

SUBDIVISION REGULATIONS

BLYTHEVILLE
ARKANSAS

Ordinance No. 1523 – June 19, 2001

Prepared by the Blytheville Planning Commission

with the assistance of
East Arkansas Planning & Development District

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CHAPTER 1. INTRODUCTION

Section 1.01. Purpose

The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development and subdivision of land within the boundaries of the planning area as indicated on the recorded "Planning Area Map" of the City of Blytheville, Arkansas.

Section 1.02. Authority

These subdivision regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas, as amended.

Section 1.03. Intent

It is in the intent of these regulations to lessen the congestion on the streets and highways; to further the orderly layout and use of land; to insure proper legal description and proper monumenting of subdivided land; to facilitate adequate provision for transportation, water, sewage, schools, yards, playgrounds and other public requirements; and to facilitate the further resubdivision of large tracts into smaller parcels of land.

Section 1.04. Application

1.04.01. These regulations apply:

1. to all forms of subdividing as defined in Section 2.01.; and,
2. to the division of land into two or more tracts, lots, sites, or parcels, subject to the exceptions in Section 1.04.02. below; or
3. The resubdivision of land, previously subdivided or platted into tracts, lots, sites, or parcels; or,
4. The dedication, vacation or reservation of any public or private easement, through any tract of land regardless of the area involved, including those for use by public and private utility companies; or,
5. The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

1.04.02. These regulations shall not apply to:

1. the division of land into parcels greater than five (5) acres which are to be used solely for agricultural purposes and where no street right-of-way dedication is required; or,
2. conveyances to family members, provided that:
 - a. the conveyance is to a member of the owner's immediate family;
 - b. roads are not built, altered or proposed;
 - c. the site design standards of these regulations can or will be met; and,
 - d. the resultant use of the subdivided property is in conformance with all other ordinances, regulations and requirements.

3. conveyances from the distribution of a decedent's estate, in whole tract or tract split, to any heirs of said decedent. However, any subsequent development or subdivision of said tracts shall be subject to the provisions of these regulations.

Section 1.05 . Suitability of Land

The Commission shall not approve the subdivision of land if, after thorough investigation conducted by appropriate public agency or agencies, it determines that the location or layout of such subdivision would be inimical to the health, welfare or safety of persons residing on such land. Land lying predominantly within the boundaries of a 100 year floodplain, is an example of constraints which could render certain lands as not appropriate for development.

Section 1.06. Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision within these regulations shall be permitted, except as specifically authorized herein.

CHAPTER 2. DEFINITIONS

Section 2.01. Definitions

For the purpose of these regulations, certain words in the present tense include the future; words in the singular include the plural number and words in the plural include the singular; the word “shall” is mandatory and not directive.

Alley	A minor permanent public service way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
Bench Mark	A definite point of known elevation and location and of more or less permanent character.
Bill of Assurance	A legal document specifying the covenants and restrictive conditions applicable to a particular property or group of lots within a common plat, addition or subdivision.
Block	An area of land surrounded by public highways, streets, streams, railroad rights- of-way, parks, or other similar areas or facilities.
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 Attorney.
Building Line	A line within a property, parallel to the property line, indicating the limit beyond which buildings or structures may not be erected.
City	City of Blytheville, Mississippi County, Arkansas
County	Mississippi County, Arkansas
Commercial Subdivision	A division of a tract or parcel into two or more building sites for commercial uses.
Commission	The word “commission” or “Planning Commission” shall refer to the Blytheville Planning Commission.
County Recorder	The County Recorder-Circuit Clerk of Mississippi County, Arkansas.
Cul-de-sac	A street having one end open to vehicular traffic and being terminated at the other end by a vehicular turnaround.
Developer	That person, firm or corporation by whom a tract of land will be subdivided and improved pursuant to the requirements of these regulations.
Easement	A grant by the property owner for the use by the public, a corporation, or persons, of a strip of land for specific purposes.
Enforcement Officer	The agent of the City of Blytheville and the Blytheville Planning Commission designated to carry out various procedural and administrative responsibilities in regard to these regulations.
Engineer	A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.
Flood Plain	A geographic area susceptible to periodic inundation from the overflow of natural waterways and determined as to extent by the U.S. Army Corps of Engineers.

General Plan	The comprehensive plan prepared and adopted by the Planning Commission and accepted by resolution of the City Council indicating the general locations recommended for various land uses, streets, parks, public buildings, and other public improvements.
Health Department	The Mississippi County Health Department.
Improvements	Any betterment of the existing conditions of the land, such as streets, sidewalks, extension of utilities, grading or excavation, drainage, or other actions resulting in permanent changes in the condition of the land necessary to render a parcel or tract of land suitable for further development.
Lot	A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or for development
Lot of Record	Any tract, lot, parcel or legally describable ownership existing prior to the adoption of these regulations. In order to qualify, a public record such as a deed or plat shall be required.
Lot Split	A transfer or contract to transfer any tract of land of less than five (5) acres, where such tract of land was not shown of record in the office of the County Recorder and does not comprise an entire lot of record. Lot splits include: <i>Fractional Lot Conveyance</i> - The conveying or offering to convey a portion of a lot, or one or more lots together with a portion or portions of an adjacent lot where such lot or lots constitute a part of a previously subdivided addition; <i>Isolated Conveyance</i> - The conveying or offering to convey a single tract of land constituting a part of a larger unsubdivided tract of land, in which there is no immediate intent on the part of either the grantor or grantee to further subdivide the two tracts thus formed, or further develop same.
Master Street Plan	The official street plan for the City of Blytheville and Planning Area, indicating a street classification system, intended alignments for future streets, and their design standards
Planning Area	The land within the Planning Area Boundary, lying outside the corporate limits of the City of Blytheville, as defined and recorded with the County Recorder of Mississippi County, Arkansas.
Plat	A map or drawing and accompanying material indicating the layout and design of a proposed subdivision containing information necessary to transfer, locate and survey all property therein, for consideration and approval by the Planning Commission.
Plat, Final	A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording, and including the bill of assurance.
Plat, Preliminary	A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording and details are not completely computed.
Replanning	The resubdivision of any part of a previously platted subdivision, addition, lot or tract.
Right-of-Way	A tract of land dedicated for public purposes and transferred to the City, County or other appropriate jurisdictional ownership for improvements and maintenance.
Slope	The rate of deviation of the ground surface from the horizontal surface, as expressed in percentages.

Street	A public right-of-way, however designated, which provides vehicular access to adjacent properties.
Street, Arterial	Main traffic streets carrying inter-city traffic.
Street, Collector	A feeder route which carries vehicles for local residential streets to the major arterial streets.
Street, Dead End	A street, similar to a cul-de-sac but providing no turnaround at its closed end.
Street, Local	A neighborhood street within a particular area used mainly for access to properties.
Street, Loop	A local street that begins from one local street and curves around to end on the same local street.
Subdivider	see “Developer”
Subdivision	<p>The term “subdivision” includes:</p> <ul style="list-style-type: none"> ■ The development of land, the division of or transfer of an interest in land, or contract for transfer of interest in land shown as a unit on the last preceding tax roll, into two (2) or more parcels, lots, tracts, or areas, except as otherwise provided herein, or; ■ Any division of or transfer of an interest in land shown as a unit on the last preceding tax roll, involving the right-of-way or alignment of an existing or proposed street or highway; or, <p>The term “subdivision” does <i>not</i> include:</p> <ul style="list-style-type: none"> ■ Transfers of interest by will or pursuant to court order, mortgages, and the granting of easements for the extension and/or maintenance of public utilities; or, ■ A division of land solely for agricultural purposes into lots or parcels of five (5) acres or more and not involving a new street.
Surveyor	A Licensed State Land Surveyor or a Registered Public Surveyor authorized to practice the profession of surveying in the State of Arkansas.
Zoning Regulations	The zoning ordinance of the City of Blytheville, Arkansas, and all amendments thereto.

CHAPTER 3. PROCEDURAL REQUIREMENTS

Section 3.01. General

The purpose of this Chapter is to describe the various procedures required to allow the recording of a plat or conveyance of property which is to be subdivided under the provisions of these regulations.

Section 3.02. Lot Splits

1. Because a lot split, as defined in Section 2.01 does not create a need for public improvements or protection of the general public, it is desirable to provide an expedited procedure for approving this form of land subdivision.

2. When a lot split is proposed, the subdivider shall prepare and submit a complete application for approval of lot split on such form or forms as the Commission may require. Such application shall be filed at least ten (10) days prior to a regular meeting of the Commission. The application shall consist of:

a. For an isolated conveyance:

(1.) two (2) copies of a map based on an actual and legal survey, showing the boundaries and dimensions of the entire tract of land owned by the grantor out of which such isolated conveyance is proposed to be made. If such tract adjoins any subdivided area, or if such tract is separated only by a street or other public way from subdivided lands, such map shall further show the relative location of adjoining street(s) and public ways to the entire tract of land owned by the grantor;

(2.) the instrument of transfer including an instrument for both the part being split, and the part being retained.

b. For a fractional conveyance:

(1.) a metes and bounds description of the proposed fractional conveyance in lieu of a plat map;

(2.) the Enforcement Officer or Commission may require the submission of such additional information as may be deemed pertinent to satisfying the requirements of these regulations.

c. a receipt from the City Clerk acknowledging payment of a filing fee. The City shall collect a fee as specified in Section 8.03.

3. The Commission shall meet, hear and consider such requests within forty-five (45) days after delivery of the application. If the Commission finds that the proposed conveyance is in fact a subdivision coming within the provisions of these regulations, then the Enforcement Officer shall notify the applicant of this determination in writing. One (1) copy of the letter shall be provided to the County Recorder of Mississippi County, and one (1) copy retained by the Commission.

4. The Commission shall not approve a conveyance of land if it finds that the conveyance will interfere with the orderly development of the entire tract or adjoining tracts, or if it is not in conformance with the General Development Plan or with any other plans or regulations in effect.

5. Should the Commission find that such tract does not conform with any plan or regulation but that the conveyance does in fact constitute a lot split, the Commission shall indicate in writing to the applicant such adjustments as the Commission deems reasonably required to bring such conveyance into conformity. Upon the applicant amending the map and description, and upon his otherwise complying with the requirements of the Commission as stated in its objections, then the Commission shall approve such conveyance.

6. If the Commission finds that the conveyance constitutes a lot split within the meaning of this Section, the following stamp shall be affixed to the conveyance and signed by the Chairman or other official as may be designated by it:

Approved by the Blytheville Planning Commission: No Plat Required	
_____	_____ <i>(Signed)</i>
Date of Execution	Name of Chairman

Section 3.03. Phasing of Development

1. If any proposed subdivision is a portion of a larger tract which is later to be subdivided in its entirety, then a 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 all dimensions may be scaled. All subsequent preliminary and final plats shall provide a locator map which displays the location of the proposed plat in relation to the Master Plan.
2. The subdivider may alter or revise the Master Plan as subsequent sections of the larger tract is platted, subject to Commission approval and conditions. The subdivider shall ensure, and the Commission shall determine, that no such revisions are in any way detrimental to any platted section which preceded such revision.

Section 3.04. Letter of Intent

1. Whenever an owner, developer, or subdivider intends to develop land within the meaning of these regulations and before he prepares a plat, he shall file a letter of intent with the Enforcement Officer. The letter of intent shall provide:
 - a. preliminary sketch plan containing the data and information described in Section 4.01 for the development based on general knowledge of the property; and,
 - b. the proposed schedule of events for development and Commission action.
2. The purpose of the letter of intent is to provide early notification and to determine general conformance with existing plans and regulations. The Planning Commission shall advise the subdivider, after review of the letter of intent and sketch plan, that he may proceed with the preparation of a preliminary plat consistent with these regulations.

Section 3.05. Procedures for Review of Preliminary Plats

3.05.01. Submission Requirements

Once the subdivider has received authorization to proceed with the preliminary plat, he may submit an application for preliminary plat approval, on such form as may be prescribed by the Commission. The application shall be submitted at least ten (10) days prior to the Commission meeting at which the plat is to be considered. Such application shall be accompanied by:

1. four (4) copies of the preliminary plat and other documents described in Section 4.02;

2. a receipt from the City Clerk acknowledging payment of a filing fee. The City shall collect a fee as specified in Section 8.03.

3.05.02. Commission Review

1. The Commission shall review an application for preliminary plat approval only if said application is complete in all respects and submitted in a timely manner. The Commission review will be to determine conformity with the standards contained herein, as well as with other plans and regulations.
2. The Commission shall meet, hear and consider such application within forty-five (45) calendar days after the application is filed. It shall be mandatory upon the Chairman of the Commission to call a special meeting if no regular meeting is scheduled within the said forty-five (45) days. The Commission may approve the plat as submitted, conditionally approve the plat with modifications, or disapprove the plat. If the Commission approves the preliminary plat, it shall place the following *Stamp of Preliminary Approval* upon the plat:

This plat has been given preliminary plat approval only, and has not been approved for recording as a public record.	
This certification expires: _____	
_____	(Signed)
Date of Execution	Name of Chairman Blytheville Planning Commission

3. The applicant shall be notified, in writing, within five (5) calendar days of the Commission’s decision.
4. Commission approval of a preliminary plat does not constitute approval of water, sewer or other utility plans, nor does said approval constitute an automatic or implied approval of the final plat.
5. Approval of the preliminary plat shall be effective and binding. Such approval may include such conditions as the Commission deems necessary to ensure compliance with these regulations and shall permit the subdivider to proceed with installation of required improvements and preparation of final plat.

3.05.03. Expiration of Preliminary Plat Approval

Preliminary plat approval shall expire one year from the date of approval by the Commission, provided there is no performance in required improvements on the part of the subdivider.

Section 3.06. Procedures for Review of Final Plat

3.06.01. Submission Requirements

At least ten (10) days prior to the meeting of the Commission at which it is to be considered, the subdivider may submit an application for final plat approval which consists of:

1. a letter of application requesting review and approval of the final plat; and,
2. the final plat in an original tracing or reproducible and four (4) prints, and other documents as specified in Section 4.02; and,

3. a receipt from the City Clerk acknowledging payment of a filing fee. The City shall collect a fee as specified in Section 8.03; and,
4. confirmation that all required improvements have been or will be made, as follows:
 - a. Inside the City:
 - 1) receipt of one of the following from the Blytheville Water Department and Blytheville Sewer Department:
 - a) a certification that the subdivider has installed all water and sewer improvements in accordance with the plans and specifications approved by the Commission and that such utilities have been dedicated and accepted; or,
 - b) a cash deposit in the full amount as determined as necessary to complete the improvements and installations in compliance with these regulations for the portion of the subdivision for which approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the Water Department or Sewer Department; or,
 - c) an executed agreement with the Water Department and/or Sewer Department guaranteeing the completion of all required improvements, together with sufficient demonstration of financial ability to make the required improvements; or,
 - d) a performance bond which shall:
 - (1.) be in an amount determined by the Water Department and/or Sewer Department to be sufficient to complete the improvements and installation of utilities in compliance with Commission requirements; and,
 - (2.) be with surety by a company entered and licensed to do business in the State of Arkansas; and,
 - (3.) specify the time for completion of improvements and installations.
 - 2) receipt of one of the following from the City:
 - a) a certification that the subdivider has installed all street, drainage, sidewalk, grading and street sign improvements in accordance with the plans and specifications approved by the Commission and that such improvements have been accepted by the City; or,
 - b) a cash deposit in the full amount as determined by the City, necessary to complete the improvements and installations in compliance with these regulations for the portion of the subdivision for which approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City; or,
 - c) an executed agreement with the City guaranteeing the completion of all required improvements, together with sufficient demonstration of financial ability to make the required improvements; or,
 - d) a performance bond which shall:
 - (1.) be in an amount determined by the City to be sufficient to complete the improvements and installation of utilities in compliance with Commission requirements; and,

(2.) be with surety by a company entered and licensed to do business in the State of Arkansas;
and,

(3.) specify the time for completion of improvements and installations.

b. Outside the City:

- 1) receipt of one of the following from the rural water distribution association serving the development:
 - a) a certification that the subdivider has installed all water distribution system improvements in accordance with the plans and specifications approved by the association and that such improvements have been dedicated and accepted by the association; or,
 - b) an unconditional commitment by the association to complete the improvements and installations in compliance with these regulations for the portion of the subdivision for which approval is sought; or,

- c) an executed agreement with the association guaranteeing the completion of all required improvements, together with sufficient demonstration of financial ability to make the required improvements, specifying the time for completion of improvements and installations.
- 2) receipt of one of the following from the City:
- a) a certification that the subdivider has installed all street, drainage, sidewalk, grading and street sign improvements in accordance with the plans and specifications approved by the Commission; or,
 - b) a cash deposit in the full amount as determined by the City, necessary to complete the improvements and installations in compliance with these regulations for the portion of the subdivision for which approval is sought. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the City; or,
 - c) an executed agreement with the City guaranteeing the completion of all required improvements, together with sufficient demonstration of financial ability to make the required improvements; or,
 - d) a performance bond which shall:
 - (1.) be in an amount determined by the City to be sufficient to complete the improvements and installation of utilities in compliance with Commission requirements; and,
 - (2.) be with surety by a company entered and licensed to do business in the State of Arkansas; and,
 - (3.) specify the time for completion of improvements and installations.
5. confirmation that all rights-of-way and dedication of easements have been accepted, as follows:
- a. Inside the City:
 - 1) certification from the City that all required street rights-of-way and drainage easements have been dedicated and accepted by the City Council for maintenance; and,
 - 2) certification from the Water Department and Sewer Department that all water and wastewater easements have been properly dedicated and accepted.
 - b. Outside the City:
 - 1) certification from the appropriate rural water distribution association that all necessary easements have been dedicated and accepted;
 - 2) certification from the county of Mississippi County that all street rights-of-way and drainage easements have been dedicated to and accepted by the County and that all streets and drainage improvements have been accepted by the County for maintenance. In the event that the County refuses to accept the dedication of any or all streets in the subdivision, such streets shall be considered private streets and the Bill of Assurance shall include appropriate provisions to ensure continued necessary maintenance. In the event that the County refuses to accept any or all drainage improvements for maintenance, the Bill of Assurance shall include appropriate provisions to ensure continued necessary maintenance.
6. Confirmation that all lands designated for other public use are reserved as required by Section 5.02.

3.06.02. Commission Review

1. The Commission shall review an Application for final plat approval only if said application is complete in all respects and submitted in a timely manner. The Commission review will be to determine conformity with the standards contained herein, as well as with other plans and regulations, and consistency with the preliminary plat. The Commission may approve the plat as submitted, conditionally approve the plat with modifications, or disapprove the plat.
2. Failure of the Commission to act within forty-five (45) calendar days after the application is filed shall be deemed approval of the final plat and waives all further plat requirements of these regulations. Such failure to act shall be so noted by the Commission on the plat to be filed for record.
3. The basis for disapproval of the final plat shall include:
 - a. failure to install improvements according to detailed plans and specifications as previously approved by the Commission; or,
 - b. failure to comply with any written agreements or conditions of approval; or,
 - c. Failure to complete all required dedications and transfers of easements and/or rights-of-way consistent with the provisions of paragraph 5, Section 3.06.01 above;
4. If the final plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.
5. Final approval of the final plat shall be indicated by the Commission Chairman executing the following *Certificate of Final Plat Approval* on the plat:

This plat has been given final plat approval and has been accepted as meeting all of the requirements of the Subdivision Regulations of the City of Blytheville, Arkansas.	
	<i>(Signed)</i>
Date of Execution	Chairman's Name Blytheville Planning Commission

Section 3.07. Recording of Final Plat

Upon approval of the final plat, the Commission shall have the final plat recorded in the Office of the County Recorder. The subdivider shall pay all fees in connection with the recording of said plat, but the Commission shall record the plat.

Section 3.08. Replatting

The replatting of any subdivision shall meet all the requirements for a new subdivision. The Commission shall determine if the revisions to an existing plat are such that they require the submission, review and approval of a new preliminary plat.

CHAPTER 4. SKETCH PLAN AND PLAT REQUIREMENTS

Section 4.01. Plan and Plat Requirements

Before the Commission may grant approval in respect to plan and plat requirements, the subdivider shall show the following information on the respective plans or plats:

Detail	Sketch Plan	Preliminary Plat	Final Plat	Lot Split
Name of subdivision	✓	✓	✓	✓
Name of owner, developer, and surveyor	✓	✓	✓	✓
North point, scale and date	✓	✓	✓	✓
Map showing location and acreage	✓			✓
Boundary lines bearing distances	✓	✓	✓	✓
Names of adjoining owners and subdivisions	✓	✓		✓
Existing streets, buildings, water drainage, railroads, utilities and easements	✓	✓	✓	✓
Proposed streets and alleys with street names, lot lines, easements, land for public uses, and other lands		✓	✓	
Block and lot numbers		✓	✓	
Building setback lines		✓	✓	
Existing zoning classification on property and adjoining property and zoning amendments to be requested		✓		
Proposed and existing uses of land		✓		
Contour intervals shown (not less than 5 feet)		✓	✓	
Portion of land subject to flooding (100 year floodplain boundary)		✓	✓	
Actual boundary survey by bearings and distances, subdivision lots, blocks, & streets		✓	✓	
Health Department approval of water and sewer systems (if not existing public system)		✓	✓	
Bearings (referred to true north) of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be shown in lieu of bearings.			✓	
Location of monuments			✓	
If subdivision is a portion later to be subdivided entirely, Master Plan for entire subdivision		✓		
Improvement plans for all facilities and utilities		✓		
Certification of taxes and fees paid		✓	✓	
Certification and seal of registered surveyor			✓	✓
Certification and seal of registered engineer		✓	✓	
Certification of owner describing dedication of areas and improvements to public;			✓	
Vicinity map	✓	✓		✓
Address of primary structure on each lot		✓	✓	

Section 4.02 . Other Required Documents

The subdivider shall provide the following additional documents:

Document	Sketch Plan	Preliminary Plat	Final Plat	Lot Split
Bill of Assurance		✓	✓	
As Built Construction Plans			✓	
Certification of Payment of Application Fee		✓	✓	✓
Evidence of dedication of public rights-of-way, easements and improvements			✓	

Section 4.03. Restrictive Covenants

1. The subdivider shall submit the proposed Bill of Assurance or other form of restrictive covenant with the preliminary and final plats for the approval of the Commission.
2. The Commission shall file with the County Recorder the Bill of Assurance as approved by the Commission at the same time the plat is filed for record. All fees associated with such filing shall be borne by the subdivider.
3. Subsequent revisions to the Bill of Assurance or other form of restrictive covenant, by the subdivider, property owners association, subdivision residents, or other person or persons legally authorized to enter such revisions, shall be submitted to the Commission for review and approval. The Commission shall review the proposed revisions to determine that they would comply in all respects with all plans and regulations then in effect. Revisions to the Bill of Assurance or other form of restrictive covenant may not be recorded by the County Recorder of Mississippi County, Arkansas, without the written approval of the Commission. All fees associated with such recording shall be borne by the individual, association, or organization requesting the revision.

Section 4.04. Phasing of Development

In the event that a subdivision and the final plat thereof are approved in sections, each final plat of each section shall carry the name of the entire subdivision, but shall bear a distinguishing letter, number, or subtitle. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections. The final plat of each section of the subdivision shall display a locator map, indicating the relationship of the section of the subdivision to the entire subdivision.

Section 4.05. Scale

Plats shall be prepared on sheets not exceeding 24 x 36 inches at a scale of not more than one inch equals one hundred feet (1' = 100').

Section 4.06. Multiple Sheets

When more than one sheet is used for a plat, a key map showing the location of each sheet on the entire subdivision on a smaller scale shall be shown on the first sheet.

Section 4.07. Right of Planning Commission to Have Survey Made

The Commission may have a survey made of the boundary of the subdivision to determine if said description is correct. In the event there is an error in said description, the subdivider shall pay for said survey and correct the boundary description to the satisfaction of the Commission.

Section 4.08. Certification of Survey

1. The registered surveyor or engineer who made the survey and prepared the final plat shall execute a certification on the final plat which shall read as follows:

Know all men by these presents that I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under by personal supervision, in accordance with the Land Subdivision and Development Code of the City of Blytheville, Arkansas.

DATE: _____

2. The surveyor's or engineer's seal shall be affixed to the plat adjacent to the certification.

CHAPTER 5. GENERAL LAYOUT DESIGN REQUIREMENTS

Section 5.01 Conformance with Official Plans

The subdivision shall conform to all official plans and regulations that are in effect.

Section 5.02. Provision of Land for Public Use

The Commission may require reservation of suitable sites for public uses indicated on the General Development Plan for a period of up to twelve (12) months after the date of preliminary plat approval. Such reservation shall be referred to the appropriate public board, commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites either through purchase, taking of option, or the filing of condemnation proceedings under the power of eminent domain.

Section 5.03. Blocks

1. The lengths, widths, and shapes of blocks shall be determined with due regard for the following:
 - a. Blocks shall not be designed at less than four hundred feet (400') in length nor more than one thousand feet (1,000') in length. When a block exceeds six hundred feet (600') in length, the Commission may require a dedicated easement not less than fifteen feet (15') in width and a paved crosswalk not less than four feet (4') in width to provide pedestrian access across the block.
 - b. Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.
 - c. Where the topography of the subdivision is conducive to such layout, the use of rectangular blocks longer than wide is encouraged in the interest of economy to the developer and to the City in future maintenance of streets and other utilities.

Section 5.04. Lots

5.04.01. Generally

1. The Commission shall have authority to disapprove street and lot patterns that, in the judgment of the Commission, result in hazards to the general health, safety and welfare of the residents of the subdivision and/or adjacent properties.
2. The design of lots within a subdivision shall conform to the following principles:
 - a. Insofar as practical, side lot lines shall be perpendicular or radial to street lines; lots which are not perpendicular or radial to street lines shall be dimensioned with a bearing. Each lot shall abut upon a public street;
 - b. No building shall be built between the building line and the property line. Corner lots for residential use shall have extra width to permit appropriate building setback from, and orientation to, both streets
 - c. Lots within the city limits shall conform to the requirements of the Zoning Regulations.

- d. Lots outside the city limits shall be of sufficient size to conform to the regulations and specifications for on-site wastewater treatment facilities of the Arkansas Department of Health. The subdivider shall conduct a percolation test on each proposed lot in the subdivision and indicate the location of result of each test on the preliminary plat;

5.04.02. Residential

1. The size, shape and orientation of every lot shall be as the Commission deems appropriate for the type of development and use contemplated. No lot shall be more than three and one-half (3½) times as deep as it is wide, nor shall any lot average less than one hundred feet (100') deep.
2. Double frontage and reverse frontage shall be avoided except where they are needed to provide for the separation of residential development from major streets or to overcome specific land constraints. A planting screen easement of at least ten feet (10') shall be provided along the portion of the lots abutting a major streets or other use where screening is appropriate.
3. Lots which abut railroad, arterial road, or interstate highway rights-of-way shall provide a buffer strip of at least twenty five feet (25') in depth in addition to the normal depth of lot on the side of the lots abutting such right-of-way. This strip shall be part of the platted lots and shall be designated on the plat with the following notation:

This strip is reserved for screening. The placement of structures hereon is prohibited.

5.04.03. Non-residential Development in a Residential Subdivision

Subdivisions which are primarily residential in character may propose to include some portion of the subdivision for commercial use which is appropriate to primarily serve the subdivision within which such use is to be located. Industrial uses shall never be allowed within a subdivision which includes residential uses. A subdivision which proposes to include some commercial use shall comply with the following;

1. Areas within the subdivision not intended for residential use shall be clearly identified on the plat.
2. If the subdivision is within the city limits, proposed non-residential uses must be permitted by and conform to the zoning regulations of the zone in which it is located.
3. Before a non-residential use or uses can be established in the area designated, a plan of development must be presented to the Commission for approval. An approved plan of development is required in advance of the actual installation of the use, not prior to subdivision plat approval. This plan of development shall indicate:
 - a) The location and use of structure or structures on the lot or parcel;
 - b) The means of ingress and egress to public streets and highways;
 - c) The location and dimensions of drives and parking areas; and,
 - d) Other improvements contemplated.

5.04.04. Commercial Subdivision

Subdivisions which are solely intended for commercial purposes shall comply with the following:

1. If the subdivision is within the city limits:
 - a. It must be located within an appropriate zoning district and comply in all respects with the requirements of that zoning district;

- b. The Bill of Assurance shall stipulate that all uses shall be in conformance with the zoning district within which the subdivision is located.
2. If the subdivision is located outside of the city limits:
 - a. It may be approved if it materially meets the objectives of the General Development Plan;
 - b. The depth and width for commercial lots shall be at least one hundred feet (100') of frontage by one hundred fifty feet (150') of depth. In all instances, no commercial or office lots shall have a depth exceeding three (3) times the width. Pipestem lots are prohibited in office or commercial subdivisions.
 - c. The Bill of Assurance must limit the use of any lot or lots to commercial activities.
 - d. The subdivision shall provide a planted buffer, at least ten feet (10') in width around any perimeter adjacent to non-commercial or non-industrial uses.

5.04.05. Industrial Subdivision

Subdivisions which are solely intended for industrial purposes shall comply with the following:

1. If the subdivision is within the city limits:
 - a. It must be located within an appropriate zoning district and comply in all respects with the requirements of that zoning district;
 - b. The Bill of Assurance shall stipulate that all uses shall be in conformance with the zoning district within which the subdivision is located.
2. If the subdivision is located outside of the city limits:
 - a. It may be approved if it materially meets the objectives of the General Development Plan;
 - b. The depth and width for commercial lots shall be at least one hundred fifty feet (150') of frontage by two hundred feet (200') of depth. In all instances, no industrial lots shall have a depth exceeding three (3) times the width. Pipestem lots are prohibited in industrial subdivisions.
 - c. The Bill of Assurance must limit the use of any lot or lots to industrial activities.
 - d. The subdivision shall provide a planted buffer, at least ten feet (10') in width around any perimeter adjacent to non-commercial or non-industrial uses.

Section 5.05. Platted Building Lines

5.05.01. Inside the city limits:

1. Each lot must comply with the front, side, and back yard setback requirements of that zoning district;
2. The Bill of Assurance shall stipulate that all uses shall be in conformance with the zoning district within which the subdivision is located.

5.05.02 Outside of the city limits:

Each lot shall comply with the following standards:

	Distance from		
	Right-of-Way	Side Property lines	Rear Property lines
Residential	30'	10'	10'
Commercial	45'	20'	20'
Industrial	50'	30'	30'

Section 5.06. Easements

1. The Commission may require the dedication of easements, of not less than ten feet (10') in width across lots or centered on rear or side lot lines for utilities. No permanent physical facility shall be erected within any utility easement.
2. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be required in connection therewith.
3. All easements in favor of the City, or other appropriate agency or jurisdiction, shall be in writing and duly signed by the record owners of the premises and shall give the City, agency, or jurisdiction the right to keep said easements free and clear of all brush, overhanging trees, shrubbery or other growing thing that may reasonably interfere with the proper use of said utility lines or drainage course, with full rights to the City, or appropriate agency or jurisdiction, of ingress and egress for the purpose of maintaining the easement.

Section 5.07. Street Naming and Numbering

In order to facilitate proper operation of the 911 emergency calling system street names and addresses shall be developed in a manner which fully complies in all respects with the currently adopted street naming policy of the City or County. To ensure compliance with this policy:

1. no street name shall duplicate an existing street name within the planning area. Proposed names for new streets shall be displayed on the preliminary plat and will be subject to approval of the Commission; and,
2. each lot on a preliminary plat shall display a designated primary structure address, consistent with the addressing grid system and policies of the City or County.

Section 5.08. Multiple Building Sites

Large-scale development involving the construction of two or more buildings together with the necessary drives and access ways which is not subdivided into customary lots, blocks, and streets shall be subject to the provisions of these regulations. This provision shall also be deemed to include single principal structures proposed for addition to an existing multiple building site development. Plans for all such developments shall be submitted to and approved by the Commission, whether or not such plat is to be recorded, and no building permit shall be issued until such approval has been given. Such plan shall be prepared in sufficient detail to show the location of driveways, curb cuts, service easements, building locations, sidewalks, parking areas and landscaping.

CHAPTER 6. REQUIRED IMPROVEMENTS AND DESIGN STANDARDS

Section 6.01. General

Every subdivider shall be required to install streets, utilities, and public improvements as described herein.

Section 6.02. Street Standards

6.02.01. Generally

The arrangement, character, extent, width, grade and location of all streets, including minimum width of rights-of-way shall conform with the Master Street Plan and shall be designed in accordance with the following provisions:

1. Local residential streets shall be laid out so that their use by through traffic will be discouraged;
2. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent properties. The Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.
3. 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.
4. Whenever a subdivision abuts or contains an existing or proposed major street, the Commission may require service streets, reverse frontage with screen planting contained in a non-access 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. The Commission may permit adjustments in the location of major streets due to topographical conditions, public convenience, or safety.
5. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
6. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City or County under conditions approved by the Commission.
7. The street names shall require the approval of the Commission. Streets that are obviously in alignment with streets already existing and named shall be given the name of the existing street.
8. The Commission may limit the points of access on major streets.
9. All streets shall be cleared and graded as approved by the Enforcement Officer. Finished grades shall be at levels approved by the Enforcement Officer or appropriate agency.

6.02.02. Right-of-Way

The right-of-way width shall be the distance across a street from property line to property line. Referring to the Master Street Plan for the required location of major streets, the minimum right-of-way width shall be as follows:

Arterials	100 feet
Collectors	80 feet
Local Residential	50 feet

Alleys	20 feet
Cul-de-sacs	100 feet diameter

6.02.03. Street Grade

Street grades shall be at least 0.40% unless the developer offers an acceptable alternative design for draining the street of surface storm water.

6.02.04. Paving

1. 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. All streets shall have curbs and gutters. Cross-sections of curbs and gutters are subject to the approval of the City Engineer.

2. Street pavement widths shall be as follows, the indicated width being measured from back of curb to back of curb:

Arterials	44 feet
Collectors	36 feet
Local Residential Streets	27 feet
Local Commercial Streets	40 feet
Marginal Access Streets	27 feet

3. The subdivider shall bear the cost of paving street as required herein of widths up to twenty seven feet (27'). Hence, the subdivider shall pay for local residential streets and marginal access streets. Where a forty foot (40') commercial street is required, the subdivider likewise shall bear this cost. Where a street width is necessary for a collector, a minor arterial or principal arterial street, the subdivider shall receive financial assistance from the City or other public body to pay the pro rata share of the cost of the street width in excess of twenty seven feet (27') (or 40 feet in the case of a commercial subdivision).

4. The Planning Commission may require soil tests and/or an engineering analysis and design of pavement and base thickness in areas of known or suspect poor soil and drainage and shall require soil tests and engineering analysis and design of pavement and base thickness for arterial, collector and commercial streets.

5. The minimum base thickness shall be six inches (6") compacted SB-2 or black base. The minimum asphalt concrete thickness shall be two inches (2"). The minimum Portland concrete thickness shall be six inches (6") with Type 3 welded wire mesh per A.H.T.D. specifications. All utility crossings under streets, roadways, and curbs shall be backfilled and compacted with SB-2 to final subgrade level.

6.02.05. Intersections

1. The centerline of no more than two (2) streets shall intersect at any point. Street intersections shall be as nearly possible at right angles as possible, and no intersection shall be at an angle of less than seventy-five degrees (75°).

2. Curb radii at street intersections shall not be less than twenty feet (20'), unless trees or utility poles require less. Where the angle of a street intersection is less than ninety degrees (90°), the Commission may require a greater curb radius. When necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

6.02.06. Horizontal Curves

Curvilinear streets are permitted for local streets as a means to discourage excessive vehicular speeds, provide attractive vistas, and to promote design which is sensitive to topographical constraints. Whenever a street changes direction or connecting street lines deflect from each other by more than ten degrees (10°), there shall be a horizontal curve. To insure adequate distance, the minimum center line radii for horizontal curves shall be as follows:

Arterial	300 feet
Collector	200 feet
Local	100 feet

2. The subdivider may request a variance from this standard when it can be amply demonstrated that the site is of such topographical nature as to render other design possibilities impossible or impractical; in such instances, the subdivider shall propose, or the Commission may impose, such requirements as are necessary to mitigate potential hazards and to ensure public safety.

6.02.07. Other

1. Street jogs and centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided.
2. Property lines at street intersections shall be rounded with a radius of ten feet (10'), or of a greater radius where the Commission may deem it necessary.
3. A cul-de-sac shall not be longer than five hundred feet (500') and shall be provided at the closed end with a turn-around having an outside diameter of at least eighty feet (80') and a street property line diameter of at least one hundred feet (100').

Section 6.03. Curbs and Gutters

The subdivider shall provide permanent six inch (6") concrete curbs with twenty-four inch (24") integral concrete gutters or standard rolled curb and gutters, which will be fully integrated with the drainage improvements required in Section 6.04. The subdivider may request a waiver of this requirement when it can be demonstrated, to the satisfaction of the Commission, that:

1. The subdivision is in a low density residential zoning district (inside the city limits) or that the density of development is consistent with low density residential lot standards (outside of the city limits); and,
2. An alternative street drainage system design is more practical and effective than curbs and gutters. While relative cost may be a factor in this determination, for the purposes of this section, "practical" and "effective" shall refer primarily to hydraulic calculations with respect to desirable storm water run-off and relationship of the street to the Master Street Plan.

Section 6.04. Drainage

1. All subdivisions shall be provided with a storm drainage system that is designed and constructed to handle rainfall runoff that originates in or traverses the subdivision. Said improvements shall be installed in accordance with regulations established by this and other ordinances by the City Council.
2. Facilities for storm drainage shall be designed and constructed so as to minimize any increase in the rate of storm runoff onto adjoining property over that which existed prior to the development. If this is not practical, the subdivider may be required to participate in the provision of off-site improvements needed to mitigate the potential negative impacts of the additional runoff due to development.
3. Facilities for storm drainage shall be of adequate capacity, and designed in accordance with not less than a one in ten-year rainfall (except in the Central Business District where one in twenty-five year design will be used).

4. Provisions shall be made for storm water emergency overflow in subdivisions having enclosed storm systems. The emergency overflow for subdivisions consists of two design considerations:
 - a. an underground system shall be designed to carry enough water to allow the streets passable for emergency service vehicles during a storm of 25-year return frequency; and,
 - b. an above-ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of a 50-year return frequency.
5. Within street rights-of-way, inlets to a closed storm drainage system shall be required. They shall be designed, located, and constructed:
 - a. to accommodate a one in ten-year rainfall without necessitating a water depth greater than 4½ inches at the gutter line for that rainfall that falls upon and enters the pavement area; and,
 - b. so that all water which enters the pavement areas shall exit the street through inlets only. In some cases, such as minor loop or cul-de-sac streets where the rate of flow is less than four cubic feet per second (4 cfs), breaks in the curb with concrete aprons within the City right-of-way may be allowed.
6. Concrete valleys shall be utilized at all surface cross drains where surface water drainage to be accommodated is less than five (5) cubic feet per second. Concrete valleys shall have a minimum width of four feet (4') and cross section slopes of one inch (1") per one foot (1'). Underground drain pipes are required for all cross drains where surface water drainage to be accommodated is greater than five cubic feet per second (5 cfs).
7. Where a subdivision is traversed by a natural watercourse, drainage-way, or stream, there shall be provided a storm drainage easement of necessary width, conforming substantially to the lines of such watercourse or as otherwise approved by the City Engineer.
8. Box culverts and bridges which cross streets in the City right-of-way need not extend to the right-of-way on each side but shall be of sufficient length to accommodate vehicular and pedestrian traffic.
9. Any area or lot which may be prone to local flooding shall have the minimum elevation of the lowest allowable finished floor elevation indicated on the final plat. This elevation shall be that corresponding to one foot above the flood elevation for a 100-year rainfall intensity.
10. Rainfall may not be diverted from one watershed to another within the plat boundaries.
11. Drainage easements shall be provided as required by Section 5.06.

Section 6.05. Sidewalks

A concrete sidewalk shall be installed along each side of all streets, adjacent to the lot line abutting any street. Sidewalks shall be designed and constructed so as to be in compliance with regulations promulgated under the federal Americans with Disabilities Act. The Commission may grant a waiver of this requirement, if requested to do so by the subdivider, along residential streets in a subdivision which has no lot smaller than one (1) acre.

Section 6.06. Water Distribution System

6.06.01. Inside the City

1. All subdivisions shall be provided with water distribution systems approved by the Blytheville Water Department. The system shall be connected to an existing distribution line at such point and in such manner as determined by the Blytheville Water Department. Lines shall be installed at the subdivider's expense, and

designed to meet the anticipated consumption, pressure and fire protection requirements within the subdivision as well as future additions or phases to the subdivision, consistent with design standards of the Blytheville Water Department. The Commission may require the installation of larger lines than necessary for the immediate use of the subdivision when it determines that such design is necessary for the proper development beyond the subdivision. In such instances, the subdivider shall be responsible for a pro-rata share of total cost which is equal to the cost of required improvements exclusively for the subdivision.

2. Fire hydrants shall be installed by the subdivider and shall be located so as to adequately protect each lot in the subdivision. The maximum distance between fire hydrants shall not exceed five hundred feet (500').

6.06.02 Outside the City

1. All subdivisions shall be provided with a public water supply system. Such system shall be connected to a rural water distribution association. If the subdivision is outside the existing service area of such an association, arrangements shall be made to be connected. If the proposed subdivision is unable to connect to the association's lines, the subdivider must either abandon the project, or petition to be annexed to the City, if the property is contiguous to the City.
2. The system shall be connected to an existing distribution line at such point and in such manner as determined by the rural water association.

Section 6.07. Wastewater Treatment

1. When a subdivision is within reasonable distance of an existing sewer collection line, each lot in the subdivision shall be served by a sanitary sewer collection system approved by the Blytheville Sewer Department. Reasonable distance shall be defined as follows:
 - a. For less than five (5) lots: within one (1) mile of existing service;
 - b. For five (5) to twenty (20) lots: within one-half (½) mile of existing service;
 - c. For more than twenty (20) lots: within one thousand feet (1,000') of existing service.
2. The system shall be connected to an existing collection system at such point and in such manner as determined by Blytheville Sewer Department. Collection lines, and any required appurtenances such as lift stations and manholes, shall be installed at the subdivider's expense, and designed to meet the anticipated volume requirements within the subdivision as well as future additions or phases to the subdivision, consistent with design standards of Blytheville Sewer Department. The Commission may require the installation of larger lines or appurtenances than necessary for the immediate use of the subdivision when it determines that such design is necessary for the proper development beyond the subdivision. In such instances, the subdivider shall be responsible for a pro-rata share of total cost which is equal to the cost of required improvements exclusively for the subdivision.
3. When the subdivision cannot be connected to and served by existing sanitary sewers, the disposal of sewage shall be provided in accordance with standards established by the Arkansas Department of Health.

Section 6.08. Site Grading

When cuts and fills are to be made, the subdivider shall present a grade plan. After completion of the streets and utilities, the site shall be cleaned up and graded to drain properly.

Section 6.09. Other Utilities

The subdivider shall make arrangements with the appropriate utility companies not specifically enumerated herein for the extension of their respective services to and within the subdivision.

Section 6.10. Street Signs

The subdivider shall pay for the cost of street signs and their installation. The City will install the signs.

Section 6.11. Street Light Standards

Street lights shall be installed in all new residential, commercial, or industrial subdivisions; and the owner/subdivider shall make arrangements with the local power company for such installation.

In subdivisions improved with underground wiring, the developer shall provide for purchasing any ornamental metal light standards that he desires for the subdivision (in contrast to wood poles normally provided the power company).

Section 6.12. Monuments

Concrete monument four inches (4") in diameter (or four inches (4") square) and thirty-six inches (36") long, with four (4) one-fourth inch ($\frac{1}{4}$ ") metal reinforcing rods the length of the monument, shall be placed with the top flush to the ground at all points of intersection of the boundary of the subdivision and at diagonal corners of all intersecting streets. The location of all monuments shall be shown on the final plat.

Section 6.13. Lot Markers

The corners of all lots shall be marked by the placement of a metal reinforcing rod twenty-four inches (24") in length and one-half inch ($\frac{1}{2}$ ") in diameter placed with the top flush to the ground.

CHAPTER 7. CONSTRUCTION PLANS & SPECIFICATIONS

Section 7.01. General

1. Prior to the construction of any streets, drainage, or grading, the subdivider shall furnish two complete sets of plans and specifications for said construction to the Enforcement Officer. These plans and specifications:
 - a. Will be reviewed for conformity with these regulations and any existing city standards; and,
 - b. Must be approved by the Enforcement Officer, in writing, prior to the initiation of any construction.
2. For any subdivision inside the city, construction plans for water distribution and sewer collection systems shall be presented to the Blytheville Water Department and/or the Blytheville Sewer Department in conformance with any requirements then in effect.
3. For any subdivision outside the city, construction plans for water distribution systems shall be presented to the rural water distribution association, in accordance with that association's requirements.

Section 7.02. Plans

1. The plans shall be securely bound and shall consist of a title sheet and such plan-profile and detail sheets as are required to meet the requirements of these regulations and to properly define the proposed work. The title sheet shall show the name of the subdivision, engineer, date, and an index of drawings.
2. Each plan-profile and detail sheet shall contain the following minimum general information:
 - a. engineer's seal and signature;
 - b. north arrow; and,
 - c. title block showing the:
 - 1) name of the subdivision;
 - 2) scale;
 - 3) date; and,
 - 4) sheet number
3. The plan-profile will generally be drawn to a horizontal scale of no greater than one inch (1") to one hundred feet (100') and a vertical scale of one inch (1") to ten feet (10').

CHAPTER 8. ADMINISTRATION AND ENFORCEMENT

Section 8.01. Authority of the Enforcement Officer

The Enforcement Officer or his representative shall have the authority to administer these regulations to such extent and in such manner as is prescribed herein, including the authority to inspect any and all improvements to ensure that they are in conformance with all plans, specifications, and any written agreements which have been approved by the Commission. He shall have the authority to require the removal and/or replacement, at the expense of the subdivider, of any phase of the work which is not in accordance with the requirements of the plans approved in accord with these regulations.

Section 8.02. Inspections

8.02.01 Interim Inspections

The Enforcement Officer shall conduct such inspections, at such times, as are appropriate to verify that the requirements of these regulations, and/or imposed by the Commission, are being met. At a minimum, the following inspections shall be conducted:

Type Inspection	Schedule
Subgrade	Immediately prior to distributing base material. Any interruptions in construction which results in deterioration of subgrade by weather or traffic shall require reinspection.
Curbs and Drainage Improvements	Immediately prior to placing concrete or drain pipe.
Base Material	Immediately after final grade and compaction of base material. Developers are required to furnish copies of material tonnages no later than at the time of inspection.
Concrete Inspection	Immediately prior to distributing asphalt concrete or pouring Portland cement concrete on road surfaces and immediately prior to restarts after construction interruptions longer than forty-eight (48) hours. Developers are required to furnish copies of asphalt tonnage or concrete yardage for all facilities, improvements and installations regulated herein. Said records are to be submitted to the Enforcement Officer no later than forty-eight (48) hours after placement.
Sanitary Sewer	Immediately prior to installing sanitary sewer lines, making manhole connections, or infiltration tests.

8.02.02 Final Inspection

Upon completion of construction, the developer shall arrange a final inspection of all streets and utilities. This inspection may be attended by the subdivider, his engineer, the contractor(s) and the Enforcement Officer. If the Enforcement Officer determines that the required improvements:

- a. are complete and in accordance with the approved plans and specifications, he shall so inform the developer in writing. The subdivider shall then transmit in writing to the City a Notice of Completion and as-built drawings of all improvements.
- b. have deficiencies, defects or unapproved changes, he shall notify the developer in writing of such defects, deficiencies, or deviations. The developer shall correct such defects, deficiencies, or deviations within six (6) months of the date of notification. When corrections have been completed, the developer shall notify the Enforcement Officer in writing that the improvements are again ready for final inspection. If corrections are not made within the stipulated time frame, cash performance bonds may be used by the City to make said corrections or the City may instruct the bonding company to make said corrections, whichever is applicable; and/or the City may not issue building permits until final approval is received.

Section 8.03. Schedule of Fees

The following fees shall be paid as a precondition to processing requests for action by the Commission:

Review and approval of lot splits	\$ 10.00 per conveyance
Preliminary Plat	\$ 50.00 per plat, plus \$1.00 per lot
Final Plat	\$ 20.00 per plat, plus \$1.00 per lot
Replat	\$ 10.00

Section 8.04. Variances

1. The standards and procedures set forth in these regulations are the standard requirements of the City. Where the Commission finds, however, that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to the subdivision regulations so that substantial justice may be done and the public interest served. Such variances, however, shall not have the effect of nullifying the intent and purpose of these regulations. The Commission shall only approve variances where it finds that:
 - a. The granting of the variance will not be detrimental to the public safety, health, welfare, or injurious to other property; and,
 - b. The conditions upon which the request for variance is based are unique to the property for which the variance is sought and are not applicable generally to other properties; and,
 - c. Because of the particular physical surroundings, shape of topographical conditions of the specific property involved, strict application of these regulations would deprive the owner of any reasonable use of his property; and,
 - d. The variance will not in any manner vary the provisions of the zoning ordinance, the master street plan, the General Development Plan, or be in conflict with any other City ordinance or regulation; and,
 - e. The variance is not based solely on pecuniary difficulties, but has other overriding hardships.
2. No variance shall be granted except upon written petition by the subdivider when the preliminary plat is filed for consideration by the Commission. The petition shall state fully the grounds for the application and all of the facts upon which the petition is made. In approving variances, the Commission may, at its option, require special conditions to ensure development in accordance with the objectives, standards, and requirements of these regulations. 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 considered.

Section 8.05. Vacation of Plats

1. Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacant.
2. Such instrument shall be approved by the Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys public rights in any of its public uses, improvements, streets, or alleys.
3. Such instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out of described in such plat.

4. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

Section 8.06. Amendments

The Commission may, of its own volition or by request of the City Council, consider revisions to these regulations. Prior to submitting any recommended changes to the regulations, the Commission shall conduct a public hearing for which fifteen (15) days advance notice in a local newspaper of general circulation has been published. The City Council may adopt the recommended amendments to these regulations, in whole or in part, or refer the recommendations of the Commission back to the Commission for further study and consideration.

Section 8.07. Approval to Extend Services

No utility (public or privately owned) shall extend its facilities to service an area unless one of the following applies:

1. The extensions are to an area where a subdivision plat of record existed prior to the effective date of these regulations; or,
2. The extension is to an area where a plat of record has been approved by the Commission; or,
3. Installation of utilities is required before the plat can receive approval for filing for record. In this event, the Commission will grant the utility(ies) permission to extend facilities in accordance with specified plans; or,
4. The extension of utilities is along a public way in existence and use at the time of the effective date of these regulations, but the extension is not in a depth of greater than 200 feet from the public way.

Section 8.08. Penalties for Violation

Any person or corporation who shall violate any of the provisions of these regulations or fail to comply therewith or with any of the requirements thereof or who shall do anything, act or deed in violation hereof and not approved by the Commission, shall be guilty of a misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any property or part thereon where anything in violation of these regulations shall be placed, or shall exist, and any employee in connection with and who may have assisted in the commission of any connection with and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as herein before provided.

CHAPTER 9. SEVERABILITY

The provisions of these regulations are hereby declared to be severable. If any section, paragraph, sentence, or clause of these regulations shall be held invalid, the invalidity of such section, paragraph, sentence, or clause shall not affect the validity of the remainder of the regulations.