

ORDINANCE NO. 281  
LAND SUBDIVISION AND DEVELOPMENT STANDARDS  
CITY OF BARLING, ARKANSAS

November 28, 2000

**LAND SUBDIVISION AND DEVELOPMENT STANDARDS  
BARLING, ARKANSAS**

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ARTICLE I  
PURPOSE, AUTHORITY AND JURISDICTION

Section 1  
PURPOSE

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, schools, parks and other public purposes, will determine to a large degree the conditions of health, safety, economy, and amenity that prevail in the Barling urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are designed to make provision for adequate air, open space, drainage, transportation, public utilities and other needs, and to ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended, and should be administered in a manner to:

- (a) Implement the Comprehensive Development Plan for the City of Barling.
- (b) Enhance neighborhood conservation and prevent the development of slums and blight.
- (c) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- (d) Insure adequate street, drainage, water, and sewer improvements are installed by the developer.
- (e) Provide that the cost of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tract.
- (f) Provide the best possible design for the tract and reconcile any differences of interest.
- (g) Establish adequate and accurate records of land subdivision.

Section 2  
AUTHORITY

This Land Subdivision Regulations and Development Code is promulgated in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas, as amended.

Section 3  
JURISDICTION AND APPLICATION

It is hereby declared to be the policy of the City of Barling to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Development Plan, primarily the Land Use and Master Street Plan of the City for the orderly, planned, efficient, and economical development within the Jurisdictional Planning Area of the City.

These regulations and development standards shall apply to the following forms of land subdivision:

The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than 5 acres in area; or

The subdivision of land, previously subdivided or platted into tracts, lots, sites, or parcels.

## ARTICLE II DEFINITIONS

Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices. Wherever used in this Code, the word "may" is permissive, while the word "shall" will be interpreted in its mandatory sense. For the purpose of interpreting this Code, certain words used herein are defined as follows:

Alley: A minor public way used for utility easements and vehicular services access to the back or the side of properties abutting a street.

Block: A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.

Board of Directors: The governing body of the City of Barling consisting of the Mayor and Board Members elected to their respective positions by the citizens of the City of Barling.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

Building Lines: The phrase "building line" shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line as defined by the property's zoning classification.

Chairperson: The chief presiding officer of the Barling Planning Commission elected by the entire Planning Commission. Terms, duties and responsibilities of the Chairperson of the Planning Commission are contained in the Bylaws of the Planning Commission.

City: City of Barling, Sebastian County, Arkansas

City Administrator, City Clerk, City Attorney, City Inspector: Any office referred to in this Code by title, i.e. City Administrator, City Clerk, City Attorney, City Inspector, etc., shall be the person so retained by the City or elected to this position, or his duly authorized representative, that is qualified to perform the function referred to herein.

Cul-de-sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Commission: The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Barling, Arkansas.

Comprehensive Plan: The Comprehensive Development Plan for the City of Barling is, in combination, the City of Barling's Land Use Plan and the City of Barling's Master Street Plan. These two plans provide the long range development policies for the City as they relate to, among other things, land use, traffic circulation, zoning, and land subdivision.

Concrete: The term "Concrete", when used by itself, shall mean portland cement concrete.

County Recorder: The County Recorder of Sebastian County, Arkansas.

Easement: A grant by the property owner of the use, for a specific purpose or purposes, of land by the public, a corporation, or certain persons.

Engineer: A person duly registered or licensed as a professional engineer by the Arkansas State Board of Registration for Professional Engineers and Land Surveyors to practice engineering in the State of Arkansas.

Improvements: Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

Lot: A distinct and separate undivided tract or parcel of land having access to a public street which is, or in the future may be offered for sale, conveyance, transfer, or improvement as a building site.

Lot, Corner: A lot located at the intersection of and abutting on two or more streets.

Lot, Double Frontage: A lot which runs through a block from street to street and which has two non-intersecting sides abutting on two streets.

Lot, Reverse Frontage: A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Lot Split: A Lot Split is a subdivision which involves the dividing or redividing of land into 4 or fewer lots within a previously platted area and which does not require the construction of street, drainage, sewer, water or other improvements. (See Article VI for regulations pertaining to Lot Splits.)

Master Street Plan: The Master Street Plan, as adopted by the City of Barling by Ordinance, which sets forth the rules, regulations, policies design, and construction standards for the streets within the City of Barling.

Minor Subdivision: A Minor Subdivision contains 4 or fewer lots within an unplatted area and does not require the construction of any street, drainage, sewer, water or other improvements. (See Article VI for regulations pertaining to Minor Subdivisions.)

The dedication of additional street right-of-way, public utility or drainage easements, or the reservation of land for public use may be included in a Minor Subdivision,

Pavement Width: The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

Planned Unit Development: An area of land developed as a single entity or in approved states in conformity with a final development plan by a developer or group of developers acting jointly, which is totally planned to provide for a variety of residential uses and common open space.

Plat, Preliminary: The phrase "preliminary plat" shall be any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

Plat, Final: The phrase "final plat" shall be any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder.

Recorder: The Recorder of the Planning Commission is held ex-officio by a designated representative. The duties and responsibilities of the Recorder of the Planning Commission are contained in the Bylaws of the Planning Commission.

Replotting: The word "replotting" shall be the resubdivision of any part of a previously platted subdivision, addition, or lot.

Right-of-Way: The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels, Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency or public utility company shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Street: A public right-of-way, however designated, which provides vehicular access to adjacent areas.

Street, Right-of-Way Width: The words "street right-of-way width" shall be the perpendicular distance between the lines which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

Street, Local: The term "local street" shall be a street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several *residential districts*.

Street, Collector: The term "collector street" shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares and business districts. "Collector streets" shall be designated on the Master Street Plan



for the City.

Streets, Arterial: The term "arterial streets" shall be the principal traffic thoroughfares continuous across the City, which are intended to connect distant parts of the City or adjacent thereto, and act as principal connecting streets with State and Federal highways. Each arterial street is designated on the, Master Street Plan for the City.

Subdivider or Developer: Any individual, association, firm, corporation or any agent thereof dividing or proposing to divided land so as to constitute a subdivision as that term is defined herein. The terms "Subdivider" and "Developer" shall be restricted to include only the owner, equitable owner, or authorized agent or such owner or equitable owner, of land to be subdivided. He is sometimes referred to herein as the "applicant".

Subdivision: The word "subdivision" shall mean the division by platted lots or metes and bounds of any lot, tract, or parcel of land situated within the planning jurisdiction of the City, into two (2) or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of the land, **Planned Unit Development** and lots or tracts.

Subdivision, Classification: A subdivision is classified as a "minor subdivision" when it contains six (6) or fewer lots and no streets, utilities, or other improvements are to be made. All other subdivisions are classified as "major subdivisions".

Surveyor: A person duly registered or licensed as a land surveyor by the Arkansas State Board of Registration for Professional Engineers and Land Surveyors to practice land surveying in *the* State of Arkansas.

Vacation of Plat: A Plat Vacation is a process in which previously platted lots are eliminated and the land is converted back to acreage. (See Article VII for regulations pertaining to Vacation of Plats.)

Vice Chairperson: The Vice Chairperson of the Planning Commission who is elected by the entire Planning Commission. Terms, responsibilities, and duties of the Vice Chairperson are contained in the Bylaws of the Planning Commission.

ARTICLE III  
DESIGN

Section 1  
CONFORMANCE TO EXISTING PLANS

The purpose of this portion of the Code is to specify the basic and minimum requirements for lots, blocks, streets, and other physical elements in new subdivisions. These standards constitute the minimums which are to be observed by developers, In order that the various purposes of this Code may be accomplished, all subdivisions hereinafter established shall:

1. Conform with the various elements of the Comprehensive Development Plan including the location of major thoroughfares and streets, the location of parks, playgrounds, schools and other public sites, and appropriate land uses; and
2. Be designed to conform with the minimum zoning and building regulations for the area in which the proposed subdivision is located.

Section 2  
SUITABILITY OF LAND

Lands subject to flooding or areas containing topographical features unsuitable for development shall not be developed for any use that may increase the danger to health, life, or property, or aggravate erosion or flood hazard. If such areas are contained in the proposed development, such land shall be set aside for such land uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission, Consideration shall be given in the development of land to preserve as many trees of substantial nature as practical.

Section 3  
DESIGN FOR FUTURE STREET EXTENSIONS

The layout of the subdivision shall take into consideration the extension of streets into undeveloped land adjacent to the subdivision. Also, whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will be eventually resubdivided into small building sites, the Planning Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

Section 4  
*LARGE SCALE OR EXTRAORDINARY DEVELOPMENTS*

The requirements of this Code may be modified in the case of large-scale community or neighborhood units, such as a Planned Community, Planned Unit Development, Mixed Use Development, Master Planned Neighborhood, Housing Project, Suburban-Estate or Recreational Subdivision, Shopping Center, Mobile Home Park, or other such developments which are not subdivided into customary lots, blocks, and streets. Master Plans, Development Standards, and other documents as may be requested by the Planning Commission for such developments shall be presented to the Planning Commission for review and approval. After approval by the Planning Commission, the Master Plan and Development Standards shall also be submitted to the Board of Directors for their review and approval.

The purpose of planned unit development (PUD) is to promote the efficient use of land to allow for flexible application of development controls, promote a broad spectrum of land use in more intensive developments, and protect the natural features and beauty of the land. Planned unit developments are intended to provide variety, flexibility and convenience for residents. PUDs should be developed in accordance with the approved Comprehensive Plan and should be developed to allow for appropriate integration with existing land uses.

The Development Standards shall specifically set forth the design and construction standards that do not conform with the provisions with this code along with the means for their maintenance and control for any street, water, sewer, drainage, or other facility.

Section 5  
PROVISION OF LAND FOR PUBLIC USE

The Planning Commission may require reservation of suitable sites for public uses that are indicated on the Comprehensive Development Plan for a period of up to 12 months after the filing of a Letter of Intent with the Planning Commission to Develop such land by the Subdivider. Such reservations shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites. The failure or refusal of any public entity to acquire lands designated as suitable sites for public uses within 12 months of the filing of a letter of intent to develop by the Subdivider shall relieve the Subdivider of any responsibility to hold such land for future public purposes.

Section 6  
SUBDIVISION LAYOUT DESIGN STANDARDS

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that comprise it. Good community design requires the coordination of the efforts of each Subdivider and Developer in the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the Comprehensive Development Plan for land use, traffic circulation, community facilities, and public utility services, and in accordance with

the design standards set forth hereafter. Consideration shall be given in the subdividing of land to preserve as many trees as practical,

## A. STREETS

The arrangement, character, extent, right-of-way width, width of improvements, grade, and location of all streets shall conform to all of the elements of the Master Street Plan and shall be designed in accordance with the provisions set forth hereafter. All lots shall have access to a public street. Private streets are not allowed.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. The Planning Commission may authorize a new perimeter street where the Subdivider improves and dedicates the entire required right-of-way width within his own subdivision boundaries.

Local residential streets shall be laid out so that their use by through traffic will be discouraged. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Planning Commission may require *the* dedication of street rights-of-way to facilitate the development of adjoining properties.

Where the plat to be submitted includes only part of the tract owned or intended for development by the Subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the Subdivider. Furthermore, proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or similar physical impediments preclude reasonable provision of such access, or alternate routes of access are, or will be available in the future.

Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City under conditions approved by the Planning Commission.

Street names shall require the recommendation of the Planning Commission, the approval of the Board of Directors, and the approval of the Sebastian County 911 Board. Streets that are already in alignment with existing streets shall be given the name of the existing street.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street right-of-way width requirements. Where any part of the subdivision is on both sides of the existing street, the entire required right-of-way shall be dedicated. Where the subdivision is located on only one side of an existing street the Subdivider is required to provide additional right-of-way on his side of the roadway for one-half the street width. The one-half width shall be measured from the centerline of the existing right-of-way.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create any traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate stopping sight distance.

Curvilinear streets are recommended for residential and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas. A horizontal curve shall be provided where a street changes direction. The minimum center line radii for horizontal curves shall conform to the standards set forth in the Master Street Plan. Tangents, having a minimum length of 100 feet shall be installed between reverse curves on arterial and collector streets.

## B. ALLEYS

Alleys may be required at the rear of all lots to be used for business purposes, but shall not be provided in residential blocks except where the Subdivider produces evidence satisfactory to the Planning Commission of the need for alleys. Where alleys are provided, the alleys shall have a minimum right-of-way width of 20 feet, and, shall comply with the following:

1. Intersections and sharp changes in alignment shall be avoided.
2. Dead-ends shall be avoided where possible.
3. The alley shall be paved for the full right-of width with a minimum of 2 inches of asphalt concrete on 6 inches of aggregate base.
4. The alley shall be V-shaped with drainage conveyed along the center of the alley. A 6-inch thick, 3-foot wide concrete swale shall be constructed along the center of the alley.

## C. EASEMENTS

All public utilities shall be installed within street right-of-way or within utility easements. Where utility easements are required along rear lot lines, they shall be a minimum of 10 feet wide on each side of the rear lot line for a total width of 20 feet. Where lots are located only on one side of a rear lot line, the easement shall be a minimum of 15 feet wide. Easements along the side line of a lot shall be a minimum of 10 feet wide in order to provide room for access of equipment. Easements for high pressure gas transmission pipelines shall be a minimum of 20 feet on each side of the gas pipeline.

Multiple utilities may be installed within the same easement as long as adequate separation between the utility lines, as required by the City of Barling, Arkansas Health Department, and/or respective utility companies, are maintained.

Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement, or drainage right-of-way, conforming substantially with the lines of such water course and shall have a minimum width as will be adequate for the purpose.

No building or structure may be erected within or over any utility or drainage easement.

#### D. BLOCKS

Blocks used for residential purposes shall have sufficient width to provide two tiers of lots and shall have a minimum length of twice the width. Blocks intended for business and industrial use should be of a width suitable for the intended use and to provide allowance for off-street parking and loading facilities.

Blocks more than 1,200 feet in length are discouraged except as the terrain itself makes blocks of other length desirable. When blocks exceed 600 feet in length, a minimum 10-foot wide pedestrian access easement shall be provided and a minimum 5-foot wide, 4-inch thick concrete sidewalk shall be constructed therein.

The lengths, widths, and shapes of blocks shall be determined with due regard for the following:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot sizes and dimensions.
3. Needs for convenient access, circulation, control, and safety of street *traffic*.
4. Limitations imposed by drainage courses and topography.

#### E. LOTS

The shape of residential lots shall not be required to conform to any set pattern. Side lot lines should be approximately at right angles or radial to street lines. Corner lots for residential use shall have a minimum of 5 feet in extra width to permit appropriate building setback from and orientation at both streets.

Lot dimensions:

1. Lots shall conform to the minimum dimensions and area requirements set forth in the City's Zoning Ordinance. The minimum lot dimensions shall be exclusive of any ground slopes steeper than 3:1, any open ditch or drainage channel easements, any planting screen easement; or any underground or utility easements having a width (or accumulative width for multiple easements) greater than 10 feet along side lot lines or greater than 20 feet

along rear lot lines. Lot lines also shall not extend beyond an open ditch or drainage channel easement.

2. The minimum building setback line for all lots shall conform to the appropriate zoning district standards set forth in the City's Zoning Ordinance.

Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet shall be provided along the portion of the lots abutting such traffic artery. There shall be no right of access across such planting screen easement and such restriction shall be clearly designated on the Recorded Plat and *the* Bill of Assurance. At the discretion of the Planning Commission, the developer may substitute for such easement and planting screen, planted berms or permanent ornamental fences or walls of a height and design which will appropriately screen and be harmonious with the residential or other neighborhood elements. There shall still be a restriction upon the right of access across such fence or wall.

Where a residential subdivision abuts a railroad right-of-way, a buffer strip of at least 25 feet in depth, in addition to the normal lot depth, shall be provided adjacent to the railroad right-ofway. This strip shall be part of the platted lots and shall be designated on the Plat: "This strip is reserved for screening. The placement of structures thereon shall be prohibited." Additionally, rear yard setbacks shall not include this area.

#### F. COMMERCIAL OR INDUSTRIAL SUBDIVISIONS

The size of properties reserved or laid out for commercial or industrial uses shall conform to the City's Zoning Ordinance and should be adequate to provide for off-street parking facilities and services required by the type of use and development contemplated.



## ARTICLE IV IMPROVEMENT STANDARDS

### Section 1 GENERAL PROVISIONS

Every developer shall be required to furnish, install, and pay for the construction of streets, water, sewer, drainage, and utility improvements required for the development of the subdivision. The developer shall also be required to furnish, install, and pay for all off-site improvements required to connect the new improvements to the City's existing system. The design and construction of the improvements shall be in accordance with the Standards and Specifications set forth in this Code and other codes adopted by the City. Where there is a conflict between this Code and other codes adopted by the City, the more stringent provision shall apply. Where a Design or Construction Standard or Specification is not specifically set forth in this Code or other Codes, Standards, or Specifications adopted by the City, the prevailing Design or Construction Standard or Specification as adopted or utilized by the City of Barling, Arkansas, shall apply.

All projects shall be constructed according to the approved plans and specifications of an Engineer. The City or its designated representative shall review all project plans and, upon approval of the plans, shall issue a written approval of the plans to the Subdivider. When the improvements required by these rules and regulations have been completed and installed, the Developer's Engineer shall submit a letter to the City Administrator certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings, and the standards established by the City, and are functioning properly.

All improvements shall be subject to the inspection of the City Inspector or his designated representative. Inspections will be made by the City Inspector from time to time during the course of construction to insure that the improvements have been or are being constructed in conformance with the approved plans and specifications and with the applicable design and construction standards. The City Inspector shall also make a final inspection of all improvements. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ significantly from the final engineering plans and specifications, the City Inspector shall notify the Subdivider and the Subdivider's Engineer in writing of such defects, deficiencies or deviations. The Subdivider shall, at his expense, correct such defects or deviations within 6 months of the date of notification. When such defects, deficiencies or deviations have been corrected, the Subdivider shall notify the City Inspector in writing that the improvements are again ready for final inspection.

When all improvements have been completed to the satisfaction of the City Inspector, the City Inspector shall Certify in writing that all improvements have been completed and approved. The Board of Directors shall act on the acceptance of the improvements within 15 days of the receipt of the Certification by the City Inspector.

A Maintenance Bond or an irrevocable Letter of Credit shall be furnished to the City by the Developer to cover any defects in materials and workmanship for all improvements constructed or installed under the jurisdiction of review and approval of the City of Barling. All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as set out by the respective public utilities and shall not be subject to the provisions of this section of these regulations.

The Maintenance Bond or Letter of Credit shall be in the amount of 50 percent of the total cost of the improvements to be covered by such bond or letter of credit; shall be in full force and effect for not less than one year from the date of the letter in which the City Inspector certifies that all improvements have been completed and approved; and shall state that any and all defects in materials and workmanship shall be corrected by the Developer prior to the end of the one year period of the bond or letter of credit. Work performed under the terms of the Maintenance Bond or irrevocable Letter of Credit shall be approved by the City Inspector.

## Section 2 STREETS

The Subdivider of any subdivision designed to be used for residential, commercial, industrial, or other purposes shall lay out, grade, and otherwise improve all streets that are designated on the approved plat or that directly serve the subdivision in accordance with the specifications of the City,

### A. Improvements Required

All streets within a subdivision shall be improved with curbs and gutters, aggregate base, asphalt concrete or portland cement concrete surface, and underdrains on both sides of the street. Sidewalks shall also be required to be constructed on one side of all streets. The City will determine on which side of the street the sidewalk is to be constructed. Sidewalks will generally be located on the side in which the ground drains away from the street. The Subdivider shall bear the cost of grading and construction of street improvements as required herein.

On existing perimeter streets, the developer is required. only to construct curb and gutter on the side adjacent to the proposed development. On perimeter streets, where there is no existing curb and gutter within 400 feet of the proposed subdivision, the developer may pay a fee to the City in lieu of constructing the curb and gutter. Such fee shall be in an amount equal to the unit price for construction of the curb and gutter and the pavement and base required to connect the

curb and gutter to the existing pavement. The City shall deposit such fee in a special fund to be used for the future construction of curbs and gutters on existing City streets.

On existing perimeter streets where curb and gutter are not installed, aggregate base and pavement are not required to be constructed where there is a minimum of 2-inch thick asphaltic concrete on 6-inch thick aggregate base for a minimum width of 20 feet. Additional hot mix asphaltic concrete (HMAC) pavement shall be constructed where the thickness of the existing pavement and base is less than that previously specified. Where the existing pavement is less than 20 feet wide, 6-inch thick concrete base and 2-inch thick asphaltic concrete shall be constructed to provide a total pavement width of 20 feet.

Grading of the roadside ditches will be required on existing perimeter streets where curb and gutter are not installed and where the existing fore-slope or back-slope of the roadside ditch are steeper than 3 horizontal to 1 vertical.

#### B. Street Design and Construction Standards

The Geometric Design Standards, Street Improvement Standards, and Street Design Cross-Sections shall be as set forth in the City's Master Street Plan Ordinance.

### Section 3 WATER

All new subdivisions within the City Limits shall be provided with a water distribution system connected to the City's existing water system. No water service shall be provided to properties outside the Barling City limits unless otherwise approved by the Board of Directors. This provision does not apply to property located within the Service Area of the Central Water Users Association or service areas of other wholesale water customers. The water system improvements required for new subdivisions shall be approved by the City and the State Health Department.

#### A. Design Standards

The water supply and distribution system shall be designed to provide the anticipated water consumption within the subdivision, including fire protection. An analysis of the city's water system, including the new subdivision, shall be made to ensure that there will be adequate flows and pressures throughout the whole system. Minimum design criteria shall be based on a maximum day flow plus 1500 gpm fire flow with a minimum of 20 psi residual pressure. Unless supporting documentation is otherwise provided by the Subdivider's Engineer, 0.50 gpm per residential lot plus historical flows from major water users shall be used in computing maximum day flow.

B. Water Pipelines

All new waterlines shall be a minimum size of 6 inches and shall be looped where possible. 3-inch waterlines may be installed at the end of cul-de-sac streets where the waterline cannot be extended and where there are no fire hydrants connected thereto. The City may require a larger line than 6 inches for \* o r distribution lines or for future extensions. Where the City requires the developer to install a larger pipe than that required based on minimum design criteria, the City will pay the difference in the pipe material cost thereof.

All PVC water pipe 6 inches and larger shall be AWWA C-900. The class of pipe shall be a minimum of 150% of the static water pressure. All water pipe shall be bedded and backfilled with sand from 4 inches below the pipe to 6 inches above the pipe. Gravel, % -inch max., may be used in lieu of sand.

C. Fire Hydrants

Fire hydrants shall be installed in such manner and at such locations and intervals as are required and approved by the City and which meets the rules and regulations of the Arkansas Fire Prevention Bureau. Fire hydrants shall be spaced a maximum of 800 feet for residential areas and 400 feet for commercial and industrial areas. The fire hydrant spacing shall be as measured along street curb or edge of pavement.

Fire hydrants shall be of the dry-barrel type with a minimum 4<sup>1</sup>/<sub>2</sub>inch valve and shall be provided with a 4-inch pumper outlet, two 21-inch outlets, and connected to the main with a gate valve.

Section 4  
WASTEWATER

All new subdivisions within the City Limits shall be provided with a wastewater collection system connected to the City's existing wastewater system. No wastewater collection service shall be provided to properties outside the Barling City Limits unless otherwise approved by the Board of Directors. The wastewater system improvements required for new subdivisions shall be approved by the City and the State Health Department.

A. Design Standards

The wastewater collection system shall be designed to provide the anticipated wastewater flows within the subdivision. An analysis of the city's wastewater system, including the new subdivision, shall be made to ensure that the City's system will be capable of handling the wastewater flows downstream of the subdivision. The Minimum design criteria shall be based on conveying the peak hour flow at a maximum of % depth flow in the pipe using a Manning's n-coefficient of 0.010 for PVC pipe.

Unless supporting documentation is otherwise provided by the Subdivider's Engineer, 0.75 gpm per residential lot plus historical flows from major wastewater contributors shall be used in computing the peak hour flow.

B. Wastewater Pipe

All new wastewater lines shall be sized to handle the design flows within the subdivision with a minimum size of 8 inches. 6-inch wastewater pipe may be installed where the wastewater line cannot be extended in the future and where there is a maximum of 20 lots that are connected to the pipe. The City may require a larger pipeline for major collection lines for future extensions. Where the City requires the developer to install a larger pipe than that required based on minimum design criteria, the City will pay the difference in the material cost of the sewer pipe.

All wastewater pipe shall be bedded and backfilled with gravel, <sup>3</sup>/<sub>4</sub>-inch max., from 4 inches below the pipe to 6 inches above the pipe.

C. Pump Stations

Where pump stations are installed, the wet well and suction pipe shall be sized to handle the future anticipated peak hour flows within the drainage basin area. The developer will only be required to install the size of pump, discharge pipe, valves, and force main pipeline required to handle the anticipated flow from the subdivision. In such cases, provisions shall be made so that the pumps, discharge piping, valves, and electrical components can be easily increased in size required for the future flows.

Section 5  
DRAINAGE

All subdivisions shall be provided with adequate drainage facilities to convey the runoff from a 10-year storm that originates in or traverses through the subdivision. Sump areas shall be designed for a 50-year storm. The finish floor elevation of all structures shall be above the 100-year storm. Drainage calculations and drainage improvement plans shall be prepared by an Engineer and submitted to the City for approval.

A. Hydrology Calculations

The quantity of runoff shall be calculated using the Rational Method of computation ( $Q=CiA$ ) for drainage areas containing 100 acres or less. For drainage areas greater than 100 acres, the Rational Method, Soil Conservation Service Method TR-55, or other approved method shall be used. For the Rational Method, the time of concentration, used in computing  $i$ , shall be equal to the sum of the overland flow time from the initial area and the travel times in the street,

pipe, ditches, and channels.

The initial area shall have a maximum area of 3 acres. The runoff coefficient (C) will be based on the SCS CN value which is dependent on the type of soils and the type of development and shall also be based on ultimate development of all property within the drainage area. The zoning designation of the undeveloped property, at the time the subdivision is developed, shall be used to estimate the storm water runoff therefrom under developed conditions, except that the least intense zoning allowed for this purpose, except for land zoned as Parks and Open Space, is R-1 with 3 units per gross acre.

## B. Street Drainage

Streets with curbs shall be used initially for the conveyance of the storm water runoff. A storm drain system will be required when the depth of flow in a local or collector street exceeds the top of curb for a 10-year storm or where the storm water in an arterial street extends beyond the travel lane closest to the curb for a 50-year storm.

## 3. Underground Storm Drain

All storm drain facilities shall be maintained by the City and contained within street right-of-way or approved drainage easements dedicated to the City. The drainage easement shall be of suitable width for the conveyance of the storm water and for access of equipment required for maintenance.

Headwalls and wingwalls shall be installed at the ends of all underground storm drain pipe. Handrails shall be installed on the headwall and wingwalls where the vertical distance from the top to the bottom is greater than 24 inches. 12-inch thick cut-off walls shall also be constructed at the bottom of the headwalls and wingwalls. The cut-off wall shall be a minimum of 2 feet deep on the upstream side and 3 feet deep on the downstream side of the culvert.

All underground storm drains within street right-of-way shall be concrete pipe or concrete boxes. Underground storm drain pipe within easements outside of street right-of-way may be either concrete or polyethylene, The minimum diameter of storm drain pipe shall be 15 inches.

All pipe under a street shall be installed at a minimum depth of cover of 12 inches below the top of pavement where possible. *Where it* is impossible to obtain the 12-inch clearance, the pipe shall be laid on concrete, having a minimum thickness of 6 inches, and backfilled with concrete to a minimum of 6 inches above the pipe.

Entrance to pipes and inlets that have an opening greater than 6 inches (in the smaller direction) shall be provided with bars or other measures for *child* protection. Bars shall not be installed on the outlet of a drainage pipe or structure.

Where drainage pipe discharges into a grass-lined earthen ditch or channel, a suitable energy dissipater shall be installed at the outlet of the pipe to reduce the velocity of the storm water runoff to a level that will prevent erosion of the ditch or channel at the pipe outlet.

E. Open Ditches and Channels

Open ditches or drainage channels shall be constructed within dedicated drainage easements and shall be designed with a minimum of one foot of freeboard height. The minimum lot width, depth, and area shall be exclusive of any open ditch or drainage channel and its corresponding easement.

Open ditches or drainage channels are to be located along rear and interior side lot lines and will not be allowed along front or exterior side (adjacent to a street) lot lines or allowed to cross within the lot. Open ditches and channels along side lot lines will not be allowed within the distance from the front property line as set forth below:

Drainage Area (Acres)	Distance from Front Property Line - (Feet)
<50	Rear Lot Line
50-100	75
100-200	50
>200	25

1. Concrete-Lined Ditches and Channels

All drainage ditches and channels shall be concrete lined except that grass-lined swales, ditches, and channels may be used as set forth in Section E.2. below. Engineered concrete block walls, keystone block walls, or other such walls may be used in lieu of concrete walls. Concrete lining of the channel bottom is not required if the bottom of the channel is located on firm rock.

The minimum thickness of concrete for the bottom of concrete lined channels shall be 4 inches for channels having a bottom width less than 4 feet and 6 inches thick for channels having a bottom width of 4 feet or more, The additional thickness is required for access of maintenance equipment.

The minimum distance from the outside top of channel wall to the easement line for concrete channels having a bottom width of 6 feet or larger shall be 3 feet on each side. For concrete channels having a bottom width less than 6 feet, the minimum distance from the outside top of channel wall to the easement line shall be 3 feet on one side and 10 feet on the other side. There shall be no structures, fences, trees, or other obstructions within the required 10-foot easement area.

2. Grass-Lined Ditches and Channels

Grass-lined swales, ditches, and channels may be used under the following conditions:

a. Interior Ditches with Drainage Area Less Than 10 Acres.

Grass-lined swales and ditches having a drainage area less than 10 acres that are located within a subdivision shall be constructed within easements having a minimum width of 2 feet from the top of bank on both sides of the swale or ditch. Such swale or ditches shall be maintained by the property owner on whose property the swale or ditch is located and shall be maintained in good condition with no trees, vines, weeds shrubs, etc. allowed to grow within such swale or ditch. No fence may be constructed within or across the swale or ditch in a manner which impedes, or can potentially impede, the flow of water under or through the fence,

b. Perimeter Ditches and Interior Ditches with Drainage Area Greater Than 10 Ac

Grass-lined swales, ditches, and channels that are located along the perimeter or outside a subdivision or that have a drainage area greater than 10 acres shall be constructed within their own right-of-way having a minimum width of 10 *feet from* the top of bank on both sides of the swale, ditch, or channel. Such 10-foot width shall be unobstructed (no trees, fences, buildings, or other obstructions). If there are obstructions, additional right-of-way shall be required to obtain a minimum of 10-foot of unobstructed width for access of maintenance equipment on both sides of the swale, ditch or channel. Lot lines shall not extend into such right-of-way. Such swales, ditches, and channels shall be maintained by the City of Barling.

Where grass-lined swales, ditches, or channels are used, they shall have 4 horizontal to 1 vertical or flatter side slopes and shall be sodded or planted with Bermuda grass. The grass shall have good growth prior to acceptance of the improvements by the City.

Where velocities exceed 6 feet per second for a 10-year storm (using a Manning's n coefficient of 0.025), permanent type erosion control matting shall be installed or the swale, ditch, or channel shall be concrete lined. No trees, vines, or brush shall be located within the swale, ditch or channel.

F. Natural Channels

Major drainage courses or channels having a drainage area greater than 300 acres may be left in their natural state under the following conditions:

1. Where the drainage course or channel is located at the rear of the lots, the top of bank shall be a minimum of 300 feet from the front lot line or 100 feet from the rear lot line, whichever is greater.
2. Where the drainage course or channel is located along the side lot line, the top of bank shall be a minimum of 100 feet from the side lot property line.



G. Box Culverts

Where box culverts or bridges are constructed across a city street, the culvert or bridge shall have sufficient width to accommodate the full curb-to-curb width of the street and provide a 6-foot wide pedestrian walkway on one side of the street. Headwalls and wingwalls shall be installed to transition the flow of water between the channel and the bridge. Handrails shall be installed on the headwall and wingwalls. 12-inch thick cut-off walls shall also be constructed at the bottom of the headwalls and wingwalls. The cut-off wall shall be a minimum of 2 feet deep on the upstream side and 3 feet deep on the downstream side of the culvert

H. Approved Drainage Outlet

All drainage from a subdivision shall be discharged to an existing drainage ditch, channel, natural flowline, or storm drain system where possible. Where the discharge of any drainage is not to an existing drainage ditch, channel, natural flowline, or storm drain system, the Developer shall obtain the approval, in writing, of the adjacent downstream property owner(s) within 300 feet of the discharge point and shall be subject to the approval of the City. Where drainage is discharged from the subdivision, a suitable energy dissipater shall be installed that will prevent erosion of the downstream property, ditch, or channel.

Detention Basins

Where the existing drainage ditches, channels, or storm drain systems downstream of the subdivision are inadequate to handle the storm water that is discharged from the subdivision, either improvements to the downstream drainage facilities will have to be constructed or a detention basin(s) to reduce the peak storm water discharge from the proposed subdivision will have to be constructed.

Detention basins will be required under the following conditions:

1. Where a proposed subdivision lies above developed property in which the total drainage area above the discharge from the subdivision is greater than 20 acres and the peak 10-year storm water runoff from the total drainage basin downstream of the subdivision is increased by more than 20% due to the development of the proposed subdivision, OR;
2. *Where a* proposed subdivision lies above undeveloped property in which the total drainage area above the discharge *from* the subdivision is greater than 100 acres and the peak 10-year storm water runoff from the total drainage basin downstream of the subdivision is increased by more than 30% due to the development of the proposed subdivision, OR;
3. Where existing buildings, excluding barns and out buildings, downstream of the subdivision may be subject to flooding *from a* 100-year storm.

Where detention basins are proposed, they shall be designed for a 100-year flood with a one foot freeboard, be constructed as part of the improvements of the proposed subdivision, and shall

be provided with the following:

1. A primary outlet pipe of such a size whereby the discharge rate therefrom for a 100-year storm shall not exceed the discharge rate under conditions prior to development.
2. Earthen dams containing a 10-foot wide top with 3:1 side slopes.
3. An emergency spillway designed to discharge the 100-year flood without overtopping the dam.
4. Be planted with Bermuda grass or an approved vegetative cover to prevent erosion.

The detention basin within residential areas shall be dedicated to the City along with suitable access and parking for operation and maintenance. The detention basin within commercial, industrial, and other non-residential areas shall be operated and maintained by the developer or an approved property owner association, The developer is encouraged to work with the City in the development of parks and playgrounds within detention basin areas.

#### J. Lot Drainage

All lots within a subdivision shall have positive drainage to a street, underground storm drain system, or to an open drainage ditch or channel. The drainage from one lot shall not drain across another lot. The finish floor of all residences shall be a minimum of 6 inches above adjacent ground and shall be above the 100-year storm flood elevation.

Swales shall be constructed as necessary to convey storm water around houses and other buildings. The swales shall have 4 horizontal to 1 vertical or flatter side slopes and shall have a minimum longitudinal gradient of 1%. The centerline of swales shall be a minimum of 10 feet from the house within the front yard, a minimum of 5 feet from the house within the side yard, and a minimum of 20 feet from the house within the rear yard.

Berms and swales shall be constructed as necessary to prevent drainage water from flowing onto adjacent property. The top of the berm shall be a minimum of one foot above the flowline of the male and shall have 4 horizontal to 1 vertical or flatter side slopes.

All swales and berms shall be sodded with Bermuda grass prior to issuance of occupancy permit.

K. Improved Slopes

All slopes that are 5 horizontal to 1 vertical or steeper that drain onto adjacent improved property, or flatter slopes which can potentially result in a nuisance due to the amount of eroded material conveyed in the drainage from the slope onto the adjacent developed property, shall be sodded with Bermuda grass during construction.

L. Downdrains

Downdrains shall be constructed where concentrated water flows down slopes that are steeper than 5 horizontal to 1 vertical. The down drains shall be constructed of concrete or other suitable erosion preventative materials.

M. Sediment Control

Subdivisions greater than 5 acres shall have an erosion control plan to prevent sedimentation from entering adjacent property and drainage courses downstream of the subdivision.

Prior to the acceptance of the final improvements of a subdivision, all disturbed earthen areas, except building pads, shall either be sodded or seeded, fertilized, and mulched.

Section 6  
MONUMENTS AND LOT MARKERS

Concrete monuments 4 inches in diameter (or 4-inch square) and 30 inches in length with 1<sup>1</sup>/<sub>2</sub>-inch metal reinforcing rod the length of the monument shall be placed with top flush to the ground at all points of intersection of the boundary of the subdivision

The corners of all lots shall be marked by the placement of a metal <sup>1</sup>/<sub>2</sub>-inch diameter reinforcing rod 24 inches in length with the top flush to the ground.

The location of all monuments found and set shall be shown on the final plat.

ARTICLE V  
PROCESSING AND APPROVAL PROCEDURES

Section 1 GENERAL

A Subdivider proposing to develop a subdivision within the territorial jurisdiction of the City of Barling shall not proceed with any construction work on the proposed subdivision, including grading, prior to obtaining Preliminary Plat approval; nor shall he attempt to record the plat of the subdivision or any part thereof prior to obtaining Final Plat approval. All costs associated with submittal of Preliminary Plat information shall be borne by the Subdivider.

Section 2  
PRELIMINARY PLAT

The first step in subdivision approval process is the preparation of a Preliminary Plat and the processing of the plat through the City of Barling for approval. The Planning Commission will initially review the Preliminary Plat for compliance with the Subdivision Regulations and any conditions required thereof. The Planning Commission will forward its recommendations to the Board of Directors for action on the final approval of the Preliminary Plat. The information and data to be shown on the Preliminary Plat are set forth in Article VII.

A. PRE-APPLICATION CONFERENCE

When a major subdivision of a tract of land within the Planning Commission's jurisdiction is proposed, the Subdivider is urged to consult early and informally with the Planning Commission. The Subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. The purpose of the Pre-Application review is to afford the Subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans. No fees are required for the Pre-Application Conference.

At such meeting, the general character of the development will be discussed and items will be included concerning zoning, utility service, street requirements, drainage requirements, and other pertinent factors related to the proposed subdivision.

B. SUBMISSION REQUIREMENTS

The Application and the Preliminary Plat shall be submitted to the City Administrator not less than 20 days prior to the regular Planning Commission meeting at which it is to be considered, and shall consist of

1. A letter of intention.
2. 10 copies of the Preliminary Plat containing the data as specified in Article VII, Section 1 and 10 copies of other supporting plans and documents. The City Administrator or Planning Commission may request that additional plans and documents be submitted.
3. A filing fee as specified in Article IX, Section 2.

The City Administrator shall determine the completeness of the Preliminary Plat and supporting plans and documents within 10 days of the receipt thereof.

C. NOTIFICATION

Upon determination of completeness, the City Administrator shall forward the Preliminary Plat and supporting plans and documents to the Planning Commission and shall publish notice of the Planning Commission meeting and the agenda items thereof in a daily newspaper of local general circulation prior to the Planning Commission meeting,

D. MASTER PLAN

If the proposed subdivision is a portion of a larger tract of land which will ultimately be subdivided, then a tentative master plan for the entire property shall be submitted along with the Preliminary Plat of the portion to be initially subdivided.

E. PHASING

If the subdivision is to be developed in 2 or more phases, the Developer may submit a Preliminary Plat showing the total development and the portion to be developed by each phase. Preliminary Plat approval can be granted for the total development. This will relieve the Developer from having to process and obtain separate Preliminary Plat approval for each phase and the payment of any subsequent fees therefor.

F. REVIEW BY PLANNING COMMISSION

After the Planning Commission has reviewed the Preliminary Plat and staff recommendations, the applicant shall be advised of any required changes, additions, or Conditions of Approval thereof. The Planning Commission shall recommend approval, conditionally recommend approval, or disapprove the Preliminary Plat within 45 days from the date of receipt thereof,

If the Planning Commission does not act on the Preliminary Nat within the stipulated time period, *the* Preliminary Plat shall be deemed to have received recommend approval, unless an extension of time has been granted by the Planning Commission. The Planning Commission may extend the 45 day time period after receiving a written request therefor by the Subdivider.

If disapproved, the Subdivider will be notified with a written statement as to the reasons for such disapproval. Upon disapproval, the Subdivider may request a review by the Board of Directors. The Board of Directors may overrule the action taken by the Planning Commission by a recorded majority vote of the Board of Directors.

Upon recommending approval, the Planning Commission shall forward the Preliminary Plat, along with any Conditions of Approval, to. the Board of Directors for their review and approval or disapproval,

The Planning Commission's recommended approval of a Preliminary Plat shall be deemed as an expression of approval of the layout of the streets, blocks, and lots shown on the Preliminary Plat; as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities; the intent to dedicate or reserve parcels of land for public purposes; and to the preparation of the Final Plat. Recommended approval of a Preliminary Plat shall not constitute automatic approval by the Board of Directors or of approval of the Final Nat.

When the Planning Commission finds that the Preliminary Plat meets all the requirements of this Code, the Chairperson of the Planning Commission shall sign and date the Preliminary Plat. The Plat, Conditions of Approval, and other supporting documents shall be forwarded to the Board of Directors for their review and approval.

#### G. APPROVAL BY. CITY BOARD OF DIRECTORS

The Board of Directors shall approve, disapprove, modify the Conditions of Approval, or return the Preliminary Plat back to the Planning Commission for further review, A simple majority of a quorum of the Board of Directors is required for approval. A recorded majority vote of the Board of Directors is required to disapprove or modify the Conditions of Approval as recommended by the Planning Commission. If disapproved, the Subdivider will be notified with a written statement as to the reasons for such disapproval.

The Board of Directors shall take action on the Preliminary Plat and Conditions of Approval within 45 days from the date of receipt thereof. lithe Board of Directors does not act on the Preliminary Plat within the stipulated time period, the Preliminary Plat and Conditions of Approval shall be deemed to have been approved, unless an extension of time has been granted by the Board of Directors, The Board of Directors may extend the 45 day time period after receiving a written request therefor by the Subdivider.

The Board of Director's approval of a Preliminary Plat and Conditions of Approval shall be deemed as an expression of approval of the layout of the streets, blocks, and lots shown on the Preliminary Plat; as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities; the intent to dedicate or reserve parcels of land for public purposes; and to the preparation of the Final Plat. Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat nor the dedication of streets or public easements shown thereon.

When the Board of Director's finds that the Preliminary Plat and Conditions of Approval meet all the requirements of this Code, it shall approve the plat. The City Administrator shall sign and date the Preliminary Plat and affix the City Seal thereon. The City Administrator shall also indicate the expiration date of the approval thereon. A copy of the signed Preliminary Plat shall be filed with the City Clerk and a copy filed with the Planning Commission.

#### H. AUTHORIZATION TO PROCEED

Receipt of an approved or conditionally approved copy of the Preliminary Plat, signed by the City Administrator, shall constitute authorization by the City of Barling for the Subdivider to proceed with the preparation of the Final Plat, preparation of engineering drawings, the installation of improvements, and the staking out of lots and blocks. The Subdivider, after conditional approval of the Preliminary Plat, shall complete all improvements required under this Code.

Prior to the construction of any improvements required for the development of the subdivision, construction drawings and specifications of the proposed improvements along with supporting engineering calculations and estimates of construction costs shall be prepared by an Engineer and submitted to the City of Barling for approval. The Subdivider shall pay the appropriate Plan Checking and Inspection fees as set forth in Article IX, Section 2.

#### EXPIRATION OF PRELIMINARY PLAT APPROVAL

If, at the end of twelve months from the date of approval of the Preliminary Plat, the Final Plat has not been submitted to the Planning Commission, the approval of the Preliminary Plat shall expire and further development work will require the submittal and approval of another Preliminary Plat and the payment of new fees therefor. In reviewing another Preliminary Plat for which the approval of the previous Preliminary Plat has expired, the Planning Commission shall not be bound by a previous approval.

The Subdivider shall be notified a minimum of 30 days prior to such expiration in writing. If construction of the required improvements has commenced on the subdivision prior to the expiration date of the Preliminary Plat, the Subdivider may request, in writing and upon submittal of the required fee, an extension of time for the Preliminary Plat. Upon the receipt of such request, the Planning Commission may extend the expiration date for an additional 12 months. There is no limit on the number of extensions the Planning Commission may grant as long as there is reasonable progress in the required improvements being made.

Section 3  
FINAL PLAT

When the requirements of this Code have been satisfied and while the Preliminary Plat Approval is in effect, the Subdivider may submit to the City Administrator an application for review and approval of the Final Plat. The information and data to be shown on the Final Plat are set forth in Article VII, Section 2. All costs associated with submittal of the Final Plat shall be at the Subdivider's expense.

Upon determination of completeness of the Final Plat and the satisfactory completion of the required improvements and other Conditions of Approval of the Preliminary Plat, the City Administrator shall forward the Final Plat to the Planning Commission for approval. Upon approval of the Final Plat, the Planning Commission will forward its recommendations to the Board of Directors for action on the approval of the Final Plat.

A. CONSTRUCTION OF IMPROVEMENTS

Prior to the filing of the Final Plat, all improvements required for the development of the subdivision shall have been constructed and approved by the City or a cash deposit or bond for the improvements, in the amount of 100% of the estimated cost of improvements remaining to be constructed, shall be submitted to the City guaranteeing the construction thereof. The estimated cost for the remaining improvements shall be prepared by an Engineer and approved by the City.

Where a bond or cash deposit is submitted, the improvements shall be completed within a specified time limit that is acceptable to the City. The time limit shall not, in any event, exceed 2 years from the date of Final Plat approval. Where a cash deposit is submitted, withdrawals may be made from the deposit in direct proportion to the amount of work completed and approved by the City. Where a bond is submitted, the bond shall be in a form, sufficiency, and manner of execution as approved by the City Attorney.

"As built" drawings of all street improvements, drainage improvements, sanitary sewer improvements, water improvements, and other utilities and public improvements shall accompany the Final Plat. If the developer deposits an Improvement Bond for the required improvements, such "As Built" drawings shall be submitted to the City as soon as possible after the improvements are constructed. The City will not release the Improvement Bond until such time as the "As Built" drawings are submitted.

B. SUBMISSION REQUIREMENTS

At least 10 days prior to the meeting at which it is to be considered, the Subdivider shall submit an application for Final Plat approval which shall consist of:

1. A letter of application requesting review and approval of the Final Plat.



2. 10 copies of the Final Plat containing the data and other documents as specified in Article VII, Section 2.
3. A certificate submitted by the Subdivider and approved by the City stating that all, a portion, or none of the required improvements and installations to the subdivision have been completed.
4. A letter stating that a bond will be delivered or cash will be deposited with the City for the required improvements that have not been completed along with the estimated cost estimate for such improvements. If the Subdivider is proposing to post a bond, a sample of the proposed bond form shall be submitted.
5. A filing fee as specified in Article IX, Section

## 2. C. REVIEW BY PLANNING COMMISSION

The Final Plat of the proposed subdivision shall be submitted to the City Administrator for approval prior to the expiration date of the Preliminary Plat. If not submitted for final approval within such time, the Preliminary Plat shall be considered as having been abandoned, unless the Planning Commission agrees to a written request submitted by the Subdivider for an extension of time thereof.

If the Subdivider requests permission to develop only a portion of the property for which the Preliminary Plat was approved, the Planning Commission may grant approval of a Final Plat for said portion alone.

The Planning Commission shall recommend to the Board of Directors approval or disapproval of the Final Plat within 45 days of receipt thereof. If the Planning Commission recommends approval of the Final Plat, the Chairperson of the Planning Commission shall sign and date the Final Plat and forward it, along with the supporting documentation, to the Board of Directors for their approval.

Disapproval of the plat shall be transmitted to the Subdivider with the reasons therefor within a reasonable time after the meeting at which the plat was disapproved. Upon disapproval, the Subdivider may request a review by the Board of Directors. If no action is taken by the Planning Commission within the 45 day time period, then the Final Plat shall be deemed to have received recommended approval by the Planning Commission.

Approval of the Final Plat by the Planning Commission shall not constitute the acceptance by the City of the dedication of *any* streets or other public ways or grounds, nor does it constitute authority for the plat to be recorded.

D. APPROVAL BY CITY BOARD OF DIRECTORS

The Board of Directors shall approval, disapprove, or return the Final Plat back to the Planning Commission for further review. Any action taken by the Board of Directors to overturn an action of the Planning Commission requires a recorded <sup>2</sup> vote of the full membership of the Board of Directors. If disapproved, the Final Plat shall be returned to the Subdivider with a written statement as to the reasons for disapproval.

The Board of Directors shall take action on the Final Plat within 45 days from the date of receipt thereof. If the Board of Directors does not act on the Final Plat within the stipulated time period, the Final Plat shall be deemed to have been approved, unless an extension of time has been granted by the Board of Directors. The Board of Directors may extend the 45 day time period after receiving a written request therefor by the Subdivider.

Where a cash deposit or bond is to be submitted for the required improvements that have not been constructed, an Agreement shall be executed between the Board of Directors and the Subdivider which sets forth the improvements that are required to be constructed and the time limit in which they are to be constructed. The Agreement and the cash deposit or bond shall be submitted to the City prior to the Board of Directors' approval of the Final Plat.

Upon approval of the Final Plat, the Board of Directors shall accept the dedication of public streets; the dedication of public utilities and drainage easements; and the dedication and/or reservation of lands for public use that are designated on the Final Plat. The City Administrator shall sign and date the Final Plat and affix the City Seal thereon.

E. RECORDING

Upon approval of the Final Plat by the Board of Directors, the Subdivider shall have the Final Plat recorded in the office of the Circuit Clerk of Sebastian County within 45 days of the date of approval by the City. The Subdivider shall pay all fees in connection with the recording of said plat. The Subdivider shall provide the City with 3 copies of the Final Plat containing the recording information thereon. One copy shall be filed with the City Clerk, the second copy shall be filed with the City Administrator, and the third copy shall be filed with the Planning Commission.

ARTICLE VI  
LOT SPLITS, MINOR SUBDIVISIONS, AND VACATION OF PLATS

Section 1  
DEFINITIONS

This section of the Land Subdivision and Development Code is designed to expedite the platting and recording of Lot Splits, Minor Subdivisions, and Vacation of Plats. The City Administrator is authorized to administratively process Lot Splits, Minor Subdivisions, and Vacation of Plats under the provisions of this Article. The provisions of this Article are permissive and not mandatory. The City Administrator shall make the determination as to whether a proposed subdivision may be processed under the provisions of this Article or under Articles III, IV, & V. The lot size and building setback requirements stated previously in Article III, Section 5 shall apply to Lot Splits, Minor Subdivisions, and to any lots remaining in the Vacation of a Plat.

A Lot Split is a subdivision which involves the dividing or redividing of land into 4 or fewer lots within a previously platted area and which does not require the construction of street, drainage, sewer, water or other improvements. The dedication of additional street right-of-way, public utility or drainage easements, or the reservation of land for public use may be included in a Lot Split.

A Minor Subdivision contains 4 or fewer lots within an unplatted area and does not require the construction of any street, drainage, sewer, water or other improvements. The dedication of additional street right-of-way, public utility or drainage easements, or the reservation of land for public use may be included in a Minor Subdivision.

Where land has previously been platted and the street, drainage, water, sewer, and other improvements have not been constructed and lots have not been developed thereon, or a significant portion thereof, the previously recorded Plat, or the significant portion thereof that has not been developed, may be vacated under the provisions of this Article. A Vacation of a Plat eliminates previously platted lots, blocks, streets, easements, etc. for all, or a significant portion thereof, of a previously recorded Plat and the land is converted back to acreage. All street right-of-way and utility, drainage, or other public easements are abandoned by the recording of a Vacation of a Plat. The reservations of previously recorded street right-of-way or easements or the dedication of additional street right-of-way, public utility or drainage easements, or of land for public use may be included in a Vacation of Plat.

Section 2  
PROCEDURE

A. PRE-APPLICATION CONFERENCE

When property is being proposed to be subdivided under the provisions of this Article, the Subdivider is urged to consult early and informally with the City Administrator. The Subdivider may submit sketch, plans, and other data showing the proposed layout of the property. The purpose of the Pre-Application conference is to determine whether the proposed subdivision can be processed under the provisions of this Article or whether it will have to be processed under the provisions of Articles III, IV, & V. Neither a Final Plat nor a filing fee are required for the Pre-Application conference.

B. SUBMISSION REQUIREMENTS

The Subdivider shall prepare and file with the City Administrator an Application for Approval of a Lot Split, Minor Subdivision, or the Vacation of a Plat. Such Application shall consist of a letter, 10 copies of a Final Plat, and such other data and information as may be desirable to support the City Administrator's approval. The letter shall state the Subdivider's intentions regarding the Lot Split, Minor Subdivision, or the Vacation of a Plat. The Final Plat shall be prepared by a Surveyor and the required contents thereof is set forth in Article VII, Section 3. A field survey by a Surveyor to establish the boundary and set lot corners is required for a Minor Subdivision but is not required for a Lot Split nor a Vacation of a Plat.

C. REVIEW BY CITY ADMINISTRATOR

The City Administrator shall initially review the proposed subdivision to determine whether it can be processed under the provisions of this Article or if it will have to be processed under the provisions of Articles III, IV, & V. Should a variance be requested from any requirements of the design standards or zoning requirements or should an appeal be requested from any other section of these regulations, the proposed subdivision plan shall be submitted to the Planning Commission.

Upon finding that the subdivision can be processed under the provisions of this Article, the City Administrator shall review the Final Plat and all supporting documentation for conformance with the provisions of this Article. After the City Administrator has reviewed the Final Plat, the Subdivider shall be advised of the approval, disapproval, or any required changes or additions thereof. Such determination shall be made within 45 days of the receipt of the Application for Approval.

Upon approval of the Plat, the City shall accept the dedication of any streets or easements shown on the Final Plat and the City Administrator shall sign and date the Final Plat and affix the City Seal thereon.

Upon disapproval, the Subdivider may submit and process the subdivision under the provisions of Articles III, IV, and V. If no action is taken by the City Administrator within the 45 day time period, then the Final Nat shall be deemed to have been approved unless an extension of time has been granted by the City Administrator. The City Administrator may extend the 45 day time period after receiving a written request therefor by the Subdivider.

#### D. RECORDING

Upon approval of the Final Nat by the City Administrator, the Subdivider shall have the Final Plat recorded in the office of the Circuit Clerk of Sebastian County within 45 days of the date of approval by the City. The Subdivider shall pay all fees in connection with the recording of said plat. The Subdivider shall provide the City with 3 reproducible copies of the Final Nat containing the recording information thereon. One copy shall be filed with the City Clerk, the second copy shall be filed with the City Administrator, and the third copy shall be filed with the Planning Commission.

ARTICLE VII  
PLAT REQUIREMENTS

Section 1  
PRELIMINARY PLAT

The Preliminary Plat shall *be* drawn clearly and legibly at a scale not smaller than 1" = 100', on a maximum size of sheet of 24'506", and shall show or be accompanied by the following information:

1. Name of subdivision
2. Name and address of owner of record, Subdivider, and Surveyor or Engineer.
3. North point, graphic scale and date
4. Vicinity map, at a scale not smaller than 1" =1000', showing location and acreage of subdivision
5. Legal description of property
6. Names of adjoining platted subdivision
7. Existing streets, buildings, drainage courses, railroads, culverts, utilities and easements on and adjacent to the tract
8. The layout of the proposed subdivision lots, blocks, and streets. These may be scaled dimensions. A boundary survey of the property is not required for the Preliminary Plat.
9. Contour intervals shown at intervals of not more than 5 feet for terrain with an average slope of 5% or more, and at an interval of 2 feet for terrain with slope of less than 5%
10. Proposed layout design including streets and alleys with proposed street names, lot lines with appropriate dimensions, easements, land to be reserved or dedicated for public use, and land to be used for purposes other than residential
11. Proposed improvements including street, drainage, water, sewer, fire hydrants, etc. Construction Drawings are not required but the concept needs to be indicated.
12. Typical street widths
13. Lot and Block numbers
14. Minimum building front yard setback lines

15. The present zoning classification, if any, on the land to be subdivided and on the adjoining land; and a designation of the proposed uses of land within the subdivision and any zoning amendments to be requested
16. If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown
17. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the Preliminary Plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the Preliminary Plat, except that it may be on a scale of not more than 1" = 400' and the proposed improvements need not be shown thereon except for drainage improvements for drainage areas greater than 100 acres.
18. A draft of any Bill of Assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to the property may be added to the plat;
19. Each Preliminary Plat submitted to the Planning Commission shall carry the following certificates printed thereon:

ENGINEER'S (SURVEYOR'S) CERTIFICATE.

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plat made by me and the engineering requirements of the City of Barling's Subdivision Development Standards have been complied with.

Signed

Name \_\_\_\_\_

\_\_\_\_\_  
 Arkansas Registered Date \_\_\_\_\_  
 Professional Engineer No. \_\_\_\_\_

CERTIFICATE OF PLANNING COMMISSION REVIEW

This Preliminary Plat has been reviewed by the Planning Commission which recommends approval thereof subject to the Conditions of Approval attached thereto. The Barling Board of Directors is to review and approve the Preliminary Plat and Conditions of Approval.

Signed

Chairperson, Barling Planning Commission  
 \_\_\_\_\_

\_\_\_\_\_  
 Date

CERTIFICATE OF PRELIMINARY PLAT APPROVAL

This plat has been given Preliminary Plat Approval subject to the Conditions of Approval attached thereto and has not been approved for recording as a public record. This certificate shall expire on \_\_\_\_\_

Signed

\_\_\_\_\_  
City Administrator, City of Barling

Date

Section 2  
FINAL PLAT

The Final Plat shall be drawn in ink on a reproducible 24"x36" sheet with a 1" border at the top, bottom, and right edge and a 1<sup>1</sup>/<sub>2</sub>" border at the left edge. The drawing shall be at a maximum scale of 1"=100' and shall be neat, legible and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments is not acceptable. When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.

The Final Plat shall show or be accompanied by the following information:

1. The name of the owner and developer.
2. The name of the Surveyor making the survey and preparing the plat.
3. The name of the subdivision and adjacent subdivisions.
4. The names of all streets.
5. The identifying numbers of lots and blocks in accordance with a systematic numbering system and arrangement.
6. North point, date, and scale
7. An accurate boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions. The lines, with dimensions of all adjacent land, street, alleys, and easements and adjacent subdivisions shall be shown in dashed lines.



8. Legal Description of the subdivision boundary including acreage. The boundary of the subdivision shall be clearly delineated on the drawing.
9. The location of all survey monuments found and set shall be shown on the plat. Sufficient existing survey monuments shall be shown to accurately locate the boundary of the Plat in relation to surrounding plats, street and highway right-of-way, and/or section lines.
10. All necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimension shall be shown by bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc dimensions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on chord dimensions.
11. Location of lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.
12. State Health Department approval of the water supply and/or sewerage system if the requirement of the subdivision is to be met by any other means than by connection to a water supply or sewerage system operated by a governmental agency.
13. Each Final Plat submitted to the Planning Commission shall carry the following certificates printed thereon:

CERTIFICATE OF OWNER(S)

We, the undersigned, owners of the property shown and described herein, do hereby subdivide said property in accordance with this plat. We also offer to the City, the dedication of the Streets and utility and drainage easements shown hereon for public use.

Signed

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

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

(A signature block is to be provided for each owner)

SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and the boundary and lot markers shown hereon actually exist and their location, type and material are correctly shown.

Signed

Name \_\_\_\_\_

Arkansas Registered Date Land Surveyor No. \_\_\_\_\_

CERTIFICATE OF PLANNING COMMISSION REVIEW

Pursuant to the Barling Land Subdivision and Development Code, the Planning Commission finds that all of the conditions of approval required for this subdivision have been completed and hereby recommends approval of this Final Plat by the Barling Board of Directors. This Certificate is hereby executed under the authority of the Rules and Regulations of said City.

Signed

\_\_\_\_\_  
Chairperson, Planning Commission

\_\_\_\_\_  
Date CERTIFICATE OF FINAL PLAT

APPROVAL

Pursuant to the Barling Land Subdivision and Development Code, and all of the conditions of approval having been completed, this document is hereby approved by the Barling Board of Directors. The City hereby accepts the dedication of public streets, public utilities and drainage easements, and the dedication and/or reservation of lands for public use shown hereon. This Certificate is hereby executed under the authority of the Rules and Regulations of said City.

Signed

\_\_\_\_\_  
City Administrator, City of Barling

\_\_\_\_\_  
Date

CERTIFICATE OF RECORDING

This document, number \_\_\_\_\_ filed for record \_\_\_\_\_, 20\_\_\_\_, in Plat Book \_\_\_\_\_, Page \_\_\_\_\_

Signed

\_\_\_\_\_ Date \_\_\_\_\_

Section 3

FINAL PLAT - LOT SPLIT, MINOR SUBDIVISION, AND VACATION OF PLAT

The Final Plat for a Lot Split, Minor Subdivision, or Vacation of Plat shall be as specified in Section 2 except that a field survey and setting property corners for a Lot Split or Vacation of Plat is not required. The field survey and setting of lot corners for a Minor Subdivision is required.

The Surveyor's Certificate for a Lot Split and Vacation of Plat is to be modified as follows:

SURVEYOR'S CERTIFICATE

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary of the subdivision shown hereon based on record data..

The Certificate of Final Plat Approval for a Vacation of Plat is to be modified as follows:

CERTIFICATE OF FINAL PLAT APPROVAL

Pursuant to the Barling Land Subdivision and Development Code, this document is hereby approved by the City Administrator of the City of Barling. The City hereby divests all public rights in the streets, alleys, and public easements previously laid out or platted except those streets, alleys, and public easements shown hereon which the City retains the public interest therein. This Certificate is hereby executed under the authority of the Rules and Regulations of said City.

Signed

\_\_\_\_\_  
City Administrator, City of Barling

\_\_\_\_\_  
Date

ARTICLE VIII  
ADMINISTRATION AND ENFORCEMENT  
Section 1  
ENFORCEMENT

In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations, and laws including, but not limited to: Comprehensive Development Plan, Zoning Ordinance (within the City's corporate limits), building and housing codes, and any other regulations adopted by the Board of Directors; and any regulations or special requirements of the State Health Department, State Highway and Transportation Department, or other appropriate State agencies. It shall be the duty of the Building Inspector and the Planning Commission to enforce these regulations and to bring to the attention of the City Administrator and the City Attorney any violations or lack of compliance herewith.

In order to carry out the purposes of the regulations and to assure an orderly program of land development after the effective date of these regulations:

1. No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the Circuit Clerk-Recorder for filing of record unless the plat has been approved by the Planning Commission.
2. No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land, within the planning area jurisdiction, without compliance with the applicable provisions of this Code or amendments thereto shall be permitted.
3. No dedication of streets shall by itself be accepted by the City unless the usage of the adjoining, affected land is shown; if the purpose of opening the street is to make the affected land available for sale as a redevelopment or subdivision, the street may not be accepted until accompanied by the required plat.
4. No public utility, whether publicly or privately owned, shall provide, extend, or authorize the extension of services to any lot, building, structure, or location within the area under the jurisdiction of the Planning Commission unless:
  - a. The lot, building, or structure was established before the adoption of this Land Subdivision and Development Code; or
  - b. A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the Circuit Clerk-Recorder; or
  - c. The plan for the proposed services by the public utility has been approved by the Planning Commission as provided in the State Statutes.

5. No building permit shall be issued for any new structure on any lot or tract of land which does not comply with all of the provisions of this Code, including the installation of all improvements adjacent to or associated with said lot. Notwithstanding, no building permit shall be issued for the final 10% of lots in a subdivision, or, if 10% be fewer than 4, for the final 4 lots of a subdivision until all public improvements required for the plat have been fully completed.

## Section 2 FEES

Filing fees shall be required for submittal of Preliminary Plats, Final Plats, Improvement Plans, etc., through the City of Barling. Such fees shall be in the amount as listed below:

For each Preliminary Plat submitted, the fee shall be \$10 plus 50 cents for each lot, the maximum fee not to exceed \$15. For each Final Plat submitted, the fee shall be \$4, plus 25 cents for each lot, the maximum fee not to exceed \$10.

Recording fees for filing of Final Plats shall be paid by the Subdivider.

## Section 3 VARIANCES

The rules and regulations set forth in this Code are the standard requirements of the City. The Planning Commission may, with concurrence by the Board of Directors, authorize a variance from these regulations when, in its opinion, undue hardship would result from requiring strict compliance. Such hardship shall, not be self-induced as a result of the developer's own action.

No variance shall be granted except upon written petition by the Subdivider when the Preliminary Plat is filed. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made. In granting a variance, the Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commission finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of

the reasonable use of his land.

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
3. That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.
4. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Code.

Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Code so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the Subdivider or hardship resulting from the Subdivider's own action shall not be deemed to constitute undue hardship.

#### Section 4 AMENDMENTS

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which 15 days advance notice in a local newspaper of general distribution has been published. Following such hearing, the Board of Directors may adopt the amendment or amendments as recommended by the Planning Commission or as determined by a majority vote of the Board.

#### Section 5 PENALTY

Any person, firm, or corporation that violates any provision of these regulations or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than \$500.00. Each day that violation of these regulations is in effect shall constitute a separate offense and be subject to additional *finer*s of \$100.00 per day.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

ARTICLE IX  
LEGAL STATUS

Section 1  
CONFLICTING REGULATIONS

Ordinance Nos. 139, 176, 177, and 251 are hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict with this Code are hereby repealed.

Section 2  
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable and a decision by any court of competent jurisdiction that a provision of this Ordinance or any application thereof is illegal, invalid or unconstitutional, shall not affect the legality, validity, or constitutionality of the remaining provisions or applications of this ordinance.

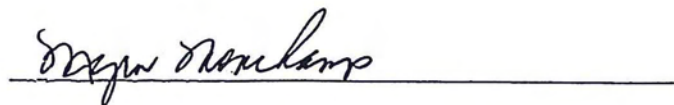
PASSED AND APPROVED this 28 day of November, 2000

APPROVED: Mayor



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ATTEST: City Clerk



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