

TITLE 15

SUBDIVISION AND DEVELOPMENT REGULATIONS

Chapters:

- 15.04 Comprehensive Plan
- 15.08 General Provisions for Subdivisions
- 15.12 Outdoor Lighting/Illumination

CHAPTER 15.04

COMPREHENSIVE PLAN

Sections:

- 15.04.01 Adopted

15.04.01 Adopted The Comprehensive Plan, as adopted by the Centerton Planning Commission at its meeting held on June 23rd, 2009, is hereby adopted as the official Comprehensive Plan for the City of Centerton including Land Use Recommendations, Circulation Systems Recommendations, City Beautification Recommendations and a Land Use Map. (Ord. No. 97-7, Sec. 1.)

CHAPTER 15.08

GENERAL PROVISIONS FOR SUBDIVISIONS

Sections:

- 15.08.01 Purpose
- 15.08.02 Authority
- 15.08.03 Jurisdiction
- 15.08.04 Definitions
- 15.08.05 Procedures for subdivision plat approval
- 15.08.06 Lot split procedure
- 14.08.07 Improvements
- 14.08.08 Administration

15.08.01 Purpose The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the Centerton Planning Commission (hereinafter referred to as the Planning Commission). (Ord. No. 82-2, Sec. 1.)

15.08.02 Authority These subdivision regulations are adopted pursuant to Act 186 of 1957 General Assembly of the state of Arkansas as amended. (Ord. No. 82-2, Sec. 2.)

15.08.03 Jurisdiction The territorial jurisdiction of these regulations include the lands within the corporate limits of the city of Centerton, Arkansas, and the surrounding area within the Centerton Planning Area except as limited by Act 186 of 1957 as amended. (Ord. No. 82-2, Sec. 3.)

15.08.04 Definitions For the purpose of these regulations, certain terms used herein are defined as follows:

Building setback line A line usually parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected.

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

Improvements Street grading and surfacing, curbs and gutters, water main and lines, sanitary and storm sewers, culverts and bridges and other utilities and related items.

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

Lot split A method of subdividing a limited number of larger parcels or making adjustments in lot or parcel lines and not requiring the submission of subdivision plat.

Parcel A piece of property usually described by metes and bounds also referred to as tract.

Plan, city The comprehensive plan made and adopted by the Planning Commission and accepted by ordinance or resolution by the City Council indicating the general locations recommended for the various land uses, major streets, parks, public buildings, and other public improvements.

Plan, Master Street A plan for streets made and adopted by the Planning Commission and accepted by the City Council by ordinance or resolution classifying certain streets within the planning area jurisdiction according to their function.

Plat A map or drawing and accompanying material indicating the layout and design of a proposed subdivision prepared by a developer for consideration and approval by the Planning Commission. Such plats may be the initial sketch, the preliminary plat or the final plat.

Street

- A. Arterial street – a street or road of considerable continuity that serves, or is intended to serve, as the principal traffic way between separated areas or districts which is the main means of access to the primary street system or expressways.
- B. Minor arterial street – a street or road that does not meet the definition of a full arterial street, but which is expected to carry more traffic than the typical collector street, especially more truck traffic.
- C. Collector street – a street which in addition to serving abutting properties, intercepts neighborhood streets, connects with community facilities and carries neighborhood traffic to the arterial street system. Typically residential lots do not front on collector streets.
- D. Neighborhood streets – a street used primarily to carry traffic from abutting properties.
- E. Industrial streets – a street that serves an industrial park or district, or that carries primarily industrial traffic. (Ord. No. 2005-63, Sec. 1.)

Subdivider A person, firm or corporation undertaking to develop a subdivision as defined in these regulations.

Subdivision Any division of unplatted land or any resubdivision of platted land within the planning area jurisdiction when any or all of the following is involved:

- A. Sale, whether immediate or future.
- B. The construction of new buildings, (dwelling or business structures).
- C. The dedication of a new street, or the extension of an existing street, or utilities, by the property owner, when done in conjunction with either sale or new construction referred to above. However, the following exception will be made: Lots or parcels created under the lot split procedures. (Ord. No. 82-2, Sec. 4.)

15.08.05 Procedures for subdivision plat approval

- A. Conformance to official plans Any subdivision of land which is covered by these regulations shall conform to the Comprehensive Development Plan and all other official plans and ordinances.
- B. Sketch Plan

1. The purpose of the sketch Plan is to acquaint the city officials with the subdivider's intent to develop and to acquaint the subdivider with the various plans, ordinances, design considerations and available to needed improvements.
2. When a developer intended to subdivide or develop land within the Centerton Planning Area he or she may first file at least 10 days prior to the next regular meeting of the Planning Commission, six (6) copies of a Sketch Plan with the Enforcement Officer containing the following information:
 - a. Location of all bordering streets;
 - b. General location of all proposed streets within the subdivision;
 - c. General size and shape of lots'
 - d. Ownership of surrounding property;
 - e. Location of existing utilities;
 - f. Legal description of property;
 - g. General location of problem areas such as floodplain, wetland and rock out crop.
 - h. General description of tree cover; and
 - i. Location map showing relationship to the city of Centerton and north arrow.
3. Within ten (10) days of the next regular meeting following the filing of the Sketch Plan the Planning Commission shall advise the developer in writing of the specific changes or additions it will take for submission of a preliminary plat.

C. Preliminary plat

1. The subdivider shall submit to the Planning Commission an application for preliminary plat approval and six (6) copies of the preliminary plat together with the supporting data at least 10 days prior to the meeting of the Planning Commission at which consideration is requested. The preliminary plat and approval shall include the following information:
 - a. Name of the subdivider;
 - b. Written legal description of the property;
 - c. Zoning of such property, if any;
 - d. Name and addresses of the owner, developer, and/or engineer;
 - e. Scale of the plat shall be 1" = 200 ft., 1" = 100 ft., or 1" = 50 ft.
 - f. Date of the plat and application;
 - g. Vicinity map showing the location of the property to be subdivided within the city and north arrow;
 - h. Location and size of all existing utilities;

- i. Location, name and kind of surface of each existing and/or platted streets and utility easements, public open spaces and permanent buildings within the subdivision;
- j. Topography (if requested by the Planning Commission);
- k. Indicate lots on which uses other than residential are proposed; and
- l. Building setback lines.

2. Review

- a. Within 10 days after review of the Planning Commission the subdivider shall be notified in writing whether the preliminary plat is approved. If the plat is not approved, the reasons shall be given in writing. Failure of the Planning Commission to act on a preliminary plat within 60 days from the date of application shall be deemed approval of the preliminary plat. Approval of the preliminary plat is authorization to proceed with improvements as specified hereinafter.
- b. If the subdivider desires to immediately develop only a portion of the total area, the Planning Commission shall require preliminary plat approval for the entire area and final plat shall be required only for the portion of the total area intended for present development, with additional plat approval for the other portions of the area as they are developed.
- c. The approval of the preliminary plat shall be effective for a period of one year and thereafter as long as work is actively progressing on the installation of required improvements. If the final plat has not been submitted for approval within this period a preliminary plat must again be submitted for approval unless the subdivider and the Planning Commission have agreed in writing to an extension of time.

D. Final plat

1. After approval of the preliminary plat and the installation of improvements as hereinafter specified, the subdivider shall submit to the Planning Commission an application and an original and six (6) copies of the final plat for final approval together with certificates and other supporting information. Such submission shall be made at least 10 days prior to the meeting at which consideration is requested.
2. The final plat shall be at a scale of 1" = 200 ft. 1" = 100 ft., or 1" = 50 ft.
3. The final plat shall show and contain the following information:

- a. Name of subdivision;
 - b. Boundaries of subdivision, its legal description
 - c. Names and addresses of owner, developer, and surveyor or engineer;
 - d. Acreage in subdivision tract;
 - e. Date, north arrow and scale;
 - f. Location and description of all monuments;
 - g. Location and names of all streets, highways, parks or public purpose areas if any and easements with dimensions and proper engineering description within the proposed subdivision;
 - h. Location of all streets, utility easements and areas for public uses, if any, to be dedicated;
 - i. Front building setback lines with dimensions;
 - j. Dimensions and number of all lots and the number or letter of all blocks within the proposed subdivision;
 - k. Bearing in degrees and minutes of all lots, blocks or street lines which are not at 90 degree angles;
 - l. Copy plat covenants; and
 - m. Street curvature characteristics.
4. Supporting data included on the final plat:
- a. Certificate of ownership and dedication;
 - b. Certificate of accuracy – engineer or surveyor;
 - c. Certificate of approval of water and sewer system by State Health Department and/or the City Water Superintendent;
 - d. Certificate of approval of streets and utilities by City Official;
 - e. Certificate of approval of building setback dimensions by City Building Inspector;
 - f. Certificate of approval for recording by Planning Commission; and
 - g. Certificate of plat acceptance by City Council and any other pertinent information or data.
5. Discrepancies If boundary discrepancies are found, the Planning Commission may require at the subdividers' expense a re-survey of the proposed subdivision.
6. Approval The Planning Commission shall approve or disapprove the final plat within 30 days after its submission. If disapproved, the reason therefore shall be recorded in the minutes of the Planning Commission and shall be transmitted to the applicant in writing. Failure of the Planning Commission to act within 60 days from the date of the application shall be deemed approval of the plat. (Ord. No. 82-2, Sec. 5.)

15.08.06 Lot split procedure

A. Corrective lot split

1. The conveying or contract to convey a portion of a lot or parcel the intent of which is to correct errors in survey, building placement, fence location or other similar situations needing a minor adjustment in a lot or parcel line.
2. A corrective lot split should not produce a new lot and should not result in any lot having a land area less than the zoning requirement inside the city or two and one-half (2 ½) acres outside the city after the split is complete.
3. Anyone desiring to process a corrective lot split shall submit to the Enforcement Officer the following:
 - a. Completed lot split application;
 - b. Instruments of transfer;
 - c. Right-of-way dedication if necessary to meet the Master Street Plan; and
 - d. Easement grants if required;

The Enforcement Officer shall check the lot split documents and when satisfied that all ordinance requirements have been met may release the instruments of transfer. The Enforcement Officer shall stamp the instruments of transfer with the following wording: “Approved by the Centerton Planning Commission no plat required.” The instrument of transfer shall then be signed by an officer of the Commission. All lot splits released by the Enforcement Officer without Planning Commission approval shall be ratified by the Planning Commission. Any problems in the processing of a lot split which cannot be resolved by the Enforcement Officer shall be referred to the Planning Commission for their review and action.

- B. Divisional lot split The conveying or contract to convey a portion of a lot or parcel of record the intent of which is the creation of a new lot. Divisional lot splits are limited to three including the original tract and all lots must be at least two and one-half (2 ½) and have frontage on a public street which meets the Master Street Plan standards. Lots which have previously been split (except agricultural and corrective lot splits) shall only subsequently be divided through the corrective lot split or subdivision process. Divisional lot splits shall be processed the same as corrective lot splits.

C. Agricultural lot split

1. The conveying or contract to convey a parcel of land (including any associated residence or other structures of five (5) acres or more intended for agricultural purposes.

2. Any number of agricultural lot splits may be made provided all parcels including the original remaining parcel contain five (5) acres or more, are for agricultural purposes and have frontage on or access to a public road.
3. Anyone desiring an agricultural lot split shall submit to the Enforcement Officer the following:
 - a. Completed lot split application;
 - b. Instruments of transfer; and
 - c. Access easement if not fronting on a public road.

When the Enforcement Officer is satisfied that all ordinance requirements are satisfied the instruments of transfer may be stamped and signed as provided for in Corrective lot split. (Ord. No. 82-2, Sec. 6.)

15.08.07 Improvements

- A. Approval Before final plat approval may be granted by the Planning Commission, the subdivider shall have installed or shall have made provisions to install at his expense or in accordance with the requirements of the Planning Commission, the final improvements, all of which must have prior approval by the Planning Commission.
- B. Water supply All subdivisions within the city of Centerton shall connect to an approved water supply system and all lots within a subdivision shall be provided with connections thereto.
- C. Sewage disposal
 1. Where a public sanitary sewer is accessible, the subdivider shall connect with such sewer, and each lot within the subdivision shall be provided with a connection thereto. All connections shall be subject to the approval of the city.
 2. Where a public sanitary sewer is not accessible the subdivider shall be required to install a community sewage system or make provisions for use of individual sewage disposal systems all according to State Health Department standards and regulations.
- D. Stormwater system All drainage shall be designed and developed in conformance with the requirements set forth in the Stormwater Management and Drainage Manual for Centerton, Arkansas – 2009 Edition, or most current edition. (Ord. No. 2009-19, Sec. 1.)
- E. Streets

1. Master Street Plan: That the Master Street Plan approved by the Planning Commission on November 19, 2013 which is attached as Exhibit “A” to this ordinance is hereby adopted and incorporated.
2. Standard Street Specifications: Street shall be improved by the subdivider or developer in conformance with the standards and regulation set forth in the Centerton Municipal Code Title 9 – Streets and Sidewalks.
3. Right-of-way Dedication: Subdivisions and large-scale developments shall dedicate sufficient right-of-way to bring those streets which the Master Street Plan shows to abut or intersect the development into conformance with the right-of-way requirements of the most recently adopted Master Street Plan for said streets; provided the Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. The right-of-way requirements for the street classifications are identified in the City of Centerton’s Master Street Plan and Centerton Municipal Code Title 9 – Streets and Sidewalks. (Ord. No. 2013-18, Sec. 15.08.07)

F. Monuments

1. Concrete monuments 4 inches in diameter (or 4 inches square) and 36 inches long, with four (4) one-fourth (1/4) inch or one and one-half (1 1/2) inch metal reinforcement rod(s) the length of the monument, shall be placed with the top flush to the ground at all points of intersection of the boundary of the subdivision, and at the corner of each 40 acre tract within the subdivision.
2. One out of each four (4) monuments shall contain a brass plate indicating elevation based on mean sea level. (Control) to be utilized is that of United States Geological Survey.
3. The location of all monuments shall be shown on the final plat.

G. Lot stakes Each lot corner shall be provided with a 1/2 “ x 30’ metal stake.

H. Street lights Standard street lights shall be installed at each intersection and along one side of each street at an interval to be determined by the Planning Commission at preliminary plat review.

I. Guarantees in lieu of installation of improvements

1. The Planning Commission may approve the final plat prior to the installation of all required improvements if the subdivider:

Deposits cash or a performance bond (such shall be in an amount equal to the estimated costs of the improvements as determined by the Planning Commission). Upon satisfactory completion of the improvements, the subdivider may withdraw any deposits.

2. Enter into an agreement or contract with the city which shall include but not be limited to the following:

The final plat is otherwise approvable by the Planning Commission, and the required improvements shall be installed within the period to be fixed by the contract. The terms of any such conditional approval shall be specified in a letter of record and filed with the County Recorder when the final plat is filed for record; and when the conditions have been met this fact shall be noted by the City Clerk in a letter of record to be attested by the County Recorder. (Ord. No. 82-2, Sec. 8.)

15.08.08 Administration

A. Variances

1. Whenever the tract to be subdivided is of such unusual size, shape or topography or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the subdivider, the Planning Commission may vary or modify such requirements to the end that the subdivisions may be developed consistent with public welfare and safety.
2. “Agricultural purposes” referred to in the definition of a subdivision means the use of a major portion of the tract for horticulture, field crops, breeding or raising livestock or poultry, riding stables or other similar activities.

B. Appeal In the event the plat as submitted by the applicant is disapproved by the Planning Commission, the applicant may petition the City Council for a review of the plat vote. The Council may sustain the disapproval of the Commission or refer the plat back to the Planning Commission for re-study and for such action as may be consistent with the requirements of these regulations.

C. Severability If any section, paragraph, clause, phrase or part of these subdivision regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions of these regulations and the application of those provisions to any persons or circumstances shall not be affected thereby.

D. Enforcement

1. 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 unless the plat has been approved by the Planning Commission.
 2. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision, without compliance with the applicable provisions of this regulation or amendments thereto, 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.
 3. No dedication of streets shall be itself be accepted by the city unless the usage of the adjoining affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a subdivision, the street may not be accepted until accompanied by the required plat.
- E. Penalty Any person, firm or corporation which violated any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than Twenty-Five Dollars (\$25.00). Each day that any violation of these regulations is in effect shall constitute a separate offense and be subject to additional fine of Fifteen Dollars (\$15.00) per day.
- F. 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. After the public hearing and approval by the Planning Commission the proposed amendments shall be submitted to the City Council for their final action.
- G. Fees For each preliminary plat submitted, the minimum fee shall be Fifty Dollars (\$50.00). (Ord. No. 82-2, Sec. 9.)

CHAPTER 15.12

OUTDOOR LIGHTING/ILLUMINATION

Sections:

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| 15.12.02 | Applicability |
| 15.12.03 | Exemptions |
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15.12.09 Penalties

15.12.01 Purpose and intent These regulations are intended to

- A. Protect the general safety of the public by limiting the potential for dangerous and unsightly glare, and reduce light trespass onto neighboring/adjacent properties;
- B. Promote efficient lighting;
- C. Reduce light pollution.
(Ord. No. 2009-8, Sec. 1.)

15.12.02 Applicability These regulations apply to

- A. All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply, except single family and two family (duplex) residential dwellings.
- B. All outdoor lighting fixtures existing and legally installed prior to the adoption of this ordinance are exempt from these requirements unless they are determined to create a disabling glare as defined by this ordinance.
- C. All replacement fixtures, in cases of total replacement, shall be subject to these regulations.
- D. Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.
- E. Compliance with this ordinance shall be administered by the city of Centerton Planning Commission.
- F. Lighting shall be evaluated during the development review by the city of Centerton Planning Commission.
- G. All new commercial facilities and or landscaping lighting shall be presented for review by the city of Centerton Planning commission.
- H. Persons may petition the Planning Commission for a variance from the requirements of this chapter. The requirements and procedures applicable to said petition shall be the same as those used to administer a variance request made pursuant to 15.08.09(A) of the Centerton Municipal Code.
- I. All lighting shall be installed in conformance with A.C.A. 8-14-101, et al.
(Ord. No. 2009-8, Sec. 2.)

15.12.03 Exemptions The following are exempt from these requirements

- A. The temporary use of lighting for public events and the observance of holidays are exempt except where they create a glare or hazard to the general public as defined by these regulations.
- B. Emergency lighting used by police, firefighting or medical personnel.
- C. Navigation lights such as airports, heliports, radio/television/cell towers and water towers subject to Federal Aviation Administration requirements.
- D. Security lights that are controlled by a motion-sensor switch.
- E. Emergency lighting only as necessary and required by the adopted Building Code of the city of Centerton.
- F. Fossil fuel lighting.
(Ord. No. 2009-8, Sec. 3.)

15.12.04 Restricted lighting The reasonable operation of searchlights for advertising purposes may be allowed subject to the approval of the Centerton Planning Commission. (Ord. No. 2009-8, Sec. 4.)

15.12.05 Standards

- A. All light fixtures shall be located, aimed or shielded so as to minimize the light trespass across property boundaries. Where applicable, all commercial installations shall utilize house side shielding to minimize light trespass on residential properties.
- B. A detailed lighting design sheet submittal shall be provided for review and approval by the city of Centerton Planning Commission for all new construction prior to permit issuance. Plans shall depict size, location, height specifications, illumination, lamps, poles or other supports and shielding devices which may be provided as catalogue illustrations from the manufacturer.
- C. Glare is defined as light from a direct or indirect source of illumination which due to its intensity is disturbing, offensive, annoying, or generates safety hazards to the general public.
- D. Down-lighting is defined as a lighting fixture that is aimed in a downward position only illuminating the area of which is to be illuminated. (Ord. No. 2009-8, Sec. 5.)

15.12.06. Lighting

- A. Glare control All outdoor recreational facility lighting shall be equipped with a glare control package (louvers, shields, or similar devices). The fixture shall be

aimed so that the beams are directed and fall within the primary playing or performance area.

- B. Hours All activity and lights shall be turned off one hour after the end of the last event (lighting event, outside performances, sporting events, etc.).
- C. Flags Governmental flags should be taken down at sunset to avoid the need for lighting. However, if flags remain on the polls overnight they should be lighted. The down-lighting of flag poles is encouraged.
- D. Accent lighting
 - 1. Landscape elements Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed so they are resistant to tampering or redirection of the light source. Accent lighting shall not be located as to have the luminaries visible from pedestrian or vehicular egress.
 - 2. Building mounted accent lighting Accent lighting attached to building facades, structures, or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
 - 3. Ground mounted accent lighting Ground mounted accent lighting for buildings shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed so they are resistant to tampering or redirection of the light source. Ground mounted spotlights shall not be located as to have the bulb or lamp visible from pedestrian or vehicular egress.
 - 4. Pedestrian walkway lighting 42" or less in height above the adjacent walking grade (surface) may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, such as stairwell lighting.

5. Accent lighting shall be located, aimed and shielded so that direct illumination is away from adjoining properties and the public street right-of-way. Down lighting is encouraged. (Ord. No. 2009-8, Sec. 6.)

15.12.07 Lighting examples

City of Centerton Outdoor Lighting/Illumination Ordinance



Light from your property shall not illuminate on to neighboring property as depicted above right.
Light from your property shall illuminate only your property as depicted above left.

15.12.08 Enforcement The city of Centerton Planning Commission or its designee shall be responsible for ensuring compliance with this chapter. Any individual or business found to be violating these regulations shall be given notice of said violation in the form of personal notice or by certified, and/or regular mail. The notice shall state the nature of the violation and shall provide the violator with a reasonable amount of time to correct the situation. If, after given proper notice

and time to cure, the violation still exists, the city may take action to compel conformance with these regulations. (Ord. No. 2009-8, Sec. 8.)

15.12.09 Penalties After notification has been provided and the time to cure the violation has elapsed, any lighting in violation of any of the provisions of this chapter shall be cited and fined in the amount of Twenty-Five Dollars (\$25.00) for each offense. Each day the violation exists shall constitute a separate offense. (Ord. No. 2009-8, Sec. 9.)