

AMENDED AGENDA

**MEETING OF THE MOUNTAIN HOME CITY COUNCIL
APRIL 15th, 2021 . . 6:00 P.M.
COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING**

Pledge of Allegiance
Prayer
Roll Call
Announcements
Minutes from the April 1st, 2021 Council Meeting
Committee Reports

NEW BUSINESS

AN ORDINANCE AMENDING ORDINANCE NO. 296, AS AMENDED, WITH REFERENCE TO ZONING WITHIN THE CITY LIMITS OF THE CITY OF MOUNTAIN HOME, ARKANSAS, RELATIVE TO CHANGING AREA ZONED AS RESIDENTIAL R-1 TO RESIDENTIAL R-2. presented by Attorney Ted Sanders

AN ORDINANCE ACCEPTING THE FINAL PLAT OF GLENBRIAR COMMONS PHASE 1, LOTS GC 92 THRU GC 94, GC 104 THRU 106 AND GC 113 THRU 115, AND IMPROVEMENTS THEREWITH AND FOR OTHER PURPOSES presented by Jamie Hall of Consolidated Land Services

OFFER AND ACCEPTANCE CONTRACT – CITY OWNED LAND presented by Mayor Hillrey Adams

OLD BUSINESS

AN ORDINANCE ADOPTING DEVELOPMENT REGULATIONS FOR THE CITY OF MOUNTAIN HOME, ARKANSAS, AND FOR OTHER PURPOSES (2nd Reading) presented by Street Director Arnold Knox & Building Inspector Greg Ifland

COMMENTS

ADJOURN

**Respectfully Submitted,
Brian A. Plumlee, City Clerk**

City of Mountain Home

720 South Hickory • Mountain Home, Arkansas 72653 • Phone: (870) 425-5116 • Fax: (870) 425-9290
www.cityofmountainhome.com

REGULAR CITY COUNCIL MEETING – APRIL 1st , 2021

1. The Mountain Home City Council met in regular session April 1st, 2021 in the Council Chambers of the Municipal Building. Mayor Hillrey Adams called the meeting to order at 6:00 p.m. followed by the Pledge of Allegiance and a prayer.
2. **ROLL CALL** The following council members were present for the roll call: Jim Bodenhamer, Jennifer Baker, Susan Stockton, Bob Van Haaren, Paige Evans, Nick Reed, Carry Manual, and Wayne Almond.
3. **OFFICIALS IN ATTENDANCE** Mayor Hillrey Adams, City Attorney Roger Morgan, City Clerk Brian Plumlee, Fire Chief Kris Quick, Building Inspector Greg Iffland, Street Director Arnold Knox, and Officer Rodney Wiggins.
4. **MEDIA** Sonnie Elliot of K.T.L.O.
5. **MINUTES** Councilwoman Jennifer Baker made a motion to approve the regular council meeting minutes from March 18th, 2021. The motion was seconded by Councilman Van Haaren. The City Clerk recorded the following vote: all present – yes.
6. **NEW BUSINESS**

ORDINANCE ADOPTING DEVELOPMENT REGULATIONS FOR THE CITY OF MOUNTAIN HOME, ARKANSAS, AND FOR OTHER PURPOSES City Attorney Roger Morgan put the ordinance on first reading and read it to its entirety. *Second reading will take place at the next council meeting. A full copy of the ordinance is the City of Mountain Home website; cityofmountainhome.com*

AN ORDINANCE AMENDING ORDINANCE NO. 2020-27, 2019-27, 2017-17, 2016-4, 2014-3, 2012-11, 2011-12, 2009-17, 2009-12, 2008-37, AS AMENDED BY 96-033, 07-31, 06-14, 05-03, 04-04, 03-37, 03-05, 02-27, 02-20, 02-09, 01-04, TO EXPAND AND REDEFINE THE JOB CLASSIFICATION AND COMPENSATION PLAN IN ORDER TO ENHANCE EFFICIENT MANAGEMENT WITHIN THE DEPARTMENTS OF THE CITY OF MOUNTAIN HOME.AR City Attorney Roger Morgan put the ordinance on first reading and read it to its entirety.

SECOND READING Councilwoman Baker made a motion to suspend the rules and put the ordinance on second reading, Councilman Reed seconded the motion. The City Clerk recorded the following vote: all present – yes. The motion was declared adopted and the ordinance was read for a second time by title only.

THIRD READING Councilwoman Baker made a motion to suspend the rules and read the ordinance for the third time by title only. Councilman Evans seconded the motion. The City Clerk recorded the following vote: all present – yes. The motion was declared adopted and the ordinance was read for a third time by title only.

ADOPTION... Councilwoman Baker made the motion to adopt the ordinance, it was seconded by Councilman Reed. The City Clerk recorded the following vote: all present – yes. The ordinance was declared adopted.

EMERGENCY CLAUSE... Councilwoman Baker made the motion to adopt the emergency clause, it was seconded by Councilman Van Haaren. The City Clerk recorded the following vote: all present – yes. The emergency clause was declared adopted.

A RESOLUTION AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS AND FOR OTHER PURPOSES Councilman Van Haaren made a motion to approve the resolution, the motion was seconded by Councilwoman Stockton. A councilperson at the council meeting was not appointed to witness the destruction of records. Councilwoman Susan Stockton was later appointed to be a witness.

OFFER AND ACCEPTANCE CONTRACT – CITY OWNED LAND City Attorney Roger Morgan gave a brief explanation on why the offer and acceptance contract was pulled from the agenda. The offer and acceptance contract will be on the next council meeting agenda.

POLICE DEPARTMENT INVENTORY DISPOSAL REQUEST Councilwoman Baker made a motion to approve the inventory disposal request, the motion was seconded by Councilman Van Haaren. City Clerk Brian Plumlee recorded the following vote: all present – yes.

OLD BUSINESS

7. **COMMENTS**
8. **ADJOURN...6:45 P.M.** with no further business to come before the council. Mayor Adams declared the meeting adjourned at 6:45 p.m.

HILLREY ADAMS, MAYOR

ATTEST:

BRIAN A. PLUMLEE, CITY CLERK

Parks and Recreation Committee Meeting

Meeting was held on April 1, 2021 in the Council Chambers and was called to order at 5:15 p.m.

Those present were: Mayor Adams
Parks Director Billy Austin
Carry Manuel
Brian Plumlee

Committee Members: Wayne Almond
Paige Evans
Nick Reed
Susan Stockton

Attached is the agenda Director Austin presented. Other comments from Director Austin were that the baseball program would be starting April 12th and that since there were only 2 teams in the boys 15 and under and 2 teams in the girls 12 and under that possibly we can get teams from the surrounding cities to come and play to give them more games.

Mayor Adams announced that the city would be applying for a match grant to help with park improvements along with an all inclusive playground at Hickory Park. There will be more details out soon. Meeting was adjourned at 5:42 p.m.

WA

Mountain Home Parks and Recreation

1101 Spring Street
Mountain Home, AR 72653

TELEPHONE 870-424-9311
FAX: 870-425-3339

E-MAIL: baustin@cityofmountainhome.com

April 1, 2021

Parks and Recreation City Council Committee Meeting

During the month of March, L.C. Sammons Youth Center had a total usage of 681 citizens utilizing the Youth Center. We have 300 Baseball Players consisting of 8 T-Ball Teams 5u, 4 Coach Pitch 6u, 6 Teams Coach Pitch 8u, 4 Teams 10u, 3 Teams 12u, 2 Teams 15u. We have 182 Girls Fastpitch players consisting of 4 Teams 5u, 8 Teams 8u, 4 Teams 10u, 2 Teams 12u. Pavilion usage for March was 352 citizens reserving pavilions at the parks.

During the month of March the full time maintenance department worked 1617 hours and we had 287 hours with Care Center Ministries on daily park maintenance, playgrounds, sports field, swimming pool and equipment maintenance.

APRIL 2021 Committee Meeting

04/08/2021 – 5:15pm. Attending: Alma Clark, Mayor Adams, Jennifer Baker, Bob Van Haaren, Nick Reed, Paige Evans & Kirby Rowland. We met in council chamber. The meeting adjourned at 6:15 pm.

- Cash analysis / Revenue / Expense Report ending March 2021 were passed out.
- Project reports for month ending March 2021 passed out.
- Our water loss was 18.1 % Ending March 2021. The previous month was at 24.1 %. We continue to fix and find leaks daily.
- Alma is requesting authorization the increase the amount to be paid from depreciation account on the Indian Creek Lift Station Rehab project. The bid went over approved amount by \$17,436.00. The original requested amount was \$225,000.00 – bid came in a \$242,436.00. This will come before council for a vote on May 6, 2021 - Need approval pay additional \$17,436.00 from depreciation fund 1000-13072-00.
- Passed out a copy of an Ordinance 599 from March 1980 that we have changed some verbiage within and repealing this ordinance in its entirety and updating to a new ordinance. The only thing that has been changed within this ordinance is on Section 1 & Section 2 as it refers to ELU's (EXTRA LIVING UNITS) and who this applies too and who it would not apply to. Shall not apply to hotels, Motels, RV Parks or Food Courts. Hotel, Motels have never been charged ELU's but was never specified as such & RV Parks / Food Courts are new to our area and didn't really fit into any category so we treated them as mobile home parks which they are not - they are more like Hotel/Motel customers so we would like to get this changed to fit them into ordinance for billing purposes. This ordinance will be on the May 6, 2021 Council Agenda for a vote of council to fix this issue.
- Kirby gave updates to the Mayor & Committee on several things that the water/sewer department is working on: WWTP upgrades, The new Lake intake site, Assessment of Backwash sludge handling at WTP, Possible change in disinfection / Dichlorination chemicals at WWTP.
- Mayor informed committee that there is a possibility that the water/sewer department may have a chance at some grant money thru North West Arkansas Economic Development District to apply toward the Hwy 62 E Sewer Line Extension – Phase 3 and should know something around October 2021. We going to hold off on this project to see before we proceed on with the project.

PROJECT UPDATES:

- Spring Branch Terrace Water Line upgrade: Started 03/22/2021. We will be laying approximately 825' of 6" water line to replace old 2" Galvanized WL. To date we have laid 340' and put in 3 FH. Remaining to lay is 485' & 3 FH's. The testing of line, hooking up new services, and clean up.
- 2nd & South St Sewer Line Upgrade: Started 02/09/21 we will be replacing approximately 1150' of 6" concrete and will upgrade to 8" PVC, will be replacing 6 manholes. From last report we have laid 266' of pipe and set 3 manholes. Remaining we have 238' of pipe and 2 manholes. Then clean up.
- 6th & Church St Sewer Line Upgrade: Started 01/21/21. This section of 6th & church Completed on 02/09/21. We will be doing other sections of sewer line on 6th St starting at Church St going toward College street later in the year.

Upcoming Soon: We will be starting a sewer line extension of approximately 350' from an existing Manhole at the Heights Subdivision running along Arkansas Avenue to across N Cardinal Dr on the south west corner of property ending at a manhole. All engineering for this project will be provided by the developer (Hobbs Investments) and we will provide labor, equipment, & material to extend this section of line. We also will be looping a water line from the end of Ozark Avenue across land to N Cardinal Dr to an existing Water line at the end of Ozark Ave and ties it together; all material & engineering for this job with be paid for by the developer (Hobbs Investments) and we will provide labor & equipment loop about 700' of water line.

*****OUR NEXT MEETING HAS CHANGE DAYS & DATE*****
NEXT MEETING WILL BE HELD ON THURSDAY – MAY 8, 2021 @ 5:15 pm.
Meeting will be held in council chambers.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 296, AS AMENDED,
WITH REFERENCE TO ZONING WITHIN THE CITY LIMITS OF THE
CITY OF MOUNTAIN HOME, ARKANSAS, RELATIVE TO CHANGING
AREA ZONED AS RESIDENTIAL R-1 TO RESIDENTIAL R-2.**

WHEREAS, a proper petition was filed by property owners requesting a map change in zoning; said petition was submitted to the Planning Commission of the City of Mountain Home, Arkansas; notice of said petition and public hearing thereon was published in a newspaper having local circulation as required by Ordinance; a public hearing was held, and all remonstrances were heard, after which the Planning Commission recommended the property described herein be rezoned.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

The following real estate in Baxter County, Arkansas be, and it hereby is changed in zoning from Residential R-1 to Residential R-2.

SEE ATTACHED EXHIBIT "A"

The above described property is located at 308 and 312 E. 10th Street and 1017 South Street, Mountain Home, Arkansas.

PASSED this 15th day of April, 2021.

MAYOR

ATTEST:

CITY CLERK

PETITION

TO: PLANNING COMMISSION
CITY OF MOUNTAIN HOME
MOUNTAIN HOME, ARKANSAS

MAYOR AND CITY COUNCIL
CITY OF MOUNTAIN HOME
MOUNTAIN HOME, ARKANSAS

The petitioner, Kelly Horne-Johnson, by and through her counsel, Ted H. Sanders, hereby petitions you to rezone certain residential property described below. The petitioner requests that the property be rezoned from Residential R-1 to Residential R-2. The property to be rezoned is described below, to-wit:

SEE ATTACHED EXHIBIT "A"

The property is located at 308 and 312 E. 10th Street and 1017 South Street, Mountain Home, Arkansas. The rezoning of this property will not conflict with the surrounding land uses because of multiple zoning classifications that exist in the vicinity. A diagram of the property and vicinity is attached hereto and marked Exhibit "B". It is the opinion of the petitioner that this property is no longer practical or desirable for Residential R-1 use.

The petitioner herein is Kelly Horne-Johnson, and she has authorized Ted H. Sanders to act on her behalf in the prosecution of this petition.

KELLY HORNE-JOHNSON, PETITIONER

BY: 

Ted H. Sanders
P. O. Box 2308
Mountain Home, AR 72654
Her Attorney

NOTICE

NOTICE is hereby given that a petition has been filed with the Planning Commission and City Council of Mountain Home, Arkansas, by the owner of the following described property situated in Baxter County, Arkansas, to-wit:

SEE ATTACHED EXHIBIT "A"

The above described property is located at 308 and 312 E. 10th Street and 1017 South Street, Mountain Home, Arkansas.

Said petition seeks the rezoning of the property from Residential R-1 to Residential R-2.

The hearings related to said petition will be held as follows:

1. The Planning Commission will hear objections and make its determination on said petition at the City Hall on April 12, 2021, at 1:00 p.m.
2. The City Council will make its determination on said petition at the City Hall on April 15, 2021, at 6:00 p.m.

The petitioner is Kelly Horne-Johnson, the record owner of the property, and she has named Ted H. Sanders to act for her in this proceeding.

City Clerk

ONE PUBLICATION:

March 24, 2021

DESCRIPTION 1

(TO BE ACQUIRED FROM COOPER TRUST)

PART OF THE NE1/4 OF THE SW1/4 OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 13 WEST, BAXTER COUNTY, AR., DESCRIBED AS FOLLOWS;
 STARTING AT THE SE CORNER OF SAID NE1/4 SW1/4;
 THENCE North 88 degrees 25 minutes 45 seconds West for a distance of 400.00 feet;
 THENCE North 00 degrees 46 minutes 12 seconds East for a distance of 538.13 feet TO A POINT ON THE NORTH LINE OF DAY TRACT DESCRIBED ON R.S. INST. NO. 344-2003;
 THENCE South 87 degrees 14 minutes 49 seconds East for a distance of 28.50 feet ALONG THE NORTH LINE OF DAY TRACT TO A 1/2" REBAR AND THE POINT OF BEGINNING;
 THENCE South 87 degrees 14 minutes 49 seconds East for a distance of 28.34 feet TO A POINT IN CENTER OF CONCRETE DRAIN, SAID POINT BEING THE NE CORNER OF DAY TRACT; THENCE ALONG CENTER OF CONCRETE DRAIN THE FOLLOWING COURSES;
 THENCE North 03 degrees 12 minutes 41 seconds East for a distance of 12.46 feet;
 THENCE North 04 degrees 35 minutes 18 seconds West for a distance of 52.47 feet;
 THENCE North 08 degrees 51 minutes 38 seconds West for a distance of 134.05 feet TO A POINT IN CENTER OF DRAIN, THENCE LEAVING DRAIN RUN;
 THENCE North 01 degrees 21 minutes 08 seconds East for a distance of 52.73 feet TO A 1/2" REBAR ON THE SOUTH LINE OF 10TH STREET;
 THENCE North 88 degrees 21 minutes 06 seconds West for a distance of 29.65 feet ALONG SOUTH LINE OF 10TH STREET TO A 3/8" REBAR AT THE NE CORNER OF HORNE TRACT AS DESCRIBED ON R.S. 32-2006; THENCE LEAVING STREET RUN;
 THENCE South 01 degrees 21 minutes 08 seconds West for a distance of 150.04 feet ALONG THE EAST LINE OF HORNE TRACT TO A 3/8" REBAR AT THE SE CORNER THEREOF;
 THENCE South 88 degrees 14 minutes 01 seconds East for a distance of 22.52 feet;
 THENCE South 01 degrees 33 minutes 10 seconds East for a distance of 98.70 feet TO THE POINT OF BEGINNING.
 Together with and subject to covenants, easements, and restrictions of record.
 Said property contains 0.18 acres more or less.

DESCRIPTION 2

PART OF THE NE1/4 OF THE SW1/4 OF SECTION 9, TOWNSHIP 19 NORTH, RANGE 13 WEST, BAXTER COUNTY, AR., DESCRIBED AS FOLLOWS;
 STARTING AT THE SE CORNER OF SAID NE1/4 SW1/4;
 THENCE North 88 degrees 25 minutes 45 seconds West for a distance of 400.00 feet;
 THENCE North 00 degrees 46 minutes 12 seconds East for a distance of 538.13 feet TO A POINT ON THE NORTH LINE OF DAY TRACT AS DESCRIBED ON SURVEY INST. NO. 344-2003;
 THENCE South 87 degrees 14 minutes 49 seconds East for a distance of 28.50 feet ALONG NORTH LINE OF DAY TRACT TO A 1/2" REBAR AND THE POINT OF BEGINNING; THENCE CONTINUE;
 THENCE South 87 degrees 14 minutes 49 seconds East for a distance of 28.34 feet TO THE NE CORNER OF DAY TRACT, SAID POINT BEING IN CENTER OF CONCRETE DRAIN; THENCE ALONG CENTER OF DRAIN THE FOLLOWING COURSES;
 THENCE North 03 degrees 12 minutes 41 seconds East for a distance of 12.46 feet;
 THENCE North 04 degrees 35 minutes 18 seconds West for a distance of 52.47 feet;
 THENCE North 08 degrees 51 minutes 38 seconds West for a distance of 134.05 feet TO A POINT IN DRAIN; THENCE LEAVING DRAIN RUN;
 THENCE North 01 degrees 21 minutes 08 seconds East for a distance of 52.73 feet TO A 1/2" REBAR ON THE SOUTH LINE OF 10TH STREET;
 THENCE North 88 degrees 21 minutes 06 seconds West for a distance of 29.65 feet ALONG SOUTH LINE 10TH STREET TO A 3/8" REBAR;
 THENCE North 88 degrees 21 minutes 06 seconds West for a distance of 96.12 feet ALONG SOUTH LINE OF 10TH STREET TO A 3/8" REBAR; THENCE LEAVING STREET RUN;
 THENCE South 01 degrees 33 minutes 10 seconds West for a distance of 146.46 feet TO A 3/8" REBAR;
 THENCE North 88 degrees 14 minutes 01 seconds West for a distance of 80.77 feet TO A 1/2" REBAR ON THE EAST LINE OF SOUTH STREET;
 THENCE South 00 degrees 40 minutes 28 seconds East for a distance of 102.15 feet ALONG EAST LINE OF SOUTH STREET TO THE NW CORNER OF DAY TRACT; THENCE LEAVING STREET RUN;
 THENCE South 87 degrees 14 minutes 49 seconds East for a distance of 201.00 feet ALONG THE NORTH LINE OF DAY TRACT TO THE POINT OF BEGINNING.
 Together with and subject to covenants, easements, and restrictions of record.
 Said property contains 0.96 acres more or less.

Exhibit B

Razer + ~~Head~~.

C-1

10 TH STREET

3/8" REBAR

4" REBAR
CAP

N 88°21'0
N 0

S 88°21'06"E

S 88°21'06"E

308
E 1042

3/2
E10

$$\vdots R-1$$

Beauty
shop
C-3

Property to be
Reserved R-1
to R-2

SOUTH STREET

TH STREET N 83°04'42"E
43.00'
S 00°49'28"E

102.15'

WOOD FENCE

STREET

PAVED

5

1



4

↓

AN ORDINANCE ACCEPTING THE FINAL PLAT OF GLENBRIAR COMMONS PHASE 1, LOTS GC 92 THRU GC 94, GC 104 THRU 106 AND GC 113 THRU 115, AND IMPROVEMENTS THEREWITH AND FOR OTHER PURPOSES

WHEREAS, the development of the City of Mountain Home requires that both City Council and Planning Commission have input into development of the City; and

WHEREAS, the Subdivision Regulations, Mountain Home, Arkansas adopted by ordinance No. 97-026 on July 17, 1997 and amended thereafter in Chapter 7, Article 7.5 provides for City Council acceptance of Public Dedications contained within; and

WHEREAS, the Planning Commission at its April 12, 2021 meeting reviewed the above Final Plat and unanimously recommended approval

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MOUNTAIN HOME, ARKANSAS:

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Leisure Homes Corporation & Thomas J. Embach as setforth on the FINAL PLAT OF GLENBRIAR COMMONS PHASE 1 LOTS GC 92 thru GC 94, GC 104 thru 106 and GC 113 thru 115 for the development of Glenbriar Commons Subdivision.

WHEREAS, this Ordinance is necessary to benefit the property owners, and to permit the immediate transfer of title of the property, an emergency is hereby declared to exist pertaining to the recording of the plat, and this Ordinance shall be in full force and effect from and after its passage and publication.

PASSED AND APPROVED THIS __15TH__ DAY OF APRIL, 2021.

Hillrey Adams, Mayor

ATTEST:

Brian Plumlee, City Clerk

OFFER AND ACCEPTANCE

Date: MARCH 23, 2021

1. The undersigned, herein called the Buyer, offers to buy, subject to the terms set forth herein, the following property situated in Baxter County, Arkansas:

The Southeast Quarter of the Southeast Quarter of Section 31, Township 20 North, Range 12 West.

2. The Buyer will pay [REDACTED] for the property, in cash at closing.

3. Conveyance shall be made to Buyer, or as directed by Buyer, by general warranty deed, except it shall be subject to recorded restrictions and easements, if any, which do not materially affect the value of the property.

4. Seller shall furnish, at Seller's cost, a policy of title insurance in the amount of the purchase price. If objections are made to title, Seller shall have a reasonable time to meet the objections.

5. Taxes and special assessments, due on or before the closing date, shall be paid by the Seller. Current general taxes and special assessments shall be pro-rated as of closing date based upon the last tax statement.

6. Seller shall vacate the property and deliver possession to Buyer on closing date. Closing shall be on April _____, 2021, or upon a reasonable time thereafter upon agreement by the parties.

7. The risk of loss or damage to the property by fire or other casualty occurring up to the time of transfer of title on the closing date is assumed by Seller.

8. Buyer shall have the right, at their expense, to survey the property and withdraw from this agreement if any survey items are not satisfactory in Buyer's sole discretion.

9. Closing costs shall be allocated between Buyer and Seller as is customary in the area.

10. This contract is contingent on approval of the sale by the Mountain Home City Council.

11. This Offer is binding upon Buyer if accepted within _____ days from date.

[REDACTED]

Buyer
[REDACTED]

Buyer

The above offer is accepted on _____, 2021.

CITY OF MOUNTAIN HOME,
ARKANSAS

By: _____
Hillrey Adams, Mayor

**ORDINANCE
NO. _____**

**AN ORDINANCE ADOPTING DEVELOPMENT REGULATIONS FOR THE CITY OF
MOUNTAIN HOME, ARKANSAS, AND FOR OTHER PURPOSES.**

WHEREAS, the City of Mountain Home, Arkansas, benefits from orderly development of properties within the City and is in need of regulation of areas such as parking lots, landscaping and drainage; and

WHEREAS, the City benefits from regulation of such areas.

THEREFORE, BE IT ORDAINED by the City of Mountain Home, Arkansas:

Section 1: The Development Regulations of the City of Mountain Home, Arkansas, shall be and are hereby adopted by reference. A copy of the Development Regulations are attached hereto as Exhibit "A" and are further adopted by reference.

Section 2: That a copy of the Development Regulations shall be kept on file with the City Clerk of Mountain Home and shall be available for inspection and review during regular business hours.

PASSED AND APPROVED this ____ day of _____, 2021.

MAYOR HILLREY ADAMS

ATTEST:

CITY CLERK, BRIAN PLUMLEE

CITY OF MOUNTAIN HOME, ARKANSAS
DEVELOPMENT REGULATIONS

Section I. Introduction / Purpose - Development Regulations

A. Special Flood Hazard Areas (Floodplains) exist within the City of Mountain Home's corporate boundaries. These areas are subject to periodic flooding events that can result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and possibly cause extraordinary public expenditures for flood protection and relief. Periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately flood proofed or otherwise unprotected structures or uses vulnerable to floods into the Special Flood Hazard Areas.

B. During construction and excavation processes, drainage patterns are often altered and most often, drainage amounts are increased. Soil is highly vulnerable to erosion by wind and water. Improper grading or excavation can concentrate or redirect drainage flow, negatively impacting neighboring landowners and increasing soil erosion. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair and cleaning of sewers, ditches, streams and ponds. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

C. Development of any kind may alter and/or increase runoff patterns and amounts. If not properly detained and directed to natural and historic runoff locations, increased runoff caused by permanent development could cause damage to surrounding property and property owners.

D. Therefore, this regulation is designed to safeguard persons, protect property, and prevent damage to the environment within the City of Mountain Home by the requirement of the associated Grading Permit and Building Permit. This regulation will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that results in new construction or alterations to existing construction, disturbs or breaks the topsoil, results in the movement of earth, or impacts drainage flow on land within the City of Mountain Home.

Section II. Definitions

Building Inspection Department - The Building Inspection Department or Building Department for the City of Mountain Home or its designated representative.

Building Permit - Permit required prior to beginning construction, alteration, substantial remodeling or repairs other than ordinary repairs on any building within the City of Mountain Home. The Building Permit ensures all Codes including the Building Code, Electrical Code, and Plumbing Code are adhered to. Furthermore, the Building Permit ensures all buildings are planned and constructed in accordance with the Municipal Zoning Ordinance and the Subdivision Regulations.

Clearing - Any activity that removes the vegetative surface cover.

Development Activities - Any activity that alters real property including, but not limited to, constructing a new building, adding to an existing building, clearing land, placing fill, grading land, mining, dredging, drilling, etc...

Development Permit- Required to conduct any development activities. Ensures all necessary permits have been obtained and design standards adhered to. Permits necessary to obtain Development Permit approval and conduct any development activities within the corporate boundaries of the City of Mountain Home include the Floodplain Development Permit, Grading Permit, and Building Permit, adhering to all Building Codes, the Municipal Zoning Ordinance, and Subdivision Regulations.

Drainage Permit - Permit requiring storm water control and detention facilities be designed and installed for certain developments within the corporate boundaries of the City of Mountain Home, especially those changing the permeable characteristics of the ground cover. Furthermore, the Development Regulations require the perpetual maintenance of all required, designed, and installed control works. Required to obtain a Grading Permit.

Floodplain Development Permit - Permit required prior to any development activity to be conducted in a Special Flood Hazard Area.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Grading Permit - Permit required prior to any start of construction, clearing activity or any other activity that disturbs or breaks the topsoil, results in the movement of earth or otherwise impacts drainage flow on land in the City of Mountain Home. The Grading Permit includes the Stormwater Pollution Prevention Plan, the Drainage Permit, and the Parking Lot and Landscape Permit.

Parking Lot and Landscape Permit - Permit requiring all parking lot, ingress/egress and landscaping regulations be applied to new construction or substantial improvements of existing parking lots, especially those changing the permeable characteristics of the ground cover. Required to obtain a Grading Permit.

Preliminary Conference - Conference with Landowner and Department Representatives prior to any development activities. Discuss opportunities to use existing features, landscaping, or significant trees to meet City Development Regulations.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation or development project.

Special Flood Hazard Area - The land area covered by the floodwaters of the base flood on National Flood Insurance Program maps.

Start of Construction - The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stormwater Pollution Prevention Plan (SWPPP) - A set of drawings indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. Required prior to any grading or development activities. Clearing and grading activities necessary to install erosion control measures may commence once the SWPPP plan is approved and prior to final approval of the Grading Permit, if necessary. Please see the SWPPP. Approval required to obtain a Grading Permit.

Subdivision Regulations - Regulations setting forth the procedures and requirements, and minimum standards governing the development of land within the boundaries of the Planning Area as indicated on the "Planning Area Map" of the City of Mountain Home.

Watercourse - Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Mountain Home.

Waterway - A channel that directs surface runoff to a watercourse or to the public storm drain.

Zoning Ordinance - An ordinance proposed to preserve the attractiveness and protect the environment of residential areas and to safeguard the business and industrial locations, which are important to the economic welfare of the inhabitants of the City of Mountain Home.

Section III. Permits

- A. Please see the attached Development Permit Flowchart
- B. Each Development Permit shall require the application for and approval of a Floodplain Development Permit, Grading Permit, and a Building Permit, as related to the development site.
1. Floodplain Development Permit required for any development activities in any Special Flood Hazard Areas in the City of Mountain Home as identified by FEMA.
 2. Grading Permit required for any clearing activity, grading, or other development activity that disturbs or breaks the topsoil, results in movement of earth or otherwise impacts the drainage flow on any site 3,000 square feet or greater.
 - Stormwater Pollution Prevention Plan (SWPPP)
 - Parking Lot/Landscape Permit
 - Drainage Permit
 3. Building Permit required prior to beginning construction, alteration, substantial remodeling or repairs other than ordinary repairs on any building within the City of Mountain Home. The Building Permit includes the following codes as they adhere to the Municipal Zoning Ordinance and Subdivision Regulations,
 - Building Code
 - Plumbing Code
 - Electrical Code,
 - HVAC
 4. Driveway Permit if required apart from the Building Permit.
- C. A Development Permit is required in association with all Building Permits for new construction or substantial remodeling.
- D. No person shall conduct clearing or grading activity without first obtaining a Development Permit from the City of Mountain Home.
- E. Clearing and grading activities can commence for the SWPPP prior to Grading Permit approval, but after SWPPP approval. SWPPP BMPs can then be installed once SWPPP is approved.
- F. No Development Permit is required for the following activities:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing landscape nurseries and agricultural operations.
- G. Each application for a Development Permit shall bear the name(s) and address of the owner or developer of the site, and the name and contact information of the applicant's authorized representative.

- H. It is recommended that each applicant attend a Preliminary Conference with the appropriate Department Representatives prior to the start of construction.
- I. The requirements of this Development Permit may be waived for certain residential construction.

Section IV. Review and Approval

- A. The Building Inspection Department will receive and review each application for a Development Permit to determine its conformance with the provisions of this regulation. A representative of the Building Department or other appropriate City of Mountain Home staff member will be available for consultation concerning the Development Permit prior to application submittal.
- B. The Floodplain Development Permit, Grading Permit, Building Permit and Driveway Permit may all be submitted concurrently or separately.
- C. No other permits may be approved prior to the Floodplain Development Permit if the project is in a SFHA as determined by FEMA.
- D. No development activities may commence until the SWPPP is approved and then only those activities necessary to install erosion and sediment control devices.
- E. No other development activities may commence until the Grading Permit is approved. The SWPPP and the Grading Permit may be approved concurrently.
- F. Within 7 working days after receiving each application, Building Inspection Department shall, in writing:
 - 1. Approve the permit application.
 - 2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - 3. Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- G. Failure of the Building Inspection Department to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and Building Department.

Section V. Inspection

- A. City officials or staff shall have full access to the site for inspections to ensure compliance with the approved Permits.
- B. Project owner or their representative has ultimate responsibility to ensure all grading and building activities are done in accordance with the design plans submitted with the Development Permit.
- C. A copy of the site Development Permit and associated Permits shall be maintained at the site throughout site development.
- D. The project owner or his/her representative shall make regular inspections of all SWPPP control measures to ensure compliance with the approved Permits. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures.

Section VI. Enforcement

- A. Stop-Work Order; Revocation of Permit

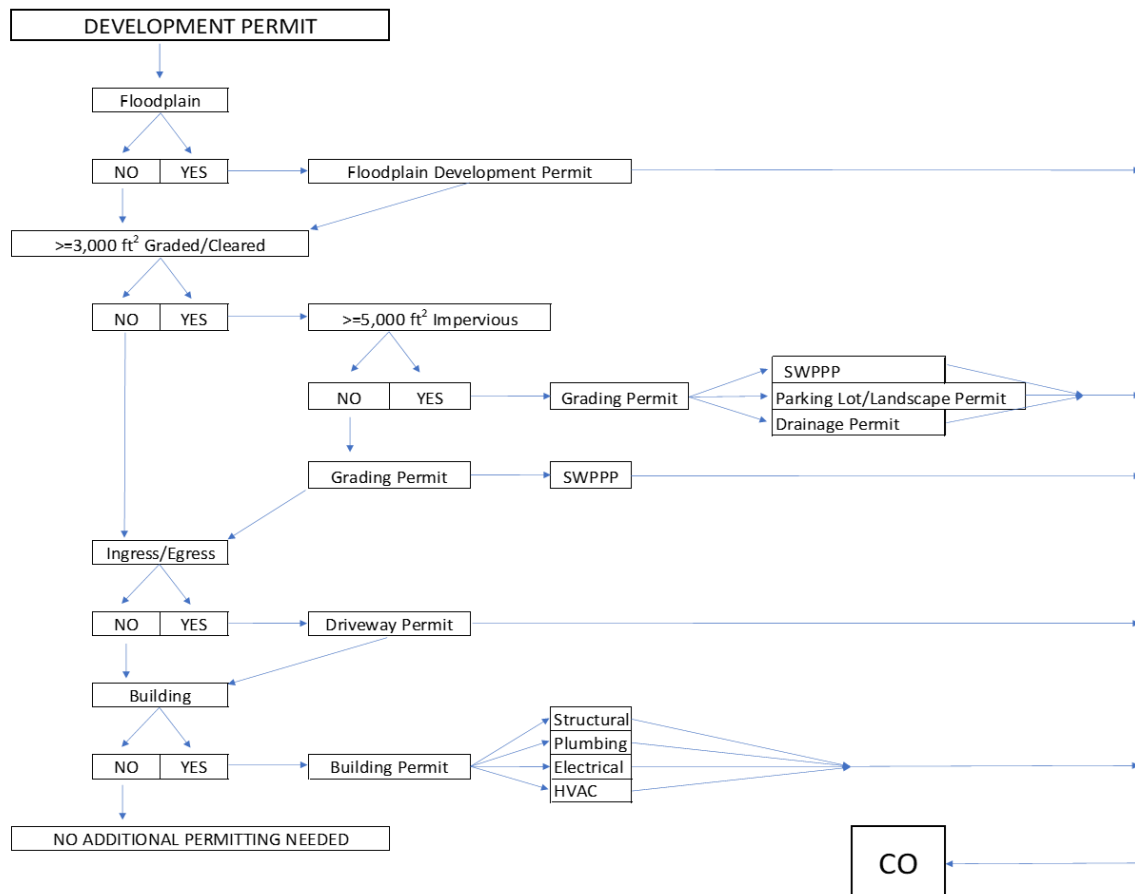
In the event that any person holding a site Development Permit pursuant to this ordinance violates the terms of the permit or this ordinance the Building Department may suspend or revoke the site Development Permit and any associated Permits.

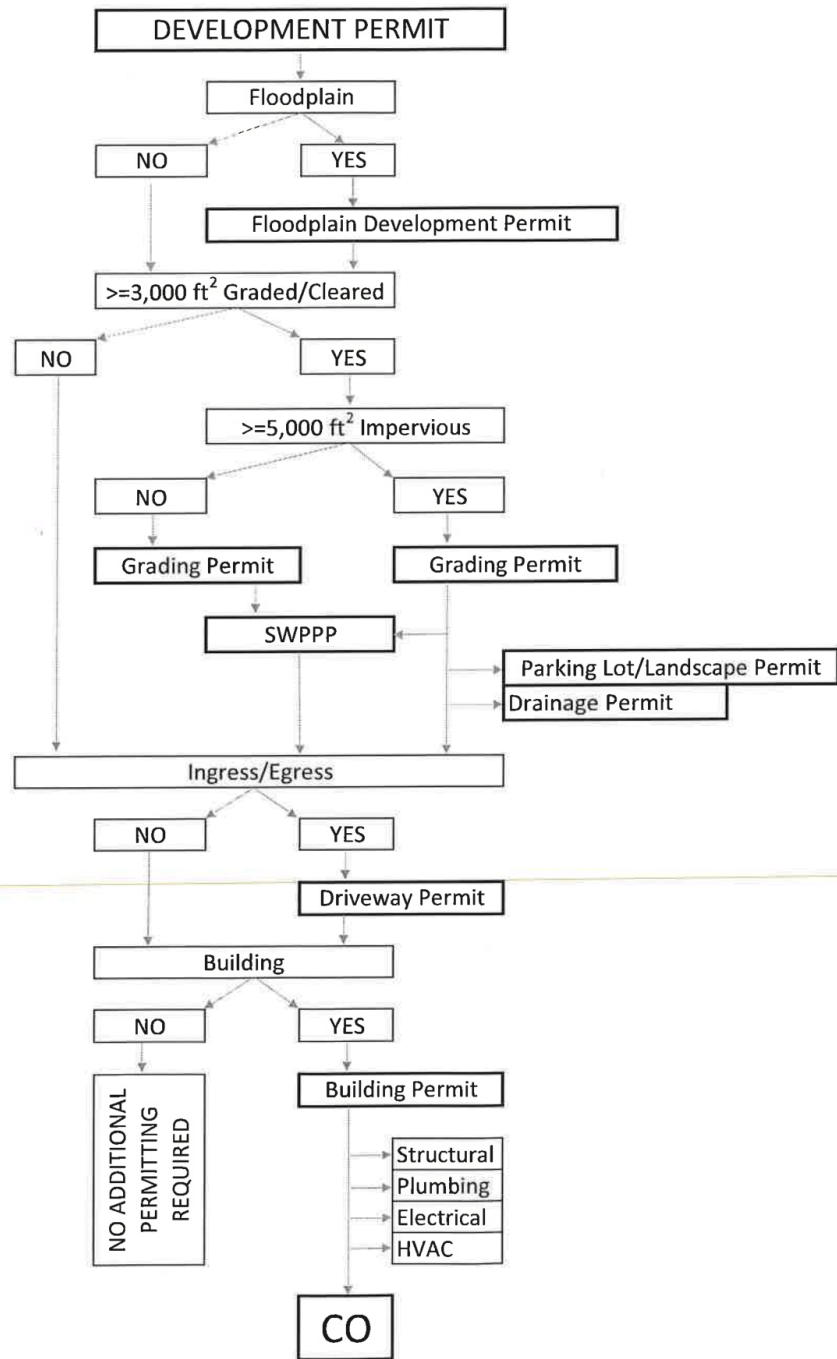
B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$250.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Section VII. Separability

- C. The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.





CITY OF MOUNTAIN HOME, ARKANSAS
GRADING PERMIT

Section I. Introduction / Purpose - Grading Permit

- A. The City of Mountain Home has experienced an increase in sustained growth and development since 2015. As development activities increase, so does the need to define regulations to direct that development in a manner ensuring it will not adversely affect neighboring property owners and uses.
- B. Therefore, in concordance with the Development Permit, submittal and approval of the Grading Permit is required prior to the start of any construction, clearing activity, grading, or any other development activity that disturbs or breaks the topsoil, results in the movement of earth or otherwise impacts the drainage flow on any site 3,000 square feet or greater in the City of Mountain Home.
- C. The Grading Permit includes the Stormwater Pollution Prevention Plan (SWPPP), Drainage Permit, and Parking Lot and Landscape Permit.
- D. Not every permit will be applicable to each site, however, they must be attended to and completed where appropriate.
- E. The permits listed in C above, must all be approved prior to receiving approval of the Grading Permit and conducting development activities, except what is required for the SWPPP.
- F. After submitting the permits for review, and approval of the SWPPP, clearing activities and grading necessary for the installation of the SWPPP erosion and sediment control measures can commence while the remaining permits are being reviewed and prior to final Grading Permit approval.
- G. SWPPP erosion and sediment control measures must be installed prior to overall site grading activities.
- H. Once the Grading Permit is approved, all other development activities, as identified in B above, may commence.
- I. The Grading Permit shall include a sequence of clearing and grading activities anticipated for construction of the development if greater than 5 acres.

Section II. Definitions

Development Activities - Any activity that alters real property including, but not limited to, constructing a new building, adding to an existing building, clearing land, placing fill, grading land, mining, dredging, drilling, etc...

Drainage Permit - Permit requiring storm water control facilities be designed and installed for certain developments within the corporate boundaries of the City of Mountain Home. Furthermore, the Development Regulations require the perpetual maintenance of all required, designed, and installed control works. Approval required to obtain a Grading Permit.

Erosion Control - A measure that prevents erosion.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Parking Lot and Landscape Permit - Permit requiring all parking lot, ingress/egress and landscaping regulations be applied to new construction or substantial improvements of existing parking lots, especially those changing the permeable characteristics of the ground cover. Approval required to obtain a Grading Permit.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation or development project.

Stabilization - The use of practices that prevent exposed soil from eroding.

Storm Water Pollution Prevention Plan (SWPPP) - A set of drawings indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction. Required prior to any grading or development activities. Clearing and grading activities necessary to install erosion control measures may commence once the SWPPP plan is approved and prior to final approval of the Grading Permit, if necessary. Please see the SWPPP. Approval required to obtain a Grading Permit.

Section III. Plans and Design Requirements

- A. Grading and waterway crossings shall meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency (EPA) and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Building Department.
- B. As per the Drainage Regulations, stormwater detention shall be required for any development resulting in a change from pre-development runoff conditions to post-development runoff conditions for 5,000 square feet or greater.
- C. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with this ordinance, state, and federal law.
- D. Phasing shall be required on all sites disturbing greater than 5 acres, with the size of each phase to be established at plan review and as approved by the Building Department.
- E. Plans should show the following permanent site grading requirements:
 - 1. The site must drain away from all buildings and toward the city's street or a dedicated drainage ditch.
 - 2. The site should be graded to provide a minimum positive drainage away from building or structure foundations.
 - 3. Drainage should be directed away from adjacent lots to the maximum extent possible.
 - 4. Cut and fill slopes shall be 4:1 where possible and no greater than 3:1 unless approved by the City. Steeper slopes up to 2:1, may be approved by City Staff to meet other community or environmental objectives.
 - 5. Graded areas are to be re-vegetated for erosion control with suitable plant material.
 - 6. In the rare occasion that exceptionally steep slopes are approved, landscape fabric/erosion blankets shall be installed on +50% slopes while groundcover is being established.
 - 7. The site should be graded to direct runoff into detention if required.
- F. Permanent Erosion control requirements shall include the following:
 - 1. If seeding or other vegetative erosion control method is used, it shall become established within three weeks or the Building Department may require that the site to be reseeded and/or mulched to stabilize the site.
 - 2. Special techniques that meet EPA BMPs on steep slopes or in drainage ways shall be used to ensure stabilization.
 - 3. The entire site must be stabilized by seeding and mulching when site grading is complete. The Building Department may require stabilization of any part of the site that will remain inactive for longer than three weeks or when an erosion problem is identified.
 - 4. Techniques that divert upland runoff past disturbed slopes shall be employed.
- G. Waterway and watercourse protection requirements shall include:
 - 1. Stabilization of the watercourse channel after any in-channel work
 - 2. All on-site storm water conveyance channels must be designed in accordance with the City of Mountain Home Drainage Regulations.
 - 3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
 - 4. Designed in accordance with Arkansas Department of Environmental Quality and permitted by said Department if necessary.

CITY OF MOUNTAIN HOME, ARKANSAS
DRAINAGE REGULATIONS

Section I. Introduction / Purpose

Any development, as defined in the Development Regulations, including substantial improvements to existing impervious areas, resulting in a change from pre-development runoff conditions to post-development runoff conditions for 5,000 square feet or greater will be designed to accommodate the 25-year storm, including previous impervious areas that did not have retention provided.

For the purposes of this regulations, “substantial improvement” shall mean any reconstruction, rehabilitation, addition, or other improvement, the cost of which equals or exceeds 50 percent of the market value before the “start of construction” of the improvement. “Impervious” shall mean any Rational Method Runoff C-Coefficient of 0.50 or greater, or TR-55 Curve Number resulting in equivalent imperviousness.

Section II. Design Storm Water Control

- A. The standards set forth hereinafter shall govern the design of drainage and storm water control facilities and structures.
- B. Any development that includes removing existing impervious surfaces, such as structures and parking lots, and replacing them with other impervious surfaces will provide for detention as per these regulations if detention is not already present on the site. Detention volume calculations will be conducted for post runoff vs original pre-development or “natural” runoff.
- C. System drainage and storm water control facilities accommodating the 25-year storm event shall be designed for any development resulting in 5,000 square feet, or greater, of impervious surfaces, including roof tops, paved and gravel parking lots, driveways, sidewalks, walkways, etc...
- D. Site plans, drainage control structures and drainage design computations shall be prepared by a professional engineer.
- E. These Drainage Regulations do not supersede Ordinance 93-021 or Chapter 9.16 of the Municipal Code.

Section III. Plans

- A. At a minimum, site plans show the location, size, flow line elevations and details of all drainage facilities and structures, including, but not limited to, swales, ditches, culverts, drop inlets, storm sewers, and detention/retention ponds and outlets.
- B. Plans should also include pre- and post- contours, with 1-foot contours required for sites of 5,000 square feet or greater, flow arrows, building site elevations, description of each groundcover (pervious, impervious, etc...) curbing if required, curb cut-outs if utilized for collection systems and any other information as needed to build site as designed.
- C. Plan details, for sites 5,000 square feet or greater as described in D below, shall include typical cross-sections and profiles for all components of the designed run-off/drainage conveyance system.
- D. Drainage design computations shall be provided for any development resulting in a change from pre-development runoff conditions to post-development runoff conditions for 5,000 square feet or greater, including any substantial improvements to existing impervious surfaces. Drainage design computations shall, at a minimum, include:
 - 1. The Runoff Area in Acres (A)
 - 2. Pre- and Post-Development Rational Method Runoff C-Coefficients or SCS Runoff Curve Numbers
 - 3. Pre- and Post-Development Runoff (Q)
 - 4. 25-Year Design Storm
 - 5. Intensity (i)
 - 6. Detention Volume Required and Provided (ft³)
 - 7. Pond Release Rate by Release Structure (cfs)

8. Pipe Diameter, Slope and Design Flow Rate
9. The computations shall include a map at an appropriate scale showing the drainage basin upstream of the development which would contribute storm water to the development.
10. Outlet works specifications.
11. Drainage report appreciated but not required.

Section IV. Design Standards

- A. Storm water flows shall be determined by generally accepted engineering practices.
- B. The design flows shall be correlated with previous or adjoining drainage analysis when applicable and available.
- C. Storm water from upstream watersheds shall be transmitted through the proposed development by means of ditches and/or storm sewers. In determining the runoff, consideration shall be given to the potential for development in the upstream watershed; the designer shall confer with and obtain approval of the City of Mountain Home (City) in this regard. Flow from upstream watersheds shall be intercepted at the entrance to the proposed development by means of ditches or storm drains unless it will bypass the development naturally.
- D. Detention/retention facilities shall be used so that runoff discharge after development shall not exceed the discharge prior to development. This shall include the entire area of the drainage basin where the development is located.
 1. Any detention facility dedicated to the City, shall be a finished surface with an 8' wide, 6" thick reinforced concrete strip from inlet to outlet.
 2. The walls or banks of any detention/retention facility dedicated to the City, shall have a maximum 4:1 slope, unless steeper slope is approved by City staff prior to plan submittal.
 3. All detention/retention facilities shall also have an established ground cover ready to maintain at time of dedication. If detention/retention facility is not to be dedicated, established ground cover is required within 21 days of end of construction.
 4. The engineer shall confer and obtain approval with the City in the design and location of these facilities. (Amended Ord. # 98-034)
- E. Ditches and swales which have flow velocity of 10 feet per second (10fps) or greater during a 5-year design storm shall be paved. At a minimum, the ditch paving will be with 3000 psi concrete, a minimum 4" deep with pronounced flow line and two #4 reinforced bars running longitudinally.
- F. Creeks, open channels, ditches, and culverts shall be designed to carry (contain) the major design storm frequency.
- G. The major design storm (25-year) shall be contained such that the ground is not inundated at the building setback line, or a safe building line or lowest floor elevation, which shall be shown on the drainage plan. The lowest floor elevation shall be as defined in the Federal Emergency Management Agency (FEMA) Flood Damage Prevention Ordinance.
- H. Development within a FEMA designated floodplain area, or other Special Flood Hazard Area, shall meet the requirements of the Flood Damage Prevention Ordinance and only commence after the Floodplain Development Permit is approved.
- I. Storm water easements or drainage right-of-way shall be provided along all watercourses, channels, or streams. Such easements or right-of-way shall conform substantially to the lines of the watercourse as it enters or leaves the property and shall be of sufficient width and construction to provide adequate storm water drainage and access for maintenance thereof, but not less than twenty (20) feet in width.
- J. Detention pond outlets must release runoff at the natural ground elevation and/or be dispersed over riprap to spread the flow, on the property on which they are built. The release must, within reason, be directed to the pre-development location. The release shall be slowed to pre-development velocities prior to running off the development property.
- K. Storm water may not be diverted from one watershed to another within the development boundaries without a complete and thorough drainage analysis of the effects of such diversion and shall require the passage of a City Ordinance allowing the diversion.
- L. Culvert and storm sewer pipe shall conform to the applicable requirements of the AHTD Standard Specifications or as required by the City.

- M. The plans shall set forth the gauge of corrugated steel pipe to be used. Corrugated steel pipe less than 14 gauge shall not be permitted under public streets. HDPE, PVC and RCP pipe may be used on private property where appropriate as determined by the design engineer.
- N. Flared end sections complying with AHTD Standard Drawing FES-1 (Rev. 10-2-72) and (Rev. 7-14-78) shall be installed at each end of all culverts and at the outfall end of all storm sewers. Exceptions may be approved by the City. Exceptions could include bevel cut pipes where warranted.
- O. Curb turnouts, drop inlets and other such drainage devices, shall be designed by the Engineer and shall be subject to review by the City Street Superintendent.

Section V. Plan Approval

- A. Drainage Plans, as required by Section III above, must be submitted as part of the Development Permit process and approved by City Staff.
- B. Drainage Plans and/or site plans may be required by City staff for other development projects as deemed necessary.
- C. Drainage infrastructure construction can commence as soon as SWPPP controls are in place.
- D. If possible, it is recommended that SWPPP controls be constructed in such a manner as to be easily converted to permanent detention if required.
- E. Drainage infrastructure and improvements must be complete, and the design engineer must submit certification to the City that all planned improvements were built as designed before the Certificate of Occupancy for the structure is granted.

CITY OF MOUNTAIN HOME, ARKANSAS INDIVIDUAL SITE STORMWATER POLLUTION PREVENTION PLAN

Section I. Introduction / Purpose

- J. The City of Mountain Home has experienced an increase in sustained growth and development since 2015. As development activities increase, so does the need to define regulations to direct that development in a manner ensuring it will not adversely affect neighboring property owners and uses.
- K. As per Municipal Code 9.16.04 Erosion control - Temporary erosion control devices shall be provided during construction projects within the city of Mountain Home, Arkansas, to inhibit erosion on the construction site and subsequent siltation in lands and streets off the construction site. As used herein, the term "construction project" shall mean any type of construction for which a building permit is required by the city of Mountain Home, Arkansas. Such devices shall be as detailed on Arkansas Highway and Transportation Department (AHTD) standard drawing TEC-1 or as approved by the Mayor of the city of Mountain Home, Arkansas. (Ord. No. 93-022, Sec. 1)
- L. It shall be the responsibility of the person holding the building permit on each particular construction project to ensure that all streets surrounding the construction site are kept free from mud tracking and other siltation. (Ord. No. 93-022, Sec. 2)
- M. Any person, firm, corporation, or agent who violates any provision of this chapter shall be fined not less than Fifty Dollars (\$50.00) nor more than Seventy-Five Dollars (\$75.00) and each day such violation shall exist shall be deemed a separate offense. (Ord. No. 93-022, Sec. 3)
- N. To ensure sediment is not allowed to leave construction sites, get into roadways and waterways, or become a nuisance in any other fashion, a Stormwater Pollution Prevention Plan (SWPPP) outlining the specific measures and sequencing that will be used to control sediment and erosion on a development site during and after construction is required as part of the overall Grading Permit.
- O. SWPPP approval is required prior to any grading, clearing or development activities.
- P. After the SWPPP is approved, clearing and grading activities necessary for the installation of the erosion and sediment control measures can commence while the other permits required for a Grading Permit are being reviewed and prior to their

approval.

- Q. SWPPP erosion and sediment control measures must be installed prior to overall sight grading activities.

Section II. Definitions

Development Activities - Any activity that alters real property including, but not limited to, constructing a new building, adding to an existing building, clearing land, placing fill, grading land, mining, dredging, drilling, etc...

Erosion Control - A measure that prevents erosion.

Grading - Excavation or fill of material, including the resulting conditions thereof.

Phasing - Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control - Measures that prevent eroded sediment from leaving the site.

Site - A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation or development project.

Stabilization - The use of practices that prevent exposed soil from eroding.

Section III. Plans and Design Requirements

A. Erosion and Sediment Control Plans shall include the following:

1. A site map at a scale no smaller than 1"=100' showing erosion and sediment control proposed for the site.
2. Erosion and sediment control measures, necessary to meet the objectives of this ordinance, that will remain installed and functioning throughout all phases of construction and after completion of development of the site until soil stabilization with permanent vegetation.
3. Provisions for maintenance of control facilities until the site soils are stabilized with permanent vegetation.
4. Any necessary SWPPP detention basins installed in such a way that they could be converted to final detention/retention for the site if possible and/or practical.
5. Phasing as necessary on all sites disturbing greater than 5 acres with the size of each phase to be established at plan review and approved by City Staff.

B. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the Best Management Practices (BMP) identified by the U.S. Environmental Protection Agency (EPA) and or as detailed on AHTD/ARDOT TEC-1, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Building Department.

C. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with this ordinance, state, and federal law.

D. Temporary Erosion control requirements shall include the following:

1. Soil stabilization shall be completed within three weeks of clearing or inactivity in construction.
2. If seeding or other vegetative erosion control method is used, it shall become established within three weeks or the Building Department may require that the site to be reseeded and/or mulched to stabilize the site.
3. Special techniques that meet the BMP on steep slopes or in drainage ways shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized when inactive for periods longer than three weeks.
5. Techniques that divert upland runoff past disturbed slopes shall be employed.

E. Temporary Sediment control requirements shall include:

1. Settling basins, sediment traps, and perimeter controls shall be employed.
2. Settling basins designed in a manner that allows adaptation to provide long-term

- storm water management, as required by the Building Department, if possible and/or practical.
3. Protection for adjacent properties using a vegetated buffer strip in combination with perimeter controls.
- F. Waterway and watercourse protection requirements shall include:
1. A temporary stream crossing if a wet watercourse will be crossed regularly during construction.
 2. Stabilization of the watercourse channel after any in-channel work
 3. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
 4. Designed in accordance with Arkansas Department of Environmental Quality and permitted by said Department if necessary.
- G. Construction site access requirements shall include:
1. A temporary access road provided at all sites.
 2. Other measures required by Building Department to ensure that sediment is not washed into storm drains and construction vehicles do not track sediment onto public streets.
 3. Additional requirements as identified in the City of Mountain Home MS4 - Storm Water Pollution Prevention Plan.

CITY OF MOUNTAIN HOME, ARKANSAS
PARKING LOT AND
LANDSCAPE REGULATIONS

Section I. Permit Required

- A. From and after the passage of this ordinance any contractor, business or person who desires to construct, reconstruct, make addition to, or surface a parking lot or parking area shall apply to the city of Mountain Home, Arkansas, for a permit. (Ord. No. 97-030, Sec. 1.)

Section II. Definitions

- A. Parking Lot/Area - Any area that can be traversed by a vehicle and is free of obstacles where cars or other vehicles may be stopped, parked, or left temporarily.
- B. Landscape Feature - Any shrub, boulder, berm or other natural feature used to enhance the aesthetic appeal of the area and add elevation variation above the ground level.
- C. Canopy Tree - Shade trees that grow to a height of 20' or more.
- D. Decorative Tree - Trees that grow to a maximum height of 20' and may be flowering.
- E. Shrubs - Small to medium sized perennial woody plants.

Section III. Landscaped Area

- A. Every parking area shall have a landscaped area following the requirements outlined below:
1. General Requirements
 - a. All areas not covered by structures, service yards, walkways, driveways, and parking shall be landscaped.
 - b. The use of invasive species is prohibited.
 - i. No invasive species as identified by the University of Arkansas Division of Agriculture, and listed herein, shall be used to meet these landscape requirements.
 1. Mimosa, Bamboo, English Ivy, Running Monkey Grass, Large Leaf Vinca, Wisteria (Chinese), Chinese Privet, Japanese Honeysuckle, Tall Fescue, Bradford Pear, Non-Native Lespedeza, Chinese Tallow Tree, Cogongrass
 - ii. The plants listed below have been invasive in some landscape situations and should be used with caution.

1. Nandina (Heavenly Bamboo), Garlic Chives, Devil's Walking Stick, Artemesia, Trumpet Creeper, Obedient Plant, Sweet Autumn Clematis, Mexican Hydrangea, Queen Ann's Lace, Wintercreeper Euonymus, Chameleon Plant, Cypress Vine
 - c. Landscape must provide soil stability and suitable drainage.
 - i. Trees, shrubs, groundcover, grass, and other landscape features shall be placed or retained to reduce runoff and/or erosion.
 - ii. Graded areas are to be re-vegetated as per the Grading Permit Design Requirements.
 - d. The Stormwater Pollution Prevention Plan and the Erosion Control Ordinance 93-022 shall be adhered to during construction.
 - e. Property owner to maintain all required landscaping.
 - i. Landscape must be kept in a healthy and orderly appearance.
 - ii. Unhealthy and dead plant material to be replaced within the ensuing year.
2. Preservation
 - a. Attempt to incorporate existing on-site trees, landscape features and vegetation.
 - b. Preservation to be first, best, and standard approach.
 - i. All existing trees, landscape features and vegetation to be displayed on site plan.
 - ii. Methods and opportunities to preserve these features discussed at Preliminary Conference.
 - c. Where possible and reasonable, existing mature "significant" trees, boulders, rock outcroppings, and riparian corridors shall be preserved and incorporated into landscape plans.
 - d. Where healthy plant material exists prior to site development, if it is retained, preserved, and utilized, it will be credited towards landscape requirements if it meets the purpose and intent of these requirements.
3. Structure Landscaping Requirements
 - a. Landscaping a minimum of 3' wide along the front of each building and on the two sides.
 - i. Not required along the back of the building.
 - ii. Not required on sides that accommodate drive through facilities.
 - iii. Can be installed a short distance (<5') away from the building after positive drainage is provided.
 - iv. Landscaping along side of the building where the ADA entrance is provided can meet necessary ADA design parameters.
 - v. Exclusive of perpendicular sidewalks and driveways.
 - b. Landscape area to include landscape features in addition to grass and other groundcovers, sufficient to provide varying elevations.
4. Sign Landscaping Requirements
 - a. Landscaped area around the base of ground-mounted signs.
 - b. Minimum width of 2'.
 - c. Landscaped area to include landscape features in addition to grass or other groundcovers, sufficient to provide varying elevations.
5. Site Perimeter Requirement
 - a. Landscape required along the perimeter of each site to provide a buffer for adjacent uses and screened to provide an attractive view from the street.
 - b. Screening measures such as hedgerows, trees, or other landscape features will ensure parking areas and cars are not the dominant visual element and prevent light trespass or glare into surrounding residential property or rights-of-way (ROW).
 - c. This area shall be required along the full length of all site setbacks.
 - d. No parking or paving shall be permitted within this area except sidewalks and driveways. Any driveways must cross the buffer at a generally perpendicular angle.
 - e. Street Frontages
 - i. A perimeter strip a minimum of 3', on lots less than 1 acre, and a minimum of 5', on lots of 1 acre or more, in width shall be provided along all street frontages.
 - ii. The buffer is outside of, or in addition to, any road ROW.

- iii. Screening measures will be installed outside of the street ROW and be a minimum of 30" above the highest average final finish elevation of the adjacent street, parking lot or ground floor. Screening measures can include any combination of the following:

- 1. Trees

- a. Planted at the ratio of no less than 1 tree for every 20' of property line abutting any street.
 - b. Up to 25% of these plantings may be grouped where desired.
 - c. In the event overhead obstructions exists which would prohibit the use of canopy trees, understory or decorative trees shall be encouraged.

- 2. Landscape Features

- a. Varying types can be used.
 - b. Placed close enough to form a continuous row of hedging along the property line abutting any street.
 - c. Shrubs are to be evergreen and at least 20" tall at time of planting.
 - d. Earth berms should have a max slope of 2:1, at least 3:1 recommended, and be a minimum of 12" above highest adjacent grade.

- 3. Fences and Walls

- a. Constructed of durable material.
 - b. Compliment the project architecture.
 - c. Generous vegetation encouraged to soften the appearance and prevent graffiti.
 - d. Aesthetically and functionally enhanced with columns and piers and random variation in plane and direction at least 5' for every 50' in length.
 - e. All retaining walls greater than 3' in height must be designed by a professional engineer licensed in the state of Arkansas and design calculations available for review if requested.

- 4. Lights, if used, installed closer to the parking lot than the property line and directed toward the parking lot or building and away from neighboring property.

- 5. Screening shall not impair sight lines of drivers or be built into the site triangle as defined in the Subdivision Regulations, Article 8.2.L - Intersections.

- f. Interior Property Lines

- i. A perimeter landscape strip at least 5' in width shall be provided along all property lines adjoining nonresidential areas. This provision is waived where neighboring structures adjoin, such as with strip centers.
 - ii. A perimeter landscape strip at least 10' in width shall be provided along all property lines adjoining residential areas. This requirement can be reduced to 5' wide if used in conjunction with privacy fencing.
 - iii. Screening measures will adhere to Section 5.e.3.

- 6. Parking Lot Landscaping and Design

- a. Parking lot street frontages shall be curbed.
 - b. Trees should be planted within the lot so that each parking space is within 60' of a tree. Perimeter trees may satisfy this requirement.
 - c. Parking lots of +24 spaces, no more than 12 interior continuous side-by-side spaces without a landscape island.
 - i. Islands will be utilized at the end of each aisle.
 - ii. Every island shall be sodded, seeded, mulched, rocked or otherwise finished with a groundcover other than exposed soil.

- iii. Islands to include trees or other landscape features sufficient to provide varying elevations but with maximum shrub height of 30".
 - iv. Any tree planted on an island must have minimum 8' clearance to the ground.
 - v. Every island shall be minimum of 150 square feet.
 - vi. Islands must be curbed in paved parking lots.
- d. Parking lots of +200 spaces must have interior buffer areas, in addition to islands.
 - i. One buffer per 200 spaces required.
 - ii. Buffers should extend the width or depth of the parking lot and be curbed in paved parking lots.
 - iii. Buffers shall be a minimum of 8' wide with a 5' wide sidewalk bisecting it.
 - iv. Screening measures such as a hedgerow of shrubs shall be planted along any sidewalks, if constructed, to protect pedestrians.
- e. Unpaved parking areas shall utilize internal landscaping and "green edges" to define access, circulation, and parking areas.

Section IV. Site Plan

- A. Proposed parking lots and additions/improvements to an existing parking lot that will, in addition to any other impervious surfaces on the parcel, result in a total of five thousand (5,000) square feet or larger shall be accompanied by a "Site Plan" prepared by a professional engineer.
 - 1. The Site Plan shall include:
 - a. Existing conditions,
 - b. Existing trees, landscape features and vegetation to be retained,
 - c. Existing grades on 1' contours,
 - d. Landscape Areas as defined in this regulation,
 - e. Proposed grades on 1' contours,
 - f. Ingress and Egress conforming to Ordinances 88-018 and 90-014 and specifications,
 - g. Curbing,
 - h. Any on-site areas within a Special Flood Hazard Area,
 - i. Drainage control conforming to the Drainage Regulation and Permit,
 - j. Erosion and sediment control conforming to the Stormwater Pollution Prevention Plan, Grading Permit and Ordinance 93-022.
 - k. Bumper blocks to ensure safety on all sides with greater than 2' difference in grade.
 - l. Guardrails to ensure safety on all sides with greater than 3' difference in grade.
 - 2. Parking lots of less than five thousand (5,000) square feet shall be investigated prior to issuance of a permit and may be required to submit a Site Plan or various components thereof.

Section IV. Fees

- A. All permits shall be one (1) cent per square foot for the first five thousand (5,000) square feet and one-eighth (1/8) of one (1) cent per each additional square foot, with a minimum of Ten Dollars (\$10.00). Provided, however, where a general contractor constructs a parking lot as part of a new building and the construction is part of the estimated cost of the project, there will be no additional permit fees for the parking lot. (Ord. No. 97-030, Sec. 4).

Section V. Penalty

- A. Violation of this ordinance shall be deemed a misdemeanor punishable by not less than a Fifty Dollar (\$50.00) fine nor more than a Two Hundred Fifty Dollar (\$250.00) fine. Each day shall be deemed a separate violation. (Ord. No. 97-030., Sec. 5).