

## **TITLE 15**

### **SUBDIVISION REGULATIONS**

#### **Chapters:**

- 15.04 Subdivision Regulations Adopted by Reference
- 15.08 Amendments
- 15.12 Development Regulations Adopted by Reference

#### **CHAPTER 15.04**

##### **SUBDIVISION REGULATIONS ADOPTED BY REFERENCE**

#### **Sections:**

- 15.04.01 Ordinance adopted by reference
- 15.04.02 Severability
- 15.04.03 Repealed

15.04.01 The "Subdivision Regulations - 1997" of the city of Mountain Home, Arkansas, is hereby adopted in its entirety by reference thereto, as the regulations pertaining to and controlling the development of land in the city of Mountain Home and its planning jurisdiction. (Ord. No. 97-026, Sec. 1.)

15.04.02 Severability The provisions of this ordinance shall be severable; the invalidity, unenforceability, or unconstitutionality of any clause, section, phrase, sentence or part hereof, shall not affect the validity, enforceability, or constitutionality of any other clause, phrase, section or part hereof. (Ord. No. 97-026, Sec. 2)

15.04.03 Repealed All ordinances or parts of ordinances inconsistent herewith are hereby repealed, specifically Ord. No. 616. (Ord. No. 97-026, Sec. 3.)

**CHAPTER 15.08**

**AMENDMENTS**

Sections:

15.08.01 Amendments

15.04.01 Amendments

**Ord. No. 03-18**

Chapter 8, Article 8.2, paragraph C. 1.2 amended:

Residential Type I – (City Streets & Private Streets) – Cul-de-sac turnarounds shall be provided at the end of all deadend streets. Cul-de-sac turnarounds may be symmetrical or asymmetrical. Radii shall be minimum of 38'.

Chapter 8, Article 8.2, paragraph C. 1.3 shall be deleted.

**Ord. No. 04-25**

Chapter 4, Article 4.4,

Submission Six (6) copies each of the sketch plan and letter of intent shall be submitted to the Board Secretary of the Planning Commission at least fifteen (15) working days prior to the scheduled meeting of the Commission at which consideration is requested.

Chapter 6, Article 6.3

Submission Four (4) copies of the preliminary plat and four (4) copies of each of the related documents shall be submitted fifteen (15) working days before the regularly scheduled meeting of the Planning Commission at which time consideration is requested.

Chapter 7, Article 7.3

Submittal The developer shall submit one (1) reproducible mylar and eleven (11) paper copies of the final plat, together with the related documents to the Board Secretary of the Planning Commission at least fifteen (15) working days prior to the regularly scheduled meeting of the Commission at which consideration is requested.

**Ord. No. 06-09**

(1) Section 1.5(B) is hereby deleted in full and replaced with the following:

**1.5 Re-subdivision of Land**

**B. Future Re-subdivisions** Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications of such lots eventually being subdivided into small building sites, the city and the Planning Commission shall require that such parcel of land allow for the future opening of streets and the extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement before plat approval is given.

(2) Section 1.7 is hereby deleted in full and replaced with the following:

**1.7 Variances**

**A. General** The rules and regulations set forth in this ordinance are the standard requirements of the city. Where the Planning Commission and City Council finds, however, that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations so that substantial justice may be done and the public interest secured. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission and City Council shall only approve variances where it finds that:

1. The granting of the variance will not be detrimental to the public safety, health, welfare or injurious to other property.
2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties.
3. Because of the particular physical surrounding, shape of topographical conditions of the specific property involved, strict application of these regulations would deprive the owner of reasonable use of his property.
4. The variance will not in any manner vary the provisions of the Zoning Ordinance, or the General Plan.
5. The variance is not based solely on monetary consideration but has other overriding hardships.

**A-1.** The Subdivision Regulations, Mountain Home, Arkansas adopted by ordinance No. 97-026 on July 17, 1997 and amended thereafter in Chapter 1, Article 1.7 provides for variances to the requirements contained within; and

The Planning Commission at its November 2017 meeting reviewed the request for a variance to Chapter 8, Design Standards, Article 8.2 B 1 DESIGN PARAMETERS, PAVEMENT WIDTH AND LENGTH for the Glenbriar Commons Subdivision. The Commission unanimously approved the variance of width for Residential Local Streets in projects of more than 4.0 lots per gross acre. The standard of 30 feet was reduced to 24 feet for face of curb width.

1. That the City of Mountain Home hereby grants the variance as set forth and approved by the Planning Commission for the development of Glenbriar Commons Subdivision. (Ord. No. 2018-10)

**B. Procedures and Conditions** No variance shall be granted except upon written petition by the subdivider for consideration by the Planning Commission and City Council. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving variances, the Planning Commission and City Council may at its option require special conditions to ensure development in accordance with objectives, standards and requirements of these regulations.

**C. Review by Planning Commission and City Council** The Planning Commission shall review the variance and related documents. The Commission shall approve, approve with stipulated revisions to be made before the development proceeds, or reject the submission due to non-compliance with the regulations. Upon arrival, the Commission will forward the variance to the City Council with a recommendation and placed on the agenda of the next scheduled City Council meeting. The final determination on the granting of the variance shall rest with the City Council.

(3) Definition added to section 2.1:

**Variance** Any deviation from these regulation requirements.

(4) Section 3.1 is hereby deleted in full and replaced with the following:

**3.1 General** The application procedure and approval process for subdivision development shall be accomplished in five stages as follows:

1. Submit a sketch plan of the proposed development, together with a letter of intent to the Planning Commission. All construction work is prohibited until approval of the Preliminary Plat, except for clearing and grading.

2. Submit construction documents to the Planning Commission and applicable departments after approval of the sketch plan and before the Preliminary Plat is reviewed by the Planning Commission.
3. Submit the Preliminary Plat to the Planning Commission, which conforms to the approved sketch plan and construction work shall be allowed after Preliminary Plat is reviewed by the Planning Commission.
4. Submit Final Plat conforming to the approved Preliminary Plat. Final Plat is the completed document, complete in every respect and ready for recordation and sale of lots. No plat shall be recorded prior to Planning Commission approval, and if applicable, acceptance by city ordinance of all dedications with ordinance number to be indicated on plat, nor shall subdivider convey title to a lot or lots before recordation of Final Plat.
5. Recordation of Final Plat. No subdivision Plat shall be recorded prior to the acceptance of public dedications and improvements by the applicable governing bodies.
6. That the plat, public dedications and improvements for Country Club Drive are hereby accepted and the Baxter County Clerk is hereby authorized to record the dedication plat thereof. (Ord. No. 2014-9, Sec. 1)

(5) Section 3.13(2) is hereby deleted in full and replaced with the following:

### **3.13. Lot Splits**

2. **Lots splits for land parcels** Request for parcel split approval shall be made by the owner of the land to the Mayor. There shall be a limit of one lot split per owner per parcel of land. Four (4) copies of a survey of the parcel and the location of the structure(s) thereon, together with the precise nature, location and dimensions of the split, shall accompany the application.

(6) Section 3.6 is hereby deleted in full and replaced with the following:

**3.2 Preliminary Plat Review** The Preliminary Plat shall be placed on the Planning Commission agenda only after the construction documents have been approved by the Mayor, after examination and recommendation by the Building Inspector and the department heads. Refer to Chapter 6 for Preliminary Plat requirements. Any deviations from these regulations are determined by the subdivider, city or Planning Commission shall be a variance and refer to section 1.7 variances.

(7) Section 5.1 is hereby deleted in full and replaced with the following:

**5.1 Construction documents** Upon review and approval of the sketch plan for the complete development, the subdivider shall submit four (4) sets of construction documents for the first section or phase to be developed. The construction documents must be reviewed and approved by all city department heads prior to submission of the Preliminary Plat to the Board Secretary of the Planning Commission. The city department heads will have twenty (20) city business days after submission to review construction documents and approve or return comments to the subdivider. The construction documents for water and sewer shall be approved and signed by the Water and Sewer Superintendent before being submitted to the Arkansas Department of Health. These construction documents shall be signed and sealed by a professional engineer registered in the state of Arkansas and shall include, but not limited to the following: (Amended by Ord. No. 99-012 adopted 5-20-99.)

**5.2 Submission** Submit four (4) sets of construction documents to the Board Secretary of Planning Commission for distribution to the city department heads. Construction documents will then be reviewed for approval twenty (20) city business days after submission. Distribution will be as follows: (Amended by Ord. No. 99-012.)

(9) Section 6.3 is hereby deleted in full and replaced with the following:

**6.3 Submission schedule** Four (4) copies of the Preliminary Plat and four (4) copies of each of the related documents shall be submitted twenty (20) city business days before the regularly scheduled meeting of the Planning Commission at which time consideration is requested. (Amended Ord. No. 04-25.)

(10) Section 6.4 is hereby deleted in full and replaced with the following:

**6.4 Review by Planning Commission** The Planning Commission shall review the Preliminary Plat and related documents for compliance with the regulations. The Commission may approve, approve with stipulated revisions to be made before the development proceeds, or reject the submission due to non-compliance with the regulations. Approval of the Preliminary Plat shall be a prerequisite for commencement of construction, staking of the subdivision, or preparation of the Final Plat. Any deviations from the regulations as determined by the subdivider, city, or Planning Commission shall be a variance and refer to section 1.7 variances.

(11) Section 7.3 is hereby deleted in full and replaced with the following:

**7.3 Submittal of Final Plat** The developer shall submit one (1) reproducible mylar and eleven (11) paper copies of the Final Plat, together with the related documents to the Board Secretary of the Planning Commission at least twenty (20) city business days prior to the regularly scheduled meeting of the Commission at which consideration is requested. All improvement work must be 100% complete before submittal of final plat for review by the city. (Amended Ord. No. 04-25.)

(12) Section 7.6 is hereby deleted in full and replaced with the following:

**7.6 Maintenance guarantee** Upon approval of the Final Plat by the city and as prerequisite for acceptance of improvements and dedications by the City Council, the subdivider shall provide a guarantee of the completed work. Such guarantee shall be as hereinafter set forth or as otherwise accepted by the City Council.

a. Maintenance bond A bond, contractor's warranty, or other bona fide guarantee, made out to the city of Mountain Home, in the amount of ten-percent (10%) of the construction cost of the completed facilities to guarantee repair of defective work or materials for a period of one (1) year from the date of acceptance, by the City Council, of the improvements and dedications.

(13) Section 7.7, 7.8 and 7.9 shall be deleted in their entirety.

**Ord. No. 06-12****1.4 Jurisdiction and application**

- B. The division of land into tracts of five (5) acres or greater where no street right-of-way dedication is required shall not constitute a Lot Split.

Definition added to Section 2.1:

**Subdivision** A division or platting of a tract or parcel of land into two or more lots, building sites or other division for the purpose, whether immediate or future, of sale or building development.

**Ord. No. 06-21****3.13 Lot splits**

1. General intent and definition The Planning Commission hereby delegates to and designates the Mayor or the City Engineer the authority for approving or disapproving lot splits, where a single lot, tract or parcel is being split into two lots. Such authority shall be exercised in accordance with the following regulations.
2. Lot splits for land parcels Request for parcel split approval shall be made by the owner of the land to the Mayor or the City Engineer. There shall be a limit of one split per owner per land. Four (4) copies of the parcel and location of the structure(s) thereon, together with the precise nature, location and dimensions of the split shall accompany the application. (Ord. No. 06-21, Sec. 1.)

**Ord. No. 06-30****6.1 Preliminary plat requirements**

13. Contours shall be at a 2-foot interval on preliminary plats with future street, storm drainage, or sewer dedications to a public body. Contours at a 5-foot interval may be used when there will be only a future water line dedication or when grade is 12% or greater.  
Contours shall cover all easements to be dedicated. Contours shall be based on National Geodetic Vertical Datum, date of adjustment indicated.



8.2 **Streets**

B. Design parameters

1. Pavement width and length

Residential-Local streets:  
All residential local streets shall be 25' back of curb to back of curb.

10.5 **E. Performance tests**

3. Air test

Vitrified clay pipe testing shall comply to ASTM c828. PVC Pips testing shall comply to Uni-Bell Uni-B-6.

Clean and isolate the section of sewer line to be tested. Plug or cap the ends of all branches, laterals, tees, wyes, and stubs to be included in the test to prevent air leakage. The line shall be pressurized to 4psi and allowed to stabilize. After pressure stabilization, the pressure shall be dropped to 3.5 psi greater than the average back-pressure of any groundwater above the sewer. The minimum test time shall be as specified in Uni-Bell Uni-B-6.

4. Manhole testing

Vacuum testing of manholes: All testing shall be in accordance with ASTM C-1244 summarized as follows. All lines to and from the manhole being tested shall be plugged, the plugs restrained, and the vacuum tester head placed on the manhole frame and sealed. A vacuum of 10 inches Hg shall then be drawn on the manhole and the time measured for the vacuum to drop to 9 inches Hg. This time shall not be less than the following table:

Manhole depth	Time
8	20 seconds
10	25 seconds
12	30 second
14	35 seconds
16	40 seconds
18	45 seconds
20	50 seconds
22	55 seconds
24	59 seconds

**Ord. No. 2010-10**

Section 1. Chapter 8, Article 8.5, paragraph D. be amended to read as follows:

- D. Detention/retention facilities shall be used, and the design shall be so a ten (10) year storm will be detained on a minor site and a twenty-five (25) year storm will be detained on a major site. The city shall classify the site as a major or minor site. The discharge rate after development shall not exceed the discharge rate prior to development. This shall include the entire area of the drainage basin where the development is located.
- Any detention facility dedicated to the city of Mountain Home, Arkansas, shall be a finished surface with an 8' wide, 6" thick reinforced concrete strip from inlet to outlet. The retention walls or banks shall have a maximum slope 4:1 slope. Facility shall also have an established ground cover ready to maintain. The engineer shall confer and obtain approval with the city in the design and location of these facilities.
- All detention/retention facilities shall be built before upstream construction takes place. If any of the developer's unplatted property drains into the retention basins, maintenance and upkeep shall be at the owner's expense until all property draining into the basin is final platted.

**Ord. No. 2012-1**

Section 1. Chapter 8, Article 8.6 B.1.e are hereby amended as follows:

- e. All street crossings for service connections of ¾" and 1" services-material must be SDR 9, 200 PSI – PE 3608 – Ultra Pure HDPE water service pipe & Tubing (Blue in color) placed inside a casing of at least one size larger. The length of the casing extending two (2) feet beyond the width of the pavement edge.

Section 2. Chapter 10, Article 10.2-A.2 & A.3

2. PVC: Pressure class 235, dimension ration 18 conforming to AWWA Standard C900 of latest date of issue for sizes 4" – 12" or smaller.
3. All pipes greater than 12" I.D. shall be ductile iron.

Section 3. Chapter 10, Article 10.2-E

- e. Fire hydrants shall be compression type and freeze proof with safety flanges and shall conform to AWWA Standards C502 of the latest date of issue. Hydrants shall have a 5 ¼ " valve opening and be equipped with a pumper nozzle and two – 2 ½ " hose nozzles. Hydrants shall be as manufactured by Mueller, AVK, Clow or equal. In no case shall a hydrant be lower to the finished grade than what is recommended by ISO.

**Ord. No. 2019- 22**

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Leisure Homes Corporation & Thomas J. Embach as set forth on the FINAL PLAT OF GLENBRIAR COMMONS PHASE 1 LOTS GC 90,GC 91, GC 95 thru GC 103, & GC 135 thru GC 139 for the development of Glenbriar Commons Subdivision.

**Ord. No. 2020-2**

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Leisure Homes Corporation & Thomas J. Embach as set forth on the FINAL PLAT OF GLENBRIAR COMMONS PHASE 1 LOTS GC 73 thru GC 77, & GC 116 thru GC 124 for the development of Glenbriar Commons Subdivision

**Ord. No. 2021-12**

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Leisure Homes Corporation & Thomas J. Embach as set forth on the FINAL PLAT OF GLENBRIAR COMMONS PHASE 1 LOTS GC 92 thru GC 94, GC 104 thru 106 and GC 113 thru 115 for the development of Glenbriar Commons Subdivision.

**Ord. No. 2021-14**

1. That the City of Mountain Home hereby accept the final plat, improvements and public dedications of M. Properties, LLC, Jeffrey Magness, Member, as set forth on the Final Replat of Cobblestone Ridge – Phase One, Units 6 through 10.

**Ord. No. 2021-26**

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Leisure Homes Corporation & Thomas J. Embach as set forth on the FINAL PLAT OF GLENBRIAR COMMONS PHASE 1 LOTS GC 78 thru GC 89 and GC 107 thru 112 for the development of Glenbriar Commons Subdivision.

**Ord. No. 2022-27**

1. That the City of Mountain Home hereby accept the final plat, improvements, and public dedications of Hobbs Investments, LLC & Freedom Hobbs as set forth on the FINAL PLAT OF FREEDOM'S LANDING Subdivision.

**Ord. No. 2023-17**

1. That the City of Mountain Home hereby accepts the final plat, improvements, and public dedications of Big Creek Patio Homes as set forth on the FINAL PLAT OF BIG CREEK PATIO HOMES Subdivision.

**CHAPTER 15.12****DEVELOPMENT REGULATIONS ADOPTED BY REFERENCE**Sections:

15.12.01 Ordinance adopted by reference

15.12.01 Ordinance adopted by reference The Development Regulations of the City of Mountain Home, Arkansas, shall be and are hereby adopted by reference. A copy of the Development Regulations are attached hereto as Exhibit "A" and are further adopted by reference. That a copy of the Development Regulations shall be kept on file with the City Clerk of Mountain Home and shall be available for inspection and review during regular business hours. (Ord. No. 2021-13, Secs. 1 & 2)