

**TITLE 15**  
**SUBDIVISION REGULATIONS**

Chapters:

15.04 Subdivision Regulations

**CHAPTER 15.04**  
**SUBDIVISION REGULATIONS**

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15.04.01 General

- A. Purpose and intent. The purpose of this ordinance is to set forth the procedures, requirements and minimum standards governing the development and subdivision of land under the jurisdiction of the Planning Commission of the city of Little Flock, hereinafter referred to as the Planning Commission. It is the intent of this ordinance to provide for adequate and convenient open spaces for traffic, utilities, access for firefighting equipment, parking areas, parks and recreational facilities, and to preserve the quality and character of the city of Little Flock.

It shall further be the intent of this ordinance to establish minimum standards as to: information to be included on all plats filed for record; the design of all subdivisions, including standards for lots and blocks, street rights-of-way, street and utility grades; and improvements to be installed by the developer at his own expense, including, but not limited to, street grading and paving, curbs, gutters, and sidewalks, water, storm, and sewer mains, street lighting and other amenities; and the cultivation and protection of native flora and fauna.

- B. Authority. The city of Little Flock has complied with the prerequisites of Act 246 of 1937 and its amendments, Act 353 of 1953 and Act 202 of 1957 of the state of Arkansas by the adoption and filing of a major Street Plan as a part of the Comprehensive Development Plan of the city of Little Flock. This ordinance is enacted pursuant to the authority granted by Act 246 of 1937 and its amendments.
- C. Compliance. The rules and procedures hereinafter set forth must be complied with before any transfer of interest in property constituting a subdivision as defined in Article 1, Section E of this ordinance or before the transfer of any interest in property resulting in the need for access or utilities. Any attempted transfer not in compliance with the rules and procedures of this ordinance may not be legally filed of record in the office of the County Recorder.
- D. Jurisdiction. This ordinance shall apply to all land within the Planning Area Boundary of the city of Little Flock as filed in the office of the County Recorder.
- E. Definitions

**Alley** – a passage way affording generally a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

**Backing lot** – a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot, to which the property owner is denied access to one of the streets.

**Buffer** – any area of land or an open area used to provide a physical separation between and enhance the compatibility of different types of land use.

**Building lines** – a line or lines designating the area in which buildings may be erected. Said building line(s) are parallel to property lines and/or setback lines.

**Commercial or industrial development** – all new development (construction) or additions to existing development other than single-family construction including customary accessory structures, development defined under Subdivision of this article and customary accessory structures used for agricultural purposes. (Ord. No. 33, Sec. 1.)

**Comprehensive Plan** – the Comprehensive or Land Use Plan of the city of Little Flock.

**Contour line or topography** – lines on a map or plat identifying points of equal elevation.

**County Planning Board** – the Benton County Planning Board.

**Cul-de-sac** – a minor street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

**Developer** – any person, firm or corporation engaged in the development of land, and in the dividing, subdividing, or re-subdividing of land into lots or parcels for the purpose of conveyance within the scope and application of these regulations.

**Development of land** – includes but is not limited to the provision of access to lots and parcels, the extension or provision of utilities except for agricultural purposes, the subdivision of land into lots and blocks, or the parceling of land (including lease or rent) resulting in the need for access and utilities.

**Easement** – a grant of right of use or privilege for general or specific purposes to the public, a corporation or persons made by the owner of the property.

**Enforcing official** – the administrative officer designated by the City Council.

**Engineer** – a registered professional engineer in the state of Arkansas.

**Health Department** – the Benton County Health Department and the State Health Department.

**Improvements** – grading, street surfacing, curbs and gutters, sidewalks, crow-walks, culverts, bridges, water and sanitary and storm sewer lines, and other utilities, and other required features.

**Land surveyor** – a licensed land surveyor in the state of Arkansas.

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

**Lot, corner** – a lot of which at least two (2) adjacent sides abut on intersecting streets.

**Lot, double frontage** – a lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

**Major Street Plan** – a plan adopted by the Planning Commission and accepted by the City Council classifying and locating certain streets within the planning area jurisdiction to be reserved, according to their future function and establishing minimum rights-of-way according to that function.

**Open space** – land, including parks, recreation areas, school sites, community or public building sites, and other lands not intended for automobile use, which is dedicated or reserved for acquisition for non-building use by public groups or private owners in common or by individuals.

**Parking, off-street** – an area, enclosed or unenclosed, permitting ingress or egress for vehicular storage.

**Plat, final** – the final plat, plan or drawing and any accompanying required data or information which is submitted to the Little Flock Planning Commission for final approval of a proposed subdivision.

**Plat, preliminary** – the preliminary or tentative plat or plan, map or drawing on which the layout and design of a proposed subdivision is submitted to the Little Flock Planning Commission for consideration and tentative approval.

**Roadway width or surface width** – that portion of any street designated for vehicular traffic and where curbs are laid, that portion of the street between the curbs.

**Setback line** – a line or lines generally parallel to property line(s) intended to restrict the placement of structures whether established by a Zoning Ordinance or Setback Ordinance.

**Service roads** – a minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access and including frontage roads and streets.

**Street** – the full width between the property lines open to use by the public as a matter of right, for the purpose of providing access.

#### **Subdivision**

- A. 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 rolls, into three (3) or more parcels, lots, tracts, or areas; or  
(Ord. No. 33, Sec. 1.)
- B. 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; except
- C. Transfers of interest by will or pursuant to court order, mortgages, and the granting of easements for the extension and maintenance of public utilities shall not constitute a subdivision.

**Zoning** – the zoning ordinance or regulation of the governmental unit in whose jurisdiction a property is located. (Ord. No. 10, Sec. 1.)

## 15.04.02 Procedures

### A. Pre-platting procedures

1. Conference. Any person intending to develop land within the meaning of this ordinance may, before preparation of a preliminary plat, request a conference with the Administrative Officer for the purpose of ascertaining the applicable planning requirements. A sketch plan of the proposed subdivision shall be presented for review at this conference.
2. Sketch plan. The sketch plan may be a free-hand drawing superimposed upon a print of a map or an aerial photograph, and shall generally locate the following:
  - a. Street pattern proposed
  - b. Topography
  - c. Existing storm and sewer drains (if any)
  - d. Proposed land uses
  - e. Existing water courses and flood plains
  - f. Existing and/or proposed tree cover
  - g. Existing adjacent developments
  - h. Any additional information the developer feels is pertinent
3. Commercial or industrial development plan. A development plan shall be required for all commercial and industrial development within the city limits of Little Flock, Arkansas. The development plan shall be submitted to the Administrative Officer at least fifteen (15) days prior to the date of the meeting of the Planning Commission at which action is desired and shall contain the following information:
  - a. Name, address, phone number of developer/owner
  - b. Location of all existing and proposed improvements drawn to scale
  - c. Legal description of property being developed
  - d. Location map, north arrow and scale
  - e. Necessary right-of-way and easement dedication
  - f. Identification of flood areas and proposed drainage plan
  - g. Ten (10) copies of plan
  - h. Location of all existing and proposed utilities
  - i. Contractor's state license number and architects or engineer's stamp if required
  - j. Health Departments approval of septic system
  - k. Twenty-Five Dollar (\$25.00) fee
  - l. Description of nature of business, number of employees, type of traffic generated and any special characteristics that might cause a nuisance to surrounding property and properties on the route to access
  - m. Any other information or improvements the Planning Commission deems necessary for a specific development site

The provisions of 15.04.02 (Procedures), Section (C) (4) Approval and all applicable portions of 15.04.03 (Design Standards) and 15.04.04 (Improvement) shall apply to all development plans.\_(Ord. No. 33, Sec. 2.)

B. Preliminary plat procedures

1. Submission of preliminary plat. For each proposed subdivision the developer shall prepare and submit to the Planning Commission fifteen (15) copies of a preliminary plat prepared by a registered professional engineer and/or land surveyor. The preliminary plat shall be filed with the Administrative Officer at least fifteen (15) days prior to the date of the meeting of the Planning Commission at which action is desired.
2. Information required on preliminary plat. The following information, as well as, any additional information the Planning Commission may require, shall be clearly shown on the preliminary plat:
  - a. The name of the proposed subdivision, which shall not duplicate the name of any other existing subdivision within the territorial jurisdiction of the city of Little Flock.
  - b. The boundary lines of the proposed subdivision as determined by an accurate field survey. Length and bearings of courses shall be shown.
  - c. The name and address of each owner, developer, and surveyor.
  - d. The total acreage in the subdivision.
  - e. Date of preparation, scale (not less than 200' to the inch) and north arrow.
  - f. Dimensions of all streets, alleys, easements, block, lot and parcel lines.
  - g. Names of all streets.
  - h. Location of railroad rights-of-way and any other property owned by utilities.
  - i. Topography, references to U.S.G.S. datum.
  - j. All areas to be retained as permanent open space shall be designated as such.
  - k. All areas subject to flooding as determined by engineering studies or which have a history of flooding.
  - l. Location and type of all existing utilities within the plat.

3. Additional information to be submitted attached to the preliminary plat
  - a. An area showing all existing highways, streets and corporation lines within one (1) mile of the proposed subdivision.
  - b. Any proposed restrictive covenants for the lots to be sold.
  - c. The responsible entity for the maintenance and operation of any buildings, parks, or other areas held for the common use of the residents of the subdivision shall be designated and the method of securing financing for such maintenance and operation shall be indicated.
  - d. The types of soils found in the platted area according to the United States Department of Agriculture or other reliable source.

4. Preliminary plat review

- a. Upon receipt of the preliminary plat the Administrative Officer shall check the plat to determine whether all information required by this section is included on the plat. When he is satisfied that all such necessary information is included, the Administrative Officer shall transmit copies of the plat to each member of the Planning Commission. Until such time as the establishment of a Technical Advisory Commission shall be deemed advisable, the Administrative Officer shall transmit to each of the persons or agencies hereinafter listed one copy of the preliminary plat:

- (1) The Building Inspector of the city of Little Flock
- (2) The Southwestern Bell Telephone Company
- (3) The Carroll County and Southwestern Electric Power Co.
- (4) The Water and Sewer Department of Little Flock
- (5) The Northwest Arkansas Regional Planning Commission
- (6) The Benton County Planning Board if outside the city limits
- (7) Arkansas Western Gas Company

- b. Upon receipt of the recommendations of the persons or agencies enumerated in subsection (a) of this section, the Planning Commission shall within sixty (60) days of the date the plat was received approve or reject the preliminary plat. Failure to act on the plat within the sixty (60) day period shall be deemed approval of the plat. If rejected, the Planning Commission shall note the reasons for rejection upon the plat, returning one (1) copy to the developer and retaining one (1) copy for filing.

- C. Final plat procedures

1. Submission of final plat. For each proposed subdivision the developer shall prepare and submit to the Planning Commission ten (10) copies of a final plat prepared by a registered professional engineer and/or land surveyor. The final

plat shall be filed with the Administrative Officer at least fifteen (15) days prior to the date of the meeting of the Planning Commission at which action is desired (Note the maximum filing size at the Benton County Courthouse is 18" x 24").

2. Information required on final plat. The following information, as well as, any additional information the Planning Commission may require, shall be clearly shown on the final plat:
  - a. The name of the proposed subdivision.
  - b. The boundary lines of the proposed subdivision as determined by an accurate field survey. Length and bearings of courses shall be shown.
  - c. The total acreage of the proposed subdivision.
  - d. Date of preparation, scale (not less than 200' to the inch) and north arrow.
  - e. Dimensions of all streets, alleys, easements, block, lot, parcel lines and building line.
  - f. Location of monuments.
  - g. Location of railroad rights-of-way and any other property owned by utilities.
  - h. Names for all streets.
  - i. Dedications by owner of all streets, alleys and lands for public use.
  - j. All easements and rights-of-way granted by the owner.
  - k. The certificate of the owner of the land substantially as follows: "As owner of the property shown hereon, I hereby certify that I have cause the land described on this plat to be surveyed, divided, mapped dedicated as represented on this plat."
  - l. The certificate of a registered land surveyor to the effect that he has fully complied with the surveying standards of Arkansas: that the plat is a correct representation of all boundaries shown according to a survey made by him; and that all monuments indicated do exist at the indicated location.
  - m. The certificate of a registered engineer that all improvements conform to all applicable engineering requirements and specifications and to the standards of this ordinance.



3. Additional information to be submitted attached to final plat
  - a. Any restrictive covenants applicable to the lots intended for sale.
  - b. Where the land to be developed abuts on the right-of-way of any existing or proposed state highway, the approval of the Arkansas State Highway Department shall be obtained and submitted attached to the final plat.
  - c. Where the developer does not provide connections with municipal water and sewer systems, any and all water and sewer improvements must be approved by the Arkansas State Health Department. Such written approval shall be submitted attached to the final plat.
4. Approval. Once all necessary information has been submitted the Planning Commission shall approve or reject the final plat. Failure to approve the final plat within sixty (60) days of the date of receipt of all necessary information shall be deemed approval of the final plat. If rejected, the reasons for rejection shall be stated in writing. (Ord. No. 10, Sec. 2.)

#### 15.04.03 Design standards

##### A. Blocks

1. Length. Blocks should not exceed 1500 feet in length, except where greater lengths are forced by topography.
2. Numbering. Blocks should be numbered in consecutive order starting with the number one. Block numbers should be larger than lot numbers and placed as near the center of the block as possible.
3. Width Blocks should be sufficient in width to provide for two tiers of lots, except where limited by topography or for special design considerations (such as double frontage lots adjacent to major streets).

##### B. Building lines

1. Provision. In the absence of other regulations the following minimum building lines will be used: Front 30 feet; Rear 25 feet; Side (each) 15 feet.

##### C. Easements

1. Location. Easements shall be provided along property lines where needed to permit the installation of utilities or for provisions of storm drainage and protection from flooding.

2. Width. Easement widths shall conform to the needs of the utility companies serving the subdivision. In the absence of easement recommendations from utility companies there shall be provided a 15 foot easement on all rear lot lines and a 10 foot easement on at least one (1) side lot line of each lot. When the rear lot line abuts another lot, the 15 foot easement may be split 7 ½ feet on each side. Where the rear lot line does not abut another easement, then the full 15 feet shall be provided. If the rear lot line abuts on existing easement, then the combined width shall be 15 feet. The 10 foot side lot line easement may be split 5 feet on each side of the lot line.

D. Flood areas

1. Identification. Areas subject to flooding (within the limits of a probability of a 100 year flood) shall be clearly identified on the preliminary and final plats.
2. Lots. Any lots to be platted in a flood prone area shall have sufficient land with a finished grade at the 100 year flood elevation, to meet all applicable building area restrictions. Any structures to be placed on the filled land shall have a finished ground floor elevation at least two (2) feet above the 100 year flood elevation.

The remaining area subject to flooding shall be platted as a drainage easement and restricted from any improvements or structures except those necessary to correct or retain the flooding or for the provision of public facilities.

E. Lots

1. Corner. Corner lots should be platted wider than interior lots to allow for a front yard setback on both street sides.
2. Depth. Excessive lot depth will be avoided. A 2 to 1 depth to width relationship is considered a good rule of thumb.
3. Double frontage. Double frontage lots are discouraged except if used for public benefit. (Such as providing lots abutting a major street with a parallel road for access control on the major street.)
4. Lot lines. Where practicable, side lot lines should be at right angles to right-of-way lines.
5. Size. The minimum lot size with the use of septic tanks shall be that indicated by the Health Department as being necessary for the installation and approval on a specific location. If sanitary sewers are to be installed and in the absence of other regulations the minimum lot size shall be 12,000 square feet.

6. Width. Lots should be wide enough to permit the necessary side yard building lines and have sufficient additional land to compliment the style of structures anticipated. In the absence of other regulations the lot width shall be a minimum of 100 feet. In the case of a lot on a cul-de-sac or curve the width may be measured at the front building line.

F. Open space

1. Provisions. Developers are encouraged to set aside areas out of each subdivision as permanent open space, for the use and enjoyment of the general public or the residence of the subdivision. Areas suggested for preservation are: water bodies, streams, creeks, flood or wet areas, areas with special features, or interest, historic sites, and large or older tree covered areas, etc. These areas should be either dedicated to the public for preservation and maintenance or retained by a property owners association.

G. Streets

1. Access. Every lot shall abut for the full width required on a publically dedicated street unless private access is allowed by a planned unit provision.
2. Cul-de-sac. Cul-de-sacs shall not exceed 60 feet in length, measured from the entrance to the center of the turn-around. The turn-around end shall have a minimum right-of-way radius of 50 feet.
3. Curves. Curve streets are encouraged over straight streets particularly where longer length streets are involved. There shall be minimum 100 foot tangent between reverse curves.
4. Dead-end or stub street. Temporary dead-end or stub streets intended to provide for future extension may be required. Such streets should be designed so that run-off water does not accumulate at the dead-end and if longer than 300 feet a temporary turn-around should be provided.
5. Grades. Major street grades should not exceed 8% and all other streets should not exceed 10% grade. In steep terrain, grades up to 15% will be accepted for a distance (not to exceed) 300 feet and in such cases concrete surfacing with curb and gutter may be required.
6. Intersection. Streets shall be designed to intersect one another as nearly as possible at right angles and in no case shall a street intersect another at less than 70°.

Street intersections should be lined up or offset a minimum of 125 feet from centerline.

7. Lighting. Street lighting shall be the responsibility of the developer and the developer shall install street lights in accordance with standards adopted by the Little Flock City Council.
8. Names. Names of streets shall be consistent with natural alignment and extensions of existing streets and new street alignments must use new names which will not duplicate or be confused with existing names. The Planning Commission shall approve the names of all streets.
9. Standards. The following streets are identified by the major Street Plan and from the basic street network in the city of Little Flock. The standards shown relate to the major Street Plan streets and should be used in developing subdivisions in the city of Little Flock.
10. Expressway. A multi-lane, divided traffic way with grade separation and access control designed to move people and goods beyond the community.
11. Major arterial. A multi-lane traffic way with or without center median, at grade or with grade separation, with limited access, designed to move people and goods from one extreme of the community to the other and beyond.
12. Collector. A multi-lane, at grade traffic way, designed to move people and goods from neighborhoods, communities and rural areas to major arterial facilities and providing direct and indirect access to abutting property.
13. Local. A multi-lane, at grade traffic way, designed to move people and goods to collector facilities and providing direct access to abutting property.
14. Topography. Subdivision design should be appropriate to the terrain involved. Streets should run with the topography as opposed to against it and lots should be varied in size with the larger lots being used in the steeper terrain. Lot arrangement and house sitting should take maximum advantage of views and vistas.

	Expressway	Major arterial	Collector	Local
Right-of-way	120' – 300'	80'	60'	50'
Pavement width		24' – 48'	24'	22'
Lane width		12'	12'	11'
Median width		20'		
Shoulder width (one side)		6'	6'	6'
Ditch section width		variable	variable	variable
Curb and gutter		as needed*	as needed*	as needed*
Number of lane		2 - 4	2	2
Maximum grade %		8	10 – 15	10-15
Minimum grade%		.5	.5	.5
Surface type		double Bituminous Seal coat	double Bituminous Seal coat	double Bituminous Seal coat
Crown		6"	6"	6"
Shoulder type		gravel	gravel	gravel

\*See Article III, Section G.e. and Article IV, Section B.e.  
(Ord. No. 10, Sec. 3.)

#### 15.04.04 Improvements

##### A. General

1. Bond. The Planning Commission in approving a final plat prior to the installation of all improvements may require the subdivider to deposit cash or post a performance bond with the city equal to the estimated cost of all improvements. Upon satisfactory completion of the improvements, the subdivider may withdraw any deposit made.

The term of any bond shall be for a specific period of time and prior to expiration date, the developer shall have installed the improvements or made arrangements to extend the existing bond or posted another bond. If in the event the developer has not complied with the bond requirements, the city shall call for the bond.

2. Monuments. ¾ inch by 30 inches long iron rods shall be placed at all vertex points of exterior property lines and ½ inch by 30 inches long iron rods shall be placed at all lot corners. The Planning Commission may require additional monuments based upon the nature of the subdivision or fewer monuments based upon limiting factors.

3. Construction plans. Construction plans and specifications prepared by a registered professional engineer showing all necessary data for all public and private improvements to be installed, shall be submitted to the Planning Commission. In addition to the plans the engineer shall certify in writing that all plans and specifications have been prepared in conformance with or in excess of the applicable requirements of the city.

The Planning Commission with the approval of the City Council reserves the right to retain a disinterested engineer for advice and review purposes concerning any plans submitted.

4. As-Built-Plans. Following the completion of any or all improvements the subdivider shall submit one copy of the As-Built-Plans. If no construction or field adjustments were necessary from the approved plans the subdivider need only certify by letter that all improvements were constructed in keeping with the approval plans.
5. Acceptance of improvements. The subdivider and engineer shall be responsible for the installation of all improvements. Once the subdivider and engineer have certified that all improvements were constructed in keeping with or in excess of the city's standards and in keeping with good engineering practices, the city shall accept the improvements.

B. Streets

1. Plans. Construction plans for street improvements shall be prepared by a registered professional engineer. The center-line profile of each proposed street with existing and proposed grades indicated shall be submitted along with a typical cross section of each proposed street type.
2. Sub-base. The top 6 inches of the sub-base on all streets shall be compacted to a minimum 90% modified proctor density.
3. Base. The base on all streets shall be a minimum of 6 inches of SB-2 or its equivalent, compacted to 95% modified proctor density.
4. Paving. All streets shall be paved with a minimum of a double bituminous seal coat.
5. Curbs and gutters. Curbs and gutters shall be required on all streets in any subdivision that exceeds an overall density of two (2) lots to the acre.
6. Drainage. An adequate drainage system for natural and storm water shall be provided by means of culverts under streets and side ditches. Care shall be taken in the street design to allow for driveway culverts of sufficient size below the finished shoulder elevation.

7. Signs. The subdivider shall be responsible for acquiring and placing all street signs. Street names may be provided by the subdivider subject to the approval of the Planning Commission. Street signs shall be placed at two opposite points of all four-way intersections and at one point at all three-way intersections.
8. Access. All lots shall have frontage on and access to a public street and the Planning Commission may impose access control including location of driveways and street intersections.
9. Shoulders. The minimum shoulder width as provided for shall be constructed the same as the requirements in Section B, b and e.
10. Soil sample. The Planning Commission may require soil tests along proposed roadway alignments if it is believed or known that the soils on any proposed subdivision have unfavorable characteristics. If the soil tests indicate a need for higher standards than provided by these regulations, then the Planning Commission may require such higher standards as necessary to meet these regulations.

C. Utilities

1. Water. Construction plans showing the water distribution system, pipe sizes, valve location and fire hydrants shall be submitted to the Planning Commission. All subdivisions within 1320 feet of an approved public water supply shall connect with such water supply and make it available to each lot in the subdivision. All plans and connections shall comply with the regulations of the State Board of Health.
2. Sewer. Construction plans and profiles of all sanitary sewer systems including grades and pipe sizes shall be submitted to the Planning Commission. All subdivisions within 1320 feet of an approved public sewer system shall connect to such system and make it available to each lot. All plans and connections shall comply with the regulations of the State Board of Health.
3. Fire hydrants. The Planning Commission may require that fire hydrants be installed if a sufficient water supply is available and the lot sizes warrant it.
4. Storm drainage. All storm drainage systems shall be designed so that concentrated runoff will be discharged onto adjacent property only in existing natural streams, creeks or drainage courses. The developer's engineer shall submit a statement concerning the effect of the proposed development on the downstream flooding problem. If in the Commission's opinion, the statement seems to warrant corrective action, the Commission may require the developer to take such action as is deemed necessary to insure protection to downstream property. The exposed ends of all culverts should be designed and constructed to provide the greatest possible safety to vehicular traffic. The ends should be slanted so that the bottom of the culvert is the longest part and the top of the

culvert the shortest. This would allow an approaching vehicle to slide up the culvert rather than striking a vertical object. (Ord. No. 10, Sec. 4.)

#### 15.04.05 Administration

- A. Interpretation. When a developer or property owner disagrees with an interpretation of this ordinance by the Building Inspector, it may be appealed to the Planning Commission for a decision. If the disagreement cannot be resolved by the Planning Commission, it may be appealed to the City Council.
- B. Severability. If any section, paragraph, clause, phrase, or part of this subdivision ordinance is for any reason invalid, such decision shall not affect the validity of the remaining provisions of this ordinance and the application of those provisions to any persons or circumstances shall not be affected thereby.
- C. Enforcement. In order to carry out the purposes of this code and to assure an orderly program of land development after the effective date of this ordinance:
1. No plat of any tract of land within the planning area jurisdiction of the Planning Commission shall be accepted by the County Recorder for filing unless the plat has been approved by the Planning Commission.
  2. No conveyance by metes and bounds of tracts coming under the definition of subdivision without compliance with the applicable provisions of this ordinance or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent this ordinance by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
  3. No dedication of streets shall be accepted by the city unless the use 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 subdivision, the street may not be accepted until accompanied by the required plat.
- D. Variance. If any of the provisions of this ordinance are shown by the subdivider to cause undue hardship as they apply to his subdivision, the Planning Commission may grant a variance to the subdivider, provided said variance will not have the effect of nullifying the intent and purpose of this ordinance. In granting a variance, the Planning Commission may impose such additional conditions as will, in its judgment, secure substantially the objectives of this ordinance and not cause undue hardship.
- E. Amendments. This Subdivision Ordinance, when amended, shall be amended by one of the following methods:
1. In conformance with the requirements of Act 186 of 1957, as amended, as required for the initial adoption of this ordinance, or
  2. By a majority vote of the City Council. (Ord. No. 110, Sec. 1.)



- F. Repealing clause. All ordinances or parts of ordinances in conflict herewith are specifically repealed.
- G. Fees
1. Preliminary plat. For each preliminary plat submitted, the Planning Commission shall collect a fee of Ten Dollars (\$10.00) or One Dollar (\$1.00) per lot whichever is greater.
  2. Final plat. For each final plat submitted the Planning Commission shall collect a fee of Twenty Dollars (\$20.00) or One Dollar (\$1.00) per lot whichever is greater.
- H. Penalty clause. Violation of the provisions of this code or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variance or special exceptions) shall constitute a misdemeanor. Any person who violates this code or fails to comply with any of its requirements shall upon conviction thereon be fined not more than Twenty-Five Dollars (\$25.00) for each offense. Each day such violation continues shall be considered a separate offense. (Ord. No. 88, Sec. 1.)

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, engineer, agent or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 10, Sec. 5.)

- I. City Engineer Fees. For all residential subdivision plans and all commercial and industrial development and subdivision plans, the first two reviews of the plan by the City Engineer will be covered by the permit fee. All reviews by the City Engineer beyond the first two reviews shall result in the developer being billed for the fees of the City Engineer. The approval of residential subdivision plans and all commercial and industrial development and subdivision plans shall be contingent on the payment in full of all fees billed by the City Engineer to the developer. (Ord. No. 2017-009)