

ORDINANCE NO. 5472

AN ORDINANCE AMENDING SECTION 112-8 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 112-8 of the Code of Ordinances of the City of Springdale, Arkansas, contains the regulations and requirements for development plans;

WHEREAS, Section 112-8 needs to be amended in its entirety to clarify, update, and replace the regulations and requirements for development plans;

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 112-8 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 May 5, 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 112-8 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby replaced in its entirety to read as follows:

Sec. 112-8. –Development plan.

- (a) **Applicability:** A development plan shall be submitted for all developments, building construction, and parking lots before a grading permit and/or building permit can be issued and temporary or permanent connection to city utilities shall not be allowed until the development has been approved as set forth in this article. Single family residential construction is exempted from this requirement. A development plan must be submitted to the Planning and Community Development Division for review and approval as follows:
- (1) Large Scale Developments – developments of one acre or greater shall be classified as a Large Scale Development and shall be submitted to and approved by the Planning Commission as outlined below.
 - (2) Non-Large Scale Developments – developments less than one acre shall be classified as a Non-Large Scale Development and must be reviewed and approved by the Director of the Planning and Community Development Division or an authorized representative as outlined below.
 - (3) Exceptions are as follows:
 - a. The Director of Planning and Community Development Division may require a Non-Large Scale Development plan be submitted to the Planning Commission where there are significant problems with storm drainage, traffic, or pedestrian circulation, utility access, construction methods, impact on adjacent property, or other factors.
 - b. Developments within a platted commercial or industrial subdivision whose final plat was approved by the city Planning Commission and the City Council and filed with appropriate county after January 1, 2002 shall not be required to have a Large Scale Development plan approved by the Planning Commission. These developments shall be considered as Non-Large Scale Developments unless one of the previously stated factors would require submission of a Large Scale Development plan by the Director of Planning and Community Development Division.
- (b) **Pre-application Conference:** A pre-application conference is required prior to the submission of a Large Scale and/or a Non-Large Scale Development plan. The purpose

and intent of the pre-application conference is to afford the owner/developer and development team an opportunity to obtain the advice of the planning staff in order to avoid unnecessary costs and delays to the applicant and to give informal guidance to the development at a stage where potential points of conflict or differences can be resolved. No fees shall be collected for pre-application conference.

At the pre-application conference, the general character of the development will be discussed and items including zoning, design standards, landscaping, paving, and utility service, street requirements, flooding, drainage, and other pertinent factors related to the proposed development will be reviewed. Guidelines and instructions and/or checklists will be made available to assist in the preparation of the plans. This will familiarize the owner with these regulations, the master street plan, the land use plan, zoning regulations, design standards and other official plans, policies and public improvements.

- (c) **Applications for Development Approval:** Development plans are to be submitted to the Planning and Community Development Division in accordance with current planning department policies and procedures and shall be reviewed upon their individual merits upon specific application of the developer.

(1) Large Scale Development plan: The developer shall submit to the Director of the Planning and Community Development Division or the appointed representative a Large Scale Development Application, 3 hard copies of a Large Scale Development plan, one digital copy of the plan, colored building elevations and one digital copy of the preliminary drainage report (as required by the Springdale Drainage Criteria Manual) and filing fees before the submission deadline for technical plat review as established adopted by the Planning Commission and published as the schedule of meeting dates and submission deadlines.

(2) Non-Large Scale Development plan: The developer shall submit to the Director of the Planning and Community Development Division or the appointed representative a Non-Large Scale Development Application, 3 copies of a Non-Large Scale Development plan, one digital copy of the plan, colored building elevations, and one digital copy of the preliminary drainage report and filing fee.

- (d) **Review Criteria:** A Large Scale and/or Non-Large Scale Development Plan will not be accepted for review and approval if the applicant does not provide clear and convincing evidence of meeting the following criteria:

(1) Complete application: The development plan was submitted in accordance with the requirements of this article.

(2) Compliance of law: The proposed development or construction would not violate a city, state, or federal law.

(3) No dangerous traffic conditions: The proposed development would not create or compound a dangerous traffic condition.

(4) Utilities provided: City water and sewer utilities are readily available to the property and/or the developer has made provisions for extending such service to the development. If sewer service is not available to the site a County Health Department approved alternative treatment method is proposed.

(5) Adequate drainage conditions: The proposed development plan shows adequate drainage conditions and any extreme drainage problem on the property is corrected with the proposed development plan.

(6) Other actions required: The proposed plans are consistent with platting and zoning regulations.

- (e) **Review and approval:**

(1) Large Scale Development Plan

- a. Technical Plat Review: Copies of the Large Scale Development plan shall be provided to the Technical Review Committee. The developer or his representative may be requested to meet with the technical plat review committee at an appointed time to discuss the submitted plan and to

answer questions concerning said plan, grading, utilities/services, and drainage report. Comments from the committee members will be forwarded to the applicant and the designated representative by the scheduled date on the approved submission schedule. The developer shall address each comment in writing indicating the action taken and how it is shown on the revised plans. The resubmittal shall contain 3 hard copies and one digital copy of the revised plans, one digital copy of the final drainage report, and the written responses in digital form. The revised plans should include a site plan, landscaping plan, lighting plan, colored building elevations, grading plan, drainage report and any other plans needed to address the project by the scheduled date on the approved submission schedule. The submission of all these items shall constitute an acceptance for review by the Planning Commission for the Large Scale Development plan and placement on next scheduled meeting agenda.

- b. Planning Commission Review: Within 60 days after acceptance for review of the large-scale development plan, the Planning Commission shall conduct a public meeting to review said plan. The subdivider or his designated representative shall be responsible for providing notice to all adjacent property owners, including across any street, highway or expressway 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 developer or his/her representative, who has been designated in writing and who has full authority to make decisions in the developer's absence, shall be present to address all questions by the Planning Commissioners.
- c. Planning Commission action: The Planning Commission shall approve, approve with conditions, disapprove, or table the large-scale development plan.
 - (i) Approval. Plans approved by the Planning Commission shall be signified by the signature of the Planning and Community Development Division Director or designated representative upon the development plan set. Approval by the Planning Commission does not constitute approval for construction.
 - (ii) Approval with conditions. If the plan is approved by the Planning Commission with conditions and/or remaining staff comments, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of proposal shall be deemed his agreement to comply with said conditions. Project which are approved with conditions and/or remaining staff comments will not receive final approval for construction until all outstanding comments or concerns have been addressed.
 - (iii) Disapproval. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.
 - (iv) Tabling. If the large-scale development plan is tabled, it will be placed on the agenda of the next Planning Commission meeting without the requirement of re-notification. Tabling beyond one month requires the resubmission with required notification.
- d. Phasing: If the developer desires to develop only a portion of the total area intended for development, the Planning Commission shall require large-scale development plan approval for the entire area to insure that the purpose and intent of these regulations are complied with. Each phase shall be clearly defined on the Large Scale Development plan.
- e. Adjustments and alteration of approved plans: The development plan approved by the Planning Commission will be deemed to be a final plan for which minor adjustments and modifications may be granted upon request to the Planning and Community Development Division Director. In no event may any modification to a development plan be made without

prior approval by the Director. Any substantial changes in the development will be in conformance with the procedures for a submission. Determination of the magnitude of the alteration will be the responsibility of the Director of Planning and Community Development Division.

- f. Expiration. The approved large scale development plan is conditioned upon the applicant/developer accomplishing the following task within one year from the date of approval:
 - (i) Receive a building permit;
 - (ii) Pour footing; and
 - (iii) Receive all permits and approvals required by city, state, and federal regulations to start construction of the development or project.
- g. Extension: Prior to expiration, an applicant may request the Planning Commission extend the period to accomplish the task by up to one (1) year. The applicant has the burden to show good cause why the task could not be reasonably completed with the normal time limit. Failure to meet the conditions of section (f) above after the second year will require submission of the development as a new submission.

(2) Non-Large Scale Development Plan

- a. Staff Review: A submittal through the scheduled Technical Review Committee process is not required for a Non-Large Scale Development Plan unless so stipulated by the Director of Planning and Community Development Division as indicated in subsection (a) above. The plans will be directed to the appropriate city departments and utility companies for review and all comments received will be forwarded to the developer and the designated representative.

The developer shall address each comment in writing indicating the action taken and how it is shown on the revised plans. The resubmittal shall contain 3 hard copies and one digital copy of the revised plans, one digital copy of the final drainage report, and the written responses in digital form. The revised plans should include a site plan, landscaping plan, lighting plan, colored building elevations, grading plan, drainage report and any other plans needed to address the project by the scheduled date on the approved submission schedule. The submission of all these items shall constitute an acceptance for review of the Non-Large Scale Development plan.

- b. Staff Approval: Within sixty (60) days after acceptance for review of the Non-Large-Scale development plan, the Planning and Community Development Division Director shall approve, approve with conditions, or disapprove.
 - (i) Approval. Plans approved by the Director shall be signified by the signature of the Planning and Community Development Director or designated representative upon the development plan and the applicant may apply for a building permit.
 - (ii) Approval with conditions. If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of proposal shall be deemed his agreement to comply with said conditions.
 - (iii) Disapproval. If the plans are disapproved, the reasons for such action shall be reduced to written form and supplied to the developer.
- c. Adjustments and alteration of approved plans: The development plan approved by Director of Planning and Community Development Division

will be deemed to be a final plan for which minor adjustments and modifications may be granted upon request to the Planning and Community Development Director. In no event may any modification to a development plan be made without prior approval by the Director. Any substantial changes in the development will be in conformance with the procedures for a submission. Determination of the magnitude of the alteration will lie with the Director of Planning and Community Development.

- d. Expiration: The approved Non-Large scale development plan is conditioned upon the applicant/developer accomplishing the following task within one year from the date of approval: shall lapse after one year from the date of approval:
 - (i) Receive a building permit;
 - (ii) Pour footing; and
 - (iii) Receive all permits and approvals required by city, state, and federal regulations to start construction of the development or project.
- e. Extension: Prior to expiration, an applicant may request extension of the period to accomplish the task by up to one (1) year. The applicant has the burden to show good cause why the task could not be reasonably completed with the normal time limit. Failure to meet the conditions of section (d) above after the second year will require submission of the development as a new submission.

(f) **Plans and specifications:**

- (1) *Large Scale Development plan:* After the approval of the Large Scale Development plan but before improvements are started, the developer 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 of this Code, to the Director of the Planning and Community Development Division for review and written approval prior to commencement of improvements. No work shall begin without prior approval of the Director of the Planning and Community Development Division.

All streets 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.

All provisions of chapter 112 governing subdivisions also apply to large scale developments in the city.

- (2) *Non-Large Scale Development plan:* After the approval of the Non-Large Scale Development plan but before improvements are started, the developer shall submit engineering plans, a final drainage report (if required), 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 of this Code, to the Director of the Planning and Community Development Division for review and written approval prior to commencement of improvements. No work shall begin without prior approval of the Director of the Planning and Community Development Division.

All streets 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.

All provisions of chapter 112 governing subdivisions also apply to large scale developments in the city.

- (g) **Fees.** When the developer submits a Large Scale Development plan to the Director of the Planning and Community Development Division he/she shall remit the following fees:

Large Scale Development plan.....\$500.00
 Non Large Scale Development plan.....\$250.00

- (h) **Plan requirements.** The development plan shall be drawn on acceptable material and at a scale of no smaller than 1" = 100' on a maximum sheet size of 24 inches by 36 inches (the Director of the Planning and Community Development Division may approve other sizes and scales in special cases).
- (i) **Plan information.** The following information shall be submitted to the Director of the Planning and Community Development Division for a development plan review and approval:

General	As-Builts	Large Scale	Non Large Scale
Parcel number.	NO	YES	YES
Copy of a filed, stamped warranty deed.	NO	YES	YES
Name and address of owner, developer, engineer, surveyor, and person preparing the plat.	YES	YES	YES
Subdivision name (Unique and non-duplicating).	YES	YES	YES
Date, graphic scale, north arrow, vicinity map, acreage.	YES	YES	YES
Flood zone statement, zoning, surveyor's certification, stamp, and signature.	YES	YES	YES
Location and description of all stakes and monuments.	YES	YES	YES
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
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	YES	YES
Location and names of existing or platted streets and utility easements within or abutting the plat.	YES	YES	YES
Location of all prominent physical features such as buildings, railroads, parks, creeks, ponds, and public spaces.	YES	YES	YES
Names of adjacent subdivisions and names and addresses of owners of adjacent property.	NO	YES	YES
Location and size of utility lines, watercourses, bridges, culverts, lakes, floodplains, wooded areas and underground installations within or adjacent to the plat.	YES	YES	YES
Digital copy of preliminary grading/drainage plan.	NO	NO	NO
Digital copy of final grading/drainage plan.	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

Radial and linear dimensions including angles, bearings and distances sufficient to reproduce the plat on the ground.	NO	NO	NO
Location and size of utilities and drainage systems.	YES	YES	YES
Location and size of any property to be dedicated or reserved with special conditions for special uses.	NO	NO	NO
Vicinity map to show the relation of the plat to streets and other information requested by the planning commission.	YES	YES	YES
Plans of street and utility lines with profiles.	YES	YES	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
Transmittal, ownership, and ordinance statement.	NO	NO	NO
Signatures of owners.	NO	NO	NO
Certificates of acceptance statement and signature spaces.	NO	NO	NO
Corporation resolution and appropriate signature blanks if the owner is a corporation.	NO	NO	NO
Must proceed to Planning Board for Approval	NO	YES	NO
Certified letters sent to all neighboring properties	NO	YES	NO

(j) **Final Inspection.** The purpose of the final inspection is to insure a completed project complies with the development requirements, zoning or ordinance and applicable design standards and other governing specifications and regulations of the City of Springdale as follows:

- (1) Certificate of Completion. When site construction is complete, the owner/developer's engineer of record shall submit a written statement certifying that all improvements and installations to the Large Scale/Non-Large scale required for its approval under the terms of these regulations have been made. Added, or installed and functional in accordance with city specifications.
- (2) Site final inspection. The owner/developer's engineer-of-record shall request in writing a site inspection, addressed to the Engineering Department with a copy to the Planning and Community Development Department. No inspection shall be passed until all items are completed in accordance with Section (k) below.
- (3) Building final inspection. A building final inspection shall be scheduled only after the project has passed the site final inspection.

(k) **Completed improvements:** The following improvements shall be complete prior to the city passing the development site final inspection and the owner/developer scheduling a building final inspection:

- (1) Drainage
 - a. Drainage swales in-place, sodded or concrete-lined, property dedicated with erosion control in place.
 - b. Detention/retention facilities to grade and draining property.
 - c. Outlet structures, pilot channel, headwalls, flumes, etc. in-place and constructed to approved plans and specifications.

- d. Any needed off-site improvements or easements in-place.
 - e. Sodding of detention/retention ponds in-place.
 - f. All drainage inlets, outlets, and conduit in proper location and constructed to approved plans and specifications.
 - g. Required fencing of detention/retention ponds in-place.
 - h. Final layer of drainage paving in-place as required by approved plans, including parking lots.
- (2) Fire
- a. All hydrants and valves in-place, accessible, and operational (facing street).
 - b. Fire lanes marked.
 - c. Building addressed.
- (3) Planning
- a. Final grades achieved.
 - b. Seeding and sodding in-place.
 - c. ADA requirements
 - d. Landscaping (entryway, foundation, parking lot, perimeter) installed with irrigation as approved.
 - e. Parking paved and marked.
 - f. Building design as approved.
 - g. Amenities installed as approved.
 - h. Screening (dumpsters and trash containers, exterior ground-mounted or building-mounted equipment, rooftop equipment).
 - i. Lighting - (building, parking lot, canopy)
- (4) Streets
- a. All curb and gutter completed and backfilled.
 - b. Final layer of pavement in-place to required thickness and density.
 - c. Sidewalks constructed per approved plan including accessible ramps.
 - d. Low or ponding areas in public street corrected.
- (5) Water and Sewer installation approved by Springdale Water Utilities.
- (1) **Certificate of occupancy:** Before the certificate of occupancy is issued the development must be approved by the city fire chief, the chief building inspector, and the Director of the Planning and Community Development Division or their authorized representatives. The developer 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.

Section 2: 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 12th day of May, 2020.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney