

ORDINANCE NO. 2009-11

AN ORDINANCE AMENDING ZONING ORDINANCE 2004-6 AS AMENDED BY 2004-9, 2007-19, 2008-7, AND 2008-19 SPECIAL PROVISIONS, ARTICLE V, ADDING SECTION I. A SECTION CONCERNING BUFFER PROTECTION OF RESIDENTIAL ZONES, ZONING VACATED LANDS, DECLARING AN EMERGENCY THEREFOR, AND FOR OTHER PURPOSES.

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

I.

DEFINITION

ALLEY: a public passage or way affording a secondary means of vehicular access abutting property and not intended for general traffic circulation.

BUFFER PROTECTION: a landscaped area or fence intended to separate and partially obstruct the view of two adjacent land uses of properties from one another.

EASEMENTS: A property interest granted to a public utility company, the City or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to, utilities, drainage, and pedestrian or vehicular access. A person may build over a utility easement at his/her own risk.

II.

SECTION I.

BUFFER PROTECTION OF RESIDENTIAL ZONES

1. All interior sides and/or the rear of a lot zoned C-2, C-3, or I-1 which abutts a residential use zoning district shall be enclosed with an opaque, ornamental fence, a wall, or dense evergreen hedge having a height of not less than five (5) feet nor more than seven (7) feet at the time of planting, except as controlled by visibility requirements of Article V, Section E. Such fence, wall or hedge shall be maintained in good condition and shall be kept pruned.

2. Further buffer protection as appropriate for these zones shall be provided by increased set back requirements at the issuance of building permits as deemed necessary and as required by the Planning and Zoning Commission.

3. The buffer protection requirement may be waived by the Building Inspector if the adjoining residential property owner(s) object to the placement of said buffer. The adjoining owner(s) shall submit a letter to the Building Inspector, signed by all owners of said property, stating such objection.

III.

VACATION OF PUBLIC EASEMENT

Whenever a street, alley or other public easement or right of way is vacated, the zoning district classification of the property to which the vacated portions of land accrue shall become the zoning district classification of the vacated.

IV.

EMERGENCY CLAUSE

It is urgent that the City of Ozark comply with current Arkansas law and that it have comprehensive, viable, and explicit codes to protect the health and safety of its citizens and the protection of property within the city. Therefore, an emergency is declared to exist and the ordinance being necessary for the immediate protection of said public peace, health and safety, shall take effect immediately upon its passage and approval.

IT IS SO ORDAINED UPON ITS PASSAGE ON THE 11th DAY OF May, 2009.

Vernon McDaniel
VERNON McDANIEL, Mayor

ATTESTED:

Carol Sneath
CAROL SNEATH, City Clerk