

**TITLE 15**

**SUBDIVISION REGULATIONS**

Chapters:

- 15.04 Subdivision Regulations Adopted
- 15.08 Subdivision Code
- 15.12 Approval of Specific Subdivision Plats

**CHAPTER 15.04**

**SUBDIVISION REGULATIONS ADOPTED**

Sections:

- 15.04.01 Subdivision regulations adopted
- 15.04.02 Filing fees

15.04.01 Subdivision regulations adopted That certain document known as the Fairfield Bay Subdivision Code of which not less than three (3) copies have been and are now filed in the office of the Recorder/Treasurer and the same are adopted as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling on all land located within the city of Fairfield Bay. (Ord. No. 95-30, Sec. 1.)

15.04.02 Filing fees

Preliminary plat	\$25.00	Additional final	\$25.00
	Revision to plat	\$25.00	

The first final plat is included in the preliminary plat fee.

All costs associated with the recording of the plat in the County Clerk's office shall be paid by the owner or developer. (Ord. No. 95-30, Sec. 2.)

## CHAPTER 15.08

### SUBDIVISION CODE

#### Sections:

15.08.01	Title
15.08.02	Purpose
15.08.03	Jurisdiction
15.08.04	Applicability
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15.08.01 Title This code shall be known, cited and referred to as "The Fairfield Bay Subdivision Code."

15.08.02 Purpose The purpose of these regulations is to provide for the orderly, efficient and integrated development of this community; the safety and convenience of the public; the proper location, width and construction of streets; the establishment of building lines along streets, the provision of open space, utilities and drainage facilities; the avoidance of congestion of the population; the compatibility of street and lot layout; to require and fix the extent to which and the manner in which streets shall be improved; and water, sewer, surface water management facilities and other utilities shall be installed and financed; including off-site improvements where warranted by the public interest; to provide for and secure the actual construction of such physical improvements herein referred to as improvements; and to establish financial and technical responsibilities.

15.08.03 Jurisdiction These regulations shall apply to all land located within the city of Fairfield Bay, Arkansas.

15.08.04 Applicability The owner or owners of any land located within the city who may propose to divide said land into two or more lots, blocks, tracts or parcels, when the smallest parcel created is ten acres or less in area, or any owner of any land establishing any highway, street, or alley intended for the use of purchasers or owners of lots, tracts, or parcels of land abutting thereon, shall, before conveying any part of said land or establishing any part of said street or highway, cause a subdivision plat to be prepared in accordance with these regulations unless exempted under 15.08.05.

15.08.05 Exceptions These regulations shall not apply in the following instances:

- A. The division of land is for agricultural purposes and the tracts or parcels are more than ten acres in area and no new street or highway is involved.
- B. Land used for adjusting street right-of-way or an easement for public utilities where no new street is involved.
- C. Any transfer of title by operation of eminent domain or court ordered partition or decree.

15.08.06 Approvals necessary All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions to be dedicated for public use, or for the use of purchasers, lessees or owners of the lots adjacent thereto shall be submitted to the Planning Commission for its consideration. In cases where no land is being conveyed to the city or to the public, the Commission's recommendation need not be submitted to the City Council for its review and action.

In cases of replats which combine two or more platted lots, or portions thereof, to be used for single family residential purposes, and where no street right-of-way will be altered, and where all yard and easement requirements will be met, approval may be given by two of three Commission members duly appointed by the chairman for that purpose. Any one of the three appointed members may sign the plat. A written record of the review and approval process shall be entered in the file of the secretary of the Commission prior to the next regular meeting of the Commission and copies distributed to all members at the said meeting.

Such replats shall not be approved in this manner if the action would, in the opinion of the appointed members:

- A. Create a hazard affecting the public or nearby property.
- B. Alter an existing watercourse or other natural feature to the detriment of nearby property.
- C. Adversely affect the logical location or relocation of a utility line or utility service. (Ord. No. 99-70, Sec. 1.)

15.08.07 Definitions Words and terms as used in these regulations are defined as follows:

**Alley** A public way which affords only a secondary or service access to abutting property.

**Block** A piece or parcel of land entirely surrounded by public streets, highways, streams or public land, or a combination thereof.

**City** The city of Fairfield Bay, Arkansas.

**City Council** The duly elected board of Aldermen of the city of Fairfield Bay.

**City Engineer** The duly appointed professional engineer, either an employee of the city, a consultant to the city or a volunteer qualified person who has been given authority to carry out activities and duties set out in these regulations.

**Comprehensive plan** The land range plan of the city developed by the City Planning Commission, including maps, text, policies and anticipated development within the city and, in some instances, areas adjacent thereto.

**Cul-de-sac** A street with one end open to traffic and the other end terminated by a vehicular turnaround.

**Dead end street** A street with one end open to traffic and the other end terminated with no turnaround.

**Dedication** A grant of land by the owner to the public for public use.

**Design** the location and alignment of streets, grades and widths of streets, alignment and width of easements and the layout of lots and tracts.

**Easement** A grant by the property owner to the public, a corporation, or persons, or the right of use of a strip or parcel of land for specified purposes. The title or fee to the land normally remains with the property owner.

**Final plat** A plan or map prepared in accordance with Arkansas law and the provisions of these regulations and which plat is prepared to be placed on record in the office of the County Clerk of the county.

**Governing body** The duly elected Mayor and Board of Aldermen of the city of Fairfield Bay.

**Improvements** Street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and distribution lines, fire hydrants, sanitary sewers, storm water drainage facilities, manholes, public utilities, and other facilities necessary to serve urban land uses.

**Lot** A parcel of land within a subdivision intended as a unit for transfer of ownership or for development, or both.

**Lot depth** The mean horizontal distance between the front and rear lot lines.

**Lot, corner** A lot having a frontage on two intersecting streets at their intersection.

**Lot, non-conforming** A lot which was lawfully created before the enactment of the Zoning Code of Fairfield Bay and before the enactment of this code but which does not conform to current regulations.

**Lot of record** A lot as shown in the records of the County Clerk.

**Lot, through** A lot extending through between two parallel or nearly parallel streets.

**Lot width** The distance between side lot lines measured at the front yard setback line and parallel to the street line.

**Monument** A location marker established by a land survey and set by a registered land surveyor.

**Minor subdivision** A re-subdivision of previously platted lots, which are limited to single family residential use by covenants or restrictions of record, wherein a portion or all of one platted lot is added to a portion or all of an adjacent platted lot, or where one platted lot is divided into two parts.

**Open space** An area of land or water, or a combination thereof, planned for passive or active recreation.

**Pedestrian way** A right-of-way or easement dedicated for public use by persons on foot.

**Planning Commission** The duly appointed Planning and Zoning Commission of the city of Fairfield Bay.

**Preliminary plat** A map, made to scale, for the purpose of showing the general design of a proposed subdivision including the existing physical features in and adjacent thereto.

**Public works standards** The minimum engineering standards for streets, sanitary sewers, sidewalks, storm drainage facilities, and other improvements required in the land development process.

**County Clerk** The officer who records plats and other documents in and for the counties of Van Buren and Cleburne.

**Replat** A map which delineates the subdivision of land which has been previously recorded as a plat in the office of County Clerk.

**Setback line or building line** A line on plat generally parallel to the street or lot line, indicating the limit beyond which buildings or structures may not be placed.

**Streets classified**

Collector: a public street which has an alignment and capacity to collect and carry local traffic at low speed from the local street network to the arterial system.

Frontage road: a street dedicated adjacent to and parallel to a major street or highway for the purpose of providing access to abutting properties.

Local street: a public street which serves low speed and low volume traffic for the primary purpose of providing access to residential or commercial lots fronting thereon.

Major arterial street: a public street which has an alignment and capacity to carry traffic at greater volumes and higher speeds than occurs on local and collector streets.

Private street: a vehicular right-of-way providing access to two or more individual properties, but excluding a common driveway serving two single family dwellings, and which street is owned and maintained by an entity other than city or other government.

Public street: a right-of-way dedicated to the public for use as a principal access to properties adjacent thereto. A public street may also provide rights-of-way for certain utilities.

Divided roadway: a street comprised of two separated paved roadways, each carrying vehicular traffic in a one way pattern, and separated by a median not less than six feet wide.

**Subdivider** A person, firm, corporation, partnership or association who causes the land to be divided.

**Subdivision** The division of a tract of land into two or more lots or parcels when the smallest parcel created is ten acres or less in area, for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "re-subdivision," and the term "re-subdivision" as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided.

**U.S.G.S.** United States Geological Survey.

**Zoning Code** The zoning code of the city of Fairfield Bay.

15.08.08 Subdivision design standards

General No subdivision plat shall be approved unless it conforms to the minimum design standards in this code provided that in cases of hardship or when the public will be better served by a variance of one or more of these standards, the Planning Commission and City Council may approve a preliminary or final plat in accordance with 15.08.11.

Blocks Intersecting streets which determine block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood.

Street continuation The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing platted streets in adjoining subdivisions or their reasonable projection where intervening land is not platted. Whenever there exists a dedicated or platted half street adjacent to the tract to be subdivided, the other half of the street shall be platted as a public street.

Major streets Arterial and collector streets shall be designed through or adjacent to subdivision in keeping with the major street plan adopted by the Planning Commission.

Local streets All local streets shall be designed to provide convenient and safe access to all lots abutting thereon, shall have an alignment to discourage rapid through traffic, and be capable of accommodating surface water and require minimum disturbance of natural features.

Cul de sacs Cul de sac streets shall be provided at the closed end with a circular turnaround having an outside pavement diameter of not less than one hundred feet and a right-of-way diameter of one hundred twenty feet.

Intersections Under normal conditions, streets shall be designed to intersect at an angle of not less than eighty degrees.

Street adjacent to limited access highway Where lots will front or side, but do not back on a limited access highway, a frontage street may be required parallel and adjacent to said highway.

Half streets Half streets shall be avoided except where they are essential to the reasonable development of the subdivision in conformity with other requirements of these regulations, or, when the Planning Commission finds that it will be practical to require the dedication of the other half of the street within a reasonable time.

Alleys Alleys are not allowed except in certain business developments where they have been approved in the planned zoning process.

#### MINIMUM DIMENSIONS FOR PUBLIC STREETS

	<b>R.O.W.</b>	<b>Paved roadway</b>	<b>Graded shoulders</b>
Major arterial street	80 ft.	20 ft.	7 ft. both sides
Collector street	60	20	7 ft. both sides
Local residential street	60	18	8 ft one side, 4 ft one side
Commercial street	60	24	Curbs required
Divided roadway	100	2 – 18	No shoulders required

Lots Lots shall be as nearly rectangular as possible, shall provide a buildable site for a building and ancillary uses without excessive grading, and shall have a depth measured from the front line to the rear line of not less than one hundred twenty-five feet.

Building limit lines All lots in the subdivision shall have building limit lines. Such lines are to clearly show by dimensions the minimum setback from streets for future buildings and structures and must reflect not less than the yard requirements set out in the zoning code. In cases where a greater building setback would be in the public interest a greater dimension may be required.

Double frontage lots Lots fronting on opposite ends on separate streets shall be avoided except where lots abut a highway. In such cases no vehicular access may be provided to a lot from said highway.

Lot fronting on a street Every lot shall abut on a street except where planned zoning is in effect and provides for other means of access.

Easements Utility easements shall be provided along side and rear lot lines to the extent that water, sewer, telephone, television and other utilities can service the lots in the subdivision. Such easements may not be used for power transmission lines, substations, switching stations, pumping equipment or other uses that serve more than the immediate residences or businesses. The total width of utility easements shall be not less than ten feet.

Storm water management All subdivisions shall be designed in a manner that assures that storm water will be collected and discharged without damage to property or peril to human safety. Stormwater shall be handled in roadside ditches, improved open waterways or underground conduits. Detention basins may be used to retard waterflows and protect downstream property. A drainage easement twenty feet or more wide shall be provided to contain a waterway and an easement not less than ten feet wide is required for underground pipe that crosses private property.

Access control In the interest of public safety and for the preservation of the traffic carrying capacity of the public streets, the Planning Commission shall have authority to restrict and regulate, within reason, points of access to all properties from public streets. Such restrictions, if any, shall be shown on the final plat.

#### 15.08.09 Required improvements

- A. All streets shall be paved with a minimum of two inches of hot mix asphaltic concrete over a rolled stone base not less than six inches thick. The preparation of subgrade, placing of base course and riding surface, installation of storm water handling devices and other improvements shall conform to city specifications.

- B. Shoulders are required on both sides of all non-curbed streets as depicted on the accompanying cross section drawings. Shoulders are for the purpose of allowing a level surface adjacent to the paved roadway for safe use by a vehicle in distress, either moving or stalled and for short term parking. The shoulder must be level with the paved roadway and have a grass surface unless otherwise approved by the City Council.
- C. All improvements, including paved streets, shoulders, storm water facilities, street signs, water lines, street lights, and sanitary sewers where treatment is available, shall be required in any subdivision submitted for approval following enactment of this code.

#### 15.08.10 Preliminary plats

Preliminary plat procedures All preliminary plats shall be prepared in conformance with the provisions of this code and in conformance with the long range plans of Fairfield Bay. The entire ownership shall be included in the preliminary plat in order that streets, lots, and utilities can be planned in an orderly and efficient manner. The subdivider shall submit the preliminary plat at least fifteen calendar days prior to the regularly scheduled meeting of the Planning Commission. The following items are required in this submittal:

- A. Ten copies of the preliminary plat.
- B. A filing fee as set out in Ord. No. 95-30.
- C. A complete written list of the names and mailing addresses of all owners of the land being subdivided plus the owners of record of all land, including lots, within two hundred feet.

Content of preliminary plats The preliminary plat shall show and contain the following information:

- A. The proposed name of the subdivision.
- B. The names and addresses of the developer or owner and the person or firm who prepared the plat.
- C. Scale of the plat, one inch equals one hundred feet.
- D. Date of preparation and north point.

E. Existing conditions as follows:

1. Location, width and names of any existing streets or roads.
2. Location of any existing sewers, water lines, culverts or bridges, power lines or other installations or structures within the subdivision.
3. Location of existing utilities and streets outside the subdivision that are to be used to serve the proposed subdivision.
4. Lot lines and streets that are within two hundred feet of the proposed subdivision shall be shown.
5. Topography in the form of contours at five foot intervals, referred to U.S.G.S. datum shall be shown.
6. The proposed arrangement of lots and the typical size.
7. The proposed alignment and right of way width of streets.
8. The proposed method of sewage disposal, surface water handling, source of water and power.
9. The proposed use of all the land in the subdivision.

Street names or numbers shall be determined by the Planning Commission, due consideration being given to names suggested by the subdivider and to the names established by any current citywide street

Planning Commission action Within sixty days after the submission of a preliminary plat, the Planning Commission shall approve or disapprove the plat. The sixty day period may be extended with the consent of the applicant. In the case the plat is not approved, the subdivider shall be notified of the reasons for such action and what requirements shall be necessary to achieve approval. Approval of the preliminary plat constitutes only an authorization to proceed with the final plat.

Appeal If the Planning Commission rejects a preliminary plat, the applicant may submit the plat to the City Council. All records and reports relative to the plat shall be likewise sent to the Council. The Council may make such findings and determinations as they deem reasonable and in the best interests of the public, and may reverse or affirm the action of the Planning Commission.

Termination of preliminary plat approval The approval of a preliminary plat shall remain in effect for an indefinite period of time, except that the Planning Commission may, after a period of one year, and upon written notice to the subdivider or current owner of the land, rescind preliminary plat approval.

#### 15.08.11 Final plat

Procedure The final plat shall conform to the preliminary plat as approved and may be comprised of all or a portion of the approved preliminary plat. It must be approved and endorsed by both the Planning Commission and Mayor and Council before it can be recorded. Sale of one or more lots or tracts in the subdivision before said approvals and recording is prohibited.

Application A final plat shall be submitted at least 15 calendar days prior to the regular meeting of the Planning Commission. The following are required for this submission.

- A. The original, or a print on Mylar or similar film, and ten paper prints.
- B. The final plat, prepared for recording purposes, shall be drawn at a scale of one inch equals one hundred feet. The top of the sheet shall be north. The dimensions of the sheet shall conform to the requirements of the County Clerk's office.
- C. A subdivision agreement, signed by the subdivider, shall be submitted with the plat, the purpose of which is to assure that required improvements are properly installed according to city standards, in a timely fashion and are paid for by the appropriate designated party. In general, it is the intent of this code that the cost of grading, street paving, surface water and wastewater facilities, street lights, signs and utilities be borne by the subdivider.

Content of final plats The final plat shall show and contain the following information.

- A. Name of the subdivision.
- B. Location of section, township, range, county and state, including the metes and bounds description of the boundaries of the subdivision. Accuracy of the description and of all dimensions on the plat shall conform to the current mapping standards of the state of Arkansas.
- C. The location of existing and proposed monuments or benchmarks shall be shown and described.
- D. The location of lot lines, streets lines, highways, open spaces, common property, and other features shall be shown in feet and decimals of feet with the length, radii and delta angle information of all curves, and other information necessary to reproduce the plat on the ground.

- E. Lots shall be numbered clearly and in an orderly pattern within each block. Blocks shall likewise be numbered.
- F. All easements to be permanently dedicated shall be shown.
- G. Building limit lines shall be shown along all streets.
- H. Bar scale, date and northpoint.
- I. Statement dedicating all easements, streets and other public areas.
- J. Certificate signed by the land surveyor responsible for the survey and final plat.
- K. Certificate signed and acknowledged by all parties having any record title or other interest in the land being subdivided and consenting to the preparation and recording of the plat.
- L. Acknowledgment of a Notary Public according to the statutory short forms of acknowledgment as prescribed by state law.
- M. Subdivision agreement executed by both the city and the subdivider. The plat may not be endorsed by the city until this agreement has been drawn and executed in a manner approved by the City Attorney.

Planning Commission review In reviewing the final plat the Commission shall consider the following:

- A. Conformity with the zoning code and the preliminary plat as approved.
- B. Any recommendations of the City Attorney, the City Engineer or any other authority having standing to review and comment on the subdivision of land.

15.08.12 Deviation from rules The Planning Commission or Council may, after due and diligent review, allow one or more deviations or exceptions from standards or procedures contained herein. No deviation or exceptions shall be granted, however, until and unless the following conditions are clearly met:

- A. A substantial and unavoidable hardship will be relieved.
- B. The action will not be adverse to the public safety or interest.
- C. The action will not constitute the mere granting of a privilege to a singular subdivider for purposes of his convenience or financial benefit.

- D. The deviation or exception is clearly minor in nature and will not violate the spirit and intent of this code.

15.08.13 Final action

Planning Commission: The Commission shall, within a reasonable time, act on the final plat. In the case of disapproval or unreasonable delay, the subdivider may appeal to the City Council who may proceed with approval or denial.

City Council: Except as identified in 15.08.06, upon receipt of the final plat following Planning Commission action, the Mayor and Council shall review the plat, the agreement, and the record of the Commission's actions. If the final plat is to be approved the agreement shall first be executed. The plat may then be endorsed and the subdivision can be recorded. It shall be the duty of the City Recorder/Treasurer to cause the plat to be recorded at the County Clerk's office and to make a suitable permanent record of same in the city's officers.

**CHAPTER 15.12**

**APPROVAL OF SPECIFIC SUBDIVISION PLATS**

Sections:

- 15.12.01 Shadow Ridge Villas
- 15.12.02 Grand Isle property

15.12.01 Shadow Ridge Villas

- A. The plat and restrictive covenants and commitments of developer, related thereto is hereby accepted and approved by the City Council of Fairfield Bay.
- B. The dedication to the public of the streets and the street names assigned by the plat on file in the city office and the office of Circuit Clerk and Recorder of Van Buren County, Arkansas is hereby accepted into the city street system for future maintenance, subject to compliance with conditions, undertakings and commitments referred to in the recitals above and in the plat showing same. (Ord. No. 00-80, Secs. 1-2.)

15.12.02 Grand Isle property

- A. The plat is approved, without consideration of or prejudice to the Fairfield Bay Community Club covenants and restrictions or Grand Isle covenants and restrictions.

- B. The driveway shall be eighteen ft. (18') wide and built to city standards, 4" of rolled stone base and 2" of hot mix asphalt and the drive will be maintained by Ken May or the owner of Lot 5. It shall be a private drive with easements for the benefit of Lots 1, 2, 3 and 4. A large locked gate will be allowed, provided provision is made for emergency vehicle use and electronic remote control with a battery back-up in the event of power failure.
  
- C. There will be no fence around the property and there will be a cul-de-sac serving the four lots. (Ord. No. 01-3, Secs. 1-3.)

