

LAND DEVELOPMENT REGULATIONS

of the
City of Harrison, Arkansas



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ARTICLE 100

PURPOSE

SEC. 100.1 TITLE

These regulations shall officially be known, cited and referred to as the Land Development Regulations of the City of Harrison, Arkansas, hereinafter referred to as “these Regulations.”

SEC. 100.2 AUTHORITY

These Regulations for the subdividing and developing of land within the corporate limits and the planning area boundary of the City of Harrison are adopted in accordance with the provisions of Arkansas Code Annotated § 14-56-401 through § 14-56-426.

SEC. 100.3 PURPOSE

These regulations are formulated to promote safety, public health, and the general welfare of the citizens of Harrison and the planning area. The purpose of these regulations is to provide for the harmonious development of Harrison and the coordination of streets and other public utility improvements within subdivisions with existing or planned improvements or other features of the General Plan. These regulations and standards for the subdivision and improvement of land for urban use are designed to make provision for adequate air, open space, drainage, transportation, public utilities, and other needs, and to ensure 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 intended to set forth the procedures, requirements, and minimum standards governing the subdivision and development of land within the territorial jurisdiction of the City of Harrison and should be administered in a manner:

- A. To assist the orderly, efficient, and coordinated land development within the planning area of Harrison in accord with its adopted plans, codes, and regulations.
- B. To promote the health, safety, and general welfare of the residents of the City.
- C. To ensure conformance of subdivision plans with public improvement plans for the City.
- D. To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties.
- E. To establish a beneficial relationship between the uses of land and buildings and the municipal street system to require proper location and design of streets and building lines, to minimize traffic congestion, and to make adequate provision for pedestrian traffic circulation.
- F. To establish reasonable standards of design and procedures for subdivision and re-subdivision to further the orderly development and use of land and to ensure proper legal descriptions and monumenting of subdivided lands.
- G. To encourage the wise use and management of natural resources and to provide adequate and safe recreational areas of natural beauty and topography within the community.

SEC. 100.4 JURISDICTION

These regulations shall be applicable to all lands within the city and its planning area and, also, to lands either contiguous to or served by Harrison city water or sewer. The planning area includes those areas depicted on the Planning Area Map, copies of which are on file with the City Clerk, Harrison Building Official and the Boone County Recorder.

SEC. 100.5 PLANNING AREA MAP

Included as part of this regulation is the map titled "Planning Area Map" which delineates the planning area boundary. Within the planning area the City shall plan and apply these Regulations. The map includes the corporate city limits and that area outside the city limits within the territorial jurisdiction. The planning boundary was reviewed by and recommended by the Harrison Planning Commission, ratified by the Harrison City Council and filed of record with the Boone County Clerk's Office.

SEC. 100.6 APPLICABILITY

It is hereby declared to be the policy of the City of Harrison to consider the subdivision of land and the subsequent development of land as subject to the control of the City pursuant to the General Plan, primarily the Land Use Plan and Master Street Plan of the City for orderly planning and efficient development of the City and the planning area. These regulations and development standards shall apply to the following forms of land subdivision and development:

- A. **Subdivision.** The division of land into two or more tracts, lots, sites, or parcels;
- B. **Property Line Adjustments.** A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements;
- C. **Large Scale Developments.** All development, other than single-family and duplex; or
- D. **Dedications.** The dedication of any street or alley right-of-way, utility easement, drainage easement, or access easement through any tract of land regardless of the area involved.

SEC. 100.7 EXEMPTIONS

- A. **Street Widening.** These regulations and development standards shall not apply to the public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or for other public improvements.
- B. **Horizontal Property Regime.** These regulations and development standards shall not apply to any horizontal property regime within any lot for which the same documentation as required by state statute to be filed with the county for the establishment of that horizontal property regime shall have been filed with the City of Harrison and where all buildings within that lot shall have been built to meet the fire separation requirements of the City of Harrison between apartments as defined in the Horizontal Property Act of the State of Arkansas.

SEC. 100.8 APPROVAL REQUIRED

No subdivider or developer proposing to make or having made a subdivision or development within the planning area of the City of Harrison shall proceed with any construction work on the proposed subdivision or development prior to obtaining Planning Commission approval, and shall not convey title to any lot or lots before obtaining from the Planning Commission a Certificate of Final Plat Approval and the acceptance and filing of said plat with the County Recorder. Clearing of land shall not be considered construction work for the purposes of this ordinance.

SEC. 100.9 AMENDMENTS

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendments or amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

SEC. 100.10 CONFLICTING REGULATIONS

All ordinances or parts of ordinances inconsistent or in conflict with these Regulation for the City of Harrison are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this regulation.

SEC. 100.11 EFFECTIVE DATE

This regulation shall take effect upon the date established in adoption by ordinance of the City Council of the City of Harrison, Arkansas. These regulations shall be printed in booklet form and made available to the general public. No fewer than three (3) copies of the code shall remain on file in the office of the Department of Public Works for examination by the public. These regulations shall be published as required by law by title only through the City's adoption of the ordinance entitled "Land Development Regulations".

SEC. 100.12 SEVERABILITY

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

END OF ARTICLE 100

ARTICLE 200 **DEFINITIONS**

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

A

AASHTO: American Society of State Highway and Transportation Officials.

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Connection: Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Alley: A minor public right-of-way used for utility installations and vehicular access to the back or the side of properties abutting a street.

Apex: A point on an alluvial fan or similar landform below which the flow path or the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

ARDOT: Arkansas Department of Transportation; formerly Arkansas Highway & Transportation Department (AHTD).

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM (Flood Insurance Rate Map), Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

B

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Bill of Assurances: The document containing the limitations and restrictions (restrictive covenants) placed upon a development by the sub-divider.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

Building Lines: The phrase "building line" shall be the line within a property, which defines the minimum horizontal distance between the building and the adjacent property line.

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer, Perimeter Landscape: A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and reduce the environmental, aesthetic, and other impacts of one type of land use upon another

C

Canopy Structure: (Outdoor Lighting) Any overhead protective structure which is constructed in such a manner as to allow pedestrian and vehicles to pass under.

Certified Arborist: An expert that is trained and knowledgeable in all aspects of arboriculture.

City: City of Harrison, Boone County, Arkansas.

City Attorney, City Clerk, Mayor: Any office referred to in this Code by title, i.e. City Attorney, City Clerk, Mayor, etc., shall be the person so retained by the City or elected to this position, or his/her duly authorized representative.

Cul-de-sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Commission: The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Harrison, Arkansas.

Contour interval: Topographical map lines connecting points of equal elevations.

County Recorder: The County Recorder of Boone County, Arkansas.

Cross Access: A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Cultivated landscape area: Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

D

Dead End Street: A street having one end open to traffic and being permanently terminated at the opposite end.

Deciduous: A plant with foliage that is shed annually.

Dedication: Land and improvements offered to the city and accepted by the city for public use, control and maintenance.

Deed: A legal document conveying ownership of real property.

Development: Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

Development plan: A drawing showing all proposed improvements to a piece of property including streets, parking lots, buildings, drives, signs, utilities, drainage, grading by size and location.

Director of Public Works or Director: The Director of Public Works for the City of Harrison, Arkansas.

Drainage way: An approved means, whether natural or constructed, of removing or providing for the removal of surface water.

E

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner or land to another party, the City or the public.

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.

Evergreen: A plant with foliage that persists and remains green year-round.

F

Federal Emergency Management Agency (FEMA): The independent federal agency that, in addition to carrying out other activities, oversees the administration of the National Flood Insurance Program.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters.
- b) The unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Boundary Map (FHBM): (*Flood Damage Prevention*) An official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the flood, mudslide, (i.e. mudflow) related erosion areas having special hazards have been designated as Zone A, M and/or E.

Flood Insurance Rate Map (Firm): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (see definition of Flooding).

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and

sanitary facilities, structures and their contents

Flood Protection Systems: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodway (Regulatory Floodway): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

G

Gated Community: A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across a publicly or privately maintained right-of-way.

Ground cover: Plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

General Plan: The adopted City of Harrison plans that provide long-range planning and development including but not limited to the future land use plan and master street plan.

H

Health Department: The Boone County Health Department and/or the Arkansas State Department of Health.

Hedge: A landscape barrier consisting of a continuous, dense planting of shrubs.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

I

Improvements: Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

Incidental Subdivision: The subdivision of land that does not require an applicant to go through the complete preliminary and final plat process. Incidental subdivisions include lot splits, informal plats, property line adjustments and correction plats.

Interior Parking Lot Landscaping: The planting area within and adjacent to parking areas and adjacent to the structure.

J

Joint Access (or Shared Access): A driveway connecting two or more contiguous sites to the public street system.

L

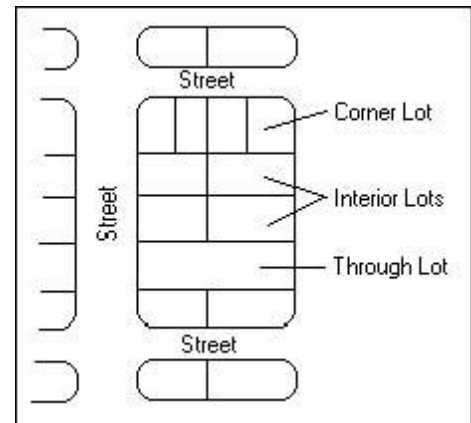
Landscape Architect: As defined by the American Society of Landscape Architects; must be registered in the State of Arkansas

Land Surveyor: A person who is registered in the state of Arkansas to make land surveys.

Levee: A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

Levee System: A flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

Lot: A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. The lot shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. Said lot shall establish one building site and comply with all subdivision rules and regulations of the City.



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

Lot, Double Frontage (Through Lot): A lot which runs through a block from street to street and having frontage on two non-intersecting 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 subdivision of three lots or less where rights-of-way and/or utility easements are being dedicated to the City.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

M

Manual of Uniform Traffic Control Devices (MUTCD): A Federal document adopted by the Arkansas Department of Transportation that provides standards for traffic control devices.

Manufactured Home: A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

Master Street Plan: The plan made and recommended by the Planning Commission and adopted by the City Council classifying certain streets within the planning area jurisdiction as arterial or collector streets.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mulch: Non-living organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

N

New Construction: (*Flood Damage Prevention*) For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

O

Open space: Open space shall be interpreted to mean:

- a) All areas of natural plant communities of area replanted with vegetation after construction, such as re-vegetated natural areas;
- b) tree, shrub, hedge, or ground cover planting areas; and lawns and other areas allowed to be counted as open space as per the City of Harrison Land Development Regulations.

P

Parcel: A division of land composed of one or more lots in contiguous ownership.

Parking space: An area of definite length and width, exclusive of drives, aisles or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

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.

Perimeter landscaping: A planting strip along the rear and side lot lines that includes landscaping and screening, if required.

Planned Unit Development (PUD): A comprehensive planned land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density and alternatives to public facility improvements.

Plat, Correction: A plat correcting an existing plat that is necessary due to an incorrect legal description or other errors.

Plat, Final: Any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder.

Plat, Informal: A plat for record of property not requiring dedications, easements or extensive development.

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 City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

Plant community: A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant Species, Prohibited: Those plant species, which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

Preserve areas: Vegetative areas required to be preserved by law.

Property Line Adjustment: A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements.

Protective Covenants: Property restrictions established by the sub-divider.

PUD: See "Planned Unit Development".

Public Grounds: Areas including street rights-of-way, alleys, parks, medians, treatment plants, plazas, squares, public buildings and any other area designated for public use.

R

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes that are not larger than 8.5 feet X 40 feet.

Right-of-Way: The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, trees or any other use involving maintenance by a public agency or public utility company shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Retaining wall: Retaining walls are defined as a wall resisting the lateral displacement of soil or other materials resulting in a separation of grade.

S

Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Service Road: A public or private street or road, auxiliary to and normally located parallel to a controlled access facility that maintains local road continuity and provides access to parcels adjacent to the controlled access facility.

Setback Line: A line or lines, established by the Zoning Ordinance, designating the area intended for future right-of-way as established by the Master Street Plan and restricting the placement of buildings therein.

Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at its maturity.

Sidewalk: A pedestrian way constructed along public or private right-of-way to provide pedestrian access removed from traffic lanes.

Sight Triangle: The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines in which nothing may be erected, planted, placed, or allowed to grow in a manner which will obstruct the vision of motorists entering or leaving the intersection.

Significant Change in Trip Generation: A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

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

Street, Arterial: Arterial streets carry high volumes of through-traffic. They link major commercial, residential, industrial, and institutional areas. The main function of an arterial street is to carry traffic within the community between major activity centers of the area. Arterial streets are designated in the Master Street Plan.

Street, Collector: Collector streets provide both access and circulation within residential, commercial, and industrial areas. Collector streets are located along neighborhood borders and collect traffic from residential and commercial areas and channel vehicles to arterials. Collector streets are designated on the Master Street Plan.

Street, Local & Residential: Local and residential streets have the sole function of providing access to adjacent land. Residential and local streets serve traffic within neighborhoods and should carry low volumes of traffic at slower speeds. Local and Residential streets are designated on the Master Street Plan.

Street Frontage Buffer Landscaping: Planting area parallel to and including the public street right-of-way.

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 line to abutting property line.

Structure: Anything inanimate constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including roof overhangs, carports, garages, porches, and other similar structures. Does not include sidewalks and driveways.

Stub-out (Stub-Street): A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

Sub-divider 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 "sub-divider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land to be subdivided. He/She is sometimes referred to herein as the "applicant".

Subdivision: The division of land into two (2) or more lots or blocks for the immediate or future purpose of sale or development. It includes laying out residential, commercial, or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Substantial Improvement: (*Flood Damage Prevention*) Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50 %) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

I

Tree: Any self-supporting woody perennial plant which has a DBH of two inches (2") or more at maturity and normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches (some flowering species may be multi-trunked).

Tree Caliper: The measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. If more than four (4) inches in caliper size, take measurement at twelve (12) inches above ground level.

Tree Canopy: Layer of leaves, branches, and stems of trees that cover the ground when viewed from above. In urban areas, the tree canopy provides important stormwater management functions, reduces the urban heat island effect, reduces heating/cooling costs, lowers air temperatures, reduces air pollution, increases property values, provides wildlife habitat, and provides aesthetic and community benefits such as improved quality of life.

Tree, Hazardous: A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

Tree, Ornamental: A deciduous tree planted primarily for its ornamental attributes; tends to be smaller at maturity than a shade tree.

Tree, Shade: Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

U

Understory: Assemblages of natural low-level woody, herbaceous, and ground cover species, which exist in the area below the canopy of the trees.

V

Vacation: Legal abandonment of a platted street right-of-way or easement.

Variance: (*Flood Damage Prevention*) A grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements, See Section 60.3 of the National Flood Insurance Program regulations).

Vegetation, Native: Any plant species with a geographic distribution indigenous to all or part of the state of Arkansas. Plant species, which have been introduced by man, are not native vegetation.

Violation: (*Flood Damage Prevention*) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c)(4), (c)(10), (d) (3), (e) (2), (e) (4), or (e) (5) of the National Flood Insurance Program Regulation, is presumed to be in violation until such time as that documentation is provided.

W

Waiver: Permission from the Planning Commission to depart from the requirements of these regulations. The granting of a waiver applies only to the specific request and does not set a precedence to allow departure from these regulations in other situations or locations.

Water Surface Elevation: (*Flood Damage Prevention*) The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

Wireless Communications Facility: A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Wireless communication facility includes personal wireless services as defined in the Federal Telecommunication Act of 1996, and as subsequently amended. Wireless communication facility shall not include the following: federally licensed amateur radio stations and facilities used exclusively for receive-only antennas.

Woodlands, existing: Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

Y

Yard: That portion of a lot established by the building lines as minimum open space and intended to be unobstructed and unoccupied by any structure. Such things as fences, poles, posts, fence walls and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height and visibility limitations.

Yard, Front: That minimum required open space extending between side lot lines from the front lot line to the nearest point of any building, as set forth in the Zoning Ordinance.

Yard, Rear: That minimum required open space extending between side lot lines measured from the rear lot line to the nearest point of any building, as set forth in the Zoning Ordinance.

Yard, Side: That minimum required open space extending from the front yard line to the rear lot line on both sides of any lot, measured from the side lot line to the nearest point of any building, as set forth in the Zoning Ordinance.

END OF ARTICLE 200

ARTICLE 300

ADMINISTRATION & ENFORCEMENT

SEC. 300.1 ADMINISTRATION

- A. These rules and regulations shall be administered by the Department of Public Works staff. The Commission may, from time to time, recommend instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be better informed and that approval of plats be expedited.
- B. In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations and laws including but not limited to the General Plan, the Harrison Zoning Code, building and housing codes, and any other regulations adopted by the City Council and any regulations or special requirements of the State Health Department, Arkansas Department of Transportation, or other appropriate State agencies.

SEC. 300.2 ENFORCEMENT

It shall be the duty of the Building Official and Director of Public Works to enforce these regulations and to bring to the attention of the Mayor and the City Attorney any violation or lack of compliance herewith. In order to carry out the purposes of the regulations and to assure the orderly development of land after the effective date of these regulations, the following shall apply:

- A. **Building Permits.** The Building Official shall not issue building permits for any structure on any lot in a subdivision for which the plat or plan has not been approved and recorded in the manner prescribed herein.
- B. **Plat Approval.** No plat of any tract of land within the planning area jurisdiction shall be accepted by the Circuit Clerk/Recorder for filing of record unless the plat has been approved by the Planning Commission.
- C. **Compliance.** 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. No dedication of streets shall by itself be accepted by the City unless the usage of the adjoining affected land is shown. If the purpose of the opening of the street is to make the affected land available for sale as a redevelopment or subdivision, the street may not be accepted until accompanied by the required plat.
- D. **Utilities.** No public utility whether publicly or privately owned shall provide, extend or authorize the extension of service to any lot, building, structure, or location within the area under the jurisdiction of the City of Harrison unless:
 - 1. **Prior establishment.** A lot, building or structure was established before the adoption of these Land Development Regulations; or
 - 2. **Approval.** A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk/Recorder.
 - 3. Notwithstanding the above provisions, nothing herein shall prevent a citizen of Harrison, other than a sub-divider in violation of this ordinance, from obtaining a building permit, final inspection, utility service or any other administrative service or remedy, upon the following conditions:

- (a) Where the lot for which the administrative permit or service sought lies within a subdivision which fails to conform with the requirements of this ordinance and such nonconformity was known to the Planning Commission Staff and no action to enforce the requirements of this ordinance was initiated by requesting an injunction in a court of competent jurisdiction within twelve (12) months of acquiring knowledge of the alleged violations or nonconformity; or,
 - (b) Where the lot for which the administrative permit or services sought lies within a subdivision which was located in the planning area boundary, but outside the city limits at the time of filing.
4. The issuance of any building permit does not constitute acceptance of or intent by the City to accept any streets providing access to the lot on which the permit is issued.

SEC. 300.3 VIOLATION AND PENALTY

- A.** When, in the opinion of the Department of Public Works staff, a violation of the these Regulations exists, and a subdivider who has not complied with the requirements and procedures set forth herein attempts to proceed with construction work, or attempts to convey title to any lot or lots before obtaining Final Plat Approval, or otherwise is in substantial violation of the Regulations, the Department of Public Works shall, within thirty (30) days of becoming aware of a possible violation, issue a written order to the alleged violator. Said written order shall be by certified mail, restricted delivery, and shall set out the specific violations alleged. Notification to the Mayor and City Attorney of the issuance of the written order shall be given. If the alleged violator, within fifteen (15) days of receipt of said order, does not cease and desist from activities not in conformance with this Regulations, the Department of Public Works shall, within sixty (60) days, transmit to the City Attorney an affidavit setting out the nature of the violation. The City Attorney shall take appropriate measures to enforce the ordinance, including but not limited to, seeking injunctive relief from a court of competent jurisdiction.
- B.** Any person, firm or corporation that violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than \$50.00 nor more than \$1,000.00 for each offense and each day that any violation of these rules and regulations are in effect shall constitute a separate offense and be subject to additional fines of between \$50.00 and \$1,000.00 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 premise, and these remedies shall be in addition to the penalties described above.

SEC. 300.4 WAIVERS

- A.** When, by the strict interpretation of these regulations, an applicant incurs undue restrictions on the physical property to be subdivided, a waiver for such requirements may be granted by the Planning Commission. Under no circumstance should a waiver be granted because of a personal hardship or for personal or emotional reasons. Waivers shall not be granted based strictly on financial hardship. A waiver is determined by the strict interpretation and enforcement of the rules and regulations upon a given piece of property to be subdivided.
- B.** No waiver shall be granted except upon written petition by the applicant when the application is filed. Under exceptional circumstances, the Planning Commission may grant waivers at the time of final plat approval. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made. In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest. In considering the petition for a waiver, the Planning Commission shall take into account the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity. No waiver shall be granted unless the Planning Commission finds all four of the following:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would deprive the applicant of the reasonable use of this land.
 2. That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
 3. That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.
 4. That the granting of the waiver will not have the effect of preventing the orderly subdivision and/or development of other land in the area in accord with the provision of these regulations.
- C. The findings of the Planning Commission together with the specific facts upon which findings are based shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this code.
- D. Applications for waivers shall be reviewed and considered independently from all other applications for waivers previously reviewed or under review. The granting of a waiver by the Planning Commission shall not, in any way, set a precedent with regard to other or future applications for a waiver.

SEC. 300.5 VACATION OF PLATS

- A. **Vacation prior to lots being sold.** Any plat or any part of a plat may be vacated by the owner of the premises at any time before the sale of any lot therein by written instrument to which a copy of such plat shall be attached declaring the same to be vacated. Vacation of a plat shall be subject to the approval of the City Council if the plat is located within the corporate limits. It will be subject to Quorum Court approval if located outside the corporate limits, but within the planning area of the Harrison Planning Commission.
- B. **Approval by Planning Commission.** Such an instrument shall be approved by the Planning Commission with the same plat submission requirements, review processes and fees as are required for plats of subdivisions. Between the preliminary plat and the final plat, the City Council will be afforded the opportunity for review and may reject any such plat that destroys public rights in any of its public uses, improvements, streets or alleys.
- C. **Filing and recording.** Such an instrument shall be executed, acknowledged or approved and recorded or filed in like manner as plats of subdivisions. 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, alleys, and public grounds and all dedications laid out or described in such plat.
- D. **Vacation, after lots are sold.** When lots have been sold, the plat may be vacated in a manner herein provided by all the owners of lots in such plat joining in the execution of such writings.

SEC. 300.6 VACATION OF STREET RIGHT-OF-WAY, EASEMENTS OR ALLEYS

- A. **Application for ROW/Easement/Alley Vacation.** The application shall be submitted to the Department of Public Works not fewer than twenty-two (22) days prior to the regular Planning Commission meeting at which it is to be considered and shall consist of the following:

Art. 300 Administration & Enforcement

1. **Application.** Completed and signed application form as provided by the City.
2. **Fee.** There shall be no fee for an easement or alley vacation.
3. **Petition.** A petition to vacate street right-of-way, alley or easement.
4. **Consent for Property Owners.** Consent of all property owners abutting the street right-of-way, alley or easement to be vacated.
5. **Ownership.** Proof of ownership of all property owners abutting the street right-of-way, alley or easement to be vacated.
6. **Consent from Utilities.** Written consent from all utilities affected by street right-of-way, alley or easement to be vacated.

B. Review and Approval. City staff will review the request and make recommendations to approve, approve with comments or deny the request for a vacation. The City Council shall make the final determination on approval of vacations by adopting an ordinance stating that the legal description as provided by the applicant and verified by the City is vacated.

SEC. 300.7 APPEALS

Appeals of interpretations of the Land Development Regulations may be made to the Board of Adjustment in accordance with the procedures set forth in the City of Harrison Zoning Code.

SEC. 300.8 TRAIL CONSTRUCTION

Any person wishing to construct a trail shall submit an application for an In-House Large Scale Development and follow the procedures for administrative approval of a large scale development as identified in Article 700.4 Review and Approval. Trails constructed as part of an approved large scale development or preliminary plat shall not be required to meet this regulation.

SEC. 300.9 MAINTENANCE LETTER OF CREDIT

A maintenance letter of credit shall meet the following conditions:

- A. Amount.** The maintenance letter of credit shall reflect 25% of the donated assets value estimate prepared by the engineer-of-record.

Phased Projects. For a development project of 40 acres or more which has been approved for phasing by the Planning Commission, a maintenance letter of credit shall reflect 25% of the donated assets value for the first phase, which must be a minimum of 20 acres, plus 10% of the donated assets for additional phases, each of which must be a minimum of 20 acres. In the event the letter of credit issued for the first phase has expired, the maintenance letter of credit shall reflect 25% of the donated assets value for the second phase and all subsequent phases.

- B. Beneficiary.** The maintenance letter of credit shall be irrevocable and shall list the City of Harrison as the beneficiary.
- C. Format.** The maintenance letter of credit shall be in a format as provided by the City or as approved by the City Attorney or his or her designee.
- D. Term.** The maintenance letter of credit shall run for no less than one (1) year from the date of approval by City Council.

- E. Entitlement of Payment.** At the end of that year, if the improvements have not been adequately maintained, as determined by the Director of Public Works or his or her designee(s), the City shall be entitled to payment under the terms of the maintenance letter of credit. Further, the City shall be entitled to use all of the money secured by the maintenance letter of credit to assure the proper maintenance of the improvement.
- F. Excess Monies.** The owner/developer shall not be entitled to any excess monies until the maintenance of the improvements in the development has been completed.

SEC. 300.10 GUARANTEES

Prior to final plat approval, the owner/developer shall enter into an agreement with the City to guarantee installation or ensure the completion of improvements. The City will accept the subdivision and issue a Certificate of Final Plat approval subject to the following guarantee requirements:

- A. Amount.** The owner/developer shall provide a cashier's check to the City of Harrison for an amount 150% of the total estimated cost for improvements as approved by the Director of Public Works or his or her designee(s).
- B. Term.** The cashier's check shall be deposited immediately. The owner/developer shall have a maximum of 60 days to complete the improvements, unless an extension is granted by the Director of Public Works or his or her designee(s).
- C. City Action.** If the improvements have not been completed within the terms provided for in B. Term above, the City may take one of the following actions:
 - 1. Construct the remaining improvements using the amount of the cashier's check. Any balance remaining after the improvements have been constructed shall be returned to the owner/developer. The owner/developer shall be liable for any cost exceeding the amount of the cashier's check; or,
 - 2. Continue to hold the funds until the owner/developer completes the required improvements.
- D. Release of Guarantee**
 - 1. **Certificate of Completion.** To request a release of a guarantee, the owner/developer's engineer of record shall submit a certification of completion to the Director of Public Works or his or her designee(s) that the development is complete and functional.
 - 2. **Final Inspection.** The Director of Public Works shall conduct a Final Inspection of remaining guaranteed items. The Final Inspection must be approved prior to releasing the guarantee.
 - 3. **Guarantee Released.** Guarantee released and the City shall reimburse the owner/developer for the amount of the cashier's check.

SEC. 300.11 OFF-SITE PERFORMANCE GUARANTEE

At or prior to the preconstruction conference with the City, the owner/developer shall provide to the Director of Public Works, or his or her designee(s), a performance guarantee for off-site improvements meeting the following criteria:

- A. Amount.** The owner / developer shall provide a letter of credit or a cashier's check to the City of Harrison for an amount 100% of the total estimated cost for improvements within the public right-of-way and any off-site improvements. The cost estimate shall be prepared by the owner / developer's engineer-of-record and approved by the Director of Public Works or his or her designee(s).

- B. Term.** The term of the performance guarantee shall be agreed to in writing by the owner/ developer's engineer-of-record and by the Director of Public Works or his or her designee(s).
- C. Letter of Credit Standards.** Performance guarantee letter of credits shall be irrevocable and shall list the City of Harrison as the beneficiary. The letter of credit shall be in a format as provided by the City or as approved by the City Attorney or his or her designee.
- D. Cashier's Check.** The cashier's check will be deposited immediately.
- E. City Action.** Prior to expiration of the term agreed to in subsection B above, the City shall inspect the improvements. If the improvements are not complete to the City's satisfaction, the owner / developer or engineer of record may request in writing an extension. If the City does not agree to the extension, the City may construct the remaining improvements using the amount of the cashier's check or letter of credit. If the improvements are complete, the City shall release the performance guarantee in accordance with Subsection H.
- F. Excess Monies.** The owner / developer shall not be entitled to any excess monies until the off-site improvement has been completed and the performance guarantee is released in accordance with Subsection H.
- G. Excess Costs.** The owner / developer shall be liable for any cost exceeding the amount of the cashier's check or letter of credit.
- H. Release of Performance Guarantee.**
1. **Certificate of Completion.** To request a release of a performance guarantee, the owner / developer's engineer-of-record shall submit a certification of completion to the Director of Public Works or his or her designee(s) that the development is complete and functional.
 2. **Final Inspection.** The Director of Public Works or his or her designee(s) shall conduct a Final Inspection of the off-site improvement. The Final Inspection must be approved prior to releasing the performance guarantee.
 3. **Guarantee Released.** The performance guarantee is released and the City shall reimburse the owner / developer for the amount of the cashier's check or return the letter of credit to the owner/developer.

END OF ARTICLE 300

ARTICLE 400 **PRELIMINARY PLAT**

SEC. 400.1 APPLICABILITY

Any owner of land within the jurisdiction of the City of Harrison seeking to subdivide property shall not proceed with any construction work on the proposed subdivision before obtaining Preliminary Plat approval nor shall the owner attempt to record the plat of the subdivision or any part thereof prior to obtaining Final Plat approval from the Planning Commission.

SEC. 400.2 PRE-APPLICATION CONFERENCE

- A. Purpose.** The purpose and intent of the pre-application conference is to afford the subdivider an opportunity to obtain the advice of the City staff in order to avoid unnecessary costs and delays to the sub-divider and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.
- B. Optional.** When the owner of a tract of land proposes its subdivision, the sub-divider is urged to discuss informally the intent of his subdivision with the City staff.
- C. Fees.** No fees shall be collected for a pre-application conference, its purpose being to acquaint the subdivider with plans and policies in effect that may be significant to his proposed subdivision.
- D. Sketch Plans.** The subdivider may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision.
- E. Discussion.** At the pre-application conference, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and drainage, and other pertinent factors related to the proposed development will be reviewed. Discussions at the pre-application conference shall not imply any approval of subsequent preliminary or final plat approval.

SEC. 401.3 APPLICATION FOR PRELIMINARY PLAT APPROVAL

The application shall be submitted to the Department of Public Works not fewer than twenty-two (22) days prior to the regular Planning Commission meeting at which it is to be considered and shall consist of the following:

- A. Application.** A Letter of Intent along with a completed application form, as provided by the Department of Public Works.
- B. Fee.** Payment of the filing fee as specified in the application packet.
- C. Preliminary Plat.** The number of copies of the preliminary plat as indicated on the application packet that includes all the requirements for a preliminary plat indicated in Article 900 Plat and Plan Requirements. The preliminary plat shall be drawn clearly and legibly at a scale not smaller than 1" = 100'. A digital copy will be required after approval.
- D. Drainage Report.** Submit drainage report, grading and soil erosion plan (sites over 0.5 acre).
- E. Deed.** Copy of warranty deed showing ownership of property.
- F. Recorded Plat.** Copies of existing recorded plats associated with the property.

SEC. 400.4 REVIEW AND APPROVAL

- A. Planning Department.** The Department of Public Works staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with these regulations. In its review, staff shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes it feels would enable the project to meet the purpose and intent of the Regulations. Particular attention shall be given to width, arrangement and location of streets, utility easements, drainage, lot sizes and arrangements and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, and arterial streets, and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.
- B. Other City Departments.** The city staff shall distribute copies of the preliminary plat to other city departments with the request that its recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the staff and thence to the Planning Commission along with the staff's own recommendation.

C. Planning Commission Action.

1. **Changes or Additions.** After the Planning Commission has reviewed the Preliminary Plat and taken into account any staff recommendation, the applicant shall be advised of any required changes and/or additions.
2. **Action.** The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plat within sixty (60) days from the date of receipt thereof or the Preliminary Plat shall be deemed approved unless the subdivider stipulates in writing to the Planning 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.
3. **Disapproval.**
 - (a) A disapproved preliminary plat may be resubmitted. The plat shall be submitted for review as outlined in this regulation for an original preliminary plat submission.
 - (b) The Director of Public Works may forego those steps in the review process of a resubmitted plat found to be redundant.

SEC. 400.5 REVIEW CRITERIA

The preliminary plat will be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:

- A. Water.** Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, fire protection, and quality to provide an appropriate supply of water for the type of subdivision proposed. The applicant shall provide verification of approval from the State Board of Health.
- B. Sewer.** If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state and local laws and regulations. The applicant shall provide verification of approval from the State Board of Health.
- C. Special Precautions.** All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.

- D. Transportation.** The existing municipal transportation is adequate to accommodate the traffic to be generated by the subdivision. The Planning Commission may require, as part of plat approval, a traffic study, prepared by a professional traffic engineer and paid for by the developer, demonstrating that existing streets can handle the proposed traffic. If the traffic study indicates that the development will create more demand than the existing transportation system can accommodate, the developer shall show that it will make appropriate off-site improvements to meet the increase in demand and capacity. The City has the right to hire an independent consultant to verify the findings of the original study.
- E. Mitigation.** The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- F. Design Standards.** The plans meet the requirements of Article 1100, Design Standards.

SEC. 400.6 AUTHORIZATION TO PROCEED

Receipt of an approved or conditionally approved copy of the Preliminary Plat, together with an approved copy of the Improvements Plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the installation of improvements and the staking out of lots and blocks. The subdivider, after approval of the Preliminary Plat, shall complete all improvements required under this regulation prior to filing a final plat application.

SEC. 400.7 EXPIRATION OF PRELIMINARY PLAT

- A. Expiration.** The preliminary plat approval shall automatically expire 12 months from the original date of approval and further development work will require approval of another Preliminary Plat. An approved preliminary plat conditioned upon the developer completing a "punch list" shall also be considered to be null and void should the "punch list" in its entirety not be completed within the designated twelve (12) month period from the date of preliminary plat approval.
- B. Extensions.** If at the end of the twelve (12) month date of approval of the Preliminary Plat the subdivider submits a written request for extension of the preliminary approval, the Planning Commission may grant an extension of up to twelve (12) additional months providing, in the opinion of the Planning Commission, sufficient work has been completed with respect to the required improvements on the property. Further, no more than one extension shall be granted.

SEC. 400.8 BUILDING PERMITS – MODEL HOMES

- A. Permitted.** All new subdivision containing more than 10 lots may be permitted to construct one (1) model home. In subdivisions containing more than one (1) phase, model homes shall be allowed only in the first phase of the subdivision. Model homes shall be placed adjacent to the primary entrance to the subdivision. Temporary offices intended for the purpose of marketing homes in the subdivision shall be placed inside the model home.
- B. Restrictions.** Building permits for model homes shall not be issued until:
1. A preliminary plat is approved for the subdivision.
 2. Fire protection is available to the site.
 3. Roads are cut into the site and covered with crushed base.

C. Right of Refusal. The City of Harrison reserves the right to refuse a permit for a model home based on any one of the following conditions:

1. Any one of the requirements in Sec. 400.8(B) are not met.
2. Past performance indicates that a particular developer is non-compliant with this regulation and/or is attempting to abuse this regulation.

END OF ARTICLE 400

ARTICLE 500 **FINAL PLAT**

SEC. 500.1 APPLICABILITY

An application for final plat approval may be submitted for Planning Commission approval when one of the following requirements are met:

- A. Improvements Complete.** The Final Plat of the proposed subdivision or an approved phase shall be submitted to the Planning Commission for final approval at time of completion of improvements shown on preliminary plat.
 - 1. **Certificate of Completion.** The owner/developer's engineer of record submits a statement certifying that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made, added, or installed in accordance with city specifications.
 - 2. **Final Inspection.** The Director of Public Works or his or her designee conducts and certifies a Final Inspection.
- B. Improvements Substantially Complete.** When the subdivision is substantially complete, as provided for in *Sec. 500.7 Criteria for Substantial Completion*, the owner/developer shall guarantee completion of the remaining items, as provided for in *Sec. 500.8 Criteria for Guarantees*, in accordance with *Sec. 300.9 Guarantees*.

SEC. 500.2 APPLICATION FOR FINAL PLAT

When the requirements of these regulations have been satisfied and while the Preliminary Plat Approval is in effect, the owner/developer may submit to the Planning Commission an Application for Review and Approval of the Final Plat. At least twenty-two (22) days prior to the meeting at which it is to be considered, the owner/developer shall submit an application which shall consist of:

- A. Application.** A completed application requesting review and approval of the Final Plat.
- B. Plat.** The Final Plat in the number of prints as indicated on the application form, with all items required for a final plat as provided for in Article 900 Plat and Plan Requirements, and other documents as specified in the application packet.
- C. Fee.** Payment of the filing fee as specified in final plat application packet.
- D. Digital copy.** The owner/developer must submit with an application for final plat approval, the proposed final plat in digital form with all information in AutoCAD. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, etc. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the Department of Public Works.
- E. Donated Assets.** Approved estimate of donated assets, broken down by improvement type (streets, water, sewer, drainage, and sidewalks), as prepared by the engineer-of-record.

SEC. 500.3 PRIOR TO PLANNING COMMISSION

- A. Maintenance Letter of Credit.** The owner/developer shall submit a maintenance letter of credit in accordance with the requirements set forth in *SEC. 300.8 Maintenance Letter of Credit* no later than 12:00 pm the Friday before the Planning Commission meeting at which the final plat will be reviewed.
- B. Guarantee of Improvements.** If improvements are substantially complete, the owner/developer shall submit a cashier's check in accordance with the requirements set forth in *SEC. 300.9 Guarantees* no later than 12:00 pm the Friday before the Planning Commission meeting at which the final plat will be reviewed.

SEC. 500.4 REVIEW AND APPROVAL

- A. Planning Commission Action.** The Planning Commission shall approve or disapprove the Final Plat within sixty (60) days of receipt of the application; otherwise said Final Plat shall be deemed to have been approved. Disapproval of the plat shall be transmitted to the owner/developer with the reasons therefore within a reasonable time (not to exceed two weeks) after the meeting at which the plat was disapproved. Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.
- B. City Council Action.** City Council approval of the final plat shall provide for the acceptance of right-of-way dedications.

SEC. 500.5 INSPECTIONS

- A. Inspections Required.** All projects shall be constructed according to the plans and specifications reviewed and approved by the City. Inspections shall be made periodically by the City in accordance with other applicable ordinances. The City, through designated agents, may inspect those facilities, improvements and installations for conformance with plans and specifications.
- B. Defects and Deficiencies.** If such inspection reveals that there are any defects or deficiencies in such improvements as installed or that improvements differ from the final engineering plans and specifications accepted by the City, the appropriate City agency shall notify the owner/developer and his engineer of record in writing of such defects, deficiencies, and deviations. The owner/developer shall, at his expense, correct such defects or deviations prior to final plat approval. When such deficiencies have been corrected, the engineer-of-record shall notify the appropriate City agency in writing that improvements are again ready and a final inspection shall be conducted.

SEC. 500.6 RECORDING

Upon approval of the Final Plat and acceptance of the public dedications by the City Council, the owner/developer shall have the final plat recorded in the office of the County Recorder within 30 days of final acceptance and approval. Upon recording of the plat, the owner/developer shall provide two (2) copies with recording stamps to the City for its files.

SEC. 500.7 APPLICATION FOR BUILDING PERMIT

No building permits may be issued until proof of the recording of the approved Final Plat has been presented to the appropriate City department, with the exception of model homes as provided for in Sec. 400.8.

SEC. 500.8 CRITERIA FOR SUBSTANTIAL COMPLETION

The following items shall not be guaranteed and shall be completed prior to Planning Commission approval of the final plat.

A. Streets.

1. All curb and gutter completed and backfilled.
2. Final layer of asphalt in-place.
3. Street signs paid for.
4. Sidewalks constructed.

B. Sewer.

1. All sewer lines constructed to grade.
2. Mandrel and pressure tests complete.
3. All manholes complete to required elevations and vacuum tested.
4. Sewer services marked.
5. Lift station site functionally complete, with the exception of electricity.
6. Tracer wires on force mains and tested.
7. Draft of as-builts.
8. Passing test results for all backflow devices provided.
9. All backflow prevention devices installed properly and functional.

C. Water.

1. All waterlines in-place, pressure tested, and bacteriologically tested safe.
2. All hydrants and valves in-place, accessible, and operational (facing street).
3. Meter tiles and setters in-place.
4. Tracer wires in place and tested.
5. Draft of as-builts.

D. Other Utilities

1. Provisions for electrical service are complete.
2. Provisions for natural gas service (if planned) are complete.
3. Provision for other franchise utilities (i.e. cable, telephone) are complete.

E. Drainage

1. Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in- place.
2. Detention/retention facilities to grade and draining properly.
3. Outlet structures, pilot channels, and headwalls, flumes, etc. in-place and constructed to approved plans and specifications.
4. Any needed off-site improvements or easements in-place.
5. Sodding of detention/retention ponds complete and established.
6. Fencing of detention/retention ponds in-place.
7. Aeration facilities for retention ponds in-place.
8. All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
9. Final layer of drainage paving in-place as required by approved plan, including parking lots.

SEC. 500.9 CRITERIA FOR GUARANTEES (BONDABLE ITEMS)

The following items may be guaranteed:

A. Streets

1. Correction of final layer of pavement to the required thickness and density.
2. Correction of low or ponding areas in street.
3. Correction of unacceptable curb sections.
4. Correction of damaged sidewalk sections.
5. Approved as-built street drawings.

B. Sewer.

1. Cosmetic work.
2. Final as-built drawings.

C. Water

1. Painting hydrants.
2. Adjusting meter tiles to grade.
3. Adjusting meter setters.
4. Adjusting valve stacks.
5. Pouring concrete valve operator pads.
6. Final as-built drawings.

D. Drainage. Cosmetic work (finish grout, clean out boxes and pipes, etc.).

END OF ARTICLE 500

ARTICLE 600

INCIDENTAL SUBDIVISIONS

SEC. 600.1 APPLICABILITY

For the purposes of these regulations, incidental subdivisions include the following:

- A. Lot Split.** A lot split in which a lot, tract or parcel located within the planning area is divided into three (3) lots or less, and where right-of-ways and/or utility easements are being dedicated to the City. An original lot shall be split no more than three times.
- B. Informal Plat.** An informal plat in which a lot, tract, or parcel is divided into five (5) lots or less and does not require dedications, vacations, reservations, changes in alignment of easements or rights-of-ways, or extensions of utilities.
- C. Property Line Adjustment.** A property line adjustment in which a property line(s) is moved or relocated but does not create an additional lot. A property line adjustment may or may not dedicate right-of-way and/or utility easements.
- D. Correction Plat.** A correction plat in which a correction to an existing plat is necessary due to an incorrect legal description or scribner errors. The correction plat does not change the boundaries, does not change the subdivision name and does not create new lots. The correction plat may or may not create new utility easements.

SEC. 600.2 APPLICATION FOR APPROVAL OF AN INCIDENTAL SUBDIVISION

The application shall be submitted to the Department of Public Works not fewer than twenty-two (22) days prior to the regular Planning Commission meeting at which it is to be considered and shall consist of the following:

- A. Application.** Completed and signed application form.
- B. Fee.** Payment of the filing fee as specified in the application packet.
- C. Survey.** Survey of the property signed and sealed by a registered land surveyor with the State of Arkansas showing the information as required on the application.
- D. Plat.** Provide the number of copies of the plat as indicated in the application packet. The plat shall be drawn clearly to include the information as required in Article 900, Plat and Plan Requirements.
- E. Deed.** Copy of land deed showing ownership of property.

Digital Copy. The owner/developer must submit with an application for incidental subdivision approval, the proposed incidental subdivision in digital form with all information in AutoCAD .DWG format. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, etc. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the Department of Public Works.

SEC. 600.3 REVIEW AND APPROVAL

A. Staff Review and Administrative Approval.

1. **Applicability.** The Director of Public Works may review and administratively approve an informal plat, property line adjustment and correction plat if no dedications are being made.
2. **Staff Action.** Within ten (10) days of receipt of the complete plat, the Director of Public Works shall approve, approve with conditions, or disprove said plat. If the plans are approved, a building permit can be issued immediately. If the plat is approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.
3. **Additional Review.** If the Director of Public Works determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within ten (10) days that a decision will not be made within the ten (10) day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent to the Chairman of the Planning Commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regularly scheduled Planning Commission meeting.
4. **Approval Signatures.** All staff approvals to any plat shall be signified by the signature of said staff member upon the development plan.

B. Planning Commission Action. The Planning Commission shall take action on any incidental subdivision that is not being administratively approved as set forth in Sec. 600.3(A) within ninety (90) days of receipt thereof, otherwise said incidental subdivision shall be deemed to have been disapproved. Disapproval of the plat shall be transmitted to the applicant with the reasons therefore within a reasonable time after the meeting at which the plat was disapproved. Approval of the incidental subdivision by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

C. City Council Action. Any incidental subdivision that dedicates street right-of-way or easements shall be reviewed by the City Council. Upon approval by the Planning Commission, all recommendations shall be submitted to the Harrison City Council for approval.

SEC. 600.4 RECORDING

If approved, and after all conditions have been met, the applicant shall submit the plat for recordation with the County Clerk/Recorder. Two (2) copies of the final recorded plat shall be furnished by the applicant to the Department of Public Works.

SEC. 600.5 REVIEW CRITERIA

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

- A.** No new street or alley is required or proposed.
- B.** No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- C.** Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.

- D.** There is adequate street right-of-way as required by these regulations and the Master Street Plan.
- E.** All easement requirements have been satisfied.
- F.** All lots created by such split or readjustment shall have access on a public street.
- G.** No substandard sized lots or parcels shall be created.
- H.** No waivers or variances from these regulations are requested.

END OF ARTICLE 600

ARTICLE 700

LARGE SCALE DEVELOPMENTS

SEC. 700.1 APPLICABILITY

A development plan shall be submitted to the Harrison Planning Commission for all developments or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone. Single family and duplex residential construction is specifically exempted from this requirement.

No building permit shall be issued and no temporary or permanent connection to city utilities shall be permitted until the development plan has been approved as set forth in this article. No permanent connection to city utilities shall be permitted until the City Building Official has certified compliance with the approved development plan.

SEC. 700.2 PRE-APPLICATION CONFERENCE

- A. Purpose.** The purpose and intent of the pre-application conference is to afford the applicant an opportunity to obtain the advice of the City staff in order to avoid unnecessary costs and delays to the applicant and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.
- B. Optional.** When the owner of a tract of land proposes its development, the applicant is urged to discuss informally the intent of his development with the planning staff.
- C. Fees.** No fees shall be collected for pre-application conference, its purpose being to acquaint the applicant with plans and policies in effect that may be significant to his proposed development.
- D. Sketch Plans.** The applicant may submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development.
- E. Discussion.** At the pre-application conference, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and drainage, and other pertinent factors related to the proposed development will be reviewed. Discussions at the pre-application conference shall not imply any approval of subsequent development plan approval.

SEC. 700.3 APPLICATION FOR LARGE SCALE DEVELOPMENT APPROVAL

Development plans are to be submitted to the Department of Public Works at least 22 days prior to the meeting at which it is to be considered and shall be reviewed upon their individual merits upon specific application of the developer. The Director of Public Works shall be permitted to waive certain requirements as set forth herein, depending on the size and complexity of the building or development and upon the impact which the building or development may have on the General Plans of the City.

- A. Application.** Complete the application provided by the Department of Public Works.
- B. Fee.** Pay the fee as indicated on the application.
- C. Plans.** The number of copies of development plans and landscaping plans as identified on the application and including the information required in Article 900, Plat and Plan Requirements.
- D. Deed.** Copy of land deed showing ownership of property.

- E. Submittal to other Departments.** The developer shall submit to the Director of Public Works or his designee(s) for the Water, Sewer and Street Departments, agencies, as required by the Director of Public Works or the Planning Commission, sufficient copies of the development plan drawn to scale. The plan shall be submitted containing a Development Plan, Landscape or Planting Plan, Utility Plan, Detail Sheet and Erosion Control Plans.

SEC. 700.4 REVIEW AND APPROVAL

A. Administrative Approval.

1. **Applicability.** The Director of Public Works may administratively approve:
 - (a) *Residential.* Any residential development not exceeding four (4) family units; or,
 - (b) *Nonresidential.* Any nonresidential alteration or extension not exceeding 50% of the gross floor area of the existing structure. Only one (1) such alteration or extension to a structure may be approved by the Director of Public Works.
2. **Staff Action.** Within twenty (20) days of receipt of the complete development, landscape and construction plans by the Director of Public Works, he shall approve, disapprove or approve with conditions said plans. If the Director of Public Works approves the plans, he shall immediately issue a building permit to the developer. If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon the Building Official shall immediately issue the building permit. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.
3. **Additional Review.** If the Director of Public Works determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within the twenty (20) day period that a decision will not be made within the twenty (20) day period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent the Chairman of the Harrison Planning Commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regular Planning Commission meeting.
4. **Approval Signatures.** All staff approvals to any development plan shall be signified by the signature of said staff member upon the development plan.

B. Planning Commission Action. All developments other than those excepted by Sec. 700.4(A)(1) shall be submitted to the Planning Commission, which shall approve, disapprove or approve with conditions the submitted plan. The Harrison Planning Commission is required to take such action within ninety (90) days of submission unless the applicant agrees to a postponement. All Planning Commission approvals to any development plan shall be signified by the signature on the development plan of the Chairperson of the Planning Commission.

SEC. 700.5 REVIEW CRITERIA

The Director of Public Works, Planning Commission or City Council may refuse approval of any development plan for any of the following reasons:

- A. Incomplete Application.** The development plan is not submitted in accordance with the requirements of this article.

- B. Violation of Law.** The proposed development or construction would violate a City Ordinance, a State or Federal Law.
- C. Dangerous Traffic Conditions.** The proposed development would create or compound a dangerous traffic condition. For the purpose of this ordinance, a “dangerous traffic condition” shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- D. Lack of utilities.** City water and sewer are not readily available to the property and the developer has made no provision for extending such service to the development.
- E. Inadequate Drainage Conditions.** The property to be developed reflects an extreme drainage problem uncorrected by the proposed development plan.
- F. Other Actions Required.** The plans pertain to a parcel which requires prior platting or rezoning.

SEC. 700.6 ADJUSTMENTS AND ALTERATIONS

The development plan approved by the Director of Public Works or Planning Commission will be deemed to be a final plan for which minor adjustments and modifications may be granted upon request of the Director of Public Works. In no event may any modifications to a development plan be made without prior approval of the Director of Public Works. Any substantial changes in the development will be in conformance with the procedures for a new submission. Determination of the gravity of the alterations will lie with the Director of Public Works.

SEC. 700.7 EXPIRATION OF LARGE SCALE DEVELOPMENT APPROVAL

- A. Expiration.** The approved development plan is conditioned upon the applicant accomplishing the following tasks within six (6) months from the date of approval:
 - 1. receive a building permit;
 - 2. pour footing; and
 - 3. receive all permits and approvals required by City, State and Federal regulations to start construction of the development or project.
- B. Extension.** Prior to the expiration of the six (6) month time limit, an applicant may request the Planning Commission to extend the period to accomplish the task by up to six (6) additional months. The applicant has the burden to show good cause why the task could not be reasonably completed with the normal six (6) month time limit.

SEC. 700.8 APPEALS

- A. Administrative Determination.** Any decision of the Director of Public Works disapproving or approving with conditions a development plan may be appealed to the Planning Commission provided the developer does so within thirty (30) days of the Director of Public Works' decision.
- B. Planning Commission Determination.** Any decision of the Planning Commission may be appealed to the Harrison City Council provided the developer does so within thirty (30) days of the decision of the Planning Commission. All such appeals shall be in writing, and shall be filed with the City Clerk of the City of Harrison, Arkansas.

SEC. 700.9 APPLICATION FOR BUILDING PERMIT

Upon approval or conditional approval of the large scale development plan, the applicant may submit an application for a building permit. The applicant shall provide the following documents prior to issuance of the building permit.

- A. Grant of all dedications proposed;
- B. Any Large Scale Development that has over \$20,000 of sewer infrastructure, as determined by the engineer of record that is to be dedicated to the City of Harrison shall provide a maintenance letter of credit in accordance with the requirements in Sec. 300.8 Maintenance Letter of Credit and a warranty in accordance with the requirements in Sec. 300.9 Guarantees.

SEC. 700.10 LARGE-SCALE DEVELOPMENT FINAL INSPECTION

A. **Purpose.** The purpose of the large scale development final inspection (development final) is to insure the completed project complies with the Land Development Regulations, Zoning Code, and other governing specifications and regulations of the City of Harrison.

B. Process.

- 1. **Certificate of Completion.** When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations to the large scale development required for its approval under the terms of these regulations have been made, added, or installed and functional in accordance with City specifications.
- 2. **Development Final Inspection (Development Final).** The owner/developer's engineer-of-record shall request in writing a development final inspection, addressed to the Department of Public Works. No inspection shall be passed until all items are completed in accordance with Section C and D below.
- 3. **Certificate of Occupancy Inspection (Building Final).** A certificate of occupancy inspection (building final) shall be scheduled only after the project has passed the development final inspection.

C. **Completed Improvements for Certificate of Occupancy.** The following improvements shall be complete prior to the city passing the development final inspection and the owner/developer scheduling a certificate of occupancy inspection.

1. **Streets**

- (a) All curb and gutter completed and backfilled.
- (b) Final layer of pavement in-place to required thickness and density.
- (c) Sidewalks constructed per approved plan including accessible ramps.
- (d) Low or ponding areas in public street corrected.

2. **Drainage**

- (a) Drainage swales in-place, sodded or concrete-lined, properly dedicated with erosion control measures in- place.
- (b) Detention / retention facilities to grade and draining properly.
- (c) Outlet structures, pilot channels, and headwalls, flumes, etc. in-place and constructed to approved plans and specifications.
- (d) Any needed off-site improvements or easements in-place.
- (e) Sodding of detention/retention ponds complete and established.
- (f) Aeration facilities for retention ponds in-place.

- (g) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- (h) Fencing of detention/retention ponds in-place, if required.
- (i) Final layer of drainage paving in- place as required by approved plan, including parking lots.

3. Water

- (a) All water lines in-place, pressure tested and bacteriological tested safe.
- (b) Meter tiles and setters in-place and operational.
- (c) Tracer wires in-place and tested.
- (d) Draft of as-builts submitted.
- (e) All valves operational.
- (f) Passing test results for all backflow devices provided.
- (g) All backflow prevention devices installed properly and functional.

4. Sewer

- (a) All sewer lines constructed to grade.
- (b) Mandrel and pressure tests complete.
- (c) All manholes complete to required elevations and vacuum tested.
- (d) Sewer services marked.
- (e) Lift stations operational.
- (f) Tracer wires on force mains and tested.
- (g) Lift station extra pump delivered.
- (h) Draft of as-builts submitted.

5. Fire

- (a) All hydrants and valves in-place, accessible, and operational (facing street).
- (b) Fire lanes marked.
- (c) Building addressed (temporary).

6. Planning

- (a) Final grades achieved.
- (b) Seeding and sodding in-place.
- (c) ADA requirements met.
- (d) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30.
- (e) Parking paved and marked.
- (f) Dumpsters screened.

D. Exceptions for Temporary Certificate of Occupancy. The city may schedule a certificate of occupancy inspection to issue a temporary certificate of occupancy if the items in Section C above are complete, but any of the following items are incomplete:

1. Streets

- (a) Unacceptable curb sections on city streets corrected.
- (b) Approved as-built street drawings submitted.
- (c) Joints in concrete pavement and curb and gutter cleaned and caulked.

Art. 700 Large Scale Developments

2. **Drainage**

- (a) Cosmetic work (finish grout, clean out boxes and pipes, etc.).

3. **Water**

- (a) Hydrants painted.
- (b) Meter tiles adjusted to grade.
- (c) Meter setters adjusted to grade.
- (d) Valve stacks adjusted to grade.
- (e) Concrete valve operator pads installed and / or grouted.
- (f) Final as-built drawings submitted.

4. **Sewer**

- (a) Cosmetic work complete.
- (b) Final as-built drawings submitted.

5. **Fire**

- (a) Building addressed (permanently).

- 5. **Planning.** Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion.

END OF ARTICLE 700

ARTICLE 800

PLANNED UNIT DEVELOPMENTS

SEC. 800.1 PRE-APPLICATION CONFERENCE AND PLAN

- A. Applicant.** The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owner(s).
- B. Pre-application Conference.** Each prospective applicant shall confer with the City Staff in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered:
1. The boundaries of the property;
 2. Existing easements and covenants affecting the property;
 3. Physical characteristics such as drainage, topography, vegetation and existing structures;
 4. Development characteristics such as surrounding land uses, existing streets and availability of utilities; and
 5. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.

Upon review of the site plan and general area, and following completion of the pre-application conference, the City Staff shall furnish the applicant with written comments regarding the conference, including appropriate recommendations to inform and assist the applicant prior to preparing the components of the Planned Unit Development Application.

SEC. 800.2 APPLICATION FOR PLANNED UNIT DEVELOPMENT APPROVAL

After receiving written comments following the Pre-Application Conference, the applicant may proceed in preparing a formal application for a Planned Unit Development to the Harrison Planning Commission. The application shall consist of a simultaneous submission of a rezoning request and master site plan. The master site plan shall conform to all requirements contained in the Harrison Land Development Regulations with the exception of certain design requirements regarding lot, setbacks, etc. that are specifically exempted or modified by provisions of these regulations and the Zoning Ordinance.

- A. Application.** Completed and signed application form.
- B. Fee.** Payment of the filing fee as specified in the application packet.
- C. Deed.** Copy of land deed showing ownership of property.
- D. Plan.** The number of copies of the master site plan as indicated in the application packet and including the information required as set forth in Art. 900 Plat and Plan Requirements.
- E. Written Description.** The applicant shall provide a written description of the proposed planned unit development to include:
1. Justification of compliance with the intent of the PUD District;
 2. Description of proposed land uses and percentage of land area devoted to each.
 3. Description of proposed zoning and development standards.
 4. Description of structural design.
 5. Description of compliance with PUD development criteria; and
 6. If phasing is proposed, a schedule of construction.

SEC. 800.3 NOTIFICATION

For all PUD's, a public hearing shall be held coincidental with review of the preliminary PUD plan by the Planning Commission. Notification for said public hearing shall follow the same requirements and procedures for zoning amendment hearings as set forth in the Harrison Zoning Code, 301.8 Zoning Ordinance Amendments.

SEC. 800.4 REVIEW AND APPROVAL

- A. Rezoning and Master Site Plan.** The PUD Master Site Plan shall be submitted and reviewed by the Planning Commission following the same procedures as a rezoning. A public hearing shall be held at the time of review by the Planning Commission.
- B. Preliminary Plat / Large Scale Development.** Once the property is rezoned to a PUD, the applicant may proceed with a preliminary plat or large scale development. These shall be submitted and reviewed by the Planning Commission following the same procedures and requirements outlined in Art. 400 Preliminary Plats or Art. 700 Large Scale Developments. Development shall follow the master site plan exactly.

SEC. 800.5 REVIEW CRITERIA

The Planning Commission shall investigate and ascertain that the plans for a Planned Unit Development meet the following conditions:

- A.** That the project is in conformity with the requirements and standards of development of the Planned Unit Development District as set forth in the Zoning Ordinance and is consistent with the intent and purpose of these regulations.
- B.** That the proposed project constitutes an environment of sustained desirability and stability, and that it is in harmony with the character of the surrounding neighborhood.
- C.** That the property adjacent to the proposed development will not be adversely affected.

SEC. 800.6 AMENDMENTS TO MASTER SITE PLAN

At the time a preliminary plat/large scale development is submitted for review, it shall be determined whether or not any amendments have been made to the approved master site plan. If amendments have been made, then a determination shall be required as to whether or not said amendments constitute a major or minor plan change. Modifications from the previously approved master site plan shall be deemed by the staff to be minor plan changes if any and all modifications by the applicant of the plan do not:

- A.** Vary the total number of dwelling units by more than five percent (5%);
- B.** Involve a reduction of the area set aside for common open space nor the substantial relocation of such area or areas;
- C.** Increase by more than five percent (5%) the total floor area proposed for any nonresidential use; and
- D.** Does not substantially change the location of any nonresidential areas as shown on the preliminary plan.

Additionally, modifications in the location or design of minor streets, cul-de-sacs, alleys, or facilities for water and for disposal of storm water and sanitary sewage shall not be considered as major modifications.

All other changes in the Planned Unit, including changes in the master site plan and development schedule, must be made under the procedures that are applicable to the initial approval of a Planned Unit Development Project.

SEC. 800.7 GUARANTEE OF COMPLETION

Before approval of the final development plan, the Planning Commission shall require a contract with safeguards satisfactory to the Commission guaranteeing completion of the development plan for any single phase in a period to be specified by the Commission, but which period shall not exceed five (5) years unless extended by the Commission.

SEC. 800.8 CAUSES FOR REVOCATION

The Planning Commission may recommend to the City Council that any previous Planned Unit Development approval be revoked and all building permits be voided under the following circumstances:

- A. No Final Development Plan Submitted.** If the applicant has not submitted a final development plan to the City within one (1) year of master site plan approval. Where an optional staged development plan is utilized, the affected portion of the approved master site plan may be revoked in its entirety or to the extent of that portion on which a preliminary plat /large scale development has not been submitted and approved.
- B. No Building Permit Issued.** If no building permit has been issued within two (2) years from the recording date of the final plat/large scale development, or initial plan of a staged final development plan/plat and the applicant has not been granted an extension.
- C. Development Schedule.** If the applicant does not adhere to the phased development schedule as stated in the approved preliminary development plan.
- D. Open Spaces and Recreational Facilities.** If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plat / large scale development are proceeding at a substantially slower rate than other project components.
- E. Monitoring.** From time to time, the Planning Commission shall compare the actual development accomplished with the approved development schedule. If the Commission finds that the rate of construction of dwelling units or other structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final development plan/plats if preceding phases have not been finalized. The City may also issue a stop work order or discontinue issuance of building permits, or revoke those previously issued. If the project is revoked, it would revert to previously determined zoning district.

SEC. 800.9 APPLICATION FOR BUILDING PERMIT

The proposed development shall follow all applicable procedures, standards, regulations, and laws governing the subdivision of land. No building permit for any structure shall be issued until a final plat of the proposed development or part thereof is approved and recorded and an approved plot plan has been submitted in accordance with this article.

END OF ARTICLE 800

ARTICLE 900

PLAT AND PLAN REQUIREMENTS

SEC. 900.1 ITEMS TO BE SHOWN ON PLAT OR PLAN

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
General Requirements					
(1) Property lines of all property owners adjacent to the exterior boundaries of the project shall be located on the plat at the location of their property.	✓	✓	✓	✓	✓
(2) Names, addresses, telephone number, and fax numbers, if available, of all parties involved in project. Include registration and license number.	✓	✓	✓	✓	✓
(3) North arrow, scale, dates of preparation, zoning classification, and proposed use.	✓	✓	✓	✓	✓
(4) Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, and revisions.	✓	✓	✓	✓	✓
(5) Provide a complete and accurate legend.	✓	✓	✓	✓	✓
(6) Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.	✓	✓	✓	✓	
(7) Boundary survey of the property shown on the plat/plan or separate sheet. The surveyor shall seal, sign, and date the survey. The survey shall be tied to State Plane Coordinates on two controlling corners of the property.	✓		✓	✓	✓
(8) Written legal descriptions including area in square feet or acres that read clockwise. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)	✓	✓	✓	✓	✓
(9) Point-of-beginning from a permanent well-defined reference point. This P.O.B shall be clearly labeled on the drawing.	✓	✓			
(10) Curve data for any street, which forms a project boundary. Curve data shall include radius and arc distance.	✓		✓	✓	✓

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
(11) Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W needs as determined by the ARDOT and Master Street Plan. Future R.O.W as well as existing R.O.W. and centerlines should be shown and dimensioned.	✓	✓	✓	✓	✓
(12) Show 100 yr. Floodplain and/or Floodway and base flood elevations. Reference the FIRM panel number and effective date.	✓	✓	✓	✓	✓
(13) Provide a benchmark (IF WITHIN 1/2 MILE)-clearly defined with an Accuracy of 1/100'. This Benchmark must be tied to USGS Datum.	✓	✓	✓		
(14) Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.	✓		✓		
(15) A general vicinity map of the project with a radius of 1 mile from the project.	✓	✓	✓	✓	✓
(16) Existing and proposed topographic information with source of the information noted. Show: (a) Two-foot contour interval for ground slope between level and ten percent. (b) Five-foot contour intervals for ground slope exceeding ten percent. Contours of adjacent land within 100 feet of the project shall also be shown.	✓		✓	✓	
(17) The location of all existing structures. On large-scale developments, show the location of proposed buildings and square feet. Dimension building and setbacks from the building side to property lines.	✓		✓	✓	✓
(18) Sign-off block.		✓	✓	✓	
(19) Revision block.		✓	✓	✓	
Existing Utilities					
(20) Please show all known on-site and off-site existing utilities and easements (dimensioned) and provide the structures locations, types, and condition and note them as "existing" on the plat.	✓		✓	✓	✓
(21) Existing easements shall show the name of the easement holder and purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.	✓	✓	✓	✓	✓

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
Proposed Utilities					
(22) Regarding all proposed storm sewer structures and drainage structures: (a) Provide structure locations and types. (b) Provide pipe types and sizes.	✓		✓	✓	
(23) Regarding all proposed sanitary sewer systems: If you should have system design questions, please contact the City of Harrison Water Department before submittal. (a) Provide pipe locations, sizes and types (b) Manhole locations of rim and invert elevations (c) Profiles including slope in percentage and existing and proposed utilities when crossing or parallel in vicinity. (d) Provide plan and route for access to all manholes. (e) If lift-station is proposed, submit plans to the Wastewater Treatment Plant supervisor. (f) Show off-site plans (if applicable) for gravity sewer and force mains.	✓		✓	✓	
(24) Note the occurrence of any previous overflow problems on-site or in the proximity of the site.	✓		✓	✓	
(25) If a septic system is proposed, note it on the plat or plan. Show proposed location of septic tank and lateral fields including detail of leachate pipes and drain fill material.	✓		✓	✓	
(26) Regarding all proposed water systems, on or near the site.					
(27) Provide pipe locations, types and sizes	✓		✓	✓	
(28) Note the static pressure and flow of the nearest hydrant.	✓		✓	✓	
(29) Show location of proposed fire hydrants, meters, valves, and related appurtenances.	✓		✓	✓	
(30) Design water and sewer utilities in a manner to minimize conflict with other underground utilities.	✓		✓	✓	
(31) Locations of all related utility structures.	✓		✓	✓	
(32) Locations of all utility lines.	✓		✓	✓	

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
(33) The width, approximate locations, and purposes of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.	✓	✓	✓	✓	✓
Proposed and Existing Streets, Rights-of-Way, and Easements					
(34) The location, widths, grades, and names of all existing and proposed streets, alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Curve/arc of streets should include radius and arc distance data on survey or plat. Private streets shall be clearly indicated and named. Street names must clearly be indicated. Names shall be final as approved on the Preliminary Plat. All items shall be dimensioned and labeled if previously dedicated per a separate document.	✓	✓	✓	✓	
(35) A layout of adjoining property (within 300') in sufficient detail to show the affect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements.	✓		✓	✓	
(36) Identify and dimension all access easements, including ingress and egress.	✓	✓	✓	✓	✓
(37) A preliminary easement plat may be required depending on the number and location of easements. After construction of the approved large-scale development, a final easement plat must be submitted to the Department of Public Works (seven (7) copies).			✓	✓	
Subdivision of Land					
(38) The lot layout, the dimensions of each lot, number of each lot, total area in square footage or acreage to the nearest one-hundredth (1/100th) acre of each lot, and the approximate finish grade where pads are proposed for building sites. Lots shall be numbered consecutively for all phases. These numbers shall be associated with each phase of subdivision. Avoid using blocks. The total number of lots shall be indicated on the plat. Subdivision names shall be shown and final as approved on the Preliminary Plat.	✓	✓		✓	✓
(39) The designation of all "out lots" and anticipated uses, if known.	✓	✓		✓	
(40) For phased development, a plat showing all phases is required.	✓			✓	✓

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
Site Specific Information					
(41) Provide a note of any known existing erosion problems on-site or within 100' downstream of the property.	✓		✓	✓	
(42) The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.	✓		✓	✓	
(43) The locations of known existing or proposed ground leases or access agreements, if known (e.g. shared parking lots, drives, areas of land that will be leased).	✓		✓	✓	
(44) The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)	✓		✓	✓	
(45) The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.	✓	✓	✓	✓	
(46) Indicate the use and list in a table the number of units and bedrooms.			✓	✓	
(47) For non-residential use, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use.			✓	✓	
(48) The location and size of existing and proposed signs, if any.	✓		✓	✓	
(49) Location and width of curb cuts and driveways. Dimensions all driveways and curb cuts from side property line and surrounding intersections.	✓		✓	✓	
(50) Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces.			✓	✓	
(51) Location of buffer strips, fences or screen walls, where required.	✓		✓	✓	
(52) Indicate location of garbage service.			✓	✓	
(53) A description of commonly held areas, if applicable.	✓	✓	✓	✓	

Plat and Plan Requirements					
Requirements	Preliminary Plat	Final Plat	Large Scale Development	Planned Unit Development	Incidental Subdivision
(54) Draft of covenants, conditions, and restrictions, if any.	✓	✓	✓	✓	
(55) A written description of requested waivers from any city requirement.	✓	✓	✓	✓	
(56) Show required building setbacks for large-scale developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.	✓	✓	✓	✓	
(57) Preliminary drainage plan as required in the City Engineer's Office.	✓		✓	✓	
(58) Landscape plan in accordance with Article 1400, Landscaping.			✓	✓	
(59) Location of proposed and existing light fixtures.			✓	✓	
(60) Elevation drawings of front, rear and sides of the structure showing all entrances, windows, site objects and fixtures to include color and type of material.			✓	✓	
(61) A note shall be added to the landscape plan that states: "Once installed, landscaping shall be maintained in healthy living condition and all plant material that dies shall be replaced."			✓	✓	

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SEC. 900.2 CERTIFICATES

A. Preliminary Plats. Each preliminary plat submitted in accord with applicable state statutes shall include the following certificates:

1. Certificate of Preliminary Survey Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.

Date of Execution: _____

Licensed Land Surveyor

State of Arkansas License No. _____

2. Certificate of Preliminary Engineering Accuracy. Each set of street and drainage plans submitted in accordance with applicable state statutes and in conformance with Arkansas Code Annotated 17-27-101-ET-SEQ shall include the following certificate:

I, _____, hereby certify that this plan correctly represents a plan made under my direction and engineering requirements of the Harrison Land Development Regulations have been complied with.

Date of Execution: _____

Licensed Engineer

State of Arkansas License No. _____

3. Certificate of Preliminary Plat Approval

This plat has been given preliminary plat approval only and has not been approved for recording purposes as a public record. This certificate shall expire on _____ (date).

Date of Execution: _____

Chairman, Harrison Planning Commission

B. Final Plats. Each final plat submitted in accord with applicable state statutes shall include the following certificates:

1. Certificate of Ownership

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: _____

Signed: _____
Name & Address

Source of Title: _____

Page _____

2. Certificate of Recording

This document filed for record _____, 20____
in Plat Book No. _____, Page _____.

Signed: _____
Circuit Clerk

3. Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Licensed Land Surveyor

State of Arkansas License No. _____

4. **Certificate of Approval**

Pursuant to the Harrison Land Development Regulations and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Chairman, Harrison Planning Commission

SEC. 900.3 WAIVER

The Director of Public Works may waive any of the foregoing requirements when, in their discretion, any such requirement is not necessary due to the nature of the proposed subdivision or large scale development, or other circumstances justify such waiver. A pre-application conference can be arranged and is encouraged to review the proposed project and discuss the checklist requirements.

END OF ARTICLE 900

ARTICLE 1000

MINIMUM SURVEY STANDARDS

SEC. 1000.1 GENERAL REQUIREMENTS

This article is provided to establish minimum standards for surveying work performed for the development of subdivisions within the jurisdiction of the Planning Commission. This article shall apply to all developments requiring the submittal of a preliminary or final plat to the Planning Commission or Department of Public Works for review and approval. All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the city shall conform to the “Arkansas Minimum Standards for Property Boundary Surveys and Plats,” except where the standards contained within this chapter exceed those established by the state.

SEC. 1000.2 HORIZONTAL CONTROL STANDARDS

- A. Horizontal Datum.** The horizontal datum for all survey work performed shall be the Arkansas State Plane Coordinate System – north zone – NAD 83.
- B. Accuracy Standard.** Horizontal control monuments shall be determined to an accuracy standard equal to Urban Type A classification as defined by the Arkansas Minimum Standards for Property Boundary Surveys and Plats. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true urban type A accuracy level is achieved.
- C. Interior Corners.** All interior corners of the subdivision (lot corners, street center line control points, etc.) shall be established and monumented to meet the minimum accuracy standards established by the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

SEC. 1000.3 VERTICAL CONTROL STANDARDS

- A. Vertical Datum.** The vertical datum for all survey work performed shall be the National Geodetic Vertical Datum 1988 Adjustment (NGVD88).
- B. Accuracy Standard.** Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the Federal Geodetic Control Committee. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true third order accuracy level is achieved.

SEC. 1000.4 MONUMENTATION

All lot and boundary corners shall be monumented according to the specifications outlined with the “Arkansas Minimum Standards for Property Survey and Plats” and any amendment made thereto.

END OF ARTICLE 1000

ARTICLE 1100

DESIGN STANDARDS

SEC. 1100.1 GENERAL PROVISIONS

- A. Conformance to the General Plan.** The purpose of this portion of these regulations is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions and land development. It also provides a guide for the staff, the Planning Commission and the applicant in the review and preparation of subdivision plats. To ensure the various purposes of the Land Development Regulations are adhered to, all subdivisions and development hereinafter established shall conform to the various elements of the City of Harrison General Plan (including but not limited to Master Street Plan, Master Water Plan, Land Use Plan, etc.). The various elements of these plans, including the location of major thoroughfares and streets, location of parks, playgrounds, schools, and other public sites, and appropriate land uses, shall be designed to conform with minimum zoning and building regulations for the area in which the proposed subdivision or development is located.
- B. Suitability of Land.** Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers unsuitable for subdividing shall not be platted for any use that may increase the danger to health, life, property or aggravate erosion or flood hazard. When such land is in the proposed plat, this land shall be set aside for such land uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.
- C. Provision of Land for Public Purposes.** Where proposed community or public facilities of the General Plan are located in whole or in part in a proposed subdivision, the Planning Commission or City Council shall require that land for those public facilities be reserved as a condition of preliminary plat approval.
- 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 proceedings under the power of eminent domain. The contract to acquire the subject public site must be closed within 12 months following the date of approval of the preliminary plat by the Planning Commission or the subdivision process shall continue without regard for the proposed community or public facilities.
- D. Access.** A publicly dedicated street shall serve every subdivision. Every lot or parcel within a subdivision shall have access to a publicly dedicated street, or in the case of a PUD, access to a public street by means of a private street. All lots shall front on public streets except for PUD's where the Planning Commission may approve the private streets.
- E. Fitness for Development.** Based on topographic maps, soil surveys prepared by the Department of Agriculture, drainage information and any special studies made by or for the City or information provided by the developer, the Planning Commission may require that steep grades, unstable soil and floodplains be set aside and not subdivided until corrections are made to protect life, health and property.

SEC. 1100.2 UTILITIES

- A. Coordination.** The sub-divider shall coordinate with the City of Harrison and other local utilities for the design, supply and installation of all utilities serving subdivisions within the planning jurisdiction of the City of Harrison.

- B. Specifications.** All water and sewer utilities shall comply with the City of Harrison Standard Specifications for Water & Sewer Construction.
- C. Placement Underground.** In new residential developments requiring Planning Commission approval and new commercial developments all utility wires, lines, and/or cables in said developments utilized by electric and/or telecommunications companies shall be placed underground. Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service are exempt from this requirement. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.
- D. Structures.** No structures shall be located within a utility easement.

SEC. 1100.3 BLOCKS

The length, width and shape of blocks shall be determined with regard to the following:

- A. Use.** Provision of adequate building sites suitable to the special needs of the type of use proposed.
- B. Zoning.** Zoning requirements as to lot sizes and dimensions.
- C. Access.** Needs for convenient access, circulation, and control and safety of street traffic.
- D. Topography.** Limitations and opportunities of topography.
- E. Size.** Blocks of less than four hundred (400) feet in length or more than one thousand five hundred (1,500) feet in length shall be prohibited. Blocks of over one thousand (1,000) feet in length may require a public crosswalk within a dedicated easement of not less than fifteen (15) feet in width including a paved crosswalk not less than five (5) feet in width to provide pedestrian circulation.
- F. Business and Industrial Use.** Blocks intended for business and industrial uses should be of a width suitable for the intended purpose with due allowance for off-street parking and loading facilities.
- G. Residential Use.** Residential blocks shall be wide enough to provide two tiers of lots of minimum depth except where fronting on major thoroughfares or prevented by topographic constraints in which case the Commission may approve a single tier of lots of minimum depth.

SEC. 1100.4 LOTS

- A. Access.** Every lot shall have access to a public street except where private streets are explicitly approved by the Planning Commission in Planned Unit Developments.
- B. Shape.** The shape of residential lots shall conform to the design of the subdivision. The Planning Commission shall judge lot shapes on the type of development and the use for which the lot is intended.
- C. Dimensions.** Except as provided herein, the minimum lot dimensions shall conform to the requirements of the Zoning Ordinance for the zoning districts within which the subdivision is located. Within the planning area boundary beyond the corporate limits the minimum lot dimensions shall be a width of sixty feet (60') and a depth of one hundred (100) feet.
- D. Setbacks.** The minimum building setback lines shall be as required by the City of Harrison Zoning Code.
- G. Double frontage lots.** Double frontage lots other than corner lots fronting on two streets shall not be platted except as may be approved by the Planning Commission, in which case building lines shall be established for both front and rear lot lines. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential developments and traffic

arteries or to overcome specific topographic or site constraints. Where double frontage exists, a planting screen easement of at least ten feet (10') shall be provided along the portion of the lot abutting the traffic artery or other use where screening is required. In this circumstance, there shall be no right of access across the planting screen easement. At the discretion of the Planning Commission, the developer may substitute for an easement and a planting screen, a permanent ornamental fence or wall of the height and architectural character which will be appropriate and appropriately screened. Should the ornamental wall or fence be used, there shall still be a restriction upon right of access and such restriction shall clearly be so designated on the plat and within the accompanying Bill of Assurance.

H. Slope and Drainage. Every lot must slope to a street or its intended stormwater collection system.

SEC. 1100.5 STREETS

A. Standard Street Specifications. All streets shall be constructed in conformance with the requirements of the City's current adopted Standard Specifications for Streets.

B. Right-of-way Dedication. Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the most recently adopted Master Street Plan for said streets; provided the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council. The right-of-way requirements for the street classifications are as follows:

Master Street Plan Requirements			
Street Classification	Total Right-of-Way	Right-of-Way from Centerline	BOC to BOC
Arterial	90 ft.	45 ft.	60 ft.
Collector	70 ft.	35 ft.	38 ft.
Local	52 ft.	26 ft.	30 ft.
Residential	50 ft.	25 ft.	27 ft.

C. Coordination. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this section.

D. Connectivity. Local and residential streets shall connect with surrounding streets to permit the safe and convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.

1. **Gated Communities.** To ensure public safety with easy access to residential neighborhoods by police, fire and ambulance services and to maintain neighborhood connectivity as described above, gated communities are prohibited.
 - a. In cases where site conditions do not allow for adequate connectivity, a waiver may be requested in accordance with *Sec. 300.4 Waivers* of these Land Development Regulations . The waiver shall be reviewed based on the following criteria:
 - i. The development is adjacent to developed land that does not provide locations for connection of the street system.
 - ii. The development is adjacent to topography with slopes greater than 17%.
 - iii. The property does not include a collector, minor or major arterial shown on the Master Street Plan.

- E. Street Stubs.** Wherever a proposed development abuts un-platted land or a future development phase of the same development, street stubs shall be provided as deemed necessary by the Planning Commission to provide access to abutting properties or to logically extend the street system into the surrounding area. Street stubs shall be provided with temporary turn-around or cul-de-sac if required by the Director of Public Works or his or her designee(s)/Fire Chief or his/her designee(s) or Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
- F. Street Intersections.** Street intersections shall be designed to ensure safety. Because steep grades at intersections reduce sight distances and hinder vehicle control, street grades shall be flattened out within one-hundred (100) feet of intersections according to AASHTO.
- G. Additional Safeguards.** These requirements shall be considered minimums, and where deemed necessary by the Director of Public Works and/or Planning Commission for the interest of public health, safety, and welfare, additional safeguards may be required.

H. Residential Street Lights.

1. **Public Streets.** Developers of all new residential subdivisions with public streets shall install street lighting at locations required by the Director of Public Works and/or Planning Commission. The Developer shall coordinate design and installation of street lighting with the local electric utility (Entergy Arkansas) and shall be responsible for all installation costs. Following completion of the development and approval of a final plat, lease costs associated with street lighting shall be the responsibility of the City (ownership of the street lighting shall remain with the local electric utility).
2. **Private Streets.** The developer of new residential subdivisions with private streets shall have the option of installing street light fixtures and installing a metering pedestal, per local electric utility standards, or setting up a rent light service through the local electric utility. The developer and/or property owners association shall be responsible for the cost of street light installation and the electrical power service. The City will bear no responsibility for any lights installed on private streets.
3. **Gas Street Light Fixtures.** Gas operated residential street (public or private) light fixtures are prohibited in the City of Harrison.
4. **Location and Placement.** Location and placement of street light fixtures shall be coordinated with the City and local electric utility.

I. Commercial Street Lights.

1. **Public Streets.** Developers of all new commercial subdivisions that contain public streets within the development or Large Scale Developments (LSD) that front a public street or public street extensions shall install street lighting at locations required by the Director of Public Works and/or Planning Commission, unless location of overhead wires create an unsafe condition. The Developer shall coordinate design and installation of street lighting with the local electric utility (Entergy Arkansas) and shall be responsible for installation costs. Following completion of the development and approval of a final plat or acceptance of a Large Scale Development, lease costs associated with street lighting shall be the responsibility of the City (ownership of the street lighting shall remain with the local electric utility).
2. **Private Streets.** The developer of new commercial subdivisions or Large Scale Developments (LSD) with private streets shall have the option of installing street light fixtures and installing a metering pedestal, per local electric utility standards, or setting up a rent light service through the local electric utility. The developer and/or property owners association shall be responsible for the cost of street light installation and the electrical power service. The City will bear no responsibility for any lights installed on private streets.

3. **Gas Street Light Fixtures.** Gas operated residential street (public or private) light fixtures are prohibited in the City of Harrison.
4. **Location and Placement.** Location and placement of street light fixtures shall be coordinated with the City and local electric utility.

J. Cul-de-sacs. Cul-de-sac streets shall be no longer than 1,000 feet.

SEC. 1100.6 SIDEWALKS

- A. Intent.** The intent of this section is to provide for safe pedestrian transportation; to enhance the value of the city; and to maintain the character of the city through the installation of sidewalks along all city streets on both sides.
- B. Applicability.** The provisions of this section shall apply to development in all zoning districts that meet one or more of the following conditions:
1. **New Construction.** New residential, commercial, or industrial construction.
 2. **Additions:** Additions to a building or site that total fifty percent (50%) or more of the gross square footage of all existing buildings.
 3. **Large Scale Development.** Any development that requires a Large Scale Development approval.
 4. **Parking Lots.** Development of a new parking lot or expansion of an existing parking lot by more than twenty-five (25%) of the existing parking lot square footage.
 5. **Interior Alterations.** Interior alterations that add one or more dwelling units to the existing number of dwelling units.
- C. Requirement.** The developer of any property abutting a public street or highway shall construct a sidewalk as set forth in the city's current adopted Standard Specifications for Streets.
- D. Replacement.** The owner of any property abutting a public sidewalk that has been deemed by the city to be in poor condition or is damaged by construction shall replace the sidewalk consistent with the city's current adopted Standard Specifications for Streets.

SEC. 1100.7 GRADING AND DRAINAGE

- A. Stormwater Drainage Control Standards.** All grading and drainage shall be designed and developed in conformance with the requirements of the City's current adopted Stormwater Drainage Control Standards.
- B. Notice of Intent.** If the site to be disturbed is greater than five (5) acre, then a "Notice of Intent" (NOI) shall be filed with the Arkansas Department of Environmental Quality in accordance with state law. A copy of the submitted NOI will be required to be received by the City prior to or at the latest at the preconstruction conference for the project before the project will be approved to begin construction. When a request is made to begin grading on a project prior to a preconstruction conference, the grading plan, erosion control plan and a copy of the submitted Notice of Intent will be required by the city for review for approval prior to grading commencing. Under state law, the Notice of Intent is a requirement of the contractor(s) who are working on the project. It is the sole responsibility of the contractor(s) to be fully informed of the requirements of the State law in this regard.

C. Detention and Retention Ponds.

1. Ownership and maintenance.

- (a) **Residential Subdivisions.** Stormwater detention and retention ponds deeded to the city prior to the adoption of these Regulations shall be owned and maintained by the City. After adoptions of these regulations, stormwater detention and retention ponds in new residential subdivisions shall remain under the ownership and maintenance of the property owner during development. Stormwater detention and retention ponds shall be deeded to the property owner's association upon filing of the final plat. Maintenance of the facilities shall be the responsibility of the property owner's association.
 - (b) **Non-residential Development.** Ownership of stormwater detention and retention ponds in new non-residential development shall be vested in the property owner. Maintenance of the facilities shall be the responsibility of the property owner.
3. **Platting.** All new detention and retention ponds shall be shown on a final plat as a lot number and drainage easement to allow for inspection and maintenance of the outfall structure by the City. Access to the detention or retention pond shall be shown with a minimum of 18' wide unobstructed drainage access easement between a public street and the pond.

D. Grading Permits.

1. **Applicability.** Grading permits shall be required for grading, filling, excavation or land alteration of any kind on any site one acre or more in size during the entire construction process, where such activity is not part of an approved preliminary plat or large scale development.
2. **Exemptions.** Grading permits shall not be required for the following:
- (a) **Excavation below Finish Grade.** Excavations below finish grade for basements, footings, swimming pools, hot tubs, septic systems, and like structures authorized by a valid building permit or retaining walls with an approved retaining wall permit.
 - (b) **Cemetery Graves.** Cemetery graves.
 - (c) **Refuse Disposal.** Refuse disposal sites controlled by other regulations.
3. **Application.** A separate permit shall be required for each site; it may cover both excavations and fills. Grading permits may be issued jointly for parcels of land that are contiguous, so long as erosion control measures are in place until project completion.
- (a) **Application Form.** Completed and signed application form.
 - (b) **Fee.** Payment of fee as indicated on the application.
 - (c) **Grading Plan.** A grading plan in accordance with the specifications identified in the application and in conformance with all applicable regulations, including but not limited to, the currently adopted stormwater regulations as established by the U.S. Environmental Protection Agency, Region VI published in the Federal Register, the City's currently adopted Stormwater Drainage Control Standards.
 - (d) **Warranty Deed.** A copy of the warranty deed showing ownership of property.
 - (e) **Recorded Plat.** A copy of the recorded plat of the property, if applicable.
 - (f) **Stormwater Pollution Prevention Plan (SWP3).** The Stormwater Pollution Prevention Plan

(SWP3) in accordance with the specifications identified in the currently adopted Stormwater Pollution Prevention and Erosion Control Standards.

- (g) **NOC (one acre or more but than five acres).** A copy of Arkansas Department of Environmental Quality's (ADEQ) Notice of Coverage (NOC) on a site where construction will disturb soil or remove vegetation on less than five acres during the life of the construction project.
- (h) **NOI (five or more acres).** A copy of the Notice of Intent (NOI) submitted to ADEQ is required at the time of application where construction on a site will disturb soil or remove vegetation on five or more acres. The ADEQ approved National Pollutant Discharge Elimination System (NPDES) permit shall be submitted prior to approval of the grading permit.

4. Review and Approval.

- (a) **Evaluation.** Grading plans shall be evaluated by the Director of Public Works or his/her designee for conformance with the requirements of all applicable regulations, including but not limited to, the currently adopted stormwater regulations as established by United State Environmental Protection Agency, Region VI published in the Federal Register and the city's currently adopted Stormwater Drainage Control Standards.
- (b) **Variations in Requirements.** Requirements may be varied by the Director of Public Works with the approval of the Planning Commission. The extent to which variations may be made will depend on the soil types encountered, planned slopes, planned vegetation, and investigative engineering reports. In no case shall the Director of Public Works waive or modify any of the minimum erosion control requirements.
- (c) **Approval.** No grading permit shall be issued until the grading plan, endorsed by a registered landscape architect, engineer, or similar design professional, is approved in writing by the Director of Public Works.

- 5. **Permit Posted.** A copy of the grading permit cover page shall be posted at or near the street right-of-way line and shall be clearly visible from the street.

E. Retaining Walls.

- 1. **Applicability.** The requirements of this section shall apply to the construction, installation, extension and replacement of all retaining walls, as defined in Article 200, of more than four (4) feet in height, measured from the final grade at lower-side of wall to the top of the wall, in all zoning districts, except as exempted in 2. Exemptions below.
- 2. **Exemptions.** Retaining walls that meet the following requirements shall be exempt from these requirements:
 - (a) Retaining walls less than four (4) feet in height.
 - (b) Retaining walls designed as part of the primary structure.
 - (c) Retaining walls shown on an approved large scale development plan or preliminary plat.
 - (d) Retaining walls designed as part of a public capital improvement project.

3. Permit Required. A retaining wall permit shall be obtained prior to beginning construction, extension or replacement of all applicable retaining walls.

(a) *Application.* To obtain a retaining wall permit, a completed application form and a plot plan (site plan) must be submitted to the Department of Public Works. The plot plan shall show:

- (i) Location of all property lines;
- (ii) Location of all existing and proposed structures; (iii) Location of existing retaining walls on or adjacent to the property that is to remain in place, if applicable;
- (iv) Portions of existing retaining wall that will be replaced, if applicable;
- (v) Location of new retaining wall;
- (vi) Location of utilities and utility easements; drainage easements and drainageways
- (vii) Construction details to include, but not limited to, dimensions, cross-section, and footing design;
- (viii) Elevations above and below the retaining wall;
- (ix) A note indicating the height of the proposed retaining wall and the material;
- (x) Engineer's certification, if required; and
- (xi) Additional information may be requested from staff after initial review.

(b) *Review and Approval.* Once all the required information is submitted, it shall be reviewed by Director of Public Works or his designee for compliance. If the application is approved, the applicant shall pay the permit fee and the retaining wall permit will be issued.

(c) *Compliance.* All retaining walls shall be installed in compliance with the retaining wall regulations and with the information shown on the approved plot plan and retaining wall permit application form.

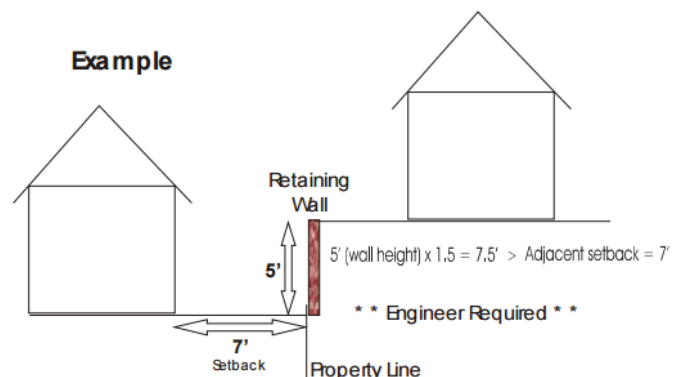
(d) *Inspection Required.* The applicant shall contact the Department of Public Works to request a final inspection upon completion of the retaining walls. If the building inspector determines that the retaining wall is constructed in accordance with the ordinance requirements and the approved retaining wall permit, a Certificate of Compliance will be issued. If the retaining wall does not pass the inspection, the building inspector shall prepare an inspection report detailing the deficiencies.

4. Engineer Certification Required.

An engineer's design, certification and construction observation shall be required in the instances listed below. All engineering services shall be performed under the supervision of a Professional Engineer registered in the State of Arkansas.

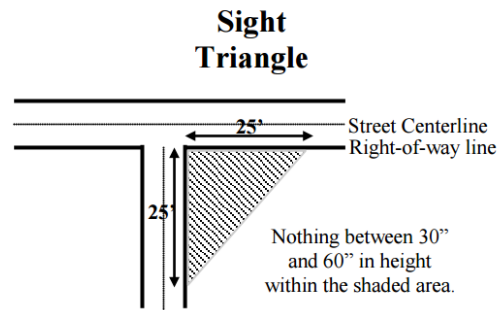
(a) Any retaining wall over four (4) feet in height where 1.5 times the height of the wall is either (1) greater than or equal to the building setback of an adjacent lot, or (2) such distance encroaches on any structure.

(b) Any retaining walls over four (4) feet in height located adjacent to a public right-of-way.



5. **Private Property.** All retaining walls shall be located on private property and shall be built with the consent of the property owner. The retaining wall installer and/or property owner shall be responsible to correctly locate property boundaries. Retaining walls shall not encroach neighboring property lines.

6. **Sight Triangle.** Retaining walls over 30" in height constructed near street intersections shall not be located in the "sight distance triangle", shown to the right, in order to provide a reasonable degree of traffic visibility.



7. **Easements.**

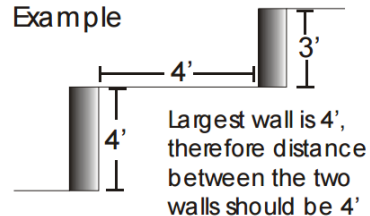
(a) *Utility Easements.* Retaining walls shall not restrict access to utilities. Retaining walls proposed in a utility easement shall be approved on a case by case basis.

(b) *Drainage Easements.* Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Retaining walls proposed in drainage easements shall be approved on a case by case basis.

(c) *Access Easement.* Retaining walls shall not be constructed over a public or private access easement.

Height of largest wall x 1.0 = Distance between walls

Example



8. **Terraced Retaining Walls.** If walls are terraced, the upper wall shall be located no closer to the lower wall than 1.0 times the height of the tallest wall.

F. **Slopes.** Slopes of 1:1 or steeper shall be required to comply with the retaining wall regulations above.

SEC. 1100.8 (VACANT)

SEC. 1100.9 ACCESS REQUIREMENTS

A. Curb Cuts

1. **City Approval.** Property owners desiring curb cuts off of City streets or AHTD highways, not associated with an approved large scale development plan or subdivision, must obtain a permit from the City of Harrison Street Department prior to installation of said curb cut/driveway.
2. **Width.** Ingress-egress openings in concrete, asphalt, rock, or other street curbing, commonly referred to as "curb cuts" shall be not less than twenty four (24) feet nor more than forty (40) feet in width for nonresidential uses unless approved by the Director of Public Works.
3. **Distance from Intersections.** Curb cuts or access points shall be no closer than one hundred (100) feet measured from the right-of-way of intersecting streets to the center line of the drive, unless otherwise approved by the Planning Commission.

4. **Offset.** Either the centerline of opposing nonresidential driveways shall align, or shall be offset no less than seventy-five (75) feet. This condition shall not apply where a permanent median exists without break for these driveways.
5. **Number of Curb Cuts Permitted.** Unless otherwise specified by this ordinance, the maximum number of curb cuts for each property shall be determined by length of road frontage, and the maximum speed limit of the road (per the City of Harrison Master Street Plan).

Number of Curb Cuts	
Length of Street Frontage	Maximum Number. Of Curb Cuts*
200 ft. or less	1
201 – 600 ft.	2
601 – 1,000 ft.	3
1,001 to 1,500 ft.	4
More than 1,500 ft.	5

* Where lots are contiguous, a common ingress/egress drive is encouraged to minimize curb cuts and better facilitate traffic.

6. **Distance Between Curb Cuts.**

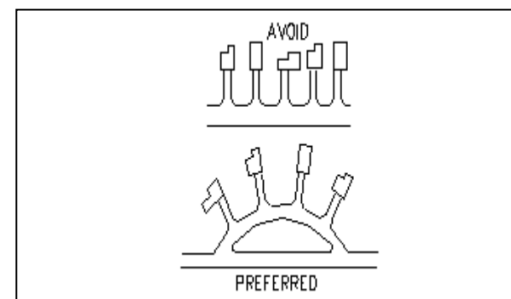
Distance Between Curb Cuts	
Travel Speed Permitted	Minimum Distance Between Curb Cuts
30 mph	100 ft.
35 mph	150 ft.
40 mph	200 ft.
45 mph	250 ft.
50 mph	300 ft.
55 mph	350 ft.

7. **Curb Radius.** To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 15-ft. for curb cuts along streets designated on the City of Harrison Master Street Plan. Exceptions may be granted through a waiver to the Planning Commission for shorter radii in the downtown area and for larger radii needed where there may be a need to accommodate truck traffic.

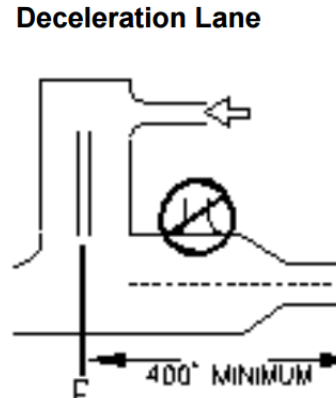
- B. **Entrance/Exit and Parking Design.** Landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exist of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings shall be designed so that all movements onto a public street are in a forward motion.

- C. **Residential and Subdivision Access.** No residential lot shall be permitted direct access to an arterial street without approval from the Planning Commission. Residential direct access to collector streets is discouraged and may be denied by the Director of Public Works or Planning Commission. All residential subdivision development contiguous to a collector or arterial street shall orient frontage to a local street, and back the project, without access to the said major streets (see figure to the right). All subdivisions with 30 or more lots shall have at least two access points.

Residential Lot Access



- D. Acceleration & Deceleration Lanes.** Site plans for all commercial development, residential subdivisions, and multifamily dwellings on Collector and Arterial streets will be analyzed by the City for critical traffic conditions for both the initial opening and full development of the site. ARDOT deceleration lanes are required for single and combined uses that generate driveway volumes (trip ends) or 300 or more vehicles in the peak hour, as determined using standard Institute of Transportation Engineers (ITE) trip generation rates for the subject land use(s). Additional development, requiring a building permit, which would generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour shall require the installation of ARDOT approved deceleration lane. Four hundred (400) feet minimum spacing between drives, measured center line to center line or from the right-of-way intersecting lines of public streets to the center of a curb cut, is required when deceleration lanes in accordance with ARDOT standards are required. The figure to the right depicts an example of a deceleration lane. Construction of driveways along acceleration lanes, deceleration lanes, and tapers is discouraged due to the potential for vehicular weaving conflicts.



E. Joint & Cross Access.

1. **Major Traffic Generators.** Adjacent commercial or office properties classified as major traffic generators (i.e. shopping centers, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. **Techniques.** A system of joint use driveways and cross access easements shall be established wherever feasible in commercial zoning districts along collector or arterial streets designated on the City of Harrison's Master Street Plan and the building site shall incorporate the following:
 - (a) A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb-cut standards.
 - (b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
 - (c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
 - (d) A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.
3. **Shared Parking.** Shared parking areas may be permitted with Planning Commission approval to reduce required parking of peak demand periods for proposed land uses do not occur at the same time periods (i.e. bank and movie theater).
4. **Documentation.** Pursuant to this section, property owners shall:
 - (a) *Access Easement.* Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - (b) *Access Agreement.* Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City of Harrison and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.

- (c) *Maintenance Agreement.* Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

F. Reduction in Separation Distance. The Director of Public Works may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

1. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section.
2. The site plan incorporates a unified access and circulation system in accordance with this section.
3. The property owner shall enter a written agreement with the City of Harrison, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

G. Waivers. The Director of Public Works or Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

H. Nonconforming Access Features

1. **Existing.** Permitted access connections in place as of the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - (a) When new access connection permits are requested;
 - (b) Substantial enlargements or improvements;
 - (c) Significant change in trip generation; or
 - (d) As roadway improvements allow.

SEC. 1100.10 DRIVEWAY AND PARKING LOT DESIGN

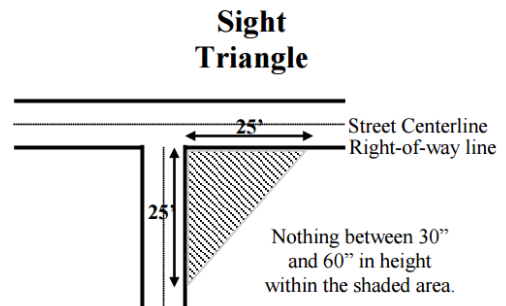
A. Driveway Width. Commercial, industrial, and multi-family driveway widths shall meet the following guidelines:

1. **One-way in or out.** If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage and pavement markings designating the driveway as a one-way connection.
2. **Two-way.** For two-way access, each lane shall have a width of 12 feet and a maximum of three lanes shall be allowed. Whenever more than two lanes are proposed, entrance and exit lanes shall be divided by a raised median. The median shall be four (4) feet wide and conform to ARDOT standard detail for curbed islands.
3. **Arterials.** Driveways that enter an arterial at traffic signals must have at least two (2) outbound lanes (one for each turning direction) of at least 12 feet in width, and one in-bound lane with a 14 foot width.

B. Driveway Grades. Driveway grades shall conform to the recommendations of the Center for Urban Transportation Research as shown in the table titled "Maximum Drive Grades." Maximum grade changes between roadway cross-slope and driveway slope shall not exceed the grades listed below. The cross-slope of the driveway shall meet the cross-slope of the sidewalk, which shall have a slope of no more than 2%.

Maximum Drive Grades	
Roadway	Driveway Grade
Arterial	5%
Collector	7%
Residential	10%

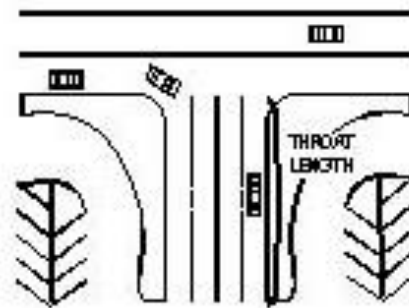
- C. Sight Triangle.** Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Any planting or structures in the site triangle must not exceed 30" in height as shown to the right.



- D. Throat Length.** The length of driveways or "Throat Length" shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. General standards appear in the table below titled "Generally Adequate Driveway Throat Lengths", but may vary according to the projected volume of the individual driveway. These measures generally are acceptable for the principle access to a property and are not intended for minor driveways. The figure titled "Driveway Throat Length," depicts an example of adequate throat length. Variation from these shall be permitted for good cause upon approval of the Director of Public Works and/or Planning Commission.

Generally Adequate Driveway Throat Lengths	
Development Type	Driveway Throat Length
Shopping Centers >200,000 GLA* (Signalized) (800 Spaces)	200 ft.
Smaller Developments <200,000 GLA* (Signalized)	75 ft. – 95 ft.
Unsignalized Driveways	40 ft. – 60 ft.

* GLA – Gross Lease-able Area



E. Driveway Design, Location, and Construction Standards for Four (4) or Less Parking Spaces within the Front Yard Area

1. Minimum Distance of Driveway and Parking from Street and into Property.

- Driveway Approach to Property Line.** The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be paved with concrete in accordance with the Standard Street Specifications.
- Driveways Beyond the Property Line.** Except in A-1 Zoning Districts, all driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface.

2. Driveway Grading and Drainage. The driveway shall be graded in such a way to dispose of surface water into appropriate structures.

- F. Parking Lot Design.** All parking lots shall be paved with asphalt, concrete brick or stone pavers, or other hard surface ("chip-seal" is not allowed). All parking lots shall be designed and constructed with curbing and shall not be designed to allow parking on any street or highway right-of-way.

SEC. 1100.11 OUTDOOR LIGHTING

- A. Purpose and Intent.** The regulations for outdoor lighting are intended to:

1. minimize light pollution for the enjoyment of Harrison citizens and visitors;
2. limit the degradation of the nighttime visual environment by production of unsightly and dangerous glare;
3. minimize urban sky-glow to help protect the scenic view of the night sky;
4. reduce light trespass onto neighboring properties; and
5. allow for flexibility in the style of lighting fixtures.

- B. Applicability.** The outdoor lighting regulations apply to:

1. All new construction, except single family and duplex residential uses.
2. All new outdoor lighting fixture installations, except single family and duplex residential uses.
3. All replacement fixtures, in cases of total replacement.

- C. Exemptions.** The following conditions are exempt from these requirements:

1. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare.
2. Temporary emergency lighting, used by police, firefighting or medical personnel for as long as the emergency exists.
3. Routine maintenance, including changing the lamp ballast, starter, photo control, fixture housing, lens and other required components.
4. Airport lighting provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this code.
5. Neon lights only as permitted by the sign regulations.
6. Illuminated signs only as permitted by the sign regulations.

D. (VANCANT)

E. Standards.

1. **Cutoff Required.** All nonexempt outdoor light fixtures with an initial output greater than or equal to 2,000 lumens shall be Cutoff or Full Cutoff, as defined by IESNA.
2. **Installation.** All outdoor light fixtures that have Cutoff restrictions shall be installed and maintained

in such a manner as to be horizontal to the ground so that the Cutoff characteristics of the fixture are maintained.

3. **Shielding.** Beyond the Cutoff requirements in Section E.1 above, all light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house side shielding to minimize light trespass on residential properties.

F. Special Use Standards.

1. **Landscape/Facade Lights.** Landscape and facade lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way. Down-lighting is encouraged.
2. **Recreational Facilities.**
 - (a) **Cutoff Exemption.** Recreational facilities are exempt from the Cutoff requirement in E.1 above, however, the use of Cutoff fixtures is encouraged. The shielding requirement in E.3 above is applicable to recreational facilities.
 - (b) **Glare Control.** All outdoor recreational facilities lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixture shall be aimed so that the beams are directed and fall within the primary playing or performance area.
 - (c) **Hours.** All activity and lights shall be turned off one hour after the end of the last event.
3. **Canopy Structures.** Canopy lights, such as service station lighting, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.

G. Nonconforming Outdoor Light Fixtures.

1. All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of this ordinance are exempt from all outdoor lighting requirements.
2. In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of these regulations.

SEC. 1100.12 (VACANT)

SEC. 1100.13 DESIGN STANDARDS FOR LARGE SCALE DEVELOPMENTS

- A. **Purpose and Intent.** The design standards in this section are intended to implement the City's vision for commercial development. The intent of these standards is to improve the overall quality of commercial development with surrounding land uses and enhance pedestrian safety and walkability.
- B. **Applicability.** The provisions of this section shall apply to all developments requiring large scale development approval. Agricultural and Industrial Zoned properties shall not be required to meet the Building Design requirements contained within Paragraph 1100.13.E or the Utility and Mechanical Screening requirements contained with Paragraph 1100.13.F.

C. (VACANT)

D. Review Process. These standards shall be applied in the normal review process for large scale developments and shall be approved by the Planning Commission.

E. Building Design.

1. **Facades.** All commercial structures shall be architecturally finished on all sides facing public right-of-way with same materials, detailing, and features. The same requirements shall also be required on all sides facing residential zoning districts.
2. **Materials.** These material standards shall apply to all sides of a building facing public right-of-way or facing residential zoning districts.
 - (a) Primary exterior material shall constitute at least 75 percent of the wall area, excluding glass. The primary exterior material shall consist of a combination of brick, textured concrete block, natural stone, wood, stucco, architectural concrete paneling/veneer, or other material approved by the Planning Commission. The following materials are not permitted for primary exterior materials:
 - i. Untextured concrete masonry units (including haydite and precision block)
 - ii. Unadorned pre-stressed upright concrete panels
 - iii. Wood fiber board
 - iv. Unfinished pressure treated wood
 - v. Metal siding / cladding (such a galvanized or unfinished steel, galvalume, or unfinished aluminum) except as provided for in Paragraph (b) below.
 - vi. Pole-type building materials
 - vii. Vinyl siding
 - (b) Metal cladding as a primary exterior material may be approved by the Planning Commission upon demonstration that the use of metal cladding exhibits architectural control which seeks to be creative and which best utilizes building lines, shapes, and angles to maximize architectural integrity. Metal cladding shall meet the following requirements for consideration by the Planning Commission:
 - i. Metal cladding shall make up no more than 50% of the primary exterior material.
 - ii. Metal cladding shall have no exposed fasteners.
 - iii. Metal cladding shall have minimum thickness of 24 gauge.
 - iv. Acceptable metal cladding systems include standing seam, snaplock, interlocking, flatlock, cassette.
 - (c) The remaining building exterior material shall be considered building trim. Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement.
3. **Entrances.** Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two (2) of the following:
 - (a) Canopies or porticos;
 - (b) Overhangs;
 - (c) Recesses / projections;
 - (d) Arcades
 - (e) Raised corniced parapets over the door;
 - (f) Peaked roof forms;
 - (g) Arches;
 - (h) Architectural detail such as tilework and moldings integrated into the building structure and design;

- (i) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
 - (j) Other architectural features approved by the Planning Commission.
4. **Architectural Details.** All buildings shall be designed to incorporate no less than two (2) of the architectural elements from the list below, in addition to requirements regarding the design on entrances above. Buildings over fifty thousand (50,000) square feet shall include a minimum of four (4) of the referenced architectural elements. Buildings over one hundred thousand (100,000) square feet shall include a minimum of six (6) of the referenced architectural elements.
- (a) Canopies, awnings, or porticos;
 - (b) Recesses / projections;
 - (c) Arcades;
 - (d) Peaked roof forms;
 - (e) Arches;
 - (f) Display windows;
 - (g) Accent materials (minimum of 15% of exterior façade)
 - (h) Architectural details (such as tilework and moldings) integrated into the building façade;
 - (i) Articulated cornice line;
 - (j) Articulated ground floor levels or base;
 - (k) Varied roof heights; or
 - (l) Other architectural features approved by the Planning Commission.

F. Utility and Mechanical Equipment Screening

1. Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by the Planning Commission are required along street frontages and bordering residential areas.
 - (a) Adjusting the architectural or landscape profile to screen those elements from view.
 - (b) Placing those elements on service courts or other locations usable by the general public.
 - (c) Integrating those elements into the architecture or landscaping of the site.
 - (d) Use materials similar to that of the primary structure.
2. The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:
 - (a) The degree of visibility from all adjacent public ways;
 - (b) Possible visibility from future buildings and public ways; and
 - (c) Internal overall appearance on relation to the site.

G. Site Planning

1. **Building Placement.** Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public. The front façade shall be kept parallel with the street. On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.

2. **Parking Placement.** Whenever possible, attempt to link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously. Parking lots shall be generally designed in regular, rectangular shapes. Parking lots shall be constructed with curbing.
3. **Pedestrian Circulation.** Clearly defined pedestrian walkways or paths shall be provided from public sidewalks to primary building entrances.

SEC. 1100.14 ASTHETICS FOR WIRELESS COMMUNICATION FACILITIES

The following guidelines shall govern the aesthetics of all towers and antennas, provided however, that the Community Development Director may waive these requirements where it is determined that the goals of this ordinance would be better served thereby.

A. Lighting. Lighting of tower and antenna shall meet the following requirements:

1. Towers shall be artificially illuminated if required by the FAA or other applicable authority or the Governing Authority. If artificial lighting is required, the lighting design and intensity chosen should be that which complies with the applicable guidelines, yet causes the least disturbance to the surrounding and nearby properties.
2. Security lighting or motion-activated lighting may be used around the base of a tower and within the telecommunication facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

B. Stealth technologies. This ordinance encourages creative design measures to camouflage facilities by integrating them with existing buildings and among other existing uses. Based on this, the color and design of towers and antennas shall meet the following requirements:

1. Towers shall be maintained with a galvanized steel finish, wood laminate or, subject to any applicable FAA standards, be painted a neutral color so that visual obtrusiveness is minimized.
2. The design of buildings and related structures within a telecommunication facility shall, to the extent possible, utilize building materials, colors, screening, and landscaping that will camouflage and blend the tower and related facilities into the natural and/or surrounding environment.
3. If an antenna is to be attached to a supporting structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a color closely compatible with the color of the supporting structure.

SEC. 1100.15 DESIGN STANDARDS FOR C-1, CENTRAL BUSINESS DISTRICT

A. Purpose and Intent. The design standards in this section are intended to implement the City's vision for the downtown area. The intent of these standards is to improve the overall quality of development and enhance pedestrian safety and walkability in the downtown area.

B. Applicability. The provisions of this section shall apply to all developments requiring large scale development approval within the C-1, Central Business zoning district.

C. Review Process. These standards shall be applied in the normal review process for large scale developments and shall be approved by the Planning Commission.

D. Building Design

1. **Material.** Minimum of two materials required.

Primary Material	
Coverage	75% min. of façade, exclusive of windows
Permitted	Brick, stone, manufactured stone, architectural steel, architectural concrete
Prohibited	Aluminum, Vinyl, fiberglass
Secondary Material	
Coverage	25% max. of façade, exclusive of windows
Permitted	Tile, stone, glass block, copper flashing, metal and wood, EIFS

2. **Compatibility.** Structures shall be designed in a manner compatible with other structures in the surrounding vicinity. The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent with the character and historical period of the surrounding area.
3. **Scale and Bulk.** The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.
4. **Facades.**
 - (a) Loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades.
5. **Awnings/Canopies/Balconies.**

Material	Durable, protective, water repellant
Prohibited	Plastic, aluminum, fiberglass, backlighting of awning.

6. **Franchise Architecture.** Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is prohibited. Franchises or national chains shall follow these standards to create a unique building this is compatible with the C-1, Central Business District.

E. Utility and Mechanical Equipment Screening Requirements. The Utility and Mechanical Equipment Screening requirements in Sec. 1100.13 shall apply to the Central Business District.

F. Site Planning.

1. **Building Placement.**

Façade Built to Maximum Setback on Primary Street	80% minimum
Façade Built to Maximum Setback on Secondary Street	25% minimum

END OF ARTICLE 1100

ARTICLE 1200

OFF-SITE IMPROVEMENTS

SEC. 1200.1 GENERAL PROVISIONS

- A. Generally.** The sub-divider / developer shall be required to install off-site improvements, where the need for such improvements is created in whole or in part by the proposed subdivision or development, in accordance with Sec. 1200.2. For purposes of this section, an off-site improvement shall mean any improvement listed in these regulations which is to be installed on property located outside the proposed subdivision or development.
- B. Installation.** Any required off-site improvements shall be installed according to City standards; provided off-site improvements to roads located outside the City's corporate limits but within the City's planning area shall be installed to county standards.
- C. Proportionate Share / Additional Off-site Improvements.** The owner / developer shall be responsible for the cost of off-site improvements deemed necessary by the Planning Commission and/or City to adequately service the proposed subdivision or development. Only the minimum necessary off-site improvements necessary to service the proposed subdivision or development will be required solely at the owner / developer's expense. The City may, if deemed beneficial to the City, require additional (or larger scope) off-site improvements that would benefit more than only the proposed subdivision or development. The City shall be responsible for the added cost of additional (or expanded scope) off-site improvements beyond what is necessary to serve the proposed subdivision or development. The City and Owner/Developer shall enter into a cost sharing agreement for the proposed off-site improvements (subject to City Council approval).

The minimum necessary off-site improvements necessary shall be determined by engineer-of-record for a proposed sub-division or development, subject to review and approval from the Planning Commission and Director of Public Works.

SEC. 1200.2 DETERMINING NECESSITY FOR OFF-SITE IMPROVEMENTS

- A. Indirect Access to Substandard Streets.** When a proposed subdivision has access to paved streets or roads only by way of substandard or unimproved roads or streets leading from the subdivision to the paved streets or roads, the sub-divider / developer shall be responsible for the cost of improving the substandard access roads or street to existing City standards.
- B. Direct Access to Substandard Streets.** When a proposed subdivision has direct access to, or fronts on, an existing road or street which is below current standards, the sub-divider / developer shall be responsible for the cost of improving said street or road to existing City standards.
- C. Off-site Drainage.** Off-site drainage improvements shall be required whenever a proposed subdivision or development causes the need for such improvements. The sub-divider / developer shall be responsible for the cost of necessary off-site drainage improvements.
- D. Off-site Water and/or Sewer.** Off-site water and/or sewer improvements shall be required whenever a proposed subdivision or development causes the need for such improvements. The sub-divider / developer shall be responsible for the cost of necessary off-site water and/or sewer improvements.

SEC. 1200.3 WAIVERS

A sub-divider may petition the Planning Commission for a waiver of off-site improvement requirements in whole or in part on one or more of the following grounds:

Art. 1200 Off-site Improvements

- A. No plans for upgrading.** The city has no plans for upgrading the substandard street or road on which off-site improvements are proposed to be required by the sub-divider/developer.
- B. Primary access to improved streets.** The proposed subdivision has primary access to improved streets or roads and the portion of the subdivision which fronts on a substandard street or road is so small or remote from anticipated future traffic patterns as to cause an unfair imposition on the sub-divider/developer.
- C. Alternate Off-site Improvements.** The subdivider/developer proposes alternative off-site improvements which will protect the health, safety and welfare of persons residing in the proposed subdivision and the surrounding area and equally benefit said persons.

SEC. 1200.4 PERFORMANCE GUARANTEES

At or prior to the preconstruction conference with the City, the owner/developer shall provide to the Director of Public Works a performance guarantee for off-site improvements in compliance with Sec. 300.11.

END OF ARTICLE 1200

ARTICLE 1300
(VACANT)

Article 1300 has been left vacant and is reserved for future additions to the Land Development Regulations.

END OF ARTICLE 1300

ARTICLE 1400

LANDSCAPING, SCREENING, AND BUFFERING

SEC. 1400.1 INTENT AND PURPOSE

It is the purpose of this article to establish regulations that pertain to landscaping within the City of Harrison, Arkansas. The goal is to promote the following:

- A. To enhance the visual appearance of the City of Harrison.
- B. To enhance the quality of life of residents and encourage economic development within the City of Harrison.
- C. To maintain and protect property value.
- D. To improve air quality and minimize the urban heat island effect.
- E. To screen automobiles and vehicular uses areas, dumpsters, loading areas and otherwise enhance the appearance of public rights-of-way.
- F. To break up large parking lots and other expanses of impervious surface.
- G. To provide a transition between and improve the compatibility of abutting land uses.
- H. To preserve, existing native vegetation, tree canopy and significant trees.
- I. To promote energy efficiency and conservation in the site design, building construction, and landscaping.
- J. To serve as buffers that reduce wind, noise, and glare.
- K. To reduce storm water runoff.

SEC. 1400.2 APPLICABILITY

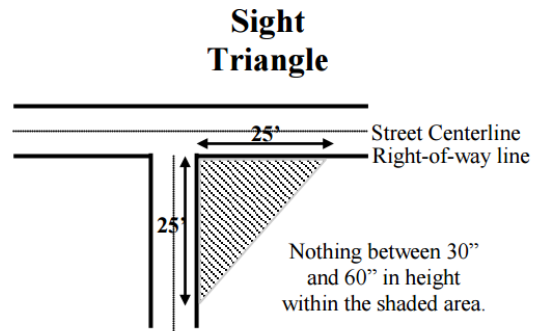
The provisions of this Article apply to all development within the City of Harrison with the exception of single family detached and duplex residential development. The following specific exemptions apply to development within Industrial Zoning Districts:

- A. Development within Industrial Zoning Districts is exempt from **Foundation Landscaping** requirements set forth in 1400.6.A and 1400.6.B.
- B. **Site Perimeter Landscaping** requirements (1400.6.A and 1400.6.C) for development within Industrial Zoning Districts shall be reduced as follows:
 - 1. **Non-Street Fronting Property Lines.** Development within Industrial Zoning Districts is exempt from perimeter landscaping requirements set forth in 1400.6.C.2. This exemption does not apply for property lines adjoining Commercial or Residential Zoning District.
- C. Development within Industrial Zoning Districts is exempt from **Sign Landscaping** requirements set forth in 1400.6.D.
- D. Development within Industrial Zoning Districts is exempt from Parking Lot Landscaping and Screening Requirements set forth in 1400.7.

SEC. 1400.3 GENERAL REQUIREMENTS

- A. Areas to be Landscaped.** All areas not covered by structures, service yards, walkways, driveways, patios, and parking spaces shall be landscaped.
- B. Landscaping shall be provided which is sufficient to provide soil stability and suitable drainage.**
1. Trees, shrubs, groundcover, and grass shall be planted with suitable plant materials.
 2. Graded areas shall be re-vegetated to ensure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
 3. Landscape fabric or erosion blankets should be provided on slopes exceeding 50% while ground cover is being established.
- C. Maintenance of Landscaping.** The current property owner shall properly maintain all required landscaping.
1. The property owner shall be responsible for maintain all landscaping within the boundaries of the site so as to present a healthy, neat, and orderly appearance.
 2. Any dead plant material shall be replaced in accordance with the approved landscaping plan.
 3. Irrigation is encourage and may be required by the Planning Commission depending on the extent of the proposed development.
- D. Native Species.** The use of Native Species is encouraged in order to minimize watering.
- E. Prohibited Tree and Plant List.** The following trees and plants are prohibited:
1. Autumn Olive
 2. Bradford Pear
 3. Common Privet
 4. Empress Tree (Paulownia Tomentosa)
 5. Garlic Mustard
 6. Japanese Honeysuckle
 7. Kudzu Vine
 8. Lespedeza
 9. Mimosa
 10. Mulberry
 11. Multiflora Rose
 12. Purple Loosestrife
 13. Shrub Honeysuckle
 14. Siberian Elm
 15. Silver Maple
 16. Silver Poplar
 17. Tree of Heaven
- F. Minimum Size.** Immediately upon planting, trees and shrubs shall meet the following minimum requirements as presented in the American Standard for Nursery Stock (ANSI Z60.1-2004):

Minimum Size	
Shade Tree	2.5-inch caliper
Ornamental Tree	2-inch caliper
Ornamental Tree (Multi-trunk)	10-ft. to 12-ft. in height
Evergreen Tree	8-ft. in height
Flowering Perennials	1-gallon
Other Ground Cover	1-gallon



G. Utility Easements. The Harrison Department of Public Works should be contacted for any plantings in utility easements.

H. Sight Distance. Safe sight distances at intersections and points of access shall be maintained. In order to provide a reasonable degree of traffic visibility, landscaping, fences, and walls constructed near street intersections shall stay clear of the “sight distance triangle” shown to the above.

I. Screening Requirements. Where property zoned C-1, C-2, C-3, C-4, I-1, or I-2 abuts any Residential Zoning District, a planting screen or other visual barrier to be approved by the Planning Commission shall be constructed by the property owner or potential user of the property prior to the use of such property for other than residential purposes in a manner that it provides a continual visual buffer between the two district a minimum of six (6) feet in height; except that such buffer shall not be placed within a public right-of-way or within 15 feet of the paved surface of a street or highway. The screening shall be such that light from automobile headlights is not visible on the Residential Zoning District from the Commercial Zoned or Industrial Zoned property. Screening measures shall be instituted with measures below:

1. Where earthen berms are used, they shall conform to the following: berms shall be gently rolling in nature so as to appear natural. If the berm does not reach the height needed for screening, then plantings may be included on top.
2. Where shrubs are used, they shall be evergreen in nature, be at least 30-inches tall at the time of planting and be spaced so closely as to create a seamless row of hedging.
3. Where fences or walls are used for screening purpose, they shall be constructed from a durable material and shall avoid a stockade appearance. Chain link fence with slats, mesh, or netting is not acceptable for screening purposes.
4. Screening shall not be implemented in a manner which impairs the sight line of drivers.

SEC. 1400.4 LANDSCAPE PLAN

A. Standard.

1. The spacing of all trees and plants shall be designed to accommodate the mature height and width of the tree and plant.
2. If after a period of time, the owner wishes to renovate fifty percent (50%) or more of the total landscape areas or fifty percent (50%) or more of the total number of plants at an existing development, a new landscape plan that meets the current regulations of the Article shall be submitted to the Department of Public Works for an in-house administrative review.

B. Requirements. The landscape plan for any development shall show:

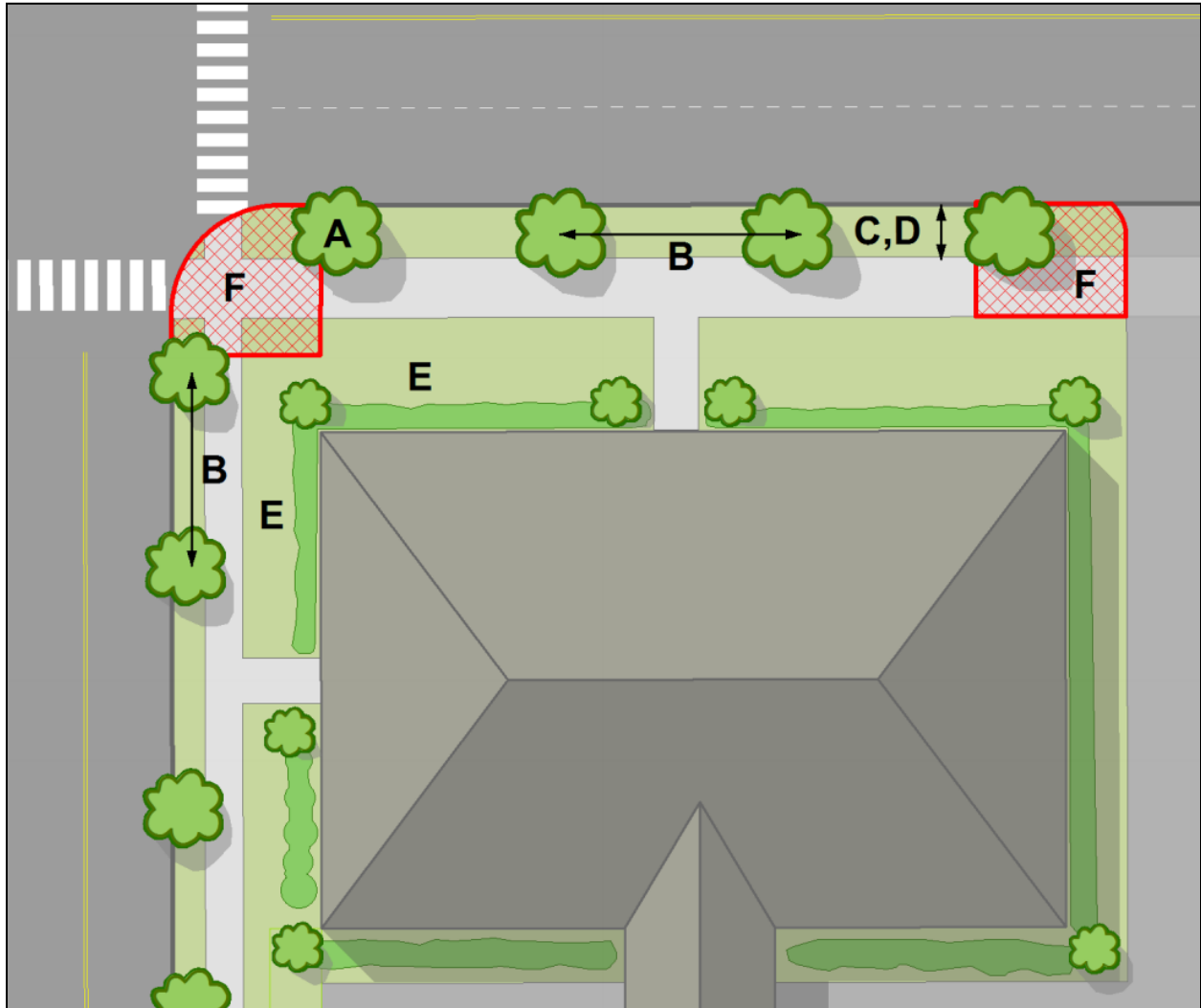
1. **Existing Vegetation.** Location, type, and quality of trees and other vegetation that will be protected and maintained as part of the proposed development.
2. **Trees.** Location of all trees to be planted and a tree list including the common name, scientific name, caliper size, height at maturity and quantity.
 - (a) **Shade Trees.** At time of planting, shade trees shall have a minimum caliper size of two-and-a-half (2.5) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.
 - (b) **Ornamental Trees.** At time of planting, ornamental trees shall have a minimum caliper size of (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.
3. **Plants.** Location of all plants and a plant list including the common name, scientific name, size, and quantity.
4. **Flowering Perennials.** At the time of planting, shrubs shall be a minimum of one (1) gallon size.
5. **Shrubs.** At the time of planting, shrubs shall be a minimum of three (3) gallon size and eighteen (18) inches in height.
6. **Other Landscaping Improvements.** Location of all other landscaping improvements including benches, paving, screens, fountains, statues or other landscape features.
7. **Sight Distances.** The sight triangle, as described in Sec. 1400.3.H shall be indicated on the plan with a dimensional shaded area.

SEC. 1400.5 PRESERVATION

- A. Existing Vegetation.** It is strongly encouraged that all landscaping plans attempt to incorporate existing on-site landscape features and vegetation.
- B. Existing Trees.** Where possible and reasonable, all existing mature, “significant” trees, rock outcroppings, and riparian corridors shall be preserved and incorporated into landscaping plans.
- C. Credit for Existing Features.** Where healthy plant material exists on the site prior to development and the provision is made to preserve and incorporate that plant material on a permanent basis, then credit may be given against all pertinent city landscaping requirements, so long as the existing plant material meets the purpose and intent of said requirements.

SEC. 1400.6 LANDSCAPING REQUIREMENTS

A. Landscaping Standards Illustrated



A – Street Trees	Site and regionally appropriate street trees required along abutting streets.
B – Street Tree Spacing	Minimum 30-ft. tree spacing required.
C – Planting Strip	Street Trees are planted in a continuous landscaping strip.
D – Planting Strip Width	Minimum 4-ft. width (subject to Master Street Plan green space requirements)
E – Foundation Landscaping	Plantings consisting of trees and shrubs required along base of structure and along non street facing sides when building is not built to the property lines.
F – Clear Sight Areas	At street intersections and driveway entrances, safe sight distances shall be maintained. Refer to 1400.3.H, Sight Distance.

B. Foundation Landscaping. A landscaping strip around the base of structures should be planted with vegetation dense enough to sufficiently lessen the impact of an otherwise bulky appearance where a structure meets the ground. The landscaping strip shall be a minimum of four (4) feet wide on all sides of structures visible from abutting streets, driveways, and parking lots. Deviation from these standards may be allowed under special circumstances. Special circumstances that could justify deviation from standards include:

1. Conflict with utilities
2. Special security considerations
3. Preservation of significant trees or habitats
4. Traffic safety considerations

C. Site Perimeter Landscaping.

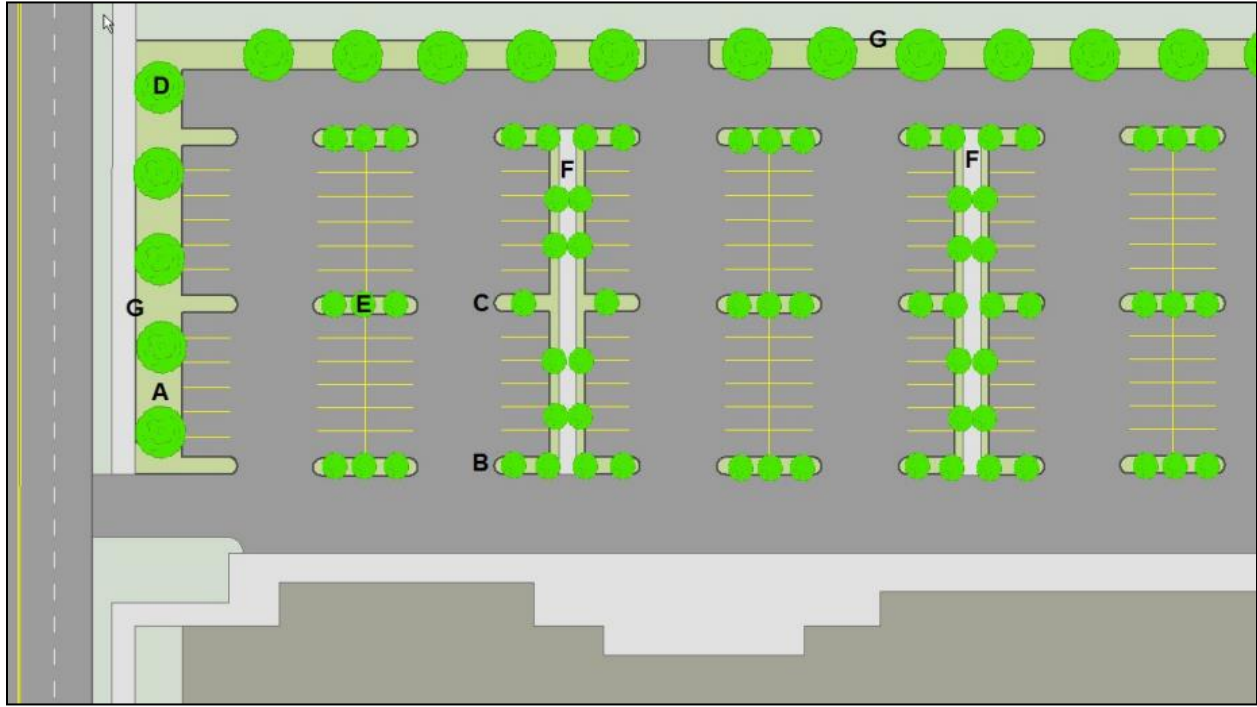
1. **Street Fronting Property Lines.** The perimeter of a site shall be landscaped to provide a buffer for adjacent uses as well as an attractive view from the street. Specific requirements are provided in 1400.6.A, Landscaping Standards Illustrated.

2. **Non-Street Fronting Property Lines.**

- (a) A perimeter landscape strip at least five (5) feet shall be provided along all property lines adjoining nonresidential areas. This provision is waived where neighboring structures adjoin (zero lot-line).
- (b) A perimeter landscape strip at least twelve (12) feet in width shall be provided along all property lines adjoining any residential area or zone.
- (c) There shall be one shade tree every thirty feet, one decorative tree every fifteen feet, or one shrub every six feet along all boundaries of the site which do not abut streets. Up to 25% of these plantings may be grouped.
- (d) Existing vegetation which meets, in whole or in part, the purposes of perimeter landscaping described above may be applied toward these requirements.

D. Sign Landscaping. There shall be a landscaped area around the base of all ground mounted signs for the site regardless of being on premise or off-premise. The strip shall have a minimum width of four (4) feet. The sign landscaping strip should be increased in width and planting density as necessary to meet its intent, this is most often based upon the overall bulk and scale of the sign.

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SEC. 1400.7 PARKING LOT LANDSCAPING AND SCREENING**A. Table of Required Parking Lot Landscaping Elements**

A – Planting Buffer	Minimum 12-ft. planting strip required around edges (site perimeter requirements still apply)
B – Row End Landscaped Islands	Minimum 8-ft. wide landscaped island required at each end of every parking row.
C – Mid Row Planting Islands	Minimum 8-ft. wide planting island required every 12 parking spaces
D – Shade Tree along Street Sides	One (1) shade tree required every 30-ft. of street frontage
E – Shade Trees	Minimum of one (1) shade tree required for every twelve (12) parking spaces.
F – Internal Landscape Buffer	Internal 8-ft. (min.) landscaped buffer required every fourth row of cars at a minimum. Buffers that include a pedestrian walkway shall be a minimum of 10-ft. wide.
G - Screening	Minimum 36-in. earthen berm, or evergreen vegetative screening along property line and residential areas/zones.

- B.** Parking areas and cars should not be dominant visual element of the site or streetscape.
- C.** Trees shall be planted within the paved parking area so that each parking space is not more than 60 feet from the nearest tree. Perimeter trees may be used to satisfy this requirement.
- D.** In parking lots with twenty four (24) spaces or more, no more than 12 continuous parking spaces are permitted without a landscape island so as to provide a ratio of no less than one tree for each twelve (12) spaces throughout the lot.
1. A landscape island shall be provided at the end of each parking lot aisle.

Art. 1400 Landscaping, Screening, and Buffering

2. Each island shall contain at least one tree. Each tree shall be maintained to provide a minimum vertical clearance of 8 feet.
 3. All islands shall be a minimum of 150 square feet of unpaved landscaped area and a minimum of 8 feet in total width and a minimum length equal to the total length of abutting parking spaces.
 4. All islands shall be sodded, seeded, or mulched. Applicants are required to plant additional shrubs, annuals, perennials, ornamental grass, and/or groundcover.
 5. All islands shall be protected by a 6-inch concrete curb.
- E.** In addition to the above, parking lots with 200 or more parking spaces shall be divided by landscape “buffer” areas to prevent large expanses of asphalt or concrete.
1. With the exception of driveways which may cross them, these areas shall extend the width or depth of the parking lot.
 2. There shall be a minimum of one (1) landscape buffer every fourth row of parking.
 3. The buffer shall be a minimum of 8-ft. wide. Buffers that include pedestrian walkways shall be a minimum of 10-ft. wide with a 2-ft. minimum landscaped (sodded, seeded, or mulched) strip on each side of the walkway.
- F.** Internal landscaping should be aligned to create green edges necessary to define access, circulation, and parking areas.

SEC. 1400.8 FENCE AND WALL REQUIREMENTS

- A. Applicability.** The requirements of this section shall apply to the following conditions in all zoning districts, except as exempted in B, Exemptions, below:
1. **New Construction.** Construction of a new fence or wall.
 2. **Extension.** Extension of an existing fence or wall.
 3. **Replacement.**
 - (a) Replacement of an existing fence or wall that is a different size, at a different location or of a different material (i.e. a chain link fence being replaced by a wood privacy fence); or,
 - (b) Replacement of more than fifty percent (50%) of the linear length of an existing fence.
- B. Exemptions.** This section shall not apply to:
1. **Replacement.** Replacement of less than fifty percent (50%) of the linear length of an existing fence, except that the portion being replaced shall not:
 - (a) Impede visibility at the sight triangle.
 - (b) Impede a natural drainage way.
 - (c) Be located in certain utility easements that required gated access.
 - (d) Encroach into neighboring property lines.

C. Fence Location.

1. **Private Property.** All fences and walls shall be located on private property and shall be built with the consent of the property owner. The installer and/or property owner shall be responsible for correctly locating all property lines. Fences and walls shall not encroach into any neighboring property lines.
2. **Front Yard.** A fence located in the front yard or positioned any closer to the front property line than the front surface of the building for a typical residential lot, shall not exceed three (3) feet in height. Decorative fencing is permitted.
3. **Side Exterior Yard.** A fence or wall located in the side exterior yard shall not exceed three (3) feet in height except as outlined in paragraph (a) below. Decorative fencing is permitted.
 - (a) If two corner lots have abutting rear property lines and side exterior yards along the same street, a fence or wall located in the side exterior yard shall not exceed six (6) feet in height. Decorative fencing is permitted.
4. **Side Interior Yard.** A fence or wall located in the side interior yard shall not exceed six (6) feet in height.
5. **Rear Yard.** A fence or wall located in the rear yard shall not exceed six (6) feet in height.
6. **Adjacent to Public Right-of-Way.** A fence or wall shall be placed no closer than five (5) feet to the current or proposed public right-of-way as prescribed within the Master Street Plan.
7. **Sight Distances.** Safe sight distances at intersections and points of access shall be maintained. In order to provide a reasonable degree of traffic visibility, fences and walls constructed near street intersections shall stay clear of the "sight distance triangle" shown below.
8. **Easements.**
 - (a) **Utility Easements.** Walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement(s) shall have a gate installed to permit access to the easement.
 - (b) **Drainage Easements.** Fences or walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Fences or walls proposed in drainage easements shall be approved on a case by case basis.
 - (b) **Access Easement.** Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure adequate access for emergency vehicles and equipment at all times.

D. Design Standards. The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds fifty percent (50%) of the length of the existing fence.

1. **Height.** Maximum height shall be six (6) feet above grade.
2. **Finished Surface.** Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.

3. **Gates.** All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the City receives a letter from the Home Owners Association stating that this area is maintained by the Association and not by individual homeowners.

E. Fence Types.

1. **Razor Wire.** Razor wire is prohibited.
 - (a) **Exception.** Razor wire may be used as an anti-climbing deterrent in industrial zones, but shall not be placed within five (5) feet of the right-of-way of a public sidewalk or within five (5) feet of a street right-of-way where a public sidewalk does not exist.
2. **Barbed Wire.** Barbed wire is prohibited.
 - (a) **Exception.** Barbed wire is permitted in agricultural uses and may be used as an anti-climbing deterrent in industrial zones, but shall not be placed within five (5) feet of the right-of-way of a public sidewalk or within five (5) feet of a street right-of-way where a public sidewalk does not exist.
3. **Electric Fences.** Electric fences are prohibited.
 - (a) **Exception.** Electric fences are permitted in agricultural uses but shall not be placed within five (5) feet of the right-of-way of a public sidewalk or within five (5) feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences are permitted.

F. Pools and Spas. Outdoor pools, spas and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

1. **Height.** The minimum height of the fence enclosure shall be at least forty-eight (48) inches. The maximum clearance between the bottom of the fence and the ground shall be two (2) inches.
2. **Gates.** Gates in the enclosing fence shall swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch release hardware is on the outside of the fence, it shall be at least fifty-four (54) inches above the ground. If the latch hardware is on the inside of the fence, it must be at least three (3) inches below the top of the fence and there shall not be any openings more than a half-inch in width within eighteen (18) inches of the latch. Gates more than five (5) feet in width and designed for equipment access to the fence area are not required to be self-closing or self-latching provided they are locked at all times except when needed for equipment access.
3. **Design.** The fence shall be designed so that there are no openings large enough to allow the passage of a four (4) inch diameter sphere and so that no "ladder effect" is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e., the distance between parallel wires) shall not exceed one and a quarter (1¼) inches.

G. Detention/Retention Ponds. If a fence or wall is installed around a detention or retention pond with permanent water two (2) feet deep or more, the fence or wall shall meet the requirements of F, Pools and Spas, above.

END OF ARTICLE 1400

ARTICLE 1500

FLOOD DAMAGE PREVENTION

SEC. 1500.1 INCLUSION BY REFERENCE

City Ordinance No. 1326, titled “An Ordinance Providing for the Establishment of a Flood Damage Prevention Program for Harrison, Arkansas and other Purposes” is hereby included in these Land Development Regulations by reference and a copy of said ordinance is provided in Appendix A to these Regulations.

END OF ARTICLE 1500

ARTICLE 1600 **STREET NAMING**

SEC. 1600.1 PURPOSE

This article establishes a system for assigning street names which will assist the public and private sector in locating individual streets, buildings and places in an easy and logical manner and for the protection of public health and safety of all persons living, working or visiting in the City of Harrison.

SEC. 1600.2 STREET NAMES

- A. Definition of Street.** For the purpose of this article the word “street” shall mean all roadways, public and private, open for general public travel.
- B. Street Names on Preliminary Plat.** Street names shall be shown on the preliminary plat. The street names shown on the final plat shall be consistent with those shown on the preliminary plat.
- C. Cul-de-sacs.** Cul-de-sac streets which have only one entrance/exit shall not be called “avenue” or “road” but shall have a suffix name such as “cove”, “lane”, “place” or “terrace” to indicate their dead-end nature.
- D. Loop Streets.** Loop streets are circular or rectangular plan streets which begin at one point and end at another point along a common street and do not connect to any other streets. The street name suffixes on these streets must not be “road” or “avenue” but shall be “loop”, “circle”, or other name indicating a closed street layout.
- E. Duplication.** Street names shall not be duplicated and names with a similar pronunciation such as Main/Maine shall be avoided.
- F. Name of Person.** No street shall be named after a person’s first or last name, unless specifically directed to do so by proclamation from the City Council in order to honor an individual.

SEC. 1600.3 ADDRESS NUMBERS

- A. Final Plats.** All Final Plats shall be preaddressed. Large Scale Developments with more than one suite shall be addressed by the lot’s common address along with the individual suite number. Suite numbers will be assigned at time of tenant infill. (i.e. 1300 Main Street, Suite 1, Suite 2 etc.).
- B. Numbering.** Owners/Developers shall obtain address numbers from the Boone County 911 Office.
- C. Corner Lots.** Structures on corner lots shall not be given dual addresses. The structure on a corner lot shall be addressed off of the street where the front entrance is located. If the structure appears to have more than one front entrance, then the structure shall be addressed off of the street with the longest frontage.
- D. Townhouse.** Each unit within a townhouse development which is on an individual lot shall have a separate address number and not a unit number.

END OF ARTICLE 1600

ORDINANCE #1326 FILED FOR RECORD

11/05/2010 3:06:01PM

JEANNE STEEN Clerk

BE IT ENACTED BY THE CITY COUNCIL OF HARRISON, ARKANSAS, *LES*
AN ORDINANCE TO BE ENTITLED: _____ D.C.

**"AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF
A FLOOD DAMAGE PREVENTION PROGRAM FOR
HARRISON, ARKANSAS AND FOR OTHER PURPOSES."**

SECTION 1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Harrison, Arkansas, does hereby ordain as follows:

SECTION 2. FINDINGS OF FACT

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Harrison, Arkansas in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Boone County Arkansas," dated November 26, 2010, with an effective Flood Insurance Rate Map (FIRM) dated November 26, 2010.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These 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 floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

SECTION 3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;

- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

SECTION 4. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Harrison, Arkansas.

SECTION 5. METHODS OF REDUCING FLOOD LOSSES

This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;
- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 6. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference a “Flood Damage Prevention Code for Harrison, Arkansas,” dated November 1, 2010. The code shall include:

ARTICLE 1 DEFINITIONS

ARTICLE 2 ADMINISTRATION

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

A copy of the referenced code shall be filed in the office of the Code Enforcement Officer and shall be available for inspection and copying by any person during normal office hours.

SECTION 7. ABROGATION AND GREATER RESTRICTIONS

This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies.

SECTION 8. INTERPRETATION

In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;
- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under State statutes.

SECTION 9. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance.

SECTION 10. COMPLIANCE

Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations.

SECTION 11. PENALTY FOR NON-COMPLIANCE

Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

- A. The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to
- B. Issue cease and desist orders on non-compliant floodplain development projects;
- C. Issue citations for non-compliance;
- D. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- E. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - (1) It is a misdemeanor to violate or fail to comply with any provision of this ordinance.
 - (2) Any person found, in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than \$500 per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case.

SECTION 12. SEVERABILITY

If any court of competent jurisdiction finds that any section, clause, sentence, or phrase of this ordinance is invalid or unconstitutional, that finding in no way affects the validity of the remaining portions of this ordinance.

SECTION 13. EMERGENCY CLAUSE

It is hereby found and declared by Harrison, Arkansas that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.


APPROVED: _____



Pat Moles, Mayor

PASSED: November 1, 2010

ATTEST: _____


Jeff Pratt, Clerk/Treasurer

CERTIFICATION

I, the undersigned, Jeff Pratt, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council of Harrison, Arkansas, at a regular meeting duly convened on November 1, 2010.


Jeff Pratt, Clerk/Treasurer

FLOOD DAMAGE PREVENTION CODE FOR HARRISON ARKANSAS, November 26, 2010

ARTICLE 1 DEFINITIONS

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based

44 CFR § 65.12 – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

“100-year flood” is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-year flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

“500-year flood” is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A “500-year flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

“Accessory Structures” are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

“Adverse impact” means any negative or harmful effect.

“AE or A1-30 Risk Zones” are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

“AH Risk Zones” are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

“AO Risk Zones” are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

“A Risk Zones” are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

“Appeal Board” means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

“Automatic” entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

“Base flood Elevation” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the “100-year flood” as the base flood Elevation.

“Base Flood” is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

“Basement” is any enclosed area that is below grade on all sides.

“BFE” is the acronym for Base Flood Elevation.

“Buoyancy” is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

“Certificates of Compliance” are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

“CFR” is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

“Clearing” is the act of cutting timber or shrubs from an area

“Commercial Business Park” is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a commercial business park of office complexes may also include restaurants, which service these offices.

“Concrete dead man anchors” are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

“Covenant” is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

“Crawlspace” is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

“D Zones” areas in which the flood hazard has not been determined, but may be possible

“Deed restriction” refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

“Development” means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. “Development” also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also “developments.” Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are “developments.” Storage of materials including the placement of gas and liquid storage tanks are “developments,” as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. “Development” will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

“Development Permit” refers to the permit required for placing a “development” in the floodplain.

“Easements” are rights or permissions held by one person to make specific, limited use of land owned by another person.

“Elevation Certificate” refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

“Erosion” is the process of soil removal by moving water.

“Existing Structure” means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Federal Emergency Management Agency”, or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

“FEMA” is the acronym for the Federal Emergency Management Agency.

“Fill” refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

“FIRM” is the acronym for Flood Insurance Rate Map.

“Flood Fringe” refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

“Flood Insurance Rate Map” (or “FIRM”) refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.
flood maps

“Flood Insurance Study” (or “FIS”) is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flooding events” are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodplain” refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

“Floodplain Administrator” refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code’s administration.

“Floodplain Development Permit” is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community’s FIRM.

“Floodproofing” is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

“Floodproofing Certificate” refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

“Floodway” or “Regulatory Floodway” refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

“Flow-through openings” are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

“Grade” means the surface of the ground.

“Grading” means to smooth the surface of the ground, typically with heavy construction equipment.

“Highest Adjacent Grade” (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historical Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.

“Hydrodynamic forces” are the forces and stresses associated with moving water, including impacts from objects carried in the water.

“Hydrostatic flood forces” are the forces and stresses associated with standing floodwaters.

“Lacustrine Flooding” is flooding associated with a lake.

“Lateral forces” are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

“Lowest floor” refers to the lowest floor of the lowest enclosed area (including Basement). For a typical slab-on-grade construction, the lowest floor is the top of the first floor of the structure. For a typical basement foundation construction, the elevation of the lowest floor is the top of the basement floor. For a typical crawlspace foundation construction, the elevation of the lowest floor is the top of the first floor of the structure. For a typical split-level construction, the elevation of the lowest floor is the top of the first living area floor. For a manufactured home installation, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The garage floor and crawlspaces are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

“Manufacture Homes” or Structures means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

“Mean Sea Level” (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s FIRM are referenced.

“Mixed Use Structures” are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

“New Construction” means, for floodplain management purposes, structures for which the “start of construction” commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

“No Adverse Impact principle” is a principle of restricting or prohibiting land development that does harm or “adversely affects” someone else’s property or land.

“Nonresidential Structures” are structures used only for commercial or public purposes, such as businesses, schools, churches, etc...

“No-Rise Certificates” are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

“Piers” are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

“Pilings” are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

“Ponding” is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

“Recreational vehicles” means a vehicle which is:

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Risk Zones” categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See “X Risk Zones” in this section.

“Riverine flooding” is flooding associated with a river or stream channel.

“RV” is the acronym for recreational vehicle.

“Screw augers” are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

“Section 404 Wetlands Permit” is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

“SFHA” is the acronym for Special Flood Hazard Area.

“Shallow flooding” means a depth of less than 3 feet.

“Slab anchors” are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

“Special flood hazard areas” are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones

a) development;

The proposed development’s accessibility by ordinary and emergency vehicles A, AE or A1-30, AH, and AO.

“Start of Construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

“Stream channels” are depressed natural pathways through which water of any quantity routinely flows.

“Structural development” is a development that includes the placement or construction of a structure.

“Structure” means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must

use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

“Substantial improvement” is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure’s official status of “historical structure.”

“Uses vulnerable to floods” are simply any land or structural uses that may be negatively affected by a flood.

“Variance” is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

“Violation” - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

“Watercourse alteration” refers to any change that occurs within the banks of a watercourse.

“Water Surface Elevation” - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“X Risk Zones” are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

ARTICLE 2 ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The **Code Enforcement** of **Harrison Arkansas**, or his designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

- (v) **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
- (vi) **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
- (vii) **Review applications for Floodplain Development Permits** to:
 - a) Evaluate proposed projects for reasonable safety from flooding;
 - b) Evaluate proposed projects for conformance with No Adverse Impact principles;
 - c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
 - d) Ensure that proposed projects conform to the applicable provisions of this Code.
- (viii) **Approve or deny applications for Floodplain Development Permits** on the basis of:
 - e) The proposed development's compliance or non-compliance with the provisions of this Code;

- f) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
 - g) The proposed development's susceptibility to flood damage;
 - h) The proposed development's compatibility with existing and planned community during flooding events;
 - i) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
 - j) The proposed development's functionally dependent use;
 - k) The relationship of the proposed use to the comprehensive plan for that area.
- (ix) **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)
 - (x) **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
 - (xi) **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)
 - (xii) **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
 - (xiii) **Issue Certificates of Compliance.**
 - (xiv) **Maintain all records and documents pertaining to this Code for public inspection.**

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A **Floodplain Development Permit** is **required** for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code.**

SECTION D. PERMIT PROCEDURES

- (1) **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
- (2) The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependant upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.
- (3) The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within **Harrison, Arkansas** the designated Appeal Board is the **Planning Commission**

SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIREMENTS OF THIS CODE

(1) Applicants must submit petitions for variances directly to the Appeal Board (Section E).

(2) Variances may only be issued:

- a) if showing a good and sufficient cause;
- b) granting of the variance will not result in any adverse impact upon other lands;
- c) if granting of the variance will not result in any additional threats to public safety;
- d) if granting of the variance will not result in extraordinary public expense;
- e) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
- f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
- g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
- h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.

(3) Variances may not be issued for developments inside a regulatory floodway unless

- a) all requirements of 44 CFR §65.12 are first met; or
- b) the following requirements are met:
 - 1. a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
 - 2. protective measures are employed to minimize damages during flooding events; and
 - 3. the variance does not result in any adverse impact to other lands.

(4) Examples of developments for which variance petitions may be appropriate include but are not limited to

- a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
- b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
 - 1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
 - 2. the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:
 - 1. the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION F. APPEAL BOARD

- (1) Within **Harrison, Arkansas** the **Planning Commission** is the designated Appeal Board.
- (2) The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
- (3) Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
- (4) Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.

- (5) Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
- (6) Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

ARTICLE 3 PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements shall be designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. **All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;**
3. **All new construction or substantial improvements shall be constructed with materials resistant to flood damage;**
4. **The placement or construction of all new structures must be in full compliance with the provisions of this Code**
5. For the purposes of this Code, all **mixed-use structures are subject to the more stringent requirements of residential structures.**
6. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
7. **Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.**

8. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
9. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
10. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.
11. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
12. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
13. **Construction of basement foundations in any Special Flood Hazard Area is prohibited.**
14. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either
 - (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
 - (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a **residential subdivision, commercial business park or manufactured home park/subdivision** must have **public utilities and facilities such as sewer, gas, electrical and water systems** located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

(1) In AE or A1-30 Risk Zones: **Special Flood Hazard Areas with base floods determined**

a) For Residential Structures in Zone AE or A1-30:

1. For all new residential structures, the top surface of the lowest floor must have an elevation **1 foot** above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

b) For Nonresidential Structures in Zone AE or A1-30:

1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated **1 foot or more** above the base flood level or
 - b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below **an elevation of 1 foot above** the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) **For Manufactured Homes in Zone AE or A1-30:**

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **1 foot or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is **1foot or more** above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

d) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted **within Zones A1-30 and AE** on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(2) Floodways

High risk areas of stream channel and adjacent floodplain

- a) **Developments** in regulatory floodways are **prohibited, unless**
 - 1. A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, **is submitted** to demonstrate through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; **or**
 - 2. **All requirements of 44 CFR §65.12 are first met.**
 - b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.
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(3) In AH or AO Risk Zones:

Special Flood Hazard Areas of shallow flooding

- a) **For Residential Structures in Zones AH or AO:**
 - 1. All new residential structures must be constructed with the top surface of the lowest floor elevated **1 foot or more** above the published BFE, or **1 foot or more** above the highest adjacent grade in addition to the depth number specified (at least 1 foot if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

b) **For Nonresidential Structures in Zones AH or AO:**

1. All new commercial, industrial or other nonresidential structure must either:
 - a. have the top surface of the lowest floor elevated **1 foot or more** above the published BFE, or **1 foot or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or
 - b. be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below **1 foot or more** above the published BFE in Zone AH, or **1 foot or more** above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

c) **For Manufactured Homes in Zones AH or AO:**

1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **1 foot or more** above the published BFE, or **1 foot or more** above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:
 - a. the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

- d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.
 - e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.
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(4) In "A" Risk Zones:

Special Flood Hazard Areas with no base flood elevations determined

- a) **In Zone A, The applicant or the applicant's agent must determine a base flood elevation prior to construction. The BFE will be based on a source or method approved by the local Floodplain Administrator.**
- b) **For Residential Structures in Zone A:**
 - 1. For all new residential structures, the top surface of the lowest floor must have an elevation **1 foot or more** above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.
 - 2. For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.
- c) **For Nonresidential Structures in Zone A:**
 - 1. All new commercial, industrial or other nonresidential structures must either:
 - a. have the lowest floor (including basement) elevated **1 foot or more** above the base flood level or

- b. be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - c. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- 2. For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.
 - 3. For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

d) For Manufactured Homes in Zone A:

- 1. All manufactured homes that are placed or substantially improved on sites:
 - a. outside of a manufactured home park or subdivision,
 - b. in a new manufactured home park or subdivision,
 - c. in an expansion to an existing manufactured home park or subdivision, or
 - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **1 foot or more** above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:
 - a. the lowest floor of the manufactured home is **1 foot or more** above the base flood elevation, or
 - b. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 3. For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.
 4. For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.
- e) **Base flood elevation data and a regulatory floodway**, utilizing accepted engineering practices, shall be generated for subdivision proposals and other proposed development including the placement of **manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**, if not otherwise provided.

(5) INSURANCE RATE VARIABLES:

Although the Harrison Flood Code Requires that Floors of Residential and Non Residential be at a minimum of 1'-0' above BFE, please review Insurance rates for Placing Floor Elevations at 2 or 3 feet above BFE. Significant rate decreases are Available for increased Floor Elevations above 1 foot.

