on a resident's property for a period not exceeding two (2) weeks.

4. No offensive trade or activity, which may be or may become a nuisance, shall be performed on said premises at any time.
5. Resident premises shall not be openly used for the storage of materials, machinery or equipment.
6. No signs, advertising, billboards, or advertising structures of any kind shall be erected or maintained upon this property except by consent in writing of the Planning and Zoning Commission and the Briarcliff City Council.
7. All garages, room additions, storage buildings, hobby shops, decks, and patios shall be constructed of materials of equal value to that of the mobile home or site-built residence, and must be constructed in a professional manner.
8. The living area of manufactured homes, exclusive of all breezeway, decks, patios, hobby shops, and storage rooms shall not be less than seven hundred and twenty (720) square feet.
9. Skirting must be approved by Planning and Zoning and constructed of vinyl, metal (painted to match exterior of mobile home) or concrete block and must be completed within six (6) weeks of the time the mobile home is placed on the premises; construction must be in a professional manner.
 - a. If not completed within six (6) weeks, the owner will be notified by certified mail or by the Mayor or by the City Marshal that they have ten (10) days to remedy the condition. If the condition is not remedied within ten (10) days, a citation will be issued for violation of this ordinance and scheduled for appearance in Briarcliff District Court.
 - b. If offender is cited to appear in Briarcliff District Court, the fine will be Fifty Dollars (\$50.00) plus court costs.
10. Any fencing shall conform to the City Fencing Code, except that setbacks shall conform to those requirements listed herein.
11. No manufactured home shall be placed closer than twenty (20) feet from a street front property line or nearer than seven and one-half (7 ½) feet of a side property line, unless written permission is obtained by way of variance from the Planning and Zoning Commission and receiving final approval at the next meeting of the Briarcliff City Council.

12. The ground floor area of a site-constructed, panelized, or modular home exclusive of one (1) story porches and garages shall be no less than 720 square feet.
13. Foundations and anchoring for single-wide mobile homes shall be constructed and installed in accordance with HUD specifications 24 CFR part 3280, latest revision.
14. All residences and accessory structures shall comply with the International Building Code of the Southern Building Code Congress International (SBCCI), latest revision, available for review in the office of the City Clerk.
15. Each new residence (whether built or manufactured home) will have a hard surface driveway constructed by the owner in accordance with Briarcliff Driveway Code (residential and commercial).

B. Building permits

1. No construction, installation, or erection of any structure, except for a temporary storage building, shall be performed without first obtaining a permit from the City Clerk's office. Temporary structures shall only be allowed as an adjunct to an existing residence.
2. Planning and Zoning Commission shall review all plans for conformance to codes before any permit is issued. An application for permit can be obtained at the office of the City Clerk.
3. Issuance of building permit for a residence shall be dependent on submission of proof of acceptable percolation test and septic system design approved by the Public Health Officer and submission of a survey of subject property by a registered land surveyor licensed in the state of Arkansas. Visible survey stakes shall be installed before any construction is started. (Ord. No. 1-15-2011 A.3)

14.05.05 Reserved

14.04.06 Commercial Zones Whereas there is a need for business areas within the city of Briarcliff, the following definitions and commercial areas are created:

Pages 122-123 Reserved

S-4

A. Definitions

Business – commercial practice or policy

Commercial – having to do with stores, offices or buildings - operations primarily for profit.

E-business – That business accomplished over the internet; will present no noise, parking or pollution problems; will be of no concern to city unless laws create a tax on said businesses are enacted on state/national level.

Business license – a license issued by the city allowing an individual or firm to conduct business within the city.

B. Commercial zones

1. R-1-C-1 Combination area where residential and business can co-exist. Business in these areas shall not create noise or pollution problems. Examples: Physician's office, real estate, building material storage. Material storage shall be concealed behind a solid fencing or building.
2. R-1-C-2 Businesses where light manufacturing can be accomplished. Some noise can be tolerated but efforts to limit noise will be made. Example: cabinet building, ceramics, concrete work (storage), family restaurants.
3. C-3 Heavy manufacturing, pollution production possible will not be allowed within the city of Briarcliff.

C. Commercial zones defined

1. R-1-C-1 Section 5 & 6, fronting Sycamore Springs road from west border of the city to the east border.
2. R-1-C-2 Those lots fronting State Highway 5 south from Linwood to Tam O'Shanter; Holiday Hills, Section 1, Lots 1; Section 7, Lots 47 through 68, 249 through 278, 69 through 81, 287 through 291, 295 through 305. Old Shop area, Quarry.
3. None

- D. Other areas Other lots throughout the city can be considered for R-1-C-1 or C-2 consideration. Requests for consideration shall be brought to Planning and Zoning for approval.
- E. Business license A business license will be obtained from the city. (Ord. No. 12-17-2003)

14.04.07 Portable storage buildings/sheds Shipping containers, semi-trailers, railroad cars, mill vans, and any other metal containers of the like kind which can be easily transported to another location are prohibited from being used within the city. (Ord. No. 4-13-2010)

14.04.08 Fine Any violations and infractions to the Planning and Zoning Codes in effect shall result in a fine of up to Fifty Dollars (\$50.00) per day until such infractions are corrected. (Ord. No. 3-15-2001)

CHAPTER 14.08

FENCING CODE

Sections:

14.08.01 Fencing code

14.08.01 Fencing code

- A. Open-type fencing shall not exceed a height of four (4) feet and shall be substantial in construction.
- B. Fencing intended for dog runs and/or pens shall be of a substantial open construction not greater than six (6) feet in height.
- C. Privacy fencing shall be no greater than six (6) feet in height and installed no closer to street than principal front face of residence. Privacy fencing shall be installed good side outward when facing street or nearest neighboring residence.

- D. Decorative fencing shall be defined as fencing made of brick, stone, wood split rail, or plastic/plastic-coated materials no greater than four (4) feet high, with post no more than one (1) foot higher than fence in height and not intended for containment or exclusion purposes. Fence must not block the view of any intersecting street.
- E. Installation of barbed wire fencing within city limits is prohibited, except as top guard on security fences where specifically permitted in commercial or industrial zones. Such fencing will require specific approval of Planning and Zoning and justification for its use shall be mandatory.
- F. No electric fences. (Ord. No. 9-08-2012)

CHAPTER 14.12

DRIVEWAYS

Sections:

14.12.01 Driveways

14.12.01 Driveways Effective upon adoption of this ordinance, any new driveways constructed in any zoning area shall conform to the following specifications:

- A. All driveways shall be installed over a crushed stone compacted road base no less than two (2) inches in thickness.
- B. Driveway top surface shall conform to the International Building code and one of the following:
 - 1. Poured concrete with a minimum thickness of four (4) inches, with control joints struck at nominal two hundred (200) square foot intervals in both directions, re-enforced with 3/8 rebar or wire welded fabric.
 - 2. Bituminous asphalt paving with a minimum thickness of two (2) inches.
 - 3. One double coated chip and seal layer.

- C. Driveway edges shall be contained so as to prevent washout of subsurface layer.
- D. Culverts shall be installed under driveways where needed at the discretion of the city's Maintenance Supervisor.
- E. Maximum driveway width, excluding entrance radii, shall be twenty-five (25) feet.
- F. Minimum driveway width, excluding entrance radii, shall be ten (10) feet. (Ord. No. 9-8-2012.)

CHAPTER 14.16

SIGNS

Sections:

- 14.16.01 Definitions
- 14.16.02 Approval
- 14.16.03 Garage sale signs
- 14.16.04 Billboards
- 14.16.05 Fine

14.16.01 Definitions

Permanent sign – These signs are used for advertising or directional and are of a fixed construction.

Semi-permanent sign – These signs are used for advertising or directional and can be easily moved.

Freestanding

- A. **Garage sale** – those signs which are used for directions to sale.
- B. **Billboard** – Large permanent outdoor sign of an advertising nature.
- C. **Pylon** – A freestanding sign with visible support structure or with the support structure enclosed with a pole or pylon cover.
- D. **Joint tenant sign** – A sign used to display the names of tenants of a business complex.
- E. **Monument** – A ground sign with low overall height.
- F. **Pole** – A freestanding sign with visible support structure.
- G. **High-rise pole** – A tall freestanding pole sign.
- H. **Directional** – Signs designed to provide direction to pedestrian and vehicular traffic.
- I. **Electronic message center** – A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCSs or a flipper matrix.

Building mounted images

- A. **Wall or fascia** – A sign that is attached to the exterior wall or fascia of a building. The building fascia is that portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.
- B. **Awning** – A building mounted sign that provides additional functionality as shelter. Awnings are most often found over walkways, doorways or window areas.
- C. **Projecting** – A building mounted sign with the faces of the sign perpendicular to the building fascia.
- D. **Sign band** – A horizontal area above a multi-tenants' building's entrances, architecturally designed to accommodate signage in a signcentric manner.
- E. **Roof sign** – A building mounted sign erected on the roof of a building.
- F. **Parapet** – A sign mounted on top of the parapet of a building.
- G. **Window** – A sign that is displayed in a window, whether it is attached to the window, or it is applied to the window.
- H. **Canopy** – A sign that is displayed on a marquee or canopy.
(Ord. No. 9-16-2004)

14.16.02 Approval No signs of a permanent or semi-permanent nature will be installed, erected, or placed within the city of Briarcliff without approval of the Planning and Zoning Commission.

- A. No sign shall be larger than twenty (20) feet high or twelve (12) feet in width and shall not extend in the right-of-way.

- B. Signs shall be constructed in a professional manner and be neat. (Ord. No. 9-16-2004)

14.16.03 Garage sale signs Garage sale signs will be removed within twenty-four (24) hours from completion of the sale. These signs do not require the approval of the Planning and Zoning Commission. (Ord. No. 9-16-2004)

14.16.04 Billboards Billboards will not be allowed within the city of Briarcliff. (Ord. No. 9-16-2004)

14.16.05 Fine A citation will be issued and a fine of Fifty Dollars (\$50.00) a day will be assessed for each offense and each day will be a separate violation. (Ord. No. 9-16-2004)

CHAPTER 14.20

ANNEXING AND RE-ZONING PROPERTY

Sections:

- 14.20.01 Annexing
14.20.02 Re-zoning

14.20.01 Annexing

- Ord. No. 11-6-2003 NW ¼ of the NE ¼ of Sec. 4 Twp 18 N, Range 12 West
Ord. No. 1-6-2006 "The Summit" Part of SE ¼ of Sec. 20, Twp 19 N, Range 12 West
Ord. No. 8-21-2008 Certain contiguous territory to the city of Briarcliff
Ord. No. 2014-002 E ½ of SE 1/4 of Sec. 32, Twp 19 N, Range 12 West

14.20.02 Re-zoning

- Ord. No. 4-7-2005 Section 10, Lots 8-19 to read Municipal Zoning.