

**TOWN OF HIGHFILL**  
**SUBDIVISION REGULATIONS**  
(Revised September 26, 2006)

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## SECTION 1. IN GENERAL

### Sec. 1-1. Short title; purposes.

These regulations shall be known and may be cited and referred to as the "Subdivision Regulations of the Town of Highfill, Arkansas," and shall apply to the areas outlined on the official planning area map of the town. These rules and regulations are intended to serve the following purposes:

- (1) To promote the health, safety, and general welfare of the residents of the town and its environs.
- (2) To avoid undue concentration of population and overcrowding.
- (3) To promote less congestion on the streets and highways.
- (4) To provide for adequate provisions for transportation, water, drainage, and other public requirements.
- (5) To provide for proper ingress and egress to properties, and neighborhoods.
- (6) To guide the future growth and development of the town in accordance with the land use plan and the master street plan.
- (7) To insure conformance of subdivision plans with the public improvement plans of the town and its environs.
- (8) To assist orderly, efficient and integrated development with the town's planning area.
- (9) To promote sound development through utilization of good design principles.
- (10) To facilitate the further re-subdivision of large tracts into smaller parcels.
- (11) To ensure proper legal descriptions and proper monuments on subdivided land.
- (12) To secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by developers and the planning commission.

### Sec. 1-2. Definitions.

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

*Alley* shall mean a minor permanent public service way, not in excess of twenty (20) feet, which is used primarily for vehicular service access to the back or the side of properties otherwise abutting a street.

*Benchmark* shall mean a definite point of known elevation and location and of more or less permanent character.

*Block* shall mean an area of land surrounded by public highways, streets, streams, railroad rights-of-way, parks, or similar areas of facilities.

*Building line* shall mean a line parallel to a lot line establishing an area between it and the lot line where no portion of the building may be erected. Such prohibition shall exclude landings, open balconies, and roof overhangs, subject, however, to the further requirements of the zoning ordinance. Measurements shall be made from the nearest wall or supporting post, whichever is closest to the lot line.

*Comprehensive plan* shall mean a composite of the mapped and written proposals recommending the physical development of the community which shall have been adopted by the planning commission and town council. Said plan includes both Land Use Plan and Master Street Plan for the Town of Highfill.

*County* shall mean Benton County, Arkansas.

*Cul-de-sac* shall mean a short street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround.

*Developer* shall mean that person by whom a tract will be subdivided and improved pursuant to the requirements of this chapter.

*Easement* shall mean a grant by a property owner for the use by the public, a corporation, or persons of a strip of land (or air, for noise easements in the XNA Influence Area) for specific purposes.

*Engineer* shall mean a registered professional engineer in good standing, and licensed to practice in the State of Arkansas, whose seal shall appear on all construction drawings and plans for improvements.

*Floodplain* shall mean a geographic area susceptible to periodic inundation from overflow of natural waterways and determined as to extent by the Federal Emergency Management Agency (FEMA).

*Frontage* shall mean that edge of a lot bordering a street.

*Frontage road* shall mean a street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

*Health department* shall mean the Arkansas State Health Department.

*Immediate family* shall mean father, mother, children, brother, sister, and the relationships existing between those people.

*Improvement plans* shall mean the engineering drawings showing types of materials and construction details for the physical structures and facilities excluding dwelling units to be installed in conjunction with the development of the subdivision.

*Improvements* shall mean street pavement, curbs and gutters, sidewalk, pavement, pedestrianway pavement, water mains, storm sewers, signs, monuments, landscaping, streetlights, fire hydrants, and other similar items.

*Lot* shall mean a platted parcel of land intended to be separately owned, developed, or otherwise used as a unit.

*Lot area* shall mean the total horizontal area within the boundaries of a lot exclusive of any area designated for street purposes.

*Lot, corner* shall mean a lot abutting upon two (2) or more streets at their intersection.

*Lot, double frontage* shall mean a lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

*Lot split* shall mean a subdivision which involves the dividing or redesigning of an existing lot or lots within a block of a recorded subdivision and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley or easement.

*Pedestrianway* shall mean an easement or right-of-way dedicated to public use to facilitate pedestrian access to adjacent streets and properties.

*Performance guarantee* shall mean any security which may be accepted in lieu of a requirement that certain improvements be made before the planning commission approves a final plat, including performance bonds by subdividers or improvement contractors, escrow agreements, letters of credit, and other similar collateral or surety agreements.

*Planning area map or boundary* shall mean the area within the town's territorial jurisdiction for which the planning commission has determined it will prepare plans and recommended ordinances and regulations. The planning area shall be the area in which provisions of Highfill's Subdivision Regulations shall apply.

*Planning commission* shall mean the planning commission of the Town of Highfill, Arkansas.

*Plat* shall mean a map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

*Plat, final* shall mean a finished drawing showing completely and accurately all legal and engineering information and certifications necessary for recording, and includes the bill of assurance.

*Plat, preliminary* shall mean a drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionable its workability in all aspect, but is not in final form for recording and the details are not completely computed.

*Plat, sketch* shall mean an informal plan of the proposed subdivision to be submitted by the developer during the pre-application process, the purpose being to acquaint the developer with plans and policies relevant to the proposed subdivision.

*Public open space* shall mean land which may be dedicated or reserved for acquisition for general use by the general public. It includes parks, parkways, greenbelts, and recreation areas.

*Roadway width* or *surfaced width* shall mean that portion of the street available for vehicular traffic, and where curbs are land, the portion between curbs.

*Slope* shall mean the rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

*Staff* shall mean employees and designees of the Town of Highfill.

*Street* shall be a general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally occur within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, road, throughway, pike, avenue, boulevard, land, place, court, but shall not include an alley or a pedestrianway. For the purpose of this chapter, streets shall be classified as follows:

- (1) *Arterial streets.* Those streets designated as arterial on the Highfill Master Street Plan.
- (2) *Collector streets.* Those streets designated as collector streets on the Master Street Plan.
- (3) *Local or minor streets.* Streets that are used primarily for access to the abutting properties.
- (4) *Loop streets.* Minor streets that begin from one minor street and curve to end on the same minor street.
- (5) *Cul-de-sac.* Short local streets having one end open to traffic and being permanently terminated at the other end by a circular area which permits vehicles to turn around without having to stop and back up.
- (6) *Dead-end streets.* Those streets which have terminated at one end where vehicles must stop and back up in order to turn around.
- (7) *Marginal access street (service road).* A minor street parallel to and adjacent to high-volume arterial streets and highways which provide access to abutting properties and protection of through traffic.
- (8) *Controlled-access facility.* A freeway or expressway providing a trafficway for through traffic in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

*Street, existing* shall mean any street which has a minimum width of eighteen (18) feet of hard surfaced material. Gravel roads or roads which are in extremely poor condition will not qualify as an existing street for purposes of this chapter.

*Subdivider* shall mean any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

*Subdivision* shall include all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether for immediate or future sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided however, that the following shall not be within this definition, nor be subject to the subdivision rules and regulations of the town:

- (1) The division of land into parcels greater than ten (10) acres, where no street right-of-way dedication is involved.
- (2) The public acquisition by purchases or dedication of parcels of land for the widening or opening of street or other improvements.
- (3) Conveyances to family members. There shall be no prior approval required, nor shall there be restrictions on the recording of any property deeds described in metes and bounds for whole tract or tract splits between any owner of property and any member of the owner's immediate family. However, such transaction shall be permitted only once to each member of the family; provided that:
  - a. Roads are not proposed, built or altered (except for dedication).
  - b. Setback requirements contained in the town's zoning ordinance are met.
  - c. The use of the property is for single-family dwellings, silviculture, or agriculture.
  - d. Dedication of street right-of-way is in accordance with the master street plan.
  - e. There are no conflicts with other town ordinances or public agencies (health department, etc.).
  - f. Lot design and size criteria of the subdivision regulations are met.
  - g. Floodprone property and source of information be identified.
- (4) Conveyances from an estate. There shall be no prior approval required, nor shall there be restrictions on recording any property deeds measured in metes and bounds as a result of the distribution of a decedent's estate in a whole tract or a tract split to any heirs of such decedent. However, those heirs must comply with the regulations of this chapter, if further subdivisions of land are transacted, provided that:
  - a. Roads are not proposed, built or altered (except for dedication).
  - b. Setback requirements contained in the town's zoning ordinance are met.
  - c. The use of the property is for single-family dwellings, silviculture, or agriculture.
  - d. Dedication of street right-of-way is in accordance with the master street plan.
  - e. There are no conflicts with other town ordinances or public agencies.
  - f. Lot design and size criteria of the subdivision regulations are met.
  - g. Floodprone property and source of information be identified.

*Subdivision, minor* shall mean a subdivision of land into five (5) lots, parcels or other divisions or less. Minor subdivisions and lot splits may be approved in an expedited manner.

*Surveyor* shall mean a licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Arkansas.

*Town* shall mean the Town of Highfill, Arkansas.

#### Sec. 1-3. Penalty; enforcement.

(a) Any person who shall violate any of the provisions of this chapter, or who shall fail to comply with any provisions hereof within the corporate limits, or within the planning area of the town, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine not to exceed two hundred and fifty dollars (\$250.00). Each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

(b) When directed, the town attorney shall instigate appropriate legal action to enforce the provisions of this chapter or the standards referred to herein with respect to any violation that occurs within the town, or within the planning area boundary of the town.

Sec. 1-4. Interpretation.

(a) In their interpretation and application, the provisions of these regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare.

(b) Where the conditions imposed by any provisions of these regulations upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.

(c) These regulations are not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreement, the requirement of these regulations shall govern.

(d) No subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall be made lawful solely by reason of the adoption of these regulations, and to the extent that such subdivision of land is in conflict in any manner with the requirements of these regulations, such subdivision of land remains unlawful hereunder.

Sec. 1-5. Severability.

It is hereby declared to be the intention of the town council that the following provisions of these regulations be severable:

(a) If any court of competent jurisdiction shall adjudge any provisions of these regulations to be invalid, such judgment shall not affect any other provision of these regulations not specifically included in such judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to be a particular subdivision of land, such judgment shall not affect the application of such provisions to any other subdivision of land, not specifically included in such judgment.

Sec. 1-6. Amendments.

For the purpose of promoting the public health, safety, and general welfare, the planning commission may recommend amendments to these regulations, for which a public hearing shall be held, and a fifteen (15) day advance notice is published in a local newspaper of general circulation. Following such hearing, the town council may adopt the amendment or amendments as recommended by the planning commission. Alternatively, amendments to these regulations may be recommended and made by a majority vote of the town council following a public hearing.

Sec. 1-7. Intent.

These regulations are established with reasonable consideration for the existing character of the town with a view toward conserving the value of buildings upon the land and providing the best possible living environment. It is intended that these regulations shall supplement and facilitate the enforcement of the provisions for development contained in the building code, zoning ordinance, and comprehensive (land use and master street) plan.

Sec. 1-8. Authority.

(a) By authority of the ordinance establishing the planning commission, adopted pursuant to the powers and jurisdictions vested through applicable state statutes, the planning commission does hereby exercise the power and authority to review, approve, and disapprove plats for subdivision of land within the planning area jurisdiction which shows lots, blocks, or sites with or without new streets or highways.

(b) By the same authority, the planning commission does hereby exercise the power and authority to pass and approve the development of platted subdivisions of land already recorded in the office of the county circuit clerk, if such plats are already platted and undeveloped, with no improvements.

(c) The plat shall be considered to be entirely or partially undeveloped, if:

- (1) Such plat has been recorded with the county circuit clerk's office without a prior approval by the planning commission and town council;
- (2) Such plat has been approved by the planning commission and town council where the approval has been granted more than three (3) years prior to the granting of a building permit on the partially or entirely undeveloped land, and the zoning ordinance, either bulk or use for the district in which the subdivision is located, has been changed subsequent to the original final subdivision approval.

#### Sec. 1-9. Review of plats generally.

Any developer of land within the planning area shall submit to the planning commission, plats of the subdivision and plans for indicated improvements according to these regulations. The planning commission shall meet on the fourth Tuesday of each month, and shall review all aspects of each proposed subdivision, and shall take such action as deemed appropriate. In considering the approval of a plat, the commission shall have the final authority to observe and enforce the requirements and procedures as set forth herein. In the case of a plat constituting a replat of land into two (2) or more lots, all of which will be served by an existing street or streets, the commission shall have the power to vary such requirements so that substantial justice may be done and the public interest served.

#### Sec. 1-10. Special provisions.

(a) No building, repair, plumbing, or electrical permits shall be issued by the town for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained in this chapter or referred to herein have not been complied with in full.

(b) The town shall not repair, maintain, install or provide any street or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this chapter or referred to herein have not been complied with in full.

(c) The town shall not sell or supply any utility service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained in this chapter or referred to herein have not been complied with in full.

(d) If any subdivision exists for which a final plat has been approved or in which the standards contained in this chapter or referred to herein have not been complied with in full, and the town council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of paragraphs (a), (b) and (c) of this section will apply to the subdivision and the lots therein, the recorder/treasurer shall, when directed by the town council, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county. If full compliance and final plat approval are secured after the filing of the instrument in the deed records, paragraphs (a), (b) and (c) no longer apply.

(e) The provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of the initial subdivision, nor prohibit the repair, maintenance, or installation of any street or public utility services for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision or lot, therein, recorded, which subdivision was in existence prior to the passage of this chapter. Certificate of occupancy permits will be issued when utilities and streets are complete and accepted by the town.

(f) Deferment of final street improvements will be accepted only under the following conditions:

- (1) The property is adequately served by all weather facilities for ingress and egress for pedestrian and vehicular traffic, including fire apparatus.
- (2) The property is served by all essential permanent utilities, such as water, sewage, electricity, and gas.
- (3) The reason for non-completion at this time is beyond the control of the builder and is one which makes it impossible and impracticable to proceed.
- (4) The work can be completed in twelve (12) months or less.
- (5) The occupancy of the deferred properties will not be seriously handicapped in the use of the properties by the deferment of the work, nor will postponement endanger, mar, or destroy work previously completed (such as provision of adequate drainage outfall, for example).

Sec. 1-11. Modification of design requirements, deviations.

(a) *Generally.* Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve deviations to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such deviations shall not have the effect of nullifying the intent and purposes of these regulations; and further provided the planning commission shall not approve deviations unless it shall make findings based upon evidence presented to it in each specific case that the request conforms to all of the following conditions:

- (1) The granting of the deviation will not be detrimental to the public safety, health, or injurious to other property.
- (2) The conditions upon which the request for a deviation is based are unique to the property for which the deviation is sought and are not applicable generally to other property.
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out.
- (4) That the special conditions and circumstances do not result from the actions of the applicant.
- (5) The deviations will not in any manner vary the provisions of the zoning ordinance, the land use plan, the master street plan, or the official planning area map.

(b) *Conditions.* In approving deviations, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

(c) *Procedures.* A petition for any such deviation shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the planning commission. The petition shall state the grounds for the application and all of the facts relied upon by the petitioner.

Sec. 1-12. Floodplain development.

(a) *General.* Land may not be platted and subdivided except in conformance to the floodplain regulations of the town.

(b) *Liability.* The town will not be financially liable for any damages due to flooding.

(c) *Subdivision occurring in the floodplain.* The preliminary and final plat of any subdivision wholly or partially occurring in the 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA) shall contain finished minimum floor elevations and existing lot elevations on each lot.

Sec. 1-13. Provisions for acquisition of land for public use.

(a) *General: dedication, condemnation, and purchase.* Whenever a tract of land is to be subdivided, including proposed sites for public uses as indicated on any of the following maps: official planning area map, adopted land use map or master plan map, the land can either be dedicated for public use, purchased or eminent domain procedures can be applied by the appropriate public body. The developer shall give the appropriate public body a forty-five-day period, in which the aforementioned agency may express its interest in the proposed subdivision in connection with the provision of public uses. Should such an interest be expressed, the public body shall have a period of an additional forty-five (45) days within which to arrange for the acquisition of the property. If purchase negotiations are not completed within a minimum of ninety (90) days from the original written notice sent to the appropriate public body, condemnation proceedings must have been filed in the proper court by the public body. The condemnation suit shall have the legal description as to the property to be condemned, or the public body and/or town shall have no further claim and the effect shall be as if the public body and/or town had never expressed any interest in the property.

(b) *Purchase according to existing plans.* Where a site for a neighborhood park, public school building or other community building or the provision of public off-street parking space appears as part of a public facility plan or the comprehensive plan, such areas may be considered for public purchase by contacting the appropriate public agency. The same procedures, provisions and time limits shall apply as provided in subsection (a) of this section.

(c) *Purchase of historic sites and scenic areas.* Historic sites, scenic areas, or areas of general community interest for public or semipublic purpose, may be considered for public purchase, as provided in subsection (a) of this section.

(d) *Dedication of land not a condition of plat approval.* In no event shall dedication or non-dedication of land for public or private purposes, including open space, be a consideration for plat approval or disapproval, other than as specifically required in this chapter. However, the above shall not relieve the subdivider or developer from dedication requirements as specifically set out in this chapter for land to be dedicated for such uses as streets, utility easements, or open space requirements under any other section which sets out specific amounts of land designated for open space.

Sec. 1-14. Commercial subdivision.

A commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision. When local streets are platted within a commercial subdivision, the minimum right-of-way width shall be sixty (60) feet, and all other streets shall conform to the standards for arterial and collector streets prescribed by the master street plan and this chapter. Parking lots, access drives, and service drives intended solely for the use of property owners of the subdivision shall be constructed pursuant to minimum design standards required by law, and shall be maintained by said property owners.

## 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 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 five (5) 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. 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) Preliminary plat approval.....\$250.00 (plus \$5.00 per lot)
- (2) Final plat approval..... \$300.00
- (3) Re-plat..... \$ 30.00 (If a preliminary plat is not required. If a preliminary plat is required, the fee shall be the fee for preliminary plat approval).
- (4) Lot split..... \$100.00