

**LAND SUBDIVISION AND
DEVELOPMENT CODE**

REVISED: ORD. 16-758
MARCH 21, 2016

CLARKSVILLE, ARKANSAS

TABLE OF CONTENTS

ARTICLE 1. PURPOSE, AUTHORITY AND JURISDICTION	1
1.1 Purpose.....	1
1.2 Authority.....	1
1.3 Jurisdiction and Application	1
1.4 Policies.....	2
ARTICLE 2. DEFINITIONS	4
2.1 Definitions	4
ARTICLE 3. DESIGN.....	8
3.1 General	8
3.1.1 Conformance to Existing Plans	8
3.1.2 Suitability of the Land	8
3.1.3 Land Set-Aside	8
3.1.4 Design Where Future Resubdivision is Indicated	8
3.1.5 Provision of Land for Public Use	8
3.1.6 Zoning or Other Regulations.....	9
3.1.7 Adequacy of Public Facilities and Services	9
3.1.8 Subdivision and Street Names	9
3.1.9 Access	9
3.1.10 Location of Streets.....	9
3.2 Subdivision Design Standards.....	9
3.2.1 Streets.....	9
3.2.2 Alleys.....	11
3.2.3 Easements.....	11
3.2.4 Block	12
3.2.5 Lots	12
ARTICLE 4. IMPROVEMENTS	14
4.1 General Provisions	14
4.2 Streets and Street Name Markers	14
4.2.1 Asphalt Street Standards	14
4.2.2 Concrete Street Standards.....	14
4.2.3 Curbs & Gutters	15
4.3 Water Lines and Fire Hydrants	15
4.4 Sanitary Sewers	15
4.5 Drainage	15
4.6 Monuments	16
4.7 Lot Markers.....	16
4.8 Sidewalks	16
4.9 Street Lights.....	16
4.10 Boundary/Perimeter Street Improvements	16
4.10.1 Administration	16
4.10.2 Improvements Included.....	16
4.10.3 Right-of-way dedication	17
4.10.4 Master Street Plan.....	17
4.10.5 In-lieu requirements	17
4.10.6 In-lieu contributions	18

ARTICLE 5. PROCEDURE	19
5.1 General	19
5.2 Preliminary Plat	19
5.2.1 Pre-Application Conference.....	19
5.2.2 Submission Requirements	19
5.2.3 Preliminary Staff Review.....	20
5.2.4 Preliminary Approval	20
5.2.5 Authorization to Proceed	21
5.2.6 Expiration of Preliminary Plat Approval.....	22
5.3 Final Plat	22
5.3.1 Submission Requirements	22
5.3.2 Approval by Planning Commission	23
5.3.3 Acceptance of Public Dedications.....	23
5.3.4 Recording.....	24
ARTICLE 6. PLAT REQUIREMENTS	25
6.1 Preliminary Plat	25
6.2 Final Plat	27
ARTICLE 7. MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS.....	31
7.1 Scope	31
7.2 Approval Guidelines.....	31
7.3 Approval Procedure.....	31
7.3.1 Application.....	31
7.3.2 Approval	32
7.3.3 Fees.....	32
7.4 Plat Specifications.....	32
ARTICLE 8. SITE PLAN REVIEW	33
8.1 Procedure	33
8.2 Site Plan Requirements	33
8.3 Approval Procedure.....	34
8.4 Expansion of Existing Buildings.....	35
ARTICLE 9. ADMINISTRATION AND ENFORCEMENT.....	36
9.1 Enforcement.....	36
9.2 Fees.....	36
9.3 Waivers.....	37
9.4 Vacation of Plats	38
9.5 Amendments	38
9.6 Penalty.....	38
ARTICLE 10. LEGAL STATUS.....	39
10.1 Conflicting Regulations	39
10.2 Separability	39
10.3 Effective Date	39

ARTICLE 1. PURPOSE, AUTHORITY AND JURISDICTION

1.1 Purpose The purpose of this code is to regulate and control the subdivision and development of land in order to protect and provide for the public health, safety, and general welfare of the City of Clarksville and those areas falling under the jurisdiction of these regulations.

These regulations are designed, intended, and should be administered in a manner to:

- 1) Implement the Comprehensive Development Plan for Clarksville, including the Land Use Plan and Master Street Plan.
- 2) Enhance neighborhood conservation and prevent the development of slums and blight.
- 3) Harmoniously relate the development of the various tracts of land to the future development of adjoining tracts.
- 4) Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract.
- 5) Establish adequate and accurate records of land subdivision.
- 6) Provide for adequate public utilities and facilities.
- 7) Enhance safety from fire and other dangers.
- 8) Encourage appropriate and best uses land.
- 9) Provide for efficiency and economy in the process of development.

1.2 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.

1.3 Jurisdiction and Application The provisions of these regulations shall apply within the City of Clarksville and to all lands outside the city limits connected to Clarksville City Water.

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

- 1) The provisions of access to lots and parcels;
- 2) The extension or provision of utilities;
- 3) The parceling of land resulting in the need for access and utilities;
- 4) 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.

- 5) The construction of any street or public utility through any tract of land within the corporate limits of the City of Clarksville.
- 6) A development, excluding single-family to four-family structures, on one lot containing a building or buildings with a combined square footage of 1,000 square feet or larger.
- 7) All multi-family housing developments with more than 20 units.
- 8) 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.
- 9) Routine commercial developments not meeting any of the criteria listed above shall not require planning commission approval. However, in unique cases, the building inspector may require planning commission approval prior to the issuance of a building permit.

Certain properties remain exempted from the requirements of the Land Subdivision and Development Code. These include the following.

Amended by Ord.16-758

- 1) The subdivision of land into tracts of five acres or greater that do not require the construction and dedication of new streets, vacation of existing streets or easements, or any improvements which might require the creation of any easements.

1.4 Policies The policies underlying the provisions of this article are set forth in the following sections.

- 1) It is declared to be the policy of the City of Clarksville 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 Development Plan of the city for the orderly, planned, efficient, and economical development of the community. The term "adopted plans" shall specifically include the Comprehensive Development Plan consisting of a Land Use Plan and the Master Street Plan.
- 2) 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 provisions have been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
- 3) The existing and proposed public improvements shall conform to and be properly related to the provisions and standards contained in the building code, zoning code, Comprehensive Development Plan, Official Zoning Map, and other capital budgets and programs of the city.

-
- 4) Except in cases where the Fire Chief has discretionary authority or the City has adopted more stringent regulations, the Arkansas Fire Prevention Code shall supersede any regulations contained herein.
 - 5) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations.

ARTICLE 2. DEFINITIONS

Amended by Ord. 16-758

2.1 Definitions Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Wherever used in this Code, the word “may” is permissive, while the word “shall” will be interpreted in its mandatory sense. For the purpose of interpreting this Code, certain words used herein are defined as follows:

Access The way of means by which a piece of property is ingressed or egressed or entered.

Alley A minor public way used for utility easements and vehicular services.

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 Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

Boundary Street A street abutting on only one (1) side of the parcel of land being subdivided.

Building Setback Lines The phrase “building setback line” shall be the line within a property which defines the minimum horizontal distance between the building and adjacent property line.

Building Official The person designated by the City Council to administer the Land Subdivision and Development Code.

Building Permit Written permission issued by the Building Official for the construction, repair, alteration, or addition to a structure.

City City of Clarksville, Johnson County, Arkansas.

City Attorney, City Clerk, Mayor Any office referred to in this Code by title, i.e. City Attorney, City Clerk, Mayor, etc., shall be the person so retained by the City or elected to this position, or his duly authorized representative.

Cul-de-sac A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Commission The word “Commission” or “Planning Commission” shall be the official City Planning Commission of the City of Clarksville, Arkansas.

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, zoning, and traffic circulation. The Comprehensive

Development Plan consists of the City's Master Street Plan and Land Use Plan.
County Recorder The Circuit Clerk of Johnson County, Arkansas.

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

Engineer: A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.

Improvements Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

In-Lieu Contribution A cash contribution for required boundary street improvements instead of immediate construction.

Landscaping A combination of living plants and man-made materials arranged or persevered in such a way to produce a scenic setting.

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 or more streets.

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

Lot, Pipe-Stem A lot where no substantial street frontage is present except an access drive.

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 Line Adjustment The adjustment of a lot line of a recorded lot by the relocation of a common boundary where additional lots are not created.

Lot Split A lot-split is a subdivision which involves the dividing or redividing of platted land area or one or more lots within not more than one (1) block of a recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement. A Lot Split shall be considered a form of Minor Subdivision.

Low Impact Development A development design approach involving drainage improvements and road design that preserves a landscape's hydrological function to minimize and mitigate stormwater runoff close to its sources.

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 City Engineer 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, Preliminary The phrase “preliminary plat” shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

Plat, Final The phrase “final plat” shall be any plat of any lot, tract or parcel of land requested to be recorded in the deed and plat records of the County Recorder.

Public Utility Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Replatting The word “replatting” shall be the resubdivision of any part of a previously platted subdivision, addition, or lot. A Replat shall be considered a form of Minor Subdivision.

Right-of-Way A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other use.

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.

Street A public right-of-way, however designated, which provides vehicular access to adjacent areas.

Street Right-of-Way Width The words “street right- of- way width” shall be 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, Local The term “local street” shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

Street, Collector The term “collector street” shall be a street which is continuous through several residential districts and is intended as a connection street between residential districts and thoroughfares or business districts.

Street, Arterial The term “arterial streets” shall be the principal traffic thoroughfares continuous across the City, which are intended to connect distant parts of the City or adjacent thereto, and act as principal connecting streets with State and Federal highways. Each arterial street is designated on the Major Thoroughfare Plan for the City.

Subdivider or Developer Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "subdivider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent or such owner or equitable owner, of land to be subdivided. He is sometimes referred to herein as the "applicant".

Subdivision Means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the immediate or future purpose of sale or building development. It shall include all divisions of land involving the need for new streets or a change in existing streets, or the provision or extension of utilities, or other portions intended for dedication for public use. It also includes re-subdivision or replatting of the land, lots or tracts.

Subdivision, Minor A subdivision is classified as a "minor subdivision" when it contains six (6) or fewer lots and no streets, utilities, or other improvements are to be made. All other subdivisions are classified as "major subdivisions or subdivisions". Minor Subdivisions include forms of land subdivision traditionally called replats or lot splits and the conversion of previously unplatted land fitting the description indicated in this definition.

Waiver Administrative relief from the literal provisions of this Code when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

ARTICLE 3. DESIGN

3.1 General In addition to the specific requirements for improvements and their design, the following general principles shall guide the staff and planning commission in their review of proposed developments and subdivision of land.

3.1.1 Conformance to Existing Plans The purpose of this portion of the Code is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions. These standards constitute the minimums which are to be observed by developers. In order that the various purposes of this Code may be accomplished, all subdivisions hereinafter established (1) shall conform with the various elements of the Comprehensive Development Plan including the location of major thoroughfares and streets, the location of parks, playgrounds, schools and other public sites, and appropriate land uses; and (2) shall be designed to conform with the minimum zoning and building regulations for the area in which the proposed subdivision is located.

3.1.2 Suitability of the Land Land subject to flooding, improper drainage, and erosion, and any and deemed by 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.

3.1.3 Land Set-Aside 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 3.1.4. 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.

3.1.4 Design Where Future Resubdivision is Indicated 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 will be eventually resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

3.1.5 Provision of Land for Public Use The Planning Commission may require reservation of suitable sites for public uses indicated on the Comprehensive Development Plan for a period of up to six (6) months after the filing of a Letter of Intent to Develop by the subdivider. Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain. The failure or refusal of any public entity to acquire lands designated as suitable sites for public uses within six (6) months of the filing of a letter of intent to develop by the subdivider shall relieve the subdivider of any responsibility to hold such land for future public purposes.

3.1.6 Zoning or Other Regulations No Final Plat of land within the force and effect of the Clarksville 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. The Planning Commission shall grant no waiver to the subdivision regulations that would have the effect of violating any provision of the zoning regulations.

3.1.7 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.

3.1.8 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 Planning Commission in consultation with the Johnson County 911 Address Coordinator shall review and have final authority to designate street and subdivision names.

3.1.9 Access 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.

3.1.10 Location of Streets 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.

3.1.11 Low Impact Development Low Impact Development design practices may be allowed when upon review of the City Engineer, the design of the development shall conform to accepted engineering standards and meet the spirit and intent of these regulations. Any subdivision or development using Low Impact Development design practices shall require a waiver for approval. *Amended by Ord. 16-758*

3.2 Subdivision Design Standards The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer in the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Development Plan for land use, traffic circulation, community facilities, and public utility services, and in accordance with the following design standards.

3.2.1 Streets The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of the Comprehensive Development Plan and shall be designed in accordance with the following provisions:

- 1) Local residential streets shall be laid out so that their use by through traffic will be discouraged. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Planning Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.
- 2) Where the plat to be submitted includes only part of the tract owned or

intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

3) Proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or similar physical impediments preclude reasonable provision of such access, or alternate routes of access are, or will be available in the future.

4) Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City under conditions approved by the Planning Commission.

5) Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries. See Article 4, Section 4.10 for additional regulations on perimeter streets.

6) The street names shall require the approval of the Planning Commission. Streets that obviously are in alignment with streets already existing and named shall be given the name of the existing street.

7) Design Requirements

A. *Right-of-Way and Pavement Widths* The right-of-way width shall be the distance across a street from property line to property line. The minimum street right-of-way width shall conform to the street standards designated within the Master Street Plan.

Cul-de-sacs or courts designed to have one end closed should be no more than six hundred (600) feet long without special permission of the Fire Chief. Such streets will be provided at the closed end with a turn-around of not less than one hundred (100) feet roadway diameter (outside to outside of roadway surface).

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements from each side of the center line. In addition, paving and other improvements shall be installed in accordance with the established standards for improvements for that portion of the affected streets.

When the subdivision is located on only one side of an existing street, one-half of the required right-of-way shall be dedicated. In addition, paving and other improvements shall be installed in accordance with the established standards for improvements for that portion of the affected streets.

B. *Street Grades* The minimum grade for all streets shall be 0.5% unless the developer offers a suitable design for draining the street of surface storm water.

C. *Intersections* The center line of no more than two (2) streets shall intersect at any point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than sixty (60) degrees.

Curb radii at street intersections shall not be less than twenty (20) feet; Unless trees or utility poles require less; and where the angle of a street intersection is less than seventy-five (75) degrees, the Planning Commission may require a greater curb radius. 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.

Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be allowed unless special circumstances warrant a waiver as specifically approved by the Planning Commission.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create any traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

3.2.2 Alleys Alleys may be allowed at the rear of all platted lots where the subdivider produces evidence satisfactory to the Commission of the need for alleys. The width of an alley shall be not less than twenty (20) feet.

Where alleys are provided:

- 1) Intersections and sharp changes in alignment shall be avoided.
- 2) Dead-ends shall be avoided.

3.2.3 Easements Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.

Where a subdivision is crossed by a creek, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially with

the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith. No building or structure may be erected over or in an easement.

3.2.4 Block The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

- 1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- 2) Zoning requirements as to lot sizes and dimensions.
- 3) Needs for convenient access, circulations, control, and safety of street traffic.
- 4) Limitations and opportunities of topography.

Blocks of less than three hundred (300) 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.

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.

3.2.5 Lots The shape of residential lots shall not be required to conform to any stated pattern. The Planning Commission shall judge lot shape on the type of development and on the use to which the lots will be put. Corner Lots for residential use shall have extra width to permit appropriate building set back from and orientation at both streets. The following are lot dimension guidelines:

- 1) Lots within the city limits shall conform to the requirements of the Zoning Code.
- 2) Lots not served by sanitary sewer and/or public water supply shall be of sufficient size to conform to the regulations and specifications of the Arkansas State Health Department.
- 3) The minimum building setback line shall conform to the setbacks appropriate to the property's zoning district unless within the Planning Area. Those developments and subdivisions within the Planning Area shall designate a zoning district appropriate to the property and conform to the setback requirements of that district.

Side Lot lines should be approximately at right angles or radial to street lines. 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 with a permanent ornamental fence or wall of a height 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.

In residential districts which abut railroad rights-of-way, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district 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 yard setbacks shall not include this area.

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 Code.

Pipe-stem lots are to only be used on rare occasions in order to use otherwise unusable properties and shall require a waiver for approval. *Amended by Ord.16-758*

ARTICLE 4. IMPROVEMENTS

4.1 General Provisions Every subdivider shall be required to install streets, utilities, and public improvements in accordance with the following standards and specifications. All projects shall be constructed according to the approved plans and specifications of a registered Professional Engineer. All construction and improvements under the jurisdiction of review and approval of the City of Clarksville shall be subject to a Maintenance Bond as specified in Article 5, Section 5.3. All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as required by the respective public utilities, and shall not be subject to the provisions of this Section.

4.2 Streets and Street Name Markers The subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the City. The subdivider shall bear the costs to have street name makers installed for the subdivision or development. The design of the markers and signs shall conform to the City's standards. Street pavement widths shall conform to the Master Street Plan with the indicated pavement width being measured from back of curb to back of curb:

The subdivider shall bear the cost of paving streets for local and collector level streets. For an arterial street, the subdivider shall receive financial assistance from the City or other public body to pay the pro rata share of the cost of the street width in excess of 36 feet. All streets shall be constructed utilizing the following specifications:

4.2.1 Asphalt Street Standards The subsurface grade shall consist of eight (8) inches of compacted gravel. Gravel base shall consist of a natural or artificial mixture of gravel and soil mortar uniformly well-graded from coarse to fine and so proportioned as to meet all State Highway Department requirements for "Bank Run Gravel" or SB-2. The gravel is to be compacted in keeping with the Arkansas Highway and Transportation Department Standard Specifications, Section 302. The surface grade shall consist of two (2) inches, after rolled, of hot mix or one course of asphaltic concrete.

4.2.2 Concrete Street Standards Base course or subgrade is to be compacted in keeping with the Arkansas Highway and Transportation Department Standard Specifications, Section 302. Concrete pavement is to be constructed according to Section 501, Portland Cement Pavement Specifications.

- 1) Concrete is to be 3,000 lbs. (psi) compressive strength placed on a thoroughly compacted and graded subgrade.
- 2) Concrete is to be poured in separate lanes (maximum width of fifteen (15) feet). Transverse joints shall be of two (2) inches wide felt strip; one-sixteenth (1/16) to one-quarter (1/4) inch thick at fifteen (15) feet intervals for contraction joints. The poured surface grade shall have a minimum thickness of six (6) inches of concrete.
- 3) Reinforcing tie bars, where required, shall be in general conformance with Portland Cement Association recommendations.

4.2.3 Curbs & Gutters The subdivider shall provide permanent six (6) inch concrete curbs with twenty-four (24) inch integral concrete gutters or standard rolled curbs. Asphalt curbs shall not be substituted. For residential subdivisions with all lots at least one (1) acre or more in size, curbs and gutters shall not be required.

4.3 Water Lines and Fire Hydrants All subdivisions shall be provided with water supply and distribution systems approved by the City and meeting the requirements of the State Health Department.

The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Design criteria for water supply shall conform to city standards.

Fire hydrants shall be installed by the subdivider and shall be located in accordance with the State Fire Code and approved by the Fire Chief.

4.4 Sanitary Sewers All subdivisions shall be provided with an approved sewage collection and treatment system. Connection with the City's sanitary sewer system shall be required if the development lies within at least three hundred (300) feet of an existing sewer line that can serve the development by gravity flow.

If a sanitary sewage treatment system or septic tank system is to be installed, the plans for said system shall be approved by the State Department of Health prior to approval of the final plat by the Planning Commission.

The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision and adjacent areas within the same drainage basin or pump station service area. Recognized engineering design criteria meeting the requirements of the State Department of Health and all city standards shall be used to design the system.

4.5 Drainage All subdivisions shall be provided with a storm drainage system that is designed and constructed to handle rainfall runoff that originates in or traverses the subdivision. Storm drainage for residential areas, and for shopping centers, industrial areas, and highway commercial areas, storm drainage shall be designed for a twenty-five (25) year rainfall frequency. The quantity of runoff shall be calculated using the Rational method of computation. Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall the pipe be less than twelve (12) inches. Cross drains shall be built on a straight line and grade, and shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the roadbed. These standards shall apply to the design of outfall structures and facilities.

Street crowns shall not be flattened, or warped from one side of the street to the other for the purpose of causing water to flow from one side of the street to the other. The storm drainage system shall include curbs and gutters on all streets with drop inlets spaced according to acceptable engineering design principles. In general, rainfall that cannot be handled in streets

shall be put into pipe or lined channels, except major outfall channels which handle water from drainage areas beyond the subdivision being constructed. Open drainage channels shall be not be constructed except where curb and gutter requirements are waived.

The developer/subdivider shall pay all costs of the internal drainage system, including the cost of facilities to handle water coming into the subdivision from lands owned by a person other than the developer. The City may participate in the cost of oversized storm sewer lines (above 60-inch diameter).

4.6 Monuments Concrete monuments four (4) inches in diameter (or 4-inch square) and thirty (30) inches in length with one (1) one-half (1/2) inch metal reinforcing rod the length of the monument shall be placed with top flush to the ground at all points of intersection of the boundary of the subdivision and the location of all monuments shall be shown on the final plat.

4.7 Lot Markers The corners of all lots shall be marked by the placement of a metal reinforcing rod twenty-four (24) inches in length and one-half (1/2) inch in diameter placed with top flush to the ground.

4.8 Sidewalks Sidewalks shall be constructed in accordance with the requirements of the Clarksville Zoning Code.

4.9 Street Lights In subdivisions with underground utilities, the developer shall install ornamental street lighting (in contrast to wood or metal poles normally installed).

4.10 Boundary/Perimeter Street Improvements

4.10.1 Administration The planning commission shall be responsible for requiring improvements in the public right-of-way consistent with these regulations, with regard to subdivisions and all other affected developments.

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.

Subdivisions in residential zones containing six (6) or fewer lots and developments less than two (2) acres and 10,000 square feet in size shall be exempt from the provisions and requirements of Section 4.10, excluding the right-of-way dedication provisions contained in 4.10.3 and 4.10.4. *Amended by Ord.16-758*

4.10.2 Improvements Included

Amended by Ord.14-720

When a proposed subdivision abuts an existing public street right of way, the developer will be responsible for installing boundary street improvements as defined by this section. Boundary street improvements shall include the following:

- 1) Reconstruction of one-half section of the abutting street if the existing street is not up to city standards.

- 2) Widening of one-half section of the abutting street to city standards.
 - 3) Reconstruction or construction of the entire street section of the street if the existing street is not up to city standards and is located wholly within the proposed subdivision.
 - 4) Curb and gutter for the length of the project boundary that adjoins the street.
 - 5) Standard drainage piping and drainage structures.
 - 6) One hundred (100) percent of bridge and box culvert construction. (Waivers may be granted in the case of arterial streets.)
 - 7) Other standard roadway or drainage improvements required by ordinance or as may be required to conform to accepted engineering principles, as identified by the City Engineer and relayed to the Planning Commission.
-

4.10.3 Right-of-way dedication

The subdivision plat will reflect right of way dedication for one-half of the right of way for affected boundary streets.

4.10.4 Master Street Plan

Right-of-way dedication and boundary street improvements shall be in accordance with the Master Street Plan adopted for the planning area jurisdiction of the City of Clarksville.

4.10.5 In-lieu requirements

In-lieu cash contributions may be allowed solely at the discretion of the city in situations including, but not limited to, the following:

- 1) The horizontal alignment of the existing street pavement or right-of-way is such that the required minimum radius centerline alignment is not obtainable without participation of adjacent properties being developed.
- 2) The proposed horizontal centerline alignment of the existing pavement does not coincide with either the existing centerline of the right-of-way, or the land line, the discrepancy being so large as to:
 - a) Necessitate the construction of more than one-half the street width.
 - b) Necessitate construction of new curb within the projected edge of the existing pavement.
- 3) The vertical alignment of the existing pavement is such that:
 - a) The required safe stopping sight distance is not obtainable without extension of construction past the limits of the project.
 - b) A reasonably smooth pavement or a properly crowned and shaped cross section is not obtainable within the length and width requirements of the project.

- c) Under the constraints of good engineering practice, maximum permissible centerline grades or minimum permissible gutter grades cannot be obtained within the length and width limits of the project.
- 4) The location of the existing or proposed street in the one-percent floodplain precludes the construction of street and drainage facilities.
- 5) A subdivision is so located that the presence of a drainageway necessitates construction of a drainage structure which would be unfeasible as half street construction.
- 6) The state of adjacent land development along the street precludes further acquisition of improvements through plat processes.
- 7) The length of the property boundary along the right-of-way is less than three hundred (300) linear feet and is not located at an intersection.
- 8) The Building Official determines that in-lieu cash contributions would be in the best interest of the city.

4.10.6 In-lieu contributions

In lieu of constructed improvements, the developer shall contribute to the city a cash payment equal to one hundred (100) percent of the City Engineer's estimate of the cost of construction of the required boundary street improvements. Adjustments may be made by the City Engineer where deemed appropriate. In-lieu contributions shall be reimbursed with interest, as determined by the City Treasurer's office, when not expended for the specific required improvements within five (5) years from the date of permit approval. Funds will be expended on the same street except that intersecting streets may be included when improvements to such intersecting streets are necessary to provide adequate drainage or traffic flow between the intersecting street and the original street. Such improvements to intersecting streets shall not exceed beyond 100 feet from their intersection with the original street. The City Council must approve all refunds and may, at its discretion, refund proceeds before the five (5) year deadline.

ARTICLE 5. PROCEDURE

5.1 General A subdivider proposing to make or have made a subdivision within the territorial jurisdiction shall not proceed with any construction work on the proposed subdivision, including grading, before obtaining preliminary plat approval; nor shall he attempt to record the plat of the subdivision or any part thereof prior to obtaining final plat approval from the Planning Commission, and acceptance of public dedications by the City Council.

5.2 Preliminary Plat When any subdivision of a tract of land is proposed to be made, the subdivider or his agent shall submit to the Planning Commission a letter of intention which may at the option of the subdivider include a preliminary sketch plan. The subdivider's letter shall indicate the location and size of the tract, the proposed time schedule, the date on which the subdivider proposes to submit his preliminary plat for Planning Commission review, and such other information as the subdivider deems important for recognition by the Planning Commission.

If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the preliminary plat, except that it may be on a scale of not more than 1" = 400', and all dimensions may be scaled.

Upon review of the letter of intention, the Planning Commission may recommend a Pre-Application Conference to be held between the subdivider, a committee of the Planning Commission, and /or the Planning Commission's designated agents for land planning and engineering.

5.2.1 Pre-Application Conference When a major subdivision of a tract of land within the Planning Commission's jurisdiction is proposed, the subdivider is urged to consult early and informally with the administrative staff of the City and/or designated members of the Planning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision

At such meeting, the general character of the development will be discussed and items will be included concerning zoning, utility service, street requirements, and other pertinent factors related to the proposed subdivision.

The purpose of the Pre-Application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans.

A developer may request to have a sketch plat reviewed by the full Planning Commission. Comments and approvals made concerning a sketch plan are not binding on the Planning Commission; however, it is the policy of the City that, having tentatively approved a sketch plat, the Planning Commission shall not unreasonably withhold approval of a preliminary plat that is substantially identical to the sketch plan.

5.2.2 Submission Requirements The next required step in the process is the submission of an Application for Preliminary Plat Approval. Requirements of this submission are set out in ARTICLE 6, Section 6.1. A filing fee as specified in ARTICLE

9, Section 9.2, shall be paid at time of filing, in the City Clerk's office. Any subdivision proposing street and/or drainage improvements and/or water or sewer improvements shall have the improvements designed by a Registered Professional Engineer currently registered in the State of Arkansas.

An Engineer's Cost Estimate of the construction costs of all proposed improvements shall be included with the submission of the Preliminary Plat. The cost estimate shall contain amounts and unit prices for the various items involved. Lump sum or unrealistic estimates will not be accepted.

For purposes of preliminary engineering review, the Application and initial submission shall include six (6) complete sets of plans and specifications.

The Preliminary Plat shall clearly depict the phase of development that is to be constructed within the next eighteen (18) months. Approval of the Preliminary Plat shall apply only to those phases of the development that shall be constructed in the next eighteen (18) months.

The Preliminary Plat shall depict all land under contiguous ownership of which the proposed subdivision is a part. If the development depicted appears as a portion of a larger tract to be developed at a later time, the Planning Commission may require a master plan and phasing plan of the entire development.

5.2.3 Preliminary Staff Review The City's Engineer, in council with Clarksville Light and Water, Street and Fire Departments, City Inspector, and other designated staff, shall review the documents received for compliance with design standards of the City's Land Use Plan, Master Street Plan, zoning and subdivision codes, fire protection and utility requirements. Processing of the plat shall cease at this step for any Preliminary Plat that is not consistent with the above. The plat shall be returned to developer and design engineer with all deficiencies or required modifications noted. The developer may then revise the plat to achieve conformity or make a request for an amendment to the offending plan or code.

The developer shall then supply six (6) complete sets of the plans and documents as modified to the City Engineer for his stamp of approval. The application and supporting plans and documents will be placed on the agenda of the Planning and Zoning Commission for consideration at their next regular meeting.

5.2.4 Preliminary Approval After the Planning Commission has reviewed the preliminary plat and construction plans and engineering report, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, approve conditionally, or disapprove the Preliminary Plat within 45 days from receipt thereof, unless the Applicant is notified in writing by the Commission Chairman that additional time is required. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.

The Planning Commission's approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication of reservation of public lands, and to the preparation of the final

plat. Approval of a preliminary plat shall not constitute automatic approval of the final plat.

When the Planning Commission finds that the preliminary plat, together with the site improvements plan, meets all the requirements of this Code, it shall approve the plat by placing a stamp of Preliminary Plat Approval upon the preliminary plat. The stamp of Preliminary Plat Approval shall read: "This plat has been given preliminary plat approval only, and has not been approved for recording as a public record. This certificate shall expire on _____ (date)." Such stamp of approval shall bear the signature of the Chairman of the Planning Commission; and shall be dated.

If approved, the original copy will be filed in the Planning Commission's records in City Hall and one copy in the Mayor's office. Other copies will be distributed to the City Engineer, Clarksville Light and Water, Fire Chief, and one to the subdivider.

A preconstruction conference will be held between the city engineer, city inspector, fire chief, developer, and contractor after the preliminary plat is approved prior to beginning construction or any improvements.

The Planning Commission shall approve a Preliminary Plat upon determining the following:

- 1) That the plat conforms to all adopted plans, policies, and ordinances of the City of Clarksville.
- 2) That the plat conforms to the regulations contained in this code.
- 3) That the developer has demonstrated to the satisfaction of the Planning Commission the capacity to undertake the proposed improvements.
- 4) That the Preliminary Plat will not add a financial burden to the City or its taxpayers.
- 5) That the proposed development will not result in off-site improvement costs to the City unless confirmed by written agreement between the City and the developer.
- 6) That all utilities, both public and private, are adequate to handle the demand to be created by the proposed subdivision.
- 7) That all utility structures and streets within the subdivision are designed in such a manner to permit development of adjacent properties and that agreements are in place for cost-sharing of required oversized utility structures.

5.2.5 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 preparation of the final plan, the installation of improvements, and the staking out of lots and blocks. The subdivider, after approval of the preliminary plat, shall complete all

improvements required under this Code. The approved copy of the preliminary plat must contain a signed Certificate of Preliminary Plat Approval to be considered valid.

The City Engineer, Inspector, Light & Water or other designated staff may inspect the improvement work at any time to confirm materials used, construction methods employed, and conformance to approved plans and specifications and other applicable standards.

5.2.6 Expiration of Preliminary Plat Approval A preliminary plat which has been approved and received a signed Certificate of Preliminary Plat Approval shall be effective and binding upon the Planning Commission for no more than eighteen (18) months, as shown on the Certificate of Preliminary Plat Approval. If installation of all required improvements is not completed by the expiration date of the Certificate of Preliminary Plat Approval, the preliminary plat shall be considered null and void unless the subdivider is permitted an extension of approval.

An extension of approval may be granted by the City Engineer or Planning Commission.

- 1) An extension of approval granted by the City Engineer shall be conditioned upon the subdivider providing a performance bond in accordance with the provisions of ARTICLE 5, Section 5.3.3, paragraph 3) of this code. Such extension of approval shall not extend longer than one month prior to the expiration date of the performance bond. Such performance bonds shall not be issued to have an expiration date of greater than twenty-four (24) months from the date of the City Engineer's extension of approval.
- 2) An extension of approval granted by the Planning Commission shall not extend more than twelve (12) months and shall not require a performance bond.

Any plat not receiving final plat approval or granted an extension of approval shall be required to resubmit for reapproval as a preliminary plat. *Amended by Ord.16-758*

5.3 Final Plat When the requirements of this Code have been satisfied and while the Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an application for review and approval of the final plat.

5.3.1 Submission Requirements At least twenty-one (21) days prior to the meeting at which it is to be considered, the subdivider shall submit an application which shall consist of:

- 1) A letter of application requesting review and approval of the final plat
- 2) The final plat in an original tracing or reproducible and four prints, and other documents as specified in Article 6, Section 6.2.
- 3) The Contractor who performs the work shall post a maintenance bond with the city covering any defects in materials and workmanship for the required improvements in the amount of fifty (50) percent of the total cost of those improvements, and stating that any and all defects in materials and workmanship shall be corrected by the contractor by the end of the bond period. Maintenance

Bond(s) shall be in full force for not less than one (1) year from date of filing of Final Plat. Work performed under terms of the Bond shall be approved by the City. If the contractor is unable to post bond the developer shall post the required bond on behalf of the contractor.

4) A filing fee as specified in Article 9, Section 9.2.

5.3.2 Approval by Planning Commission The final plat of the proposed subdivision shall be submitted to the Planning Commission for final approval within eighteen (18) months of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been abandoned, unless the Planning Commission agrees to an extension of time.

If the subdivider requests permission to develop only a portion of the property for which the preliminary plat was approved, the Planning Commission may grant approval of a final plat for said portion alone.

The City Engineer shall review the submission, in council with City Inspector, Street, Fire, and Light and Water department heads, and shall determine compliance of the project with approved plans and applicable standards. The application, with engineer's report, shall be filed with the Planning Commission for consideration at its regular meeting.

The Planning Commission shall approve or disapprove the final plat within forty-five (45) Days of receipt thereof, or notify the Applicant in writing that additional time is required. Disapproval of the plat shall be reported to the Applicant in writing within ten (10) days after the meeting at which the plat was disapproved.

Upon approval, the original plat and all copies shall be signed, reviewed and distributed in accordance with the provisions contained in Section 5.3.3 and Section 5.3.4 below.

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, nor does it constitute authority for the plat to be recorded. Amended by Ord. 16-758

5.3.3 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 or utility construction 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. The Maintenance Bond to cover public improvements shall be on file with the City Council before consideration of acceptance of public dedications. Additionally, before such action, the City Council must receive one of the following:

- 1) A certificate of completion from the City Engineer, stating that all required improvements and installations have been made, added, or installed; or
- 2) A cash deposit in the full amount as determined by the City, necessary to complete the improvements and installations in compliance with this Code for the portion of the subdivision for which final plat approval is sought. Such cash

deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City; or

3) An executed agreement with the City which shall:

A. Be in an amount determined by the City Engineer to be sufficient to complete the improvements and installations for the subdivision in compliance with this Code.

B. Specify the time for the completion of the improvements and installations.

C. Be accompanied by a performance bond which shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The period of time shall be specified in the resolution approving the final plat and shall be incorporated in the bond, and shall not in any event exceed two (2) years from the date of final approval. *Amended by Ord.16-758*

5.3.4 Recording Upon approval of the final plat and acceptance of the public dedications by the City Council, the City Clerk shall have the final plat recorded in the office of the Circuit Clerk. The subdivider shall pay all fees in connection with the recording of said plat.

The final plat shall be filed in the office of the Circuit Clerk within ninety (90) days after approval by the Planning Commission; and if not filed within such time, said approval shall be considered as having been abandoned.

Upon recording the plat, the City shall retain the original tracing and one copy for the Planning Commission's files, one copy shall be forwarded to the Tax Assessor and one copy shall be returned to the subdivider.

No building permits may be issued until proof of the recording of the approved final plat has been presented to the City Clerk, giving plat book and page number, or instrument number.

ARTICLE 6. PLAT REQUIREMENTS

6.1 Preliminary Plat Six (6) copies of the preliminary plat are to be submitted to the Planning Commission. A digital copy shall be required in AutoCAD format in NAD83 Arkansas State Plane Coordinates, North Zone. The preliminary plat shall be drawn clearly and legibly at a scale not smaller than one hundred (100) feet to the inch, and shall show or be accompanied by the following information:

- 1) Name of subdivision;
- 2) Name and address of owner of record, subdivider, surveyor and engineer;
- 3) North point, graphic scale and date;
- 4) Vicinity map showing location and acreage of subdivision; this may be at a scale other than 1" = 100' ;
- 5) Exact boundary lines of the tract by bearing and distances;
- 6) Names of adjoining landowners and platted subdivisions;
- 7) Existing Streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- 8) Proposed design including streets and alleys with proposed street names, lot lines with appropriate dimensions, easements, land to be reserved or dedicated for public use, and land to be used for purposes other than residential;
- 9) Block numbers and/or lot numbers;
- 10) Minimum building front yard setback lines;
- 11) The present zoning classification, if any, on the land to be subdivided and on the adjoining land; and a designation of the proposed uses of land within the subdivision and any zoning amendments to be requested;
- 12) Contour intervals shown at intervals of not more than two (2) feet for terrain with an average slope of 5% or more, and at an interval of one (1) foot for terrain with slope of less than 5%;
- 13) If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown;
- 14) While the plat shall show the actual boundary survey, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions;
- 15) State Health Department approval of the water supply and/or sewerage system if the requirement of the subdivision is to be met by any other means than by connection to a water supply or sewerage system operated by a governmental agency. Approval by the Arkansas Department of Environmental Quality for any wastewater treatment facilities.

16) If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the preliminary plat, except that it may be on a scale of not more than 1" = 400', and all dimensions may be scaled.

17) Improvement plans for all specified facilities and utilities.

18) A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the plat.

19) Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a professional engineer, with points of entry and exit for the development and including the federally designated flood hazard areas for the subdivision.

20) Each preliminary plat submitted to the Planning Commission shall carry the following certificate printed thereon.

A. CERTIFICATE OF PRELIMINARY SURVEYING
ACCURACY

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

Signed

Date of Execution

Name, Registered
Land Surveyor
No. _____, Arkansas

B. CERTIFICATE OF PRELIMINARY ENGINEERING
ACCURACY

I, _____ hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Clarksville Land Subdivision and Development Code have been complied with.

Signed

Date of Execution

Name, Registered
Engineer, No. _____
Arkansas

C. CERTIFICATE OF PRELIMINARY PLAT APPROVAL
 This plat has been given preliminary plat approval only,
 and has not been approved for recording as a public record.
 This Certificate shall expire _____.
 Date
 Signed

 Date of Execution Chairman, Clarksville
 Planning Commission

6.2 Final Plat The final plat shall be drawn in India ink on linen tracing cloth or Mylar film. The scale shall be no smaller than 1" = 100'. The original tracing and four (4) prints shall be submitted to the Planning Commission. The drawings shall be neat, legible and suitable for filing for record in the office of the Circuit Clerk-Recorder. A digital copy shall be required in AutoCAD format in NAD83 Arkansas State Plane Coordinates, North Zone. When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet. The final plat shall show or be accompanied by the following information:

- 1) The name of the owner and developer
- 2) Names of the registered land surveyor and engineer making the survey and preparing the plat
- 3) The name of the subdivision and adjacent subdivisions
- 4) The name of all streets
- 5) The identifying numbers of lots and blocks in accordance with a systematic numbering system and arrangement
- 6) North point, date, scale, and acreage being subdivided
- 7) An accurate boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate field notes of said boundaries. The lines, with dimensions of all adjacent land, streets, alleys, and easements and adjacent subdivisions shall be shown in dashed lines.
- 8) Location of lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.
- 9) All necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimension shall be shown by true bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc dimensions. Dimensions shall be

shown from all angle points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc dimensions.

10) The locations of all survey monuments shall be shown on the plat including all lot corner markers.

11) Certification that all taxes and fees have been paid

12) "As built" drawings of all street improvements, sidewalks, storm drainage facilities, sanitary sewer lines, water lines, and other utilities and public improvements shall accompany the final plat or be submitted to the Planning Commission as soon as possible after improvements are installed.

13) Copy of Bill of Assurance. 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 public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; 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.

14) Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a professional engineer, with points of entry and exit for the development and including the federally designated flood hazard areas for the subdivision.

15) Each final plat submitted to the Planning Commission 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: D. R. _____ Page _____
Instrument No. _____

B. CERTIFICATE OF RECORDING

This document, number _____ filed for record _____, 19 ____,
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 Clarksville Land
Subdivision and Development Code have been
complied with.

Signed

Date of Execution

Name, Registered
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, Registered
Land Surveyor
No. _____, Arkansas

E. CERTIFICATE OF FINAL APPROVAL

Pursuant to the Clarksville Land Subdivision and
Development Code, and all of the conditions of 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

Clarksville Planning
Commission

F. CERTIFICATE OF ACCEPTANCE OF PUBLIC DEDICATION
AND FILING OF PLAT AUTHORIZED BY ACTION OF CITY
COUNCIL BY ORDINANCE NO. _____.

Mayor

(City Seal)

DATE: _____

ARTICLE 7. MINOR SUBDIVISIONS AND LOT LINE ADJUSTMENTS

Amended by Ord.16-758

7.1 Scope This section covers the following:

- a. Minor Subdivisions
- b. Lot Line Adjustments
- c. One-lot Minor Subdivisions which convert a metes and bounds description into a subdivision plat suitable for filing at the Johnson County Circuit Clerk.

7.2 Approval Guidelines The Planning Commission hereby acknowledges approval of the following Minor Subdivisions and Lot Line Adjustments; said pre-approval subject to certification by the City Engineer that the following criteria have been met. If the following criteria are not met, the action shall require Planning Commission approval.

- 1) No public improvement, including streets, alleys, utility mains or other improvements are required.
- 2) No vacations of streets, alleys, setback lines, access control, or easements are required or proposed.
- 3) Such action will not result in any significant increases in public service requirements, not 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) Any lot created by the subdivision shall front on a public street that has been certified by the Fire Chief as meeting the requirements for a Fire Apparatus Access Lane as defined by the Arkansas State Fire Prevention Code.
- 6) No substandard sized lots or parcels have been created.
- 7) No waivers are requested.
- 8) The City Engineer has determined that approval of the plat will not adversely affect drainage on adjacent properties or upon the city's overall storm water drainage system.
- 9) The City Engineer has not made any other finding in which professional judgment would dictate that the plat be reviewed by the full Planning Commission.

7.3 Approval Procedure

7.3.1 Application Request for plat approval shall be made by the owner of the land to the Building Official. Five (5) copies of a drawing to scale of the lots involved shall accompany the applications. A digital copy shall be required in AutoCAD format and georeferenced in NAD83 Arkansas State Plane Coordinates, North Zone.

7.3.2 Approval The City Engineer shall, in writing, either certify the proposed plat within thirty (30) days of application or notify the owner that it is scheduled for the next Planning Commission meeting. If certified, and after all conditions have been met, the Building Official shall have five (5) copies of the plat signed by the Planning Commission Chairman. The Building Official shall retain two copies for the City's files and provide two copies to the applicant, as well as a copy for recordation with the Johnson County Circuit Clerk.

7.3.3 Fees The applicant shall submit all necessary fees at the time of filing the request as outline in Article 9, Section 9.2

7.4 Plat Specifications The final plat of a minor subdivision or lot-split shall be prepared on linen tracing cloth or Mylar film at a scale no smaller than 1" = 100'. The final plat shall include the following:

- 1) Name of subdivision;
- 2) Name and address of owner (s) of subdivision;
- 3) Boundary and written legal description of subdivision
- 4) Legal description of parcels or lots that result from the subdivision or lot-splits;
- 5) Streets, alleys, and easements bordering or abutting the subdivision;
- 6) Dimensions in feet and decimal parts thereof, and curve data for all lots, blocks, and street lines;
- 7) Building setback lines with dimensions;
- 8) Name of engineer or surveyor preparing final plat;
- 9) Date, map, scale, and north arrow;
- 10) Acreage being subdivided;
- 11) Location of all monuments; and
- 12) Approval of the Arkansas Department of Health of the sanitary sewer system if the requirements for sewer disposal of the lot-split are to be met by any other means than by connection to a sewer operated by a governmental agency.

ARTICLE 8. SITE PLAN REVIEW

8.1 Procedure The Site Plan Review process shall apply to the following types of development:

- 1) The provisions of access to lots and parcels;
- 2) A development, excluding single-family to four-family structures, on one lot containing a building or buildings with a combined square footage of 1,000 square feet or larger.
- 3) All multi-family housing developments with more than one structure per lot or more than 20 dwelling units.
- 4) 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.
- 5) Routine developments not meeting any of the criteria shall not require planning commission approval. However, in unique cases, the building official may require approval prior to the issuance of a building permit.

The Developer shall prepare and file an application for approval of the site plan. Applications requiring Planning Commission approval shall be filed at least twenty-one (21) days prior to a regular meeting of the Planning Commission. The application shall not be accepted until the Developer has paid the application fee as established by Article 9, Section 9.2.

The application for approval of the development shall consist of a letter (describing the intended uses of the buildings), a site plan, and such other data and information that may be desirable to support approval. Twelve (12) copies of the site plan, prepared by a registered engineer or licensed surveyor, shall be included with the application. A digital copy shall be required in AutoCAD format and georeferenced in NAD83 Arkansas State Plane Coordinates, North Zone. 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.

8.2 Site Plan Requirements The site plan shall be prepared by an engineer or surveyor. The site plan shall include the following:

- 1) Name of development, type of activity, current zone;
- 2) Name and address of owner(s);
- 3) Bearings and distances of boundary from an actual survey of the property.
- 4) Street names, class per Master Street Plan, rights-of-way, centerlines, and easements bordering or traversing the property;
- 5) Building outline, sidewalks, curbs, drives, parking, and striping;
- 6) Exterior lighting quantity, direction, and pattern;

- 7) Exterior speaker location(s) and direction(s);
 - 8) 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;
 - 9) Identify all adjoining property by activity and business name, if applicable;
 - 10) 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;
 - 11) Utility plan and Health Department approval;
 - 12) Green-spaces and landscaping.
-
- 13) Letter from the Clarksville Water and Sewer Departments stating the status of water and sewer service.

8.3 Approval Procedure

Amended by Ord.16-758

- 1) Site plans for developments on less than two (2) acres or less than 10,000 square feet in total building footprint size shall be reviewed by the Building Official, City Planner, and City Engineer for compliance with this code and other applicable codes and laws. Approval or denial of such site plans shall be handled by action of the City Engineer. Copies of any approved or denied site plan shall be provided to the Planning Commission along with a report of action taken. Any decision rendered by the City Engineer on a site plan application may be appealed to the Planning Commission.
- 2) Site plans for developments on more than two (2) acres or greater than 10,000 square feet in total building footprint size shall be reviewed for compliance with this code and other city codes by the Building Official, City Planner, and City Engineer. The Planning Commission shall review the application at the next regularly scheduled meeting after receiving the completed application with all required attachments. The Commission may approve, deny, or conditionally approve the site plan application based upon its conformance with the provisions of this code and other applicable laws and codes. Upon obtaining approval from the Planning Commission, the developer may commence construction after obtaining a building permit and any other required permits.

Approval 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 for approval. Should the developer build or develop the property for a use contrary to the use stated in his/her application, the approval previously granted shall become null and void, and the developer shall cease construction/building on the property upon receipt of notice from the Building Official.

Approval shall expire after six (6) months if construction has not commenced, and within two (2) years if construction has not been completed. Site plans for which construction is not completed within two (2) year shall require resubmission as a new application.

8.4 Expansion of Existing Buildings Expansions of existing buildings shall be reviewed only when they meet one of the following.

- 1) The expansion increases the size of the building by greater than 1/3 of its original size.
 - 2) The expansion creates the need to change the existing design of the development's access.
 - 3) Changes have occurred to adjacent properties that would require new site analysis of the proposed development.
-
- 4) The development proposal, based upon the judgment of the Building Official, represents such a substantial change that full review by the Planning Commission is necessary.

ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

9.1 Enforcement In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations, and laws including, but not limited to: Comprehensive Development Plan, Zoning Code (within the City’s corporate limits), building and housing codes, and any other regulations adopted by the City Council; and any regulations or special requirements of the State Health Department, State Highway and Transportation Department, or other appropriate State agencies. It shall be the duty of the building Inspector and the Planning Commission to enforce these regulations and to bring to the attention of the Mayor and the City Attorney any violations or lack of compliance herewith.

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

- 1) No plat of any tract of land within the planning area of the Planning Commission shall be accepted by the Circuit-Clerk Recorder for filing of record unless the plat has been approved by the Planning Commission, and the City Seal affixed. The City Clerk shall have all such plats sealed and recorded.
- 2) No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land, within the planning area jurisdiction, without compliance with the applicable provisions of this Code or amendments thereto shall be permitted.
- 3) No dedication of streets shall by itself be accepted by the City unless the usage of the adjoining, affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a redevelopment or subdivision, the street may not be accepted until accompanied by the required plat.
- 4) No public utility, whether publicly or privately owned, shall provide, extend, or authorize the extension of services to any lot, building, structure, or location within the area under the jurisdiction of the Planning Commission unless:
 - A. The lot, building, or structure was established before the adoption of this Land Subdivision and Development Code; or
 - B. A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk-Recorder; or
 - C. The plan for the proposed service by the public utility has been approved by the Planning Commission as provided in the State Statutes.
- 5) No building permit shall be issued for any new structure on any lot or tract of land which does not comply with all of the provisions of this Code, including the installation of all improvements adjacent to or associated with said lot.

9.2 Fees The following guidelines apply to fees:

- 1) For each Preliminary Plat submitted, the fee shall be twenty dollars (\$20.00) plus one dollar (\$1.00) for each lot in the plat.

2) For each Final Plat submitted, the fee shall be ten dollars (\$10.00) plus one dollar (\$1.00) for each lot in the plat.

3) For each lot-split or minor subdivision filed, the fee shall be ten dollars (\$10.00).

4) For each Large Scale Development, the fee shall be one hundred dollars (\$100.00).

4) In addition to the fees above, proposals which include street and drainage and/or utility improvements, shall be assessed a "Review Fee" which shall equal one percent (1%) of the "Engineer's Cost Estimate" described in Article 5, Section 5.2.2. Such Review Fee shall not be less than \$100.00 or more than \$2,900.00 per subdivision or development plat, or each subdivision phase plat submitted.

5) Recording Fees, and costs of all plans and documents required by this Code, shall be the responsibility of the subdivider or developer.

9.3 Waivers The rules and regulations set forth in this Code are the standard requirements of the City. The Planning Commission may authorize a waiver from these regulations when, in its opinion, undue hardship would result from requiring strict compliance. No waiver shall be granted except upon written petition by the subdivider when the preliminary plat is filed. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made. In granting a waiver, the Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No waiver shall be granted unless the Commission finds:

1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.

2) That the granting of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.

3) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Code.

4) The conditions upon which the waiver request is based are unique to the property and not generally applicable to other property.

5) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular detrimental effect to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

- 6) The request will not violate any other city, state, or federal laws.

Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this Code so that the public health, safety, or welfare may be secured and substantial justice done. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. *Amended by Ord.16-758*

9.4 Vacation of Plats The following guidelines apply to the vacation of plats:

- 1) Any plat 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. Vacation of a plat shall be subject to the approval of the City Council if the plat is located within the corporate limits, and subject to approval of the Quorum Court if located outside the city limits but within the planning jurisdiction of the Clarksville Planning Commission as shown on the Planning Area Map which is included herein and made a part of this Code.
- 2) 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.
- 3) Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in a 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 all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 4) 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.

9.5 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.

9.6 Penalty Any person, firm, or corporation that violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than twenty-five dollars (\$25.00). Each day that violation of these regulations is in effect shall constitute a separate offense and be subject to additional fines of twenty-five (\$25.00) per day.

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

ARTICLE 10. LEGAL STATUS

10.1 Conflicting Regulations All ordinances or parts of ordinances inconsistent or in conflict with this Code are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this Land Subdivision and Development Code.

10.2 Separability Any clause or provision of this Code declared invalid by the court shall not affect the validity of the regulation as a whole or any other part of the Code thereof.

10.3 Effective Date This Code shall take effect upon adoption by ordinance of the City Council of the City of Clarksville, Arkansas. These regulations shall be printed in booklet form and made available to the general public. Not fewer than three (3) copies shall remain on file in the office of the City Clerk for examination by the public. These regulations shall be published as required by law by title only through the City's adoption of the Code entitled "Land Subdivision and Development Code".
