

Chapter 113 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

Sec. 113-1. - 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:

Alley means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Collector street means a street which carries traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

Dead-end street means a street having no outlet at one end.

Internal major street means a street which is used primarily for fast or heavy traffic.

Lot means the parcel of land intended for transfer or ownership or for building development.

Major highway means a road or street that forms a part of the existing state or federal highway system.

Marginal access street means a street parallel to and adjacent to a major highway or an internal major street which provides access to abutting properties.

Planning commission means the City Planning Commission of Jonesboro, Arkansas.

Residential street means a street which is used primarily for access to the abutting residential property.

Street means a dedicated and accepted public way for vehicular traffic, whether designated as a street, highway, thoroughfare parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

Street surface or paving width means the portion of the street available for vehicular traffic (i.e., curb to curb).

Street width or right-of-way width means the shortest distance between two property lines of

a street.

Subdivision means a division of land into two or more lots or parcels, including the combination or recombination of two or more previously plotted lots. The term "subdivision" shall apply also to any division of land involving the dedication of a street to the public, provided, however, that any division of land for agricultural purposes into lots or parcels of five acres or more shall not be deemed a subdivision unless street dedication or the installation of utilities are involved.

(Code 2006, § 15.04.02; Ord. No. 909, § 11, 9-19-1955)

Sec. 113-2. - Adoption of rules, regulations and standards.

The following rules, regulations and standards which shall govern subdivisions of land within the jurisdiction of the city planning commission and the city are hereby adopted.

(Code 1962, § 21-1; Code 2006, § 15.04.01)

Sec. 113-3. - Approval required.

No plat or subdivision of land within the city nor within the territorial jurisdiction of the city planning commission as same hereafter be established shall be recorded until it shall have been approved as herein provided.

(Code 1962, 21-55; Code 2006, § 15.20.01)

Sec. 113-4. - Building permits.

- (a) No building permit shall be issued nor shall any utility line or service be extended to nor serve any structure and no person shall sell or offer any lot or part of any subdivision for sale nor construct any building unless:
 - (1) The lot, building or structure was established before September 19, 1955.
 - (2) All requirements of this chapter and regulations hereunder have been done.
- (b) Notice is hereby given to all current and future developers in the city that failure to provide an appropriate funded escrow agreement or any default on that agreement shall result in the withholding of any new residential building permits

within the specific development. Written notification of such failure or default shall be given by the city attorney to the developer and a copy of that notification filed at the county courthouse as public notice.

(Code 2006, § 15.20.02; Ord. No. 909, § VI, 9-19-1955; Ord. No. 09:007, § 1, 2-17-2009)

Secs. 113-5—113-47. - Reserved.

ARTICLE II. - PLATS AND PLATTING

Sec. 113-48. - Preapplication.

The subdivider should consult with the planning commission for advice and assistance before the preparation of the preliminary plat and formal application for preliminary approval. This will familiarize the subdivider with these regulations, the master street plan and other official plans, policies and public improvements, which might affect the area.

(Code 2006, § 15.08.01; Ord. No. 909, 9-19-1955)

Sec. 113-49. - Preliminary plat.

- (a) At least ten working days prior to the meeting at which it is to be considered, the subdivider or his representative shall submit to the Metropolitan Area Planning Commission, during normal working hours, four copies of the preliminary plat of the proposed subdivision, at a scale of 100 feet to the inch. An electronic file should be transmitted to the planning office prior to deadline of submission including the engineer's plats, vicinity map and overall subdivision plan.
- (b) The preliminary plat shall give the following information when possible:
 - (1) A key map showing the tract and its relation to the subdivision area. Submission shall include overall vicinity map of nearest adjacent platted subdivisions at scale.
 - (2) The proposed subdivision name and location, the bearings and distances of its boundaries, the name and address of the owner and the name of the designer.
 - (3) The date, north arrow and the graphic scale.
 - (4)

The location of existing and platted property lines, streets, railroads, buildings, bridges, culverts, drain pipes, water mains, sewers, public utility easements, wooded areas, marshes and the zoning classification, of the proposed subdivision and of the adjacent area.

- (5) The proposed utility layouts, sewers, water, electricity, gas, etc., showing feasible connections to the existing or proposed utility systems. When such connections are not feasible, any individual water supply or sewage disposal system must meet the requirements of the state board of health.
- (6) Contour intervals of two feet or as required by the city planning commission and the city engineer.
- (7) The names, rights-of-way and surface widths, approximate grades and locations of all proposed streets and alleys. The location and dimensions and use of proposed easements, lots, parks, reservations and other open spaces.
- (8) The acreage of the land to be divided.
- (9) A draft or form of any protective covenants proposed by the subdivider.
- (10) Proposed profile of street grades.
- (11) Acreage of each lot in the subdivision.
- (c) Within 30 days after submission of the preliminary plat, the city planning commission shall indicate its approval, disapproval or approval with conditions. If disapproved, the reasons for disapproval shall be stated in writing. If approved with conditions, these conditions shall be stated in writing. In its review, the city planning commission shall submit the proposed plat to the city water and light plat for consideration and report and may further submit copies of the plat to the state health department or any other interested city, county, state or federal independent agency for consultation and advice.
- (d) Approval, conditional approval or disapproval of the preliminary plat by the planning commission shall be so noted, both on the preliminary plat and planning commission records.
- (e) Failure of the planning commission to act on the preliminary plat within thirty 30 days will be deemed approval of the preliminary plat.
- (f) The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within one year of such approval, unless an extension of time is applied for and granted by the planning commission.

- (g) A receipt from the city acknowledging payment of a filing fee. The city shall collect a fee per lot in the amount established by the city. The plat will not be reviewed until the fee has been collected.

(Code 1962, § 21-14; Code 2006, § 15.08.02; Ord. No. 1963, § 1; Ord. No. 2168, § 1; Ord. No. 08-2007, 2-6-2007)

Sec. 113-50. - Final plat.

- (a) The final plat shall conform substantially to the preliminary plat as approved.
- (b) At least ten working days prior to the meeting at which it is to be considered, the subdivider or his representative shall submit to the Metropolitan Area Planning Commission, during normal working hours, four reproductions of the original drawings at a scale of one inch equals 100 feet or larger one reproduction of the final plat at a scale of one inch equals 200 feet. An electronic file should be transmitted to the planning office prior to deadline of submission including the engineer's plats, vicinity map and overall subdivision plan.
- (c) When the plat has been approved by the city planning commission, one copy shall be returned to the subdivider with the approval of the commission certified thereon for filing with the county recorder as the official plat of record. The second copy, containing the certification of the commission, shall be returned to the subdivider for his records. The other copies, containing certification of the commission, shall be returned for the use of the commission.
- (d) The planning commission shall approve or disapprove this final plat within 30 days. Failure of the planning commission to act on the final plat within 30 days shall be deemed approval. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission.
- (e) Approval of the final plat by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public way or ground. A certificate of acceptance of dedication may be adopted by the city council and attached to copies of the approved plat before filing and recording with the circuit court clerk of the western district of the county.
- (f) Time limit on approval of final subdivision plan; effect of approval. Approval of the final subdivision plan shall be good for one year from the date of approval or, in the case of a final subdivision plan approved by the planning commission to be

completed in two or more phases, such approvals shall be good for one year from the date of approval of the improvement construction plans of the last preceding phase of the development. Final subdivision plan approval shall confer upon applicant the following rights for the one-year period from the date of approval:

- (1) The general terms and conditions upon which the approval was granted shall not be changed.
 - (2) The applicant may apply for and the planning commission may grant extension on such final subdivision plan approval for additional periods of at least one year but not to exceed a total extension of one year.
 - (3) In the case of a subdivision of more than ten acres, the planning commission may grant the rights referred to in subsections (a), (b) and (c) of this section for such period of time longer than two years as shall be determined by the planning commission to be reasonable.
- (g) The final plat and plans shall show when applicable the following:
- (1) The names and lines of all streets and roads, alleys lines, lot lines, building setback lines, block and lot numbers, reservations, easements and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations. Location and names of the nearest streets and/or alignments should be altered to match existing streets. Submission shall include overall vicinity map of nearest adjacent platted subdivisions at scale.
 - (2) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight and including true north point. This shall include the radius, central angle and tangent distance for the centerline of curved streets and curved property lines that are not the boundary of curved streets and curved property lines that are not the boundary of curved streets.
 - (3) Profiles of all streets with natural and finished grades drawn to a scale of one inch equals 50 feet horizontal and one inch equals ten feet vertical or larger when required by the planning commission.
 - (4) All dimensions to the nearest one-tenth of a foot and angles to the nearest minute.

- (5) Location and description of monuments.
 - (6) The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property.
 - (7) Date, title, name and location of subdivision, graphic scale and true north point.
 - (8) Certificate of dedication by landowner.
 - (9) The names and seal of the registered land surveyor, in the state, responsible for the survey and contour formation on the plat.
 - (10) The plan shall provide for all proposed utility lines in accord with existing policies, rules or regulations of the utilities, the city or other applicable regulations, and approval of the city water and light plant as to proposed sanitary sewer, water and electric lines, shall accompany the final plan.
 - (11) Adequate provisions for drainage of surface water shall be made by the subdivider and shown on the plan and he shall file with the city planning commission a description, specifications and drawings prepared by a registered civil engineer in the state, which shall be adequate to provide drainage for area subdivided and/or adjacent areas attached by drainage across or from such tract. The minimum size pipe used in the subdivision shall not be less than 18 inches inside diameter. If proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision should be submitted with the plat of the portion first to be subdivided.
 - (12) A development permit where required in accordance with section 113-49 as amended, before final approval of final plat.
- (h) A registered engineer, in the state will check the final plat for correctness, and placing his seal on drawings, charging the cost to the subdivider.

(Code 2006, § 15.08.03; Ord. No. 909, 9-19-1955; Ord. No. 1290; Ord. No. 1630; Ord. No. 1963, § 2; Ord. No. 1872, 5-21-1984; Ord. No. 1963, § 2; Ord. No. 1986, § 3; Ord. No. 07-45, 2-6-2007)

Sec. 113-51. - Rapid approval of plats.

- (a) *Purpose.* The purpose of this article is to allow, in certain instances and when specific criteria have been met, the administrative approval of minor subdivision plats.

(b) *Applicability.* The following criteria must be met in order for a subdivision plat to qualify as a minor plat and be eligible for administrative approval.

- (1) The plat must be for a lot which was previously subdivided by a dead or must be for a boundary line adjustment. The plat shall not create more lots than were previously existing.
- (2) All lots front on an existing public road which meets minimum standards, is included in a street improvements district, or for which a street improvement agreement has been signed. If adequate right-of-way does not exist, it shall be provided on the plat as required by the master street plan or at the discretion of the city engineer.
- (3) The plat must be for property located in a residential zoning district.

(c) *Submittal requirements.* Twelve blue line or black line prints shall be submitted along with a filing fee in the amount established by the city. The following information shall be provided on all minor plats:

- (1) A key map showing the tract and the nearest street intersections, a north arrow, and a graphic scale.
- (2) The proposed subdivision name and location, the name and address of the owner, and the stamp of the surveyor who prepared the plat.
- (3) The bearings and distances of all lots boundaries.
- (4) The locations and dimensions of existing property lines, street right-of-way, railroads, buildings, culverts, drain pipes, public utility lines, easements, and floodway and floodplain boundaries.
- (5) The proposed utility layouts showing the location of connections to existing systems and the location of new utility easements. When connection to a public water and/or public sewer system is not feasible, the location of the individual water and/or sewer supply shall be shown on the plat.
- (6) The total square footage or acreage of the tract to be divided and the square footage or acreage of each lot.
- (7) If the minor plat is for consolidation purposes or for the change of a lot boundary, the existing boundary shall be shown as a dashed line and shall be designated to be extinguished.

(d)

Approval process. Applications for minor plat approval shall be submitted to the designated agent of the Metropolitan Area Planning Commission for review. Minor plats may be approved administratively at the discretion of the designated agent and the chairperson of the MAPC. A series of minor plats may not be submitted over a period of time for administrative approval in order to avoid formal review by the MAPC. If the plat meets the above criteria and all other ordinance requirements the plat shall be forwarded to the MAPC chairperson for approval. If special circumstances exist, the agent or the chairperson may require review by the entire commission. In the event of the chairperson's absence, action on the plat may be taken by the vice-chairperson. In the vice-chairperson's absence, action on the plat may be taken by the secretary. The plat shall be reviewed within 15 working days of submittal of a complete application. If no action is taken within 15 days, the plat shall be automatically placed on the next MAPC agenda for which filing requirements can be met.

- (e) *Denial of application.* If administrative approval of a minor plat is denied, the applicant may request consideration by the MAPC. The applicant's request must be submitted no less than ten days prior to the next MAPC meeting date.

(Code 2006, § 15.08.04; Ord. No. 2427, §§ 1—5)

Sec. 113-52. - Submission of plats.

It shall be required that all preliminary and final plats of subdivisions of five acres or more shall be submitted with the horizontal datum for said plat in the Arkansas State Plane Coordinate System North Zone NAD83 (1997) adjustment. All horizontal control work shall be tied to at least two of the city's GPS monuments. In addition, construction drawings, plats and as-builts must be submitted on electronic data in DXF format.

(Code 2006, § 15.28.01; Ord. No. 3441, § 1)

Secs. 113-53—113-77. - Reserved.

ARTICLE III. - DESIGN STANDARDS

Sec. 113-78. - Streets.

- (a) The location and width of all streets and roads shall conform to the official master

plan, which includes the master street plan.

- (b) The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width. Half streets will be permitted.
- (c) Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street width requirements in subsection (b) of this section. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.
- (d) When a tract fronts on a major highway, the planning commission may require such lots to be provided with frontage on a marginal access street.
- (e) Grades on major highways and internal major streets shall not exceed seven percent. Grades on other streets may exceed seven percent but not ten percent. Street grades along the gutter shall not be less than one-half of one percent.
- (f) Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets 70 feet or more in width, the centerline radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.
- (g) Street intersections shall be as nearly at right angles as possible and when the angle is less than 75 degrees, the property line at such an intersection shall be made on a radius of not less than 20 feet. If a curb is required at such intersection, it also shall be construed on a radius concentric with the property line radius. A detailed design of the intersection may be required by the planning commission.
- (h) A tangent of at least 100 feet long shall be introduced between reverse curves on internal major and collector streets.
- (i) Street jogs with centerline offsets of less than 125 feet shall not be permitted.
- (j) Local streets or courts designed to have one end permanently closed shall be no more than 400 feet long unless approved by the planning commission. There shall be provided, at the closed end, a turnaround having an outside roadway diameter of at least 80 feet and a street right-of-way diameter of at least 100 feet.
- (k) There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly dedicated accepted street.
- (l)

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets names of proposed streets shall not duplicate existing names.

- (m) Alleys may be provided to the rear of all lots to be used for business purposes and shall not be provided in residential blocks, except where the subdivider produces evidence satisfactory to the planning commission of the need for alleys.
- (n) Street improvements and surfacing requirements shall be those specified in article IV of this chapter.

(Code 2006, § 15.12.01; Ord. No. 909, § III, 9-19-1955; Ord. No. 2177, § 1; Ord. No. 09:105, § 1, 1-19-2010)

Sec. 113-79. - Blocks.

The planning commission may require blocks to be limited or extended in length or in depth and may require public crosswalks through any part of the block.

(Code 2006, § 15.12.02; Ord. No. 909, 9-19-1955)

Sec. 113-80. - Lots.

- (a) Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a public street or road which has a right-of-way not less than 50 feet in width.
- (b) The size, shape and orientation of lots shall be such as the planning commission deems appropriate for the type of development and use contemplated. Where a public sanitary sewer is reasonably accessible, the subdivider may be required to connect with such sewer and provide a connection to each lot. Nothing herein shall repeal any other ordinances or regulations regarding sewer connections. Where a public sanitary sewer is not accessible, an alternate method of sewage disposal may be used, when meeting all applicable public health regulations, laws or ordinances. Residential lots served by a public sewerage system shall not be less than 50 feet wide at the building setback lines. Lots on a cul-de-sac may be allowed with less than 50 feet if approved by the city planning commission.
- (c)

Setback lines and minimum square footage for residential buildings shall meet the requirements as set forth for R-1, R-2 and R-3 zonings for residential buildings shall be at least 20 feet from the front lot lines. Corner lots shall have a setback from side street lot lines of at least 20 feet.

(Code 1962, § 21-28; Code 2006, § 15.12.03; Ord. No. 2698, § 1)

Sec. 113-81. - Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future streets and logical further resubdivision.

(Code 2006, § 15.12.04; Ord. No. 909, § IV, 9-19-1955)

Sec. 113-82. - Large scale developments.

A large scale development, including the construction of two or more buildings, together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks and streets, may be approved by the city planning commission, if, in the opinion of the commission, any departure from the regulations of this article can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to, and approved by the city planning commission. Plats are not to be recorded and no building permits shall be issued until such approval has been given.

(Code 2006, § 15.12.05; Ord. No. 909, 9-19-1955)

Sec. 113-83. - Public use areas.

- (a) Due consideration shall be given to the allocation of areas suitably located and of adequate size for the playgrounds and parks.
- (b) The city planning commission may require the dedication or the reservation of such open space within the subdivision up to a total of ten percent of the gross area of the entire subdivided tract.

(Code 1962, § 21-31; Code 2006, § 15.12.06)

Sec. 113-84. - Variances.

No deviation from these general requirements shall be permitted or approved by the planning commission, except when a strict application of the requirements would cause undue hardship or injustice to the subdivider. The planning commission and member of the city council, at the same time, serving on the street committee of the council, are designated as a board of adjustment with powers to waive or modify these requirements in keeping with the provisions law. Any variance authorized must be in keeping with the spirit and intent of the general requirements and must be entered in writing in the minutes of the planning commission and the reason on which the departure was justified set forth.

(Code 2006, § 15.12.07; Ord. No. 909, 9-19-1955)

Secs. 113-85—113-111. - Reserved.

ARTICLE IV. - REQUIRED IMPROVEMENTS

Sec. 113-112. - Required improvements.

The subdivider shall complete the following improvements to the entire block in which said lot is located and to adjacent areas sufficient to accomplish the planned drainage and access:

- (1) Concrete monuments, at least four inches in diameter or square, three feet long, with a flat top, shall be set at the nearest property line to all corners of the subdivision. Metal pipe or rods, at least two inches in diameter, three feet long, shall be set at all block corners; angle points of a subdivision boundary lines. The top of the concrete monuments and pipes shall be set flush with grade. Metal pipe or rods, three-fourths of an inch in diameter and three feet long, shall be set at all lot corners.
- (2) All streets shall be cleared and graded by the subdivider to the full width of the right-of-way with the exception of streets where a right-of-way greater than 80 feet is required. Finished grades shall be at levels as approved by the city planning commission and/or the state highway department.
- (3) The subdivider shall provide permanent six inch concrete curbs with integral concrete gutters or standard rolled curbs and gutters on all streets in accordance with the Master Street Plan.
- (4) Street improvements and surfacing requirements shall be those specified by ordinance.

- (5) Surface water inlets and drains according to plan.
- (6) Make provisions for all available utilities and in connection with sanitary sewers, where available, cause installation of collector lines before surfacing streets.
- (7) The subdivider or developer of a subdivision must, before the sale of any lot or application for any building permit, either complete all the site improvements defined in this section and as specifically identified on a record plat of subdivision and supporting plans and documentation; or furnish the Metropolitan Area Planning Commission evidence that an appropriately funded escrow account has been established in an amount necessary to cover the cost of completing all remaining site improvements. The amount to be escrowed shall be verified by the office of the city engineer.
- (8) The chairperson and the secretary of the Metropolitan Area Planning Commission shall not sign and the circuit clerk shall not record a record plat of subdivision until all conditions imposed by the commission have been satisfied and all required site improvements have been completed or their completion guaranteed and secured by an appropriate escrow of funds.
- (9) Upon completion of required site improvements, the civil engineer sealing the record plat of subdivision shall provide to the office of the city engineer a signed and sealed statement verifying that all site improvements have been installed and completed in accordance with the design drawings, specifications, and other documents that comprise and support the record plat of subdivision. The city's process of accepting the dedication of site improvements shall not begin until this statement of verification is received and accepted by the city.

(Code 2006, § 15.16.01; Ord. No. 909, § V, 9-19-1955; Ord. No. 1145, § 1, 12-5-1966; Ord. No. 2177; Ord. No. 3084; Ord. No. 3043; Ord. No. 04:438, 1-20-2004; Ord. No. 09:105, § 1, 1-19-2010)

Sec. 113-113. - Compliance or evidence of intended compliance required.

The subdivider or developer must, before the sale of any lot or lots, either complete the improvements shown in section 113-112 or furnish the city planning commission evidence that an appropriate funded escrow agreement in the amount of the contract cost of street improvements required by section 113-112 that are not completed at the date of sale of the lot from the closest improved street to and including all front feet of said lot.

(Code 2006, § 15.16.02; Ord. No. 1145, § 2, 12-5-1966)

Sec. 113-114. - Funded escrow agreement defined.

For the purpose of section 113-113, the term "funded escrow agreement" means evidence satisfactory to the city planner or staff person designated by said planner that a cash sum or corporate surety bond has been posted in an amount sufficient to guarantee completion of all required improvements. In the event the developer and city planner, or designated staff person, cannot agree as to the amount and/or sufficiency of said bond, the developer may appeal to the full planning commission, who shall have the authority to approve said required amount and sufficiency.

(Code 2006, § 15.16.03; No. 909, § VI, 9-19-1955; Ord. No. 1145, § 3, 12-5-1966; Ord. No. 3592, Ord. No. 05:177, 11-15-2005)

Sec. 113-115. - Street markers.

- (a) It shall be the duty of any property owners and/or subdivider of lands wishing to be annexed to the city to provide for all street markers and traffic signs on all streets and at each corner of said streets before any land shall be annexed to the city.
- (b) It shall be the duty of all property owners and/or subdividers of lands within the city from the date of passage of this Code to provide for street markers and traffic signs on all streets and on each corner of said streets.
- (c) All street markers and traffic signs which are required, as set out above, shall be constructed according to city specifications shall be constructed according to city specifications and to the Manual on Uniform Traffic Control Devices, latest edition, with no exceptions. Fees for making and installing the street markers for property owners and/or subdividers shall be established by the city council's street committee.

- (d) The property owners and/or subdividers can provide street markers on an individual basis or the city can provide street markers by agreement to the individual property owner and/or subdividers who shall then reimburse the city for all labor and materials expended in the construction of required street markers.
- (e) All street names must be approved by the city planning commission and the city planning and engineering departments. Block numbers shall be assigned by the city planning department.

(Code 2006, § 15.16.04; Ord. No. 1493, §§ 2, 3)