

ORDINANCE #2012-17

STANDARDS AND REGULATIONS
FOR THE DEVELOPMENT AND
SUBDIVISION OF LAND

MARION COUNTY, ARKANSAS

Amended June 8, 2021

CONTENTS

<u>Chapter</u>		<u>Page</u>
I	GENERAL PROVISIONS	
	Section 1 Policy Statement	5
	Section 2 Authority	5
	Section 3 Regulations	5
	Section 4 Enforcement	5
	Section 5 Penalty	5
	Section 6 Jurisdiction	6
	Section 7 Conformance to Official Plans	6
	Section 8 Metes and Bounds	6
II	DEFINITIONS	7
III	PROCEDURES FOR PLAT APPROVAL	
	Section 1 Objective	9
	Section 2 Pre-platting Preparation	9
	Section 3 Preliminary Plat Approval Procedure	9
	Section 4 Final Plat Approval Procedures	11
	Section 5 Re-plat Approval Requirements and Procedures	12
	Section 6 Restrictive Covenants, Required Information	12
IV	PLAT REQUIREMENTS	
	Section 1 Objectives	13
	Section 2 Plat Size and Scale	13
	Section 3 Survey	13
	Section 4 Plat Information	13

V	DESIGN AND LAYOUT	
	Section 1	Objective 15
	Section 2	Special Conditions 15
	Section 3	Streets 15
	Section 4	Blocks 16
	Section 5	Lots 17
	Section 6	Easements and Public Dedication 17
	Section 7	Grade and Profiles 17
	Section 8	Topography and Natural Features 18
VI	IMPROVEMENTS	
	Section 1	Procedural Requirements Relative to Improvements 19
	Section 2	Required Improvements 19
	Section 3	Standards for Improvements and Approval of Plans for Improvements 20
VII	GENERAL	
	Section 1	Severability 21
	Section 2	Amendments 21
	Section 3	Fees 21
	Section 4	Building Permits 21

Chapter I

GENERAL PROVISIONS

Section 1. Policy Statement

It shall be the policy of the Marion County Quorum Court, the Marion County Planning Board and the Marion County governments as a whole, to ensure that every resident has access to clean water, sewage, electricity and access to and from their residence by emergency vehicles and that development in the county is orderly and meets the best needs of Marion County and its citizens. The regulations herein set forth procedures, requirements and minimum standards governing the development of land under the jurisdiction of the Marion County Planning Board.

Section 2. Authority

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

Section 3. Regulation

Hereinafter, no person, firm, or corporation shall sell, trade, or transfer any lands which are a part of, or located within a subdivision, as described herein Chapter II, Number 14, within the unincorporated limits of Marion County, until and unless the seller of said lands has first complied with the requirements of this ordinance and the standards and regulations for the development and subdivision of land set forth herein, unless said land is within the planning zone of a municipality as indicated by a properly filed plat.

Section 4. Enforcement

No subdivision plat of any tract of land within the planning jurisdiction of the Planning Board will be accepted by the County Clerk for filing of record unless the Planning Board has approved the plat.

Section 5. Penalty

In addition to any of the remedies provided herein, the Marion County Planning Board and/or any appropriate official may direct a property owner who is in violation of any of these regulations to correct such violation. If the violation is not corrected, the property owner shall be guilty of a misdemeanor and be fined an amount, not to exceed \$100 a day, until brought into compliance. For the purpose of this section, *officials* means those city, county, state or elected officials, whose duty it is to enforce these regulations.

It shall be a Class A misdemeanor for any developer or purchaser/landowner to knowingly violate the restrictive covenants or other subdivision guideline set out by the developer or the Marion County Planning Board, and approved by the Marion County Quorum Court.

The Marion County Planning Board shall have the authority to seek an injunction for violations in the Circuit Court or to seek criminal charges for violations of this ordinance.

For violations occurring during the first two (2) years after approval of the subdivision, notice of the violation shall be brought to the Marion County Planning Board, in addition to any civil action being filed.

That for all civil actions filed, concerning regulations for management of a subdivision, brought within two (2) years of the creation of the subdivision, the Marion County Planning Board shall be considered a real party in interest and must be made a party.

Section 6. Jurisdiction

The territorial jurisdiction of these regulations includes the unincorporated land within the limits of the county of Marion, Arkansas, except those official planning jurisdictions, as designated on the planning area map adopted by any incorporated municipality as recorded and as may be amended thereafter, or lands or waters under federal or state jurisdiction.

Section 7. Conformance to Official Plans

Subdivisions shall conform to official plans and regulations that are in effect at the time of application.

Section 8. Metes and Bounds

No conveyance or offer to sell 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 for filing an approved plat.

Chapter II

DEFINITIONS

For the purpose of these regulations, certain terms used herein are defined as follows:

1. Alley. A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.
2. Building Setback Line. A line parallel to the street or road right-of-way or property line, indicating the limit beyond which buildings or structures may not be erected. Building setback requirements apply to all new construction both within and outside of recorded subdivisions.
3. Cul-de-sac. A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.
4. Easement. A grant by a property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.
5. Improvements. Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.
6. Lot. A portion of a subdivision, or any parcel or tract of land intended as a unit of ownership or for development.
7. Lot-split. A division of a lot in an approved subdivision.
8. Plan, County. The plan made and recommended by the County Planning Board and adopted by Ordinance by the Quorum Court, Marion County, Arkansas, indicating the general location recommended for such features as land uses, major streets, parks, public buildings, zoning districts and other public improvements.
9. Plat. A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by developer for consideration and approval by the Planning Board. Such plats may be the sketch plat, the preliminary plat, or the final plat.
10. Re-plat. Dividing or restructuring of property, lots or blocks of lots, within an approved subdivision, subsequent to final plot approval and recording.
11. Highways, Roads and Streets. A dedicated public right of way which provides vehicular and pedestrian access to adjacent properties.
 - a. Other Principal Arterial. U.S. Highways.
 - b. Minor Arterial. State Highways.
 - c. Major Collector. Intended to serve cities with populations of 200 to 2,000.

d. Minor Collector. Roads rural in character.

e. Local-service Street. A non-through neighborhood street within a particular area mainly used for access to properties.

12. Street, Dead-end. A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

13. Sub-divider. A person, firm, or corporation undertaking to develop a subdivision as defined in these regulations. Sub-divider is also referred to in these regulations as a "developer" and the words are synonymous.

14. Subdivision. For the purpose of these regulations, a subdivision shall be defined as:

a) The division of a tract of land or parcel, into three (3) or more lots, any one of which is less than five (5) acres and all the lots are intended to be developed for individual unit of ownership.

b) The division of a tract of land or parcel into three (3) or more lots of five (5) acres or more which are located on existing State or county roads are not classified as subdivision.

c) The division of a tract of land or parcel into two (2) or more lots of ten (10) acres or less and all the lots are intended to be developed for individual unit ownership.

For any subdivision, a formal plat shall be submitted to the County Planning Board. This plat will clearly show the location, size, right-of-way, with, and easements or all new access, roads, and/or streets to be dedicated when submitted to the County Planning Board. A letter shall also accompany that Plat agreeing to build new access, roads, and/or streets in accordance with Marion County's Road and Highway Specifications.

A formal plat need not be provided to the Marion County Planning Board if the division of a tract of land or parcel a) does not meet the definition of a subdivision and/or b) when new access interior roads, and/or streets are not dedicated or classified as County roads.

When new access, interior roads, and/or streets are not dedicated or classified as County roads, a Declaration of Private Roads stating such shall be recorded with each individual unit of ownership. The Declaration of Private Roads cannot be rescinded, changed, or altered unless the new access, interior roads, and/or streets meet Marion County's Road and Highway Specifications and written approval of the County Judge is obtained.

Chapter III

PROCEDURE FOR PLAT APPROVAL

Section 1. Objective

To establish a uniform procedure the developer shall follow to obtain plat approval.

Normally, the approval process involves the preparation by the developer and approval by the planning board of a preliminary plat and final plat for the land proposed for development.

In the event the plat as submitted by the applicant is disapproved by the Planning Board, the applicant may petition the Quorum Court for a review of the Planning Board action. The Quorum Court may sustain the disapproval of the board, refer the plat back to the Planning Board for restudy, or overrule the Planning Board decision.

Section 2. Pre-platting Preparation

The developer shall consult with the Planning Board or its representative prior to the preparation of the preliminary plat. In connection with such consultations, the developer should indicate on a pencil sketch plan his subdivision proposal, and request check lists and instructions to guide him in the preparation of the plat. He should also familiarize himself with the regulations, the county road plan and with other official plans and policies.

Section 3. Preliminary Plat Approval Procedure

The following actions and conditions relate to the preliminary plot approval procedure.

1. Submission to Planning Board. The developer shall submit eight (8) copies of a preliminary plat to the Planning Board or its representatives no less than fifteen (15) days prior to the meeting at which the plot is to be considered. Upon approval of the plats, one copy will be dated and signed for the Planning Board files. The Planning Board may require additional copies if deemed necessary.

2. Submission of restrictive covenants. Restrictive covenants including the required information shall be presented to the Planning Board for review at the same time as the preliminary plat.

3. Action by Planning Board. Within 15 days after submission, the Planning Board shall indicate its approval, disapproval or conditional approval of the plot. The reasons for disapproval shall be stated in writing.

Within sixty (60) days after submission, the Planning Board shall indicate its approval, disapproval or conditional approval of the plat. The reasons for disapproval shall be stated in writing.

DECLARATION OF PRIVATE ROADS

KNOW ALL MEN BY THESE PRESENTS: THAT _____ THE OWNERS OF ALL PROPERTIES SHOWN ON THE PLAT TITLED _____ AND RECORDED IN PLAT BOOK _____ AT PAGES _____ OF THE PUBLIC RECORDS OF MARION COUNTY, ARKANSAS DO HEREBY DECLARE TO ALL FUTURE OWNERS OF PROPERTY CONTAINED IN SAID SUBDIVISION THAT THE STREET RIGHTS-OF-WAY AND DRAINAGE FACILITIES DESIGNATED ON SAID SUBDIVISION PLAT SHALL BE PRIVATE PROPERTY SUBJECT HOWEVER TO A PERPETUAL RIGHT OF EASEMENT FOR INGRESS AND EGRESS BY SANITATION, POSTAL, FIRE, LAW ENFORCEMENT, AND EMERGENCY MEDICAL SERVICE VEHICLES AND OTHER PERSONNEL PROVIDING SERVICES TO THE SUBDIVISION. NEITHER THE EASEMENTS HEREIN GRANTED NOR THE LIMITATIONS HEREIN MADE SHALL CONSTITUTE A DEDICATION TO THE GENERAL PUBLIC OR MARION COUNTY AND NO OBLIGATION IS IMPOSED UPON THE COUNTY OR ANY OTHER PUBLIC BODY FOR IMPROVEMENT OR MAINTENANCE OF SUCH PRIVATE STREET RIGHTS-OF-WAY OR DRAINAGE EASEMENTS.

IN WITNESS WHEREOF, the said (Name of Corporation) has caused these presents to be signed in its corporation name by its (President or Vice President) and Secretary on this _____ day of _____, _____, all by and with the authority of the Board of Directors of said corporation.

(CORPORATE NAME)

BY: _____

(PRINTED NAME)

(PRESIDENT)

ATTEST: _____

(PRINTED NAME)

(SECRETARY)

AFFIX CORPORATE SEAL

4. Expiration of Approval. The approval of the preliminary plat shall lapse unless a final plat of the subdivision is submitted to the Planning Board within one (1) year following date of approval.

5. Approval as Authorization to Install Improvements. Approval of the preliminary plat does not constitute approval for filing the plat with the County Clerk. It is, however,

authorization for the sub-divider to proceed with the installation of improvements or to submit guarantees in lieu of improvements.

6. Preliminary Plat Must Show Layout of Entire Development. If the developer desires to develop only a portion of the entire area intended for development, a preliminary plat indicating the boundaries of the entire area, but with detailed survey information only for the section being developed, will be required in order that each part may be properly related to the total area.

Section 4. Final Plat Approval Procedure

The following actions and conditions relate to the Final Plat approval procedures.

1. Submission to Planning Board. After approval of the preliminary plat, and after the required improvements have been installed or provisions for their installation have been made (see Chapter II, Improvements, Section 5), the developer shall submit not less than fifteen (15) days prior to a Planning Board meeting eight (8) copies of a final plat, together with certification and other supporting information.
2. Action by Planning Board. Within forty-five (45) days after its submissions, the Planning Board shall approve, disapprove, or conditionally approve the plat. If disapproved, the reason shall be recorded in the Planning Board minutes and transmitted to the sub-divider in writing.
3. Final Plat for a Portion of a Subdivision. If a sub-divider desires to develop only a portion of the area for which the preliminary plat has been approved, the Planning Board may approve a final plat for a portion of the preliminary plat area.
4. Acceptance of Public Streets and Public Spaces. Prior to the approval of a final plat of a subdivision located within the jurisdiction of the County, the developer shall transmit a copy of the final plat to the County Judge for the acceptance of the dedication of public streets and other public spaces. The County Judge shall have the authority to approve the plat without acceptance of the public streets and other public spaces.
5. Recording a Final Plat. A copy of the approved final plat, with evidence of approval by the County Judge shall be filed with the County Clerk. The County Clerk shall not accept any plat for record without the approval of the County Judge. Evidence of approval shall be the signature of both the Planning Board and the County Judge on the plat. Copies of the approved final plat shall be given to the County Judge and to the County Assessor.
6. Recording of Restrictive Covenants. At the time the final plat is recorded, accompanying restrictive covenants, reviewed and approved by the Planning Board, shall also be filed with the County Clerk.

Approval of the restrictive covenants is required before the final subdivision plat can be approved.

Section 5. Re-plat Approval Requirements and Procedures

1. All proposed re-plats shall be submitted to the Planning Board for review and approval before any newly created lots, or portions of lots, can be sold, traded, transferred, or offered for sale. All proposed changes to record subdivision plats must be approved by the Planning Board. A newly approved re-plat, reflecting the changes, and including new survey data and new lot designations, then recorded in the County Clerk's office. Any proposed changes to the original approved and recorded subdivision plot must also be in accordance with previously recorded restrictive covenants.

Section 6. Restrictive Covenants, Required Information

All proposed subdivisions being reviewed by the Marion County Planning Board shall submit restrictive covenant for review and approval.

1. Minimum requirements for those restrictive covenants include:
 - a. Statement clearly outlining whether lots in the subdivision may be divided subsequent to purchase or whether lots are to remain as conveyed and platted in original approved subdivision plat. If further division of recorded lots is allowed in a minimum size must be one (1) acre or more.
 - b. Statement clearly indicating type of housing allowed or excluded. This information may include square footage minimums, building materials and/or limits on trailers and mobile homes.
 - c. Statement clearly outlining policy on animals, both farm and domestic.
 - d. Statement defining limitations of use such as residential or commercial enterprises.
 - e. Statement addressing objects that would constitute a nuisance to neighboring landowners.
 - f. Statement indicating how changes to the restrictive covenants may be made, whether by majority vote of current landowners or otherwise.
 - g. Where roads are not accepted by the county, then some provisions for maintenance of those roads must be indicated in the covenants, whether by creation of a homeowner's association or by mandatory fees paid into an escrow account, or otherwise set aside for future maintenance needs.

Chapter IV

PLAT REQUIREMENTS

Section 1. Objective

To set forth the minimum information that is needed on the subdivision plat, and accompanying the plat for the Planning Board to determine if the subdivision complies with the Land Development regulations and meets the legal requirements for filing and recording purposes.

Section 2. Plat Size and Scale

The scale of the preliminary plat shall not be less than 1 inch equals 100 feet. The final plat shall be prepared on sheets 24x28-1/2 inch paper or on a size acceptable to the County Clerk. In addition, an electronic copy and document format shall also be prepared.

Section 3. Survey

A boundary survey shall be made prior to the submittal to the Planning Board that meets the state of Arkansas' standards of practice for property boundary surveys and plats.

Section 4. Plat Information

Whenever the letter "X" is opposite an item, that information shall be shown on the plat at the time the plat is presented to the Planning Board.

	Preliminary <u>Plat</u>	Final <u>Plat</u>
1. Name of subdivision (including city, county and state)	X	X
2. Boundary, legal description and acreage of tract signed by a certified surveyor or registered engineer	X	X
3. Names and addresses of owners, and surveyor	X	X
4. Names of adjacent subdivision	X	X
5. Vicinity map at a legible scale	X	X
6. Contour lines at intervals which the Planning Board deems sufficient, normally 20 feet	X	

7. Date, graphic, scale, and North arrow	X	X
8. Location of all roads and streets (names or numbers, alleys, and easements within and bordering tract)	X	X
9. Dimensions of streets, alleys, easements, blocks and lots numbered or lettered	X	X
10. Bearing of all lot, block or Street lines		X
11. Location of monuments		X
12. Location of building lines	X	X
13. Location and dimensions of any non-residential property	X	X
14. Certifications, signatures required		
a. Approval by Planning Board	X	X
b. Approval by County Judge		X
c. Ownership and dedication		X
d. Certification by a licensed surveyor that the placement monuments meet standard practices, for boundary and plats		X
e. Review and approval of street names and addresses by E-911 coordinator		X
15. Accompanying information		
a. Approval of water and sewer by State Health Department		X
b. Certification of improvements		X
c. Restrictive covenants	X	X
d. Location and description of all existing underground utilities	X	X
e. Certification by abstractor as to ownership of lands involved		X

Chapter V
DESIGN AND LAYOUT

Section 1. Objectives

To identify those physical features that affect the internal arrangements of divisions and to set forth design and layout standards that will assure the development of safe, attractive, efficient, and economical residential areas.

Section 2. Special Conditions

Whenever the tract to be subdivided is of such unusual size, shape, or topography, or surrounded by such development or conditions that the provisions of these regulations shall result in substantial hardship on the sub-divider, the Planning Board may vary or modify such requirements to the end that the subdivision may be developed consistent with public welfare and safety. Such a variance may be granted only by the affirmative vote of a majority of the Planning Board.

Section 3. Streets

1. Projection of Major Streets. Major streets in a subdivision shall conform to the general plan and be a continuation or approximate projection of existing major streets and surrounding areas.
2. Local-service Streets. Minor streets shall be laid out in a manner that will discourage through traffic.
3. Street Intersections. Street shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle of less than 60 degrees. Improvements which obstruct view should not be permitted within 20 feet of the intersection to ensure adequate sight distance.
4. Dead-end Streets. Dead-end streets, designed to be so permanently, shall be provided at the closed end with a turnaround having a property line diameter at least one hundred (100) feet.
5. Street Width. Street right-of-way widths and pavement widths shall be as stated in the Minimum Standard Table.
6. Curb and Gutter. If curbs and gutters are installed, the curb shall be approximately six (6) inches high and the gutter approximately eighteen (18) inches in width of an approved hard-surface wearing material.
7. Street Surface. The street surface must comply with the minimum requirements of the Marion County Road Ordinance.

8. Street Grades. Street grades shall be in accordance with the Minimum Standards Table and shall have sufficient crown for drainage.

9. Street Jogs. Street jogs with centerline offsets of less than one hundred and twenty-five (125) feet shall be avoided.

10. Street Curves. Curves in streets shall have a radius adequate to ensure sight distances sufficient to permit a driver to stop safely.

11. Subdivision with Major Streets. Where a subdivision abuts or contains a major street, the Planning Board may require such improvements as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. These improvements may include, but are not necessarily limited to, marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, and deep lots with rear service alleys.

12. Half Streets. Half Street shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with 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. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

13. Street Names or Numbers. Names or numbers of existing streets shall not be used for new streets and there shall be only one name for each street. Street name shall be subject to the approval of the Planning Board and 911 coordinator.

Section 4. Blocks

1. Length, Width, and Shape. The length, width and shape of blocks shall be determined with due regard to:

- a. Adequate building sites suitable to the type of use contemplated.
- b. Need for convenient access, circulation, control and safety of Street traffic.
- c. Topography.

2. Blocks shall large enough to accommodate two tiers of lots and shall be at least two times the width and length.

3. When a block exceeds six hundred (600) feet in length, the planning board may require a dedicated easement not less than fifteen (15) feet in width and paved crosswalk of not less than four (4) feet in width to provide a paved crosswalk of not less than four (4) feet in width to provide pedestrian access across the block.

Section 5. Lots

1. Lot Size and Shape. The lot size, with, depth, shape, and orientation at the minimum building setback line shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot Dimensions. Lot dimension shall conform to the requirements of the zoning regulations. Where no zoning ordinance is in effect, the lot dimensions shall be as follows:
 - a. Residential lots where served by public sewer shall be not less than seventy-five (75) feet wide at the building setback line nor less than ten thousand (10,000) square feet in area.
 - b. Widths and areas of residential lots not served by public sewer shall be determined with respect to soil conditions and state and local health regulations and standards.
3. Corner Lots. Such lots shall have extra width to permit appropriate building setback from and orientation to both streets.
4. Street Access. Each lot shall be provided satisfactory access to a public local-service street or other road.
5. Side Lot Lines. These lines shall be substantially at right angles or radial to Street lines.
6. Building Setback Lines. Front building setback line shall be in accordance with the Minimum Standard Table.

Section 6. Easement and Public Dedication

1. Utility. Easements across lots or centered on rear or side lot line shall be provided where necessary and shall be at least ten (10) feet wide.
2. Drainage. Easements adequate in width shall be provided where necessary for water courses and storm water drainage, and shall include at least twenty (20) feet on both sides of the central line of the water course.
3. Public Dedication. All land held for public use shall be dedicated as provided by law.

Section 7. Grade and Profile.

1. Utilities. Profile sheets indicating the grades for storm and sanitary sewer shall be submitted when installation of the same is required.

Section 8. Topography and Natural Features

1. Topographic Map. The Planning Board may require a topographic map of the subdivision with a contour interval of such specification which it deems sufficient for conveying the appropriate and needed topographic information. The sub-divider also may be required to indicate natural features such as drainage way (creeks, etc.), ponds, trees, etc., on the topographic map.

Chapter VI

IMPROVEMENTS

In order to protect new landowners and to reduce maintenance cost in Marion County, the sub-divider shall provide for the installation of the following improvements at his own expense in accordance with standards and specifications adopted by the Quorum Court.

Section 1. Procedural Requirements Relative to Improvements

1. Sketch Plat. No information concerning actual improvements is required.
2. Plat Preparation. At the time of plat preparation, the sub-divider shall prepare the necessary information required and respect to improvements.
3. Preliminary Approval. Preliminary approval shall be given when plans meeting the requirements of improvements are approved.
4. Final Approval. Final approval shall be given when one of the following has been met for each required improvement.
 - a. Evidence of insulation of improvements in the form of a certificate containing the signatures of the proper official or officials as to compliance.
 - b. A performance bond based on value of 1-1/2 times the estimated cost of the improvements.
 - c. A deposit with the County of Marion of a sum equal to 1-1/4 times the estimated cost of the improvements. The developer may be permitted to draw on his deposit upon satisfactory completion of various stages of his improvements.
5. The appropriate County or state officials or licensed engineers shall be responsible for certifying proper installation of required improvements.

Section 2. Required Improvements

1. Water Distribution System. Where it is determined by the Planning Board that public water is available to the subdivision, each law in the subdivision shall be served with an adequate supply of water from the public water system.
2. Sanitary Sewer System. Where it is determined by the Planning Board that the sanitary sewer system is available to the subdivision, each lot in the subdivision shall be provided with sanitary sewer service.

3. Sanitation. Where it is determined by the Planning Board that a public water supply and/or sanitary sewer system is not available, then it shall be shown by the sub-divider that the alternate water supply will be provided by the buyer.

4. Storm Water Drainage. Where it is determined by the Planning Board that an underground storm water drainage system is available and that the connection there to 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 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. (See ADEQ regulations regarding soil erosion prevention.)

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

5. Streets. Street shall be installed and surfaced in accordance with the Minimum Standard Table.

6. Sidewalks. When sidewalks are required, they 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 (1) foot from the property line.

Section 3. Standards for Improvements and Approval of Plans for Improvements

1. The standards for water and sanitary sewer shall be the minimum as required by the appropriate state agency.

Chapter VII

GENERAL

Section 1. Severability

If any section, paragraph, clause, phrase, or part of these subdivision regulations is for any reason invalid, such decisions shall not affect the validity of the remaining provisions of these regulations and the applications of these provisions to any person's or circumstances shall not be affected thereby.

Section 2. Amendments

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

Section 3. Fees

For each preliminary plat submitted, the fee shall be \$50.

For each final plot submitted, the fee shall be \$50 plus \$10 for each lot. Fees for all re-plats shall be the same as for final plats. All of the fees shall be paid to the chairman of the Planning Board, or in his or her absence, to the Secretary of the Planning Board who shall deposit the fee with the Marion County Treasurer.

Section 4. Building Permits

Building permits and certificates of approval of water supply and disposal of sanitary wastes from the County Health Officer, State Health Inspector, County Inspector or person designated by the County Planning Board shall be required for all new dwellings.

All ordinances, laws, or parts of ordinances or laws in conflict with this ordinance, or inconsistent with the provisions for these regulations, are hereby repealed to the extent necessary to give this ordinance full force and effect.