

**LAND SUBDIVISION  
AND DEVELOPMENT CODE  
WEST MEMPHIS, ARKANSAS**

**AS RECOMMENDED BY PLANNING COMMISSION**

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ARTICLE I  
GENERAL PROVISIONS

Section 1     TITLE

These regulations shall hereafter be known and may be referred to as the Land Subdivision and Development Code of the City of West Memphis, Arkansas.

Section 2     STATEMENT OF LEGISLATIVE PURPOSE AND INTENT

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

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

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

Section 3      AUTHORITY

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

Section 4      JURISDICTION AND APPLICATION

It is hereby declared to be the policy of the City of West Memphis to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the City pursuant to the Comprehensive Development Plan and the Major Thoroughfare Plan of the City for the orderly, planned, efficient, and economical development of the CITY.

These regulations shall apply to all forms of subdividing as defined in Article II and as described below, and shall be applicable to all lands within the City of West Memphis and to certain unincorporated areas in the County within five (5) miles of the corporate limits, as shown on the Planning Area Map, which is included herein and made a part of this code.

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

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

The resubdivision of land, previously subdivided or platted into tracts, lots, sites, or parcels; or

The dedication, vacation or reservation of any public or private easement, through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

Section 5      CONFLICTING REGULATIONS

All ordinances or parts of ordinances inconsistent or in conflict with this Code are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this Land Subdivision and Development Code.

Section 6      SEPARABILITY

Any clause or provision of this Code declared invalid by a court of competent jurisdiction shall not affect the validity of the regulation as a whole or any other part of the Code thereof.

Section 7      EFFECTIVE DATE

This code shall take effect upon adoption by ordinance of the City Council of the City of West Memphis, Arkansas. These regulations shall be printed in booklet form and made available to the general public. Not fewer than three (3) copies shall remain on file in the office of the City Clerk for examination by the public. These regulations shall be published as required by law by title only through the CITY's adoption of the Code entitled "Land Subdivision and Development Code".

ARTICLE II  
DEFINITIONS

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

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

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

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

Building Lines: The phrase "building line" shall be the line within a property which defines the minimum horizontal distance between the building and the adjacent property line.

Circuit Clerk & Ex-Officio Recorder: The Circuit Clerk and Ex-Officio Recorder of Crittenden County, Arkansas.

City: City of West Memphis, Crittenden County, Arkansas.

City Council: The elected governing body of West Memphis, Arkansas.

City Attorney, City Clerk, Building Inspector: Any office referred to in this Code by title, i.e. City Attorney, City Clerk, Building Inspector, etc., shall be the person so retained in this position by the City, or his duly authorized representative.

Commission: The word "Commission" or "Planning Commission" shall the official City Planning Commission of the City of West Memphis, Arkansas.

Comprehensive Plan: The Comprehensive Development Plan for the City which has been officially adopted to provide long-range development policies for the area subject to urbanization in

the foreseeable future and which includes, among other things, the plan for land use, traffic circulation, and community facilities.

County Judge: The County Judge of Crittenden County, Arkansas.

County Planning Board: The County Planning Board of Crittenden County, Arkansas

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

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

Engineer: A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.

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

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

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

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

Lot, Record: Any tract, lot, parcel or legally describable ownership existing legally prior to the adoption of this Ordinance. In order to qualify, a public recorded deed or plat shall be required.

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

Lot Split: A lot-split is a subdivision which involves the dividing or re-dividing of (a) a land area or (b) one or more lots within not more than one (1) block of a recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement, or the installation of any required improvement. (See Article VII for regulations pertaining to lot-splits.)

Maintenance Bond: A bond furnished by the subdivider or contractor to the City of West Memphis, for a one-year period, to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the subdivider, or his contractor.

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

Performance Bond: A bond posted by the subdivider to the City to guarantee completion of the necessary improvements within a subdivision.

Plat, Final: A finished drawing showing completely and accurately all legal and engineering information required herein.

Plat, Preliminary: The preliminary drawing or drawings, described in the regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Commission for review, but is not to be recorded.

Replatting: The word “replatting” shall be the resubdivision of any part of a previously platted subdivision, addition, lot or tract.

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

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

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

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

Street, Collector: The term “collector street” shall be a street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

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

Street, Minor Residential: A relatively short street which by design limits the number of dwelling units to be served and either prohibits or discourages any through traffic. Such a street may include a cul-de-sac or short loop street. Parking is restricted and the street is designed for low speed travel and carries volumes of 200 ADT or less. The principal purpose of the minor residential street is to conduct traffic to and from dwelling units to other streets within the hierarchy of streets.



Street, Private: A cul-de-sac or loop street built to public street standards, but specifically allowed as private streets by the Planning commission. A private street should not connect two different public streets.

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

Subdivision: Any division of land into two or more lots, parcels, tracts, or areas or any division of land involving the dedicating, vacating, widening, narrowing, or change or alignment of any thoroughfare, street, alley, or easement, or the resubdivision of land heretofore divided into lots, sites, or parcels.

West Memphis Planning Area Jurisdiction: The City of West Memphis and those unincorporated parts of Crittenden County within 5 miles of West Memphis city limits as shown on the West Memphis City Planning Commission Planning Area Map.

Zoning Ordinance: The Zoning Ordinance of the City of West Memphis, Arkansas.

### ARTICLE III DESIGN

#### Section 1 CONFORMANCE TO EXISTING PLANS AND REGULATIONS

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

- (a) The various elements of the Comprehensive Development Plan including the location of major thoroughfares and streets, the location of parks, playgrounds, schools and other public sites, and appropriate land uses.
- (b) The Zoning Ordinance and Building Code as applicable within the corporate limits.
- (c) The rezoning of any ownership may be required, when the platting is proposed for change to a format which is incompatible with the existing zoning classification.
- (d) The replatting of an ownership may be required when the zoning classification of an ownership is changed to a district which is incompatible with the existing platting of such property.

Section 2      SUITABILITY OF LAND

Lands subject to flooding or topographically unsuitable for residential occupancy and which Planning Commission considers unsuitable for subdividing shall not be platted for any use that may increase the danger to health, life, or property, or aggravate erosion or flood hazard. If such land is in the proposed plat, this land shall be set aside for such land uses as will not be affected by periodic flooding or unsuitable topographic conditions unless adequate corrective measures are formulated by the developer and approved by the Planning Commission.

Section 3      DESIGN WHERE FUTURE DEVELOPMENT OR RESUBDIVISION IS INDICATED

Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the unsubdivided portion shall be prepared and submitted by the subdivider.

Furthermore, proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, physical impediments preclude reasonable provision of such access, or alternate routes of access are, or will be available in the future.

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

Section 4      LARGE-SCALE DEVELOPMENT

The requirements of this Article may be modified in the case of large-scale community or neighborhood units, such as a housing project, suburban-estate or recreational subdivisions, shopping center; or planned unit development of mixed uses which are not subdivided into customary lots, blocks, and streets. Plans for all such developments shall be presented to the Planning Commission for review and approval prior to the commencement of construction. After approval is granted, a plat in proper form for recording shall be submitted to the County Recorder.

Section 5      PROVISION OF LAND FOR PUBLIC USE

The Planning Commission shall require reservation of suitable sites for public uses indicated on the Comprehensive Development Plan for a period of up to twelve (12) months after the filing of a Letter of Intent to Develop by the subdivider. Such reservations shall be referred to the appropriate public board,

commission, or body having jurisdiction or financial responsibility, to permit the opportunity to acquire said sites either through purchase, taking an option, or the filing of condemnation proceedings under the power of eminent domain.

## Section 6      SUBDIVISION DESIGN STANDARDS

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

## Section 7      MULTIPLE BUILDING SITES

Large scale developments involving the construction of two or more building together with the necessary drives and accessways which are not subdivided into customary lots, blocks, and streets shall be subject to the provisions of this ordinance. This provision shall also be deemed to include single principal structures proposed for addition to an existing multiple building site development. This provision shall not be deemed to include developments where the addition of a single building or structure serves as an accessory building/structure to a principle use on the same site. Plans for all such developments shall be submitted to and approved by the Planning Commission, whether or not such plat or plan is to be recorded, and no building permit shall be issued until such approval has been given. Such plan shall be prepared in sufficient detail to show the location of all driveways, curb cuts, service easements, existing and planned utilities, building locations, side walks, parking areas, and landscaping.

### A      Streets

The arrangement, character, extent, width, grade, and location of all streets shall conform to all of the elements of the Comprehensive Development Plan and shall be designed in accordance with the following provisions.

#### (1)      Alignment

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

Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of

through and local traffic. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the City under conditions approved by the Planning Commission.

Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Planning Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his own subdivision boundaries.

(2) Right-of-Way Widths

The right-of-way width shall be the distance across a street from property line to property line. The minimum street right-of-way width shall be as follows:

Principal Arterial	100	feet
Minor Arterials	80	feet
Collector Streets	60	feet
Local Commercial Streets	60	feet
Local Residential Streets	50	feet
Minor Residential Streets	40	feet
Alleys	20	feet
Cul-de-sacs (residential)	100	feet diameter

Cul-de-sacs or courts designed to have one end closed should be no more than six hundred (600) feet long without special permission of the Planning Commission. Such streets will be provided at the closed end with a turnaround of not less than seventy-eight (78) feet roadway diameter (outside to outside of roadway surface). All minor street cul-de-sacs shall terminate in a turnaround with a property line radius of not less than forty (40) feet.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum street right-of-way to meet the minimum street right-of-way width requirements. Where any part of the subdivision is on both sides of the existing street, the entire required right-of-way shall be dedicated. Where the subdivision is located on only one (1) side of an existing street and the land across the street from the proposed subdivision has been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the roadway to bring the total right-of-way to the required width.

Where the subdivision is located on only one (1) side of an existing street and the land across the street from the proposed subdivision has not been subdivided or developed, the subdivider is required to provide enough additional right-of-way on his side of the street to bring the total right-of-way to a width of not less than fifty (50) feet.

(3) Street Grades

The minimum grade for all streets shall be 0.3%.

(4) Intersections

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

Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 150 feet shall not be allowed unless special circumstances warrant a variance as specifically approved by the Planning Commission.

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

Curb radii shall comply with the following.

- (a) Street intersections involving major streets and highways shall have a minimum street corner radius of 30 feet at the curb line, or edge of pavement, if there is no curb;
- (b) Radius of outer curb in a cul-de-sac turnaround shall be not less than 45 feet at the curb line. Radius of the inner curb shall be such that the width of pavement from back of curb to back of curb shall not be less than 27 feet;
- (c) The radius of the outer curb in a minor street cul-de-sac turn-around shall not be less than 35 feet at the outer pavement edge, with the radius of the inner edge such that the width of the pavement will not be less than 20 feet.
- (d) Radii of curbs at street corners, other than major streets and highways, shall not be less than 25 feet; and
- (e) All street corner radii shall be shown on street improvement plans.

(5) Horizontal Curves

Curvilinear streets are recommended for residential and collector streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten (10) degrees, there shall be a horizontal curve. To insure adequate distance, the minimum center line radii for horizontal curves shall be as follows:

Arterial Streets	1,400 feet
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Collector Streets	400 feet
Local Service Streets	150 feet

Between reverse curves there shall be a tangent having a length of not less than one hundred (100) feet.

(6) Stub Streets

In the case of dead-end streets which are stub streets designed to provide connections with adjoining unsubdivided areas, the Planning Commission may require the following.

- (a) A temporary easement for a turnaround of the nature mentioned above, or
- (b) A roadway at least 27 feet in width “back to back” of curb, 26 feet in width face to face of curb and not of excessive length, to connect the temporary dead-end street with an existing street.
- (c) An appropriate area for a back-around, or
- (d) The dedication of street right-of-way to be extended to the boundary of adjoining property in order to provide future street access to adjoining property.

(7) Street Names

The proposed name of new streets shall not duplicate, or too closely approximate phonetically, the name of already existing streets, except streets that obviously are in alignment with such existing streets shall be given the same name. The street names shall require the approval of the Planning Commission.

(8) Minor Residential Street

In order for a cul-de-sac or loop street to qualify as being a minor residential street, it must meet the following criteria:

- (a) A cul-de-sac shall be classified as a minor residential street if it does not exceed 450 feet in length or serve more than 20 dwelling units.
- (b) A loop street shall be classified as a minor residential street where it does not exceed 900 feet in length and/or serve directly more than 20 dwelling units, and is closed at either end with a T-intersection.

B Alleys

Alleys may be required at the rear of all lots to be used for business purposes, but shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the

Commission of the need for alleys.

The width of an alley shall not be less than twenty (20) feet.

Where alleys are provided:

- (1) Intersections and sharp changes in alignment shall be avoided. "T" or "L" shaped alleys shall have a radius on not less than ten (10) feet at the point of intersection.
- (2) Dead-ends shall be avoided where possible.

## C SIDEWALKS

Sidewalks shall be a minimum of four (4) feet wide and shall be installed within the dedicated right-of-way adjacent to the property line, except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks. Where sidewalks are to be installed on corner lots, the sidewalk shall be extended to the street pavement and a curb cut shall be installed so as to make the sidewalk accessible to the handicapped. Sidewalks shall be required as follows:

### (1) Residential

- (a) On both sides of all arterial, collector, and residential streets, for all lots which front or side on said streets. Sidewalks shall not be required along arterial streets in cases where access is restricted on the plat to prevent ingress or egress to a residential lot along an arterial street.
- (b) Internalized pedestrian circulation system in the form of paved pathways may be substituted for sidewalks along collector and residential streets upon the request of the applicant and the approval of the Planning Commission.
- (c) On residential and collector streets the developer may request the location of sidewalks adjacent to the curb where such location is important to the design concept of the subdivision or in such cases where the normal alignment would interfere with other existing utility structures. The approval of an alignment other than adjacent to the property line may be granted by either the Planning Commission or the Director of Planning.

### (2) Commercial

If at the time of platting one or more lots contained in said plat are zoned and intended for office or commercial use, sidewalks shall be required along both sides of all streets except where:

- (a) The right of access is restricted on the plat for said lots; or
- (b) If the lot or lots represent part of a block face, either existing or proposed, which

is more than fifty percent developed at the time of platting and sidewalks do not exist on these developed parcels. A block face shall include all frontage along a street between two intersecting streets, and the percent developed is based on front feet of developed lots, not the number of lots.

(3) Industrial

Sidewalks are required for lots that are zoned and intended for industrial use if at the time of platting the Planning Commission determines that one or more of the streets in said industrial plat is so located that it connects one or more residential areas and/or community facilities such a manner that the provision of a sidewalk is essential to accommodate pedestrian movements. Such determination will be made by the Planning Commission at the time of preliminary and final plat review and all such sidewalk requirements will be reflected on the final plat.

D EASEMENTS

Easements shall be provided in accordance with the following:

- (1) Utility easements for poles, wires, conduits, storm sewers, sanitary sewers, gas line, water mains and lines, and similar purposes shall be provided. Such easements shall not be less than five (5) feet on either side of the rear lot lines and five (5) on either side of the side lot lines. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions.
- (2) No building or structure may be erected over or in an easement.
- (3) All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this Ordinance.
- (4) All open drainage ditches, channels or bayous providing community drainage shall have a permanent easement of a least thirty (30) feet in width measured from the center line of such ditch, channel or bayou provided that within the easement there shall be an unobstructed accessway along either side of such ditch, channel or bayou of at least fifteen (15) feet in width between the top of bank and the easement line.

E BLOCKS

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

- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
- (2) Zoning requirements as to lot sizes and dimensions.
- (3) Needs for convenient access, circulation, control, and safety of street traffic.



- (4) Limitations and opportunities of topography.

Blocks of less than three hundred (300) feet in length or more than one thousand three hundred (1,300) feet in length are discouraged unless special unique circumstances make blocks of other length desirable. When a block exceeds six hundred (600) feet in length, the Planning Commission may require a dedicated easement not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

## F LOTS

The shape of lots shall not be required to conform to any stated pattern. The Planning Commission shall judge lot shape on the type of development and on the use to which the lots will be put. Lots should be designed with due regard for the following.

- (1) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation at both streets.
- (2) Lot dimensions:
  - (a) Lots within the city limits shall conform to the requirements of the Zoning Ordinance.
  - (b) Lots not served by public sanitary sewer and/or public water supply shall be of sufficient size to conform to the regulations and specifications of the Arkansas State Health Department.
  - (c) The minimum building setback line shall be not less than twenty-five (25) feet from the right-of-way of the front street. Corner lots shall have a setback of twenty-five (25) feet from the front line and not less than ten (10) feet from the street side lot line.
- (3) Side lot lines should be approximately at right angles or radial to street lines.
- (4) Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement. At the discretion of the Planning Commission, the developer may substitute for an easement and a planting screen a permanent ornamental fence or wall of a height and architectural design

which will appropriately screen and be harmonious with residential or other neighborhood elements; but there shall still be a restriction upon the right of access, and such restriction shall be clearly designated on the plat and Bill of Assurance.

- (5) In residential districts which abut railroad right-of-way, a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited." Additionally, rear yard setbacks shall not include this area.
- (6) The size of properties reserved or laid out for commercial or industrial uses should be adequate to provide for off-street parking facilities and services required by the type of use and development contemplated. When developed within the city limits, they shall conform to the Zoning Ordinance.
- (7) Submission of a plat creating lots for single-family attached or townhouse residences or a zero-lot-line development shall be accompanied by a site plan showing the proposed locations and maximum dimensions of all building lines shall be shown on all sides of each lot.

## ARTICLE IV IMPROVEMENTS

### Section 1     REQUIRED IMPROVEMENTS

Every subdivider shall be required to install streets, utilities, and public improvements in accordance with the following standards and specifications. All projects shall be constructed according to the approved plans and specification of a Professional Engineer registered to practice engineering in the State of Arkansas.

#### A     STREETS

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

- (1) Street Pavements widths shall be as follows, the indicated width being measured from back of curb to back of curb:

Arterial	48	feet
Collector Street	37	feet
Local Residential Streets	27	feet
Local Commercial Streets	27 to 37	feet

- (2) On minor residential streets, the minimum width of paving shall be 20 feet, and the paving surface shall be abutted on either side by a 5 foot wide concrete sidewalk/drainageway.
- (3) The subdivider shall bear the cost of paving streets as required herein of widths up to 37 feet. Hence, the subdivider shall pay for local residential, commercial, and collector streets. For an arterial street, the subdivider shall receive financial assistance from the City or other public body to pay the pro rata share of the cost of the street width in excess of 37 feet.
- (4) Street name markers shall be installed by the City at the developer's expense.
- (5) All streets, including curbs and gutters, shall be constructed in accordance with applicable City of West Memphis standards and specifications as provided in the Master Street Plan of the City of West Memphis or other such standards and specifications adopted by the City Council.

## B SIDEWALKS

Construction plans shall show the location of all sidewalks. Installation shall be in accordance with these plans and are the responsibility of the developer. The developer may either:

- (1) Construct all sidewalks at the time of installation of street and drainage improvements; or
- (2) Post a cash bond in escrow with the City of West Memphis to cover the cost of installation of all required sidewalks. If the developer chooses this method, no building permit shall be issued for any lot where a required sidewalk is shown unless the site development plan indicates the required sidewalk; and no certificate of occupancy shall be issued for any property until the sidewalk is constructed. Upon completion of the sidewalk for each lot, and following the issuance of a final certificate of occupancy, eighty percent of the pro rata costs of said sidewalk improvement that has been escrowed will be returned to the developer. If any required sidewalks within the subdivision have not been installed within two years from the date of recording the final plat, the City shall apply the remaining available escrowed funds and cause all remaining sidewalks to be installed. Upon completion of all required sidewalks, all funds remaining, if any, shall be returned to the developer.

## C STORM DRAINAGE

Every subdivision shall be served by storm drainage facilities including drains, sewers, catch basins, culvert and other facilities designed and constructed to accommodate surface runoff originating within the subdivision or flowing across it.

At the time other construction plans are submitted for review and approval, a grading plan must be included. The grading plan must ensure that no water will be trapped behind houses and that all yards will drain properly. Unless an established drainage system already exists, backyard drainage, with or without easements, will not be permitted. The City Engineer is responsible for determining

what is and what is not an established drainage system. Before the two-year maintenance period for improvements can begin, the developer's engineer must submit a letter stating that the grading plan has been completed. This completion is subject to the City Engineer's inspection. The maintenance period will not commence until the City is satisfied that the required and approved grading plan has been completed in all respects.

- (1) Improvements shall be installed in accordance with regulations adopted by the City Council. Furthermore, if the storm water is to be diverted from its natural course, the construction plans shall include:
  - (a) A sketch showing the existing waterway and the location of the proposed channel change;
  - (b) A profile of the existing water course; and
  - (c) No open ditches for outfall lines are permitted.
- (2) The cost of drainage facilities for streets crossing community drainage channels shall be borne totally by the developer except in such instances in which the street is a part of the City of West Memphis Transportation Plan or except in such instances when the Planning Commission deems it necessary for such crossings. In such cases as when the street is a part of the Transportation Plan or when directed by the Planning Commission, the City of West Memphis will bear the cost of such facilities above that for a seventy-two (72) inch diameter reinforced concrete storm sewer. In instances where there are different owners on opposite sides of such crossings, the City cost will be prorated to the developers when the property is improved. The engineering and construction supervision shall be provided by the developer with approval of the City.

#### D WATER SERVICE

All subdivisions shall be provided with water supply and distribution systems approved by the City and meeting the requirements of the State Health Department. Where a public water supply is within a reasonable distance of the subdivision the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street, if possible.

#### E SANITARY SEWAGE DISPOSAL

All subdivision shall be provided with a sewage collection and treatment system approved by the West Memphis Utility Commission and/or the State Board of Health.

- (1) Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement. The sewage collection system shall be designed to handle the

anticipated flow of sewage from within the subdivision, including development of future sections of the same subdivision and adjacent areas within the same drainage basin. Recognized engineering design criteria in accordance with the State Department of Health shall be used to design the system.

- (2) For residential lots or development tracts not served by a public or community sanitary sewage system whose disposal is approved by the Arkansas Department of Pollution Control and Ecology, the subdivider shall submit documentation with submission of the preliminary plat that the Arkansas State Department of Health, or its delegated authority, will approve septic tank installations, or other individual waste water disposal methods for service to the subdivision proposed to be platted.
- (3) The subdivider shall either install the improvements referred to herein, or whenever a septic tank and absorption system or private water supply is to be provided, require as a condition in the Bill of Assurance of the subdivision, that those facilities shall be installed by the builders of the improvements of the lots in accordance with these rules and regulation.

F OTHER UTILITIES

Other utilities to be installed in a subdivision, including electricity, gas, and telephone shall be located within the public right-of-way or easement. If stubs to the property lines are not installed, then connections between lots and utility lines shall be made if possible, without breaking into the wearing surface of the street.

G MONUMENTS

Concrete monuments, four inches in diameter or four inches square and 30 inches long with one-half inch metal reinforcing rod running the length of the monument, shall be placed with the top flush to the ground at all quarter section points within or on the boundary of the subdivision. Metal rods three-fourths inches in diameter and 24 inches long placed flush with the ground shall be placed at each corner of every block or portion of a block, at points of curvature and points of tangency on street lines, at each angle point on the boundary of the subdivision, and at all lot corners. In situations where conditions prohibit the placing of markers in the locations prescribed, offset markers will be permitted. The exact location of all markers shall be shown on the Final Plat, together with accurate interior angles, bearings, and distances.

Section 2 INSPECTION OF IMPROVEMENTS

When the improvements required by these rules and regulations have been completed and installed, the Registered Professional Engineer shall submit a letter to the Mayor certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawing, and the standards established by the City, and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

The Code Enforcement Officer or his/her designated representative shall then inspect those facilities,

improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the Code Enforcement Officer shall notify the subdivision engineer and contractor in writing of such defects, deficiencies or deviations. The subdivider shall, at his expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Code Enforcement Officer in writing that the improvements are again ready for final inspection.

### Section 3      MAINTENANCE BOND

A Maintenance Bond shall be furnished by the Contractors to cover all construction and improvements under the jurisdiction of review and approval of the City of West Memphis. All other public utilities installed in a development shall be subject to the administrative review and bonding procedures as set out by the respective public utilities and shall not be subject to the provisions of this section of these regulations.

Contractors shall furnish a Maintenance Bond to the City covering any defects in materials and workmanship for the required improvements installed by that Contractor in the amount of (50) percent of the total cost of those improvements. The bond(s) shall be in full force and effect for not less than two years from the date of the letter from the Code Enforcement Officer certifying that all improvements have been completed and approved, and further stating that any and all defects in materials and workmanship shall be corrected by the Contractor by the end of the bond period. Work performed under the terms of the Maintenance bond shall be approved by the Code Enforcement Officer.

After eleven (11) months the Contractor can apply for an early review and if the work is accepted in writing, by the City, the Maintenance Bond can then be released at the end of the first year.

In lieu of a Maintenance Bond, a Certificate of Deposit in the amount of fifty (50) percent of the total cost of the improvements can be held in a local bank on the City's behalf. The Certificate of Deposit will not be released until all work has been approved and accepted. A review request after eleven (11) months will also be applicable in this case.

The developer's engineer shall apply in writing for the commencement of the required warranty period of the maintenance bond. included in that written request shall be:

- (1)      The "as constructed" grading plan, signed off by the Engineer of Record.
- (2)      The "as constructed" street plan identifying the soil samples for the proctor test(s) was (were) taken; for asphalt streets the location and results of the asphalt density tests; and the location and results of the core thickness tests, plus the location of all underground utility and storm sewer lines that are under or within ten (10) feet of any street pavement. The plan must be signed off by the Engineer.
- (3)      Copies of all required laboratory tests, signed off by the laboratory.

## ARTICLE V PROCEDURE

### Section 1     GENERAL

A subdivider proposing to make or have made a subdivision within the territorial jurisdiction shall not proceed with any construction work on the proposed subdivision, including grading, before obtaining preliminary plat approval; nor shall he attempt to record the plat of the subdivision or any part thereof prior to obtaining from the Planning Commission final plat approval.

### Section 2     PRELIMINARY PLAT

When any subdivision of a tract of land is proposed to be made, the subdivider or his agent shall submit to the Planning Commission a letter of intention which may at the option of the subdivider include a preliminary sketch plan. The subdivider's letter shall indicate the location and size of the tract, the proposed time schedule, the date on which the subdivider proposes to submit his preliminary plat for Planning Commission review, and such other information as the subdivider deems important for recognition by the Planning Commission.

If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan for the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided. The master plan shall conform in all respects to the requirements of the preliminary plat, except that it may be on a scale of not more than 1" = 400', and all dimensions may be scaled.

Upon review of the letter of intention, the Planning Commission may recommend a Pre-Application Conference to be held between the subdivider, a committee of the Planning Commission, and/or the Planning Commission's designated agents for land planning and engineering.

### A     PRE-APPLICATION CONFERENCE

When a major subdivision of a tract of land within the Planning Commission's jurisdiction is proposed, the subdivider is urged to consult early and informally with the administrative staff of the City and/or designated members of the Planning Commission. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision.

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

The purpose of the Pre-Application review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the Planning Commission in order to facilitate the subsequent preparation and approval of plans. Therefore, this is not a mandatory step in the review process.

## B SUBMISSION REQUIREMENTS

The next required step in the process is the submission of an Application for Preliminary Plat Approval. The Application shall be submitted to the Planning Commission not fewer than ten (10) days prior to the regular Planning Commission meeting at which it is to be considered, and shall consist of:

- (1) A letter of intention.
- (2) Eight (8) copies of the plat, plans, and data as specified in Article VI, Section 1.
- (3) A statement signed by the registered engineer preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the Comprehensive Plan, with which he is familiar, and in accordance with the ordinances and regulations governing the subdivision of land except where an exception is requested in writing and the reasons for which are clearly stated.
- (4) A filing fee as specified in Article VIII, Section 2.

## C PRELIMINARY APPROVAL

After the Planning Commission has reviewed the preliminary plat and construction plans and any staff recommendations, the applicant shall be advised of any required changes and/or additions. The Planning Commission shall approve, approve conditionally, or disapprove the preliminary plat within 45 days from the date of receipt thereof, or the preliminary plat shall be deemed approved, unless the subdivider stipulates in writing to the Planning Commission that additional time is allowed. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reason for disapproval.

Following disapproval of a preliminary plat by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he/she considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within fifteen (15) days after receipt in writing of the Planning Commission's denial. No action will be considered by the City Council unless appealed in accordance with this section.

The Planning Commission's approval of a preliminary plat shall be deemed as an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, drainage, sewer, and other required improvements and utilities, the dedication or reservation of public lands, and to the preparation of the final plat. Approval of a preliminary plat shall not constitute automatic approval of the final plat.

When the Planning Commission finds that the preliminary plat, together with the site improvements plan, meets all the requirements of this Code, it shall approve the plat by placing a stamp of Preliminary Plat Approval upon the preliminary plat. The stamp of Preliminary Plat Approval shall read: "This plat has not been given preliminary plat approval only, and had not been approved for



recording as a public record. This certificate shall expire on \_\_\_\_\_ (date).” Such stamp of approval shall bear the signature of the Chairman of the Planning Commission; and shall be dated.

D AUTHORIZATION TO PROCEED

Receipt of an approved or conditionally approved copy of the preliminary plat, together with an approved copy of the improvements plan shall constitute authorization of the Planning Commission for the subdivider to proceed with the preparation of the final plat, the installation of improvements, and the staking out of lots and blocks. The subdivider, after conditional approval of the preliminary plat, shall complete all improvements required under this Code.

E EXPIRATION OF PRELIMINARY PLAT APPROVAL

If, at the end of twelve months from the date of approval the Preliminary Plat, the Commission decides that the subdivider has done an insufficient amount of work in respect to the required improvements to the property, the preliminary plat approval will expire and further development work will require the approval of another preliminary plat.

Section 3 FINAL PLAT

When the requirements of this Code have been satisfied and while the Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an application for review and approval of the final plat.

A SUBMISSION REQUIREMENTS

At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit an application which shall consist of:

- (1) A letter of application requesting review and approval of the final plat.
- (2) The final plat in an original tracing or reproducible and four prints, and other documents as specified in Article VI, Section 2.
- (3) A filing fee as specified in Article VIII, Section 2.

B APPROVAL BY PLANNING COMMISSION

The final plat of the proposed subdivision shall be submitted to the Planning Commission for final approval within twelve (12) months of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been abandoned, unless the Planning Commission agrees to an extension of time.

If the subdivider requests permission to develop only a portion of the property for which the preliminary plat was approved, the Planning Commission may grant approval of a final plat for said

portion alone.

The Planning Commission shall approve or disapprove the final plat within forty-five (45) days of receipt thereof; otherwise said final plat shall be deemed to have been approved, and the certificate of said Commission as to the date of submission of said final plat for approval and as to the failure to take action thereon within such time shall be sufficient in lieu of approval. Disapproval of the plat shall be transmitted to the subdivider with the reasons therefor within a reasonable time after the meeting at which the plat was disapproved.

Following disapproval of a final plat by the Planning Commission, the petitioner may appeal such disapproval to the City Council, provided that the petitioner states specifically in writing to the City Clerk why he/she considers the Planning Commission's findings and decisions are in error. Such appeal to the City Council shall be filed with the City Clerk within fifteen (15) days after receipt in writing of the Planning Commission's denial. No action will be considered by the City Council unless appealed in accordance with this section.

The original plat and all copies shall be retained and distributed in accordance with provisions contained in paragraphs C and D below.

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

Upon approval by the Planning Commission, the plat will be reviewed in accordance with the provisions contained below in paragraph C.

#### C ACCEPTANCE OF PUBLIC DEDICATIONS

Before the Final Plat is recorded in the Office of the Circuit Clerk and Ex-Officio Recorder, the subdivider shall submit the Plat to the City Council for approval, if the subdivision is located inside the city limits of West Memphis, or to the County Judge, if the subdivision is located outside the city limits within the planning area for its/his acceptance. The City or County Judge must receive one of the following before the Plat will be eligible for recording:

- (1) A certificate submitted by the subdivider and approved by the City, stating that all improvements and installations to the subdivision have been made, added, or installed and in accordance with these specifications.
- (2) A contract between the subdivider and the City to install the required improvements, said contract shall be accompanied by a performance bond which shall:
  - (a) Run to the City and be in an amount determined by the City to be sufficient to complete the improvements and installations for the subdivision in compliance with this code.

- (b) Be with surety by a company entered and licensed to do business in the State of Arkansas.
  - (c) Specify the time for the completion of the improvements and installations.
  - (d) Be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.
- (3) A cash deposit in the full amount as determined by the City necessary to complete the improvements and installations for the subdivision in compliance with this Code. Such cash deposit may be withdrawn in direct proportion to the amount of work completed as approved by the Commission.

D RECORDING

Upon approval of the final plat and acceptance of the public dedications, the Planning Commission shall have the final plat recorded in the office of the Circuit Clerk. The subdivider shall pay all fees in connection with the recording of said plat.

The final plat shall be filed in the office of the Circuit Clerk within two (2) years after approval by the Planning Commission; and if not filed within such time, said approval shall be considered as having been abandoned.

Upon recording the plat, the City shall retain the original tracing and one copy for the Planning Commission's files, one copy shall be forwarded to the Tax Assessor and two copies shall be returned to the subdivider.

ARTICLE VI  
PLAT REQUIREMENTS

Section 1 PRELIMINARY PLAT

A INFORMATION SHOWN ON PLAT

The preliminary plat shall be drawn clearly and legibly at a scale not smaller than one hundred (100) feet to the inch, and shall show all of the following information:

- (1) Name of subdivision, clearly labeled as a Preliminary Plat;
- (2) Name and address of owner of record, subdivider, and surveyor or engineer;
- (3) North point, graphic scale and date;
- (4) Vicinity map showing location and acreage of subdivision; this may be at a scale other than 1" = 100';

- (5) Exact boundary lines of the tract by bearing and distances;
- (6) Names of adjoining subdivisions and owners of adjacent parcels of unsubdivided land;
- (7) Existing streets, buildings, water courses, railroads, culverts, utilities and easements on and adjacent to the tract;
- (8) Proposed design showing scaled dimensions for the subdivision including streets and alleys with proposed street names, lot line, blocks, easements, land to the reserved or dedicated for public use, and land to be used for purposes other than residential;
- (9) Block numbers and/or lot numbers;
- (10) Contour intervals shown at intervals of not more than two (2) feet for terrain with an average slope of 5% or more, and at an interval of one (1) foot for terrain with slope of less than 5%;
- (11) If any portion of the land being subdivided is subject to flooding, the limit of such flooding shall be shown;
- (12) Each preliminary plat submitted to the Planning Commission shall carry the following certificate printed thereon.

(a) CERTIFICATE OF PRELIMINARY SURVEYING ACCURACY

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

Signed

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name, Registered  
Land Surveyor  
No.\_\_\_\_, Arkansas

(b) CERTIFICATE OF PRELIMINARY ENGINEERING ACCURACY

I, \_\_\_\_\_ hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the West Memphis Land Subdivision and Development Code have been complied with.

Signed

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name, Registered  
Engineer, No. \_\_\_\_\_  
Arkansas

(c) CERTIFICATE OF PRELIMINARY PLAT APPROVAL

This plat has been given preliminary plat approval only, and has not been approved for recording as a public record. This Certificate shall expire

\_\_\_\_\_  
Date

Signed

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Chairman, West Memphis  
Planning Commission

(d) CERTIFICATE OF IMPROVEMENT PLANS, EASEMENTS, AND RIGHT-OF-WAY

This plat has been approved by the City and the Utility Commission for all appropriate easements, right-of-way, and improvement plans.

West Memphis Utility Department

By: \_\_\_\_\_

\_\_\_\_\_  
Date of Approval

City of West Memphis

By: \_\_\_\_\_

\_\_\_\_\_  
Date of Approval

**B INFORMATION SUBMITTED WITH PLAT**

The following information shall be submitted with the preliminary plat at the time application is filed with the City.

- (1) State Health Department approval of the water supply and/or sewage system if the requirement of the subdivision is to be met by any other means than by connection to a water supply or sewage system operated by a governmental agency.
- (2) Four blue-line prints of detailed water line plans, dimensions, and fire hydrant locations.
- (3) Four blue-line prints of detailed engineering plans and profiles of sanitary sewers and storm drainage improvements including proposed grading and/or filling for proposed storm runoff

on all lots.

- (4) Four blue-line prints of the plan and profile of each proposed street in the subdivision with grade indicated, drawn to scale of one inch equals 50 feet horizontal and one inch equals five feet vertical, on standard plan and profile on sheets 24 inches wide and 30 inches long. Profiles shall show accurately the profile of the street or alley along each property line and along the street centerline.
- (5) Four blue-line prints of the cross-section of all proposed streets in the subdivision showing width of roadways and location of sidewalks.

## Section 2 FINAL PLAT

### A. INFORMATION SHOWN ON PLAT

The final plat shall be drawn in India ink on linen tracing cloth or Mylar film and on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half (33 1/2) inches between border lines. The scale shall be 1" = 100'. The original tracing and four (4) prints shall be submitted to the Planning Commission. The drawings shall be neat, legible and suitable for filing for record in the office of the Circuit Clerk-Recorder. Patching and pasting of paper or other attachments in not acceptable. Allowance shall be made for one-half (1/2) inch border at the top, bottom, and right edges of the sheets, and a one and one-half (1 1/2) inch border at the left edge of the tracing sheets. When more than one sheet is used for a plat, a key map showing the entire subdivision on a smaller scale shall be shown on the first sheet.

The final plat shall show the following information:

- (1) The name of the owner and developer.
- (2) The name of the registered land surveyor or engineer making the survey and preparing the plat.
- (3) The name of the subdivision and adjacent subdivisions.
- (4) The names of all streets.
- (5) The identifying numbers of lots and blocks in accordance with a systematic numbering system and arrangement.
- (6) North point, date, scale, and acreage being subdivided.
- (7) An accurate boundary survey of the property with bearings and distances referenced to survey lines and established subdivisions, with complete and accurate filed notes of said boundaries. The line, with dimensions of all adjacent land, streets, alleys, and easements and adjacent subdivisions shall be shown in dashed lines.

- (8) Location of lots, streets, alleys, easements, building setback lines (both front and side streets) and other features shall be shown with dimensions.
- (9) All necessary dimensions including linear, angular, and curvilinear dimensions shall be shown in feet and decimals of a foot. The angular dimension shall be shown by true bearings in degrees, minutes, and seconds. The length of all straight lines, deflection angles, radii, tangents, central angles or curves, and chords and arcs of curves shall be shown. All curve information shall be shown for the center line of the street based on arc dimensions. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc dimensions.
- (10) The locations of all survey monuments shall be shown on the plat.
- (11) Each final plat submitted to the Planning Commission shall carry the following certificates printed thereon.

(a) **CERTIFICATE OF OWNER**

We, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with this plat.

Signed

Date of Execution	Name
	Address

Source of Title: D.R. \_\_\_\_\_ Page \_\_\_\_\_  
Instrument No. \_\_\_\_\_

(b) **CERTIFICATE OF RECORDING**

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

(Signed)\_\_\_\_\_

\_\_\_\_\_  
(Name) Clerk

(c) **CERTIFICATE OF ENGINEERING ACCURACY**

I, \_\_\_\_\_ hereby certify that this plat correctly represents a plan made by me, and that the engineering requirements of the West Memphis Land Subdivision and Development Code have been

complied with.

Signed

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name, Registered  
Professional  
Engineer No. \_\_\_\_\_  
Arkansas

(d) **CERTIFICATE OF SURVEYING ACCURACY**

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

Signed

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
Name, Registered  
Land Surveyor  
No. \_\_\_\_\_, Arkansas

(e) **CERTIFICATE OF PLANNING COMMISSION APPROVAL**

Pursuant to the West Memphis Land Subdivision and Development Code, and all of the conditions of approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of said Rules and Regulations.

Signed

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
West Memphis  
Planning Commission

(f) **ACCEPTANCE OF DEDICATION**

This plat approved by the City Council of West Memphis, Arkansas, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at which a quorum was present, and said City Council at said meeting did accept the dedication of all street rights-of-way and easements.

Mayor  
Attest:

Date



City Clerk

Date

- (g) CERTIFICATE OF IMPROVEMENT PLANS, EASEMENTS, AND RIGHT-OF-WAY This plat has been approved by the City and Utility Commission for all appropriate easements, right-of-way, and improvement plans.

WEST MEMPHIS UTILITY DEPARTMENT

By:

Date of Approval:

City of West Memphis

By:

Date of Approval:

**B INFORMATION SUBMITTED WITH PLAT**

The following information shall be submitted with the final plat at the time of filing.

- (1) “As built” drawings of all street improvements, sidewalks, storm drainage facilities, sanitary sewer lines, water lines, and other utilities and public improvements shall accompany the final plat or be submitted to the Planning Commission as soon as possible after improvements are installed.
- (2) Copy of restrictive covenants or Bill of Assurance. Such document shall incorporate provisions including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other public lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restriction and covenants of the subdivision; setting forth procedures by which amendments to the Bill of Assurance can be made. Said Bill of Assurance shall contain reference to the approval of the final plat.

ARTICLE VII  
LOT-SPLIT PLAT

Section 1 DEFINITION

This section of the Land Subdivision and Development Code is designed to expedite the platting and recording of lot-splits; but shall be permissive and not mandatory.

By definition, a lot-split is a subdivision which involves the dividing or re-dividing of a land area or one or more lots within not more that one (1) block of a recorded subdivision, and which does not involve the

dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement; and does not require the construction of any public streets or utilities. The lot size and building setback requirements stated above in Article III, Section 6 apply to lot-splits and minor subdivisions.

## Section 2      PROCEDURE

When a lot-split, as defined above, is involved, the subdivider shall prepare and file with the Secretary of the Planning Commission, or the Code Enforcement Officer an application for approval of Lot-Split. The application shall not be accepted until the subdivider has paid the application fee as set forth in Article VIII, Section 2.

The Application for Approval of Lot-Split shall consist of a letter, a map, and such other data and information as may be desirable to support the review and approval. Three (3) copies of the Plat Map shall be included with the Application; and the letter shall state that subdivider's intentions regarding the lot-split. The required content of the plat is set forth below in Section 3.

The Code Enforcement Officer is hereby authorized to review the Application for Approval of Lot-Split and provide approval. Said approval shall be noted on one (1) copy of the map and returned to the subdivider. The Secretary of the Planning Commission shall inform the full Planning Commission at the next regular meeting that approval has been granted to the lot-split.

When the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Planning Commission shall certify its approval of the plat, make proper notation on the original tracing of said plat, and permit the plat's recording in the office of the Circuit Clerk-Recorder.

## Section 3      PLAT SPECIFICATIONS

The final plat of a minor subdivision or lot-split shall be prepared on linen tracing cloth or Mylar film at a scale of 1" = 100'.

The final plat shall include the following:

- (a) Name of subdivision;
- (b) Name and address of owner(s) of subdivision;
- (c) Boundary and written legal description of subdivision;
- (d) Legal description of parcels or lots that result from the subdivision or lot-split;
- (e) Streets, alleys, and easements bordering or abutting the subdivision;
- (f) Dimensions in feet and decimal parts thereof, and curve data for all lots, blocks, and street lines;
- (g) Building setback lines with dimensions;

- (h) Name of engineer or surveyor preparing final plat;
- (i) Date, map scale, and north arrow;
- (j) Acreage being subdivided;
- (k) Location of all monuments; and
- (l) Approval of the County Health Officer of the sanitary sewer system if the requirements for sewer disposal of the lot-split are to be met by any other means than by connection to a sewer system operated by a governmental agency.

ARTICLE VIII  
ADMINISTRATION AND ENFORCEMENT

Section 1     ENFORCEMENT

In addition to the requirements established herein, all subdivision plats shall comply with all other applicable rules, regulations, and laws including, but not limited to: Comprehensive Development Plan, Zoning Ordinance, building and housing codes, and any other regulations adopted by the City Council; and any regulations or special requirements of the State Health Department, State Highway Department, or other appropriate State agencies. It shall be the duty of the Code Enforcement Officer and the Planning Commission to enforce these regulations and to bring to the attention of the Mayor and City Attorney any violations or lack of compliance herewith.

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

- A     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 of record unless the plat has been approved by the Planning Commission.
- B     No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision of land without compliance with the applicable provisions of this Code or amendments thereto shall be permitted.
- C     No dedication of streets shall by itself be accepted by the City unless accompanied by the required plat.
- D     No public utility, whether publicly or privately owned, shall provide, extend, or authorize the extension of services to any lot, building, structure, or location within the area under the jurisdiction of the Planning Commission unless;

- (1) The lot, building, or structure was established before the adoption of this Land Subdivision and Development Code; or
  - (2) A plat of the location has been approved by the Planning Commission and filed and recorded in the office of the County Recorder; or
  - (3) The plan for the proposed service by the public utility has been approved by the Planning Commission as provided in the State Statutes.
- E No building permit shall be issued for any new structure on any lot or tract of land which does not comply with all of the provisions of this Code, including the installation of all improvements adjacent to or associated with said lot. Notwithstanding, no building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be fewer than four (4), for the final four (4) lots of a subdivision until all public improvements required for the plat have been fully completed.
- F The Planning Commission may adopt appropriate rules, forms, or procedures for the administration and enforcement of this Code to the extent that such rules are not in conflict with this Code.

Section 2 FEES

Fees for various types of plats shall be paid to the City Clerk, City of West Memphis at the time application is made for review. In addition to the filing fees described below, recording fees shall be paid by the subdivider.

- A For each Preliminary Plat submitted, the fee shall be fifty dollars (\$50.00) plus one dollar (\$1.00) for each lot in the plat.
- B For each Final Plat submitted, the fee shall be ten dollars (\$10.00) plus one dollar (\$1.00) for each lot in the plat.
- C For each lot-split or minor subdivision filed, the fee shall be ten dollars (\$10.00).

Section 3 VARIANCES

The rules and regulations set forth in this Code are the standard requirements of the City. The Planning Commission may authorize a variance from these regulations when in its opinion, undue hardship would result from requiring strict compliance.

- A No variance shall be granted except upon written petition by the subdivider when the preliminary plat is filed. The petition shall state fully the grounds for the variance and all of the facts upon which the petition is made.
- B In granting a variance, the Commission shall prescribe any conditions that it deems necessary to or desirable in the public interest.

- C In making the findings herein below required, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.
- D No variance shall be granted unless the Commission finds:
- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
  - (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
  - (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare or injurious to other property in the area.
  - (4) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provision of this Code.
- E Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Code so that the public health, safety, or welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

#### Section 4 VACATION OF PLATS

- A Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated. Vacation of a plat shall be subject to the approval of the City Council if the Plat is located within the corporate limits, and subject to approval of the Quorum Court if located outside the city limits but within the planning jurisdiction.
- B Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in

the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

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

Section 4.1 CLOSURE OF STREETS, ALLEYS, OR EASEMENTS

- A A street, alley or easement may be closed by a written instrument, to which a copy of an approved plat shall be attached, declaring the same to be closed. Closure of a street, alley or easement shall be subject to the approval of the city Council located within the corporate limits, and subject to the approval of the Quorum Court if located outside the city limits but within the planning jurisdiction.
- B Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C Such an instrument shall be executed, acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions and shall be duly recorded, or filed.

Section 5 AMENDMENTS

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

Section 6 PENALTY

Any person, firm, or corporation who shall violate any of the provisions of this Code or fail to comply substantially therewith, or who shall violate or fail to comply substantially with any order or regulation made thereunder, or who shall build in violation of any detailed statement or specification or plans submitted and approved thereunder, or any certificate or permits issued thereunder, shall be guilty of a "Class C" Misdemeanor and shall be liable to a fine of not more than one hundred dollars (\$100.00). Each day such violation is permitted to exist shall constitute a separate offense. The owner or owners of any premises or part thereof where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, engineer, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be fined as hereinabove provided.