PROPOSED

SUBDIVISION REGULATIONS

FOR THE

CITY OF MULBERRY, ARKANSAS

Prepared for
Mulberry Planning Commission

By

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CHAPTER I

GENERAL PROVISIONS

Section 1 Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Mulberry Planning Commission (hereinafter referred to as the "Planning Commission").

Section 2 Authority

These subdivision regulations are adopted in accordance with the authority granted by Act 186 (as amended) of the 1957 General Assembly of the State of Arkansas.

Section 3 Jurisdiction

The territorial jurisdiction of these regulations includes the land within the corporate limits of the City of Mulberry, Arkansas, and the surrounding area designated on the planning area map adopted by the Mulberry Planning Commission on January 23, 1969.

Section 4 Conformance to Official Plans

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

Section 5 Reservation of Land

The developer shall reserve all land designated for public use on an adopted official plan for six (6) months following date of approval of preliminary plat, to permit the public body having jurisdiction of financial responsibility to acquire the property. The responsible public body shall be required to take an option on the designated land within 90 days from date of approval of preliminary plat. However, the developer may be released from the reservation requirement in less than six (6) months if the public body having jurisdiction notifies the planning commission that it no longer desires to have the land held.

Section 6 Suitability of Land

All land proposed for residential use shall be suitable for development free from flood and topographic conditions that would endanger health, life, or property.

Section 7 Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision 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.

CHAPTER II

PROCEDURE FOR PLAT APPROVAL

Section 1 Objective

To establish a uniform procedure the developer shall follow to obtain plat approval.

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

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

Section 2 Preplatting Preparation

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

Section 3 Preliminary Plat Approval Procedure

The following actions and conditions relate to the preliminary plat approval procedure.

1. Submission to Planning Commission. The developer shall submit 3 copies of a preliminary plat to the Planning Commission or its representatives at least five (5) working days prior to the meeting at which time the plat is to be considered. Upon receipt of the plats, one copy shall be dated and signed for the Planning Commission files.

2. Action by Planning Commission. Within 15 days after submission, the Planning Commission shall indicate its approval, disapproval or conditional approval of the plat. The reasons for disapproval shall be stated in writing.

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

3. Expiration of Approval. The approval of the preliminary plat shall lapse unless a final plat of the subdivision is submitted to the Planning Commission within one (1) year following date of approval.

4. Approval as Authorization to Install Improvements. Approval of the preliminary plat does not constitute approval for filing the plat with the County Recorder. It is, however, authorization for the subdivider to proceed with the installation of improvements or to submit guarantees in lieu of improvements.

5. Preliminary Plat Must Show Layout of Entire Development. If the developer desires presently to develop only a portion of the entire area intended for development, a preliminary plat for the entire area will be required in order that each part may be properly related to the total area.

Section 4 Final Plat Approval Procedures

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

1. Submission to Planning Commission. After approval of the Preliminary Plat, and after the required improvements have been installed or provisions for their installation have been made (see Chapter III, Improvements, Section 3), the developer shall submit within five (5) working days prior to a Planning Commission meeting three (3) copies of a Final Plat, together with certificates and other supporting information.

2. Action by Planning Commission. Within forty (40) days after its submission, the Planning Commission shall approve, disapprove, or conditionally approve the plat. If disapproved, the reasons shall be recorded in the Planning Commission minutes and transmitted to the subdivider in writing.

3. Final Plat for a Portion of a Subdivision. If a subdivider desires to develop only a portion of the area for which the preliminary plat has been approved, the Planning Commission may approve a Final Plat for a portion of the preliminary plat area.

4. City Council Action. Upon approval of a Final Plat of a subdivision located within the corporate limits of the City, the Planning Commission shall transmit a copy of the plat to the City Council for its acceptance of the dedication of public streets and other public space.

5. Recording of Final Plat. A copy of the approved final plat (and acceptance by the City Council if located within the city) shall be filed with the County Recorder. Pursuant to Section 5-3, Arkansas Planning Law 186 of 1957, as amended, "the recorder shall not accept any plat for record without the approval of the Planning Commission."

CHAPTER III

PLAT REQUIREMENTS

Section 1 Objective

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

Section 2 Plat Size and Scale

The scale of the preliminary plat shall be not less than 1 inch equals 100 feet. The final plat shall be prepared on sheets 18 x 23 inches, or on approved size to correspond with the County Deed Book.

Section 3 Right of Survey

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

Section 4 Plat Information

Whenever the letter "X" appears opposite an item, that information shall be shown on the plat at the time the plat is presented to the Planning Commission.

	Preliminary Plat	Final Plat
1. Name of subdivision (including City, County and State)	X	X
2. Boundary, legal description and acreage of tract signed by a certified surveyor or registered engineer.	X	X

		Preliminary Plat	Final Plat
3.	Names and addresses of owners, and surveyor	X	
4.	Names of adjacent subdivision or ownership of adjacent property if not platted	X	
5.	Vicinity map at a legible scale	X	
6.	Contour line at intervals which the Planning Commission deems sufficient	X	
7.	Date, scale, and north arrow	X	X
8.	Location of all streets (names, alleys, and easement within and bordering tract)	X	
9.	Dimensions of streets, alleys, easements, blocks and lots numbered or lettered	X	X
10.	Bearings of all lot, block or street lines which are not 90 degree angles		X
11.	Location of monuments		X
12.	Location of building lines	X	X
13.	Location and dimension of any non-residential property	X	X
14.	Restrictive covenants, if any	X	X
15.	Certifications		
	a. Approval by Planning Commission	X	X
	b. Ownership and dedication		X
	c. Accuracy by registered engineer approved by the City Council		X
16.	Accompanying information		
	a. Approval of water and sewer by State Health Department		X
	b. Approval of drainage system by City		X
	c. Approval of street system by registered engineer or a qualified surveyor approved by the City Council		X
	d. Street profiles		X
	e. Certification of improvements		X

CHAPTER IV

DESIGN AND LAYOUT

Section 1 Objectives

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

Section 2 Special Conditions

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

Section 3 Streets

1. Projection of Major Streets. Major streets in a subdivision shall conform to the general plan and be continuations or approximate projects of existing major streets in surrounding areas.

2. Local-service Streets. Minor streets shall be laid out in a manner that will discourage through traffic.

3. Street Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 60 degrees. Property lines at intersections shall be rounded with a radius of not less than 10 feet. Shrubs or other obstructions over two feet high shall not be permitted at or near intersections.

4. Dead-end Streets. Dead-end streets, designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having a property line diameter of at least eighty (80) feet.

5. Street Width. Street right-of-way widths and pavement widths shall be as shown on the Comprehensive Plan and where not shown shall be not less than as follows:

	Right-of-way	Pavement
Arterial	80 feet	
Collector	60 feet	
Local-service	50 feet	20 feet

6. Curb and Gutter. All streets shall be curbed and guttered. The curb shall be approximately 6" high and the gutter approximately 18" in width of concrete.

7. Street Surface. The street surface shall be a hard, all-weather surface such as concrete or a bituminous mixture. If a bituminous mixture is used, the minimum thickness shall be a 2½" bituminous macadam wearing surface over a crushed limestone base, unless otherwise designated by a registered professional engineer and accepted by the City Planning Commission.

8. Street Grades. No street grade shall be less than 0.5% and shall not exceed the following:

Arterial	5 percent
Collector	7 percent
Local-service	10 percent

9. Street Jogs. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

10. Street Curves. Curves in streets shall have a radius adequate to insure sight distances sufficient to permit a driver to stop safely.

11. Subdivision with Arterial Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Planning Commission may require such improvements as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. These improvements may include, but are not necessarily limited to, marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, and deep lots with rear service alleys.

12. Half Streets. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations and where the Planning Commission finds it will be

practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

13. Street Names. Names of existing streets shall not be used for new streets and there shall be only one name for each street. Street names shall be subject to the approval of the Planning Commission.

Section 4 Blocks

1. Length, Width, and Shape. The length, width and shape of blocks shall be determined with due regard to:

   a. Adequate building sites suitable to the type of use contemplated.
   b. Zoning requirements.
   c. Needs for convenient access, circulation, control and safety of street traffic.
   d. Topography

2. Blocks shall be large enough to accommodate two tiers of lots and shall be at least two times the width in length.

   When a block exceeds 600 feet in length, the Planning Commission may require a dedicated easement not less than fifteen feet in width and a paved crosswalk of not less than four feet in width to provide pedestrian access across the block.

Section 5 Lots

1. Lot Size and Shape. The lot size, width, depth, shape, and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Lot Dimensions. Lot dimensions shall conform to the requirements of the zoning ordinance. Where no zoning ordinance is in effect (i.e., within the planning area outside the corporate limits) the lot dimensions shall be as follows:

   a. Residential lots where served by public sewer shall be not less than sixty (60) feet wide at the building setback line nor less than 6,500 square feet in area.

   b. Widths and areas of residential lots not served by public sewer shall be determined with respect to soil conditions and State and local health regulations and standards.

3. Corner Lots. Such lots shall have extra width to permit appropriate building setback from and orientation to both streets.

4. Street Access. Each lot shall be provided satisfactory access to a public local-service street. Lots fronting on or having direct access to an arterial street shall be discouraged.

5. Double and Reverse Frontage. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such arterial street or other undesirable use.

6. Side Lot Lines. These lines shall be substantially at right angles or radial to street lines.

7. Building Setback Lines. Where no zoning ordinance is in effect, the front building setback line shall be not less than 25 feet and the side line not less than 7½ feet from the respective property lines.

Section 6 Easements and Public Dedications

1. Utility. Easements across lots or centered on rear or side lot lines shall be provided where necessary and shall be at least 12 to 15 feet wide.

2. Drainage. Easements adequate in width shall be provided where necessary for water courses and storm water drainage.

3. Public Dedication. All land held for public use shall be approved by the Planning Commission.

Section 7 Grade and Profiles

1. Streets. The subdivider shall provide profile sheets indicating present and finished street grades at center line of right-of-way.

2. Utilities. Profile sheets indicating the grades for storm and sanitary sewers shall be submitted when installation of the same is required.

3. Cuts and Fills. When cuts and fills are to be made, the subdivider shall present a grade plan.

Section 8 Topography and Natural Features

1. Topographic Map. The Planning Commission may require a topographic map of the subdivision with a contour interval of such specification which it deems sufficient for conveying the appropriate and needed topographic information. The subdivider also may be required to indicate natural features such as drainage ways (creeks, etc.), ponds, trees, etc., on the topographic map.

CHAPTER V

IMPROVEMENTS

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

Section 1 Procedural Requirements Relative to Improvements

1. Sketch Plat. No information concerning actual improvements is required.

2. Plat Preparation. At the time of plat preparation, the subdivider shall prepare the necessary information required in respect to improvements.

3. Preliminary Approval. Preliminary approval shall be given when plans meeting requirements for improvements are approved.

4. Final Approval. Final approval shall be given when one of the following has been met for each required improvement.

   a. Evidence of installation of improvements in the form of a certificate containing the signatures of the proper official or officials as to compliance.

   b. A performance bond based on value of the estimated cost of the improvements.

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

5. The appropriate city officials shall be responsible for certifying proper installation of required improvements.

Section 2 Required Improvements

1. Water Distribution System. Where it is determined by the Planning Commission that public water is available to the subdivision, each lot in the subdivision shall be served with an adequate supply of water from the public water system.

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

3. Sanitation. Where it is determined by the Planning Commission that a public water supply and/or sanitary sewer system is not available, then evidence shall be shown by the subdivider that an alternate water supply has been provided and that arrangements have been made for the provisions of satisfactory sewage disposal facilities. Such evidence shall include the results of water tests and percolation tests by county or state health authorities.

4. Storm Water Drainage. Where it is determined by the Planning Commission that an underground storm water drainage system is available and that connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground drainage system.

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

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

5. Streets. Streets shall be installed and surfaced in accordance with right-of-way widths set forth in the Comprehensive Development Plan or in Chapter IV, Section 3 of these regulations, and street surface standards adopted by the City Council.

6. Sidewalks. Sidewalks shall be installed on both sides of the street on all streets except where such sidewalks are deemed unnecessary by the Planning Commission. All sidewalks shall be a minimum width of 42 inches and shall be located within the street right-of-way at a distance of one foot from the property line.

7. Monuments. Concrete monuments four inches in diameter or square and three feet long with one-half inch metal reinforcing rod running the length of the monument shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision and at all points of the subdivision boundary intersections.

Metal rods, three-fourths inch in diameter and 24 inches long, shall be placed with the top flush to the ground at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision and at all lot corners.

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

Section 3 Standards for Improvements and Approval of Plans for Improvements

1. The standards for water, sanitary sewers, and street improvements shall be as adopted by the City.

2. The review and approval of all plans relating to water, sanitary sewers or sewage disposal, street improvements and storm drainage shall be by individuals designated by the City.

CHAPTER VI

GENERAL

Section 1 Severability

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

Section 2 Enforcement

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

Section 3 Penalty

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

Section 4 Amendments

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendment or amendments as recommended by the Planning Commission.

Section 5 Fees

For each preliminary plat submitted, the fee shall be $5.00 plus 50¢ for each lot.

For each final plat submitted, the fee shall be $5.00 plus 50¢ for each lot. All of the fees shall be paid to the Secretary of the Planning Commission, who shall deposit the fee with the City Clerk.

Section 6 Definitions

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

1. Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.

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

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

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 mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

6. Lot. A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development.

7. Plan, City. The Comprehensive Development Plan made and adopted by the Planning Commission and accepted by resolution by the City Council indicating the general location recommended for the various land uses, major streets, parks, public buildings, zoning districts and other public improvements.

8. 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.

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

    a. Arterial Highway. A street of 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. Local-service Street. A non-through neighborhood street within a particular area mainly used for access to properties.

10. Street, Dead-end. A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

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

12. Subdivision. The division or re-subdivision of a lot, tract, or parcel of land within the planning area jurisdiction into four or more lots.

Section 7 Enforcement

Should any ordinance or parts of any ordinance be in conflict herewith, the more restrictive ordinance shall apply. These regulations shall be in full force and effect from and after their final passage and publication as provided by law.