

CHAPTER 4

SUBDIVISIONS

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ARTICLE I. IN GENERAL

16-4-1 Short title.

These regulations shall officially be known, cited, and referred to as The Subdivision Code of the City of Hot Springs and shall hereinafter be referred to as The Subdivision Code.

16-4-2. Authority.

This Subdivision Code is promulgated in accordance with the authority cited in Arkansas Code Annotated §14-56-401 through §14-56-426 (Municipal Planning).

16-4-3. Adoption by reference.

In order to provide for the health, safety, and general welfare of the public, the City of Hot Springs Board of Directors has adopted this technical code by reference in accordance with the provisions of A.C.A. §14-55-207 (publishing or posting requirements).

16-4-4. Related regulations.

These regulations shall be used in association with the latest adopted regulations relating to: (a) street specifications and regulations; (b) drainage specifications and regulations; (c) utility specifications and regulations; (d) planning and zoning regulations; (e) flood plain management and stormwater regulations; (f) landscape regulations; and (g) other applicable ordinances, rules and regulations of the city. Where two or more of these specifications conflict, the most restrictive specification or regulation shall govern.

16-4-5. Enforcement.

It shall be the duty of the planning director, with the assistance of the city attorney, to enforce these regulations. The planning director may delegate these administrative responsibilities under these regulations to designated staff.

16-4-6. Penalty.

The penalty for violation of this code shall, upon conviction in the Hot Springs District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the Hot Springs Code of Ordinances as may now or hereafter be enacted by the Hot Springs Board of Directors.

16-4-7. Amendments.

These regulations may be amended at any time after the planning commission has held a public hearing on the proposed amendments as required by state law. At or after such public hearing, the planning commission may recommend to the board of directors the adoption of such amendments. The board of directors may accept, modify or deny such amendment recommendations. All amendments shall be approved by ordinance of the board of directors.

16-4-8. Legislative purpose and intent.

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial and industrial uses and for streets, alleys, schools, parks and other public purposes will determine to a large degree the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations incorporate standards designed to ensure proper development of land for urban use. The specific purposes of these regulations are:

- (a) To protect and provide for the health, safety and general welfare of the public.
- (b) To guide the future growth and development of the planning area in accordance with the Comprehensive Plan, including Master Street Plan and Capital Improvements Plan.
- (c) To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect the character and the social and economic stability of the planning area and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing residential and non-residential areas with adequate public facilities, to assure proper urban form and open space separations of urban areas, to protect environmentally critical areas and areas premature for urban development.
- (e) To protect and conserve the value of land, buildings and improvements, and to minimize adverse impact on adjoining or nearby properties.

- (f) To establish a beneficial relationship between the uses of land and buildings, and the public street system; to require the proper location and design of streets and building lines; to minimize traffic congestion; and to make adequate provision for pedestrian and traffic circulation.
- (g) To establish reasonable standards of design and procedures for subdivision and re-subdivisions, in order to further the orderly layout and use of land; and to ensure proper legal descriptions and monumenting of subdivided land.
- (h) To encourage the wise use and management of natural resources; to provide adequate and safe recreational areas; to maintain the natural beauty and topography of the municipality and planning area and to ensure appropriate development with regard to these natural features; to minimize the pollution of air, ponds and streams; to ensure the adequacy of drainage facilities.
- (i) To encourage subdivision of land in accordance with the capital improvements program, provided with efficient transportation, adequate public facilities and improvements including streets, storm drainage, water, sewage, school sites, playgrounds, recreation and other public requirements and facilities.

16-4-9. Jurisdiction and application.

The application of this code should conform to the following guidelines.

- (a) These regulations shall apply to and control development of land within the corporate limits of the City of Hot Springs and its territorial jurisdiction, herein termed "planning area" as illustrated and described on the planning area boundary map attached hereto as provided by state law (A.C.A. §14-56-413). Such planning area may be amended or adjusted by action of the board of directors from time to time. The jurisdiction of these regulations shall automatically be amended and adjusted as and when such planning area map is amended or adjusted by the board to coincide with the boundaries of the revised map. A copy of the planning area map is available in the Hot Springs Planning Office and the Garland County Circuit Clerk's Office in accordance with statute (A.C.A. §14-56-413 (b) (2)).
- (b) It is the policy of the city to consider large scale developments and the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the comprehensive plan for the orderly, planned, efficient and economic development of the city.
- (c) These regulations shall apply to the subdivision of land within the corporate limits of the city and the planning area as follows:
 - (1) All divisions or platting of a tract or parcel of land into one (1) or more lots, building sites or other divisions for the purpose, whether immediate or future, for sale, lease, rent or building development shall be considered a subdivision and subject to this code.

- (2) The dedication, construction or vacation of any street or alley through any tract of land, regardless of the area involved as may be desired by the owner, or, if necessary, to achieve conformance with the comprehensive plan, shall be considered a subdivision and subject to this code.
- (3) The reduction in width or depth of a lot or tract of land through public acquisition for right-of-way for street or drainage purposes shall not be deemed to create nonconformity, provided that the resultant land area and configuration is sufficient to meet minimum dimensional and area standards of the applicable zoning regulations or the applicable standards as set forth in Article IV hereof.
- (d) These regulations shall apply to large scale developments within the corporate limits of the city and the planning area as specified in Article II hereof.
- (e) These regulations shall not apply to the following:
 - (1) The division of land into parcels greater than ten (10) acres provided each newly created lot or parcel has minimum lot frontage on a public street and requires the construction of no additional streets; and
 - (2) The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other public improvements.

16-4-10. Types of subdivisions.

The application of this code should conform to the following guidelines for subdivisions:

- (a) Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, these regulations hereby provide for the establishment of six (6) subdivision types: commercial/office, industrial, manufactured home park, manufactured home subdivision, residential and minor subdivisions and incidental submissions. Design standards applicable to each of these six (6) types are outlined in later sections of these regulations.
- (b) Prior to the approval of any subdivision improvement plans, the planning commission shall classify and evaluate each subdivision according to its planned future use, it being the responsibility of the applicant to identify the type on the proposed plat. Where a proposed plat incorporates more than one (1) use of the type specified in these regulations, either the different land use types shall be clearly delineated on the submitted preliminary plat, or separate plats shall be filed for each land use type together with a scale drawing illustrating the proposed layout as a totality.

- (c) The purpose and intent of each subdivision type shall be generally as follows:
- (1) Commercial or office subdivisions are intended to accommodate one (1) or more commercial building sites on either single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structure and ownership.
 - (2) Industrial subdivisions are intended to fulfill a two-fold objective:
 - a. To provide both opportunity and flexibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent non-manufacturing areas.
 - b. To apply sound design principles and orderly development to industrial parcels through the creation of one (1) or more building sites or lots.
 - (3) Manufactured home subdivisions are intended to ensure proper layout and development of lots for manufactured home occupancy by establishing appropriate standards for density, spacing and placement and by requiring off-street parking, storage facilities and open space. These regulations are intended to facilitate location of manufactured homes within the jurisdiction of these regulations by making available appropriate sites for such occupancy.
 - (4) Manufactured home parks are intended to ensure proper layout and development of manufactured homes spaces for lease or rent by establishing appropriate standards for density, spacing and placement and requiring off-street parking, storage facilities and open space. These regulations are intended to facilitate location of manufactured home parks within the planning area by making available appropriate sites for such occupancy.
 - (5) Residential subdivisions are intended to ensure efficient, aesthetic and convenient designs for single-family, zero-lot line, duplex and multifamily residential development, and to provide harmonious relationships with surrounding areas.
 - (6) Minor subdivisions and incidental submissions are intended to provide review standards for small subdivisions, lot splits, recombinations and lot-line adjustments of a minor nature.

16-4-11. Plat recording and improvements required.

The following regulations shall govern the recording of plats and issuance of construction permits for large scale developments and subdivisions:

- (a) No subdivision plat of any tract of land within the planning area boundary of the planning commission shall be accepted by the county circuit clerk for filing of record until the plat has been approved by the planning commission as per A.C.A. §14-56-417(c) (Acceptance of plats). In this regard, no subdivision plat or any part thereof shall be recorded prior to obtaining final plat approval from the planning department, nor shall the developer convey title to any lot or lots before obtaining final plat approval and recording of the final plat with the Garland County Circuit Clerk. The filing of metes and bounds legal descriptions for any property or parcel contained within an active preliminary plat is hereby strictly prohibited.
- (b) No deed or other instrument of transfer for the subdivision of land, creation of new parcel(s) through the splitting of an existing lot or parcel, or adjustment of lot or parcel lines, subject to these regulations, shall be filed with the county circuit clerk for record with a metes and bounds description. Any such deed or other instrument of transfer must be to a lot or parcel platted and on file or accompanied with a plat approved in accordance with these regulations (A.C.A. §14-56-417(b) (3)(B)).
- (c) No building permit, plumbing or other applicable permits shall be issued for construction of any building or structure located on a lot or plat subdivided or sold, nor for any large scale development, in violation of the provisions of these regulations within the corporate limits of the City of Hot Springs or the planning area as applicable. Provided, further, that no applicable permits shall be issued until the final plat has been approved and the infrastructure improvements have been constructed or bond provided in accordance with the applicable development ordinance.
- (d) No building permit, plumbing or other applicable permits shall be issued for construction of any building or structure on any tract of land within the corporate limits of the City of Hot Springs until the plans for such building or structure is approved in writing by the planning director or his authorized representative.
- (e) The city will not permit any development on a lot in a subdivision for which a plat has been filed and recorded but neither infrastructure improvements have been constructed nor bond provided in accordance with the applicable development ordinance.

16-4-12. Re-subdivision of land.

When applying to re-subdivide land, the following guidelines shall be followed:

- (a) Previously platted lots served by an existing street system may be recombined without re-platting, provided that there is no increase in the number of lots and no increase in the number or extent of non-conformities of size, shape or open space.

- (b) Previously platted lots or series of lots returned to acreage by court order or which were formerly provided access from rights-of-way which have been abandoned shall be re-subdivided in conformance with these regulations prior to issuance of any permits for construction. The reduction to acreage or abandonment of street right-of-way shall constitute abandonment of the former lots of record.

16-4-13. Vacation of plats.

Any plat or any part of any plat lying within the corporate limits of the city may be vacated by the owner pursuant to the procedure set forth in A.C.A. §14-41-301 et. seq. (Reduction to Acreage). Any plat lying outside the city limits and within the planning area may be vacated by action of the appropriate county authority in accordance with applicable state law (A.C.A. §14-18-109).

16-4-14. Conformance to zoning.

All subdivisions and large scale development projects shall conform to all provisions of the applicable zoning district regulations in which the proposed development or subdivision is located. No provision of the proposed subdivision plat or development site plan shall override such zoning requirements. No waiver shall be requested or approved which would conflict in any way with the applicable zoning requirements. Any subdivision or large scale development project located in a portion of the planning area not subject to zoning regulations, shall conform to the applicable standards as set forth in Article IV (Standards) hereof.

16-4-15. Waivers.

The application of this code should conform to the following guidelines for waivers.

- (a) The rules and regulations set forth in these regulations are the standard requirements of the city. Where the applicant alleges that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, the planning department shall review such requests for waivers and the planning department shall forward its recommendation to the planning commission for final action so that substantial justice may be done and the public interest secured. Such waivers, however, shall not have the effect of nullifying the intent and purpose of these regulations. The following criteria shall be used to determine whether a waiver shall be granted:
 - (1) The conditions upon which the request for waiver is based are unique to the property because of its particular physical surroundings, shape or topographical conditions.
 - (2) The granting of the waiver will not be detrimental to the public safety, health or welfare of, or injurious to other property.

- (3) The waiver will not in any manner vary the provisions of the applicable zoning regulations. Provided, however, that the planning commission may consider and approve requests for building set-back waivers at the preliminary plat stage. If approved, such set-back waivers shall be so noted on the final plat.
 - (4) Pecuniary hardship, standing alone, shall not constitute grounds for the granting of a waiver or variance.
- (b) No waiver shall be granted except upon written petition by the developer when the preliminary plat or site plan is filed for consideration by the planning commission. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving waivers, the planning commission may, at its option, require special conditions to ensure development in accordance with objectives, standards and requirements of this code.
- (c) In those instances where a recorded final subdivision plat has established building setback lines in accordance with zoning regulations, waivers of those lines shall only be granted by the board of zoning adjustment upon application for a re-plat and review and recommendation by the planning department. Waiver requests of the set back standards established by this code for such subdivisions located in any portions of the planning area not subject to zoning regulations shall be considered by the planning commission. The planning commission or board of zoning adjustment shall review each building line waiver request for hardship circumstances as required by the applicable zoning regulations. Any such waivers approved by the board of zoning adjustment or the planning commission shall be reflected on a final re-plat of the subject lots which shall be signed by the planning director and recorded in the office of the circuit clerk of the county. A bill of assurance amendment shall not be required by the review process nor shall the planning director sign a bill of assurance. The owner or applicant shall be instructed to review the filing procedure with the circuit clerk should a revised bill of assurance be required by that office. Platting costs shall be borne by the applicant or owner.

16-4-16. Amendments and modifications.

The holder of an approved large-scale development site plan or any subdivision plat may request modification thereof or the conditions of approval by submitting an amended plan or plat which shall be filed and processed in the same manner as the original application. However, the planning director may approve such minor changes in the site plans and subdivision plats so as to not cause any of the following circumstances to occur:

- (a) Any change in the allowable use of the development.
- (b) Any increase of greater than five (5) percent in the number of dwelling units but not to exceed the total allowable dwelling units in the respective zoning classification for projects subject to zoning regulations.

- (c) Any modification compounding the problems of vehicular circulation, safety and provision of public utilities.
- (d) Any modification having a measurable adverse impact on adjacent property.
- (e) Any reduction of the approved building setback lines.
- (f) Any reduction of the off-street parking and loading requirements below those specified in this code.

16-4-17. Appeals to the board of directors.

Any action of the planning commission may be appealed to the board of directors in accordance with the following procedure.

- (a) The aggrieved party shall request an appeal by filing a "notice of appeal" with the planning department not later than thirty (30) days from the date of the planning commission's final action. The notice of appeal shall be filed on such form(s) as may be prescribed by the planning department. The city clerk shall prepare a proposed resolution for consideration at the next regular meeting of the board of directors in accordance with the board's agenda preparation rules and procedures.
- (b) Appeals shall be heard by the board of directors *de novo* whereby the board shall hear and decide to grant or deny an application based on all the evidence presented to the board, including the planning commission record, as well as any other proof either party may wish to place before the board. The legislation shall be worded in the affirmative and the board may vote to either grant or deny the application.

16-4-18 -- 16-4-19. Reserved.**ARTICLE II. MULTIPLE BUILDING AND LARGE SCALE REVIEW AND SITE
PLAN APPROVAL****16-4-20. Purpose.**

(a) The purpose of this section is to accomplish the goals of the City of Hot Springs Comprehensive Plan and affect observance of the Arkansas Fire Prevention Code.

(b) Multiple building sites and large scale development sites pose a higher degree of potential impact, both positive and negative, to the orderly growth and development of the City of Hot Springs and are therefore subject to a close scrutiny of these potential impacts. This review is a streamlined method for more complex projects to receive multiple city department review by a single application, thereby reducing multiple submittals and saving time.

(c) This section does not apply to existing lots of record where one (1) single-family dwelling and any accessory structure is proposed.

16-4-21. Authority.

(a) Large scale development projects and multiple structure projects in the City of Hot Springs Planning Area, involving the construction of two (2) or more structures, together with the necessary access drives, easements, utilities, parking, landscaping, pedestrian circulation, and building locations shall be subject to the provisions of this section. Complete plans for all such projects shall be submitted to the department of planning and development, accompanied by a completed application form and payment of the appropriate fees, for review by the planning commission. No permit shall be issued until the site plan is approved.

(b) Large scale development projects include the following:

- (1) All Group A-Assembly, Group E-Educational, and Group I-Institutional occupancies as defined in the Arkansas Fire Prevention Code, except Group A occupancies with an occupant load less than or equal to 50;
- (2) Buildings and structures 3 or more stories in height as defined in the Arkansas Fire Prevention Code; and
- (3) *Reserved.*

16-4-22. Site plan review, form and content.

(a) Site plan review is a development process that provides for case by case consideration of project particulars where many of the individual components of a project are verified as compliant with the appropriate codes and ordinances in a single step. This does not forego the requirements of subdividing. All subdivisions, as defined in this code, shall be administered in accordance with the requirements of those sections. Subdivision platting shall precede site planning for multiple building lease or sales sites.

(b) A site plan shall be submitted for review as a large scale development or multiple building site and shall show all pertinent information including:

- (1) A site plan, drawn to scale, on white paper no larger than 24x36 and no smaller than 11x17 and showing the following to be compliant with the respective individual standards and ordinances:
 - a. Graphic scale and north arrow
 - b. Location map
 - c. Zoning classification per the City of Hot Springs Zoning Map
 - d. Location of all structures showing setbacks to all property lines and distances between buildings

- e. Overall site layout depicting any individual platted lots
 - f. Location and dimensions of existing and proposed vehicular access and interior vehicle circulation
 - g. Arrangement of all off-street vehicle parking and showing all dimensions
 - h. Existing and proposed pedestrian circulation
 - i. Drainage and stormwater provisions and associated easements
 - j. Proposed perimeter treatment of the property including screening, fences, walls and retaining walls
 - k. Schematic landscape plan showing proposed treatment of the areas designated as either buffers or private common open space
 - l. Location and dimensions of all existing and proposed private and public utilities and easements
 - m. The proposed development's relationship to surrounding areas including adjacent property zoning, uses, street names and right of way widths
- (c) The following quantitative data shall be included:
- a. Proposed and existing building coverage of all buildings
 - b. Overall area and individual platted lot areas
 - c. Proposed and existing total and individual floor area of all buildings
 - d. Number of proposed and existing parking spaces
 - e. Number of proposed and existing disabled parking spaces
- (d) A land survey showing the exact property boundary lines, including a legal description of the total site proposed for development and individual previously platted lots within the overall development, all existing and proposed easements and a statement of present property ownership and proposed or contracted future ownership. The survey shall include a flood plain statement and any areas of the property located in a special flood hazard area shall be shown, including boundaries of the special flood hazard area.
- (e) Any variances or waivers from the literal provisions of the various codes and ordinances shall be depicted on the site plan and requested in writing to accompany the submittal. The requests shall clearly state the reasons for the request and the undue hardship presented by compliance with the particular code or ordinance. Pecuniary hardship, standing alone, shall not constitute a hardship. A use other than that allowed by the zoning ordinance may not be requested in this way. The planning commission may modify or waive standards only after satisfactory demonstration of the undue hardship.

- (f) The submittal shall include, in writing and accompanying information, any known or perceived negative or adverse impacts that the proposed project may impose on adjacent or nearby properties.
- (g) The submittal shall include either a completed and approved Development Permit Exemption Certificate or a completed and approved Application and Permit Form to Develop in a Flood Hazard Area from the Garland County Flood Plain Management Officer.
- (h) In the case of a phased development, the initial site plan shall include the information required by this section for the entire property. Each subsequent structure or lot development shall complete site plan approval and shall include all previous development particulars.

16-4-23. Amendments and modifications.

(a) The holder of an approved and valid site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and reviewed in the same manner as the original application. However, the planning director may administratively approve such minor changes in the site plans as will not cause any of the following circumstances to occur:

- (1) Any change in the allowable use of the development;
- (2) Any increase in the approved number of dwelling units;
- (3) Any reduction of the approved building setback lines;
- (4) Any reduction in the approved off-street parking;
- (5) Any increase in the approved building area;
- (6) Any reduction in the approved vehicular or pedestrian circulation; or
- (7) Any reduction in the approved provision of public utilities;

16-4-24. Review.

(a) A complete submittal shall include a completed application form, all required materials, information and data as described above and payment of the requisite fees and be received in the planning department. Staff shall perform an initial review of the submitted documents in order to verify completeness and legibility. The petitioner shall be notified by the Planning department of any deficiencies in the content of the application within three business (3) days of receipt of a complete submittal. All submittals, and any subsequent corrections after planning staff initial review, shall then be forwarded to the Development Review Committee (DRC) for review and comments. The planning commission shall consider the submittal, and any corrections or additions subsequent to DRC comments, at its next available regular meeting. The planning commission shall consider the submittal on the following standards:

- (1) Completeness and accuracy of the required submission materials, information and data;

- (2) Compliancy with all applicable codes and ordinances; and
- (3) The nature and extent of any presented or perceived negative or adverse impacts that the proposal may impose on adjacent or nearby properties and the methods of mitigation of those impacts proposed by the petitioner.

16-4-25. Term of approval.

Multiple building or large scale site plans approved by the planning commission shall be effective for one (1) year from the date of approval. Prior to its expiration date, the director of planning and development may extend the original site plan approval for up to two (2) one (1) year periods upon the applicant's written request. Planning commission approval of any project that has not fully secured all required permits within the period of time set forth shall be null and void.

16-4-26. Additional regulations.

In addition to the requirements of this section, the planning commission may impose on a site plan such additional requirements as are necessary to accomplish the stated purpose of this section. Such requirements may include, but are not limited to utility easements, right of way dedication, stormwater provisions or any additional information where the building official is empowered by the Arkansas Fire Prevention Code to require the same during the normal course of evaluation.

16-4-27 - 16-4-40. Reserved.**ARTICLE III. SUBDIVISION PLAT APPROVAL AND REVIEW****16-4-41. General procedure.**

The planning commission shall exercise the power and authority to review, approve or deny plats for subdivisions and improvements in accordance with these regulations. In this regard, the application procedures and approval process for subdivision development shall be accomplished in four (4) steps, as follows:

- (a) *Pre-application conference.* The first step consists of a pre-application conference. This step involves an informal discussion with the planning department and the submission of a sketch plan containing the information required hereinafter. The pre-application procedure affords the developer the opportunity to obtain the advice and assistance of the planning department early and informally in order to:
 - (1) Assist the developer in analyzing the development plan.
 - (2) Give informal guidance to the development at a stage when potential points of difference can be more easily resolved, thus simplifying official actions and saving unnecessary expense and delay to the developer.
 - (3) Determine whether or not a combined preliminary and final plat procedure may be authorized.

Advice of the planning department shall be provided in either verbal or written form at the option of the developer within thirty (30) days of the sketch plan submission. It shall be binding on neither the city nor the developer.

- (b) *Development plan and preliminary plat.* The second step involves preparation, by the applicant or applicant's agent, of development plans and a preliminary plat for consideration by the planning commission and various city departments and agencies. These documents are designed to show the proposed subdivision in sufficient detail to indicate its workability in all respects with all the details fully computed. A developer proposing to subdivide within the city or planning area of the planning commission shall not proceed with any construction work on the proposed subdivision, excluding clearing subject to applicable storm water permitting requirements but including grading, before obtaining preliminary plat and development plan approval. The development plan shall include detailed construction specifications and plans as required by the street, drainage, stormwater, fire prevention and municipal utility codes.
- (c) *Final plat.* The third step involves submission of a final plat conforming to the approved preliminary plat. This step shall be initiated not later than two (2) years after approval of the preliminary plat by the planning commission unless an extension has been granted. The final plat is a completed document incorporating survey documentation in a form required for legal record and sale of lots.
- (d) *Public infrastructure acceptance.* The fourth step involves acceptance of all public dedications, improvements and utilities as prescribed in these regulations by the city and/or county.

16-4-42. Development plan and preliminary plat application and consideration procedure.

The following procedure shall apply to the submission, consideration and approval of development plans and preliminary plats.

- (a) Whenever a subdivision is proposed and before any sale of lots located in said subdivision as a whole or any part thereof is made or structures constructed, the owner shall file an application for consideration of the proposed subdivision with the planning department. The applicant shall remit all the necessary fees and submit all necessary documents, plans and plats as required by these subdivision regulations and in accordance with such application filing deadlines as established by the planning commission or planning department.
- (b) Upon receipt of a complete application, the planning department shall cause to be distributed copies of the development plan and preliminary plat to other city departments, utility companies, and county and state agencies as appropriate, who shall review the proposed subdivision for conformance with these subdivision regulations and applicable elements of the comprehensive plan. In their review, the various departments and agencies shall take into consideration the requirements of the community and the use of the land being subdivided and

may offer suggestions concerning changes to enable the project to meet the purpose and intent of these regulations. Particular attention shall be given to width, arrangement and location of streets; utility easements; drainage; lot sizes and arrangements; and other facilities such as parks, playgrounds, trails or school sites, public buildings, parking areas and arterial streets; and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.

- (c) Recommendations and comments from the various departments and agencies shall be provided to the planning department in such manner as prescribed by the planning department. The planning department shall forward such recommendations and comments, if any, to the planning commission along with the planning department's own comments and recommendation.
- (d) The planning commission shall review the development plans and preliminary plat along with the comments from the various reviewing departments and agencies and the planning department's recommendation for approval, disapproval or modification.
- (e) The planning commission shall review the preliminary plat at its regularly scheduled or special called meeting. The planning commission shall then approve, conditionally approve, deny or defer the plat. Notification of the planning commission's decision and reason for such decision shall be provided in writing to the developer within ten (10) business days of the planning commission's action.
- (f) Development plans and preliminary plat approved by the planning commission shall be effective and binding upon the commission for two (2) years from the date of planning commission approval at the end of which time the final plat application for the subdivision must have been approved by the planning department unless an extension has been duly granted. Any plat not receiving final approval within the period of time set forth herein or otherwise conforming to the requirements shall be null and void, and the developer shall be required to submit new development plans and preliminary plat of the property for preliminary approval subject to all zoning restrictions, if any, and these regulations.
- (g) Upon receipt of a written request fifteen (15) days prior to the expiration of the preliminary plat, the planning director may extend the original preliminary plat approval, for up to one (1) year, when it can be demonstrated that there are no changes in the plat design or neighborhood that warrant a complete review.
- (h) Approval of the development plans and preliminary plat shall be evidenced by the planning director's execution of the Certificate of Preliminary Plat Approval.
- (i) Receipt by the developer of the executed certificate of development plans and preliminary plat approval is his authorization to proceed with the installation of required public improvements. The developer shall construct all improvements to the specifications of the approved development plans. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.

- (j) If the application is conditionally approved by the planning commission, such conditions shall be agreed to by the applicant and necessary changes made to the development plans and preliminary plat before the Certificate of Preliminary Plat Approval can be executed by the planning director.
- (k) Within thirty (30) days of the commission's action, a denied application may be resubmitted to the planning department for review of the required modifications and re-submission to the planning commission. Any such re-submission must be accompanied by payment of fifty percent (50%) of the otherwise applicable fees. The failure to resubmit an application within the prescribed period of time shall invoke procedures required for the filing of a new application.
- (l) The planning commission may defer action on a preliminary plat no more than twice before taking action on the request.

16-4-43. Bill of assurance.

(a) A draft bill of assurance, if any, shall be submitted to the planning department for review and approval with the preliminary plat and a final copy containing any revisions with the final plat. Such document shall incorporate but not necessarily be limited to the following: Offering dedications of streets and alleys, parks and other public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; setting forth procedures by which amendments to the bill of assurance can be made. The final bill of assurance shall contain reference to the approval of the final plat.

(b) Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the bill of assurance. The bill of assurance shall contain language advising the property owner to verify the most current information available on the status of flooding on the property.

(c) Where private streets are included within the subdivision, the final bill of assurance shall include a statement that such streets are private and not under the care and custody of the city or county and will, therefore, not be maintained by the city or county.

16-4-44. Final plat review and consideration procedure.

(a) A developer seeking approval of a final plat shall submit the necessary application form and final plat documents to the planning department. The applicant shall remit all necessary fees and meet all the submission requirements at the time of the filing as described in these subdivision regulations and as established by the planning commission or planning department for a final plat review.

(b) The various city departments shall review final plats for conformance with the approved development plans and preliminary plat and for conformance with the survey requirements within these regulations. Comments will be forwarded to the planning department in such manner as prescribed by the planning department.

(c) Water and wastewater facilities shall be reviewed for conformance with the approved construction plans by the appropriate agencies.

(d) Responsibility for final plat approval shall reside with the planning director, who shall approve or disapprove the final plat within thirty (30) days of the submission thereof, unless the developer agrees in writing to deferral. No final plat shall be approved until its conformance with the development plans, preliminary plat and the survey requirements within these regulations have been verified. Approval of the final plat shall be accomplished when the planning director signs the certificate of final plat approval as shown on the plat.

(e) Upon approval and execution of the certificate of final plat approval, the planning department will file the plat for record in the Garland County Circuit Clerk's office.

(f) Any plat submitted for final plat approval not in conformance with the approved preliminary plat as determined by the planning director shall be denied. If the final plat is denied, such decision shall be communicated to the developer in written form expressing the reasons therefore within five (5) days after such determination is made. Any plat applications denied by the planning director may be appealed to the planning commission for action.

(g) The developer may, in conformance with the provisions of these regulations, seek final plat approval for only a portion of the property for which the preliminary plat was approved in accordance with the preliminary plat phasing plan. For residential plats, however, such phasing shall contain no less than ten (10) percent (in no case fewer than five (5) lots) of the total number of lots contained within the approved preliminary plat. Plats containing fewer than six (6) lots shall not be phased unless specifically authorized by the planning commission. The developer shall not omit segments of streets from a phase that would be required to serve adjacent developing areas.

(h) The final plat may be approved prior to completion of infrastructure construction provided all the assurances and bonding as required in Article IV (Standards) have been provided.

16-4-45. Consideration of minor subdivisions and incidental submissions.

The provisions of this section shall govern the consideration and approval of minor subdivisions and lot splits, recombination, re-plats or lot-line adjustments (hereafter termed incidental submissions).

- (a) This section shall apply to the following circumstances:
- (1) Lot splits in which a single unsubdivided, tract or parcel is being split into two lots meeting minimum lot requirements of these regulations and any applicable zoning regulations. For purposes of these regulations, undivided parcels (lots of record) are eligible for a lot split only once. Any further divisions of the original or the newly created parcel shall be considered a subdivision in accordance with these regulations. The lot split plat shall describe and depict the original lot of record as the parent parcel and such plat shall include a note stating: *This plat represents an approved lot split. Any further division hereof must meet the requirements for a subdivision in accordance with Hot Springs Subdivision Code*
 - (2) Minor subdivisions containing no more than four (4) lots, in which all lots front an existing public street. Minor subdivisions shall not include any subdivision which is part of a larger tract to be developed in phases.

- (3) Recombination of ten (10) or fewer lots in which all lots front a public street.
 - (4) Replats of existing lots or lot line adjustments in existing subdivisions in which there are ten (10) or fewer lots considered for replat.
 - (5) Lot-line adjustments to change property lines of existing parcels. This process can be used to combine two (2) or more adjacent parcels into one (1) parcel, alter the boundary between two (2) parcels, make survey corrections in lot lines, or reconfigure the shapes of parcels. In every instance, however, the lot line adjustment process must result in the same number, or fewer, of parcels as there was prior to the adjustment. The lot line adjustment process shall not be used to create additional parcels.
- (b) The planning commission hereby delegates to the planning director authority to approve plats for minor subdivisions and incidental submissions meeting the requirements of this section; provided, however, that the planning director may request planning commission review at his discretion. The planning director does not, however, have authority to disapprove minor subdivisions or incidental submissions. Should, in the opinion of the planning director, a minor subdivision or incidental submission not meet the requirements of this section, the planning director, at the request of the applicant, shall forward the request to the planning commission for consideration in accordance with the planning commission's meeting procedures.
- (c) Approval of minor subdivisions or incidental subdivisions may be granted by the planning director only if the following threshold guidelines are met:
- (1) No new street or alley is required.
 - (2) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - (3) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
 - (4) There is adequate street right-of-way as required by these regulations and the master street plan.
 - (5) All easement requirements have been satisfied.
 - (6) All lots created by such split or readjusted shall have direct access to a public street.
 - (7) No substandard sized lots or parcels shall be created.
 - (8) No waivers or variances from these regulations are requested.

- (9) No public improvements, including utility mains or other appurtenances are required.
- (10) The submission does not represent the piecemeal development of a larger development that seeks to avoid the spirit and intent of the comprehensive plan or this code.
- (d) Submission and approval of minor subdivisions shall be considered as a combined preliminary and final plat. In this regard, the applicant shall meet the submission requirements for a development plan, preliminary plat and final plat including payment of all prescribed fees.
- (e) All minor subdivision and incidental submissions shall be submitted to the various city departments for review and comments prior to approval.
- (f) Request for incidental submissions, other than minor subdivisions, shall be made by the owner of the land to the planning department on such application forms and in such manner as may be prescribed by the planning director or planning commission. The application fee for incidental submissions shall be the amount prescribed for a preliminary plat. The application shall be accompanied by a professionally prepared plat drawn to scale of the lot(s) or parcel(s) involved. The plat shall include the items specified for incidental submissions and such other information as may be required by the planning director in order to determine if the application meets the requirements for approval as an incidental submission.
- (g) The planning director shall, in writing, either approve or forward the proposed minor subdivision or incidental submission to the planning commission within thirty (30) days of application. Approved plats shall be signed by the planning director and filed with the county circuit clerk.

16-4-46. Submission requirements.

All sketch plans, development plans, preliminary plats, final plats and incidental submissions shall contain the information as indicated in the following table. Plans, plats and specifications must be submitted by such deadlines as established by the planning commission for each submission.

Subdivision Submission Requirements		Pre-Application	Development	Preliminary Plat	Final Plat	Incidental Sub
1	Number of copies, sheet sizes and formats as prescribed by the planning director including electronic copies	✓	✓	✓	✓	✓
2	Cover sheet with name, address and contact telephone number for owner, developer, engineer and surveyor	✓	✓	✓	✓	✓
3	Key page indexing multi-sheet plats and plans	✓	✓	✓	✓	✓
4	The name and type of the subdivision on each plat or plan sheet.	✓	✓	✓	✓	✓
5	Date prepared, north arrow, numerical and graphic scale on each sheet	✓	✓	✓	✓	✓
6	Vicinity map, covering a minimum radius of one-half mile of the proposed site, illustrating general location of arterial streets and highways, section lines, railroads, schools, park and other significant community facilities	✓		✓	✓	✓
7	Acreage in the tract, area allocated to each land use, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, location of street right-of-way and easements	✓				
8	A current topographic map illustrating in a simple sketch form the proposed layout of streets, lots and other features, and their relationship to the surrounding development patterns	✓				
9	Minimum building setback lines with dimensions		✓	✓	✓	✓
10	Lot and block number on each lot			✓	✓	✓

Subdivision Submission Requirements		Pre-Application Development				
		Final Plat	Final Plat	Final Plat	Final Plat	Final Plat
11	Tabulation by lot and/or tract showing total lot area in square feet and width at front setback line			✓	✓	✓
12	Location of the tract by legal description giving acreage to the nearest one-tenth of an acre			✓	✓	✓
13	Boundary lines of each phase when phased construction and/or platting is proposed	✓		✓	✓	
14	Easements, buffer strips and public service utility rights-of-way giving dimensions, locations and purposes of each			✓	✓	✓
15	Identification of open space, land to be reserved or dedicated for public uses and land to be used for other purposes including sufficient geometric data with bearing and distance for each line shall be provided to produce a closed polygon along all lot lines and any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon; and of any areas to be reserved by deed covenant for common use of all property owners			✓	✓	✓
16	Any request for variances or waivers from these subdivision regulations		✓	✓		
17	In every instance where phasing is proposed, the preliminary plat shall reflect the phases in a logical progression so as to preclude skipping lots or leaving streets without continuity			✓		
18	Names of recorded subdivisions and streets abutting the proposed subdivision, if any		✓			✓

Subdivision Submission Requirements		Pre-Application	Development	Final Plat	Final Plat	
19	<p>Boundary information of the tract shall be as follows:</p> <p>a. Boundary lines shall be indicated by a heavy line</p> <p>b. Adjusted Arkansas State Plane Coordinates (south zone, NAD-83) shall be shown for all boundary corners and all corners of record utilized, along with a statement indicating the ratio error of closure of the field work</p> <p>c. Adjusted bearings and distances shall be shown on all boundary lines and ties to all corners of record utilized. Where boundary lines are curves, sufficient curve data Shall be provided to establish or reestablish the curve. As a minimum, curve data for each curve shall consist of radius, arc distance, delta angle and chord bearing and distance, delta angle and chord bearing and distance. Where boundary lines are common with previously Platted properties, record bearings and distances shall also be shown</p> <p>d. Accurate locations and adequate physical descriptions of all monuments shall be shown indicating size, type of material and construction thereof, and size and type of survey disk utilized. Where found monuments are replaced with more permanent monuments, such replacements shall be noted and a description of the type of found monument indicated.</p> <p>e. Clearly labeled, point of beginning (POB) from a well defined reference point</p> <p>f. Boundary information to be provided in both electronic and print media</p>			✓	✓	✓
20	Written statement from all utility providers that utilities have been or will be provided including: gas, electrical, telephone, and television cable facilities		✓		✓	✓
21	Written approval of water and wastewater facilities from the Arkansas State Department of Health		✓			✓
22	Written approval of any wastewater treatment facilities by the Arkansas Department of Environmental Quality (ADEQ)		✓			✓

Subdivision Submission Requirements		Pre-Application	Development	Final Plat	Final Plat
23	Cultural features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, easements, park areas, structures, city and county lines, section lines and other significant information	✓			✓
24	Existing contours shall be shown at intervals of not more than five (5) feet for terrain with an average slope exceeding ten (10) percent or more, and at an interval of two (2) feet for terrain with slopes less than ten (10) percent. The source of the contours along with the source from which all elevations were derived shall be clearly described. An on-site benchmark shall be referenced and the elevation shown.	✓			✓
25	Natural features within and immediately surrounding the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry shall be noted in acres.	✓			✓
26	Location of any portion of property with the flood-way or the one hundred year flood plain, based upon the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) provided for and adopted by the city or county.	✓		✓	✓
27	Where a portion of a subdivision is suspected to be flood prone and specific flood elevations are not included by the NIFP study, or is not covered by available U.S. Army Corps of Engineers information, an engineering analysis establishing Base Flood Elevations shall be submitted. The analysis shall be submitted as part of the plan filing. Such analysis shall be prepared by the developer's engineer at the developer's expense. The analysis shall determine to the best of the engineer's ability a safe building line, and it shall be clearly and legibly drawn on the development plans and the preliminary plat.	✓	✓		✓
28	Any area or lot which may be prone to flooding shall have the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be compared to the one in one hundred year flood elevation shown on the flood insurance study or, if not available, any other applicable study in which the one in one hundred year flood elevation is depicted. The minimum finished floor elevation shown on the plat shall be at least two feet above the water level of the 100 year flood.			✓	✓

Subdivision Submission Requirements		Pre-Application	Development	Final Plat	Final Plat
29	Soil tests may be required where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions and potential hazards created by deep cuts and/or fills required for street or utility construction and similar situations.	✓			✓
30	Complete street design and construction plans complying with the City's street specification ordinance (These specifications may be included as part of the development plan and/or as a separate specification document).	✓			
31	Street centerline shall be shown with the following information provided: a. Bearings and distances along all line segments b. Curve data for all curves indicating the following: 1. Radius 2. Arc Length 3. Delta Angle 4. Chord bearing and distance			✓	✓
32	Complete drainage and storm water design, including drainage piping profiles, and construction plans complying with the City's municipal utilities specification and storm water design and construction plans complying with the city's drainage data for all water courses entering and leaving the subdivision boundaries. (These specifications may be included as part of the development plan and/or as a separate specification document.)	✓			✓
33	Complete water and wastewater design and construction plans complying with the City's municipal utilities specification ordinance. (These specification may be included as part of the development plan and/or as a separate specification document).	✓			✓
34	Location of all proposed fire hydrants, meter, valves, backflow devices and related appurtenances.	✓			✓
35	Static pressure and flow of all fire hydrants serving or proposing to serve the subdivision	✓			✓
36	Zoning classifications within the plat and abutting areas, if applicable		✓		✓
37	Municipal and/or county boundaries that pass through or abut the subdivision		✓		✓
38	Certification boxes duly executed as required by this code including license number registration of all proessionals		✓	✓	✓

	Subdivision Submission Requirements			Pre-Application Development	Preliminary Plat	Final Plat
39	A copy of the bill of assurance, if any, for the subdivision generally describing covenants, restrictions and conditions applicable to a property. (A draft copy shall be submitted for review at the time of preliminary plat review and a final copy suitable for recording with the final plat.)			✓	✓	✓
40	Names of all streets as approved by the proper city or county authority responsible for street naming E-911 purposes			✓		
41	Streets and alleys within and abutting the subdivision, with street names indicated				✓	✓
42	Copies of all survey calculations and field notes shall be submitted for review, when requested. When errors are suspected, the planning commission may cause a surveyor to check the final plat for correctness at the applicant's expense.		✓		✓	✓
43	Copies of approvals of completed construction by the owner of each utility having been installed in the subdivision.				✓	✓
44	"As built" drawings for streets, drainage, water, and sewerage facilities along with written approval from the appropriate agencies or departments.				✓	
45	Engineer's cost estimate for completion of infrastructure improvement if bonding final plat				✓	
46	Submission of performance bond if infrastructure improvement not completed prior to final plat				✓	
47	Provision of the required maintenance bond				✓	

16-4-47. Certifications.

Preliminary and final plats shall contain the following certifications as appropriate:

**CERTIFICATE OF PRELIMINARY
SURVEYING ACCURACY**

The undersigned, being an Arkansas Registered Professional Surveyor, hereby certifies that this plat correctly represents a boundary survey made or verified by me that all surveying requirements of the State of Arkansas and City of Hot Springs Subdivision Code have been complied with.

Signed, _____

Date of Execution

(*Typed Name*)

Arkansas Registered

Professional Surveyor No. _____

**CERTIFICATE OF PRELIMINARY
PLAT APPROVAL**

All requirements of the Hot Springs Subdivision Code relative to the preparation and submission of a preliminary plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said code. This certificate shall expire two (2) years from date of planning commission approval unless a written request for extension is received in the planning office fifteen (15) days prior to that date.

Date of Planning Commission Approval: _____.

Signed, _____

Date of Execution

(*Typed Name*)

Planning Director

Hot Springs Planning Commission

CERTIFICATE OF OWNER FINAL PLAT

We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with this plat.

Date of Execution

Signed, _____

(Typed Name)
Property Owner
Address

Source of Title: Book _____, Page _____

CERTIFICATE OF RECORDING FINAL PLAT

This document, number _____ filed for record _____,
20____, in Plat Book _____, Page _____.

Signed,

(Typed Name)
Garland County Circuit Clerk

CERTIFICATE OF SURVEYING ACCURACY FINAL PLAT

I, the undersigned Professional Surveyor do hereby certify that this plat correctly represents a boundary survey made or verified by me, all monuments required actually exist and are correctly shown hereon and that all surveying requirements of the Hot Springs Subdivision Regulations have been complied with. This survey has been duly filed for record in the offices of the State Surveyor.

Signed,

Date of Execution_____
(Typed Name)Arkansas Registered Professional
Surveyor No. _____**CERTIFICATE OF INSPECTION FINAL PLAT**

I, the undersigned Professional Engineer, do hereby certify that I have inspected or caused to be inspected the infrastructure improvements shown on this final plat and have found them to have been constructed in accordance with and meeting the standards of all applicable development codes and specifications of the City of Hot Springs, Arkansas.

Signed,

Date of Execution_____
(Typed Name)Arkansas Registered Engineer
No.: _____**CERTIFICATE OF FINAL PLAT APPROVAL**

Pursuant to the Hot Springs Subdivision Regulations, and all of the conditions of approval having been completed, this document is hereby accepted. This certificate is hereby executed under the authority of said rules and regulations.

Signed,

Date of Execution_____
(Typed Name)Planning Director
Hot Springs Planning Commission

CERTIFICATE OF FLOODPLAIN APPROVAL

I hereby certify that I have caused to prepare a determination of the base flood elevation for this property. The flood elevation contours, as shown hereon, shall be utilized in the planning and construction of all improvements within the city limits of the depicted area. Furthermore, I have found this document meeting all standards of all applicable floodplain codes and specifications of the City of Hot Springs, Arkansas.

(signed)

Date of Execution

(typed name)

Arkansas Registered Engineer

No.: _____

Base Flood Elevation Data

This is to certify that the base flood elevations (BFEs) for this area depicted on the map have been established under the requirements of the City of Hot Springs, Arkansas floodplain management ordinance No. 3887. Elevation certificates shall be prepared for any lot or structure within the designated area and upon completion of said certificate and before any construction begins, a copy filed with the City of Hot Springs Floodplain Administrator.

(signed)

Date of Execution

Denny McPhate, CFM

Floodplain Management Officer

City of Hot Springs, Garland County, AR

16-4-48 -- 16-4-59. Reserved.

ARTICLE IV. STANDARDS**16-4-60. General.**

This article establishes standards for the layout and development of subdivisions and large scale developments within the jurisdiction of the planning commission. Unless otherwise stated, these standards apply to subdivisions and large scale developments both within the city and within the planning area.

16-4-61. Alleys.

The following guidelines shall apply to alleys:

- (a) Alleys may be required at the rear of any lots proposed to be used for commercial or industrial purposes.
- (b) Alleys shall not be located in residential subdivisions, except where the developer produces written evidence satisfactory to the commission of the need of such alleys.
- (c) Evidence to support the need for alleys shall be filed with the development plans and preliminary plat and made a part of the application.

16-4-62. Blocks.

The following guidelines shall apply to blocks:

- (a) Blocks in residential subdivisions shall not exceed twenty-two hundred (2,200) feet in length nor be less than four hundred (400) feet in length. Wherever practicable, blocks along major and minor arterial streets shall be not less than one thousand (1,000) feet in length.
- (b) Blocks shall have sufficient width to provide for two (2) tiers of lots unless a different arrangement is required in the form of a single tier of lots of maximum depth for blocks adjacent to arterial streets, expressways, freeways, railroads, waterways or similar barriers.
- (c) In blocks of nine hundred (900) feet or more in length, the dedication of a public crosswalk for pedestrian travel may be required to provide access to public or private facilities such as schools or parks. Such crosswalks shall have a minimum right-of-way width of ten (10) feet and a pavement width of four (4) feet and extend entirely across such block at approximately the midpoint of the length of the block. Internalized circulation systems in the form of pedestrian paths may be substituted in lieu of crosswalks upon the approval of the planning commission.

16-4-63. Sidewalks.

Sidewalks shall be provided in accordance with the Hot Springs Street Specifications Ordinance and the Americans with Disabilities Act (ADA) standards in addition to the requirements of this code.

16-4-64. Storm drainage.

In order to insure adequate drainage, the following guidelines shall be observed:

- (a) Every subdivision shall make adequate provisions to accommodate or dispose of stormwater by means of drains, sewers, catch basins, culverts and other facilities deemed necessary by the city.
- (b) Drainage facilities within the City of Hot Springs shall meet the minimum requirements of the Hot Springs Drainage Specifications Ordinance and the Hot Springs Stormwater Ordinance in addition to the requirements of this code.
- (c) Where a subdivision is traversed by a watercourse, channel or stream, a stormwater easement or drainage right-of-way shall be provided. Such easements or rights-of-way shall conform substantially to the lines of the watercourse and shall be of sufficient width and construction to provide adequate stormwater drainage and access for maintenance thereof.
- (d) Stormwater may not be diverted from one (1) watershed to another within the plat boundaries.

16-4-65. Acquisition of public land.

In order to insure adequate green space and public lands, the following guidelines shall apply to acquisition of land for public purposes.

- (a) Any developer of land who proposes to make or has made a subdivision of land shall conform to any duly adopted city or county master plans by indicating on any plats or drawings submitted to the commission for its consideration any and all proposed public facilities which are located within the property, and shall plat the public lands to the dimensions and in the location determined by the commission. Such public land shall be reserved for acquisition by the city or county. Such acquisition must be made within twelve (12) months from the date the developer's preliminary plat is approved by the planning commission. Acquisition shall be deemed as having been made when either an option to purchase is executed or litigation to condemn is filed by the city or county. No developer shall be denied the privilege of having a preliminary plat approved solely by reason of the issue of reserved public land unless the city or county determines and advises the developer, within sixty (60) days from the date, his preliminary plat is approved by the planning commission, that public funds for the acquisition of such public lands will be available within twelve (12) months from the date the preliminary plat is approved.

- (b) Whenever the planning commission is presented with a request for consideration of a preliminary plat involving the expansion of any mapped existing public facility, or a proposed public facility, the commission shall require, in conjunction with the approval of the preliminary plat, reservation of the public land.
- (c) No building, plumbing or other construction permit shall be issued for any structure on any lot or parcel on which any proposed public lands are indicated unless it has first been determined that the proposed structure would not lie within the proposed bounds of the public lands. Nothing herein contained, however, shall be construed to deny a permit for the use of such lot or parcel for purposes not involving the construction or relocation of buildings.
- (d) All applicable master plans shall be duly considered prior to action on any matter related thereto which comes before the planning commission, the board of directors, or any of the departments, agencies, boards or commissions of the city.
- (e) This section shall not apply to the provision by the developer of utility easements or right-of-way dedications for public roads, streets and alleys as otherwise required by these regulations.

16-4-66. Streets - Generally.

In order to insure the safe travel of the public, the following guidelines shall apply to creation of streets:

- (a) Streets shall be related appropriately to the topography so as to produce usable lots and streets of reasonable gradient. Street grades and alignment shall conform reasonably to the original topography. In steep areas, through streets should generally follow contour lines rather than cross them. Combinations of steep grades and curves shall be avoided. Sudden and frequent changes of grade along any street shall be avoided. Sharp horizontal curvature should be avoided, if possible, at or near the high point of a crest, vertical curve or near the low point of a pronounced sag or vertical curve.
- (b) The proposed street layout shall be properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
- (c) Major traffic generators such as industries, business districts, schools, shopping centers, and residential developments with a density in excess of eighteen (18) units per gross acre shall obtain primary access from streets classified as collectors and above.

- (d) Local residential streets shall be laid out to permit efficient drainage and utility systems and to require the minimum length of pavement necessary to provide convenient and safe access to property.
- (e) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided, unless the planning commission has specifically determined that such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- (f) Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified in these regulations. All public streets within the subdivision shall be located, platted and dedicated to the city or county in accordance with any duly adopted master street plans and the Hot Springs Street Specifications Ordinance.
- (g) New boundary streets shall be avoided except where a requirement of the master street plan provides a defined alignment. In that event, the developer shall provide one-half of the master street plan's specified improvements and right-of-way. Whenever a proposed subdivision abuts a partially dedicated or constructed public street, the developer shall provide the minimum of one-half of the required improvements and right-of-way. The planning commission may authorize a new boundary street when the developer proposes to dedicate the entire right-of-way and construct all the required improvements. In no case shall a developer retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.
- (h) For purposes of determining the extent of the required improvements on boundary streets, the right-of-way centerline shall be deemed to be the plat boundary. Where a clearly defined right-of-way does not exist, the city engineer shall establish the centerline location.
- (i) Streets within a subdivision or large scale development shall be designed and constructed in strict accordance with the Hot Springs Street Specifications Ordinance in addition to the requirements of this code.
- (j) The subdivision or large scale development street system shall connect to a public street(s) accepted by the city or county of sufficient capacity to accommodate the subdivision or development.

16-4-67. Dead-end streets and cul-de-sacs.

Creation of dead-end streets and cul-de-sacs shall adhere to the following guidelines:

- (a) Cul-de-sacs shall have a maximum length of 800 feet and as governed by the Fire Prevention Code. Where a street does not extend to the boundary of a subdivision, and its continuation is not necessary for access to adjoining property, its terminus shall not be closer than fifty (50) feet to such boundary.
- (b) Cul-de-sac turnarounds shall be provided at the end of all permanent dead-end streets. Cul-de-sac turnarounds shall have a minimum right-of-way diameter and a pavement diameter as governed by the Fire Prevention Code.
- (c) In the case of temporary dead-end streets, which are stub streets designed to provide future connections with unsubdivided adjacent areas or future phases, the planning commission may require a temporary easement for a turnaround.
- (d) In the case of temporary dead-end streets which are stub streets designed to provide future connection with unsubdivided adjacent areas or future phases, the developer shall provide information in the bill of assurance confirming such anticipated future extensions. It is the purpose of this requirement to convey to street users information as to continuation of the street and its intended classification.

16-4-68. Intersections and alignment.

The application of this code for intersections and street alignment should conform to the following guidelines.

- (a) Street intersections shall be laid out as nearly at right angles as possible and may be curved to bring this about. The centerline of no more than two (2) streets shall intersect at any one point. No intersection shall be at an angle of less than eighty-five (85) degrees.
- (b) Intersections shall be designed with grades as level as possible consistent with proper provision for drainage.
- (c) Additional street paving and right-of-way in the form of turning lanes shall normally be required along arterial streets at intersections with other arterial or collectors streets.
- (d) Property line corners at street intersections shall be rounded with a radius of at least twenty-five (25) feet.
- (e) Where visibility at any proposed street intersection would be impeded by earthen berms or existing vegetation, the developer shall cut such ground and vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate site distance as specified in the Hot Springs Street Specifications Ordinance or other city or county regulations governing intersection visibility.

- (f) Street intersections shall be located to avoid creating hazardous driving conditions.

16-4-69. New private streets.

Creation of new private streets shall comply with the requirements of this section.

- (a) Private streets shall be discouraged. However, private streets may be approved by the planning commission to serve isolated developments. The design standards for approved private streets shall conform to the Hot Springs Street Specifications Ordinance for public streets.
- (b) Private streets are permissible only in the form of cul-de-sacs and loop streets and only when it has been determined that these streets can be adequately accessed by all public service vehicles. Such streets will not be permitted where there is a possibility of through traffic or eventual connection to another public street. It shall be incumbent upon the developer to demonstrate that the private streets will not unreasonably limit access to adjacent parcels, hinder logical traffic pattern or otherwise be contrary to the public interest.
- (c) The developer shall provide for permanent maintenance of all private streets in the bill of assurance. The bill of assurance shall clearly state that such private streets are not under the care and control of the city or county and will, therefore, not be maintained by the city or county.
- (d) A private driveway or street section servicing three (3) or more lots or parcels shall be considered a street and subject to the construction requirements for a public street. Private drives may only serve no more than two lots or parcels.
- (e) The developer shall provide for permanent maintenance of water and sewer mains and related facilities within the development in the bill of assurance. Provided, however, that the developer may enter into contracts with the City of Hot Springs (Hot Springs Municipal Utilities) for the maintenance of all water and sewer mains and hydrants lying within the private street right-of-way if approved by the city.
- (f) Streets within a gated development or to which public access is restricted shall be private streets and may not be accepted for maintenance by the city or county.
- (g) Private streets shall be so noted on the final plat and the bill of assurances shall include a notation in substantially the following form: *“The streets in this development are private streets and will therefore not be accepted for perpetual maintenance by the city or county”*.

16-4-70. Existing public or private streets.

The planning commission shall review and determine acceptance of the dedication of existing private streets when part of new street plans as provided in this section.

- (a) Principal access right-of-way only is allowed. Alley dedications shall be discouraged.
- (c) Streets and alleys which had been previously dedicated to the county will become city streets upon annexation and acceptable by the city and will thereafter be maintained by the city as a city street and/or alley.
- (d) Existing streets and alleys which had been previously fully or periodically maintained by the county for which there is no recorded dedication (prescriptive streets and alleys) shall be considered for acceptance and maintenance by the city upon annexation in accordance with the city's street acceptance policy. The planning commission may require that such streets or alleys be constructed or re-constructed in accordance with the Hot Springs Street Specifications Ordinance as part of the subdivision development plan whether or not annexation is an issue.
- (e) Streets or alleys which were private in every respect shall remain private after annexation. Owners of properties abutting such streets or alleys may request dedication by following the procedures outlined for submission of preliminary plats. Dedication of right-of-way for alleys shall provide a tie to the public street system at both ends or meet the requirements for a cul-de-sac or dead-end street.
- (f) A review committee consisting of the planning director and the city engineer shall evaluate each incidence whereby dedication is an issue. A recommendation in written form shall be made on each qualifying request and presented to the commission at a public hearing. The committee shall act in the capacity of technical advisor only to the planning commission. Appeals from decisions or actions of the planning commission may be filed with the board of directors.
- (g) The planning commission shall determine that a need exists for a public street.
- (h) Citizens desiring to dedicate private streets shall assume all costs to include platting, engineering, and construction in accordance with city or county street acceptance procedures.
- (i) No street shall be offered or reviewed for dedication where no structure abuts the right-of-way or where such action would circumvent the subdivision code review for new streets or subdivisions.
- (j) In those instances where a private road was created by land sales constituting a violation of these regulations or any previous subdivision ordinance, the property from which the road was derived shall be included in preliminary plat submissions.

- (k) The review criteria shall be as follows:
- (1) The street proposed will be located within a dedicated right-of-way of not less than that required by the Hot Springs Street Specifications Ordinance.
 - (2) The pavement surface and thickness must meet the requirements of the Hot Springs Street Specifications Ordinance.
 - (3) The city engineer may require proof of pavement base course and subgrade conditions during the technical review of the street, only after submission of a plat.
 - (4) Horizontal and vertical curves and other geometric conditions of the street must be judged safe for existing and future traffic conditions.
 - (5) Dead-end streets shall provide an adequate turnaround for sanitation and emergency vehicles both in dimension and improvements.
 - (6) The street shall have sufficient crown to permit normal drainage from the pavement surface without flooding the centerline.
 - (7) Street side drainage ditches shall be permitted except in those cases where the planning commission determines that curb and gutter and underground drainage is the only feasible method to handle the drainage.
 - (8) All drainage structures within the right-of-way shall be of sufficient size and type construction to meet the requirements of the Hot Springs Drainage Specifications Ordinance or be judged adequate by the city engineer.
 - (9) Street grades and intersection approach grades shall meet the street specifications or be judged satisfactory for existing and future traffic conditions.
 - (10) Utility alignment and depth shall meet all city policies or be judged satisfactory by the city or utility engineer. The applicant shall show all existing or proposed utilities on the dedication application.
 - (11) The planning commission may designate drainage, utility or public use easements as required to maintain the street.

16-4-71. Residential lots.

Minimum dimensions for lots shall be as follows:

- (a) Every lot shall abut upon a public street, except where private streets are explicitly approved by the planning commission.
- (b) The minimum lot dimensions for residential subdivisions shall conform to the requirements of the applicable zoning district regulations in which the proposed subdivision is located. Subdivisions located in a portion of the planning area not subject to zoning regulations shall conform to the following minimum lot dimensions:

	Width (Feet)	Depth (Feet)
Single-family detached residential	60	100
Duplex	70	100
Apartment building (4 units or less)	80	100
Apartment building (5 units or more)	80 plus 20 per unit greater than 4 to a maximum of 200 feet.	100
Zero lot line residential lots	60	100
Townhouse developments	60	80

- (c) Reserved.
- (d) In residential subdivisions where lots abut a freeway, expressway or occupied mainline railroad right-of-way, such lots shall have an overall depth of not less than one hundred seventy-five (175) feet in order to ensure proper separation of residences from adjacent thoroughfare or railroad line.
- (e) No residential lot shall be more than three (3) times as deep as it is wide, except lots approved under this section.
- (f) No lot except lots designated for townhouse use shall average less than one hundred (100) feet in depth.
- (g) Lot width shall be measured at the front building line except in the case of lots abutting cul-de-sacs where the average width of the lot shall be used.
- (h) Lots served by a public water system and proposed to be served by a septic tank system must submit, at the time of preliminary plat application filing, a written certification of approval by the state department of health. The lot sizes allowed by this certification shall be indicated on the plat.
- (i) Double frontage lots are prohibited except where lots abut on an existing or proposed arterial street, freeway, expressway or railroad right-of-way, and lots in residential developments in hillside areas. A hillside area shall be considered when the lot slope exceeds eighteen percent (18%).

- (k) Side lot lines shall be as nearly as possible to right angles to the street right-of-way line or radial to curving street lines.
 - (l) Corner lots for residential use shall have a minimum width to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
 - (m) Submission of a plat for a proposed subdivision creating lots for townhouse residences shall be accompanied by a generalized site plan showing the proposed location and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall conform to building location shown in the generalized site plan.
 - (n) Zero-lot line residential developments shall only be approved after careful consideration by the planning commission to ensure that the principles of this code and the integrity of adjoining neighborhoods are preserved. In any such development, the applicable side yard requirement on one side of a lot may be eliminated and the opposite side adjusted as follows:
 - (1) When the adjoining housing units are attached, the set-back on the side opposite the zero lot line must be maintained and the adjoining lots arranged such that the setback areas (opposite sides) and the zero lot lines match; or
 - (2) When the housing units are not attached, the setback on the side opposite the zero side must be doubled.
- Final plats involving this concept shall reflect a buildable area on each lot so as to provide for and identify the placement of the units and assure that no lot will be adversely affected by placement of adjoining units. All perimeter lots shall meet the minimum set-backs for residential lots as required by this section along the outer perimeter of the subdivision. Zero lot-line developments shall only be permitted for residential developments. Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the proposed locations and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall be shown on all sides of each lot for purposes of delineating the maximum buildable area of each lot and specifying the zero-lot-line yard.
- (o) Building set back lines for residential subdivisions shall conform to the applicable zoning district set-back regulations in which the proposed subdivision is located.
 - (p) Building lines for residential lots located in a portion of the planning area not subject to zoning regulations shall be at least twenty-five (25) feet from the front property line, and twelve (12) feet from each side and rear property line except in the following circumstances:
 - (1) Residential lots fronting on collector streets shall have a platted front building line not less than thirty (30) feet from the right-of-way line.

- (2) Residential lots fronting on arterial streets shall have a platted building line not less than thirty-five (35) feet from the right-of-way line.
- (3) Lots fronting on cul-de-sacs or curved portions of other streets may provide a front building line that is straight relative to the front property line. This line is to be established by placement of dimensioned points on the side property lines at least thirty-two (32) feet from the street right-of-way line and connecting these points with a dimensioned straight line on the plat. This line shall not be less than twenty-five (25) feet from the street right-of-way line at any point.
- (4) Reserved.
- (q) Along arterial streets in proposed subdivisions where it is desirable to limit curb cut access, building lines shall be established on both frontages of double frontage lots. Parallel and along the line of lots abutting such traffic artery, a restricted access easement of at least ten (10) feet, across which there shall be no right-of-vehicle access permitted, shall be provided. The planning commission may require the construction of fences or lines of shrubbery to assure this no access provision.
- (r) The lot dimensions and other requirements of this article are minimums and in no way amend or super cede applicable zoning regulations.

16-4-72. Commercial/Office subdivisions.

The following standards shall apply in the development of commercial/office subdivisions.

- (a) The planning commission shall require the developer to file a proposed subdivision phasing plan providing for continuity of development for any individual phases of reasonable proportions. Single-lot final plats and plats which create discontinuity within the development may be prohibited by the planning commission.
- (b) For commercial and office plats, all improvements on streets abutting the plat phase shall be constructed with or assured for that phase. Improvements may be deferred, waived or assigned to another phase after review and approval by the planning commission.
- (c) Boundary streets abutting a proposed commercial or office subdivision shall be developed in accordance with the Hot Springs Street Specifications Ordinance.
- (d) Where an internalized system of public streets or private service easements is proposed for commercial or office subdivisions, all design criteria and construction shall be in accordance with the City of Hot Springs Streets Specifications Ordinance.

- (e) Vertical and horizontal alignment for streets in proposed commercial or office subdivisions shall conform to the standards for collector streets, as provided in the Hot Springs Street Specifications Ordinance.
- (f) The depth and width for lots within plats of commercial or office subdivisions shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located.
- (g) Subdivisions located in a portion of the planning area not subject to zoning regulations shall be at least one hundred (100) feet of frontage by one hundred fifty (150) feet of depth.
- (h) In all instances, no commercial or office lot shall have a depth exceeding three (3) times the width.
- (i) Pipestem lots are prohibited in office or commercial subdivisions unless specifically approved as a waiver by the planning commission as the only option for utilizing an isolated parcel.
- (j) In the interest of efficient traffic circulation, and to ensure a suitable relationship between the street system and the proposed commercial use, blocks in commercial or office subdivisions shall generally be not less than six hundred (600) feet nor more than one thousand (1,000) feet in length.
- (k) Building lines for lots within subdivision plats of commercial or office subdivisions shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located.
- (l) Front building lines for commercial lots located in a portion of the planning area not subject to zoning regulations shall be at least forty-five (45) feet from the street (front) right-of-way and twelve (12) feet from the side and rear property lines.
- (m) In all instances where a landscaped green area is substituted for parking and vehicular movement area between the building line and the street right-of-way, a twenty-five-foot commercial building line shall be permitted on all lots fronting on streets and shall be contingent upon submission of both a site plan dimensioning the landscaping and a bill of assurance prohibiting use of the yard area for parking. Such landscaped areas may be traversed by not more than one (1) driveway providing access to the sides and rear of the lot.
- (n) All commercial subdivisions shall provide for design and construction of drives, curb cuts and internal circulation as provided for in the city's adopted street specifications.
- (o) Public commercial streets shall be provided according to the provisions of these regulations.

- (p) Where a commercial or office subdivision requires the creation of an internalized circulation system to provide access to multiple lots and building sites, the planning commission may authorize the use of a service easement in lieu of public commercial streets. Location of private service easements shall be indicated on the plat and be built to the Hot Springs Street Specifications Ordinance.

16-4-73. Industrial subdivisions.

The following standards shall be observed:

- (a) In order to preclude the possibility of through traffic, industrial streets, as defined in these regulations, may not be extended to the boundaries of adjacent existing or potential residential areas.
- (b) Where an internalized system of public streets or private service easements is proposed for Industrial subdivisions, all design criteria and construction shall be in accordance with the City of Hot Springs Streets Specifications Ordinance.
- (c) The maximum allowable grade shall be eight (8) percent on all streets within the subdivision or on a boundary street of a subdivision where there are lots having access from the boundary street.
- (d) The property line radius at street or alley intersections shall be a minimum of fifty (50) feet. If the angle of street or alley intersections is less than ninety (90) degrees, the planning commission may require a greater radius.
- (e) Street or alley intersections shall have an edge of pavement radius of at least thirty (30) feet. Where the angle of street or alley intersection is less than ninety (90) degrees, the planning commission may require both a greater radius and intersection design sufficient to accommodate turning movements of WB-50 vehicles.
- (f) All industrial developments shall conform to the provisions of the Hot Springs Street Specifications Ordinance for purposes of design of driveways, curb cuts and internal circulation.
- (g) In general, proposed industrial sites shall be suitable in area and dimension for the type of industrial development anticipated. The depth and width for lots shall conform to the requirements of the applicable zoning district in which the proposed subdivision is located. The depth and width for lots within developments in portions of the planning area not subject to zoning regulations shall comply with the following:
 - (1) Minimum lot depth shall be two hundred (200) feet.
 - (2) Minimum lot width shall be two hundred (200) feet.

- (h) No lot shall have a depth greater than three (3) times its width.
- (i) Industrial subdivisions shall conform to the building set-back lines for the zoning district in which the subdivision is located.
- (j) Building lines for plats located in an area of the planning area not subject to zoning regulations shall conform to the following:

Building lines and setback lines shall be a minimum of forty (40) feet from all industrial street right-of-way lines and a minimum of sixty (60) feet from all arterial street and highway right-of-way lines. A minimum of twenty-five (25) feet of setback shall be provided on all other property lines.

16-4-74. Hillside subdivisions.

This section shall apply to the design of hillside subdivisions and defined as those portions of a subdivision plat that have an average slope of eighteen (18) percent or greater. It is designed to ensure proper integration of physical improvements in rugged topographical areas and is supplemental to other provisions in these regulations. Such areas of steep slope are recognized as requiring special subdivision development standards for vehicular access easements, lot dimensions, front and side yard setbacks, and cuts and fills.

- (a) The average slope shall be calculated by the developer and indicated on the plat at the time of submission. The hillside areas shall be divided into areas of generally similar slopes and an average for each of these similar areas shall be determined. These areas shall then be totaled and divided by the number of areas to obtain the average slope for the entire tract. A single average slope figure shall apply to that portion of the plat with slopes exceeding eighteen (18) percent.
- (b) The total square footage of the area is determined by measuring the area and deleting eighteen (18) percent to cover all needed streets and then subtracting all park and open space from the subtotal.
- (c) The total number of lots shall be determined by first calculating the total square footage of the area and then dividing the minimum lot size into it to arrive at the total number of lots allowed.
- (d) The minimum lot size shall be as required by the applicable zoning district regulations in which the subdivision is located. For those subdivisions located in an area of the planning area not subject to zoning regulations, the minimum lot size shall be as specified in these regulations for the applicable subdivision type. Provided, however, that no lot within any hillside area shall be less than ten thousand (10,000) square feet in area. Following planning department review and approval of the slope analysis, the developer shall prepare a preliminary plat conforming to the lot size established and submit it for approval in the conventional manner.

- (e) Retaining walls may be required wherever topographic conditions warrant or where necessary to retain fill or cut slopes within the right-of-way. The retaining walls shall be constructed on private property to protect the streets from possible erosion and slides. Such improvements shall require the approval of the city engineer in accordance with the City of Hot Springs Excavating and Grading Code and any additional regulations.
- (f) The minimum front yard setbacks shall conform to the zoning code except for areas with slopes in excess of eighteen (18) percent, where they may be reduced to fifteen (15) feet.
- (g) Major cuts, excavation, grading and filling, where the same materially change the site and its relationship with surrounding areas or materially affect cut areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each two and one-half (2 ½) feet of horizontal distance between abutting lots (sides and/or rear) or between adjoining tracts of land, except where adequate provision is made to prevent slides and erosion by cribbing or retaining walls. Deviation from these standards may be authorized by the city engineer upon submission of an engineering analysis of the soil conditions and the conditions of the compacted fill showing that the area is suitable for building.
- (h) Alleys providing primary access to lots fronting on a public street may be granted by the planning commission. Where approved, such alleys shall serve not more than five (5) lots nor be more than three hundred (300) feet in length. Pavement shall be constructed of concrete not less than twenty (20) feet in width. Underground drainage shall be waived by the city engineer when it can be demonstrated that open drainage will accommodate all runoff. Grades shall not exceed those specified for residential streets.
- (i) The city engineer may require geotechnical engineering analysis for streets and the building official may require geotechnical engineering analysis of building sites where the suitability for building in the area is questionable.
- (j) For residential streets less than 500 feet in length, "T"-type turnarounds may be allowed in conjunction with uphill and downhill slopes to minimize disturbance of the site while providing adequate vehicular access to individual lots.
- (k) At least eighty (80) percent of the lots of the sloped portions of the affected subdivision shall conform to the minimum required lot size. The average size of all lots of the hillside area shall conform to the minimum lot requirement.
- (l) Hillside areas with an average slope in excess of forty (40) percent are considered extremely rugged and development shall be limited to lots not less than two (2) acres in size.

16-4-75. Minimum survey standards.

This section establishes the minimum standards for surveying work performed for the developments within the jurisdiction of the planning commission. The minimum standards for site surveying are as follows:

- (a) All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the city shall conform to the "Arkansas Minimum Standards for Property Boundary Surveys and Plats," except where the standard contained within these regulations exceeds those established by the state.
- (b) The horizontal datum for all survey work performed shall be the Arkansas State Plane Coordinate System - south zone - NAD-83 adjustment.
- (c) Horizontal positions for all subdivision boundary corners shall be determined to an accuracy standard equal to Urban Type A classification as defined by the Arkansas Minimum Standards for Property Boundary Surveys and Plats. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true Urban Type A accuracy level is achieved.
- (d) A minimum of two (2) subdivision boundary corners shall be tied at a geodetic control monument by closed traverse. The two (2) corners shall be inter-visible with each other. Position and reference information shall be provided on a standard control data form for each corner and submitted with the final plat.
- (e) All interior corners of the subdivision (lot corners, street center line control points, etc.) shall be established and monumented to meet the minimum accuracy standards established by the Arkansas Minimum Standards for Property Boundary Surveys and Plats for Urban Type A Property.
- (f) The vertical datum for all survey work performed shall be the National Geodetic Vertical Datum 1929 Adjustment (NGVD29) or NGVD88.
- (g) Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the federal geodetic control committee. All field techniques and procedures shall be compatible with the equipment utilized to insure that a true third order accuracy level is achieved.
- (h) Two (2) control monuments shall be set per phase of the subdivision as shown on the approved preliminary plat. These monuments may be cast in place or prefabricated and shall be of similar construction described as follows:
 - (1) Six-inch diameter steel reinforced concrete post set flush with ground.
 - (2) Monument shall be a minimum of twenty-four (24) inches in depth.
 - (3) Steel reinforcement shall consist of a minimum of two (2) eighteen inch long one-half-inch (1/2") diameter steel bars.

- (4) A brass or aluminum survey cap, a minimum of two (2) inches in diameter, shall be cast or grouted into the top of the concrete post. The following information shall be stamped into the survey cap.
 - a. A stamped "X" or "." to mark the precise location of the point being monumented.
 - b. Registration number of the surveyor in charge.
 - c. Monument number as may be assigned by the city engineer.
- (i) All lot corners and boundary corners other than those described in paragraph (a) above shall be monumented according to the specifications outlined with the "Arkansas Minimum Standards for Property Boundary Surveys and Plats" and any amendment made thereof.
- (j) All lot corners and other interior points including ending points of curves shall be of a similar construction described as a one-half (1/2) inch or larger diameter steel rebar, a minimum of eighteen (18) inches in length. The monuments shall be flush with the finished grade. Concrete nails may be set in lieu of steel rebar where the corner falls in existing asphalt or concrete surfaces. Where such corner is used, at least two (2) reference ties shall be set and recorded on the final plat.

16-4-76. Required improvements.

The following improvements are required when designing and building new subdivisions, large scale developments, re-plats or additions to existing subdivisions or large scale developments:

- (a) In all subdivisions and large scale developments, the developer shall install, at his own expense, or have installed by the appropriate public utility, certain specified improvements as specified in this section. No streets, drainage or utility construction work, exclusive of clearing, shall begin until construction plans have been reviewed and approved by the owner of the utility to which such utility work is connected.
- (b) All streets and drainage shall be constructed in accordance with the Hot Springs street, drainage and stormwater specifications ordinances, and/or other such standards and specifications as may now or hereafter be adopted by the board of directors.
- (c) All subdivisions shall be provided with water supply and distribution systems approved by the city and meeting the requirements of the state health department. Where a public water supply is within 300 feet of the subdivision, the developer shall install, or have installed, a system of water mains and connection to such supply. A connection to each lot shall be installed prior to the paving of the street.

- (d) All subdivisions shall be provided with a sewage collection and treatment system approved by the city wastewater utility, the state department of health and the Arkansas Department of Environmental Quality (ADEQ). Where a public sanitary sewer is within 300 feet of any point of a subdivision, the developer shall connect with such sewer and provide a connection to each lot. The connection to each lot shall be installed prior to the paving of the street. Such sanitary sewage system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the state department of health, and the owner of the system to which the system is connected, shall be used to design the system.
- (e) For residential lots or development tracts not served by a public or community sanitary sewerage system whose disposal is approved by the state department of pollution control and ecology, the developer shall submit documentation with submission of the preliminary plat that the state department of health, or its delegated authority, will approve septic tank installations, or other individual wastewater disposal methods for service to the subdivision proposed to be platted.
- (f) The developer shall either install the approved wastewater facilities improvements referred to in this section, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the bill of assurance of the subdivision that those facilities shall be installed by the builders of the improvements of the lots.
- (g) Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culverts and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it. The improvements shall be designed and installed in accordance with the provisions of the city's drainage specifications.
- (h) Construction plans shall show the location of all sidewalks in subdivisions when required by the City of Hot Springs Street Specification Code. Installation shall be in accordance with these plans, but construction may be deferred and assigned to the builder in the bill of assurance. No building, plumbing or construction permit shall be issued for any lot where the required sidewalk is shown unless the site development plan indicates the required sidewalk, and no certificate of occupancy shall be issued or municipal utilities released for any property until the sidewalk is constructed or security for such construction is established as provided for in these regulations.
- (i) All street lighting inside the corporate limits of Hot Springs shall utilize poles and fixtures approved by the city engineer. Overhead and underground street lighting plans shall be prepared by the electric utility company with the cooperation of the developer. All street lighting plans shall be approved by the city engineer before any installation begins. Where underground service is proposed, the developer shall provide electrical service to all points proposed for future fixtures.

- (j) Street lighting in subdivisions outside the city's corporate boundaries shall comply with the following:
 - (1) The developer must provide facilities, as approved by the city or electric utility engineer, that will enable standard lighting design to be installed at some future date at no additional cost to the city or county.
 - (2) In areas designed for underground service, plans must be approved by the electric utility company and the city before installation.
 - (3) If the underground service is to be provided, it will be necessary for the developer to provide electrical service to the points proposed for the future fixtures.
- (k) Other utilities to be installed in a subdivision including water, sewer, electricity, gas and telephone, shall be located within the public right-of-way or easement. If stubs to the property lines are not installed, then future connections between lots and utility lines shall be made without breaking into the wearing surface of the street.
- (l) All permanent boundary, lot and street centerline control monuments shall be set in accordance with these regulations and shall be indicated on all plats. Removal of any monument by anyone not under the direct supervision of a registered land surveyor registered under the laws of the state is prohibited.
- (m) Fire hydrants shall be spaced as required by the Hot Springs Fire Prevention Code within all single-family residential subdivisions. This spacing is to be determined by the municipal utilities department in coordination with the authorized fire official. In other subdivisions, hydrant placement shall be based on the density and value of the property as determined by the fire chief. When streets and alleys are closed by a petitioner, the petitioner shall, at his own expense, install necessary fire hydrants to maintain the required fire hydrant coverage.
- (n) Permanent street name signs on public streets, within the city limits, shall be placed and maintained at intersections by the city at the city's expense. Street name signs outside the city limits but within the planning area shall be placed as directed by the county judge. Street name signs on private streets shall be placed and maintained at intersections by the developer at the developer's expense. All street name signs shall meet standards and specifications of the city or county for such signs.

16-4-77. Manufactured home parks outside the City of Hot Springs.

Manufactured home parks outside the corporate limits of Hot Springs, but within the planning area, are subdivisions that are evaluated by the planning commission through the Article II Multiple Building Site Plan procedures and the following standards. Manufactured home parks proposed within the city of Hot Springs shall conform to those requirements located in all of Chapter 3 "Manufactured and Mobile Homes" of the Zoning Ordinance.

- (a) Manufactured home parks shall be served by municipal water services where available and fire protection as required by the Arkansas Fire Prevention Code.
- (b) Sanitary sewer service shall be City of Hot Springs municipal service where available and septic treatment systems shall comply with State health standards where municipal service is not available.
- (c) Each individual space shall be provided with water and sanitary sewer taps.
- (d) Refuse collection facilities and provisions shall be approved by Garland County.
- (e) All manufactured home spaces shall abut upon a private street, constructed to City of Hot Springs dimension and construction standards for a local street and compliant with the provisions of the Arkansas Fire Prevention Code for fire apparatus access roads. Roll over curbs are encouraged.
- (f) No individual manufactured home space may be directly accessed from any public road, street or highway.
- (g) Minimum dimensions for manufactured home park individual spaces shall be 40 feet wide and 120 feet deep.
- (h) Minimum setbacks for each manufactured home space shall be as follows: front 25 feet; side 10 feet; and rear 10 feet.
- (i) At least two (2) paved parking surfaces, a minimum of 9' wide and 18' deep each, shall be provided in the front portion of each manufactured home space. The parking spaces may be placed within the front yard 25-foot setback area.
- (j) Drainage shall be designed, constructed and maintained in accordance with the provisions of the Hot Springs Drainage Ordinance.
- (k) All manufactured homes shall be tied down and anchored in accordance with the manufacturer's requirements.
- (l) Existing manufactured home parks proposed for expansion shall comply with these standards in the area of expansion.

16-4-78. Manufactured home subdivisions outside the City of Hot Springs.

In addition to the other applicable sections of this ordinance, manufactured home subdivisions in the planning area not subject to zoning regulations shall comply with the residential subdivision regulations in this ordinance and residential lot regulations specifically located in 16-4-71 of this ordinance.

16-4-79. Assurances for completion; installation; etc.

(a) Upon final approval of construction plans of the required improvements, the developer may enter into an agreement with the city to install or ensure the completion of the infrastructure improvements as outlined in these regulations. The city may accept the subdivision or development and issue the certificate of final plat approval subject to the assurance of installation of improvements provided that all of the following items are accomplished:

- (1) An estimate to complete the development, prepared by an Arkansas Registered Professional Engineer retained and compensated by the developer, has been submitted in writing to the planning department.
- (2) The city engineer has reviewed and approved the estimate.
- (3) The developer has submitted to the planning department a performance and payment bond and a maintenance bond. The performance and payment bond shall be in the amount of the approved engineer's estimate. The maintenance bond shall be 50 percent of the approved engineer's estimate.
- (4) The developer submits to the city, a maintenance bond in the amount of 50 percent of the estimated development cost which shall guarantee the construction work for a period of one year after final acceptance by the city.

(b) One of the following methods shall be utilized by the developer to assure that improvements required by these regulations have been, can, or will be installed within the specified time and in accordance with the approved plans and specifications.

- (1) *Performance and payment bond.* The developer may submit to the city a performance and payment bond in the amount of 100% of the approved estimated cost to complete the improvements and pay all costs of materials, equipment, labor and services used or utilized in the construction of the facilities.
- (2) *Cashier's check.* The developer may provide a cashier's check in the amount of 100% of the estimated cost of the facilities as agreed to by the city engineer sufficient to complete the improvements and installations required to comply with these rules and regulations.
- (3) *Certificate of deposit, treasury bond or other negotiable government security.* The developer may provide a certificate of deposit, treasury bond or other negotiable government security for the full amount estimated to complete the improvements. The instruments allowed to be provided by this section shall be drawn on a financial institution insured by the Federal Deposit Insurance Corporation and licensed to do business in Arkansas. The instrument will be returned to the developer once improvements are completed and accepted by the city. All improvements shall be done in a timely manner as determined by the city engineer.

- (4) *Irrevocable letter of credit.* The developer may provide an irrevocable letter of credit to the city pursuant to the following conditions:
- a. The letter of credit will be for an amount equal to the total estimated cost of the improvements as agreed upon by the developer and the city engineer.
 - b. The letter of credit will be irrevocable in accordance with Arkansas Code Annotated section 4-5-101 et seq. (1987), as amended, and will list the City of Hot Springs, Arkansas, as the beneficiary of the irrevocable letter of credit.
 - c. The letter of credit will be in a form approved by the city attorney.
 - d. In the event the developer is in default, the city shall be entitled to payment under the terms of the credit; further, the city shall be entitled to use all of the monies secured by the letter of credit to assure the costs of completion of the work in the subdivision as determined by the city engineer.
 - e. The developer will not be entitled to any excess monies until the work in the subdivision has been completed.

(c) In those instances where sufficient cause is established by the developer which may justify an extension of time, the developer may formally apply for an extension which shall only be granted by the planning commission. An application for an extension of time must be made by the developer prior to default.

16-4-80. Inspection of improvements.

The following guidelines shall apply to inspections of all improvements subject to these regulations:

- (a) All subdivision improvement projects shall be constructed according to the approved plans and specifications of a registered professional engineer. Additional inspections shall be made in accordance with other applicable ordinances and regulations.
- (b) The city engineer shall then inspect or cause to be inspected, those facility improvements and installations for conformance with the approved plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements or differ from the approved engineering plans and specifications, the city engineer shall notify the developer in writing of such defects, deficiencies or deviations. The developer shall, at his expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the developer shall notify the city engineer in writing that the improvements are again ready for final inspection.

16-4-81. Maintenance bond.

Developer shall furnish a maintenance bond to the city covering any defects in materials and workmanship for the required improvements installed by the developer in the amount of 50 percent of the total cost of those improvements. The bond shall be in full force and effect for not less than one (1) year from the date of the letter from the city engineer certifying that all improvements have been completed and approved and, further, stating that any and all defects in materials and workmanship shall be corrected by the developer. Work performed under the terms of the maintenance bond shall be approved by the city engineer.

16-4-82. Acceptance of public facilities dedications and recordation.

Following are the steps for approval, dedications and recordation of public facilities:

- (a) All public dedications of streets and public facility sites must be accepted by the board of directors or county judge, as appropriate, following execution of satisfactory guarantees for completion of the proposed improvements. This acceptance shall be accomplished in conjunction with final plat approval.
- (b) Approval of final plats by the planning director and filing of the plat of record with the Garland County Circuit Clerk shall not constitute formal acceptance by the city or county of all approved public improvements not completed as of the date of approval of the final plat. Such facilities shall be accepted as public facilities when the city engineer or county judge certifies that the construction has been approved, maintenance bonds furnished, the plat filed of record, and the city board or county judge formally accepts the rights-of-way and improvements.
- (c) The final plat can be recorded only after the plat has received a certificate of final approval from the planning director. The planning department shall thereafter file the final plat with the Garland County Circuit Clerk. The developer may obtain a copy of the recorded plat from the county circuit clerk at the developer's expense.
- (d) No building, plumbing or construction permits may be issued until proof of the recording of the approved final plat has been presented to the planning department, giving plat book and page number, or instrument number.

16-4-83 -- 16-4-89. Reserved.

ARTICLE V. DEFINITIONS**16-4-90. Definitions.**

The following words, terms and phrases, when used in these regulations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building: A building which:

- (a) is subordinate to and separate from and which serves a principal building or principal use.
- (b) is subordinate in area, extent or purpose to the principal building or principal use served.
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use.
- (d) is located on the same zoning lot as the principal building or principal use.
- (e) does not contain a use that would constitute a principal use of the land if separately sited.

Alignment: The designated or optimally engineered location for the centerline of the street or roadway consistent with proper grade and curvature criteria.

Alley: A public or private right-of-way primarily designed to serve as a secondary access to the side of or rear of properties whose principal frontage is on some other street.

Applicant: The owner of the land proposed to be subdivided or his representative. Written consent shall be required from the legal owner of the land.

Bill of assurance: A legal document specifying the covenants and restrictive conditions applicable to a particular property.

Block: A tract of land entirely bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines, waterways or boundary lines of municipalities.

Board of adjustments and appeals: A board established pursuant to the Hot Springs zoning code for the purpose of hearing variance requests as authorized by the zoning code and other applicable regulations.

Board of directors, city board of directors, city board or board: The duly elected governing body of the city of Hot Springs, Arkansas.

Bond: Security in the form of and limited to a cash deposit, surety bond underwritten by a bonding company licensed to do business in Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the city that can be unilaterally drawn upon by the city for the completion of proposed improvements by a developer.

Boundary street: An existing street abutting on any side of the parcel of land being subdivided.

Boundary street improvements: All improvements and right-of-way dedications necessary to meet the standards set forth in the city's Master Street Plan and the city's Stormwater Management Ordinance.

Buffer: An area of land together with planting and screening that is designed to minimize or eliminate conflicts between dissimilar land uses.

Buildable area: The area of that part of the lot not included within the yards or open spaces herein required.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property; and forming a construction that is safe and stable; the word building is synonymous with the word structure.

Building, Coverage: The percentage of the lot area covered by the building.

Building height: The average vertical distance from the highest point of the building to the sidewalk grade or finished lot grade adjacent to the building, whichever is higher.

Building line: The line within a property which defines a minimum horizontal distance to be provided between an exterior building wall or building support and the adjacent property line. This includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building location: That portion of a lot upon which buildings or structures may be placed. In measuring setbacks or offsets, the following shall be excluded from distance requirements:

- (a) The outer three feet of roofs or cornices projecting beyond the wall or supporting columns
- (b) Walls or fences, not over eight feet in height, located behind the required front setback line
- (c) Unroofed structures or portions of structures of a height not greater than the distance from the property line or four feet, whichever is less.

Building, main or principal: A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.

Building, temporary construction: A building located at a construction site which serves only as an office until the given construction work is completed. A temporary construction building is not permitted to serve as a residence at any time.

Capital improvement program: A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and anticipated means of financing each project. All projects require the expenditure of public funds, over and above the city's annual operating expenses for the purchase, construction or replacement of the city's physical assets.

City: The words "the city" or "this city" shall be construed as if the words "of Hot Springs" follow it and shall extend to and include its several officers, agents and employees.

City attorney, city clerk, director of planning: Any office referred to in this chapter by title, i.e., city attorney, city clerk, director of planning, etc., shall be the person so retained in this position by the city or his duly authorized representative.

City engineer: The employee of the city designated by the city manager as the city engineer or acting in the capacity of a city engineer.

Clearing: The removal of natural vegetation including trees, bushes, vines, weed, grass, etc. and such other minor dirt work that does not meet the definition of grading as stated herein.

Commercial subdivision: A division of a tract or parcel of land into two (2) or more building sites for commercial uses.

Commercial establishment: A unit whose function is to sell goods and/or services at wholesale or retail, where goods are not stored outside buildings and offices of construction firms where neither materials nor equipment are stored, manufactured or assembled on site. Establishments which would otherwise be considered within this definition but which have limited or incidental outside storage or assembly may be included in this definition.

Commission: The planning commission of the city of Hot Springs, Arkansas, as established by ordinance of the Hot Springs board of directors.

Comprehensive plan: The officially adopted guide to the orderly, coordinated development of the community, i.e., the City of Hot Springs, Arkansas, Comprehensive Plan.

Construction drawings: Detailed plans and standards depicting the materials and methods, including plan and profiles and standard details to be used in the installation of improvements in a subdivision or large-scale development.

County: Garland County, Arkansas.

County circuit clerk: The County Circuit Clerk of Garland County, Arkansas.

County judge: The chief executive officer of Garland County, Arkansas.

Crosswalk: A strip of land dedicated for public use which is reserved across a block for the purpose of providing a pedestrian access to adjacent areas.

Cul-de-sac: A local street not more than 800 feet in length having only one outlet and having an appropriate turnaround for Fire Apparatus Access as governed by the Arkansas Fire Prevention Code.

Design criteria: Standards that set forth specific improvement requirements.

Developer: Any person, firm, partnership, corporation, utility or other entity subdividing or proposing to subdivide lands within the planning jurisdiction of the City of Hot Springs Planning Commission.

Development plans: Plans indicating the site layout and proposed improvements of a subdivision or large-scale development.

Easement: Authorization by a property owner of any designated part of his property for the use by another and for a specified purpose.

Engineer: A professional engineer registered to practice in the State of Arkansas.

Expressway: See "Street, expressway."

Extraterritorial jurisdiction. The area between the city limits and the outer boundary of the city planning area as adopted by the Hot Springs board of directors. See also planning area.

Extraterritorial limits: The outer boundary of the city planning area as adopted by the Hot Springs board of directors.

Fee in-lieu-of contribution: A cash contribution for required Boundary Street Improvements instead of immediate construction.

Freeway: See "Street, freeway."

Frontage road: See "Street, frontage."

Grade: The slope of a road, street or other public way, calculated by the vertical rise (+) or fall (-) of a segment divided by the length of the segment, specified in percentage terms.

Grading: Any excavation which is more than two (2) feet in depth, or which creates a cut slope greater than five (5) feet in height and steeper than one and one half horizontal to one vertical. Grading also includes any fill of more than one (1) foot in depth and placed on natural terrain with a slope steeper than five horizontal to one vertical; or greater than three (3) feet in depth, intended or not intended to support structures; or which exceeds one-half acre on any one lot; or any fill which may obstruct a drainage course.

Health department: The Arkansas State Department of Health.

Highway: A street or roadway which is a part of the state highway system which is proposed and/or maintained by the Arkansas Highway and Transportation Department.

Improvements: Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, street lighting and other utilities and related items.

Incidental submittals: Lot splits, minor subdivisions, lot recombinations, replats, or one-lot subdivisions that do not require submittal to the planning commission but which may be approved by the director of planning.

Industrial establishment: A unit where a product is manufactured, fabricated, finished, or assembled on site, specifically including but not limited to: printing presses, construction firms where materials or equipment are stored outside, and wholesalers where products are stored outside buildings. Establishments which would otherwise be considered within this definition but which have limited or incidental commercial use may be included in this definition.

Industrial subdivision: A division of a tract or parcel of land into two (2) or more building sites for industrial uses.

Large scale development: Developments of such scale or complexity, as set forth in Article II that they require individual review by the planning commission.

Loop street: A street closed on either end with "T" intersections and which intersects the same street twice with no other intersection.

Lot: A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development. For purposes of this definition, there shall be three (3) design configurations:

Traditional, which shall be defined as a true or near true square or rectangle;

Contemporary, which shall be defined as a lot with multiple side or multiple rear lot lines that intersect with acute angles or create a polygon; and

Pipe-stem, which shall be defined as a lot with narrow street frontage and disproportionately wider rear yards, also known as "flag lots."

Lot, corner: A lot abutting upon two (2) or more streets at their intersection.

Lot, double frontage: A lot fronting on two (2) streets but not including a corner lot.

Lot of record: Any tract, lot, parcel or legally describable ownership established by public record such as a recorded deed or plat existing prior to 1965.

Lot, reverse-frontage: A lot designed to be developed with the rear yard abutting a major street and with primary means of ingress and egress provided on a minor street.

Lot split: The dividing of an undivided recorded lot or parcel into two (2) or more tracts.

Maintenance bond: A bond, or other such instrument, furnished by the developer to the city, for a specific time period, to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the developer or his contractor.

Manufactured home: A dwelling unit constructed in a factory in accordance with the federal standards and meeting the definitions set forth in the federal standards and under A.C.A. §20-25-102.

Manufactured home subdivision: The division of a tract or parcel of land into two (2) or more tracts to be sold for the exclusive placement of manufactured homes.

Manufactured home park: A tract of land, under one ownership, divided into separate individual spaces for placement of manufactured homes where the individual spaces or manufactured homes are intended for rent or lease.

Master street plan: The official street plan for the city denoting street classifications, alignments and their design standards as defined in the street specifications regulations as may now or hereafter be adopted by the Hot Springs board of directors.

Metes and bounds description: A portion of land not in a platted subdivision which is described by bearings and distances and is used as a lot with or without improvements required by the planning commission.

Minor subdivision: See “Subdivision, minor.”

Mobile home: A single-family dwelling that is fabricated in an offsite facility prior to the enactment for the Federal Manufactured Home Construction and Safety Standards (24 CFR 3280), the same being no longer permitted in the City of Hot Springs, except as outlined in the Manufactured Home Ordinance.

Neighborhood: A number of residential units united by a network of residential and collector streets forming a loosely cohesive community characterized by individual features that together establish a distinctive appearance and atmosphere.

Off-site: Any premises not located within the area of the property to be subdivided whether or not in the same ownership of the applicant.

One-half street section: The area to the legal centerline of the required roadway. Where a clearly defined right-of-way does not exist, the director of planning shall establish the centerline location.

Owner: The owner(s) of record for all the land in a subdivision or authorized agent thereof.

Pavement width: That portion of a street measured from the outer edges of a paved surface at a right angle with the centerline of the street. The width of pavement on curbed streets shall not include the width of the curbs and/or gutters.

Performance and payment bond: A bond, or other such instrument, posted by the developer to the city to guarantee completion of the proposed improvements within a subdivision, and to guarantee payment of all charges for labor, material, equipment and all other items and services used or utilized in the project.

Planned development (PD): A parcel of land proposed for development as a single entity and which may include dwelling units, commercial, office, industrial uses or any combination thereof under the provisions of the zoning code.

Planning area: The area within the city limits of the city of Hot Springs and the extraterritorial area of the Hot Springs planning commission as established by the planning commission and approved by the board of directors.

Planning department: Such department, division or section of the city as may be established by the city manager or board of directors, under the direction of a planning director, for the purpose of administering this code.

Planning director: The city official designated by the city manager as having planning authority and authorized to administer this code or his duly authorized representative.

Plat, final: A finished drawing(s) showing, completely and accurately, all legal and surveying information required herein.

Plat, preliminary: Any drawing(s) indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for review and approval to construct the subdivision pending approval of the construction drawings by the appropriate staff.

Plat, sketch or sketch plan: A map or chart of a proposed subdivision of land on which the approximate location of the natural topographic features (sketches, roads, creeks, buildings) are roughly shown, overlaid with a proposed lot and street layout with notes indicating minimum lot area and lot width.

Professional engineer: A person who has been duly registered or licensed as a professional engineer by the state board of registration for professional engineers and land surveyors.

Professional surveyor: any person engaged in the practice of land surveying as defined in this section and who is licensed by the state board of registration for professional engineers and surveyors.

Protective covenants: Legally sound elements of the bill of assurance intended to aid the developer's land development program and to protect the future purchaser's investment.

Plug: A narrow parcel of land or right-of-way located adjacent to undeveloped land for the purpose of permitting access for future development. Also known as "stub."

Public street system: The total sum of the public streets within the planning area including local, minor collectors, major collectors, arterials and highways. The public street system shall include all streets whether by dedication (platted) or prescriptive use and whether or not accepted for maintenance by the city or county.

Replanning: A change in the layout of an approved or recorded plat.

Residential, subdivision: A subdivision for which all lots, tracts, and parcels are intended for residential use.

Re-subdivision: The re-subdivision of any part of previously platted subdivision, addition, lot or tract.

Right-of-way, public: A parcel or strip of land, whether dedicated to the public or belonging to the public by prescriptive right of use, intended for use as a street, walkway, railroad, utility or other public use.

Right-of-way dedication: The dedication to the city of sufficient right-of-way as required by the most recently adopted master street plan. Right-of-way dedication for boundary streets shall apply to one-half street sections abutting a proposed subdivision or development.

Service easement: A recorded easement used by public utilities for the purpose of installation and maintenance of facilities or used by the public as a means of access to commercial, office, industrial or multifamily developments.

Set-back line: A line parallel to the property line which establishes, between any building and the property line, the minimum open space upon which no building shall be permitted.

Staff: Such employees of the city as may be designated by the city manager with the responsibility to administer these regulations.

Street: A right-of-way used or intended for use by vehicular or non-vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the city or county.

Street, arterial: Any street designed primarily to accommodate major traffic movements between cities or between various sections of the city, which forms part of a network of through streets and which provides service and access to abutting properties only as a secondary function. A street so designated by the city's master street plan.

Street, boundary: An existing or proposed public street or street right-of-way line abutting or sharing a common line with a tract of land of other ownership.

Street, classified: Any street identified by the duly adopted comprehensive plan, master street plan, street specifications, or otherwise designated by the city as highway, arterial, major collector or minor collector.

Street, collector: A street, which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial streets or business area.

Street, commercial: A local street which serves one or more commercial establishments and no industrial establishments.

Street, dead-end: A street other than a cul-de-sac with only one connection to the public street system.

Street, existing: A street, as defined herein, on which a road bed and/or base or pavement has been placed and which has been used by vehicular traffic.

Street, expressway: Any divided street or highway with no access from abutting property and which has only separated or at-grade access from other public streets and highways.

Street, freeway: Any divided street or highway with complete access control and grade separated interchanges with other public streets and highways.

Street, frontage: A street parallel to and adjacent to an expressway or freeway which provides access to abutting properties.

Street, industrial: A local street which serves one or more industrial establishments.

Street, local: A street which serves only the properties which abut upon it, and: (1) which does or may provide access to not more than one hundred (100) residential dwelling units, and (2) which does or may carry not more than an average of three hundred (300) trips per day.

Street, loop: A street closed on either end with a "T" intersection and intersecting the same street twice with no other access to the public street system.

Street, major collector: A street which function is to gather traffic from local streets, and minor collector streets and carry it to the highway and arterial system. Any street which does or may carry an average of five hundred (500) or more trips per day and not designated as arterial or highway. Any street so designated in the city's comprehensive plan.

Street, minor collector: A street which function is to gather traffic from local streets and carry it to the major collector, arterial and highway system. Any street not classified as a major collector, arterial or highway and not meeting the definition of a local or residential street.

Street, private: Any street or roadway not accepted by the proper authority nor recognized as a public street by the city board and/or county judge on the effective date of these subdivision regulations. Also, any street specifically allowed as a private street by the planning commission.

Street, public: A street or roadway which has been dedicated to the public and accepted by the proper authority or a street by prescriptive rights which has been accepted by proper authority.

Street, residential: A street existing or designed to provide circulation within a residential subdivision or a street which serves only residential properties.

Street right-of-way width: The shortest distance between the lines which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

Subdivider: Any person dividing or proposing to divide land so as to constitute a subdivision as herein defined.

Subdivision: The division of any tract or parcel of land in one (1) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, rent or building development, and shall include all divisions of land involving the need for new access, a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to these subdivision regulations:

- (a) The combination or recombination of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards and ordinances of the city, and not change any street or easement;
- (b) The division of land into parcels greater than ten (10) acres provided each newly created lot or parcel has minimum lot frontage on a public street and requires the construction of no additional streets;
- (c) The public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or other public improvements.

Subdivision, commercial: A division of a tract or parcel of land into two (2) or more building sites for commercial uses.

Subdivision, industrial: A division of a tract or parcel of land into two (2) or more building sites for industrial uses.

Subdivision, residential: A subdivision for which all lots, tracts and parcels are intended for residential use.

Subdivision boundary: The outermost property line of the existing or proposed subdivision which encompasses the entire subdivision lands as divided or proposed to be divided.

Subdivision minor: A subdivision of four (4) lots or less intended for residential use and with no required street dedication.

Subdivision, strip: A subdivision of land, located on an existing public street, into one or more lots, parcels or tracts of less than ten (10) acres which does not require the construction or dedication of any new street, road or extension of utility mains.

Surveyor: A land surveyor registered in the State of Arkansas.

Territorial jurisdiction: The area described in A.C. A. §14-56-413 (A) (1) (A) which, for the purposes of planning and control of the development of land, the jurisdiction of the city of Hot Springs is exclusive and which includes all land lying within five (5) miles of the corporate limits.

Townhouse: A residential dwelling unit which is connected by one or more walls to a series of similar units, usually sharing the same street frontage.

Vehicular access easement: A vehicular easement not dedicated to the public and authorized by the planning commission to provide primary access in hardship areas, and not more than five hundred (500) feet in length nor serving more than five (5) lots and/or building sites.

Zero-lot-line development: A residential development concept eliminating the normal side yard requirement on one (1) side of a lot and providing for more usable open space for the other side yard. Final plats involving this concept shall reflect a buildable area on each lot so as to provide for proper placement of the units and assurance that no lot will be adversely affected by placement of adjoining units.

Zoning ordinance and/or zoning regulations: The Hot Springs zoning code providing for land use regulation within the planning jurisdiction of the city as provided by state law and as adopted by the Hot Springs board of directors.

(Ord. No. 5715, 3-3-09)

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