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B. STAMPSORDINANCE NO. 196

AN ORDINANCE TO AMEND SECTIONS 11.04.05, 11.04.06  
AND PORTIONS OF THE SUBDIVISION REGULATIONS  
OF THE GREENLAND MUNICIPAL CODE (AS HEREINAFTER  
SPECIFIED) AND FOR OTHER PURPOSES.

WHEREAS, the City of Greenland Planning Commission has reviewed and studied the Subdivision Regulations as well as the provisions for application and issuance of building permits under the existing Municipal Code.

WHEREAS, the existing code has some inconsistencies and not followed provisions which should be amended to provide guidance to City personnel and the Planning Commission and citizens who need such concerning building permits and subdivisions.

WHEREAS, the following amendments are the best solution to revise the existing Municipal Code to bring it into conformity with current practices and needs of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, as follows:

SECTION 1: That Sections 11.04.05, except the enumerated provisions (a) through Building Maintenance [pages 159-160] which shall remain unchanged, and 11.04.06 of the Greenland Municipal Code are hereby amended effective with the date of passage of this Ordinance to read as hereinafter set forth.

SECTION 2: That Title 15, Subdivision Regulations of the Greenland Municipal Code are hereby amended effective with the date of passage of this Ordinance to read as hereinafter set forth.

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11.04.05 APPLICATION The Application for a building permit shall be made at Greenland City Hall, by the landowner, and all required information shall be provided to clerk taking the application. Building permits for commercial and/or industrial buildings/structures will not be issued until compliance with 11.04.06. All building permit applications shall be in duplicate copy and contain as a minimum the following information:

[(a) through "Building Maintenance" is unchanged]

11.04.06 ISSUANCE: All building permit applications must be reviewed and approved by the City Building Inspector and each permit issued shall bear evidence of the approval of the City Building Inspector to be valid. In each case the permit should be granted unless found to be in violation of any flood zone ordinance or other ordinance heretofore or hereafter adopted by the City.

All applications for building, enlarging, altering, or moving commercial or industrial buildings or structures shall be presented to, reviewed and approved by the planning commission prior to the issuance of a building permit.

Any building permit issued under the provisions of this chapter will remain valid only for a period of ninety (90) days from its date of issue, and become void if construction has not begun within that period, or unless it is renewed within that period.

SUBDIVISION REGULATIONS

Chapters:

- 15.04 In General
- 15.08 Procedure
- 15.12 Standards
- 15.16 Improvements
- 15.20 Enforcement

Chapter 15.04

IN GENERAL

Sections:

- 15.04.01 Purpose
- 15.04.02 Authority
- 15.04.03 Jurisdiction
- 15.04.04 Definitions
- 15.04.05 Conformance With Official Plans
- 15.04.06 Area Subject to Flooding
- 15.04.07 Right of the City Council to Have Survey Made

15.04.01 Purpose. The purpose of this ordinance is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Greenland City Planning Commission (hereinafter referred to as the "Planning Commission"). (Ord. No. )

15.04.02 Authority. This ordinance is adopted in accordance with the authority granted by Act 186 of the 1967 General Assembly of the State of Arkansas, as amended. (Ord. No. )

15.04.03 Jurisdiction. The territorial jurisdiction of this ordinance for subdivisions includes the land within the planning jurisdiction of the City of Greenland, Arkansas. (Ord. No. )

#### 15.04.04 Definitions.

- A. Alley: A minor public way dedicated to public use for utility easements and vehicular access to the back or side of properties abutting a street.
- B. Building Line: A line or lines, established by the zoning ordinance, designating the area within which buildings may be erected.
- C. Comprehensive Plan: A long-range plan for the planning area adopted by the City Council, including plans for land use, streets and community facilities.
- D. Dedication: Land and improvements offered to the City, County or State and accepted by them for public use, control and maintenance.
- E. Development Plan: A drawing showing all proposed improvements to a piece of property such as streets, parking lots, buildings, drives, signs, sidewalks, utilities, drainage, grading and by size and location.
- F. Easement: A grant by the property owner to the public, a corporation or persons, for the use of a strip of land for specific purposes.
- G. Improvements: Physical changes made to property to prepare it for development such as street grading, drainage structures, street surface, sidewalks, curbs, gutters, utility lines, bridges, and similar items.
- H. Lot: A portion of a subdivision or other parcel of land intended as a unit for transfer of ownership or for development.
- I. Lot-Line Adjustment: Conveyance of a portion of a lot/parcel to an adjoining lot/parcel where no new lot/parcel is created. To allow for corrections of errors in a survey, building placement, or substandard areas. At the conclusion of the lot-line adjustment all property must conform to zoning requirements. Applicants for lot-line adjustment shall follow lot-split procedures. This shall apply to the growth area as well.
- J. Lot-Split: The division of a parcel of land into 2 lots/parcels. These lots/parcels should not need any street dedications or public improvements required by subdivision regulations where fronting on a public street. If a land-locked lot/parcel is created, the owner shall provide a 25 foot right-of-way for utilities and/or access to public street, with a minimum paving width of 20 feet, all lots should meet the zoning requirements. This shall apply to the growth area as well.
- K. Master Street Plan: The Plan made and adopted by the Planning Commission and

accepted by the City Council classifying certain streets within the planning area jurisdiction as arterial or collector streets.

L. Plat, Final: A complete and exact subdivision plat, prepared for official recording as required by statute, to define property boundaries and dedicated streets and other improvements and executed by the owner or owners of said real estate.

M. Plat, Preliminary: A preliminary plat for a subdivision shall be a formal plan showing outside lot dimensions, indicating prominent existing features of a tract and its surroundings, the general layout of the proposed subdivision and shall meet the requirements outlined herein.

N. Right-Of-Way: The land opened, reserved or dedicated for a street, walk, drainage or other public purposes.

O. Street: A strip of land, including the entire right-of-way intended primarily as a means for vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees and sidewalks.

P. Street, Arterial: A street or road of considerable continuity which serves or is intended to serve as the principal traffic-way between separate areas or districts and which is the main means of access to the primary street system or expressways.

Q. Street, Collector: A street which, in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system.

R. Street, Local: A street used primarily to provide access to abutting properties.

S. Subdivider or Developer: A person, firm, partnership legal entity, or corporation undertaking to develop or subdivide as defined in this ordinance.

T. Subdivision: Division of a parcel of land into 3 or more lots including the remaining lot for the purpose of transfer of ownership or development. If the property (each resulting parcel/lot) does not front a public street then street dedications and public improvements shall be completed by developer or owner per subdivision regulations. This shall apply to the growth area as well.

15.04.05 Conformance With Official Plans. Any subdivision shall conform to the Comprehensive Plan and associated plans, including the Master Street Plan, Community Facilities Plan and any other officially adopted plans of the City as well as the accompanying ordinances

and regulations adopted to help carry out those plans. (Ord. No.                    )

15.04.06 Area Subject to Flooding. Lands subject to flooding shall not be subdivided until necessary correcting steps are taken in accord with Ordinance 62 as amended or replaced, of the City of Greenland, Arkansas, and/or a registered professional engineer certifies that said land are no longer subject to flooding. (Ord. No.                    )

15.04.07 Right of the City Council to Have Survey Made.                    The City Council may have a survey made of the boundary of the subdivision to determine if said description is correct. In the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the City Council. (Ord. No.                    )

PROCEDURES

SECTIONS:

- 15.08.01 Acceptance of Plats/Filing Fee
- 15.08.02 Appeal From Decision of Planning Commission
- 15.08.03 Sketch Plan
- 15.08.04 Preliminary Plat
- 15.08.05 Preliminary Plat Approval
- 15.08.06 Expiration of Preliminary Plat Approval
- 15.08.07 Final Plat
- 15.08.08 Variance
- 15.08.09 Information Required For Preliminary and Final Plat Submittal

15.08.01 Acceptance of Plats. The Planning Commission shall not accept any sketch plan, preliminary plat or final plat that does not conform to the minimum requirements of this ordinance.

Fee. The applicant for a subdivision shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00) and actual costs of notification as may be incurred in connection with such application.

15.08.02 Appeal From Decision of Planning Commission. The subdivider may appeal any decision of the Planning Commission to the City Council by filing a letter of intent (Petition) with the Recorder/Treasurer within fifteen (15) days of the adverse decision of the Planning Commission.

The appellant from the Planning Commission shall pay to the Recorder/Treasurer; a filing fee of Fifty Dollars (\$50.00), to cover such costs as may be incurred in connection with such appeal.

Any person affected by the decision of the Planning Commission concerning a request for a variance of the subdivision regulations, may request and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of the objections to the Planning Commission's decision within fifteen (15) days after the decision of the Planning Commission.

15.08.03 Sketch Plan. Whenever a subdivider intends to subdivide or develop land within the meaning of these regulations and before he prepares a preliminary plat, he shall file a letter of intent and sketch plan with the Planning Commission indicating the type of development intended and giving a general description of the land to be developed. Ten (10) copies of the sketch plan shall be filed with Planning Commission; plus one copy to be maintained in the City files.

A. The following information shall be indicated on the sketch plan:

1. Location of all streets and alleys interconnecting and bordering the subdivision.
2. General locations of streets within the subdivision.
3. General size and shape of lots.
4. Legal description of property which contains proposed subdivision.
5. Topography of area.
6. Location of property owned by public entities or by railroads and utilities when within or adjacent to the subdivision.
7. Location map showing section or sections in which subdivision is located.

The Planning Commission shall advise the subdivider in writing within thirty (30) working days after presentation of the letter of intent and the sketch plan that he may proceed with the preparation of the preliminary plat so long as he conforms with plans currently in effect. The Planning Commission shall also indicate what changes are necessary in the proposed subdivision.

15.08.04 Preliminary Plat. The preliminary plat, when prepared and accompanied by all supporting documents, shall be presented to the Planning Commission at least ten (10) days prior to the Planning Commission meeting at which it is to be reviewed. The subdivider shall submit ten (10) copies of the preliminary plat for approval.

Copies of the preliminary plat shall be distributed to the Planning Commission. The Planning Commission will provide copies of the preliminary plat to others, including, but not necessarily limited to, a representative of the following organizations:

- A. Greenland Fire Department and Rural Fire Departments.
- B. Rural Development Authority.
- C. Northwest Arkansas Regional Planning Commission.
- D. Southwestern Bell and other Telephone Companies.
- E. SWEPCO or Ozarks Electric.

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F. Arkansas Western Gas Company.

G. Cable TV

H. Fayetteville Water and Sewer Department.

Sometime prior to the Planning Commission meeting at which the subdivision is to be considered, those representatives to whom copies are distributed should report to the Planning Commission their responses from their review of such subdivision preliminary plat. Their recommendations shall be noted and presented to the Planning Commission for consideration by the Planning Commission during its' review and action on each subdivision.

15.08.05 Preliminary Plat Approval. Upon satisfying itself that all plans, requirements and conditions noted on the sketch plan have been met, the Planning Commission shall approve the preliminary plat. Any conditions shall be noted on one (1) copy of the preliminary plat and returned to the subdivider. Such approval shall permit the subdivider to proceed with design or required improvements and preparation of final plat. (Ord. No. 94,

15.08.06 Expiration of Preliminary Plat Approval. Preliminary plat approval shall expire one (1) year from the date of approval by the Planning Commission, provided the plans for required improvements and the final plat have not been submitted for approval or the developer has not made any other arrangements for extension of the approval date. The approval time may be extended by the Planning Commission upon written request of the subdivider made prior to expiration. (Ord. No. ).

15.08.07 Final Plat. The subdivider shall submit to the Planning Commission of the City of Greenland, Arkansas, not less than ten (10) days prior to the Planning Commission meeting at which time consideration shall be requested, one (1) original reproducible stable base and ten (10) copies of the final plat, along with one (1) set of plans for improvements. Upon meeting the conditions of preliminary approval, the requirements for improvements and submission of any other required documents, the subdivider shall be given final plat approval. Following approval of the final plat by the Planning Commission, the plat shall be submitted to the City Council of the City of Greenland, Arkansas, for approval and acceptance. Following the City Council's approval of the final plat, the subdivider will file the plat with the County Recorder. If the Planning Commission denies the final plat the subdivider may appeal such to the City Council pursuant to the procedure set forth at 15.08.02. (Ord. No. )

15.08.08 Variance. If the provisions of this ordinance are shown by the subdivider to cause undue hardship because of some unique feature of the land, then the Planning Commission may grant a variance, subject to appeal by any affected party to the City Council, provided the

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J.	Location of monuments.		X
K.	Location of building lines.	X	X
L.	Location of railroads and other property owned by utilities (when applicable).	X	X
M.	Legal description, lot and block	X	X
N.	Certification of registered engineer.		X
O.	Dedication of streets, alleys, sidewalks, and easements for public use.		X

B. Intersections should be, insofar as practicable, at right angles but not less than sixty (60) degrees with no more than two (2) four-way intersections where possible. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall not be permitted.

C. Street locations should be such as to provide each lot with the desirable elevation, size and shape which will permit proper setback of structures and their satisfactory placement on the lot.

D. Grades of streets shall be determined according to the prevailing terrain. Sufficient grade shall be provided to insure drainage.

E. For streets not indicated on official plans, the arrangement of streets in the subdivision shall provide for the continuation or appropriate projection of the existing streets in the surrounding area except where topographical or other conditions make continuance or conformance to existing streets impractical.

F. As a general rule, street stubs to adjacent undeveloped property shall be provided.

G. Street locations which create double-frontage lots shall be discouraged.

H. The following are minimum design standards for streets:

	<u>Local Streets</u>	<u>Collector Streets</u>	<u>Arterial Streets</u>	<u>Commercial Service Road</u>
Right-of-Way (Min. Width)	50'	60'	80'	50'
Dead End Streets (Max. Length) (Cul-de-sac)	500'	No	No	No
Maximum Grade	12%	10%	8%	8%
Intersection to Curb Cut (Minimum Distance)	20'	40'	50'	
Minimum Paving Width (Back of curb to back of curb where				

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applicable) 30' 36' 48' 24'

Sidewalk Width 4' 4' 4'

(Ord. No.

15.12.05 Blocks. The use of the rectangular blocks longer than wide is encouraged in the interest of economy to the developer and to the City in future maintenance of these streets and other utilities. A block should not be less than four hundred feet (400') or more than fourteen hundred feet (1,400') long. (Ord. No. )

15.12.06 Residential Lots. The shape of residential lots shall not be required to conform to any stipulated pattern. Lots should be of such shape as to best accommodate the type of house to be built in order to provide for adequate spacing between houses.

The minimum lot requirements shall be as required by the zoning ordinance. In cases where the zoning ordinance does not apply, the minimum requirements shall be as follows:

A. The lot size for the area outside the city limits should be determined by the State Health Department according to percolation tests for septic systems. Otherwise, the minimum area of the lot shall be fourteen thousand (14,000) square feet.

B. The width of the lot at the building line shall be a minimum of one hundred feet (100').

C. Corner lots for residential use shall have extra width to permit appropriate building setback for orientation to both streets. (Ord. No. )

15.12.07 Easements. All proposed plats shall allocate areas of suitable size and location, wherever necessary for utility easements. As a general principle, such easements shall be located on both sides of the rear lot line and the combined total width shall be twenty feet (20'). In certain cases as required by the various utility companies, side lot line easements will be requested. (Ord. No. )

15.12.08 Lot-split/Lot-Line Adjustment Procedure.

A. To allow the transfer of land ownership without requiring an official plat, the following lot-split/lot-line adjustment procedure is created.

Lot-split/lot-line adjustment requests shall include a survey with a legal description and scale drawing of the parcel being split, showing dimensions of the new (proposed) parcels created and shall include all rights-of-way and easements required for utilities and drainage; these requests must be turned in at least ten (10) days prior to the Planning Commission meeting at which the request is to be considered;

The survey shall be filed with the transfer documents if the request is approved;

3. The applicant for a lot-split/lot-line adjustment shall pay to the Recorder/Treasurer, a filing fee of Fifty Dollars (\$50.00), and actual costs of notification as maybe incurred in connection with such application
4. Notice that all requirements to make application and approval of a conditional use are required of the applicant seeking a lot-split/lot-line adjustment. The posting of the sign will indicate "PUBLIC HEARING REGARDING THIS PROPERTY" but all other requirements are the same.

B. Two kinds of land ownership transfers are permitted under this procedure.

The division of a parcel of land into 2 lots/parcels. These lots/parcels should not need any street dedications or public improvements required by subdivision regulations where fronting on a public street. If a land-locked lot/parcel is created, the owner shall provide a 25 foot right-of-way for utilities and/or access to public street, with a minimum paving width of 20 feet, all lots should meet the zoning requirements. This shall apply to the growth area as well.

2. A lot-line adjustment is a conveyance of a portion of a lot/parcel to an adjoining lot/parcel where no new lot/parcel is created. To allow for corrections of errors in a survey, building placement, or substandard areas. At the conclusion of the lot-line adjustment all property must conform to zoning requirements. Applicants for lot-line adjustment shall follow lot-split procedures. This shall apply to the growth area as well.
3. The deed or other instrument of transfer shall be brought to the Planning Commission for processing.
4. The Planning Commission shall check to see that all subdivision requirements, such as necessary easements, right-of-ways, dedication, etc., are being met.
5. Once the lot-split/lot-line adjustment has met all requirements, the application shall be placed on the agenda for the next Planning Commission meeting. If the application meets with the Planning Commission's approval, it shall be signed by the Secretary of the Planning Commission or the elected official of the Planning Commission. The stamp should indicate the lot-split/lot-line adjustment number and the date of approval.

6. The end result of the lot-split/lot-line adjustment should not create any lots which would be below the area standard adopted by the City of Greenland, Arkansas.
7. Appeal. Any person affected by the decision of the Planning Commission concerning the denial of the lot-split/lot-line adjustment application may request, and shall be granted, a hearing on the matter before the City Council. Such person must file in the office of the Recorder/Treasurer, a written petition requesting such hearing and stating the reasons of objection to the Planning Commission's decision within fifteen (15) days after the decision of the Planning Commission.  
(Ord. No.            )

IMPROVEMENTS

Sections:

- 15.16.01 Sketch Plan and Preliminary Plat
- 15.16.02 Final Approval
- 15.16.03 Water
- 15.16.04 Sanitary Sewers
- 15.16.05 Street Improvements
- 15.16.06 Drainage
- 15.16.07 Monuments

15.16.01 Sketch Plan and Preliminary Plat. No information concerning actual improvements is required for either the sketch plan or preliminary plat. (Ord. No. )

15.16.02 Final Approval. Final approval shall be given after the approval of the plans for required improvements and when the following have been met:

A. A contractual arrangement has been entered into with the City of Greenland, Arkansas, to install all necessary improvements. (An arrangement would have to be made with the City of Fayetteville, Arkansas, for water/sewer system improvements as the City of Fayetteville owns the water/sewer system.)

B. A performance bond based on value of the estimated cost of the improvements. (Ord. No. )

15.16.03 Water. Where public water is available, each lot shall be provided with water. Every subdivision within the water service area of the City of Greenland, Arkansas, shall be provided with public water. Subdivisions outside the water service area, but within the planning area, will be reviewed individually by the Planning Commission and approved by the City Council. Developers will be expected to install all improvements at their own expense to the standards adopted by the City of Fayetteville (as the City of Fayetteville owns and maintains the water/sewer system in the City of Greenland's water service area). (Ord. No. )

15.16.04 Sanitary Sewers. When the subdivision cannot be served by existing sanitary sewers, the disposal of sewage shall be in accordance with standards established by the Arkansas State Board of Health. (Ord. No. )

15.16.05 Street Improvements. In all subdivisions within the city limits of the City of Greenland, Arkansas, the streets shall be constructed with curb and gutter, sidewalks and

paving. Subdivisions outside the city limits but within the Greenland Planning Area shall equal or better the street standards set out in the Washington County "Standards and Specifications for Road and Highway Construction".

All street improvements shall be installed at the developer's expense to the standards adopted by the City of Greenland, for those streets inside the city limits. (Ord. No. )

15.16.06 Drainage. Each subdivision shall provide for adequate handling of surface water to the end that it is properly discharged into natural drainage ways. (Ord. No.

15.16.07 Monuments. The following requirements shall govern the conditions for and placement of monuments in all subdivisions:

A. Concrete monuments four inches (4") in diameter (or four inches (4") square) and thirty-six inches (36") long, with four (4) one-fourth inch (1/4") or one (1) one-half inch (1/2") metal reinforcing rod(s) the length of the monument, shall be placed with the top flush to the ground at all points of intersection of the boundary of the subdivision, and at the corners of each forty (40) acre tract within the subdivision.

B. One (1) out of each four (4) monuments shall contain a brass plate indicating elevation based on mean sea level. (Control to be utilized is that of United States Geological Survey).

C. The location of all monuments shall be shown on the final plat. (Ord. No.

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ENFORCEMENT

Sections:

- 15.20.01 Enforcement
- 15.20.02 Amendments
- 15.20.03 Effective Date
- 15.20.04 Penalty for Violation

15.20.01 Enforcement. After the effective date of these subdivision regulations:

A. No plat within the planning area of the City of Greenland, Arkansas, shall be accepted by the County Recorder for record unless approved by the City Council.

B. No utility (publicly or privately owned) shall extend its facilities to service an area unless one of the following applies:

1. The extension is to an area where a subdivision plat of record existed prior to the effective date of the regulations.
2. The extension is to an area where a plat of record has been approved by the City Council.
3. Installation of utilities is required before the plat can receive approval for filing for record. In this event, the City Council will grant the utilities permission to extend facilities in accordance with specified plans.
4. The extension of utilities is along a public way in existence and use at the time of the effective date of these regulations, but the extension is not in depth of greater than two hundred feet (200') from the public way.

C. No street dedication shall be accepted by the City of Greenland, Arkansas, where the adjoining land is intended to be sold until the required plat has been approved by the City Council.

D. No building permit shall be issued or construction authorized unless:

1. The lot upon which the building is to be placed was established prior to the adoption of this ordinance.
2. The lot is part of a subdivision approved by the City Council. (Ord. No.

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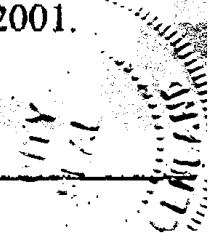
15.20.02 Amendments. Any and all amendments to this ordinance shall follow the same procedure as required for its original adoption, that being: public hearing with fifteen (15) days advance notice before the Planning commission, recommendation to the City Council from the Planning Commission and review and action by the City Council. (Ord. NO.


15.20.03 Effective Date. It has been found and is hereby declared by the City Council, that this ordinance is immediately required in order: to lessen congestion in the streets; to secure safety from fire and other dangers; to promote healthful living conditions; to prevent the unsanitary use and development of land; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public facilities; to stabilize property values and to insure the orderly development of the community for the general welfare of the citizens. This Ordinance shall be effective from the date of its passage and approval.

15.20.04 Penalty for Violation. If the Planning Commission of the City of Greenland, Arkansas, shall find that the provisions of this ordinance are being violated and shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action to correct it, should the person, firm, corporation or agent responsible for said violation fail to take the necessary action to correct it, the Planning Commission shall notify the City Council, which shall certify the violation to the City Attorney. The City Attorney shall, within seven (7) days, apply to a court having jurisdiction to remove the violation. Each day a violation exists after notification by the Planning Commission is a separate offense. The violator may also be charged with a misdemeanor and shall be subject to a fine not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00). (Ord. No.

PASSED AND APPROVED this 11 day of June, 2001.

  
PATSY COX, Mayor



  
DONNA CHEEVERS, Recorder/Treasurer