

**SUBDIVISION REGULATIONS
VAN BUREN, ARKANSAS**

ORDINANCE NO. 7-2003

JOHN RIGGS, MAYOR

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AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF VAN BUREN, ARKANSAS, AND ITS AREA OF PLANNING JURISDICTION; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE-SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; PRESCRIBING PENALTIES FOR THE VIOLATION; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS:

I. GENERAL PROVISIONS

A. Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the sub-division of land under the jurisdiction of the Van Buren Planning Commission (hereinafter referred to as the "Planning Commission".)

B. Authority

These subdivision regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas.

C. The territorial jurisdiction of these regulations includes the land within the corporate limits of the City of Van Buren and those areas identified within the Van Buren Extraterritorial Jurisdiction Area as indicated on the Van Buren Extraterritorial Jurisdiction Area Map.

D. Where this ordinance addresses specific lots and set back dimensions, references are made to the Van Buren Zoning ordinance for this information and, where this ordinance addresses specific street design and construction criteria references are made to the Van Buren Master Street Plan for this information.

E. Definitions

For the purpose of these regulations, certain terms used herein are defined as follows:

1. Administrative plat approval - shall mean the approval and recording of a plat, at the direction of the chairman of the Van Buren Planning Commission, following a review by city staff and consensus determination that the plat meets the provisions outlined in these regulations. Administrative approval requires the signatures of the chairman and secretary of the city planning commission.
2. Alley- a minor public way used for utilities easements and vehicular service access to the back or the side of properties abutting a street.
3. Building Set-Back Line- a line parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.
4. Chairman – the Chairman of the Van Buren Planning Commission.
5. Cul-de-sac- a street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.
6. Developer- a person, firm or corporation undertaking to develop a subdivision as defined in these regulations.
7. Easement- a grant by a property owner to the public, a corporation, or persons of the use of a strip of land for a specific purpose.
8. Improvements- street grading and surfacing, curbs and gutters, water main and lines, sanitary and storm sewers, culverts and bridges.
9. Lot- a portion of a subdivision, or any parcel of land intended as a unit of transfer or ownership or for development.
10. Plan, City- the comprehensive plan made and adopted by the Planning Commission and accepted by ordinance by the City Council indicating the general locations recommended for the various land uses, major streets, parks, public buildings, zoning districts, and other public improvements.
11. Master Street Plan- a plan for streets made and adopted by the Planning Commission and accepted by the City Council by Ordinance classifying certain streets within the planning area jurisdiction as Local, Collector, Arterial (Minor), Arterial (Principal).
12. Plat- a map or drawing and accompanying material indicating the layout and design of a proposed subdivision prepared by a developer for consideration and approval by the Planning Commission. Such plats may be the preliminary plat or the final plat of major or minor subdivisions.

13. Street- a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.
 - a. Arterial Street- a street of greater continuity which serves or is intended to serve as a major traffic way, and is designated by the Master Street Plan.
 - b. Collector Street- a feeder route which carries the vehicles from minor and residential streets to thoroughfares, and is designated by the Master Street Plan.
 - c. Local Street- a neighborhood street within a particular area used primarily for access to individual properties.
14. Street, dead-end- a street, similar to a cul-de-sac, but providing no turnabout at its closed end.
15. Subdivision – within the corporate city limits shall mean the division of or the assimilation of one (1) or more parcels of land into two (2) or more parcels, building sites or other divisions for sale or building development, and outside the corporate city limits, but within the planning jurisdiction, shall mean the division of or the assimilation of one (1) or more parcels of land into two (2) or more parcels, building sites or other divisions for sale or building development when any one (1) of the resulting contiguous parcels in the ownership is reduced to less than five (5) acres. "Subdivision" also includes the development of land resulting in the need for access to lots and parcels, the need to provide or extend utilities, the need to improve adjacent infrastructure due to insufficient existing capacity and the added demand resulting from proposed development.
 - a. Minor subdivision- a minor subdivision is a subdivision with no more than two lots or is a re-plat of an existing subdivisions.
 - b. Major subdivision - a major subdivision is a subdivision with three or more lots.

II. PROCEDURE FOR MINOR SUBDIVISION PLAT APPROVAL

- A. The Chairman may authorize administrative plat processing of minor subdivisions when the subdivision is in compliance with all provisions of these regulations. The subdivision may be submitted for processing as a final plat unless it is determined by the Chairman that a preliminary plat is necessary. Minor subdivisions shall be subject to review and comment by the Subdivision Review Subcommittee of the Planning Commission prior to administrative plat approval. Final plats that are processed as minor subdivisions must be approved and signed by the Planning Commission Chairman and the Mayor.

- B. At any time following the submittal of a proposed minor subdivision, the developer has the option to submit the plat for processing as a major subdivision.
- C. Should a variance be requested from any of the requirements of the design standards or should an appeal be requested from any other section of these regulations, the proposed subdivision plan shall be processed as a major subdivision.
- D. A subdivision plat vacation and any subdivision re-plat which results in the elimination of or the reduction of any street right-of-way shall require approval of the City Council.
- E. A re-plat for the purpose of adjusting lot line locations or correcting scrivener's errors may be processed as a minor subdivision.

III. PROCEDURE FOR MAJOR SUBDIVISION PLAT APPROVAL

Three steps are involved in approval by the Planning Commission of a Major Subdivision; (1) approval by the Planning Commission, of a Preliminary Plat, (2) approval of construction plans and design specifications by the City Engineer, and (3) approval of a Final Plat by the Planning Commission and City Council.

A. Preliminary Plat

1. Submission

The developer shall submit to the Planning Commission twenty (20) copies of a preliminary plat, together with the pertinent supporting data, at least twenty (20) days prior to the meeting of the Planning Commission at which consideration is requested. The Subdivision Review Subcommittee of the Planning Commission will review the preliminary plat at least seven (7) days prior to the Planning Commission meeting, and make recommendations to the Planning Commission on the requirement of utility easements and street rights-of-way to serve the property under consideration.

a. General

- (1) Name of the subdivision
- (2) Boundary and boundary description of the subdivision
- (3) Names and addresses of the owner(s), developer(s), and the name of the registered engineer preparing the plat and the registered engineer's seal.

- (4) Minimum scale of plat, one (1) inch equals one hundred (100) feet, on sheets 18"x 24" or 24"x 36". The Planning Commission may allow legible half-sized, reduced scale copies of a plat for review purposes only.
- (5) Date, north arrow, and scale.
- (6) Vicinity map, at a legible scale, on Preliminary Plat, showing the location of all abutting streets and development and such further information surrounding territory as may be requested by the Subdivision Review Subcommittee of the Planning commission.

b. Existing Conditions

- (1) Location, width and name of each existing or platted street; railroad or other public way, and utility easements, parks and other public open space, and permanent buildings, within and adjacent to the proposed subdivision.
- (2) Location and size of existing sewers, water mains, culverts, or other underground installations within the proposed subdivisions and immediately adjacent thereto, when available.
- (3) Names of adjacent subdivisions and owners of adjacent parcels of not yet subdivided land.
- (4) Topography with contour lines at two (2) feet intervals.

c. Proposed Development

- (1) Names, location, and width of proposed streets and roadways and location and width of alleys, sidewalks, curb and gutters (if proposed) and utility easements.
- (2) Location and character of all proposed public utility lines, including sewers (storm and sanitary), water, gas and power lines, when available.
- (3) Layout, numbers and dimensions of lots.
- (4) Location and size of proposed parks, playgrounds, churches, or school sites or other special uses of land to be considered for dedication to public use, if any.
- (5) Building set-back lines with dimensions should be shown or noted.
- (6) Indication of any lots on which use other than residential is proposed by the developer.

(7) Approximate acreage of proposed subdivision.

d. Supporting Data

(1) Attach any pertinent supplementary information or data.

2. Review by Planning Commission

a. Approval or Rejection

Within ten (10) days after review by the Planning Commission, the developer shall be notified in writing whether the Preliminary Plat is approved. In case the Plat is not approved, the reasons for disapproval shall be given in writing. Failure of the Planning Commission to act on the Preliminary Plat within ninety (90) days from the date of application submission shall be deemed approval of the Preliminary Plat. Approval of the Preliminary Plat, however, does not constitute acceptance of the subdivision. Rather, it is authorization for the developer to proceed with the preparation and submission of construction plans and design specifications.

If the sub-divider desires to presently develop only a portion of the total area intended for development, the Planning Commission shall require preliminary plat approval for the entire area intended for development to insure compliance with the purpose and intent of these regulations.

b. Approval Period

The approval of the Preliminary Plat shall be effective only for a period of two (2) years, and thereafter as long as work is actively progressing on the installation of the required improvements. If the Final Plat has not been submitted for approval within this period, a new Preliminary Plat must be submitted to the Planning Commission for approval. When a subdivision is developed in phases and the Final Plat for any phase has not been submitted for approval within this two year period, a new Preliminary Plat for that phase must be submitted to the Planning Commission for approval.

B. Final Plat

1. Submission

After approval of the Preliminary Plat and submission and approval of the construction plans and design specifications, by the City Engineer, and the installation or provisions made for the installation of the required improvements as specified in Chapter V, IMPROVEMENTS, the developer shall submit to the Planning Commission a Final Plat for recording purposes, together with certificates and other supporting information. Such submission shall be at least

twenty (20) days prior to the Planning Commission meeting at which consideration is requested.

2. Copies of Final Plat

- C. Twenty (20) copies of the final plat shall be submitted to the Planning Commission for review. The final plat shall be drawn at a scale of " = 1 00' or larger, and shall be on a sheet size of 18"x 24ⁱ", 24" x 36", 30"x 42" or 22" x 34". Review copies of final plats may be 11 "x 17" if legible. One (1) copy of the final plat shall be submitted to the planning department in a PDF (Portable Document Format) file.

3. Information in Final Plat

The Final Plat shall show and contain the following information:

- a. Name of Sub-Division.
- b. Boundaries and legal description of property being subdivided. Boundary survey and legal description of platted property shall be certified and sealed by a Registered Land Surveyor licensed in the State of Arkansas.
- c. Names and addresses of the owner and developer.
- d. Acreage in subdivision tracts.
- e. Date, north arrow, and scale.
- f. Location and description of all monuments.
- g. Location of and names of all streets, highways, alleys, parks, or public purpose areas, if any, and easements with dimensions and proper legal description within the proposed subdivision.
- h. Location of all streets, and utility easements and areas for public uses, if any, to be dedicated.
- i. Dimensions and number of all lots.
- j. Bearings in degrees, minutes and seconds of all lot lines and street lines, as well as a basis on which the bearing system was determined.
- k. Street Curvature characteristics.

- l. Dedication of all streets, easements, alleys, parks and other lands for public use.
- m. Certificate of Ownership and Dedication (as defined in Article VI, paragraph H).
- n. Certificate of Approval of Water and Sewer System by the Municipal Utilities Department.
- o. Certificate of Approval of Streets.
- p. Certificate of Plat Acceptance from City Council.
- q. Lot Addresses shall be noted.
- r. Geo-referenced data including corner monuments tied to the coordinate system NAD 1983 StatePlane Arkansas North FIPS 0301 Feet.

4. Planning Commission Approval or Disapproval

The Planning Commission shall take action on a Final Plat within sixty (60) days after its submission subject to the requirements set forth in Chapter V, IMPROVEMENTS. The Planning Commission may recommend approval or disapproval of the plat to the City Council. If the Planning Commission recommends disapproval then the reasons for such action shall be recorded in the minutes of the Planning Commission meeting and those reasons shall be transmitted to the developer in writing.

A final plat recommended for approval by the Planning Commission shall be transmitted to the City Council for action. The City Council approval is required for its acceptance of the dedication of public streets, easements, alleys, parks and/or other public space located within the city.

If the developer desires to develop only a portion of the Plat granted preliminary approval, the Planning Commission may recommend Final Plat approval for the area the developer desires to develop at that particular time. (See Article V, paragraph G, Guarantee in Lieu of Installation of Improvements for other Final Plat approval conditions).

5. Recording the Final Plat

Pursuant to Section 5c, Arkansas Planning Law, Act 186-1957, "the county recorder shall not accept any plat for record without the approval of the Planning Commission." Following approval of the Planning Commission and acceptance by the City Council fifteen (15) copies of the filed of record Final Plat shall be filed with the City.

IV. MINIMUM DESIGN STANDARDS

A. Conformance with Official Plans

1. The subdivision plat shall conform to all design standards in effect. Construction plans and specifications shall conform to the minimum design standards in effect at the time of plan submittal and approval by the City. The approval of the construction plans shall be effective only for a period of two (2) years, and thereafter as long as work is actively progressing on the installation of the associated improvements. If the construction of the improvements has not commenced within this period, a new construction plan review and approval may be required by the Planning Commission.
2. The Planning Commission may recommend sites to be dedicated for public use within the boundaries of the proposed subdivision where the sites are shown on the Land Use Plan approved by the City Council. (see also paragraph H of this article).

B. Blocks

1. Width- blocks shall be wide enough to provide two tiers of lots of minimum depth, except where fronting on a major street or prevented by topographical conditions or the size of the property, in which case the Planning Commission may approve a single tier of lots.
2. Length- blocks shall not be less than 400 feet nor more than 1320 feet in length except where the Planning Commission considers it necessary to secure efficient use of the land or use of the land for a desired street pattern.

C. Lots

1. Size - As referenced in the Van Buren Zoning Ordinance for the Zoning classification of the proposed development.
1. Area - As referenced in the Van Buren Zoning Ordinance for the Zoning classification of the proposed development.
2. Width - As referenced in the Van Buren Zoning Ordinance for the Zoning classification of the proposed development.

D. Curb and Gutter

As referenced in the Van Buren Master Street Plan under the Design and Construction criteria.

E. Street Grading and Surfacing

As referenced in the Van Buren Master Street Plan under the Design and Construction Criteria.

F. Building Set-Back Lines

As referenced in the Van' Buren Zoning Ordinance for the classification of the proposed development.

G. Streets

All street design and construction shall be in accordance with the Van Buren Master Street Plan.

H. Parks and Recreational Areas

The Planning Commission may recommend the dedication of parks, open spaces, or recreational areas in accordance with the approved Land Use Plan, the subdivision is of sufficient size that such action would enhance the desirability of the area for residential purposes. All such areas shall be maintained at the expense of the City or other body which may be involved.

I. Suitability of Land

Land subject to flooding or topographically unsuitable for residential occupancy and which the Planning Commission considers inappropriate for subdivision use shall not be platted for that use or any other use that may increase danger to health, life or property, or aggravate erosion or flood hazard. If such land is in the proposed plat, this land shall be set aside for such uses as will not be effected by periodic flooding or unsuitable topographic conditions, unless adequate corrective methods are formulated by the developer and approved by the Planning Commission.

J. Utility Easements

1. Easements for the location of utilities may be required by the Planning Commission. A minimum easement shall be fifteen (15) feet in width. A greater easement width may be required by the Planning Commission.
2. No building or structure may be erected over, or in an easement.
3. The various utility firms shall be consulted pertaining to suitable locations of all utility easements.

4. Utilities to be located in an easement within or across a street right-of-way shall be platted and installed with the stub-out connections for each lot, or conduit installed to allow future installations before the surfacing of the street. (Ordinance 24-1976 - Passed and Approved 7-14-76).

V. IMPROVEMENTS

Before the Final Plat approval may be granted by the Planning Commission, the Developer shall have installed or shall have made provision to install, either at his expense or in accordance with the existing policy of the City, the following improvements, all of which must have prior approval by the Planning Commission. (see paragraph G, below).

A. Water Supply

Where an approved public water supply for domestic and fire protection uses is available or reasonably accessible or procurable, connections should be made with such water supply. Water system improvements shall be constructed in accordance with the Van Buren Municipal Utility Commission Master Water Plan. The developer shall furnish, install and pay all costs for fire hydrants in accordance with the Fire Protection Design Standards(Ord. No. 14-2002) and which meet rules and regulations of the Arkansas Fire Prevention Bureau. The subdivision shall be connected to a public water supply system in such a manner that an adequate supply of potable water is available to every lot within the subdivision. The water system plans and specifications shall be prepared by an engineer registered to practice in the State of Arkansas. Plans must to be approved by the State Board of Health and the appropriate water or utility department. (Ord. No. 7-1971).

B. Sewage Disposal

1. Sanitary sewer systems shall be constructed for any Subdivision located within a reasonable distance of public sewers. Sanitary sewer system improvements shall be constructed in accordance with the Van Buren Municipal Utility Commission Master Sewer Plan. The sanitary sewer system plans and specifications shall be prepared by an engineer registered to practice in the State of Arkansas. Plans must to be approved by the State Board of Health and the appropriate water or utility department
2. When the subdivision cannot be served by existing sanitary sewers, septic tank disposal or other approved disposal methods shall be provided in accordance with plans and specifications approved by the Utility Department Engineer and Arkansas State Board of Health.

C. Storm Drainage

Storm drainage improvements shall be constructed in accordance with the minimum design standards as established by the City Council. (Ord. No. 40-1980). Each subdivision developer shall submit an erosion control plan for construction activities and obtain storm water permits in accordance with federal, state or local ordinances or regulations.

D. Curb and Gutter

Curbs and gutters design and construction shall be in accordance with the Van Buren Master Street Plan.

E. Street Grading and Surfacing

Streets shall be constructed in accordance with the Van Buren Master Street Plan.

F. Monuments

Monuments shall be set indicating the location of each lot corner within the boundaries of the subdivision. At a minimum, these monuments shall consist of a metal rod at least eighteen (18) inches in length and one half (1/2) inch in diameter. These monuments shall be set in accordance with the Arkansas Minimum Standards for Property Boundary Surveys and Plats as published by the Arkansas Geological Commission, Land Survey Division. The surveyor's certificate placed on the final plat shall act as the certification that these monuments have been set in accordance with these standards.

G. Guarantees in Lieu of Installation of Improvements

The Planning Commission may approve the Final Plat (see Article III, paragraph B, 6) of a subdivision prior to the installation of all required improvements when the Developer deposits cash, a performance and payment bond, or an irrevocable letter of credit with the City in accordance with the City Bonding Procedure and Bond Agreement. Such deposits of cash, a performance and payment bond or irrevocable letter of credit with the City shall be in an amount equal to the estimated cost of improvements as determined by the City Engineer or other City Officials for the entire subdivision or portion thereof. Upon issuance of written notice of commencement of the "warranty" period (see Article V, paragraph J), the developer may withdraw any deposit made in lieu of installation of improvements. If construction of the bonded improvements has not commenced within two (2) years of the date of construction plan approval then the bond amount will be reviewed and the bond amount adjusted as necessary to cover the cost of improvements.

A Developer may request approval by the Planning Commission of a plan for incremental release of security for subdivision improvements. The incremental release plan must include milestones for completion of improvements and the associated release dollar amounts. Test data for completed improvements must be provided to the City Engineer and/or the Utility Department Director prior to release of any increment of security. Incremental release requests must be submitted to the City Engineer and/or the Utility Department Director for review and approval.

H. Engineer Certificate

In addition to any inspection made by the City of Van Buren, Arkansas, before any improvement is accepted for maintenance by the City of Van Buren, Arkansas, a Registered Engineer licensed in the State of Arkansas shall certify under his seal that said improvements meet the standards as set forth in the subdivision Ordinance.

I. Maintenance Warranty

Upon acceptable completion of all required subdivision improvements and prior to the commencement of the "warranty" period, the developer shall provide to the City a written maintenance warranty. The maintenance warranty must state that for a period of 12 months following written acceptance of the improvements by the City the developer will maintain, repair and reconstruct the subdivision improvements in whole or in part if failure occurs due to defective design, defective materials or workmanship. The maintenance warranty shall be in the amount of ten percent (10%) of the total construction cost of the subdivision improvements. A deposit of cash, warranty bond, or irrevocable letter of credit shall be made with the City by the developer to financially assure the maintenance warranty.

J. Maintenance Warranty Period

The maintenance warranty period shall be 12 months in duration and shall begin upon written acceptance by the City of the subdivision improvements. Written notice of commencement of the "warranty" period will be provided to the developer when the following items have been submitted to and accepted by the City:

1. Acceptable completion of all required subdivision improvements;
2. Written maintenance warranty document (see Article V, paragraph I);
3. Deposit of financial assurance of the maintenance warranty (see Article V, paragraph I);

4. Certified cost of improvements;
5. Quality control inspection and test results;
6. "As-Built" or record drawings;
7. Engineer's certification (see Article V, paragraph H);
8. Payment of all required fees.

At the end of the 12 month warranty period, if all warranty claims have been satisfied, the City will provide to the developer written notice of acceptance of maintenance responsibility for the subdivision improvements. Upon issuance of written notice of acceptance of maintenance responsibility by the City, the developer may withdraw any deposit made for financial assurance of maintenance warranty.

VI. ADMINISTRATION

A. Variances

Whenever the tract to be subdivided is of such unusual size, shape or topography, or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the Developer when such hardship is unique or peculiar to the tract of land, the Planning Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety and will not result in undermining the intent of these regulations. Such variances of the Subdivision Regulations must be noted in the minutes of the Planning Commission meeting.

B. Appeal

In the event a plat submitted by the applicant is disapproved by the Planning Commission, the applicant may petition the City Council for a review of the plat vote. The Council may sustain the disapproval of the Commission or refer the Plat back to the Planning Commission for additional study and action as may be consistent with the requirements of these regulations.

C. Severability

If any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason invalid, such decision shall not effect the validity of the remaining provisions of these regulations and the application of those provisions to any persons or circumstances shall not be effected thereby.

D. Enforcement

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

1. No plat of any tract of land within the Planning area jurisdiction of the Van Buren Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.
2. No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of this ordinance or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying metes and bounds without taking the necessary steps for filing an approved plat.
3. No street and right of way dedication shall be accepted by the City unless platted in accordance with these Subdivision Regulations.
4. No building permit shall be issued for construction of buildings within a subdivision until a final plat has been filed with the County Recorder.
5. No connection of permanent utility service to any building will be allowed prior to issuance of a Certificate of Occupancy by the Building Department. Temporary utility connections may be allowed for testing installed equipment. Temporary services shall be disconnected after testing is complete unless a Certificate of Occupancy has been issued.

E. Penalty

Violation of any of the provisions or regulations of this Ordinance shall be punishable as a misdemeanor with a fine of up to \$250.00. Each day that said violation continues shall be a separate offense and each day subsequent to the first day of the violation shall be punishable by a fine of up to \$250.00 per day.

F. 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 or reject the amendment or amendments as recommended by the Planning Commission. This ordinance may be amended by a majority vote of the City Council.

G. Fees

The Preliminary Plat submittal fees shall be Fifty dollars (\$50.00).

The Final Plat submittal fees shall be Fifty Dollars (\$50.00).

H. Certificate of Ownership and Dedication

1. The developer shall be required to file with the County Recorder the Certificate of Ownership and Dedication as approved by the Planning Commission at the same time the plat is filed for record.