EXHIBIT
A

IMPROVEMENTS

§ 152.160 GENERAL PROVISIONS.

(A) Generally. The subdivider shall be required to install improvements, where the need for such improvements is created in whole or in part by the proposed subdivision, in accordance with § 152.161. For the purposes of this section, an OFF-SITE IMPROVEMENT shall mean any improvement listed in these regulations which are to be installed on property located outside the proposed subdivision.

(B) Installation. Any improvements required shall be installed according to city standards; provided improvements to roads located outside the city's corporate limits but within the city's planning area shall be installed to county standards. The subdivider shall be required to bear that portion of the cost of improvements which bears a rational nexus to the needs created by the subdivision.

(C) Proportionate share. At the time the Planning Commission grants preliminary plat approval, the Planning Commission shall determine whether the proposed subdivision creates a need for improvements and the portion of the cost of any needed improvements which the subdivider shall be required to bear; provided, that portion of the cost of improvements to roads located outside the city's corporate limits but within the city's planning area shall be determined by the county. In determining that portion of the cost of improvements which the subdivider shall be required to bear the Planning Commission shall consider the acreage within the proposed subdivision as a percentage of all the acreage which, when fully developed will benefit from the offsite improvements; provided, the Planning Commission may use a different method of measurement if it determines that use of the acreage standard will not result in the subdivider bearing that portion of the cost which bears a rational nexus to the needs created by the subdivision.

§ 152.161 DETERMINING NECESSITY FOR 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 subdivider shall be responsible for contributing his or her proportionate share of the cost of improving the substandard access roads or streets to existing city standards. The subdivider's proportionate share of the costs shall be determined by the Planning Commission in accordance with the provisions of § 152.160.

(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 subdivider shall be responsible for contributing his or her proportionate share of the cost of improving the street or road to existing city standards. The Planning Commission shall determine the subdivider's proportionate share of the costs in accordance with the provisions of § 152.160.

(C) Drainage. Drainage improvements shall be required whenever a proposed subdivision causes the need for such improvements.

(D) If minimum lot size created by preliminary plat exceeds ten acres the Planning Commission may waive certain requirements.

§ 152.162 FEE IN-LIEU FOR DELAYED IMPROVEMENTS.

If the Planning Commission determines that a needed improvement cannot be built until future development occurs, the subdivider shall pay to the city an amount determined by the Planning Commission in accordance with the standards prescribed in § 152.160 above to be the developer's proportionate share of the cost of the improvements as of the date of final plat approval. The city shall deposit the money into an interest-bearing escrow account until such time as the improvement is constructed. If the improvement is not constructed within five years from the date of the first payment into the escrow account by a subdivider, the Planning Commission shall hold a public hearing, after notifying all affected property owners, to determine the disposition of all money in the escrow account. Following the public hearing, the Planning Commission may:

(A) Determine that the improvement is still necessary and feasible and can be built within a reasonable time, in which case the escrow account shall be continued for a period specified by the Planning Commission; or

(B) Determine whether the improvement is not necessary, or will not be feasible, or that insufficient development has occurred to render the improvement likely in the foreseeable future, in which case the Planning Commission shall either:

(1) Refund the money in the escrow account, with accumulated interest, to the subdividers who made the contributions; or

(2) Distribute the money in the escrow account on a pro rata basis to the property owners who purchased lots in the subdivision(s) and the subdivider(s); or

(3) With the written consent of a majority of the property owners who have purchased lots in the subdivision(s) and the subdivider(s), direct that money in the escrow account be utilized for a different purpose which will specifically benefit the neighborhood.

§ 152.163 WAIVERS.

A subdivider may petition the Planning Commission for a waiver of improvement requirements in whole or in part on one or more of the following grounds:

(A) No plans for upgrading. The city has no plans for upgrading the substandard street or road on which improvements are proposed to be required by the subdivider.

(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 subdivider.

(C) Alternate improvements. The subdivider proposes alternative 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.

§ 152.164 OFF-SITE IMPROVEMENTS TO STATE HIGHWAYS AND HIGHWAYS MAINTAINED BY THE STATE HIGHWAY AND TRANSPORTATION DEPARTMENT.

The subdivider shall be required to dedicate sufficient right-of-way to bring those state highways which the Master Street Plan shows to abut or intersect the proposed subdivision into conformance with the right-of-way requirements of the Master Street Plan. The subdivider shall be required to install a sidewalk adjacent to that portion of a state highway abutting the proposed subdivision; provided, the subdivider shall be permitted to make a cash contribution in lieu of actual installation, which contribution shall be an account equivalent to the estimated cost of constructing the required sidewalk as of the date of final plat approval; and, provided further, that the Planning Commission may waive the sidewalk requirement prescribed by this section upon application by the subdivider and a determination by the Planning Commission that the topography of the proposed subdivision where it abuts a state highway is such that installation of a sidewalk is not practical. No other improvements to state highways shall be required of the subdivider unless required by the State Highway and Transportation Commission.

§ 152.165 MINIMUM IMPROVEMENTS BY APPLICATION TYPE.

The property owner/developer shall be responsible for constructing the following minimum improvements:

(A) Incidental Subdivisions

(1) Dedication of Right-of-Way. Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property into conformance with the right-of-way requirements of the 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 City Council accepts all streets and alleys located in Tontitown that have been previously approved and accepted as dedications by the Planning Commission. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Planning Commission.

(2) Monuments and Lot Stakes. The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(3) Water, Sewer, or Street Frontage. Any lot that is created shall have adequate street frontage or street access that meets the minimum requirements of the zoning code, and access to public water and sewer as required by city and state code. If a lot split would create or exacerbate a nonconforming situation (such as cutting off a lot from public water, sewer, street frontage, or street access), the lot split may not be filed of record until the required easement is dedicated and/or the infrastructure is first constructed to city specifications, or a variance or waiver is granted by the Planning Commission.

(B) Preliminary/Final Plat; Large Scale Development.

(1) Dedication of Right-of-Way. Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property into conformance with the right-of-way requirements of the 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 City Council accepts all streets and alleys located in Tontitown that have been previously approved and accepted as dedications by the Planning Commission. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Planning Commission.

(2) Monuments and Lot Stakes. The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, General Procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(3) Streets.

(a) On-Site. Improving the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.

(b) Off-Site. Street improvements and/or new street construction off-site may be required to address traffic impacts based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving shall be completed according to existing city standards and specifications as adopted by the City Council.

(c) Private Street Name Signs. Where a structure is addressed on a private street or drive, the developer or property owner(s) shall be required to install, maintain, repair and replace all private street name signs. Any private street name sign existing at the time of passage of this ordinance shall be maintained, repaired and replaced as required by this section. Signs shall meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) and shall be installed at all street/drive intersections. Unless approved otherwise, all signs shall be retroreflective and utilize a white legend on a green background.

(4) Curbs and Gutters.

(a) On-Site. Curbs and gutters shall be constructed adjacent to the project frontage according to existing city standards and specifications as adopted by the City Council.

(b) Off-Site. Curbs and gutters off-site may be required to address drainage and/or traffic impacts based on the rough proportion and rational nexus to impacts of the project. Curbs and gutters shall be constructed according to existing city standards and specifications as adopted by the City Council.

(5) Traffic Signals. As determined to be needed based on the rough proportionality and rational nexus of the impacts of the development.

(6) Sidewalks.

(a) Sidewalks shall be installed along the property street frontage and along new interior streets according to existing city standards and the Master Street Plan as adopted by the City Council.

(b) Off-Site. Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.

(7) Grading and Storm Drainage System.

(a) The developer shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.

(b) All drainage facilities shall be so designed to serve the entire drainage area per the specifications found in the city's Drainage Criteria Manual.

(c) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.

(d) The City Engineer shall approve all drainage features.

(e) Culverts and Bridges. Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.

(8) Water Supply.

(a) Accessible Public Water Supply. When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development shall be provided with a connection to said public water supply. All connections shall be approved by the Public Works Director. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

(b) Nonaccessible Public Water Supply. Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the developer must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision or development. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street.

(c) Fire Hydrants. Fire hydrants for single-family dwellings and duplexes shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 800 feet, and no lot is more than 400 feet from a fire hydrant. Fire hydrants for apartment complexes, commercial structures, and industrial structures shall be installed so that the distance between two (2) consecutive fire hydrants does not exceed 600 feet; provided, the Fire Chief shall have the authority to require additional fire hydrants upon a determination that such additional fire hydrants are necessary to provide adequate fire protection.

(9) Sanitary Sewer System.

(a) Public Sanitary Sewer Accessible. Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.

(b) Public Sanitary Sewer Not Accessible. Where a subdivision, lot split, or other development is proposed to utilize individual septic systems:

(i) Lot Splits Resulting in Lots Less Than 1.5 acres. Prior to the city stamping the lot split document for approval, a letter from the Arkansas Department of Health is required verifying approval of soil tests and that the property could be developed with a septic system.

(ii) Prior to the city signing a final plat a letter from the Arkansas Department of Health is required indicating approval of the overall plan for the utilization of either onsite wastewater systems or individual septic permits.

(iii) Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions, lot splits, and development plans.

(10) Other Infrastructure Improvements. Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by the City Engineer.