

AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS AS PROPOSED BY THE PLANNING COMMISSION OF THE CITY OF OZARK, ARKANSAS, REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF OZARK, ARKANSAS, AND ITS AREA OF PLANNING JURISDICTION; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; PRESCRIBING PENALTIES FOR THE VIOLATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Ozark, Arkansas has determined that it is desirable that the current subdivision regulations be repealed and new subdivision regulations adopted to reflect the current growth of the City of Ozark.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OZARK, ARKANSAS, THAT:

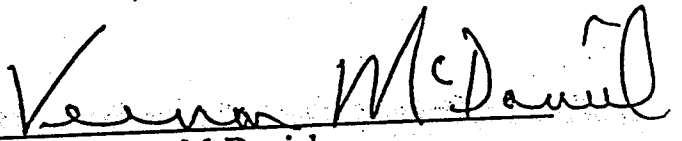
SECTION 1: The subdivision regulations proposed by the planning commission of the City of Ozark, and as attached hereto and incorporated herein as if set forth herein word for word, are hereby adopted, by the City of Ozark, Arkansas.

SECTION 2: All ordinances in conflict herewith are hereby repealed, and should any part of this ordinance be declared invalid, the same shall not effect the validity of the remaining portions thereof.

SECTION 3: It is hereby determined by the City Council of the City of Ozark that this ordinance is necessary for the health and preservation of the welfare of the citizens of the City of Ozark, an emergency is hereby declared and this ordinance shall be

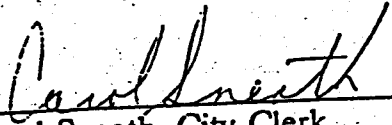
in full force and effect from and after its passage and publication.

Passed and approved by a 4-2 majority of the City Council of the City of Ozark, Arkansas, this 13 day of October, 1997.



Mayor, Vernon McDaniel

ATTEST:



Carol Sneath, City Clerk

CITY OF OZARK, ARKANSAS

**LAND SUBDIVISION REGULATIONS
AND DEVELOPMENT CODE**

OCTOBER 13, 1997

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ARTICLE I PURPOSE, AUTHORITY AND JURISDICTION

Section 1. PURPOSE

The subdivision of the land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes, will determine to a large degree the condition of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards make provision for subdivision and improvement of land for urban and to make provision for adequate light, air, open space, drainage, transportation, public utilities, and other needs, and to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administrated in a manner to:

- a) Implement the Master Street Plan and the Land Use Plan for the City of Ozark
- b) Enhance neighborhood conservation and prevent the development of slums and blight
- c) Harmoniously relate the development of various tracts of land to the existing community and facilitate the future development of adjoining tracts
- d) Provide that the cost of improvements which benefit the tract of land being developed be borne by the developers of the tract
- e) Provide the best possible design for the tract
- f) Establish adequate and accurate records of subdivision

Section 2. AUTHORITY

This Land Subdivision and Development Code is promulgated in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas, as amended.

Section 3. JURISDICTION AND APPLICATION

It is hereby declared to be the policy of the City of Ozark to consider the subdivision of land and subsequent development of the subdivided plat as subject to the control of the City pursuant to the Land Use Plan and Master Street Plan of the City for the orderly, planned, efficient, and economical development of the City of Ozark.

These regulations contained within this ordinance shall be applicable to all lands within the corporate limits of the City of Ozark, Arkansas, and, with exception as stated within this

ordinance, the jurisdictional planning area of the City of Ozark as defined by the appropriately filed and maintained jurisdictional planning area map of the City of Ozark.

These regulations and development standards shall apply to the following forms of land subdivision:

The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than three acres in area; or

The resubdivision of land, previously subdivided or platted in tracts, lots, sites, or parcels.

It is further understood that variances to the requirements of this ordinance may be granted by the Planning and Zoning Commission of the City of Ozark.

ARTICLE II DEFINITIONS

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Wherever used in this Code, the word "may" is permissive, while the word "shall" is mandatory. For the purpose of interpreting this Code, certain words used herein are defined as follows:

ALLEY: A minor public way used for utility easement and vehicular service access to the back side of properties abutting a street.

ARTERIAL STREETS: Main vein through property.

BOND: Security in the form of and limited to a cash deposit surety bond underwritten by a bonding company licensed to do business in the State of Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the City that can be unilaterally drawn upon by the City for the completion of proposed improvements by a Developer.

BUILDING LINES: The line within property which defines the minimum horizontal distance between the building and adjacent property line.

CITY: City of Ozark, Franklin County, Arkansas

CITY ENGINEER, CITY ATTORNEY, CITY CLERK: Any office referred to in this Code by title shall be the person so retained in this position by the City, or his duly authorized representative.

COMMISSION: Approved eight member board including a chairman.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

CIRCUIT CLERK/COUNTY RECORDER: The Circuit Clerk of Franklin County.

EASEMENT: A grant by the property owner of the use, for a specific purpose or purposes, of land by the public, a corporation, or certain persons.

ENGINEER: A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.

IMPROVEMENTS: A betterment of the existing conditions of the land, such as streets, extensions of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

LOT: A distinct and separate undivided tract or parcel of land having access on a public street, which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site.

LOT, CORNER: A lot located at the intersection of and abutting on two or more streets.

LOT, DOUBLE FRONTAGE: A lot which runs through a block from street to street and which has two non-intersecting sides butting on two streets.

LOT, REVERSE FRONTAGE: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

LOT, SPLIT: A lot-split is a subdivision which involves the dividing or re-dividing of a land area within any recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or changing of alignment of any thoroughfare, street, alley, or easement.

PAVEMENT WIDTH: The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

PLAT, PRELIMINARY: Any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the Planning and Zoning Commission; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

PLAT, FINAL: Any plat of any lot tract, or parcel of land requested to be recorded in the deed and plat records of the Circuit Clerk.

REPLANTING: The subdivision of any part of previously platted subdivision, addition, lot or tract.

RIGHT OF WAY: Dedicated public right of way providing vehicular and pedestrian access to adjacent properties.

STREET: A public right of way, however designated, which provides vehicular access to adjacent areas.

STREET RIGHT OF WAY WIDTH: The shortest distance between the lines which delineate the right of way of a street. It runs from abutting property lines to abutting property line.

LOCAL RESIDENTIAL STREET: A street which is intended primarily to serve traffic within a neighborhood or limited residential area, and which is not necessarily continuous through several residential areas.

COLLECTOR STREET: A street which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial streets for business areas.

SUBDIVIDER OR DEVELOPER: Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent for such owner or equitable owner, of land to be divided. He is sometimes referred to herein as the "applicant".

SUBDIVISION: The division by platted lots or metes and bounds of any lots, tracts, or parcels of land situated within the jurisdictional area of the City of Ozark with three or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial or industrial lots, streets, alleys, or portions intended for public use or the use of purchasers or owners of lots fronting thereon or of the land, lots or tracts.

ARTICLE III DESIGN

Section 1. CONFORMANCE TO EXISTING PLANS

The purpose of this portion of the Code is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions. All subdivisions shall conform with the Land Use Plan and the Master Street Plan and their respective elements and be designed to conform with current zoning and building regulations now in force.

Section 2. SUITABILITY OF LAND

Lands subject to flooding or topographical unsuitable for residential occupancy and which the Commission considers unsuitable for subdividing shall not be platted for any use that may increase the danger to health, life, or property, or aggravated erosion or flood hazard. If such land is in the proposed plat, this land shall be set aside for such land uses as will be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the Developer and an Engineer, and approved by the Commission.

Section 3. PROVISION OF LAND FOR PUBLIC USE

The Commission may require reservation of suitable sites for public use as indicated on the Land Use Plan or Master Street Plan for a period of up to six months after the filing of a letter of intent to develop by the subdivider. Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceeding under the power of eminent domain. The failure of any public entity to acquire designated lands within twelve months of the development filing shall relieve the subdivider of any responsibility to hold such land.

Section 4. SUBDIVISION DESIGN STANDARDS

The quality of design of urban area is dependent on the quality of design of the individual subdivisions that comprise it. Good community design requires the coordination of the efforts of each subdivider and developer in the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the City for land use, traffic circulation, community facilities, and public utility services.

A. Blocks

The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- (1) provision of adequate building sites suitable to the needs of the type of use contemplated
- (2) zoning requirements as to lot sizes and dimensions
- (3) needs for convenient access, circulation, control and safety of street traffic
- (4) limitation and opportunity of topography

Blocks of less than four hundred feet in length or more than one thousand two hundred feet in length are discouraged except as the terrain itself make blocks of other lengths desirable. When a block exceeds six hundred feet length, the Commission may require dedicated easement not less than fifteen feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.

Blocks used for residential purpose should be sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

B. Alleys

Alleys shall not be provided in residential blocks unless such need is provided to the Commission for orderly, planned, efficient, and economical development of the City of Ozark.

C. Lots

The shape of residential lots shall not be required to conform to any stated pattern. The Commission shall judge lot shape on the type of development and on the use to which the lots are restricted. Center lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.

Lot dimensions:

Lots within the city limits shall conform to the following:

- (1) Lots within the city limits shall conform to the existing zoning ordinance
- (2) Lots not serviced by sanitary sewer and/or public water supply shall be of sufficient size to conform to the regulations and specifications of the Arkansas State Department of Health, but not less than one acre.

Section 5. STREET DESIGN

The arrangement, character, extent, width, grade and location of all streets shall be designed in accordance with the Land Use Plan and the Master Street Plan and the following standards:

Local residential streets shall be laid out so that their use by through traffic will be discouraged. The arrangement of streets shall be such as to cause no hardship in the subdivision of adjacent properties. The Commission shall require the dedication of street right-of-way to the property line to facilitate the development of adjoining properties.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within its own subdivision boundaries.

New subdivisions, commercial and other large scale developments having lots contiguous to and fronting on an existing street shall be required to widen the street to the appropriate width corresponding to the classification of the street by constructing all improvements on the developers side of the existing street, and drainage facilities as approved by the Commission.

All streets shall have a storm drainage system as required to conform with this Code.

There shall not be reserve strips controlling access to the street, except where the control of such strips is explicitly placed with the City of Ozark.

The street name shall require the approval of the City. Streets that obviously are in alignment with existing streets may be given the name of the existing street.

A. Right of Way Widths

The right of way width shall be the distance across a street from property line to property line. The minimum street width and the minimum street right-of-way width shall be as follows:

Street Width	Type of Street	R/W Width
24'	Local Residential	60'
24'	Collector	60'
78'	Cul-de-sac	100'

Minor terminal streets and cul-de-sacs or courts designed to have one end may be no more than one thousand feet long without special permission of the Commission. Such streets will be provided at the closed end with a cul-de-sac with the appropriate roadway diameter, as stated in the above table. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum width requirements. Where any part of the subdivision is on both sides of the existing street, the entire required right-of-way shall be dedicated. Where the subdivision is located on only one side of the existing street and the land across the street from the proposed subdivision has been subdivided or developed, the subdivider is required to provide enough additional right-of-way to increase the total right-of-way to the required width.

Where the subdivision is located on only one side of an existing street and the land across the street from the proposed subdivision has not been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the street to bring the total right-of-way to a width of not less than sixty feet.

B. Street Grades

The minimum grade for all streets without curbs shall be 1.0%. Maximum grade values should be used in hardship cases, preferably, typical grades should be less than 75% of the above stated maximum.

C. Intersections

The center line of no more than two streets shall intersect at any one point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than sixty degrees.

Radii at street intersections shall conform to the radii of the widest street according to the following chart:

Street Width	Type of Street	Radii
24'	Local residential	30'
24'	Collector	30'
78'	Cul-de-sac	39'

And where the angle of a street intersection is less than ninety degrees, the Commission may require a greater curb radius.

Proposed new intersections, whether including an existing street or not, shall wherever practicable coincide with any existing intersections on the opposite side of such street. Street jogs with center line offsets of less than one hundred fifty feet shall not be allowed unless all streets are local or special circumstances warrant a written variance approved by the Commission.

In review of commercial and other large scale developments the number of drive openings and their alignment with intersecting streets and other developments drives openings shall be evaluated and approved by the Commission with due regard to the street classification and expected traffic volume of the developments and streets.

Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area should be provided having not greater than a two percent rate at a distance of fifty feet measured from the nearest curb line of the intersecting street. When approved by the Commission, the maximum allowable grade of the approach to an intersection shall be one-half of the nearest curb line of the intersecting street. A vertical curve with a minimum of fifty foot length is required at the grade intersections of the approach.

Where any street intersection will involve earth banks or existing vegetation inside any corner lot that would create any traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grade of the public right-of-way to the extent deemed necessary to provide an adequate sight distance as determined by the Commission.

D. Horizontal Curves

Curvilinear streets are recommended for local and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten degrees, there shall be a horizontal curve. To assure safe conditions, the minimum center line radii for horizontal curves shall be:

Collector streets	200 feet
Local service street	100 feet

E. Easements and Drainage Right of Way

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten feet wide.

Easements shall be provided to the subdivision property line as required for future access and extensions of utilities to adjacent properties.

Where a subdivision is traversed by a water course, drainage way, channel, or stream there shall be provided a storm drainage easement or drainage right -of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith. The developer shall file a restrictive covenant with Circuit Clerk providing for the following:

- (1) Drainage maintenance shall be the responsibility of the property owner adjacent to the drainage way.
- (2) Maintenance shall include mowing, removing trash and obstacle to flow, and maintaining riprap, if installed.
- (3) Property owners shall not change existing alignment of a drainage way at the subdivision boundary line without written consent from all downstream property owners contiguous with the subdivision and the affected realignment.

F. Streets

The subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the City. Cross sections are subject to the approval of the City Inspector. As a minimum, they shall consist of a two inch Asphaltic Concrete Surface Course, six inches of Class 7 Aggregate Base Course with three foot shoulders and a side ditch with a minimum of one foot deep.

Street pavement widths shall conform to the following:

Width	Type	R/W Width
24'	Local residential	60'
24'	Collector	60'
78'	Cul-de-sac	100'

The Commission may require a soil test and/or an engineering analysis and design of pavement and base thickness in an area known or suspect of poor soil or drainage.

When directed by the Commission due to the following conditions occurring within the limits of the street subgrade:

- (1) Localized weak soil condition shall be undercut, excavated material removed, crushed stone, shale, or other material approved by the City be used to bring the subgrade to the finished grade.
- (2) Continuous springs and wet weather springs shall be intercepted with a french drain system and drained to an acceptable drainage way.

Large areas having weak soil conditions, as evidenced by subgrade or base failure prior to surfacing shall have the subgrade undercut to sufficient depth and base thickness increased as required to stabilize the subgrade. Filter fabric shall be required when conditions form as a result of seasonal perched water tables.

When mutually agreed upon by the Commission and the developer, and in lieu of an engineering analysis and pavement design, the following "proofing of subgrade" procedure may be followed:

- (1) The developer shall complete all improvements except asphalt surface pavement and post a cash bond with the City in the amount equal to the asphalt paving to include anticipated subgrade repair costs and anticipated asphalt cost increases.
- (2) The developer shall maintain the base course for a minimum of nine months to include one fall and one spring season. Maintenance shall include repair or subgrade failures as provided herein.
- (3) The developer may file the final plat and the City shall, when requested, issue building permits for the development.

All utility crossings under streets, roadways, and curbs, shall be bedded with native material free of stones three inches or larger or bedding required by the utility. Bedding shall be six inches deep over pipe or conduit and six inches deep under pipe or conduit when trench bottom is rock. conduits for utility crossings shall be provided and locations recorded on as-built drawings. Conduits to be provided shall include a pipe for water and a pipe for gas at every other lot corner, and a pipe for each electric, telephone, and cable street crossing. Service crossings installed at the time of the main line construction shall be encased in conduits as determined by the server.

All sewer stubs and service conduit locations shall be marked in a manner approved by the City Inspector for the purpose of locating by the utilities, as well as accurately recording said locations on the as built drawings.

All subdivisions and drainage structures shall be constructed according to plans and specifications prepared by an engineer. Submission and approval of plans and specifications of the Article of Procedures contained herein.

The subdivider, unless otherwise specified herein, shall provide permanent six inch concrete curbs with 24" integral gutters or standard rolled curbs. Asphalt curbs shall not be substituted. All storm sewer pipe shall be reinforced concrete pipe.

All materials and methods of construction, unless specifically stated herein, shall meet or exceed those of the Arkansas Highway and Transportation Department Standards.

Street name markers, stop signs, dead end signs, etc., shall be installed by the City at the developer's expense. The developer shall only be responsible for signage indicated on the preliminary plat as recommended by the Commission.

G. Jurisdictional Area Exceptions

The subdivider of any subdivision located within the jurisdictional planning area of the City of Ozark, but outside the corporate limits of the City, shall follow this Article Number III except as modified below:

As a minimum, all streets shall consist of a two inch Asphaltic Concrete Surface Course, six inches of Class 7 Aggregate Base Course with three foot shoulders and a side ditch of one foot depth, UNLESS the new street previously paved or which will be paved in the immediate future. In such instance where a new proposed street is not intersected by, connected to, or perpendicular to a street previously paved or which will be paved in the immediate future, the new street will be of like surface and base as any street which intersects, connects, or is perpendicular to the new street, EXCEPT, in no instance will the new street have less than a minimum of a base course which shall be either gravel or crushed stone with a final compacted thickness of not less than six inches. Surface and base of all streets in the jurisdictional area shall meet or exceed the minimum requirements of the Arkansas Highway and Transportation Department and the Commission shall exercise prudent judgment to approve or disapprove any new street which is not paved and consider surrounding conditions, both economical and environmental.

Street name markers, stop signs, dead end signs, etc., shall be furnished and installed by the developer at the developer's expense. This does not allow the developer to use less than necessary signage and the signage must conform to the Arkansas Highway and Transportation Department's Standards.

ARTICLE IV IMPROVEMENTS

Section 1. GENERAL PROVISIONS

Every subdivider shall be required to install streets, utilities, and public improvements in accordance with this document. The City shall designate the official who shall be responsible for certifying proper installation of the required improvements. The City or its designated representative shall review all project plans and, upon approval of the plans, shall issue written approval to the subdivider.

Section 2. WATER LINES

All subdivisions shall be provided with water supply and distribution systems by the City and shall meet the requirements of the Arkansas Health Department.

The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Recognized and accepted engineering design criteria shall be used to design the system.

Fire hydrants shall be installed by the Subdivider and shall be located so as to adequately protect each lot in the subdivision and conform to the current fire protection policy of the City of Ozark. Spacing shall be approved by the Commission and as a minimum be such that no potential dwelling lies more than five hundred feet from the nearest fire hydrant.

Section 3. SANITARY SEWERS

All subdivisions shall be provided with an approved sewage collection and treatment system. Connection with the City's sanitary sewer system shall be required except where the Commission determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal and such other methods shall not endanger the health and welfare of the citizens and environment.

If a sanitary sewage treatment system or septic tank system is to be installed, the plans for said system shall be approved by the Commission and the State Department of Health prior to approval of final plat by the Commission.

The sewage collection system, when an extension of the City's sewer system, shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future selections of the same subdivision and adjacent areas with the same drainage basin or pump station service. Recognized engineering design criteria in accordance with the requirements of the Arkansas Department of Health shall be used to design the system and shall equal or exceed the standard specification for the Ozark Water and Sewer System.

Section 4. DRAINAGE

All subdivisions shall be provided with a storm drainage system that is designed and constructed to handle rainfall runoff that originates in or traverses the subdivision. Storm drainage for residential areas, and for shopping centers, industrial areas, and highway commercial areas, storm drainage shall be designed for a ten year rainfall frequency. The quantity of runoff shall be calculated using the Rational method of computation. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall, in no case, be less than twelve inches. Cross drains shall be built on a straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, generally, the top of the pipe be less than one foot below the roadbed. These standards shall apply to the design of outfall structures and facilities.

All drainage ditches, storm drains, cross drains and side drains proposed for installation shall be specified and sized by a Registered Professional Engineer in the State of Arkansas and the drainage plans certified. The engineer will make what computations necessary to assure that the individual culverts and drainage system function properly and do not create an adverse effect on adjoining properties. For subdivisions, the engineer will be required to submit a drainage study addressing drainage area, runoff quantities, analysis, and downstream impact. Single culvert installation or minor drainage ditches may be approved by the street superintendent if impact is not considered significant.

Storm drains and cross drains for any new street shall be installed using reinforced concrete pipe. Manholes, bridge components, drop inlets and head walls shall be precast reinforced concrete units or formed in place and constructed with adequate reinforcing and 4,000 PSI Portland Cement Concrete.

Side drains and culverts under driveways shall be plastic or reinforced concrete pipe. The minimum diameter culverts are as follows: storms drains - 18 inches, side drains - 15 inches.

All culverts and precast units shall meet current Arkansas Highway and Transportation Department specifications.

All materials will be installed and bedded as specified by the engineer. Every effort will be made to assure public safety. Open trenches should be flagged and barricaded.

The Commission will study and/or act on any drainage plan so submitted to it. If deemed appropriate by the Commission, further study or action may be taken by the City to determine the feasibility of a drainage plan.

Street crowns shall be flattened, or warped from one side to the other for the purpose of causing water to flow from one side of the street to the other. The storm drainage system shall include curbs and gutters on all streets with drop inlets spaced according to acceptable engineering design principles. In general, and at the discretion of the Commission, rainfall that cannot be handled in streets shall be put into pipe or lined channels, except major outfall channels which handle water from drainage areas beyond the subdivision being constructed.

No open drainage channels shall be constructed within the area dedicated as public streets.

The developer shall pay all costs of the internal drainage system, including the cost of facilities to handle water coming into the subdivision from lands owned by a person other than the developer.

Section 5. MONUMENTS

Monuments shall be placed with the top flush to finish grade at all points of intersection of the boundary of the subdivision. The location of all monuments shall be on the final plat. Monuments shall be constructed of a minimum one-half inch diameter steel reinforcing rod, thirty inches in length with a plastic insulated high strength aluminum cap. Minimum diameter of the cap face shall be three inches. The monument cap shall have the surveyor's state and number of registration clearly and permanently stamped on the cap face. The cap shall be vandal proof.

Section 6. LOT MARKERS

The corners of all lots shall be marked by the placement of a metal reinforcing rod twenty four inches in length and a minimum one half inch in diameter placed flush with the finish grade

Section 7. JURISDICTIONAL AREA EXCEPTIONS

All subdivisions shall be provided with a storm drainage system as defined in this Article. However, storm drainage systems outside of the corporate limits to the City of Ozark but within the jurisdictional planning area are, at a minimum, only required to include adequate measures to insure the satisfactory runoff of rainfall away from property and street use. There is no set design for such a system, however, the design for the corporate limits is recommended. In all cases, the developer shall use the best method for handling storm drainage, be it a ditch, curb and gutter, or storm drains as Arkansas Highway Department standards.

ARTICLE V PROCEDURE

Section 1. GENERAL

A subdivider proposing to make or have made a subdivision shall not proceed with any construction work on the proposed subdivision before obtaining preliminary plat approval; nor shall the developer attempt to record the plat of the subdivision of any part thereof prior to obtaining final plat approval from the Commission. All costs associated included within shall be paid for by the developer.

Section 2. PRELIMINARY PLAT

When any subdivision of a tract of land is proposed to be made, the subdivider or his agent shall submit to the Commission a letter of intention which shall include a preliminary sketch plan of the subdivision. The letter shall indicate the location and the size of the tract, the proposed time schedule, the date on which the subdivider proposes to submit the preliminary plat for review, and such other information as the subdivider deems important for recognition by the Commission.

If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the preliminary plat, except that it may be on a scale of not more than 1" = 200' and all dimensions may be scaled.

Upon review of the letter of intention, the Commission may recommend a pre-application conference to be held between the subdivider and the Commission.

A. Pre-Application Conference

When a major subdivision of a tract of land is proposed, the subdivider is urged to consult early and informally with the administrative staff of the City. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed lay-out and development of the subdivision.

At such meeting, the general character of the development will be discussed and items will be included concerning zoning, utility service, street requirements, and other pertinent factors related to the proposed subdivision.

The purpose of the pre-application conference is to afford the subdivider an opportunity to avail himself of the advice and assistance of the City in order to facilitate the subsequent preparation and approval plans.

B. Submission Requirements

The City representative shall be notified upon receipt of preliminary plat and shall review and prepare recommendations for the Commission prior to the Commission's meeting for preliminary plat consideration.

The next required step in the process is the submission of an Application for Preliminary Plat approval. The application shall be submitted to the city offices not fewer than ten days prior to the regular Commission meeting at which it is to be considered, and shall consist of:

- (1) A letter of intention
- (2) Five copies of the plat plans, and data as specified above
- (3) A statement signed by the registered engineer preparing the plat that he has, to the best of his knowledge and ability, designed the subdivision in accordance with the Land and Subdivision Development Code, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land except where an exception is requested in writing and the reasons for which are clearly stated.

C. Preliminary Approval

After the Commission has reviewed the preliminary plat and construction plans and any other recommendations, the applicant shall be advised of any required changes and/or additions; or approval of the plat.

The Commission shall approve, approve conditionally, or disapprove the preliminary plat within sixty days from the date of receipt thereof, or the preliminary plat shall be deemed approved, unless the subdivider stipulates in writing to the Commission that additional time is allowed. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.

The commission's approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication of reservation of public land, and to the preparation of the final plat. Approval of the preliminary plat shall not constitute automatic approval of the final plat.

When the Commission finds that the preliminary plat, together with the site improvements plans, meets all the requirements of this code, it shall approve the plat by placing a stamp of Preliminary Plat Approval upon the preliminary plat. The stamp of approval shall read, "This plat has been given preliminary plat approval only, and has not been approved for the recording as a public record." Such stamp of approval shall bear the signature of the chairman of the Planning Commission.

One copy of the preliminary plat and plan will be retained in the Commission's file and one returned to the developer.

D. Review of the Improvement Plan

The developer shall submit the improvement plan which shall consist of the plans and profiles for all streets, drainage water, sewer, and all utility easements, typical cross sections, detailed drawings, and specifications for review approval by the Commission twenty days prior to submission of final plat application. The Commission shall notify the developer, and the City of the result of this review.

E. Authorization to Proceed

Receipt of an approved or conditional approved copy of the preliminary plat, together with an approved copy of the improvements plan shall constitute authorization of the City for the subdivider to proceed with the preparation of the final plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under this code.

F. Expiration of Preliminary Plat Approval

If, at the end of twelve months from the date of approval of the preliminary plat, the Commission determines that the subdivider has done an insufficient amount of work in respect to the required improvements to the property, the preliminary plat approval will expire and further development work will require the approval of another preliminary plat.

G. Construction Inspection Required

The City representative shall make field inspections of all street and drainage improvements. A statement of review and acceptance for each stage of construction shall be made by the city representative to the mayor with copies to the developer and submitted within forty eight hours following inspections.

Developers shall notify the city to request inspections twenty four hours prior to the following events:

Rough grading inspection - Prior to commencing any utility work, rough grading of all streets and areas of easements shall be completed. Grade shall be established within a half foot for above mentioned areas

Subgrade inspections - After all utility road crossings and utility service conduits are in place and immediately prior to distributing base material, any interruption in construction which results in deterioration of subgrade by weather or traffic shall result in a re-inspection.

Base material inspection - Immediately after final grade and compaction of base material, the developer is required to furnish copies of material tonnage no later than time of inspection.

Drainage improvement inspection - Immediately prior to placing concrete or drain pipe.

Concrete inspection - Immediately prior to distributing asphalt concrete or pouring portland cement concrete on road surfaces and immediately prior to restarts after construction interruptions longer than forty eight hours, developers are required to furnish copies of asphalt tonnage or concrete yardage for all facilities improvements. These are to be submitted to the city not later than forty eight hours after placement and are to be retained in the city's office.

Sanitary sewer inspections - Immediately prior to installing sanitary sewer line, making manhole connections, or infiltration test, the City shall be notified twenty four hours prior to said event.

Final inspections - When the improvements required by the rules and regulations have been completed, the developer's engineer shall submit a letter to the commission certifying improvements and requesting final plat acceptance.

The city shall then inspect those facilities, improvements, and installations for conformance with plans and the specifications of the preliminary plat. At this point, the commission may approve the inspections necessary for final plat acceptance.

Section 3. FINAL PLAT

When the requirements of this code have been satisfied and while the preliminary plat approval is in effect, the subdivider may submit to the commission an application for review and approval of the final plat.

A. Submission Requirements

At least ten days prior to the meeting at which it is to be considered, the subdivider shall submit an application which shall consist of:

- (1) A letter of application requesting review and approval of the final plat

- (2) The final plat in five copies, and other documents as needed
- (3) A filing fee

B. Approval by the Commission

There shall be a minimum time between preliminary plat and final plat review by the commission of two months.

The final plat of the proposed subdivision shall be submitted to the commission for final approval within twelve months of the date of preliminary plat approval. If not submitted for final approval within such time, the preliminary plat shall be considered as having been abandoned, unless the developer's engineer requests an extension of the time by the commission and the commission grants such.

If the subdivider requests permission to develop only a portion of the property for which the preliminary plat was approved, the commission may grant approval of final plat for the portion only.

The commission shall approve or disapprove the final plat within sixty days of receipt thereof; otherwise said final approval shall be deemed to have been approved, and the certificate of said commission as to date of submission of said final plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of approval.

Disapproval of the plat shall be transmitted to the subdivider with the reason therefore within a reasonable time after the meeting at which the plat was disapproved.

The original plat and all copies shall be retained and distributed in accordance with the provision below.

Approval of the final plat by the commission shall not constitute the acceptance by the city council of the dedication of any streets or other public ways or grounds nor does it constitute authority for the plat to be recorded. Upon approval by the commission, the plat will be reviewed in accordance with the provisions contained in the following paragraph.

C. Acceptance of Public Dedications

Before the final plat is recorded in the office of the circuit clerk, an agreement shall be reached between the subdivider or his agent and the city in reference to installation of any street improvements or utility construction called for in the subdivision plat; the dedication and/or reservation of lands for public use; the dedication and acceptance of public utilities and public improvements; and other agreements as required in the commission's approval of the plat. The city must

receive one of the following prior to accepting the public dedications and before the final plat will be legible for recording:

(1) Certificate submitted by the subdivider and approved by the commission stating that all required improvements and installations to the subdivision have been completed.

(2) A cash deposit in the full amount as determined by the city, necessary to complete the improvements and installations in compliance with this code for the portion of the subdivision for which final plat approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the city.

(3) An executed agreement with the city which shall:

a) Be in an amount determined by the city to be sufficient to complete the improvements and installations for the subdivision in compliance with this code.

b) Specify the time for the completion of the improvements and installations.

c) Be accompanied by a performance bond or the security which shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution. The period of time shall be specified in the ordinance approving final plat and shall be incorporated in the bond, and shall not in any event exceed two years.

D. Warranty

The developer shall warrant all improvements of the subdivision for a minimum of one year after the as-built drawings have been accepted in writing by the city and the defects of subgrade or pavement have been last repaired. Repairs shall be made by the developer in accordance with applicable construction standards. Repairs shall include, limited to, localized pavement surface failures, subgrade failures, and drainage deficiencies.

E. Recording

Upon approval of the final plat and acceptance of the public dedications by the city, the commission shall record the final plat at the office of the circuit clerk. The developer shall pay all fees in connection with the recording of said plat.

Improvements shall be completed and the final plat shall be filed with the circuit clerk within two years after approval by the commission. If the improvements have not been completed within such time, the city may redeem the bond and complete the improvements necessary to serve all lots having been issued building permits. The city may elect to complete all improvements or cease issuing building permits for the unimproved lots.

Upon recording the plat, the city shall retain two copies and one copy shall be forwarded to the tax assessor's office.

Section 4. Preliminary Plat Requirements

Five copies of the preliminary plat are to be submitted to the Commission. The preliminary plat shall be drawn clearly and legibly at a scale not smaller than one hundred feet to the inch, and shall display the following:

- a) name of subdivision
- b) name and address of owner of record, subdivider, and surveyor or engineer.
- c) North point, graphic scale and date
- d) vicinity map showing location and acreage of subdivision
- e) exact boundary lines of the tract by bearing and distance
- f) names of adjoining owners and subdivisions
- g) existing streets, building water courses, railroads, culverts, utilities, and easement on and adjacent to the tract
- h) proposed design including streets and alleys with proposed street names, lot lines with appropriate dimensions, easement, land to be reserved or dedicated for public use, and land to be used for purposes other than residential.
- i) block numbers and lot numbers
- j) minimum building front yard setback lines
- k) a designation of the proposed uses of land within the subdivision
- l) contour intervals shown at intervals of not more than five feet for terrain with an average slope of 5% or more; and at an interval of two feet for terrain with a slope of less than 5%
- m) if any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown

n) while the plat shall show the actual boundary survey, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions.

o) if the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a sketch master plan for the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The sketch master plan shall conform in all respects to the requirements of the preliminary plat, except that it may be on a scale of not more than 1" = 400', and all dimensions may be scaled

p) current zoning, if in the city, of adjoining property

Section 5. Final Plat Requirements

Five copies of the final plat shall be submitted to the commission. The scale shall be 1" = 100'. The copies shall be neat, legible, and suitable for filing for record in the office of the circuit clerk. Patching and pasting of paper or attachments is not acceptable.

The final plat shall display the following:

a) the name of the owner and developer

b) the name of the registered engineer and the accompanying seal of the engineer preparing the plat

c) the name of the subdivision and adjacent subdivisions

d) the names of all streets

e) the identifying numbers of lots and blocks in accordance with the systematic numbering system and arrangement

f) north point, date, scale, and acreage being subdivided

g) an accurate boundary of the property with bearings and distances referenced to survey lines and established subdivisions. The lines of the adjacent streets and adjacent subdivision's boundary shall be in dashed lines

h) location of lots, streets, easements, building setback lines, and other features shall be shown with dimensions

i) all necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimensions shall be shown by true bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves and chords and

arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc angles points of the curve. All lots on curves shall be shown with curve length dimensions based on arc dimensions.

j) the location of all boundary monuments shall be shown

k) certification of the registered engineer and the accompanying seal shall be shown on the plat

l) a certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he has dedicated shall be placed on the plat; this certificate shall be approved by the city attorney

The final plat shall be accompanied by the following information:

a) State Health Department approval of the water supply and sewage system whether the requirement of the subdivision is to be met by connecting to the water or sewer systems of the City or by any other means approved by the Health Department

b) "as-built" drawings of all street improvements, storm drainage facilities, sanitary sewer lines, water lines, and public improvements shall be submitted to the City and appropriate utilities within one week after the improvements are to be made

c) The City representative's written review of the improvement plan

Section 6. Jurisdictional Area Exceptions

The subdivider of any subdivision located within the jurisdictional planning area of the City of Ozark, but outside of the corporate limits, shall follow this article except as follows in this section:

A subdivider proposing to make or have made a subdivision within the jurisdictional planning area of the City, but outside the corporate limits, shall not proceed with any construction work on the proposed subdivision before obtaining preliminary plat approval nor shall the developer attempt to record the plat of the subdivision or any part thereof prior to obtaining final plat approval.

The preliminary plat shall be submitted to the Commission before onset of construction or any improvement as set forth in this Article. The plat shall be prepared by a registered engineer and contain the appropriate certification and seal.

The final plat shall be submitted to the Commission as set forth in this Article. The plat shall be prepared by a registered engineer and contain the appropriate seal and certification.

All other requirements of this Article shall remain as the requirements in the jurisdictional planning area.

ARTICLE VI
LOT-SPLITS AND MINOR SUBDIVISIONS

Section 1. Definition

This section of the code is designed to expedite the platting and recording of minor subdivision and lot splits; but shall be permissive and not mandatory.

By definition, a lot-split is a subdivision which involves the dividing or re-dividing of a land area or one or more lots within not more than one block of a recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing, or change of alignment of any thoroughfare, street, alley, or other improvements.

For the purposes of effectuating this section of the code, a subdivision is considered a "minor subdivision" when it contains four or fewer lots and not streets, utilities, or other improvements are to be made.

The lot size and building setback requirements stated above in an earlier Article apply to lot-splits and minor subdivision.

Section 2. Procedure

When a lot-split or minor subdivision is involved, the subdivider shall prepare and file with the City an application for approval of lot-split or minor subdivision. Said application shall be filed at least twenty days prior to a regular meeting of the Commission.

The application for approval shall consist of a letter, a map, and other such data and information as may be desirable to support the Commission's approval. Three copies of the plat map, prepared by a registered engineer or licensed surveyor, shall be included with the application; and the letter shall state the subdivider's intentions regarding the lot-split.

The required content of the plat is set forth below. The Commission is hereby authorized to review the application and provide conditional approval. Said approval shall be noted on one copy of the plat and returned to the developer. The Commission shall inform the City prior to the next meeting that conditional approval has been granted to the proposed lot-split. Thereafter, the subdivider shall prepare his final plat to include all information required below for presentation to the Commission.

At said meeting, the Commission shall review the final plat. If the final plat is satisfactory in light of the objectives of this code and all required information is contained herein, the Commission shall certify approval of the plat and make proper notation on said plat and permit the plat's recording in the office of the Circuit Clerk.

Section 3. Plat Specifications

The final plat of a minor subdivision or lot-split shall be neat, legible, and suitable for filing for record. The map shall have a legible scale.

The final plat shall include the following:

- a) name of subdivision
- b) name and address of owner and developer
- c) boundary and written legal description of subdivision
- d) legal description of parcels or lots that result
- e) streets and easements bordering or abutting the subdivision
- f) dimensions in feet and decimal parts thereof and curve data for all lots, blocks, and street lines
- g) building setback lines with dimensions
- h) name of registered land surveyor or registered engineer
- i) date, map scale, and north arrow
- j) acreage being subdivided
- k) location of all boundary monuments
- l) approval of County Health Officer of the sanitary sewer system if the requirements for sewer disposal of the lot-split are to be met by any other means than by connection to a sewer system operated by a governmental agency.

ARTICLE VII
COMMERCIAL AND LARGE SCALE DEVELOPMENT

Section 1. Definition

This section of the code sets out requirements for the review and approval of commercial and large scale development not previously covered.

Section 2. Procedure

The developer shall prepare and file with the city an application for approval of development. Said application shall be filed at least twenty days prior to a regular meeting of the commission.

The application shall consist of a letter, a map, and such data and information as may be desirable to support the commission's registered engineer, shall be included with the application; and the letter shall state the subdivider's intentions regarding the development.

Section 3. Site Plan Requirements

The site plan shall be prepared by a registered engineer or licensed land surveyor and include the following:

- a) name of development, type of activity, and current zoning
- b) name and address of owner
- c) bearings and distances boundary
- d) street names; rights of way, center lines and easements bordering or transversing the property
- e) building outline, sidewalks, curbs, drives, parking and striping
- f) exterior lighting quantity, direction and pattern
- g) exterior speaker location and direction
- h) proposed driveways for development and driveways of adjacent properties, including those across the street, street intersections; these items shall be dimensionally relative to each other.
- i) identify all adjoining property and business name

j) drainage improvements and drainage runoff quantities with points of entry and exit for the development, show flood hazard area

k) utility plan and health department approval

ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

Section 1. Enforcement

In addition to the requirements established herein, all developments shall comply with all other applicable rules, regulations, laws including, but not limited to: the Master Street Plan, the Land Use Plan, the Zoning Ordinance, building and housing codes, and any other regulations adopted by the City Council; and any regulations or special requirements of the State Health Department, State Highway Department, or other appropriate State agency.

In order to carry out the purposes of the regulations and to assure an orderly program of land development after the effective date of these regulations:

- a) no plat of any tract of land within the jurisdictional planning area, including the corporate limits, shall be accepted by the Circuit Clerk for filing of record unless the plat has been approved by the Commission
- b) no conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land without compliance with the applicable provisions of this code or amendments thereto shall be permitted
- c) no dedication of streets shall by itself be accepted by the city unless the usage of adjoining, affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a development or accompanied by the required plat
- d) no public utility, whether publicly or privately owned, shall provide, extend, or authorize the extension of services to any lot, building, structure, or location with the area under the jurisdiction of the Commission unless:
 - 1) the lot, building, or structure was established before the adoption of this code
 - 2) a plat of the location has been approved by the Commission and filed and recorded with the Circuit Clerk
 - 3) the plan for the proposed service by the public utility has been approved by the Commission
- e) no building permit shall be issued for any new structure on any lot or tract of land which does not comply with all of the provisions of this code, including the installation of all improvements adjacent to or associated with said lot. Notwithstanding, no building permit shall be issued for the final ten percent of lots of the subdivision, or if ten percent be less than four, for the final four lots of a

subdivision until all public improvements required for the plat have been fully completed.

f) if the City disapproves a portion of the improvements as having not satisfied the improvement plan or conditions stated herein:

- 1) the City representative shall advise the developer in writing of the deficiencies
- 2) the City representative may issue an order to cease all work on the improvements of the development
- 3) the City representative shall advise the mayor and the Council of any notices of enforcement actions taken
- 4) the City shall review and issue requirements necessary to settle all unresolved disputes with the developer

Section 2. Fees

All engineering and other review and inspection fees shall be paid for by the developer. Recording fees shall be paid for by the developer. For each preliminary or final plat submitted, the filing fee shall be \$50.00 plus \$2.00 per lot.

Section 3. Warranty

All street, drainage, water, sewer and other utility work done within or to provide sewer to any development shall be warranted for a one year period after final acceptance of all similar work with the development.

Section 4. Variances

The rules and regulations set forth in this code are the standard requirements of the City of Ozark. The Commission may authorize a variance from these regulations when, in its opinion, undue hardship would result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision or commercial development, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commission finds:

- 1) that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this code would deprive the applicant of reasonable use of his land

- 2) that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant
- 3) that the granting of the variance will not be detrimental to the health, safety, and welfare or injurious to other property in the area
- 4) that the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this code.

Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this code so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider standing alone, shall not be deemed to constitute undue hardship.

Section 5. Vacation of Plats

Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Such an instrument shall be approved by the Commission in like manner as plats of subdivisions. The Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements or streets. Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, and public grounds, and all dedications laid out or described in such plat.

When lots have been sold, the plat may be vacated in the manner herein provided by all owners of lots in such plat joining in the execution of such writing.

Section 6. Amendments

On any proposed amendments to these regulations, the Commission shall hold a public hearing, for which fifteen days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City may adopt the amendment of amendments as determined by a vote of the Council.

Section 7. Penalty

Any person, firm, or corporation that violates these regulations or amendments thereto shall be guilty of a misdemeanor on conviction and shall be fined not less than one hundred dollars. Each day that a violation of these regulations is in effect shall constitute a separate offense and shall be subject to additional fines of one hundred dollars per day.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

ARTICLE IX
LEGAL STATUS

Section 1. Conflicting Regulations

All ordinances or parts of ordinances inconsistent or in conflict with this Code are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this Land Subdivision and Development Code.

Section 2. Separability

Any Clause or provision of this Code declared invalid by the court shall not affect the validity of the regulation as a whole or any other part of the Code thereof.

Section 3. Effective Date

This Code shall take effect upon adoption by ordinance of the City Council of the City of Ozark, Arkansas. These regulations shall be printed in booklet form and made available to the general public. Copies shall remain on file in the office of the City Clerk for examination by the public. These regulations shall be published as required by law by title only through the City's adoption of the Code entitled "Land Subdivision and Development Code".

Section 4. Emergency Clause

Whereas it has been determined by the Ozark City Council that there exists immediate need for placement of regulations concerning the future development of the City of Ozark in order to secure the public health, safety, and welfare of its citizens an Emergency is therefore declared to exist and this ordinance shall therefore, be effective from the date of its passage and approval.

PASSED AND APPROVED this _____ day of _____, 1997

APPROVED:

VERNON MCDANIEL, MAYOR

ATTEST:

CITY CLERK

Appendix a: IRREVOCABLE LETTER OF CREDIT

LETTER OF CREDIT NUMBER:

DATE:

AMOUNT:

PHASE

SUBDIVISION:

BENEFICIARY

City of Ozark
PO Box 253
Ozark, Arkansas 729429

APPLICANT

(Name)
(Address)

We hereby open our Irrevocable Letter of Credit Number (No.) In your favor, for account of (Applicant's Name), for a sum not exceeding (Amount) available by your draft at sight on (Name of Bank) when accompanied by:

1. Your signed statement as follows: "We certify that (Applicant's Name), failed to complete the improvements in (Subdivision Name and Phase), shown by the approved plat filed with the City of Ozark".
2. It is understood, as a condition of this letter, that (Applicant's Name) shall have one (1) year to complete these improvements.

Partial drawings are permitted.

All drafts shown under this credit must be marked "Drawn under (Name of Bank) Letter of Credit Number (No.)".

This credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision). International Chamber of Commerce, Publication Number 400.

This original Letter of Credit must be submitted to us together with any drawing hereunder for our endorsement of any payments effected by us and/or for cancellation.

After the acceptance of these improvements by letter from the City of Ozark this letter of credit shall drop 80% and will be in force for one year from date of the acceptance letter.

We engage with you that each draft drawn under and in compliance with the terms of this credit will be duly honored on delivery of the documents as specified at this office on or before 18 months from the above date.

(Name of Bank)

By: _____

GEOMETRIC DESIGN CRITERIA

DESIGN ELEMENT

Local, Residential
Estate, Residential
Collector, Residential
Collector, Commercial
Collector, Industrial
Minor Arterial
Principal Arterial

DESIGN ELEMENT	<i>Local, Residential</i>	<i>Estate, Residential</i>	<i>Collector, Residential</i>	<i>Collector, Commercial</i>	<i>Collector, Industrial</i>	<i>Minor Arterial</i>	<i>Principal Arterial</i>
GENERAL							
Right-of-Way Width: in feet	50	60	60	60	60	80	80 a
Pavement Width, Back to Back of Curb: in feet	27	26 b	37	48	37	48	52
<u>Cross section (Transverse Slope): inch/foot</u>							
Normal Crown	—	1/4-3/8	—	1/4-3/8	—	c	c
Tipped Section, Maximum	1/2	NA	1/2	3/8	3/8	c	c
Cul-de-Sac, Maximum	1/2	1/2	—	1/2	1/2	—	—
Design Speed, MPH	30 e	30 e	30	30	30	c	c
Stopping Sight Distance, Minimum: in feet	200 e	200 e	200	300	250	c	c
HORIZONTAL ALIGNMENT							
Centerline Radius, Minimum: in feet	150	150	150	250	200	c	c
Intersection Curb Return Radius: in feet	20	—	20	c	75 d	c	c
Cul-de-Sac, Diameter (Back of Curb), Minimum: in feet	80	80 b	80	—	100	—	—
Intersection Angle, Minimum Degrees	75	75	75	75	75	75	75
Minimum Tangent Length Between Reverse Curves: in feet	—	—	—	100	—	f	f
VERTICAL ALIGNMENT							
<u>Longitudinal Grade, Percent</u>							
Minimum	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Maximum	12	7	10	7	7	7	7
Maximum Within 100 feet of Intersection g	6	6	6	4	6	—	—
<u>Minimum Tangent Lengths Between Sag and Crest</u>							
Vertical Curves: in feet	—	—	150	150	c	c	c
<u>Vertical Curve K Coefficient</u>							
<u>Speed</u>	<u>Crest</u>	<u>Sag</u>					
25 MPH	16	24					
30	28	35					
35	45	49					
40	55	55					

- a. Minimum
- b. Curb and gutter not required, requires 6 feet paved shoulder each side.
- c. Requires individual design.
- d. Compound curve 120-40-120 may be substituted.
- e. Subject to City approval, minimum values may be as follows: Design Speed, 25 MPH: Stopping Sight Distance, 150 feet; Centerline Radius, 115 feet.
- f. Requires individual design; length greater than 100 feet desirable.
- g. Distance measured from back of curb line or edge of pavement.

PAVEMENT DESIGN CRITERIA

<u>Pavement Materials</u>	<u>Specification Reference a</u>	<u>Minimum Thickness of Course Inches</u>	<u>Structural Coefficient b</u>
Asphalt Concrete Surfacing	Sec. 408	2 c	0.44
Asphalt Concrete Binder	Sec. 405	2	0.44
Asphalt Stabilized Base Course	Sec. 309	4	0.30
Crushed Stone Base Course	Sec. 306	4	0.14
Portland Cement Concrete	—	5	—

Asphalt Concrete Surfacing (Marshall Method Mix Criteria) d

Compaction (No. of Blows Each End of Specimen)	50
Stability, Minimum, lbs.	1000
Retained Stability, Percent	75
Flow, 0.01 Inch	7 - 16
Air Voids, Percent	2 - 5
Minimum Voids in Mineral Aggregate, Percent (1/2 Inch Nominal Maximum Particle Size)	15

- a. AITD Specification.
 b. AASHTO Interim Guide for Design of Pavement Structures.
 c. Surfacing thickness (including binder) equal to, or greater than 20% total pavement section thickness.
 d. Heavy traffic conditions require individual design.

TYPICAL PAVEMENT DESIGN

Pavement Sections a
(Thickness in Inches)

Residential Streets

Subgrade CBR	Type Section b	Residential Streets		
		Local	Estate	Collector
3	F	2.5	2.5	3.0
		10.0	7.5	10.0
	FD	2.0	2.0	2.0
		5.5	4.0	6.5
	R	5.0	5.0	5.0
6	F	2.5	2.0	2.5
		8.0	7.0	9.5
	FD	2.0	2.0	2.0
		4.5	4.0	5.0
	R	5.0	5.0	5.0
10	F	2.0	2.0	2.5
		7.5	6.0	7.0
	FD	2.0	2.0	2.0
		4.0	4.0	4.0
	R	5.0	5.0	5.0

a. Minimum pavement thickness; additional base thickness or subbase may be necessary to meet all design requirements.

b. Type of Pavement Section:

Flexible Pavement:

F Asphalt Concrete Surface Course
Crushed Stone Base Course

FD Asphalt Concrete Surface Course
Asphalt Stabilized Base Course } Full Depth Asphalt Pavement

Rigid Pavement:

R Portland Cement Concrete (Non-reinforced)

Local Street

Cross Section Design

