

# **City of Russellville, Arkansas**

## ***Land Subdivision and Development Code***

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**SECTION 1.                    PURPOSE, AUTHORITY AND JURISDICTION.**

**1.1     Title.**

These regulations shall officially be known, cited, and referred to as the Land Subdivision and Development Code of the City of Russellville, Arkansas and shall hereinafter be referred to as "the Code."

**1.2     Policy.**

- A.     It is declared to be the policy of the City of Russellville hereinafter referred to as "the city" to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the Comprehensive Plan of the city for the orderly, planned, efficient, and economical development of the community.
- B.     Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
- C.     The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Zoning Code, the Five Year Capital Improvement Plan and other capital budgets and programs of the city. It is further intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building code, zoning code, Comprehensive Plan, Official Zoning Map, the Five Year Capital Improvement Plan and other capital budgets and programs of the city.
- D.     Land that has been subdivided prior to the effective dated of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations identified in Section 1.3

**1.3     Purposes.**

These regulations are adopted for the following purposes.

- A.     To protect and provide for the public health, safety, and general welfare of the city;
- B.     To guide the future growth and development of the Planning Area in accordance with the Comprehensive Plan, including the Master Street Plan and Five Year Capital Improvements Plan;

- C. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- D. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development;
- E. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- F. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard for the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- H. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- I. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish the mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- K. To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;

- L. To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning code of the city;
- M. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest; and
- N. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

**1.4 Authority.**

This Land Subdivision and Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426.

**1.5 Jurisdiction.**

These regulations shall be applicable to all lands within the city and its Planning Jurisdiction and, also, to lands either contiguous to or served by Russellville's city water or Russellville's city sewer. The Planning Jurisdiction will include those areas and depicted on the Planning Jurisdiction Map, copies of which are on file with the City Clerk of the city and the Pope County Recorder.

**1.6 Application.**

These regulations and development standards shall apply to the following forms of land subdivision.

- A. All subdivisions or platting of a tract lot parcel of land into two or more tracts, lots, sites, or parcels, any of which, when subdivided, shall contain less than five acres in area.
- B. The dedication or vacation of any street or alley through any tract of land regardless of the areas involved as may be desired by the owner or if necessary to achieve conformance with the Comprehensive Plan; or
- C. The construction of any street or public utility through any tract of land within the Planning Area Boundary of the city as stated herein.

**1.7 Exempted Developments.**

- A. The division of land into tracts of five acres or greater which does not involve the dedication, vacation, or reservation of any public or private easement, including

those of public or private utilities, through any of the tracts involved shall not constitute a subdivision.

- B. The Director of Public Works may exempt a minor purchase of a portion of an adjoining parcel where the size of the land being acquired is smaller in area than the minimum lot for the appropriate zoning and where it can be determined that the purposes of the Land Development and Subdivision Code are not being subverted.

### **1.8 Resubdivision of Land.**

- A. Procedure: Any change in an approved or recorded plat other than lot splits or recombinations shall be considered a resubdivision and subject to approval by the city. For resubdivision, the same rules, regulations, and procedures applicable to subdivision shall apply.
- B. Future resubdivisions: Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots may eventually be subdivided into smaller building sites, the city may require that such parcel of land allow for the future opening of streets and the extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement before plat approval is given.

### **1.9 Metes and Bounds.**

- A. No conveyance by metes and bounds of tracts of lots coming under the definition of subdivision without compliance with the applicable provisions of these amendments shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
- B. No building permit shall be granted nor public utilities provided to an parcel of land described by metes and bounds description unless the following are met:
  - 1. The applicant furnishes a legal deed for the property in question, and said deed being dated prior to May 14, 1998, and
  - 2. Written authorization is obtained from either the Director of Public Works or the City Attorney. If none of these staff persons grant such authorization, the request shall automatically be forwarded to the Planning Commission for consideration.

### **1.10 Enactment.**

In order that land may be subdivided in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of \_\_\_\_\_. All applications

for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider had constructed subdivision improvements prior to submission of the final plat as required by the municipality unless the Planning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

### **1.11 Interpretation, Conflict, and Separability.**

A. Interpretation. In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they were adopted.

1. Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, and the determinations of the Planning Commission or the Governing Body in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these or the determinations made under these regulations, then the private provisions shall operative and supplemental to these regulations and the determinations made

B. Separability. If any part of provision of these regulations or the applications of under the regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Russellville City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

### **1.12 Saving Provision.**

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any as vacating or annulling any rights obtained by any person firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

### **1.13 Reservations and Repeals.**

Upon the adoption of these regulations according to law, the Land Subdivision and Development Regulations of the city, Ordinance Number 1401, adopted July 9, 1992, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

### **1.14 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.

### **1.15 Public Purpose.**

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Arkansas to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

### **1.16 Variances, Exceptions, and Waiver of Conditions.**

A. General. Where the Planning Commission finds the extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions and waiver of conditions to these regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances, exceptions, and waiver of



conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
  2. The conditions upon which the request are based are unique to the property for which the relief is sought and are not applicable generally to other property;
  3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
  4. The relief sought will not in any manner vary the provisions of the Zoning Code, or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
  5. That in additions to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.
- B. Conditions. In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.
- C. Procedures. A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filled for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.
- D. Findings. Such findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

### **1.17 Appeals.**

Any petitioner who is denied a variance by the Planning Commission may appeal such denial to the City Council by submitting a notice of appeal to the Public Work Department within 60 days of the Planning Commission action. The Director of Public Works may appeal the granting of a variance, exception, or waiver of conditions to the City Council by

submitting a notice of appeal to the Mayor within 60 days of the Planning Commission action.

### **1.18 Enforcement, Violations, and Penalties.**

#### **A. General.**

1. It shall be the duty of the Director of Public Works to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violation of these regulations.
2. No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations and filed with the Clerk and Recorder of Pope County, Arkansas. In accordance with A.C.A. § 14-56-417, no plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record until the plat has been approved by the Planning Commission.
3. The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
4. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.

#### **B. Violation and Penalties.**

Any violation of these rules and regulations or any amendments hereto shall be a misdemeanor and the offender, upon conviction, shall be punished as for a misdemeanor. Each day any violation of these rules and regulations occurs shall constitute a separate offense. Any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to fine them not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense or violation. If the violation is continuous in respect to time, the maximum penalty or fine shall not exceed two hundred fifty dollars (\$250.00) for each day the violation may be unlawfully continued.

C. Civil Enforcement.

Appropriate actions and proceeding may be taken in 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 and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

**1.19 Vacation of Plats.**

- A. Any plats or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- C. Such an instrument shall be executed acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest al public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- D. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

## **SECTION 2.           DEFINITIONS.**

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

Alignment - The designated or optimally engineered location for the centerline of the street or roadway consistent with proper grade and curvature criteria.

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

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 - Security in the form of and limited to a cash deposit, surety bond underwritten by a bonding company licensed to do business in Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the city that can be unilaterally drawn upon by the city for the completion of proposed improvements by a developer.

Boundary Street - An existing street abutting on any side of the parcel of land being subdivided.

Boundary Street Improvements -All improvements and Right-of-Way Dedications necessary to meet the standards set forth in the city's Master Street Plan and the city's Storm Water Management Ordinance.

Building Line - The line within a property, which defines the minimum horizontal distance between the building and the adjacent property line.

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. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.

City - City of Russellville, Arkansas.

City Attorney, City Clerk, Director of Public Works - any office referred to in this chapter by title, i.e., City Attorney, City Clerk, Director of Public Works, etc., shall be the person so retained in this position by the city, or his duly authorized representative.

Commission - The word "Commission" or "Planning Commission" shall be the official city Planning Commission of the city.

Comprehensive Plan - The Comprehensive Development Plan for the city which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, traffic circulation, and community facilities.

County Recorder - The County Recorder of Pope County, Arkansas.

CNU – Congress for the New Urbanism.

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

Design Criteria - Standards that set forth specific improvement requirements.

Developer - See Subdivider.

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.

Five Year Capital Improvement Plan – A plan to be adopted by the City Council within 60 days of the adoption of this ordinance and thereafter in January of each year indicating those streets and street segments which are scheduled for construction or reconstruction within the stated five-year period.

Highways, Roads, & Streets - A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.

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.

Incidental Subdivisions – Lot splits, minor subdivisions, lot recombinations, replats, or one-lot subdivisions that do not require submittal to the Planning Commission but which may be approved by the Director of Public Works.

In-lieu-of Contribution – A cash contribution for required Boundary Street Improvements instead of immediate construction.

ITE – Institute of Traffic Engineers.

Large Scale Development - Developments of such scale or complexity, as set forth in Section 7.1, that they require individual review by the Planning Commission.

Lot - A distinct and separate undivided tract or parcel of land having access on a public street, which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site.

Lot, Corner - A lot located at the intersection of and abutting on two (2) or more streets.

Lot, Double Frontage - A lot which runs through a block from street to street and which has two (2) non-intersecting sides abutting on two (2) sides of a street.

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 which involves the dividing or re-dividing of a land area within any recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement. (See Section 6 for regulations pertaining to lot-splits.)

Master Street Plan - The most recently adopted street plan for the city.

Metes and Bounds Description - A portion of land not in a platted subdivision which is described by bearings and distances and is used as a lot with or without improvements required by the Planning Commission.

Minor Subdivision - A subdivision or replat of a subdivision involving ten lots or less, and in which no streets or easements are required, no waivers are requested, and the subdivision is not part of a larger tract to be developed in phases

One-Half Street Section - The area to the legal centerline of the required roadway. Where a clearly defined right-of-way does not exist, the Director of Public Works shall establish the centerline location.

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.

Plat - A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the planning board. Such plats may be the sketch plat, the preliminary plat, or the final plat.

Plat, Preliminary - Any plat of lot, tract, or parcel of land that is not to be recorded, but is only a proposed division of and that is presented only for review and study by the city; to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use; and the approval of which authorizes the developer to begin the construction of improvements.

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; which has been certified by a Professional Land Surveyor, and which is signed by the Planning Commission chairman, and which serves as an "as built" record of the subdivision.

Professional Engineer - A person who has been duly registered or licensed as a professional engineer by the State Board of Registration for Professional Engineers and Land Surveyors.

Professional Land Surveyor - Any person engaged in the practice of land surveying as defined in this section and who is licensed by the State Board of Registration for Professional Engineers and Land Surveyors.

Replanning - The resubdivision of any part of previously platted subdivision, addition, lot, or tract.

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 area of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, 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 right-of-way is established.

Right-of-Way Dedication - The dedication to the city of sufficient right-of-way as required by the most recently adopted Master Street Plan. Right-of-Way Dedication for Boundary Streets shall apply to the One-Half Street Section abutting a proposed subdivision or development.

Rural Estate Subdivision – A subdivision consisting of lots of one acre or greater.

Staff - The Director of Public Works or their appointed designee.

Street - A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties.

Street, Dead-end - A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

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.

Street, Collector - A street, which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial or business areas.

Street, Local Commercial - A street which is intended primarily to serve traffic within a limited commercial area, and which is not necessarily continuous through several commercial areas.

Street, Local Residential - A street which is intended primarily to serve traffic within a neighborhood or limited residential area, and which is not necessarily continuous through several residential areas.

Street, Minor Arterial - Minor arterial streets are of moderate length, and connect collector streets within an area and function for movement of traffic as well as land access service. These streets also generally provide access to the minor traffic attractions in the area such as medical centers and recreational area. The minor arterial street system should interconnect with and augment the principal arterial system.

Street, Principal Arterial - The principal traffic thoroughfares continuous across the city, which are intended to connect distant parts of the city or those adjacent thereto, and act as principal connecting streets with State and Federal highways. Each principal arterial street shall be designated on the Master Street Plan of the city.

Subdivider - A person, firm or corporation undertaking to develop a subdivision as defined in these regulations.

Subdivision - The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development.



**SECTION 3.            PRE-APPLICATION CONSIDERATION.**

**3.1      Procedural Requirements.**

- A.      Whenever any subdivision of a tract of land is proposed to be made, the subdivider or his agent may submit to the Staff sketch plans and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the subdivider as to the proposed layout and type of development.
- B.      No fees shall be collected for Pre-Application Consideration, the purpose being to acquaint the subdivider with city and county plans and policies in effect that would be significant to the proposed subdivision.
- C.      The subdivider may also elect to present the Sketch Plan to the Russellville Planning Commission. Approval of the sketch plat shall not be binding; however, the Planning Commission shall not unreasonably withhold approval of a Preliminary Plat that conforms substantially to an approved Sketch Plat.

**3.2      Plat Specifications.**

In conjunction with a pre-application conference with the staff, whether optional or required, the subdivider shall provide the following information:

- A.      Vicinity Map - The vicinity map, covering a radius of one-half (1/2) mile of the proposed plat at a scale of 1" = 2000' shall generally locate arterial streets and highways, section lines, railroads, schools, parks, and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- B.      Sketch Plan - The sketch plan, on a current topographic survey, (geodectic) shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.
- C.      Written Information - Written information, informally submitted, shall generally include the following: The applicant's name and address, the agent, acreage in the tract, area allocated to each land use, proposed bills of assurance, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, average lot size, location of street rights-of-way and easements and proposed infrastructure improvements.
- D.      Notification from City Corporation that water and sewer capacity is sufficient to serve the proposed development, or documentation supporting alternative sources of water and wasterwater treatment.
- E.      Fees and Forms - No application fees or special forms are required.

**SECTION 4.           PRELIMINARY PLAT REQUIREMENTS.**

**4.1     Application for Certificate of Preliminary Plat Approval.**

Whenever a subdivision or large scale development is proposed to be made and before any sale of lots located in said subdivision as a whole or any part thereof is made, or before building permits are approved, the subdivider shall first submit to the staff an application for a Certificate of Preliminary Plat Approval which shall consist of:

- A.     A letter of request, including requests for any variances from the regulations contained herein.
- B.     Plats, plans and data as specified in Section 4.8, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of development.
- C.     A filing fee amounting to one hundred dollars (\$100.00) plus two dollars (\$2.00) per lot not to exceed four hundred dollars (\$400.00).
- D.     Source of title to the property.

**4.2     Staff Review.**

- A.     The staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with this regulation. 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 they feel would enable the project to meet the purpose and intent of this Subdivision Regulation. 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.     The city staff shall distribute copies of the preliminary plat to other city departments with the request that their 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.     The subdivider may submit construction drawings subsequent to preliminary plat approval; during the time between plat approval and approval of construction drawings, clearing and grading activities may be carried out upon approval of an erosion control plan by the Director of Public Works.

#### **4.3 Construction Drawings.**

- A. The subdivider shall submit construction drawings for all improvements to be included in the proposed subdivision along with the preliminary plat. The subdivider may postpone submittal of construction drawings until after the preliminary plat is approved. A Notice to Proceed, however, shall not be issued until the Director of Public Works has received and approved construction drawings.
- B. Construction drawings shall include the plans and profiles for all streets, drainage, water, sewer and all utility easements, typical cross sections, detail drawings and specifications. The Director of Public Works or his designee shall review and approve the drawings and notify the Developer, Planning Commission, and Building Official's office of the result of this review.

#### **4.4 Planning Commission Action.**

The Planning Commission shall review preliminary plats at its regularly scheduled monthly meeting at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The Planning Commission shall then approve, conditionally approve, deny or defer the plat. Notification of decision and reason shall be provided in writing to the subdivider within five (5) working days of the Planning Commission's meeting. No construction may commence on any portion of the development until a Notice to Proceed has been issued by the Planning commission Chairman.

#### **4.5 Approval of the Preliminary Plat.**

- A. The preliminary plat will be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:
  - 1. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - 2. 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.
  - 3. 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.
  - 4. 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 street can handle the proposed traffic.

5. The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- B. A preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for a period not to exceed twelve (12) months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision or an extension request must have been submitted to the Director of Public Works. Any plat not receiving final approval or an extension with the period of time set forth herein or otherwise not conforming to the requirements of this regulation, shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and these regulations.
  - C. Approval of the preliminary plat shall be accompanied by a Certification of Preliminary Plat Approval executed by the Director of Public Works. Such approval authorizes the subdivider to proceed with preparation of an application for final plat approval.
  - D. Receipt by the subdivider of the executed Certificate of Preliminary Plat Approval is authorization to proceed with the preparation of necessary construction plans and specifications as set forth in Section 4.3. Upon review and approval of the construction drawings by the Director of Public Works, a Notice to Proceed will be issued and the subdivider may commence with the installation of required public improvements. The subdivider shall build all public streets, drainage, and other utility improvements to the specifications of the construction plans approved by the city's Department of Public Works. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.

#### **4.6 Disapproval of the Preliminary Plat.**

- A. A disapproved Preliminary Plat may be resubmitted. The plat shall be submitted to the Director of Public Works 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 but in each case the steps outlined in 4.3, 4.4, and 4.5 shall be adhered to.

#### **4.7 Preliminary Plat Documentation.**

- A. At least one copy of the approved Preliminary Plat shall be retained in the Commission's files, one copy retained in the files of the Department of Public

Works, and one copy endorsed with the Certificate of Preliminary Plat approval shall be returned to the subdivider.

- B. Approval of a Preliminary Plat is only tentative pending submission of the Final Plat. Building permits will not be issued until a Final Plat has been submitted, approved, and recorded in the County Clerk's Office.

#### **4.8 Preliminary Plat Application Requirements.**

Specific submission requirements include the following materials:

- A. Application Form - A subdivision application form providing the following information shall be completed by the applicant and submitted to the Russellville Public Works Office. The application form and preliminary plat shall be filed with the Public Works Department no later than twenty (20) calendar days preceding the regularly scheduled Planning Commission meeting date at which the preliminary plat is to be considered.
  1. Proposed name of subdivision.
  2. Proposed type of subdivision.
  3. Name and address of owner of record.
  4. Name and address of subdivider.  
Book and page number of recorded deed to property.  
Proof that property taxes are current.
  5. Linear feet of streets.
  6. Average size of lots and minimum lot size.
  7. Number of lots.
  8. Legal map of the tract by legal description giving acreage to the nearest one-tenth of an acre, date of survey, and Surveying Certificate.
  9. Existing and proposed covenants, restrictions, and zoning classifications.
  10. Proposed open space.
  11. Source of water supply and summary outline of water improvements.
  12. Where wastewater disposal is to be accomplished by extending Wastewater Utility Facilities, this circumstance shall be indicated and a summary of improvements outlined.

13. Letter of certificates of approval or disapproval from city, county, or state agencies. Such material shall be obtained by the subdivider.
  14. A summary outline of drainage improvements.
  15. A summary outline of erosion control during construction.
  16. Such further information as the subdivider wishes to bring to the attention of the Planning Commission.
- B. Vicinity Map - The vicinity map shall cover an area within a radius of one-half (1/2) mile of the proposed subdivision at a scale of 1" = 2000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks, and other significant community facilities; and, if possible, shall be incorporated on the preliminary plat.
- C. Preliminary Plat - Five (5) black or blue line prints of the preliminary plat, clearly and legibly drawn, shall be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches. Five (5) black or blue line prints on white paper no larger than eleven (11) by seventeen (17) inches and no smaller than eight and one-half (8-1/2) inches by eleven (11) inches. Extra large plats may be submitted on more than one conforming sheet. Plat scale shall be no less than 1" = 40' for plats up to and including ten acres and 1" = 100' for plats larger than ten acres, except where a smaller scale may be deemed appropriate by the staff. The preliminary plat shall be identified by the name of the subdivision, and shall include:
1. Contour intervals to sea level datum, of at least two (2) feet.
  2. Proposed design including streets, alleys and sidewalks with proposed street names, lot lines with approximate dimensions, service easements, land to be reserved or dedicated for public uses, and land to be used for purposes other than residential.
  3. Minimum building front yard setback lines for commercial/office, industrial, manufactured home park and residential subdivisions, and all setback lines for apartment and townhouse development.
  4. Natural features within and immediately surrounding the proposed subdivision including drainage channels, bodies of water, existing wooded areas to be used as buffers, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.

5. Preliminary storm drainage analysis showing drainage data for all watercourses entering and leaving the plat boundaries. The storm drainage analysis shall be prepared in sufficient detail to illustrate the proposed system's capability of accommodating a not less than one in twenty-five year rainfall (except in the central business district where a one in fifty year rainfall design will be used). Preliminary storm drainage plan incorporating proposed easement dimensions and typical ditch sections.
6. Date of survey, north point and graphic scale.
7. Any portion of property within the 100 year flood plain, based upon the most recent available calculations of the U.S. Army Corps of Engineers, or appropriate federal agency. The Flood panel number and date shall be shown on the plat along with the 100 year flood plain and floodway elevation contours for identification of the flood plain and floodway limits within the plat.
8. Topographic features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures, city and county lines, section lines and other significant information including established noise zones emanating from any general, commercial, or military air fields.
9. Names of recorded subdivisions abutting the proposed subdivision.
10. For residential plats, names of owners of unplatted tracts abutting the proposed subdivision and the names of all owners of platted tracts.  
  
For commercial, office and industrial plats, names of owners of all lands contiguous to the proposed subdivision.  
  
For both residential and commercial subdivisions, names of all owners of landlocked parcels contiguous to or within the plat boundaries.
11. Exact boundary lines of the tract indicated by a heavy line giving dimensions, angles and at least one (1) bearing.
12. Zoning classifications within the plat and abutting areas if applicable.
13. Municipal boundaries that pass through or abut the subdivision.

D. Engineering Analysis.

1. Street profiles shall be included showing existing and proposed elevations along center lines of all roads drawn at a horizontal scale of 20' to 50' to the

inch and a vertical scale of 2' to 5' to the inch, or as otherwise allowed by the Department of Public Works. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.

2. At the option of the Director of Public Works, street cross sections of all proposed streets shall be included at a minimum of fifty (50) foot stations as follows: On a line at right angles to the centerline of the street, said elevation points shall be at least at the centerline of the street, at each property line and at points twenty-five (25) feet inside each property line.
3. Flood plain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers information is not available, an engineering analysis shall be required by the Director of Public Works. Such analysis shall determine to the best of the engineer's ability a safe building line and shall be clearly and legibly drawn on the preliminary plat.
4. Soils Test - Soils tests may be required by the Director of Public Works where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions, and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.

D. Survey Standards.

All surveying must be done by a Professional Land Surveyor and must be conducted to the Arkansas Minimum Standards for property Boundary Surveys and Plats.

F. Certificates, Site Construction, Bills of Assurance, and Homeowners Association

1. Preliminary Plat Certificates - Each preliminary plat submitted to the Planning Commission shall carry the following certificates as appropriate:

a.

CERTIFICATE OF SURVEYING ACCURACY

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

Signed

Date of Execution

Name, Professional Land Surveyor  
No. \_\_\_\_\_, Arkansas



b.

**CERTIFICATION OF PRELIMINARY ENGINEERING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Russellville Subdivision Rules and Regulations have been complied with.

Signed

Date of Execution

Name, Registered Engineer  
No. \_\_\_\_\_, Arkansas

c.

**CERTIFICATE OF PRELIMINARY PLAT APPROVAL**

All requirements of the Russellville Subdivision Rules and Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date

Signed

Date of Execution

Chairman, Russellville  
Planning Commission

Director, Russellville  
Dept. of Public Works

2. Bill of Assurance - A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.
3. Site Construction - Site preparation, including clearing and grading, shall not commence on the development site prior to approval of the preliminary plat by the Planning Commission and approval of an erosion control plan by the Director of Public Works. Construction of streets, drainage, utilities and other public improvements shall not commence prior to the approval of streets, drainage and utility plans by the Director of Public Works and receipt of a Notice to Proceed.

4. Home Owners' Association - The rules governing any proposed Homeowners' Association will be submitted along with any other private agreements governing the maintenance of detention ponds, street lights, or other common areas or fixtures.

**SECTION 5.            FINAL PLAT REQUIREMENTS.**

**5.1     Application for Approval of the Final Plat.**

- A.     Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the subdivider may submit to the Russellville Public Works Department an application for review and approval of the Final Plat which shall consist of:
  - 1.     A letter of application requesting review and final approval of the plat.
  - 2.     The Final Plat and other documents as specified in Section 5.4.
  - 3.     A filing fee amounting to two hundred dollars (\$200.00) plus two dollars (\$2.00) per lot not to exceed four hundred dollars (\$400.00).

**5.2     Approval of the Final Plat.**

- A.     Whenever a final plat has been submitted to the Public Works Department which is in conformity with an approved preliminary plat and the provisions of Section 4.8, the Public Works Director shall be authorized to approve and take action on the plat. If there are significant variances from the preliminary plat or other significant matters of fact, the Director of Public Works may elect to have the final plat considered for approval by the Planning Commission at its regular monthly meeting. The Public Works Director shall notify the Commission, at the regular meeting, of all subdivisions given final plat approval by the staff.
- B.     The Director of Public Works need not take action on any application received less than twenty (20) days before the next regularly scheduled meeting of the Planning Commission.
- C.     Failure of the staff or Planning Commission to act within forty-five (45) days of receipt of the application shall be deemed approval of the Final Plat and waives all further plat requirements of these rules and regulations. Such failure to act shall be so noted by the staff on the Plat to be filed for record.
- D.     If a Final Plat is disapproved by the Planning Commission, the applicant shall be so notified in writing within five (5) working days of the Commission action and the reasons therefore shall be enumerated.
- E.     Final Approval of the Final Plat shall be indicated by the execution of a Certificate of Final Plat Approval on the Plat.
- F.     The Commission or the Director of Public Works may execute a Certificate of Final Plat Approval when the City Clerk or the Director of Public Works has determined that the subdivider has fully complied with the provision of Section 11.2.

- G. Approval of a Final Plat by the Commission or staff shall not be deemed acceptance of any of the dedications shown on the plat.
- H. Upon completion of the installation of the improvements required by these rules and regulations, the subdivider shall present to the Director of Public Works one complete set of the "as built" construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:
1. Plans of all streets and alleys showing the location of all utility lines.
  2. Centerline profiles of all streets.
  3. Profiles or invert elevations of all storm and sanitary sewerage lines as such improvements shall have actually been installed by the subdivider.
  4. A letter submitted by a Professional Engineer certifying that all improvements and installations have been made in accordance with the submitted construction plans and drawings and the standards established by the city or the county, and said improvements and installations are functioning properly.

### **5.3 Staging.**

The subdivider may, with the permission of the Planning Commission, and in conformance with the provisions of Section 5 of this regulation, seek final approval for only a portion of the property for which the preliminary plat was approved. For residential plats such stages shall contain at least three (3) lots of the approved preliminary plat seeking final plat approval. The Planning Commission may require a performance bond for the public improvements (per Paragraph 5.2.F.1) be in such amount as is commensurate with the stage of the plat being filed and may defer additional performance bond requirements until additional stages of the plat are offered for filing.

### **5.4 Final Plat Application Requirements.**

- A. General - Five (5) black or blue line prints of the final plat, clearly and legibly drawn, shall be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches. Five (5) black or blue line prints on white paper no larger than eleven (11) by seventeen (17) inches and no smaller than eight and one-half (8-1/2) inches by eleven (11) inches shall also be submitted. The final plat shall show all certificates as specified in 5.4.D. below, and with the Certificate of Owner, Certificate of Engineering and Certificate of Surveying Accuracy being executed. The final plat shall be clearly and legibly drawn in black ink on white bond at the same scale and dimensions used for the approved preliminary plat. The final plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at any

one time, provided that such portion conforms to the requirements of these rules and regulations.

B. Final Plat - The final plat shall indicate the following information:

1. Name and address of owner of record and subdivider.
2. Name of subdivision.
3. Date of the plat, north point, and graphic scale.
4. Name of all streets.
5. True courses and distances to the two nearest established section corners or other corners of record which shall accurately describe the location of the plat.
6. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest tenth or hundredth of a foot and bearings to the nearest minute, or second in order to achieve an unbalanced error of closure of at least one in five thousand.
7. Streets and alleys within and abutting the subdivision, with street names indicated.
8. Street center lines showing angles of deflection or bearing, angles of intersection, and radii.
9. Source of title giving deed record book and page number or instrument number.
10. Lot lines with dimensions to the nearest hundredth of a foot, bearings and angles sufficient to reproduce the survey, and radii of rounded corners.
11. Building setback lines with dimensions. The lot width at the building line shall be shown when required by the commission.
12. Lot and block numbers together with all street and/or 911 addresses.
13. Easements, buffer strips and public service utility rights-of-way lines giving dimensions, locations and purpose.
14. Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon; and of any areas to be reserved by deed covenant for common use of all property owners.

- 15. Accurate locations and descriptions of all monuments.
- 16. Key map where more than one sheet is required to present map.
- 17. Vicinity map.
- 18. Location of tract by legal description and giving acreage.
- 19. As built drawings.

C. Written Information.

- 1. Certification of approval of water supply and sanitary sewage disposal by the appropriate agency, when not connected to the municipal system.

D. Certificates, Bills of Assurance, and minimum floor elevations.

- 1. Final Plat Certificates - Each final plat submitted to the staff for approval shall carry the following certificates printed thereon.

a.

**CERTIFICATE OF OWNER**

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, and subdivide said real estate in accordance with this plat.

Signed

Date of Execution

Name

Address

Source of Title: Drawer, Page,  
Instrument No.

b.

**CERTIFICATE OF RECORDING**

This document, number \_\_\_\_\_ filed for record \_\_\_\_\_, 20\_\_\_\_, in Plat Book \_\_\_\_\_ Page \_\_\_\_\_.

Signed

Name

Clerk

c.

**CERTIFICATE OF ENGINEERING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plan made by me, and that the engineering requirements of the Russellville Subdivision Rules and Regulations have been complied with.

Signed

Date of Execution

Name, Professional Engineer  
No. \_\_\_\_\_, Arkansas

d.

**CERTIFICATE OF SURVEYING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers shown hereon actually exist and their location, type and material are correctly shown.

Signed

Date of Execution

Name, Professional Land  
Surveyor No. \_\_\_\_\_, Arkansas

e.

**CERTIFICATE OF FINAL APPROVAL**

Pursuant to the Russellville Subdivision Rules and Regulations, and all of the conditions of the approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of said Rules and Regulations.

Signed

Date of  
Execution

Russellville  
Planning Commission

Russellville Department  
of Public Works

2. Bill of Assurance - The Bill of Assurance shall be submitted to the staff for review and approval with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; and setting forth procedures by which amendments to the Bill of Assurance can be made. Said Bill of Assurance shall contain reference to the approval of the final plat.
3. Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the Bill of Assurance.



**SECTION 6.            INCIDENTAL SUBDIVISIONS.**

**6.1     Definition.**

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

- A.     Lot Splits in which a single lot, tract, or parcel is being split into two lots meeting minimum lot requirements.
- B.     Minor subdivisions containing no more than ten (10) lots, in which all lots front a public street. Minor subdivisions shall not include any subdivision which is part of a larger tract to be developed in phases.
- C.     Lot recombinations in which all lots front a public street.
- D.     Replats of existing lots or lot line adjustments in existing subdivisions.
- E.     One-lot subdivisions which convert a metes and bounds description into a subdivision plat suitable for filing at the Pope County Records office.

**6.2     Approval Guidelines.**

The Planning Commission delegates the Director of Public Works the authority to approve plats for incidental subdivisions unless he determines that Planning Commission review should occur. The Planning Commission does not, however, delegate to the Director of Public Works, however, the authority to disapprove such plats.

Approval of incidental subdivisions may be granted by the Director of Public Works only if the following threshold guidelines are met:

- A.     No new street or alley is required.
- 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 readjusted shall have direct access to a public street.
- G.     No substandard sized lots or parcels shall be created.

- H. No waivers or variances from these regulations are requested.
- I. No public improvements, including streets, alleys, utility mains or other appurtenances are required.
- J. All lots front on a public street.

### **6.3 Submission of Combined Application.**

Since no public purpose would be served by separate steps, a combined preliminary and final plat procedure is instituted for incidental subdivisions.

### **6.4 Review and Approval.**

- A. Application Procedure - Request for incidental subdivision approval shall be made by the owner of the land to the Department of Public Works. Eight (8) copies of a drawing to scale of the lots involved if there are no structures thereon, or if the structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structure(s) thereof, together with the precise nature, location and dimensions of the split, shall accompany the application.
- B. Approval - The Director of Public Works shall, in writing, either approve, conditionally approve, or disapprove the proposed incidental subdivision within thirty (30) days of application. If approved, and after all conditions have been met, the Director shall sign and furnish a certified copy thereof and it shall be submitted by the application for recordation with the Circuit Clerk. Two copies of the final recorded plat shall be furnished by the applicant to the Department of Public Works.
- C. Plat Specifications - The final plat for an Incidental Subdivision shall be prepared on bond paper at a scale of 1" - 40' or larger and shall conform to all requirements for submission of a regular final plat as outlined in Section 5.
- D. Fees - The applicant shall submit all necessary fees and meet all submittal requirements at the time of the filing as described in Section 5 of this regulation.

## **SECTION 7.            LARGE SCALE DEVELOPMENTS.**

### **7.1     Definition.**

This section of the Land, Subdivision and Development Code sets out requirements for the review and approval of commercial and large scale developments not covered elsewhere in these regulations. Any commercial or large-scale development meeting any one of the following criteria shall be reviewed by the Planning Commission prior to issuance of a building permit or other city permit:

- A.     Buildings or developments placed on a plot of real property five (5) acres or larger.
- B.     On any size lot, any development containing a building or buildings with a combined square footage of fifteen thousand (15,000) square feet or larger.
- C.     All multi-family housing developments with more than seventeen (17) units.
- D.     Any commercial building or establishment designed or intended for the sale of petroleum or other flammable products or any commercial or industrial use with accompanying hazards.
- E.     Routine commercial developments not meeting any of the criteria listed above shall not require Planning Commission approval. However, in unique cases, the Director of Public Works may require Planning Commission approval prior to the issuance of a building permit.

### **7.2     Procedure.**

The Developer of the commercial or large-scale development shall prepare and file with the Planning Commission an application for approval of development.

The application must be deemed complete at least twenty (20) days prior to a regular meeting of the Planning Commission in order to be added to the Planning Commission Agenda and only when the following conditions are met:

- 1. An application, on forms supplied by the Planning and Zoning Department is submitted,
- 2. The Application Fee has been paid as established by resolution of the City Council,
- 3. Submittal of a letter (describing the intended uses of the building and/or site),
- 4. A Site Plan meeting the requirements of Site Plan Requirements Section 7.3 below,
- 5. Inclusion of any other data and information that may be desirable to support the Planning Commission's approval,
- 6. Twelve (12) copies of the site plan along with an electronic pdf copy, prepared by a registered engineer or licensed surveyor, shall be included with the application,

7. The application must be signed by the owner of the property (supported by a deed of record) and any person representing the owner or developer before the Commission.

### **7.3 Site Plan Requirements.**

The site plan shall be prepared by an engineer or surveyor and shall include the following:

- a. Name of development, type of activity, current zone;
- b. Name and address of owner(s) and title report showing proof of ownership;
- c. Bearings and distances of boundary from an actual survey of the property.
- d. Street names, class per Master Street Plan, rights-of-way, centerlines, and easements bordering or transversing the property;
- e. Building outline, sidewalks, curbs, drives, parking, and striping;
- f. Exterior lighting quantity, direction, and pattern;
- g. Exterior speaker location(s) and direction(s);
- h. Proposed curb cuts for development and curb cuts of adjacent properties, including those across the street, street intersections; these items shall be dimensioned relative to each other;
- i. Identify all adjoining property by activity and business name, if applicable;
- j. Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area;
- k. Utility plan and Health Department approval, if extending utilities;
- l. Greenspaces and landscaping.
- m. A letter of approval from the City Engineer for either:
  1. A conceptual stormwater management plan as required by ordinance 1675; else
  2. A preliminary simplified stormwater management plan as required by ordinance 1675,
- n. Letter from City Corporation stating the status of water and sewer service.

### **7.4. Planning Commission Procedure.**

The Planning Commission shall review the application at the next regularly scheduled meeting after receiving the completed application with all required attachments. If the Commission determines that the development is appropriate, as submitted, then it shall approve it. The Commission may require the developer to change the plan as submitted, and may disapprove applications that conflict with any of the provisions of the Land Subdivision and Development Code. The City Council may (upon referral from the Planning Commission), disapprove applications that relate to the building of a structure deemed to be unsafe, unsanitary, obnoxious or detrimental to the public welfare. [See A.C.A. - 14-56-202]

Upon obtaining approval from the Planning Commission, the developer may commence construction after obtaining a building permit and any other required permits.

The approval from the Planning Commission shall be limited to the type of building/development stated within the letter accompanying the application. Should the developer decide to build or develop on the property in a manner inconsistent with the use as stated in the letter and site plan accompanying the application, the applicant must submit a new application to the Planning Commission for approval. Should the developer build or develop the property for a use contrary to the use stated in his application, the approval previously granted by the Planning Commission shall become null and void, and the developer shall cease construction/building on the property upon receipt of notice from the city Building Official, Director of Public Works, City Attorney, or Mayor.

**SECTION 8. REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN.**

**8.1 General.**

In addition to the specific requirements for improvements and their design, the following general principles, shall guide the staff, the Subdivision Committee, and the Planning Commission in their review of proposed development and subdivision of land.

**A. Suitability of the Land.**

1. Land subject to flooding, improper drainage, and erosion, and any land deemed by the Director of Public Works and/or the Planning Commission to be topographically or otherwise unsuitable for residential use shall not be platted for residential occupancy nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish the above-mentioned hazards.
2. Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses as shall not be endangered by the conditions set forth in Section 7.1.A. In particular, land within the 100 year flood plain as defined by the U.S. Army Corps of Engineers or the appropriate federal agency shall not be platted unless the subdivider shall incorporate such improvements as will render the area substantially safe for development and in accordance with all flood plain regulations.
3. Adequacy of Public Facilities and Services - Land which is neither provided, nor programmed by the city within the corporate limits to have adequate water, sanitary sewer services or storm drainage facilities shall not be subdivided for purposes which require such services unless the developer provides such services.
4. Subdivision and Street Names - The proposed name of subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by these regulations. The Russellville Fire Department shall review and have final authority to designate street and subdivision names.
  - a. Street Addresses - Approved by the Russellville Fire Department.
  - b. 911 Addresses - Approved by the Russellville Fire Department.

**B. Access.**

1. Every subdivision shall be served by a publicly dedicated street. Every lot or parcel within a subdivision shall have direct access to a public street.

C. Conformance to Municipal Plans.

1. All proposed subdivisions shall conform to the Comprehensive Plan, Master Street Plan, Five Year Capital Improvement Plan, Parks System Master Plan, and Utilities Plan in effect at the time of submission to the Commission.
2. All highways and street right-of-ways, and other features of the Master Street Plan, shall be platted by the subdivider in the location and the dimension indicated on the Master Street Plan or as approved with Section 9.1.A.2.a (street paving section) of these regulations.
3. Where such features other than streets of any municipal plan are located in whole or in part in a proposed subdivision, such planned features shall be reserved by the subdivider for a period of ninety (90) days from the date of submission of the preliminary plat. At the end of ninety (90) days, if the public body responsible for acquisition of such area has not purchased, condemned or optioned the land, such reservation shall be automatically voided permitting the land to be developed in a manner suitable to the subdivider subject to the provisions of these rules and regulations.
4. The Commission shall waive the above mentioned platting and reservation requirements of Section 7.C.2 and 7.C.3 whenever the Director of Public Works or public body responsible for land acquisition executes a written release stating that such planned feature is not to be acquired.
5. The Commission may disapprove plats when such planned features, as specified by the Land Use Plan, the Master Street Plan, the Community Facilities Plan, the Parks System Master Plan, the Five-Year Street Improvement Plan or any other municipal or utility plans, are not incorporated into the plat.

D. Zoning or Other Regulations.

1. No Final Plat of land within the force and effect of the Russellville Zoning Ordinance shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations or ordinance the most restrictive shall apply.
2. When rezoning is required to bring a proposed subdivision into conformance with the authorized land use, such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval.

E. Large Tracts or Parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.



**SECTION 9.            DESIGN REQUIREMENTS.**

**9.1** Every subdivider engaging in the subdividing and development of land as identified in this regulation shall be required to install, at his or her own expense, or to have installed by the appropriate public utility the following improvements:

A. Streets.

1. Streets shall be related approximately to the topography so as to produce useable lots and streets of reasonable gradient. All streets shall be cleared and graded as approved by the Director of Public Works. Street grades shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Curbs and gutters shall be installed on all streets except as this regulation may direct. The minimum grade for all streets without curbs shall be one percent (1.0%). The maximum grade for local streets shall be eighteen percent (18.0%). The maximum grade for arterial streets shall be ten percent (10.0%). Maximum grade values should appear only in hardship cases; preferably, typical grades should be less than seventy-five percent (75.0%) of the stated maximums.
2. The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
3. Proposed through streets shall be extended to the boundary lines of the tract to be subdivided.
4. Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified herein. All public streets within the subdivision shall be located, platted and dedicated to the city or the county in accordance with the standards and procedures outlined in these regulations.
5. New perimeter half-streets shall not be allowed.
6. Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum right of way width requirements from each side of the centerline.
7. Proposed through streets shall be extended to the boundary of the tract to be subdivided and a temporary cul-de-sac shall be constructed to be removed when the street is extended beyond the property. The Director of Public Works may also require temporary cul-de-sacs on short stub streets.

8. Pavement Widths, rights-of-way, and curb radii for streets in Urban Developments. Street pavement widths and curb radii shall be in conformance with the requirements set forth in the following table and shall be installed according to standards adopted by the Director of Public Works. Alternative pavement and lane widths and curb radii may be considered in accordance with the ITE/CNU Recommended Practice “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach.” All widths shown are from back of curb to back of curb. Property line radii shall be concentric with the curbside. When necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

<b>Type of Street</b>	<b>Right of Way</b>	<b>Street Width</b>	<b>Curb Radii</b>
Local Residential Street	50 Feet	27 Feet	25 Feet
Collector Street	60 Feet	36 Feet	30 Feet
Local Commercial Street	60 Feet	36 Feet	35 Feet
Minor Arterial Street	60 Feet	48 Feet	40 Feet
Principal Arterial Street	70 Feet	48 Feet	50 Feet
Alleys	20 Feet	20 Feet	25 Feet
Cul-de-sacs (Commercial)	120 Feet Dia.	98 Feet	
Cul-de-sacs (Residential)	100 Feet Dia.	78 Feet	

Curb and Gutter is not required in Rural Estate Subdivisions.

9. Cul-de-sac length: The maximum length of a cul-de-sac shall be one thousand (1000) feet unless additional length is granted by the Planning Commission upon approval in writing by the Fire Marshall.
10. The Director of Public Works may require soil tests and/or an engineering analysis and design of pavement and base thickness in areas of known or suspect poor soil and drainage and shall require soil tests and engineering analysis and design of pavement and base thickness for arterial, collector and commercial streets.

When directed by the Director of Public Works due to the following conditions occurring within the limits of the street and curb subgrade:

- a. Localized weak soil conditions shall be undercut, excavated material removed, and crushed stone, shale or other material approved by the Director of Public Works be used to bring the subgrade to finish grade.
- b. Continuous springs and wet weather springs shall be intercepted with a French drain system and drained to an acceptable drainage way.

- c. Large areas having weak soil conditions, as evidenced by subgrade or base failure prior to surfacing, shall have the subgrade undercut to sufficient depth and base thickness increased as required to stabilize the subgrade. Filter fabric shall be required when large area subgrade failures occur due to saturated soil conditions as a result of seasonal perched water tables.
  
- 11. When mutually agreed by the Director of Public Works and the Developer, and in lieu of an engineering analysis and pavement design, the following “proofing of subgrade” procedure may be followed:
  - a. The developer shall complete all improvements except asphalt surface pavement and post a cash bond with the City in the amount equal to the asphalt paving to include anticipated subgrade repair costs and anticipated asphalt cost increases.
  - b. The developer shall maintain the base course for a minimum of nine (9) months to include one Fall and one Spring season. Maintenance shall include repair of subgrade failures as provided herein.
  - c. The developer may file the final plat and the City shall, when requested, issue building permits for the development.
  
- 12. All utility crossings under streets, roadways and curbs shall be bedded with native material free of stones three (3) inches or larger or bedding required by Utility. Bedding shall be six (6) inches deep over pipe or conduit and six (6) inches deep under pipe or conduit when trench bottom is rock. Remaining backfills shall be compacted SB-2 up to final subgrade. Conduits for utility crossings shall be provided and locations recorded on as-built drawings. Conduits to be provided shall include a two (2) inch pipe for water and a two (2) inch pipe for gas at every other lot corner, and a two (2) inch pipe for each electric, telephone and television street crossing. Service crossings installed at time of main line construction shall be encased in two (2) inch conduit.
  
- 13. All sewer stubs and service conduit locations shall be marked in a manner, approved by the Director of Public Works, on the curb for the purpose of locating by the utilities, as well as accurately recording said locations on the as-built drawings.
  
- 14. All subdivisions and drainage structures shall be constructed according to plans and specifications prepared by an engineer. Submission and approval of plans and specifications shall be in conformance with the appropriate section(s) of the Article of Procedures contained herein.

15. All storm sewer pipe installed within the City of Russellville shall conform to the following:

<b>Material</b>	<b>Under Pavement &lt;3' deep</b>	<b>Under Pavement ≥3' deep</b>	<b>Pipe Greater than 24" diameter equiv.</b>	<b>Other</b>
HDPE AASHTO M 294 Type S (smooth interior)	Allowed	Not Allowed	Not Allowed	Allowed
PCCMP	Allowed	Not Allowed	Not Allowed	Allowed
Concrete	Allowed	Allowed	Allowed	Allowed

\*HDPE- high density polyethylene pipe shall have a minimum 12" compacted cover prior to vehicle loading and be installed in accordance with ASTM Recommended Practice D2321. PCCMP – polymer coated corrugated metal pipe shall have a minimum 12" compacted cover prior to vehicle loading and be installed according to ASTM A798, AASHTO Standard Specification for Highway Bridges, Section 26, and manufacturer recommendations. Under pavement means under any portion of a street or traveled way utilized by the public; from back of curb to back of curb. Under pavement <3' or ≥3' is measure to the top of the pipe. Other includes behind the curb, between lots, in private parking lots, and otherwise not in any portion of a street. Box culverts, pipes greater than 60", and other drainage facilities not covered in the above table and where special conditions may warrant, the Director of Public Works may dictate the type of pipe material that will be allowed.

16. All materials and methods of construction, unless specifically stated herein, shall meet or exceed those of current AHTD Standards.
17. Street name markers, stop signs, dead end signs, etc. shall be installed by the City at the Developer's expense. Developer shall only be responsible for signage indicated on preliminary plat as recommended by the Director of Public Works.

**B. Functional Classification.**

The city has adopted a Master Street Plan that establishes a uniform definition of the functional classification of streets and roads. This regulation incorporates the appropriate parts of the Master Street Plan.

C. Intersections and Alignments.

1. The centerline of no more than two (2) streets shall intersect at any one point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five (75) degrees.
2. Where the angle of street intersection is less than ninety (90) degrees, the Commission may require a greater curb radius than that prescribed in Section 9.1A.9.
3. Proposed new intersections, whether including an existing street or not, shall wherever practicable coincide with any existing intersections on the opposite side of such street.
4. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be allowed unless all streets are local or special circumstances warrant a written variance approved by the Planning Commission.
5. In the review of commercial and other large scale developments, the number of drive openings and their alignment with intersecting streets and other development drive openings shall be evaluated and approved by the Planning Commission with due regard to the street classification(s) and expected traffic volumes of the development and streets.
6. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area should be provided having not greater than two percent (2.0%) rate at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. When approved by the Director of Public Works, the maximum allowable grade of the approach to an intersection shall be one-half (1/2) of the intersecting grade at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. A vertical curve with a minimum of fifty (50) foot length is required at the grade intersection of the approach.
7. Additional street paving and/or right-of-way in the form of turning lanes may be required by the Department of Public Works where heavy traveled traffic is anticipated.
8. Where visibility at any proposed street intersection would be impeded by earthen berms, banks, or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
9. Street intersections shall be located to avoid creating hazardous driving conditions.

10. Curvilinear streets are recommended for local, collector and arterial streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten degrees (10°); there shall be a horizontal curve. To assure safe conditions, the minimum centerline radii for horizontal curves shall be:

Arterial Streets	300 feet
Collector Streets	200 feet
Local Service Streets	100 feet

D. Utility and Drainage Easements.

1. All urban subdivisions shall have underground utilities. Utility and drainage easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water lines and similar purposes shall be provided where required by the utilities or the Department of Public Works. Easements shall be of sufficient width to provide for installation, access and maintenance of the facility or service. Such easements shall be not less than 10 feet from the rear lot line and 5 feet on each side lot line for a total of 10 feet.. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions. Easements for open drainage channels, streams, creeks and similar waterways shall be of sufficient width to provide the required waterway cross sectional area plus access for maintenance. A minimum of 15 feet on both sides may be required for access and maintenance. The minimum width shall be 25 feet. No encroachments of any type shall be permitted in open drainage channels. Vehicle and equipment access for maintenance shall be provided when required by the Director of Public Works.
2. No building may be erected over or in an easement. No encroachments of any type shall be permitted in open drainage channels.
3. All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this regulation.

E. Utility Lines.

1. Water Supply.

- a. Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. A service line and meter box to each lot shall be installed prior to the paving of the street.
- b. Where a public water supply is not feasible for connection, each lot in a subdivision shall be furnished with a water supply system approved by the Arkansas Health Department.

2. Sanitary Sewage Disposal.

- a. Sewage disposal shall be via a connection to a public sanitary system where feasible and where not feasible each lot shall serve by a septic system be approved by the Arkansas Health Department.
- b. A connection to each lot on the public sanitary system shall be installed prior to street paving.

F. Blocks.

1. The lengths, widths and shapes of blocks shall be determined with due regard for the following:
  - a. Provision of adequate building sites suitable to the special needs of the type use contemplated.
  - b. Zoning requirements as to lot sizes and dimensions.
  - c. Needs for convenient access, circulation, control and safety of street traffic.
  - d. Limitations and opportunities of topography.
2. Blocks of less than four hundred (400) feet in length or more than one thousand two hundred (1,200) feet in length are discouraged except as the terrain itself makes blocks of other length desirable. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.
3. Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

G. Lots.

1. Every lot shall abut upon a public street. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Minimum lot dimensions shall conform to the requirements of the zoning code for the applicable zoning district within the city limits. Outside the city but within the planning jurisdiction the following minimum lot dimensions shall prevail:

	<u>Width</u>	<u>Depth</u>
Single Family Detached Residential	60 ft.	100 ft.
Duplex	70 ft.	100 ft.
Apartment Bldg. (4 units or less)	100 ft.	100 ft.

3. Zero-Lot-Line Residential Lots - Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than 40 feet wide nor 100 feet in depth with a minimum overall size of 4000 square feet. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to building locations shown on the generalized site plan.

4. No residential lot, in general, shall be more than three (3) times as deep as it is wide nor shall any lot average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting culs-de-sac where the average width of the lot shall be used.

5. Lots served by a public water system and proposed to be served by a septic tank system must submit at the time of preliminary plat filing a written certification of approval by the Arkansas State Department of Health. The lot sizes shall be not less than one acre.

6. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization for conservation of energy.

7. Corner lots for residential use shall have a minimum width of seventy-five (75) feet to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.

8. Pipe-stem-lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than twenty (20) feet in width or have a length of more than two hundred (200) feet. In pipe-stem



lots, the building line shall be computed from the front lot line and not associated with the pipe-stem portion. Pipe-stem lots are to be used on rare occasions in order to use otherwise unusable properties.

9. The minimum building setback lines shall conform to the requirements of the zoning code. In areas not zoned, such as areas outside the city limits, the minimum building setback lines shall conform to R-1 in residential subdivisions and C-4 in commercial subdivisions.
10. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a 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 with a height of six (6) feet and architectural design which will appropriately screen and be harmonious with residential or other neighborhood elements; but there shall still be a restriction upon the right of access, and such restriction shall be clearly designated on the plat and Bill of Assurance.
11. In residential areas which abut railroad rights-of-way, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited." Additionally, rear or side yard setbacks shall not include this area.
12. The size of properties reserved or laid out for commercial or industrial uses should be adequate to provide for off-street parking facilities and services required by the type of use and development contemplated. When developed within the city limits, they shall conform to the Zoning Ordinance.

#### H. Platted Building Lines and Buffers.

1. Building lines for residential lots shall be a minimum of twenty-five (25) feet from each street property line, except in an R-3 Zoning District.
2. Multi-family (more than 8 units) subdivisions abutting single family subdivisions or areas zoned for single family use shall protect such areas from potential nuisance by providing a minimum twenty-five (25) foot buffer strip between buildings and the common property line on side and rear yards and a minimum fifteen (15) foot buffer strip between drive/parking areas and the common property line on side and rear yards. In those instances where

drives or parking areas are proposed to be located between a building and the common property line, the building shall be forty (40) feet from the common property line. If ground cover and trees are sparse or have been removed, the buffer strip shall be replanted with cover of the type natural to the area. No building, outside storage areas, or sanitation equipment shall be permitted within the buffer strip. Areas which are rezoned or redeveloped to multi-family use, and which abut a previously platted single family development shall erect a six (6) foot fence of opaque nature. The fence shall be of wood, metal or masonry and extend along the entire common property line.

I. Sidewalks.

1. Sidewalks are required on both sides of all streets constructed within urban developments. Sidewalks shall be a minimum of four (4) feet wide and shall be separated from the curbline by a minimum two (2) foot grass median strip within the dedicated right-of-way except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks. Sidewalks shall be five (5) feet wide when installed adjacent to the curb line. A waiver allowing placement on only one side of the street may requested.
2. Sidewalks shall be constructed to permit wheelchair access at street intersections.

J. Storm Drainage.

All subdivisions shall be provided with a storm drain system that is designed and constructed to accommodate stormwater that originates in or traverses the subdivisions. Said improvements shall be installed in accordance with Ordinance 1675, City of Russellville Stormwater Drainage Ordinance.

In addition, within street right-of-way, an underground drainage system shall be required with inlets as necessary. Concrete valley gutters shall be used at all surface cross drains where surface flow is less than three (3) cfs. Underground drainpipes are required fall all surface area drains where flow is greater than three (3) cfs. The design of all concrete valleys is subject to review and approval at the Department of Public Works.

K. Monuments.

1. Permanent reference monuments shall be required on all outside lines of the subdivision at angle points and points of curve or as required by the Director of Public Works. Such monuments shall be of steel 3/4" in diameter, 24" in length or other approved monument and shall be set flush with the ground in concrete.

2. All lot corners shall be marked with metal pins not less than 3/8" in diameter and 16" long and driven so as to be flush with the finished grade.
3. All monuments shall be installed and certified as such by a professional surveyor after all improvements have been completed and accepted by the Director of Public Works. All monuments shall comply with the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

L. Fire hydrants.

Fire hydrants shall be placed in accordance with the Fire Protection Policy Agreement between the City of Russellville and City Corporation.

M. Street name signs.

Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with standards adopted by the city.

N. Street Lights and Standards.

Street lights are required in all developments served with any type of power connection. All intersections shall be fully lighted. Final type, spacing and placement of street lights throughout all development streets will be coordinated with and approved by the Director of Public Works. The Developer shall install ornamental light standards with street lights for the subdivision (in contrast to wood poles normally provided by the power company).

**SECTION 10.            BOUNDARY STREET IMPROVEMENTS.**

**10.1 Administration.**

- A. The Planning Commission shall be responsible for requiring improvements in the public right-of-way consistent with these regulations
- B. The city Treasurer’s office shall be responsible for receiving, recording, depositing, and reporting in-lieu cash contributions as determined by the Planning Commission. The city Treasurer’s office shall maintain a Boundary Street Improvement account and shall furnish a yearly report summarizing the account to the Mayor and City Council. This report shall include both the principal and the interest earned for the accounting period.

**10.2 Developments Included.**

The following property classifications shall comply with this article:

- A. Subdivisions
- B. Large scale developments
- C. Commercial Developments not otherwise covered

**10.4 Streets Included and Improvements Required.**

- A. State Highways - Right-of-Way Dedication, if requested in writing by the Arkansas Highway and Transportation Department, for the One-Half Street Section abutting the proposed subdivision or development.
- B. Arterial Streets designated on the city’s Master Street Plan - Right-of-Way Dedication for the One-Half Street Section abutting the proposed subdivision or development.
- C. Streets or street segments designated on the city’s most recently adopted Five Year Street Improvement Plan - Boundary Street Improvements on the One-Half Street Section abutting the proposed subdivision or development.
- D. Other Collector Streets included in the Master Street Plan but not the Five Year Street Improvement Plan - Right-of-Way Dedication for the One-Half Street Section abutting the proposed subdivision or development..

**10.5 Other Ordinances Not Affected.**

Nothing herein shall be construed to relieve any developer or property owner from requirements of other ordinances, including but not limited to the Zoning Ordinance, Flood Plain Management Ordinance or Storm Water Management Ordinances, including revisions thereto.

**10.6 Plat Approval.**

No plat, site plan or building permit shall be approved unless the developer has complied with the provisions of these regulations.

**10.7 In-lieu requirements.**

In-Lieu Contributions may be allowed when the Director of Public Works determines that In-Lieu Contributions would be in the best interest of the city.

**10.8 In-lieu Contributions.**

Instead of constructing Boundary Street Improvements, the developer shall contribute to the city a cash payment equal to one hundred (100) percent of the Director of Public Works' estimate of the cost of construction of the Boundary Street Improvements. In-lieu Contributions shall be reimbursed with interest, as determined by the city Treasurer's office, as accrued while the funds were in the city's possession, if said funds are not expended for the specific required improvements within five (5) years from the dated of permit approval. Funds will be expended when the section of the street abutting the development is improved according to the Five Year Street Improvement Plan. The amount of the In-Lieu Contribution, plus accrued interest, shall be allocated by the City Council as and as a part of the total allocation for the construction project that includes the street segment abutting the development.

**10.9 Refunds.**

The City Council must approve all refunds and may, at its discretion, refund proceeds before the five-year deadline. If a street or street segment is removed by action of the City Council from the Five Year Street Improvement Plan, all In-Lieu Contributions being held for that street or street segment shall be refunded within 60 days from the effective date of the Council action removing the street or street segment.

**SECTION 11. ACCEPTANCE OF PUBLIC DEDICATIONS, ASSURANCE FOR COMPLETION OF IMPROVEMENTS, AND WARRANTY.**

**11.1. Acceptance of Public Dedications.**

Before the final plat is recorded in the office of the county Recorder, an agreement shall be reached between the Subdivider or his agent and the City Council. Said agreement shall be with regard to the installation of any street improvements, utility construction, or any other improvements called for in the subdivision plat; the dedication and/or reservation of lands for public use; the dedication and acceptance of utilities and public improvements; and other agreements as required in the Planning Commission's approval of the plat.

**11.2 Assurance for Completion of Improvements.**

The City Council must receive one of the following prior to accepting the public dedications and before the final plat will be eligible for recording:

- A. Certificate of Completion of Improvements – The subdivider may submit for approval to the Department of Public Works a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed and in accordance with these specifications. Said certificate shall be certified by registered professional engineer of record.
- B. Performance Bond – If the subdivider cannot certify that all the improvements in the subdivisions have been completed, a performance bond may be posted in favor of the city. Such performance bond shall specify the time for the completion of the paving and shall be in an amount determined by the Director of Public Works to be sufficient to complete the improvements and installations for the subdivider in compliance with these rules and regulations, plus 50 percent. The bond shall be issued by a Surety Company authorized to do business in the State of Arkansas.
- C. Irrevocable Letter of Credit – If the subdivider cannot certify that all paving installation in the subdivision has been completed, an irrevocable letter of credit committed to the city, may be submitted. The letter must be certified from a financial institution insured by the Federal Deposit Insurance Corporation and shall:
  - 1. Be in an amount determined by the Director of Public Works to be sufficient to complete the improvements and installations for the subdivision in accordance with these regulations.
  - 2. Specify the time of completion of improvements and installations.
- D. Cash Deposit – The subdivider may provide a cash deposit in a full amount as specified by the Direction of Public Works as sufficient to complete the

improvements and installations required to comply with these rules and regulations plus 50 percent.

**11.3 Warranty.**

The Developer shall warrant all improvements of the subdivision for a minimum of one (1) year after construction has been completed and the as built drawings have been accepted in writing by the City of Russellville and after all new defects of subgrade or pavement have been last repaired. The Developer in accordance with applicable construction standards shall make repairs. Repairs shall include, but not be limited to, localized pavement surface failures, subgrade failures and drainage deficiencies.

**SECTION 12.            INSPECTION OF IMPROVEMENTS.**

**12.1** All projects shall be constructed according to the approved plans and specifications of a Professional Engineer. When the improvements required by these rules and regulations have been completed and installed, the Professional Engineer shall submit a letter to the Department of Public Works certifying his inspection and that improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the city or the county, and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

The Department of Public Works shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the Department of Public Works shall notify the subdivision engineer and contractor in writing of such defects, deficiencies or deviations. The subdivider shall, at his expense, correct such defects or deviations within six (6) months of the date of notifications. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Public Works Department in writing that the improvements are again ready for final inspection.

**12.2** In-process inspections shall be required by the Department of Public Works. Notification that work is at a stage which requires inspection is the responsibility of the developer and is in addition to those required by the professional engineer. A statement of review and acceptance for each stage of construction shall be made by the Director of Public Works through the city Building Official to the Mayor with copies to the Developer and submitted within forty-eight (48) hours following inspections.

Developers shall notify the Department of Public Works and request inspections twenty-four (24) hours prior to the following events:

A.     Rough Grading Inspection.

Prior to commencing any utility work, rough grading of all streets and areas of easements shall be completed. Grades shall be established within one-half (0.5) foot for above-mentioned areas.

B.     Subgrade Inspection.

1.     After all utility road crossings and utility service conduits are in place and immediately prior to distributing base material.
2.     Any interruptions in construction which results in deterioration of subgrade by weather or traffic shall require inspection.

C.     Curbs and Drainage Improvements Inspection.



Immediately prior to placing concrete or drain pipe.

D. Base Material Inspection.

1. Immediately after final grade and compaction of base material.
2. Developer is required to furnish copies of material tonnage no later than time of inspection.

E. Concrete Inspection.

1. Immediately prior to distributing asphalt concrete or pouring portland cement concrete on road surfaces.
2. Immediately prior to restarts after construction interruptions longer than forty-eight (48) hours.
3. Developers are required to furnish copies of asphalt tonnage or concrete yardage for all facilities improvements and installations regulated herein. Said records are to be submitted to the Director of Public Works no later than forty-eight (48) hours after placement area and are to be retained in the City Building Official's office.

F. Sanitary Sewer Inspections.

1. Immediately prior to installing sanitary sewer lines, making manhole connections, or infiltration tests.
2. The Sewer control Authority shall be notified twenty-four (24) hours prior to said events.

G. Final Inspections.

1. When the improvements required by the rules and regulations have been completed, the Developer's engineer shall submit a letter to the Director of Public Works certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the city, and are functioning properl
2. The Director of Public Works shall then inspect those facilities, improvements, and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects, deficiencies, or unapproved changes in such improvements, the Director of Public Works shall notify the Developer, contractor, and project engineer in writing of such defects, deficiencies or deviations. The Developer shall

correct such defects, deficiencies, or deviations within six (6) months of the date of notification. When corrections have been completed, the Developer shall notify the Director of Public Works in writing that the improvements are again ready for final inspection. If corrections are not made within the above-stated period time, bonds may be used by the city to make said corrections or the city may instruct the bonding company to make said corrections, whichever is applicable; and/or the city may not issue building permits until final approval is received.

**SECTION 13.            ACCEPTANCE, DEDICATIONS AND RECORDATION.**

- 13.1** Acceptance and Dedication - Public dedications of streets and public facility sites outside the corporate limits of the city must be accepted by the Pope County Judge following execution of satisfactory guarantees for completion as described in this regulation.

Approval of final plats within the Russellville City Limits by the Public Works Director and filing of the Plat of Record with the Circuit Clerk and Recorder of Pope County shall constitute formal acceptance by the city of all approved public improvements covered by the Plat.

- 13.2** Recording - Upon approval of the final plat and acceptance of the public dedications by the City Council, the City shall record the final plat at the office of the County Circuit Clerk. The Developer shall pay all fees in connection with the recording of said plat.

Improvements shall be completed and the final plat shall be filed in the office of the Circuit Clerk within two (2) years after approval by the Planning Commission; if improvements have not been completed within such time, the City may redeem the bond and complete the improvements necessary to serve all lots having been issued building permits. The City Council may elect to complete all improvements or cease issuing building permits for the unimproved lots.

Upon recording the plat, the City shall retain two (2) copies for the Planning Commission's file, one (1) copy shall be forwarded to the Tax Assessor, and two (2) copies shall be returned to the Subdivider.

- 13.3** Notification of Recordation - No building permits may be issued until proof of the recording of said approved final plat has been presented to the Department of Public Works, giving plat book and page number, or instrument number.