



Land Subdivision and Development Code

UPDATES:

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ARTICLE I: PURPOSE, AUTHORITY AND JURISDICTION

1.1 Title

These regulations shall officially be known, cited, and referred to as the Land Subdivision and Development Code of the City of Russellville, Arkansas and shall hereinafter be referred to as "the Code."

1.2 Policy

It is declared to be the policy of the City of Russellville hereinafter referred to as "the city" to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the Comprehensive Plan of the city for the orderly, planned, efficient, and economical development of the community.

1.2.1 Land to be subdivided 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 until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.

1.2.2 The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan, Official Zoning Code, the Five Year Capital Improvement Plan, Master Street Plan, and other capital budgets and programs of the city. It is further intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in the building code, zoning code, Comprehensive Plan, Official Zoning Map, the Five Year Capital Improvement Plan and other capital budgets and programs of the city.

1.2.3 Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of regulations identified in Section 1.3

1.3 Purposes

These regulations are adopted for the following purposes.

1.3.1 To protect and provide for the public health, safety, and general welfare of the city;

1.3.2 To guide the future growth and development of the Planning Area in accordance with the Comprehensive Plan, including the Master Street Plan and Five Year Capital Improvements Plan;

- 1.3.3** To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- 1.3.4** To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development;
- 1.3.5** To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- 1.3.6** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities;
- 1.3.7** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, having particular regard for the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- 1.3.8** To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- 1.3.9** To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish the mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;
- 1.3.10** To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;

- 1.3.11 To preserve the natural beauty and topography of the municipality and to ensure appropriate development with regard to these natural features;
- 1.3.12 To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of development as established in the zoning code of the city;
- 1.3.13 To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest; and
- 1.3.14 To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

1.4 Authority

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

1.5 Jurisdiction

These regulations shall be applicable to all lands within the city and its Planning Jurisdiction and, also, to lands either contiguous to or served by Russellville’s city water or Russellville’s city sewer. The Planning Jurisdiction will include those areas and depicted on the Planning Jurisdiction Map, copies of which are on file with the City Clerk of the city and the Pope County Recorder.

1.6 Application

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

- 1.6.1 All subdivisions or platting of a tract lot parcel of land into two or more tracts, lots, sites, or parcels, any of which, when subdivided, shall contain less than five acres in area.
- 1.6.2 The dedication or vacation of any street or alley through any tract of land regardless of the areas involved as may be desired by the owner or if necessary to achieve conformance with the Comprehensive Plan; or
- 1.6.3 The construction of any street or public utility through any tract of land within the Planning Area Boundary of the city as stated herein.

1.7 Exempted Developments

- 1.7.1 The division of land into tracts of five acres or greater which does not involve the dedication, vacation, or reservation of any public or private easement,

including those of public or private utilities, through any of the tracts involved shall not constitute a subdivision.

- 1.7.2** The Planning and Development Department 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 Land Development and Subdivision Code are not being subverted.

1.8 Resubdivision of Land

- 1.8.1 Procedure:** Any change in an approved or recorded plat other than lot splits or recombinations shall be considered a resubdivision and subject to approval by the city. For resubdivision, the same rules, regulations, and procedures applicable to subdivision shall apply.

- 1.8.2 Future resubdivisions:** 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 may eventually be subdivided into smaller building sites, the city may require that such parcel of land allow for the future opening of streets and the extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement before plat approval is given.

1.9 Metes and Bounds

- 1.9.1** No conveyance by metes and bounds of tracts of lots coming under the definition of subdivision without compliance with the applicable provisions of these amendments 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.

- 1.9.2** No building permit shall be granted nor public utilities provided to a parcel of land described by metes and bounds description unless the following are met:

- 1) The applicant furnishes a legal deed for the property in question, and said deed being dated prior to May 14, 1998; or
- 2) The applicant applies for a Property Boundary Verification as described below:
 - A. In the case when an applicant owns two or more adjacent properties and is requesting a building permit that places the proposed structure over the property line (s), or the applicant owns an unplatted tract of land only described by a metes and bounds description and wishes to place one structure on the property, the city may issue a Property Boundary Verification instead of requiring that the lots be platted/replatted per the incidental subdivision code if:

- (i) The zoning category on all properties to be considered is identical.
- (ii) The applicant shall provide the legal description of all properties to be considered for the Property Boundary Verification.
- (iii) The applicant shall provide the recorded deed(s) showing contiguous ownership.
- (iv) The applicant shall provide a site plan showing how the proposed structure will meet the required setbacks of the zoning category from the exterior lines of all properties (not including the property line in between the two or more properties) for building permit purposes. The site plan shall be a scaled drawing showing the property lines with measurements, location of existing and proposed structures, and dimensions from exterior lot lines to existing and proposed structures.

B. The Property Boundary Verification process is intended to establish property lines for building permit purposes. Any application required to subdivide, or apply for a new Large Scale Development are not eligible for the Property Boundary Verification process.

1.10 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these regulations are hereby adopted and made effective as of January 1, 2023. All applications for subdivision approval, including final plats, pending on the effective date of these regulations shall be reviewed under these regulations except that these regulations will not apply if preliminary plat approval was obtained prior to the effective date of these regulations and the developer had constructed subdivision improvements prior to submission of the final plat as required by the municipality unless the Planning Commission determines on the record that application of these regulations is necessary to avoid a substantial risk of injury to public health, safety, and general welfare.

1.11 Interpretation, Conflict, and Separability

1.11.1 Interpretation. In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they were adopted.

1) Public Provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provisions of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2) Private Provisions. These regulations are not intended to abrogate any

easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive or standards that are higher than the requirements of these regulations, and the determinations of the Planning Commission or the Governing Body in approving a subdivision or in enforcing these regulations, and the private provisions are not inconsistent with these or the determinations made under these regulations, then the private provisions shall operative and supplemental to these regulations and the determinations made

- 3) Separability. If any part of provision of these regulations or the applications of under the regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Russellville City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.12 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any as vacating or annulling any rights obtained by any person firm, or corporation by lawful action of the municipality except as shall be expressly provided for in these regulations.

1.13 Reservations and Repeals

Upon the adoption of these regulations according to law, the Land Subdivision and Development Regulations of the city, Ordinance Number 1401, adopted July 9, 1992, as amended, are hereby repealed, except as to those sections expressly retained in these regulations.

1.14 Amendments

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendment or amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

1.15 Public Purpose

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State of Arkansas to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of the municipality and to the health, safety, and general welfare of the future lot owners in the subdivision and of the community at large.

1.16 Variances, Exceptions, and Waiver of Conditions

1.16.1 General. Where the Planning Commission finds the extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions and waiver of conditions to these regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- 1) The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- 2) The conditions upon which the request are based are unique to the property for which the relief is sought and are not applicable generally to other property;
- 3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- 4) The relief sought will not in any manner vary the provisions of the Zoning Code, or Comprehensive Plan, except that those documents may be amended in the manner prescribed by law.
- 5) That in additions to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.

A. Conditions. In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 1.3.

B. Procedures. A petition for a variance, exception, or waiver of conditions

shall be submitted in writing by the developer at the time when the preliminary plat is filled for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

- C. Findings. Such findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

1.17 Appeals

Any petitioner who is denied a variance by the Planning Commission may appeal such denial to the City Council by submitting a notice of appeal to Planning and Development Department within 60 days of the Planning Commission action. The Planning and Development Department may appeal the granting of a variance, exception, or waiver of conditions to the City Council by submitting a notice of appeal to the Mayor within 60 days of the Planning Commission action.

1.18 Enforcement, Violations, and Penalties

1.18.1 General.

- 1) It shall be the duty of the Planning and Development Department to enforce these requirements and to bring to the attention of the City Attorney or his designated agent any violation of these regulations.
- 2) No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations and filed with the Clerk and Recorder of Pope County, Arkansas. In accordance with A.C.A. § 14-56-417, no plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing of record until the plat has been approved by the Planning Commission.
- 3) The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.
- 4) No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel

created in violation of these regulations.

1.18.2 Violation and Penalties.

Any violation of these rules and regulations or any amendments hereto shall be a misdemeanor and the offender, upon conviction, shall be punished as for a misdemeanor. Each day any violation of these rules and regulations occurs shall constitute a separate offense. Any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to fine them not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) for each offense or violation. If the violation is continuous in respect to time, the maximum penalty or fine shall not exceed two hundred fifty dollars (\$250.00) for each day the violation may be unlawfully continued.

1) Civil Enforcement.

Appropriate actions and proceeding may be taken in 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 and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

1.19 Vacation of Plats

1.19.1 Any plats or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.

1.19.2 Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.

1.19.3 Such an instrument shall be executed acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

1.19.4 When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

ARTICLE II. DEFINITIONS

Refer to Article XII in Zoning Code for Definitions

ARTICLE III. PRE-APPLICATION CONSIDERATION

3.1 Procedural Requirements

- 3.1.1 Whenever any Subdivision, Planned Unit Development, or Large Scale Development is proposed to be made, the developer or his agent shall submit to the Staff sketch plans and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the developer as to the proposed layout and type of development. Other types of development requests are encouraged to submit for pre-application consideration.
- 3.1.2 No fees shall be collected for Pre-Application Consideration, the purpose being to acquaint the developer with city and county plans and policies in effect that would be significant to the proposed subdivision.
- 3.1.3 The developer may also elect to present the Sketch Plan to the Russellville Planning Commission. Approval of the sketch plat shall not be binding; however, the Planning Commission shall not unreasonably withhold approval of a Preliminary Plat that conforms substantially to an approved Sketch Plat.

3.2 Specifications

In conjunction with a pre-application conference with the staff, whether optional or required, the developer shall provide the following information:

- 3.2.1 **Vicinity Map** - The vicinity map, covering a radius of one-half (1/2) mile of the proposed plat at a scale of 1" = 2000' shall generally locate arterial streets and highways, section lines, railroads, schools, parks, and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- 3.2.2 **Sketch Plan** - The sketch plan, on a current topographic survey, (geodectic) shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.
- 3.2.3 **Written Information** - Written information, informally submitted, shall generally include the following: The applicant's name and address, the agent, acreage in the tract, area allocated to each land use, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, average lot size, location of street rights-of-way and easements and proposed infrastructure improvements.
- 3.2.4 Notification from City Corporation that water and sewer capacity is sufficient to serve the proposed development, or documentation supporting alternative sources of water and wastewater treatment.
- 3.2.5 **Fees and Forms** - No application fees or special forms are required.

ARTICLE IV. PRELIMINARY PLAT REQUIREMENTS

4.1 Application for Certificate of Preliminary Plat Approval

Whenever a subdivision, commercial or residential, is proposed to be made and before any sale of lots located in said subdivision as a whole or any part thereof is made, or before building permits are approved, the developer shall first submit to the staff an application for a Certificate of Preliminary Plat Approval which shall consist of:

- 4.1.1 A letter of request, including requests for any variances from the regulations contained herein.
- 4.1.2 Plats, plans and data as specified in Section 4.2, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the developer as to the proposed layout and type of development.
- 4.1.3 A filing fee as determined in section 1.14 of the Russellville Zoning Code.
- 4.1.4 Source of title to the property.

4.2 Preliminary Plat Application Requirements

Specific submission requirements include the following materials:

4.2.1 Application Form - A subdivision application form providing the following information shall be completed by the applicant and submitted to the Russellville Planning and Development Department. The application form and preliminary plat shall be filed with the Planning and Development Department according to the submittal schedule approved by the Planning Commission.

- 1) Proposed name of subdivision.
- 2) Proposed type of subdivision.
- 3) Name and address of owner of record.
- 4) Name and address of developer.
- 5) Book and page number of recorded deed to property.
- 6) Proof that property taxes are current.
- 7) Linear feet of streets.
- 8) Average size of lots and minimum lot size.
- 9) Number of lots.
- 10) Legal map of the tract by legal description giving acreage to the nearest one-

tenth of an acre, date of survey, and Surveying Certificate.

- 11) Existing and proposed covenants, restrictions, and zoning classifications.
- 12) Proposed open space.
- 13) Source of water supply and summary outline of water improvements.
- 14) Where wastewater disposal is to be accomplished by extending Wastewater Utility Facilities, this circumstance shall be indicated and a summary of improvements outlined.
- 15) Whenever utilities or infrastructure not under city jurisdiction provide Letter of certificates of approval or disapproval from city, county, or state agencies. Such material shall be obtained by the developer.
- 16) A summary outline of drainage improvements.
- 17) A summary outline of erosion control during construction.
- 18) Such further information as the developer wishes to bring to the attention of the Planning Commission.

4.2.2 Vicinity Map - The vicinity map shall cover an area within a radius of one-half (1/2) mile of the proposed subdivision at a scale of 1" = 2000'. The drawing shall generally locate arterial streets, highways, section lines, railroads, schools, parks, and other significant community facilities; and, if possible, shall be incorporated on the preliminary plat.

4.2.3 Preliminary Plat – A digital copy of the Preliminary Plat, in the format required by the Planning and Development department, shall be required. Plat scale shall be no less than 1" = 40' for plats up to and including ten acres and 1" = 100' for plats larger than ten acres, except where a smaller scale may be deemed appropriate by the staff. The preliminary plat shall be identified by the name of the subdivision, and shall include:

- 1) Contour intervals to sea level datum, of at least two (2) feet.
- 2) Proposed design including streets, alleys and sidewalks with proposed street names, lot lines with approximate dimensions, service easements, land to be reserved or dedicated for public uses, and land to be used for purposes other than residential.
- 3) Minimum building front yard setback lines for commercial/office, industrial, Manufactured Home Park and residential subdivisions, and all setback lines for apartment and townhouse development.
- 4) Natural features within and immediately surrounding the proposed subdivision

including drainage channels, bodies of water, existing wooded areas to be used as buffers, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the drainage area above the point of entry shall be noted.

- 5) Preliminary storm drainage analysis showing drainage data for all watercourses entering and leaving the plat boundaries. The storm drainage analysis shall be prepared in sufficient detail to illustrate the proposed system's capability of accommodating a not less than one in twenty-five year rainfall (except in the central business district where a one in fifty year rainfall design will be used). Preliminary storm drainage plan incorporating proposed easement dimensions and typical ditch sections.
- 6) Date of survey, north point and graphic scale.
- 7) Any portion of property within the 100 year flood plain, based upon the most recent available calculations of the U.S. Army Corps of Engineers, or appropriate federal agency. The Flood panel number and date shall be shown on the plat along with the 100 year flood plain and floodway elevation contours for identification of the flood plain and floodway limits within the plat.
- 8) Topographic features within and immediately surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all easements, park areas, structures, city and county lines, section lines and other significant information including established noise zones emanating from any general, commercial, or military air fields.
- 9) Names of recorded subdivisions abutting the proposed subdivision.
- 10) For residential plats, names of owners of unplatted tracts abutting the proposed subdivision and the names of all owners of platted tracts.
- 11) For commercial, office and industrial plats, names of owners of all lands contiguous to the proposed subdivision.
- 12) For both residential and commercial subdivisions, names of all owners of landlocked parcels contiguous to or within the plat boundaries.
- 13) Exact boundary lines of the tract indicated by a heavy line giving dimensions, angles and at least one (1) bearing.
- 14) Zoning classifications within the plat and abutting areas if applicable.
- 15) Municipal boundaries that pass through or abut the subdivision.

4.2.4 Engineering Analysis

- 1) Street profiles shall be included showing existing and proposed elevations along center lines of all roads drawn at a horizontal scale of 20' to 50' to the inch and a vertical scale of 2' to 5' to the inch, or as otherwise allowed by the Department of Public Works. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.
- 2) At the option of the Director of Public Works, street cross sections of all proposed streets shall be included at a minimum of fifty (50) foot stations as follows: On a line at right angles to the centerline of the street, said elevation points shall be at least at the centerline of the street, at each property line and at points twenty-five (25) feet inside each property line.
- 3) Flood plain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers information is not available, an engineering analysis shall be required by the Director of Public Works. Such analysis shall determine to the best of the engineer's ability a safe building line and shall be clearly and legibly drawn on the preliminary plat.
- 4) Soils Test - Soils tests may be required by the Director of Public Works where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions, and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.

4.2.5 Survey Standards.

All surveying must be done by a Professional Land Surveyor and must be conducted to the Arkansas Minimum Standards for property Boundary Surveys and Plats.

- 1) Certificates, Site Construction, Bills of Assurance, and Homeowners Association
- 2) Preliminary Plat Certificates - Each preliminary plat submitted to the Planning Commission shall carry the following certificates as appropriate:

A. CERTIFICATE OF SURVEYING ACCURACY

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

Signed

Date of Execution

Name, Professional Land Surveyor
No. _____, Arkansas

B. CERTIFICATION OF PRELIMINARY ENGINEERING ACCURACY

I, _____, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Russellville Subdivision Rules and Regulations have been complied with.

Signed

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

C. CERTIFICATE OF PRELIMINARY PLAT APPROVAL

All requirements of the Russellville Subdivision Rules and Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date _____

Signed

Date of Execution _____ Chairman, Russellville Planning Commission Director, Russellville Dept. of Planning and Development

D. ERRORS AND OMISSIONS CLAUSE:

Review of these plans/plat are limited to general compliance with the City of Russellville codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements imposed by federal, state, or local laws or regulations, even if such requirement is not discovered or raised until after plans/plat approval. An approval of a plan/plat does not constitute a legal waiver of any law or regulation unless mandated by law and specifically stated on the approved plan/plat. The City may seek to enforce any such law or regulation notwithstanding its omission from an approved plan/plat. This clause is operative and enforceable on each project only until construction is finalized and the project is completed in its entirety.

Date _____ Developer Signature _____

- 3) Bill of Assurance - A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.
- 4) Site Construction - Site preparation, including clearing and grading, shall not commence on the development site prior to approval of the preliminary plat by the Planning Commission and approval of an erosion control plan by the Director of Public Works. Construction of streets, drainage, utilities and other public improvements shall not commence prior to the approval of streets, drainage and utility plans by the Director of Public Works and receipt of a Notice to Proceed.
- 5) Home Owners' Association - The rules governing any proposed Homeowners' Association will be submitted along with any other private agreements governing the maintenance of detention ponds, street lights, or other common areas or fixtures.

4.3 Technical Review

- 4.3.1 The staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with this regulation. In its review, staff shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes they feel would enable the project to meet the purpose and intent of this Subdivision Regulation. Particular attention shall be given to width, arrangement and location of streets, utility easements, drainage, lot sizes and arrangements and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, and arterial streets, and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.
- 4.3.2 The city staff shall distribute copies of the preliminary plat to other city departments with the request that their recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the staff and thence to the Planning Commission along with the staff's own recommendation.
- 4.3.3 The developer may submit construction drawings subsequent to preliminary plat approval; during the time between plat approval and approval of construction drawings, clearing and grading activities may be carried out upon approval of an erosion control plan by the Director of Public Works.

4.4 Planning Commission Action

- 4.4.1 The Planning Commission shall review preliminary plats at its regularly scheduled monthly meeting at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The Planning

Commission shall then approve, conditionally approve, deny or defer the plat. Notification of decision and reason shall be provided in writing to the developer within five (5) working days of the Planning Commission's meeting. No construction may commence on any portion of the development until a Notice to Proceed has been issued by the Planning commission Chairman.

4.5 Approval of the Preliminary Plat

4.5.1 The preliminary plat will be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:

- 1) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
- 2) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations.
- 3) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the developer and that the proposed uses of these areas are compatible with such conditions.
- 4) The existing municipal transportation is adequate to accommodate the traffic to be generated by the subdivision. The Planning Commission may require, as part of plat approval, a traffic study, prepared by a professional traffic engineer and paid for by the developer, demonstrating that existing street can handle the proposed traffic.
- 5) The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

A. A preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for a period not to exceed twelve (12) months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision or an extension request must have been submitted to the Director of Public Works. Any plat not receiving final approval or an extension with the period of time set forth herein or otherwise not conforming to the requirements of this regulation, shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and these regulations.

B. Approval of the preliminary plat shall be accompanied by a Certification of Preliminary Plat Approval executed by the Planning and Development Department.

- C. Receipt by the developer of the executed Certificate of Preliminary Plat Approval is authorization to proceed with the preparation of necessary construction plans and specifications as set forth in Section 4.8. Upon review and approval of the construction drawings by the Director of Public Works, a Notice to Proceed will be issued and the developer may commence with the installation of required public improvements. The developer shall build all public streets, drainage, and other utility improvements to the specifications of the construction plans approved by the city's Department of Public Works. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.

4.6 Disapproval of the Preliminary Plat

- 4.6.1 A disapproved Preliminary Plat may be resubmitted. The plat shall be submitted to the Planning and Development Department for review as outlined in this regulation for an original preliminary plat submission.
- 4.6.2 The Planning and Development Department may forego those steps in the review process of a resubmitted plat found to be redundant but in each case the steps outlined in 4.4, 4.5, and 4.6 shall be adhered to.

4.7 Preliminary Plat Documentation

- 4.7.1 At least one copy of the approved Preliminary Plat shall be retained in the Commission's files, one copy retained in the files of the Planning and Development Department, and one copy endorsed with the Certificate of Preliminary Plat approval shall be returned to the developer.
- 4.7.2 Approval of a Preliminary Plat is only tentative pending submission of the Final Plat. Building permits will not be issued until a Final Plat has been submitted, approved, and recorded in the County Clerk's Office.

4.8 Construction Drawings

- 4.8.1 The developer shall submit construction drawings for all improvements to be included in the proposed subdivision along with the preliminary plat. The developer may postpone submittal of construction drawings until after the preliminary plat is approved. A Notice to Proceed, however, shall not be issued until the Director of Public Works has received and approved construction drawings.
- 4.8.2 Construction drawings shall include the plans and profiles for all streets, drainage, water, sewer and all utility easements, typical cross sections, detail drawings and specifications. The Director of Public Works or his designee shall review and approve the drawings and notify the Developer, Planning Commission, and Building Official's office of the result of this review.

ARTICLE V. FINAL PLAT REQUIREMENTS

5.1 Application for Approval of the Final Plat

5.1.1 Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the developer may submit to the Russellville Public Works Department an application for review and approval of the Final Plat which shall consist of:

- 1) A letter of application requesting review and final approval of the plat.
- 2) The Final Plat and other documents as specified in Section 5.4.
- 3) A filing fee as determined in section 1.14 of the Russellville Zoning Code.

5.2 Staging

The developer may, with the permission of the Planning Commission, and in conformance with the provisions of Article V of this regulation, seek final approval for only a portion of the property for which the preliminary plat was approved. For residential plats such stages shall contain at least three (3) lots of the approved preliminary plat seeking final plat approval. The Planning Commission may require a performance bond for the public improvements, per Article XIV of this code, be in such amount as is commensurate with the stage of the plat being filed and may defer additional performance bond requirements until additional stages of the plat are offered for filing.

5.3 Final Plat Application Requirements

5.3.1 General - A digital copy of the Preliminary Plat, in the format required by the Planning and Development department, shall be required. Five (5) black or blue line prints of the final plat, clearly and legibly drawn, shall be submitted on white paper no larger than twenty-four (24) inches by thirty-six (36) inches. Five (5) black or blue line prints on white paper no larger than eleven (11) by seventeen (17) inches and no smaller than eight and one-half (8-1/2) inches by eleven (11) inches shall also be submitted. The final plat shall show all certificates as specified in 5.3.2. below, and with the Certificate of Owner, Certificate of Engineering and Certificate of Surveying Accuracy being executed. The final plat shall be clearly and legibly drawn in black ink on white bond at the same scale and dimensions used for the approved preliminary plat. The final plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat that the developer proposes to record and develop at any one time, provided that such portion conforms to the requirements of these rules and regulations.

- 1) Final Plat - The final plat shall indicate the following information:

- A. Name and address of owner of record and developer.
- B. Name of subdivision.
- C. Date of the plat, north point, and graphic scale.
- D. Name of all streets.
- E. True courses and distances to the two nearest established section corners or other corners of record which shall accurately describe the location of the plat.
- F. Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest tenth or hundredth of a foot and bearings to the nearest minute, or second in order to achieve an unbalanced error of closure of at least one in five thousand.
- G. Streets and alleys within and abutting the subdivision, with street names indicated.
- H. Street center lines showing angles of deflection or bearing, angles of intersection, and radii.
- I. Source of title giving deed record book and page number or instrument number.
- J. Lot lines with dimensions to the nearest hundredth of a foot, bearings and angles sufficient to reproduce the survey, and radii of rounded corners.
- K. Building setback lines with dimensions. The lot width at the building line shall be shown when required by the commission.
- L. Lot and block numbers together with all street and/or 911 addresses.
- M. Easements, buffer strips and public service utility rights-of-way lines giving dimensions, locations and purpose.
- N. Accurate outlines and descriptions of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon; and of any areas to be reserved by deed covenant for common use of all property owners.
- O. Accurate locations and descriptions of all monuments.
- P. Key map where more than one sheet is required to present map.
- Q. Vicinity map.
- R. Location of tract by legal description and giving acreage.

- S. As built drawings.
- 2) Written Information.
 - A. Certification that all subcontractors have been fully paid and that there are no outstanding invoices or potential liens pending against the project.
- 3) Certification of approval of water supply and sanitary sewage disposal by the appropriate agency, when not connected to the municipal system.

5.3.2 Certificates, Bills of Assurance, and minimum floor elevations

- 1) Final Plat Certificates - Each final plat submitted to the staff for approval shall carry the following certificates printed thereon.

A. CERTIFICATE OF OWNER

<p>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.</p>	
<p>Signed</p>	
<p>Date of Execution</p>	<p>Name</p>
<p>Source of Title: Drawer, Page, Instrument No.</p>	<p>Address</p>

B. CERTIFICATE OF RECORDING

<p>This document, number _____ filed for record _____, 20____, in Plat Book _____ Page _____.</p>	
<p>Signed</p>	
<p>Name</p>	<p>Clerk</p>

- 2) Bill of Assurance - The Bill of Assurance shall be submitted to the staff for review and approval with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; and 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.
- 3) Where minimum floor elevations are required to be placed on the final plat, the source of the information by which the elevation was obtained shall be shown on both the plat and contained in the Bill of Assurance.

5.4 Approval of the Final Plat

5.4.1 Whenever a final plat has been submitted to the Planning and Development Department which is in conformity with an approved preliminary plat and the provisions of Section 4.2, the Planning and Development Department shall be authorized to approve and take action on the plat. If there are significant variances from the preliminary plat or other significant matters of fact, the Planning and Development Department may elect to have the final plat considered for approval by the Planning Commission at its regular monthly meeting. The Planning and Development Department shall notify the Commission, at the regular meeting, of all subdivisions given final plat approval by the staff.

- 1) The Planning and Development Department need not take action on any application received after the application submittal day according to the submittal schedule approved by the Planning Commission.
- 2) If a Final Plat is disapproved by the Planning Commission, the applicant shall be so notified in writing within five (5) working days of the Commission action and the reasons therefore shall be enumerated.
- 3) Final Approval of the Final Plat shall be indicated by the execution of a Certificate of Final Plat Approval on the Plat.
- 4) The Planning Commission, Planning and Development Department, or Mayor may execute a Certificate of Final Plat Approval when the City Clerk or the Planning and Development Department has determined that the developer has fully complied with the provisions of Article XIV. Once the Certificate of Final Plat Approval has been signed, the developer shall file the final plat with the County Recorder, and submit one (1) filed copy to the Planning and Development Department.

- 5) Approval of a Final Plat by the Planning Commission, Planning and Development Department, or Mayor shall not be deemed acceptance of any of the dedications shown on the plat.
- 6) Acceptance of Public Dedications. The City Council shall accept dedications by Ordinance. When the City Council accepts the improvements for the City, no maintenance will be performed by the City until the required maintenance bonds (warranty period) have been released by the City.
- 7) Upon completion of the installation of the improvements required by these rules and regulations, the developer shall present to the Director of Public Works one complete set of the "as built" construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:
 - A. Plans of all streets and alleys showing the location of all utility lines.
 - B. Centerline profiles of all streets.
 - C. Profiles or invert elevations of all storm and sanitary sewerage lines as such improvements shall have actually been installed by the developer.
 - D. A letter submitted by a Professional Engineer certifying that all improvements and installations have been made in accordance with the submitted construction plans and drawings and the standards established by the city or the county, and said improvements and installations are functioning properly.

ARTICLE VI. INCIDENTAL SUBDIVISIONS

6.1 Description

For the purposes of these regulations, incidental subdivisions include the following:

- 6.1.1 Lot Splits in which a single lot, tract, or parcel is being split into two lots meeting minimum lot requirements.
- 6.1.2 Minor subdivisions containing no more than ten (10) lots, in which all lots front a public street. Minor subdivisions shall not include any subdivision which is part of a larger tract to be developed in phases.
- 6.1.3 Lot recombinations in which all lots front a public street.
- 6.1.4 Replats of existing lots or lot line adjustments in existing subdivisions.
- 6.1.5 One-lot subdivisions which convert a metes and bounds description into a subdivision plat suitable for filing at the Pope County Recorder's office.

6.2 Approval Guidelines

The Planning Commission delegates the Planning and Development Department the authority to approve plats for incidental subdivisions unless it is determined that Planning Commission review should occur. The Planning Commission does not, however, delegate to the Planning and Development Department, however, the authority to disapprove such plats.

- 6.2.1 Approval of incidental subdivisions may be granted by the Planning and Development Department only if the following threshold guidelines are met:

- 1) No new street or alley is required.
- 2) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- 3) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
- 4) There is adequate street right-of-way as required by these regulations and the Master Street Plan.
- 5) All easement requirements have been satisfied.
- 6) All lots created by such split or readjusted shall have access to a public street, either by directly accessing a public street with adequate street frontage or via an access easement. Access easements shall be a minimum of fifty (50) feet in

width and shall only serve three (3) lots without direct access to a public street. The applicant may request that Planning and Development staff accept an access easement that is less than fifty (50) feet in width, but at least twenty-five (25) feet in width, when surrounding properties are fully developed.

- 7) No substandard sized lots or parcels shall be created.
- 8) No waivers or variances from these regulations are requested.
- 9) No public improvements, including streets, alleys, utility mains or other appurtenances are required.

6.3 Submission of Combined Application

Since no public purpose would be served by separate steps, a combined preliminary and final plat procedure is instituted for incidental subdivisions.

6.4 Review and Approval

6.4.1 Application Procedure - Request for incidental subdivision approval shall be made by the owner of the land to the Planning and Development Department. A digital copy of the of a drawing to scale of the lots involved if there are no structures thereon, or if the structures are located on any part of the lot being split, a survey of the lot(s) and the location of the structure(s) thereof, together with the precise nature, location and dimensions of the split, shall accompany the application, in the format required by the Planning and Development department.

6.4.2 Approval - The Planning and Development Department shall, in writing, either approve, conditionally approve, or disapprove the proposed incidental subdivision within thirty (30) days of application. If approved, and after all conditions have been met, the City Planner shall sign and furnish a certified copy thereof and it shall be submitted by the application for recordation with the Circuit Clerk. Two copies of the final recorded plat shall be furnished by the applicant to the Planning and Development Department.

6.4.3 Plat Specifications - The final plat for an Incidental Subdivision shall be prepared on bond paper at a scale of 1" - 40' or larger and shall conform to all requirements for submission of a regular final plat as outlined in Article V.

6.4.4 Fees - The applicant shall submit all necessary fees and meet all submittal requirements at the time of the filing.

ARTICLE VII. LARGE SCALE DEVELOPMENTS

7.1 Description

This section of the Land, Subdivision and Development Code sets out requirements for the review and approval of developments not covered elsewhere in these regulations.

7.2 Application and Regulations

Development meeting any one of the following criteria shall be reviewed as a Large Scale Development by the Planning Commission prior to issuance of a building permit or other city permit.

For those tracts, lots, or parcels located within the City's adopted Planning Area, and upon which development meeting the criteria for Large-scale Development is proposed, the City will exercise its territorial jurisdiction enabled under A.C.A. 14-56-413, including the administration and enforcement of both planning and zoning ordinances. Such projects are subject to this Article, and are required to follow the same process as property located within City Limits.

7.2.1 Buildings or developments placed on a plot of real property five (5) acres or larger.

7.2.2 Any development containing an existing building or buildings with a combined square footage of 15,000 gross square feet or larger.

7.2.3 All Construction of new multi-family dwelling complexes having eight (8) or more units.

Additions to existing multi-family dwelling complexes where the existing housing is occupied by eight (8) or more units.

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

7.2.5 Exemptions.

1) When the square footage of the proposed building addition, or site addition, is less than 20% of the existing building or site, the project is exempt from the Large Scale Development regulations. The Site Plan Process will apply. Refer to Article VIII of the Land Subdivision and Development code for the Site Plan Process.

2) Any individual who purchases or remodels a single-family home, or a single lot to be developed with one (1) single-family or one (1) two-family residence is

exempt from all requirements of this section.

- 3) Improvements or repairs to existing buildings or developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

7.3 Procedure

The Developer of the large-scale development shall prepare and file with the Planning Commission an application for approval of development.

7.3.1 The application must be deemed complete at least twenty (20) days prior to a regular meeting of the Planning Commission in order to be added to the Planning Commission Agenda and only when the following conditions are met:

- 1) An application, on forms supplied by the Planning and Zoning Department is submitted,
- 2) The Application Fee has been paid as established by resolution of the City Council,
- 3) Submittal of a letter (describing the intended uses of the building and/or site),
- 4) A Site Plan meeting the requirements of Large-Scale Development Plan Requirements Section 7.4 below,
- 5) Inclusion of any other data and information that may be desirable to support the Planning Commission's approval,
- 6) A digital copy of the Large-Scale Development plan, in the format required by the Planning and Development department, prepared by a registered engineer or licensed surveyor, shall be included with the application. Hardcopies are required by request only.
- 7) 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.

7.4 Large Scale Development Plan Requirements

The Large-Scale Development plan shall be prepared by an engineer or surveyor, licensed in the State of Arkansas, and shall include the following:

7.4.1 Name of Large-scale development, description of existing and proposed uses, current zone, and if applicable, any requested rezoning changes.

7.4.2 Name and address of owner(s) and title report showing proof of ownership;

- 7.4.3** Bearings and distances of boundary from an actual survey of the property.
- 7.4.4** Street names, existing street centerline, existing rights-of-way, functional classification per Master Street Plan, planned rights-of-way per Master Street Plan, and easements bordering or traversing the property;
- 7.4.5** Existing and proposed building outlines, sidewalks, curbs, drives, off-street parking, loading areas, and striping;
- 7.4.6** Exterior lighting quantity, direction, pattern, fixture type, and cut-off details.
- 1) Outdoor lighting fixtures shall be “shielded,” as defined in A.C.A. Section 8-14; “a fixture that is covered in a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted”.
- 7.4.7** Exterior speaker location(s) and direction(s) if applicable;
- 7.4.8** Existing and 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;
- 7.4.9** Identify and label all adjoining property owners, prior subdivision(s), and current zoning;
- 7.4.10** Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, licensed in the State of Arkansas, with points of entry and exit for the development,;
- 7.4.11** Show and label any existing floodplains, labeling all Special Flood Hazard Areas (SFHA) on the effective Flood Insurance Rate Map (FIRM).
- 7.4.12** Conceptual utility plan and Health Department approval, if extending utilities;
- 7.4.13** Landscape Plan, inclusive of all proposed landscaping as required in the Zoning Code for the district the development is located within.
- 7.4.14** A letter of approval from the City Engineer for either:
- 1) A conceptual stormwater management plan as required by ordinance 1675; else
 - 2) A preliminary simplified stormwater management plan as required by ordinance 1675,
- 7.4.15** Letter from City Corporation stating the status of water and sewer service.

7.5 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 appropriate, 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 Land Subdivision and Development Code. The City Council may (upon referral from the Planning Commission), disapprove applications that relate to the building of a structure deemed to be unsafe, unsanitary, obnoxious or detrimental to the public welfare. [See A.C.A. - 14-56-202]

Approvals by the Planning Commission are valid for 360 days from the date of approval, upon written request staff may grant 1 extension for an additional 180 days with the requirement that the developer comply with current regulations. 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 City.

ARTICLE VIII. SITE PLAN PROCESS

8.1 Description

This section of the Land, Subdivision and Development Code sets out requirements for the review and approval of developments not requiring Large Scale Development review as defined in Article VII of the Land Subdivision and Development Code, or other review set out in elsewhere in these regulations, but requiring review to ensure compliance with the city regulations. Development meeting any one of the following criteria shall be reviewed as a Site Plan by the Planning and Development Department, and other technical reviewers as necessary, prior to issuance of a building permit or other city permit:

- 8.1.1** Buildings or developments placed on a plot of real property when the square footage of the proposed building addition, or site addition, is less than 20% of the existing building or site.
- 8.1.2** On any size lot, any development containing a building or buildings with a combined square footage of less than fifteen thousand (15,000) square feet.
- 8.1.3** Small Scale Multi-family Developments, defined as: two-family, three-family, and four-family residential units with not more than eight (8) units per lot in a development that consists of three (3) lots or less.
- 8.1.4** In unique cases, the Planning and Development Department may require Planning Commission approval of Site Plans prior to the issuance of a building permit.
- 8.1.5** Exemptions.
 - 1) Any individual who purchases or remodels a single-family home, or a single lot to be developed with one (1) single-family or one (1) two-family residence is exempt from all requirements of this section.
 - 2) Improvements or repairs to existing buildings or developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

8.2 Procedure

The Developer of the Site Plan shall complete an application for approval of development that includes:

- 1) An application, on forms supplied by the Planning and Zoning Department is submitted,
- 2) The Application Fee has been paid as established by resolution of the City

Council,

- 3) Submittal of a letter (describing the intended uses of the building and/or site),
- 4) A Site Plan meeting the requirements of Site Plan Requirements Section 8.3 below,
- 5) Inclusion of any other data and information that may be desirable to support approval,
- 6) Submittals for Site Plan Review shall consist of a scaled plan in digital format as determined by City Staff and hardcopies upon request only.
- 7) Application signed by the applicant, if not the owner as supported by a deed of record then also include a notarized appointment of agent form.
- 8) The Site Plan can be submitted prior to or concurrently with a building permit when the application involves a structure.

8.3 Site Plan Requirements

The site plan shall include the following:

- 1) A scaled plan in digital format as determined by City Staff and hardcopies upon request only. The minimum size sheet is 8½" x 11". The plan does not have to be prepared by a registered professional, but shall be professionally drawn and depict the following as a minimum:
 - A. Vicinity Map.
 - B. Lot drawing with dimensions.
 - C. Location and dimension of all buildings.
 - D. Location of all drives and parking, including handicapped parking.
 - E. Location of all landscaping and greenspace as required.
 - F. Location of all fencing, screening, and buffering as required.
 - G. Location of sidewalks, including ramps for handicapped access.
 - H. Location of any proposed signage.
 - I. Information to show that Commercial or Multifamily Residential Building and Site Design standards are met as appropriate.
 - J. Drainage, existing and proposed. Drainage improvements requiring the sizing of pipes, the construction of drainage structures, or the

handling of water that cannot be disposed of overland must be designed by a Professional Engineer registered in the State of Arkansas.

8.4 Review Procedure

The Planning and Development staff, along with other required technical reviewers, shall review the application within ten (10) days, after receiving the completed application with all required attachments. If the development is appropriate, as submitted, then the Site Plan shall be approved. If any conflicts with the provisions of the Land Subdivision and Development code are found, the developer shall be required to change the plan as submitted, and resubmit for additional review.

Upon obtaining approval from the Planning and Development Department, the developer may commence construction after obtaining a building permit and any other required permits.

The Site Plan approval 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 for review.

Should the developer build or develop the property for a use contrary to the use stated in his application, the approval previously granted shall become null and void, and the developer shall cease construction/building on the property upon receipt of notice from the City.

ARTICLE IX. REQUIREMENTS FOR IMPROVEMENTS RESERVATIONS AND DESIGN

9.1 General

In addition to the specific requirements for improvements and their design, the following general principles, shall guide the staff, the Subdivision Committee, and the Planning Commission in their review of proposed development and subdivision of land.

9.1.1 Suitability of the Land.

- 1) Land subject to flooding, improper drainage, and erosion, and any land deemed by the Director of Public Works and/or 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 the above-mentioned hazards.
- 2) Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses. In particular, land within the 100 year flood plain as defined by the U.S. Army Corps of Engineers or the appropriate federal agency shall not be platted unless the developer shall incorporate such improvements as will render the area substantially safe for development and in accordance with all flood plain regulations.
- 3) 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.
- 4) 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 Russellville Fire Department shall review and have final authority to designate street and subdivision names.

A. Street Addresses - Approved by the Russellville Fire Department.

B. 911 Addresses - Approved by the Russellville Fire Department.

9.1.2 Access.

- 1) 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.

9.1.3 Conformance to Municipal Plans.

- 1) All proposed subdivisions shall conform to the Comprehensive Plan, Master Street Plan, Five Year Capital Improvement Plan, Parks System Master Plan, and Utilities Plan in effect at the time of submission to the Commission.
- 2) All highways and street right-of-ways, and other features of the Master Street Plan, shall be platted by the developer in the location and the dimension indicated on the Master Street Plan or as approved with the Street paving section of these regulations.
- 3) Where such features other than streets of any municipal plan are located in whole or in part in a proposed subdivision, such planned features shall be reserved by the developer for a period of ninety (90) days from the date of submission of the preliminary plat. At the end of ninety (90) days, if the public body responsible for acquisition of such area has not purchased, condemned or optioned the land, such reservation shall be automatically voided permitting the land to be developed in a manner suitable to the developer subject to the provisions of these rules and regulations.
- 4) The Commission shall waive the above mentioned platting and reservation requirements in Section 9.1.3 2) & 3) whenever the Director of Public Works or public body responsible for land acquisition executes a written release stating that such planned feature is not to be acquired.
- 5) The Commission may disapprove plats when such planned features, as specified by the Land Use Plan, the Master Street Plan, the Community Facilities Plan, the Parks System Master Plan, the Five-Year Street Improvement Plan or any other municipal or utility plans, are not incorporated into the plat.

9.1.4 Zoning or Other Regulations.

- 1) No Final Plat of land within the force and effect of the Russellville Zoning Ordinance shall be approved unless it conforms to such ordinance. 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.
- 2) When rezoning is required to bring a proposed subdivision into conformance with the authorized land use, such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval.

9.1.5 Large Tracts or Parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

ARTICLE X. DESIGN REQUIREMENTS

10.1 General

Every developer engaging in the subdividing and development of land as identified in this regulation shall be required to install, at his or her own expense, or to have installed by the appropriate public utility the following improvements:

10.1.1 Streets.

- 1) Streets shall be related approximately to the topography so as to produce useable lots and streets of reasonable gradient. All streets shall be cleared and graded as approved by the Director of Public Works. Street grades shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Curbs and gutters shall be installed on all streets except as this regulation may direct. The minimum grade for all streets without curbs shall be one percent (1.0%). The maximum grade for local streets shall be eighteen percent (18.0%). The maximum grade for arterial streets shall be ten percent (10.0%). Maximum grade values should appear only in hardship cases; preferably, typical grades should be less than seventy-five percent (75.0%) of the stated maximums.
- 2) The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.
- 3) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided.
- 4) Every subdivision shall be served by an adequate system of publicly dedicated streets. All public streets within the subdivision shall be located, platted and dedicated to the city or the county in accordance with the standards and procedures outlined in these regulations.
- 5) New perimeter half-streets shall not be allowed.
- 6) Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum right of way width requirements from each side of the centerline.
- 7) Proposed through streets shall be extended to the boundary of the tract to be subdivided and a temporary cul-de-sac shall be constructed to be removed when the street is extended beyond the property. The Director of Public Works may also require temporary cul-de-sacs on short stub streets.
- 8) Pavement Widths, rights-of-way, and curb radii for streets in Urban Developments. Street pavement widths and curb radii shall be in conformance

with the requirements set forth in the following table and shall be installed according to standards adopted by the Director of Public Works. Alternative pavement and lane widths and curb radii may be considered in accordance with the ITE/CNU Recommended Practice “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach.” All widths shown are from back of curb to back of curb. Property line radii shall be concentric with the curbside. When necessary to permit the construction of a curb having a desirable radius 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.

Type of Street	Right of Way	Street Width	Curb Radii
Rural Estate Residential Street*	50 Feet	20 Feet minimum. 26 Feet for fire hydrant access.	25 Feet
Local Residential Street	50 Feet	27 Feet	25 Feet
Collector Street	60 Feet	36 Feet	30 Feet
Local Commercial Street	60 Feet	36 Feet	35 Feet
Minor Arterial Street	60 Feet	48 Feet	40 Feet
Principal Arterial Street	70 Feet	48 Feet	50 Feet
Alleys	20 Feet	20 Feet	25 Feet
Cul-de-sacs (Commercial)	120 Feet Dia.	98 Feet	
Cul-de-sacs (Residential)	100 Feet Dia.	78 Feet	

*Curb and Gutter shall not be required in Rural Estate Subdivisions.

- 9) Cul-de-sac length: The maximum length of a cul-de-sac shall be one thousand (1000) feet unless additional length is granted by the Planning Commission upon approval in writing by the Fire Marshall.
- 10) The Director of Public Works 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.
- 11) When directed by the Director of Public Works due to the following conditions occurring within the limits of the street and curb subgrade:
 - A. Localized weak soil conditions shall be undercut, excavated material removed, and crushed stone, shale or other material approved by the Director of Public Works be used to bring the subgrade to finish grade.
 - (i) Continuous springs and wet weather springs shall be intercepted with a French drain system and drained to an acceptable drainage way.
 - (ii) large areas having weak soil conditions, as evidenced by subgrade or

base failure prior to surfacing, shall have the subgrade undercut to sufficient depth and base thickness increased as required to stabilize the subgrade. Filter fabric shall be required when large area subgrade failures occur due to saturated soil conditions as a result of seasonal perched water tables.

- 12) When mutually agreed by the Director of Public Works and the Developer, and in lieu of an engineering analysis and pavement design, the following "proofing of subgrade" procedure may be followed:
 - A. The developer shall complete all improvements except asphalt surface pavement and post a cash bond with the City in the amount equal to the asphalt paving to include anticipated subgrade repair costs and anticipated asphalt cost increases.
 - B. The developer shall maintain the base course for a minimum of nine (9) months to include one Fall and one Spring season. Maintenance shall include repair of subgrade failures as provided herein.
 - C. The developer may file the final plat and the City shall, when requested, issue building permits for the development.
- 13) All utility crossings under streets, roadways and curbs shall be bedded with native material free of stones three (3) inches or larger or bedding required by Utility. Bedding shall be six (6) inches deep over pipe or conduit and six (6) inches deep under pipe or conduit when trench bottom is rock. Remaining backfills shall be compacted SB-2 up to final subgrade. Conduits for utility crossings shall be provided and locations recorded on as-built drawings. Conduits to be provided shall include a two (2) inch pipe for water and a two (2) inch pipe for gas at every other lot corner, and a two (2) inch pipe for each electric, telephone and television street crossing. Service crossings installed at time of main line construction shall be encased in two (2) inch conduit.
- 14) All sewer stubs and service conduit locations shall be marked in a manner, approved by the Director of Public Works, on the curb for the purpose of locating by the utilities, as well as accurately recording said locations on the as-built drawings.
- 15) All subdivisions and drainage structures shall be constructed according to plans and specifications prepared by an engineer. Submission and approval of plans and specifications shall be in conformance with the appropriate section(s) of the Article of Procedures contained herein.
- 16) All storm sewer pipe installed within the City of Russellville shall conform to the following:

Material	Under Pavement <3' deep	Under Pavement ≥ 3' deep	Pipe Greater than 24" diameter equiv.	Other
HDPE AASHTO M 294 Type S (smooth interior)	Allowed	Not Allowed	Not Allowed	Allowed
PCCMP	Allowed	Not Allowed	Not Allowed	Allowed
Concrete	Allowed	Allowed	Allowed	Allowed

A. *HDPE- high density polyethylene pipe shall have a minimum 12" compacted cover prior to vehicle loading and be installed in accordance with ASTM Recommended Practice D2321. PCCMP – polymer coated corrugated metal pipe shall have a minimum 12" compacted cover prior to vehicle loading and be installed according to ASTM A798, AASHTO Standard Specification for Highway Bridges, Section 26, and manufacturer recommendations. Under pavement means under any portion of a street or traveled way utilized by the public; from back of curb to back of curb. Under pavement <3' or ≥3' is measure to the top of the pipe. Other includes behind the curb, between lots, in private parking lots, and otherwise not in any portion of a street. Box culverts, pipes greater than 60", and other drainage facilities not covered in the above table and where special conditions may warrant, the Director of Public Works may dictate the type of pipe material that will be allowed.

- 17) All materials and methods of construction, unless specifically stated herein, shall meet or exceed those of current AHTD Standards.
- 18) Street name markers, stop signs, dead end signs, etc. shall be installed by the City at the Developer's expense. Developer shall only be responsible for signage indicated on preliminary plat as recommended by the Director of Public Works.

10.1.2 Functional Classification.

The city has adopted a Master Street Plan that establishes a uniform definition of the functional classification of streets and roads. This regulation incorporates the appropriate parts of the Master Street Plan.

- 1) Intersections and Alignments.
 - A. The centerline of no more than two (2) streets shall intersect at any one point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five (75) degrees.
 - B. Where the angle of street intersection is less than ninety (90) degrees, the Commission may require a greater curb radius that that prescribed in Section 9.1A.9.

- C. Proposed new intersections, whether including an existing street or not, shall wherever practicable coincide with any existing intersections on the opposite side of such street.
- D. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be allowed unless all streets are local or special circumstances warrant a written variance approved by the Planning Commission.
- E. In the review of commercial and other large scale developments, the number of drive openings and their alignment with intersecting streets and other development drive openings shall be evaluated and approved by the Planning Commission with due regard to the street classification(s) and expected traffic volumes of the development and streets.
- F. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area should be provided having not greater than two percent (2.0%) rate at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. When approved by the Director of Public Works, the maximum allowable grade of the approach to an intersection shall be one-half (1/2) of the intercepting grade at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. A vertical curve with a minimum of fifty (50) foot length is required at the grade intersection of the approach.
- G. Additional street paving and/or right-of-way in the form of turning lanes may be required by the Department of Public Works where heavy traveled traffic is anticipated.
- H. Where visibility at any proposed street intersection would be impeded by earthen berms, banks, or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
- I. Street intersections shall be located to avoid creating hazardous driving conditions.
- J. Curvilinear streets are recommended for local, collector and arterial streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten degrees (10°); there shall be a horizontal curve. To assure safe conditions, the minimum centerline radii for horizontal curves shall be:

Arterial Streets	300 feet
Collector Streets	200 feet
Local Service Streets	100 feet

2) Utility and Drainage Easements.

- A. All urban subdivisions shall have underground utilities. Utility and drainage easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water lines and similar purposes shall be provided where required by the utilities or the Department of Public Works. Easements shall be of sufficient width to provide for installation, access and maintenance of the facility or service. Such easements shall be not less than 10 feet from the rear lot line and 5 feet on each side lot line for a total of 10 feet. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions. Easements for open drainage channels, streams, creeks and similar waterways shall be of sufficient width to provide the required waterway cross sectional area plus access for maintenance. A minimum of 15 feet on both sides may be required for access and maintenance. The minimum width shall be 25 feet. No encroachments of any type shall be permitted in open drainage channels. Vehicle and equipment access for maintenance shall be provided when required by the Director of Public Works.
- B. No building may be erected over or in an easement. No encroachments of any type shall be permitted in open drainage channels.
- C. All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this regulation.

3) Utility Lines.

A. Water Supply.

- (i) Where a public water supply is within a reasonable distance, the developer shall install or have installed a system of water mains and connect to such supply. A service line and meter box to each lot shall be installed prior to the paving of the street.
- (ii) Where a public water supply is not feasible for connection, each lot in a subdivision shall be furnished with a water supply system approved by the Arkansas Health Department.

B. Sanitary Sewage Disposal.

- (i) Sewage disposal shall be via a connection to a public sanitary system where feasible and where not feasible each lot shall serve by a septic system be approved by the Arkansas Health Department.
- (ii) A connection to each lot on the public sanitary system shall be installed prior to street paving.

4) Blocks.

- A. The lengths, widths and shapes of blocks shall be determined with due regard for the following:
 - (i) Provision of adequate building sites suitable to the special needs of the type use contemplated.
 - (ii) Zoning requirements as to lot sizes and dimensions.
 - (iii) Needs for convenient access, circulation, control and safety of street traffic.
 - (iv) Limitations and opportunities of topography.
- B. Blocks of less than four hundred (400) feet in length or more than one thousand two hundred (1,200) 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.
- C. 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.

5) Lots.

- A. Every lot shall abut upon a public street. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. Minimum lot dimensions shall conform to the requirements of the zoning code for the applicable zoning district within the city limits. Outside the city but within the planning jurisdiction the following minimum lot dimensions shall prevail:

	<u>Width</u>	<u>Depth</u>
Single Family Detached Residential	60 ft.	100 ft.
Duplex	70 ft.	100 ft.
Apartment Bldg. (4 units or less)	100 ft.	100 ft.

- C. Zero-Lot-Line Residential Lots - Submission of a plat creating a zero-lot-line development shall be accompanied by a generalized site plan showing the

proposed locations and dimensions of all buildings, accessory uses and other improvements. Platted building lines shall be shown on all sides of each lot. Platted building lines shall conform to building locations shown on the generalized site plan.

- D. No residential lot, in general, shall be more than three (3) times as deep as it is wide nor shall any lot average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting culs-de-sac where the average width of the lot shall be used.
- E. Lots served by a public water system and proposed to be served by a septic tank system must submit at the time of preliminary plat filing a written certification of approval by the Arkansas State Department of Health. The lot sizes shall be not less than one acre.
- F. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization for conservation of energy.
- G. Corner lots for residential use shall have a minimum width of seventy-five (75) feet to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- H. Pipe-stem-lots may 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 (200) 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 be used on rare occasions in order to use otherwise unusable properties.
- I. The minimum building setback lines shall conform to the requirements of the zoning code. In areas not zoned, such as areas outside the city limits, the minimum building setback lines shall conform to R-1 in residential subdivisions and C-4 in commercial subdivisions.
- J. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement. At the discretion of the Planning Commission, the Developer may substitute for an easement and a planting screen, a permanent ornamental fence or wall with a height of six (6) feet and architectural design which will appropriately screen and be harmonious with residential or other neighborhood elements; but there shall still be a restriction upon the right of access, and such restriction shall be clearly

designated on the plat and Bill of Assurance.

- K. In residential areas which abut railroad rights-of-way, a buffer strip at least twenty-five (25) feet in depth in addition to the normal setback for the lot required shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited." Additionally, rear or side yard setbacks shall not include this area.
- L. The size of properties reserved or laid out for commercial or industrial uses should be adequate to provide for off-street parking facilities and services required by the type of use and development contemplated. When developed within the city limits, they shall conform to the Zoning Ordinance.

6) Platted Building Lines and Buffers.

- A. Building lines for residential lots shall conform with the Area Table.
- B. Multi-family subdivisions abutting single family subdivisions or areas zoned for single family use shall protect such areas from potential nuisance by providing a minimum twenty-five (25) foot buffer strip between buildings and the common property line on side and rear yards and a minimum fifteen (15) foot buffer strip between drive/parking areas and the common property line on side and rear yards. In those instances where drives or parking areas are proposed to be located between a building and the common property line, the building shall be forty (40) feet from the common property line. If ground cover and trees are sparse or have been removed, the buffer strip shall be replanted with cover of the type natural to the area. No building, outside storage areas, or sanitation equipment shall be permitted within the buffer strip. Areas which are rezoned or redeveloped to multi-family use, and which abut a previously platted single family development shall erect a six (6) foot fence of opaque nature. The fence shall be of wood, masonry, composite, or alternate similar material may be approved by Planning Staff and extend along the entire common property line.

7) Sidewalks.

- A. Sidewalks are required on both sides of all streets constructed within Residential and Non-Residential developments.
 - (i) In residential areas, sidewalks shall be a minimum of four (4) feet wide and shall be separated from the curbline by a minimum four (4) foot grass median strip within the dedicated right-of-way except where otherwise specified in this section.
 - (ii) In residential areas, sidewalks shall be a minimum of five (5) feet wide when installed adjacent to the curb line. The location of the sidewalk

adjacent to the curb shall be allowed only by special approval from the City Engineer, and when there are restrictions that would prohibit the sidewalk being located a minimum of four (4) from the curblines.

(iii) A waiver allowing placement on only one side of the street may be requested and, if the waiver is granted, the information shall be documented on the Final Plat.

(iv) Exceptions.

(a) If the land is topographically unsuited for the construction of sidewalks, the developer shall submit verification showing that the area is unsuitable, and the City Engineer shall verify.

(b) In Residential areas, when only one single-family or two-family residence is to be constructed in an infill manner (this does not include newly proposed residential subdivisions, sidewalks shall be required for all new subdivisions), a sidewalk shall not be required if:

1. There is no sidewalk connection within 300 feet of the property.

a. The developer shall be responsible for showing that there is no connection within 300 feet if they are not proposing to place a sidewalk.

2. The existing sidewalk connection has been abandoned by the City or is in disrepair.

a. City Staff shall verify the condition of the sidewalk if the developer has determined a nearby sidewalk connection to be abandoned or in disrepair.

(c) Rural Estate Subdivisions shall not be required to install sidewalks.

(v) Non-residential sidewalks shall be a minimum of five (5) feet wide and shall be separated from the curblines by a minimum four (4) foot grass median strip within the dedicated right-of-way except where otherwise specified in this section.

(vi) Non-residential sidewalks shall be a minimum of six (6) feet wide when installed adjacent to the curb line. The location of the sidewalk adjacent to the curb shall be allowed only by special approval from the City Engineer, and when there are restrictions that would prohibit the sidewalk being located a minimum of four (4) from the curblines.

B. Sidewalks shall be constructed to permit wheelchair access at street intersections.

C. Sidewalks and related connections shall be designed and constructed to

meet the current Americans with Disabilities Act (ADA) standards.

8) Storm Drainage.

All subdivisions shall be provided with a storm drain system that is designed and constructed to accommodate stormwater that originates in or traverses the subdivisions. Said improvements shall be installed in accordance with Ordinance 1675, City of Russellville Stormwater Drainage Ordinance.

In addition, within street right-of-way, an underground drainage system shall be required with inlets as necessary. Concrete valley gutters shall be used at all surface cross drains where surface flow is less than three (3) cfs. Underground drainpipes are required for all surface area drains where flow is greater than three (3) cfs. The design of all concrete valleys is subject to review and approval at the Department of Public Works.

9) Monuments.

- A. Permanent reference monuments shall be required on all outside lines of the subdivision at angle points and points of curve or as required by the Director of Public Works. Such monuments shall be of steel 3/4" in diameter, 24" in length or other approved monument and shall be set flush with the ground in concrete.
- B. All lot corners shall be marked with metal pins not less than 3/8" in diameter and 16" long and driven so as to be flush with the finished grade.
- C. All monuments shall be installed and certified as such by a professional surveyor after all improvements have been completed and accepted by the Director of Public Works. All monuments shall comply with the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

10) Fire hydrants.

- A. Fire hydrants shall be placed in accordance with the Fire Protection Policy Agreement between the City of Russellville and City Corporation.

11) Street name signs.

- A. Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with standards adopted by the city.

12) Street Lights and Standards.

- A. Street lights are required in all developments served with any type of power connection. All intersections shall be fully lighted. Final type, spacing and placement of street lights throughout all development streets will be coordinated with and approved by the Director of Public Works. The

Developer shall install ornamental light standards with street lights for the subdivision (in contrast to wood poles normally provided by the power company).

13)Landscape Plan Requirements.

A. All new Subdivisions shall comply with zoning regulations regarding Street Trees.

(i) Waiver. If an applicant provides documentation to Planning and Development an administrative waiver may be granted. A waiver transfers the street tree requirement to a residential tree requirement for each lot within the development as outlined in the Landscaping, Screening, and Buffering Requirements of the Russellville Zoning Code. Documentation shall include:

(a) A Landscaping plan demonstrating that at least 90% of the lots within the subdivision are of sufficient size to support the residential tree requirement;

1. Sufficient size is defined as an area remaining of greater than 500 square feet of pervious area in the front yard with the typical development planned for the subdivision.

(b) Reason for request showing that the waiver will not vary provisions of the zoning code;

(c) Benefit of the request that distinguishes request from a mere inconvenience; and

(d) Display how there would not be a public benefit served by the strict application of this regulation.

ARTICLE XI. BOUNDARY STREET IMPROVEMENTS

11.1 Administration

- 11.1.1 The Planning Commission shall be responsible for requiring improvements in the public right-of-way consistent with these regulations
- 11.1.2 The City Treasurer's office shall be responsible for receiving, recording, depositing, and reporting in-lieu cash contributions as determined by the Planning Commission. The city Treasurer's office shall maintain a Boundary Street Improvement account and shall furnish a yearly report summarizing the account to the Mayor and City Council. This report shall include both the principal and the interest earned for the accounting period.

11.2 Developments Included

The following property classifications shall comply with this article:

- 11.2.1 Subdivisions
- 11.2.2 Large scale developments
- 11.2.3 Commercial Developments not otherwise covered

11.3 Streets Included and Improvements Required

- 11.3.1 State Highways - Right-of-Way Dedication, if requested in writing by the Arkansas Highway and Transportation Department, for the One-Half Street Section abutting the proposed subdivision or development.
- 11.3.2 Arterial Streets designated on the city's Master Street Plan - Right-of-Way Dedication for the One-Half Street Section abutting the proposed subdivision or development.
- 11.3.3 Streets or street segments designated on the city's most recently adopted Five Year Street Improvement Plan - Boundary Street Improvements on the One-Half Street Section abutting the proposed subdivision or development.
- 11.3.4 Other Collector Streets included in the Master Street Plan but not the Five Year Street Improvement Plan - Right-of-Way Dedication for the One-Half Street Section abutting the proposed subdivision or development.

11.4 Other Ordinances Not Affected

Nothing herein shall be construed to relieve any developer or property owner from requirements of other ordinances, including but not limited to the Zoning Ordinance, Flood Plain Management Ordinance or Storm Water Management Ordinances, including revisions thereto.

11.5 Plat Approval

No plat, site plan or building permit shall be approved unless the developer has complied with the provisions of these regulations.

11.6 In-lieu requirements.

In-Lieu Contributions may be allowed when the Director of Public Works determines that In-Lieu Contributions would be in the best interest of the city.

11.7 In-lieu Contributions

Instead of constructing Boundary Street Improvements, the developer shall contribute to the city a cash payment equal to one hundred (100) percent of the Director of Public Works' estimate of the cost of construction of the Boundary Street Improvements. In-lieu Contributions shall be reimbursed with interest, as determined by the city Treasurer's office, as accrued while the funds were in the city's possession, if said funds are not expended for the specific required improvements within five (5) years from the dated of permit approval. Funds will be expended when the section of the street abutting the development is improved according to the Five Year Street Improvement Plan. The amount of the In-Lieu Contribution, plus accrued interest, shall be allocated by the City Council as and as a part of the total allocation for the construction project that includes the street segment abutting the development.

11.8 Refunds

The City Council must approve all refunds and may, at its discretion, refund proceeds before the five-year deadline. If a street or street segment is removed by action of the City Council from the Five Year Street Improvement Plan, all In-Lieu Contributions being held for that street or street segment shall be refunded within 60 days from the effective date of the Council action removing the street or street segment.

ARTICLE XII. WATER AND WASTEWATER EXTENSIONS OUTSIDE CITY LIMITS

12.1 Purpose

- 12.1.1** The purpose of this policy is to establish guidelines for extending water and wastewater services outside the corporate limits of the City of Russellville, Arkansas to include, but not necessarily limited to:
- 1) Provide an adequate infrastructure requirement for developers that will minimize future upgrading of these developments in the event the area is annexed.
 - 2) Provide a rational manner of interfacing other water systems with the Russellville Water System in order to promote better fire protection planning and avoid legal confrontations over service territories.
 - 3) Provide an equitable cost sharing of improvements, when required, as the service area extends outward from the City limits and not place a financial burden on the citizens of Russellville.
 - 4) Provide City Corporation with an acceptable means of collecting for sewer service without Russellville Water service.
 - 5) Provide a means of charging for allocation of wastewater treatment capacity by users outside the City boundaries.
- 12.1.2** All extensions shall be consistent with the Land Subdivision and Development Code, as adopted.
- 12.1.3** All regulations and policies that govern line extensions inside the City limits also apply to line extensions outside the City limits. In addition, the following conditions apply to water or sewer connections outside city limits:
- 1) Compliance with City of Russellville Development Regulations
 - A. Apply for and obtain a building permit, prior to construction of proposed development; and
 - B. If Applicable apply for a grading and drainage permit prior to any grading activities.
 - 2) Requirements for application to annex:
 - A. If contiguous to City Limits submit a petition to annex prior to submitting for building permits; or
 - B. If not currently contiguous to City Limits:
 - i. At the time of building permit application, submit recorded documentation indicating the intent to annex the property within one (1) year of becoming contiguous to City Limits that shall apply to current and successive owners of the property; and

- ii. At the time the property becomes contiguous to city limits, the Planning and Development Office will notify the property owner that they are now contiguous to city limits and inform them it is time to voluntarily file a petition for annexation. If a petition of annexation is not filed by the property owner within one (1) year after the property becomes contiguous, the City Attorney's office may request City Corporation to cut off the water or sewer services due to a breach of contract to the landowner's property until the time the property is accepted and the final order is recorded completing the annexation process.

12.1.4 All appropriate approvals must be obtained by the parties responsible for the line extension. No water or sewer extensions outside the City limits shall be allowed without the following approvals:

- 1) City of Russellville, City Council
- 2) City of Russellville, Planning Commission
- 3) City Corporation
- 4) Arkansas Department of Health

12.2 Water Line Extension To Single Customer (Non-Development)

12.2.1 The line shall be sized for fire protection, unless the Fire Marshal reviews and approves adequate fire protection is available. Customer(s) shall bear all extension costs. Single line customers are not eligible for the recovery of any of their construction costs through contract agreement provision normally extended to develop

12.3 Water Line Extensions For Developers

12.3.1 Water service in developments shall be solely served by the Russellville Water System. No splitting of service with another water system in the same development will be permitted.

12.3.2 If improvements not including lines and isolation valves are required to properly serve the area, the City Corporation engineer shall determine the improvements required to serve both the development and the adjacent areas that should be planned for future connections. The developer shall pay a pro-rata share of the construction costs for the facilities and related improvements required to serve the proposed development based on the capacity required to serve the proposed development as it relates to the total capacity of the facility, and City Corporation shall bear the remaining costs, upon City Corporation Board of Director approval for City Corporation's contribution. Future developments that connect within ten (10) years of completion of said improvements shall pay a pro-rata share of the

construction costs based on the capacity required by the future development as it relates to the local capacity of the facility.

- 12.3.3 The system must provide fire protection capability in accordance with the then current Russellville Fire Protection Policy, except that flows at system connection are not mandated.

12.4 Sewer Line Extensions To Single Customer (Non-Development)

- 12.4.1 The customer shall bear all extension costs. If the customer is not served by the Russellville Water System, the customer is responsible for, and shall obtain, an agreement from the water system that are served by for the collecting of monthly sewer service charges. Said agreement shall be in a form acceptable to and provided by City Corporation. Single line customers are not eligible for the recovery of any of their construction costs through contract/agreement provisions normally extent to developments.

12.5 Sewer Line Extensions For Developers

- 12.5.1 The developer shall bear all extension costs. The developer shall also pay a pro-rata share of the cost of construction for a proposed Wastewater Treatment Plant expansion based on the capacity that will be required for the proposed development as it relates to the total capacity of the treatment plan expansion, either as a lump sum or as a connection fee in an amount and manner approved by the City Corporation Board of Directors and the City Council.
- 12.5.2 If the development is not served by the Russellville Water System, the developer is responsible for and shall obtain an agreement from the water system they are served by for the collecting of monthly sewer service charges. Said agreement shall be in a form acceptable to and provided by City Corporation.
- 12.5.3 This policy shall not constitute an approval procedure of any line extension outside the corporate limits of the City of Russellville without the proper review, consideration and approval of the appropriate agencies and shall not be deemed to create any rights to water and sewer services to parties outside the city limits of Russellville.

ARTICLE XIII. STORMWATER MANAGEMENT AND DRAINAGE REQUIREMENTS.

13.1 Stormwater Management And Drainage

13.1.1 General Provisions

1) Purpose

- A. The purpose is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within the City. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts. .
- B. The requirements herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. The City Engineer or designee shall be responsible for the coordination and enforcement of the provisions of this ordinance.

2) Definitions

For the purpose of this Ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

As-built plan shall mean a set of engineering or site drawings that delineate the specific permitted stormwater management facility as actually constructed.

Best management practices shall mean a wide range of management procedures, schedules of activities, prohibitions on practices, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

City Engineer shall mean the duly designated Head of the Engineering Department or department of public works, or his duly authorized agent.

City Engineering Department shall mean the department responsible for all stormwater management activities and implementation of the provisions of this

ordinance.

Cross-drain culvert shall mean a culvert located under a roadway.

Design report shall mean the report that accompanies the Storm water Management Plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including input files and results obtained from computer programs), and other engineering data that would assist the City Engineer in evaluating proposed stormwater management facilities.

Designer shall mean a professional who is permitted to prepare plans and studies required by this ordinance.

Detention structure shall mean a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.

Development should generally mean any of the following actions undertaken by a public or private individual or entity:

- (i) the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or
- (ii) any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.

Develop land shall mean to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.

Develop land use conditions shall mean the land use conditions according to the current City Land Use Map or proposed development plan.

Easement shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Erosion shall mean the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.

Erosion and sediment control shall mean the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of wind, water, gravity, or ice.

Existing land use conditions shall mean the land use conditions existing at the time of the most recent official aerial photography available from the City.

Four percent annual chance (4%) storm shall mean a storm that is capable of producing rainfall expected to have a 4% chance of being equaled or exceeded in any given year.

Grading shall mean excavating, filling (including hydraulic fill), or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Impervious shall mean the condition of being impenetrable by water.

Imperviousness shall mean the degree to which a site is impervious.

Infiltration shall mean the passage or movement of water through the soil profile.

Interior culvert shall mean a culvert that is not located under a roadway.

Land disturbing activity shall mean any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quantity of stormwater runoff.

Maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in Section 13.1.1 I of this Ordinance and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics associated with stormwater management facilities

Natural waterways shall mean waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

Nonerodible shall mean a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity, or a combination of those forces.

On-site storm water management shall mean the design and construction of a facility necessary to control stormwater runoff within and for a single development.

One percent annual chance (1%) storm shall mean a storm that is capable of producing rainfall expected to have a 1% chance of being equaled or exceeded in any given year.

Person responsible for the land disturbing activity shall mean:

- (i) the person who has or represents having financial or operational control over the land disturbing activity; and/or
- (ii) the landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this ordinance

Post-development conditions shall mean the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, or land use and rate, volume, or direction of storm water runoff.

Pre-developed conditions shall mean those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, or land use and rate, volume, or direction of stormwater runoff.

Preliminary plat shall mean the preliminary plat of a residential subdivision submitted pursuant to the City's Subdivision Regulations.

Record survey shall mean a final field survey which locates the visible surface features of a constructed stormwater facility on the ground, but without locating non-visible or subsurface features such as the actual route and elevation of buried pipe.

Regional stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within or outside a development and for one or more developments.

Registered Civil Engineer shall mean a civil engineer properly registered and licensed to conduct work within the State.

Registered Land Surveyor shall mean a land surveyor properly registered and licensed to conduct work within the State.

Registered Landscape Architect shall mean a landscape architect properly registered and licensed to conduct work within the State.

Responsible personnel shall mean any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.

Retention structure shall mean a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration and/or evaporation

Sediment shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.

Stabilization shall mean the installation of vegetative or structural measures to

establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity

Stage work or stage construction shall mean a plan for the staged construction of stormwater facilities where portions of the facilities will be constructed as different stages of the proposed development are started or completed.

Stormwater Concept Plan shall mean the overall proposal for a storm drainage system, including stormwater management structures, and supporting documentation as specified in the Stormwater Management Design Manual, for each proposed private or public development to the extent permitted by law. Also included are the supporting engineering calculations and results of any computer analysis, if necessary.

Stormwater drainage system shall mean any inlet structure, ditch, gutter adjacent to curb or any other means of conveying stormwater.

Stormwater management shall mean the collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner to minimize accelerated channel erosion and/or increased flood damage, and in a manner to enhance and ensure the public health, safety, and general welfare, which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land.

Stormwater Management Design Manual shall mean the manual of design, performance, and review criteria for stormwater management practices, prepared under the direction of the City Engineer. Copies of this manual can be obtained from the City Engineering Department.

Stormwater management facilities shall mean those structures and facilities that are designed for the collection, conveyance, storage, and disposal of stormwater runoff into and through the drainage system.

Stormwater Management Plan (SMP) shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this Ordinance and the Stormwater Management Design Manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater management qualitative control shall mean a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.

Stormwater runoff shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch,

stream, storm drain or other concentrated flow during and following the precipitation.

Subdivision shall mean (1) The creation of one or more new streets, alleys or other public ways; or, the changing of any rights-of-way of any existing streets, alleys or other public ways. (2) Any division or redivision of lot, tract, or parcel or land, regardless of its prospective use. Such subdivision may be accomplished by platting or by description of metes and bounds or otherwise into two (2) or more lots or other divisions for sale or improvement. The following are not defined as subdivisions:

- (i) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are in accordance with the rules and regulations contained in the City's Subdivision Regulations and with the City's Zoning Ordinance.
- (ii) Division or sale of land by judicial decree which shall not be deemed a division for purposes of this ordinance.
- (iii) The acquisition of land for the purpose of widening or opening of streets when the acquisition and work is done by the City, State, or other governmental agency.
- (iv) The division of land into parcels greater than five (5) acres where no street right-of-way dedication is involved.

Swale shall mean a structural measure with a lining of grass, riprap, or other materials which can function as a detention structure and convey stormwater runoff without causing erosion.

Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.

Waiver shall mean the relinquishment from stormwater management requirements by the City Engineer for a specific land disturbing activity on a case-by-case review basis.

Water quality shall mean those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity shall mean those characteristics stormwater runoff that relate to the rate and volume of the storm water runoff to downstream areas resulting from land disturbing activities.

Watershed shall mean the drainage area contributing stormwater runoff to a single point.

1) Scope

No person shall develop any land, realign any channel, place fill or debris in the channel or in any storm drainage system, without having provided for appropriate stormwater management measures that control or manage runoff, in compliance with this, unless exempted in Section 2 (D) below.

No person shall dump debris, solid waste, yard waste, fill or any other waste material in any storm drainage system, including an open channel, ditch or a gutter adjacent to a City street.

2) Exemptions

All construction, subdivision approvals or remodeling activities shall have a stormwater management and drainage plan approved before a building permit is issued or subdivision is approved except for the following:

- A. One - new or existing single family structure unless the impervious areas of the development exceed 40,000 square feet.
- B. One - new or existing duplex family structure unless the impervious areas of the development exceed 40,000 square feet.
- C. One - existing commercial or industrial structure where additional structural improvements or additional impervious areas are less than 500 square feet.
- D. Residential subdivisions which were approved prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.

3) Stormwater Management Design Manual

To assist in the design and evaluation of stormwater management facilities in the City, a Stormwater Management Design Manual will be developed. Recommended design procedures and criteria are presented for conducting hydrologic and hydraulic evaluations. Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the City Engineer.

13.1.2 Storm Water Concept And Preliminary Development Plans

1) Scope of development plans

- A. In developing plans for residential subdivisions, individual lots in a residential subdivision development shall not be considered to be separate land disturbing activities and shall not require individual permits. Instead the

residential subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

- B. If individual lots or sections in a residential subdivision are being developed by different property owners, all land disturbing activities related to the residential subdivision shall be covered by the approved Stormwater Management Plan for the residential subdivision. Individual lot owners or developers shall sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved Stormwater Management Plan for the residential subdivision.
- C. Unless otherwise deemed necessary by the City Engineer, for land disturbing activities involving two and one half (2.5) acres or less of actual land disturbance or development of less than 40,000 square feet of impervious area which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a simplified stormwater management control plan meeting the requirements listed below. This plan does not require preparation or certification by the designers specified in Section 13.1.2 (11) unless deemed necessary by the City Engineer. The requirements for the simplified stormwater management control plan include:
 - (i) A narrative description of the stormwater management facilities to be used.
 - (ii) A general description of topographic and soil conditions of the development site.
 - (iii) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties.
 - (iv) A sketch plan to accompany the narrative which shall contain:
 - (a) a site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
 - (b) the boundary lines of the site on which the work is to be performed;
 - (c) all areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated;
 - (d) a topographic map of the site;
 - (e) anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
 - (f) The location of temporary and permanent vegetative and structural stormwater management control measures.
 - (v) Stormwater Management Plans shall contain certification by the persons responsible for the land disturbing activity that the land disturbing activity

will be accomplished pursuant to the plan.

(vi) Stormwater Management Plans shall contain certification by the person responsible for the land disturbing activity of the right of the City Engineer to conduct on-site inspections.

(vii) For land disturbing activities disturbing more than two and one-half (2.5) acres or development of greater than 40,000 square feet of impervious area, or as deemed necessary by the City Engineer, the requirements of Section 13.1.2 (2-11) shall apply.

2) Storm water Concept and Stormwater Management Plans

- A. Stormwater Concept Plan for each development shall be submitted for review by the City Engineer prior to submission of the Stormwater Management Plan and construction plans for the entire development, or any portion thereof.
- B. All preliminary plats of the development shall be consistent with the Stormwater Concept Plan required in Paragraph I above.
- C. Upon approval of the concept plan, the applicant shall submit a final Stormwater Management Plan (as part of the construction plans) to the City Engineer for review and approval; provided that the City Engineer may accept and submit into the review process a Stormwater Concept Plan if it identifies the location and type of facilities to be constructed in sufficient detail to accurately estimate construction costs and the City Engineer determines that a Stormwater Management Plan is not needed. If accepted under this provision, the Stormwater Concept Plan then becomes the Stormwater Management Plan for this development.
- D. Should any Stormwater Management Plan involve any Stormwater management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the department having jurisdiction over the land or other appropriate departments or agencies identified by the City Engineer for review and approval. This Stormwater Management Plan shall serve as the basis for all subsequent construction.
- E. The Stormwater Concept Plan may be reviewed, if needed, with the designer, after City review, where it will be approved, approved with changes, or rejected. If rejected, changes, additional analysis, or other information needed to approve the next submittal of the concept plan shall be identified. The City review of the Stormwater Concept Plan will be completed within ten (10) working days from and after the receipt of the plan.
- F. Within fifteen (15) working days from and after the receipt of the Stormwater

Management Plan, the City Engineer shall issue a decision approving, rejecting or conditionally approving the plan with modification.

3) Stormwater Management requirements

- A. For purposes of obtaining approval of a Stormwater Management Plan, a plan for the site meeting the requirements established in the Stormwater Management Design Manual shall be submitted to the City Engineer for review and approval. All design criteria plan details shall be in conformance with the Stormwater Management Design Manual.
- B. Construction of Stormwater management facilities shall be in conformance with the approved Stormwater Management Plan for the site.
- C. The Stormwater Management Plan, including on-site Stormwater detention facilities, shall be reviewed and approved by the City Engineer prior to issuance of building permits for the site. The improvements shall be constructed prior to the issuance of final certificates of occupancy.
- D. For sites on which privately owned and maintained Stormwater detention and/or conveyance facilities are located, the property owner shall be responsible for the following:
 - (i) All future grading, repairs, and maintenance.
 - (ii) Maintenance of the minimum Stormwater detention volume, as approved by the City Engineer.
 - (iii) Maintenance of the detention basin control structure(s) and discharge pipe(s) to insure the maximum theoretical Stormwater release rate, as approved by the City Engineer, is not increased.
- E. The property owner shall place no fill material, or erect any buildings, obstructions, or other improvements on the area reserved for Stormwater detention purposes, unless otherwise approved by the City Engineer.
- F. The property owner shall dedicate to the City of Russellville, by instrument or final platting any property on which public Stormwater detention basins will be located. Ingress-egress easements for maintenance of public facilities shall be provided prior to final site approval.
- G. All public storm sewers shall be dedicated to the City.
- H. All Stormwater drainage facilities serving more than one lot which are not dedicated to the city shall be covered under a drainage easement. Such easements shall grant to the City the authority for operation, maintenance, and inspection.
- I. Upon determination that a site is not in compliance with these regulations, the City Engineer may issue an order to comply. The order shall describe the

problem and specify a date whereby the work must be completed, and indicate the penalties to be assessed for further noncompliance.

- J. Except as provided in this Ordinance, no person shall engage in construction of Stormwater management facilities, unless a Stormwater Management Plan has been reviewed and approved by the City Engineer.
- K. Compliance - Compliance with this Section is achieved when:
 - (i) The site plan has been approved.
 - (ii) The approved Stormwater drainage facilities have been implemented and are demonstrably in conformance with the approved site plan and Stormwater Management Design Manual.
- L. Coordination with Building Permit - It is the intent of this Section that review of the Stormwater drainage system be carried out simultaneously with the review of the request for a building permit. The site plan required under this chapter may be submitted in a form which will satisfy the site plan requirements set forth in the Building Code, the Land Subdivision and Development Code and the Zoning Ordinance.
- M. Other Permits - Before starting on construction regulated by this chapter, the applicant shall comply with the requirements set forth in other applicable ordinances with respect to submission and approval of subdivision plats, plans of improvements, building permits, inspections, appeals and similar matters, as well as requirements of state statutes and the regulations of any Department of the State of Arkansas.
- N. Alternatives to On-Site Detention
 - (i) Alternative Methods - where on-site detention is deemed inappropriate due to local topographical or other physical conditions, alternate methods for accommodating increases in Stormwater runoff shall be permitted. The methods may include:
 - (a) Off-site detention or comparable improvements.
 - (b) In-lieu monetary contributions for drainage system improvements by the City. Channel improvements shall only be used if they are an integral part of a detailed watershed study.
 - (ii) In-Lieu Contributions to Regional or Sub-Regional Detention - An owner may contribute to drainage system improvements to be constructed in lieu of constructing on-site detention. However, no in-lieu contributions are allowed when existing flooding occurs downstream from the development, or if the development will cause downstream flooding.
 - (iii) In-Lieu Fees-The in-lieu fee contribution shall be based upon an amount

of \$15,000 per Acre-Foot of Stormwater storage.

- (iv) Excess Stormwater Storage Credit -An owner may receive credit for excess Stormwater storage (in Acre-Feet) created on one site that may be applied to another site within the same watershed. The transfer of storage volume credit (in Acre-Feet) shall not be allowed if the site where credited storage is proposed to be transferred has an existing flooding condition downstream or the proposed development will produce downstream flooding.
- (v) Drainage System Improvements - Monies contributed by the owners as above provided shall be used for the construction of drainage improvements; facilities thereon will be financed by the City.

4) Permit requirements

A. No final occupancy permit shall be issued without the following:

- (i) Recorded easements for Stormwater management facilities.
- (ii) Receipt of an as-built plan, which includes a certification of the storm drainage system.

B. No site grading permit shall be issued or modified without the following:

- (i) Right of entry for emergency maintenance if necessary.
- (ii) Right of entry for inspections.
- (iii) Any off-site easements needed.
- (iv) An approved Stormwater Concept Plan or Stormwater Management Plan, as appropriate.

C. The approved Stormwater Management Plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the Stormwater Management Plan or previously approved revisions. Any and all site grading permits may be revoked at any time if the construction of Stormwater management facilities is not in strict accordance with approved plans.

D. In addition to the plans and permits required from the City, applicants shall obtain all state and federal permits required for the proposed development.

5) Fees

A list of fees for plan review and other fees associated with this ordinance can be obtained from the City Engineering Department. Said fees shall be in accordance with the fees set by the Zoning Ordinance or the Land Subdivision and Development Code.

6) Permit suspension and revocation

A. A site grading permit may be suspended or revoked if one or more of the following violations have been committed:

- (i) Violation(s) of the conditions of the Stormwater Management Plan approval;
- (ii) Construction not in accordance with the intent of the approved plans;
- (iii) Non-compliance with correction notice(s) or stop work orders(s); or
- (iv) The existence of an immediate danger in a downstream area in the judgment of the City Engineer.

If one or more of these conditions is found, a written notice of violations shall be served upon the owner or authorized representative and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this Ordinance.

7) Minimum runoff control requirements

A. The minimum stormwater control requirements shall provide management measures necessary to accomplish the following:

- (i) Install stormwater management facilities to limit the 4% annual chance storm developed peak discharge rates to pre-developed peak discharge rates. The design of these facilities shall be based on procedures contained in the Stormwater Management Design Manual or approved by the City Engineer
- (ii) The requirements, or portions thereof, of item (a.) may be waived by the City Engineer if it can be shown by detailed engineering calculations and analysis which are acceptable to the City Engineer that one of the following exists:
 - (a) the installation of stormwater management facilities would have insignificant effects on reducing downstream flood peaks; or
 - (b) stormwater management facilities are not needed to protect downstream developments and the downstream drainage system has sufficient capacity to receive any increase in runoff for the design storm; or
 - (c) it is not necessary to install stormwater management facilities to control developed peak discharge rates at the exit to a proposed development and installing such facilities would increase flood peaks at some downstream locations; or
 - (d) the City Engineer determines that stormwater management facilities are not needed to control developed peak discharge rates and

installing such facilities would not be in the best interest of the City.

- (iii) The requirements, or portions thereof, of item (a.) may not be waived if the City Engineer determines that not controlling downstream flood peaks would increase known flooding problems, or exceed the capacity of the downstream drainage system.
- (iv) A waiver shall only be granted after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver. The City Engineer will conduct a review of the request for a waiver within ten (10) working days. All waivers issued must be signed by the City Engineer and the Mayor or acting representative of the Mayor.
- (v) Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the 4 percent annual chance storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.

B. For all stormwater management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with and without the proposed facilities. Existing land use data shall be taken from the most recent aerial photograph and field checked and updated. For such studies the following land use conditions shall be used:

- (i) For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
- (ii) For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
- (iii) All stormwater management facilities' emergency spillways shall be checked using the 1% annual chance storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions shall be used for all areas within the analysis.
- (iv) If accepted for municipal maintenance, the effects of existing upstream detention facilities can be considered in the hydrologic-hydraulic study.

8) Stormwater management facilities

A. Stormwater management facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits

shall be retained where practicable.

- B. Where additional storm water management facilities are required to satisfy the minimum control requirements, the following measures are examples of what may be used:
 - (i) Stormwater detention structures (dry basins);
 - (ii) Stormwater retention structures (wet ponds);
 - (iii) Facilities designed to encourage overland flow, slow velocities of flow, and flow through buffer zones;
 - (iv) Infiltration practices.
- C. Where detention and retention structures are used, designs which consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.
- D. Stormwater Management Plans can be rejected by the City Engineer if they incorporate structures and facilities that will demand considerable maintenance, will be difficult to maintain, or utilize numerous small structures if other alternatives are physically possible.
- E. The drainage system and all stormwater management structures within the City (including both public and private portions) will be designed to the same engineering and technical criteria and standards. The City Engineering Department's review will be the same whether the portion of the drainage system will be under public or private control or ownership.
- F. All stormwater management measures shall be designed in accordance with the design criteria contained in the Stormwater Management Design Manual using procedures contained in this manual or procedures approved by the City Engineer.

9) Plan requirements

Stormwater Management Plans shall include as a minimum the following.

- A. A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the development site.
- B. The existing and proposed topography of the development site except for individual lot grading plans in single family subdivisions.
- C. Physical improvements on the site, including present development and proposed development.
- D. Location, dimensions, elevations, and characteristics of all stormwater management facilities.

- E. All areas within the site which will be included in the land disturbing activities shall be identified and the total disturbed area calculated.
- F. The location of temporary and permanent vegetative and structural stormwater management control measures.
- G. An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed.
- H. Stormwater Management Plans shall include designation of all easements needed for inspection and maintenance of the drainage system and storm water management facilities. As a minimum, easements shall have the following characteristics:
 - (i) Provide adequate access to all portions of the drainage system and structures.
 - (ii) Provide sufficient land area for maintenance equipment and personnel to adequately and efficiently maintain the system with a minimum of ten (10) feet along both sides of all drainage ways, streams, channels, etc., and around the perimeter of all detention and retention facilities, or sufficient land area for equipment access for maintenance of all stormwater management facilities. This distance shall be measured from the top of the bank or toe of the downstream side of the dam whichever is applicable.
 - (iii) Restriction on easements shall include prohibiting all fences and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system.
- I. To improve the aesthetic aspects of the drainage system, a landscape plan for all portions of the drainage system shall be part of the Stormwater Management Plan. This landscape plan shall address the following:
 - (i) Tree saving and planting plan.
 - (ii) Types of vegetation that will be used for stream bank, stabilization, erosion control, sediment control, aesthetics, and water quality improvement.
 - (iii) Any special requirements related to the landscaping of the drainage system and efforts necessary to preserve the natural aspects of the drainage system.
 - (iv) All plans shall be submitted in a scale of 1" = 100' or larger. (Example 1" = 60', 50', 40' etc.)

10) Plan hydrologic criteria

The hydrologic criteria to be used for the Stormwater Concept And Stormwater Management Plans shall be as follows:

- A. Four percent (4%) annual chance design storm for all cross-drain culverts and drainage designs.
- B. Ten percent (10%) annual chance design storm for drainage design for all interior culverts.
- C. Four percent (4%) annual design storm for all detention and retention basins using procedures contained in the Stormwater Management Design Manual or approved by the City Engineer.
- D. All hydrologic analysis will be based on land use conditions as specified in Section 13.1.2 (7.B)
- E. For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of life or facility failure is created. The size of the outlet device or emergency spillway shall be designed to pass the one percent (1%) chance storm as a minimum requirement.
- F. All storms listed above are to be analyzed assuming a 24-hour duration.

11) Professional registration requirements

Stormwater concept and Stormwater Management Plans and design reports that are incidental to the overall or ongoing site design shall be prepared, certified, and stamped/sealed by a qualified registered Professional Engineer, Land Surveyor, or Landscape Architect, as applicable, using acceptable engineering standards and practices. All other stormwater concept and Stormwater Management Plans and design reports shall be prepared, certified, and stamped/sealed by a qualified registered Professional Engineer, using acceptable engineering standards and practices.

The engineer, surveyor, or landscape architect shall perform services only in areas of his/her competence, and shall undertake to perform engineering or land surveying assignments only when qualified by education and/or experience in the specific technical field. In addition, the engineer, surveyor, or landscape architect must verify that the plans have been designed in accordance with this ordinance and the standards and criteria stated or referred to in this ordinance.

13.1.3 Ownership And City Participation

1) Ownership of stormwater management facilities

- A. All stormwater management facilities shall be privately owned and maintained unless the City accepts the facility for City ownership and maintenance. The owner of all private facilities shall grant to the City, a perpetual, non-exclusive easement which allows for public inspection and emergency repair.

- B. All stormwater management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the Stormwater Management Plan.
- C. Regional stormwater management facilities will be publicly owned and/or maintained.
- D. The dedication of any property and/or facilities to the City for public use and maintenance must be approved by the City Council in ordinance form and shall be filed with the Pope County Circuit Clerk.

2) City participation

When the City Engineer determines that additional storage capacity beyond that required by the applicant for on-site stormwater management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the City Engineer may:

- A. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility;
- B. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the City may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to (c) below, with any cost incurred thereby to be paid by the City); and/or
- C. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site stormwater management as determined by the City Engineer. To implement this provision both the City and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost sharing plan which is agreeable to all parties.

13.1.4 Maintenance, Construction And Inspection

1) Maintenance

- A. Any stormwater discharge control facility which services a single lot or commercial and industrial development shall be privately owned and maintained; provided, however, the owner thereof shall grant to the City, a perpetual, non-exclusive easement which allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement set forth in Section 13.1.4 (2) below.

- B. All regional stormwater discharge control facilities, identified on municipal stormwater discharge control masterplans, shall be publicly owned and/or maintained.
- C. All other stormwater discharge control facilities shall be publicly owned and/or maintained only if accepted for maintenance by the City.
- D. Private maintenance requirements shall be a part of the deed to the affected property.

2) Maintenance agreement (privately owned facilities only)

- A. A proposed inspection and maintenance agreement shall be submitted to the City Engineer for all private on-site storm water discharge control facilities prior to the approval of the Stormwater Management Plan. Such agreement shall be in form and content acceptable to the City Engineer and shall be the responsibility of the private owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the City at reasonable times for regular inspection by the City Engineer. The agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:
 - (i) Use of homeowner associations,
 - (ii) Private maintenance by development owner(s), or
 - (iii) Contracts with private maintenance companies.
- B. All maintenance agreements shall contain without limitation the following provisions:
 - (i) A description of the property on which the stormwater management facility is located and all easements from the site to the facility;
 - (ii) Size and configuration of the facility;
 - (iii) A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair, and maintain access to the facility;
 - (iv) A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, cost and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer, the association shall have the power to levy assessments for these obligations, and that all unpaid assessments levied by the association shall become a lien on the individual parcel; and
 - (v) A statement that no amendments to the agreement will become effective

unless approved by the City.

- C. The agreement shall provide that preventive maintenance inspections of stormwater management facilities may be made by the City Engineer, at his option. Without limiting the generality of the foregoing, the City Engineer's inspection schedule may include an inspection during the first year of operation and once every year thereafter, and after major storm events.
- D. Inspection reports shall be maintained by the City Engineer.
- E. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the City shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by the City shall be paid by the owner.
- F. The agreement shall be recorded by the owner in the Register of Deeds prior to the final inspection and approval.
- G. The agreement shall provide that the City Engineer shall notify the owner(s) of the facility of any violation, deficiency, or failure to comply with this Ordinance. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within ten (10) days after notice thereof, the City Engineer may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the City Engineer pursuant to this subsection and subsection E above and there shall be a lien on all property of the owner which property utilizes or will utilize such facility in achieving discharge control, which lien, when filed in the Register of Deeds, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by the City following the payments by the owner of such owner's pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the City Engineer, in his reasonable discretion.
- H. All agreements must be signed by the property owner, the engineer that prepared the plans for the facility, the City Engineer and the Mayor.
- I. Failure to comply with the terms of this agreement shall be a violation of this ordinance.

3) Construction and inspection

- A. Prior to the approval of the Stormwater Management Plan, the applicant shall submit a proposed staged construction and inspection control schedule. This plan shall indicate a phase line for approval; otherwise the construction and inspection control schedule will be for the entire drainage

system.

- B. No stage work, related to the construction of stormwater management facilities, shall proceed until the next preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved.
- C. Any portion of the work that does not comply with the Stormwater Management Plan shall be promptly corrected by the permittee.
- D. The permittee shall notify the City Engineer before commencing any work to implement the Stormwater Management Plan and upon completion of the work.
- E. The permittee shall provide an "as-built" plan certified by a registered professional (as outlined in Section 13.1.2 (10)) to be submitted upon completing of the stormwater management facilities included in the Stormwater Management Plan. The registered professional shall certify that:
 - (i) The facilities have been constructed as shown on the "as-built" plan, and
 - (ii) The facilities meet the approved Stormwater Management Plan and specifications or achieves the function for which they were designed.
- F. A final inspection shall be conducted by the City Engineer upon completion of the work included in the approved Stormwater Management Plan to determine if the completed work is constructed in accordance with the plan.
- G. The City Engineer shall maintain a file of inspection reports and provide copies of all inspection reports to the permittee that include the following:
 - (i) The date and location of the site inspection
 - (ii) Whether the approved plan has been properly implemented.
 - (iii) Any approved plan deficiencies and any actions taken.
- H. The City Engineer will notify the person responsible for the land disturbing activity in writing when violations are observed describing the following:
 - (i) Nature of the violation.
 - (ii) Required corrective actions.
 - (iii) The time period for violation correction.

13.1.5 Miscellaneous Provisions

1) Variances from requirements

- A. The City Engineer may grant a variance from the requirements of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance.

- B. A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations, and any other information that is necessary to evaluate the proposed variance.
- C. Any substantial variance from the Stormwater Management Plan or concept plan shall be referred to all agencies that reviewed the original plan.
- D. The City Engineer will conduct a review of the request for a variance within ten (10) working days. Any variance granted must contain the signature of the City Engineer and the Mayor.

2) Appeals

- A. Any person aggrieved by a decision of the City Engineer (including any decision with reference to the granting or denial of a variance from the terms of this Ordinance) may appeal same by filing a written notice of appeal with the City Engineer within thirty (30) calendar days of the issuance of said decision by the City Engineer. The City Engineer can then reverse his/her decision or send this notice to the Appeals Board with comments.
- B. The Appeals Board shall consist of five (5) members: the Mayor (Chairman), two Aldermen (chosen annually at the January City Council meeting), and two lay person members, residents of the City, appointed by the Mayor for a term of two years.
- C. A notice of appeal shall state the specific reasons why the decision of the City Engineer is alleged to be in error and the City Engineer shall prepare and send to the Appeals Board and Appellant, within fifteen (15) days of receipt of the notice of appeal, a written response to said notice of appeal.
- D. All such appeals shall be heard by the Appeals Board that is hereby granted specific authority to hear and determine such appeals in a quasi-judicial capacity. Said appeal shall be heard by the Appeals Board at its next regularly scheduled meeting date, not to exceed thirty (30) days after receipt of the notice of appeal, or at such other time as may be mutually agreed upon in writing by the Appellant and the Chairperson of the Appeals Board. The Appeals Board will then render a written decision within fifteen (15) days after the appeal has been heard.
- E. Each party to the appeal shall be entitled to a hearing before the Appeals Board under judicial forms of procedure, at which hearing each party shall have the right to present evidence and sworn testimony of witnesses, to cross-examine witnesses, and to cause a transcription of the proceedings to be prepared.
- F. Appeals Board deliberations shall be open to the public.

G. Should either party be dissatisfied with the decision of the Appeals Board, any appeal of said decision may be appealed to the Pope County Circuit Court.

3) Penalties

A. Upon determination that a violation of this ordinance has occurred the owner shall be given a written notice of the violations and the time in which to correct the deficiencies. The notice shall be prepared by the City Engineer or his designee, or the City Attorney.

B. If construction violations of the approved plan are occurring, an immediate stop-work order may be issued by the City Engineer. If the City issues a stop work order, the City must deliver a written list of reasons/deficiencies within 3 working days of the stop-work order.

C. Any person violating this ordinance or any part thereof, including failing to stop work upon order, shall upon conviction thereof, be fined not less than three hundred dollars nor more than five hundred dollars for each offense. Each separate interval of 24 hours, or every day, such violations shall be continued, committed or existing, shall constitute a new and separate offense and be punished, as aforesaid, for each separate period of violation

D. The City Attorney may institute injunctive, mandamus, or other appropriate action or proceedings at law or equity for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

4) Grandfather clause

Any applicant or owner of a parcel of land within the jurisdiction of the City who has constructed the required storm water management facility or who is in the process of meeting the stormwater management requirements of the law at the time of the effective date of this Ordinance may elect to apply to the City Engineer for reconsideration under the provisions of this ordinance.

5) Conflict with other laws

Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.

6) Severability

If any term, requirement or provision of this Ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Ordinance or the application of such terms, requirements, and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement, or provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law.

7) Amendments

This ordinance may be amended in the manner as prescribed by law for its original adoption.

8) Liability

Neither the approval of a plan under the provisions of this Ordinance nor the compliance with the provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the City for damage to any person or property.

9) Effective Date

The Ordinance shall be effective immediately after adoption of this Ordinance by the City.

ARTICLE XIV. PUBLIC DEDICATIONS, ASSURANCE FOR COMPLETION OF IMPROVEMENTS, AND WARRANTY

14.1 Acceptance of Public Dedications

The City Council shall accept dedications by Ordinance. When the City Council accepts the improvements for the City, no maintenance will be performed by the City until the required maintenance bonds (warranty period) have been released by the City.

14.2 Assurance for Completion of Improvements

The City Council must receive one of the following prior to accepting the public dedications:

14.2.1 Certificate of Completion of Improvements – The developer may submit for approval to the Department of Public Works a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed and in accordance with these specifications. Said certificate shall be certified by registered professional engineer of record.

14.2.2 Performance Bond – If the developer cannot certify that all the improvements in the subdivisions have been completed, a performance bond may be posted in favor of the city. Such performance bond shall specify the time for the completion of the paving and shall be in an amount determined by the Director of Public Works to be sufficient to complete the improvements and installations for the developer in compliance with these rules and regulations, plus 50 percent. The bond shall be issued by a Surety Company authorized to do business in the State of Arkansas.

14.2.3 Irrevocable Letter of Credit – If the developer cannot certify that all paving installation in the subdivision has been completed, an irrevocable letter of credit committed to the city, may be submitted. The letter must be certified from a financial institution insured by the Federal Deposit Insurance Corporation and shall:

1) Be in an amount determined by the Director of Public Works to be sufficient to complete the improvements and installations for the subdivision in accordance with these regulations.

A. Specify the time of completion of improvements and installations.

14.2.4 Cash Deposit – The developer may provide a cash deposit in a full amount as specified by the Direction of Public Works as sufficient to complete the improvements and installations required to comply with these rules and regulations plus 50 percent.

14.3 Non-Bondable Items

The following items shall be completed prior to Planning Commission approval of the final plat/final certificate of occupancy.

- 1) Streets.
 - A. All curb and gutter and street drainage slopes completed and backfilled.
 - B. Final layer of asphalt in-place. If binder course is installed, or two layers of surface course and initial layer has been installed, the applicant may request, in writing, to the City Engineer, to allow the Final Lift to be bondable.
 - C. Street signs paid for.
 - D. Pedestrian Facilities for Commercial Subdivisions constructed.
 - E. ADA ramps and all pedestrian facilities to lots within Residential Subdivisions considered “unbuildable” or “common property”.
 - F. Road right-of-way restoration substantially complete.
- 2) Sewer.
 - A. All sewer lines constructed to grade.
 - B. Mandrel and pressure tests complete.
 - C. All manholes complete to required elevations and vacuum tested.
 - D. Sewer services marked.
 - E. Lift station site functionally complete.
 - F. Tracer wires installed on force mains lines and tested.
 - G. Lift station completed and able to be monitored.
 - H. Draft final record drawings.
- 3) Water.
 - A. All water lines in-place, pressure tested, and bacterially tested safe.
 - B. All hydrants and valves in-place, accessible, and operational (Facing Street).
 - C. Meter tiles and setters in place.
 - D. Adjusting meter tiles to final grade.

- E. Adjusting meter setters to final grade.
 - F. Adjusting valve stacks to final grade.
 - G. Pouring concrete valve operator pads to final grade.
 - H. Tracer wires installed and tested.
 - I. Draft of record drawings.
 - J. Passing test results for all backflow devices provided.
 - K. All backflow prevention devices installed properly and functional.
- 4) Drainage.
- A. Drainage swales in place, sodded or concrete-lined, properly dedicated with erosion control measures in place.
 - B. Detention/retention facilities to grade and draining properly.
 - C. Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.
 - D. Any needed off-site improvements or easements in place.
 - E. Sodding of detention/retention ponds completed and established.
 - F. Fencing of detention/retention ponds in place.
 - G. Aeration facilities for retention ponds in place.
 - H. All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
 - I. Final layer of drainage paving in-place as required by approved plan, including parking lots.

14.4 Bondable Items

The following items do not need to be completed prior to approval of the final plat final plat/final certificate of occupancy, provided that the requirements of Article V have been met.

- 1) Streets.
 - A. Correction of final layer of pavement to the required thickness and density.

- B. Correction of low or ponding areas in street.
 - C. Correction of unacceptable curb sections.
 - D. Correction of damaged pedestrian accommodation sections.
 - E. Approval of final record street drawings.
 - F. Residential Subdivision sidewalks, other than listed in section 14.3 with a maximum one (1) year renewal for seven (7) years.
 - G. Residential Street Trees, with a maximum one (1) year renewal period for up to seven (7) years from Final Plat
- 2) Sewer.
 - A. Cosmetic work.
 - B. Final record drawings.
 - 3) Water.
 - A. Final record drawings.
 - 4) Drainage. Cosmetic work (finish grout, clean out boxes, pipes, and other appurtenances).

14.5 Warranty

The Developer shall warrant all improvements of the subdivision for a minimum of one (1) year after construction has been completed and the as built drawings have been accepted in writing by the City of Russellville and after all new defects of subgrade or pavement have been last repaired. The Developer in accordance with applicable construction standards shall make repairs. Repairs shall include, but not be limited to, localized pavement surface failures, subgrade failures and drainage deficiencies.

ARTICLE XV. INSPECTION OF IMPROVEMENTS

15.1 General

All projects shall be constructed according to the approved plans and specifications of a Professional Engineer. When the improvements required by these rules and regulations have been completed and installed, the Professional Engineer shall submit a letter to the Department of Public Works certifying his inspection and that improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the city or the county, and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

The Department of Public Works shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the Department of Public Works shall notify the subdivision engineer and contractor in writing of such defects, deficiencies or deviations. The developer shall, at his expense, correct such defects or deviations within six (6) months of the date of notifications. When such defects, deficiencies or deviations have been corrected, the developer shall notify the Public Works Department in writing that the improvements are again ready for final inspection.

In-process inspections shall be required by the Department of Public Works. Notification that work is at a stage which requires inspection is the responsibility of the developer and is in addition to those required by the professional engineer. A statement of review and acceptance for each stage of construction shall be made by the Director of Public Works through the city Building Official to the Mayor with copies to the Developer and submitted within forty-eight (48) hours following inspections.

Developers shall notify the Department of Public Works and request inspections twenty-four (24) hours prior to the following events:

15.1.1 Rough Grading Inspection.

Prior to commencing any utility work, rough grading of all streets and areas of easements shall be completed. Grades shall be established within one-half (0.5) foot for above-mentioned areas.

15.1.2 Subgrade Inspection.

- 1) After all utility road crossings and utility service conduits are in place and immediately prior to distributing base material.

- A. Any interruptions in construction which results in deterioration of subgrade by weather or traffic shall require inspection.

15.1.3 Curbs and Drainage Improvements Inspection.

Immediately prior to placing concrete or drain pipe.

1) Base Material Inspection.

- A. Immediately after final grade and compaction of base material.
- B. Developer is required to furnish copies of material tonnage no later than time of inspection.

2) Concrete Inspection.

- A. Immediately prior to distributing asphalt concrete or pouring portland cement concrete on road surfaces.
- B. Immediately prior to restarts after construction interruptions longer than forty-eight (48) hours.
- C. 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 Director of Public Works no later than forty-eight (48) hours after placement area and are to be retained in the City Building Official's office.

3) Sanitary Sewer Inspections.

- A. Immediately prior to installing sanitary sewer lines, making manhole connections, or infiltration tests.
- B. The Sewer control Authority shall be notified twenty-four (24) hours prior to said events.

4) Final Inspections.

- A. When the improvements required by the rules and regulations have been completed, the Developer's engineer shall submit a letter to the Director of Public Works certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings and the standards established by the city, and are functioning properly
- B. The Director of Public Works shall then inspect those facilities, improvements, and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects, deficiencies, or unapproved changes in such improvements, the Director of

Public Works shall notify the Developer, contractor, and project engineer 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 Director of Public Works in writing that the improvements are again ready for final inspection. If corrections are not made within the above-stated period time, 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.

ARTICLE XVI. ACCEPTANCE, DEDICATIONS AND RECORDATION

16.1 Acceptance and Dedication

Public dedications of streets and public facility sites outside the corporate limits of the city must be accepted by the Pope County Judge following execution of satisfactory guarantees for completion as described in this regulation.

Acceptance of Public Dedications. The City Council shall accept dedications by Ordinance. When the City Council accepts the improvements for the City, no maintenance will be performed by the City until the required maintenance bonds (warranty period) have been released by the City.

16.2 Recording

Upon approval of the final plat, the City shall record the final plat at the office of the County Circuit Clerk. The Developer shall pay all fees in connection with the recording of said plat.

Improvements shall be completed and the final plat shall be filed in the office of the Circuit Clerk within two (2) years after approval by the Planning Commission; if improvements have not been completed within such time, the City may redeem the bond and complete the improvements necessary to serve all lots having been issued building permits. The City Council may elect to complete all improvements or cease issuing building permits for the unimproved lots.

Upon recording the plat, the City shall retain two (2) copies for the Planning Commission's file, one (1) copy shall be forwarded to the Tax Assessor, and two (2) copies shall be returned to the Developer.

16.3 Notification of Recordation

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