

## ARTICLE FOUR

### Section 4.00 ADMINISTRATION AND ENFORCEMENT

#### 4.01 Adoption, Administration and Enforcement

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed plats and construction plans and specifications without undue delay to the Developer. The primary responsibility for the adoption, amendment, interpretation, administration, review, approval and enforcement of these regulations shall be as follows:

4.01.01 The Rogers Planning Commission shall be responsible for the planning requirements and proposed development activities contained in this Ordinance with assistance from the Planning Department.

4.01.02 The City Engineer and City Planner shall be responsible for the approval of proposed street and storm drainage plans and specifications; and the inspection, testing and acceptance of said improvements, including offsite improvements.

4.01.03 The Planning Commission shall be responsible for maintaining, amending, modifying and updating these regulations with assistance for the Planning Official.

#### 4.02 Appeal Procedures

The following appeal procedures have been established:

4.02.01 Planning commission decisions;

4.02.01.a The Developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Commission to the City Council by filing such a notice of appeal with the City Clerk within ten (10) days from the date of such decision.

4.02.01.b The City Council shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Commission were in error. Following such hearing, the City council may affirm, modify, or reverse any findings or decision of the Planning Commission or may refer the proposed development back to the Planning

Commission for additional study. The City Council may refuse to approve the proposed improvement for any of the reasons specified in this Ordinance.

4.02.02 Planning Official decisions:

4.02.02.a The Developer or owner or contractor of any proposed land development may appeal the decision of the Planning Official to the Planning Commission by filing such a notice of appeal with the Administrative Officer within ten (10) days from the date of such decision.

4.02.02.b The Planning Commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Official were in error. Following such hearings and review, the Planning Commission may affirm, modify, or reverse any finding or decision of the Planning Official.

4.02.03 The Planning Commission's decision may be appealed to the City Council following the process in 4.02.01.a

4.03 Variations

4.03.01 If the provisions of these standards are shown by the Developer (by plan or written statement) to cause undue hardships as they apply to the proposed land development, depending on the nature of the hardship a variance from such provisions may be made by the Planning Commission so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of these regulations.

4.03.02 In granting a variance and modifications, the Planning Commission may impose such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

4.04 Severability

4.04.01 If any section, paragraph, clause, phrase, or part of these regulations is for any reason invalid, such decision shall not affect the validity of the remaining provisions and the application of those provisions to any persons or circumstances shall not be affected thereby.

#### 4.05 Amendment

These regulations may be amended by the affirmative vote of a majority of the full membership of the Planning Commission, following the same procedures used in the original adoption. The Planning Commission may from time to time add to, delete, or modify the plat format information.

#### 4.06 Legal Approval

Prior to its consideration by the Planning Commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

#### 4.07 Enforcement

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

4.07.01 No plat of any tract or parcel of land within the planning area jurisdiction of the City of Rogers shall be accepted by the County Recorder for filing unless the plat has been approved by the Planning Commission.

4.07.02 No conveyance by metes and bounds of tracts or parcels coming under the definition of land development without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved Plat.

4.07.03 No dedication of roads or streets shall be accepted by the City unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required Plat.

4.07.04 Suburban development in the planned growth area of the City of Rogers shall be under the jurisdiction of these regulations. However, no dedications of land or streets to the County shall be accepted by the County until the City of Rogers has approved the Final Plat and construction of improvements; and the County has

received the appropriate Maintenance Bonds for the street and storm sewer improvement work.

4.08 Inspection

The Mayor, members of the City Council, members of the Planning Commission, Planning Official, or any of their authorized representatives may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

4.09 Penalties

A violation of these regulations or failure to comply with the provisions herein specified shall subject the person, firm or corporation to the following penalties:

4.09.01 Violations: Violations shall be subject to a fine in the maximum amount of two hundred dollars (\$200). Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense.

4.09.02 Civil Action: The Planning Commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations.

The Chairman of the Planning Commission shall instigate with the City Council any such suit within thirty (30) days of Planning Commission actions upon written notice by the Planning Official of known violations.