

CITY OF LAKEVIEW

BAXTER COUNTY

**LAND SUBDIVISION
REGULATIONS**

Adopted by Ordinance 18-01 (03/20/19)

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Appendix “A”

CHAPTER 1 – GENERAL

Section 1 – Authority

These subdivision regulations are adapted in accordance with the authority granted under A.C.A. 14-56-417.

Section 2 – Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development of land within the boundaries of the planning areas as indicated on the “Planning Area Map” of the City of Lakeview, Baxter County, Arkansas, the health, safety and welfare of its residents so demanding.

Section 3 – Intent

It is the intent of the regulations to lessen the congestion on the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the future subdivision of large tracts into smaller parcels of land; and to protect the environment of the City.

Section 4 – Variance or Waiver

- A. Permission to vary these regulations may be granted in specific situations and on a case by case basis. Variance may be granted by the Planning & Zoning Commission, or, in the case of construction standards, by the applicable governing body.
- B. The Planning & Zoning Commission may grant a variance to these regulations by an affirmative vote of two-thirds (2/3) of the total membership of the Commission, provided that such variance will not impair the intent or the objectives of these regulations. Such variances shall be recorded with the justifying reasons in the minutes of the Commission.

Section 5 – Definitions

- A. For the purpose of these regulations, certain words in the present tense include the future; words in the singular include the plural number; and words in the plural include the singular; the word “shall” is mandatory and not merely directive; the word “may” is permissive. Words not defined herein are to be construed according to the customary usage of such word in municipal planning, surveying and engineering practice.

B. For the purpose of these regulations, the following terms or words are defined as follows:

Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.

Block. A tract of land or group of lots in a subdivision bounded by natural or artificial boundaries such as streets, railroad, and shoreline or described boundaries.

Building Line. A line inside a lot or property which defines the minimum horizontal distance between a structure on the lot and the adjacent property line, including, but not limited to property lines which form a street, road or highway right of way boundary. Minimum building setback lines shall be: 30 feet from the front, 25 feet from the rear and 10 feet from the side unless easement of 15 feet exists, then no set back line on that side will be required.

City. City of Lakeview, Baxter County, Arkansas

Cul-de-sac. A "dead-end" street providing an adequate turn-around for traffic.

Developer. Any person, individual, firm, partnership, corporation, estate trust or any group or combination acting as a unit who may develop land within the intent of these regulations. (In some cases referred to as a Sub-divider)

Development and Subdivision of Land. The development of land includes, but is not limited to, the provision of access to lots and parcels, the provision of utilities, the subdividing of land into lots and blocks, and the parceling of land (for non-agricultural purposes) resulting in the need for access and utilities.

Easement. A grant by a property owner to the public, a corporation or person or the use of a portion or strip of land for a specific purpose.

Engineer. A person who shall be a Professional Engineer registered in the State of Arkansas.

Flood Plain. Those parts of the city subject to flooding to the extent that they constitute hazards to the public, as determined by the Federal Emergency Management Agency (FEMA) and delineated on the various Flood Insurance Rate Maps published and supplied by said Agency.

Grade. The ratio of change in elevation relative to horizontal span in a street, road or other public way, expressed as a percentage.

Health Department. The Arkansas State Board of Health or the County Health Department.

Improvements. Street grading and surfacing, curbs and gutters, street and traffic signs, water lines, fire hydrants, sanitary and storm sewers, culverts, bridges and other utilities and related items.

Lot. A portion of a subdivision intended as a unit of transfer of ownership or for development.

Plan, City. The Comprehensive Development Plan made and adopted by the Planning & Zoning Commission and accepted by resolution by the City Council indicating the general location recommended for the various land uses, major streets, parks, public buildings, zoning districts, and other public improvements.

Plat. A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot split prepared by a developer for consideration and approval by the Planning & Zoning Commission. Such plans may be the sketch plat, the preliminary plat, or the final plat.

Street. A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties.

1. Arterial Highway. A street of greater continuity which serves or is intended to serve as a major traffic way and is designated as a limited access highway to identify those streets comprising the basic structure of the street plan.
2. Collector Street. A feeder route which carries vehicles from and to local service streets and thoroughfares.
3. Dead-end. A street, similar to a cul-de-sac, but providing no turnaround to its closed end.
4. Local Service Street. A non-through neighborhood street within a particular area mainly used for access to properties.

Subdivider. See Developer

Subdivision.

1. The division of a parcel of land into two (2) or more lots or parcels for the purpose of conveyance, transfer of ownership or building development when the lot split regulation does not apply shall be governed by these regulations. Any division of property involving a new road or street shall be governed by these regulations. Any large scale development involving the construction of two (2) or more buildings utilized by the public or four (4) or more housing units, together with necessary drives and access ways, which is not subdivided into customary lots, blocks and streets shall be governed by these regulations. However, a division of land for agricultural purposes of 10 acres or more and not involving a new street is not a subdivision.
2. The division of land into tracts of ten (10) acres or more, but less than forty (40) acres, provided they have an easement to a public road, or to an existing sixty (60) foot right of way easement, are exempt from these regulations.
3. The division of property, into tracts of forty (40) acres or more shall be excluded from these regulations. Any sale of a tract of land, regardless of size or access, to an adjoining property owner shall be excluded from these regulations. The transfer of property for the purpose of clearing title, such as encroachments, overlaps and gaps shall be excluded from these regulations. The transfer of right-of-way to public utility companies will be excluded from these regulations.

Surveyor. A Professional Land Surveyor registered in the State of Arkansas.

Section 6 – Fees

For each preliminary plat submitted, the fee shall be \$10.00 plus 50 cents (\$0.50) for each lot.

For each final plat submitted, the fee shall be \$10.00 plus 50 cents (\$0.50) for each lot. All of the fees shall be paid to the City of Lakeview Planning & Zoning Commission who shall forward the fees to the Recorder/Treasurer for deposit.

The Developer will be responsible for all advertising and/or advertising costs.

CHAPTER 2 – PROCEDURAL REQUIREMENTS

Section 1 – Conceptual Plan

Whenever a Developer intends to develop land within the meaning of these regulations, the developer shall submit to the Chairman of the Planning & Zoning Commission, at least fifteen (15) days prior to the regular meeting:

- A. Proof of public notice in a locally published newspaper of the intent of the owners to subdivide the property, naming the ownership, brief legal description and the general location of the development;
- B. Letter of intent;
- C. Conceptual plan of the land to be subdivided shall indicate all items as required in Chapter 3, Section 1.

Section 2 – Plat Preparation

The Planning & Zoning Commission shall review the conceptual plan to determine if the plan conforms to the Comprehensive Development Plan of the City of Lakeview and the General Plan of Baxter County. Based on this review, the Planning & Zoning Commission may approve, disapprove or recommend revisions to the conceptual plan. If approved, the Commission shall inform the Developer that they may proceed with the Preparation of Plat so long as he conforms with plans currently in effect and with the plat requirements, the Design and Layout Requirements and Improvement Requirements as contained in these regulations. Six (6) copies of the Plat, when prepared and accompanied by supporting documents, shall be presented to the Planning & Zoning Commission at least fifteen (15) days prior to the regular meeting for review. The Planning & Zoning Commission may require additional copies if deemed necessary.

Section 3 – Preliminary Plat Approval

Upon meeting Plat Requirements, Design and Layout Requirements and Improvement requirements as stated in Chapter 3, Section 2, the plat shall be given preliminary plat approval in writing by the Planning & Zoning Commission. Such approval shall permit the Developer to proceed with installation or required improvements and Preparation of Final Plat.

Section 4 – Expiration of Preliminary Plat Approval

Preliminary plat approval shall expire one (1) year from date of approval by the Planning & Zoning Commission, provided there is no performance in required improvements on the part of the Developer.

Section 5 – Final Plat Approval

The Planning & Zoning Commission shall require the following of the Developer for Final Plat Approval:

- A. The preparation of an official plat, suitable for recording, and containing data required within Chapter 3, Section 2.
- B. If the plat is to be for only a portion of the land intended for development, at least a conceptual sketch layout for the entire area to insure that the purpose and intent of these regulations are complied with.
- C. Evidence of compliance with installation requirements as required in Chapter 5 of these regulations.
- D. The Developer shall submit six (6) copies of a Final Plat, together with certification and other supporting information, shall be presented to the Planning & Zoning Commission at least fifteen (15) days prior to the regular meeting for review. The Planning & Zoning Commission may require additional copies if deemed necessary.
- E. The Planning & Zoning Commission shall approve, disapprove, or conditionally approve the plat. If disapproved, the reason shall be recorded in the meeting minutes and transmitted to the Developer in writing.
- F. If the Developer desires to develop only a portion of the area for which the preliminary plat has been approved, the Planning & Zoning Commission may approve a Final Plat for a portion of the preliminary plat area.
- G. Upon approval of the Final Plat, the Planning & Zoning Commission shall transmit a copy to the Lakeview City Council for its approval of the dedication of public streets and other public space.

CHAPTER 3 – SKETCH PLAN AND PLAT REQUIREMENTS

Section 1 – Information to be shown on Conceptual Plan

The following information shall be indicated on the Conceptual Plan:

- A. Area map indicating the relation of the proposed subdivision to the rest of Lakeview and Baxter County in general.
- B. Location of all streets and alleys interconnecting and bordering the subdivision.
- C. General location of proposed streets within the subdivision. Each subdivision shall have satisfactory access to a street, which may have limited public usage provided that: the streets meet minimum construction standards; covenants between the developer and public offering purchasers; funding construction and maintenance of the streets are properly published and included on the sketch, preliminary and final plats; that the access road to the subdivision will be maintained by the City or other public jurisdiction, or a sixty foot (60') dedicated easement which is: 1) maintained by the developer and covenanted with purchasers in the development or to bring the easement to approved road standards prior to acceptance by the City for maintenance purposes and, 2) the easement is connected to a publicly maintained road and provided no land-locked parcel is created by the limited public usage subdivision street. "Limited Public Usage" shall be defined as "usage in the direct interest of the owners, occupants, of the split or subdivision, subscribers to the covenants".
- D. General size and shape of proposed lots.
- E. Ownership(s) of property adjacent to subdivision if not platted.
- F. Legal property description and acreage of proposed subdivision.
- G. Location of property owned or utilized by public entities or by railroads and utilities when within or adjacent to the subdivision.
- H. Location of areas subject to flooding or any other impairment to the health or safety of citizens within the boundaries of the subdivision.
- I. Request for any proposed variance from these regulations, outlining specific request, reason(s), and justification for the request.
- J. Proof of public notice in a locally published newspaper of the intent of the owners to subdivide the property.

Section 2 – Information to be shown on Preliminary and Final Plat

Before the Planning & Zoning Commission may grant preliminary and/or final approval in request to plat requirements, the Developer shall show the following information on the preliminary and final plat. Unless indicated contrary within each listed item, information shall be shown on both preliminary and final plats.

- A. Name of Subdivision.
- B. Boundary of subdivision with description of enclosed property.
- C. Property reference given in terms of the United States system of surveying the public lands.
- D. Names and addresses of owner(s), developer(s) and surveyor(s).
- E. Acreage in subdivision and acreage in each 1/16th section or fractional part thereof.
- F. Date, north arrow indicator, ratio scale and graphic scale.
- G. Contour lines at required interval. (*Preliminary Plat Only*)
- H. Location of all streets, with numbers and names to be indicated, alleys and easements within, interconnecting and bordering subdivision tract.
- I. Dimensions of streets, alleys, easements, blocks, parcels and lot lines.
- J. Bearings of all lines not parallel or perpendicular to lines of known bearings. All bearings shall be referred to Arkansas State Plane Grid System, North Zone.
- K. Location of Monuments with Arkansas State Plane Grid Coordinates, when applicable. (*Final Plat Only*)
- L. Location of building lines. Minimum Building Setback Lines are: 30 feet in the front, 25 feet in the rear and 10 feet on the sides, unless an easement of 15 feet exists, then no set back will be required on that side.
- M. Location of railroads and property owned by utilities.
- N. Legal property description, lot and/or block.
- O. Certification of registered professional surveyor.
- P. General location map.

- Q. Accurate identification and location of all underground utilities, when utilized.
- R. Bill of Assurance or recording information of same.

Section 3 – Information to be submitted for Plat Review

- A. Preliminary Plat. A minimum of four (4) copies of the preliminary plat shall be submitted for review. The following information as applicable shall be submitted with the preliminary plat or written certification that these items have been prepared for submittal to appropriate agencies:
 - Two (2) prints of detailed water line plans, dimensions, and fire hydrant locations, prepared and certified by a registered professional engineer.
 - Two (2) prints of detailed engineering plans and profiles of sanitary sewers (or septic system) and storm drainage improvements prepared and certified by a registered professional engineer.
 - Street sign standards and location, including road number signs if applicable.
 - Statements either on the preliminary plat or in separate letter, signed by an authorized representative of each public utility serving the area that easements delineated on the plat have been examined, and comments as to their sufficiency. Final determination of such sufficiency shall be made by the Planning & Zoning Commission.
- B. Final Plat. A minimum of **eight (8) copies of the final plat** shall be submitted for review purposes and for distribution after recording. The following documents, as applicable, shall be submitted with the plat:
 - Certification by the engineer of record for the project that all water and/or sewer lines have been installed and tested according to plans approved by the Arkansas Department of Health.
 - Letter of approval from the Arkansas Department of Health for the development when utilizing septic tank systems if any of the lots in the subdivision is below three (3) acres in size. A plat showing the proposed location of septic systems and a warning on the plat stating that these sites cannot be changed without the approval of the Baxter County Sanitarian. The septic location plat shall be recorded with the Baxter County Clerk at the same time the Final Plat is recorded.

- Acceptance of road construction and dedications by the city engineer in writing is required prior to the Planning & Zoning Commission acting on the Final Plat.
- Copy of disposal permit from the Arkansas Department of Pollution Control and Ecology, when applicable.

C. Upon approval of a Final Plat, the Planning & Zoning Commission shall transmit a copy of the plat to the Lakeview City Council for final approval.

Section 4 – Scale and Media

Preliminary plats shall be prepared on sheets no larger than twenty-four (24”) inches by thirty-six (36”) inches at a scale of not more than one (1”) inch equal to one-hundred (100’) feet, prepared either on vellum or mylar.

Final plats shall be prepared on the same sheets of equal size and scale as preliminary plats except, when all lots within the subdivision are three (3) acres or larger, a scale of one (1”) inch equals two-hundred (200’) feet may be used. The surveyor may choose to provide a mylar copy of the Final Plat with original signatures for recording or provide a paper copy with signatures for recording and a mylar copy without signatures.

Section 5 – Right of Planning & Zoning Commission to have Survey Made

The Planning & Zoning Commission 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 Developer shall pay for said survey and correct the description to the satisfaction of the Planning & Zoning Commission.

Section 6 – Lot Splits

- A. Definition and Intent – The Commission hereby delegates the Commission Chairman and/or their designated representative authority in consultation with the City of Lakeview Building Official for approving lot splits where a single subdivision lot of metes and bounds tract is to be split into two parts for conveyance. This authority shall be exercised in accordance with the following guidelines.
- B. Application Procedure – A request for a lot split approval shall be made to the Chairman of the Planning & Zoning Commission. Four (4) copies of a scaled drawing of the lot or tract to be split, prepared by a Registered Professional Surveyor indicating the proposed division. The drawing shall include dimensions and sizes of all lots and tracts and include boundary descriptions of each.

C. Approval Guidelines – Approval or disapproval of lot splits shall be based on the following:

- No new street or alley is required.
- No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
- All easement requirements have been satisfied
- No substandard sized lots or parcels shall be created.

D. Approval – The Commission Chairman or their representative, shall approve, conditionally approve, or disapprove the proposed lot split within thirty (30) days of application or it will become effective thirty (30) days after application. Any decision of the Planning & Zoning Commission can be appealed as provided by law.

Section 7 – Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. The provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps and filing an approved plat.

CHAPTER 4 – DESIGN STANDARDS

Section 1 – Conformance with Official Plans

- A. The Subdivision shall conform to all plans adopted in accordance with A.C.A. 14-56-417 and as may be subsequently amended.
- B. For a period of thirty (30) days after the filing of the Letter of Intent by the Developer, the Planning & Zoning Commission may require the Developer to reserve sites for public use indicated on the plan adopted in accordance with A.C.A. 14-56-417, to permit the responsible agency or department the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of eminent domain.

Section 2 – Streets and Roads

- A. The character of all streets and roads shall conform to the “Lakeview Road Plan” and other official County Plans. Minimum standards for highways, streets and roads shall be in conformance with the Minimum Standards Table, Appendix “A”.
- B. For streets or roads not indicated on official plans, the arrangement of streets and roads in the subdivision shall provide for continuation or appropriate projection of existing principal streets and roads in the surrounding area except where topographical or other conditions make continuance or conformance to existing streets and roads impractical.
- C. The location and alignment of minor streets and roads should be such that their use by through traffic will be discouraged.
- D. The Planning & Zoning Commission may limit the location and number of points of access onto major streets, roads and highways.
- E. Street and road intersections should be at right angles when practical.
- F. Street and road jogs and centerline offsets of less than one hundred twenty five (125’) feet shall be avoided.
- G. Property lines at street and road intersections shall be rounded with a radius of ten (10’) feet or of greater radius where the Planning & Zoning Commission may deem it necessary. Shrubs and other obstructions over two (2’) feet high shall not be permitted within the clear-sight triangle of the intersection or within the right-of-way of any street to ensure adequate sight distance.

- H. Half streets or roads shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning & Zoning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street or road exists adjacent to a tract to be subdivided the other half of the street or road shall be platted within the new subdivision.
- I. Each subdivision shall have satisfactory access to a street, which may have limited public usage provided that:
- The street meets minimum construction standards.
 - Covenants between the developer and public offering purchasers, funding construction and maintenance of the streets are properly published and included on the sketch, preliminary and final plats.
 - That the access road to the subdivision be publicly maintained or a sixty (60') foot easement which is: 1) maintained by the developer and covenanted with purchasers in the development or to bring easement to minimum road standards prior to acceptance by a public entity for maintenance purposes and, 2) the easement is connected to a publicly maintained road provided no land-locked parcel is created by the limited public usage subdivision street. "Limited public usage" shall be defined as "usage in the direct interest of the owners, occupants, of the split or subdivision, subscribers to the covenants".

The Planning & Zoning Commission may require that streets or roads extend to the boundary line of the tract being developed to provide access to adjacent properties and provide with adequate fire protection where public water is available.

- J. A cul-de-sac shall be provided at the closed end with a turn-around having a property line radius of not less than fifty (50') feet. Cul-de-sac streets and roads should be restricted to a length of five hundred (500') feet insofar as practical.
- K. Street and road location shall 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.
- L. Curbs and gutters are optional. If installed they shall be constructed of Portland cement or asphalted concrete and shall be designed by a Registered Professional Engineer to assure proper drainage. The curb shall be approximately six (6") inches high and the gutter approximately eighteen (18") inches in width of concrete.

- M. Street and road surfaces shall be a hard, all weather surfaces such as concrete or asphalt. All street surfacing shall meet specifications of the governing body which shall maintain said streets and roads. (Reference Appendix "A")

Section 3 – Alleys

- A. The width of an alley shall not be less than sixteen (16') feet.
- B. Where alleys are provided:
- Intersections and sharp changes in alignment shall be avoided.
 - Dead ends shall be avoided where possible.

Section 4 – Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12') feet wide.
- B. Where a subdivision with lots less than five (5) acres is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and of adequate width to contain such water course. Provisions shall be made for future widening and shall be of such design to accommodate easy cleanout.
- C. Public Dedication - All land held for public use shall be approved by the Planning & Zoning Commission.

Section 5 – Blocks

- A. The use of rectangular blocks longer than wide is encouraged in the interest of economy to the developer and to the City in future maintenance of streets, roads and utilities.
- B. Provision shall be made for utility easements at the rear of lots when alleys are not provided.

Section 6 – Lots

- A. Residential lots served by public sewer shall not be less than one hundred (100') feet wide at the building setback line nor less than nine thousand five hundred (9,500) square feet in area.

- B. Residential lots not served by public sewer shall not be less than one hundred (100') feet wide at the building setback line nor less than twelve thousand five hundred (12,500) square feet in area. However, a greater area may be required if County or State Health Standards so dictate and/or if indicated by septic system requirements.
- C. Depth and width of properties reserved or laid out for commercial and/or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner lots for residential use shall have ample width to permit appropriate building setback from and orientation to both streets.
- E. Each lot shall have satisfactory access to a public street.
- F. Setback lines shall have a minimum as indicated in the Minimum Standards table.
- G. No building shall be built between the building setback line and the property line.

Section 7 – Non-residential Development

- A. Areas within subdivisions not intended for residential use shall be clearly identified on the plat.
- B. A non-residential use area must meet zoning requirements of the zone in which it is located.
- C. Before non-residential use or uses can be established in the area designated, a plan of development must be presented to the Planning & Zoning Commission for approval. This plan of development shall include the following:
 - Location and use of structure or structures on the lot or parcel.
 - The means of ingress and egress to public streets and highways.
 - Location and dimensions of drives and parking areas.
 - Other improvements contemplated.
 - Maintenance for non-residential use shall be provided for by the developer until accepted by the City.

Note: Additional information may be required by the Planning & Zoning Commission as conditions and circumstances may warrant.

Section 8 – Topography and Natural Features

The Planning & Zoning Commission may require a topographical map of the subdivision with contour intervals of from two (2') to twenty (20') feet, depending on terrain. The Developer may also be required to indicate natural features such as drainage ways (creeks, etc.) and ponds on the topographical map. Topography may be included on preliminary plat.

Section 9 – Grade and Profiles

- A. Streets. The Developer may be required to provide sheets indicating present and finished grades at center line of right-of-way if it appears that they will deviate from the requirements set forth in the Minimum Standards Table.
- B. Utilities. Profile sheets indicating grades for storm and sanitary sewers shall be submitted when installation of same is required.
- C. Cuts and Fills – When cuts and fills are made, the Developer shall present a grade plan.

Section 10 – Bill of Assurance

- A. The Developer shall submit for the approval of the Planning & Zoning Commission a Bill of Assurance including the following:
 - Dedication of all streets and alleys, parks and other lands for public use.
 - Establishment of easements.
 - Provision for amendment and severability clause.
 - Provision that plat as filed for record cannot be changed unless vacated by applicable authority.
- B. The Developer shall be required to file with the County Recorder the Bill of Assurance as approved by the Planning & Zoning Commission at the same time that the plat is filed for record, whenever Bill of Assurance is not included on the plat. If not included on the plat, the recording information of the Bill of Assurance shall be indicated on the plat.

CHAPTER 5 – IMPROVEMENTS

Section 1 – Procedural Requirements

- A. **Conceptual Plan.** At the time the conceptual plan is presented to the Planning & Zoning Commission, the plan or the letter of intent should state what actual improvements are to be provided. Any request for variances should be made at this time.
- B. **Plat Preparation.** At the time of plat preparation, the Developer shall prepare the necessary information required in respect to improvements.
- C. **Preliminary Plat Approval,** Preliminary plat approval in respect to improvements shall be given when requirements stated in Chapter 3, Section 4 are met.
- D. **Final Plat Approval**
 - Final plat approval in respect to improvements shall be given when requirements stated in Chapter 3, Section 4 are met.
 - If construction is not complete and requirements of Chapter 3, Section 4 are not met, final plat approval may be given if the Developer provides one of the following in respect to each improvement:
 - a. A performance bond or a letter of intent or committal from a lending institution based on equal value of the estimated cost of the improvements.
 - b. A deposit with the City or in an escrow account of a sum equal to the estimated cost of improvements. The Developer may be permitted to draw on this deposit upon satisfactory completion of various stages of the improvements.

Section 2 – Water Distribution System

Where it is determined by the Planning & Zoning Commission that public water is reasonably available in proximity to the subdivision, the Developer will provide to each lot within utility easements along the public road adequate supply and access to public water if water supply and mains are adequate. Fire hydrants shall be provided throughout the subdivision within said utility easements along the public roads with a maximum spacing of one thousand (1000') feet to any building site, along the public road when deemed adequate water supply is available.

Reasonably available, will be determined by the Planning & Zoning Commission based on location, subsoil, topography, size of subdivision, nature of the subdivision and comments from the appropriate water department and fire department servicing the area.

Section 3 – Sanitary Sewer System

Where it is determined by the Planning & Zoning Commission that a sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service. A ten (10') foot easement is required for the sanitary sewer system.

Section 4 – Storm Water Drainage

Storm water runoff is the most common cause of water pollution. Erosion from construction sites can damage the environment by quickly sending more sediment into waterways than would naturally be deposited over decades. Therefore, if the construction site disturbs one (1) acre or more of soil, Developer is subject to permit requirements of the Arkansas Department of Environmental Quality (ADEQ). The Developer is responsible to determine the general permit requirements based on the location and size of the construction site, available on the ADEQ web site, www.adeg.state.ar.us.

- A. All sites subject to permit requirements must develop Storm Water Pollution Prevention Plans (SWPPP) that identify drainage areas and other factors that impact storm water runoff and dictate the best management practices that will be used to limit erosion from the site.
- B. Sites five (5) acres or larger must comply with the requirements for smaller sites and submit a Notice of Intent (NOI) and pay a fee to ADEQ before starting construction.
- C. Depending on location, some sites of ten (10) acres less must also submit a SWPPP, as well as the NOI to ADEQ for review before starting construction.
- D. While some sites smaller than one (1) acre are exempt from permit requirements, ADEQ encourages contractors to use best management practices to prevent storm water pollution at all sites.

Where it is determined by the Planning & Zoning Commission that an underground storm water drainage system is available and connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground water drainage system.

- A. Where an under an underground storm water drainage system is not available, adequate surface storm water drainage facilities shall be installed and connected to existing surface drainage facilities.

- B. Diversion of storm water flow shall be avoided, if at all possible. If storm water is to be diverted from its natural course, the plat shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of diverted waterways to prevent erosion or silting.

Section 5 – Drainage Structure

Length and diameter of all drainage structures utilized in roads, streets, alleys and driveways shall be as recommended within City Ordinances.

Section 6 – Streets and Roads

Streets and roads shall be installed and surfaced in accordance with specifications set forth in Chapter 4 of these regulations.

Section 7 – Sidewalks

Sidewalks are optional but if installed shall be a minimum width of forty-two (42") inches and shall be located within the street right-of-way at a distance of one (1') foot from the property line.

Section 8 – Monuments and Lot Corners

- A. Lot corners shall be marked with 3/8 inch diameter rods fifteen (15") to twenty-four (24") inches in length clearly marked with the registration number of the surveyor. Offset markers shall be permitted if conditions prohibit placing corner markers in prescribed locations. Locations of offset markers shall be shown on the Final Plat.
- B. Concrete monuments four (4') inches in diameter and of suitable length for soil and rock conditions with 3/8 inch metal rods running the length of the monument shall be set with the top flush to the ground at selected points of subdivision boundary intersections. All monuments shall be clearly marked with the registration number of the surveyor.
- C. When the subdivision is located within ½ mile of a State Plane Coordinate control monument for which coordinates have been published by the County, the subdivision shall be tied into the State Plane System and coordinates computed and listed on the plat for a minimum of two (2) of the monuments described in Section "B" above.

Section 9 – Certification of Installation

The Planning & Zoning Commission in cooperation with the City and County shall designate the official or officials who shall be responsible for certifying installation of required improvements.

CHAPTER 6 – ENFORCEMENT

Section 1 – Enforcement

A. No subdivision plat shall be accepted by the Baxter County Clerk for recording unless approved by the Planning & Zoning Commission of the City of Lakeview.

B. Complaints

Any individual aggrieved by a violation of these regulations or any public official, including members of the Planning & Zoning Commission may file a complaint with the Planning & Zoning Commission. The complaint shall state the name of the individual, firm or corporation against whom the complaint is filed together with the location of the alleged violation.

Upon receipt of a complaint the Planning & Zoning Commission shall proceed with an investigation of the complaint. The commission may either investigate the matter as a committee of the whole; appoint a committee to perform the investigation, by requesting the County Surveyor to conduct the investigation, or any combination thereof.

Upon completion of the investigation, the Planning & Zoning Commission shall review the complaint at a regular meeting of the Commission. If the Commission determines that any person, firm or corporation has violated, disobeyed or refused to comply with these regulations, the person, firm or corporation so accused shall be notified by the chairman of the Commission of the findings of the Commission and directed to appear before the Commission at a stated time and place to answer charges. Refusal or failure of the accused to so appear shall constitute a further violation of these regulations.

C. Should the person, firm or corporation be in violation of these regulations, the Planning & Zoning Commission shall seek an injunction against the violator, prohibiting further violations of these regulations.

D. Any violation of these subdivision regulations shall be deemed a misdemeanor offence and any person, partnership or corporation refusing to comply within thirty (30) days of notification of such violation shall be fined a sum of not less than \$50.00 nor more than \$500.00. Each day the violator remains out of compliance shall constitute a separate offence.

E. The provisions of these regulations (Court Order) are separable and in the event that any section shall be held to be invalid, such invalidity shall not affect the remainder of the regulations (Court Order)

Section 2 – Amendment

These regulations may be amended upon recommendation of the Lakeview Planning & Zoning Commission. Recommended changes shall be presented to the Lakeview City Council for its concurrence and approval.

APPENDIX "A"

**MINIMUM DESIGN STANDARDS
FOR HIGHWAYS, ROADS AND STREETS**

ARTERIAL SYSTEM

DESIGN ELEMENT	Freeway/Expressway				URBAN				RURAL					
	Type Area		Principal		Type Area		Principal		Type Area		Principal		Design ADT	
	Built-Up	Outlying	Built-Up	Outlying	Built-Up	Outlying	Built-Up	Outlying	Built-Up	Outlying	Built-Up	Outlying	2000	2000
RIGHT OF WAY	200'	200'	100'	100'	100'	100'	100'	90'	90'	100'	100'	100'	2000	2000
NO. OF LANES	4	4	4	4	4	4	4	4	4	4	4	4	100'	90'
LANE WIDTH	12'	12'	12'	12'	12'	12'	12'	12'	12'	12'	12'	12'	12'	12'
PARKING LANES	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SURFACE TYPE	8	8	8	8	8	8	8	8	8	8	8	8	8	8
CROSS SECTION	1-S.S.	1-S.S.	3-C&G	4-C&G	3-C&G	4-C&G	5-C&G	6-S.S.	6-S.S.	7-S.S.	7-S.S.	7-S	7-S	8-S
MAXIMUM GRADIENT	5%	7%	5%	7%	5%	7%	7%	8%	8%	7%	7%	7%	7%	8%
SHOULDER WIDTH	12	12	0	0	0	0	0	10	10	10	10	10	10	8
CARTWAY WIDTH	48	48	48	48	48	48	48	48	48	48	48	48	48	24
ROADWAY WIDTH	72	72	48	48	48	48	48	68	68	68	68	68	68	40
SET BACK	60'	60'	25'	25'	25'	25'	25'	25'	25'	50'	50'	50'	25'	25'
DESIGN SPEED (MPH)	60	70	40	50	40	50	40	40	40	60	60	60	60	60
MEDIAN WIDTH	24'	54'	16'	6'	16'	6'	V	V	V	V	V	V	V	0

STRUCTURES WIDTH (FEET)

Full width surface and shoulders	Full width curb	To curb
HS 20-44	HS 20-44	HS 20-44
54'	68'	68'
54'	68'	46'

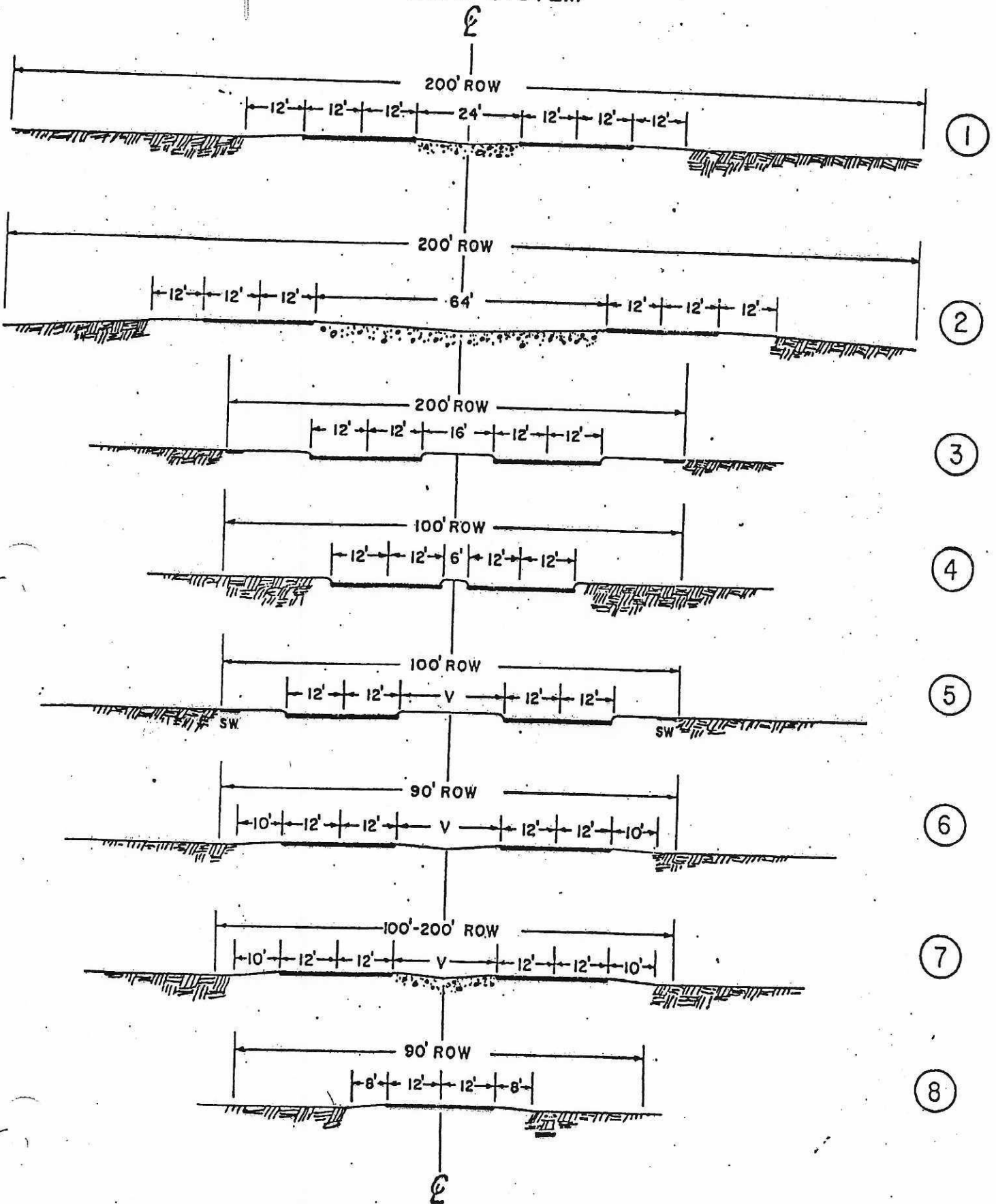
LOADING

HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44
HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44	HS 20-44

- S.S. Surfaced Shoulder
- C&G Stabilized Shoulder
- C&G Curb and Gutter
- Earth
- Variable
- Bituminous
- Gravel

TYPICAL SECTIONS

ARTERIAL SYSTEM



**MINIMUM DESIGN STANDARDS
FOR HIGHWAYS, ROADS AND STREETS**

COLLECTOR SYSTEM

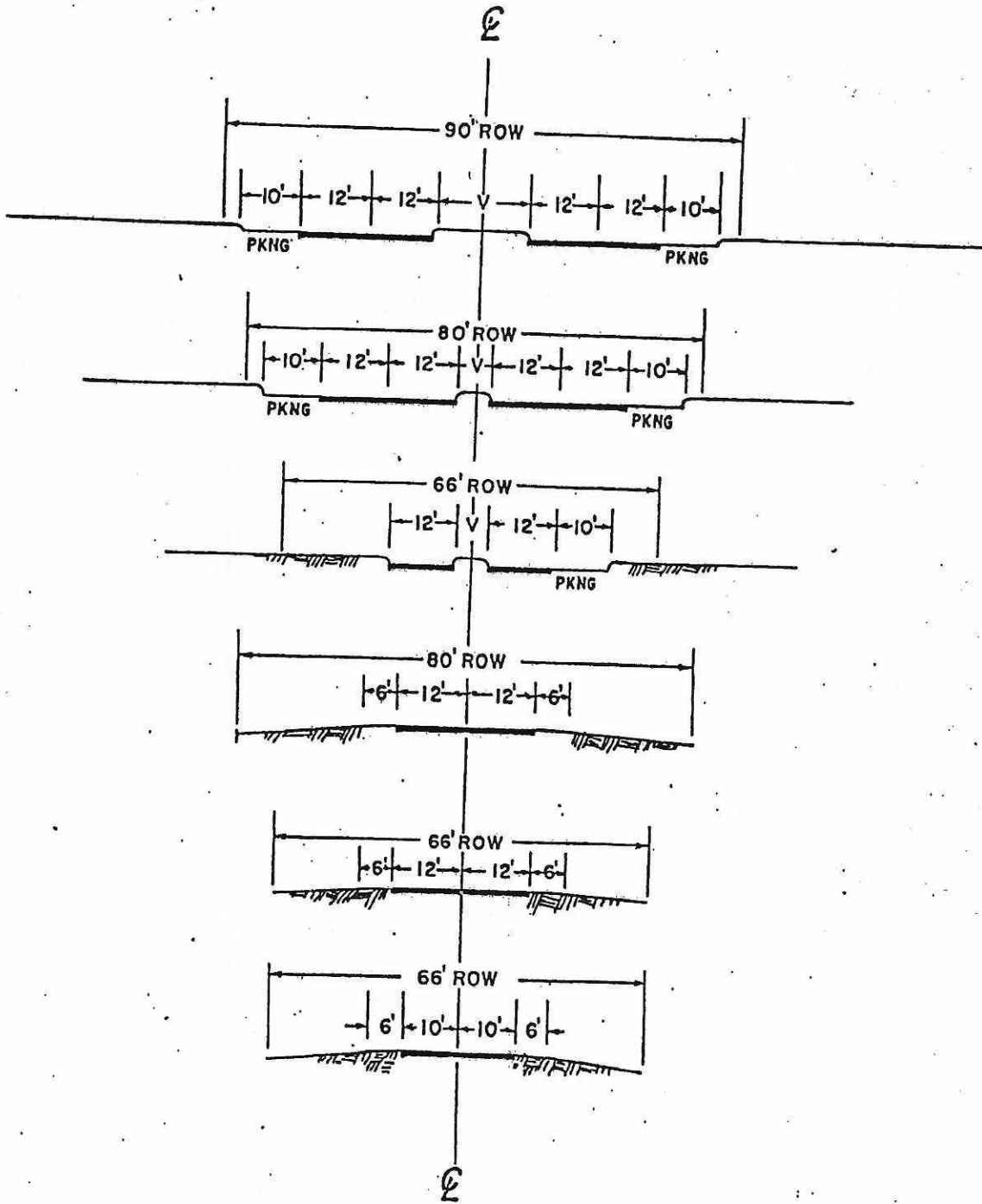
DESIGN ELEMENT	URBAN		RURAL	
	Design ADT 6000-12,000	Design ADT 2000	Major Design ADT 2000	Minor Current ADT 250
RIGHT OF WAY	90'	66'	80'	66'
NO. OF LANES	4	2	2	2
LANE WIDTH	12'	12'	12'	10'
PARKING LANES	10' both sides	10' both sides	10' one side	10'
SURFACE TYPE	B	B	B	B
CROSS SECTION	9-C&G	10-C&G	11-C&G	14-E
MAXIMUM GRADIENT	7%	7%	8%	8%
SHOULDER WIDTH	0	0	6	6
CARTWAY WIDTH	68	68	24	20
ROADWAY WIDTH	68	68	36	32
SET BACK	25'	25'	25'	25'
DESIGN SPEED (MPH)	30	30	50	40
MEDIAN WIDTH	V	V	0	0

STRUCTURES

WIDTH (FEET)	Full width curb to curb	Full width curb to curb	Full width curb to curb
LOADING	HS 20-44	HS 20-44	HS 20-44
	36'	32'	26'
	HS 20-44	HS 20-44	HS 15-44
			HS 15-44

- S.S. - Surfaced Shoulder
- S - Stabilized Shoulder
- C&G - Curb and Gutter
- E - Earth
- V - Variable
- B - Bituminous
- G - Gravel

TYPICAL SECTIONS COLLECTOR SYSTEM



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**MINIMUM DESIGN STANDARDS
FOR HIGHWAYS, ROADS AND STREETS**

LOCAL SYSTEM

ESIGN ELEMENT	URBAN			RURAL	
	Industrial/Commercial Design AOT	Residential Low Density	Residential Medium Density	All County Roads	
RIGHT OF WAY	6000	50'	50'	50'	50'
NO. OF LANES	4	2	2	2	2
LANE WIDTH	12'	10'	10'	10'	10'
PARKING LANES	10' both sides	10' on both sides	No on-street parking	0	0
TRAFFIC TYPE	B	G	G	G	G
CROSS SECTION	15-C&G	17-S	18-C&G	19-S	19-S
MAXIMUM GRADIENT *	8%	12%	12%	12%	12%
SHOULDER WIDTH	0	8	0	0	4
ARTWAY WIDTH	48	24	20	20	20
ROADWAY WIDTH	48	24	36	20	28
SET BACK	50'	25'	25'	25'	25'
DESIGN SPEED (MPH)	35	30	30	30	25
ROAD WIDTH	6'	0	0	0	0

**STRUCTURES
WIDTH (FEET)
LOADING**

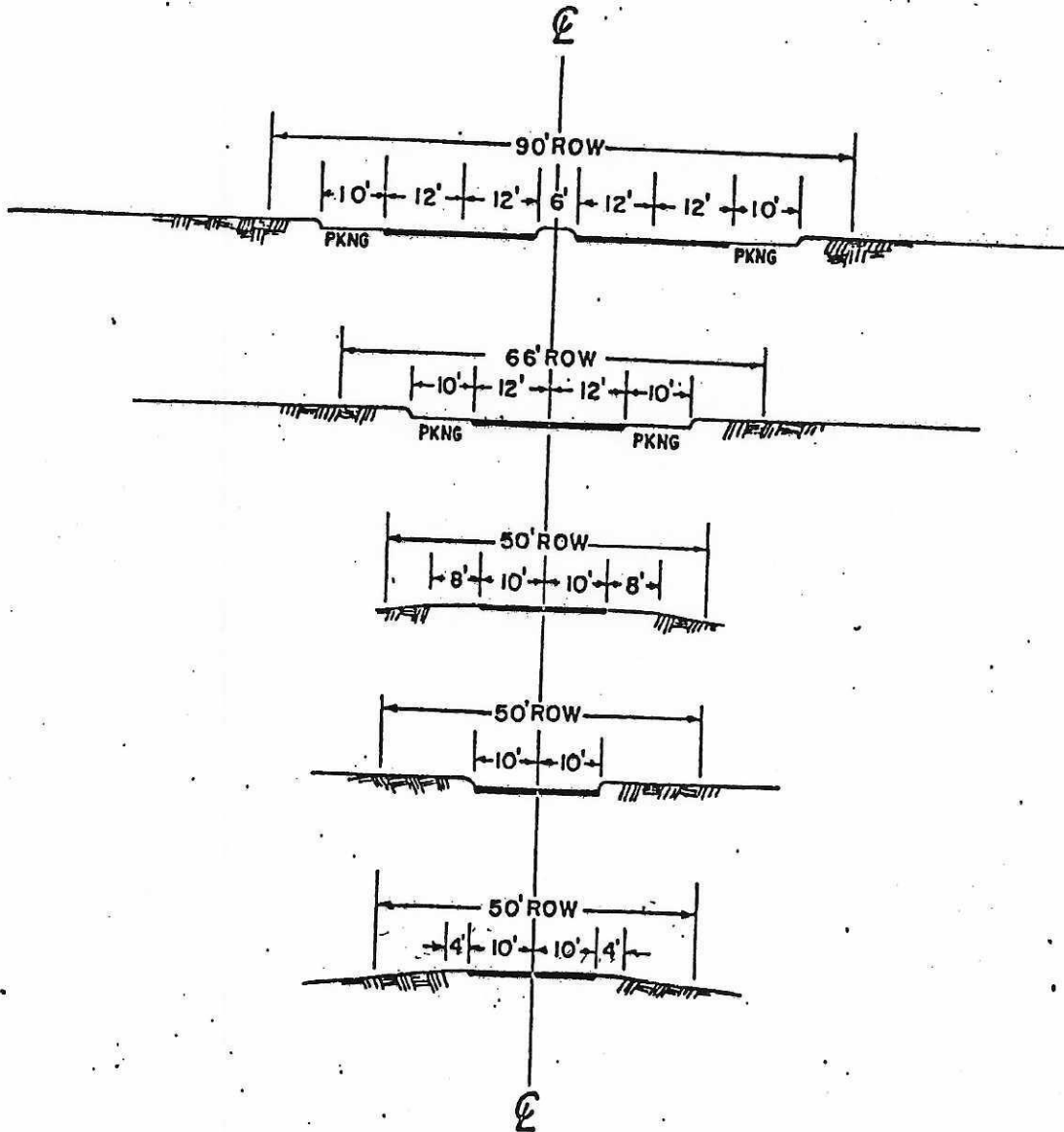
Full width curb to curb	26'	Full width to curb	24'
HS--20	HS--20	HS--20	H--15
			H--15

- Surfaced Shoulder
- Stabilized Shoulder
- Curb and Gutter
- Earth
- Variable
- Bituminous
- Gravel

*Any deviation from the required Maximum Gradient must be approved by the County Planning Board.

Handwritten signature and date

TYPICAL SECTIONS LOCAL SYSTEM



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