



Memorandum

March 28, 2014

From D. Hogue

County Residential Development

The subdivision and development of non-incorporated areas of Faulkner County is governed by Arkansas Statutes in conjunction with Faulkner County Ordinances. This Memo will explain the procedures required under such laws to subdivide and develop land.

Incorporated v. Non-Incorporated

Land in the State of Arkansas is either incorporated into municipalities and thus governed by the municipality's ordinances, or it is not, and thus subject to the ordinances of the county in which it lies. This Memo applies to county-governed areas, as opposed to areas lying within the incorporated area of any municipality. The potential developer should be aware, however, that cities with population of 8,000 to 60,000 have a territorial jurisdiction of one mile beyond city limits.

Survey & Plat

When an owner of land desires to subdivide and develop, the initial step is to secure the services of a "competent surveyor" to survey the subject land and create a plat with the individual lots numbered.

Several copies of the Plat should be made and certified by the surveyor. It should then be filed with the County Judge as well as the Circuit Clerk, who will charge a \$15 fee and deliver a copy to the County Assessor. The plat must be approved by the County Judge prior to the construction of roads. County Ordinance 07-15 (attached); A.C.A. §14-18-101

Covenants and Restrictions

If the Developer chooses to place limits on the use of the developed land, they would draft "restrictive covenants" and file that document with the Circuit Clerk. For such filing, the clerk will charge \$15 for the first page and \$5 for each extra page. By statute, the "restrictive covenants" must be signed by all property owners. A.C.A. §18-12-103

Roads

Road Standards for developers are found in Ordinance 07-13 (attached). Simply stated, a developer must bring the roads of the subdivision up to county specifications as set forth in Ordinance 07-13, 77-19 and 84-13, in order for the County Judge to accept them into the

county maintenance system. A permit, granted after approval of the plat and payment of a \$100 fee, is required to begin construction on a road.

Utilities

Before platting, the developer should contact local utility companies to check their service areas, and make sure that appropriate services are available. Further, the developer should contact the Faulkner County Health Department to learn the requirements for septic approval.

Floodplain

For all structural development on a floodplain, a permit is required. An application for a Floodplain Development Permit should be filed with the Floodplain Administrator. The required documentation for each Application is dependent upon the type of development proposed and the Risk Zone of the proposed development site. Floodplain restrictions and requirements are explained at the OEM/911 page of the Faulkner County website. (faulknercounty.org)

Private Counsel

The Developer is strongly encouraged to seek private legal counsel to assist with any project of the nature mentioned in this memo. While this document outlines the high points of development, it is not intended to substitute for legal advice from private counsel, and such advice is invaluable in these processes. Attorneys who engage in real estate transactions will generally be able to assist the developer.