

**TITLE 15**

**SUBDIVISION REGULATIONS**

Chapters:

- 15.04 Adopted By Reference
- 15.08 Accepting Subdivisions
- 15.12 Amendments to Subdivision Ordinances
- 15.16 Regulations for Water Mains and Fire Hydrants

**CHAPTER 15.04**

**ADOPTED BY REFERENCE**

Sections:

- 15.04.01 Adopted by reference

15.04.01 Adopted by reference That the Subdivision and Development Code is hereby adopted, as amended by the public hearing, by reference as the Official Subdivision and Development Code of and for the City of Pocahontas and its Planning Area, pursuant to A.C.A. 14-55-207, by which three copies shall be filed with the Pocahontas City Clerk for public inspection. (Ord. No. 2016-02, Sec. 1 )

**CHAPTER 15.08**

**ACCEPTING SUBDIVISIONS**

Sections:

- 15.08.01 W.A. DeClerk Subdivision
- 15.08.02 Pine Valley Subdivision
- 15.08.03 Lakewood Addition

15.08.01 W.A. DeClerk Subdivision That W.A. DeClerk subdivision to the city of Pocahontas, Arkansas, as shown by the attached plat and legal descriptions which will be on file in the records of the Circuit Clerk and Ex-Officio Recorder of Randolph County, Arkansas, is hereby accepted as a subdivision in said city, and that all streets and all other improvements in said subdivision are hereby accepted into the city of Pocahontas under the appropriate subdivisions codes. (Ord. No. 436, Sec. 1.)

15.08.02 Pine Valley Subdivision That Pine Valley Subdivision to the city of Pocahontas, Arkansas, as shown in Plat Book 1, page 84, of the records of the Circuit Clerk and Ex-Officio Recorder of Randolph County, Arkansas, is hereby accepted as a subdivision in said city, and that all streets and all other improvements in said subdivision are hereby accepted into the city of Pocahontas under the appropriate subdivision codes. (Ord. No. 435, Sec. 1.)

15.08.03 Lakewood Addition That Lakewood Addition to the city of Pocahontas, Arkansas, as shown in Plat Book 1, Page 74, of the records of the Circuit Clerk and Ex-Officio Recorder of Randolph County, Arkansas, is hereby accepted as a subdivision in said city, and that all streets and all other improvements in said addition are hereby accepted into the city of Pocahontas under the appropriate subdivision codes. (Ord. No. 433, Sec. 1.)

## **CHAPTER 15.12**

### **AMENDMENTS TO SUBDIVISION ORDINANCES**

#### Sections:

- 15.12.01 Amendments to Ord. 225
- 15.12.02 Amendments to Ord. 226

#### 15.12.01 Amendments to Ord. 225

Chapter II, Section 3, Subsection 10

**Street Improvements** - All streets are to be provided with curbs and gutters. Streets shall be graded with sized stone not to exceed 1" screen. The developer may at his option, provide hard surfaced streets in conformance with the remainder of this ordinance and in conformance with the requirements of the Arkansas State Highway Department regulation now in existence. The optional requirement is an alteration to the above curb and gutter regulations. (Ord. No. 268, Sec. 2.)

### Section III

**Water Mains** - Hereafter all persons, firms, corporations subdividing lands within the city limits of the city of Pocahontas, Arkansas, shall install size to eight inch water mains in said subdivisions and shall further be required to place fire hydrants in said subdivisions so that no lot in said subdivision shall be more than seven hundred fifty (750) feet by street from a fire hydrant. (Ord. No. 295, Sec. 1.)

#### 15.12.02 Amendments to Ord. 226

##### **Rezoning**

From R-1 to R-2	Lot 1, Block 3 in McHabb Addition
From A-1	Sec. 34, Twp 19 N, Range 1 East to Mobile Home Park
From A-1 to R-1	Lakeview Addition

The zoning map is hereby amended to reflect the changes in Sections 1,2, & 3. (Ord. No. 276, Secs. 1-4.)

### Section 13

#### **Special Use Classification**

That Section 13 of Ord. No. 226 should be amended to add to the special use classification, housing authority, housing project areas and that the lands described in Section 3 of this ordinance should be rezoned and the zoning map amended to change from R-1 residential to special use housing authority project. (Ord. No. 278, Sec. 1.)

**Public Housing Projects** - Section 13 of Ord. No. 226 is hereby amended to provide sub-paragraph 15: public housing projects. (Ord. No. 278, Sec. 2.)

#### **Zoning Map**

The Pocahontas zoning map and zoning ordinance is hereby amended to change the lands hereinafter described from zoning classification of R-1 residential to special use zone, housing authority, housing area. (Ord. No. 278, Sec. 3.)

**CHAPTER 15.16****REGULATIONS FOR WATER MAINS AND FIRE HYDRANTS****Sections:**

- 15.16.01      General provisions
- 15.16.02      Regulations
- 15.16.03      Enforcement, penalties and variances

**15.16.01 General provisions**

- A.    **Purpose** The purpose of subdivision regulation is to control the development of land. Development of land means the extension or opening of streets (public or private), the extension or provision of utilities as water, gas, electric and/or sanitary for the purpose of providing access to and servicing of residential, commercial, or industrial type uses.
- B.    **Intent** Subdivision regulations are designed to promote the health, safety, and general welfare of the citizens, to insure the development of an area in accordance with the plan or plans in effect, and to provide for adequate fire protection.
- C.    **Authority** The Pocahontas Planning and Zoning Commission hereby exercises its authority to make and issue subdivision regulations for the city of Pocahontas under provisions of Act 186 of the 1957 State Legislature and A.C.A. 14-56-417.
- D.    **Jurisdiction** These regulations shall govern each and every subdivision of land within the corporate limits of the city of Pocahontas, Arkansas, as now hereafter established, and the surrounding area designated by the official Planning Area Map for Pocahontas.
- E.    **Separability** Should all section or provisions of this ordinance be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof.
- F.    **Definitions**

**Alley** – a minor public way providing service access to the back side of properties abutting also on the other streets.

**Easement** – a grant by the property owner of the use, by the public, a corporation, or person(s), of a strip of land for specified purposes.

**Lot** – the parcel of land intended as a unit of transfer of ownership or for rental building development.

**Planning Commission** – the Planning and Zoning Commission of Pocahontas, Arkansas.

**Plat** – a map containing information necessary to transfer, locate, and survey all property therein indicated.

**Setback line** – a line parallel to the front property line in front of which no structure may be built above ground.

**Small subdivision** – the division of land into not more than four (4) tracts with each lot having not less than 7,200 square feet nor more than 2 ½ acres. The proposed small subdivision must be located on an existing and improved state or county road or city street, and it shall not involve any new street or road or the extension of all existing street or road or municipal utility.

**Street** – a dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.

**Subdivider** – any individual, firm, estate or any other group or combination acting as a unit who may desire to develop land within the purpose and intent of these regulations.

**Subdivision** – the division of a parcel of land into two or more lots or other divisions of land for the purpose of transfer of ownership or rental building development, or if a new street is involved, and division of land, provided that division of land for agricultural purposes into parcels of five (5) acres or more shall not be deemed a subdivision. The term included re-subdivision. (Ord. No. 2012-8, Sec. 1.)

#### 15.16.02 Regulations

- A. Any developer of land within the corporate city limits of Pocahontas, Arkansas, whether said land shall be developed as subdivided, residential, commercial, or industrial, shall be responsible for all water mains, fire hydrants, etc.
- B. No water main shall be smaller than eight (8) inches in diameter and no fire hydrants shall be less than six hundred (600) feet apart.
- C. All fire hydrants be at least two (2) 2 ½ inch outlets and one (1) steamer 5 ½ inch barrel connection, to be installed pursuant to approval of the Pocahontas Water and Sewer and Pocahontas Fire Department. All hydrants shall have a valve located between the hydrant and the main.

- D. The owner and/or developer of said lands shall provide plans to the proper city, authorities which shall include specific descriptions of size, flow capabilities, and locations of all proposed water mains and fire hydrants before any approval of said proposed development of subdivided residential, commercial, or industrial property is begun. A copy of the plans must be filed with the Pocahontas Water and Sewer.
- E. All water and sewer mains must be a minimum of ten (10) feet apart as set out by the Arkansas Department of Health regulations.
- F. All water and sewer plans must be approved by the Pocahontas Water and Sewer Commission manager and the Arkansas Department of Health. (Ord. No. 2012-8, Sec. 2.)

15.16.03 Enforcement, penalties and variances

- A. Enforcement No plat of a subdivision of any land within the territorial limits of the Planning Commission shall be received for record or recorded by the County Recorder until it shall have been approved by the Planning Commission.
- B. Penalties Any violation of these regulations or amendment thereof shall be a misdemeanor under the laws of the state, and the offender upon conviction shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and upon conviction to fine them not less than Twenty-Five Dollars (\$25.00) nor more the One Hundred Dollars (\$100.00) for each offense, and each day that any structure or land is used in violation of this ordinance shall constitute a separate offense. The Planning and Zoning Commission shall have authority to enjoin in all proposed sales until all regulations are complied with.
- C. Variances If it is determined that strict compliance with this ordinance would result in extraordinary hardship to the subdivider due to unusual topography or conditions beyond the control of the subdivider, then the Planning and Zoning Commission may modify, vary, or waive such requirements,
  - 1. Provided that such modification, variance or waiver will not nullify the intent or purpose of the subdivision regulations, and
  - 2. Provided that such modification, variance or waiver and the reason therefore shall be entered upon the minutes of the Planning and Zoning Commission. (Ord. No. 2012-8, Sec. 3.)