

ORDINANCE NO. 2012- 05

AN ORDINANCE AMENDING HEBER SPRINGS MUNICIPAL CODE CHAPTER 11.28 BUILDING CODE TO CREATE COMMERCIAL BUILDING FACADE REGULATIONS FOR ALL STRUCTURES IN COMMERCIAL ZONES IN THE CITY OF HEBER SPRINGS, AND FOR OTHER PURPOSES.

WHEREAS, the regulation of commercial building facades within the Building Code is vital to carrying out or protecting the provisions of the City's Comprehensive Plan; and

WHEREAS, the Mayor and the city's Planning and Zoning Board has made a thorough study of the city's needs with regard to the regulation of commercial building facades and has prepared and recommended regulations to the Planning and Zoning Board Commission; and

WHEREAS, the Planning and Zoning Commission, after holding a public hearing in accordance with Arkansas law, has recommended the façade regulations set forth herein to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBER SPRINGS, ARKANSAS:

That the HEBER SPRINGS MUNICIPAL CODE CHAPTER 11.28 BUILDING CODE is hereby amended to add the following regulations governing commercial building facades:

COMMERCIAL BUILDING FACADE REGULATIONS

SECTION 1: Commercial Building Design – Statement of Purpose

(a) Purpose. The purpose of this section is to provide a framework for ensuring that the design of all buildings and structures in commercial zones of the city will meet the spirit and intent of the minimum design standards adopted by the community. This section further seeks to:

- (1) Maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city thereby assuring a desired aesthetic environment and a stable economic environment;
- (2) To protect and enhance the appearance, identity, and natural and economic vitality of the City of Heber Springs;
- (3) To encourage building design that is in visual harmony with other structures within the commercial zones;
- (4) To encourage the expression of individual building design and creativity without detracting from the visual environment of the area;

- (5) To preserve real estate value of surrounding property;
- (b) Applicability. Commercial facade design and development standards apply to all structures in commercial zones of the city.
- (c) Design Standards for Commercial Structures. The following design standards shall apply to all new structures, expansions and remodel of fifty (50) percent or more square footage of existing structures upon the effective date of this ordinance.

SECTION 2: Definitions

- (a) Facade. The exterior face of a building with an architectural treatment false, superficial, structural, or artificial in appearance.
- (b) Front Facade. Any exterior face of a building, facing a public way or space.

SECTION 3: Design Standards

Building permit applications for structures that meet the following design requirements qualify as Standard Commercial Buildings.

- (a) The finished facade of the front and visible side(s) of the building shall be composed of building materials selected from the list in this section. This list may be amended by resolution of the planning commission and the updated list will be available for inspection and copying in the office of the building official.
- (b) The facade design elements apply to the front of the building that faces a public street or fire lane used as public access drive and extending eight (8) feet on each forward side of the building perpendicular to the street, and to all of a side on an angle of less than ninety (90) degrees measured from the street or public access drive to the side of the building.

(c) Acceptable building materials for the facade and other affected portions of structures include:

1. Exterior insulation finished systems (EIFS)
2. Brick
3. Architectural or split concrete blocks, excluding precision concrete blocks
4. Glass
5. Pre-cast concrete block either painted or unpainted
6. Native or natural stone
7. Wood
8. Tile
9. Stucco

(d) The building plans shall designate one side of the structure as the front facade which shall contain windows and doors comprising not less than fifteen percent (15%) of the total facade square footage.

(e) The vertical plane of the front of the building shall not be completely flat but shall be broken vertically in at least one location by a minimum of a one (1) foot differential in the vertical plane for each fifty (50) feet of horizontal surface, or a minimum of one (1) time. This requirement may be met by a recessed or extended entrance.

(f) The front entrance of the building shall be covered and well articulated and shall not consist solely of a door opening into a flat vertical plane.

(g) The building shall not exhibit a metal mansard roof or metal parapets around the roof.

(h) Roofs may be composed of metal.

(i) Accent trim on roofs, windows and doors may be metal or wood.

(j) There shall be no illustrative designs on any visible facade material.

(k) The building shall not appear to be a simple boxlike structure or resemble a temporary or portable building, manufactured home or factory-built structure.

(l) Mechanical equipment, whether ground-mounted or roof-mounted on any portion of a commercial building should be placed or screened in such a manner that it is not visible from a street.

(m) In general, elements to avoid or minimize include:

1. Metal siding which dominates the main facade;
2. Square "boxlike" structures;
3. Large blank, unarticulated wall surfaces.

SECTION 4: Exemption.

(A) Renovation or expansion estimated by the building official to be less than fifty percent (50%) of the square footage of the entire structure are exempt from this section but subject to all other applicable codes.

(B) Replacement of less than twenty-five percent (25%) of the front facade of a structure shall be exempt from these regulations but subject to all other applicable codes.

SECTION 5: Procedure to Obtain Commercial Building Permits.

A building permit for the renovation or expansion of an existing structure in a commercial zone shall be obtained by one of the following procedures:

(1) Design plans for buildings that conform to all of the standards set forth in this article are classified as Standard Commercial Building and qualify for a building permit through the existing administrative procedure with the building official.

(2) Design plans that do not conform to all of the standards and specifications of this article are classified as Non-Standard Commercial Building. Applications for such building permit shall be submitted to the Heber Springs Planning Commission in an application for Non-Standard Commercial Building by filing a letter request to the office of the mayor not less than twenty (20) calendar days before the next planning commission meeting.

(3) A building permit for new structures shall be obtained following site plan approval.

SECTION 6: Review of Building Permits for Non-Standard Commercial Buildings

The planning commission shall review the proposed design at a public hearing. The actual cost of advertisement of the public hearing shall be borne by the applicant. The planning commission shall approve the plans and shall authorize the issuance of the building permit through the normal process after reviewing the application and determining:

(1) The proposed design represents an innovative use of acceptable building materials to the extent that it is in harmony with the visual aspects of the location, area and community as a whole;

(2) No discernable public benefit would be gained by requiring an alternative design; and

(3) The proposed construction meets the spirit and intent of this article of the zoning code.

SECTION 7: APPEAL

(A) Appeal from decisions of the building official approving or denying a Standard Commercial Building may be taken to the Heber Springs Planning Commission by submitting a letter request within ten (10) business days of the decision to the office of the mayor. The planning commission shall hear such appeal at its next scheduled meeting.

(B) The planning commission shall have final authority over Standard Commercial Buildings. Applicants or record objectors aggrieved by the decision of the commission regarding Non-Standard Buildings shall file appeals with the office of the mayor within ten (10) business days of the date of the decision. The content of the appeal filing shall consist of (1) a cover letter

addressed to the mayor and city council setting forth the request, and (2) a copy of the planning commission application indicating the decision and signed by the building official.

(C) The appeal will be placed on the Heber Springs City Council agenda in accordance with its adopted procedures.

(D) Appeal to a court of jurisdiction from final decisions of the planning commission or the city council shall be filed in accordance with state law and procedure.

SECTION 8: ENFORCEMENT, VIOLATION & PENALTIES

(a) For purposes of interpretation and enforcement, a violation of a City code or ordinance means:

(1) Doing an act that is prohibited or declared to be unlawful, an offense or a misdemeanor, by ordinance or by rule or regulation authorized by ordinance;

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or

(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) "Violation of this ordinance" or a "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code or City ordinance shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance is a fine not to exceed Five Hundred Dollars (\$500.00) for each day that the same is unlawfully continued.

(d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

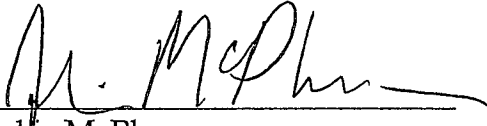
(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a fine or penalty, however, does not prevent the simultaneous granting of equitable relief in appropriate cases.

SECTION 9: Clauses

A. Conflict "Clause: Any ordinance and/or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

B. Severability Clause: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

Passed and adopted this 19 day of April, 2012.



Jackie McPherson
Mayor

ATTEST:



City Clerk