

ORDINANCE NO. 118

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Clinton, Arkansas:

SECTION I: PURPOSE, AUTHORITY, JURISDICTION AND DEFINITIONS:

1.1 Purpose

The purpose of these Regulations is to set forth the procedures, requirements, and minimum standards governing the development and subdivision of land as defined in Subsection 1.4(13).

1.2 Authority

The authority for the adoption of these Regulations is granted in Act 186 of 1957, as amended, passed by the General Assembly of the State of Arkansas.

1.3 Jurisdiction

These Regulations shall be applicable to all land within the city limits of Clinton and all unincorporated parts of Van Buren County that are within the planning area jurisdiction of the City Planning Commission of Clinton, Arkansas, as indicated on the "Planning Area Map" adopted by the Clinton Planning Commission, and on file in the office of City Clerk and County Recorder, and attached herein (figure 1).

1.4 Definitions

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

1. Alley-A minor public way not over twenty (20) feet in width.

2. Building Setback Line-A line parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

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

4. Easement-A grant by a property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

5. Improvements-Street grading and surfacing, curbs and gutters, water main and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

6. Lot-A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership and occupied or intended to be occupied by a structure or use and its accessory structures and uses.

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7. Plan, City-The comprehensive plan made and adopted by the Planning Commission and accepted by ordinance by the City Council indicating the general locations recommended for the various land uses, major streets, parks, public buildings, zoning districts and other public improvements.

8. Plan, Major Street-A plan for streets made and adopted by the Planning Commission and accepted by the City Council by Ordinance classifying certain streets within the planning area jurisdiction as thoroughfares or collector streets.

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

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

- (a) Thoroughfare-A street or greater continuity, which serves or is intended to serve as a major traffic way, and is designated as a limited access highway to identify those streets comprising the basic structure of the street plan.
- (b) Collector Street-A feeder route which carries vehicles from minor and local service streets to thoroughfares.
- (c) Minor or Local Service Street-A non-through neighborhood street within a particular area used mainly for access to properties.

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

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

13. Subdivision-The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development. However, a division of land for agriculture purposes into lots or parcels of 10 acres or more and not involving a new street is not a subdivision.

SECTION II. PROCEDURE FOR SUBDIVISION PLAT APPLICATION AND REVIEW

2.1 Application

Whenever a subdivision of land within the planning area of the City of Clinton is proposed, the owner of the property, an option holder, or other bona fide agent shall file an application with the Clinton Planning Commission at least five (5) days prior to the regularly scheduled meeting of the Planning Commission at which the application is to be considered. The following information, pertinent to the proposed subdivision, shall be filed concurrently with the application and consist of:

- a) A letter of request
- b) Preliminary Plat (as required by 2.2)
- c) Bill of Assurance (as required by 3.4)

2.2 PRELIMINARY PLAT

Three copies of a preliminary plat shall be filed, drawn to scale and showing all outside property line dimensions accurately as to distance and bearing, and all proposed interior lot and street lines as scaled distances. Proposed public utility easements, street and other public ways shall have dedicated widths, and proposed connections with existing utilities, clearly indicated, and shall be in conformity with all provisions of these regulations and with principles established in the Clinton Comprehensive Sketch Plan Ordinances, Planning Area Master Street Plan, or other applicable documents and ordinances.

2.2.1 PRELIMINARY PLAT DESCRIPTION

A legal description of the property shall be submitted together with a written description of the proposed subdivision including any deed and other restrictions which will be replaced on properties to be sold with the subdivision, and indicating the extent of improvements to be made.

2.2.2 ADDITIONAL INFORMATION TO ACCOMPANY PRELIMINARY IN CERTAIN CASES

If the total area of the subdivision exceeds five (5) acres, additional information shall be supplied to the Planning Commission with respect to proposed land use, drainage, topography, type and arrangement of buildings to be erected, and proposed site grading and drainage.

2.3 FEES

The original application for plat review and approval shall be accompanied by a certified check or money order, payable to the City of Clinton, or by currency of the United States, in the amount of five (5) Dollars, or a sum calculated at \$1.00 for each saleable lot in the subdivision, whichever figure is the greater. This fee is to reimburse the City for costs of checking and verifying the plat of the proposed subdivision and/or costs of advertising for a public hearing. Following the acceptance of the application by the Planning Commission the check, money order, or currency, covering the fee above, shall be deposited in the General Fund of the City of Clinton and such fee shall not be returnable to the applicant after such action.

2.4 ADMINISTRATIVE PROCEDURES

The Planning Commission shall, within forty-five (45) days from the date of filing of application, take action to accept or reject an application for subdivision review and approval.

2.4.1 PUBLIC HEARING

The Planning Commission may elect to hold a public hearing at the time of acceptance of an application. Legal notification of any such hearing shall be given at least fifteen (15) days prior to the date set, by one (1) publication in a local newspaper.

2.4.2 TIME LIMIT

After any public hearing or, if no public hearing is held, after accepting an application, the Planning Commission shall, within ten (10) days, take official action to approve, disapprove, or approve with modifications the preliminary plat description of the subdivision as proposed.

2.4.3 APPROVAL TO PROCEED

Unqualified approval may be granted the subdivider at this time. Qualified approval may be granted the subdivider upon such requirements as the Planning Commission deems necessary so that there be full compliance with this ordinance.

2.4.4 SUMMARY ACTION BY PLANNING COMMISSION

The Planning Commission is hereby authorized to grant approval for a subdivision without requiring payment of fees, a letter of request or a bill of assurance where a rudimentary sketch is provided the Planning Commission and the Planning Commission determines that the subdivision should be permitted without regulation. Such unregulated division shall be permitted only in these instances where it is apparent that no harm will come to the City or purchasers because of the division and where such division is not part of a systematic development of property but is an isolated occurrence.

2.4.5 ADVANCE AUTHORIZATION OF IMPROVEMENT WORK

The Planning Commission may, on request, authorize specific work to be done in connection with development of a proposed subdivision following approval of a preliminary plat, and before submission of a final plat, under the following conditions:

- 1) Site grading and other site preparation work, in

cluding installation of utility services; only when written approval of specific grading and installation plans and easement alignments are received from the City Council, if the work will be done within the City limits, or the County Judge, if the work will be done outside the City limits but within the Clinton Planning Area.

2) Utility service installation work; only when written approval of installation plans, or written agreements to perform such installation work, are received from appropriate utility agencies.

3) Street construction, or drainage facility construction; only when written approval of construction details are received from the City Council and when the Planning Commission determines that any requirements of the Master Street Plan will be met.

2.5 FINAL PLANNING COMMISSION ACTION

A final plat, prepared as provided in Section 3, following, shall be filed within twelve (12) months after the date on which preliminary plat approval is granted by the Planning Commission. If such extension is not granted and the final plat has not been filed within the twelve (12) months provided, the proposal and application shall be considered null and void and no further action shall be taken except by submission of a new application, as hereinbefore provided.

2.5.1 FINAL APPROVAL

When a final plat and plat description are submitted before the expiration of the time limit, the Planning Commission shall at its next succeeding meeting determine whether final approval shall be granted on the basis of fulfillment of the conditions and requirements set forth in Sections 3 through 6 of these regulations.

2.5.2 PERFORMANCE BOND

A performance bond, approved by the City Council, shall accompany the final plat guaranteeing the faithful completion of all improvements and installations required for approval within five (5) years from the date of final approval of the subdivision by the Planning Commission. Said bond shall run to the City of

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Clinton, Arkansas, and be in an amount determined by the City Council to be sufficient to complete all improvements and installations are required. Said bond shall also be with surety approved by the City Attorney of Clinton.

2.5.3 CERTIFICATION

If final approval is granted, the signature of the Chairman of the Planning Commission shall be affixed to the certificate of approval, on the final plat, as hereinafter provided.

2.5.4 FINAL PLAT APPROVAL FOR PORTION OF SUBDIVISION

The Planning Commission may approve a final plat for a portion of a subdivision for which a preliminary plat has been approved.

2.5.5 CITY COUNCIL-COUNTY JUDGE ACTION

After the Planning Commission has approved the Final Plat of a subdivision located within the City limits, it shall transmit a copy of said plat to the City Council for its acceptance for the dedicated streets and public easements, and approval of required improvements or a performance bond in lieu thereof. Acceptance of streets and easements shall be denoted by a certification on the final plat signed by the Mayor.

If the subdivision is located outside the City limits, the Final Plat shall be transmitted to the City Council for its approval of the required improvements, and to the County Judge for this acceptance of the dedicated streets and public easements. Acceptance of streets and easements shall be denoted by a certification on the final plat signed by the County Judge.

2.5.6 FINAL PLAT FILING

After the Final Plat has been approved and the dedicated streets and public easements have been accepted and required improvements have been constructed, or a performance bond in lieu thereof has been provided, the subdivider shall file one copy of the Final Plat, showing all required certification, in the office of the County Recorder before he may transfer title to any land in the subdivision by reference to the subdivision plat.

SECTION III. SURVEYING, DRAFTING, PLATTING DETAIL, AND IMPROVEMENT PLANS

3.1. SURVEYING

The practice of all survey work done upon any sub-

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division shall conform in all respects to accepted standards recognized by the Arkansas State Board of Registration for Professional Engineerings and Land Surveyors.

3.1.1 MONUMENTS

In making the survey for the final plat the registered land surveyor shall be required to set durable monuments at all major angle and curve points, exterior and interior, of the subdivision. Such monuments shall consist of eighteen (18)" stakes.

3.1.3 REFERENCING AND OFFSETTING

Prior to completion of permanent improvements and grading, location of all points described above may be made by referencing until the permanent markers can be installed. Offset monuments may be established for points which would be within a paved area, if so shown on the final plat.

3.2 DRAFTING

The final plat shall be clearly and legibly drawn in black waterproof ink upon translucent, stable, drafting film, and clean prints on durable material shall be furnished to the recorder. The scale of the plat shall be 100 feet to the inch unless the Planning Commission permits a different scale because of special conditions. Sheets shall be numbered if the plat consists of more than one sheet and a key or site map of the area shall be inserted on Sheet No. 1 showing the area covered by each individual numbered sheet.

3.3 PLATTING DETAIL

3.3.1 TITLE

The name or title of the subdivision shall be conspicuously placed at the top of each sheet of the plat and plat description.

3.3.2 LOCATION

Location by reference to section, township and range lines of General Land Office Surveys shall be indicated on each sheet, and any such lines as may cross or adjoin the property being subdivided shall be drawn and labeled on the plat.

3.3.3 REPLAT

If the plat represents a resubdivision of previously platted lands, such shall be clearly indicated as a part of the title on each sheet of the plat and reference shall be made

to page and plat book numbers where information on the prior subdivision is recorded.

3.3.4 GENERAL DATA

The date of survey, a graphic scale, a north arrow and name and address of owner, shall appear in the lower right hand corner of each plat sheet.

3.3.5 MATHEMATICAL DATA

The Plat shall show all survey and mathematical data necessary to locate all monuments, and any and all interior and exterior boundary lines of lots and parcels appearing thereof, including bearings and lengths of straight lines, and radii, arc lengths and intersection angles of all curves together with the Point of Curve, Point of Intersection, and Point of Tangency of each curve.

3.3.6 NUMBERING

All lots intended for sale or reserved for private purposes shall be numbered and minimum and average lot size denoted.

3.3.7 NAMING

All parcels dedicated for public use shall be named approximately.

3.3.8 POINT LOCATION

The position of all stakes, iron pipes, and monuments shall be indicated by appropriate symbols.

3.3.9 BOUNDARY LINES

The boundary lines of the subdivision shall be drawn in such manner as to effectively differentiate it from all other lines appearing on the plat.

3.3.10 EASEMENTS

Easements shall be delineated by fine dash lines and their purpose clearly defined in lettering.

3.3.11 FLOOD INFORMATION

Any portion of property within the 100 year flood plain based upon the most recent available calculations of the U. S. Army Corps of Engineer or appropriate federal agency shall be delineated and respective 100 year flood elevations shown.

3.3.12 YARD AREAS

Where yard areas adjacent to streets are required

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to be kept clear of buildings, the extend of such yards shall be shown by a dashed line labelled "Building Line" or "Street Yard Line" and showing the width of such yard in feet.

3.3.13 CERTIFICATE OF APPROVAL

A certificate of approval by the Planning Commission shall appear on the final sheet of the plat, certified by the chairman and noting the date of approval as noted below.

3.3.14 CERTIFICATE OF SURVEY

The certificate of survey by the registered land surveyor making the survey shall appear on the final sheet of the plat together with his signature, registration number, and official seal as noted below.

3.3.15 CERTIFICATE OF ACCEPTANCE

Certificates of acceptance of public rights-of-way and easements, as required in Section 2.5.5 herein, shall be entered on the final sheet of the plat.

3.4 COVENANTS, RESTRICTIONS AND DEDICATIONS

Private covenants, restrictions, and dedications shall be included either on the final plat, or in a separate description executed by the subdivider and submitted on legal size (8½" x 14") bond paper.

3.5 IMPROVEMENT REQUIREMENTS AND ENGINEERING

All applicable State laws and ordinances of the City of Clinton shall be observed and adhered to, and strict attention shall be given to the existence of such natural hazards as floods, unstable soil, and unsafe earth structure, in order to prevent the location of buildings in places where jeopardy to life, health or building stability may occur.

3.5.1 SIDE DITCHES AND CULVERTS

Subdivision may be constructed without curbs if side ditches with pipe culverts at driveway and street crossing are provided to specifications satisfactory to the County Judge, where such subdivision is without the City and planning Commission were the subdivision is within the City. In all such cases, street surface gradients shall, notwithstanding initial use of ditches, be designed to permit proper drainage if and when curbs and gutters are ever installed.

3.5.2 SEPTIC SYSTEMS AND WATER WELLS

All subdividers will connect to water and sewer **provided** by the City of Clinton or an improvement district where such connection is available. Within any subdivision within the Planning Area where such connections are unavailable, requirements of State law will prevail and approval of location and construction plans will be the responsibility of the County sanitarian.

3.5.3 DRAINAGE IMPROVEMENTS

Plans for any construction specifically intended to affect the flow characteristics of storm water run-off from an area exceeding 100 acres in size, within or immediately adjacent to any proposed subdivision, shall be reviewed by the U. S. Soil Conservation Service before submission to the Clinton City Council and a letter attesting such review shall be attached to the plans when submitted to the Council.

SECTION IV. SUBDIVISION DESIGN PRINCIPLES

4.1 STREETS

4.1.1 Conformance to Major Street Plan.

The allocation of rights-of-way for and the location and widths of all streets shall conform to the official Major Street Plan.

4.1.2 Intersections. Intersections shall be, insofar as practicable, at right angles. A minimum number of streets should intersect at one common point. Where jogs cannot be avoided at street intersections, the street should be offset at least 125 feet.

4.1.3 Curves.

Curves in streets shall be ample to permit sight distance adequate for drivers moving at the posted speed.

4.1.4 Minimum Street Width.

Right-of-way and pavement widths shall not be less than 40 feet for the right-of-way and 20 feet for the paving width in built-up urban areas. Right-of-way and pavement widths shall not be less than 60 feet for the right-of-way and 20 feet for the paving width in undeveloped areas.

4.1.5 CUL-DE-SAC TURNAROUND

Cul-de-sacs or courts shall have a turnaround right-of-way of no less than 80 feet in diameter.

4. LOCATION OF LOCAL-SERVICE STREETS.

Local-service streets shall be located and aligned in a manner that will not encourage "short cuts" between major thoroughfares.

4.2 RESIDENTIAL LOTS

4.2.1 SHAPE

Lots may be any shape that best accommodates the type of house to be constructed but, insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.

4.2.2 AREA.

The minimum area shall be 14,000 square feet, unless zoning regulations or the State Board of Health require another minimum.

4.2.3 WIDTH.

The minimum width of the lot at the building line is 100 feet.

4.2.4 SETBACKS.

The minimum front yard setback shall be 25 feet; side and rear yards 15 feet.

4.3 COMMERCIAL AND INDUSTRIAL LOTS

4.3.1 DEVELOPMENT PLAN.

Larger lots designated for commercial or industrial uses shall be planned as unit showing location of buildings, off-street parking and other improvements which plan shall be approved by the Planning Commission.

4.4 TOPOGRAPHY AND NATURAL FEATURES

If requested by Planning Commission, the subdivider shall provide a topographic map showing natural features such as drainage ditches, creeks, ponds, and trees.

4.5 GRADES AND PROFILES

If requested by the Planning Commission, the subdivider shall provide:

4.5.1 STREETS.

Profile sheets indicating present and finished street grades at centerline of right-of-way of proposed streets.

4.5.2 UTILITIES.

Profile sheets indicating grades for storm and

sanitary sewers.

4.5.3 CUTS AND FILLS.

Grade Plan for any cuts and fills.

4.6 EASEMENTS

4.6.1 Utility.

Easements for utilities shall be provided where needed which are centered on rear or side lot lines.

4.6.2 DRAINAGE.

Easements adequate in width shall be provided where necessary for storm water drainage.

4.7 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 hearings, 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.

4.8 CERTIFICATE OF OWNERSHIP AND DEDICATION

1. The subdivider shall submit for approval of the Planning Commission a Certificate of Ownership and Dedication, which shall include but is not limited to the following provisions:

a. Dedication of all streets and alleys, parks and other lands for public use.

b. Establishment of easements.

c. A provision that the platting as filed for record cannot be changed unless vacated.

2. The subdivider shall be required to file with the County and Circuit Clerk and Ex-Officio Recorder the Certificate of Ownership and Dedication as approved by the Planning Commission at the same time the plat is filed on record.

SECTION V. ENFORCEMENT PROVISIONS

5.1 VARIANCES

Whenever the tract to be subdivided is of such unusual size, shape or topography or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety.

5.2 APPEAL

In the event the plat as submitted by the applicant is disapproved by the Clinton Planning Commission, the applicant may petition the City Council for a review of the plat vote. The Council may sustain the disapproval of the Commission or refer the plat back to the Planning Commission for restudy and for such action as may be consistent with the requirements of these regulations.

5.3 SEVERABILITY

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

5.4 ENFORCEMENT

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

1. No water or sewer service shall be provided to any subdivision until such subdivision is given preliminary plat approval by the Planning Commission or its designate.

2. The Planning Commission or its designated representative shall be authorized to seek to enjoin any subdivider from engaging in any activity which violates this ordinance. Failure to comply with any of the provisions of this ordinance shall be a misdemeanor, punishable by a fine not to exceed \$500.00.

3. No plat of any tract of land within the planning area jurisdiction of the Clinton Planning Commission shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission.

4. No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of this ordinance or amendments thereto shall be permitted. This provisions is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

5. No dedication of streets shall be 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 subdivision, the street may not be accepted until accompanied by the required plat.

PASSED AND APPROVED by the Mayor and City Council on this 29th day of May, 1980.

ATTEST:

(Seal)

CITY CLERK

Edith M. Pate

APPROVED:

MAYOR

Charles E. Bradley

CERTIFICATE OF RECORD

STATE OF ARKANSAS
COUNTY OF VAN BUREN

} ss

I, SAMMY COLLUMS

Clerk of the Circuit Court and

Ex-Officio Recorder for the County aforesaid, do hereby certify that the annexed and foregoing instrument of writing was filed for record in my office on the 20th day of February, A.D. 1981 at 8:00 o'clock A.M., and the same as now duly recorded, with acknowledgment and certificate thereon in Record Book Vol. Misc. 38 Page 623

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 20th day of February, A.D. 1981

(Seal)


Clerk

Deputy Clerk

C E R T I F I C A T E

The undersigned, City Recorder of the City of Clinton Arkansas, hereby certifies that the foregoing pages are a true and correct copy of Ordinance 118 adopted at a special session of the City Council of the City of Clinton, Arkansas held at the regular meeting place of the City Council in City Hall at 7:00 o'clock P.m., on the 29th day of May, 1980. and that the Ordinance is of record in Ordinance Record Book 2 Pages _____ now in my possession.

GIVEN under my hand and seal this 29th day of May, 1980.



CITY RECORDER

S E A L