

That which is underlined is added and that which is stricken through is deleted.

ORDINANCE NO. 5468

AN ORDINANCE AMENDING SECTION 112 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, Chapter 112 of the Code of Ordinances of the City of Springdale, Arkansas, contains the procedures for the subdivision of land in the City of Springdale;

WHEREAS, Section 112-2 of the Code of Ordinances of the City of Springdale, Arkansas, needs to be amended to include a definition of replat;

WHEREAS, Section 112-3 of the Code of Ordinances of the City of Springdale, Arkansas, needs to be amended regarding submission requirements for plats; and adding procedures for the submittal of replats;

WHEREAS, it is in the best interest of the City of Springdale, Arkansas, for the City Council of the City of Springdale, Arkansas, to amend Section 112-2 and Section 112-3 of the Code of Ordinances of the City of Springdale, Arkansas; and

WHEREAS, pursuant to Section 112-12(d) of the Code of Ordinances of the City of Springdale, Arkansas, a public hearing was held before the Springdale Planning Commission on April 7, 2020, after notice was given of said hearing as required by law.

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

Section 1: Section 112-2 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to add the following definition:

Replat: The process of changing a previously approved land development either by alteration of a lot, parcel, or tract, or the placement of another type of development on a lot or tract different from the one previously contemplated when originally approved or by other changes made to the original plat. All replats must go through the planning process as set out in section 112-3(6) et seq., including the requirement of notification of adjacent property owners by the developer.

Section 2: Section 112-3 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 112-3. - Procedure for subdivision approval.

The subdivider shall follow the following procedure for the approval of plats:

- (1) *Pre-application:* The subdivider is encouraged to consult with the director of the planning and community development division or the appointed representative for assistance before the preparation of the preliminary plat and application for approval. At this time, he/she may request instructions and/or checklists to guide him/her in the preparation of the plats. This will familiarize the subdivider with these regulations, the master street plan, the land use plan, zoning regulations, and other official plans, policies and public improvements.
- (2) *Preliminary plat:*
 - a. *Submission:* The subdivider shall submit to the director of the planning and community development division or the appointed representative ~~45~~ 3 copies of a preliminary plat, 1 digital copy of

the preliminary plat and one digital copy of the preliminary drainage report, as required by the Springdale Drainage Criteria Manual, before the submission deadline for technical plat review as established by the director of the planning and community development division and published as the schedule of meeting dates and submission deadlines.

- b. *Technical plat review:* The subdivider or his representative shall meet with the technical plat review committee at the appointed time to discuss the submitted plat and to answer questions concerning said plat and drainage report. The subdivider shall address all comments of the technical plat review committee and resubmit the preliminary plat and drainage report (if required) by the time of the above-mentioned schedule of meeting dates and submission deadlines. The resubmittal shall contain ~~18~~ 3 copies of the plat, one digital copy, and a digital written response to all comments of the technical plat review committee. Submission of all these items shall constitute a formal filing of a preliminary plat with the city.

- c. *Planning commission:* Within 60 days after acceptance for review of the preliminary plat, the planning commission shall conduct a public meeting to review said preliminary plat. The subdivider or his designated representative shall be responsible for providing notice to all adjacent property owners of the project by certified mail, return receipt requested, to the last known address of all such record owner(s) as certified by a licensed abstractor or licensed land surveyor within the past 60 days. The subdivider or his representative, who has been designated in writing and who has full authority to make decisions in the subdivider's absence, shall be present to address all questions by the planning commissioners. The planning commission shall approve, approve with conditions, disapprove, or table the preliminary plat. If the preliminary plat is tabled, it will be placed on the agenda of the next planning commission meeting.

If the subdivider desires to develop only a portion of the total area intended for development, the planning commission shall require preliminary plat approval for the entire area to insure that the purpose and intent of these regulations are complied with, and a final plat shall be required only for the portions of the total area intended for present development, with additional final plat or plats to be required for other portions of the area as developed. Each phase shall be clearly defined on the preliminary plat.

The approval of the preliminary plat shall lapse after one year unless construction is on-going and work is actively progressing on the installation of the required improvements.

- ~~d. *Replats:* The procedure pertaining to preliminary plats shall also apply to replats, including the requirement of notification of adjacent property owners by the developer.~~

- (3) *Plans and specifications:* After the approval of the preliminary plat but before improvements are started, the subdivider shall submit engineering plans, a final drainage report, and specifications for the streets, grading, and storm drainage improvements including, but not limited to, profiles, specifications, and cross-sections along with grading and storm drainage plans and computations, pursuant to and in compliance with chapter 106, Stormwater Drainage and chapter 107, Physical Alteration of Land, of this Code, as adopted or amended hereafter, to the director of the planning and community development division for review and written approval prior to commencement of improvements. During the same period, the subdivider

shall submit water and sewer plans and specifications to the water and sewer department. No work shall begin without prior approval of the director of the planning and community development division.

All streets within the subdivision boundaries shall be dedicated and constructed in conformance with the master street plan and chapter 110 of this Code, with right-of-way dedicated when such right-of-way is needed to conform to the master street plan.

(4) *Final plat:*

- a. *Submission:* After the preliminary plat is approved and after engineering plans and specifications are approved, the subdivider shall complete 90 percent of the water and sewer improvements and 80 percent of the grading and street improvements, as determined by the director of the planning and community development division, that are required under these regulations before submitting the final plat. After compliance with the above requirements the subdivider may present to the director of the planning and community development division ~~15~~ 3 copies of the final plat, as well as one digital copy of the final plat before the submission deadline for technical plat review as established by the director of the planning and community development division and published as the schedule of meeting dates and submission deadlines.
- b. *Technical plat review:* The subdivider or his representative shall meet with the technical plat review committee at the appointed time to discuss the submitted plat and to answer questions concerning said plat. The subdivider shall address all comments of the technical plat review committee and resubmit the final plat by the time of the above-mentioned schedule of meeting dates and submission deadlines. The resubmittal shall contain ~~18~~ 3 copies of the plat, one digital copy, and a digital written response to all comments of the technical plat review committee. The subdivider shall prepare a detailed estimate of the maximum amount of a surety bond or cash for 150 percent of the cost of completion of the improvements. Submission of all these items shall constitute a formal filing of a plat with the city.
- c. *Planning commission:* Within 60 days after acceptance for review of the final plat, the planning commission shall conduct a public meeting to review said final plat. The subdivider or his representative, who has been designated in writing and who has full authority to make decisions in the subdivider's absence, shall be present to address all questions by the planning commissioners. The planning commission shall approve, approve with conditions, disapprove, or table the final plat. If the final plat is tabled, it will be placed on the agenda of the next planning commission meeting. The final plat shall conform substantially to the preliminary plat, as approved, and it shall represent the required improvements as they have been built or designed. If serious discrepancies are found, the planning commission may disapprove the final plat and require the improvements to be changed at the subdivider's expense.

If the final plat is disapproved or approved with conditions, the grounds for disapproval or conditions of approval shall be stated on the records of the planning commission.

Upon approval, the planning commission shall submit the plat to the city council for approval by ordinance. The subdivider shall prepare the proposed ordinance in a form specified by the city attorney. Approval of the final plat by the city council shall

provide for the acceptance by the public of the dedication of any street or other public way or ground. A certificate of acceptance of the dedication shall be adopted by the city council and affixed to copies of the approved plat before filing and recording.

After the final plat has been approved by the city council the subdivider shall obtain the required signatures from the planning commission and city officials. The subdivider shall deposit with the city clerk a surety bond, letter of credit, or cash for 150 percent of the cost of remaining improvements and other required items, as approved by the director of the planning and community development division, before the director's signature is obtained. Additional items that shall be required to be submittal to the city with the final plat are:

1. Filed copy of the Property Owner's Association By-Laws, if there is common area within the subdivision.
2. Two copies of the master streetlight plan.
3. Two copies of as-built drawings.
4. One digital copy of as-builts.
5. Engineer's certification that subdivision was constructed according to the plans and specification and according to the city's specifications.
6. Engineer's statement of cost of the street and drainage costs.
7. Payment of all testing.
8. Payment for required street signs.
9. A one-year maintenance bond for one-half the cost of the streets and drainage improvements.
10. Subdivider's affidavit that all labor, material, and supply cost has been paid.
11. Certification from Title Company that all easements for the property are shown on the final plat.
12. Release of any easement not shown on the final plat.
13. Install concrete monuments at all corners or bearing changes of the outside limits of the subdivision.
14. Install metal pins in the asphalt at the center of circles, cul-de-sacs, or other radius points required for the determination of lot lines.

The subdivider shall then file the final plat and city ordinance accepting the dedications with the county circuit clerk. The subdivider shall submit the two copies of the plat required by the county plus the number required by the city, all with original signatures, to the county for recording. The city shall require the original recorded adopting ordinance, one copy with original signatures and original recording stamp of the final plat, one digital copy, and ~~16-3~~ exact reproductions of the final plat.

- (5) *Informal plat:* When a parcel is split into parcels of any size, or otherwise provided by this chapter, an informal plat shall be prepared for the parcel to be transferred to accompany the deed. Said plat shall provide 3 copies of the informal plat, as well as one digital copy of the informal plat, including a vicinity map, parent parcel number and legal description, new parcel legal description, right-of way or access and public dedications, and other information as required in section (g). The director of the planning and community development division or the appointed representative may approve the plat if proper access and utility easements have been provided and if the developer agrees to provide the improvements required by city ordinances and if no other significant problems appear to exist due to the division of the parcel in the director's determination.

(6) Replat:

- a. Submission: The subdivider shall submit to the director of the planning and community development division or the appointed representative 3 copies of a replat, 1 digital copy of the replat, and one digital copy of the preliminary drainage report, as required by the Springdale Drainage Criteria Manual, before the submission deadline for technical plat review as established by the director of the planning and community development division and published as the schedule of meeting dates and submission deadlines.
- b. Technical plat review: The subdivider or his representative shall meet with the technical plat review committee at the appointed time to discuss the submitted plat and to answer questions concerning said plat and drainage report. The subdivider shall address all comments of the technical plat review committee and resubmit the replat and drainage report (if required) by the time of the above-mentioned schedule of meeting dates and submission deadlines. The resubmittal shall contain 3 copies of the replat, one digital copy of the replat, and a digital written response to all comments of the technical plat review committee. Submission of all these items shall constitute a formal filing of a replat with the City.
- c. Planning commission: Within 60 days after acceptance for review of the replat, the planning commission shall conduct a public meeting to review said replat. The subdivider or his designated representative shall be responsible for providing notice to all adjacent property owners of the project by certified mail, return receipt requested, to the last known address of all such record owner(s) as certified by a licensed abstractor or licensed land surveyor within the past 60 days. The subdivider or his representative, who has been designated in writing and who has full authority to make decisions in the subdivider's absence, shall be present to address all questions by the planning commissioners. The planning commission shall approve, approve with conditions, disapprove, or table the replat. If the replat is tabled, it will be placed on the agenda of the next planning commission meeting.

(67) Fees: When the subdivider submits a plat to the director of the planning and community development division he/she shall remit the following fees:

- Preliminary Plat \$500.00
- Final plat, per lot \$1.00
- Minimum for each phase \$50.00
- Informal plat \$50.00
- Large scale development plan\$ 500.00
- Replat.....\$250

(78) Plat requirements: The plat shall be drawn on acceptable material and at a scale of no smaller than 1" = 100' and no larger than 17" by 24".

(89) Plat information: The following information shall be submitted to the director of the planning and community development division for a plat review and approval:

(NOTE: remove existing table and replace with the table attached hereto as Exhibit "A")

Section 3: All other provisions of Chapter 112 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically modified herein shall remain in full force and effect.

PASSED AND APPROVED this 14th day of April, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney

General	Preliminary Plat	Final Plat	Informal Plat	Replat	Engineer's Plans
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Three paper copies of the proposal	YES	YES	YES	YES	YES
Digital copy of the proposal.	YES	YES	YES	YES	YES
Parcel number.	YES	YES	YES	YES	NO
Copy of a filed, stamped warranty deed.	YES	NO	YES	YES	NO
Name and address of owner, developer, engineer, surveyor and person preparing the plat.	YES	YES	YES	YES	NO
Subdivision name (Unique and non-duplicating).	YES	YES	YES	YES	YES
Date, graphic scale, north arrow, vicinity map, acreage.	YES	YES	YES	YES	YES
Flood zone statement, zoning, surveyor's certification, stamp, and signature.	YES	YES	YES	YES	NO
Location and description of all stakes and monuments.	YES	YES	YES	YES	NO
Legal description of the property with dimensions and angles sufficient to locate all lines on the ground. Lots and blocks shall be identified, boundaries shall be shown by distance and property shall be located by section, range, and township and by corporate limits.	YES	YES	YES	YES	NO

General	Preliminary Plat	Final Plat	Informal Plat	Replat	Engineer's Plans
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Original topography at five-foot contour intervals where grades are over ten percent and two-foot contour intervals where grades are less than ten percent.	YES	NO	NO	YES	YES
Location and names of existing or platted streets and utility easements within or abutting the plat.	YES	YES	YES	YES	YES
Location of all prominent physical features such as buildings, railroads, parks, creeks, ponds, and public spaces.	YES	YES	YES	YES	YES
Names of adjacent subdivisions and names and addresses of owners of adjacent property.	YES	NO	YES	YES	NO
Location and size of utility lines, watercourses, bridges, culverts, lakes, floodplains, wooded areas and underground installations within or adjacent to the plat.	YES	NO	NO	YES	YES
Digital copy of preliminary grading/drainage plan.	YES	NO	YES	YES	NO
Digital copy of final grading/drainage plan.	NO	YES	YES	YES	YES
Location and dimension of all proposed lot lines, lot and block numbers, building lines, street lines, easements, dedications, and reservations.	YES	YES	YES	YES	YES

General	Preliminary Plat	Final Plat	Informal Plat	Replat	Engineer's Plans
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Radial and linear dimensions including angles, bearings and distances sufficient to reproduce the plat on the ground.	YES	YES	YES	YES	NO
Location and size of utilities and drainage systems.	YES	YES	YES	YES	YES
Location and size of any property to be dedicated or reserved with special conditions for special uses.	YES	YES	YES	YES	NO
Vicinity map to show the relation of the plat to streets and other information requested by the planning commission.	YES	YES	YES	YES	NO
Plans of street and utility lines with profiles.	NO	NO	NO	NO	YES
Location and size of all street islands, including all plantings and improvements, platted as common open space, and property owners' association agreement.	YES	YES	YES	YES	YES
Transmittal, ownership, and ordinance statement.	NO	YES	NO	YES	NO
Signatures of owners.	NO	YES	YES	YES	NO
Certificates of acceptance statement and signature spaces.	NO	YES	YES	YES	NO

General	Preliminary Plat	Final Plat	Informal Plat	Replat	Engineer's Plans
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Corporation resolution and appropriate signature blanks if the owner is a corporation.	NO	YES	NO	YES	NO
Must proceed to Planning Board for Approval	YES	YES	NO	YES	NO
Certified letters sent to all neighboring properties	YES	NO	NO	YES	NO

~~(Code 1973, § 30-3; Ord. No. 2736, § 1, 4-22-97; Ord. No. 3011, § 1, 9-12-00; Ord. No. 3190, § 1, 3-12-02; Ord. No. 3198, § 3, 4-9-02; Ord. No. 3851, § 1, 3-14-06; [Ord. No. 5028](#), § 1, 4-12-16)~~