

- c. At the end of one year, this sum shall be used to perform needed maintenance. Any amount not needed for proper maintenance as determined the mayor or his designee will be returned to the provider of the cashier's check.
- (4) *Irrevocable letter of credit.*
- a. If an irrevocable performance letter of credit is posted to assure completion of the improvements, that letter of credit shall include provisions that automatically convert if to an irrevocable maintenance letter of credit upon completion of the improvements or on the date the performance letter of credit lapses, whichever comes first.
  - b. Such maintenance letter of credit shall meet all conditions in the certificate of completion of improvements, subsection (1) of this section.
  - c. When the mayor or his designee has received notification that one of the heretofore described mechanisms assuring completion of the improvements have been executed, the planning commission may certify final plat approval.
- (Ord. No. 2009-10, § 300.09, 9-4-2009)

**Sec. 107-41. Release of guarantee.**

(a) *Certificate of completion.* To request a release of a guarantee, the owner/developer's engineer-of-record shall submit a certification of completion to the mayor or his designee that the development is complete and functional.

(b) *Final inspection.* The mayor or his designee shall conduct a final inspection of remaining guaranteed items. The final inspection must be approved prior to releasing the guarantee.

(c) *Guarantee released.* In the event the guarantee is released, the city shall reimburse the owner/developer the amount of the cashier's check.

(Ord. No. 2009-10, § 300.10, 9-4-2009)

**Secs. 107-42—107-70. Reserved.**

**ARTICLE III. PRELIMINARY PLATS**

**Sec. 107-71. Applicability.**

(a) Any owner of land within the planning area boundary of the city seeking to subdivide property shall not proceed with any construction work on the proposed subdivision before obtaining preliminary plat approval nor shall the owner attempt to record the plat of the subdivision or any part thereof, including conveyance of title to any lot, prior to obtaining final plat approval from the planning commission.

(b) The conditions in subsection (a) of this section shall also apply to lot splits and minor subdivisions.

(Ord. No. 2009-10, § 400.01, 9-4-2009)

**Sec. 107-72. Preapplication conference.**

(a) *Purpose.* The purpose and intent of the preapplication conference is to afford the subdivider an opportunity to obtain the advice of the planning commission, mayor or his designee in order to avoid unnecessary costs and delays to the subdivider and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.

(b) *Optional.* When the owner of a tract of land proposes its subdivision, the subdivider is urged to discuss informally the intent of his subdivision with the planning commission, mayor or his designee.

(c) *Fees.* No fees shall be collected for a preapplication conference, its purpose being to acquaint the subdivider with plans and policies in effect that may be significant to his proposed subdivision.

(d) *Sketch plans.* The subdivider shall submit sketch plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision. The sketch plan shall include the following information, all of which may be based on sources of information other than field survey data:

- (1) The location of the tract in relation to the surrounding area.
- (2) The total acreage in the proposed subdivision.
- (3) All existing streets, roads, wet and dry watercourses, and other significant features of the tract within 500 feet thereof.
- (4) Approximate location of proposed streets and property lines.
- (5) An accurate sketch of the proposed site plan.
- (6) A north arrow and graphic scale.
- (7) Direction of and approximate distance to nearest existing major street intersection.
- (8) Existing utilities and easements, if any.
- (9) Proposed land use descriptions.
- (10) Existing adjacent development.
- (11) Existing easement and covenants affecting the tract or parcel.
- (12) Any additional information the developer wishes to provide to give greater clarification and understanding of the development and its proposed use.

(e) *Discussion.* At the preapplication conference, the general character of the development will be discussed and items including zoning, utility services, street requirements, flooding and drainage, and other pertinent factors related to the proposed development will be reviewed. Discussions at the preapplication conference shall not imply any approval of subsequent preliminary or final plat approval, rather to serve as an exchange of information.

(Ord. No. 2009-10, § 400.02, 9-4-2009)

**Sec. 107-73. Application for approval.**

The application shall be submitted to the mayor or his designee pursuant to the city development calendar and shall consist of the following:

- (1) *Application.* A letter of intent along with a completed application form, as provided by the planning commission, mayor or his designee.
  - (2) *Fee.* Payment of the filing fee as specified in the application or schedule of fees.
  - (3) *Preliminary plat.* The number of copies of the preliminary plat as indicated on the application packet that includes all the requirements for a preliminary plat indicated in article VIII of this chapter. The preliminary plat shall be drawn clearly and legibly at a scale not smaller than one inch equals 100 feet. A digital copy will be required after approval.
  - (4) *Drainage report.* Submit drainage report, grading and erosion control plan.
  - (5) *Deed.* Copy of warranty deed showing ownership of property.
  - (6) *Recorded plat.* Copy of recorded plat of existing development, if any.
- (Ord. No. 2009-10, § 400.03, 9-4-2009)

**Sec. 107-74. Review and approval.***(a) Administrative review and approval.*

- (1) The mayor or his designee and other appropriate city and public agency staff shall review the proposed subdivision for conformance with these regulations.
- (2) In its review, the mayor or his designee shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes needed that would enable the project to meet the purpose and intent of the subdivision regulations.
- (3) 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 the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.
- (4) Comments will be sought from county officials who may provide recommendations as applicable to development within the planning area but outside the city limits.

*(b) Other city departments.* The mayor or his designee may distribute copies of the preliminary plat to other city departments and officials with the request that its recommendations for either approval or disapproval be provided in writing. Such recommendations shall be given to the planning commission.

*(c) Planning commission action.*

- (1) *Changes or additions.* After the planning commission has reviewed the preliminary plat and taken into account any staff recommendation, the applicant shall be advised of any required changes and/or additions.

- (2) *Action.* The planning commission shall approve, approve conditionally, or disapprove the preliminary plat within 60 days from the date of receipt thereof or the preliminary plat shall be deemed approved unless the subdivider stipulates in writing to the planning commission that additional time is allowed. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.
- (3) *Disapproval.*
- a. A disapproved preliminary plat may be resubmitted. The plat shall be submitted for review as outlined in this regulation for an original preliminary plat submission.
  - b. The mayor or his designee may forego those steps in the review process of a resubmitted plat found to be entirely repetitive of the disapproved plat.

(Ord. No. 2009-10, § 400.04, 9-4-2009)

**Sec. 107-75. Review criteria.**

The preliminary plat may be approved by the planning commission when the applicant has provided clear and convincing evidence that:

- (1) *Water.* Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, fire protection, and quality to provide an appropriate supply of water for the type of subdivision proposed. The applicant shall provide verification of approval from the state department of health or governing utility.
- (2) *Sewer.* 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. The applicant shall provide verification of approval from the state department of health or governing utility.
- (3) *Special precautions.* 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) *Transportation.*
  - a. The existing transportation system 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 professional traffic engineer and paid for by the developer, demonstrating that existing streets can handle the proposed traffic. The city also may require that the developer provide plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed development.
  - b. If the traffic study indicates that the development will create more demand than the existing transportation system can accommodate, the developer shall show that it will make appropriate off-site improvements to meet the increase in demand and capacity.

(Ord. No. 2009-10, § 400.05, 9-4-2009)

**Sec. 107-76. Authorization to proceed.**

Receipt of an approved or conditionally approved copy of the preliminary plat, together with an approved copy of the improvements plan shall constitute authorization of the planning commission for the subdivider to proceed with the installation of improvements and the staking out of lots and blocks. The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under this regulation prior to filing a final plat application.

(Ord. No. 2009-10, § 400.06, 9-4-2009)

**Sec. 107-77. Expiration of preliminary plat approval.**

(a) *Expiration.* The preliminary plat approval shall automatically expire one year from the original date of approval and further development work will require approval of another preliminary plat. An approved preliminary plat conditioned upon the developer completing a list of deficiencies shall also be considered to be null and void should the list of deficiencies in its entirety not be completed within the designated six-month period from the date of preliminary plat approval.

(b) *Extensions.* If at the end of the expiration time approved in subsection (a) of this section for the preliminary plat, the subdivider submits a written request for extension of the preliminary approval, the planning commission may grant an extension of up to 12 additional months providing, in the opinion of the planning commission, sufficient work has been completed with respect to the required improvements on the property. No more than one extension shall be granted.

(Ord. No. 2009-10, § 400.07, 9-4-2009)

**Secs. 107-78—107-97. Reserved.****ARTICLE IV. FINAL PLATS****Sec. 107-98. Applicability.**

An application for final plat approval may be submitted for planning commission approval when one of the following requirements is met:

- (1) *Improvements complete.* The final plat of the proposed subdivision or an approved phase may be submitted to the planning commission for final approval at the time of completion of improvements shown on the preliminary plat.
  - a. *Certificate of completion.* The owner/developer's engineer-of-record submits a statement certifying that all improvements and installations to the subdivision required for its approval under the terms of these regulations have been made, added, or installed in accordance with city specifications.
  - b. *Final inspection.* The mayor or his designee conducts and certifies a final inspection.

- (2) *Improvements substantially complete.* When the subdivision is substantially complete, as provided for in section 107-105, and owner/developer guarantees completion of the remaining items, as provided for in section 107-106, in accordance with section 107-39, the final plat may be submitted for final approval.

(Ord. No. 2009-10, § 500.01, 9-4-2009)

#### **Sec. 107-99. Application for final plat.**

When the requirements of these regulations have been satisfied and while the preliminary plat approval is in effect, the owner/developer shall submit to the planning commission an application for review and approval of the final plat pursuant to the city development calendar which shall consist of:

- (1) *Application.* A completed application requesting review and approval of the final plat.
- (2) *Plat.* The final plat in the number of prints as indicated on the application form, with all items required for a final plat as provided for in article VIII of this chapter, and other documents as specified in the application.
- (3) *Fee.* Payment of the filing fee as specified in final plat application or schedule of fees.
- (4) *Digital copy.* The owner/developer must submit with an application for final plat approval, the proposed final plat in digital form with all information in AutoCAD (DWG) format on CD. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, and any other information that the planning commission may require. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the planning department or mayor or his designee.
- (5) *Donated assets.* Approved estimate of donated assets, broken down by improvement type (streets, water, electric, sewer, drainage, and sidewalks), as prepared by the engineer-of-record and approved by the city engineer, or mayor or his designee.

(Ord. No. 2009-10, § 500.02, 9-4-2009)

#### **Sec. 107-100. Prior to planning commission.**

(a) *Maintenance assurance.* The owner/developer shall submit a financial instrument that assures maintenance of the donated assets in accordance with the requirements in section 107-40 no later than 12:00 noon the Friday before the planning commission meeting at which the final plat will be reviewed.

(b) *Guarantee of improvements.* If improvements are substantially complete, the owner/developer shall submit a financial instrument in accordance with the requirements set forth in section 107-39 no later than 12:00 noon the Friday before the planning commission meeting at which the final plat will be reviewed.

(Ord. No. 2009-10, § 500.03, 9-4-2009)

**Sec. 107-101. Review and approval.**

(a) *Planning commission action.* The planning commission shall approve or disapprove the final plat within 60 days of receipt of the application; otherwise said final plat shall be deemed to have been approved. Disapproval of the plat shall be transmitted to the owner/developer with the reasons therefor within a reasonable time (not to exceed two weeks) after the meeting at which the plat was disapproved. Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

(b) *City council action.* City council approval of the final plat shall provide for the acceptance of right-of-way dedications.

(Ord. No. 2009-10, § 500.04, 9-4-2009)

**Sec. 107-102. Inspections.**

(a) *Inspections required.* All projects shall be constructed according to the plans and specifications reviewed and approved by the city. Inspections shall be made periodically by the city in accordance with other applicable ordinances. The city, or its designated agents, may inspect those facilities, improvements and installations for conformance with plans and specifications. Any improvements where post installation inspections methods cannot ascertain whether proper methods or materials were employed may have resident on-site inspection during installation at the sole cost of the developer.

(b) *Defects and deficiencies.* If such inspection reveals that there are any defects or deficiencies in such improvements as installed or that improvements differ from the final engineering plans and specifications accepted by the city, the mayor or his designee shall notify the owner/developer and his engineer-of-record in writing of such defects, deficiencies, and deviations. The owner/developer shall, at his expense, correct such defects or deviations prior to final plat approval. When such deficiencies have been corrected, the engineer-of-record shall notify the mayor or his designee in writing that improvements are again ready and a final inspection shall be conducted.

(Ord. No. 2009-10, § 500.05, 9-4-2009)

**Sec. 107-103. Recording.**

(a) *Owner/developer responsibility.* Upon approval of the final plat and acceptance of the public dedications by the city council, the owner/developer shall record the final plat at the office of the county circuit clerk no later than ten days of the final plat approval.

(b) *Copies of plat to be provided.* After recording the plat, the owner/developer shall provide two copies of the plat for the files of the planning commission and the mayor or his designee.

(Ord. No. 2009-10, § 500.06, 9-4-2009)

**Sec. 107-104. Application for building permit.**

No building permits may be issued until proof of the recording of the approved final plat has been presented to the appropriate city department.

(Ord. No. 2009-10, § 500.07, 9-4-2009)

**Sec. 107-105. Criteria for substantial completion (non-bondable items).**

The following items shall be completed prior to planning commission approval of the final plat:

- (1) *Streets.*
  - a. All curb and gutter and street drainage slopes completed and backfilled.
  - b. Final layer of asphalt in place.
  - c. Street signs paid for.
  - d. Pedestrian accommodations constructed.
  - e. Road right-of-way restoration substantially complete.
- (2) *Sewer.*
  - a. All sewer lines constructed to grade.
  - b. Mandrel and pressure tests complete.
  - c. All manholes complete to required elevations and vacuum tested.
  - d. Sewer services marked.
  - e. Lift station site functionally complete, with the exception of electricity.
  - f. Tracer wires installed on force mains and tested.
  - g. Lift station alarm completed and monitorable.
  - h. Draft final record drawings.
- (3) *Water.*
  - a. All water lines in place, pressure tested, and bacterially tested safe.
  - b. All hydrants and valves in place, accessible, and operational (facing street).
  - c. Meter tiles and setters in place.
  - d. Tracer wires installed and tested.
  - e. Draft of record drawings.
  - f. Passing test results for all backflow devices provided.
  - g. All backflow prevention devices installed properly and functional.
- (4) *Electrical conduit.*
  - a. Conduit in place at proper depth and clear of obstructions.
  - b. Conduit termination points in proper location per design layout, marked and protected.
  - c. Transformer and junction box locations at or near final grade.
- (5) *Drainage.*
  - a. Drainage swales in place, sodded or concrete-lined, properly dedicated with erosion control measures in place.
  - b. Detention/retention facilities to grade and draining properly.

- c. Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.
- d. Any needed off-site improvements or easements in place.
- e. Sodding of detention/retention ponds completed and established.
- f. Fencing of detention/retention ponds in place.
- g. Aeration facilities for retention ponds in place.
- h. All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- i. Final layer of drainage paving in place as required by approved plan, including parking lots.

(Ord. No. 2009-10, § 500.08, 9-4-2009)

**Sec. 107-106. Criteria for guarantees (bondable items).**

The following items do not need to be completed prior to planning commission approval of the final plat, provided that the requirements of section 107-39 have been met.

(1) *Streets.*

- a. Correction of final layer of pavement to the required thickness and density.
- b. Correction of low or ponding areas in street.
- c. Correction of unacceptable curb sections.
- d. Correction of damaged pedestrian accommodation sections.
- e. Approval of final record street drawings.

(2) *Sewer.*

- a. Cosmetic work.
- b. Final record drawings.

(3) *Water.*

- a. Painting hydrants with proper coding for fire flow rates.
- b. Hydrant markers installed.
- c. Adjusting meter tiles to grade.
- d. Adjusting meter setters.
- e. Adjusting valve stacks.
- f. Pouring concrete valve operator pads.
- g. Final record drawings.

(4) *Drainage.* Cosmetic work (finish grout, clean out boxes, pipes, and other appurtenances).  
(Ord. No. 2009-10, § 500.09, 9-4-2009)

**Secs. 107-107—107-125. Reserved.**

**ARTICLE V. INCIDENTAL SUBDIVISIONS****Sec. 107-126. Applicability.**

(a) This article is designed to expedite the platting and recording of minor subdivisions, lot splits and certain other dividing or adjustment of land area defined hereafter.

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

- (1) *Lot split.* A lot split in which a lot, located in an already existing recorded subdivision within the planning area is divided into three lots or less, and where rights-of-way and/or utility easements are being dedicated to the city.
- (2) *Minor subdivision.* A minor subdivision in which a lot, tract, or parcel is divided into five lots or less and does not require dedications, vacations, reservations, changes in alignment of easements or rights-of-way, or extensions of utilities.
- (3) *Property line adjustment.* A property line adjustment in which a property line is moved or relocated but does not create an additional lot. A property line adjustment may or may not dedicate rights-of-way and/or utility easements.
- (4) *Correction plat.* A correction plat in which a correction to an existing plat is necessary due to an incorrect legal description or scrivener errors. The correction plat does not change the boundaries, does not change the subdivision name and does not create new lots. The correction plat may or may not create new utility easements.

(Ord. No. 2009-10, § 600.01, 9-4-2009)

**Sec. 107-127. Application for approval.**

The application shall be submitted to the planning department the mayor or his designee pursuant to the city development calendar and shall consist of the following:

- (1) *Application.* Completed and signed application form.
- (2) *Fee.* Payment of the filing fee as specified in the application or schedule of fees.
- (3) *Survey.* Survey of the property signed and sealed by a registered land surveyor with the State of Arkansas showing the information as required on the application.
- (4) *Plat.* Provide the number of copies of the plat as indicated in the application. The plat shall be drawn clearly to include the information as required in article VIII of this chapter.
- (5) *Deed.* Copy of land deed showing ownership of property.

(Ord. No. 2009-10, § 600.02, 9-4-2009)

**Sec. 107-128. Review and approval.**

(a) *Review and administrative approval.*

- (1) *Applicability.* The mayor or his designee may review and administratively approve a minor subdivision, property line adjustment and correction plat if no dedications are being made.

The mayor or his designee shall inform the full planning commission at its next regular meeting that approval has been granted for a minor subdivision, property line adjustment, or correction plat.

- (2) *Action.* Within 14 days of receipt of the complete plat from the applicant, the mayor or his designee shall approve, approve with conditions, or disapprove said plat. If the plans are approved, a building permit can be issued after the applicant records the plat at the office of the county circuit clerk and provides the city with two copies. If the plans are approved with conditions, the conditions shall be set forth in written form to the owner/developer. The signature of the owner/developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.
- (3) *Additional review.* If the mayor or his designee determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within 14 days of receipt of plans, that a decision will not be made within the 14-day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent to the chairperson of the planning commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regularly scheduled planning commission meeting.
- (4) *Approval signatures.* All approvals to any plat shall be signified by the signature of the mayor or his designee upon the development plan.

(b) *Planning commission action.* The planning commission shall approve, approve with conditions, or disapprove any incidental subdivision that is not being administratively approved as set forth in subsection (a) of this section within 60 days of receipt thereof, otherwise said incidental subdivision shall be deemed to have been approved. Disapproval of the plat shall be transmitted to the applicant with the reasons therefor within 15 days after the meeting at which the plat was disapproved. Approval of the incidental subdivision by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

(c) *City council action.* Any incidental subdivision that dedicates street rights-of-way or easements shall be reviewed by the city council.  
(Ord. No. 2009-10, § 600.03, 9-4-2009)

#### **Sec. 107-129. Recording.**

If approved, and after all conditions have been met, the applicant shall submit the plat for recording with the county circuit clerk. Two copies and digital copy in AutoCAD (DWG) format on CD and a Mylar of the final recorded plat shall be furnished by the applicant to the mayor or his designee.  
(Ord. No. 2009-10, § 600.04, 9-4-2009)

**Sec. 107-130. Review criteria.**

Approval or disapproval of incidental subdivisions shall be given based on the following threshold guidelines:

- (1) No new street or alley is required or proposed.
  - (2) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (3) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
  - (4) There is adequate street right-of-way as required by these regulations and the master street plan.
  - (5) All easement requirements have been satisfied.
  - (6) All lots created by such split or readjustment shall have access on a public street.
  - (7) No substandard sized lots or parcels shall be created.
  - (8) No waivers or variances from these regulations are requested.
- (Ord. No. 2009-10, § 600.05, 9-4-2009)

**Secs. 107-131—107-158. Reserved.**

**ARTICLE VI. LARGE SCALE DEVELOPMENTS****Sec. 107-159. Applicability.**

- (a) This section is applicable to all development or building construction within the city and its official planning area other than single-family and duplex residential construction and development.
- (b) A development plan is required to be submitted to the mayor or his designee for all such development or building construction regardless of zone and for all additions to existing developments or buildings regardless of zone.
- (c) Single-family and duplex residential construction is specifically exempted from this requirement.
- (d) Examples of facilities or construction covered, but not limited to:
  - (1) New commercial, industrial, or civic development and building construction.
  - (2) Additions, improvements, renovations or changes to existing buildings or developments.
  - (3) Residential construction or developments other than single-family or duplex residential placed on individual lots.
  - (4) The revision of land use which results in the need for access to public streets or utilities.