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Land Subdivision and Development Code
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ARTICLE I

PURPOSE, AUTHORITY AND JURISDICTION

SECTION 1

PURPOSE

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, alleys, schools, parks and other public purposes, will determine to a large degree the conditions of health, safety, economy, and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open space, drainage, transportation, public utilities and other needs, and to insure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resource.

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

- A. Implement the Comprehensive Development Plan.
- B. Enhance neighborhood conservation and prevent the development of slums and blight.
- C. Harmoniously relates the development of the various tracts of land to the existing community and facilitates the future development of adjoining tracts.
- D. 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, and that cost of improvements which primarily benefit the whole community be borne by the whole community.
- E. Provide the best possible design for the tract and reconcile any differences of interest.
- F. Establish adequate and accurate records of land subdivision.

SECTION 2

AUTHORITY

This land Subdivision and Development Code is promulgated in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas, as amended.

SECTION 3

JURISDICTION AND APPLICATION

It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Development Plan and the Major Thoroughfare Plan of the City for the orderly, planned, efficient, and economical development of the City.

These regulations shall be applicable to all lands within the corporate limits of the City of Pottsville, Arkansas and all lands outside the corporate limits within one mile of the corporate limits and, also either contiguous to said limits or served by Pottsville City Water or served by Pottsville City Sewer.

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

- A. The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than two and one-half (2 1/2) acres in area; or
- B. The resubdivision of land, previously subdivided or platted into tracts, lots, sites, or parcels; or
- C. The dedication, vacation or reservation of any public or private easement, through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

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- D. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

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ARTICLE II
DEFINITIONS

- A. 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:
- (1) Alley:
A minor public way used for utility easements and vehicular services access to the back or the side of properties abutting a street.
 - (2) 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.
 - (3) 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.
 - (4) Building Lines:
The phrase "building line" shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line.
 - (5) City:
City of Pottsville, Pope County, Arkansas.
 - (6) City Engineer, City Attorney, City Clerk:
Any office referred to in this Code by title, i.e. City Attorney, City Clerk, City Engineer, etc., shall be the person so retained in this position by the City, or his duly authorized representative.
 - (7) Cul-de-sac:
A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.
 - (8) Commission:
The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Pottsville, Arkansas.
 - (9) Comprehensive Plan:
The Comprehensive Development Plan for the City which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, traffic circulation, and community facilities.
 - (10) County Recorder:
The County Recorder of Pope County, Arkansas.
 - (11) 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.
 - (12) 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.

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- (13) 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.
- (14) 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.
- (15) Lot, Corner:
A lot located at the intersection of and abutting on two or more streets.
- (16) 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.
- (17) 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.
- (18) Lot Split:
A lot-split is a subdivision which involves the dividing or re-dividing of (a) a land area or (b) 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. (See Article VII for regulations pertaining to lot-splits.)
- (19) 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.
- (20) 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.
- (21) Plat, Final:
The phrase "final plat" shall be any plat of any lot, tract, or parcel of land requested to be recorded of in the deed and plat records of the County Recorder.
- (22) Replating:
The word "replating" shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.
- (23) Right-of-Way:
The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency or public utility

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company shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

- (24) Street:
A public right-of-way, however designated, which provides vehicular access to adjacent areas.
- (25) 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.
- (26) 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.
- (27) Street, Collector:
The term "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.
- (28) Street, Thoroughfare:
The term "thoroughfare streets" shall be the principal traffic thoroughfares continuous access 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 thoroughfare street is designated on the Major Thoroughfare Plan for the City.
- (29) 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".
- (30) Subdivision:
The word "subdivision" shall mean the division by platted lots or metes and bounds of any lot, tract, or parcel of land situated within the corporate jurisdiction of the City, into two (2) or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of the land, lots, or tracts.
- (31) Subdivision, Classification:
A subdivision is classified as a "minor subdivision" when it contains four (4) or fewer lots and no streets, utilities, or other improvements are to be made. All other subdivisions are classified as "major subdivisions".

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ARTICLE III

DESIGN

SECTION 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 element 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.

SECTION 2

SUITABILITY OF LAND

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

SECTION 3

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 lot 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.

SECTION 4

LARGE-SCALE DEVELOPMENT

The requirement of this Article may be modified in the case of large-scale community or neighborhood units, such as a housing project, mobile home park, suburban-estate or recreational subdivisions, shopping center, or planned unit development of mixed uses which are not subdivided into customary lots, blocks, and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction.

SECTION 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 twelve (12) months after the filing of a Letter of Intent to Develop by the subdivider. Such reservations shall be referred to the appropriate public Council, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said site either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain.

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SECTION 6

SUBDIVISION DESIGN STANDARDS

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that comprise 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.

A. 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) 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.
- (4) 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 its own subdivision boundaries.
- (5) There shall be no reserve strips controlling access to street, except where the control of such strips is definitely placed with the City under conditions approved by the Planning Commission.
- (6) The street name 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.

(a) Right-of-way Widths

The right-of-way width shall be the distance across a street from property line to property line. Referring to the Comprehensive Development Plan and particularly the Major Thoroughfare Plan portion thereof for the required location of major street, the minimum street right-of-way width shall be as follows:

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Principal Arterials	80 feet
Minor Arterials	60 feet
Collector Streets	50 feet
Local Commercial Streets	60 feet
Local Residential Streets	50 feet
Alleys	20 feet
Cul-de-sacs (residential)	100 feet diameter

Minor terminal streets and cul-de-sacs or courts designed to have one end closed should be no more than seven hundred (700) feet long without special permission of the Planning Commission. Such streets will be provided at the closed end with a turn-around of not less than eighty (80) feet roadway diameter (outside to outside of roadway surface). Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street right-of-way width requirements. Where any part of the subdivision is on both sides of the existing street, the entire required right-of-way shall be dedicated. Where the subdivision is located on only one (1) side of an existing street and the land across the street from the proposed subdivision has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width.

Where the division is located on only one (1) side of an existing street and the land across the street from the proposed subdivision has not been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the street to bring the total right-of-way to a width of not less than fifty (50) feet.

(b) Street Grades

The minimum grade for all streets without curbs shall be 1.0%. The minimum grade for all streets with curbs shall be 0.5%. The maximum grade for local and collector streets shall be 12%, while the maximum grade for arterial streets shall be 5%.

(c) Intersections

The centerline of no more than two (2) streets shall intersect at any one point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than seventy-five degrees.

Curb radii at street intersections shall be not less than twenty (20) feet; and were the angle of a street intersection is less than ninety (90) 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 variance as specifically approved by the Planning Commission.

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Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

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.

(d) Horizontal Curves

Curvilinear streets are recommended for residential minor and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten (10) degrees, there shall be a horizontal curve. To insure adequate distance, the minimum center line radii for horizontal curves shall be as follows:

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

Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

B. Alleys

Alleys may be required at the rear of all lots to be used for business purposes, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the Commission of the need for alleys.

The width of an alley shall not be 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 where possible.

C. 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 traversed by a water course, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way 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.

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D. Blocks

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 need of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions.
- (3) Needs for convenient access, circulation, control, and safety of street traffic.
- (4) Limitations and opportunities of topography.

Blocks of less than four hundred (400) feet in length or more than one thousand two hundred (1,200) feet in length are discouraged except as the terrain itself makes blocks of other length desirable. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

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.

E. 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 setback from and orientation at both streets.

Lot dimensions:

- (1) Lots within the city limits shall conform to the requirements of the Zoning Ordinance.
- (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 Department of Health.
- (3) The minimum building setback line shall be not less than twenty-five (25) feet from the right-of-way of the front street. Corner lots shall have a setback of twenty-five (25) feet from the front lot line and the fifteen (15) feet from the street side lot line.

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 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.

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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 Ordinance.

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IMPROVEMENTS

SECTION 1

GENERAL PROVISIONS

Every subdivider shall be required to install streets, utilities and public improvements in accordance with the following standards and specifications. The City Council shall designate the official or officials who shall be responsible for certifying proper installation of required improvements.

SECTION 2

STREETS

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. All street shall have curbs and gutters. Cross sections of curbs and gutters are subject to the approval of the City Engineer.

Street pavement widths shall be as follows, the indicated width being measured form back of curb to back of curb:

Principal Arterials	44 feet
Minor Arterials	44 feet
Collector Street	36 feet
Local Residential Streets	27 feet
Local Commercial Streets	40 feet
Marginal Access Streets	27 feet

The subdivider shall receive financial assistance from the City or other public body for the cost of the street width in excess of 27 feet (or 40 feet in the case of a commercial subdivision) in the amount of material costs for base and concrete (asphalt or portland) at unit prices of current supply contracts held by the City and quantities as determined by the City Engineer.

The Planning Commission may require soil tests and/or an engineering analysis and design of pavement and base thickness in areas of known or suspect poor soil and drainage and shall require soil tests and engineering analysis and design of pavement and base thickness for arterial, collector and commercial streets.

The minimum base thickness shall be six (6) inches compacted SB-2. The minimum asphalt concrete thickness shall be two (2) inches. The minimum portland concrete thickness shall be six (6) inches with Type 3 welded wire mesh per A.H.T.D. specifications.

All utility crossings under streets, roadways, and curbs shall be backfilled and compacted with SB-2 to final subgrade level.

All subdivisions and drainage structures shall be constructed according to plans and specifications prepared by an engineer. Submission and approval of plans and specifications shall be in conformance with the appropriate section(s) of the Article of Procedures contained herein.

All materials and methods of construction shall meet or exceed those of current A.H.T.D. Standards.

Street name markers shall be installed by the City at the developer's expense. The design of the markers and signs shall conform to the City's standards.

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SECTION 3

WATER LINES

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. Recognized engineering design criteria shall be used to design the system.

Fire hydrants shall be installed by the subdivider and shall be located so as to adequately protect each lot in the subdivision.

SECTION 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 except where the Planning Commission determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.

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 and adjacent areas within the same drainage basin or pump station service area. Recognized engineering design criteria in accordance with the requirements of the State Department of Health shall be used to design the system.

SECTION 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. Said improvements shall be installed in accordance with regulations established by this and other ordinances by the City Council.

Facilities for storm drainage should be designed and constructed so as to minimize any increase in the rate of storm runoff onto adjoining property over that which existed prior to the development. If this is not practical, the subdivider may be required to participate in the provision of off-site improvements needed to mitigate the potential negative impacts of the additional runoff due to development.

Facilities for storm drainage shall be of adequate capacity, and designed in accordance with not less than a one in ten-year rainfall (except in the Central Business District where one in fifty-year design will be used). Provisions shall be made for storm water emergency overflow in subdivisions having enclosed storm systems.

The emergency overflow for subdivisions consists of two design considerations. The first is an underground system designed to carry enough water to allow the streets passable for emergency service vehicles during a storm of 10-year return frequency. The second system is an above-ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of a 50-year return frequency.

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Within street rights-of-way, inlets to a closed storm drainage system shall be required. They shall be designed and located to accommodate a one in ten-year rainfall without necessitating a water depth greater than 3 1/2 inches at the gutter line for that rainfall that falls upon and enters the pavement area. The system shall also be designed and constructed so that all water which enters the pavement areas shall exit the street through inlets only. In some cases, such as minor loop or cul-de-sac streets where the cfs is less than 4, breaks in the curb with concrete aprons within the City R/W may be allowed.

Concrete valleys shall be utilized at all surface cross drains where surface water drainage to be accommodated is less than five (5) cubic feet per second. Concrete valleys shall have a minimum width of four (4) feet and cross section slopes of one (1) inch per one (1) foot. Underground drain pipes are required for all cross drains where surface water drainage to be accommodated is greater than five (5) feet per second.

Where a subdivision is traversed by a natural watercourse, drainageway, or stream, there shall be provided a storm drainage easement of necessary width, conforming substantially to the lines of such watercourse or as otherwise approved by the City Engineer.

Box culverts and bridges which cross streets in the City right-of-way need not extend to the right-of-way on each side but shall be of sufficient length to accommodate vehicular and pedestrian traffic.

Any area or lot which may be prone to local flooding shall have the minimum elevation of the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be that corresponding to one foot above the flood elevation for a 100-year rainfall intensity.

Rainfall may not be diverted from one watershed to another within the plat boundaries.

SECTION 6

SIDEWALKS

Improvement plans shall be submitted showing the location of all required sidewalks. Installation shall be in accordance with these plans, but shall be the responsibility of the builder. No building permit shall be issued for any lot where a required sidewalk is shown unless the site development plan includes the required sidewalk; and no certificate of occupancy shall be issued for any such property until the sidewalk is constructed.

Sidewalks are required on one side of all collector streets and major thoroughfares, and shall have a minimum width of four (4) feet. Additionally, sidewalks shall be constructed on minor local streets which provide direct access to a school for a distance of 1,000 feet from any school property, the required minimum width being four (4) feet.

SECTION 7

MONUMENTS

Monuments shall be placed with top flush to finish grade at all points of intersection of the boundary of the subdivision. The location of all monuments shall be shown on final plat. Monuments shall be constructed of minimum one-half (1/2) inch diameter steel reinforcing rod, thirty (30) inches in length with a plastic insulated high-strength aluminum cap. Minimum diameter of cap face shall be three (3) inches. The monument cap shall have the surveyor's state and number of registration clearly and permanently stamped on the cap face. Cap removal shall be vandal proof.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE IV
IMPROVEMENTS

SECTION 8

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 the top flush to the ground.

SECTION 9

STREET LIGHT STANDARDS

In subdivisions improved with underground wiring, the developer shall provide for purchasing any ornamental metal light standards that he desires for the subdivision (in contract to wood poles normally provided by the light company). Location of streetlights as indicated on the plat shall be approved by the Mayor.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE V
PROCEDURE

SECTION 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 be attempt to record the plat of the subdivision or any part thereof prior to obtaining from the Planning Commission final plat approval.

SECTION 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.

A. 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 the 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.

B. Submission Requirements

The Street Naming and Subdivision Committee and the City Engineer shall be notified by the Building Official's office upon receipt of preliminary plat and said persons shall review and prepare recommendations for the Planning Commission prior to the Commission's meeting for preliminary plat consideration.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE V
PROCEDURE

The next required step in the process is the submission of an Application for Preliminary Plat Approval. The Application shall be submitted to the Planning Commission not fewer than ten (10) days prior to the regular Planning Commission meeting at which it is to be considered, and shall consist of:

- (1) A letter of intention
- (2) Six (6) copies of the plat, plans, and data as specified in Article VI, Section 1
- (3) A statement signed by the registered engineer preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the Comprehensive Plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land except where an exception is requested in writing and the reasons for which are clearly stated.
- (4) A filing fee as specified in Article VIII, Section 2.

C. Preliminary Approval

After the Planning Commission has reviewed the preliminary plat and construction plans and any staff recommendations, the applicant shall be advised of any required changes and/or additions; or approval of the plat.

After the Planning Commission has reviewed the preliminary plat and construction plans and any staff recommendations, the applicant shall be advised of any required changes and/or additions; or approval of the plat.

The Planning Commission shall approve, approve conditionally, or disapprove the preliminary plat within 45 days from the date of receipt thereof, or the preliminary plat shall be deemed approved, unless the subdivider stipulates in writing to the Planning Commission that additional time is allowed. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.

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 or 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 improvement 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." Such stamp of approval shall bear the signatures of the Chairman and Secretary of the Planning Commission; and shall be dated.

One copy of the preliminary plat will be retained in the Commission's file; one copy each retained by the City Sewer Department, Electric Company, Water Company, and Gas company.

D. Review of the Improvement Plan

The developer shall submit the improvement plan which shall consist of the plans and profiles, cross sections, detail drawings and specifications for review and approval by the City Engineer twenty (20) days prior to submission of final plat application. The City Engineer shall notify the developer, Planning Commission, and Building Official's office of the result of this review.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE V
PROCEDURE

E. 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 plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under this code.

F. Expiration of Preliminary Plat Approval

If, at the end of twelve (12) months from the date of approval of the preliminary plat, the Commission decides that the subdivider has done an insufficient amount of work in respect to the required improvements to the property, the preliminary plat approval will expire and further development work will require the approval of another preliminary plat.

G. Construction Inspection Required

The City Engineer shall make field inspections of all subdivision, street and drainage improvements. A statement of review and acceptance for each stage of construction shall be made by the City Engineer through the City Building Official to the Mayor with copies to the developer and submitted within 48 hours following inspections.

Developers shall notify the City Engineer through the City Building Official and request inspections 24 hours prior to the following events:

- (1) Subgrade Inspection - Immediately prior to distributing base material. Any interruption in construction which results in deterioration of subgrade by weather or traffic shall require re-inspection.
- (2) Curbs and drainage improvement inspection - Immediately prior to placing concrete or drain pipe.
- (3) Base material inspection - Immediately after final grade and compaction of base material. Developers are required to furnish copies of material tonnages no later than time of inspection.
- (4) Concrete inspection - Immediately prior to distributing asphalt concrete or pouring portland cement concrete on road surfaces and immediately prior to restarts after construction interruptions longer than 48 hours. Developers are required to furnish copies of asphalt tonnages or concrete yardage for all facilities, improvements and installations regulated herein. Said records are to be submitted to the City Engineer no later than 48 hours after placement and are to be retained in the City Building Official's office.
- (5) Sanitary sewer inspections - Immediately prior to installing sanitary sewer lines, making manhole connections, or infiltration tests, the Sewer Department Superintendent shall be notified 24 hours prior to said events.
- (6) Final inspections - When the improvement required by the rules and regulations have been completed, the developer shall submit a letter to the City Engineer certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the City, and are functioning properly.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE V
PROCEDURE

The City Engineer shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects, deficiencies, or unapproved changes in such improvements, the City Engineer shall notify the developer, contractor, and project engineer in writing of such defects, deficiencies or deviations. The developer shall correct such defects, deficiencies, or deviations within six (6) months of the date of notification. When corrections have been completed, the developer shall notify the City Engineer in writing that the improvements are again ready for final inspection. If corrections are not made within the above-stated period of time, cash performance bonds may be used by the City to make said corrections or the City may instruct the bonding company to make said corrections, whichever is applicable; and/or the City may not issue building permits until final approval is received.

SECTION 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.

A. Submission Requirements

At least ten (10) 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 (4) prints, and other documents as specified in Article VI, Section 2.
- (3) A filing fee as specified in Article VIII, Section 2.

B. Approval by Planning Commission

The final plat of the proposed subdivision shall be submitted to the Planning Commission for final approval within twelve (12) 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 Planning Commission shall approve or disapprove the final plat within forty-five (45) days of receipt thereof; otherwise said final plat shall be deemed to have been approved, and the certificate of said Commission as to the date of submission of said final plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of approval. Disapproval of the plat shall be transmitted to the subdivider with the reasons therefor within a reasonable time after the meeting at which the plat was disapproved.

The original plat and all copies shall be retained and distributed in accordance with the provisions contained in paragraphs C and D 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. Upon approval by the Planning Commission, the plat will be reviewed in accordance with the provisions contained below in paragraph C.

C. Acceptance of Public Dedications

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE V
PROCEDURE

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

- (1) A certificate submitted by the subdivider and approved by the City Council, stating that all required improvements and installations to the subdivision 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 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.

D. Recording

Upon approval of the final plat and acceptance of the public dedications by the City Council, the Planning Commission shall have the final plat recorded in the office of the City 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 two (2) years 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 (1) copy for the Planning Commission's file, one (1) copy shall be forwarded to the Tax Assessor, and two (2) copies shall be returned to the subdivider.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VI
PLAT REQUIREMENTS

SECTION 1

PRELIMINARY PLAT

(See Checklist)

Six (6) copies of the preliminary plat are to be submitted to the Planning Commission. 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:

- A. Name of subdivision;
- B. Name and address of owner of record, subdivider, and surveyor or engineer;
- C. North point, graphic scale and date;
- D. Vicinity map showing location and acreage of subdivision; this may be at a scale other than 1" = 100';
- E. Exact boundary lines of the tract by bearing and distances;
- F. Names of adjoining owners and subdivisions;
- G. Existing streets, buildings, water courses, railroads, culverts, utilities and easement on and adjacent to the tract;
- H. 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;
- I. Block numbers and/or lot numbers;
- J. Minimum building front yard setback lines;
- K. 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;
- L. Contour intervals shown at intervals of not more than five (5) feet for terrain with an average slope of 5% or more, and at an interval of two (2) feet for terrain with slope of less than 5%;
- M. If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown;
- N. While the plat shall show the actual boundary survey, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions;
- O. State Health Department approval of the water supply and/or sewage system if the requirement of the subdivision is to be met by any other means than by connection to a water supply or sewage system operated by the City of Pottsville.
- P. 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.
- Q. Improvement plans for all specified facilities and utilities.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VI
PLAT REQUIREMENTS

SECTION 2

FINAL PLAT

(See Checklist)

The final plat shall be drawn in India ink on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33 1/2) inches between borderlines. The scale shall be 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. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one-half (1/2) inch border at the top, bottom, and right edges of the sheet, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets. 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:

- A. The name of the owner and developer.
- B. The name of the registered land surveyor or engineer making the survey and preparing the plat.
- C. The name of the subdivision and adjacent subdivisions.
- D. The names of all streets.
- E. The identifying numbers of lots and blocks in accordance with a systematic numbering system and arrangement.
- F. North point, date, scale, and acreage being subdivided.
- G. 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.
- H. Location of lots, streets, alleys, easements, streetlights, building setback lines (both front and side streets), and other features shall be shown with dimensions.
- I. 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 centerline of the street based on arc dimensions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc dimensions.
- J. The location of all survey monuments shall be shown on the plat.
- K. Certification by the surveyor or engineer who made the survey and prepared the final plat shall be placed on the plat as follows:

"Know all men by these presents. That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Land Subdivision and Development Code of the City of Pottsville, Arkansas.

DATE _____ "

City of Pottsville, Arkansas
Land Subdivision and Development Code

ARTICLE VI

PLAT REQUIREMENTS

- L. The surveyor's or engineer's seal affixed to the plat adjacent to the certification.
- M. "As built" drawing 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.
- N. A certification by the owner setting forth the description of the areas and improvements he dedicates to the public and the extent of the title which he has dedicated shall be placed on the final plat. This certificate shall be approved as to form by the City Attorney.
- O. Copy of restrictive covenants of Bill of Assurance.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VI
PLAT REQUIREMENTS

CHECKLIST OF PLAT REQUIREMENTS			
	Item	Preliminary Plat	Final Plat
1.	Name of subdivision;	X	X
2.	Name of the owner, developer, and surveyor;	X	X
3.	North point, scale and date;	X	X
4.	Map showing location and acreage;	X	X
5.	Boundary lines bearing distances;	X	X
6.	Names of adjoining owners & subdivisions	X	X
7.	Existing streets, buildings, water drainage, railroads, utilities and easements	X	X
8.	Proposed streets and alleys with street names, lot lines, easements, land for public uses, and other land;	X	X
9.	Block & lot numbers;	X	X
10.	Building setback lines;	X	
11.	Existing zoning class on property and adjoining property; and a description of the proposed uses of land within the subdivision and any zoning amendments to be requested;	X	
12.	Contour intervals shown;	X	
13.	Show any portion of the land subject to flooding;	X	
14.	Plat shall show actual boundary survey, subdivision lots, blocks, and streets;	X	X
15.	State Health Department approval of the water and/or sewage system <u>if other than existing public system</u> ;	X	
16.	If the subdivision is a portion later to be subdivided entirely, master plan for entire subdivision shall be submitted;	X	
17.	Improvement plans for all facilities and utilities	X	
18.	Location of all survey monuments;		X
19.	Certification by the surveyor;		X
20.	Certification seal by surveyor or engineer;		X
21.	Certification by owner describing dedication of areas & improvements to public; evidence of dedication of public rights-of-way, easements and improvements;		X
22.	Copy of covenants or Bill of Assurance.		X

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VII
LOT SPLITS AND MINOR SUBDIVISIONS

SECTION 1

DEFINITION

This section of the Land Subdivision and Development Code is designed to expedite the platting and recording of minor subdivision and lot-splits; but shall be permissive and not mandatory.

By definition, a lot-split is a subdivision which involves the dividing or re-dividing of a 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.

For the purpose of effectuating this section of the Code, a subdivision is considered a "minor subdivision" when it contains four (4) or fewer lots and no streets, utilities, or other improvements are to be made.

The lot size and building setback requirements stated above in Article III, Section 6, apply to lot-splits and minor subdivisions.

SECTION 2

PROCEDURE

When a lot-split or minor subdivision, as defined above, is involved, the subdivider shall prepare and file with the Secretary of the Planning Commission or a designated member of the Planning Commission an Application for Approval of Lot-split or Minor Subdivision. Said Application shall be filed with the Secretary or designated member at last twenty (20) days prior to a regular meeting of the Planning Commission.

The Application shall not be accepted until the subdivider has paid the Application fee as set forth in Article VIII, Section 2.

The Application for Approval of Lot-Split or Minor Subdivision shall consist of a letter, a map, and such other data and information as may be desirable to support the Planning Commission's approval. Three (3) copies of the Plat Map shall be included with the Application; and the letter shall state the subdivider's intentions regarding the lot-split or minor subdivision.

The required content of the plat is set forth below in Section 3. The Secretary or designated member of the Planning Commission is hereby authorized to review the Application for Approval of Lot-Split or Minor Subdivision and provide conditional approval. Said conditional approval shall be noted on one (1) copy of the map and returned to the subdivider. The Secretary or designated member of the Planning Commission shall inform the full Planning Commission prior to the next regular meeting that conditional approval has been granted to the proposed lot-split or minor subdivision. Thereafter, the subdivider shall prepare his final plat to include all information required in Section 3 below, and for presentation to the Planning Commission at its next regular meeting.

At said meeting, the Planning Commission shall review the final plat. If the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Planning Commission shall certify its approval of the plat, make proper notation on the original tracing of said plat, and permit the plat's recording in the office of the Circuit Clerk-Recorder.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VII
LOT SPLITS AND MINOR SUBDIVISIONS

SECTION 3

PLAT SPECIFICATIONS

The final plat of a minor subdivision or lot-split shall be drawn in India ink on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33 1/2) inches between border lines. The scale shall be 1" = 100'. The drawings shall be neat, legible and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments is not acceptable. Allowance shall be made for a one-half (1/2) inch border at the top, bottom, and right edges of the sheet, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets. 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 include the following:

- A. Name of subdivision;
- B. Name and address of owner(s) of subdivision;
- C. Boundary and written legal description of subdivision;
- D. Legal description of parcels or lots that result from the subdivision or lot-split;
- E. Streets, alleys, and easements bordering or abutting the subdivision;
- F. Dimensions in feet and decimal parts thereof, and curve data for all lots, blocks, and street lines;
- G. Building setback lines with dimensions;
- H. Name of engineer or surveyor preparing final plat;
- I. Date, map scale, and north arrow;
- J. Acreage being subdivided;
- K. Location of all monuments; and
- L. Approval of the County Health Officer 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 system operated by a governmental agency.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

SECTION 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 Ordinance, 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 Department, or other appropriate State agencies.

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:

- A. No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.
- B. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land without compliance with the applicable provisions of this Code or amendments thereto shall be permitted.
- C. 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 development or subdivision, the street may not be accepted until accompanied by the required plat.
- D. 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:
 - (1) The lot, building, or structure was established before the adoption of this Land Subdivision and Development Code; or
 - (2) A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the County Recorder; or
 - (3) The plan for the proposed service by the public utility has been approved by the Planning Commission as provided in the State Statutes.
- E. 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. Notwithstanding, no building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be fewer than four (4), for the final four (4) lots of a subdivision until all public improvements required for the plat have been fully completed.

SECTION 2

FEES (Revised by Pottsville City Ordinance 96-6 dated 12/23/1996)

For each preliminary plat submitted, the fee shall be **Three Hundred Dollars (\$300.00)** plus **Thirty Dollars (\$30.00)** for each lot in the plat. **The fee shall be limited to a total of One Thousand Five Hundred Dollars (\$1500.00). Revision review fees shall be One Hundred Dollars (100.00) per hour.**

For each final plan submitted, the fee shall be **Two Hundred Dollars (\$200.00)** plus **Five Dollars (\$5.00)** for each lot in the plat.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

Recording fees shall be paid by the subdivider.

SECTION 3

VARIANCES

The rules and regulations set forth in this code are the standard requirements of the City. The Planning Commission may, when concurred in by the City Council, authorize a variance from these regulations when in its opinion, undue hardship would result from requiring strict compliance. In granting a variance, the Commission shall prescribe only 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 variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commission finds:

- A. 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.
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- C. That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.
- D. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Code.

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 variance is granted. Variances 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. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 4

VACATION OF PLATS

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

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE VIII
ADMINISTRATION AND ENFORCEMENT

SECTION 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.

SECTION 6

PENALTY

Any person, firm, or corporation that violates any provision of these regulations or amendment 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 dollars (\$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.

City of Pottsville, Arkansas
Land Subdivision and Development Code
ARTICLE IX
LEGAL STATUS

SECTION 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.

SECTION 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.

SECTION 3

EFFECTIVE DATE

This Code shall take effect upon adoption by ordinance of the City Council of the City of Pottsville, 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".