

Lot Splits (3 or less lots)

Large Scale Development (4 or more lots)

SECTION 2. PLATTING PROCEDURES

DIVISION A. GENERALLY

Sec. 2-1. Certificate of preliminary plat approval required.

No developer proposing to make or have made a subdivision within the planning area boundary shall proceed with any construction work on the proposed subdivision, including grading, before obtaining a certificate of preliminary plat approval, and shall not convey title to any lot before obtaining from the commission a certificate of final plat approval and acceptance of the plat. The conditions above also apply to lot splits and minor subdivisions.

Sec. 2-2. Sketch plat; pre-application submission.

(a) Prior to filing of a preliminary plat, the developer shall submit to the staff a sketch plat for the tract which shall include the following information, all of which may be based on sources of information other than field survey data:

- (1) The location of the tract in relation to the surrounding area.
- (2) Acreage in the proposed subdivision.
- (3) All existing streets, roads, wet and dry weather watercourses, and other significant features with the tract and within five hundred (500) feet thereof.
- (4) Approximate location of proposed streets and property lines.
- (5) An accurate sketch, drawn to scale, of the proposed site plan.
- (6) A north arrow and graphic scale.
- (7) Direction of and approximate distance nearest existing major street intersection.
- (8) Existing storm and sanitary sewer, if any.
- (9) Proposed land use designation.
- (10) Existing adjacent development.
- (11) Existing easement and covenants affecting the area.
- (12) Any additional information the developer feels is pertinent.

(b) The staff shall review and evaluate the sketch plat as soon as practical, and shall report to the developer its opinion as to the merits and feasibility of the improvements contemplated by the sketch plat. The developer shall have the option of submitting the sketch plat before the planning commission for review.

(c) No fees shall be collected for pre-application submission, the purpose being to acquaint the developer with plans and policies in effect that would be significant to the proposed subdivision.

Sec. 2-3. Minor subdivisions and lot splits.

(a) Subdivisions of Three (3) lots or less shall be referred to as minor subdivisions. Minor subdivisions and lot splits shall be processed in an expedited manner by considering sketch, preliminary, and final plat approval or disapproval at the same meeting, provided the developer shall be required to fulfill all regulations of this chapter that shall apply.

Sec. 2-4. Re-platting.

The re-plat shall meet all requirements for a new subdivision that may be pertinent. A fee in the amount specified herein shall be collected for each re-plat that does not require a preliminary plat. If a preliminary plat is required, the fee for the re-plat shall be the same as required for a preliminary plat. The re-plat will not be reviewed or considered in any respect until such fee has been collected.

Sec. 2-5. Schedule of fees.

The following fees shall be paid for plat approval under the provisions of this article:

- (1) Lot/tract split (1-3 splits) (per each split)..... \$125
- (2) Large scale development (4 or more lots) Informal (optional)... \$ 50
- (3) Large scale development (4 or more lots) Preliminary..... \$250.00 + \$50.00/lot
- (4) Large scale development (4 or more lots) Final \$250.00

DIVISION B. PRELIMINARY PLAT

Sec. 2-6. Procedure for approval.

Whenever any subdivision of a tract of land is proposed to be made, the developer shall first submit to the staff at least twenty (20) calendar days prior to the commission meeting at which the plat is to be considered, an application for a certificate of preliminary plat approval which shall consist of:

- (a) Fifteen (15) copies of the preliminary plat and other documents as described in section 2-7.
- (b) A receipt from the Town acknowledging payment of the filing fee. The plat will not be reviewed or considered in any respect until the fee has been collected.
- (c) A letter formally requesting consideration by the commission.

Sec. 2-7. Form and contents.

- (a) The preliminary plat shall be prepared by a licensed and qualified engineer or land surveyor.
- (b) The accuracy of all survey data must be certified by a licensed land surveyor.
- (c) The preliminary plat shall be prepared in compliance with these regulations and the following:
 - (1) Blueline or blackline prints of the proposed subdivision drawn to a scale of not greater than one hundred (100) feet to the inch.
 - (2) The maximum sheet size shall be thirty-six (36) inches by forty-eight (48) inches.
 - (3) Whenever two (2) or more sheets are required, they shall be accompanied by an index sheet showing the entire subdivision layout on one (1) sheet.
 - (4) The preliminary plat shall have or be accompanied by this information:
 - a. A key map showing the tract and its relation to the surrounding area.
 - b. The name of the owner and developer.
 - c. The name and seal of the registered land surveyor responsible for the survey and contour information on the plat.
 - d. The title or name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.
 - e. North point, date, graphic scale.
 - f. Existing and proposed restrictive covenants and restrictions.
 - g. The location, name, and width of all existing streets, alleys, and easements within or adjacent to the proposed subdivision or within a distance of two hundred (200) feet of the proposed subdivision.
 - h. Physical features of the property to be subdivided, including location and size of all watercourses, ravines, bridges, culverts, existing structures, drainage area in acres draining into the subdivision. This information shall be shown on the contour map.
 - i. Ground elevation with contours at vertical intervals not exceeding one (1) foot; elevations marked on such contours shall be based on mean sea level elevation.
 - j. The plat shall show the actual boundary survey and legal description; however, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions. The acreage to be subdivided shall be shown.
 - k. The proposed plan for the subdivision shall be shown, including all proposed streets and their names. Alleys, easements, width of rights-of-ways for streets and alleys, the proposed pavement width and storm drainage shall be shown.
 - l. Source of water supply.
 - m. Evidence that plans of proposed utility layouts (water, gas, electric, storm sewer, etc.) and the appropriate utilities will be provided.
 - n. Typical cross sections of all streets.
 - o. Indication of the use of any lot other than single-family residential, proposed by the subdivider.

- p. Dimensions in feet and hundredth parts thereof, bearings, and curve data for all lot, block, street and street pavement lines.
- q. Location and description of all section line corners and government survey monuments in or near the subdivision to at least one (1) of which the proposed subdivision shall be referenced.
- r. Building setback lines with dimensions.
- s. Location and dimensions of all proposed water lines and fire hydrants.
- t. Street sign locations.
- u. Streetlight locations.
- v. Approximate location and description of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision with conditions, if any, of such dedication or reservations.
- w. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided.
- x. The master plan shall conform in all respects to the requirements of the sketch plat, except it may be on a scale not more than one (1) inch to four hundred (400) feet.

(d) The following notice shall be placed on the preliminary plat; "Preliminary Plat for Inspection Purposes Only. Not Approved for Record Purposes."

(e) The following certificates shall be placed on the preliminary plat:

(1) Certificate of Preliminary Plat Approval.

"All requirements of the Avoca Subdivision Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this Plat is hereby granted, subject to completion of Final Plat provisions of said Regulations.

This certificate shall expire _____.

Date

(Signed)

Date of Execution

Chairman
Avoca Planning Commission"

(2) Preliminary Engineering Certificate.

"I, _____, hereby certify that this proposed Preliminary Plat correctly represents plans and specifications completed by me, or under my supervision on _____, 20__; that the boundary shown hereon corresponds with the description in the deeds cited in the above Source of Title; and that all monuments which were found or placed on the property are correctly described and located.

(Signed)

Date of Execution

Name - Registered
Professional Engineer No. ____, Arkansas"

(3) Preliminary Surveyor's Certificate.

"I, _____, hereby certify that this proposed Preliminary Plat correctly represents a survey completed by me, or under my supervision, on _____, 20__; that the boundary lines shown hereon correspond with the description in the deeds cited in the above Source of Title; and that all monuments found or placed on the property are correctly described and located.

(Signed)

Date of Execution

Name- Registered Land Surveyor
No. _____, Arkansas"

Sec. 2-8. Processing.

(a) Upon receipt of an application for a certificate of preliminary plat approval, the staff and/or a commission appointed committee shall check the preliminary plat as to its conformity with the sketch plat, master plan, master street plan, land use plan, zoning districts and the standards and specifications set forth or referred to herein.

(b) The staff and/or a commission appointed committee shall transmit the preliminary plat data to the planning commission for their review, at least five (5) calendar days prior to the planning commission meeting.

(c) Within ninety (90) calendar days after the preliminary plat is formally filed, the commission shall approve or disapprove such plat, or conditionally approve it with modifications. The developer shall be informed, in writing, of the action taken within five (5) calendar days after the meeting.

(d) Approval of the preliminary plat shall be governed by the following qualifications:

- (1) Approval of a preliminary plat is only tentative, pending submission of the final plat.
- (2) Approval of the preliminary plat does not constitute approval of sewer, water, or utility plans. The developer shall be responsible for obtaining approval of these systems from the appropriate agencies as follows:
 - a. Streets and drainage: planning commission.
 - b. On-site sanitary facilities: planning commission/State Health Department.
 - c. Public water and public sanitary sewer: Benton County Water & Sewer Commission.
 - d. Private utilities: utility companies.

The planning commission or designated committee thereof shall consider detailed street and drainage plans and specifications for each subdivision at regular meetings as an agenda item. Such plans and specifications shall be submitted to the Town for engineering review, at least fifteen (15) business days prior to the commission meeting. The commission shall have the discretion, if it so desires, to have an independent engineer review all engineering plans and specifications at the developer's expense. It shall be the right of the developer to receive a copy of the engineer's recommendations at least four (4) full working days in advance of the commission meeting. It shall also be the developer's right to be present at the planning commission meeting during review and consideration of his plans and specifications.

(3) Approval of preliminary plat shall remain in effect for a period of two (2) years. If the preliminary plat approval expires, the developer may still request an extension of two (2) years on his approved preliminary plat by submitting a formal letter to the planning commission, stating why he should be granted a time extension. If the planning commission should decide to grant an extension, the extension shall take effect immediately, and the developer shall be notified in writing by the chairman of the planning commission that his time extension has been granted.

(e) Receipt by the developer of the executed certificate of preliminary plat approval is authorization to proceed with:

- (1) The installation of any improvements required as approved by agencies having authority as listed in subsection (d) of this section.
- (2) The preparation of the final plat or part thereof as specified in section 2-10.

(f) Modification of preliminary plat shall be noted, and a letter shall be sent to the developer within ten (10) business days after denial indicating reasons for modifications.

(g) Denial of preliminary plat shall be noted, and a letter shall be sent to the developer within ten (10) business days after denial indicating reasons for denial.

DIVISION C. FINAL PLAT

Sec. 2-9. Procedure for approval.

Whenever the provisions of these rules and regulations have been complied with, and while the certificate of preliminary plat approval is in effect, the developer may submit to the staff an application for review and approval of the final plat, at least eleven (11) working days prior to the planning commission's meeting which shall consist of:

- (a) A letter formally requesting review and final approval of the plat.
- (b) The final plat and other documents as specified in section 2-10.

(c) A statement by the engineer employed by the Town, if an engineer has been employed pursuant to these regulations, that the developer has:

- (1) Installed all improvements in accordance with the plans and specifications approved by the planning commission; or
- (2) A performance guarantee in the form of a bond, or irrevocable letter of credit payable to the Town (or other security as recommended and approved by the Town attorney), has been posted with the recorder/treasurer in sufficient amount to assure the completion of all required improvements. The Town shall also have the right to refuse to accept such security.

Sec. 2-10. Form and contents.

(a) The final plat shall be prepared in compliance with regulations and the following:

- (1) A reproducible original and ten (10) blue-line or black-line prints of a scale of not more than one hundred (100) feet to the inch. One copy in reproducible, digital format shall also be provided.
- (2) The drawing shall be neat, legible and suitable for filing for record in the office of the county circuit clerk. Patching and pasting of paper or other attachments is not acceptable.
- (3) Allowance shall be made for a one-half inch border at the top, bottom, and right edges of the sheets, and a one-and-one-half inch border at the left edge of the tracing sheets.
- (4) When more than one (1) sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet. In addition, whenever more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet, and the total number of sheets included, as well as clearly labeled match lines to show where other sheets adjoin.
- (5) The final plat shall show or be accompanied by this information:
 - (a) Boundary and written legal description of the property in the subdivision.
 - (b) Names and addresses of the owner(s) and developer(s).
 - (c) The name of the subdivision, Town, county and state shall be shown in bold letters inside the margin at the top of each and every sheet included.
 - (d) Acreage in the subdivision.
 - (e) Date.
 - (f) A prominent North arrow shall be drawn on every sheet included showing any portion of the lands subdivided, and when possible, it shall be placed in the upper right-hand corner. The bearing reference shall be clearly stated on the plat. A scale of one (1) inch equals one hundred (100) feet shall be used at all times unless permission to do otherwise is obtained in writing. In all cases the scale used shall be both clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
 - (g) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and building setback lines with dimensions (both front and side streets) and other areas shown on the plat, as well as the outer boundaries of the lands subdivided. The purpose of any easement shown on the plat must be clearly stated, and shall be confined to only those that deal with public utilities, such as gas, power, telephone, water, sanitary sewer and such drainage easements as deemed necessary for the orderly development of the land encompassed within the plat. All such easements, relative to their usage and maintenance, must be approved by the planning commission.
 - (h) Location and description of any land to be dedicated or reserved for parks, schools, or other public purposes. In addition, the purpose of all areas dedicated to the public must be clearly indicated or stated on the plat.
 - (i) All blocks must be numbered or lettered in consecutive order. All lots within each block must be numbered in consecutive order. All streets must be named, numbered, or lettered in a manner acceptable to the planning commission.
 - (j) All distances shall be shown in feet and to the nearest one-hundredth foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between it and an intersecting line having shown bearing, except where its description is better illustrated by measurements shown at points or intervals along a meander line having shown courses. All bearings and/or angles shown shall be given to the nearest minute of arc, to a smaller fraction to be stated in seconds of arc.
 - (1) Curve data shall be stated in terms of radius, central angle, and tangent, or length of curve, and unless otherwise specified by local ordinance curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary; in all other cases the curve data must be shown for the line affected.
 - (2) When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

(k) The subdivision shall be referenced (tied) by bearing and distance to one (1) or more of the following established land monuments: section corner, quarter corner, or one-sixteenth corner with section lines, quarter lines, or one sixteenth lines shown noted and described on the plat.

(l) All monuments to be of record must be adequately described and clearly identified on the plat. Where additional monuments are to be set subsequent to the recording of the plat, the location of such additional subordinate monuments shall be shown by a distinct symbol noted on the plat as representing subordinate monuments.

(l) All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."

(m) Existing and proposed restrictive covenants and restrictions.

(n) Where ponds, lakes, rivers, bayous, or canals are within or immediately adjacent to the boundary of the subdivision, normal pool elevation, mean high pool elevation, and spillway elevations where applicable shall be shown on the plat. The elevations shall be based on mean sea level data.

(1) The base flood elevation (BFE, also known as the one-hundred-year flood elevation), as designated by the Federal Emergency Management Agency (FEMA) shall be shown on the plat where applicable. Also, the finished minimum flood elevations, not lower than two feet (2') above the BFE for each lot, shall be included.

(b) In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this chapter is detected by subsequent examinations, or revealed by a retracement of the lines run during the original survey of the lands shown on such recorded plat, the land surveyor who was in responsible charge of the original survey and the preparation of the plat as recorded may file an affidavit confirming that such error was made, describing the nature and extent of such error or omission and the appropriate correction that in his opinion should be substituted for the erroneous data shown on such plat. In the event that the responsible land surveyor is no longer living, or that he is no longer available, or unwilling to confirm such error, a similar affidavit may be filed by others providing that such similar affidavit be signed and acknowledged by three (3) practicing registered, licensed, certified or public land surveyors in good standing with the board of examiners of this state. In either case where such affidavit has been filed for record, it shall be the duty of the recorder to place a notation in the margin of such recorded plat stating that such affidavit has been filed, the date when it was filed, and the book and page where it is recorded; such affidavit shall have no effect upon the validity of the plat or of the information shown thereon, but shall be admissible as evidence by the courts and given the same weight as testimony offered voluntarily by qualified, expert witnesses.

(c) The following certifications shall appear on each Final Plat:

(1) Certificate of Owner

"We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided said real estate in accordance with the within Plat.

(Signed)

Date of Execution

Name

Address

D. R. _____

Source of Title

Page _____"

(2) Certificate of Recording

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

(Signed)

(Name) Clerk"

"For Restrictive Covenants or Bill of Assurance,
see Deed Record Book _____, Page _____."

(3) Certificate of Surveying Accuracy

"I, _____, do hereby certify that this Plat correctly represents a survey and a plan made by me or
under my supervision; that all monuments shown hereon actually exist; and their location, size, type, and material are
correctly shown; and all requirements of the Avoca Subdivision Regulations have been fully complied with.

(Signed)

Date of Execution

Name
Address
Registered Land Surveyor
No. _____, Arkansas"

(d) This certificate of final plat approval shall be shown on both the final plat and on the restrictive covenants or the bill of assurance as follows:

Certificate of Final Approval

"Pursuant to the Avoca Subdivision Regulations, this document is given Final Approval by the Avoca Planning Commission. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of said Regulations.

(Signed)

Date of Execution

Chairman
Avoca Planning Commission
Avoca, Arkansas"

Sec. 2-11. Availability of water and/or sewage utilities.

If a proposed subdivision does not have the availability of a sanitary sewage collection and treatment system, or beyond the area of a water distribution system, and these utilities cannot be extended to the area, the developer shall be required to furnish with his final plat satisfactory evidence, including (but without limitation) the results of soil tests and borings and statements from local and state health authorities, water engineers, and other officials, that water satisfactory for human consumption may be obtained from groundwater or surface water on the land, and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic systems or approved methods.

Sec. 2-12. Processing of final plat.

(a) Whenever the final plat has been submitted to the staff, which final plat conforms in general to an approved preliminary plat, and the provisions of section 2-9, the commission shall, provided the developer has posted a one (1) year maintenance bond for all required town improvements, have the final authority to approve the final plat.

(b) The staff shall transmit the final plat to the planning commission for their review at least five (5) days prior to the next scheduled meeting where subdivision matters are discussed.

(c) The staff may cause the developer's engineer and/or surveyor to check the final plat for correctness, charging the cost to the developer if the plat is found to be in error, and the preparer fails to make the necessary correction.

(d) Failure of the planning commission to act within forty-five (45) calendar days from receipt of application shall be deemed approval of final plat, and waives all further plat requirements of these rules and regulations. Such failure to act shall be so noted on the plat to be filed for record.

(e) The basis for disapproval of the final plat shall include any of the following:

(1) Failure to install improvements according to detailed plans and specifications as previously approved by the planning commission; post required bonds; or make payments required herein.

(2) Failure to comply with any written agreements or conditions of approval.

(3) Failure to post a satisfactory guarantee of improvements as described above in section 2-9 (c).

(f) If the final plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.

(g) Approval of the final plat shall be indicated by the chairman of the planning commission, by execution of a certificate of final plat approval on the plat upon receipt of one of the following:

(1) A formal letter submitted by the proper authority(s) stating that all improvements and installations to the subdivision have been completed in accordance with the plans and specifications previously approved by the planning commission. Town authorities shall have fifteen (15) calendar days to review the final plat and on-site improvements, determine conformance or non-conformance, and notify the planning commission and the developer of their findings.

(2) A performance bond or irrevocable letter of credit shall:

a. Be with the Town.

b. Be in the amount determined by the Town, based upon competent construction estimates, to be sufficient to complete the improvements and installations for the subdivision in compliance with these rules and regulations.

c. Be with surety by a company or bank licensed to do business in the state.

d. Specify the time for completion of the improvements and installations.

e. Be filed in the Town recorder/treasurer's office.

f. Be presented only in a standard form which will be approved by the Town attorney.

(h) Approval of final plat by the commission shall be deemed acceptance of any dedications shown on the plat. These dedications shall be accepted by the Town or county as prescribed by law.

(i) No street or alley, which shall be dedicated to public use by the proprietor of ground in the Town, shall be deemed a public street or alley, or to be under the care or control of the Town council, unless the dedication shall be accepted and confirmed by an ordinance especially passed for that purpose.

Sec. 2-13. Acceptance by sections.

A developer, at his option, may obtain approval of a portion or a section of a subdivision provided he meets all requirements of this chapter with reference to such portion or section in the same manner as is required for a complete subdivision. In the event that a subdivision and a final plat thereof are approved in section by the commission, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.