

ORDINANCE NO. \_\_\_\_\_

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO ESTABLISH A SUBDIVISION AND DEVELOPMENT CODE OF GARLAND COUNTY, AND FOR OTHER PURPOSES."

**WHEREAS**, the Garland County Judge has gained approval from the Garland County Quorum Court to establish written policies regarding Subdivision and Development Code in Garland County; and,

**WHEREAS**, the Subdivision and Development Code of Garland County is attached and marked as Exhibit "A"; and,

**WHEREAS**, the Public Health, Welfare and Safety and the Public Works and Buildings Committees have previously met and approved the request; and,

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

SECTION 1. The Subdivision and Development Code of Garland County are hereby approved as written (attached and marked as Exhibit "A").

SECTION 2. **SEVERABILITY.** If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall be codified in the Garland County Code of Ordinance and the sections may be renumbered and re-lettered to accomplish such intention.

ATTEST: \_\_\_\_\_  
Sarah Smith  
Garland County Clerk

APPROVED: \_\_\_\_\_  
Rick Davis  
Garland County Judge

SPONSOR: \_\_\_\_\_  
Matt McKee  
Justice of the Peace

SPONSOR: \_\_\_\_\_  
Larry Griffin  
Justice of the Peace

DATE: \_\_\_\_\_

Subdivision & Development Code  
Of  
Garland County  
**SHORT VERSION**



Garland County Planning and Development  
Garland County Court House  
County Judge's Office  
501 Ouachita Avenue, Room 210  
Hot Springs, Arkansas 71901  
501-622-3600  
Fax 501-622-3799

***Acknowledgements***

County Judge  
Rick Davis

Quorum Court  
Thomas Anderson  
Rebecca Arguello  
Mary Bournival  
John P. Faulkner  
Mickey Gates  
Larry Griffin  
Drew Hudgens  
Donald Laymon  
Matt McKee  
Ray Owen, Jr.  
David T. Reagan  
Marilyn Ridge  
Ellen K. Varhalla

**TABLE OF CONTENTS**

**PAGE**

**CHAPTER 1 – GENERAL PROVISIONS**

Section 1.1 Title ..... 4  
Section 1.2 Authority ..... 4  
Section 1.3 Purpose ..... 4  
Section 1.4 Jurisdiction ..... 4  
Section 1.5 Administration ..... 4  
Section 1.6 Enactment ..... 5  
Section 1.7 Interpretation, Conflict, and Severability ..... 5  
Section 1.8 Variances and Exclusions ..... 5  
Section 1.9 Violations and Penalties ..... 5  
Section 1.10 Fees ..... 6

**CHAPTER 2 – DEFINITIONS**

Section 2.1 Usage ..... 7  
Section 2.2 Definitions ..... 7

**CHAPTER 3 – APPLICATION PROCEDURE AND APPROVAL PROCESS**

Section 3.1 Application and Specifications ..... 10  
Section 3.2 Expiration of Plats ..... 10

**CHAPTER 4 – DESIGN CRITERIA FOR SUBDIVISION OF LAND**

Section 4.1 General ..... 11  
Section 4.2 Design Specifications ..... 11

**GARLAND COUNTY DEVELOPMENT APPLICATION FORM ..... 14**

## **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 Garland 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. Establish reasonable standards and procedures for subdivisions and re-subdivisions to promote proper roads, access to all lands, and long term maintenance thereof.
- B. Ensure land subdivided is in compliance with the Health Department, State Fire Marshall, County Department of Emergency Services, Utility providers, County Department of Environmental Services, and all applicable rules of the County.

### **Section 1.4 Jurisdiction**

- A. This code shall apply to the unincorporated portion of Garland County lying outside the legally adopted planning limits of any municipality. The unincorporated areas of Hot Springs Village and of Diamondhead Community shall be excluded from these regulations.
- B. No developer shall proceed with any construction or work, or convey title to any land on a parcel to be split, divided or subdivided, with the exception of land clearing, surveying or septic system percolation-approval testing, before recording documents subdividing property which contain the signature of the County Judge.
- C. If a proposed development is within the jurisdiction of a city planning commission, the process of that city shall be followed.

### **Section 1.5 Administration**

- A. Garland County shall administer this Subdivision and Development Code. All applications shall be submitted to the County Judge or his designated representative for review and approval. The County Judge may waive any requirement at his discretion. Any action of the County Judge may be appealed to the Garland County Planning Committee. Any action of the Planning Committee may be appealed to the Quorum Court.
- B. The County Judge may designate a representative(s) to act in his behalf with regard to implementation of this Code.
- C. No one shall record the Plat of a Subdivision, Bill of Assurance, or deed which will result in splitting, dividing or subdividing any tract of land before obtaining written approval from the County Judge.

- D. No property number may be issued by the Garland County Department of Emergency Management for a proposed structure requiring a number unless the applicant shows proof that the structure is not located on a lot, tract or parcel which is in violation of this code.

**Section 1.6 Enactment**

- A. In order that land may be subdivided or developed in accordance with this code, this code is hereby adopted and made effective as of \_\_\_\_\_.

**Section 1.7 Interpretation, Conflict, and Severability**

**A. Interpretation**

- 1. In the interpretation and application of the provisions of this code, the requirements shall be held to the minimum requirements for the promotion of the public health, safety, and general welfare.

**B. Conflict**

- 1. 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.
- 2. Upon the adoption of this code as provided by law, all previously adopted ordinances concerning subdivision rules are hereby repealed, except as those sections expressly retained in this code.

**C. Severability**

- 1. 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 1.8 Variations and Exclusions**

**A. Variations**

- 1. Requests for variations shall be submitted to the County Judge in writing. The County Judge will approve or disapprove said request.
- 2. Pecuniary hardship, standing alone, shall not constitute grounds for the granting of a variance.

**B. Exclusions**

- 1. The division of land with regard to judicial action.

**Section 1.9 Violations and Penalties**

**A. Violations and Penalties**

- 1. 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.

2. 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 Garland County have any obligation to allow the addressing of any building or structure constructed in violation of these regulations.

**B. 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 above. No right of action is granted to any private citizen to enforce the provisions of the regulations against another property owner.

**Section 1.10 Fees**

- A. Filing fees for plats and site plans shall be established by the County Quorum Court.

## **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.** 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.

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

**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 tract of land bounded by streets, or by a combination of streets, railroad rights-of-way, shore-lines of waterways, or boundary lines of municipalities.

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

**Construction.** The act of constructing, building, physically altering, or erecting physical improvements, including infrastructure, to land for purposes of sale, lease, or rent. The definition of construction excludes preliminary and/or due-diligence activities including land clearing, surveying and septic system percolation testing.

**County.** The Garland County Government.

**County Judge.** The chief executive officer of Garland County, Arkansas.

**Design Criteria.** Standards that set forth specific improvement requirements.

**Designated Representative.** A person or persons designated by the County Judge to act in his behalf with regard to implementation of this Code.

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

**Development.** A project involving any structure; which requires the approval of a plat pursuant to this code.

**Easement.** 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.

**Frontage.** That side of a lot abutting on a street.



**Individual Sewage Disposal System.** A septic tank, or any other individual sewage treatment device approved by the Arkansas Department of Health and/or by the Arkansas Department of Environmental Quality.

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

**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 Split.** The one-time division of a lot within a previously platted subdivision or existing lot of record 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.

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

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

**Parcel.** See definition of "tract".

**Planning Committee.** A joint committee comprised of three (3) members of The Garland County Public Works and Building Committee and three (3) members of the Public Health, Welfare and Safety Committee.

**Plat.** The drawing of a subdivision to be recorded after approval by the County Judge and any accompanying material as described and required by this code.

**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.

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

**Professional Surveyor.** A land surveyor properly licensed and registered in the State of Arkansas.

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

**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.

**Street.** A dedicated and accepted right-of-way for vehicular traffic which affords the principal means of access to abutting property. For the purposes of this Code, "street" shall be synonymous with "road".

**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 defined, 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) or a change in the existing street(s).

**Tract.** The term "tract" is used interchangeably with the term "lot", or "parcel" particularly in the context of a subdivision, where a "tract" is subdivided into multiple lots sites, units, plots, condominiums, tracts or interest.

**Variance.** Permission to depart from the literal requirements of the subdivision ordinance.

**Work.** See Construction.

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

#### **Section 3.1 Application and Specifications**

- A. A property development application shall include the following documents and information:
1. Completed Garland County Development Application Form
  2. A copy of the County Assessor's parcel ownership map showing the owner's parcel and adjoining surrounding parcels. The County Judge can require a written opinion from a licensed abstractor or Professional Surveyor that no properties will be landlocked by the proposed development.
  3. A plat of the proposed land division.
  4. Bill of Assurance
  5. Application fee.
- B. Specifications of a plat showing the following information:
1. Clearly legible text and information with plat drawn to scale.
  2. Professional Surveyor certification and signature.
  3. Vicinity Map showing distance from a City Limit line.
  4. Stamp and approval of a City Planning Commission if located within the planning limits of a municipality.
  5. Designation of any roads leading to, or inside the development, that will be maintained by Garland County.
  6. Legal description of the property boundary to be developed.
  7. Name of the subdivision.
  8. Existing and proposed easements.
  9. FEMA Panel Number and Floodway/Floodplain designation.
- C. Specifications of Bill of Assurance containing the following information:
1. Owner's notarized signature on the document.
  2. Legal description of the development.
  3. Name of the associated subdivision or development.
  4. Any covenants or restrictions associated with the subdivision or development.
  5. Procedure for revision or amendment of Bill of Assurance.
  6. Establishment and rules of a Property Owner's Association, as necessary.

#### **Section 3.2 Expiration of Plats**

- A. The final Plat shall be recorded by the owner only after the plat has been signed for acceptance by the County Judge. Plats and associated Bill of Assurance shall be duly recorded within six (6) months of plat approval or the plat shall be null and void.

## **Chapter 4: Design Criteria for Subdivision of Land**

### **Section 4.1 General**

#### **A. Access**

1. Every subdivided parcel shall be served by a publicly dedicated street or streets with adequate capacity to serve the proposed subdivision unless the developer clearly requests that the streets remain private and that the Bill of Assurance indicates that future lot owners will be responsible for maintenance.

#### **B. Street and Subdivision Names**

1. The Garland County Office of Emergency Services shall have the authority to review the street names and subdivision names and require changes in any proposed names.

#### **C. Landlocked Parcels Prohibited**

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

#### **D. New Private Streets**

1. Private streets/roads may be approved by the County Judge only under all of the following circumstances:
  - a. When the design standards conform to public street and road standards as specified in the Garland County Master Road Plan and Specifications.
  - b. When there is no possibility of through traffic.
  - c. When they will not unreasonably limit access to adjacent parcels, hinder logical traffic patterns, or otherwise be contrary to the public interest.
  - d. When the subdivider provides for permanent maintenance in the Bill of Assurance. The Bill of Assurance shall contain an adequate, legally enforceable covenant for maintenance of the street. The covenant shall include the provisions for the responsibility for payment of repairs, including each party's representative share and default remedies in the event a party to the covenant fails to comply with his or her obligations. The effective term of the covenant shall be perpetual and binding on any future owners and a provision that the covenant may not be amended or revoked without approval of the County Judge.

### **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 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. Except as provided in Section 4.2.A.1. street design and construction requirements shall be in accordance with the Garland County Master Road Plan and Specifications.

**B. Lots**

**1. Minimum Lot Size**

- a. No lot shall be more than four (4) times as deep as it is wide nor shall any lot average less than one hundred (100) feet deep.
- b. Where a public water and sewer system of adequate capacity are available and will be utilized for the proposed development, the minimum lot size shall be 7,500 square feet and be a minimum sixty (60) feet wide at the building line except for corner lots which shall be a minimum seventy five (75) feet wide at the building line.
- c. Where either a private water supply well and/or an individual sewage disposal system will be utilized, the minimum lot size shall be as required by the Arkansas Department of Health.

**2. Lot Design**

- a. Each lot shall abut upon a public or approved private street or road.
- b. Property lines radius at street intersections (corner lots) shall not be less than twenty-five (25) feet.

**3. Lot Setbacks**

- a. Front yard building setbacks shall be a minimum of forty (40) feet from the centerline of a public or private road, either existing or proposed.

**4. Arkansas Fire Protection Code**

- a. The developer shall obtain approval from the local fire marshal regarding required clearances between existing or proposed buildings prior to the submittal of the Plat.

**5. Accessory Buildings**

- a. Accessory buildings larger than 125 square feet shall meet the lot setback requirements.

**C. Easements**

1. Easements for utility lines, water, sewer, or other public utilities shall not be less than required by the public utility and in no case less than ten (10) feet in width.

**D. Storm Drainage**

1. All storm drainage facilities shall be designed and constructed in accordance with the Garland County Master Road Plan and Specifications and the Garland County Storm Water Code.
2. Easements for drainage shall be a minimum of twenty (20) feet.

**E. Curbs and Gutters**

1. **Curbs and gutters, where installed, shall be in accordance with the Garland County Master Road Plan and Specifications.**

**F. Sidewalks**

1. **Sidewalks, where installed, shall be designed in accordance with the standards of the American Disabilities Act.**
2. **Sidewalks may be required on one side of the street when the proposed subdivision is located within 500 feet of a school building and the street provides direct vehicular access to the school.**
3. **The County Judge may require additional sidewalks within 500' of commercial areas, schools, and other places of public assembly.**
4. **Sidewalks shall be constructed in accordance with the Garland County Master Road Plan and Specifications.**

**G. Survey Monuments**

1. **All surveys and plats shall comply with Arkansas State Minimum Standards for Property Boundary Surveys and Plats.**
2. **Iron pins shall be placed at all lot corners by a Professional Surveyor.**

**Garland County Development Application Form**

Please submit this completed form with required information, attachments and review fee to the Office of the County Judge.

Project Name \_\_\_\_\_.

Owner Name \_\_\_\_\_ Telephone: \_\_\_\_\_.

Address: \_\_\_\_\_.

**Submitted Description**

- \_\_\_\_\_ Plat (Two copies)
- \_\_\_\_\_ Bill of Assurance
- \_\_\_\_\_ Copy of County Assessor's parcel ownership map showing surrounding area.

**Attach herewith comment/approval letter from the following agencies:**

- \_\_\_\_\_ Garland County Health Department (Sanitarian Division)
- \_\_\_\_\_ Arkansas Department of Health (if required)
- \_\_\_\_\_ Garland County Department of Emergency Services
- \_\_\_\_\_ Garland County Department of Environmental Services
- \_\_\_\_\_ Garland County Road Department
- \_\_\_\_\_ Garland County Assessor (Flood Plain determination)
- \_\_\_\_\_ Local Fire Department

**Any supplemental information or attachments submitted, please describe below:**

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Owner Signature \_\_\_\_\_ Printed Name \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid (\$25.00) \_\_\_\_\_ Received By: \_\_\_\_\_