

# Pulaski County

## Subdivision and Development Code



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## **Chapter 1: General Provisions**

### Section 1.1 Title

The code herein shall be officially known, cited, and referred to as the Subdivision and Development Code of Pulaski County, Arkansas.

### Section 1.2 Authority

The code herein is adopted pursuant to the authority granted in Arkansas Code Annotated (A.C.A.) §§ 14-17-201, et. Seq.

### Section 1.3 Purpose

The purposes of the code are consistent with Arkansas Code Annotated (A.C.A.) § 14-17-206, and are intended to:

- A. Guide and accomplish a coordinated, efficient, and economic development of the County, or part thereof.
- B. Promote the health, safety, convenience, prosperity, and welfare of the people of the County.
- C. Conserve natural resources.
- D. Protect areas of environmental concern.
- E. Guide the development of land subject to flooding.
- F. Provide for adequate recreation, education, and community facilities including water, sewer, solid waste, and drainage improvements.
- G. Guide the development of transportation facilities, housing development, and redevelopment.
- H. Implement the long-term plan of the County for orderly development and redevelopment of the County.

### Section 1.4 Jurisdiction

- A. This code shall apply to all subdivisions of land, as defined in Chapter 2 of this code, located within the unincorporated portion of Pulaski County. Where unincorporated portions of Pulaski County lie within the extra-territorial jurisdiction or planning area of a municipality, this code shall apply as set forth in Arkansas Code Annotated (A.C.A.) §§ 14-17-201, et. Seq. or any other applicable state law or statute.

- B. No subdivider within the unincorporated portion of Pulaski County shall proceed with any construction or work on the proposed subdivision, including grading, clearing, or other ground preparations, before obtaining Preliminary Plat approval, and shall not convey title to any lot or lots before obtaining from the Pulaski County Planning Board Final Plat approval and acceptance of the plat.
- C. Any subdivider of land within the unincorporated portion of Pulaski County shall submit to the Pulaski County Planning Board plats of the subdivision and plans for the indicated improvements according to this code. In considering the approval of a plat the Board shall observe and enforce the requirements and procedures set forth herein.
- D. The Pulaski County Floodplain and Flood Damage Prevention Ordinance, Ordinance No. 15-OR-23 as amended from time to time, shall apply to land disturbing activities including but not limited to subdivisions and commercial development within the unincorporated portions of Pulaski County.
- E. The Pulaski County Stormwater Management Ordinance No. 07-OR-71 as amended from time to time, shall apply to land disturbing activities including, but not limited to, subdivisions and commercial development within the unincorporated portions of Pulaski County.
- F. The Lake Maumelle Watershed Zoning Code, Ordinance No. 14-OR-37 as amended from time to time, shall apply to land disturbing activities including, but not limited to, subdivisions and commercial development within the Lake Maumelle Watershed of Pulaski County.
- G. The Pulaski County Master Road Plan Ordinance No. 13-OR-35 as amended from time to time, shall apply to land disturbing activities including but not limited to subdivisions and commercial development within the unincorporated portions of Pulaski County.

#### Section 1.5 Enactment

In order that land may be subdivided in accordance with this code, this code is hereby adopted and made effective as of May 24, 2016. All applications for subdivision approval pending on the effective date of this code shall be reviewed under this code. However, this code shall not apply if preliminary plat approval has been issued prior to the effective date of this code.

#### Section 1.6 Interpretation, Conflict, and Severability

##### A. Interpretation

In the interpretation and application of the provisions of this code, the requirements shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This code shall be construed liberally to promote the purposes for which it was adopted.

B. Conflict

This code is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, code, or other provision of law except as provided in this code. Where any provision of this code imposes restrictions different from those imposed by any other provision of this code or any other ordinance, rule or regulations, code, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

C. Severability

If any section, clause, part, or provision of this code shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, part, or provision of this code.

Section 1.7 Reservations and Repeals

Upon the adoption of this code as provided by law, the Subdivision Rules and Regulations of Pulaski County adopted October 1968, as amended or revised, are hereby repealed, except as those sections expressly retained in this code.

Section 1.8 Amendments

When any amendment to this code is proposed, the Pulaski County Planning Board shall hold a public hearing in accordance with Arkansas Code Annotated (A.C.A.) §§ 14-17-201, et. Seq. Following such a hearing, the Pulaski County Planning Board shall forward the recommended amendment to the Pulaski County Quorum Court for adoption.

Section 1.9 Variances, Conditions and Exclusions

A. Variances

Where the Pulaski County Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with this code and/or the purposes of this code may be served to a greater extent by an alternative proposal, it may approve variances to this code so that substantial justice may be done and the public interest served, provided that the variance(s) shall not have the effect of nullifying the intent and purpose of this code; and further provided the Pulaski County Planning Board shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
2. The conditions upon which the request(s) are based are unique to the property for which the relief is sought and are not applicable generally to other property;

3. Because of 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 this code is carried out;
4. The relief sought will not in any manner vary the provisions of Master Road Plan or Master Road Plan Map or any other plans of the County.

B. Conditions

In approving a variance(s) to this code, the Pulaski County Planning Board may require such conditions as will, in its judgment, secure substantially the purposes set forth in Section 1.3.

C. Procedures

A petition for a variance shall be submitted in writing by the subdivider at the time when the Site Plan, Preliminary Plat, or other documentation is filed for consideration by the Pulaski County Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

D. Notice

The applicant/subdivider shall be required to provide notice for all applications that seek a variance from the standards of this ordinance. The requirements shall be as follows.

1. The applicant/subdivider shall submit proof that at least six (6) days notice of the Pulaski County Planning Board's hearing has been given to all property owners (including those directly across streets and alleys) abutting the boundary of the property which is the subject of the variance request.
2. The notice shall inform the abutting property owners of variance request(s) by describing the requested variance(s) and stating the sections of the ordinance receiving said requested variance(s).
2. The applicant/subdivider may utilize one of the following methods for providing notice to the affected property owners.
  - a. A walk-around notice supplied by the Department of Planning and Development with the applicant determining the ownership of parcels or;
  - b. A certified mail notice to owners utilizing a provided form letter and a list from an abstract firm showing the property owners taken from tax records.



3. Proof of notice is to be filed with the staff of the Department of Planning and Development at least four (4) days prior to the public hearing.

E. Exclusions

The requirements of this Ordinance shall be waived as specified herein for the subdivision of land for transfer of the subdivided lots for residential purposes to immediate family members when no new public roads are required for access to any of the subdivided lots. Immediate family members shall be limited to parents, grandparents, brothers and sisters, children, (including stepchildren), grandchildren and the spouse of the Owner. Prior to a transfer of a subdivided lot to a person who is not an immediate family member, the Owner or transferee shall comply with all applicable requirements of this Ordinance. The Pulaski County Planning Board shall grant a variance of the requirements of this Ordinance if the following conditions are met:

1. The Owner shall submit an application for a variance to the Pulaski County Planning Board which includes:
  - a. A copy of the instrument which identifies the legal description of the property before the proposed transfer and the ownership interest of the Owner;
  - b. A survey which shows the boundaries and legal description of the proposed lots in the subdivision and the location of existing public roads and which includes a certification by the Owner that all of the proposed lots have access to existing public roads and that no new public roads will be constructed;
  - c. Proof the proposed lot(s) are adequate in size to meet the Arkansas Department of Health requirements for septic service;
  - d. The names and addresses of the individuals to whom the property will be transferred, including copies of the birth certificate(s), adoption record(s) or other official records which demonstrate that the transferees are immediate family members;
2. The variance shall be signed by the Director of the Pulaski County Planning and Development Department and by the Owner, and shall include the survey and list of transferees as attachments, and shall include the following statement: “The subdivision of land described in the survey attached hereto and incorporated herein is exempt from the requirements of the Pulaski County Subdivision Ordinance, Ordinance No. 16-I-35 through a variance approved by the Pulaski County Planning Board on (date). This variance expires upon transfer of any lot within the subdivision to a person who is not identified on the list of transferees as an immediate family member of one of the listed transferees. Prior to a transfer of a subdivided lot to a person who is not identified as an immediate family member

of one of the listed transferees, the Owner or transferee must comply with all of the applicable provisions of the Pulaski County Subdivision Ordinance, Ordinance No. 16-I-35.”

3. A written statement must be signed by all parties involved which in effect states that the property must remain in the immediate family or all the subdivision rules and regulations will apply. Signatures of all parties involved must be on the written statement and signed before a notary.
4. If any lot of the proposed subdivision would result in a landlocked parcel, then an ingress/egress easement must be granted and shown on the survey/plat.
5. The variance shall be filed with the Pulaski County Circuit Clerk in the deed records.
6. If a lot created by a family exclusion is further subdivided for SALE to someone outside the family as defined by this code, the newly created lot must comply with the requirements of a subdivision as established in this code.
7. If a lot created by a family exclusion is transferred outside of the family, the lot must be platted per the final plat requirements established in this code.

#### Section 1.10 Enforcement, Violations, and Penalties

##### A. Enforcement

1. It shall be the exclusive duty of the Pulaski County Planning and Development Director or their designee to enforce this code and to bring to the attention of the Prosecuting Attorney, or the County Civil Attorney or his or her designated agent any known violation (s) of these regulations.
2. The Pulaski County Planning Board may from time to time issue instruction and operating procedures to be followed in the administration of these regulations to the end that the public may be informed and that approval of plats be expedited.
3. No owner, or agent of the owner, of any parcel of land located in a pending subdivision shall transfer or sell any part of the parcel before a Final Plat of the subdivision has been approved by the Pulaski County Planning Board in accordance with the provisions of this code and filed with the Clerk and Recorder of Pulaski County.
4. The construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this code shall not be permitted, nor shall Pulaski County have any obligation to allow the addressing or the extension of utility services to any parcel or building created or constructed in violation of these regulations.

B. Violations and Penalties

Any violation of this code or amendment hereto shall be deemed a violation of County Ordinance under the laws of the State of Arkansas and the offender upon conviction shall be punished for a violation. Any courts having jurisdiction of violation cases shall have jurisdiction to try such offender and upon conviction to fine them not less than one hundred dollars (\$100.00) but not more than five hundred dollars (\$500.00) for each offense. Each day that any violation of this code is in effect shall constitute a separate offense.

C. Civil Enforcement

Appropriate actions and proceedings may be taken in law or in equity by the County to prevent any violation of this code, 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 in parts A. and B. of Section 1.10 above. No right of action is granted to any private citizen to enforce the provisions of the regulations against another property owner.

## **Chapter 2: Definitions**

### **Section 2.1 Usage**

- A. For the purpose of this code, certain numbers, abbreviations, terms, and words shall be used, interpreted, and defined as set forth in Section 2.2.
- B. As used in this code, 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 “building” includes the word “structure”; the word shall is mandatory.

### **Section 2.2 Definitions**

**Accessory Building.** Means a building which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent or purpose to the principal building or principal use served; (3) contributes to the comfort, convenience or necessity of occupants of the principal building; and (4) is located on the same lot as the principal building.

**Alley.** A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

**Applicant.** The owner of land proposed to be subdivided or his/her representative.

**Best Management Practices (BMPs).** Are measures that are utilized to reduce pollutants in storm water runoff. An example of a “non-structural” BMP is limitations on the use of phosphate fertilizers on lawns, while an example of a “structural” BMP is a vegetated swale which slowly conveys runoff.

**BMP Operation and Maintenance (O & M) Plan.** Is a plan which describes required operation and maintenance practices for storm water BMPs, including field inspections, required maintenance activities, provisions for unscheduled maintenance, financing, problem identification and follow-up, and others.

**Bill of Assurance.** A private agreement attached to a plat which establishes property use and development rules specific to the properties in the particular subdivision and which may be binding upon subsequent owners of the property.

**Block.** A track of land bounded by streets, or by a combination of streets, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**Bond.** Any form of a surety bond in an amount and form satisfactory to the Pulaski County Planning Board to ensure the completion, maintenance, or performance of subdivision improvements.

**Building.** Any structure built for the support, shelter, or enclosure of persons, property of any kind including but not limited to animals and chattels.

Building Line. A line across a lot establishing the minimum open space to be provided between the buildings and structures and the property line.

Commercial. Means the broad range of retail uses designed for the market.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association.

Compensatory Environmental Project. Refers to a project approved by the Pulaski County Planning Board within the watershed of a public water supply to reduce the surface runoff loading of one or more pollutants from a development.

Conservation Design Approach. Is a development option which manages surface runoff loading for new development through development design, such as restricting impervious areas, designating undisturbed areas, and other site design measures.

County Engineer. The Pulaski County Director of Public Works.

Cul-de-Sac. A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Design Criteria. Standards that set forth specific improvement requirements.

County. The Pulaski County Government.

Developer. The owner of land proposed to be subdivided or his/her representative who is responsible for any undertaking that requires review and/or approval under this code. See Subdivider.

Development. A project involving the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; any of which requires the approval of a plat or Site Plan pursuant to this code.

Disturbed but Re-vegetated Land. Is that part of a development which was disturbed prior to being subdivided, or is disturbed during construction, but which is re-vegetated.

Duplex. Means a structure designed for two families.

Easements. A grant of one or more property rights by a property owner to and/or for use by the public, a corporation, or another person or entity.

Elevation Certificate. The current effective FEMA form used to provide information necessary to ensure compliance with the Pulaski County Floodplain and Flood Damage Prevention Ordinance (15-OR-23) as amended from time to time.

Escrow. A deposit of cash with the local government or escrow agent to secure the promise to perform specific improvement required by this code.

Extraterritorial Jurisdiction (ETJ). That area, enabled by Arkansas Code Annotated (A.C.A.) §§ 14-56-401 ET. seq., that is located outside the corporate limits of a municipality and for which the municipality may prepare plans and exercise planning authority.

Force Line Systems. Are sanitary wastewater systems, as approved by the Responsible Management Entity (RME), which collect untreated sanitary wastewater or treated wastewater and pump the wastewater or treated effluent out of the watershed of a public water supply.

Final Subdivision Plat. The map of a subdivision to be recorded after approval by the Pulaski County Planning Board and any accompanying material as described in this code.

Flood Plain. See the Pulaski County Floodplain and Flood Damage Prevention Ordinance (15-OR-23) as amended from time to time .

Floodway (Regulatory Floodway). Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. See the Pulaski County Floodplain and Flood Damage Prevention Ordinance (15-OR-23) as amended from time to time.

Frontage. That side of a lot abutting on a street; the front lot line.

Frontage Road. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Grade. The slope of a road, street, or other public way specified in percentage terms.

High Slope. Means an area with a slope of more than 15% but less than 25%.

Homeowners Association. See Property Owners Association.

Improvements. Any permanent structure that becomes part of, is placed upon, or is affixed to real estate.

Impervious Area. A surface area that does not allow rain to infiltrate into the ground, such as roads, streets, driveways with paving or gravel material, houses (rooftops), patios, outbuildings, and recreation facilities such as tennis courts, etc.

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved individual sewage treatment device.

Industrial. Means a facility for light to heavy industrial uses.

Landlocked Parcel. A lot or parcel of land without any means of ingress or egress, whether public or private.

Letter of Credit. A letter issued by a bank permitting the person or agency named in it to draw a certain amount of money from another specific bank.

Local Road. A road whose sole function is to provide access to abutting properties and to other roads from individual properties and to provide right-of-way beneath storm drainage, or other facilities.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

Lot, Corner. A lot situated at the intersection of two (2) or more streets.

Lot Improvement. Any building, structure, place, work of art, or other object situated on a lot.

Lot Split. The one-time division of a lot within a previously platted subdivision into no more than two lots and where no new street, change in existing streets, or new public right-of-way is proposed, and where both of the resulting lots will be served by an existing street.

Low Slope. Means an area with a slope of 15% or less.

Major Subdivision. All subdivisions not classified as minor subdivisions, including but not limited to the subdivision of four or more lots, or any size subdivision requiring any new street or extension of public facilities or the creation of any public improvements.

Master Road Plan. The long-range transportation plan of Pulaski County prepared and adopted by the Pulaski County Planning Board and Quorum Court, pursuant to state law and including any amendment to such plan, or part thereof.

Minor Arterial. A road intended to collect and distribute traffic in a manner similar to principal arterials, except that these roads service minor traffic generating areas such as community commercial areas, primary and secondary educational facilities, hospitals, major recreational areas, churches, and offices and are designed to carry traffic from collector streets to the system of primary arterials.

Minor Subdivision. Any subdivision containing not more than three lots, fronting on an existing street, not involving any new street or road construction, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Road Plan or Map or these regulations.

Mitigation Lands. Are lands located within the watershed of a public water supply which are permanently designated as part of the undisturbed areas of the development. Mitigation Lands

are typically preserved through a conservation easement or a Bill of Assurance. Mitigation Lands are the land cover classes of Protected Forest, Unprotected Forest and Grassland as defined by the SET User Guidance and Documentation.

Multi-family. Means a structure designed for two or more families.

New Development. Means any Development for which a Preliminary Plat Certificate was not approved prior to the date of adoption of this Ordinance.

Nonresidential Development. Means any development whose intended use is other than residential, such as office, commercial or industrial.

Office. Means a place for the regular transaction of business, but not to include the occupation by retail sales, transfer of manufactured goods or storage of commodities.

On-Site Systems. Refer to sub-surface discharge systems such as septic tank/leach field wastewater systems, capped mound wastewater systems, package treatment plants with drip irrigation wastewater systems, or other systems of this kind that manage wastewater within the development.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Percent Impervious or % Impervious. Means the ratio of the square foot of Impervious Areas in an area to the total square footage in the same area, expressed as a percentage.

Performance Standards Approach. Is an approach that utilizes structural and potentially non-structural BMPs, such as vegetated swales, infiltration measures, ponds and others, in conjunction with conservation site design, to achieve the Surface Runoff Loading Rates.

Planning Area. That portion of a municipality's extraterritorial jurisdiction for which the municipality will prepare plans and regulations, and which is adopted by the municipality's Planning Commission and filed for record by way of a map in the office of the Pulaski County Clerk.

Planning Board. The Pulaski County Planning Board.

Preliminary Plat. The preliminary drawing or drawings, described in this code, indicating the proposed manner or layout of the subdivision to be submitted to the Pulaski County Planning Board for approval.

Principal Arterial. A road intended to move through traffic to and from major destinations such as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the County unit; and/or as a route for traffic between communities or large areas and/or which carries high volumes of traffic.



Pulaski County Floodplain and Flood Damage Prevention Ordinance. An ordinance establishing minimum flood control measures prepared by the Federal Insurance Administration for the unincorporated areas of Pulaski County to comply with the “regular phase program” requirements of the National Flood Insurance Program as amended from time to time.

Pulaski County Planning and Development Director. The person designated by the Pulaski County Planning Board to administer and enforce these regulations (also referred to as Director of the Department of Planning and Development).

Pulaski County Stormwater Management Ordinance. An ordinance adopting regulations designed to lessen or deter hazards to persons, property and the environment caused by increased runoff, obstructions to drainage and introduction of excessive silts, debris and pollutants into the drainage system, lakes, ponds, streams, rivers and other water bodies in areas of Pulaski County as designated in that ordinance as amended from time to time, and to otherwise promote the public health, safety and welfare of the public.

Private Sewage Treatment System. A non- public sewer system including collection and treatment facilities established by the developer to serve a new subdivision.

Private Water System. A non-public water system formed by a developer to serve a subdivision. It includes water treatment and distribution facilities.

Property Owners Association (POA). An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision is automatically a member as a condition of ownership.

Public Hearing. A meeting announced and advertised in advanced and open to the public, with the public given an opportunity to talk and participate.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the County may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which the County responsibility is established.

Quadroplex. Means a structure designed for four families.

Registered/Professional Engineer. An engineer properly licensed and registered in the State of Arkansas.

Registered/Professional Land Surveyor. A land surveyor properly licensed and registered in the State of Arkansas.

Replat. The combination or recombination of previously platted lots or portions thereof, where the total number of the lots combined is not increased and where no new street, change in

existing streets, or new public right-of-way is proposed, and where each lot or lots will be served by an existing street.

Responsible Management Entity (RME). Means the Little Rock Wastewater Utility, or such entity designated by the County for overseeing design, installation, operation, and/or maintenance of Force Line Systems and On-Site Systems in the watershed of a public water supply reservoir.

Reverse Frontage Lot. A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

Right-of-Way. A strip of land acquired by negotiations, reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, railroad, electric transmission lines, gas pipelines, water lines, sanitary storm sewer, or other similar uses.

Road Classification. The road/street classification as outlined in the Pulaski County Master Road Plan.

Road Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot block description.

Setback. The distance between the building and any lot line.

Single Family. Means a structure designed for one family.

Site Evaluation Tool. An computer based spreadsheet modeling tool developed specifically for evaluating the impacts of alternative conservation design approaches on runoff and pollutant loading rates for total phosphorus, total sediment, and total organic carbon within the watershed of a public water supply reservoir.

Site Plan. A layout of a proposed development indicating proposed improvements as so indicated in this code.

Sketch Plat. A layout of a proposed subdivision, Site Plan, or development scheme of sufficient accuracy and detail to be used for the purpose of discussion and classification.

Special Flood Hazard Area. See the Pulaski County Floodplain and Flood Damage Prevention Ordinance (15-OR-23) as amended from time to time.

Street. A dedicated and accepted right-of-way for vehicular traffic which affords the principle means of access to abutting property.

Structure. Anything constructed or erected.

Subdivide. The act or process of creating a subdivision.

Subdivider. Any person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defines, and includes any agent of the subdivider.

Subdivision. A subdivision shall include all divisions of a tract or parcel of land into two or more lots for the purpose of immediate or future sale, and shall include: all divisions of land involving the dedication of new street(s); a change in the existing street(s); or land located in the watershed of a public water supply reservoir, regardless of size. However, the following shall not be included within this definition nor be subject to the subdivision rules and regulations of this county: (1) The division of land into parcels ten (10) acres or greater provided each newly created lot or parcel has minimum lot frontage on a legal and physical access; or (2) acquisition by purchase or dedication of parcels of land, or the widening or opening of street(s), or other public improvements.

Subdivision, Major. See Major Subdivision.

Subdivision, Minor. See Minor Subdivision.

Surety. The bond, letter of credit, cash deposit, escrow, or other surety provided by the applicant to secure its promise to complete the subdivision improvements.

Surface Runoff Loading Rates. Are the maximum annual loading rates allowed from development within the watershed of a public water supply reservoir for total phosphorus, total suspended solids and total organic carbon, as specified in Table 1 of Chapter 8 of this ordinance.

Surface Runoff Loading Rate Plan. Is the plan submitted under Chapter 8 of this ordinance that includes a site drainage plan, anticipated pollutant runoff calculations, and demonstrates how the development will achieve the applicable Surface Runoff Loading Rates.

Tract. The term “tract” is used interchangeably with the term “lot” particularly in the context of a subdivision, where a “tract” is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interest.

Triplex. Means a structure designed for three families.

Undisturbed Area Vegetation Management Plan. Is a plan which describes how the vegetation within an undisturbed area will be managed.

Undisturbed Area. Means the area that is designated within an approved plat as undisturbed area.

Variance. Means permission to depart from the literal requirements of the subdivision ordinance by virtue of unique hardship due to special circumstances regarding a person’s property.

Very High Slope. Means an area of land with a slope that is equal to or greater than 25%.

Wastewater System Maintenance Plan. Is the plan which describes required maintenance practices for sanitary treatment and/or conveyance practices.

Watershed. Means all the land area that contributes runoff to a surface water.

## **Chapter 3: Subdivisions, Application, Procedure, and Approval Process**

### **Section 3.1 Pre-Application Conference**

Whenever a subdivision of a tract of land is proposed to be made, the subdivider or his/her agent may submit to the Department of Planning and Development a sketch plat and data concerning existing conditions within the site and in its vicinity for review and comment. The purpose of the submittal is to acquaint the subdivider with this code and policies of the Pulaski County Planning Board and to convey intentions regarding the subdivision to department staff regarding the proposed layout and type of development. Any such discussion with the Planning and Development staff will be for informative purposes only and shall not be considered binding on the subdivider or the Pulaski County Planning Board or Planning and Development staff.

### **Section 3.2 Schedule**

The Pulaski County Department of Planning and Development shall maintain a schedule of the meeting dates of the Pulaski County Planning Board. The schedule shall include a submission deadline for all applications to the Pulaski County Planning Board for each meeting. The submission deadline shall be at least 15 business days prior to the Board's scheduled meeting.

### **Section 3.3 Replats and Lot Splits**

#### **A. Replats**

1. A replat shall be defined as the combination or recombination of previously platted lots or portions thereof, where the total number of the lots combined is not increased and where no new street, change in existing streets, or new public right-of-way is proposed, and where each lot or lots will be served by an existing street.
2. A replat, as defined herein, may be approved by the Pulaski County Planning and Development Director provided that the replat meets all requirements of a minor subdivision as stated in this code.

#### **B. Lot Splits**

1. A lot split shall be defined as the one-time division of a lot within a previously platted subdivision into no more than two lots and where no new street, change in existing streets, or new public right-of-way is proposed, and where both of the resulting lots will be served by an existing street.
2. A lot split, as defined herein, may be approved by the Pulaski County Planning and Development Director provided that the lot split meets all requirements of a minor subdivision as stated in this code and increases the number of lots in said subdivision by no more than three (3) lots or ten (10) percent whichever is greater.

### Section 3.4 Minor Subdivisions

#### A. Definition

A minor subdivision shall be defined as any subdivision containing not more than three lots, that front on an existing street, not involving any new street or road construction, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Road Plan or Map or this code.

#### B. Procedure

1. The subdivider of a proposed minor subdivision shall submit to the Department of Planning and Development a plat and supporting documents that meet all requirements of a Final Plat as stated in this code.
2. The Director of the Department of Planning and Development shall forward the application for a minor subdivision to the Pulaski County Planning Board to be considered for approval at its regularly scheduled meeting.
3. The Pulaski County Planning Board shall approve, approve with conditions, table for no longer than 60 days, deny, defer at the applicant's request or grant variance (s) for the submitted minor subdivision application in accordance with the purposes and procedures outlined in this code.
4. Subsequent to approval of the minor subdivision Plat by the Pulaski County Planning Board, the Director of the Department of Planning and Development shall sign the submitted plat to certify that the applicant has met all requirements and conditions of the Pulaski County Planning Board and that the plat may be recorded with Pulaski County Clerk.

### Section 3.5 Major Subdivisions

#### A. Definition

A major subdivision shall be defined as all subdivisions not classified as minor subdivisions, including but not limited to the subdivision of four or more lots, or any size subdivision requiring any new street or extension of public facilities or the creation of any public improvements.

#### B. Procedure

1. The subdivider of a proposed major subdivision shall submit to the Department of Planning and Development a plat and supporting documents that meet all the requirements of a Preliminary Plat as stated in this code.

2. The Director of Planning and Development shall forward the application for a major subdivision to the Pulaski County Planning Board to be considered for approval at its regularly scheduled meeting.
3. The Pulaski County Planning Board may approve, approve with conditions, table for no longer than 60 days, deny, defer at the applicant's request or grant variance (s) for the submitted major subdivision application in accordance with the purposes and procedures outlined in this code.
4. Subsequent to approval of the major subdivision Preliminary Plat by the Pulaski County Planning Board, the Director of the Department of Planning and Development or their designee shall sign to certify the submitted plat if the applicant has met all requirements and conditions of the Pulaski County Planning Board and the construction of the subdivision may commence.
5. After the construction, inspection, and completion of all improvements required by the Pulaski County Planning Board, the applicant shall submit to the Department of Planning and Development an application for Final Plat approval in accordance with the provisions of this code.
6. Subsequent to approval of the major subdivision Final Plat by the Pulaski County Planning Board, the Director of the Department of Planning and Development or their designee shall sign the submitted plat to certify that the applicant has met all requirements and conditions of the Pulaski County Planning Board and that the plat shall be recorded with Pulaski County Clerk.

### Section 3.6 Preliminary Plat Application and Specifications

#### A. Application

A Preliminary Plat application shall include the following documents and information:

1. A letter of request to be considered for Preliminary Plat approval and to be placed on the agenda of the Pulaski County Planning Board.
2. Plats, plans, and data as specified in Section 3.6 C, Specifications, concerning existing conditions with the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout, construction, and type of development.
3. Proposed Bill of Assurance.

#### B. Staff Review

1. Upon receipt of the Preliminary Plat application, the Director of the Department of Planning and Development or his or her designee, shall review the application

for conformance with this and any other applicable ordinances or codes of the County under the purview of the Pulaski County Planning Board.

2. The Director of the Department of Planning and Development or his or her designee may recommend changes to the plat or conditions of approval to the Board which are necessary to meet the requirements of this code.

C. Specifications

1. A minimum of 15 copies of the proposed Preliminary Plat shall be submitted to the Department of Planning and Development.
2. The Preliminary Plat shall be clearly depicted. Illegible plats will be rejected. The plat shall not be smaller than 24 inches by 36 inches and shall be drawn at a scale of 1 inch equals 100 feet, unless otherwise permitted by the Pulaski County Planning Board or Director of the Department of Planning and Development.
3. The Preliminary Plat shall contain the following information:
  - a. Proposed name of the subdivision.
  - b. Name and address of the owner of record.
  - c. Source of title showing deed record book and page number or instrument number of the property being subdivided and the adjoining ownerships.
  - d. Name and address of subdivider/developer.
  - e. Date of survey, north point, and graphic scale. The survey of the property shall identify two land corners and provide Arkansas State Plane Coordinates for at least two points
  - f. Preliminary certificate of accuracy by a registered/professional land surveyor.
  - g. Location of the tract by legal description and giving total acreage.
  - h. Vicinity map locating streets or road, section lines, railroads, schools, parks, and other significant features within one-half mile of the proposed subdivision.
  - i. True courses and distances to the two nearest established section or 1/4 section corners and provide Arkansas State Plane Coordinates for both points.



- j. Exact boundary lines of the tract indicated by a heavy line, giving angles and dimensions.
  - k. Contour intervals of not more than four feet. Vertical Datum shall be NAVD88.
  - l. Natural features within the surrounding and proposed subdivision including drainage channels, bodies of water, wooded areas, and other significant features.
  - m. Water courses leaving the tract and the direction of flow and all water courses entering the tract with the drainage area noted above the point of entry.
  - n. Cultural features within and surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipe lines, power transmission lines, all easements, park areas, structures, city and county lines, section lines, and any other relevant features.
  - o. Names of recorded subdivisions abutting the proposed subdivision, with plat book and page number.
  - p. Names of owners and recordation information of un-subdivided property abutting the proposed subdivision.
  - q. Zoning districts, if applicable.
  - r. Proposed layout of including lot lines with dimensions, lot numbers, block numbers, street and alley lines with proposed street names, rights-of-way and widths, sites reserved for public facilities, sites for non-residential and non-public uses, and building lines with dimensions.
  - s. The lot area for each lot. If the lot is less than one-acre, the area shall be listed in square feet. If the lot is greater than one acre, the area shall be listed in acres to the hundredth decimal place.
  - t. Lots shall be developed with as little waste as possible.
  - u. Certificate of Engineering Accuracy if designed improvements are included in the subdivision.
4. The Preliminary Plat shall also be accompanied by the following information:
- a. A summary of the proposed development which provides information such as the overall development plan, the type of structures, the number of dwelling units, and types of non-residential uses.

- b. Existing and proposed covenants and restrictions.
- c. Source of water supply.
- d. Provisions for sewage disposal, drainage and flood control regardless of lot size.
- e. Letters or certificates of approval or disapproval from the city, county, state federal or other agencies, as well as from applicable utility companies and volunteer fire districts. Such information shall be obtained and submitted by the subdivider.
- f. Cross-sections of all streets.
- g. Centerline profiles of preliminary street grades.
- h. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- i. Storm drainage plan including, but not limited to, the identification of drainage areas, culvert sizes, velocities calculations, and type of materials.
- j. FEMA Panel Number and Floodway/Floodplain designation.

Section 3.7 Final Plat Application and Specifications

A. Application

A Final Plat application shall include the following documents and information:

- 1. A letter of request to be considered for Final Plat approval and to be placed on the agenda of the Pulaski County Planning Board, if required.
- 2. The Final Plat and other documents as specified in Section 3.7 C.
- 3. Bill of Assurance.

B. Staff Review

- 1. Upon receipt of the Final Plat application, the Director of the Department of Planning and Development or his or her designee, shall review the application for conformance with this code and any other applicable ordinances or codes of the County under the purview of the Pulaski County Planning Board.

2. The Director of the Department of Planning and Development or his or her designee may recommend changes to the plat or conditions of approval to the Board which are necessary to meet the requirements of this code.

C. Specifications

1. A minimum of 15 copies of the proposed Final Plat shall be submitted to the Department of Planning and Development.
2. The Final Plat shall be clearly depicted. Illegible plats will be rejected. The plat shall not be smaller than 24 inches by 36 inches and shall be drawn at a scale of 1 inch equals 100 feet, unless otherwise permitted by the Pulaski County Planning Board or the Director of the Department of Planning and Development.
3. The Final Plat shall conform to the approved Preliminary Plat specifications, conditions of approval, and design criteria as stated in this code.
4. The Final Plat may constitute only a portion or phase of the approved preliminary plat, provided that the plat conforms to the requirements of the Pulaski County Planning Board's conditions of approval, and this code. A minimum of 3 lots from the approved preliminary plat, must be included in any final plat application.
5. The Final Plat shall contain the following information:
  - a. Name of subdivision.
  - b. Name and address of owner.
  - c. Source of Title giving the deed and record book and page number or instrument number.
  - d. Name and address of subdivider.
  - e. Date of survey, date of drawing, north point and graphic scales. The survey of the property shall identify two land corners and provide Arkansas State Plane Coordinates for at least two points.
  - f. Location of the tract by legal description and giving total acreage.
  - g. Vicinity map locating streets and roads, section lines, railroads, schools, parks, and other significant features within one-half mile of the proposed subdivision.
  - h. Map key.

- i. True courses and distances to the two nearest established section corners or quarter section corners and provide Arkansas State Plane Coordinates for both points.
- j. Exact boundary lines of the tract indicated by a heavy line, or other acceptable traverse, giving dimensions to the nearest one-hundredth foot and angles to the nearest second which shall be balanced and closed with an error of closure as established by the minimum State of Arkansas survey standards.
- k. Municipal, county or section lines accurately tied to the lines of the subdivision by distances and angles.
- l. Street and alley and other right-of-way lines with location and width with street names indicated.
- m. Street centerlines showing angles of deflection, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.
- n. Lot and block numbers.
- o. Easements and public service or utility rights-of-way lines giving dimensions, locations, and purposes.
- p. Accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purposes indicated thereon, and of any areas to be reserved by deed covenant or the bill of assurance for common uses of all property owners.
- q. Accurate location and description of all monuments.
- r. Lot dimensions, angles, arcs, and chords of rounded corners
- s. Certificate of Engineering Accuracy if designed improvements are included in the subdivision.
- t. Certificate of Surveying Accuracy.
- u. Certificate of Owner.
- v. Certificate of Recording.
- w. Certificate of Final Plat Approval.

6. The Final Plat shall be accompanied by the following information and documents:

- a. Certification of water supply and sanitary sewer disposal by the appropriate agency regardless of lot size.
- b. All calculations and field notes.
- c. Required bonds, letters of credit, cash deposits, escrow or other surety to ensure the completion, performance or maintenance of improvements. See Section 3.10 for details on surety submittals.
- d. An electronic copy of the Final Plat in AutoCAD format.
- e. FEMA Panel Number and Floodway/Floodplain designation.
- f. All elevation certificates as required by the Pulaski County Floodplain and Flood Damage Prevention Ordinance 15-OR-23 as amended from time to time.

Section 3.8 Plat Certificates

A. Preliminary Plat Certificates

1. Certificate of Surveying Accuracy

I, \_\_\_\_\_, hereby certify that this proposed Preliminary Plat correctly represents a survey completed by me, or under my supervision on \_\_\_\_\_, 20\_\_\_\_ that the boundary lines shown herein correspond with the description in the deeds cited in the source of title; and that all monuments which were found or placed on the property are correctly described and located.

---

Date of Execution	Name (signature)
	Registered Professional Surveyor
	No. _____Arkansas

2. Certificate of Engineering Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plan of improvements made by me or under my supervision; and that all requirements of the Pulaski County Subdivision and Development Code have been fully complied with.

---

Date of Execution	Name (signature)
	Registered Professional Engineer
	No. _____Arkansas

3. Certificate of Preliminary Plat Approval

All requirements of the Pulaski County Subdivision and Development Code 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 of Execution

\_\_\_\_\_  
Name (signature)  
Pulaski County Planning &  
Development Director

4. Certificate of Owner

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted and subdivided and do hereby lay off plat and subdivide said real estate in accordance with the within plat.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name (signature)  
Address

Source of Title. D.R. \_\_\_\_\_ Page \_\_\_\_\_ Instrument No. \_\_\_\_\_

B. Final Plat Certificates

1. Certificate of Surveying Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a survey completed by me, or under my supervision on \_\_\_\_\_, 20\_\_\_\_\_, that the boundary lines shown herein correspond with the description in the deeds cited in the source of title(s); and that all monuments which were found or placed on the property are correctly described and located.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name (signature)  
Registered Professional Surveyor  
No. \_\_\_\_\_Arkansas

2. Certificate of Engineering Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plan of improvements made by me or under my supervision and that all requirements of the Pulaski County Subdivision and Development Code have been fully complied with.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name (signature)  
Registered Professional Engineer  
No. \_\_\_\_\_ Arkansas

3. Certificate of Final Approval

Pursuant of the Pulaski County Subdivision and Development Code, this document was given approval by the Pulaski County Planning Board. All of the conditions of approval having been completed, this document is hereby accepted and this certification executed under the authority of said code.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name (signature)  
Pulaski County Planning & Development  
Director

4. Certificate of Owner

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted and subdivided and do hereby lay off plat and subdivide said real estate in accordance with the within plat.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name (signature)  
Address

Source of Title. D.R. \_\_\_\_\_ Page \_\_\_\_\_ Instrument No. \_\_\_\_\_

Section 3.9 Bills of Assurance

A. Criteria

Bills of Assurance submitted for review and approval by the Pulaski County Planning Board shall meet the following criteria.

1. The owner shall sign and certify that:
  - a. He/she is the owner of the land described;
  - b. He/she has ordered the land to be surveyed and divided into lots as shown on the plat;
  - c. He/she has adopted this name for the subdivision;

- d. All lots shall hereafter be transferred in deeds as lots numbers of the named subdivision.
  2. An accurate legal description shall be provided for the land which is platted.
  3. A procedure for revision or amendment of the document shall be included in the document.
  4. A section is included offering dedication of streets, alleys, parks and other public lands; establishing easements; and setting forth privileges and conditions, if applicable.
- B. Revisions to the Bills of Assurance affecting Pulaski County requirements, whether established by this code or action of the Pulaski County Planning Board, must be approved by the Pulaski County Planning Board.

### Section 3.10 Assurance for Completion and Maintenance of Improvements

#### A. Completion of Improvements

Before the final subdivision plat is signed by the Director of Planning and Development, all applicants shall be required to complete, in accordance with the Pulaski County Planning Board's decision and to the satisfaction of the Director of Public Works, all the street, sanitary, drainage, and other public improvements, including lot improvements on the individual lots of the subdivision, as required in this code, as specified in the Final Plat, and as approved by the Pulaski County Planning Board. Improvements intended for maintenance by the County use shall be required to be dedicated to Pulaski County, free and clear of all liens and encumbrances on the dedicated property and public improvements.

#### B. Agreement

##### 1. Posting of Bond, Letter of Credit, Cash Deposit, Escrow, or Other Surety

The Pulaski County Planning Board in its sole discretion may vary the requirement that the applicant complete all public improvements prior to approval of the final subdivision plat and, as an alternative, permit the applicant to post a bond, letter of credit, cash deposit, escrow, or other surety by which the subdivider agrees and covenants to complete all required public improvements no later than one year following the date on which the Director of the Department of Planning and Development signs and certifies the Final Plat.



2. Maintenance

- a. The applicant shall agree to maintain each required improvement or post a bond, letter of credit, cash deposit, escrow, or other surety to guarantee such maintenance for a period of one year following the acceptance of the dedicated and completed improvements.

3. Performance

- a. The applicant shall also post a bond, letter of credit, cash deposit, escrow, or other surety to guarantee that all required public improvements will be free from defect for a period of one year following the acceptance of the last completed public improvements.

C. Surety Conditions

Bonds, letters of credit, cash deposits, escrow, or other sureties shall:

- 1. Run to the County.
- 2. Be in an amount determined by the Director of Public Works to be 120% of the estimated cost of completion, maintenance, or performance of the required improvements and held by the Public Works Director or his designated representative.
- 3. Be issued by a surety company entered and licensed to do business in the State of Arkansas and
- 4. Specify the time for the completion of improvements and installations.
- 5. Letters of Credit shall:
  - a. Be irrevocable;
  - b. Be for a term sufficient to cover the completion, maintenance, and performance periods; and
  - c. Require only that Pulaski County present the credit with a sight draft and an affidavit signed by the County Attorney attesting to the county's right to draw funds under the credit.
- 6. Cash Escrows shall provide:
  - a. That the subdivider will have no right to a return of any of the funds except as provided in Section 3.10 D;

- b. That the escrow agent shall have a legal duty to deliver the funds to the County whenever the County Attorney presents an affidavit to the agent attesting to the County's right to receive funds whether or not the subdivider protests the right.

D. Release or Reduction of Surety

Pulaski County will not accept dedication of required improvements, nor release or reduce the amount of any surety posted by the subdivider until the Public Works Director has determined that all required improvements have been satisfactorily completed. Sureties shall be released or reduced once the Public Works Director has determined the improvements are complete.

Section 3.11 Inspection of Improvements

Proposed public improvements in subdivisions shall be inspected by Pulaski County staff or any persons hired for such inspection. Fees for such inspections shall be collected in accordance with any such ordinance enacted by the County.

Section 3.12 Acceptance of Improvements

A. Plat Approval

The approval of a subdivision plat by the Pulaski County Planning Board shall not be deemed to constitute or imply the acceptance by Pulaski County of any street, easement, park, or other improvement shown on the plat. Streets or roads will be accepted by the County as prescribed by law.

B. Subdivisions in Municipal Planning Areas

Subdivision plats located in a municipal planning area shall be processed according the procedures outlined in Arkansas Code Annotated (A.C.A.) §§ 14-17-201, ET. Seq. However, public improvements that do not meet the minimum requirements of this code for design, construction, or other improvements shall not be accepted for County maintenance. Furthermore, Pulaski County shall not accept for maintenance any public improvements in a subdivision for which a certificate of approval for the Pulaski County Planning Board is not placed on the plat and duly executed by the Director of Planning and Development.

Section 3.13 Expiration of Plats

A. Preliminary Plats

Preliminary Plat approval shall be valid for two-years from the date of certification by the Director of the Department of Planning and Development that the applicant has met all requirements and conditions of the Pulaski County Planning Board. Thereafter, the Preliminary

Plat shall be null and void if no work is actively progressing on the installation of the required improvements. This section shall not have the effect of voiding the Preliminary Plat in which work is actively progressing on the installation of the required improvements. The Preliminary Plat is locked-in when the first phase of the Preliminary Plat is Final Platted. Preliminary Plats may be extended on a per-year basis as approved by the Pulaski County Planning Board.

**B. Final Plats**

Final Plat approval shall be valid from the date of certification by the Director of the Department of Planning and Development that the applicant has met all requirements and conditions of the Pulaski County Planning Board and that the plat may be recorded with the Pulaski County Clerk. If the Final Plat is not filed for record with the Pulaski County Clerk within One Year (365 calendar days), the plat shall be null and void.

**C. Phasing**

A minimum of 3 lots from the approved preliminary plat, must be included in any final plat application.

## **Chapter 4: Design Criteria**

### Section 4.1 General Principles

#### A. Access

Every subdivision shall be served by a publicly dedicated street or streets with adequate capacity to serve the proposed subdivision.

#### B. Conformance to Municipal and County Plans

1. All proposed subdivisions shall conform to the Master Road Plan in effect at the time of submission to the Pulaski County Planning Board.
2. All streets, roads, or other features of the Master Road Plan shall be platted by the subdivider in the location and to the dimension as indicated on the Master Road Plan.
3. Where streets, roads or other public features of the Master Road Plan are located in whole or in part in a proposed subdivision, the Pulaski County Planning Board may require the reservation of land for future public facilities as so indicated in the Plan.

#### C. Other Regulations

No plat of land within the planning area jurisdiction of a municipality shall be approved unless it conforms to the standards of the municipality. Whenever there is a discrepancy between this code and other regulations, the most restrictive rules or regulations shall apply. See Section 3.12

#### D. Street and Subdivision Names

The Pulaski County Planning Board shall have the authority to review the street names and subdivision names and require changes in any proposed names.

#### E. Landlocked Parcels Prohibited

The creation of landlocked parcels within a subdivision or the act of subdividing a portion of land where the remaining un-platted land is landlocked is prohibited.

#### F. New Private Streets

Private streets/roads may be approved by the Pulaski County Planning Board only under the following circumstances:

1. When the design standards conform to public streets/roads standards as specified in this chapter.

2. When there is no possibility of through traffic.
3. When they will not unreasonably limit access to adjacent parcels, hinder logical traffic pattern(s), or otherwise be contrary to the public interest.
4. When the subdivider provides for permanent maintenance in the bill of assurance. This maintenance shall include water lines, fire hydrants, and/or other utility facilities.

Section 4.2 Design Specifications

A. Streets

1. Street systems within proposed subdivisions shall be planned to extend existing streets or projections that exist in the surrounding area to allow for efficient transportation and traffic circulation. Street extensions shall be extended at the same or greater width, but in no case shall the width be less than the required minimum width.
2. Street Right-of-Way Widths

Street Type	Minimum Width
Principal Arterials	120 feet (or per ETJ requirement if inside a municipal planning area)
Minor Arterials	90 feet (or per ETJ requirement if inside a municipal planning area)
Collector Roads	(per ETJ requirement if inside a municipal planning area)
	Not within a municipal planning area – 70 feet
Local Roads	With curb and gutter – 50-60 feet (or per ETJ requirement if inside a municipal planning area) See Master Road Plan
	Without curb and gutter – 50-60 feet (or per ETJ requirement if inside a municipal planning area) See Master Road Plan
Alleys	20 feet
Cul-de-sacs	With curb and gutter – 50 feet
	Without curb and gutter – 60 feet
Cul-de-sac turn-around	With curb and gutter – 100 feet
	Without curb and gutter – 120 feet

3. Street Pavement Widths (see Master Road Plan for Urban Street Pavement Requirements)

Street Type	Minimum Width
Principal Arterials	As determined by specifications
Minor Arterials	40 feet (or per ETJ requirement if inside a municipal planning area)
Collector Roads	34 feet (or per ETJ requirement if inside a municipal planning area)
Local Roads	With curb and gutter – 28 feet (back of curb to back of curb) (or per ETJ requirement if inside a municipal planning area)
	Without curb and gutter – 28 feet (shoulder to shoulder) (or per ETJ requirement if inside a municipal planning area)
Alleys	20 feet
Cul-de-sacs	With curb and gutter – 28 feet (curb to curb)
	Without curb and gutter – 28 feet (shoulder to shoulder)
Cul-de-sac turn-around	40 feet pavement radius (includes intermediate cul-de-sacs.)

4. Subdivisions that adjoin portions of existing streets shall dedicate additional right-of-way to meet the minimum right-of-way width requirement. Additionally, the subdivider shall be responsible for construction of any road improvements required by the Pulaski County Public Works Director. Subdivisions within a Municipal Planning Boundary (ETJ) shall construct street improvements as required by the Municipality's Master Street Plan.

5. Grades

Street Type	Maximum Grade
Principal Arterials	9 percent
Minor Arterials	9 percent
Collector Roads	12 percent
Local Roads	15 percent
Alleys	15 percent
Cul-de-sacs	15 percent

Street grades along the gutter shall not be less than one half of one percent provided adequate drainage can be obtained.

6. 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. Detailed designs of intersections may be required.
7. Property lines radius at street intersections shall not be less than twenty-five (25) feet and when the angle of street intersection is less than ninety (90) degrees, the Board may require a greater radius.
8. Curb line radius at street intersections shall be at least twenty-five (25) feet and where the angle of the street intersection is less than ninety (90) degrees, the Board may require a greater radius. Minimum centerline radius on continuous streets shall be 100 feet.
9. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall not be permitted.
10. Cul-de-sac streets or courts designed to have one end permanently closed shall be no more than nine hundred (900) feet long. A cul-de-sac turnaround shall be provided at intervals of no more than 900 feet. A cul-de-sac right-of-way diameter of at least one hundred (100) feet shall be provided. All permanent dead end streets shall have a cul-de-sac or turnaround meeting the requirements above. Temporary dead end streets or streets to be continued in a subsequent phase of a subdivision shall have a 40' Radius graveled cul-de-sac.
11. Alleys may be required at the rear of lots as so deemed appropriate by the Pulaski County Planning Board.
12. Standard specifications for construction of roads and streets will be according to standards of the American Association of State Highway and Transportation Officials (AASHTO), the Arkansas Highway and Transportation Department or the Master Road Plan, as determined appropriate by the Planning Board.

B. Blocks

1. Residential blocks shall not be more than 660 feet in length, except as the Pulaski County Planning Board considers necessary to secure efficient use of land or to achieve desired features of the street system. In blocks over 330 feet long, the Board may require the subdivider to dedicate and construct a paved public crosswalk across the block.
2. Residential blocks shall be wide enough to provide two rows of lots of minimum depth along with the necessary alleys and easements, except where fronting on freeways, expressways or major thoroughfares or prevented by topographical conditions or size of the property, in which case the Board may approve a single row of lots of minimum depth.

C. Lots

1. Minimum Lot Size

- a. Where a public, centralized water and sewer system of adequate capacity are available and will be utilized for the proposed development, the minimum lot size shall be 6,000 square feet.
- b. Where a public, centralized water system of adequate capacity is available and will be utilized, and where individual sewage disposal systems will be utilized, the minimum lot size shall be 20,000 square feet.
- c. Where no public centralized water system of adequate capacity is available and where private wells will be utilized in conjunction with individual sewage disposal systems, the minimum lot size shall be one-acre.
- d. Where a private water system and a private sewage treatment system of adequate capacity are to be utilized for a proposed subdivision, the minimum lot size shall be 6,000 square feet.

2. Lot Design

- a. When a lot fronts on streets other than local or collector roads, the Pulaski County Planning Board may require that the lots be provided with frontage roads or require a re-design to reverse frontage lots.
- b. In so far as practical, side lot lines shall be perpendicular or radial to street lines. Each lot shall abut upon a public street or road.
- c. The size, shape and orientation of every lot shall be as the Pulaski County Planning Board deems appropriate for the type of development and use contemplated. No lot shall be more than four (4) times as deep as it is wide nor shall any lot average be less than one hundred (100) feet deep.

3. Lot Setbacks

Building setbacks for lots shall be as shown in the following table:

Usage	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard (Corner Lots)
Residential (single family) See Appendix A figures 1 & 2	25	25 (not required on corner lots)	8 feet	25
All Other Uses See Appendix A figure 3 and 4	40	25 feet plus one foot for each foot of building height over 20 feet	10 feet plus ½ a foot per foot of building height over 20 feet	40



4. Reverse frontage lots shall not be platted except under exceptional circumstances in which case the building lines shall be established on both frontages, and the Pulaski County Planning Board may require a planting screen reservation of at least ten (10) feet wide and across which there shall be no right of vehicular access provided along the line of lots abutting streets classified as minor or principal arterials (See Appendix A figure 5).
5. No nonresidential structure (including multi-family) shall be constructed any closer than forty (40) feet from a property line that is adjacent to a single family residential use (See Appendix A figures 3 and 4).
6. Accessory buildings shall meet all lot setback requirements.

#### D. Easements

Easements for drainage, utility lines, or other public utilities shall not be less than ten (10) feet in width. The Pulaski County Planning Board may require additional easement width where deemed appropriate.

1. Utility or drainage easements in road rights-of-way are to be a minimum of ten (10) feet on either side of the street.
2. Public facilities' access easements shall not be less than twenty (20) feet.

#### E. Parking

The following four (4) parking angles are allowed with their respective width and depth dimensions for stalls and maneuvering areas.

1. Parallel: width 22', depth 9' and a maneuvering area of 11' (See Appendix A figure 6).
2. Right Angle: width 9', depth 20' and a maneuvering area of 20' (See Appendix A figure 7).
3. Sixty-degree Angle: width 9', depth 18' and a maneuvering area of 18' (See Appendix A figure 8).
4. Forty-five-degree Angle: width 9', depth 18' and a maneuvering area of 12' (See Appendix A figure 9).

## **Chapter 5: Improvements**

### **Section 5.1 General**

Every subdivider shall be required to install at his/her own expense the improvements described in this code.

### **Section 5.2 Improvements in Municipal Planning Areas**

Improvements in a municipal planning area shall be as follows:

- A. Street grading;
- B. Storm drainage facilities; All storm drainage facilities, including cut and fill, that are essential components of the drainage system of a proposed subdivision shall be located in the public right-of-way.
- C. Street paving (Asphalt);
- D. Curbs and gutters;
- E. Sidewalks; Sidewalks on both sides of the street shall be required when the proposed subdivision is located within 1,320 feet of a school (or per ETJ requirements ).
- F. Street name signs and all other directional/instructional signs necessary for the subdivision;
- G. Water supply and provision for fire hydrants and adequate fire pressure as determined by the municipality and local fire department in which the development is located;
- H. Sanitary sewer;
- I. Monuments (1 ½" x 3.0' iron pipe) at all corners of the subdivision;
- J. Iron pins at all lot corners.

### **Section 5.3 Improvements in Non-Municipal Planning Areas**

Improvements in areas that are not located in a municipal planning area shall be as follows:

- A. Street grading;
- B. Storm drainage facilities; All storm drainage facilities, including cut and fill, that are essential components of the drainage system of a proposed subdivision shall be located in the public right-of-way.

- C. Street paving (Asphalt);
- D. Sidewalks on one side of the street shall be required when the proposed subdivision is located within 1,320 feet of a school.
- E. Street name signs and all other directional/instructional signs necessary for the subdivision;
- F. Water supply and provision for fire hydrants and adequate fire pressure as determined by the serving water district if there is one, and also by the requirements of the local fire department.
- G. Sanitary sewer;
- H. Monuments (1 ½" x 3.0' iron pipe) at all corners of the subdivision;
- I. Iron pins at all lot corners.

Section 5.4 Street Grading

- A. All streets shall be graded in conformance with the standards set forth in the Master Road Plan.
- B. Finished grades shall be in conformance with the standards set forth in the Master Road Plan.

Section 5.5 Street Paving

Street paving widths shall be in conformance with the standards set forth in the Pulaski County Master Road Plan or if located within an ETJ, the Municipality's Master Street Plan.

Section 5.6 Street Signs

Street signs shall be placed on two diagonally opposite corners of each street intersection.

Section 5.7 Curbs and Gutters

Curbs and gutters where required by this code shall be installed on all streets.

Section 5.8 Sidewalks

- A. Sidewalks shall be designed in accordance with the standards of the Americans with Disabilities Act.

- B. The Pulaski County Planning Board may require additional sidewalks and wider sidewalks within 1320' of commercial areas, schools, and other places of public assembly. Sidewalks shall be placed in the street right-of-way, but shall be separated from the back of the curb by at least 2 feet.

Section 5.9 Utilities

A. Water Supply

1. Where a public water supply is within 1,320 feet of a proposed subdivision, the subdivider shall install or have installed a system of water mains and connect to such water supply and provide for fire hydrants and adequate fire pressure as determined by the serving water district if there is one, and also by the requirements of the local fire department.
2. Where a public water supply is not within 1,320 feet of a proposed subdivision, the subdivider shall furnish the Pulaski County Planning Board satisfactory evidence that a sufficient quantity of water of a quality approved by the Arkansas Department of Health or the Arkansas Department of Environmental Quality is available to each individual lot.

B. Sanitary Sewage Disposal

1. Where a public sanitary sewer is within 300 feet of a proposed subdivision, the subdivider shall connect with such sewer and provide a connection to each lot.
2. Sanitary sewer systems shall be installed prior to the installation of street pavement.
3. Where a public sanitary sewer is not within 300 feet of a proposed subdivision, an alternate method, such as a private sewage treatment system or an individual sewage disposal system, shall be used when in compliance with the standards of the Arkansas Department of Health or the Arkansas Department of Environmental Quality, and other applicable laws.

C. Storm Drainage

1. Every subdivision shall be served by storm drainage facilities including but not limited to drains, sewers, catch basins, culverts and other facilities.
2. All drainage facilities shall be so designed to serve the area draining through the subdivision. All drainage easements shall be indicated on the Final Plat.
3. All surface water drainage shall be transported to existing storm sewers or to drainage facilities approved by the Pulaski County Director of Public Works.

4. All storm drainage facilities, including but not limited to cut and fill required to adequately direct storm drainage shall be located within the public right-of-way.
5. All storm water practices shall be in accordance with the Pulaski County Stormwater Management Ordinance, Ordinance No. 07-OR-71 as amended from time to time, to the extent such ordinance is applicable.

#### Section 5.10 Other Utilities

Other public facilities, except service connections and underground facilities shall be located outside of the right-of-way of streets in platted alleys or in dedicated utility easements. All Utility lines shall be constructed without breaking into the surface or sub-grade of the street. Boring underneath the street and sub-grade may be required where deemed appropriate by the Director of Public Works.

#### Section 5.11 Monuments

Monuments shall comply with Arkansas state survey minimum standards.

## **Chapter 6: Additional Regulations**

### **Section 6.1 Additional Dwellings, Duplexes, Multi-Family, Non-Residential Development and Expansions of Existing Non-Residential Developments**

The development of a parcel, platted or un-platted, with more than one dwelling unit, such as an additional single-family house, duplex, multi-family unit(s), a non-residential development or an expansion of existing non-residential development by increasing the gross floor area by ten (10) percent or more shall be reviewed by the Department of Planning and Development in accordance with the provisions as set forth in this chapter.

### **Section 6.2 Application Procedure**

- A. The developer or owner of a parcel proposed for development with an additional dwelling, duplex, multi-family unit(s), or with a non-residential use shall submit to the Department of Planning and Development a Site Plan and supporting documents that meet all requirements of a Site Plan as stated in Section 6.3.
- B. The Director of the Department of Planning and Development or his or her designee shall review the application for consistency with the requirements of this code. If the application meets the criteria as set forth in this code, the Director of Planning and Development shall approve the development and authorize construction.
- C. If the application does not meet the criteria as set forth in this code, the applicant may withdraw the application, or request that the application be forwarded to the Pulaski County Planning Board to be considered for approval with the necessary variance (s) at its regularly scheduled meeting.
- D. The Pulaski County Planning Board shall approve, approve with conditions, table for no longer than 60 days, deny, defer at the applicant's request or grant variance (s) for the submitted Site Plan application in accordance with the purposes and procedures outlined in this code.

### **Section 6.3 Site Plan Requirements**

Site Plans for additional dwellings, duplexes, multi-family units, a non-residential development or an expansion of existing non-residential developments by increasing the gross floor area by ten (10) percent or more shall include the following:

- A. A letter of request for Site Plan review.
- B. Proposed name of the development.
- C. Name and address of the owner of record.
- D. Source of title showing deed record book and page number or instrument number.

- E. Name and address of the developer.
- F. Date of survey, north point, and graphic scale. The survey of the property shall identify two land corners and provide Arkansas State Plane coordinates for at least two points.
- G. Seal and signature of a registered/professional land surveyor.
- H. Seal and signature of a registered/professional engineer, where required by the Department of Planning & Development.
- I. Location of the tract by legal description and giving total acreage.
- J. Vicinity map locating streets or road, section lines, railroads, schools, parks, and other significant features within one-half mile of the proposed development.
- K. Exact boundary lines of the tract indicated by a heavy line, giving dimensions, angles and dimensions.
- L. Contour intervals to mean sea level datum of not more than four feet.
- M. Natural features within the surrounding and proposed development including drainage channels, bodies of water, wooded areas, and other significant features.
- N. Water courses leaving the tract and the direction of flow and all water courses entering the tract with the drainage area noted above the point of entry.
- O. Cultural features within and surrounding the proposed development including existing and platted streets, bridges, culvers, utility lines, pipe lines, power transmission lines, all easements, park areas, structures, city and county lines, section lines, and any other cultural features.
- P. Names of recorded subdivisions abutting the proposed development, with plat book and page number.
- Q. Names of owners of un-subdivided property abutting the proposed development.
- R. Zoning districts, if applicable.
- S. A summary of the proposed development which provides information such as the overall development plan, the type of structures, the number of dwelling units, and types of non-residential uses.
- T. Existing covenants and restrictions.

- U. Source of water supply and provide for fire hydrants and adequate fire pressure as determined by the serving water district if there is one, and also by the requirements of the local fire department.
- V. Provisions for sewage disposal, drainage and flood control.
- W. Letters or certificates of approval or disapproval from the city, county, state or other agencies, as well as from applicable utility companies. Such information shall be obtained and submitted by the developer.
- X. Storm drainage plan including, but not limited to, the identification of drainage areas, culvert sizes, velocities calculations, and type of materials as required by the Department of Planning and Development.
- Y. Such other information as required by the Department of Planning and Development or the Pulaski County Planning Board.

#### Section 6.4 Site Plan Design Criteria

##### A. Generally

Applications for additional dwelling units, duplexes, multi-family or non-residential development must demonstrate that the proposed site is able to sustain the proposed development and has adequate public or private facilities available to serve the proposed development.

##### B. Design Criteria

###### 1. Additional Dwelling Units

- a. Setbacks: Setbacks for additional single family units shall adhere to the setbacks for residential buildings as established in Chapter 4 of this code.
- b. Parking: A minimum of one off-street parking space shall be provided for an additional single-family dwelling unit.

###### 2. Duplexes/Triplexes/Quadroplexes

- a. Setbacks: Setbacks for duplexes, triplexes, or quadroplex units shall adhere to the setbacks for non-residential buildings as established in Chapter 4 of this code.
- b. Parking: A minimum of one and a half off-street, graveled or paved, parking spaces shall be provided for each unit within a duplex, triplex, or quadroplex. Designated ADA parking space surfacing must comply with The Americans with Disabilities Act requirements.



3. Multi-Family

- a. Setbacks: Setbacks for multifamily units shall adhere to the setbacks for non-residential building as established in Chapter 4 of this code.
- b. Parking: A minimum of one and a half off-street, graveled or paved parking spaces shall be provided for each unit within a multifamily development. Designated ADA parking space surfacing must comply with The Americans with Disabilities Act requirements.

4. Non-Residential Development

- a. Setbacks: Setbacks for non-residential development shall adhere to the setbacks for non-residential buildings as established in Chapter 4 of this code.
- b. Parking: A minimum of one graveled or paved parking space per 400 square feet of floor space for an office use; one space per 300 square feet of floor space for a commercial use; and one space per 600 square feet of floor space for industrial uses. Designated ADA parking space surfacing must comply with The Americans with Disabilities Act requirements.

5. All Site Plans shall adhere to the standards of the American with Disabilities Act.

Section 6.5 Multiple Building Lots

When a development is proposed to locate across lot lines, the property shall first be platted or re-platted into a single parcel in accordance with the procedures outlined in this code prior to development.

Section 6.6 Setbacks on Un-platted Property

Setbacks on un-platted property shall be the same as those set forth for residential and non-residential buildings in Chapter 4 of this code.

Section 6.7 Development within the Extra-Territorial Planning Jurisdiction of a Municipality

Development occurring within the Extra-Territorial Planning Jurisdiction of a Municipality is subject to the development guidelines and regulations established by that Municipality.

Section 6.8 Compliance with Pulaski County Master Road Plan

All development subject to this Chapter shall dedicate right of way as needed to comply with the requirements of the Pulaski County Master Road Plan.

1. Right of way shall be conveyed to Pulaski County in the form of an executed Quit-Claim Deed.

## **Chapter 7: Industrial Subdivisions**

### **Section 7.1 Generally**

Any subdivider of land for industrial purposes within Pulaski County shall submit to the Pulaski County Planning Board plats of the subdivision and plans for indicated improvements according to these regulations. These regulations are specifically for industrial developments.

### **Section 7.2 Purpose**

- A. The industrial requirements established in this chapter are designed to further the general purposes of this code and more particularly to achieve the following purposes.
- B. To meet the needs of the County areas expecting industrial economy by making available a wide range of suitable sites for all types of manufacturing and related activities.
- C. To protect these manufacturing and related developments against congestion by limiting the bulk of the building in relation to the land around them and to one another and by requiring the provisions of off-street parking and loading facilities.

### **Section 7.3 Street Design Requirements**

The following are design requirements for any proposed industrial development:

- A. Street right-of-way widths:

Street Type	Minimum Width
Principal Arterials	200 feet or as determined by specifications (or per ETJ requirement if inside a municipal planning area)
Minor Arterials	100 feet (or per ETJ requirement if inside a municipal planning area)
Collector Roads	(per ETJ requirement if inside a municipal planning area)
	Not within a municipal planning area – 70 feet
Local Roads	60 feet (or per ETJ requirement if inside a municipal planning area)
Alleys	20 feet
Cul-de-sacs	60 feet
Cul-de-sac turn-around	130 feet in diameter (or per ETJ requirement if inside a municipal planning area)

B. Street paving widths and types.

Street Type	Minimum Width
Principal Arterials	As determined by specifications
Minor Arterials	48 feet (or per ETJ requirement if inside a municipal planning area)
Collector Roads	44 feet (or per ETJ requirement if inside a municipal planning area)
Local Roads	36 feet (or per ETJ requirement if inside a municipal planning area)
Alleys	20 feet
Cul-de-sacs	36 feet
Cul-de-sac turn-around	100 feet in diameter (or per ETJ requirement if inside a municipal planning area)

- C. Grades - The maximum allowable grades shall be 6% on all streets within the subdivision or on a boundary street of a subdivision.
- D. The property line radius at street or alley intersections shall be a minimum of 50 feet; and if the angle of street or alley intersections is less than 90 degrees, the Board may require a greater radius.
- E. Curb lines radius at street or alley intersections shall be at least 50 feet and where the angle of street or alley intersection is less than 90 degrees, the Board may require a greater radius, and the intersection designed to accommodate turning movements of industrial vehicles.

Section 7.4 Improvements

- A. Every subdivider shall be required to install at his own expense the following improvements in addition to all other required improvements of this code.
- B. All street pavements shall be designed to accommodate the type and volume of vehicular traffic encountered.
- C. The drainage within the street right-of-way shall be underground and all other drainage shall be either underground or have a concrete lining.
- D. Provide for fire hydrants and adequate fire pressure as determined by the serving water district if there is one, and also by the requirements of the local fire department, if a water line is within 1320 feet, as per Section 5.9.A.1.
- E. All parking areas and loading docks for wheeled vehicles shall be so designed that all maneuvering room shall be on private property.

Section 7.5 Lot or Tract Design Requirements

- A. Front and side yard exterior building lines shall be a minimum of 50 feet on all local roads and a minimum of 70 feet on all roads classified higher than a local road ( See Appendix A figures 3 and 4).
- B. The side yard interior building line shall be a minimum of 30 feet from all other property lines (See Appendix, A figures 3 and 4).
- C. The area of all buildings combined shall not exceed 50% of the lot area.

Section 7.6 Alternate Required Improvements for Industrial Subdivisions

The following improvements and requirements are alternates in lieu of curb and gutter and underground drainage.

- A. Pavement widths for local roads shall be a minimum of 28 feet with 8 foot paved shoulders. These shoulders shall be designed to meet 75 percent of the design requirements for the pavement. A double surface treatment may be used for these shoulders.
- B. Open unpaved drainage ditches will be permitted in street right-of-ways or easements provided it meets the following requirements:
  - 1. The side slopes shall commence a minimum of 4 feet from the edge of the paved shoulders;
  - 2. The side slope for both slopes of the ditch shall be at 4 to 1 or lesser slope;
  - 3. The maximum high water ditch elevation for designed capacity shall be a minimum of 6" below the bottom of the base of the pavement;
  - 4. Street right-of-way width shall be a minimum of 10 feet beyond the tip of the back slope requirements;
  - 5. Concrete head walls and/or flume type structures shall be required for all underground facilities as required;
  - 6. Bills of Assurance will require adjoining property owners to mow and maintain the right-of-way and/or drainage easement adjacent to this property.
  - 7. All drainage ditches shall be designed for appropriate erosion control (such as sodding, ditch checks, rip rap, ditch paving, or other acceptable engineering practices).

8. In the case of open drainage within the street right-of-way, the following shall be the set back lines from the center line of the right-of-way.

Street Type	Minimum Setback (From Centerline)
Principal Arterials	160 feet (or per ETJ requirement if inside a municipal planning area)
Minor Arterials	120 feet (or per ETJ requirement if inside a municipal planning area)
Collector Roads	100 feet (or per ETJ requirement if inside a municipal planning area)
Local Roads	70 feet (or per ETJ requirement if inside a municipal planning area)
Cul-de-sacs	70 feet (or per ETJ requirement if inside a municipal planning area)
Cul-de-sac turn-around	105 feet (or per ETJ requirement if inside a municipal planning area)

Section 7.7 Individual Tract Plats

The Pulaski County Planning Board shall have the right to approve all Final Plats in individual tracts provided that they comply with all requirements of the Board, that the Board has approved a Preliminary Plat and there is no street dedication involved.

## **Chapter 8: Additional Requirements for Land Development Located in the Watershed of a Public Water Supply**

### **Section 8.1 Applicability**

The provisions of this Chapter shall apply to land development located within the watershed of a designated public water supply reservoir(s), in addition to all other applicable provisions of this Ordinance. The County will, by Ordinance, identify the public water supply reservoir(s) in Pulaski County to which Chapter 8 applies.

### **Section 8.2 Wastewater Discharge**

- A. No Plat or Site Plan shall be approved without a Wastewater Management Plan which includes:
1. Design plans for either a Force Line System or an On Site System for management of wastewater that are certified by a registered professional engineer and approved by the Engineering Section of the Arkansas Department of Health, and in the event an RME has been designated, approved by the RME;
  2. A Wastewater System Maintenance Plan that is certified by a registered professional engineer, and in the event an RME has been designated, approved by the RME; Force Line Systems are the preferred method for managing wastewater. On Site Systems may also be used. Surface discharges of wastewater, with the exception of discharges permitted under the National Pollutant Discharge Elimination System (NPDES) storm water discharge program, are prohibited.
- B. Force Line Systems and On Site Systems shall be designed and constructed to meet the applicable requirements of the Rules and Regulations Pertaining to Wastewater Systems, Arkansas Department of Health and the applicable regulations of the Arkansas Commission on Pollution Control and Ecology.
- C. If the wastewater system is not constructed by the RME, the Bill of Assurance shall include appropriate provisions to dedicate the wastewater system to the RME and/or to assign the right to implement the Wastewater Maintenance Plan to the RME, such that if an RME is designated to assume responsibility for wastewater system operation and/or maintenance, the RME may do so and charge the Developer or POA or lot Owner a reasonable fee.

### **Section 8.3 Stormwater Management**

No Preliminary Plat or Site Plan shall be approved without a Stormwater Management Plan which demonstrates that the Surface Runoff Loading Rates from the Development will achieve the values specified in Table 1, below.

Table 1. Applicable Surface Runoff Loading Rates from New Developments

Total Phosphorus (pounds/acre/year)	Total Sediment (tons/acre/year)	Total Organic Carbon (pounds/acre/year)
0.30	0.110	44

Developments that are designed to achieve these Surface Runoff Loading Rates, according to the Surface Runoff Loading Rate Plan certified by a registered professional engineer, shall be deemed to comply with this section.

Section 8.4 Performance Standard Approach for Achieving Surface Runoff Loading Rates

The Performance Standards Approach manages stormwater runoff from new Development by allowing engineered storm water Best Management Practices (hereinafter “BMPs”) to meet the Surface Runoff Loading Rates.

- A. Structural BMPs and Compensatory Environmental Projects may be utilized as an alternative to or in combination with the Conservation Design Approach to achieve the applicable Surface Runoff Loading Rates. BMP design criteria and surface runoff loading rates that can be expected to be achieved for specific BMPs will be specified in the Stormwater Management and Drainage Manual to be adopted by the Pulaski County Quorum Court by separate ordinance. The Surface Runoff Loading Rate Plan must include documentation, and a certification from a registered professional engineer, that the proposed BMPs will achieve the applicable Surface Runoff Loading Rates, when constructed in accordance with the Stormwater Management and Drainage Manual.
- B. To the extent that the Stormwater Management and Drainage Manual does not address the design and/or expected loading rate for the particular BMP or series of BMPs that are proposed, the Surface Runoff Loading Rate Plan must document that the proposed BMPs, when used in other watersheds, have demonstrated the ability to achieve the applicable Surface Runoff Loading Rates. Online documents such as the Handbook for New Development or Redevelopment at the California Stormwater Quality Association (CASQA) website or relevant portions of the City of Knoxville’s Best Management Practices (BMP) Manual – October 2007 may be used as an interim guideline design document until a watershed specific manual can be developed. Expected loading rates shall be based on performance analysis results from the International Stormwater BMP Database using case study BMP influent and effluent concentration values that are representative of the influent runoff concentrations expected for the proposed development.
- C. When the Performance Standard Approach is proposed, a copy of the Surface Runoff Loading Rate Plan and the BMP Maintenance Plan must be submitted with the Preliminary Plat application. Preliminary Plat applications utilizing the Performance Standard Approach shall be submitted to the Pulaski County Planning and Development



Department no later than sixty (60) days prior to the meeting at which they will be heard by the Board.

- D. At the request of the County, the Developer will be required to demonstrate the performance capability of any particular BMP or BMP based design through a monitoring plan implemented as part of the first phase of a development. The monitoring plan must be designed by the Developer such that the results are reasonably representative of BMP performance, and the monitoring is performed for a period of time sufficient to capture representative storm events. Monitoring shall continue for a minimum of (3) years unless the County has agreed that a shorter period of time is adequate for the proposed development and proposed BMPs. The design of the monitoring plan and the cost of the monitoring plan shall be shared by the County and the Developer. In the event the County and the Developer are not able to agree on the terms of a monitoring plan, the Planning and Development Department shall retain an independent registered professional engineer to prepare and implement a monitoring plan, and the cost shall be shared equally between the County and the Developer.
- E. If monitoring is required and initial development phase monitoring results show that applicable Surface Runoff Loading Rates are not being met, the Developer shall be required to mitigate the excess loading by implementation of one or more of the following measures:
1. Rehabilitation or maintenance of the BMP or installation of additional BMPs and/or additional monitoring to demonstrate compliance with the Surface Runoff Loading Rates.
  2. Dedication of sufficient mitigation lands within the Development or in another area of the watershed as Undisturbed Area to mitigate the excess loading. The Pulaski County Planning Board may require, as a condition of plat approval, that the Developer identify and preserve reasonably sufficient lands owned by the Developer within the same watershed as the Development to enable the Board to designate such lands for mitigation should that become necessary.
  3. Completion of a Compensatory Environmental Project on another property in the same watershed as the Development to mitigate the excess loading.
- F. If monitoring is required by the County in accordance with this Section 8.4, the County may also require the Developer to post such bond, letter of credit, cash deposit, escrow or other security as the County deems appropriate to assure the Developer can meet all of its obligations under this Section 8.4, including specifically but not limited to Section 8.4E. In the event the County requires such surety, in any form, the surety shall satisfy all of the requirements of Section 3.10 except as varied by the Pulaski County Planning Board to meet the unique requirements of this Section 8.4. Section 3.10 B.2 shall be inapplicable to any surety posted pursuant to this Section, and such surety if required, shall be maintained for a minimum period of three (3) years following commencement of the monitoring plan implemented pursuant to this Section 8.4.

- G. The Bill of Assurance shall include an appropriate assignment of the right to implement the BMP O&M Plan to the County, to assure that if the BMP O&M Plan is not properly implemented, the County, or its authorized representative, may do so and the County, or its authorized representative, may obtain reimbursement for all costs incurred from the responsible party (i.e. the Developer, the POA or the lot Owner, or other party designated in the Bill of Assurance.)

Section 8.5 Conservation Design Approach for Achieving Surface Runoff Loading Rates

- A. The Conservation Design Approach manages stormwater runoff from new development by designing the Development in such a manner that the Surface Runoff Loading Rates will be achieved. The professional engineer's certification that the proposed Development design will achieve the Surface Runoff Loading Rates must be consistent with the Surface Runoff Loading Rates derived from the Site Evaluation Tool, after the Site Evaluation Tool is adopted by Pulaski County by Ordinance.
- B. Low Slope and High Slope areas and Undisturbed Areas shall be identified as such on the plat or Site Plan. The plat or Site Plan and the Bill of Assurance shall include notations on each lot which identify the restriction on driveway and parking surfaces, the limitation on the undisturbed area, and the limitation on impervious areas that will apply during build out and occupation of the lot. The Bill of Assurance shall include an appropriate assignment of the right to enforce the restrictions on driveway and parking surfaces, and limitations on undisturbed area and impervious areas contained therein to the County, or its authorized representative, and the County, or its authorized representative, must take action pursuant to this paragraph, the County or its authorized representative may obtain reimbursement for all costs incurred from the responsible party (i.e. the Developer, the POA or the lot Owner, or other party designated in the Bill of Assurance).
- C. A site design may provide for an increase in the amount of impervious area on the site by collecting, capturing and managing the runoff on site. The increase in the amount of impervious area shall be proportional to the amount of runoff that is managed such that it does not become runoff to the watershed of a designated public water supply reservoir. For purposes of calculating the percentage of impervious surface in Table 2 and the ratios in Table 3, the portion or proportion of impervious areas for which surface water is captured and managed on site shall not be included.

Section 8.6 Stormwater Management and Drainage Manual

- A. The Pulaski County Planning Board shall, within three (3) months of the adoption of this code, engage the services of a professional consultant to develop a Stormwater Management and Drainage Manual which includes a Site Evaluation Tool.
- B. The Pulaski County Quorum Court shall, within twelve (12) months of the adoption of this code, adopt by separate ordinance, a Stormwater Management and Drainage Manual which includes a Site Evaluation Tool.

Section 8.7 Additional Plat and Site Plan Application Requirements

- A. The following documents shall be submitted with the Plats or Site Plan:
1. A copy of the National Pollutant Discharge Elimination System (NPDES) storm water discharge program permit for construction activity, and a copy of the Construction Activity Pollution Prevention Plan prepared pursuant to that permit.
  2. Wastewater Management Plan.
  3. A Stormwater Management Plan, which includes:
    - i. Surface Runoff Loading Rate Plan;
    - ii. An Undisturbed Area Vegetation Management Plan;
    - iii. If BMPs are proposed, a BMP O&M Plan.
  4. The Plat or Site Plan shall show all pervious and impervious land cover areas as well as mitigation lands as defined in the SET User Guidance and Documentation.
- B. The Bill of Assurance shall include terms which provide for the provision of and responsibility for following:
1. Operation and maintenance of the wastewater treatment system, if the system or any part thereof is to be operated or maintained by the Developer, the POA or the lot Owner.
  2. Management of stormwater during construction in accordance with a Construction Activity Pollution Prevention Plan that complies with this Ordinance.
  3. Maintenance of the applicable impervious limitations, undisturbed area limitations or other limitations specified on the plat for achieving the applicable Surface Runoff Loading Rates.
  4. Maintenance of the Undisturbed Area in accordance with a plan that complies with this Ordinance.
  5. Maintenance of BMPs in accordance with a plan that complies with this Ordinance.
  6. At least once per year during build out of the development, and each five (5) years thereafter, the Wastewater Management Plan, the Construction Activity Pollution Prevention Plan, and the Undisturbed Area Vegetation Management Plan will be reviewed, updated as necessary, and certified by a registered professional

engineer, to assure that those systems continue to achieve the desired functions. If the Performance Standard Approach is utilized, the BMP O&M Plan will also be reviewed, updated as necessary, and certified by a registered professional engineer, to assure that the BMPs are operating in a manner to achieve the Surface Runoff Loading Rates. If a variance has been granted for soil disturbance on very high slopes, the BMP O&M Plan will also be reviewed, updated as necessary, and certified by a registered professional engineer, to assure that any very high slope BMPs that are retained after construction are operating in a manner to achieve their desired functions. Said certified results shall be submitted to the Pulaski County Planning and Development Department.

7. An initial term of not less than fifty (50) years and it shall automatically renew in successive ten (10) year periods unless such Bill of Assurance is terminated in accordance with its terms; provided, however, it being agreed that no Bill of Assurance governed by this Chapter 8 of the code shall terminate without the consent of the Pulaski County Planning Board.

#### Section 8.8 Stormwater Management During Construction

In addition to the requirements of the NPDES stormwater construction permit, the Construction Activity Pollution Prevention Plan shall include the following sediment and erosion control measures:

- A. Limiting land disturbing activity on the site to the extent practical and consistent with the development activities planned;
- B. Re-vegetating of areas disturbed by grading;
- C. Retaining all sediment within the boundaries of the tract to the extent practical;
- D. Re-establishing ground cover to restrain erosion following the construction or development phase;
- E. Establishing stream side buffers and/or or enhanced management controls within streamside buffer areas;
- F. Avoiding the channeling of runoff directly into a water body through the use of swales or other systems to decrease the velocity of stormwater, increase infiltration, allow solids to settle and remove pollutants;
- G. Limiting alteration of natural watercourses such as straightening, widening, or dredging;
- H. Periodic inspections and continued maintenance.

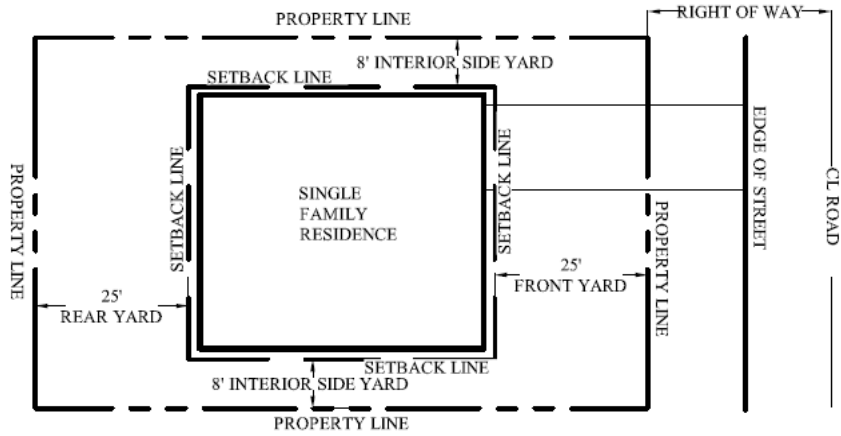
Section 8.9 Undisturbed Area

- A. Any Plat or Site Plan utilizing the land cover classes of Protected Forest, Unprotected Forest and Grassland as outlined in the SET User guidance and documentation must submit an Undisturbed Area Vegetation Management Plan.
- B. Undisturbed Areas must be maintained in a vegetated condition in accordance with an Undisturbed Area Vegetation Management Plan.
- C. An area proposed as Undisturbed Area that was disturbed prior to development or that will be disturbed for purposed of installing approved BMPs, wastewater lines and facilities, utilities, or similar engineered items, may be designated as Undisturbed Area provided it is re-vegetated in accordance with the Undisturbed Area Vegetation Management Plan.
- D. The purpose of the Undisturbed Area Vegetation Management Plan is to provide reasonable measures to preserve the water quality functions of the natural area. The following management activities are allowed in areas designated as Undisturbed Area:
  - 1. Thinning and brush removal using equipment that does not compact the soil or damage tree roots. For example, bulldozers should not be used, but handheld equipment and small tractors equipped with a bush hog are appropriate;
  - 2. Fire management activities such as fire lines, thinning, an prescribed burning conducted by forestry professional according to Arkansas Forestry Commission guidelines are appropriate;
  - 3. Establishment of native understory grasses and other herbaceous species are appropriate;
  - 4. Planting of annual rye grass where bare soil is exposed is appropriate, so long as it is a component of a permanent restoration plan that includes native vegetation.
  - 5. Installation of drip lines for wastewater treated effluent discharge using equipment that does not compact the soil or damage tree roots. For example, bulldozers should not be used but handheld equipment and small tractors equipped with a bush hog are appropriate;
  - 6. Uses of Undisturbed Area that are consistent with maintaining the water quality functions of the area, such as hiking or walking trails, fishing, birding, hunting (as posted), and education are allowed.

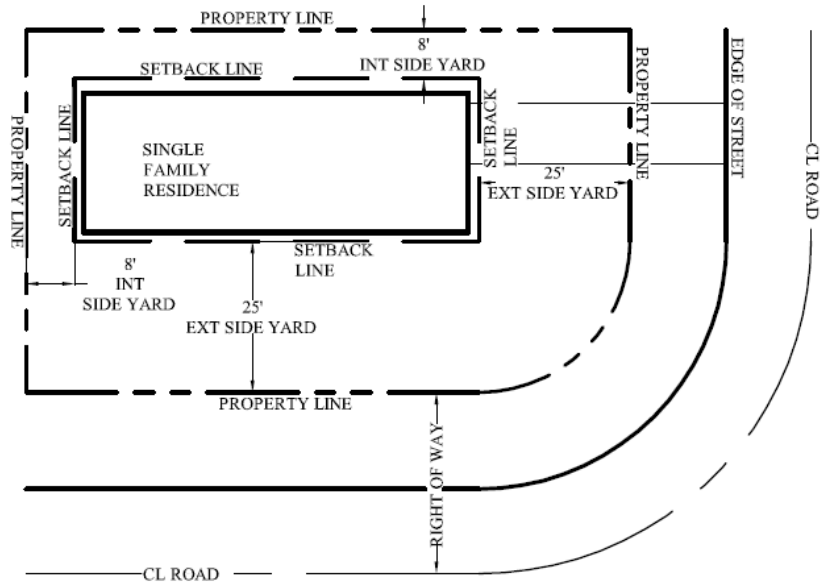
Section 8.10 Very High Slopes

- A. Roads, utilities and other development infrastructure should not be constructed on Very High Slopes, except when necessary, such as when a crossing of Very High Slope land is required.
- B. Except as required under subsection A. above, development is prohibited on slopes with a slope gradient of twenty-five (25) percent or more, provided that a variance may be granted by Pulaski County Planning Board if the following conditions are met:
  - 1. The soil disturbance in areas with slopes equal to or greater than 25 percent (25 %) shall not exceed fifteen percent (15%) of area of the development equal to or greater than 25 percent (25 %) slope.
  - 2. A slope stability analysis by a registered professional engineer is completed for the proposed development features located on very steep slopes, and the analysis demonstrates that the proposed development activities are compatible with the slope stability.
  - 3. The soil disturbance shall be conducted in a manner that minimizes loss of existing vegetation.
  - 4. The angle for graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or other erosion control devices or structures.
  - 5. A Very High Slope BMP Plan shall be prepared and included as part of the Construction Activity Pollution Prevention Plan. The Very High Slope BMP Plan shall contain appropriate sedimentation and erosion control measures designed for the particular slope and soils at the site, and must demonstrate that sediment will be appropriately collected and retained on site through the use of redundant and conservatively designed and well maintained controls.

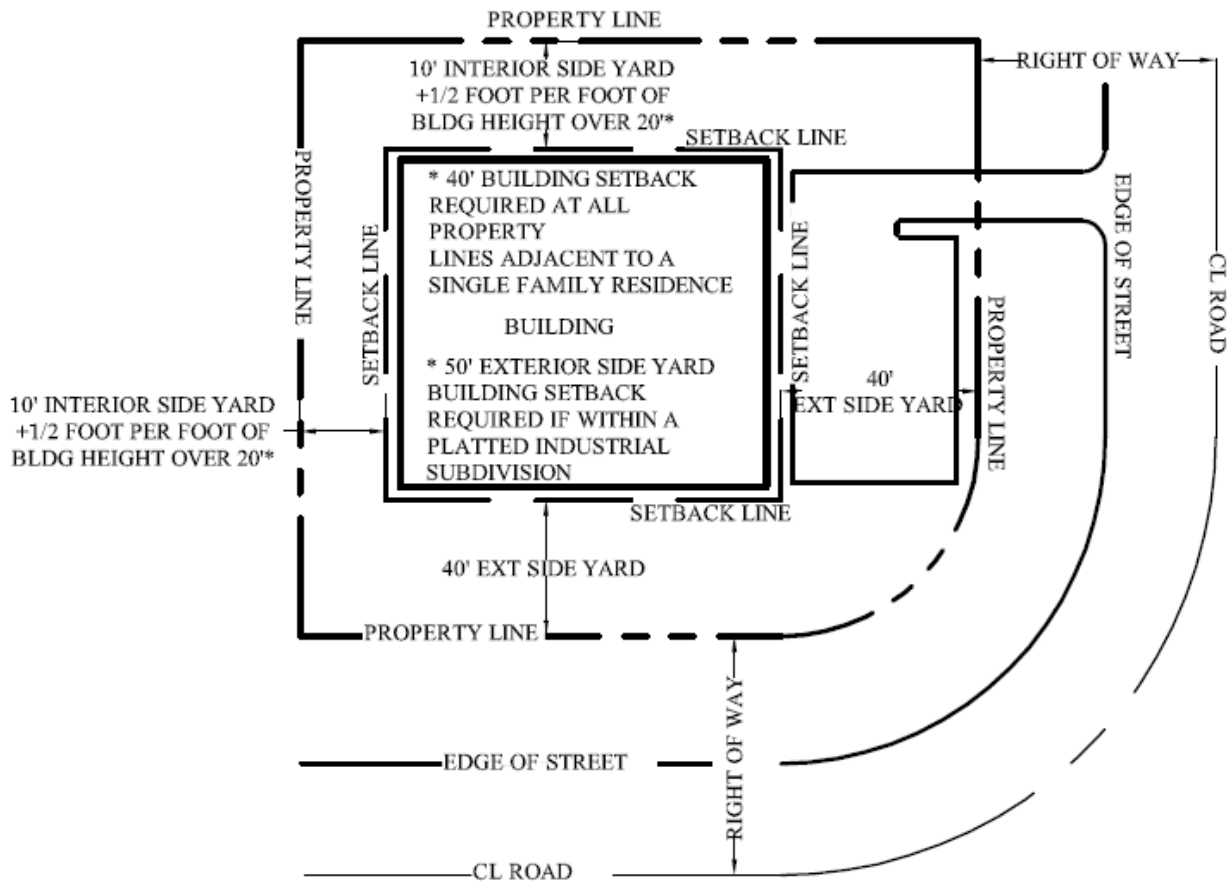
# Appendix A-Lot Setback and Parking Layout Diagrams



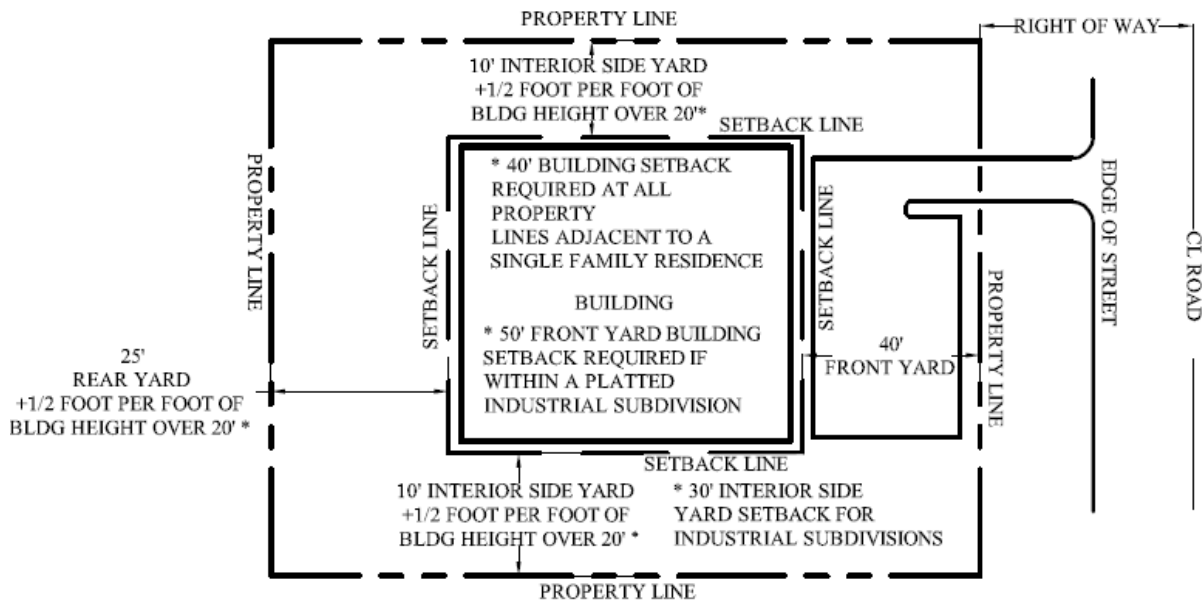
SINGLE FAMILY RESIDENCE  
INTERIOR LOT-SETBACKS (fig 1.)



SINGLE FAMILY RESIDENCE  
CORNER LOT-SETBACKS (fig 2.)

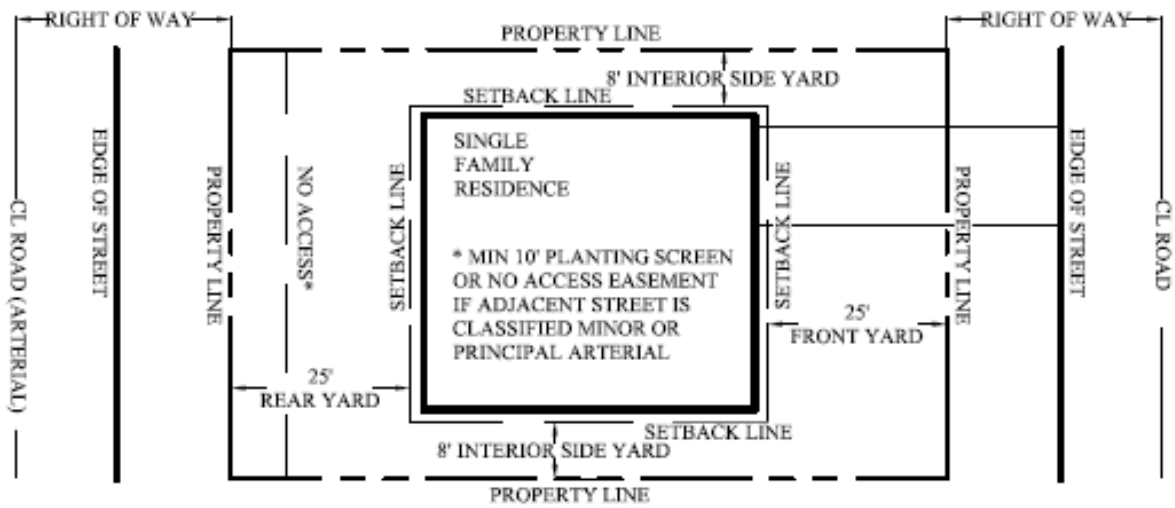


**BUILDING SETBACKS CORNER LOTS ALL OTHER USES (fig 3)**



**BUILDING SETBACKS INTERIOR LOTS ALL OTHER USES (fig 4)**



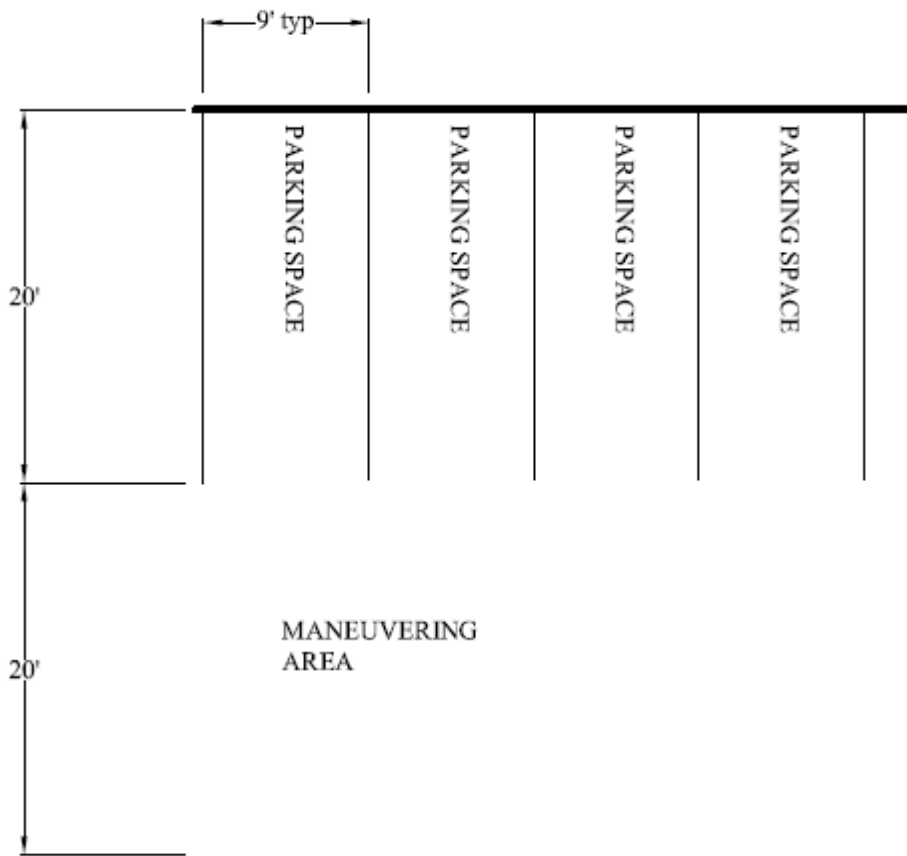


REVERSE FRONTAGE  
LOTS (fig 5.)

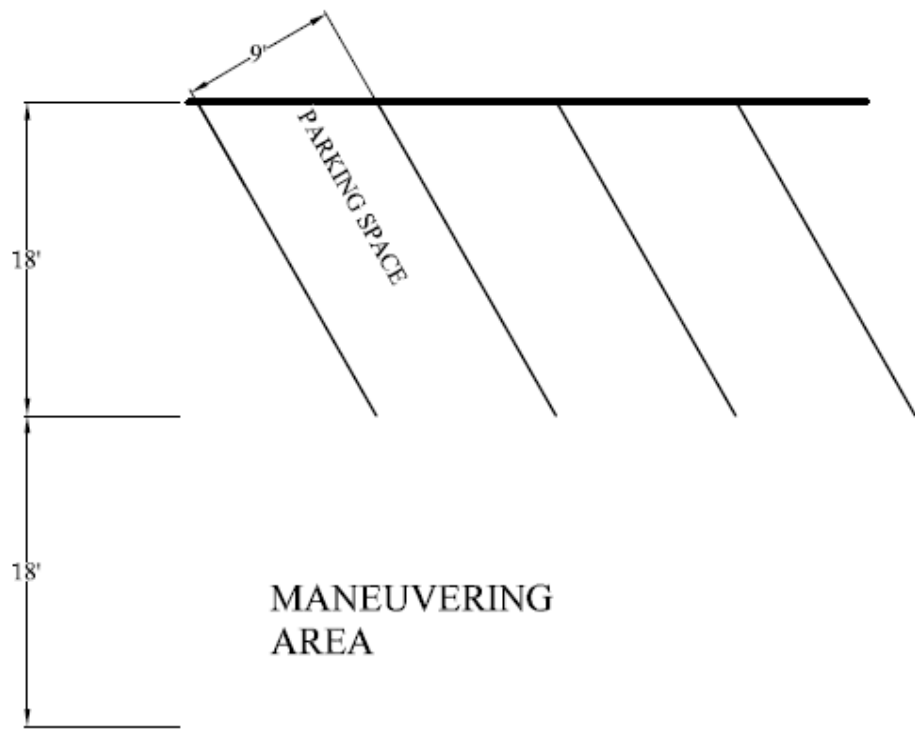
# PARKING LAYOUT DIAGRAMS



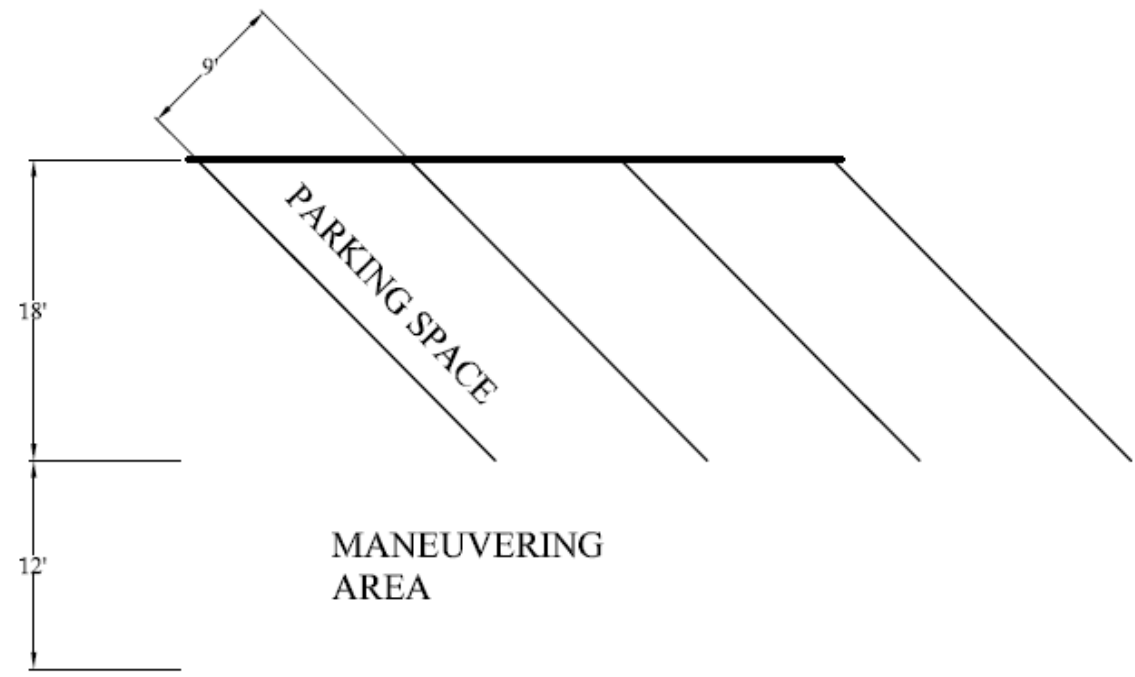
PARALLEL PARKING (fig 6)



RIGHT ANGLE PARKING (fig 7)



60 DEGREE ANGLE PARKING (fig 8)



45 DEGREE ANGLE PARKING (fig 9)