

## TITLE 15

### SUBDIVISION REGULATIONS

#### Chapters:

15.04 Subdivision Ordinances

#### CHAPTER 15.04

#### SUBDIVISION ORDINANCES

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#### 15.04.01 Purpose, authority, jurisdiction and definitions

**1-1 Purpose** The purpose of these regulations is to control the development of land within the corporate limits of the city of Clinton in order to promote the public health, safety, order, convenience, prosperity and general welfare of the area. They are intended to guide development in accordance with plans to further the orderly layout and use of land; to ensure proper legal description and placement of monuments on subdivided land; to facilitate the further subdivision of large tracts into smaller tracts of land; to provide for economy of maintenance for the city and utility companies.

**1-2 Authority** The following regulations for the subdividing and developing of land are adopted in accordance with the provisions of Act 26 of the General Assembly of 1955 and Act 186 of the General Assembly of 1957.

**1-3 Jurisdiction** These regulations shall govern all development and subdivision of land within the corporate limits of the city of Clinton as are now and hereinafter set. (Ord. No. 04-0, Art. 1.)

15.04.02 Definitions Certain words in these regulations are defined for the purposes hereof as follows:

**Alley** A minor public way used primarily for vehicular service access to the back or side of property abutting a street.

**Building line** A line within the property and parallel to the property line, beyond which no structure may be built.

**City** City of Clinton, Arkansas.

**Contour intervals** Topographic map lines connecting points of equal elevations.

**County** Van Buren County, Arkansas.

**Cul-de-sac** A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

**Dedication** land and improvements offered to the city, county or state and accepted by them for public use, control, and maintenance.

**Development plan** A drawing showing all proposed improvements to a piece of property such as streets, parking lots, buildings, drives, signs, utilities, drainage, grading, and planting by size and location.

**Easement** A grant by a property owner of the use by the public, a corporation, or person(s), of a strip of land for specific purposes.

**Improvements** Physical changes made to property to prepare it for development such as street grading, drainage structures, street surface, sidewalks, curbs and gutters, utility lines, bridges and similar items.

**Lot** A portion of a subdivision, or any other parcel of land intended as a unit of transfer of ownership or for development.

**Planning Commission** Clinton Planning Commission.

**Planning area** The city of Clinton.

**Plat** A map or chart containing information necessary to transfer, locate and survey all property indicated therein.

**Protective covenants** Developmental restrictions that run with the land, binding the lot buyer as a condition of the sale contract.

**Streets** A major public way intended for vehicular traffic and providing the principle means of access to the abutting property.

- A. **Major arterial street** Wide straight streets designed to carry fast traffic between distant parts of the planning area.
- B. **Minor arterial street** Wide streets designed to carry moderately fast traffic to and from major activity centers in the city.
- C. **Collector street** A street designed to collect traffic from several minor streets and carry it to arterial streets.
- D. **Local street** A street designed to serve abutting property.

**Subdivider/applicant/developer** Any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit who may desire to develop or subdivide land within the purpose and intent of these regulations.

**Subdivision** The dividing of land into two or more lots, the recording of easements for the extension of utilities, the dedication, vacating, widening, or change of alignment of access to lots.

**Yards and setbacks** The area between buildings and lot lines unobstructed by structures and open to the sky. (Ord. No. 04-4, Art. 2.)

#### 15.04.03 Procedural requirements

### **3-1 STEP ONE**

- A. Letter of Intent Whenever an applicant intends to develop or subdivide land within the meaning of these regulations, and before a detailed plat is filed, he shall file a Letter of Intent with the secretary of the Planning Commission, indicating the type of development intended and a general description of the land to be developed.
- B. Sketch Plan At the time of submitting the Letter of Intent, the applicant shall provide a Sketch Plan of the development based on general knowledge of the property, so that the Planning Commission may determine general conformance to all official plans and regulations.

- C. Pre-Application Conference The Planning Commission shall advise the applicant, after presentation of the Letter of Intent and the Sketch Plan that he may proceed with the preparation of the plat so long as he conforms with plans currently in effect and with the plat requirement, the design and layout requirements and improvement requirements as contained herein. It will be the applicant's responsibility to notify all affected agencies outside of city government and obtain proper permits. The Letter of Intent will contain name, address and phone number of applicant.

### 3-2 STEP TWO

- A. Preliminary Construction Plat At least fifteen (15) days before the regular meeting of the Planning Commission which will consider the development proposal, the applicant shall file three (3) copies of the preliminary plat with plans and specifications, one copy of geotechnical investigation, one set of drainage calculations, other documents that may be necessary and/or requested by the city, approval documents from other jurisdictions, and review fee, with the Planning Commission. A complete review and approval will not be made until all required documents have been properly submitted. No permits will be issued and no work can be performed until the city issues a Letter of Approval.
- B. Other Jurisdictions When projects fall within the jurisdiction of other jurisdictional bodies, such as, but not limited to, the US Army corps of Engineers (COE), Arkansas Department of Environmental Quality (ADEQ), Arkansas Highway and Transportation Department (AHTD), the applicant shall submit sufficient evidence that documents have been submitted, approved and permitted by those other jurisdictions, as applicable. It is the applicants, responsibility to be certain as to whether or not other jurisdictions will require a review and approval of the proposed development. A National Pollutant Discharge Elimination System (NPDES) Permit is required by ADEQ on all projects of five (5) acres or greater in area.
- C. Minimum Drawing Requirements Plans and specifications shall be prepared, sealed and signed by a professional engineer that is currently licensed in Arkansas. The project name, drawing title, drawing number, legend, north arrow and bar scale shall be shown on each drawing as applicable. Roadway drawings shall contain plan and profile, cross-sections, erosion control, applicable details, and specifications, and shall be drawn to scale. The scale shall not exceed 1" = 100' horizontal and 1" = 10' vertical. Profile drawings shall show existing and proposed profile grade lines, and shall show the profile of drainage and cross drains. Other existing and proposed utilities shall also be plotted and noted. roadway cross-sections shall be shown at no greater than 50' station intervals and

at intersecting streets and driveways. Drawings shall include a vicinity map with project location delineated on the map.

- D. Approval of Construction Documents Upon review of the submitted documents, the city will respond to the applicant with comments that may require corrections and/or adjustments to the documents. Once all comments have been addressed, revised documents shall be re-submitted to the city to continue the review process. Once all comments have been satisfactorily addressed, the city, at its discretion, will issue a Letter of Approval, and a set of construction documents bearing a signed and dated stamp of approval which will be returned to the applicant. The city, at its discretion, may utilize the city's retained engineer for review of any or all submittals.
- E. Floodplains, Floodways and Wetlands NO draining, excavation, dredging or filling may be performed within these areas without first securing approval of the US Army Corps of Engineers (COE). Written proof of approval (404 permit) will be required, when applicable, prior to issuance of any city approvals or permits.
- F. Special Exceptions/Variations and Waivers When applicant desires to deviate from the requirements stated herein, the applicant must petition the Planning Commission for a variance or waiver, as applicable, prior to submitting final plans for review. The applicant must demonstrate sound reasoning for any deviation, and not violate any existing laws, codes or regulations of higher authorities. No deviation will be allowed without a properly issued variance or waiver, approved by the Planning Commission.
- G. Review The Planning Commission shall submit copies of the preliminary plat, with all support documents, permits, etc. to all affected city agencies, such as:

City Council  
Water and Sewer Department  
Fire Department  
City Street Department

The applicant will be responsible for providing copies to affected agencies outside of city government, such as:

School Board  
County Road Department  
State Highway Department  
Post Office

Public Utilities  
State Health Department

The plat shall be checked against the design standards, plate requirement, layout requirements and improvement requirements as contained herein.

- H. Approval After the preliminary plat has been reviewed by other agencies and against the criteria established herein, the Planning Commission shall approve the plat or disapprove it with reasons in writing. Failure of the Planning Commission to act within forty-five (45) days shall be deemed approval.
- I. Expiration of approval Preliminary plat approval shall expire within one (1) year if there is no performance of required improvements. The Planning Commission may grant a six (6) month extension of approval, provided that the applicant can show that unusual circumstances prevented them from starting the subdivision within one (1) year and that conditions in the area of development have not changed substantially.

### 3-3 STEP THREE

- A. Final plat After the applicant has installed the required improvements to the satisfaction for all inspecting agencies. They must submit the final plat to the Planning Commission for approval. At least fifteen (15) days before the regular meeting of the Planning Commission which will consider the plat, the applicant shall file seven (7) copies of the final plat with the Planning Commission.
- B. Review and approval After checking the final plat against the approved preliminary plat, the certificates of approval for installed improvements and the requirements established in 15.04.04 and 15.04.07, the Planning Commission shall approve the plat for recording with the County Recorder, or disapprove it with reasons in writing. Failure of the Planning Commission to act in forty-five (45) days after the plat is filed shall be deemed approval.

**3-4 Large lot splits** When an applicant wishes to subdivide large lots or unplatted land into lots of a size no smaller than five (5) acres that do not require the installation of utilities, dedication of streets, alleys or easements and no new public services are required, no sketch plan or preliminary plat is required. A final plat of the proposed subdivision shall be filed for the approval of the Planning Commission, subject to the procedures outlined in 15.04.03.

**3-5 Items and issued not addressed** Each individual development may be subject to its own unique developmental circumstances and require special consideration. When an item is not specifically addressed in these requirements, the Planning Commission will render its decisions and requirements which may be subject to appeal to the City Council, by the applicant, if he chooses to do so. (Ord. No. 04-4, Art. 4.)

#### 15.04.04 Plat requirements

**4-1 Information required** Before the Planning Commission may accept plats for review and approval, the applicant shall submit the information indicated on the following schedule for the respective plats.

#### **PLAT INFORMATION**

	Sketch Plan	Prelim. Plat	Final Plat	Large Lot Splits
1. Name and address of subdivision, applicant, owner(s), surveyor(s)	x	x	x	x
2. Date, graphic scales, north arrow	x	x	x	x
3. Exact boundary of property with legal description. (Property reference shall be in terms of the US System of surveying public land.)		x	x	x
4. Acreage	x			
5. Space of approval of Planning Commission			x	x
6. Certification of registered engineer and surveyor			x	

#### **TOPOGRAPHIC INFORMATION**

1. Original topography: 2 foot contour intervals where slope is over 10%		x		
2. Location and names of all streets, highways, streams buildings, etc. within 300 ft. of property boundary	x	x	x	x
3. Location of nearest schools, playgrounds and shopping area	x			

**PROPOSALS**

1. Proposed use of all land	x	x		
2. Location and dimension of all easements, right-of-way, land to be dedicated to public use.	x	x	x	
3. Lots and blocks, including numbers, legal description and lot lines. (Lot lines shall show radii of curves, tangents, dimensions and bearings of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be shown in lieu of bearings and all bearings shall be referred to true north.)			x	x
4. Conformance to Master Street Plan, General Land Use Plan, and Zoning Ordinance.	x	x	x	
5. Location and descriptions of all monuments and stakes				x
6. Areas to remain unplatted	x	x	x	
7. Building setback lines		x	x	x
8. Drainage plan with proposed cuts and fills		x		
9. Location of utility lines and drainage systems	x	x		
10. Street cross-sections with improvements, as required	x	x		
11. All proposed planting or other additions other than buildings	x			

**INFORMATION TO SUPPLEMENT THE PLAT**

1. Letter of intent	x			
2. Letter of transmittal		x	x	x
3. Protective covenants		x	x	x
4. Certificates of approval of required improvements from appropriate city and state agencies			x	
5. Bill of assurance			x	



**4-2 Right of Planning Commission to have survey made** The Planning Commission may have a survey made of the subdivision to determine if said description is correct. In the event there is an error in said description, the applicant shall pay for said survey and correct the description to the satisfaction of the Planning Commission.

**4-3 Scale** Plans shall be prepared on sheet 18 x 27 inches at a scale of not more than one (1) inch equals one hundred (100) feet. (Ord. No. 04-4, Art. 4.)

#### 15.04.05 Design standards

##### **5-1 Conformance with official plans**

- A. The subdivision shall conform to all plans adopted in accordance with state statutes for municipal and joint cooperation in planning, as may be subsequently amended.
- B. The Planning Commission shall not approve the subdivision of land where it is evident from the investigations and recommendations of the public agencies concerned that the site is not suitable for development of the type proposed.
- C. The developer shall have a geotechnical consultant perform a sub-surface investigation of the proposed development. The investigation shall consist of suitable numbers of borings and/or test pits throughout the development to ascertain a reasonable understanding of sub-surface soil types, groundwater and other conditions. Each road way shall have no less than two borings, and they shall be spaced no greater than five hundred (500) feet apart along the roadway. The investigation shall contain a complete report of the findings along with plotted soil logs and recommendations for construction. Code drilling of existing pavements may be requested by the Planning Commission on a case-by-case basis.
- D. The developer shall be held responsible that the contractor be properly licensed in the state of Arkansas and maintain a qualified and competent superintendent on the work site while work is in progress. The superintendent shall have a good understanding of the construction documents, the work itself, city and regulatory requirements and have supervisory control of the work and personnel.

##### **5-2 Street design standards**

- A. Master Street Plan The character and location of all streets, including minimum width of rights-of-way, shall conform with the Master Street Plan. The Planning Commission may permit adjustments in the location of major streets due to topographical conditions and public convenience and safety.

B. Continuation of existing streets

1. For streets not indicated on the official plans, the arrangements of streets in the subdivision shall provide for the continuation or appropriate projection of existing principal streets in the surrounding area, except where topographical or other conditions make continuance or conformance to existing streets impractical.
2. The proposed street system extend existing streets at same or greater width, but not less than the required minimum width.

C. Street intersections

1. Street intersection should be, insofar as practical, at right angles, but in no case shall one street cross another at an angle less than 75 degrees.
2. Intersections of minor streets with a major street or highway shall be at least 1000 feet apart.

D. Street jogs Street jogs and centerline offsets of less than one hundred, twenty-five (125) feet shall be avoided.

E. Access on major streets

1. Curb cuts may be prohibited on major streets.
2. Curb cuts shall be prohibited within forty (40) feet of corners.
3. Curb cuts shall not be over thirty (30) feet wide.

F. Street grades (maximum)

1. Street grades, wherever topographically feasible, shall not exceed the following:

Arterials	5% maximum
Collectors	7% maximum
Local	10% maximum

2. Grades over 7% shall not extend more than three hundred (300) feet.
3. Grades on all streets shall not exceed 7% within fifty (50) feet of an intersection.

G. Street grades (minimum) No street grade shall be less than one-half of one (0.5%) percent.

H. Street widths The minimum right-of-way for streets shall be as follows:

Four-lane divided	100 ft. minimum
Four-lane undivided	80 ft. minimum
Two-lane undivided	80 ft. minimum
Collector	64 ft. minimum
Local	50 ft. minimum

I. Corners at intersections Property lines at street intersections shall rounded on a radius of twenty-five (25) feet, except that on any property or subdivision which is to be developed for highway-oriented commercial, industrial, manufacturing, bulk storage, or for mobile homes, or wherever large vehicles normally require access, property lines at street intersections shall be rounded on a radius of fifty (50) feet.

J. Half-streets Half-street shall be prohibited, except where:

1. Essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations;
2. the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

K. Dead-end streets Dead-end streets, designed to be so permanently, as in a cul-de-sac, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside diameter of at least eight-(80) feet and a street/property line diameter of at least one hundred (100) feet.

L. Street dedication Every lot shall be served by a dedicated public street with a right-of-way width in conformance with requirements of the Master Street Plan and street widths enumerated herein.

M. Street names

1. No street names shall be used which duplicates or may be confused with the names of existing streets either in spelling or pronunciation.

2. Whenever existing streets are extended in line, the extension shall carry the existing street name.
- N. Design of local streets The location and alignment of local streets should be such that their use by through traffic will be discouraged.
- O. Alleys Alleys, when provided, shall:
1. be a minimum of twenty (20) ft. in width.
  2. avoid intersections and sharp changes in alignment.
  3. avoid dead-ending.

### **5-3 Easements**

- A. Utilities Easements across lots or centered on rear or side lot lines shall be provided for utilities and shall be at least twelve (12) feet wide, where necessary.
- B. Surface drainage Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the boundary lines of such water course, and such further width of construction, or both, as will be adequate for the purpose. Parallel streets may be required in connection therewith. In no way shall natural drainage ways be dammed, blocked, or have their course changed without the expressed consent of the Planning Commission.

### **5-4 Blocks**

- A. Shape The use of rectangular blocks, longer than wide, is encouraged in the interest of economy to the developer and to the city or the county in future maintenance of streets and other utilities.
- B. Length Block shall be not less than four hundred (400) feet nor more than one thousand four hundred (1400) feet long.
- C. Width Blocks shall be wide enough to allow two (2) tiers of lots, except where:
1. one (1) tier of lots fronts on major streets or highways, or
  2. backs on streams, steep grades, parks or on to the perimeter of a subdivision.

**5-5 Lots**

- A. Shape The shape of residential lots shall not be required to conform to any stipulated pattern. Lots should be of such shape as to best accommodate the type of house to be built in order to provide for adequate spacing between houses and to satisfy other requirements in these regulations.
- B. Use The use of lots shall conform to the provisions of all plans adopted in accordance with state statutes, as stipulated in 15.04.05 of these regulations.
- C. Size No lot intended to be used for the purpose of placing a building or structure thereon shall be less in size than the minimum required in the current Zoning Ordinance for:
  - 1. The Zoning District where the subdivision will be located.
  - 2. The General Land Use Plan, or the closest logical Zoning District, with the approval of the Planning Commission.
- D. Corner lot Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets.
- E. Street access Each lot shall have satisfactory access to a public street.
- F. Additional area requirement The Planning Commission shall not approve any lot whose size is in conflict with minimum standards established in any plan or regulations adopted in accordance with state statutes, as stipulated in 15.04.05 herein.

**5-6 Non-residential development**

- A. Location Areas within subdivisions not intended for residential use shall be clearly identified on the plat.
- B. Uses permitted A non-residential use area shall be in conformance with all plans and regulations adopted in accordance with state statutes, as stipulated in 15.04.05 herein.
- C. Plan requirements Before a non-residential use or uses can be established in the area designated, a plan of development must be presented to the Planning Commission for approval. This plan of development shall include, but not be limited to:

1. Location and use of structure or structures on the lot or parcel.
  2. The means of ingress and egress to public streets and highways.
  3. Location and dimensions of drives and parking areas.
  4. Other improvements contemplated.
- D. Plan submission An approved plan of development is required in advance of the actual installation of the use, not prior to subdivision plat approval.

**5-7 Designs and layout guide** The Planning Commission may have available a design and layout guide for the purpose of advising developers as to good criteria for the design and layout of subdivision within the purpose and intent of the regulations.

**5-8 Special design considerations** This section is specifically included to provide guidance for development of properties which may not have access to centralized or approved community sewer facilities. Since some of the planning area is not served by sewer, the criteria set forth herein will have significant impact on subdividing and development of properties particularly for residential purposes.

The guidelines and requirements have been established by the Arkansas State Health Department.

- A. Complete and detailed plans and specifications by a registered engineer are required and they must include the following:
1. Vicinity location.
  2. Layout of properties, streets, easements, and all topographical features.
  3. Dimensions of lots, streets, easements, etc.
  4. Results of 10 foot soil borings.
  5. Location of percolation test holes.
  6. Water and sewerage facilities.
  7. Route of sewage effluent, if a sewerage system is provided.
  8. Water table.

9. Certification by the engineer that all percolation tests and soil borings were done in accordance with Arkansas State Department of Health Bulletin No. 9.
- B. If the use of a public water supply is proposed and individual septic tank-absorption field systems are to be used for sewage disposal, the following criteria is required:
1. Lot size should be a minimum of 21,780 sq. ft., but is not mandatory, in accordance with Bulletin No. 9 of the Arkansas State Department of Health.
  2. The lot width and size requirements may be varied in areas where percolation rates and subsurface conditions permit and approval of the Arkansas State Department of Health is obtained.
  3. The septic tank-absorption field system must be constructed in accordance with Bulletin No. 9 of the Arkansas State Department of Health. The above criteria also apply to building sites not located within subdivision areas. (Ord. No. 04-4, Art. 5.)

#### 15.04.06 Required improvements

**6-1 Required improvements** No final plat shall be approved by the Planning Commission until the following improvements have been installed by the applicant, subject to alternatives specified in 15.04.06, and approved by appropriate city, county and state agencies, utilities and the Planning Commission.

Prior to starting construction and at intervals of construction progress, the city shall be notified no less than twenty four (24) hours in advance for inspections. The developer and his contractor shall fully cooperate with the city by making the work accessible and visible to the inspector. The City Inspector, Street Department or Water and Sewer Department Superintendents or their designated agent shall observe all formwork for sidewalks, concrete paving, driveway aprons, curbs and gutters, drainage structures and other concrete improvements prior to placement of concrete. Forms, reinforcement and string lines must be in place and at their proper alignment and grade at the time of inspection. Water and sewer line ditch and bedding depth must be confirmed and all pressure testing completed. Under no circumstances will backfilling be accomplished until inspections are accomplished. The inspector may request proof-rolling, mix design documents, verification of grades or other tasks be performed by the contractor to demonstrate satisfactory conformance with the approved drawings and specifications. When work is found to not meet city requirements, corrections shall be made before proceeding with subsequent work.

## 6-2 Water

- A. Water mains shall be no smaller than six (6) inches in diameter, properly connected with the Clinton Water supply system, and shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use, and fire protection.
- B. Water mains shall be installed to Clinton Water requirements and specifications. Mains must be bedded in material that has no rocks larger than ½ " in diameter, and must have at least thirty (30) inches of cover. Piping must be Class 200 to greater gasketed pipe.
- C. All water mains must be tested to a minimum of 150 psi.
- D. The location of valves and hydrants, shall be approved by Clinton Water and the Fire Chief prior to acceptance by the Planning Commission.

## 6-3 Sewer

- A. Provision shall be made for the satisfactory disposal of sewage from all lots in the subdivision.
- B. Any lot that is within three hundred (300) feet of the public water or sewer system, is required by the Arkansas Department of Health to connect to the system, if it is economically feasible. An exception would be where elevation would not allow for a gravity sewer service line to the main.
- C. When located within the service area of a public sewer system, sanitary sewers shall be installed in such a manner as to adequately serve all lots. Design and construction of the sewer lines shall:

Properly connect to the lines with the Clinton Sewer system. Sewer mains must be a minimum of 8" DCR 21 gasketed sewer pipe. Sewer mains must be bedded in concrete rock, with a maximum size of one and one-half (1 ½ ) inch diameter material, six (6) inches below pipe, and four (4) inches above pipe, a total of eighteen (18) inches of bedding. Installation of all piping must be approved by the Clinton Sewer Department. Manholes must be installed no farther than four hundred (400) feet apart.

**6-4 Sewer testing** All new sewer mains must be tested to a minimum of five (5) psi for five (5) minutes. Before backfilling a completely constructed manhole, test manhole for leakage by performing vacuum test of manhole using an approved Manhole Vacuum Tester using the following procedure:



- A. Plug pipes entering manhole. Brace each plug to prevent being drawn into manhole by vacuum. Ensure complete seal around each plug.
- B. Place test head of vacuum tester at inside top of manhole rim and inflate seal in accordance with manufacturer's recommendations.
- C. Connect vacuum pump to outlet port on test head with valve open.
- D. Draw vacuum of ten (10) inches of mercury (HG), close valve, and shut off vacuum pump.
- E. Measure time it takes for vacuum to drop to nine (9) inches Hg.
- F. A forty-eight (48) inch diameter manhole passes the test if vacuum does not drop below nine (9) inches Hg before measured time of sixty (60) seconds.
- G. If manhole fails initial test, locate leaks and make repairs using non-shrink grout or other approved quick setting material while vacuum is still being drawn.
- H. Retest using same procedure until manhole passes test.

6-5 Where lots cannot be economically connected to the public gravity sewer system, they must contain adequate area for the installation of an approved septic system, reference 15.04.05, or install an individual residential pump station.

Plans for water and sewer systems must be sent to The Arkansas Department of Health at 4815 West Markham in Little Rock, Arkansas 72205 for approval. A review fee must be attached. The fee is one (1) percent of the total cost of construction, or Fifty Dollars (\$50.00) whichever is the greater amount.

**6-6 Storm drainage** All roadway drainage improvements within a public right-of-way shall be collected and conveyed in an underground drainage system. Open roadside ditches may be permissible when a waiver is approved by the Planning Commission. The rational method shall be used for watershed areas of 0 to 200 acres and SCS method shall be used for greater than 200 acres. All drainage collection lines shall be designed for the 10 year storm, except roadway cross drains which shall be designed for the 25 year storm. Curb inlet throat opening capacity, the hydraulic grade line, and the street gutter capacities shall be shown in the engineer's computation. The minimum pipe size within any public right-of-way shall be 18" diameter and all points of discharge shall have a flared end section or headwall, and adequate rip rap protection at the discharge end. Valley gutter and trench drains within the street are discouraged but will be considered on a case by case basis. When open channel ditches are approved by the city, the ditch size shall be designed in accordance with anticipated flows. Side-slopes shall be

no steeper than 3:1, and the minimum grade shall be 2% for unpaved ditches and 1% for ditches when paved. All storm drainage improvements shall conform with AHTD guidelines and specifications. Drainage calculations shall be submitted to the city for review and approval.

#### **6-7 Acceptable pipe types**

- A. Concrete pipe – Class 3, 4 or 5.
- B. Corrugated steel – 12 gauge minimum and polymer coated.
- C. High density polyethylene – advanced drainage systems (ADS) N12, or equal.

In no case shall non-coated steel or asphalt coated steel pipe be allowed.

Pipe classification and/or gauge shall also be selected based on depth of cover and anticipated loads. Bedding and backfilling of storm drainage shall conform with manufacturer's recommendations and AHTD guidelines and specifications. Trench backfill shall be compacted in no greater than 6" loose lifts and to no less than 95% modified proctor – ASTM D 1557.

**6-7 Individual lot – culvert size** Driveway location and culvert installation will not be required on individual lots in residential zones until the lot has been sold and building placement determined. The minimum pipe size will be eighteen (18) inches in diameter and twenty (20) feet in length, laid on the same 1% grade as paved ditches.

**6-8 Storm drainage structures** Curb inlets, surface inlets, yard inlets, junction boxes and other drainage structures may be circular, square or rectangular in configuration. Circular structures do not require reinforcement within the walls and floor, however reinforcement is required in the top of the structure. Square and rectangular boxes require reinforcement in the floor, walls and the top. Where throat openings span more than four feet horizontally, construct 4" diameter stools at such spacing so as to not exceed a 4' stool supported span. Stools shall be concrete filled PVC and securely anchored to the structure. Curb inlet throat openings shall be constructed such that their danger to pedestrians is minimized. Rings, covers, grates and other castings that are constructed within the roadway shall be bicycle safe. Box culverts shall be fully reinforced concrete, minimum 4000 PSE (28 day) and designed for H-20 loading. Either cast-in-place or pre-cast culverts are acceptable when in conformance with AHTD guidelines and specifications. End treatments (headwalls and wingwalls) shall be provided on all box culverts.

**6-9 Stormwater detention storage** There are no provisions for stormwater detention at this time. However, when the city determines that a new development will generate excessive increased runoff that in the opinion of the city, may potentially cause damage to downstream properties, the city may, at its discretion, require a Stormwater Detention System. Applicants must have an ADEQ stormwater permit if required.

**6-10 Monuments** Concrete monuments four (4) in diameter (or four (4) inches square) and thirty-six (36) inches long, with four (4) one-quarter (1/4 ) inch metal reinforcing rods the length of the monument, or of similar construction acceptable to the Planning Commission, shall be placed, with the top flush to the ground, at all points of intersection of the boundary of the subdivision and at one corner of intersecting streets within the subdivision. The location of all monuments shall be shown on the final plat.

**6-11 Corner stakes** All lot corners shall be marked with iron stakes, not less than three-quarter (3/4) inches in diameter and twenty-four (24) inches long and driven to be flush with the finished grade.

**6-12 Excavations and trenching** Excavation and/or trenching shall not be performed prior to obtaining a permit. Contractor shall, in accordance with state law, notify Arkansas-One-Call for location of existing utilities prior to making any excavations. All excavations and trenching shall be performed in accordance with occupational safety and health administration (OSHA) safety guidelines, 29 CFR 1926. The use of sheeting, shoring, trench boxes and other safety features must be implemented when applicable. Where children or other pedestrian traffic may be in the vicinity of an excavation, safety fencing and other safety features shall be installed for their protection. Where excavations are made in public rights-of-way, securely install steel plating, warning signs and barricades for the period that workmen are not present, and when otherwise needed. Where hillside cuts exceed fifteen feet (15') vertically, benching must be provided at not greater than every fifteen feet (15') vertically. The city, at its discretion, may require a safety fence or other barrier at the top of steep embankments. Implement proper erosion controls at all areas disturbed by excavations and/or trenching, seed and mulch or provide other acceptable means of permanent erosion control.

**6-13 Scarifying, compacting, subgrade stabilization, and roadway fill** Roadway subgrades shall be scarified no less than eight inches (8") and proof rolled to reveal soft and/or unstable soils. Proof rolling shall be performed with no less than a 20,000 pound fully loaded tandem axle dump truck or similar equipment, and shall be performed in the presence of a city inspector. Where soft soils are encountered, perform undercutting and replacement, or other means of stabilization as recommended by the geotechnical consultant. Subgrades and fills located underneath any pavements, curbs, and gutters and other structures shall be compacted in no greater than eight inch (8") loose lifts and attain no less than 95% modified proctor density – ASTM D 1557. Utilize no less than a 20,000 pound roller compactor with the proper type (sheepsfoot, smooth, vibratory, wobble wheel) roller drum, and water as necessary to attain optimum moisture content as recommended by the geotechnical consultant. Fill material shall be select material, free of substantial organic matter and fat clays. Suitable materials for fill are as follows:

- A. Unified soils classification type SC
- B. Unified soils classification type GC

- C. Sandy clay, clayey sand, or clayey gravel soils having a liquid limit less than forty (40) when tested in accordance with ASTM D423.
- D. Other materials that meet the approval of the geotechnical consultant, project engineer and the city.

Sub-drainage will be reviewed on a case-by-case basis. Sub-drainage shall be constructed in accordance with AHTD details and specifications when applicable.

**6-14 Street paving** Streets shall be paved by the developer to the widths and standards specified and adopted by the city of Clinton.

Once the requirements of 6-13 are complete and before the base course is put down, the developer must insure that all utilities that must be laid under the street are in place at proper spacing and depth, or empty pipe sleeves may be installed. All utilities should be installed in lot easements when possible and not in street right-of-ways.

- A. Base course Base course shall be Class 7 aggregate material as defined by the Arkansas Highway and Transportation Department (AHTD) or an alternate material approved by the city or city's engineer. The base course shall be graded and watered without segregating the fine material from the larger aggregate and compacted to 100% modified proctor dry density (ASEM D 1557). The minimum allowable thickness shall be eight inches (8"), compacted. The base course shall be relatively clean, dry and successfully tested and inspected before the prime coat is applied.
- B. Prime coat Apply bituminous prime coat to relatively dry aggregate base course at the rate of 0.3 to 0.4 gallons per sq. yard. Use medium curing liquid asphalt, MC-30, or approved equal, meeting AHTD specifications.
- C. Asphalt binder course Type 2 asphalt concrete hot mix binder as described in AHTD specifications. Asphalt shall not be laid if its ambient temperature is less than 250 des. F. AHTD specifications shall apply to material, construction and quality control procedures.
- D. Tack coat Apply bituminous tack coat to binder asphalt course at the rate of 0.03 to 0.10 gallons per square yard. Use rapid curing cut-back asphalt or emulsified asphalt meeting AHTD specifications.
- E. Asphalt surface course Type 2 asphalt concrete hot mix surface as described in AHTD specifications shall apply to material, construction and quality control procedures. Areas that pond ¼ " or more water or that otherwise do not drain properly will be rejected and shall be removed full depth and properly replaced.

- F. Concrete streets Concrete streets shall be designed by a professional engineer licensed in the state of Arkansas. They must meet the design and construction requirements of AHTD.

**6-15 Curbs and gutters** Concrete curb and gutter shall be required along both sides of all proposed roadways. The subgrade underneath the curb and gutter shall be compacted to no less than 95% modified proctor – ASTM D 1557. Density testing underneath curbs and gutters may be required and shall be performed at the city's discretion. The overall dimensions of the curb shall be 24" wide and 12" height, with the face of curb being 4" height and gutter portion being 18" in width. Face of curb shall be rounded to approximately 1" radius. concrete shall be 3,000 PSE (28 Day) Portland cement concrete with a light broom finish. Construct ½ " elastic water proof premolded expansion joint fillers at no greater than 60' intervals, at curb returns and at intersections with other abutting structures. Concrete shall be consolidated using a mechanical vibrator. contraction joints shall be placed at 10' intervals. The gutter profile shall be no less than 0.50% and preferably 1.00% or greater. Open shoulders (without curb and gutter) are not allowed, except by approved variance or waiver.

**6-16 Sidewalks and handicap ramps** The requirement for sidewalks will be determined by the Master Street Plan, or on a case-by-case basis at the discretion of the Planning Commission. Sidewalks, when required, shall be located adjacent to the right-of-way line, and inside the city right-of-way. Sidewalks shall be no less than 4' wide and 4" thick, non-reinforced, 3,000 PSE (28 Day) Portland cement concrete with a light broom finish. The subgrade underneath the sidewalk shall be compacted to no less than 95% modified proctor – ASTM D1557. Construct ½ " premolded expansion joint fillers at no greater than 28' intervals, at intersections with curbs, other sidewalks, and at intersections with other abutting structures. also place expansion joints where pour is stopped when other than at a scheduled expansion joint. Expansion joints shall be sealed. Cut control joints at 4' intervals, ½ "depth with a jointing tool having a ¼ " radius on each side. All sidewalks shall conform to the Americans with Disabilities Act (ADA). Cross slopes shall not in any case exceed 2%, and sidewalk profile shall not exceed 1:12, or 1:20 with landing, all in accordance with ADA requirements. Steps in public right-of-way are normally not allowed and considered on a case-by-case basis.

Handicap ramps shall be no less than 4' wide (excluding sloping side wings) and to the same thickness and concrete specifications as sidewalks. In addition, they will receive a light broom finish and shall have sawcut grooves or joints troweled into the surface at 4" center to center and running perpendicular to the walkway, and the profile slope shall not exceed 1:12 (one inch in 12" of run). Ramps shall be positioned to direct the pedestrian in a direction that is perpendicular to the traffic.

**6-17 Temporary and permanent erosion control** Developers are required to provide a temporary erosion control plan as part of their submitted construction documents. The plan shall be designed to deter the migration of silts and sediment into adjacent properties, into the city's

drainage system, and into the waters of the state. The use of silt fencing, hay bales, rock check dams and other erosion control devices, as may be applicable, shall be implemented immediately, which normally would follow clearing operations, and prior to excavating. Erosion control devices must be cleaned and maintained periodically for the duration of the project or until permanent erosion control features have been fully constructed, and have become functional. Permanent erosion control features may include hydorseeding, seeding, mulching, sodding, rock ditch checks and rip rap among other options. In addition, all disturbed areas shall receive no less than four (4) inches select topsoil and be seeded and mulched in accordance with AHTD specifications.

**6-18 Clearing and burning or disposal** Clearing shall not be performed prior to obtaining a permit. Burning may or may not be allowed within the city, and will be determined based on location, amount and type of material to be burned, meteorological conditions and proper procurement of permitting. Whenever a burn ban is in effect, no burning will be allowed under any circumstances. When burning is permitted, only organic materials may be burned and shall be performed under the continual care of a competent watchperson with adequate means to control the spreading of fire. In no case shall burning cause smoke to obscure the vision of any motorists on public roadways or be allowed to saturate inhabited areas, or otherwise become a nuisance to the public. When trees, debris and other materials are disposed of at an off-site location, the developer shall obtain written approval from the disposal site owner, and the disposal site shall be a legally operated facility.

**6-19 Guarantees in lieu of improvements** The city of Clinton has no provision for accepting surety bonds or cash in lieu of required improvements. All improvements must be installed before the development is accepted by the city.

**6-20 Improvements standards by areas** The Planning Commission is authorized to establish different improvement standards for different areas based upon zones established in the Zoning Ordinance so long as the improvement standards are uniform throughout each zone.

**6-21 Reservations** For a period of twelve (12) months after the filing of the letter of intent by the applicant, the Planning Commission may require the applicant to reserve sites for public use indicated on a plat adopted in accordance with statutes to permit the Public Board, Commission or body having jurisdiction or financial responsibility, the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of eminent domain. (Ord. No. 04-4, Art. 6.)

#### 15.04.07 Requirements for final plat approval

**7-1 Requirements** The Planning Commission shall require the following of the developer for final plat approval.

- A. Preparation of the official plat The official plat, or map, suitable for filing shall contain all data required by the provisions of section 4-1 herein.
- B. Completion notification by contractor When the contractor considers the work to be substantially complete, he shall notify the project engineer and the city to arrange for a final inspection. Notification shall be no less than 48 hours prior to the inspection meeting.
- C. Final inspection the final inspection shall include the project engineer, contractor's superintendent and the Planning Commission's official and inspectors, in cooperation with the county that shall be responsible for certifying proper installation of required improvements. Those in attendance shall review the approved plans and specifications, walk the site and make note of any items that are not in conformance, missing, incomplete, damaged or otherwise needs attention to finalize the project. The project engineer shall prepare a punch list and submit to the city for review prior to its distribution.

**7-2 Formal acceptance by the city** Upon completion of the work, including satisfactory corrective work as described in the punch list, the city will issue a letter of acceptance to the developer accepting the improvements, contingent upon receipt of the following:

- A. One year maintenance bond Upon completion of the work the developer shall deliver to the city a maintenance bond in the amount of 100% of the actual cost of all street, drainage and other public improvements. The bond shall be made payable to the city of Clinton and its date shall coincide with the date on the letter of acceptance and run for a term of one year thereafter. In the event the developer shall fail, neglect or refuse to make corrections to the defective work, the bond will be used to hire a contractor to make the corrections and to pay for the city's costs associated with the corrective work Refer to 7-3 below.
- B. Executed release of liens Upon completion of the work and prior to issuance of the letter of acceptance, the developer shall provide a signed and dated letter stating that all materials, labor, taxes, and other costs and claims associated with the project have been paid in full.
- C. As-constructed record drawings – Refer to 3-2.
- D. Copies of all testing result reports.
- E. Operations and maintenance data as may be required.

**7-3 Correction of defective work or materials** The developer will be held responsible for performing corrective work to faulty materials and/or workmanship during the one year maintenance bond warranty period. The developer, when notified of a defect or other warranty issue shall respond in a timely manner, and perform the corrective work at no cost to the city.

**7-4 One year inspection and release of maintenance bond** Within thirty (30) days prior to the expiration of the one year maintenance bond, the city shall inspect the project for any deficiencies and notify the developer for corrective action, should any be discovered.

At the end of the one year maintenance bond warranty period, the city shall return the bond, in full, to the developer, providing it was not necessary that the bond be used for an independent contractor, or for the city to perform corrective work. The city will not hire an independent contractor and/or utilize the bond exception the case of an emergency or when the developer fails, refuses or neglects to respond and/or complete any corrective work in a timely manner, in which case any unused portion of the bond will be returned.

#### **7-5 Bill of Assurance**

- A. The developer shall submit for the approval of the Planning Commission a Bill of Assurance including but not limited to the following:
  - 1. Dedication of streets and alleys, parks, and other lands for public use.
  - 2. Establishment of easements.
  - 3. A provision that the platting as filed for record cannot be changed unless vacated or further subdivided.
- B. The developer shall be required to file with the County Recorder the Bill of Assurance as approved by the Planning Commission at the same time the official plat is filed for record. (Ord. No. 04-4, Art. 7.)

#### 15.04.08 Enforcement and penalties

**8-1 Enforcement** After the effective date of these subdivision regulations:

- A. No plat shall be accepted by the County Recorder for record unless approved by the Planning Commission.
- B. No utility (public or privately owned) shall extend its facilities to service an area unless one of the following applies:



1. The extension is to an area where a subdivision plat of record existed prior to the effective date of these regulations.
  2. The extension is to an area where a plat of record has been approved by the Planning Commission.
  3. Installation of utilities is required before the plat can receive approval for filing for record. In this event, the Planning Commission will grant the utilities permission to extend facilities in accordance with specified plans.
  4. The extension of utilities is along a public way in existence and use at the time of the effective date of these regulations, but the extension is not in a depth of greater than 200 feet from the public way.
- C. The provisions of these regulations shall be administered and enforced by the Enforcement Officer, who shall be nominated by the Planning Commission and approved by the City Council. He may be provided with the assistance of such other persons as the City Council may direct.

**8-2 Penalties** Any person or corporation who shall violate any of the provisions of these regulations or fail to comply with any order therewith or with any of the requirements thereof, shall be guilty of a misdemeanor and be punishable by a fine of not more than One Hundred Dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner of owners of any property or premises or part thereof where anything in violation of these regulations shall be placed, or shall exist, and any engineer, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein provided. (Ord. No. 04-4, Art. 8.)



