

GREENLAND SUBDIVISION REGULATIONS AUG 30 PM 1 52

GREENLAND, ARKANSAS

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ORDINANCE NO. 94

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY OF GREENLAND, ARKANSAS AND ITS AREA OF PLANNING JURISDICTION; REQUIRING AND REGULATING THE PREPARATION AND PRESENTATION OF PRELIMINARY AND FINAL PLATS FOR SUCH PURPOSES; ESTABLISHING MINIMUM SUBDIVISION DESIGN STANDARDS; PROVIDING MINIMUM IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER; SETTING FORTH THE PROCEDURE TO BE FOLLOWED BY THE PLANNING COMMISSION IN APPLYING THESE RULES, REGULATIONS AND STANDARDS; AND PRESCRIBING PENALTIES FOR THE VIOLATION; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS:

ARTICLE I - GENERAL

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").

Authority

The ordinance is adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas, as amended.

Jurisdiction

The territorial jurisdiction of this ordinance for subdivisions includes the land within the planning jurisdiction of the City of Greenland.

1.4 Definitions

- a. Alley: a minor public way dedication to public use for utility easements and vehicular access to the back of the 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.

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- 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, utilities, drainage, grading, and by size and location.
- f. Easement: a grant by the property owner to the public, a corporation of persons, of 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. 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.
- j. 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.
- k. 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.
- l. Right-Of-Way: the land opened, reserved, or dedicated for a street, walk, drainage, or other public purposes.
- m. Street: a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, public utilities, trees, and sidewalks.
- n. Street, Arterial: a street or road of considerable continuity which serves or is intended to serve as the principal traffic-way between separated areas of districts and which is the main means of access to the primary street system or expressways.

- o. 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.
  - p. Street, Local: a street used primarily to provide access to abutting properties.
  - q. Subdivider or Developer: a person, firm or corporation undertaking to develop or subdivide as defined in this ordinance.
  - r. Subdivision: a division of a lot, tract, or parcel of land into five or more lots, any two of which are 2½ acres or less, for the purpose of transfers of ownership or development, which includes: the provision of access to lots and parcels; the extension or provision of utilities; and the parceling of land resulting in the need for access or utilities.
- 1.5 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 City Council may grant a variance provided the variance will not have the effect of nullifying the intent and purpose of this ordinance.
- 1.6 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.
- 1.7 Area Subject to Flooding - Lands subject to flooding shall not be subdivided until necessary corrective steps are taken in accord with Ordinance #62 of the City of Greenland and/or a registered professional engineer certifies that said lands are no longer subject to flooding.
- 1.8 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.

## ARTICLE II - PROCEDURE

- 2.1 Acceptance of Plats - The enforcement officer shall not accept any sketch plan, preliminary plat, or final plat that does not conform to the minimum requirements of this ordinance.

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Appeal from Decision of Enforcement Officer - The subdivider may appeal any decision of the enforcement officer to the City Council by filing a letter of intent with the City Clerk, who shall place the matter on the agenda of the next regular meeting of the Council.

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 enforcement officer indicating the type of development intended and giving a general description of the land to be developed. Two (2) copies of the sketch plan shall be filed with the enforcement officer, the other to be obtained 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 location 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 enforcement officer shall advise the subdivider in writing within five (5) 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 enforcement officer shall also indicate what changes are necessary in the proposed subdivision.

Preliminary Plat - The preliminary plat, when prepared and accompanied by supporting documents, shall be presented to the enforcement officer at least fifteen (15) 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.

The preliminary plat shall be distributed by the enforcement officer to the Technical Review Committee. The Technical Review Committee shall consist of but not necessarily be limited to a representative of the following organizations:

- a. Greenland Fire Department and Rural Fire Departments

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- b. Rural Development Authority
- c. Northwest Arkansas Regional Planning Commission
- d. Southwestern Bell and other Telephone Companies
- e. SWEPCO or Ozarks Electric
- 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, the Technical Committee should meet and review each subdivision. The recommendations of the Technical Review Committee shall be noted and presented to the Planning Commission for consideration during their review and action on each subdivision.

- 2.4a. 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.
- 2.4b. Expiration of Preliminary Plat Approval - Preliminary plat approval shall expire one (1) year from 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.
- 2.5 Final Plat - The subdivider shall submit to the enforcement officer not less than 10 days prior to the Planning Commission meeting at which consideration is 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 for approval and acceptance. Following the City Council's approval of the final plat, the subdivider will file the plat with the County Recorder.

- 2.6 Information Required for Preliminary and Final Plat Submittal -  
 Before the Planning Commission may grant preliminary approval and final approval in respect to plat requirements, the subdivider shall show the following information on the respective plats:

	<u>Preliminary Plat</u>	<u>Final Plat</u>
a. Name of Subdivision	x	x
b. Boundary of subdivision with description of enclosed property	x	x
c. Names and addresses of owner(s) developer(s), and surveyor(s)	x	x
d. Acreage in subdivision tract		x
e. Date, map scale, and north arrow	x	x
f. Location map showing section or sections in which located	x	
g. Location of all streets (names to be indicated), alleys, and easements within, interconnecting and bordering subdivision tract	x	x
h. Dimensions of streets, alleys, easements, block, parcel, and lot lines and subtended angles	x	x
i. Bearings of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be shown in lieu of bearings. all bearings shall be referred to true north		x
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, and easements for public use		x

x  
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Scale - Plats shall be prepared as a scale of not more than one inch (1") equals two hundred feet (200').

### ARTICLE III - STANDARDS

Sketch Plan - The sketch plan should generally be drawn to a scale not to exceed one inch (1") equals two hundred feet (200'). The location map should be drawn to a scale not to exceed one inch (1") equals two thousand feet (2000'). The purpose of the sketch plan is to acquaint the City with the subdivider's intent to develop, to acquaint the subdivider with the various plans and ordinances in effect and to clear up certain basic questions concerning design and necessary improvements. The information required before the sketch plan may be submitted appears in Article II, 2.3.

Preliminary Plat - The preliminary plat shall be drawn to scale, not to exceed one inch (1") equals two hundred feet (200'). The information required before the preliminary plat may be submitted appears in Article II, 2.7.

3.3 Final Plat - The final plat shall be drawn to scale, not to exceed one inch (1") equals two hundred feet (200'), on stable base material using waterproof ink. The information required before the final plat may be submitted appears in Article II, 2.7.

3.4 Streets - The following are general standards to be used in the preparation of plats for subdivisions located within the city limits of Greenland. Subdivisions located outside the city limits but within the Greenland Planning Area Boundary shall conform to the Washington County "Standards and Specifications for Road and Highway Construction.

- a. The internal street pattern should be such as will lead to normal desire lines of travel. The location and alignment of local and collector streets should discourage "short-cuts" between major thoroughfares.
- b. Intersections should be, insofar as practicable, at right angles but not less than 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 set-back 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.

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- e. For streets not indicated on official plans, the arrangement of streets in the subdivision shall provide for the continuation or appropriate projection of 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 applicable)	30'	36'	48'	24'
Sidewalk Width	4'	4'	4'	

- 3.5 Blocks - The use of rectangular blocks no longer than wide is encouraged in the interest of economy to the developer and to the City in future maintenance of streets and other utilities. A block should not be less than four hundred (400') feet or more than fourteen hundred (1,400) feet long.
- 3.6 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.

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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 (100') feet.
- c. Corner lots for residential use shall have extra width to permit appropriate building setback from orientation to both streets.

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 (20') feet. In certain cases as required by the various utility companies, side lot line easements will be requested.

ARTICLE IV

4.1 Sketch Plan and Preliminary Plat - No information concerning actual improvements is required for either the sketch plan or preliminary plat.

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 to install all necessary improvements. (An arrangement would have to be made with the City of Fayetteville for water system improvements, as the City of Fayetteville owns the water system.)
- b. A performance bond based on value of the estimated cost of the improvements.

4.3 Water - Where public water is available, each lot shall be provided with water. Every subdivision within the water service area of Greenland 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 system in Greenland's water service area).

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.

Street Improvements - In all subdivisions within the City limits of Greenland, 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.

Drainage - Each subdivision shall provide for adequate handling of surface water to the end that it is properly discharged into natural drainage ways.

Monuments - The following requirements will 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 (30") long, with four (4) one-fourth inch ( $\frac{1}{4}$ " ) or one (1) one-half inch ( $\frac{1}{2}$ " ) 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 corner of each forty acre tract within the subdivision.
- b. One 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 a monuments shall be shown on the final plat.

ARTICLE V - ENFORCEMENT

5.1 Enforcement - After the effective date of these subdivision regulations:

- a. No plat within the planning area of the City of Greenland shall be accepted by the county recorder for record unless approved by the City Council.
- b. No utility (public or privately owned) shall extend its facilities to service an area unless one of the following applies:

The extension is to an area where a subdivision plat of record existed prior to the effective date of the regulations.

The extension is to an area where a plat of record has been approved by the City Council

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 (200') feet from the public way.

- c. No street dedication shall be accepted by the City of Greenland 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.

5.2 Severability - If any section, provision, or paragraph of this ordinance shall be declared invalid, such invalidity shall not be construed to affect the portions not so affected.

5.3 Repealing Clause - All ordinances or parts of ordinances in conflict herewith are specifically repealed.

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Amendments - Any 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 City Council from Planning Commission, and review and action by City Council.

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 over-crowding 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.

Therefore an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from the date of its approval.

5.6 Penalty for a Violation - If the enforcement officer 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 enforcement officer shall notify the City Council, which shall certify the violation to the city attorney. The city attorney shall, within seven days, apply to a Court having jurisdiction to remove the violation. Each day a violation exists after notification by the enforcement officer is a separate offense. The violator may be also charged with a misdemeanor and be subject to a fine not less than \$25.00 nor more than \$1000.00.

PASSED AND APPROVED THIS 10 DAY OF September, 1985.

Mary Harris  
MAYOR

Danna Cheevers  
CITY CLERK

