

MINIMUM STANDARDS

AND

REGULATIONS

FOR

LAND DEVELOPMENT

BAXTER COUNTY, ARKANSAS

(Revised June 26, 2018)

Table of Contents

CHAPTER 1.....	3
INTRODUCTION.....	3
CHAPTER 2.....	5
DEFINITIONS.....	5
CHAPTER 3.....	9
PROCEDURAL REQUIREMENTS FOR SUBDIVISIONS.....	9
CHAPTER 4.....	11
SKETCH PLAN AND PLAT REQUIREMENTS.....	11
CHAPTER 5.....	16
DESIGN STANDARDS.....	16
CHAPTER 6.....	24
IMPROVEMENTS.....	24
CHAPTER 7.....	27
BUILDING CODES.....	27
CHAPTER 8.....	29
LOT SPLITS.....	29
CHAPTER 9.....	31
CONDOMINIUM/HIGH DENSITY DEVELOPMENT.....	31
CHAPTER 11.....	32
ADOPTION.....	32

CHAPTER 1

INTRODUCTION

Article 1-1 – Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development of land within the jurisdictional boundaries of the County of Baxter, Arkansas, the health, safety and welfare of Baxter County residents so demanding.

These regulations include any and all separation of land in Baxter County whether by lot split or subdivision. No conveyance by metes and bounds of tracts or lots coming under the definition of a lot split or sub division without compliance with the applicable provisions of these regulations 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 the necessary steps and filing an approved plat.

Article 1-2 – Authority

These regulations are adopted in accordance with the authority granted by Act 422 of 1977 General Assembly of Arkansas, as amended.

Article 1-3 – Intent

It is the intent of the regulations to lessen the congestion on the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper mounumenting of subdivided land; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further subdivision of large tracts into smaller parcels of land; and to protect the environment of the County.

Article 1-4 – Variance or Waiver

- A. Permission to vary from these regulations may be granted in specific situations and on a case by case basis. Variance may be granted by the Baxter County Planning Board, or in cases of construction standards, by the applicable governing body.
- B. The Baxter County Planning Board may grant a variance to these regulations by an affirmative vote of two thirds (2/3) of the total membership of the Board, provided that such variance will not impair the intent of the objectives of these regulations.

Such variance shall be recorded with the justifying reasons in the minutes of the Board.

CHAPTER 2

DEFINITIONS

Article 2-1 – Definitions

For the purpose of these regulations, certain words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word “shall” is mandatory and not merely directive; the word “may” is permissive. Words not defined herein are to be construed according to the customary usage of such word in municipal planning, surveying, and engineering practices.

A. Block

A tract of land or group of lots in a subdivision bounded by natural or artificial boundaries such as streets, railroads, shorelines, or described boundaries.

B. Building Line

A line inside a lot or property which defines the minimum horizontal distance between a structure on the lot and the adjacent property line, including, but not limited to property lines which form a street, road, or highway right-of-way boundary. Minimum Building Setback Lines shall be: 30 feet from the front, 25 feet from the rear, and 15 feet from the side, unless an easement of 15 feet exists, then no setback line on that side will be required.

C. County

Baxter County, Arkansas

D. Cul-de-sac

A “dead-end” street providing an adequate turn-around for traffic including fire trucks and other equipment.

E. Development and Subdivision of Land

The development of land includes, but is not limited to, the provision of access to lots and parcels, the provision of utilities, the subdivision of land into lots and blocks, and the parceling of land resulting in the need for access and utilities.

F. Easements

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

G. Engineer

The engineer shall be a Professional Engineer registered in the State of Arkansas.

H. Flood Plain

Those parts of the Baxter County subject to flooding to the extent that they constitute hazards to the public, as determined by the Federal Emergency Management Agency (FEMA) and delineated on the various Flood Insurance Rate Maps published and supplied by said Agency.

I. Grade

The ratio of change in elevation relative to horizontal span in a street, road or other public way, expressed as a percentage.

J. Health Department

The Arkansas State Board of Health, or the Baxter County Health Department.

K. Improvements

Street grading and surfacing, curbs and gutters, street and traffic signs, water lines, fire hydrants, sanitary and storm sewers, culverts, bridges, and other utilities and related items.

L. Lot

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

M. Lot Split

A division of land for conveyance or development into less than five (5) parcels where each parcel is one (1) acre (43,560 sq. ft.) or more in size, and each parcel is contiguous with an existing public road or easement right-of-way of not less than thirty feet (30ft)

N. Preliminary Plat

A preliminary drawing indicating the proposed layout of a subdivision to be submitted to the Planning Board for review.

O. Final Plat

A finished drawing indicating all descriptive survey data and other information required for recording as a legal document, and submitted for approval of the Baxter County Planning Board.

P. Highways, Roads and Streets

1. Arterial--As shown by the County Road Plan adopted by the Quorum Court.
2. Collector, Major--A road designed primarily to gather traffic from local street or road systems and carry it to the arterial system.
3. Collector, Minor – Roads rural in character.
4. Local--Roads or streets used mainly for access to property.

Q. Subdivision

The division of a parcel of land into two (2) or more lots or parcels for the purpose of conveyance or building development, when the lot split regulations do not apply, shall be governed by the Land Development Regulations. Any large scale development involving the construction of two (2) or more buildings utilized by the public or four (4) or more units, together with necessary drives and access ways, which is not subdivided into customary lots, blocks and streets shall be governed by the Land Development Regulations.

The division of land into tracts of ten acres or more, but less than forty (40) acres, provided they have an easement to a public road, or to an existing thirty (30) foot right-of-way, are exempt from the Land Development Regulations.

The division or property into tracts of forty (40) acres or more shall be excluded from these regulations. Any sale of a tract of land, regardless of size or access, to an adjoining owner shall be excluded from these regulations. The transfer of property for the purpose of clearing title, such as encroachments, overlaps and gaps shall be excluded from these regulations. The transfer of right-of-ways to public utility Companies will be excluded from these regulations.

R. Surveyor

A professional Land Surveyor registered in the State of Arkansas.

S. Limited Public Usage

Usage in the direct interest of the owners, occupants of the split or subdivision, or subscribers to any covenants.

CHAPTER 3

PROCEDURAL REQUIREMENTS FOR SUBDIVISIONS

Article 3-1 Sketch Plan

Whenever a sub-divider intends to develop land within the meaning of these regulations, the developer shall submit to the Secretary or Chairman of the Planning Board, at least 10 days prior to the next regular meeting: a) proof of public notice in a locally published newspaper of the intent of the owners to subdivide the property, naming the ownership, brief legal description and the general location of the development. Such notice to include the date, time and location of the Planning Board meeting, b) letter of intent, and c) sketch plan of the land to be subdivided which shall indicate all items in Chapter 4, Article 4-1.

Article 3-2 Plat Preparation

The Planning Board shall review the sketch plan to determine if the plan conforms to the general intent of the subdivision regulations. Based on this review, the Planning Board may approve, disapprove or recommend revisions to the sketch plan. If approved, the Planning Board shall inform the subdivider that they may proceed with the preparation of the plat so long as they conform with the plans currently in effect and with a) the plat requirements, b) the design and layout requirements and improvement requirements as contained in these regulations. The plat when prepared and accompanied by supporting documents shall be presented to Secretary or Chairman of the Planning Board at least 10 days prior to the next regular meeting for review.

Article 3-3 Preliminary Plat Approval

Upon meeting Plat Requirements, design and layout requirements and improvements requirements in Chapter 4, Article 4-2, the plat shall be given preliminary plat approval in writing by the Planning Board by affixing the signature of the Chairman of the Planning Board to the plat. Such approval shall permit the sub divider to proceed with installation of required improvements, if any, and preparation of the Final Plat.

Article 3-4 Expiration of Preliminary Plat Approval

Preliminary plat approval shall expire one (1) year from date of approval by the Planning Board, provided there is no performance in requirements on the part of the subdivider.

Article 3-5 Final Plat Approval

The Planning Board shall require the following of the developer for final approval:

- (a) The preparation of an official plat, suitable for recording, and containing data required by Chapter 4, Article 4-2.
- (b) If the plan is to be for only a portion of the land intended for development, at least a sketch plan for the entire area is to be submitted so as to insure that the purpose and intent of these regulations are complied with.
- (c) Evidence of compliance with installation requirements in Chapter 6.

CHAPTER 4
SKETCH PLAN AND PLAT REQUIREMENTS

FOR SUBDIVISIONS

Article 4-1 – Information to be shown on sketch plan

The following information shall be indicated on the sketch plan:

1. Area map indicating the relation of the proposed subdivision to the rest of the County.
2. Location of all streets and alleys interconnecting and bordering the subdivision.
3. General location of proposed streets within the subdivision.

Each subdivision shall have satisfactory access to a street, which may have limited public usage, provided that:

- a. the street meets County minimum construction standards,
- b. covenants between the developer and public offering purchases are indicated on the plat,
- c. funding construction and maintenance of the streets are properly published and included on the sketch, preliminary and final plats,
- d. that the access road to the subdivision be County maintained, or a 60' dedicated easement which is: **(1)** maintained by the developer and covenanted with purchases in the development or to bring the easement up to County road standards prior to acceptance by the County for maintenance purposes; and **(2)** the easement is connected to a publicly maintained road and provided that no land-locked parcel is created by the limited public usage subdivision street. Limited public usage shall be defined as "usage in the direct interest of the owners, occupants of the split or subdivision, and subscribers to the covenants."

4. General size and shape of proposed lots.
5. Ownership(s) of property adjacent to or adjoining the subdivision.
6. Property description and acreage of proposed subdivision.
7. Location of property owned or utilized by public entities or by railroads and utilities when within or adjacent to the subdivision.

8. Location of areas subject to flooding or any other impairment to the health, welfare, or safety of citizens within the boundaries of the subdivision.
9. Request for any proposed variance from these regulations, outlining specific request, reason(s) and justification for the request.
10. Proof of public notice in a locally published newspaper of the intent to subdivide.

Article 4-2 - Information to be shown on preliminary and final plats.

Before the Planning Board grants preliminary and final approval in respect to plat requirements, the subdivider shall show the following information in the respective plats:

	Preliminary	Final
1. Name of Subdivision	X	X
2. Boundary of subdivision with description of enclosed property.	X	X
3. Property reference given in terms of the United States system of surveying the public lands.	X	X
4. Names and addresses of owner(s), developer(s), and surveyor(s).	X	X
5. Acreage in subdivision, and acreage in each 1/16th section or fractional part thereof.	X	X
6. Date, north arrow, ration scale, and graphic scale.	X	X
7. Contour and topo lines at required intervals of 10ft.	X	
8. Location of all streets, with numbers and names to be indicated, alleys and easements within, interconnecting and bordering subdivision tract.	X	X
9. Dimensions of streets, alleys, easements, blocks, parcels, and lot lines.	X	X
10. Bearings of all lines not parallel or perpendicular to lines of known bearings. All bearings shall	X	X

be referred to Arkansas State Plan Grid System North Zone.

11. Location of monuments with Arkansas State Plan Grid Coordinates, when applicable.	X	X
12. Location of building lines with minimum building setback lines as follows: 30 feet in the front 25 feet in the rear 10 feet on the sides	X	X
13. Location of railroads and property owned by utilities.	X	X
14. Property description with lot and/or block number.	X	X
15. Certification of Registered Professional Surveyor.	X	X
16. General location map.	X	X
17. Accurate identification and location of all underground utilities, when utilized.	X	X
18. Bill of assurance or recording information for same.	X	X
19. Arkansas Department of Environmental Quality (ADEQ) approval.	X	X

In order to insure that subdividers are in full compliance with any ADEQ requirements, a "certified copy" of the Stormwater Construction Permit shall be submitted with the request for preliminary and final approval.

Article 4-3 Information to be submitted for Plat Review

- A. Preliminary Plat: A minimum of four (4) copies of the Preliminary Plat shall be submitted for review. The following information, as applicable, shall be submitted with the preliminary plat, or written certification that these items have been prepared for submittal to appropriate agencies:
1. Two prints of detailed water line plans, dimensions, and fire hydrant locations, prepared and certified by a registered professional engineer.
 2. Two prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements prepared and certified by a registered professional engineer.
 3. Street sign standards and locations, including road number signs.
 4. Statements, either on the preliminary plat or in separate letter, signed by an authorized representative of each public utility serving the area that easements delineated on the plat have been examined and comments as to their sufficiency. Final determination of such sufficiency shall be made by the Planning Board.
- B. Final Plat: A minimum of four (4) copies of the final plat shall be submitted for review purposes and for distribution after recording. The following documents, as applicable, shall be submitted with the plat:
1. Certification by the engineer of record for the project that all water and/or sewer lines have been installed and tested according to plans approved by the Arkansas Department of Health.
 2. Letter from the Arkansas Department of Health for the development when utilizing septic tank systems if any one of the lots in the subdivision is below three (3) acres in size. A plat showing the proposed location of well and septic systems and a warning on the plat stating that these sites cannot be changed without the approval of the Baxter County Sanitarian. The well and septic location plat shall be recorded with the Baxter County Clerk at the same time the final plat is recorded.
 3. Acceptance of road construction and dedication by the County Judge, in writing, is required prior to the Planning Board acting in the final plat.
 4. Copy of disposal permit from the Arkansas Department of Environmental Quality when applicable.

Article 4-4 Scale and Media

- A. Preliminary Plats shall be prepared on sheets not larger than twenty-four (24) inches by thirty-six (36) inches at scale of not more than one (1) inch equal to one hundred (100) feet, prepared either on vellum or mylar.
- B. Final Plats shall be prepared on sheets twenty-four (24) inches by thirty-six (36) inches at a scale of one (1) inch equal to one hundred (100) feet, except, when all lots within the subdivision are three (3) acres or larger, then a scale of one (1) inch equals to two hundred (200) feet may be used. The surveyor may choose to provide a mylar copy of the final plat with original signatures for recording, or provide a paper copy with signatures for recording and a mylar copy without signatures.

Article 4-5 Right of Planning Board to have survey made.

The Planning Board may, at its discretion, have a survey made of the boundary of the subdivision to determine if said description is correct. In the event there is an error in said description, the subdivider shall correct the plat accordingly and to the satisfaction of the Planning Board.

CHAPTER 5
DESIGN STANDARDS

Article 5-1 Conformance with official plans.

- A. The subdivider shall conform to all plans adopted in accordance with Act 246 of 1937 and Act 422 of 1977 and as may be subsequently amended.
- B. At the time of submission of the sketch plan, the Planning Board may require the subdivider to reserve sites for public use indicated on the plan adopted in accordance with Act 422 of 1977. This is to permit the responsible agency or department the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of Eminent Domain.

Article 5-2 Streets and Roads

- A. The character of all streets and roads shall conform to the Baxter County Road Plan then in existence, and other official County plans. Minimum standards for highway, roads, and streets shall be determined by the County.
- B. For roads or streets not indicated on official plans, the arrangement of roads and streets in the subdivision shall provide for continuation or appropriate projection of existing principal roads and streets in the surrounding area, except where topographical or other conditions make continuance or conformation to existing streets or roads impractical.
- C. The location and alignment of minor streets and roads should be such that their use by through traffic will be discouraged.
- D. The Planning Board may limit the locations and number of points of access onto major streets, roads, and highways.
- E. Street and road intersections should be at right angles when practical.
- F. Street and road jogs and centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- G. Property lines at street and road intersections shall be rounded with a radius of ten (10) feet, or of greater radius where the Planning Board may deem it necessary.

H. Half streets or roads shall be prohibited.

I. Each subdivision shall have satisfactory access to a street which may have limited public usage provided that: **(a)** the street meets County minimum construction standards, **(b)** covenants between the developer and public offering purchases are in place, **(c)** funding construction and maintenance of the streets are properly published and included on the sketch, preliminary, and final plats, **(d)** that the access road to the subdivision be county maintained, or a sixty (60) foot dedicated easement which is **(1)** maintained by the developer and covenanted with purchases in the development or to bring the easement to County road standards prior to acceptance by the County for maintenance purposes and **(2)** the easement is connected to a publicly maintained road; and provided no land-locked parcel is created by the limited public usage subdivision street.

J. The Planning Board may require that streets and roads extend to the boundary line of the tract being developed, so as to provide access to adjacent properties.

K. A cul-de-sac shall be provided at the closed end of a road with a turn-around having a property line radius of not less than fifty (50) feet. Cul-de-sac streets or roads should be restricted to a length of thirteen hundred and twenty (1320) feet insofar as practical. All cul-de-sac roads or streets need to be in accordance with local fire department requirements.

L. Street and road locations shall be such as to provide each lot with the desired elevation, size, and shape which will permit proper setback of structures and their satisfactory placement on the lot.

M. Curbs and Gutters are optional. If installed they shall be constructed of Portland cement and shall be designed by a Registered Professional Engineer to assure proper drainage. All curbs and gutters must meet then current State and local standards.

N. Roads that are used for local streets shall have a minimum base course of six (6) inches of crushed, compacted limestone and a minimum of eight (8) inches of crushed compacted limestone on collector streets, unless specifically designated by the governing body. Before the Final Plat may be approved by the Planning Board, the developer(s) shall perform a compaction test on all sub-grades to insure adequacy and obtain the approval of the Baxter County Road and Bridge Department after asphalt has been laid.

Surface shall be a hard, all weather surface such as concrete. Any street or road surfacing shall meet the specifications of the governing body and planning commission that has jurisdiction. The sub divider shall provide a minimum base of eight (8) inches of

crushed, compacted limestone on roads to be paved unless otherwise specifically designated by governing body or planning commission. Paving shall be (2) inch asphalt unless specifically designated by the governing body.

- O. Street and drainage design plans shall be stamped by a Professional Engineer registered by the State of Arkansas.
- P. Horizontal curves shall have a minimum radius of one hundred fifty (150) feet. Minimum length of vertical curves shall be in accordance with Arkansas State Highway & Transportation Department (AHTD) standards and American Association of State Highway and Transportation Officials.

Q. MINIMUM STANDARDS TABLE

<u>ROAD TYPE</u>	<u>MAJOR COLLECTOR</u>	<u>MINOR COLLECTOR</u>	<u>LOCAL</u>
Right-of-way	60 Ft.	60 Ft.	60 Ft.
Lane Width	12 Ft.	12 Ft.	10 Ft.
Shoulder Width	6 Ft.	3 Ft.	2 Ft.
Maximum Gradient	8%	10%	12%
Setback	50 Ft.	30 Ft.	30 Ft.
Cross Section No.	1	2	3

NOTES:

1. If curb and gutter are provided, lane width shall be measured from face of curb to centerline.
2. Shoulders shall be finished with compacted, crushed limestone to same Standard as lanes, but shall not be paved.
3. Any deviation from the required Maximum Gradient must be approved by the County Planning Board under variance procedures.
4. All road ditches shall be completed to a minimum depth of 18 inches below shoulder grade with a fore slope of 3:1 and a variable back slope.

5. No drain structure (culvert, etc.) of less than 15 inches in diameter shall be placed in any ditch along any county road. Culvert material shall be galvanized steel only. A cleanout shall be required for culverts over forty (40) feet in length. A larger diameter structure may be required by the County Road and Bridge Department. All culverts and drainage systems within the road easement shall be approved in writing by the appropriate Road & Bridge Department supervisor. This statement must be clearly identified on the Final Plat or be included in the recorded Bill of Assurance.

6. It should be understood by the developer that road construction standards contained herein are MINIMUM only, and that the Baxter County Road and Bridge Department or other public body which shall accept the roads for maintenance may have, or in the future, may set more stringent standards which must be adhered to.

7. All roads to have a minimum of 12 feet public utility easement paralleling all roads.

8. Any roads or portion of the road exceeding 12% grade will require a variance by the Planning Board and the County Judge, and will require a minimum of 2 inches of hot mix asphalt.

Clear line of sight within the road right-of-way must be made and approved in writing by the appropriate Road and Bridge Department Supervisor prior to the Planning Board acting on the Final Plat.

9. No utilities can be installed within any county road without the written permission of the appropriate Road and Bridge Department supervisor.

10. Minimum compacted sub-grade shall be twenty-four (24) feet in width for local streets (two 10 foot driving lanes with two 2 foot shoulders) and twenty-eight (28) feet in width for collector streets (two 12 foot driving lanes with two 2 foot shoulders).

Article 5-3 Alleys

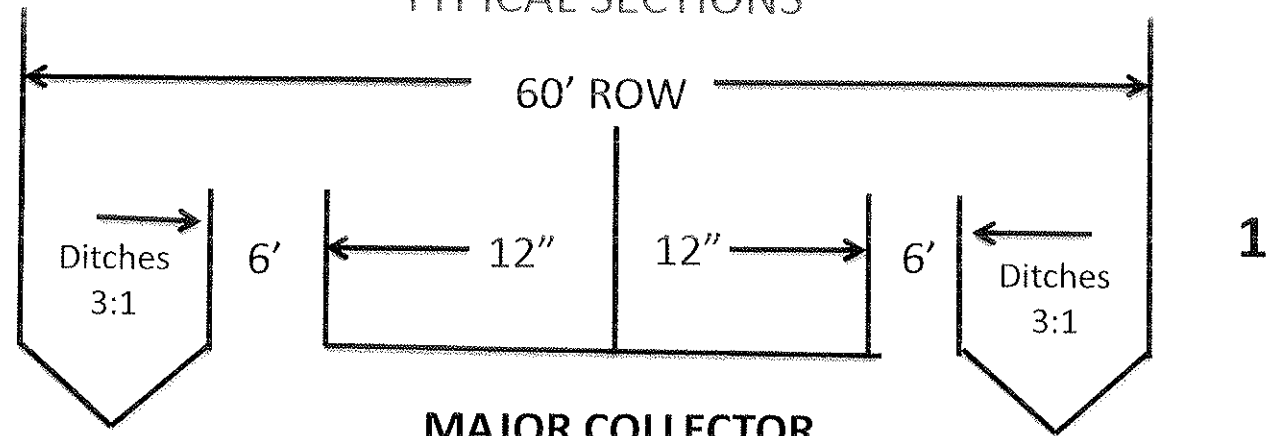
A. The width of any alley shall not be less than sixteen (16) feet.

B. Where alleys are provided:

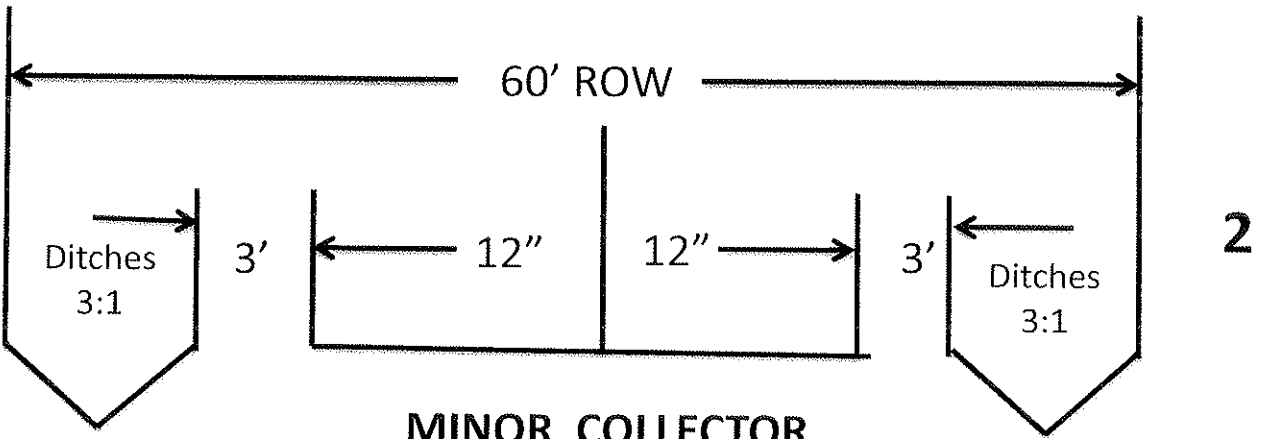
1. Intersections and sharp changes in alignment shall be avoided.

2. Dead ends shall be avoided where possible.

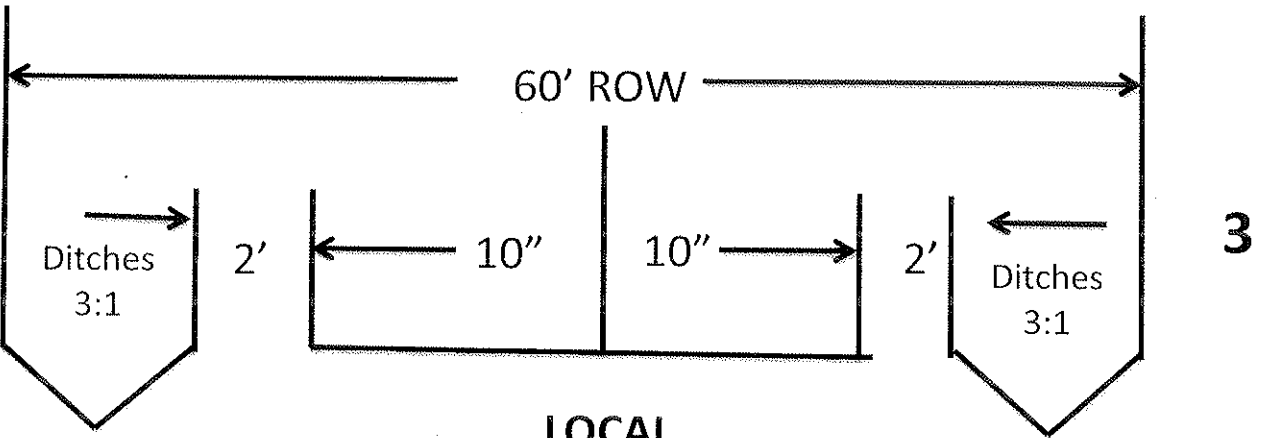
TYPICAL SECTIONS



MAJOR COLLECTOR



MINOR COLLECTOR



LOCAL

Article 5-4 Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12) feet wide.
- B. Where a subdivision with lots less than five (5) acres is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines water course, and of adequate width to contain such water course, and provide for future widening and cleanout. Parallel streets may be required in connection therewith.

Article 5-5 Blocks

- A. The use of rectangular blocks longer than wide is encouraged in the interest of economy to the developer and to the County in future maintenance of streets, roads, and utilities.
- B. Provision shall be made for utility easements at the rear of lots when alleys are not provided.

Article 5-6 Lots

- A. Residential lots where served by public sewer shall not be less than seventy-five (75) feet wide at the building setback line nor less than $\frac{1}{2}$ acre or 14,520 square feet in area.
- B. Residential lots where not served by public sewer shall not be less than two hundred (200) feet wide at the building setback line nor less than forty-three thousand five hundred sixty (43,560) square feet in area. However, a greater area may be required if County or State health standards so state, and/or if required septic tank system requirements indicate.
- C. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplation and subject to the requirements of the Planning Board.
- D. Corner lots for residential use shall have ample width to permit appropriate building setback from and orientation to both streets.
- E. Each lot shall have satisfactory access to a public road.
- F. Setback lines shall have a minimum of:
 - Side - fifteen (15) feet
 - Rear - twenty-five (25) feet

- G. No building shall be built between the building setback and the property line.

Article 5-7 Non-Residential Development

Areas within subdivisions not intended for residential use shall be clearly identified on the plat.

Article 5-8 Topography and Natural Features

The Planning Board may require a topographic map of the subdivision with contour intervals of from two to twenty feet, depending on the terrain. The sub divider may also be required to indicate features such as drainage ways, creeks, ponds, etc. on the topographic map. Topography may be included on the preliminary plat.

Article 5-9 Grade and Profiles

- A. The streets shall be designed and stamped by a professional engineer on the sheets indicating present and finished grades at the center line right-of-way in accordance with the requirements as authorized in the County Standards.
- B. Profile sheets indicating grades for storm and sanitary sewers shall be submitted when installation of same is required.

Article 5-10 Bill of Assurance

- A. The subdivider shall submit for the approval of the Planning Board a Bill of Assurance including but not limited to the following:
 - 1. Dedication of all streets and alley, parks and other lands for public use as shown on the plat.
 - 2. Establishment of easements as shown on the plat.
 - 3. Provisions for amendment and severability clause.
 - 4. Provisions that the plat as filed for record cannot be changed unless vacated by applicable authority.
- B. The sub divider shall be required to file with the County Clerk the Bill of Assurance as approved by the Planning Board at the same time that the plat is filed for record, whenever the Bill of Assurance is not included on the plat. If not included on the plat, the recording information of the Bill of Assurance shall be indicated on the plat.

Article 5-11 Construction Inspection Control--Roads

- A. The engineer shall place, or cause to be placed, sufficient stakes to control construction of all improvement.
- B. The engineer shall provide on-site construction inspection, excluding structures, during all phases of the construction operations and shall make such materials lists as necessary to insure compliance with these regulations.
- C. The County Judge or his designated representative will have the option to require random testing to assure quality control. The engineer shall give sufficient notice to the County representative of construction operations so that performance tests and observations may be made in a timely fashion without causing undue delay to the construction contractor. Such notice shall be twenty four (24) hours.
- D. Work that does not comply with these standards and regulations shall wholly or partially be replaced, repaired or altered to bring the work into compliance at the expense of the owner or developer.
- E. Upon completion of the subdivision the engineer providing inspection control shall submit a letter to the County representative of construction operations stating compliance with the plans and specifications as presented and approved by the Planning Board.

Article 5-12 Planning Jurisdiction

- A. Subdivisions within any published municipality's planning jurisdiction, must comply with that municipality's subdivision regulations as well as the County's minimum standards for subdivision development, including but not limited to water, sewer, streets, storm water control, and storm retention designs.

CHAPTER 6

IMPROVEMENTS

Article 6-1 Procedural Requirements

- A. Sketch Plan. At the time the sketch plan is presented to the Planning Board, the plan or the letter of intent should state what actual improvements are to be provided. Any request for variances should be made at that time.

- B. Preliminary Plat Approval. Preliminary Plat approval in respect to improvement shall be given when requirements stated in Article 4-3 are met.

- C. Final Plat Approval.
 - 1. Final Plat approval in respect to improvements shall be given when requirements stated in Article 4-4 are met.
 - 2. If construction is not complete, and requirements in Article 4-4 are not met, Final Plat approval may be given if the subdivider, or owner, provides one of the following as respect to each improvement:
 - A. A performance bond or a letter of intent or committal from a lending institution based on equal value of the estimated cost of the improvement.
 - B. A deposit with the County, or in an escrow account, of a sum equal to one and one half of the estimated cost to complete the improvements. The developer or owner may be permitted to draw on their deposit upon satisfactory completion of various stages of the improvements. Any balance remaining after all improvements are satisfactorily completed, will be returned to the developer or owner, whoever placed the deposit.

Article 6-2 Water Distribution Systems

Whenever it is determined by the Planning Board that public water is reasonably available in proximity to the subdivision, the developer will provide to each lot within the utility easements along the public road adequate supply and access to public if water supply and mains are adequate. Fire hydrants shall be provided throughout the subdivision within said utility easement along the public roads with a maximum spacing of one thousand (1000) feet to any site along the public road when adequate water supply is deemed available.

Reasonably available will be determined by the Planning Board based on location, subsoil, topography, size of subdivision, nature of the subdivision, and comments from the appropriate water department and fire department(s) servicing the area.

Article 6-3 Sanitary Sewer System

Where it is determined by the Planning Board that a public sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with an access to that sanitary sewer system.

Article 6-4 Storm Water Drainage

Drainage design shall consist of a minor and a major system. The minor drainage system shall be designed to handle a five (5) year storm event. The major system shall be designed to handle a twenty-five year (25) storm event. The drainage system plan shall be stamped by a Professional Engineer registered with the State of Arkansas.

Where it is determined by the Planning Board that an underground storm water drainage system is available and connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground water drainage system.

Where an underground storm water drainage system is not available, adequate surface storm water drainage facilities shall be installed and connected to existing surface drainage facilities.

Diversion of storm water flow shall be avoided. If storm water is to be diverted from its natural flow course, the plat shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of diverted waterways to prevent erosion or silting.

Article 6-5 Drainage Structures

Length and diameter of all drainage structures utilized in roads, streets, alleys, and driveways shall be approved by the County Judge or his/hers designated representative.

Article 6-6 Streets and Roads

Streets and roads shall be installed and surfaced in accordance with the specifications to design standards as mentioned in chapter 5-N.

Article 6-7 Sidewalks

Sidewalks are optional but, if installed, shall be a minimum width of forty-two (42) inches and shall be located within the street right-of-way at a distance of one (1) foot from the property line.

Article 6-8 Monuments and Lot Corners

- A. Lot corners shall be marked with 3/8 inch diameter rods fifteen (15) to twenty-four (24) inches in length clearly marked with the registration number of the surveyor. Offset markers shall be permitted if conditions prohibit corner markers in prescribed locations. Locations of offset markers shall be shown on the Final Plat.
- B. Concrete monuments four (4) inches in diameter and of suitable length for soil and rock conditions with 3/8 to 1/2 inch rods running the length of the monument shall be set with the top flush to the ground at selected points of subdivision boundary intersection. All monuments shall be clearly marked with the registration number of the surveyor.
- C. When the subdivision is located within 1/2 mile of a State Plane Coordinate Control Monument for which coordinates have been published by the County, the subdivision shall be tied into the State Plane System and coordinates listed on the plat for a minimum of two (2) of the monuments described in Section "B" above.

CHAPTER 7
BUILDING CODES

Article 7-1 Building codes

- A. All construction, alterations, relocations, and repairs shall be in compliance with the then current International Building Code and/or the Southern Building Codes, and Arkansas/International Fire Prevention Code.
- B. All Manufactured Homes shall be in compliance with Department of Housing & Urban Development (HUD) and The State of Arkansas codes.
- C. No structure shall be erected, moved, added to, or repaired other than ordinary repairs without compliance with the above requirements of Paragraphs A and/or B.

Article 7-2 Enforcement

- A. No lot split or subdivision plat shall be accepted by the County Clerk for recording unless approved by the Baxter County Planning Board.
- B. Any individual or public official, including members of the Planning Board, aggrieved by a violation of these regulations, may file a complaint with the Planning Board. The complaint shall state the name of the individual, firm, or corporation against whom the complaint is filed, together with the location and scope of the alleged violation.
- C. Upon receipt of a complaint, the Planning Board shall proceed with an investigation of the complaint. The Planning Board may **(a)** investigate the matter themselves, **(b)** appoint a committee to perform the investigation, **(c)** request the County Judge to conduct the investigation, or **(d)** any combination thereof.
- D. Upon completion of the investigation, the Planning Board shall review the complaint at a regular meeting of the Board. If the Board determines that any person, firm, or corporation has violated, disobeyed, or refused to comply with these regulations, the person, firm, or corporation so accused shall be notified by the Secretary of the Board of the findings of the Board and directed to appear before the Board at a stated time and place to answer to the charges. Refusal or failure of the accused to so appear shall constitute a further violation of these regulations.

- E. Should the person, firm, or corporation be in violation of these regulations, the Planning Board shall seek an injunction against the violator, prohibiting further violations of these regulations.

- F. Any violation of these regulations shall be deemed a misdemeanor offense and any person, firm, or corporation refusing to comply within thirty (30) days of notification of such violation shall be fined the sum of not less than \$50.00 and not more than \$500.00. Each day the violator remains out of compliance shall be a separate offense.

- G. The provisions of these regulations are separable, and in the event that any section shall be held to be invalid, such invalidity shall not affect the remainder of the regulations.

- H. These regulations may be amended only after recommendation by the Baxter County Planning Board. The Board may recommend a change or amendment to the County Quorum Court on its' own initiative, or as a result of public appeal or application.

CHAPTER 8

LOT SPLITS

Article 8-1 Definition

- A. The division of land for conveyance or development, into less than five parcels where each parcel is one (1) acre or more, and each parcel is contiguous with an existing public road or easement right-of-way of not less than minimum County standards.
- B. The Planning Board hereby delegates the Planning Board Chairman and/or their designated representative authority for the approving of lot splits where a single subdivision lot or metes and bounds tract is to be split into less than five parts for conveyance. This authority shall be exercised in accordance with the following:
 - 1) A request for a lot split approval shall be made to the Chairman of the Planning Board. Four (4) copies of a scaled drawing of the lot or tract to be split prepared by a Registered Professional Surveyor indicating the proposed division shall be provided.
 - 2) Approval or disapproval of lot splits shall be based on the following:
 - a) No new street or alley is required.
 - b) No vacation of streets, alleys, setback lines, access control or easements are required or proposed.
 - c) Such action will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
 - d) All easement requirements have been satisfied.
 - e) No substandard sized lots or parcels shall be created without the approval of the Planning Board.
 - f) The surveyor must submit a statement on the plat that the lot split(s) does not violate any recorded covenants within a previous subdivision.

Article 8-2 Approval

The Planning Board Chairman or his representative, shall approve, conditionally approve, or disapprove the proposed lot split within thirty (30) days of application or it will become effective thirty (30) days after application. Any decision of the Planning Board can be appealed to the Baxter County Chancery/Circuit Court.

Article 8-3 Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of a lot split or subdivision with compliance with the applicable provisions of these regulations 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 and filing an approved plat.

CHAPTER 9
CONDOMINIUM/HIGH DENSITY DEVELOPMENT

Article 9-1 Definition

- A. Condominium/high density development is defined for the purpose of these regulations as **a)** multiple dwelling units on one or more acres of property, **b)** multiple dwellings on less than one acre per dwelling, and **c)** multi-family dwellings.
- B. The Baxter County Planning Board will review in detail the following areas of concern as it deliberates on a case by case basis the reasonableness and acceptability of these types of developments:
 - 1. Water source, (i.e., public water, community or individual wells).
 - 2. Wastewater disposal, (i.e., wastewater treatment facility or septic systems) in accordance with the regulations of the Department of Health.
 - 3. Proximity to lakes, rivers, or streams.
 - 4. Impact on adjacent properties or subdivisions.
 - 5. Fire protection
 - 6. Police protection.
 - 7. Ratio of unit size to total acreage.

CHAPTER 11
ADOPTION

Article 11-1 Adoption

Adopted and recommended to the Baxter County Court this ____ day of _____ 2016.

BAXTER COUNTY PLANNING BOARD

RESOLUTION

Chairman

Secretary

PASSED AND ADOPTED THIS _____ DAY OF _____, 2017.

AS ORDINANCE No. _____

ATTEST:

COUNTY OF BAXTER, ARKANSAS

County Clerk

County Judge