

TITLE 15

SUBDIVISION REGULATIONS

Chapters:

15.04 Large Scale Development

CHAPTER 15.04

LARGE SCALE DEVELOPMENT

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15.04.01 Large scale development The city of Decatur, Arkansas, hereby establishes an ordinance to regulate large scale development within its jurisdiction. (Ord. No. 05-4, Sec. 1.)

15.04.02 Applicability and exemptions

A. Applicability

1. Development all new construction, including buildings and other structures, drilling, dredging, filling, grading, paving, removing or providing for removal of surface water, and all additions to existing buildings within all zoning districts within the city.
2. Non-residential trailers All placement of non-residential trailers and prefabricated, movable buildings.

3. Modifications or additions to parking lots that
 - a. adds five (5) or more parking spaces,
 - b. change or relocate drives for ingress or egress,
 - c. change the surface material of the parking lot (or any part) from grass or soft material to hard scape material.
4. All modifications or additions to parking lots subject to these large scale development regulations shall be constructed of approved hard surface materials. In addition, the existing portion of any parking lot being modified or added to shall also be constructed of approved hard surface materials.

B. **Exemptions**

1. Single-family A single-family residence, an addition to a single-family residence or an accessory structure to such residence.
2. Additions An addition to a building that meets all of the following criteria:
 - a. Less than one thousand (1,000) square feet,
 - b. Requires less than five (5) additional parking spaces,
 - c. No change to ingress or egress,
 - d. Will not significantly impact drainage within the immediate area. (Ord. No. 05-4, Sec. 2.)

15.04.03 Submission

- A. **Pre-application conference** The developer is strongly encouraged to meet informally with the Planning Department by scheduling a pre-application conference. No fee is collected for this service.
 1. Purpose The purpose of the pre-application conference is to provide information to the developer concerning policies and regulations, to offer advice to the developer in order to avoid unnecessary costs and delays and to pre-empt any potential conflicts and problems. Items discussed at the conference include but are not limited to the following: general character

of the proposed development, zoning, utility service, street requirements, flooding and drainage.

2. Sketch plan The developer may present a sketch plan at the pre-application conference, which includes the following:
 - a. Location of development;
 - b. Existing conditions on the site and within a few hundred feet of the development: streets, utilities, buildings, physical features;
 - c. Existing restrictions: easement, zoning lines, covenants;
 - d. Proposed design: buildings, streets, utilities, systems of drainage, sewerage and water supply.

B. Submission requirements Before a building permit for a large scale development may be issued and before temporary or permanent connection to city utilities shall be permitted, a development plan must be approved. The developer shall submit to the Planning Department the following:

1. Application
2. Letter of transmittal
3. Development plan Twelve (12) copies of a scaled black line drawing not exceeding 18" by 24". It shall show existing items, natural features, proposed improvements and proposed design. It shall also contain a correct legal description of the property located within the large scale development, and a correct legal description, certified by an abstractor or surveyor, of street right-of-way dedications and vacations along with utility and drainage easements.
4. Vicinity map Twelve (12) copies of a black lined vicinity map not exceeding 18" by 14". It shall show the location and name of any street which abuts or intersects the proposed development and shall show the location and name of any other street, building or landmark necessary to clearly indicate the location of the proposed development.
5. Preliminary street plans Plans are required only when new streets or alterations to existing streets are proposed. The plans shall show the alignment of streets in relation to topography.

6. Preliminary drainage plans The plans shall show the direction of flow of storm water, the impact of the development on other property in the immediate area and downstream.
7. Landscape plans The plans shall show the type, variety and general design of installation of trees, plants and other landscaping features.
8. Schedule of fees The following schedule of fees shall apply to large scale development review under the provisions of this chapter:
 - a. Submission fee \$200.00
 - b. Addition charges: All out-of-pocket costs and expenses incurred by the city for review of and recommendations concerning submitted plans by appropriate professional consultants. (Ord. No. 05-4, Sec. 3.)

15.04.04 Review

- A. **Administrative approval** The Building Official may administratively approve the following development plans:
 1. Applicability
 - a. Residential: Any residential development not exceeding four (4) single family dwellings.
 - b. Non-residential: Any addition, alteration or extension not exceeding twenty percent (20%) of the fair market value of the existing building or structure. Only one (1) such addition, alteration or extension to a building or structure may be approved by the Building Official. For purposes of this subparagraph, "fair market value" shall mean the most recent assessment for the subject property made by the Benton County Assessor.
 2. Staff action
 - a. Review: Within two (2) weeks of receipt of the development plans and required documents, the Building Official shall disapprove, approve or approve conditionally.
 - b. Disapproval: The Building Official shall send the applicant a written statement of the reason for disapproval.

- c. Approval: The Building Official shall issue a building permit to the applicant.
 - d. Conditional approval: The Building Official shall send the applicant a written statement of any required changes and/or additions. A signed copy of the letter by the applicant shall be submitted to the Building Official before a building permit may be issued.
3. Additional review If the Building Official deems it necessary for an outside source to review the plans of the proposed development, the applicant shall be notified in writing during the fourteen (14) day review period the reason for outside review and an expected date for a decision. If the developer objects to an extension of review time, the objection shall be heard at the next regularly scheduled Planning Commission meeting.

B. Planning Commission action

- 1. Applicability The Planning Commission shall review all large scale developments except those listed above.
- 2. Review The Planning Commission shall have forty-five (45) days from date of submission to disapprove, approve or approve conditionally.
 - a. Disapproval: Within two (2) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a written statement of the reasons for disapproval.
 - b. Approval: Within two (2) weeks after the Planning Commission's decision, the applicant shall receive a signed copy of the development plans.
 - c. Conditional approval: Within three (3) weeks after the Planning Commission's decision, the Planning Department shall send the applicant a signed copy of the development plans along with a written statement of any required changes and/or additions. A signed copy of the development plans to the letter by the applicant shall be submitted to the Building Official before a building permit may be issued.

C. Review criteria Development plans may be disapproved for any of the following reasons:

1. Incomplete application The development plan is not submitted in accordance with the requirements of this chapter.
2. Violation of law The proposed development would violate a city ordinance, a state statute or a federal statute.
3. Refusal to dedicate The developer refuses to dedicate the street right-of-way, utility easements or drainage easements.
4. Dangerous traffic conditions The proposed development would create or compound a dangerous traffic condition. For the purposes of this section, a "dangerous" traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography or the nature of the traffic pattern.
5. Lack of utilities City water and sewer is not readily available to the property within the large scale development, and the developer has made no provision for extending such service to the development.
6. Inadequate drainage condition The property to be developed has a drainage problem uncorrected by the proposed development plans.
7. Other required actions The plans pertain to land which requires prior platting or rezoning.
8. Environmental concerns The development, as planned, creates unacceptable environmental concerns. (Ord. No. 05-4, Sec. 4.)

15.04.05 Enforcement The Building Official, Code Enforcement Officer, Inspector or other properly authorized officer of the city is hereby authorized to issue citations for violations of the provisions of this chapter. (Ord. No. 05-4, Sec. 5.)

15.04.06 Penalty Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction there, shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00), and such violation shall be stopped until a proper permit has been issued. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 05-4, Sec. 6.)