

## **TITLE 15**

### **SUBDIVISION REGULATIONS**

#### **Chapters:**

- 15.04 Purpose and Intent, Authority Jurisdiction
- 15.08 Procedural Requirements
- 15.12 Sketch Plan and Plat Requirements
- 15.16 Design Standards
- 15.20 Improvements
- 15.24 Definitions
- 15.28 Administration

#### **CHAPTER 15.04**

### **PURPOSE AND INTENT, AUTHORITY, JURISDICTION**

#### **Sections:**

- 15.04.01 Purpose and intent
- 15.04.02 Authority
- 15.04.03 Jurisdiction

15.04.01 Purpose and intent These subdivision regulations have been prepared to help insure logical community growth and to provide one instrument for the implementation of the general plan. Proper enforcement of these regulations will benefit the city, the developer, and the future landowners by insuring that future land development will be conceived, designed, and developed in accordance with sound rules and proper minimum standards. It is the intent of these regulations to lessen the congestion on the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; and to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements.

15.04.02 Authority These subdivision regulations are adopted in accordance with the authority granted by Act 186 of 1957 General Assembly of the State of Arkansas (A.C.A. 14-56-402 – 14-56-401). Act 186 states that, following the adoption and filing of a "General Plan" indicating the major street system, the Planning Commission may prepare and shall administer regulations controlling the development of land.

15.04.03 Jurisdiction These regulations shall apply to all forms of development as defined in Chapter 15.24 hereof. They shall be applicable to all land with the planning jurisdiction of the city as indicated on the "planning area map" adopted by the Planning Commission.

## **CHAPTER 15.08**

### **PROCEDURAL REQUIREMENTS**

#### **Sections:**

- 15.08.01 Sketch plan
- 15.08.02 Preliminary plat preparation
- 15.08.03 Preliminary plat approval
- 15.08.04 Final plat
- 15.08.05 Final plat approval
- 15.08.06 Expiration of preliminary plat approval

**15.08.01 Sketch plan** When a developer intends to develop land within the meaning of these regulations, he shall submit to the secretary of the Planning Commission, prior to the regular meeting, a sketch plan of the land to be developed. The sketch plan shall indicate the type of development proposed and a general description of the land to be developed. The requirements for the sketch plan are contained in Chapter 15.12.

**15.08.02 Preliminary plat preparation** After the Planning Commission has approved the sketch plan, the developer may proceed with the preparation of the preliminary plat. The preliminary plat shall conform to the plat requirements, design standards, and improvement requirements as contained in these regulations. The plat, when prepared and accompanied by supporting documents, shall be presented to the Planning Commission at least five (5) days prior to its regular meeting for its approval.

**15.08.03 Preliminary plat approval** Upon meeting the plat requirements, and design standards, the plat shall be given preliminary plat approval in writing by the Planning Commission. This preliminary plat approval shall permit the developer to proceed with the installation of required improvements and preparation of the final plat.

#### **15.08.04 Final plat**

- A. Prior to final plat approval, the developer shall provide written certification of the completion of all the required improvements.
- B. After compliance with the improvement requirements, the subdivider shall present the following items to the secretary of

the Planning Commission at least five (5) days prior to the meeting at which consideration is requested.

1. An official plat, or map, suitable for filing containing data required by Chapter 15.12. If the plat is to be for only a portion of the land intended for development, at least a sketch layout for the entire area to insure that the purpose and intent of these regulations are complied with.
2. Evidence of compliance with installation requirements, see Chapter 15.20. Improvements.

15.08.05 Final plat approval The Planning Commission shall approve or disapprove this final plat within the thirty (30) days after its submission. If the plat is disapproved, the grounds for disapproval shall be stated in writing.

15.08.06 Expiration of preliminary plat approval Preliminary plat approval shall expire one (1) year from the date of approval by the Planning Commission, provided there is no performance in required improvements on the part of the subdivider.

## **CHAPTER 15.12**

### **SKETCH PLAN AND PLAT REQUIREMENTS**

Sections:

- |          |   |
|----------|---|
| 15.12.01 | Information to be shown on sketch plan and plat   |
| 15.12.02 | Information to be submitted with preliminary plat |
| 15.12.03 | Bill of assurance                                 |
| 15.12.04 | Scale   |
| 15.12.05 | Right of planning commission to have survey made  |

15.12.01 Information to be shown on sketch plan and plat Whenever the letter "X" appears opposite an item, that information shall be shown on such sketch plan or plat at the time the plat is presented to the secretary of the Planning Commission.

	<u>Sketch plan</u>	<u>Preliminary plat</u>	<u>Final plat</u>
Name of subdivision	x	x	x
Boundary of subdivision with legal description of enclosed property	x	x	x
Area map indicating the relation of the proposed subdivision to the rest of the city	x		
General location of streets within the subdivision	x		
General size and shape of lots	x		
Ownership(s) of property adjacent to subdivision if not platted	x	x	x
Names and addresses of owner(s), developer(s) and surveyor(s)		x	x
Acreage in subdivision tract	x	x	x
Date, map scale, and north arrow		x	x
Location of property owned or to be dedicated or reserved by public entities or by utilities when within or adjacent to the subdivision	x	x	x
Location of areas subject to flooding or any other impairment to the health or safety of citizens within the boundaries of the subdivision	x	x	
Contour lines at one (1) foot contour intervals		x	
Location of all streets (names to be indicated), alleys and easements within, interconnecting, and bordering subdivision tract		x	x
Dimension of streets, alleys, easements, block, parcel and lot lines and subtended angles		x	x
Fearing of all lines not parallel or perpendicular to lines of known bearing			
Location of monuments			x
Location of building lines		x	x
Legal description, lot and block			x
Certification of registered engineer, or a qualified surveyor approved by the City Council		x	x

15.12.02 Information to be submitted with preliminary plat The following information, when required by the city, shall be submitted with the preliminary plat or written certification that these items have been prepared and will be studied by the appropriate agencies:

- A. Two prints of detailed water line plans, dimensions and fire hydrant locations.
- B. Two prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements.
- C. Street sign standards and locations.
- D. State Health Department approval of the water supply and/or sewerage system if the requirements of the subdivision is to be met by any other means than by connection to a water supply system or sewerage system operated by the local public agency.
- E. Two prints of the plan and profile of each proposed street in the subdivision with grade indicated.

15.12.03 Bill of assurance

- A. The subdivider shall submit for the approval of the Planning Commission a bill of assurance including but not limited to the following:
  - 1. Dedication of streets and alleys, parks, and other lands for public use.
  - 2. Establishment of easements.
  - 3. A provision that the platting as filed for record cannot be changed unless vacated.
- B. The subdivider shall be required to file with the County Recorder the bill of assurance as approved by the Planning Commission at the same time the plat is filed for record.

15.12.04 Scale The plats shall be drawn to a scale of one (1) inch equals one hundred (100) feet on sheets not larger than 22" x 34" or of an approved size to correspond to local plat book dimensions.

15.12.05 Right of Planning Commission to have survey made The Planning Commission may have a survey made of the boundary of the subdivision to determine if said description is correct. In the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the Planning Commission.

**CHAPTER 15.16****DESIGN STANDARDS****Sections:**

- 15.16.01 Conformance with official plans
- 15.16.02 Streets
- 15.16.03 Alleys
- 15.16.04 Easements
- 15.16.05 Blocks
- 15.16.06 Lots
- 15.16.07 Nonresidential development

15.16.01 Conformance with official plans The Planning Commission shall check all subdivisions against the following standards of design. This criterion will encourage development that is safe, convenient, and economical. Wherever unusual conditions exist so that strict application of these standards would cause hardship or injustice, the Planning Commission may vary from the requirements so long as the public welfare, the interests of the city and county, and the intent of these regulations are preserved.

- A. The subdivision shall conform to all plans proposed for that type of development as indicated on the "General Plan".
- B. For a period of twelve (12) months after the filing of the letter of intent by the subdivider, the Planning Commission may require the subdivider to reserve sites for public use as indicated on a plan to permit the public board, commission or body having jurisdiction or financial responsibility, the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of eminent domain.

15.16.02 Streets

- A. The character and location of all streets shall conform with the "General Plan" including the minimum width of rights-of-way which are:

1. Arterial system
    - (a) Expressway 120 feet
    - (b) Major system
      - undeveloped 100 feet
      - developed 80 feet
  2. Collector system
    - undeveloped 80 feet
    - developed 60 feet
  3. Local system 50 feet
- B. For streets not indicated on official plans, the arrangement of streets in the subdivision shall provide for the continuation or appropriate projection of existing principal streets in the surrounding area except where topographical or other conditions make continuance or conformance to existing streets impractical.
- C. The location and alignment of minor streets should be such that their use by through traffic will be discouraged.
- D. The Planning Commission may limit the points of access on arterial streets.
- E. Street intersections should be, insofar as practical, at right angles.
- F. Street jogs and center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- G. Property lines at street intersections shall be rounded with a radius of ten (10) feet, or of a greater radius where the Planning Commission may deem it necessary.
- H. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Commission finds will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- I. A cul-de-sac should not be longer than five hundred (500) feet and shall be provided at the closed end with a turnaround having a property line radius of not less than fifty (50) feet.
- J. Stub streets designed to connect with future development shall provide a temporary easement for a turnaround.

- K. No street grade shall be less than one-half of one percent (.5%).
- L. Street location shall be such as to provide each lot with the desirable elevation, size and shape which will permit property setback of structures and their satisfactory placement on the lot.

#### 15.16.03 Alleys

- A. The width of an alley shall not be less than twenty (20) feet.
- B. Where alleys are provided:
  - 1. Intersections and sharp changes in alignment shall be avoided.
  - 2. Deadends shall be avoided where possible.

#### 15.16.04 Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12) feet wide.
- B. Where a subdivision is traversed by a watercourse drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith.

#### 15.16.05 Blocks

- A. The use of rectangular blocks is encouraged in the interest of economy to the developer and to the city in future maintenance of streets and other utilities.
- B. Provisions shall be made for utility easements, when necessary at the rear of lots when alleys are not desired.

#### 15.16.06 Lots

- A. Residential lots where served by public sewer shall not be less than seventy-five (75) feet wide at the building setback line nor less than seven thousand five hundred (7,500) square feet in area.
- B. Residential lots where not served by public sewer shall not be less than one hundred (100) feet wide at the building setback line nor less than fifteen thousand (15,000) square feet in area, unless approved by the State Board of Health.



- C. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. Each lot shall have satisfactory access to a public street.
- F. Residential lot shall have a minimum building line of thirty (30) feet from all street property lines.
- G. No building shall be built between the building line and the property line.

15.16.07 Nonresidential development

- A. Areas within subdivisions not intended for residential use shall be clearly identified on the plat.
- B. A nonresidential use area must meet the zoning requirements of the zone in which it is located.
- C. Before nonresidential use or uses can be established in the area designated, a plan of development must be presented to the Planning Commission for approval. This plan of development shall include but is not limited to:
  - 1. Location and use of structure or structures on the lot or parcel.
  - 2. The means of ingress and egress to public streets and highways.
  - 3. Location and dimensions of drives and parking areas.
  - 4. Other improvements contemplated.
- D. An approved plan of development is required in advance to the actual installation of the use, not prior to subdivision plat approval.

## **CHAPTER 15.20**

### **IMPROVEMENTS**

#### **Sections:**

15.20.01	Improvement costs
15.20.02	Water
15.20.03	Sanitary sewers
15.20.04	Drainage
15.20.05	Monuments
15.20.06	Street improvements
15.20.07	Certification of installation

**15.20.01 Improvements costs** The developer shall install all improvements that are required by the City Council. He shall submit to the Planning Commission prior to final plat approval, one of the following in respect to each required improvement:

- A. Evidence of installation of improvements in the form of a certificate containing the signature of the proper official or officials as to compliance.
- B. A performance bond based on equal value of the estimated cost of the improvements.
- C. A deposit with the city of a sum equal to the estimated cost of the improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various stages of his improvements.

**15.20.02 Water** Where public water is available to the subdivision, each lot in the subdivision shall be provided water in accordance with regulations established by ordinance of the City Council.

#### **15.20.03 Sanitary sewers**

- A. When a subdivision is located within the city limits, each lot in the subdivision shall be served by a sanitary sewer in accordance with regulations established by ordinance of the City Council.
- B. When the subdivision is outside of the city limits and/ or cannot be served by existing sanitary sewers, the disposal of sewage shall be provided in accordance with standards established by the Arkansas State Board of Health.

**15.20.04 Drainage** Each street shall be connected with public storm sewers or natural drainage channels.

15.20.05 Monuments Concrete monuments four (4) inches in diameter (or four (4) inches square) and thirty-six (36) inches long, with metal reinforcing rods the length of the monument, shall be placed with the top flush to the ground at all points of intersection of the boundary of the subdivision. The location of all monuments shall be shown on the final plat. Metal rods twenty-four (24) inches long shall be placed flush with the ground at each corner of every block or portion of a block, at points of curvature on street lines, and at all lot corners.

15.20.06 Street improvements Streets shall be improved by the subdivider in accordance with standards established by the City Council or other public authority as being minimum for acceptance of dedication and maintenance of streets.

15.20.07 Certification of installation The Planning Commission in cooperation with the city shall designate the official or officials who shall be responsible for certifying proper installation of required improvements.

## **CHAPTER 15.24**

### **DEFINITIONS**

#### **Sections:**

##### **15.24.01 Definitions**

15.24.01 Definitions For the purpose of these regulations, certain words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word "shall" is mandatory and not directive.

**Building line** A line parallel to the street right-of-way indicating the limit beyond which buildings or structures may not be erected.

**City** The city of Pottsville, Pope County, Arkansas.

**Cul-de-sac** A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

**Development and subdivision of land** Includes the extension or provision of utilities, the subdividing of land into lots and blocks, the parceling of land for nonagricultural purposes, and the dedication of rights-of-way and easements.

**Developer** Any person, partnership, company or corporation desiring to develop land within the purpose and intent of these regulations.

**Easement** A grant by a property owner to the public, a corporation or persons of the use of a strip of land for specific purposes.

**General plan** The comprehensive plan prepared and adopted by the Planning Commission and adopted by the City Council indicating the general local locations recommended for the various land uses, major streets, collector streets, parks, public buildings, and other public improvements.

**Improvements** Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

**Lot** A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.

**Plat** A map or drawing and accompanying material indicating the layout and design of a proposed subdivision containing information necessary to transfer, locate and survey all property therein, for consideration and approval by the Planning Commission.

**Sketch plat** A plat of a proposed subdivision indicating, in general, the area to be subdivided, the street layout, lots and blocks, and the general nature of improvements.

**Street** A dedicated public way designed for vehicular and pedestrian traffic and to provide access to abutting property.

## CHAPTER 15.28

### ADMINISTRATION

#### Sections:

- 15.28.01 Amendments
- 15.28.02 Fees
- 15.28.03 Enforcement

15.28.01 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 amendment or amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

15.28.02 Fees For each preliminary plat submitted, the fee shall be Ten Dollars (\$10.00) plus Fifty Cents (\$.50) for each lot, the maximum fee not to exceed Fifteen Dollars (\$15.00). For each final plat submitted, the fee shall be Five Dollars (\$5.00) plus Twenty-Five Cents (\$.25) for each lot, the maximum fee not to exceed Eight Dollars (\$8.00).

15.28.03 Enforcement After effective date of these subdivision regulations:

- A. No plat shall be accepted by the County Recorder for record unless approved by the Planning Commission.
- B. No utility (public or privately owned) shall extend its facilities to service an area unless one of the following applies:
  - 1. The extension is to an area where a subdivision plat of record existed prior to the effective date of these regulations.
  - 2. The installation or extension of utilities is to an area where a preliminary plat of record has been approved by the Planning Commission.
  - 3. The extension of utilities is along a public way in existence and use at the time of the effective date of these regulations, but the extension is not in a depth of greater than two hundred (200) feet from the public way.