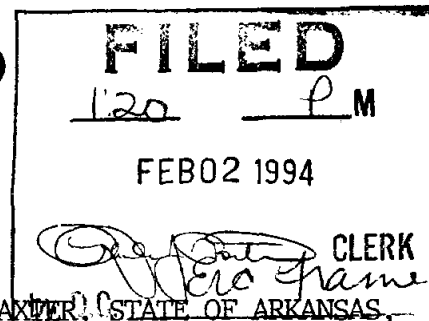


ORDINANCE NO. 94-3



BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF ~~BAXTER~~, STATE OF ARKANSAS,
AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE ADOPTING THE REVISED MINIMUM STANDARDS AND REGULATIONS FOR SUB-DIVISION DEVELOPMENT IN BAXTER COUNTY, ARKANSAS ON JANUARY 24, 1994.

WHEREAS, the purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development of land within the boundaries of the planning areas as indicated on the "Planning Area Map" of the County of Baxter, Arkansas, the health, safety and welfare of Baxter County residents so demanding; and

WHEREAS, is is the intent of the 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 sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further subdivision of large tracts into smaller parcels of land, and to protect the environment of the County; and

WHEREAS, these subdivision regulations are adopted in accordance with the authority granted by Act 422 of 1977 General Assembly of the State of Arkansas, as amended. Emergency Clause. It is hereby determined that the adoption of this Ordinance is necessary for the safety and welfare of the citizens of Baxter County and in furtherance of the Court's duty to provide adequate protection for its citizens, an emergency is hereby declared and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT OF BAXTER COUNTY, ARKANSAS, THAT: The attached Revised Minimum Standards and Regulations for Subdivision Development in Baxter County, Arkansas dated January 24, 1994 are hereby adopted.

PASSED: 2-1-94

ATTEST: 

APPROVED: 2-1-94


COUNTY JUDGE

102594

REVISED
MINIMUM STANDARDS
and
REGULATIONS
for
SUBDIVISION DEVELOPMENT

Baxter County, Arkansas

January 24, 1994

FILED
11:50 A.M.
FEB 07 1994
by D.C. S. Harris

1215-94

10K594A

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CHAPTER 1
INTRODUCTION

Art. 1-1 Purpose

- A. The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the development of land within the boundaries of the planning areas as indicated on the "Planning Area Map" of the County of Baxter, Arkansas, the health, safety and welfare of Baxter County residents so demanding.

Art. 1-2 Authority

- A. These subdivision regulations are adopted in accordance with the authority granted by Act 422 of 1977 General Assembly of the State of Arkansas, as amended.

Art. 1-3 Intent

- A. It is the intent of the 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 sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further subdivision of large tracts into smaller parcels of land, and to protect the environment of the County.

Art. 1-4 Variance or Waiver

- A. Permission to vary from these Regulations may be granted in specific situations and on a case by case basis. Variance may be granted by the Planning Board, or, in the case of construction standards, by the applicable governing body.
- B. The Planning Board may grant a variance to these Regulations by an affirmative vote of two-thirds (2/3) of the total membership of the Board, provided that such variance will not impair the intent or the objectives of these Regulations. Such variances shall be recorded with the justifying reasons in the minutes of the Board.

CHAPTER 2
DEFINITIONS

Art 2-1 Definitions

- A. 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 merely directive; the word may is permissive. Words not defined herein are to be construed according to the customary usage of such word in municipal planning, surveying, and engineering practice.
- B. Block
A tract of land or group of lots in a subdivision bounded by natural or artificial boundaries such as streets, railroads, shorelines, or described boundaries.
- C. Building line
A line inside a lot or property which defines the minimum horizontal distance between a structure on the lot and the adjacent property line, including, but not limited to property lines which form a street, road, or highway right of way boundary.
- D. County
Baxter County, Arkansas
- E. Cul-de-sac
A "dead-end" street providing an adequate turn-around for traffic.
- F. Development and Subdivision of land
The development of land includes but it is not limited to the provision of access to lots and parcels, the provision of utilities, the subdividing of land into lots and blocks, and the parceling of land resulting in the need for access and utilities.
- G. Easement
A grant by a property owner to the public, a corporation, or persons of the use of a portion or strip of land for a specific purpose.
- H. Engineer
The Engineer shall be a Professional Engineer registered in the State of Arkansas.
- I. Flood Plain
Those parts of the county subject to flooding to the extent that they constitute hazards to the public, as determined by the Federal Emergency Management Agency (FEMA) and delineated on the various Flood Insurance Rate Maps published and supplied by said Agency.
- J. General Plan
The Baxter County Road Plan prepared and adopted by the Planning Board and accepted by court order indicating the general locations recommended for the various major streets and collector streets.

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- K. Grade
The ratio of change in elevation relative to horizontal span in a street, road or other public way, expressed as a percentage.
- L. Health Department
The Arkansas State Board of Health or the County Health Department.
- M. Improvements
Street grading and surfacing, curbs and gutters, street and traffic signs, water lines, fire hydrants, sanitary and storm sewers, culverts, bridges, and other utilities and related items.
- N. Lot
A portion of a subdivision intended as a unit of transfer of ownership or for development.
- O. Lot Split
The division or re-division of a platted or metes and bounds lot into two tracts for purposes of conveyance.
- P. Plat, Final
A finished drawing indicating all descriptive survey data and other information required for recording as a legal document.
- Q. Plat, Preliminary
A preliminary drawing indicating the proposed layout of a subdivision to be submitted to Planning Board for review.
- R. Highways, Roads and Streets
1. Arterial- As shown by County Road Plan adopted by the Quorum Court in 1982.
2. Collector, Major- A road designed primarily to gather traffic from local street or road systems and carry it to the arterial system.
3. Collector, Minor- Roads rural in character.
4. Local- roads or streets used mainly for access to property.
- S. Subdivider
Any person, individual, firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit who may develop land within the intent of these regulations.
- T. Subdivision
The division of a parcel of land into two (2) or more lots or parcels for the purpose of conveyance or building development. Any division of property involving a new road or street shall be governed by the Subdivision Regulations. The division of land into tracts of ten acres or more, provided they have a 50 ft. access easement to a public road, or to an existing easement as of 01/01/94, are exempt from the Subdivision Regulations. The division of property into tracts of 40 acres or more shall be excluded from these regulations. Any sale of a tract of land, regardless of size or access, to an adjoining property owner shall be permissible and shall not cause a property otherwise not defined as a subdivision to be defined as a subdivision. The transfer of property for the purpose of clearing title, such as encroachments, overlaps and gaps, shall not be a division for the purpose of conveyance or building development.
- U. Surveyor- a Professional Land Surveyor Registered in the State of Arkansas.

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CHAPTER 3
PROCEDURAL REQUIREMENTS

Art 3-1 Sketch Plan

Whenever a subdivider intends to develop land within the meaning of these regulations, he shall submit to the secretary of the Planning Board, at least 10 days prior to the regular meeting, a sketch plan of the land to be subdivided, with a letter of intent. The sketch plan shall indicate all items in Chapter 4, Art 4-1.

Art 3-2 Plat Preparation

The Planning Board shall review the sketch plan to determine if the plan conforms with the General Plan of the County. Based on this review, the Planning Board may approve, disapprove or recommend revisions to the sketch plan. If approved, the Board shall inform the subdivider that he may proceed with the Preparation of the plat so long as he conforms with plans currently in effect and with the plat requirements, the Design and Layout Requirements and Improvement Requirements as contained in these regulations. The Plat, when prepared and accompanied by supporting documents, shall be presented to the secretary of the Planning Board at least 10 days prior to the regular meeting for review.

Art 3-3 Preliminary Plat Approval

Upon meeting Plat Requirements, Design and Layout Requirements and Improvement Requirements, as stated in Chapter 4, Art 4-2, the plat shall be given preliminary plat approval in writing by the Planning Board. Such approval shall permit the subdivider to proceed with installation of required improvements and Preparation of final plat.

Art 3-4 Expiration of Preliminary Plat Approval

Preliminary plat approval shall expire one (1) year from date of approval by the Planning Board, provided there is no performance in required improvements on the part of the subdivider.

Art 3-5 Final Plat Approval

The Planning Board shall require the following of the developer for Final Plat Approval:

- A. The Preparation of an official plat, suitable for recording, and containing data required by Chapter 4, Art 4-2.
- B. If the plat is to be for only a portion of the land intended for development, at least a sketch layout for the entire area to insure that the purpose and intent of these regulations are complied with.
- C. Evidence of compliance with installation requirements in Chapter 6-Improvements.

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CHAPTER 4

SKETCH PLAN AND PLAT REQUIREMENTS

Art 4-1 Information to be shown on Sketch Plan

The following information shall be indicated on the Sketch Plan:

1. Area map indicating the relation of the proposed subdivision to the rest of the County.
2. Location of all streets and alleys interconnecting and bordering the subdivision.
3. General location of proposed streets within the subdivision.
4. General size and shape of proposed lots.
5. Ownership(s) of property adjacent to subdivision if not platted.
6. Property description and acreage of proposed subdivision.
7. Location of property owned or utilized by public entities or by railroads and utilities when within or adjacent to the subdivision.
8. Location of areas subject to flooding or any other impairment to the health or safety of citizens within the boundaries of the subdivision.
9. Request for any proposed variance from these Regulations, outlining specific request, reason(s), and justification for the request.

Art 4-2 Information to be shown on Preliminary and Final Plat

Before the Planning Board may grant preliminary and final approval in respect to plat requirements, the subdivider shall show the following information on the respective plats:

	Preliminary Plat	Final Plat
1. Name of subdivision.	X	X
2. Boundary of subdivision with description of enclosed property.	X	X
3. Property reference given in terms of the United States system of surveying the public lands	X	X

	Preliminary Plat	Final Plat
4.Names and addresses of owner(s), developer(s) and surveyor(s).	X	X
5.Acreage in subdivision, and acreage in each 1/16 th section or fractional part thereof.	X	X
6.Date, north arrow, ratio scale, and graphic scale.	X	X
7.Contour lines at required interval.	X	
8.Location of all streets, with numbers and names to be indicated, alleys and easements within, interconnecting, and bordering subdivision tract.	X	X
9.Dimensions of streets, alleys, easements, blocks, parcels, and lot lines.	X	X
10.Bearings of all lines not parallel or perpendicular to lines of known bearings. All bearings shall be referred to Arkansas State Plane Grid System, North Zone.	X	X
11.Location of Monuments with Arkansas State Plane Grid Coordinates, when applicable.		X
12.Location of building lines.	X	X
13.Location of railroads and property owned by utilities.	X	X
14.Property description, lot and/or block.	X	X
15.Certification of registered professional surveyor.	X	X
16.General location map.	X	X
17.Accurate identification and location of all underground utilities, when utilized.	X	X
18.Bill of Assurance or recording information for same	X	X

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Art 4-3 Information to be submitted for Plat Review.

A. Preliminary Plat. A minimum of four (4) copies of the preliminary plat shall be submitted for review. The following information, as applicable, shall be submitted with the preliminary plat, or written certification that these items have been prepared for submittal to appropriate agencies:

1. Two prints of detailed water line plans, dimensions, and fire hydrant locations, prepared and certified by a registered professional engineer.
2. Two prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements prepared and certified by a registered professional engineer.
3. Street sign standards and locations, including road number signs.
4. Statements, either on the preliminary plat or in separate letter, signed by an authorized representative of each public utility serving the area that easements delineated on the plat have been examined, and comments as to their sufficiency. Final determination of such sufficiency shall be made by the Planning Board.

B. Final Plat. A minimum of eight (8) copies of the final plat shall be submitted for review purposes and for distribution after recording. The following documents, as applicable, shall be submitted with the plat:

1. Certification by the engineer of record for the project that all water and/or sewer lines have been installed and tested according to plans approved by the Arkansas Department of Health.
2. Letter of approval from the Arkansas Department of Health for the development utilizing septic tank systems, when applicable.
3. Acceptance of road construction and dedications by the county judge.
4. Copy of disposal permit from the Arkansas Department of Pollution Control and Ecology, when applicable.

Art 4-4 Scale and Media

Preliminary plats shall be prepared on sheets not larger than twenty-four (24) inches by thirty-six (36) inches at scale of not more than one (1) inch equal one-hundred (100) feet, prepared either on vellum or mylar.

Final plats shall be prepared on sheets eighteen (18) inches by twenty four (24) inches at a scale no more than one (1) inch equals one-hundred (100) feet, EXCEPT, when all lots within the subdivision are three (3) acres or larger, a scale of one (1) inch equals two-hundred feet may be used. The Surveyor may choose to provide a mylar copy of the Final Plat with original signatures for recording, OR provide a paper copy with signatures for recording AND a mylar copy without signatures.

Art 4-5 Right of Planning Board to have Survey Made

The Planning Board 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 description to the satisfaction of the Planning Board.

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Art 4-6 Lot Splits

A. Definition and Intent.

The Board hereby delegates to the Board Chairman and/or his designated representative authority for approving lot splits where a single subdivision lot or metes and bounds tract is to be split into two parts for conveyance. This authority shall be exercised in accordance with the following guidelines.

B. Application Procedure

A request for a lot split approval shall be made to the Chairman of the planning board. Four 4) copies of a scaled drawing of the lot or tract to be split, prepared from actual survey of the lot or tract by a Registered Professional Surveyor indicating the proposed division and location of any structures thereon. The drawing shall include dimensions and sizes of both resulting lots or tracts and include boundary descriptions of each.

C. Approval Guidelines

Approval or disapproval of lot splits shall be based on the following:

1. No new street or road is required.
2. No vacation of any street, road, alley, easement, or setback is proposed.
3. Both lots created by the split will have access to public road unless the split lot to be conveyed becomes a part of an adjoining property that has access.
4. Easements either existing or proposed are adequate for both lots.
5. No substandard sized lot is created. Both resulting lots shall comply with minimum lot sizes specified in Article 5-6 of these Regulations, unless conveyance is to an adjoining landowner.
6. The split will result in no more than two lots or tracts.
7. The person seeking the lot split will notify, in writing, any prospective buyer that a proper septic system permit must be obtained from the Arkansas Department of Health prior to construction of a septic tank system.

D. Approval

The Planning Board Chairman or his representative, shall approve, conditionally approve, or disapprove the proposed lot split within thirty (30) days of application or it will become effective 30 days after application. Any decision of the Planning Board can be appealed to the Quorum Court.

Art 4-7 Metes and Bounds

No conveyance by metes and bounds of tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps and filing an approved plat.

CHAPTER 5
DESIGN STANDARDS

Art 5-1 Conformance with Official Plans

- A. The subdivision shall conform to all plans adopted in accordance with Act 246 of 1937 and Act 422 of 1977 and as may be subsequently amended.
- B. For a period of thirty (30) days after the filing of the Letter of Intent by the subdivider, the Planning Board may require the subdivider to reserve sites for public use indicated on the plan adopted in accordance with Act 422 of 1977, to permit the responsible agency or department the opportunity to acquire said sites either through purchase, taking of option, or filing of condemnation proceedings under the power of eminent domain.

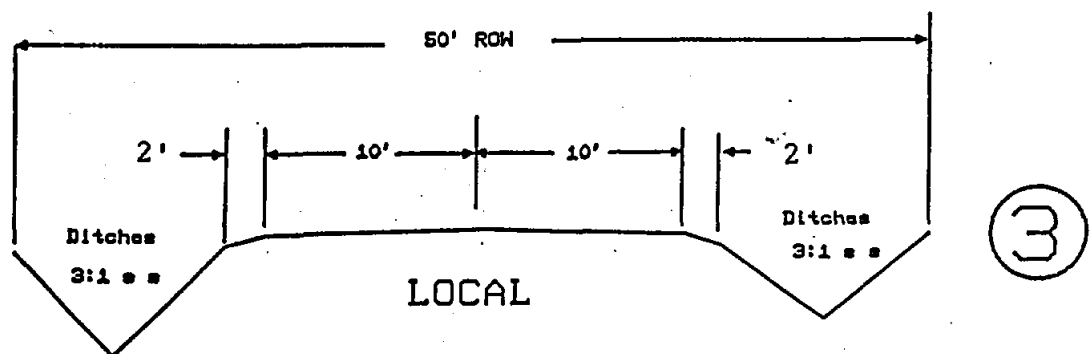
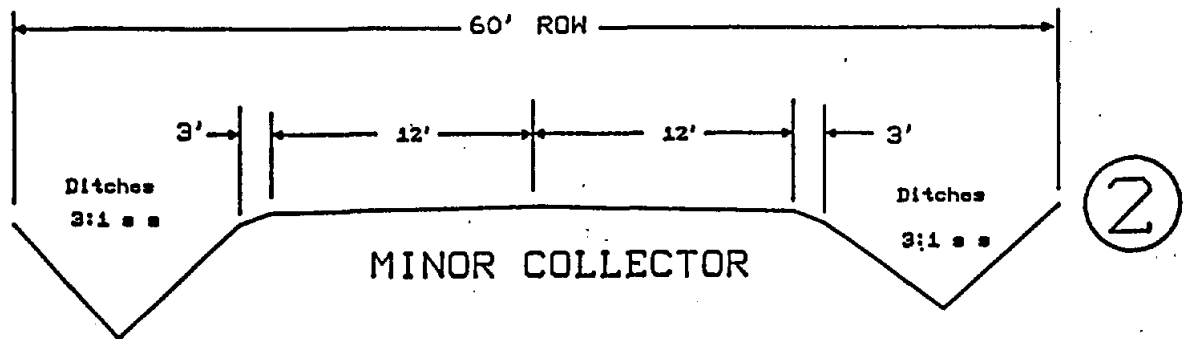
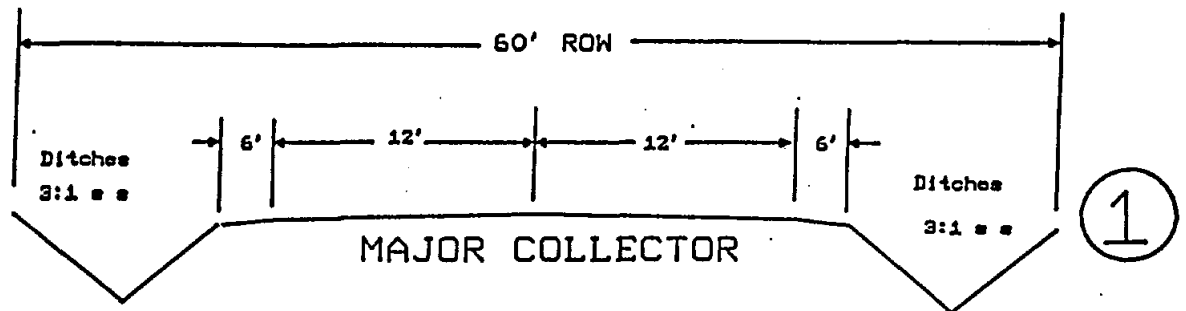
Art 5-2 Streets and Roads

- A. The character of all streets and roads shall conform to the "Baxter County Road Plan" and other official County Plans. Minimum standards for highways, roads, and streets shall be in conformance with the Minimum Standards Table.
- B. For roads or streets not indicated on official plans, the arrangement of roads and streets in the subdivision shall provide for continuation or appropriate projection of existing principal roads and streets in the surrounding area except where topographical or other conditions make continuance or conformance to existing streets or roads impractical.
- C. The location and alignment of minor streets and roads should be such that their use by through traffic will be discouraged.
- D. The Planning Board may limit the location and number of points of access onto major streets, roads, and highways.
- E. Street and road intersections should be at right angles when practical.
- F. Street and road jogs and centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
- G. Property lines at street and road intersections shall be rounded with a radius of ten (10) feet, or of greater radius where the Planning Board may deem it necessary.
- H. Half streets or roads shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and where the Planning Board finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street or road exists adjacent to a tract to be subdivided the other half of the street or road shall be platted within the new subdivision.

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TYPICAL SECTIONS



M I N I M U M S T A N D A R D S T A B L E

ROAD TYPE	MAJOR COLLECTOR	MINOR COLLECTOR	LOCAL
Right-of-Way	60 Ft.	60 Ft.	50 Ft.
Lane Width	12 Ft.	12 Ft.	10 Ft.
Shoulder Width	6 Ft.	3 Ft.	2 Ft.
Maximum Gradient	8 %	10 %	12 %
Setback	50 Ft.	30 Ft.	30 Ft.
Cross Section No.	1	2	3

NOTES:

1. If curb and gutter is provided lane width shall be measured from face of curb to centerline.
2. Shoulders shall be finished with compacted, crushed limestone to same standards as lanes, but shall not be paved.
3. Any deviation from the required Maximum Gradient must be approved by the County Planning Board under variance procedures.
4. All road ditches shall be completed to a minimum depth of 18 inches below shoulder grade.
5. No drain structure (culvert, etc.) of less than 18 inches in diameter shall be placed in any ditch along any County Road. A larger diameter structure may be required by the County Road and Bridge Department. No culvert located in a county road right-of-way shall be set in or covered with portland cement concrete.
6. It should be understood by the developer that road construction standards contained herein are MINIMUM only, and that the Baxter County Road and Bridge Department or other public body which shall accept the roads for maintenance may have or in the future may set more stringent standards which must be adherend to.

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- I. The Planning Board may require that streets or roads extend to the boundary line of the tract being developed to provide access to adjacent properties.
- J. A cul-de-sac shall be provided at the closed end with a turn-around having a property line radius of not less than fifty (50) feet. Cul-de-sac streets or roads should be restricted to a length of five-hundred (500) feet insofar as practical.
- K. Street and road location shall be such as to provide each lot with the desirable elevation, size, and shape which will permit proper setback of structures and their satisfactory placement on the lot.
- L. Curb and Gutter. Curbs and gutters are optional. If installed they shall be constructed of portland cement or asphaltic concrete, and shall be designed by a Registered Professional Engineer to assure proper drainage.
- M. Street or road surface. Surfaces shall be a hard, all weather surface such as concrete, asphalt, or crushed limestone. Any street or road surfacing shall meet the specifications of the governing body which shall maintain the streets or roads. The subdivider shall provide a minimum base course of 6 inches of crushed, compacted limestone on roads to be paved or chip and sealed, unless otherwise specifically designated by the governing body. Paving shall be optional, but if provided shall be two (2) inch asphalt or double coat chip and seal. Roads that will remain gravelled should have a minimum base course of 4 inches of crushed compacted limestone, unless otherwise specifically designated by the governing body.

Art 5-3 Alleys

- A. The width of an alley shall not be less than sixteen (16) feet.
- B. Where alleys are provided:
 1. Intersections and sharp changes in alignment shall be avoided.
 2. Dead end shall be avoided where possible.

Art 5-4 Easements

- A. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least twelve (12) feet wide.
- B. Where a subdivision with lots less than five (5) acres 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 the lines of such water course, and of adequate width to contain such water course, and provide for future widening and cleanout. Parallel streets may be required in connection therewith.

Art 5-5 Blocks

- A. The use of rectangular blocks longer than wide is encouraged in the interest of economy to the developer and to the County in future maintenance of streets, roads, and utilities.
- B. Provision shall be made for utility easements at the rear of lots when alleys are not provided.

Art 5-6 Lots

- A. Residential lots where served by public sewer shall not be less than seventy-five (75) feet wide at the building setback line nor less than seven thousand five hundred (7,500) square feet in area.
- B. Residential lots where not served by public sewer shall not be less than one hundred (100) feet wide at the building setback line nor less than twelve thousand five hundred (12,500) square feet in area. However, a greater area may be required if County or State Health Standards so state, and/or if required septic tank system requirements indicate.
- C. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- D. Corner lots for residential use shall have ample width to permit appropriate building setback from and orientation to both streets.
- E. Each lot shall have satisfactory access to a public street.
- F. Setback lines shall have a minimum as indicated in the Minimum Standards table.
- G. No building shall be built between the building setback line and the property line.

Art 5-7 Non-residential Development

- A. Areas within subdivisions not intended for residential use shall be clearly identified on the plat.

Art 5-8 Topography and Natural Features

- A. Topographic Map. The Planning Board may require a topographic map of the subdivision with contour intervals of from two to twenty feet, depending on the terrain. The subdivider may also be required to indicate natural features such as drainage ways (creeks, etc.), and ponds, on the topographic map. Topography may be included on preliminary plat.

Art 5-9 Grade and Profiles

- A. Streets. The subdivider may be required to provide sheets indicating present and finished grades at center line of right-of-way, if it appears that he will deviate from the requirements set out in the Minimum Standards Table.
- B. Utilities. Profile sheets indicating grades for storm and sanitary sewers shall be submitted when installation of same is required.

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Art 5-10 Bill of Assurance

A. The subdivider shall submit for the approval of the Planning Board a Bill of Assurance including but not limited to the following:

1. Dedication of all streets and alleys, parks, and other lands for public use.
2. Establishment of easements.
3. Provision for amendment and severability clause.
4. Provision that the plat as filed for record cannot be changed unless vacated by applicable authority.

B. The subdivider shall be required to file with the County Recorder the Bill of Assurance as approved by the Planning Board at the same time the plat is filed for record, whenever Bill of Assurance is not included on the plat. If not included on the plat, the recording information of the Bill of Assurance shall be indicated on the plat.

CHAPTER 6
IMPROVEMENTS

Art 6-1 Procedural Requirements

- A. Sketch Plan. At the time the sketch plan is presented to the Planning Board, the plan or the letter of intent should state what actual improvements are to be provided. Any request for variances should be made at this time.
- B. Plat Preparation. At the time of plat Preparation, the subdivider shall prepare the necessary information required in respect to improvements.
- C. Preliminary Plat Approval. Preliminary Plat approval in respect to improvements shall be given when requirements stated in Art 4-3 are met.
- D. Final Plat Approval.
 - 1. Final Plat approval in respect to improvements shall be given when requirements stated in Art 4-4 are met.
 - 2. If construction is not complete, and requirements of Art 4-4 are not met, Final Plat approval may be given if the subdivider provides one of the following in respect to each improvement:
 - a. A performance bond or a letter of intent or committal from a lending institution based on equal value of the estimated cost of the improvements.
 - b. A deposit with the County or in an escrow account of a sum equal to the estimated cost of improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various stages of his improvements.

Art 6-2 Water Distribution System

Where it is determined by the Planning Board that public water is available to the subdivision, each lot in the subdivision shall be served with an adequate supply of water from the public water system, and, if water supply and mains are adequate, fire hydrants shall be provided throughout the subdivision with a maximum spacing of one thousand (1000) feet to any building site.

Art 6-3 Sanitary Sewer System

Where it is determined by the Planning Board that a sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service.

Art 6-4 Storm Water Drainage

Where it is determined by the Planning Board that an underground storm water drainage system is available and connection thereto is feasible, then the entire subdivision shall be provided with underground storm water drainage facilities and connected with the existing system. Where an underground storm water drainage system is installed, emergency surface drainage overflows shall be provided to prevent possible flooding in the event of failure of the underground water drainage system.

Where an underground storm water drainage system is not available, then adequate surface storm water drainage facilities shall be installed and connected to existing surface drainage facilities.

Diversion of storm water flow shall be avoided, if at all possible. If storm water is to be diverted from it's natural course, the plat shall show the location of the existing waterway and the location of the proposed channel. Provisions shall be made for the sodding or paving of diverted waterways to prevent erosion or silting.

Art 6-5 Drainage Structures

Length and diameter of all drainage structures utilized in roads, streets, alleys and driveways shall be as recommended by the County Judge or his designated representative.

Art 6-6 Streets and Roads

Streets and roads shall be installed and surfaced in accordance with the specifications set forth in Chapter 5 of these regulations.

Art 6-7 Sidewalks

Sidewalks are optional but if installed shall be a minimum width of forty-two (42) inches and shall be located within the street right-of-way at a distance of one foot from the property line.

Art 6-8 Monuments and Lot Corners

- A. Lot corners shall be marked with 3/8 inch diameter rods fifteen (15) to twenty-four (24) inches in length clearly marked with the registration number of the surveyor. Offset markers shall be permitted if conditions prohibit placing corner markers in prescribed locations. Locations of offset markers shall be shown on the Final Plat.
- B. Concrete monuments four (4) inches in diameter and of suitable length for soil and rock conditions with 3/8 inch metal rods running the length of the monument shall be set with the top flush to the ground at selected points of subdivision boundary intersections. All monuments shall be clearly marked with the registration number of the surveyor.
- C. When the subdivision is located within one-half mile of a State Plane Coordinate control monument for which coordinates have been published by the County, the subdivision shall be tied into the State Plane System and coordinates computed and listed on the plat for a minimum of two of the monuments described in section "B" above.

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CHAPTER 7
ENFORCEMENT

Art 7-1 Enforcement

After effective date of these subdivision regulations:

- A. No subdivision plat shall be accepted by the County Clerk for recording unless approved by the Baxter County Planning Board.
- B. Any individual aggrieved by a violation of these regulations or any public official, including members of the Planning Board may file a complaint with the Planning Board. The complaint shall state the name of the individual, firm, or corporation against whom the complaint is filed together with the location of the alleged violation.
- C. Upon receipt of a complaint the Planning Board shall proceed with an investigation of the complaint. The Board may either investigate the matter themselves, by the appointment of a committee to perform the investigation, by requesting the County Surveyor to conduct the investigation, or any combination thereof.
- D. Upon completion of the investigation the Planning Board shall review the complaint at a regular meeting of the Board. If the Board determines that any person, firm, or corporation has violated, disobeyed, or refused to comply with these regulations, the person, firm, or corporation so accused shall be notified by the secretary of the Board of the findings of the Board and directed to appear before the Board at a stated time and place to answer the charges. Refusal or failure of the accused to so appear shall constitute a further violation of these regulations.
- E. Should the person, firm, or corporation be in violation of these regulations the Planning Board shall seek an injunction against the violator, prohibiting further violations of these regulations.
- F. Any violation of these subdivision regulations shall be deemed a misdemeanor offense and any person, partnership or corporation refusing to comply within thirty (30) days of notification of such violation shall be fined the sum of not less than \$50.00 and not more than \$500.00. Each day the violator remains out of compliance shall be a separate offense.
- G. The provisions of these regulations (Court Order) are separeable, and in the event that any section shall be held to be invalid, such invalidity shall not affect the remainder of the regulations (Court Order).
- H. These regulations may be amended only after recommendation by the Baxter County Planning Board. The Board may recommend a change or amendment to the County Court on it's own initiative, or as a result of public appeal or application.

CHAPTER 8
ADOPTION

Art 8-1 Adoption

Adopted and Recommended to the Baxter County Court this 24th day
of January, 19 94.

BAXTER COUNTY PLANNING BOARD

RESOLUTION

Arthur Whitford
Secretary

Joe Baus
Chairman

PASSED AND ADOPTED THIS 1st DAY OF Feb, 19 94.

AS ORDINANCE NUMBER 94-3.

ATTEST

COUNTY OF BAXTER, ARKANSAS

[Signature]
County Clerk

[Signature]
County Judge