

BARLING, ARKANSAS

ORDINANCE NO. 139
AN ORDINANCE FOR THE PURPOSE
OF ESTABLISHING AND ENFORCING
RULES AND REGULATIONS SETTING FORTH
PROCEDURES, REQUIREMENTS AND MINIMUM STANDARDS
GOVERNING THE SUB-DIVISION OF LAND
WITHIN THE CITY OF BARLING, ARKANSAS
AND ESTABLISHING THE JURISDICTION OF THE
BARLING PLANNING COMMISSION
AND FOR OTHER RELATED PURPOSES

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

CHAPTER I INTRODUCTION

Section 1. Purpose

The purpose of these regulations is to set forth the procedures, requirements, and minimum standards governing the subdivision of land under the jurisdiction of the Barling Planning Commission.

Section 2. Authority

The subdivision regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas. Act 186 states that, following the adoption and filing of a "Master Street Plan," the Planning Commission may prepare and shall administer regulations controlling the development of land.

Section 3. Jurisdiction

These regulations shall be applicable to all land within the planning area of the city as indicated on the "Planning Area Map" adopted by the Planning Commission on September 7, 1982.

Section 4. Conformance to Official Plans

Subdivision shall conform to official plans and regulations that are in effect.

Section 5. Reservation of Land

The developer shall reserve all land designated for public use on an adopted official plan for twelve (12) months following date of approval of preliminary plat, to permit the public body having jurisdiction or financial responsibility to acquire the property. However, the developer may be released from the reservation requirement in less than twelve (12) months if the public body having jurisdiction notifies the Planning Commission that it no longer desires to have the land held.

Section 6. Suitability of Land

The Planning Commission shall judge the suitability of the land for the proposed development and shall require plat approval if physical conditions would endanger health, life, or property.

Section 7. Transfer of Property

All property within a subdivision, as defined herein, shall be conveyed only by reference to an officially recorded plat.

CHAPTER II DESIGN AND LAYOUT

Section 1. Objectives

To identify those physical features that affect the internal arrangement of subdivisions and to set forth design and layout standards that will assure the development of safe, attractive, efficient, and economical urban residential areas.

Section 2. Special Conditions

Whenever the tract to be subdivided is of such unusual size, shape, or topography, or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by an affirmative vote of a majority of the quorum of the Planning Commissioners.

Section 3. Streets

1. Projection of Arterial and Collector Streets. Arterial and collector streets in a subdivision shall conform to the Master Street Plan.
2. Local-Service Streets. Minor streets shall be designed in a manner that will discourage through traffic.
3. Street Intersections. Streets shall be designed so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 75 degrees. Property lines at intersections shall be rounded with a radius of not less than twenty-five (25) feet.
4. Dead-End Streets. Dead-end streets, designed to be so permanently, shall not be longer than 600 feet and shall be provided at the closed end with a turn-around having property line diameter of at least 100 feet.
5. Street Width. Street right-of-way widths shall be not less than as follows:

Arterial	80 feet
Collector	60 feet
Local-service	50 feet

6. Street Grades. No street grade shall be less than .5% and shall not exceed the following:

Arterial	7%
Collector	10%
Local-service	12%

7. Street Jogs. Street Jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
8. Street Curves. Horizontal and vertical curves in streets shall have a radius adequate to insure sight distances sufficient to permit a driver to stop safely.
9. Subdivisions with Arterial or Collector Streets. Where a subdivision abuts or contains an existing or proposed arterial or collector street, the Planning Commission shall require treatment that may be necessary to allow adequate protection for residential properties and to afford separation of through and local traffic.
10. Half Streets. Half streets shall be prohibited.

Section 4. Blocks

1. Length, Width, and Shape. The length, width, and shape of blocks shall be determined with due regard to:
 - a. Adequate building sites suitable to the type of use contemplated.
 - b. Topography
 - c. Physical features
2. Size. Blocks shall be large enough to accommodate two tiers of lots and shall be at least two times the width in length.

Section 5. Lots

1. Lot Size and Shape. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the terrain.
2. Lot Dimensions. Lot dimensions shall conform to the requirements of the zoning ordinance. Where no zoning ordinance is in effect, the lot dimensions shall be as follows:
 - a. Residential lots where served by public sewer shall not be less than 75 feet wide at the building setback line.
 - b. Residential lots where not served by public sewer shall be in accordance with Arkansas State Health Department regulations.
3. Corner Lots. Such lots shall have extra width to permit appropriate building setback from and orientation to both streets.
4. Street Access. Each lot shall have a minimum of 30 feet of frontage to provide satisfactory access to a public local service street. Lots fronting on or having direct access to an arterial or collector street shall be discouraged.

5. Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial or collector streets or to overcome specific disadvantages of topography and orientation.
6. Side Lot Lines. These lines shall be substantially at right angles or radial to street lines.
7. Rear yard Lines. The minimum rear yard setback shall be 20 feet.
8. Building Setback Lines. Where no zoning ordinance is in effect, the front building setback line shall not be less than 25 feet and the side line not less than 7- $\frac{1}{2}$ feet, except where the lot is on a street corner in which case the front setback shall be 25 feet and the side adjoining the street shall be 15 feet.

Section 6. Easements and Public Dedications

1. Utility. Easements across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 10 feet wide. Each case to be approved by City Engineer.
2. Drainage. Easements adequate in width shall be provided where necessary for water courses and storm water drainage.
3. Public Dedication. All land held for public use shall be approved by the Planning Commission.

CHAPTER III

Section 1. Objective

In order to protect new land owners and to reduce maintenance costs to the City, the developers shall provide for the installation of the following improvements at their own expense in accordance with standards and specifications adopted by the Board of Directors.

Section 2. Requirements for Plat Approval

The subdivider shall provide, along with the final plat, one of the following in respect to the required improvements.

- a. Evidence of the completion of all improvements to the land required by these regulations. This evidence shall be in the form of certificates signed by the proper city authority to the effect that the improvements have been completed and do comply with municipal ordinances governing such improvements and with these regulations.
- b. A surety bond for 100% of a project estimate approved by the City Administration for the cost of all required improvements for faithful performance of the work.

The individual bonds submitted by the various sub-contractors to the sub-divider for the faithful performance of the work may be substituted for the one bond of 100 percent provided that the individual bonds are sufficient to cover the estimate approved by the City Administration, and provided that the individual bonds are made out so that the City of Barling can cause the work to be completed in case of default.

Such bonds shall be approved by the City Attorney before acceptance.

- c. A deposit with the City of a sum equal to the estimated cost of the improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various stages of his improvements.

Section 3. Required Improvements

1. Water Distribution System. Each lot in the subdivision shall be served with a supply of water adequate for potable use and for fire protection. Plans and specifications for the waterworks improvements shall be prepared by a professional engineer registered in Arkansas. Plans and specifications of the water distribution system improvements shall be approved by the Arkansas State Board of Health. The water distribution system shall be installed in accordance with the standards of the American Waterworks Association.

After installation of the system, the mains shall be disinfected and bacteriological samples submitted by the developer or his agents to the Arkansas State Board of Health. The disinfection procedure shall be repeated until satisfactory bacteriological results are obtained. Prior to acceptance of the distribution system by the City, the system shall be pressure tested at 150% of the working

pressure and the allowable leakage shall be less than set forth in AWWA Standard C-600, Table III.

2. Sanitary Sewer System. Where it is determined by the Planning Commission that the sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service.

Sanitary sewers shall be a minimum of 6 inches in diameter except that 6 inch diameter laterals may be used serving less than 20 lots when it has been determined by the Planning Commission that this lateral sewer cannot be extended in the future for gravity service or be used to receive sewage from any future lift station. The sanitary sewer system shall be designed and the plans and specifications prepared by a professional engineer registered in Arkansas. The plans and specifications shall be approved by the Arkansas State Board of Health.

Sanitary sewer systems shall be installed following the practices set forth in American Society of Civil Engineers Manual No. 37, "Design and Construction of Sanitary and Storm Sewers," and under the supervision of a registered professional engineer. The maximum infiltration allowance shall be 500 gallons per inch of diameter per mile per day. Prior to acceptance of the sanitary sewers, the supervising engineer shall certify in writing that he has lamped the lines between each manhole and observed at least two-thirds (2/3) of a circle, and shall present the results of infiltration or exfiltration tests.

3. Private Sewage Disposal Systems. Where it is determined by the Planning Commission that a public sanitary system is not available, then evidence shall be shown by the subdivider that arrangements have been made for the provision of satisfactory sewage disposal facilities. Such evidence shall include the approval of the Arkansas State Board of Health.
4. Storm Water Drainage. Where it is determined by the Planning Commission that an underground storm water drainage system is available and that connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system.

Where an underground storm water drainage system is not available, then adequate surface water drainage facilities shall be installed and connected to existing underground or surface drainage facilities.

The underground storm drainage system shall be designed by a registered professional engineer and the capacity shall be based on a rainfall frequency return period of ten years. The floor elevations of buildings constructed in a subdivision shall be above the

water level, as determined by a registered professional engineer, resulting from a rainfall frequency with a return period of 100 years.

Diversion of storm water flow shall be avoided, if at all possible. If storm water is to be diverted from its natural course, the plat shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of open waterways to prevent erosion of silting.

5. Streets shall be designed and constructed according to the Master Street Plan as adopted by City Board of Directors.

Alternate methods of construction which will be accepted are 5 inches of Portland Cement concrete placed on a compacted sub-grade. Concrete to have a 28 day compressive strength of 3000 psi. Asphaltic concrete base may be substituted for crushed stone base on a basis of 1 inch asphaltic base equals 1-½ inches of crushed stone base. Field density tests, one for each 500 linear feet, shall be made on the sub-grade and crushed stone base. The sub-grade shall be approved by the Public Works Superintendent prior to placing the wearing surface.

6. Sidewalks. Sidewalks shall be constructed on one side of residential and collector streets and both sides of arterial street. Sidewalks shall be at a minimum depth of not less than 4" Portland Cement reinforced with 6 x 6 x 10/10 welded wire fabric throughout. Expansion joints every 20 linear feet, at least ½" wide cutting entirely through sidewalk. Surface to be blocked off in 4 foot squares by contraction points extending at least 3" into concrete.
7. Monuments. Metal rods, three-fourths inch in diameter and 24 inches long shall be placed with the top flush to the ground at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision, and at all lot corners.

In situations where conditions prohibit the placing of markers in the locations prescribed, off-set markers shall be permitted.

CHAPTER IV PROCEDURE FOR PLAT APPROVAL

Section 1. Objective

To establish a uniform procedure which the developer shall follow to allow consistent treatment of each developer.

Section 2. General

Normally, the approval process involves the preparation by the developer and the approval by the Planning Commission of a Preliminary Plat and a Final Plat for the land proposed for development.

In the event the plat as submitted by the applicant is disapproved by the Planning Commission, the applicant may petition the Board of Directors for a review of the Planning Commission action. The Board of Directors may sustain the disapproval of the Commission or refer the plat back to the Planning Commission for restudy.

Section 3. Preplatting Preparation

The developer should consult with the Planning Commission or its representative prior to the preparation of the Preliminary Plat. In connection with such consultations, the developer should indicate on a pencil sketch plan his subdivision proposal, request checklists and instructions to guide him in the preparation of the plat. He should also familiarize himself with the regulations, the master street plan, and with other official plans and policies.

Section 4. Preliminary Plat Approval Procedure

The following actions and conditions relate to the Preliminary Plat approval procedure.

1. Subdivision to Planning Commission. The developer shall submit 3 copies of a Preliminary Plat to the Planning Commission or its representative at least fifteen calendar days prior to the meeting at which the plat is to be considered. Upon receipt of the plats, one copy shall be dated and signed for the Planning Commission files.
2. Action by Planning Commission. Within 45 days after review, the Planning Commission shall indicate its approval, disapproval, or conditional approval of the plat. The reasons for disapproval shall be stated in writing.

Before approval of the plat, the Planning Commission shall obtain evidence that the plat has been reviewed and commented on by the agencies and the municipal department that have an interest in or may be affected by the plat proposal.

3. Expiration of Approval. The approval of the Preliminary Plat shall lapse unless a Final Plat of the subdivision is submitted to the

Planning Commission within one (1) year following the date of approval.

4. Approval as authorization to install improvements. Approval of the Preliminary Plat does not constitute approval for filing the Plat with the County Recorder. It is, however, authorization for the subdivider to proceed with the installation of improvements or to submit guarantees in lieu of improvements.
5. Preliminary Plat must show layout of entire development. If the developer desires presently to develop only a portion of the entire area intended for development, a Preliminary Plat for the entire area will be required in order that each part may be properly related to the total area.

Section 5. Final Plat Approval Procedure

The following actions and conditions relate to the Final Plat approval procedure.

1. Submission to Planning Commission. After approval of the Preliminary Plat, and after the required improvements have been installed or provisions for their installation have been made (see Chapter III, Improvements, Section 2), the developer shall submit, within fifteen calendar days prior to a Planning Commission meeting, 3 copies of a Final Plat, together with certificates and other supporting information.
2. Action by Planning Commission. Within forty-five days after its reviewed by, the Planning Commission shall approve or disapprove the plat. If disapproved, the reasons shall be recorded in the Planning Commission minutes and transmitted to the subdivider in writing. The developer shall be granted thirty days in which he may resubmit his application through the final plat procedure, if the plat was disapproved because a specific improvement was not installed.
3. Final Plat for a portion of a subdivision. If a subdivider desires to develop only a portion of the area for which the Preliminary Plat has been approved, the Planning Commission may approve a Final Plat for a portion of Preliminary Plat area.
4. Board of Directors action. Upon approval of a Final Plat of a subdivision located within the corporate limits of the city, the Planning Commission shall transmit a copy of the Plat to the Board of Directors for its acceptance of the dedication of public streets and other public space. If the subdivision is located outside the corporate limits of the city, the Final Plat must also be accepted by the County Judge.
5. Recording of Final Plat. A copy of an approved Final Plat (and acceptancy by the Board of Directors if located within the city)

shall be filed with the circuit clerks office in the county court house.

Pursuant to Section 5-3, Arkansas Planning Law 186 of 1957 "the recorder shall not accept any plat for record without the approval of the Planning Commission."

CHAPTER V PLAT REQUIREMENTS

Section 1. Objective

To set forth the minimum information that is needed on a subdivision plat, and accompanying the plat, for the Planning Commission to determine if the subdivision complies with the land development regulations and meets the legal requirements for filing and recording purposes.

Section 2. Plat Size and Scale

The scale of the Preliminary Plat shall be not less than one inch equals 100 feet. The Final Plat shall be prepared on sheets 18 inches by 23 inches, or on approved size to correspond with the County Plat Book.

Section 3. Right of Survey

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

Section 4. Plan Information Checklist

The following checklists indicate the required information for the Preliminary and Final Plats.

PRELIMINARY PLAT CHECKLIST

1. Subdivision's name; city, county, and state _____
2. Subdivision's limits, boundaries _____
3. Legal description _____
4. Total acres of subdivision _____
5. Names and addresses of owner and surveyors _____
6. Names of adjacent subdivisions _____
7. Perimeter property owners identified _____
8. Vicinity map - reasonable scale _____
9. 2 foot contour intervals (unless 5 ft. interval is approved by Planning Commission). _____
10. All physical features, i.e. lakes _____
11. Date _____
12. Scale _____
13. True north arrow _____
14. Location of: streets _____
15. Location of: alleys _____
16. Location of: easements _____
17. Street names _____
18. Dimensions of: streets and right-of-ways _____
19. Dimensions of: alleys _____
20. Dimensions of: easements _____
21. Dimensions of: lots _____
22. Dimensions of: blocks and numbers _____
23. Location of building lines _____
24. Restrictive covenants _____
25. Approval by Planning Commission (certified) _____
26. Proposed water, sewer, and fire hydrant location _____

FINAL PLAT CHECKLIST

1. Subdivision's name; city, county, state _____
2. Subdivision's limits, boundaries _____
3. Legal description _____
4. Total acres of subdivision _____
5. Date, scale, and true north arrow _____
6. Dimensions of: streets and right-of-ways _____
7. Dimensions of: alleys _____
8. Dimensions of: lots _____
9. Dimensions of: blocks and numbers _____
10. Bearings on all lots _____
11. Bearings on all blocks _____
12. Bearings on all streets _____
13. Location of Monuments _____
14. Location of building lines _____
15. Restrictive Covenants _____
16. Approval of water/sewer by State Health Dept. _____
17. Approval of drainage by City _____
18. Approval of street system by registered engineer
approved by Board of Directors _____
19. Street Profiles _____
20. Certification of improvements _____
21. Certifications of: ownership and dedication _____
22. Certifications of: approval by Planning Commission _____
23. Certifications of: accuracy by registered land surveyor
licensed in the State of Arkansas _____

CHAPTER VI GENERAL

Section 1. Severability

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

Section 2. Enforcement

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 unless the plat has been approved by the Planning Commission.

Section 3. Penalty

Any person, firm, or corporation which violates any provisions of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be subject to penalties provided by law.

Section 4. 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 Board of Directors may adopt the amendment or amendments as recommended by the Planning Commission.

Section 5. Fees

For each Preliminary Plat submitted, the fee shall be \$10 plus 50 cents for each lot, the maximum fee not to exceed \$15. For each Final Plat submitted, the fee shall be \$5, plus 25 cents for each lot, the maximum fee not to exceed \$10.

Section 6. Definitions

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

1. Alley - a minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
2. 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.
3. Cul de sac - a street having one end open to the traffic and being terminated at the other end by a vehicular turn-around.
4. 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.

5. Improvement - street grading and surfacing, curbs and gutters, watermain and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
6. Lot - a portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.
7. Plan, City - the comprehensive plan made and adopted by the Planning Commission and accepted by resolution by the Board of Directors indicating the general locations recommended for the various land uses, major streets, parks, public buildings, zoning districts, and other public improvements.
8. Plan, Master Street - a plan for streets made and adopted by the Planning Commission and accepted by the Board of Directors by ordinance classifying certain streets within the planning area jurisdiction as arterial, collector streets, or local streets.
9. 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 Commission. Such plats may be the initial sketch, the Preliminary Plat, or the Final Plat.
10. Street - a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.
11. Arterial Street - carries the major portion of vehicles entering or leaving the city. Provides a means for intra-area travel while not penetrating neighborhoods.
12. Collector Street - provides both land access and circulation within residential neighborhoods, commercial and industrial areas. These streets distribute traffic to local streets from the arterial streets as well as collect traffic from local streets.
13. Local Street - provides direct access to abutting property and to higher classifications of streets. i.e. collectors and arterials.
14. Dead End Street - a street that provides no through movement and does not offer a turn around area as with a cul de sac.
15. Subdivider - person, persons, or corporation that plans to utilize and divide land for development into two or more tracts or parallels or a person, persons, or corporation that plan to utilize land where an extension of a public street is proposed.
16. Subdivision - the division or resubdivision of a tract into two or more tracts or parcels for the expressed purpose, for either immediate or future development. Any land development where there is an extension of a public street proposed is also considered a subdivision under this Ordinance.

CHAPTER VII

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND APPROVED THIS 21st day of September, 1982.

APPROVED:

Jerry Barling
MAYOR

ATTEST:

Sheila Forget
CITY CLERK