

## CHAPTER I

### GENERAL PROVISIONS FOR LAND DEVELOPMENT

#### SECTION 1 - INTENT

The purpose and intent of this ordinance is to set forth certain procedures, requirements, minimum standards, specifications, and acceptable criteria for the development of all unincorporated land in Benton County, Arkansas. Such area shall generally be referred to as being under the jurisdiction of the Benton County Planning Board. The concept of “development” or “land development” shall include but not be limited to: subdivisions, informal plats, tract splits, large-scale developments, master development plans, planned unit developments, and all other types and forms of commercial or private land development in Benton County. In all respects, this ordinance shall be referred to as one setting forth minimum standard for performance. It shall be deemed sufficient for approval of any project if the minimum standards set forth herein are accomplished.

#### SECTION 2 - GOALS AND OBJECTIVES

This regulation shall be placed into effect and applied to reach certain goals and objectives which include but are not limited to the following:

- A. To provide for a process of orderly and systematic recordation of land subdivision, conveyance, and area improvement.
- B. To promote and protect safe, healthful, and attractive communities and neighborhoods by establishing and utilizing sound communities and neighborhoods by establishing and utilizing sound principles of land management techniques set forth in a well ordered fashion.
- C. To promote and foster harmony between existing neighborhoods with present or planned development.
- D. To provide a system of safeguards through the establishment of minimum standards to serve the separate interests of the public sector, the private sector, and that of purchaser, development, and governmental entity in such fashion as to promote harmonious growth in an understandable and identifiable fashion.
- E. To facilitate performance of any adopted county plans, street development plans, growth development plans, or other plans which might presently exist or be created in the future so as to more favorably allow growth and prosperity in Benton County to co-exist with all aspects of recreational, educational, and cultural advancement and achievement.
- F. To promote and protect the natural resources of Benton County including forest and woodlands, farmlands, known burial sites, residential neighborhoods and communities, and, all streams, creeks, rivers, lakes, and most notably, that navigable body of water being identified as Beaver Reservoir.

G. To set forth a forum for the free and unrestricted ex-change of ideas and information between the citizens of Benton County and their duly elected and/or appointed officials so as to maximize administrative efficiency and minimize the expenditure of taxpayer funds.

H. To provide a framework by which the roadways of Benton County may be improved to serve existing utilization and future growth while allocating the cost of such improvements to the developer or subdivider participating in land development as is utilized and envisioned in this ordinance.

I. To set forth a system of review and modification so that this ordinance can be modified or amended from time to time as is necessary to insure the public health, safety, and welfare of the citizens of the unincorporated areas of Benton County, Arkansas.

### SECTION 3 - AUTHORITY

Benton County has complied with the prerequisites of Act 422 of 1977 by the adoption of an official road plan for the unincorporated areas of the county. These regulations were adopted pursuant to the authority granted by Act 422 of 1977. Benton County was granted authority by Arkansas Act 422 of 1977 for the control of land development, which constitute, prima facie cause, for this enabling legislation.

### SECTION 4 - AREA OF JURISDICTION

A. These regulations shall apply to all unincorporated areas of Benton County, Arkansas, except as otherwise provided by applicable law.

B. Land development as is governed herein occurring within any planned growth area properly identified by any municipality shall be governed by existing custom usage or practice by and between Benton County and the municipality. Jurisdiction shall be exercised within such planned growth areas which is not inconsistent with existing and applicable state law.

C. This ordinance shall not confer jurisdiction nor apply to instruments of record which may be filed for the purpose of curing errors or vesting title through the process of dissent and distribution of estates for trusts. Similarly, conveyances between husband and wife for estate planning purposes or for purposes of marital division are not governed hereunder and are specifically exempted. Interfamily transfers from a parent to children shall be construed as a tract split. Such conveyances shall not constitute the process of subdivision.

## SECTION 5 - MODIFICATION, VARIANCE, OR WAIVER

The planning board may modify, vary, or waive the requirements of this ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Benton County Planning Board. Note: a two-thirds (2/3) vote of the attending quorum is not sufficient. The criteria to grant such modification, variances, or waiver shall be, without exception, and singularly because strict compliance with any provision of this ordinance would cause exceptional or undue hardship to the land developer. Additionally, extra expense, economic hardship, or additional outlay of capital funds or money shall never constitute grounds for exceptional or undue hardship.

## SECTION 6 - COMPLIANCE WITH SUBDIVISION ORDINANCE

The division of land into three (3) or more tracts, any one of which is less than five (5) acres, or any land developed as is defined herein shall be subject to this ordinance. The Ex-Officio Recorder and Circuit Clerk shall require certification of compliance with these regulations before accepting documents purporting to subdivide land, creating tract splits, or conveying or transferring legal equitable interests in real property in Benton County.