CITY OF MAGNOLIA

SUBDIVISION AND DEVELOPMENT CODE

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City of Magnolia
Subdivision and Development Code

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ARTICLE I. PURPOSE, AUTHORITY AND JURISDICTION

Section 1.01 Purpose

The purpose of this code is to regulate and control the subdivision and development of land in order to protect and provide for the public health, safety, and general welfare of the City of Magnolia and those areas falling under the jurisdiction of these regulations.

These regulations are designed, intended, and should be administered in a manner to:

A. Implement the Comprehensive Plan for Magnolia, including the Land Use Plan and Master Street Plan.

B. Enhance neighborhood conservation and prevent the development of slums and blight.

C. Harmoniously relate the development of the various tracts of land to the future development of adjoining tracts.

D. Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract.

E. Establish adequate and accurate records of land subdivision.

F. Provide for adequate public utilities and facilities.

G. Enhance safety from fire and other dangers.

H. Encourage appropriate and best uses land.

I. Provide for efficiency and economy in the process of development.

Section 1.02 Authority

This Subdivision and Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426.

Section 1.03 Jurisdiction and Application

1.03.01 Jurisdiction

The provisions of these regulations shall apply within the City of Magnolia and to any property served by or seeking to be served by Magnolia city utilities within the City of Magnolia planning area boundary as reflected on the Magnolia Comprehensive Plan Map. A copy of this map is recorded with the Columbia County Circuit Clerk.

1.03.02 Application

These regulations and development standards shall apply to the following forms of land

subdivision and development:

A. The provisions of access to lots and parcels;

B. The extension or provision of utilities;

C. The parceling of land resulting in the need for access and utilities;

D. All land subdivision or platting of a tract, lot, or parcel of land into two or more tracts, lots, sites, or parcels, any of which, when subdivided, shall contain less than five (5) acres in area.

E. The construction of any street or public utility through any tract of land within the corporate limits of the City of Magnolia.

F. A development, excluding single-family and two-family structures, on one lot containing a building or buildings with a combined square footage of 1,000 square feet or larger.

G. Any commercial building or establishment designed or intended for the sale of petroleum or other flammable products or any commercial or industrial use with accompanying hazards.

H. Routine commercial developments not meeting any of the criteria listed above shall not require planning commission approval. However, in unique cases, the Administrative Official may require planning commission approval prior to the issuance of a building permit.

Certain properties remain exempted from the requirements of the Subdivision and Development Code. These include the following.

A. The subdivision of land into tracts of five acres or greater that do not require the construction and dedication of new streets, vacation of existing streets or easements, or any improvements which might require the creation of any easements.

B. The Planning Commission may exempt a minor purchase of a portion of an adjoining parcel where the size of the land being acquired is smaller in area than the minimum lot for the appropriate zoning and where it can be determined that the purposes of the Development and Subdivision Code are not being subverted.

Section 1.04 Policies

The policies underlying the provisions of this article are set forth in the following sections:

A. Land to be subdivided or developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided or developed until adequate public facilities and improvements exist and proper provisions have been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

B. The existing and proposed public improvements shall conform to and be properly related to the provisions and standards contained in the Building Code, Zoning Code, Comprehensive Plan, and other capital budgets and programs of the city.

C. Except in cases where the Magnolia Fire Department has discretionary authority or the City has adopted more stringent regulations. The Arkansas State Fire Prevention Code shall supersede any regulations contained herein.

D. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations.

E. No building, repair, plumbing or electrical permit shall be issued by the city 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 all the standards and improvements required, contained or referred to in this chapter have not been complied with and/or completed in full.

F. The city shall not repair, maintain, install or provide any streets or public utility service in any subdivision for which a final plat has not been approved and filed for record, nor in which all the standards and improvements required, contained or referred to in this code have not been complied with and completed in full.

G. The city shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which all the standards and improvements required have not been complied with and completed in full.

Section 1.05 Metes and Bounds Conveyances

The conveyance and subdivision of property by metes and bounds shall be restricted by the following:

A. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision without compliance with the applicable provisions of this code shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

ARTICLE II. DESIGN STANDARDS

Section 2.01 General

In addition to the specific requirements for improvements and their design, the following general principles shall guide the staff and planning commission in their review of proposed developments and subdivision of land.

2.01.1 Conformance to Existing Plans and Regulations

The purpose of this portion of the Code is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions. These standards constitute the minimums which are to be observed by developers. In order that the various purposes of this Code may be accomplished, all subdivisions hereinafter established (1) shall conform with the various elements of the Comprehensive Plan including the location of major thoroughfares and streets, the location of parks, playgrounds, schools and other public sites, and appropriate land uses; and (2) shall be designed to conform with the minimum zoning and building regulations for the area in which the proposed subdivision is located.

2.01.2 Suitability of the Land

Land subject to flooding, improper drainage, and erosion, and any and deemed by the Planning Commission to be topographically or otherwise unsuitable for residential use shall not be platted for residential occupancy nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish these hazards.

2.01.3 Floodplain Areas

Land within the 100 year flood plain shall not be platted unless the applicant incorporates improvements that will render the area substantially safe for development and in accordance with all flood plain regulations. All development shall conform to the city's National Flood Insurance Program flood prevention ordinance.

2.01.4 Design Where Future Resubdivision is Indicated

Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will be eventually resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

2.01.5 Provision of Land for Public Use

The Planning Commission may require reservation of suitable sites for public uses indicated on the Comprehensive Plan for a period of up to six (6) months after the filing of a Letter of Intent to Develop by the applicant. Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain. The failure or refusal of any public entity to

acquire lands designated as suitable sites for public uses within six (6) months of the filing of a letter of intent to develop by the applicant shall relieve the applicant of any responsibility to hold such land for future public purposes.

2.01.6 Zoning or Other Regulations

No Final Plat of land within jurisdictional area of the Magnolia Zoning Code shall be approved unless it conforms to the Magnolia Zoning Code. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations or ordinance the most restrictive shall apply. The Planning Commission shall grant no waiver to the subdivision regulations that would have the effect of violating any provision of the zoning regulations.

2.01.7 Adequacy of Public Facilities and Services

Land which is neither provided, nor programmed by the city within the corporate limits to have adequate water, sanitary sewer services or storm drainage facilities shall not be subdivided for purposes which require such services unless the developer provides such services.

2.01.8 Subdivision and Street Names

The proposed name of subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by these regulations. The Planning Commission in consultation with the Columbia County 911 Address Coordinator shall review and have final authority to designate street and subdivision names.

2.01.9 Public Street Access Required

Every subdivision shall be served by a publicly dedicated street. Every lot or parcel within a subdivision shall have direct access to a public street**.**

2.01.10 Location of Streets

All highways and street right-of-ways, and other features of the Master Street Plan, shall be platted by the applicant in the location and the dimension indicated on the Master Street Plan.

Section 2.02 Subdivision and Development Design Standards

The design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Plan for land use, traffic circulation, community facilities, and public utility services, and in accordance with the following design standards.

2.02.1 Streets

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of the Comprehensive Plan and shall be designed in accordance with the following provisions:

A. Where the plat to be submitted includes only part of the tract owned or intended for development by the applicant, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the applicant.

B. Proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or similar physical impediments preclude reasonable provision of such access, or alternate routes of access are, or will be available in the future.

C. Where a property is adjacent to an existing stub street, it shall be required to extend the stub street through the property when platted.

D. There shall be no reserve strips controlling access to streets, except where the control of such strips is placed with the City under conditions approved by the Planning Commission.

E. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

F. The street names shall require the approval of the Planning Commission after review by the 911 addressing coordinator. Streets that obviously are in alignment with streets already existing and named shall be given the name of the existing street.

G. The Planning Commission may limit the points of access on major streets.

2.02.2 Street Design

A. *Right-of-Way and Pavement Widths*

The right-of-way width shall be the distance across a street from property line to property line. The minimum street right-of-way and pavement width shall conform to the street cross section standards designated within the Master Street Plan portion of the Comprehensive Plan. See Chapter Six of the Magnolia Comprehensive Plan.

Type of Street	Right of Way	Street Width	Curb Radii
C1.0 Collector	60 ft.	36 ft.	40 ft.
C2.0 Collector w/ Median	60 ft.	40 ft.	40 ft.
C2.1 Collector w/ Bike Lanes	70 ft.	48 ft.	40 ft.
C3.0 Urban Collector	60 ft.	46 ft.	35 ft.
L1.0 Local Street	50 ft.	26 ft.	25 ft.
L1.1 Local w/ Trail	52 ft.	26 ft.	25 ft.
L1.2 Local w/ Bike Lanes	50 ft.	32 ft.	25 ft.
L2.0 Local w/ Parking Lane	50 ft.	34 ft.	25 ft.
L3.0 Local – No	50 ft.	26 ft.	40 ft.

Cul-de-sacs or courts designed to have one end closed should be no more than five hundred (500) feet long without special permission of the Magnolia Fire Department. Such streets will be provided at the closed end with a turn-around. This turn-around shall met the minimum requirements of the Arkansas State Fire Prevention Code.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements from each side of the center line. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way shall be dedicated.

B. *Street Grades*

The minimum grade for all streets shall be 0.5% unless the developer offers a suitable design for draining the street of surface storm water.

C. *Intersections*

The center line of no more than two (2) streets shall intersect at any point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than seventy-five (75) degrees.

Curb radii at street intersections shall not be less than twenty-five (25) feet; unless trees or utility poles require less; and where the angle of a street intersection is less than ninety (90) degrees, the Planning Commission may require a greater curb radius. When necessary to permit the construction of a curb having desirable radium without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be allowed unless special circumstances warrant a waiver as specifically approved by the Planning Commission.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create any traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

2.02.3 Alleys

Alleys may be allowed at the rear of all platted lots. The width of an alley shall be not less than twenty (20) feet.

2.02.4 Easements

Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least fifteen (15) feet wide.

Where a subdivision is crossed by a creek, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided conforming substantially to the lines of

such water course, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith.

No building or structure may be erected over or in an easement.

2.02.5 Blocks

The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

A. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

B. Zoning requirements as to lot sizes and dimensions.

C. Needs for convenient access, circulations, control, and safety of street traffic.

D. Limitations and opportunities of topography.

Blocks of less than three hundred (300) feet in length or more than six hundred (600) feet in length are discouraged except as the terrain itself makes blocks of other length desirable. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

2.02.6 Lots

The shape of residential lots shall not be required to conform to any stated pattern. The Planning Commission shall judge lot shape on the type of development and on the use to which the lots will be put. Corner Lots for residential use shall have extra width to permit appropriate building set back from and orientation at both streets. The following are lot dimension guidelines:

A. Lots within the city limits shall conform to the requirements of the Zoning Code.

B. Lots not served by sanitary sewer and/or public water supply shall be of sufficient size to conform to the regulations and specifications of the Arkansas State Health Department.

C. The minimum building setback line shall conform to the setbacks appropriate to the property's zoning district unless within the Planning Area. Those developments and subdivisions within the Planning Area shall designate a zoning district appropriate to the property and conform to the setback requirements of that district.

Pipe-stem lots may only be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than twenty (20) feet in width or have a length of more than two-hundred fifty (250) feet. In pipe-stem lots, the building line shall be computed from the front lot line and not associated with the pipe-stem portion. Pipe-stem lots are to only

be used on rare occasions in order to make use of otherwise unusable properties.

Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen reservation of at least ten (10) feet, and across which there shall be no right of access shall be provided along the lines of lots abutting such a traffic artery or other similar use.

ARTICLE III. REQUIRED IMPROVEMENTS

Section 3.01 General Provisions

Every applicant shall be required to install streets, utilities, and public improvements in accordance with the following standards and specifications. All projects shall be constructed according to the approved plans and specifications of a registered Professional Engineer, if involving drainage, street, or utility improvements. All construction and improvements under the jurisdiction of review and approval of the City of Magnolia shall be subject to a Maintenance Bond as specified in Article 4, Section 4.03.1. All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as required by the respective public utilities, and shall not be subject to the provisions of this Section.

Section 3.02 Streets and Street Name Markers

The applicant of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the City. The applicant shall bear the costs to have street name makers installed for the subdivision or development. The design of the markers and signs shall conform to the City's standards. Street pavement widths shall conform to the Master Street Plan with the indicated pavement width being measured from back of curb to back of curb.

The applicant shall bear the cost of paving streets for local level streets. For an arterial street or collector street, the applicant shall receive financial assistance from the City or other public body to pay the pro rata share of the cost of the street width in excess of twenty-seven (27) feet. All streets shall be constructed utilizing the following specifications:

3.02.1 Grading and Subgrade Preparation

The streets shall be shaped and graded in accordance with the approved street plans. The subgrade shall be compacted to 95% Modified Proctor Density (from back of curb to back of curb). The moisture content of the fill material shall be plus or minus 3% of optimum. All earthwork, including the sub grade (back of curb to back of curb) shall conform to the requirements of Sections 210 and 212 of Arkansas State Highway Department's "Standard Specifications for Highway Construction". Prior to placement of the crushed stone base course, the sub grade must field demonstrate that it is firm and unyielding to the passage of equipment over the subgrade.

The City's engineer may require soil tests and/or an engineering analysis and design of pavement and base thickness in areas of known or suspect poor soil and drainage and shall require soil tests

and engineering analysis and design of pavement and base thickness for arterial, collector and commercial streets. When directed by the City's engineer due to the following conditions occurring within the limits of the street and curb sub-grade:

A. Localized weak soil conditions shall be undercut, excavated material removed, and crushed stone, shale or other material approved by the City's engineer be used to bring the sub-grade to finish grade.

B. Continuous springs and wet weather springs shall be intercepted with a French drain system and drained to an acceptable drainage way.

C. Large areas having weak soil conditions, as evidenced by sub-grade or base failure prior to surfacing, shall have the sub-grade undercut to sufficient depth and base thickness increased as required to stabilize the sub-grade. Filter fabric shall be required when large area sub-grade failures occur due to saturated soil conditions as a result of seasonal perched water tables.

3.02.2 Asphalt Street Standards

The base shall consist of crushed stone base course conforming to the requirements of a Class 7 aggregate base course as specified in Section 303 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction". Alternate base materials when it can be demonstrated to the satisfaction of the Administrative Official and City Engineer that the alternate materials shall have similar characteristics and performance to the required base materials. The base course shall be prepared in accordance with Section 304 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

The surface course shall consist of Asphaltic Concrete Hot Mix conforming to the requirements of Section 407 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

MINIMUM PAVEMENT THICKNESS FOR CITY STREETS:			
	Asphalt Surface Course	Asphalt Binder Course	Crushed Stone Base
Local	2"	0"	8"
Collector	2"	2"	8"
Arterial	Constructed by City or AHTD		

3.02.3 Concrete Street Standards

Base course or subgrade is to be compacted in keeping with the Arkansas Highway and Transportation Department Standard Specifications, Section 302. Concrete pavement is to be constructed according to Section 501, Portland Cement Pavement Specifications.

A. Concrete is to be 3,000 lbs. (psi) compressive strength placed on a thoroughly compacted and graded subgrade.

B. Concrete is to be poured in separate lanes (maximum width of fifteen (15) feet). Transverse control joints shall be tooled or saw cut to 1/3 of the pavement depth at a maximum of 12' intervals. Transverse expansion joints shall consist of ½" asphalt impregnated fiber board or other approved material, at a maximum of 50' intervals. The poured surface grade shall have a minimum thickness of six (6) inches of concrete.

C. Reinforcing tie bars, where required, shall be in general conformance with Portland Cement Association recommendations.

3.02.4 Curbs & Gutters

Curb and gutter shall be required all streets, excluding residential subdivisions with an average lot width at the street frontage that exceeds one hundred fifty (150) feet. The applicant shall construct permanent six (6) inch concrete curbs with twenty-four (24) inch integral concrete gutters. Asphalt curbs shall not be substituted. Curb and gutter requirements may also be substituted where the developer proposes low-impact development utilizing alternative stormwater management techniques. Such alternative stormwater management techniques shall conform to accepted engineering practice.

Section 3.03 Sidewalks

Design of sidewalk improvements shall be included in all site plans and subdivisions. Sidewalks shall be designed so as to be in compliance with regulations promulgated under the Federal Americans with Disabilities Act.

Sidewalk width and placement shall be determined according to the specifications of the Master Street Plan portion of the Comprehensive Plan. At a minimum, sidewalks should be five (5) feet in width and setback five (5) from the back edge of the curb or at the edge of the right-of-way when curb and gutter is not present.

Construction of sidewalk improvements shall be handled according to Section _____ of the Magnolia Zoning Code.

Section 3.04 Water Lines and Fire Hydrants

All subdivisions shall be provided with water supply and distribution systems approved by the City and meeting the requirements of the State Health Department. The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. Design criteria for water supply shall conform to city standards. Water supply lines shall be at least two (2) inches in diameter, water supply lines that provide fire protection, or that can be extended, shall be at least eight (8) inches in diameter.

Fire hydrants shall be installed by the applicant and shall be located in accordance with the State Fire Code and approved by the Magnolia Fire Department.

Section 3.05 Waste Water Treatment

When a subdivision/development, or any portion thereof, is within reasonable distance of an existing

sewer collection line, each lot in the subdivision shall be served by a sanitary sewer collection system approved by the Magnolia Public Works. Reasonable distance shall be defined as follows:

A. For less than five (5) lots: within six hundred feet (600') of existing service;

B. For five (5) to twenty (20) lots: within one-quarter (¼) mile of existing service;

C. For more than twenty (20) lots: within one-half (½) mile of existing service.

The system shall be connected to an existing collection system at such point and in such manner as determined by Magnolia Public Works. Collection lines, and any required appurtenances such as lift stations and manholes, shall be installed at the applicant's expense, and designed to meet the anticipated volume requirements within the subdivision as well as future additions or phases to the subdivision, consistent with design standards of Magnolia Public Works. The Commission may require the installation of larger lines or appurtenances than necessary for the immediate use of the subdivision when it determines that such design is necessary for the proper development beyond the subdivision. In such instances, the applicant shall be responsible for a pro-rata share of total cost which is equal to the cost of required improvements exclusively for the subdivision. The minimum size for collection lines shall be eight (8) inches in diameter.

When the subdivision cannot be connected to and served by existing sanitary sewers, alternative disposal methods may be utilized. Such alternatives may include on-site septic tanks and leach lines, package plants or other technologies approved by the Department of Health and/or the Department of Environmental Quality. Placement, design, and installation of such facilities shall be provided in accordance with standards established by the Department of Health and/or the Department of Environmental Quality.

Section 3.06 Drainage

All subdivisions three (3) acres or larger and site plans with an area of disturbance greater than one (1) acre shall provide a drainage plan prepared by a professional engineer detailing the open or closed storm drainage system that is designed and constructed to handle rainfall runoff that originates in or traverses the subdivision or development. For smaller developments an engineered drainage plan shall not be required unless it is determined by the Planning Commission to be necessary to protect health, safety, and welfare.

A. Facilities for storm drainage shall be designed and constructed so as to minimize any increase in the rate of storm runoff onto adjoining property over that which existed prior to the development. If this is not practical, the applicant may be allowed to participate in the provision of off-site improvements needed to mitigate the potential negative impacts of the additional runoff due to development. Participation shall come in the form of a fee in-lieu of improvements. Participation shall be allowed at the discretion of the City's Engineer.

B. Facilities for storm drainage shall be of adequate capacity, and designed in accordance with not less than a one in twenty-five (25) year rainfall. Facilities may include open and closed systems and systems may include detention/retention structures.

C. Provisions shall be made for storm water emergency overflow in subdivisions and developments having enclosed storm systems. The emergency overflow for subdivisions and developments consists of two design considerations:

1. An underground system shall be designed to carry enough water to allow the streets passable for emergency service vehicles during a storm of twenty-five (25) year return frequency; and,

2. An above-ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of a fifty (50) year return frequency.

D. An open or closed storm drainage system design may be used to meet the requirements of this section. Where a closed system is used, this system shall be designed, located, and constructed:

1. To accommodate a one in twenty-five year rainfall without necessitating a water depth greater than 4½ inches at the gutter line for that rainfall that falls upon and enters the pavement area; and,

2. So that all water which enters the pavement areas shall exit the street through inlets only. In some cases, where the rate of flow is less than three cubic feet per second (3 cfs), breaks in the curb with concrete aprons within the City right-of-way may be allowed.

E. Concrete valleys may be utilized at all surface cross drains where surface water drainage to be accommodated is less than three (3) cubic feet per second. Concrete valleys shall have a minimum width of four feet (4') and cross section sloped of one inch (1") per one foot (1'). Underground drain pipes are required for all cross drains where surface water drainage to be accommodated is greater than five cubic feet per second (5 cfs).

F. Where a subdivision or development is traversed by a natural watercourse, drainage way, or stream, there shall be provided a storm drainage easement of necessary width, conforming substantially to the lines of such watercourse or as otherwise approved by the Administrative Official.

G. Box culverts and bridges which cross streets in the city right-of-way shall be of sufficient length to accommodate estimated future vehicular and pedestrian traffic.

H. Any area or lot which may be prone to local flooding shall have the minimum elevation of the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be that corresponding to one foot above the flood elevation for a 100-year rainfall intensity.

I. Rainfall may not be diverted from one watershed to another within the plat boundaries.

Section 3.07 Monuments

Subdivisions shall be monumented in accordance with the Arkansas Minimum Standards for Boundary Surveys. All monuments, found or set, shall be shown on the final plat.

Section 3.08 Lot Markers

The corners of all lots shall be marked by the placement of a metal reinforcing rod twenty-four (24) inches in length and one-half (1/2) inch in diameter placed with top flush to the ground.

Section 3.09 Street Lights

Streetlights shall be installed in all new subdivisions containing five (5) or more lots; and the owner/applicant shall make arrangements with the local power company for such installation.

Section 3.10 Right-of-Way Dedication

3.10.1 Right-of-way dedication

The subdivision plat or site plan will reflect right of way dedication for one-half of the right of way for affected boundary streets.

3.10.2 Master Street Plan

Right-of-way dedications shall to conform to the designation for the street listed in the Master Street Plan component of the Comprehensive Plan adopted for the City of Magnolia. At a minimum, the required rights-of-way shall be 50’ for local streets and 60’ for collector streets. (See the Magnolia Comprehensive Plan document for specific widths.)

ARTICLE IV. PLATTING PROCEDURE

Section 4.01 General

A applicant proposing to make or have made a subdivision within the area under the authority of this code shall not proceed with any construction work on the proposed subdivision, including grading, before obtaining Construction plat approval; nor shall he attempt to record the plat of the subdivision or any part thereof prior to obtaining final plat approval from the Planning Commission, and acceptance of public dedications by the City Council.

Section 4.02 Construction Plat

When any subdivision of a tract of land is proposed to be made, the applicant or his agent shall submit to the Planning Commission a letter of intent which may at the option of the applicant include a preliminary sketch plan. The applicant's letter shall indicate the location and size of the tract, the proposed time schedule, the date on which the applicant proposes to submit his Construction plat for Planning Commission review, and such other information as the applicant deems important for recognition by the Planning Commission.

If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the Construction plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the Construction plat.

Upon review of the letter of intent, the Planning Commission may recommend a Pre-Application Conference to be held between the applicant, a committee of the Planning Commission, and /or the Planning Commission's designated agents for land planning and engineering.

4.02.1 Pre-Application Conference

When a major subdivision of a tract of land within the Planning Commission's jurisdiction is proposed, the applicant is urged to consult early and informally with the City and/or designated members of the Planning Commission. The applicant may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision.

At such meeting, the general character of the development will be discussed and items will be included concerning zoning, utility service, street requirements, and other pertinent factors related to the proposed subdivision. The purpose of the Pre-Application review is to afford the applicant an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans.

A developer may request to have a sketch plat reviewed by the full Planning Commission. Comments and approvals made concerning a sketch plan are not binding on the Planning Commission; however, it is the policy of the City that, having tentatively approved a sketch plat, the Planning Commission shall not unreasonably withhold approval of a Construction plat that is substantially identical to the sketch plan.

4.02.2 Submission Requirements

The next required step in the process is the submission of an Application for Construction Plat Approval. Requirements of this submission are set out in ARTICLE 5, Section 5.01. A filing fee as specified in ARTICLE 8, Section 8.03, shall be paid at time of filing at City Hall. Any subdivision proposing street and/or drainage improvements and/or water or sewer improvements shall have the improvements designed by a Registered Professional Engineer currently registered in the State of Arkansas. An Engineer's Cost Estimate of the construction costs of all proposed improvements shall be included with the submission of the Construction Plat. The cost estimate shall contain amounts and unit prices for the various items involved. Lump sum or unrealistic estimates will not be accepted. The applicant may defer submission of improvement plans to follow planning commission approval. The applicant shall not receive Authorization to Proceed as detailed in Section 4.02.5 without approval of improvement plans by the city's engineer.

For purposes of preliminary engineering review, the Application and initial submission shall include nine (9) complete sets of plans and specifications at least twenty-one (21) days in advance of the Planning Commission at which the application is desired to be heard.

The Construction Plat shall clearly depict the phase of development that is to be constructed within the next eighteen (18) months. Approval of the Construction Plat shall apply only to those phases of the development that shall be constructed in the next eighteen (18) months.

The Construction Plat shall depict all land under contiguous ownership of which the proposed subdivision is a part. If the development depicted appears as a portion of a larger tract to be developed at a later time, the Planning Commission may require a master plan and phasing plan of the entire development.

4.02.3 Construction Review

The Administrative Official, in council with Magnolia Public Works, Magnolia Street Department, City Engineer, Magnolia Fire Department, and other designated staff, shall review the documents received for compliance with design standards of the City's Comprehensive Plan, Master Street Plan component of the Comprehensive Plan, zoning and subdivision codes, fire protection and utility requirements. Processing of the plat shall cease at this step for any Construction Plat that is not consistent with the above. The plat shall be returned to the developer and design engineer with all deficiencies or required modifications noted. The developer may then revise the plat to achieve conformity or make a request for an amendment to the offending plan or code.

The developer shall then supply nine (9) complete sets of the plans and documents as modified for approval. The application and supporting plans and documents will be placed on the agenda of the Planning Commission for consideration at their next regular meeting.

4.02.4 Construction Approval

After the Planning Commission has reviewed the Construction plat and construction plans and engineering report, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, approve conditionally, or disapprove the Construction Plat within 45 days from receipt thereof, unless the Applicant is notified in writing by the Commission Chairman that additional time is required. If disapproved, the Construction plat shall be returned to the applicant with a written statement as to the reasons for disapproval.

The Planning Commission's approval of a construction plat shall be deemed as an expression of approval of the layout submitted on the construction plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication of reservation of public lands, and to the preparation of the final plat. Approval of a construction plat shall not constitute automatic approval of the final plat.

When the Planning Commission finds that the construction plat, together with the site improvements plan, meets all the requirements of this Code, it shall approve the plat by placing a stamp of Construction Plat Approval upon the construction plat. The stamp of Construction Plat Approval shall read: "This plat has been given construction plat approval only, and has not been approved for recording as a public record. This certificate shall expire on_____ (date)." Such stamp of approval shall bear the signature of the Chairman of the Planning Commission; and shall be dated.

If approved, the original copy will be filed in the Planning Commission's records in City Hall.

The Planning Commission shall approve a Construction Plat upon determining the following:

A. That the plat conforms to all adopted plans, policies, and ordinances of the City of Magnolia.

B. That the plat conforms to the regulations contained in this code.

C. That the developer has demonstrated to the satisfaction of the Planning Commission the capacity to undertake the proposed improvements.

D. That the Construction Plat will not add a financial burden to the City or its taxpayers.

E. That the proposed development will not result in off-site improvement costs to the City unless confirmed by written agreement between the City and the developer.

F. That all utilities, both public and private, are adequate to handle the demand to be created by the proposed subdivision.

G. That all utility structures and streets within the subdivision are designed in such a manner to permit development of adjacent properties and that agreements are in place for cost-sharing of required oversized utility structures.

4.02.5 Authorization to Proceed

Receipt of an approved or conditionally approved copy of the construction plat, together with an approved copy of the improvements plan shall constitute authorization of the Planning Commission for the applicant to proceed with the preparation of the final plat, the installation of improvements, and the staking out of lots and blocks. The applicant, after approval of the construction plat, shall complete all improvements required under this Code. The approved copy of the construction plat must contain a signed Certificate of Construction Plat Approval to be considered valid. No Authorization to Proceed shall be provided to applicant if required

improvements plan have not been submitted and approved.

The City Engineer, Administrative Official, or other designated staff may inspect the improvement work at any time to confirm materials used, construction methods employed, and conformance to approved plans and specifications and other applicable standards.

4.02.6 Expiration of Construction Plat Approval

A construction plat which has been approved and received a signed Certificate of Construction Plat Approval shall be effective and binding upon the Planning Commission for no more than twenty-four (24) months, as shown on the Certificate of Construction Plat Approval. If installation of all required improvements is not completed by the expiration date of the Certificate of Construction Plat Approval, the construction plat shall be considered null and void unless the applicant is permitted an extension of approval by the Planning Commission. Any plat not receiving Final plat approval or granted an extension shall be required to resubmit for re-approval as a construction plat.

Section 4.03 Final Plat

When the requirements of this Code have been satisfied and while the Construction Plat Approval is in effect, the applicant may submit to the Planning Commission an application for review and approval of the final plat.

4.03.1 Submission Requirements

At least twenty-one (21) days prior to the meeting at which it is to be considered, the applicant shall submit an application which shall consist of:

A. A letter of application requesting review and approval of the final plat.

B. The final plat in an original tracing or reproducible and other documents as specified in Article 5, Section 5.02.

C. The Contractor who performs the work shall post a maintenance bond or letter of credit with the city covering any defects in materials and workmanship for the required improvements in the amount of fifty (50) percent of the total cost of those improvements, and stating that any and all defects in materials and workmanship shall be corrected by the contractor by the end of the bond period. Maintenance Bond or letter(s) of credit shall be in full force for not less than one (1) year from date of filing of Final Plat. Work performed under terms of the Bond shall be approved by the City. If the contractor is unable to post bond the developer shall post the required bond on behalf of the contractor.

D. A filing fee as specified in Article 8, Section 8.03.

4.03.2 Approval by Planning Commission

The final plat of the proposed subdivision shall be submitted to the Planning Commission for final approval within eighteen (18) months of the date on which the construction plat was approved. If not submitted for final approval within such time, the construction plat shall be considered as having been abandoned, unless the Planning Commission agrees to an extension of time.

If the applicant requests permission to develop only a portion of the property for which the construction plat was approved, the Planning Commission may grant approval of a final plat for said portion alone.

The Administrative Official shall review the submission, in council with the City Engineer, Street Department, Magnolia Fire Department, Magnolia Public Works, and shall determine compliance of the project with approved plans and applicable standards. The application, with the City Engineer's report, shall be filed with the Planning Commission for consideration at its regular meeting.

The Planning Commission shall approve or disapprove the final plat within forty-five (45) Days of receipt thereof, or notify the Applicant in writing that additional time is required. Disapproval of the plat shall be reported to the Applicant in writing within ten (10) days after the meeting at which the plat was disapproved.

Upon approval, the original plat and all copies shall be signed, reviewed and distributed in accordance with the provisions contained in subsection 4.03.3 and 4.03.4 below.

<u>Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds, nor does it constitute authority for the plat to be recorded.</u>

4.03.3 Acceptance of Public Dedications

Before the Final Plat is recorded in the office of the County Recorder, an agreement shall be reached between the applicant or his agent and the City Council. Said agreement shall be with regard to the installation of any street improvements or utility construction called for in the subdivision plat; the dedication and/or reservation of lands for public use; the dedication and acceptance of utilities and public improvements; and other agreements as required in the Planning Commission's approval of the plat. The Maintenance Bond to cover public improvements shall be on file with the City Council before consideration of acceptance of public dedications. Additionally, before such action, the City Council must receive one of the following:

A. A certificate of completion from the City Engineer, stating that all required improvements and installations have been made, added, or installed; or

B. A cash deposit in the full amount as determined by the City, necessary to complete the improvements and installations in compliance with this Code for the portion of the subdivision for which final plat approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City; or

C. An executed agreement with the City which shall:

    1. Be in an amount determined by the City to be sufficient to complete the improvements and installations for the subdivision in compliance with this Code.

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

3. Be accompanied by a letter of credit which shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The period of time shall be specified in the resolution approving the final plat and shall be incorporated in the bond, and shall not in any event exceed two (2) years from the date of final approval. Such letter of credit shall provide the city means to withdraw funds if improvements are not completed.

4.03.4 Recording

Upon approval of the final plat and acceptance of the public dedications by the City Council, the City Clerk shall have the final plat recorded in the office of the Circuit Clerk. The applicant shall pay all fees in connection with the recording of said plat.

The final plat shall be filed in the office of the Circuit Clerk within ninety (90) days after approval by the Planning Commission; and if not filed within such time, said approval shall be considered as having been abandoned.

Upon recording the plat, the City shall retain the original tracing and one copy for the Planning Commission's files, one copy shall be forwarded to the Tax Assessor and one copy shall be returned to the applicant.

No building permits may be issued until proof of the recording of the approved final plat has been presented to the City Clerk, giving plat book and page number, or instrument number.

ARTICLE V. PLAT REQUIREMENTS

Section 5.01 Construction Plat

Nine (9) copies of the construction plat are to be submitted to the Planning Commission at City Hall at least fifteen (15) days in advance of the meeting at which the request is to be heard. A digital copy shall be required in AutoCAD format in NAD83 Arkansas State Plane Coordinates, North Zone. The construction plat shall be drawn clearly and legibly at a scale not smaller than one hundred (100) feet to the inch, and shall show or be accompanied by the following information:

A. Name of subdivision;

B. Name and address of owner of record, applicant, surveyor (signed stamp) and engineer (signed stamp);

C. North point, graphic scale and date;

D. Vicinity map showing location and acreage of subdivision;

E. Exact boundary lines of the tract by bearing and distances;

F. Names of adjoining landowners and platted subdivisions;

G. Existing Streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;

H. Proposed design including streets and alleys with proposed street names, lot lines with appropriate dimensions, easements, land to be reserved or dedicated for public use, and land to be used for purposes other than residential;

I. Block numbers and/or lot numbers;

J. Minimum building front yard setback lines;

K. The present zoning classification, if any, on the land to be subdivided and on the adjoining land; and a designation of the proposed uses of land within the subdivision and any zoning amendments to be requested;

L. Contour intervals shown at intervals of not more than two (2) feet for terrain with an average slope of 5% or more, and at an interval of one (1) foot for terrain with slope of less than 5%;

M. If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown;

N. While the plat shall show the actual boundary survey, the layout of the proposed subdivision lots, blocks, and streets may be scaled dimensions;

O. State Health Department approval of the water supply and/or sewerage system if the requirement of the subdivision is to be met by any other means than by connection to a water supply or sewerage system operated by the City of Magnolia. Approval by the Arkansas Department of Environmental Quality for any wastewater treatment facilities.

P. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the construction plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the construction plat, except that it may be on a scale of not more than 1" = 400', and all dimensions may be scaled.

Q. Improvement plans for all specified facilities and utilities.

R. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property included in the plat.

S. Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a professional engineer, with points of entry and exit for the development and including the federally designated flood hazard areas for the subdivision.

T. Each construction plat submitted to the Planning Commission shall carry the following certificate printed thereon.

1. CERTIFICATE OF SURVEYING ACCURACY

I, _____hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.

Signed

_____ _____

Date of Execution Name, Registered Land Surveyor No._____, Arkansas

2. CERTIFICATE OF ENGINEERING ACCURACY

I, _____hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Magnolia Subdivision and Development Code have been complied with.

Signed

_____	_____
Date of Execution	Name, Registered Engineer, No._____ Arkansas

3. CERTIFICATE OF CONSTRUCTION PLAT APPROVAL

This plat has been given construction plat approval only, and has not been approved for recording as a public record. This Certificate shall expire _____.

Date

Signed

_____	_____
Date of Execution	Chairman, Magnolia Planning Commission

Section 5.02 Final Plat

Nine (9) copies of the final plat shall be submitted to the Planning Commission not later than fifteen (15) days in advance of the meeting at which the request is to be heard. The scale shall be no smaller than 1" = 100'. The drawings shall be neat, legible and suitable for filing for record in the office of the Circuit Clerk-Recorder. A digital copy shall be required in AutoCAD format in NAD83 Arkansas State Plane Coordinates, North Zone. When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet. The final plat shall show or be accompanied by the following information:

A. The name of the owner and developer,

B. Names and signed stamps of the registered land surveyor and engineer making the survey and preparing the plat,

C. The name of the subdivision and adjacent subdivisions,

D. The name of all streets,

E. The identifying numbers of lots and blocks in accordance with a systematic numbering system and arrangement,

F. North point, date, scale, and acreage being subdivided,

G. An accurate boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate field notes of said boundaries. The lines, with dimensions of all adjacent land, streets, alleys, and easements and adjacent subdivisions shall be shown in dashed lines.,

H. Location of lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.,

I. All necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimension shall be shown by true bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc dimensions. Dimensions shall be shown from all angle points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc dimensions.,

J. The locations of all survey monuments shall be shown on the plat including all lot corner markers.,

K. Certification that all taxes and fees have been paid,

L. "As built" drawings of all street improvements, sidewalks, storm drainage facilities, sanitary sewer lines, water lines, and other utilities and public improvements shall accompany the final plat or be submitted to the Planning Commission as soon as possible after improvements are installed.,

M. Copy of Bill of Assurance. Such document shall incorporate the same provisions as those filed with the construction plat, including but not necessarily 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. Said Bill of Assurance shall contain reference to the approval of the final plat.,

N. Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a professional engineer, with points of entry and exit for the development and including the federally designated flood hazard areas for the subdivision.,

O. Each final plat submitted to the Planning Commission shall carry the following certificates printed thereon.

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, and do hereby lay off, plat, and subdivide said real estate in accordance with this plat.

Signed

_____ _____

Date of Execution Name

Address

Source of Title: D. R._____Page_____

Instrument No._____

2. CERTIFICATE OF RECORDING

This document, number _____ filed for record_____, 20__, in Plat Book_____, Page_____.

Signed

_____

(Name) Clerk

3. CERTIFICATE OF ENGINEERING ACCURACY

I, _____, hereby certify that this plat correctly represents a plan made by me, and that the engineering requirements of the Magnolia Subdivision and Development Code have been complied with.

Signed

_____ _____

Date of Execution Name, Registered Professional Engineer No._____ Arkansas

4. CERTIFICATE OF SURVEYING ACCURACY

I, _____ hereby certify that this plat correctly represents a boundary survey made by me and boundary markers shown hereon actually exist and their location, type and material are correctly shown.

Signed

_____ _____

Date of Execution Name, Registered Land Surveyor No._____, Arkansas

5. CERTIFICATE OF FINAL APPROVAL

Pursuant to the Magnolia Subdivision and Development Code, 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 Magnolia Planning Commission

6. CERTIFICATE OF ACCEPTANCE OF PUBLIC DEDICATION AND FILING OF PLAT AUTHORIZED BY ACTION OF CITY COUNCIL BY ORDINANCE NO._____.

_____ (City Seal)

Mayor

DATE: _____

ARTICLE VI. LOT-SPLITS, MINOR SUBDIVISION, AND REPLATS

Section 6.01 General

The following forms of platting are covered by this Article:

A. Lot Splits in which a single lot, tract, or parcel is being split into two lots meeting minimum lot requirements.

B. Minor subdivisions containing no more than six (6) lots, in which all lots front a public street. Minor subdivisions shall not include any subdivision that is part of a larger tract to be developed in phases.

C. Lot re-combinations in which all lots front a public street.

D. Re-plats of existing lots or lot line adjustments in existing subdivisions.

E. One-lot subdivisions which convert a metes and bounds description into a subdivision plat suitable for filing at the Columbia County Circuit Clerk.

Section 6.02 Approval Procedure

6.02.1 Application

Request for plat approval shall be made by the owner of the land to the Administrative Official at City Hall. Three (3) copies of a drawing to scale of the lots involved shall accompany the applications. A digital copy shall be required in AutoCAD format and geo-referenced in NAD83 Arkansas State Plane Coordinates, North Zone.

6.02.2 Approval

The Administrative Official shall review all lot-splits, minor subdivisions, and replats. If the plat meets the standards and requirements of this Code and all required information is contained thereon, the Administrative Official shall certify its approval of the plat, make proper notation on the original tracing of said plat, and permit the plat's recording in the office of the Columbia County Circuit Clerk. No plat shall be approved that creates a condition which will violate the minimum lot and area standards of the zoning code.

6.02.3 Fees

The applicant shall submit all necessary fees at the time of filing the request as outline in Article 8, Section 8.03.

Section 6.03 Plat Specifications

Nine (9) copies of the plat of a minor subdivision or lot-split shall be provided to the Administrative Official. The final plat shall include the following:

A. Name of subdivision;

B. Name and address of owner (s) of subdivision;

C. Boundary and written legal description of subdivision;

D. Legal description of parcels or lots that result from the subdivision or lot-splits;

E. Streets, alleys, and easements bordering or abutting the subdivision;

F. Dimensions in feet and decimal parts thereof, and curve data for all lots, blocks, and street lines;

G. Building setback lines with dimensions;

H. Name of engineer or surveyor preparing final plat;

I. Date, map, scale, and north arrow;

J. Acreage being subdivided;

K. Location of all monuments; and

L. Approval of the Arkansas Department of Health of the sanitary sewer system if the requirements for sewer disposal of the lot-split are to be met by any other means than by connection to a sewer operated by the City of Magnolia.

ARTICLE VII. SITE PLAN REVIEW

Section 7.01 Application Procedure

The Site Plan Review process shall apply to the following types of development:

A. The provisions of access to lots and parcels;

B. A development, excluding single-family or two-family structures and accessory buildings, on one lot containing a building or buildings with a combined square footage of 1,000 square feet or larger.

C. All multi-family housing developments with more than one structure per lot.

D. Any commercial building or establishment designed or intended for the sale of petroleum or other flammable products or any commercial or industrial use with accompanying hazards.

E. Routine developments not meeting any of the criteria shall not require planning commission approval. However, in unique cases, the Administrative Official may require approval prior to the issuance of a building permit.

The Developer of the development shall prepare and file with the Planning Commission an application for approval of development. Said application shall be filed at least fifteen (15) days prior to a regular meeting of the Planning Commission. The application shall not be accepted until the Developer has paid the application fee as established by Article 8, Section 8.03.

The application for approval of the development shall consist of a letter (describing the intended uses of the buildings), a site plan, and such other data and information that may be desirable to support the Planning Commission's approval. Nine (9) copies of the site plan, prepared by a registered engineer or licensed surveyor, shall be included with the application. A digital copy shall be required in AutoCAD format and geo-referenced in NAD83 Arkansas State Plane Coordinates, North Zone. The application must be signed by the owner of the property (supported by a deed of record), and any person representing the owner or developer before the Commission.

Section 7.02 Site Plan Requirements

The site plan shall be prepared by an engineer or surveyor. Any site plan which involves drainage, street, or utility improvements shall be prepared by a registered professional engineer. The site plan shall include the following:

A. Name of development, type of activity, current zone;

B. Name and address of owner(s);

C. Name and signed stamp of the engineer/surveyor preparing plans for the development;

D. Bearings and distances of boundary from an actual survey of the property.

E. Street names, class per Master Street Plan, rights-of-way, centerlines, and easements bordering or traversing the property;

F. Building outline, sidewalks, curbs, drives, parking, and striping;

G. Exterior lighting quantity, direction, and pattern;

H. Exterior speaker location(s) and direction(s);

I. Proposed curb cuts for development and curb cuts of adjacent properties, including those across the street, street intersections; these items shall be dimensioned relative to each other;

J. Identify all adjoining property by activity and business name, if applicable;

K. Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area. Not required for developments under 10,000 square feet. See Article 3, Section 3.05;

L. Utility plan and Health Department approval;

M. Green-spaces and landscaping.

N. Letter from the Magnolia Public Works stating the status of water and sewer service.

Section 7.03 Planning Commission Procedure

The Planning Commission shall review the application at the next regularly scheduled meeting after receiving the completed application with all required attachments. If the Commission determines that the development is meets the standards and rules of this code, as submitted, then it shall approve it. The Commission may require the developer to change the plan as submitted, and may disapprove applications that conflict with any of the provisions of the Subdivision and Development Code, as are applicable. Upon obtaining approval from the Planning Commission, the developer may commence construction after obtaining a building permit and any other required permits.

The approval from the Planning Commission shall be limited to the type of building/development stated within the letter accompanying the application. Should the developer decide to build or develop on the property in a manner inconsistent with the use as stated in the letter and site plan accompanying the application, the applicant must submit a new application to the Planning Commission for approval. Should the developer build or develop the property for a use contrary to the use stated in his application, the approval previously granted by the Planning Commission shall become null and void, and the developer shall cease construction/building on the property upon receipt of notice from the Administrative Official.

Section 7.04 Expansion of Existing Buildings

Expansions of existing buildings shall be considered large-scale developments only when they meet one of the following.

A. The expansion increases the size of the building by greater than 1/3 of its original size.

B. The expansion creates the need to change the existing design of the development's access.

C. Changes have occurred to adjacent properties that would require new site analysis of the proposed development.

D. The development proposal, based upon the judgment of the Administrative Official, represents such a substantial change that full review by the Planning Commission is necessary.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

Section 8.01 Authority of the Administrative Official

The Administrative Official or his representative shall have the authority to administer these regulations to such extent and in such manner as is prescribed herein, including the authority to inspect any and all improvements to ensure that they are in conformance with all plans, specifications, and any written agreements which have been approved by the Commission. He shall have the authority to require the removal and/or replacement, at the expense of the applicant, of any phase of the work which is not in accordance with the requirements of the plans in accord with these regulations.

Section 8.02 Inspections

8.02.01 Interim Inspections

The Administrative Official shall conduct such inspections, at such times, as are appropriate to verify that the requirements of these regulations, and/or imposed by the Commission, are being met. At a minimum, the following inspections shall be conducted:

Type Inspection	***Schedule***
Subgrade	Immediately prior to distributing base material. Any interruptions in construction which results in deterioration of subgrade by weather or traffic shall require re-inspection.
Curbs and Drainage Improvements	Immediately prior to placing concrete or drain pipe.
Base Material	Immediately after final grade and compaction of base material. Developers are required to furnish copies of material tonnages no later than at the time of inspection.
Concrete Inspection	Immediately prior to distributing asphalt concrete or pouring Portland cement concrete on road surfaces and immediately prior to restarts after construction interruptions longer than forty-eight (48) hours. Developers are required to furnish copies of asphalt tonnage or concrete yardage for all facilities, improvements and installations regulated herein. Said records are to be submitted to the Administrative Official no later than forty-eight (48) hours after placement.
Sanitary Sewer	Immediately prior to installing sanitary sewer lines, making manhole connections, or infiltration tests.

8.02.02 Final Inspection

Upon completion of construction, the developer shall arrange a final inspection of all streets and utilities. The applicant, his engineer, the contractor(s) and the Administrative Official may attend this inspection. If the Administrative Official determines that the required improvements:

A. Are complete and in accordance with the approved plans and specifications, he shall so inform the developer in writing. The applicant shall then transmit in writing to the City a

Notice of Completion and as-built drawings of all improvements.

B. Have deficiencies, defects of unapproved changes, he shall notify the developer in writing of such defects, deficiencies, or deviations. The developer shall correct such defects, deficiencies, or deviations within six (6) months of the date of notification. When corrections have been completed, the developer shall notify the Administrative Official in writing that the improvements are again ready for final inspection. If corrections are not made within the stipulated time frame, cash performance bonds may be used by the City to make said corrections or the City may instruct the bonding company to make said corrections, whichever is applicable; and/or the City may not issue building permits until final approval is received.

Section 8.03 Fees

The City of Magnolia shall impose fees for items covered the Subdivision and Development Code according to a schedule adopted by the City Council.

Section 8.04 Waivers

The rules and regulations set forth in this Code are the standard requirements of the City. The Planning Commission may, authorize a waiver from these regulations when in its opinion; undue hardship would result from requiring strict compliance. No waiver shall be granted except upon written petition by the applicant. Waivers may not be granted on a Final Plat. The petition shall state fully the grounds for the waiver and all the facts upon which the petition is made. In granting a waiver, the Commission shall prescribe any reasonable conditions necessary. In making findings, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such waiver upon traffic conditions and upon the public health, safety, and welfare of the community. No waiver shall be granted unless the Commission finds:

A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would constitute an unreasonable or exceptional exaction from the applicant.

B. That the granting of the waiver will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.

C. That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Code.

D. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular detrimental effect to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

E. The request will not violate any other city, state, or federal laws.

Such findings of the Commission, together with the specific facts upon which such findings are based,

shall be incorporated into the official minutes of the Commission meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this Code so that the public health, safety, or welfare may be secured and substantial justice done. Economic hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

Section 8.05 Amendments

This code may be amended upon majority votes of the members of the Planning Commission and City Council. Amendments shall be prepared, a notice of public hearing shall be required to published in a local newspaper of general distribution or other appropriate legal means fifteen (15) days prior to a public hearing held by the Planning Commission. Following the public hearing, the Planning Commission may adopt the amendments. If adopted by the Planning Commission the City Council may adopt the amendments as recommended by Planning Commission or in modified form.

Section 8.06 Penalty

Any person, firm, or corporation that violates any provision of these regulations shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars ($50.00) and not more than one hundred dollars ($100.00). Each day that violation of these regulations is in effect shall constitute a separate offense and be subject to additional fines for each day the violation continues.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

ARTICLE IX. LEGAL STATUS

Section 9.01 Conflicting Regulations

All ordinances or parts of ordinances inconsistent or in conflict with this Code are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this Subdivision and Development Code.

Section 9.02 Separability

Any clause or provision of this Code declared invalid by the court shall not affect the validity of the regulation as a whole or any other part of the Code.

Section 9.03 Effective Date

This Code shall take effect upon adoption by ordinance of the City Council of the City of Magnolia, Arkansas. These regulations shall be printed in booklet form and made available to the general public. Not fewer than three (3) copies shall remain on file in the office of the City Clerk for examination by the public. These regulations shall be published as required by law by title only through the City's adoption of the Code entitled "Subdivision and Development Code".

ARTICLE X. DEFINITIONS

Section 10.01 Definitions

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Wherever used in this Code, the word "may" is permissive, while the word "shall" will be interpreted in its mandatory sense. For the purpose of interpreting this Code, certain words used herein are defined as follows:

Access The way of means by which a piece of property is ingressed or egressed or entered.

Alley A minor public way used for utility easements and vehicular services.

Administrative Official The person or persons designated by the Mayor to administer the Subdivision and Development Code.

Block A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.

Bond Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Attorney.

Boundary Street A street abutting on only one (1) side of the parcel of land being subdivided.

Building Setback Lines The phrase "building setback line" shall be the line within a property which defines the minimum horizontal distance between the building and adjacent property line.

Building Permit Written permission issued by the Administrative Official for the construction, repair, alteration, or addition to a structure.

City City of Magnolia, Columbia County, Arkansas.

City Attorney, City Clerk, Mayor Any office referred to in this Code by title, i.e. City Attorney, City Clerk, Mayor, etc., shall be the person so retained by the City or elected to this position, or his duly authorized representative.

Cul-de-sac A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Commission The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Magnolia, Arkansas.

Comprehensive Plan The Comprehensive Plan for the City which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, zoning, and traffic circulation. The Comprehensive Plan consists of the City's Master Street Plan and Land Use Plan.

County Recorder The Circuit Clerk of Columbia County, Arkansas.

Easement A grant by the property owner of the use, for a specific purpose or purposes, of land by the public, a corporation, or certain persons.

Engineer: A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.

Improvements Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

In-Lieu Contribution A cash contribution for required boundary street improvements instead of immediate construction.

Landscaping A combination of living plants and man-made materials arranged or persevered in such a way to produce a scenic setting.

Lot A distinct and separate undivided tract or parcel of land having access on a public street which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site.

Lot, Corner A lot located at the intersection of and abutting on two or more streets.

Lot, Double Frontage A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two streets.

Lot, Pipe-Stem A lot where no substantial street frontage is present except an access drive.

Lot, Reverse Frontage A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot Split A lot-split is a subdivision which involves the dividing or redividing of a land area or (b) one or more lots within not more than one (1) 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.

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 Administrative Official shall establish the centerline location.

Pavement Width The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

Plat, Construction The phrase “construction plat” shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

Plat, Final The phrase “final plat” shall be any plat of any lot, tract or parcel of land requested to be recorded in the deed and plat records of the County Recorder.

Public Utility Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

Replatting The work “replatting” shall be the resubdivision of any part of a previously platted subdivision, addition, or lot.

Right-of-Way A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other 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 the One-Half Street Section abutting a proposed subdivision or development.

Street A public right-of-way, however designated, which provides vehicular access to adjacent areas.

Street Right-of-Way Width The words “street right- of- way width” shall be 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.

Street, Local The term “local street” shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

Street, Collector The term “collector street” shall be a street which is continuous through several residential districts and is intended as a connection street between residential districts and thoroughfares or business districts.

Street, Arterial The term “arterial streets” shall be the principal traffic thoroughfares continuous across the City, which are intended to connect distant parts of the City or adjacent thereto, and act as principal connecting streets with State and Federal highways. Each arterial street is designated on the Master Street Plan for the City.

Applicant or Developer Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms “applicant” and “developer” shall be restricted to include only the owner, equitable owner, or authorized agent or such owner or equitable owner, of land to be subdivided. He is sometimes referred to herein as the “applicant”.

Subdivision Means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the immediate or future purpose of sale or building development. It shall include all divisions of land involving the need for new streets or a change in existing streets, or the provision or extension of utilities, or other portions intended for dedication for public use. It also includes re-subdivision or replatting of the land, lots or tracts.

Subdivision, Minor A subdivision is classified as a “minor subdivision” when it contains six (6) or fewer lots and no streets, utilities, or other improvements are to be made. All other subdivisions are classified as “major subdivisions”.

Waiver Administrative relief from the literal provisions of this Code when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.