

TITLE 15

SUBDIVISION REGULATIONS

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CHAPTER 15.01

GENERAL PROVISIONS

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Section 15.01.01. Title

These regulations shall officially be known, cited, and referred to as the Subdivision Regulations of the City of Batesville, Arkansas (hereinafter “these regulations”).

Section 15.01.02. Policy

- (a) It is 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 official Comprehensive Plan of the city for the orderly, planned, efficient, and economical development of the city.
- (b) Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
- (c) The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Map, and the capital budget and program of the city, and it is intended that these regulations shall supplement and facilitate the enforcement of

the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, Official Map and land use plan, and the capital budget and program of the city.

- (d) Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulation(s) identified in Section 15.01.03.

Section 15.01.03. Purposes

These regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the city.
- (b) To guide the future growth and development of the city in accordance with the Comprehensive Plan.
- (c) To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.
- (e) To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- (f) To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (g) To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- (h) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- (i) To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development.
- (j) To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (k) To preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features.
- (l) To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city.

- (m) To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

Section 15.01.04. Authority

The Planning Commission of the City of Batesville (hereinafter “Planning Commission”) is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including sketch, preliminary, and final plats. The Planning Commission may grant variances from these regulations pursuant to the provisions of Section 15.01.12.

Section 15.01.05. Jurisdiction

- (a) These regulations apply to all subdivision of land, as defined in Section 15.02.01 (Definitions), located within the corporate limits of the city or outside the corporate limits as provided by law.
- (b) No land shall be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Commission in accordance with these regulations.
- (c) These regulations shall apply to any subdivision that was platted prior to the effective date of these regulations whenever the original subdivider or his successor failed to complete subdivision improvement requirements pursuant to a subdivision improvement agreement entered into when the plat for the subdivided land was approved and the plat contains contiguous lots in common ownership where one or more of the contiguous lots is undeveloped, whether the lots are owned by the original subdivider or an immediate or remote grantee from the original subdivider; except that this section shall not apply if the city has obtained possession of sufficient funds from security provided by the subdivider with which to complete construction of improvements in the subdivision.

Whenever the jurisdiction of the Planning Commission is exercised in such situations only the sale, lease, transfer, or development of an undeveloped lot or lots contiguous to a lot or lots in common ownership shall be subject to these regulations.

- (d) No land described in this section shall be subdivided or sold, leased, transferred or developed until each of the following conditions has occurred in accordance with these regulations:
 - (1) The subdivider or his agent has submitted a conforming sketch plat of the subdivision to the person designated by the Planning Commission; and
 - (2) The subdivider or his agent has obtained approval of the sketch plat, a preliminary plat when required, and a final plat from the Planning Commission; and
 - (3) The subdivider or his agent files the approved plats with the Clerk and Recorder for Independence County.
- (e) No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date of, and not in substantial conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

Section 15.01.06. Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted and made effective as of March 11, 2008. All applications for subdivision approval, including preliminary plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the subdivider has constructed subdivision improvements prior to submission of the final plat as required by the city unless the Planning

Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

Section 15.01.07. Interpretation, Conflict, and Separability

- (a) Interpretation. In its interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- (1) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provisions of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- (2) Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, or the determinations of the Planning Commission [or the City Council] in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these regulations or the determinations made under these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.
- (b) Separability. If any part or provision of these regulations or the application of these regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

Section 15.01.08. Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the city under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firms, or corporation by lawful action of the city except as shall be expressly provided for in these regulations.

Section 15.01.09. Reservations and Repeals

Upon the adoption of these regulations according to law, the Subdivision Regulations of the City of Batesville, adopted July 11, 1967, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

Section 15.01.10. Amendments

For the purpose of protecting the public health, safety, and general welfare, the Planning Commission may from time to time propose amendments to these regulations which shall then be approved or disapproved by the City Council at a public meeting following public notice.

Section 15.01.11. Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to any subdivision is an exercise of valid police power delegated by the state to this city. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the city and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

Section 15.01.12. Variances, Exceptions, and Waiver of Conditions

- (a) General. Where the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waiver of conditions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings in writing, based upon the evidence presented to it in each specific case that:
- (1) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (4) The relief sought will not in any manner vary the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map, except that those documents may be amended in the manner prescribed by law.
- (b) Conditions. In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 15.01.03.
- (c) Procedures. A petition for a variance, exceptions, or waivers of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Section 15.01.13 Authority, Enforcement, Violations, and Penalties

- (a) Authority. These regulations are adopted pursuant to the authority granted by Act 186 of the 1957 General Assembly (A.C.A. § 14-56-417, et seq.) and other applicable laws. The planning commission shall exercise the power and authority to review, approve and disapprove plats for subdivisions and improvements in accordance with these regulations.
- (b) General.
- (1) It shall be the duty of the person designated by the Planning Commission to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violations of these regulations.
 - (2) No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by

the Planning Commission in accordance with the provisions of the regulations and filed with the Clerk and Recorder of Independence County.

- (3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
 - (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations, nor shall the city have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.
- (c) Violation and Penalties. Violations of these provisions shall be punishable as provided in Batesville Ordinance No. 2005-11-1 adopted November 29, 2005.

CHAPTER 15.02

DEFINITIONS AND PROCEDURES

Sections:

- Division 1: Definitions
 - 15.02.01 Definitions
 - 15.02.02 Amendments
 - 15.02.03 Types of subdivisions
 - 15.02.04 Re-subdivision of land
 - 15.02.05 Vacation of plats
 - 15.02.06 Filing of fees
 - 15.02.07 Lot line adjustments
 - 15.02.08 – 15.02.19 Reserved
- Division 2: Application for approval
 - 15.02.20 Generally
 - 15.02.21 Preapplication procedure
 - 15.02.22 Preliminary plat approval/notification
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 - 15.02.25 Preapplication requirements
 - 15.02.26 – 15.02.29 Reserved
- Division 3: Plats
 - 15.02.30 Preliminary plat application
 - 15.02.31 Final plat application

Division 1. Definitions

Section 15.02.01. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions not expressly prescribed in this section are to be construed in accordance with customary usage in municipal planning and engineering practice.

Alley means a public or private right-of-way primarily designed to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street.

Applicant means the owner of land proposed to be subdivided or his representative. Written consent shall be required from the legal owner of the land.

Assurance of completion instrument means a cashier's check, certificate of deposit, treasury bond or other negotiable government security or an irrevocable letter of credit given by the developer to the city to guarantee the completion of the necessary improvements within a subdivision.

Bill of assurance means a legal document specifying the covenants and restrictive conditions applicable to a particular property.

Block means a tract of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines of municipalities.

Buffer means a permanently natural or landscaped area serving to separate two different land uses or developments.

Building means the same as "Structure."

Building line means the line within a property which defines a minimum horizontal distance to be provided between a building and the adjacent property line.

"C" factor means a coefficient of roughness whose value depends upon the character of the surface over which water is flowing.

Capital improvement program means a proposed schedule of all future projects listed in order of construction priority, together with cost estimates and anticipated means of financing each project. All projects require the expenditure of public funds, over and above the city's annual operating expenses for the purchase, construction or replacement of the city's physical assets.

City Engineer means a professional engineer registered to practice in the state of Arkansas and employed by the City or serving on behalf of the City.

Commercial subdivision means a tract or parcel of land for commercial uses as defined in the zoning ordinance.

Commission means the city planning commission.

Crosswalk means a strip of land dedicated for public use which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.

Cul-de-sac means a local street with only one outlet and having an appropriate terminus for the safe and convenient turnaround or reversal of traffic movement.

Easement means authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

Engineer means a professional engineer registered to practice in the state.

Expressway means any divided street or highway with no access from abutting property and which has either separated or at-grade access from other public streets and highways.

Freeway means any divided street or highway with complete access control and grade-separated interchanges with all other public streets and highways.

Frontage road means a street parallel to and adjacent to an expressway, freeway or arterial, which provides access to abutting properties.

Grade means the slope of a road, street or other public way, specified in percentage terms.

Health department means the county health department and/or state board of health.

Industrial subdivision means a tract or parcel of land for industrial uses as defined in the zoning ordinance.

Loop street means a street closed on either end with "T" intersections and which intersects the same street twice with no other intersection.

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

Lot, corner, means a lot abutting upon two or more streets at their intersection.

Lot, double-frontage, means a lot fronting on two parallel streets but not including a corner lot.

Lot of record means any tract, lot, parcel or legally describable ownership existing in public records prior to the adoption of this regulation. In order to qualify, a public record such as a deed or plat shall be required.

Lot, reverse-frontage, means a double-frontage lot which is designed to be developed with the rear yard abutting a major street and with primary means of ingress and egress provided on a minor street.

Lot split means the dividing or re-dividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts according to the criteria established within this chapter.

Lots, pipe-stem, means lots with narrow street frontage and disproportionately wider rear yards.

Maintenance irrevocable letter of credit means an irrevocable letter of credit furnished by the subdivider or contractor to the city for a period of time to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the subdivider or his contractor.

Master street plan means the official street plan for the city, denoting street classifications, alignments and their design standards.

Minor subdivision means a subdivision of less than four lots, intended for residential or commercial use and with no required dedication.

Neighborhood means a number of residential units united by a network of residential and collector streets forming a loosely cohesive community characterized by individual features that together establish a distinctive appearance and atmosphere.

Off-site means any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant.

Owner means the owner of record for all the land in a subdivision or his authorized agent.

Pavement width (back to back) means that portion of a street measured from the back of a curb on one side of the street to the back of the curb on the other side of the street.

Planned unit development means a parcel of land proposed for development as a single entity and which may include dwelling units, commercial, office, industrial uses or any combination under the provisions of the zoning ordinance.

Planning area means the area within which this chapter is enforced, including the corporate limits of the city and the extraterritorial limits as allowed under Arkansas Act 186 of 1957 (A.C.A. § 14-56-413), or other subsequent amendments or acts.

Plat, final, means a finished drawing showing completely and accurately all legal and engineering information required in this chapter and including the bill of assurance.

Plat, preliminary, means the preliminary drawings, described in this chapter, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for review, and including the preliminary bill of assurance.

Re-subdivision means a change in a map of an approved or recorded subdivision plat and requiring approval by the planning commission.

Right-of-way, public, means a strip of land which is owned by the public or is dedicated or deeded to the public for use as, or maintenance of, street, crosswalk, railroad, or utility service, which may be delineated on the final plat or acquired by other legal means.

Service easement means a recorded easement used by public utilities for the purpose of installation and maintenance of facilities or used by the public as a means of vehicular access to commercial, office, industrial and multifamily developments.

Staff means the mayor, city planner, City Engineer, building inspector, administrative assistant to the planning commission and others who may be named by the city council.

Street, arterial, means any street designed primarily to serve as a connecting link for central business districts, suburban residential areas and other road systems in the area, providing corridors which connect cities and form an integrated statewide network. And also (minor arterial), means any street designated primarily to function as the interconnecting system in an urban area.

Street, boundary, means an existing or proposed public street or street right-of-way abutting or sharing a common property line with a tract of land to be developed or subdivided.

Street, collector, means any street designed primarily to function as a link to local streets with higher capacity arterial streets. A secondary function is to provide access to the major centers of commercial/industrial activities, and to educational and recreational centers of an urban area.

Street, minor commercial, means a commercial cul-de-sac not greater than 300 feet in length.

Street, minor residential, means loop and cul-de-sac streets not exceeding 750 feet in length in the case of the latter and 1,500 feet in the case of the former and providing access to not more than 35 single-family units.

Street, private, means a cul-de-sac or loop street built to public street standards, but specifically allowed as a private street by the planning commission.

Street, public, means a dedicated and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting property.

Street, residential, local means a street designed to provide circulation within a residential subdivision and to individual lots, and function to serve as the access to abutting, private properties and access to the higher functional classified streets.

Structure means anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers and smokestacks.

Subdivider means any person or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

Subdivision means all divisions or platting of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development and shall include all divisions of land involving the need for new access, a new street or a change in existing streets; provided however, that the following shall NOT be considered a subdivision:

- (1) The combination or recombination of previously platted lots where the total number of lots is not increased and the resulting lots are equal to or exceed the development standards of the city;
- (2) The division of land into parcels greater than five (5) acres provided each newly created lot or parcel has minimum lot frontage on legal and physical access,
- (3) Transfers of interest by will or pursuant to court order or mortgages,
- (4) The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other public improvements.

Surveyor means a professional land surveyor registered in the state.

Vehicular access easement means a vehicular easement authorized by the planning commission to provide primary access in hillside areas and not more than 300 feet in length nor serving more than five lots.

Zero lot line development means a residential development concept eliminating the normally required side yard for one side, to provide for more usable open space on the other side.

Section 15.02.02. Amendments

This chapter may be amended at any time after the planning commission has held a public hearing on the proposed amendments. At any subsequent scheduled meeting of the planning commission following such public hearing, the planning commission may recommend to the city council the adoption of such amendments.

Section 15.02.03. Types of subdivisions

- (a) *Generally.* Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, this chapter provides for the establishment of four subdivision types: commercial/office, industrial, planned unit development, and residential design. Standards applicable to each of these four types are outlined in this chapter. Prior to the approval of any preliminary plat, the planning commission shall classify and evaluate each subdivision according to its planned future use, it being the responsibility of the applicant to identify the type of proposed plan. Where a proposed plat incorporates more than one use of the type specified in this section, either the different land use types shall be clearly delineated on the submitted plat; or separate plats shall be filed for each land use type, together with a scale drawing illustrating the proposed layout as a totality.
- (b) *Purpose and intent of each type of subdivision.* The purpose and intent of each subdivision type shall generally be as follows:
- (1) *Commercial/office subdivisions.* Commercial/office subdivisions are intended to accommodate one or more commercial building sites on either single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structure and ownership. Commercial and office uses shall be those defined as such in the zoning ordinance.
 - (2) *Industrial subdivisions.* Industrial subdivisions are intended to fulfill a twofold objective: to provide both the opportunity and the flexibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent non-industrial areas and to require the application of sound design principles and the orderly development of industrial parcels involving the creation of one or more building sites or lots. Industrial uses shall be those defined as such in the zoning ordinance.
 - (3) *Residential subdivisions.* Residential subdivisions are intended to ensure efficient, aesthetic and convenient designs for single-family, zero-lot-line, duplex and multifamily, residential development and to provide harmonious relationships with surrounding areas. Residential uses shall be those defined as such in the zoning ordinance.
 - (4) *Planned unit development.* Planned unit development occurs in two categories, planned residential development (PRD) and planned commercial development (PCD). Platting related to these two districts may combine elements of the other subdivision types; inside the city limits, the design and configuration of a planned unit development is further subject to the requirements and limitations imposed by the zoning code. Approval of the platting is guided by this chapter and subject to the review of the planning commission and the city council.

Section 15.02.04. Re-subdivision of land

- (a) Previously platted lots served by an existing street system may be recombined on a final plat provided the newly created plat does not exceed the minimum requirements for lots as to the number or extent of nonconformities of size, shape or open space for the zoning district in which the subdivision is located or does not exceed the minimum requirements for lots in accord with the state health department regulations concerning septic tank systems.
- (b) Previously platted lots or series of lots returned to acreage by court order or which were formerly provided access from rights-of-way which have been abandoned shall be re-subdivided in conformance with this chapter prior to issuance of any permits for construction. The reduction to acreage and/or abandonment of street right-of-way shall constitute abandonment of the former lots of record.

Section 15.02.05. Vacation of plats

- (a) Any plat or any part of any plat lying within the city may be vacated by the owner at any time before the sale of any lot in the plat. Vacation of a plat shall be subject to the approval of the city council. The city council may reject any proposed plat vacation which abridges or destroys any public rights in any public use areas, improvements, streets or alleys. Any plat lying outside the city and within its extraterritorial jurisdiction may be vacated by action of the appropriate county authority. The owner of lands for which a request for vacation is filed and granted shall provide the appropriate documents to the county recorder to carry out the vacation order.
- (b) Upon recordation, such vacation shall have the effect of divesting the public of all rights in the streets, alleys, public areas and dedications laid out for describing in such plat.
- (c) When lots have been sold, the plat may be vacated in the manner established in this chapter provided the owners of all lots join the plat vacation application.

Section 15.02.06. Filing fees

Filing fees for all sections of this chapter shall be those established from time to time by the city council. The filing fee shall cover the initial review and follow-up review. Any additional reviews will be charged to the applicant and shall be paid before the final plat will be approved.

Section 15.02.07. Lot Line Adjustments

A. Purpose.

The lot line adjustment process allows minor changes in lot shape or size to be completed without the need for a more complicated subdivision application. The lot line adjustment process allows a property owner to change the shape or size of a lot by simply repositioning the existing lot lines.

B. When Permitted

A lot line adjustment may be used whenever minor adjustments are needed to a given parcel or parcels. For example, if one property owner wishes to purchase a portion of an adjoining parcel, a lot line adjustment can be used to move the property line to the new location, increasing the size of one parcel, and decreasing the size of the other. While the overall number of parcels may be reduced by a lot line adjustment, the number may not be increased. To increase the number of parcels, or to obtain a waiver of any kind from the requirements of the Subdivision Code, a standard subdivision application is required.

The Code Enforcement Officer is responsible for review and approval of all lot line adjustments. No public hearing is required, nor shall it require review by the Planning Commission. The Code Enforcement Officer may however, at his discretion, place the application of the agenda of the Planning Commission for review, guidance, and/or information purposes. In any event, the Code Enforcement Officer shall provide timely reports to the Planning Commission on lot line adjustment applications.

C. Application Requirements

The following shall be submitted with the lot line adjustment application:

1. A completed application form, signed by the property owner(s).
2. Proof of ownership of the subject property(ies).
3. A copy of a plat map, which has been prepared by a Professional Land Surveyor, and which contains the following information:
 - a. The boundaries of the existing parcels;

- b. The existing lot line which is proposed to be changed;
 - c. The new lot line;
 - d. The location of all structures, parking lots, and driveways on the parcel(s);
 - e. The location of any easements, rights-of-way, public streets, or public utilities on the parcel(s); and,
 - f. The name, registration number, seal, and signature of the surveyor who prepared the legal description and plat map.
- 4. A legal description of the existing lots and revised lots.
 - 5. The filing fee.
 - 6. Any other drawings, reports, or data requested by the Code Enforcement Officer.
- D. Conformance with Requirements

When reviewing an application for a lot line adjustment, the Code Enforcement Officer shall confirm that the resultant lots will fully comply with all relevant city codes. ¹

Section 15.02.08. – Section 15.02.19. Reserved

Division 2. Application for Approval

Section 15.02.20. Generally

The application procedure and approval process for subdivision development shall be accomplished in four stages.

- (a) The first step consists of a pre-preliminary conference, optional for subdivisions ten acres or less and mandatory for subdivisions larger than ten acres. Such preapplication procedure shall involve an informal discussion with the staff and the submittal of a sketch plan.
- (b) The second step involves preparation of a preliminary plat by the applicant for consideration and approval by the planning commission. This document is designed to show the proposed subdivision in sufficient detail to indicate its workability in all respects, but not in final form, with all the details fully computed. A subdivider proposing to subdivide within the territorial jurisdiction of the city shall not proceed with any construction work on the proposed subdivision, including grading, before obtaining preliminary plat approval.
- (c) The third step involves submittal of a final plat conforming to the preliminary plat. This step shall be initiated within 12 months after approval of the preliminary plat by the planning commission unless construction work is actively progressing, in which case the preliminary approval remains valid. The final plat is a completed document incorporating engineering specifications in a form, required for legal recordation and sale of lots. No subdivision plat or any plat shall be recorded prior to obtaining final plat approval from the planning commission, nor shall the subdivider convey title to any lot before obtaining final plat approval.
- (d) The fourth step involves acceptance of all public dedications as prescribed by either the city council or the county, determined by appropriate area.

¹ All of Section 15.02.07 adopted by Ordinance Number 2010-03-03, passed 3/9/2010

Section 15.02.21. Preapplication procedure

- (a) *Submission of sketch plans.* Any owner of land within the jurisdiction of this chapter seeking to plat a property larger than ten acres in size shall submit sketch plans and data concerning existing conditions within the site and its vicinity to the staff. Submitted information shall convey the intentions of the subdivider as to the proposed layout and type of development. No fees shall be collected for preapplication review, its purpose being to acquaint the subdivider with plans and policies in effect that would be significant to the proposed subdivision.
- (b) *Review of sketch plans.* The preapplication procedure affords the subdivider the opportunity to obtain the advice and assistance of the staff early and informally in order to:
 - (1) Assist the subdivider in analyzing the development plan.
 - (2) Give informal guidance to the development at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the subdivider.
 - (3) Determine whether or not a combined preliminary and final plat procedure may be authorized under section 15.02.24.
- (c) *Advice.* Advice of the staff shall be provided in either verbal or written form, at the option of the subdivider, within 30 days of the sketch plan submittal. It is binding on neither the city nor the subdivider.

Section 15.02.22. Preliminary plat approval/notification

- (a) *Application.* Whenever a subdivision is proposed to be made or before sale of any lots located in the subdivision as a whole or any part is made, or before building permits are approved for multiple building sites, the owner shall file a plan of the proposed subdivision with the planning commission for approval. The applicant shall submit all the necessary fees and meet all the submittal requirements at the time of the filing as described in section 15.02.24.
- (b) *Notification.* For nonresidential plats, in areas where zoning is not applicable, the applicant shall submit proof of written notice to all owners of land contiguous to the subdivision presented for approval. For residential plats, the applicant shall give written notice to all owners of unplatted tracts and all platted lots in excess of 2.5 acres contiguous to the subdivision presented for approval. For all owners of residential or nonresidential parcels landlocked and contiguous to the subdivision, notice shall be given. The procedure for such notice shall be as follows: Not less than ten days prior to the planning commission meeting, a written notification containing the time, place and date of the hearing shall be given. The notice shall be sent by certified or registered mail or a petition of notification circulated to the last known address of such record owner; and the petitioner shall execute and file with the staff an affidavit showing compliance with this chapter, attaching as exhibits to the affidavit official evidence that the notices have been so mailed or the petition circulated.
- (c) *Staff review.*
 - (1) The staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with this chapter. In its review, staff shall take into consideration the requirements of the city and the use of the land being subdivided and may offer suggestions concerning changes they feel would enable the project to meet the purpose and intent of this chapter. Particular attention shall be given to width, arrangement and location of streets; utility easements; drainage; lot sizes and arrangements; and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, arterial streets and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.

- (2) The city staff shall distribute copies of the preliminary plat to other city departments, utility companies, and county and state agencies as appropriate with the request that their recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the planning commission along with the staff's own recommendation.
- (d) *Planning commission action.* The planning commission shall review preliminary plats at its regularly scheduled monthly meeting, at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The planning commission shall then approve, conditionally approve, deny or defer the plat. Notification of a decision and reasons shall be provided in writing to the subdivider within five days of the planning commission's meeting.
 - (1) *Approval.*
 - a. A preliminary plat approved by the planning commission shall be effective and binding upon the commission for 12 months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision shall have been submitted to the staff. Any plat not receiving final approval within the period of time set forth in this section or otherwise conforming to the requirements of this section shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and subdivision regulations then in effect.
 - b. Approval of the preliminary plat shall be accompanied by a certificate of preliminary plat approval executed by the planning commission. Such approval authorizes the subdivider to proceed with preparation of an application for final plat approval.
 - c. Receipt by the subdivider of the executed certificate of preliminary plat approval is authorization to proceed with the preparation of necessary plans and specifications and the installation of required public improvements. The subdivider shall build all public street and drainage improvements to the specifications of the construction plans approved by the city. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans. The necessary plans and specifications (engineering designs) require approval of the engineering staff prior to any construction in the subdivision.
 - (2) *Conditional approval.* If the application is conditionally approved by the planning commission, the planning commission shall specify such conditions to the applicant in writing within five days of planning commission action, with a copy supplied to the engineer of record. Such conditions shall be agreed to by the applicant and necessary changes made to the preliminary plat before the certificate of preliminary plat approval can be executed by the planning commission.
 - (3) *Denial.* If the application is denied by the planning commission the applicant shall be so notified in writing within five days and the reasons therefor shall be stated. A denied application may be resubmitted to the staff after required modifications have been made.

Section 15.02.23. Final plat procedure

- (a) *Application.* An applicant seeking the approval of a final plat shall submit the necessary documents for the planning commission. Such application shall conform to the submittal requirements described in section 15.02.31.
- (b) *Review of the final plat.* The staff shall review final plats for conformance with drainage and/or construction plans approved in conjunction with the preliminary plat. Comments will be forwarded to the planning commission for use in final plat review.

- (c) *Approval.* Responsibility for final plat approval shall reside with the planning commission, which body shall approve or disapprove the final plat within 30 days of its submittal unless the subdivider agrees in writing to a deferral. No final plat shall be approved until:
 - (1) its conformance with the preliminary plat has been verified and the subdivider and the city have entered into an agreement assuring completion of all required improvements as specified in section 15.03.15; and,
 - (2) the City Council has accepted the streets included in the plat, pursuant to the provisions of section 15.03.21.

Approval of the final plat shall be accomplished subsequent to an affirmative vote of the planning commission when the chairman of the planning commission signs the certificate of final plat approval as shown in section 15.02.31 and all fees have been remitted as per section 15.02.06 above.
- (d) *Denial.* Any plat submitted for final plat approval not in conformance with the preliminary plat as determined by the planning commission shall be denied. If the final plat is denied, such decision shall be communicated to the subdivider in written form expressing the reasons within five days after such determination is made.
- (e) *Staging.* The subdivider may, and in conformance with the provisions of section 15.02.31, seek final approval for only a portion of the property for which the preliminary plat was approved. For residential plats, however, such stages shall contain at least five percent (but in no case less than five lots) of the total number of lots contained within that phase of the approved preliminary plat seeking final plat approval.
- (f) *Assurance of Completion Instrument.* The planning commission may require that the assurance of completion instrument for the public improvements be in such amount as is commensurate with the stage of the plat being filed and may defer additional assurance of completion requirements until additional stages of the plat are offered for filing. (see section 15.03.15. Assurance of Completion).

Section 15.02.24. Combined preliminary and final plat procedure

- (a) *Submission of combined application.* Based upon the preapplication procedure and the requirements for minor subdivisions, lot splits and planned unit developments where no public purpose would be served by separate steps, a combined preliminary and final plat procedure may be authorized in the circumstances and in conformance with the requirements and standards specified in this section.
- (b) *Minor subdivisions.*
 - (1) *Authorization.* The staff may authorize a combined preliminary and final review procedure for minor subdivisions. All plats submitted as minor subdivisions shall require review and approval by the planning commission.
 - (2) *Review and approval.* Request for minor subdivision approval shall be made by the owner of the land to the staff. Subdivision requirements shall be the same as those required for final plat. The planning commission shall review the plat. If the final plat is in conformance with the objectives and standards of this chapter and all required information is contained on the plat, the planning commission shall certify its approval of the plat, making proper notation on the original tracing of the plat, and permit the plat's recording in the office of the circuit clerk.
- (c) *Lot splits.*
 - (1) *General intent and definition.* The planning commission shall approve or disapprove lot splits where a single lot, tract or parcel is being split into two lots. The minimum lot size shall be governed by the lot size specified by the zoning classification of the subject property.
 - (2) *Application of procedure.* A request for a lot split approval shall be made by the owner of the land to the planning commission. Four copies of a drawing to scale of the lot involved if there

are no structures on the lot, or if structures are located on any part of the lot being split, four copies of a survey of the lot and the location of the structures on the lot, together with the precise nature, location and dimensions of the split, shall accompany the application.

- (3) *Approval guidelines.* Approval or disapproval of lot splits shall be given based on the following guidelines:
 - a. No new street or alley is required.
 - b. No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - c. Such action will not result in any significant increases in public service requirements, nor will it interfere with maintaining existing public service levels.
 - d. There is adequate street right-of-way as required by this chapter and the master street plan.
 - e. All easement requirements have been satisfied.
 - f. Both lots created by such split shall have direct access to a public street according to the provisions of this section.
 - g. No substandard sized lots or parcels shall be created.
 - h. Such action will not result in a lot being split into more than two tracts.
- (4) *Approval.* The planning commission, shall, in writing, either approve, conditionally approve, or disapprove the proposed lot split within 30 days of application. If approved and after all conditions have been met, the chairman shall sign and furnish a certified copy of the split; and it shall be submitted by the applicant for recordation with the circuit clerk. One copy of the final recorded plat shall be furnished by the applicant to both the planning commission and the city clerk.
- (d) *Planned unit development.* The planned unit development process is especially designed to combine preliminary and final plats into a single streamlined procedure as a means of facilitating the development approval process. The planning commission may authorize the combination of preliminary plans for such projects in accordance with the zoning ordinance.
- (e) *Plat specifications.* The final plat for minor subdivision or lot splits shall be prepared on accepted tracing material or mylar film at a scale of one-inch equals 100 feet as submission of a regular final plat as outlined in section 15.02.31.
- (f) *Fees.* The applicant shall submit all necessary fees as described in section 15.02.6 above, and meet all submittal requirements at the time of the filing as described in section 15.02.31.

Section 15.02.25. Preapplication requirements

In conjunction with a preapplication conference with the staff, whether optional or required, the subdivider shall provide the following information:

- (1) *Vicinity map.* The vicinity map, covering a radius of one-half mile of the proposed plat at a scale of one-inch equals two thousand feet (1" = 2,000') shall generally locate arterial streets and highways, section lines, railroads, schools, parks and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- (2) *Sketch plan.* The sketch plan, on a current topographic survey, shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.

- (3) *Written information.* Written information, informally submitted, shall generally include the following:
- a. The applicant's name and address;
 - b. The agent;
 - c. Acreage in the tract;
 - d. Area allocated to each land use;
 - e. Proposed bills of assurance;
 - f. Cultural and natural features of the site; and
 - g. Anticipated subdivision characteristics, including the number of lots per gross acre, approximate number of lots, average lot size, location of street rights-of-way and easements.
- (4) *Fees and forms.* No application fees or special forms are required.

Section 15.02.26 – 15.02.29. Reserved

Division 3. Plats

Section 15.02.30. Preliminary plat application

- (a) *Requirements.* Specific preliminary plat submission requirements include the materials given in this section.
- (b) *Application form.* A subdivision application form providing the following information shall be completed by the applicant and submitted to the planning commission:
- (1) Proposed name of subdivision.
 - (2) Proposed type of subdivision.
 - (3) Name and address of owner of record.
 - (4) Source of title giving deed record book and page number or instrument number.
 - (5) Name and address of subdivider.
 - (6) Linear feet in streets.
 - (7) Average size of lots and minimum lot size.
 - (8) Number of lots and lots per gross acre.
 - (9) Location of the tract by legal description giving acreage to the nearest one-tenth of an acre.
 - (10) Existing and proposed covenants and restrictions.
 - (11) Proposed open space.
 - (12) Source of water supply.
 - (13) Where wastewater disposal is to be accomplished by extending wastewater utility facilities, this circumstance shall be indicated. In those instances where extraordinary wastewater disposal methods (any method other than a public wastewater utility) are proposed in lieu of extending public wastewater systems, detailed information shall accompany the plat.
 - (14) Such further information as the subdivider wishes to bring to the attention of the planning commission.
 - (15) Submission of necessary fees as described in Section 15.02.6 Filing Fees.
- (c) *Vicinity map.* The vicinity map shall cover an area within a radius of one-half mile of the proposed subdivision at a scale of one inch equals 2,000 feet. The drawing shall generally locate arterial

streets, highways, section lines, railroads, schools, parks and other significant community facilities, and, if possible, shall be incorporated on the preliminary plat.

- (d) *Preliminary plat.* Fifteen black or blue line prints of the preliminary plat, clearly and legibly drawn, shall be submitted on white paper no larger than 24 inches by 36 inches. Extra-large plats may be submitted on more than one conforming sheet. Plat scale shall be one-inch equals 50 feet for plats up to and including ten acres and one-inch equals 100 feet for plats larger than ten acres, except where a smaller scale may be deemed appropriate by the staff. The preliminary plat shall also be submitted in an electronic format, on medium, compatible with equipment available to the City. Data shall be an AutoCAD file in .dwg format (or such other file format as may be determined by the city from time to time) containing the information listed below. The City may also require certain other information to be shown on separate layers to facilitate integration into the City's mapping system. The preliminary plat shall be identified by the name of the subdivision and shall include:
- (1) Contours shown at intervals of not more than five feet for terrain with an average slope exceeding ten percent or more, and at an interval of two feet for terrain with slopes of less than ten percent.
 - (2) Proposed design, including streets, alleys and sidewalks, with proposed street names, lot lines with approximate dimensions, service easements, open space land to be reserved or dedicated for public uses and land to be used for purposes other than residential.
 - (3) Minimum building front yard setback lines for commercial/office, industrial and residential subdivisions and all setback lines for zero-lot-line, apartment and townhouse development.
 - (4) For natural features within and immediately surrounding the proposed subdivision, including drainage channels, bodies of water, wooded areas and other significant features on all watercourses leaving the tract, the direction of flow shall be indicated; and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.
 - (5) Storm drainage analysis showing drainage data for all watercourses entering and leaving the plat boundaries. The storm drainage analysis shall be prepared by a professional engineer licensed to practice in Arkansas in sufficient detail to illustrate the proposed system's capability of accommodating a not less than one in ten-year rainfall.
 - (6) Date of survey, north point and graphic scale.
 - (7) Any portion of property within the floodway or the 100-year floodplain, based upon the Federal Emergency Management Agency's National Flood Insurance Program provided for and adopted by the city or the county, whichever program is applicable.
 - (8) Cultural features within and immediately surrounding the proposed subdivision, including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures, city and county lines, section lines and other significant information.
 - (9) Preliminary storm drainage plan incorporating proposed easement dimensions and typical ditch sections.
 - (10) Centerline locations adjacent to all streets abutting the proposed subdivision.
 - (11) Names of recorded subdivisions abutting the proposed subdivision, with plat book and page number or instrument number.
 - (12) a. For residential plats, names of owners of unplatted tracts abutting the proposed subdivision and the names of all owners of platted tracts in excess of 2.5 acres.
b. For commercial plats, names of owners of all land contiguous to the proposed subdivision.

- c. For both residential and commercial subdivisions, names of all owners of landlocked parcels contiguous or within the plat boundaries.
- (13) Exact boundary lines of the tract indicated by a heavy line giving dimensions and all bearings.
- (14) Zoning classifications within the plat and abutting areas.
- (15) Municipal boundaries that pass through or abut the subdivision.
- (e) *Engineering analyses.*
 - (1) *Typical street cross sections and profiles.* At the option of the staff and where a street grade variance is being requested, the following information shall be provided:
 - a. Street cross sections of all proposed streets at 100-foot stations as follows: On a line at right angles to the centerline of the street, and such elevation points shall be at the centerline of the street, each property line and points 25 feet inside each property line.
 - b. Street profiles showing existing and proposed elevations along the centerlines of all roads drawn at a horizontal scale of one inch equals 100 feet to that allowed by the engineering needs. Where required, such profiles shall be prepared by an engineer registered to practice in the state.
 - (2) *Floodplain analysis.*
 - a. Where a portion of the land area included on a plat is suspected to be flood prone and that area is not covered by the flood insurance study prepared by the Federal Emergency Management Agency for the National Flood Insurance Program, or is not covered by available U.S. Army Corps of Engineers information, an engineering analysis shall be submitted. The analysis shall be submitted as part of the preliminary plat filing.
 - b. Such analysis shall be prepared by the engineer of record at the owner's expense. The analysis shall determine to the best of the engineer's ability a safe building line, and it shall be clearly and legibly drawn on the preliminary plat.
 - (3) *Soils test.* Soils tests may be required, at the expense of the applicant, by the planning commission where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.
- (f) *Certificates, fees and bills of assurance.*
 - (1) *Preliminary plat certificates.* Each preliminary plat submitted to the planning commission shall carry the following certificates as appropriate:
 - a. *Surveying.*

CERTIFICATE OF PRELIMINARY SURVEYING ACCURACY	
I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.	
_____ Date of Execution	_____ Signed _____ Name Registered Land Surveyor No. _____, Arkansas

b. *Engineering.*

CERTIFICATE OF PRELIMINARY ENGINEERING ACCURACY	
I, _____, hereby certify that this plat correctly represents a plat made by me, and that the engineering requirements of the Batesville Subdivision Rules and Regulations have been complied with.	
_____ Date of Execution	_____ Name Registered Engineer No. ____, Arkansas

c. *Approval.*

CERTIFICATE OF PRELIMINARY PLAT APPROVAL	
All requirements of the Batesville Subdivision Rules and Regulations relative to the preparation and submittal of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of such rules and regulations. This certificate shall expire [____ Date ____].	
_____ Date of Execution	_____ Signed Chairman, Batesville Planning Commission

- (2) *Fees.* Filing fees for preliminary plats shall be those established by the city council.
- (3) *Bill of assurance.* A draft of any bill of assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.

Section 15.02.31. Final plat application requirements

- (a) *Generally:* Submission for certification of final plat approval shall consist of the document and two (2) transparent originals (one (1) shall be a mylar), the number of prints as established by the Planning Commission, the certificates specified in this section and the original bill of assurance. The final plat information shall also be submitted in an electronic format on medium, compatible with equipment available to the City and shall be an AutoCad file in dwg format (or such other file format as may be determined by the city from time to time) containing street centerline data as shown on the final plat, storm drainage as built information including pipe inverts, length of pipe, size of pipe, type of pipe, and type of inlets shall be provided in a separate dwg file and included on the submitted required medium. The City may also require certain other information to be shown on separate layers to facilitate integration into the City's mapping system.
- (b) *Final plat.* The final plat shall indicate the following information:
 - (1) Name and address of the owner of record and the subdivider.
 - (2) Name of the subdivision.
 - (3) Date of the plat, north point and graphic scale.
 - (4) Names of all streets.

- (5) True courses and distances to two established land corners or corners of record which shall accurately describe the location of the plat.
- (6) Exact boundary lines of the tract indicated by a heavy line or other acceptable control traverse, giving dimensions to the nearest hundredth of a foot and bearings to the nearest second in order to achieve an unbalanced error of closure of at least one in 5,000.
- (7) Streets and alleys within and abutting the subdivision, with street names indicated and showing the source of dedication.
- (8) Street centerlines showing angles of deflection or bearing, angles of intersection, radii, length of tangents, and with basis of curve data; a separate chart showing the centerline length of roadway dedications.
- (9) Source of title giving deed record book and page number or instrument number.
- (10) Lot lines with dimensions to the nearest hundredth of a foot, bearings and angles sufficient to reproduce the survey and chords and radii of rounded corners.
- (11) Building setback lines with dimensions.
- (12) Lot and block numbers and including lot addresses as designated by the Independence County Office of Emergency Management (OEM) or such other person or entity designated by OEM to assign addresses.
- (13) Easements, buffer strips and public service utility rights-of-way lines giving dimensions, locations and purpose.
- (14) Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated and of any areas to be reserved by deed covenant for common use of all property owners.
- (15) Accurate locations and description of all monuments.
- (16) Key map where more than one sheet is required to present the map.
- (17) Location of the tract by legal description and giving acreage.
- (18) Any area or lot which may be prone to local flooding shall have the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be compared to the 100-year flood elevation shown on the flood insurance study or, if not available, any other applicable study in which the 100-year flood elevation is depicted. The staff and the planning commission shall review and approve compliance with chapter applicable flood regulations.

(c) *Written information.*

- (1) Error of closure calculations shall be submitted when requested. When errors are suspected, the planning commission may cause a survey to be made or check the final plat for correctness.
- (2) Certification of approval of water supply and sanitary sewage disposal by the appropriate agency, when not connected to the municipal system.

(d) *Certificates, fees and bills of assurance.*

- (1) *Final plat certificates.* Each final plat submitted to the staff for approval shall carry the following certificates printed on the plat:

a. *Owner.*

<p>CERTIFICATE OF OWNER</p> <p>We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have lain off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with this plat.</p>

/14/2020]

Source of Title: D.R. _____ Page _____
Instrument No. _____

b. *Recording.*

CERTIFICATE OF RECORDING	
This document, number _____ filed for record _____, 20 _____, in plat book _____, page _____.	
_____ [Name] Clerk	Signed _____

c. *Engineering.*

CERTIFICATE OF ENGINEERING ACCURACY	
I, _____ Name _____, hereby certify that this plat correctly represents a plan made by me and that the engineering requirements of the Batesville Subdivision Rules and Regulations have been complied with.	
_____ Date of Execution	_____ Signed [Name] Registered Professional Engineer No. _____, Arkansas

d. *Surveying.*

CERTIFICATE OF SURVEYING ACCURACY	
I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers shown hereon actually exist and their location, type and material are correctly shown.	
_____ Date of Execution	_____ Signed [Name] Registered Land Surveyor No. _____, Arkansas

e. *Final approval.*

CERTIFICATE OF FINAL APPROVAL	
Pursuant to the Batesville Subdivision Rules and Regulations, and all of the conditions of approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of such rules and regulations.	

- (2) *Fees.* Filing fees for final plat shall be those established by the city council.
- (3) *Bill of assurance.*
 - a. The bill of assurance shall be submitted to the staff for review and approval as to consistency with relevant city ordinances and regulations with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other public lands, establishing easements, setting forth pertinent privileges and conditions and covenants of the subdivision; setting forth procedures by which amendments to the bill of assurance can be made. The bill of assurance shall contain reference to the approval of the final plat.
 - b. Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall both be shown on the plat and contained in the bill of assurance. The bill of assurance shall contain language advising the property owner to verify the most current information available on the status of flooding on the property.

CHAPTER 15.03

DESIGN STANDARDS

Sections:

- 15.03.01 General principles
- 15.03.02 Streets
- 15.03.03 Easements and public rights-of-way
- 15.03.04 Alleys
- 15.03.05 Lots
- 15.03.06 Platted building lines and buffers
- 15.03.07 Blocks
- 15.03.08 Sidewalks
- 15.03.09 Storm drainage
- 15.03.10 Commercial/office and PCD subdivisions
- 15.03.11 Industrial subdivision
- 15.03.12 Hillside regulations
- 15.03.13 Multiple building sites
- 15.03.14 Required public improvements
- 15.03.15 Assurance of completion of improvements
- 15.03.16 Time extensions
- 15.03.17 Inspection of improvements
- 15.03.18 Re-inspection of improvements
- 15.03.19 Issuance of building permits
- 15.03.20 Extensions
- 15.03.21 Establishment of street acceptance regulations

Section 15.03.01. General principles

- (a) *Guidance.* In addition to the requirements for improvements and their design, the considerations of this section shall guide the staff and the planning commission in their review of proposed subdivision plats.
- (b) *Conformance to rules and regulations.* All proposed subdivisions shall conform to the following laws, rules and regulations:
 - (1) The master street plan, the land use plan and other city plans as applicable within the planning area jurisdiction.
 - (2) The provisions of the Zoning Ordinance.
 - (3) Standards and regulations adopted by the city council and all boards, commissions and agencies of the city.
 - (4) Established goals, objectives and policies of the city council and the planning commission.
 - (5) For purposes of dedication of private streets to the public for maintenance, the standards set forth in the master street plan shall apply. All plats submitted under this provision shall be reviewed, with the standards provided being minimums. A higher level of improvements may be required as circumstances warrant.
- (c) *Character of the land.* Land which the planning commission finds to be unsuitable for a subdivision or development due to flooding and improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features deemed harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer

and approved by the planning commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses that shall not involve such a danger.

- (d) *Floodplains.* In particular, land within the 100-year floodplain as defined by the U.S. Army Corps of Engineers or the appropriate federal agency shall not be platted for urban purposes unless the subdivider shall incorporate such improvements as required by the planning commission as will render the area substantially safe for development.
- (e) *Adequacy of public facilities and services.* The availability of water, sanitary sewer service, fire protection, police protection, refuse service, public schools, and parks and recreation facilities shall be considered by the staff in its analysis of the plat.
- (f) *Reservation of public facilities.* Where proposed community or public facilities of the municipal plan are located in whole or in part in a proposed subdivision, the planning commission, city council or public body shall require that land for those public facilities be reserved as a condition of preliminary plat approval for a period of four months following the date of notification of the developer's intent to develop as evidenced by submission of the preliminary plat. The public board, commission or body having jurisdiction or financial responsibility for the acquisition of the reserved land for a facility shall be given an opportunity to execute a written contract to acquire by purchase or file suit for condemnation of the area reserved for such facility; however, the contract to acquire shall be closed within twelve (12) months following the date of the approval of the preliminary plat.
- (g) *Subdivision and street names.* The proposed name of the subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by this chapter. The planning commission shall have final authority to designate street and subdivision names where conflicts exist with other established subdivisions within the county. Where conflicts arise concerning street names the Planning Commission, or its designee, shall cooperate with the Independence County Office of Emergency Management in determining the final resolution of street names.
- (h) *Approval of planned unit development.* Design standards outlined in this chapter and in the zoning ordinance shall serve as overall guidelines for project approval through the PUD process. Such standards, however, may be modified for a planned unit development which, in the judgment of the planning commission, will provide adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the area when fully developed.
- (i) *Provision of access to adjacent unplatted property.* Proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the planning commission, topographic conditions or similar physical impediments preclude reasonable provision of such access, or alternate routes of access are or will be available in the future.

Section 15.03.02. Streets

- (a) *General guidelines.*
 - (1) Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography. In steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes of grade along arterials shall be avoided. Sharp horizontal curvature should be avoided, if possible, at or near the high point of a crest vertical curve or near the low point of a pronounced sag vertical control.
 - (2) The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall

also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.

- (3) Major traffic generators such as industries, commercial service, PCDs, schools, town center commercial and residential development with a density in excess of six dwelling units per gross acre shall obtain driveway access to a system of streets internal to the development. These types of uses shall obtain primary access from streets classified as collectors or a higher functional classification.
 - (4) The layout of streets and the design of lots for residential development with a density of six units per gross acre or less and city center commercial [or downtown regulations if they are different], shall provide for driveway access to local streets. The provision of driveway access to collector streets shall be discouraged. Direct driveway access to minor arterial and higher functional classification of streets shall not be permitted. The developer in the subdivision process may apply to the planning commission for a waiver of this driveway access regulation. The application for waiver shall be justified to the planning commission as a "no reasonable alternative" situation based on physical characteristics of the property proposed for subdivision development.
 - (5) Residential streets shall be laid out to discourage through traffic, to permit efficient drainage and utility systems, and to require the minimum and maximum length of street necessary to provide convenient and safe access to property. Curvilinear streets, cul-de-sacs and loop streets shall be encouraged where such use will result in a more desirable lot layout.
 - (6) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided if necessary to achieve master street plan conformity or to prevent land-locked property.
- (b) *Right-of-way/paving width.*
- (1) Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified in this section. All public streets within the subdivision shall be located, platted and dedicated to the city or the county in accordance with the master street plan and the standards and procedures outlined in this chapter.
 - (2) The city may require right-of-way dedications of up to 100 feet. Right-of-way dedications in excess of 100 feet as shown on the recorded master street plan shall be reserved for acquisition subject to the following conditions:
 - a. The public board, commission or body having jurisdiction or financial responsibility for the acquisition of the right-of-way shall within four months following the approval of the preliminary plat execute a written option to acquire by purchase or file suit for condemnation of the right-of-way; and
 - b. The option to acquire shall be exercised and fully consummated within 12 months following the date of the approval of the preliminary plat.
 - (3)
 - a. New boundary streets shall be avoided except where a requirement of the master street plan provides a defined alignment. In that event, the development or plat proposed shall provide half the master street plan specified improvements and right-of-way. Whenever a proposed subdivision abuts a partially dedicated or constructed public street, the developer shall provide the minimum of half the required improvements and right-of-way.
 - b. The planning commission may authorize a new boundary street when the subdivider proposes to dedicate the entire right-of-way and construct all the required improvements.
 - c. In no case shall a subdivider retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.

- (4) For purposes of determining the extent of required improvements on boundary streets, the right-of-way centerline shall be deemed to be the plat boundary. Where a clearly defined right-of-way does not exist, the city shall establish the centerline location.
- (5) For dead-end streets and cul-de-sacs:
 - a. Cul-de-sacs shall have a maximum length of 750 feet unless otherwise approved by the Fire Chief and planning commission. Where a street does not extend to the boundary of a subdivision, and its continuation is not required by the planning commission for access to adjoining property, its terminus shall not normally be closer than 50 feet to such boundary.
 - b. Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds for residential streets and minor residential streets shall have a minimum right-of-way diameter of 100 feet and a pavement width diameter of 80 feet, with an optional inside radius of 20 feet to the back of the curb and 40 feet to the outside of the back of the curb.
 - c. In the case of temporary dead-end streets, which are stub streets designed to provide future connections with un-subdivided adjacent areas, the planning commission may require a temporary easement for a turnaround of the type discussed in subsection (b)(5)b. of this section or an appropriate area for a back around.
 - d. Hammer heads and T turnarounds are not allowed.
- (6) Grades on streets shall not exceed the following standards:
 - a. Principal and minor arterials, nine percent.
 - b. Collector streets, twelve percent (12%).
 - c. Residential streets, fifteen percent (15%).
 - d. Minor residential streets, sixteen percent (16%).
 - e. Residential cul-de-sac, sixteen percent (16%). Cul-de-sac centerline slope surface on downhill grades shall not exceed seven percent (7%) within the last fifty feet (50') of the pavement. Cul-de-sac centerline slope surface on uphill grades shall not exceed twelve percent (12%) within the last fifty feet (50') of the pavement.
 - f. No street surface shall have a finished grade of less than one-half of one percent in order to ensure adequate drainage.
 - g. Subject to planning commission approval, street grades may be increased above the maximum grades stated in this section by not more than two percent and not to exceed two hundred feet (200') in any contiguous segment. Average (positive or negative) grade of the entire street segment shall not exceed the stated requirements.
- (7) To ensure adequate sight distance on curves, the minimum centerline radii for horizontal curves shall be as follows:
 - a. Arterial streets, 600 feet.
 - b. Collector streets, 300 feet.
 - c. Residential streets, 100 feet.
 - d. Minor residential streets, 75 feet.
- (8) Between reverse curves a tangent of not less than 200 feet for arterial streets and 100 feet for collector streets shall be required. This requirement may be modified by the planning

commission for residential streets where topography or other conditions makes such a modification desirable for maintaining a suitable layout.

- (9) For intersections and alignment:
 - a. Street intersections shall be laid out as nearly at right angles as possible and may be curved to bring this about. The centerline of no more than two streets shall intersect at any one point. No intersection shall be at an angle of less than 75 degrees.
 - b. Where collector or arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than thirty-one and one-half feet (31½'). Where residential streets intersect with other residential, collector or arterial streets, the curb radii at the intersection shall be not less than twenty-five feet (25').
 - c. Street jogs with centerline offsets of less than 125 feet shall be avoided. Proposed new intersections along one side of an existing street shall, whenever practicable, coincide with any existing intersections on the opposite side of the street.
 - d. Intersections shall be designed with grades as level as possible consistent with proper provision for drainage. In approaching intersections, the leveling area shall have a grade not exceeding five percent for a distance of not less than 30 feet measured from the nearest curb or edge of the pavement.
 - e. Additional street paving and right-of-way in the form of turning lanes shall normally be required along arterial streets at intersections with other arterial or collector streets.
 - f. Property line corners at street intersections shall be rounded with a radius of at least 20 feet.
 - g. Where visibility at any proposed street intersection would be impeded by earthen berms or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
 - h. Street intersections shall be located to avoid creating hazardous driving conditions.
- (10) Private streets for residential development may be approved by the planning commission provided the design standards conform to those of public streets as specified in this article. Private streets are permissible only in the form of cul-de-sac and short loop streets and only when it has been determined that these streets can be adequately served by all public service vehicles. Such streets will not be permitted where there is a possibility of through traffic or the eventual providing of a connecting link to another public street. It shall be incumbent on the subdivider to demonstrate that the private streets will not unreasonably limit access to adjacent parcels, hinder logical traffic patterns, or otherwise be contrary to the public interest. The subdivider shall provide for permanent maintenance of all private streets in the bill of assurance.
- (11) Existing private streets shall be dealt with as follows for the purpose of dedication:
 - a. The city council shall in every instance be the final authority in the city.
 - b. Streets which have been previously dedicated and accepted by the county will become city streets upon annexation; these streets will be maintained at or above their physical condition upon annexation.
 - c. Streets which had been previously fully maintained by the county for which no dedication is on record will become city streets upon annexation only if a formal dedication is made. Such dedications shall be reviewed by the planning commission and accepted by the city council as prescribed by law. No improvements or construction shall be required, and these streets will be maintained at or above their physical condition upon annexation.

- d. Streets which were private in every respect shall remain private after annexation. Owners of properties abutting such streets may request dedication by following the procedures outlined for submission of preliminary plats.
 - e. The planning commission shall determine that a need exists for a public street.
 - f. Citizens desiring to dedicate private streets shall assume all costs to include platting, engineering and construction.
 - g. No private street shall be offered or reviewed for dedication where no structure abuts the right-of-way or where such action would circumvent the review for new streets and/or subdivisions.
 - h. In those instances where a private road was created by land sales constituting a violation of this chapter, the property from which the road was derived shall be included in preliminary plat submissions and be subject to improvement requirements of this article.
- (c) *Right-of-way/unpaved portion.* Pursuant to this subsection, no building or structure, other than a mailbox, driveway, sidewalk, pathway or alley may be erected on or over a public right-of-way. Placement of a structure in a public right-of-way could result in a fine and removal of the building or structure by the city at cost to the owner.
- (1) Plot plan. Anticipated structures should be shown, to scale, on the plot plan as submitted for a building permit.
 - (2) Community Mailboxes. Community Mailboxes shall be less than 44 inches high and 23 inches by 23 inches wide. Planters or decorative fixtures, to be attached to and made a part of the mailbox shall also be drawn to scale on the plot plan.
 - (3) Permits. Permits for structures to be placed temporarily in the public right-of-way (i.e. building, sign, street cut, barricade, etc.) may also be required.
 - (4) No liability for damage or destruction. The City of Batesville does not, by the enactment of this subsection, accept or acknowledge any liability or responsibility for damage or destruction of any structure heretofore or in the future existing in the right-of-way, regardless of age or duration of the structure, as a result of any work, including but not limited to, repairs, maintenance or expansion, in the right-of-way, performed in the past or the future.

Section 15.03.03. Easements and public rights-of-way

- (a) Utility easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water mains and lines, and public rights of way for use as, or maintenance of, a street, crosswalk, railroad, or for similar purposes shall be provided where required by utilities or the city. Such easements shall not be less than five feet on either side of the rear lot lines and five feet on either side of the side lot lines. The specific location of easements not uniform in width and parallel to lot lines shall be shown by dimensions. The placement and dimensions for public rights of way shall be governed by the master street plan and the determination of the classification of the street and of the resulting or necessary right-of-way.
- (b) No building or structure may be erected over or in an easement or public right-of-way other than a mailbox, driveway, sidewalk, pathway or alley without being subject to a fine and removal of the building or structure by the city at cost to the property owner.
- (c) All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this section.

Section 15.03.04. Alleys

Alleys may be allowed at the rear of as a means of providing secondary access and/or to provide off-street parking.

Section 15.03.05. Lots

- (a) Every lot shall abut upon a public street except where private streets are explicitly approved by the planning commission. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Minimum lot dimensions shall conform to the requirements of the Zoning Ordinance for the applicable zoning district within the city limits. Within the planning area the following minimum lot dimensions shall prevail:

	Width (feet)	Depth (feet)
Single-family detached residential	60	100
Duplex.	70	100
Apartment building (4 units or less)	80	100

- (1) *Townhouse lots.* Submission of a plat creating lots for townhouse residences shall be accompanied by a generalized site plan showing the proposed location and dimensions of all buildings, accessory uses and other improvements. Such lots shall be not less than 30 feet in width by 80 feet in depth, and with overall size of 2,400 square feet. Platted building lines shall conform to the building location shown in the generalized site plan.
- (2) *Zero-lot-line residential lots.* Submission of a plat creating a zero-lot-line development, where permitted, shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Inside the city, such lots shall conform to the requirements of the zoning district within which they are located. Outside the city, such lots shall be not less than 50 feet wide by 90 feet in depth and with a minimum overall size of 4,500 square feet. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to the building locations shown on the generalized site plan.
- (c) No residential lot shall be more than three times as deep as it is wide except lots designated for townhouse or zero-lot-line use or average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting a cul-de-sac, where the average width of the lot shall be used.
- (d) Lots served by a public water system and proposed to be served by a septic tank system shall submit at the time of preliminary plat filing a written certification of approval by the health department. The lot sizes allowable by this certification shall be indicated on the plat.
- (e) Where a subdivision abuts or contains an existing or proposed arterial street, freeway, expressway or railroad right-of-way, the planning commission may require double-frontage and reversed-frontage lots as a means of providing adequate protection of residential development and to afford separation of land from through traffic. Double-frontage lots may also be used to facilitate residential development in hillside areas as defined in section 15.03.12. Elsewhere, double-frontage lots shall be avoided.
- (f) Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization or conservation of energy.

- (g) Corner lots shall have additional width to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- (h) Pipe-stem lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than 20 feet in width or have a length of more than 200 feet.
- (i) In residential subdivisions where lots abut a freeway, expressway or mainline railroad right-of-way, such lots shall have an overall depth of not less than 175 feet in order to ensure proper separation of residences from adjacent thoroughfare or railroad line.

Section 15.03.06. Platted building lines and buffers

- (a) Building lines for residential lots within the city shall conform to the requirements of the zoning district within which they are located. Building lines for residential lots outside the city shall be at least 25 feet from each street property line except in the following circumstances:
 - (1) Residential lots fronting on a minor arterial street shall have a platted building line not less than 35 feet from the right-of-way line;
 - (2) Residential lots fronting on principal arterials shall have a platted building line not less than 40 feet from the right-of-way line.
- (b) Along arterial streets where it is desirable to limit curb cut access, building lines shall be established on both frontages of double-frontage lots. Along the line of lots abutting such traffic artery, a restricted access easement of at least ten feet, across which there shall be no right-of-vehicle access permitted, shall be provided.
- (c) In those instances where a 25-foot permanent landscaped rear yard is provided, the buffer may be reduced to 25 feet. In this arrangement, no structural or physical improvements are allowed within the 25-foot buffer. The six-foot fence requirement will apply.
- (d) The fence shall be wood or masonry with metal posts prohibited and extend along the entire property line common to single-family use or zoning.

Section 15.03.07. Blocks

- (a) The lengths, widths and shapes of blocks shall be determined with due regard for the following considerations:
 - (1) The provision of adequate building sites suitable for the type of use contemplated;
 - (2) Zoning requirements as to lot sizes and dimensions;
 - (3) Need for convenient traffic access and circulation; and
 - (4) The limitations and opportunities of topography.
- (b) Blocks in residential subdivisions shall not exceed 2,200 feet in length. Wherever practicable, blocks along major and minor arterial streets shall be not less than 1,000 feet in length.
- (c) Blocks may be irregular in shape provided they are harmonious with the overall pattern of blocks in the proposed subdivisions and provided their design meets the requirements of lot standards, traffic flow and control considerations and development plan requirements.
- (d) Blocks as a minimum shall have sufficient depth to provide for two tiers of lots unless a different arrangement is required in the form of a single tier of lots of maximum depth for blocks adjacent to arterial streets, expressways, freeways, railroads or waterways.
- (e) In blocks of 900 feet or more in length, the dedication of a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such

crosswalks shall have a minimum right-of-way width of ten feet and a pavement width of four feet and extend entirely across such block at approximately the midpoint of the length of the block. Internalized circulation systems in the form of pedestrian paths may be substituted in lieu of crosswalks upon the approval of the planning commission.

Section 15.03.08. Sidewalks

- (a) Sidewalks shall be a minimum of four feet (4') wide and shall be installed within the dedicated right-of-way adjacent to the property line, except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks. Sidewalks shall be required as follows:
- (1) On one or both sides of principal and minor arterials.
 - (2) On one or both sides of collector streets.
 - (3) On both sides of residential streets where density equals or exceeds 3 units per acre.
 - (4) Internalized pedestrian circulation systems in the form of paved pathways may be substituted for sidewalks along streets upon the request of the subdivider and the approval of the planning commission.
 - (5) On residential and collector streets, the developer shall have the option of locating sidewalks adjacent to the curb, with the approval of the planning commission.
 - (6) Sidewalks are not required to be constructed at the same grade of the curb of the street nor are they required to be constructed in a straight line if such straight line construction would damage trees.
 - (7) Sidewalks and internalized pedestrian circulation systems shall connect with the existing system and shall comply with the parks and open space plan. These circulation systems shall be paved and shall be indicated on the preliminary plat.

Section 15.03.09. Storm drainage²

“(a) *General provisions.*

- (1) Every residential, commercial and industrial subdivision shall make adequate plans and provisions to accommodate, control and dispose of stormwater by means of drains, sewers, catch basins, culverts, detention facilities, open ditches and other facilities as deemed necessary by the city engineer, and as required by the City of Batesville Stormwater Management & Drainage Manual (ordinance number 2019-06-03 as amended). No work shall begin until plans are approved by the City Engineer. Plan approval shall be based on the requirements of the approved preliminary plat and other applicable city standards.
- (2) Facilities for storm drainage and detention of stormwater shall be designed and constructed so as to maintain the rate of stormwater runoff onto adjoining property or downstream systems to that which existed prior to the development.
- (3) Except in single-family detached residential development, on-site detention facilities shall be maintained by the subdivider, owner of record or property owners association. The bill of assurance shall specifically state the party who shall be responsible for the maintenance of the detention facility. Maintenance shall include removal of sediment when the basin's function is impaired, mowing, removal of debris, and reseeded or re-sodding. If the subdivider, owner or property owners association neglect or refuse to maintain the detention facility after having

² All of this section replaced by Ordinance No 2020-04-02, adopted 4/14/2020

been officially notified by the city in writing to do so, the city is authorized to perform the maintenance and to charge the cost to the subdivider, owner or property owners association.

- (4) Stormwater may not be diverted from one major watershed to another.
 - (5) If any area or lot is within a designated floodplain or floodway, the final plat shall have a floodplain statement indicating the panel number, date and 100-year floodplain contour and/or floodway limit of the flood insurance rate map (FIRM) applicable to the area. In order to protect the public interest, floodways in every subdivision shall be kept free of incompatible urban development. Floodways, as defined by the current FIRM, or as modified by a detailed engineering analysis accepted by the Army Corps of Engineers, Federal Emergency Management Agency (FEMA), and city staff, shall be either designated on the plat as a drainage easement, or at the option of the landowner, dedicated to the public.
- (b) *Facility design specifics*
- (1) Facilities for storm drainage shall be designed in conformance with the current Stormwater Management and Drainage Manual.
 - (2) All open drainage ditches shall conform to the requirements of the Stormwater Management and Drainage Manual. Open drainage ditches along lot lines of residential property shall not be permitted unless approved by the City Engineer, and only then in extraordinary circumstances.
- (c) *Street-related.*
- (1) All street-related storm drains shall be designed based on the requirements of the master street plan and the Stormwater Management and Drainage Manual.
 - (2) All streets shall be provided with permanent six inch (6”) concrete curbs with twenty-four inch (24”) integral concrete gutters or standard roll curb and gutters. The subdivider may request a waiver of this requirement when it can be demonstrated, to the satisfaction of the City Engineer and Commission, that:
 - a. The subdivision is in a low-density zoning district (inside of city limits) or that the density of development is consistent with low density residential lot standards (outside of city limits) and,
 - b. An alternative street drainage system design is more practical and effective than curbs and gutters. While relative cost may be a factor in this determination, for the purposes of this section, “practical” and “effective” shall refer primarily to hydraulic calculations with respect to desirable storm water run-off and relationship of the street to the Comprehensive Plan.
- The substitution of swales for curbs and gutters on streets wider than twenty four feet (24’) may be approved on a case-by-case basis, if the developer can submit on an overall development plan with a report, prepared and stamped by a registered professional engineer, which shows that the use of open swales and oversized lots will result in a decrease in the amount and peak rate of storm water run-off compared to development using standard minimum requirements.
- (d) *Easements.*
- (1) Where a major watercourse, channel or stream traverses a subdivision, a storm drainage easement shall be provided for access of vehicles and equipment for its maintenance. Such easement shall conform substantially to the lines of the watercourse as it enters and leaves the property. The width and construction of the easement shall be based on the classification of the watercourse, channel or stream, in accordance with the master drainage facilities plan, but in no case shall the easement be less than ten feet on either side of the centerline of the watercourse.

- (2) There shall be no structural encroachments into drainage easements of class I through V drainage facilities as defined by the master drainage facilities plan. If such facilities are an enclosed (underground and covered) drainage system then fences, parking lots, driveways, alleys and the like may encroach into or traverse the drainage easement.
 - (3) No utilities, except for utility crossings, shall be allowed to encroach into defined drainage easements.
 - (4) Wherever possible, subdivisions should be designed with utility easements on one side of lot lines and drainage easements on the other.
- (e) *Lot drainage.*
- (1) In single-family subdivisions, the project engineer or subdivider shall submit, along with the other necessary construction drawings and documents, a subdivision lot drainage plan. This plan shall indicate how the project engineer or subdivider proposes that each individual lot shall drain after it has had a residential structure built on the lot. This plan shall be reviewed and approved by city staff to ensure that proper drainage of the individual lot can occur. Once this plan is approved, it shall be used by city staff as a tool to assist the individual homebuilders in the final grading of the lot to provide the necessary lot drainage.
 - (2) Single-family residential home builders shall, at the time of a building permit application, submit a plot plan indicating how the builder proposes to grade the lot and provide proper lot drainage. This individual lot drainage plan shall conform to the subdivision lot drainage plan as described in this subsection.
 - (3) In order to avoid the potential for damage due to local flooding, all lots shall have the lowest livable finished floor elevation of any building a minimum of six inches above the finished elevation grade, except basement floors. The finished elevation grade shall be measured from and include topsoil and sod, and/or other ground covers.
 - (4) All lots shall be provided with adequate drainage and shall be graded to drain surface water away from foundation walls. The grade away from foundation walls shall fall a minimum of six inches within the first ten feet except as restricted by lot lines, where the fall will be a minimum of six inches regardless of the horizontal distance available.
 - (5) Lot owners shall not extend the downspouts of roof gutters, French drains or other type of stormwater drains to the edge of the property lines unless the discharge empties directly into an approved drainage facility (open drainage ditch, storm sewer manhole, street gutter, or areas zoned open-space). Lot owners shall not connect their stormwater drains to any existing city-owned underground drainage pipe.
 - (6) In those instances where the roof gutters, French drains or other types of stormwater drains cannot discharge into one of the facilities referenced in this subsection and is therefore directed to an abutting property, the minimum distance from the point of discharge to a side yard property line shall be one foot less than the minimum side yard setback requirement as determined by the Zoning Ordinance. The minimum distance from the point of discharge to a rear yard property line shall be ten feet.

Section 15.03.10. Commercial/office and Planned Commercial Development subdivisions

- (a) *Generally.* In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the street, parcel and block pattern of all proposed commercial/office and Planned Commercial Development (PCD) subdivisions are adapted to the uses anticipated and that the prospective physical impact on adjacent areas has been taken into account. The following general principles and standards shall be observed:

- (1) a. Commercial/office and PCD subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisances by providing a minimum forty-foot (40') buffer strip and a six-foot fence. In those instances where drives or parking are proposed for intrusion into the buffer strip, a minimum of 15 feet shall be retained in its natural state.
 - b. If ground cover or trees are sparse or have been removed, the 15-foot strip shall be replanted with cover of the type natural to the area. No building, outside storage or sanitation equipment shall be permitted within the 15-foot area.
 - c. The fence shall be constructed of wood or masonry materials, in compliance with other relevant city ordinances and regulations and extends along the entire property line common to single-family use or zoning.
 - (2) The planning commission shall require the subdivider to file a proposed subdivision phasing plan providing for continuity of development and individual phases of reasonable proportions. Single lot final plats and plats which create discontinuity within the development may be prohibited by the planning commission.
 - (3) For commercial/office and PCD subdivisions not greater than 20 acres in size, all boundary street improvements shall be completed in conjunction with the initial phase of the staging plan.
- (b) *Boundary streets.* Boundary streets abutting a proposed commercial/office subdivision shall be developed in accordance with the master street plan. Where an internalized system of public streets or private service easements is proposed for commercial/office and PCD subdivisions, the following design standards shall be observed:

Street Type	Minimum ROW Width (feet)	Minimum Paving Width (feet)
Commercial	60	36
Minor commercial street (A cul-de-sac not more than 300 feet long)	50	27
Alley (when required)	20	17

- (c) *Vertical and horizontal alignment.* Vertical and horizontal alignment shall conform to collector street standards as outlined in the master street plan.
- (d) *Lots.*
 - (1) The depth and width for lots within plats located inside the city limits shall conform to the applicable zoning district.
 - (2) The depth and width for lots located outside the city limits but within the planning jurisdiction shall comply with the following: Minimum dimensions for commercial lots shall be 100 feet of frontage by 150 feet of depth. In all instances, no commercial/office and PCD lot shall have a depth exceeding three times the width. Pipe-stem lots are expressly prohibited in office/commercial and PCD subdivisions.
- (e) *Blocks.* In the interest of efficient traffic circulation and to ensure a suitable relationship between the street system and the proposed commercial use, blocks in commercial/office subdivisions shall generally be not less than 600 feet or more than 1,000 feet in length.
- (f) *Platted building line.*

- (1) Building lines for lots within plats located inside the city limits shall conform to the applicable zoning district.
 - (2) Building lines for lots located outside the city limits but within the planning jurisdiction shall comply with the following: Front yard building lines for commercial lots shall be at least 45 feet from the street right-of-way.
 - (3) In all instances where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a 25-foot front yard setback may be approved by the planning commission. Approval of the 25-foot commercial building line shall be permitted on all lots fronting on streets and shall be contingent upon submission of both a site plan dimensioning the landscaping and a bill of assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than two driveways providing access to the sides and rear of the lot.
- (g) *Internal circulation.* Where any commercial subdivision has in excess of 300 feet of frontage on an arterial street, special provisions for internal circulation shall be required to ensure proper ingress and egress. Alternative design solutions which may be required by the planning commission depending upon the circumstances unique to each situation include provisions of public commercial streets, service easements, curb cuts or some combination thereof.
- (1) *Public commercial streets.* Public commercial streets shall be provided according to the provisions of this section.
 - (2) *Service easements.* Where a commercial/office or PCD subdivision requires the creation of multiple lots and building sites, the planning commission may, at its option, authorize the use of a service easement in lieu of public commercial streets. Location of private service easements shall be indicated on the plat and be built to public street dimensions, except where in the opinion of the staff and the planning commission a reduced pavement width is deemed sufficient to ensure safe and convenient access to the lots and otherwise fully complies in all respects with the purpose and intent of this section. Design of service easements shall be subject to the review and approval of the planning commission.
 - (3) *Ingress and egress to commercial lots on major thoroughfares.* Due to the nature of the use proposed and to the high volume of traffic generated by commercial/office or PCD subdivisions, special conditions applicable to control of ingress and egress shall be required. Curb cuts for commercial/office or PCD subdivisions on arterial streets shall be located at least 300 feet apart and no closer than 100 feet to the right-of-way of any intersecting street. This requirement may be met by incorporating marginal-access streets, double-frontage lots, common drives, cul-de-sacs in the subdivision, or by limiting direct access to arterial streets. The extent and placement of curb cuts on principal arterials, minor arterials and commercial streets shall be subject to the approval of the planning commission at site plan review.
- (h) *Curb cut design.* Combined ingress-egress points with vehicular movement areas separated by landscaped safety islands shall be considered an acceptable method of meeting the purpose and intent of this section. Such ingress-egress points shall be subject to approval of the city.

Section 15.03.11. Industrial subdivision

- (a) *Generally.* In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the subdivider shall demonstrate to the satisfaction of the planning commission that the street, parcel and the block pattern proposed for industrial subdivisions are specifically adapted to the uses anticipated and that the prospective impact on adjacent areas has been taken into account. The following principles and standards shall be observed:

- (1) The planning commission may at its option impose special requirements with respect to public utilities, streets, gutters and sidewalk design and construction to ensure compliance with the purpose and intent of this chapter.
 - (2) Industrial subdivisions abutting residential subdivisions or areas zoned for residential use shall protect such areas from potential nuisances by providing a minimum 50-foot buffer strip and a fence not less than six feet in height and which extends along the entire property line common to a residential zoning district. Where possible, existing plant materials within the buffer strip shall be maintained. If not possible, suitable landscaping including trees, ground cover and other plant material natural to the area shall be provided. No building, outside storage, or parking areas shall be constructed in the buffer area. The six-foot fence shall be in accordance with the city building regulations and shall extend along the entire property line abutting the residential areas.
 - (3) In order to preclude the possibility of through traffic, industrial streets shall not normally be extended to the boundaries of adjacent existing or potential residential areas.
- (b) *Street design.* In general, industrial subdivisions shall conform to the requirements of the master street plan. The following street design standards shall be required for industrial subdivisions:

Street Types	Minimum ROW Width (feet)	Minimum Paving Width (feet)
Alleys (when required)	20	17
Industrial streets	60	36
Minor arterial	80	48
Major arterial	100' or as required by master street plan	As required by the master street plan
Cul-de-sac turnaround	130' diameter	100' diameter

- (1) *Street grades.* The maximum allowable grade shall be nine percent on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.
 - (2) *Intersections.* The property line radius at street or alley intersections shall be a minimum of 50 feet; and if the angle of street or alley intersections is less than 90 degrees, the planning commission may require a greater radius.
 - (3) *Curb line.* Street or alley intersections shall have at least a 50-foot radius. Where the angle of street or alley intersection is less than 90 degrees, the planning commission may require both a greater radius and intersection design sufficient to accommodate turning movements of WB-50 vehicles.
- (c) *Blocks and lots.*
- (1) In general, proposed industrial sites shall be suitable in area and dimension for the type of industrial development anticipated both in the city and in the city's planning area.
 - (2) The depth and width for lots within plats located inside the city limits shall conform to the applicable zoning district.
- (d) *Building lines and lot coverage.* Building lines for plats located within the city limits shall conform to the applicable zoning district. Building lines for plats outside the city limits but within the planning jurisdiction shall conform to the following:

- (1) Building lines and setback lines shall be a minimum of 50 feet from all industrial street right-of-way lines and a minimum of 70 feet from all arterial street right-of-way lines. A minimum of 30 feet of setback shall be provided on all other property lines.
 - (2) Half of any adjacent permanent open space or easement retained by the grantor for utility or other purposes or dedicated to the public shall be allowed as part of the required 30 feet of setback, except that in no case shall the total separation between buildings on adjacent tracts or lots be less than 60 feet.
- (e) Reserved³

Section 15.03.12. Hillside regulations

(a) *Generally.*

- (1) The requirements of this section are designed to ensure prior integration of physical improvements in rugged topographical areas and shall supplement requirements outlined elsewhere in this chapter. The hillside regulations shall only apply to those portions of a subdivision plat that have an average slope of 18 percent or greater. Such areas of steep slope are recognized as requiring special subdivision development standards for vehicular access easements, lot dimensions, front and side yard setbacks, and cut and fill. Hillside areas shall be reviewed based on the following objectives.
 - (2) It shall be the purpose of the hillside regulations to promote the following city objectives. All subdivision plats submitted to the city involving hillside areas shall be reviewed based on the following objectives, which shall be considered as guidelines:
 - a. The concentration of dwellings and other structures by clustering should be encouraged to help save larger areas of open space and preserve the natural terrain;
 - b. To provide density and land use incentives to aid in ensuring the best possible development of the city's natural features, open space and other landmarks;
 - c. To preserve and enhance the beauty of the landscape by encouraging the maximum retention of natural topographic features, such as drainage swales, streams, slopes, ridge lines, rock outcroppings and vistas;
 - d. Outstanding natural physical features, such as the crest of hills and natural rock outcroppings should be preserved;
 - e. Roads should follow natural topography, wherever possible, to minimize cutting and grading;
 - f. Rezoning of areas to planned unit development is strongly encouraged to enable a wide latitude in lot dimensions and setbacks to better reflect unique hillside development requirements; and
 - g. To provide flexibility in allowed densities when dedicated open space exceeds the minimum requirements and when the open space shown is consistent with the open space indicated on the parks and open space plan.
- (b) *Calculation of average slope (slope analysis).* Average slope shall be calculated by the subdivider and indicated on a sketch plat submitted to the city previous to any submittal of a preliminary plat. The city staff shall review the slope areas as indicated with the subdivider and may require

³ All of subsection (e) deleted by Ordinance No 2020-04-02, adopted 4/14/2020

adjustments in the designated hillside areas where adjustments may better achieve the purpose statement for hillside areas.

Slope analysis:

A slope analysis will be submitted for all subdivisions which have slopes exceeding 18 percent for contiguous areas of greater than one acre.

The average slope of hillside areas shall be calculated by the following method: $S = 0.0023 \times I \times L/A$, where

- “S” is the percent average slope;
- “0.0023” is a conversion factor, of square feet to acres which includes multiplying by 100 to arrive at percent slope;
- “I” is the contour interval (or the vertical distance between adjacent contour lines on the map);
- “L” is the total length of contour lines within the subject parcel; and,
- “A” is the area in acres of the subject parcel.

Step 1: Determine "I," the contour interval according to plat/map key. This should not exceed 25 feet for good accuracy.

Step 2: Determine "L," the total length of the contour lines within the subject parcel by tracing each line with a planimeter and converting to feet, or by calculation using a CADD system.

Step 3: Determine "A," area in acres, from the submitted plat.

Step 4: Determine "S" by using the above equation. The permitted number of dwelling units can be determined using "S" and applying it to the slope density table.

(c) *Slope-density regulations; dwelling units.*

- (1) The development of hillside areas will be controlled based on the number of dwelling units per acre. On the basis of the slope density table, the number of dwelling units falls as slope increases. The maximum number of dwelling units per acre shall be determined by referring to the attached slope density table and applying to it the average slope (determined in subsection (b) of this section).
- (2) The allowed units per acre for a particular average percent slope shall be multiplied by the total acreage of slope area to arrive at a total number of dwelling units allowed. The dwelling units allowed shall be rounded downward to the next whole unit. Following staff review and approval of the slope analysis, the subdivider shall prepare a preliminary plat conforming to the density per acre established and submit it for approval in the conventional manner.

(d) *Conformance* All hillside areas shall conform to the density requirements determined in the slope density table. However, the planning commission may increase the allowable units per acre based on substantial dedications of open space above the minimum requirements and/or dedications of open space which conform to the parks and open space plan.

(e) *Retaining walls* Retaining walls may be required wherever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. The retaining walls shall be constructed on private property to protect the streets from possible erosion and slides. Such improvements shall require the approval of the city.

(f) *Rugged areas* Hillside areas with an average slope of 40 percent or above are considered extremely rugged and development shall be limited to lots not less than two acres in size.

(g) *Front yard setbacks.* Minimum front yard setbacks shall conform to the zoning ordinance except for areas with slopes in excess of 18 percent, where they may be reduced to 15 feet.

- (h) *Cuts and fills.* Major cuts, excavation, grading and filling, where they materially change the site and its relationship with surrounding areas or materially affect such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one foot for each 2 1/2 feet of horizontal distance between abutting lots (sides and/or rear) or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing and retaining walls. Deviation from these standards may be authorized by the planning commission upon submission of an engineering analysis of the soil conditions and the condition of the compacted fill showing that the area is suitable for building.
- (i) *Vehicular access easements.* Easements providing primary access to lots fronting on a public street may be authorized by the planning commission where topographic conditions warrant and where the public interest can be demonstrated. Where approved, access shall serve not more than five lots nor be more than 300 feet in length. Pavement shall be of concrete not less than 20 feet in width. Underground drainage shall be waived by the city when it can be demonstrated that open drainage will accommodate all runoff. Grades shall not exceed those specified for residential streets.
- (j) *Soils analysis.* The planning commission, at the subdivider's expense, may require a soil test of the streets and building sites where the suitability of the area for building is questionable.
- (k) *Drainage.*
 - (1) Stormwater runoff collection facilities shall be designed to retain stormwater runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods.
 - (2) Required storm runoff collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
 - (3) Curb, gutter and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.

SLOPE DENSITY TABLE

Slope per Acre (percent)	Dwelling Units
Less than 18	3.00
18	2.50
20.0	2.25
25.0	1.50
30.0	1.00
35.0	0.75
40.0 or greater	0.50

Section 15.03.13. Multiple building sites

Large-scale development involving the construction of two or more buildings, together with the necessary drives and access ways which is not subdivided into customary lots, blocks and streets shall be subject to the provisions of this section. This provision shall also be deemed to include single principal structures proposed for addition to an existing multiple building site development. Plans for all such developments shall be submitted to and approved by the planning commission, whether or not such plat is to be recorded and no building permit shall be issued until such approval has been given. Such plans shall be

prepared in sufficient detail to show the location of driveways, curb cuts, service easements, building locations, sidewalks, parking areas and landscaping.

Section 15.03.14. Required public improvements

- (a) *Generally.* In all subdivisions (including multiple building sites), the subdivider shall be required to install, at his own expense, or to have installed by the appropriate public utility certain specified improvements. No streets, drainage or utility construction work, exclusive of clearing, shall begin until construction plans have been reviewed and approved by the planning commission.
- (b) *Streets.* All streets shall be constructed in accordance with applicable city standards and specifications as provided in the master street plan of the city or other such standards and specifications adopted by the city council.
- (c) *Curb and gutters.* Curbs and gutters shall be installed on all streets in accordance with applicable city standards and specifications as adopted by the city council and/or the state highway department, whichever is applicable.
- (d) *Water supply.* All subdivisions shall be provided with water supply and distribution systems approved by the city and meeting the requirements of the state health department. Where a public water supply is within a reasonable distance of the subdivision the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street, if possible.
- (e) *Sanitary sewage disposal.*
 - (1) All subdivisions shall be provided with a sewage collection and treatment system approved by the city and/or the state board of health. Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement. The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the state department of health shall be used to design the system.
 - (2) For residential lots or development tracts not served by a public or community sanitary sewer system whose disposal is approved by the state department of pollution control and ecology, the subdivider shall submit documentation with submission of the preliminary plat that the state department of health, or its delegated authority, will approve septic tank installations, or other individual wastewater disposal methods for service to the subdivision proposed to be platted.
 - (3) The subdivider shall either install the improvements referred to in this section, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the bill of assurance of the subdivision that those facilities shall be installed by the builders of the improvements of the lots in accordance with this chapter.
- (f) *Storm drainage.* Every subdivision shall be served by storm drainage facilities, including drains, sewers, catch basins, culverts and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it. These improvements shall be installed in accordance with regulations adopted by the city council, but in no case shall such be designed to accommodate less than a one in ten-year rainfall.
- (g) *Sidewalks.* Construction plans shall show the location of all 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 indicates the

required sidewalk and no certificate of occupancy shall be issued for any property until the sidewalk is constructed.

(h) *Street lighting.*

(1) *Generally.*

- a. All street lighting shall utilize poles and fixtures approved by the city.
- b. Overhead and underground street lighting plans shall be prepared by the electric utility serving the city with the cooperation of the developer. All street lighting plans shall be approved by the city before any installation begins.
- c. Where underground service is proposed, the developer shall provide electrical service to all points proposed for future fixtures.

(2) *Subdivisions within the city's corporate boundaries.*

- a. The developer shall inform the city by letter of his pending development and ask that street lighting plans be prepared. The city will then request the electric utility serving the city to prepare the plans for the installation.
- b. If the developer does not desire street lighting he must request a written waiver of the requirements from the city. However, the city may require payment of all fees and expenses for the installation at some future time.

(3) *Subdivision outside the city's corporate boundaries.*

- a. Where areas outside the city limits but within the extraterritorial area are proposed for annexation, or annexation in the future is likely, the developer shall provide facilities that will enable standard lighting design to be installed at some future date, at no additional cost.
- b. In areas designated for underground service, plans shall be approved by Entergy and the city before installation.
- c. If underground service is to be provided, it will be necessary for the developer to provide electrical service to the points proposed for the future fixtures.

(i) *Other utilities.* Other utilities to be installed in a subdivision, including water, sewer, electricity, gas and telephone shall be located within the public right-of-way or easement. If stubs to the property lines are not installed, then connections between lots and utility lines shall be made, without breaking into the wearing surface of the street.

(j) *Monuments.*

- (1) Permanent reference monuments shall be set on all outside lines of the subdivision at angle points and points of curb or as required by the city. Such monuments shall be of steel one inch in diameter, 24 inches in length or other approved monuments. Top of monuments shall have an indented cross or metal pin to identify properly the location of the point and shall be set flush with the ground.
- (2) All lot corners shall be marked with metal pins not less than one-half inch in diameter and 15 inches long and driven so as to be flush with the finished grade. Permanent control points shall be placed in the centerlines of streets, at the ends of curves, points at intersections of streets and points where the street crosses the boundary line at the subdivision. These control points shall be established after paving has been completed. Where lots are adjacent to streets or other obstructions, offset pins shall be set and shown on the official plat. Offset distances to true corners shall be noted on the plat. Monuments on metal pins shall be indicated on all

plats. Removal of monuments or metal pins by anyone other than a professional land surveyor is prohibited.

- (k) *Fire hydrants.* Fire hydrants shall be spaced a maximum of every 1,000 feet within all single-family residential subdivisions. In multifamily residential subdivisions, hydrant placement shall be based on the density and value of the property as determined by the fire chief. When streets and alleys are closed by a petitioner, he shall at his own expense install necessary fire hydrants to maintain the required fire hydrant coverage.
- (l) *Street name and traffic control signs.* Street name signs shall be placed at intersections by and at the developer's expense. Traffic control signs shall be placed at appropriate places along the subdivision's streets and at their juncture with other streets as designated by the street department's traffic control requirements. Traffic control signs required under this section shall be at the developer's expense. Street signs shall meet standards and specifications of the city.

Section 15.03.15. Assurance of completion of improvements

- (a) Upon final approval of construction plans for required improvements, the subdivider shall enter into an agreement with the city to install or ensure the completion of the improvements as outlined in this section. The city will accept the subdivision and issue the certificate of final plat approval subject to the assurance of installation of improvements.
- (b) One of the following methods will be utilized by the developer to assure that improvements required by these regulations have been, can, or will be installed within the specified time and in accordance with the approved plans and specifications.
 - (1) *Certificate of completion of improvements.* The subdivider may submit for approval to the engineering division a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of this chapter have been made, added or installed in accordance with these specifications.
 - (2) *Security for completion of improvements.* An estimate by the engineer of record to complete improvements shall be furnished for approval by the City Engineer; the subdivider may provide one of the following assurances of completion instruments as assurance for completion of improvements.
 - a. *Cashier's check.* The subdivider may provide a cashier's check in the full amount as specified by the engineer of record and agreed to by the City Engineer as sufficient to complete the improvements and installations required to comply with these rules and regulations.
 - b. *Certificate of deposit, treasury bond or other negotiable government security.* The subdivider may provide a certificate of deposit, treasury bond or other negotiable government security for the full amount estimated to complete the improvements. Any interest accruing prior to acceptance by the City Engineer shall be forfeited and considered as an additional administrative expense of the city on improvements which are not completed in a timely manner. The instruments allowed to be provided by this section shall be drawn on a financial institution insured by the Federal Deposit Insurance Corporation and licensed to do business in Arkansas. Further, the instrument provided shall be in the name of the City of Batesville, Arkansas, and shall be in increments no greater than one hundred thousand dollars (\$100,000.00). The instrument will be returned to the subdivider once improvements are completed and accepted by the City Engineer. All improvements shall be done in a timely manner as determined by the public works department.
 - c. *Irrevocable letter of credit.* The subdivider is permitted to provide an irrevocable letter of credit to the city pursuant to the following conditions:

1. The letter of credit will be for an amount equal to the total estimated cost of the improvements as agreed upon by the subdivider and the public works department.
 2. The letter of credit will be irrevocable in accordance with Arkansas Code Annotated § 4-5-101 et seq. (1987), as amended, and will list the City of Batesville, Arkansas, as the beneficiary of the irrevocable letter of credit.
 3. The letter of credit will be in a form approved by the city attorney.
 4. In the event the subdivider is in default, the city shall be entitled to payment upon making demand for payment under the terms of the credit; further, the city shall be entitled to use all of the monies secured by the letter of credit to assure the costs of completion of the work in the subdivision as determined by the City Engineer.
 5. The subdivider will not be entitled to any excess monies until the work in the subdivision has been completed.
 6. The terms of the letter of credit shall be limited to the time estimate offered by the engineer of record and agreed upon by the City Engineer. During the estimated time, periodic status reports shall be made to the City Engineer as required by the planning commission or city council.
- d. Performance and payment bond. The developer may submit to the city a performance and payment bond in the amount of one-hundred-fifty percent (150%) of the approved cost to complete the improvements, as estimated by the City Engineer, to complete the improvements and pay all cost of materials, equipment, labor, and services used or utilized in the construction of the facilities. Such bond shall be with a surety company entered and licensed to do business in the state of Arkansas, be in favor of the City, and specify the time for completion and scope of improvements and installations to be covered. Personal guarantees shall not be considered as sufficient to comply with this provision.
- d. In certain cases, the subdivider may be allowed to contribute funds to a holding account as specified by the off-site improvements regulations.
- e. Where the subdivider has chosen the option of a cash deposit or certificate of completion of improvements the maintenance irrevocable letter of credit shall be posted.

Section 15.03.16. Time extensions

In those instances where sufficient cause is established by the subdivider which may justify an extension of time, the subdivider may formally apply for an extension which shall only be granted by the planning commission. An application for an extension of time shall be made by the subdivider prior to default.

Section 15.03.17. Inspection of improvements

All projects shall be constructed according to the approved plans and specifications of a professional engineer. When the improvements required by this chapter have been completed and installed, the professional engineer shall submit a letter to the city certifying that improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the city or the county and are functioning properly. The city shall then inspect, or cause to be inspected, those facilities, improvements and installations for conformance with plans and specifications. Additional inspections shall be made in accordance with other applicable ordinances.

Section 15.03.18. Re-inspection of improvements

If any defects or deficiencies are found to exist in the preliminary inspection, the city shall notify the subdivision engineer of these deficiencies. Once the corrections have been completed, and the city is again requested to inspect the improvements, a final inspection of the subdivision will be conducted. If

the improvements do not pass this re-inspection because of the improvements not being ready for inspection, or any other reason due to neglect or failure on the part of the subdivider/contractor, a re-inspection fee will be charged at a rate set by the city council. This fee shall be applicable to second and subsequent preliminary and to all final inspections.

Section 15.03.19. Issuance of building permits

- (a) Once the city has inspected the subdivision and has determined that the majority of the required improvements and installations have been completed and determined that both the department of public safety (or the Fire Chief, public works, City Engineer, sanitary sewer or whoever inspects these facilities) have inspected and approved the fire hydrants and the water distribution/sanitary sewer systems, the city may then begin issuing building permits on a lot-per-lot basis for a period of six months. The department responsible for enforcing this article shall prepare and maintain a list of the required improvements that must be completed before building permits shall be issued. If any inspection reveals any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the city shall notify the subdivision engineer, in writing, of such defects, deficiencies or deviations. The subdivider shall, at his expense, correct such defects, deficiencies or deviations within the six-month period specified in this subsection. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the city, in writing, that the improvements are again ready for final inspection.
- (b) At the end of the six-month period, if all required improvements are completed and the subdivision is offered to and accepted by the city for dedication purposes, the city will continue to issue building permits for all lots in the subdivision. However, if the subdivision is not completed or is not acceptable for dedication purposes at that time, the city may discontinue issuing building permits in the subdivision until such time as the subdivision is acceptable to the city.

Section 15.03.20. Extensions

The city may allow an extension to the six-month period described in section 3.19 for just cause. The subdivision engineer must request this extension, in writing, at least one month before the end of the six-month period.

Section 15.03.21. Establishment of street acceptance regulations

- (a) No street shall be considered for dedication to the City of Batesville which has not met the procedures outlined below in their entirety.
- (b) Developer may request acceptance of the street by the city for purposes of ownership and maintenance, of all streets when the final plat of the development (or development phase) has been filed and recorded with the circuit clerk of the county and upon securing a two-year maintenance irrevocable letter of credit on all streets therein pursuant to inspection and recommendation by the City Engineer.
- (c) Request for acceptance of street for maintenance and ownership.
 - (1) Request for acceptance of street for maintenance and ownership by the city shall be in writing and submitted to the City Engineer.
 - (2) The developer shall submit an "as built" street drawing approved and certified by the design engineer which shall state that Batesville standards and specifications have been met.
 - (3) Developer shall request an initial inspection by the City Engineer.
 - (4) The City Engineer will provide a list of repairs and or corrections to developer within ten (10) business days of the initial inspection.

- (5) Subsequently, the developer shall request final inspection as evidence that the repairs and or corrections required have been made.
 - (6) Upon final inspection, a letter of satisfactory inspection and approval will be sent to the city council from the City Engineer. Re-inspections due to inadequate corrections or repairs may be subject to charges or fees to the developer.
 - (7) Streets shall not be accepted by city council without proof of the city's receipt of a maintenance irrevocable letter of credit to serve as security for street and drainage structures maintenance for a period of two years from the date of a letter of satisfactory inspection and approval by the City Engineer on the street or streets and drainage structures being considered for acceptance. The terms of the maintenance irrevocable letter of credit shall be limited to the two years period immediately following the letter of satisfactory inspection from the city engineer.
 - (8) The amount of the maintenance irrevocable letter of credit shall be sufficient to cover 50 percent of the final total cost of all streets and drainage structures within the development as agreed upon by the subdivider, the City Engineer and the street or public works department.
 - a. The letter of credit will be irrevocable in accordance with Arkansas Code Annotated § 4-5-101 et seq. (1987), as amended, and will list the City of Batesville, Arkansas, as the beneficiary of the irrevocable letter of credit.
 - b. The letter of credit will be in a form approved by the city attorney.
 - c. In the event the subdivider is in default, the city shall be entitled to payment upon making demand for payment under the terms of the credit; further, the city shall be entitled to use all of the monies secured by the letter of credit to assure the costs to bring the street and drainage structures into compliance as determined by the City Engineer. The subdivider will not be entitled to any excess monies until the work to bring the street and drainage structures into compliance has been completed.
 - d. The terms of the letter of credit shall be limited to the two years period immediately following the City Engineer's letter of satisfactory inspection. During the two-year time period, periodic status reports shall be made by the City Engineer as required by the planning commission or city council.
 - (9) In certain cases, the subdivider may be allowed to contribute funds to a holding account as specified by the off-site improvements regulations.
- (d) Upon acceptance for ownership and maintenance by the City of Batesville.
- (1) Ninety days prior to the expiration of the above maintenance period inspection shall be made by the City Engineer and a final list of repairs/corrections shall be furnished to the developer.
 - (2) If all final repairs and corrections are cured by the developer, the irrevocable letter of credit will be automatically released under its specified two-year term. If final repairs and corrections have not been cured within 30 days prior to the expiration of the maintenance irrevocable letter of credit, the city will exercise its rights to the irrevocable letter of credit in such amount as to bring the street and drainage structures into compliance.

(Adopted by Ordinance Number 2008-3-1, March 11, 2008)