

ORDINANCE NO. 18- 39

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ROGERS CONCERNING DEDICATIONS MADE IN THE SUBDIVISION PROCESS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers, City Council finds it to be in the best interests of the City of Rogers to update the Code of Ordinances to streamline the final plat requirements of the subdivision process.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Chapter 14, Article V, Division 2, Section 14-581 of the Code of Ordinances, City of Rogers is repealed, replaced, and to read as shown in the attached Exhibit "A";

Section 2: Chapter 14, Article II, Division 2, Sections 14-44 of the Code of Ordinance, City of Rogers is repealed, replaced, and to read as shown in the attached Exhibit "B";

Section 3 - Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

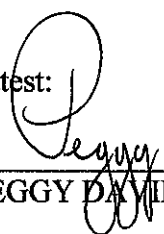

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 24th day of July, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk


Requested By: John McCurdy, Director of the Department of Community Development
Prepared By: Jennifer A. Waymack, Senior Staff Attorney

EXHIBIT "A"**Sec. 14-581. - Final plat submission, approval, and filing.**

After the Planning Commission approves the preliminary plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the Department of Community Development an application for approval of the final plat. If the developer wishes to submit the application for approval of the final plat before the improvements have been completed, subsection (2) of this section shall apply.

- (1) a. *Requirements.* The approval process for the final plat shall consist of the following:
 1. Application for approval of final plat.
 2. Payment of the final plat fee contained in section 14-582.
 3. A submission that meets the submittal requirements requested by Director of the Department of Community Development or his or her designee concerning reproductions or copies of the final plat which shall require the information for final plats contained in subdivision (1)(b) of this section.
 4. Assurances that the improvements indicated in the final plat and/or required by these regulations have been installed or assurances they will be installed. Such assurances shall consist of:
 - i. A certification by the engineer of record that all improvements have been completed and accepted.
 - ii. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.
 - iii. For unfinished sidewalks, the developer shall provide a surety bond for twenty-five (25) percent of the engineer's estimate of total cost for a period of three (3) years. The engineer's estimate of the total cost shall be approved by the Director of the Department of Community Development or his or her designee. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.
- b. The final plat shall include:
 1. Name and address of developer;
 2. Subdivision name, date, graphic scale, north arrow, and acreage;
 3. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;
 4. The location of the corner markers of each lot within the subdivision;
 5. Vicinity map showing zoning and surrounding zoning in proposed development;
 6. Location of all street lights and signs;

7. Certificate of survey accuracy;
 8. Certificate of ownership and dedication;
 9. Certificate of approval to be signed by the Mayor, City Clerk, and Planning Department prior to recordation;
 10. If applicable, certification of acceptance of dedication to be signed by the Planning Department prior to recordation;
 11. Location of existing streets, utility easements and drainage abutting the development;
 12. Minimum finished floor elevation for each lot, at or above curb level except as waived by the Planning Commission;
 13. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;
 14. Flood areas; and
 15. Street rights-of-way dedication.
- c. The final plat shall be submitted to the Department of Community Development with:
1. A letter verifying approval of the sewer and water systems by the state health department and the water and sewer superintendent; and
 2. Certification of drainage improvements including record drawings of the system.
- (2) *Guarantees in lieu of installed improvements.* If the developer chooses to begin building construction or to sell lots within the land development prior to installing the required improvements, final plat shall be referred to the Planning Commission and the Planning Commission may give conditional approval of the final plat under the procedures listed below, and then refer the final plat to the City Council for approval consideration. Drainage improvements are not eligible for guarantees in lieu of completion.
- a. The terms of any such conditional final plat approval shall be noted on the final plat and approved by the Planning Commission before the final plat is filed for record.
 - b. An acceptable surety performance bond shall be filed with the Department of Community Development in an amount equal to 100 percent of the engineer's estimate of the total cost of the improvements for unfinished street work. The engineer's estimate of the total cost shall be approved by the Department of Community Development. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.
 - c. If the developer fails to complete improvements within one year from the date of final plat approval, the City has the option to utilize the performance bond to complete the improvements. In the event a bond is accepted and then forfeited, all accrued interest shall revert to the City.
 - d. When the conditions have been met, a certificate of acceptance by the appropriate agencies shall be filed with the circuit clerk and noted on the original recorded plat.

- (3) *City Council action.* Not more than 60 days after receipt of the final plat and other required information and certifications, the City Council shall approve or disapprove the final plat. The approval or disapproval shall be provided to the developer in writing.
- (4) *Developer's final action.* Upon approval by the City Council, the developer shall:
 - a. Submit to the Department of Community Development the appropriate number of original copies of the final plat with appropriate signatures (use waterproof ink only).
 - b. After all signatures are obtained the final plat, approved covenants, and certifications shall be recorded with the county circuit clerk's office.
 - c. Two recorded copies must be returned to the Department of Community Development.
 - d. When the City Council accepts the improvements into the City street system, no maintenance will be performed by City forces until the maintenance bonds have expired.
- (5) *Signatures.* The final plat shall be signed by the Mayor, the City Clerk, and the Director of the Department of Community Development or his or her designee.
- (6) *Number of plats.* The Department of Community Development may request additional copies of the final plat, if the quantity required by subsection (1)c. of this section is not sufficient for the necessary distribution.
- (7) All public streets and public rights-of-way/easements shall be dedicated to the public using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Rogers is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Rogers is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

- (8) All plats containing private streets and public easements shall be dedicated using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the easements as shown on this plat for public use and benefit. The City of Rogers is granted the rights of ingress and egress to and from said easements. The City of Rogers is granted unrestricted access to the platted

private streets for purposes of access for emergency service personnel. The City of Rogers is granted the right and authority to maintain, service, and improve said easements and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said easements shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said easements. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said easements.

EXHIBIT "B"

Sec. 14-44. - Street geometry.

Requirements	Minor	Collector	Minor Arterial	Major Arterial
Minimum greenspace widths	4.5 feet*	6 feet	6 feet	6 feet
Minimum row width	50 feet	70 feet	80 feet	100 feet
Minimum fore/back slope	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1
Pavement width	30/31 feet B-B*	42 feet B-B	48 feet B-B	68 feet B-B
Pavement thickness	3" Asphalt/ 6" Base 8" Concrete/ 4" Base	See Note 1	See Note 1	See Note 1
Parking	One side*	No parking	No parking	No parking
Sidewalks	5 feet both sides	6 feet	NA	NA
Sidepaths	NA	10 feet	10 feet both sides	10 feet both sides
Design speed	25 mph	30-35 mph	35-40 mph	40-45 mph
Sight distance	250 feet	275 feet	300 feet	350 feet
Intersection to curb cut/drive (CL drive to ROW of intersecting street)	40 feet	100 feet	250 feet	250 feet
Minimum horizontal radius at centerline	150 feet	500 feet	800 feet	800 feet (use 2% super)
Minimum curb radius	30 feet	30 feet	40 feet	50 feet
Minimum street jog	See Note 2			
Minimum horizontal tangent between reverse curves	100 feet	300 feet	400 feet	400 feet
Vertical curves	Required at any grade change $\geq 1\%$, per AASHTO "A Policy on Geometric Design of Highways and Streets", current edition			
Vertical grade	8% maximum (10% with special justification)			
Minimum intersection angle	75 degrees for all classes			
Maximum residential driveway width	36 feet for all classes			
Maximum commercial/ industrial drive width	40 feet for all classes			
Bridge/culvert design	HL-93 loading for all classes, LRFD			

*Varies, see typical section details.

Note 1: The structure of all pavement sections collector and greater shall be designed by a licensed engineer based on a geotechnical investigation. For minor streets, see section 14-45.

Note 2: Normally the distance shall be 150 feet, however this distance may be varied in unusual terrain and topography.

Note 3: In hilly terrain the approach speed may be reduced to 20 mph; the sight distance reduced to 70 feet. If the intersection is signalized, the approach speed will be the posted speed of the road.

General Requirements:

Any street or roadway construction involving federal and/or state highway department funds shall meet the federal/state requirements.

Any sidewalk or crosswalk within public right of way shall be designed to meet PROWAG requirements.

Intersection right of way control shall follow MUTCD guidelines including but not limited to Chapter 2B Section 2B.01 through 2B.10. Four-way stop conditions should be avoided on low volume streets because there will be a tendency for the stop to be ignored and that has potential to train drivers that 4-way stops don't really mean "stop." Any proposal for four-way stops must be reviewed and approved by the Department of Community Development.

Any street stubbed out for future connection by others shall be labeled as such on the plan set. A MUTCD Type III barricade shall be erected at the end and a sign affixed to it which states "Future Road Extension". When adjacent property is developed, it shall connect to the stubbed out street.

Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions. Any subdivision which abuts a similar use per the Comprehensive Growth Plan shall stub out a minimum of one street to that adjacent property. Additional connections may be required by the Director of the Department of Community Development or his or her designee based on size of adjacent property.

Traffic calming methods are required in the design of subdivision streets. Tangent lengths shall not exceed 500 feet for Minor Streets. Studies indicate that operating speeds were 30 mph or less when the tangent sections were no longer than 500 feet. Long tangent sections can be segmented by conditions that require a complete stop, such as T intersection or by conditions that require reduced speeds such as a traffic calming device. Devices that are suggested for new subdivisions include roundabouts, traffic circles, chicanes, and curb extensions (bulbouts). Provisions shall be made to accommodate bike lanes if proposed. Curb extensions and chicanes shall be designed with minimum 20-foot internal radii and 10-foot external radii on all transitions to accommodate street sweepers.