

CHAPTER V – SUBDIVISION REGULATIONS

§5.1 – APPLICABILITY AND INTENT

§5.2 – EXEMPTIONS

§5.3 – RULES FOR SUBDIVISION DESIGN

§5.4 – MINOR SUBDIVISION AND FAMILY SPLIT – UP TO 5 PLATS

§5.5 – MAJOR SUBDIVISION- MORE THAN 5 PLATS

§5.6 – MODIFICATION TO AN APPROVED SUBDIVISION

§5.7 – DEVELOPMENT MASTER PLAN (DMP)

§5.8 – PLANNED UNIT DEVELOPMENT (PUD)

§5.9 – RESERVED

§5.1 APPLICABILITY AND INTENT

- A. **Applicability:** Pursuant to the adoption of the Benton County Road Plan, the subdivision ordinances have been adopted in the unincorporated areas in Benton County. The regulations in this chapter shall apply to all plats of two (2) or more parcels categorized as minor or major subdivision and special subdivisions such as master development plans, planned unit developments, modifications to approved plats, and all other types and forms of commercial and industrial subdivisions.
- a. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Board in accordance with this Ordinance.
 - b. The county recorder shall not accept any plat in the unincorporated area of the county not within the exercised territorial jurisdiction of a municipality for record without the approval of the County Planning Board.

"Subdivision" means

- the division or re-division of a lot, tract, or parcel of land, by any means, including by means of a plan or plat or a description by metes and bounds, into two (2) or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or of building development;
- the division or allocation of land for the opening, widening or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage or other public facilities;
- The division of any parcel of land shown as a single unit on the last preceding tax roll, into two or more parcels, sites, or lots, for the purpose, whether immediate or future, of transfer of ownership, except as otherwise exempt.

- B. **Intent:** This chapter establishes standards and procedures for division of land as follows:
- a. Procedures for insuring the processing of land subdivision plans, relative to the number of lots or parcels and the extent of improvements required. The intent is to streamline the review and approval process for subdivisions that may have a low impact on public resources, facilities and services. Based on the above criteria the following types of land subdivision is reviewed:
 - i. Minor Subdivision – Division of a parcel of land involving no more than five (5) lots (inclusive of the remaining or original parcel), site, or lot that meets all the minimum requirements of this ordinance.
 - ii. Major Subdivision – Subdivision of land that does not qualify for a minor subdivision.
 - b. Minimum requirements for division of land including minimum requirements for access, lot width and setbacks for minor and major subdivision. Additional design standards shall be applicable for major subdivisions including standards for design layout of lots, streets, adequate provision for water supply, utilities and drainage, for preliminary plat and final plat.
 - c. Procedures for encouraging and promoting flexibility and ingenuity in the layout and design of subdivisions and land development, and for encouraging practices which are in accordance with contemporary and evolving principles of site planning and development including, but not limited to, Development Master Plan, Planned Unit Developments.

§5.2 EXEMPTIONS

The following division of land is exempt from this ordinance:

1. Division of land in the unincorporated area in Benton County resulting in parcels of land 25 acres or more in size;
2. Division of land for agricultural purposes into parcels that do not involve any new streets or easements of access;
3. Division of land that is ordered by a court;
4. Dedication of land for public road widening or utility or access easements.
5. Lands located in the Planning Boundary shall be developed in accordance with the particular city's standards in accordance with §1.5-Planning Boundary and Review Coordination.

§5.3 RULES FOR SUBDIVISION DESIGN

The design of each subdivision shall be coordinated with adopted plans or plans in effect. Each subdivision should relate harmoniously to the community and adjacent area so that the development shall proceed in an orderly, safe, and efficient manner. Subdivision in every respect should be designed to respect street and transportation corridors, traffic patterns, and drainage. All subdivisions should be

planned and platted in such fashion as to minimize the impact of the development on the existing community and to establish a traffic pattern in as safe and orderly fashion as possible. The following rules shall be followed for each subdivision:

1. **Suitability for Division/Improvement** – All lands to be subdivided shall ascertain the suitability of lands for development based on existing site topography and soil survey to ensure safe access and provision of on-site septic facilities. Any land that the Planning Board finds unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, ledge or rock outcrop, adverse earth formations or topography, or other features that will reasonably be harmful or detrimental to the safety, health, or general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Board, which may require the recommendation of a licensed civil engineer retained by the County, to address or mitigate the problems created by unsuitable land conditions. Such land shall be set aside for uses that do not involve any danger to public health, safety, and welfare. The applicant shall provide a written description of the existing site conditions. Development on hillside or along steep slopes shall be restricted as follows:
 - A. **Natural Site Characteristics** – All subdivisions should be designed so as to retain and exploit natural topography, horticultural development, and natural beauty whenever possible. Consideration shall be given to the protection of natural resources, such as wetlands, floodplains, existing streams, creeks or open drainage channels on-site, and sensitive biological resources. Subdivisions must demonstrate protection of said resources when applicable.
 - i. The development of hillside areas shall preserve the existing natural contours and natural features, where possible. Structures and required provisions for access and infrastructure should be designed to ensure public safety and protection of natural features. Erosion and sediment control measures shall be implemented to the satisfaction of the Planning Board. While observing minimum lot area standards of this Ordinance, cluster development may be utilized to reduce grading alterations and preserve the natural features.
 - ii. Natural tree cover should be preserved whenever possible. Landscaping strips are encouraged to provide visual and sound separation and relieve the monotony of uniform fronts. The Planning Board reserves the right to require fences, landscaping strips, tree lines, berms, and other similar installations or constructions to provide a buffer area between commercial or industrial sites in adjacent residential areas.
 - B. **Special Flood Hazard Areas** – All of the proposed platted land which is subject to inundation and identified as a Special Flood Hazard area shall be clearly designated on the plat. All lots to be platted in a flood area shall have sufficient land area above the established 100 year frequency flood elevation to meet all applicable building area restrictions. Main streets shall be outside the floodplain.
2. **Local Facilities and Utilities** – All subdivisions shall be planned, engineered, and laid out in such a manner as to promote the economical inclusion and expansion of necessary public facilities, utilities, and commercial services. Contiguous and expanding development is desired. Sites for public lands

facilities, and easements should be provided for in each subdivision according to existing law, custom, and usage.

3. **Access and Road Improvements** – All subdivisions must demonstrate legal access to a public or private road. Roads must be able to meet the County’s road standards unless an exception is granted. Existing or proposed easements must be sufficient to accommodate road improvements that are necessary to meet County road standards. Full documentation of easements or other access rights should be obtained and reviewed. Costs of improving access roads to meet standards should be estimated and considered with a consulting engineer.

All private road subdivisions shall be required to comply with sight distances when a private road intersects with a county or public road.

Any gravel private road that intersects with a paved county or public road at such an incline such that the gravel will be washed or carried out onto the county or public road must be paved for a distance up to 30 feet. A lesser amount may be required depending on the gradient or condition of the drive.

4. **Maximum Road Length Requirements** – The County fire code contains maximum lengths for roads with dead ends. When a subdivision has only one legal access route, this is considered a dead end road and length maximums apply. The applicant should consult the local fire district or a fire planning professional early in the process to determine if this affects the subdivision design.
5. **Maximum Road Grade or Street Access Grades** – All public or private access to individual lots/parcels in a subdivision shall have a grade that shall not exceed ten percent (10%) slope. A variance of up to 15% slope may be considered by the Planning Board for distances up to three hundred feet (300’) subject to appropriate improvements such as concrete surfacing, curb and gutters or retaining walls based on storm drainage requirements to the satisfaction of the Planning Board. Grades exceeding fifteen percent (15%) shall not be permitted, unless approved by the Planning Board.
 - a. All changes in grade shall be connected by a vertical curve of a reasonable radius to assure adequate sight distance.
 - b. In approaching intersections, there shall be a suitable leveling of the street grade, generally not exceeding five percent (5%), for a distance of not less than fifty feet (50’) from the nearest line of the intersecting street.
 - c. To the extent possible and practical, all minor streets and driveways should be sloped away from the major street or County road to prevent water and debris from being deposited on the major street or road.
 - d. The grade within the intersection should be as level as possible, and consistent with proper provisions for drainage.

6. **Water Availability** – Whether the subdivision will depend on a private well or a public water or water district, a reliable and clean water supply must be identified prior to approval of a project. Applicant shall consult with the local water district or a groundwater engineer as applicable.
7. **Waste Water and Sewer** – A subdivision plat must identify and have access to a viable sewer system. Private septic and waste water shall be approved by the Health Department. Note that depending on the type of soil, some portions of the county cannot support septic systems due to poor percolation rates.
8. **Drainage** – Drainage swales or existing open drainage channels shall be identified on the Plat to identify the stormwater drainage options. Low Impact Development options may be included in the subdivision design, where feasible. Rock swales may help to slow and convey stormwater runoff. Where steep grades area a concern, the swales may need to be engineered to prevent undercutting.
9. **Open Space** – Provisions for open space and useable recreation areas shall be provided by the developer whenever practicable.
10. **Permit** – All Subdivision must be consistent with the adopted goals and policies of this ordinance, Benton County Land Use Guide and all State and Federal requirements.

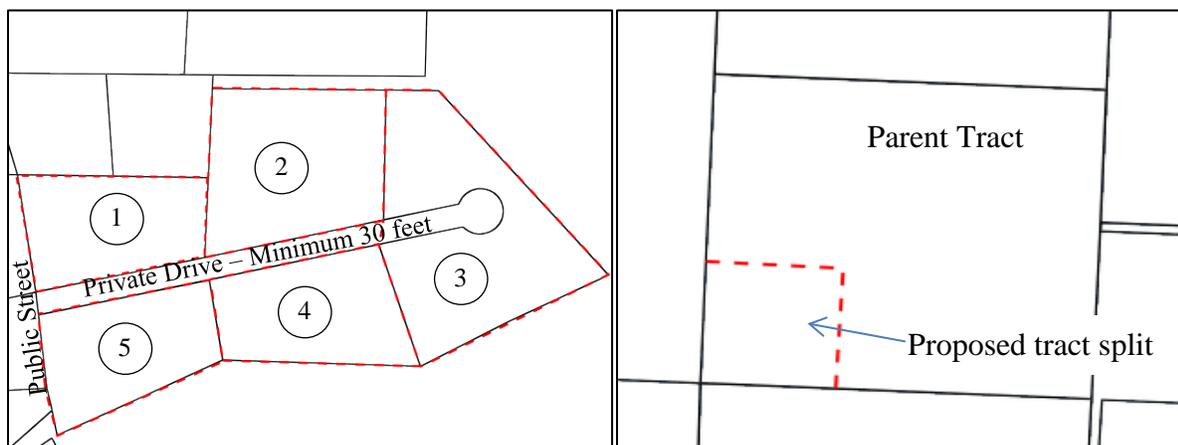
§5.4 –MINOR SUBDIVISION AND FAMILY SPLIT – UP TO 5 PLATS

A. Introduction

Minor subdivision is the division of land up to five (5) parcels each having a minimum parcel size of one (1) acre. The special rules and regulations regarding the minor subdivision process are intended to create a procedure allowing smaller subdivision and family splits to bypass the formal procedures set forth in the major subdivision regulations.

Note that all minor plats with 3-5 parcels also require approval from the Health Department. Applicant shall be responsible for providing a copy of the Health Department approval prior to administrative approval by Planning staff.

Figure 5.1- Examples of Minor Subdivision Plats



The minor subdivision process intends to give relief to tract owners wishing to develop tracts that comply with the following minimum standards of development and review criteria:

§5.4.1 MINIMUM REQUIREMENTS FOR MINOR SUBDIVISION AND FAMILY SPLIT:

1. Not Part of Existing Subdivision – A minor subdivision shall be deemed to occur only to a division of lands described by a metes and bounds description which is not a part of an existing County subdivision.
2. Divided Only up to five Tracts – A minor subdivision shall be deemed to occur when real estate is divided into five (5) or less tracts or parcels.
3. Restriction on division – Concurrent lot splits of the same parcel shall be prohibited to prevent a series of lot splits on the same parcel. In circumstances where a series of tract splits would result in more than two (2) parcels, it may be reviewed as a major subdivision to the satisfaction of the Planning Board.
4. The Proposed Subdivision Is Not Phased – All phased subdivisions or proposals resulting in expansion of the subdivision shall be reviewed as a major subdivision.
5. Access – Every lot shall abut or be contiguous to a public road or street or dedicated private drive, easement, or other method of access. Land locked parcels shall not be permitted. All dedicated private drive shall have a minimum width of thirty feet (30') for residential subdivision and minimum fifty feet (50') for commercial and industrial subdivisions.
6. No Improvements Required – The subdivision does not require dedications, vacations, changes in alignment of easements or rights-of-ways, or extensions of utilities.
7. Special Flood Hazard Areas – The proposed subdivision is approved by the County Health Department and the buildable area including all access and septic is outside the Special flood Hazard Area (SFHA) or complies with the Floodplain development permit requirements as outlined in Chapter X-Flood Damage prevention of this Ordinance.
8. Utility Easements – Public utility easements at least 15 feet in total width may be required along the rear, front, and sides of lots where needed for the accommodation of a public utility, drainage, sanitary structures, or any combination of the foregoing, and at least 20 feet total width where sanitary sewer or waterlines will be placed. All existing and proposed easements shall be identified.
9. Others – The minor subdivision or family split is designed for only one (1) single family dwelling on each lot or parcel with a single parcel number.
 - i. Multi-family uses or placing more than one (1) single-family dwelling unit on any one (1) lot is prohibited.

- ii. Only one (1) manufactured home or mobile home may be placed on a lot.
- iii. For family subdivision, the parent tract shall be owned by the subdivider for at least for at least one (1) year prior to filing an application for a Family Property Division.

A minor subdivision that does not meet the minimum requirements or criteria shall be reviewed as a major subdivision.

10. No waivers or variances from these regulations can be requested.

§5.4.2 Benton County and the Benton County Planning Board reserve the right to deny, modify, or apply existing subdivision procedures to all minor or family subdivisions. Any provision in this section is subject to waivers and/or variances on approval from the Benton County Planning Board.

§5.4.3 REVIEW PROCEDURE

1. Pre Consultation – Applicant shall pre-consult with planning staff to determine if the proposal is deemed a minor or major subdivision.
2. File Application – Applicant files application for minor subdivision along with four (4) copies of a minor subdivision plat, fees, and other supporting documents.
3. Administrative Approval – Minor subdivision shall be reviewed administratively by the Planning staff. The presentation of a preliminary plat or a final plat as required for a major subdivision is usually not necessary.
4. Recording – Once approved, the applicant shall record the approved minor subdivision and provide one (1) endorsed and recorded copy to the County Planning Office within 120 days. If such plan is not recorded within said time, the approval shall expire.

§5.4.4 MINIMUM INFORMATION TO BE INCLUDED ON A MINOR PLAT

The following information is required on a Plat showing a minor subdivision:

1. **Size:** The plat shall be of sufficient size to clearly include and read all plan elements. No plan shall be smaller than 11" x 17," nor larger than 18" x 24".
2. **Administrative Elements:** Plans shall include a north arrow, scale, legend, title block with project name, applicant/owner information, designer information, date and version number, address and parcel number of site; and an endorsement stamp for the Planning Board which shall read: "The Planning Board, based on an approval granted to the applicant on [date] hereby endorses this plan as meeting all of the requirements of a Tract Split."
3. **Signed by a Registered Surveyor:** The survey plat of a tract split must be signed by a licensed registered Arkansas surveyor.

4. **Reference to Deed of Record:** Reference to the parent tract deed of record shall be provided on the plat.
5. **Size of Parent Tract:** When the parent tract of a proposed tract split exceeds fifteen (15) acres, the survey of the remainder of the parent parcel may be omitted from tract split plat instrument provided the following is located and shown on the plat:
 - a. An established boundary line (i.e. a section line, quarter section line, quarter-quarter section line, etc.).
 - b. An inset map that illustrates the relationship of the parent tract to the smaller tract (s).
6. **Area or Vicinity Map:** The plat must contain a small area or vicinity location map of the property to be divided sufficient to identify the general area and location of the tract split. For plans that do not provide the full extents of the parent tract, the area map shall also serve as the map that shows each lot split as part of the parent tract.
7. **Relation of Smaller/Larger Tracts Shown on Survey:** All tracts must be shown on the same survey or plat instrument. The relationship of the smaller to the larger tracts must be shown and each of the tracts must be clearly identified by separate legal description.
8. **Setbacks:** The plat must show all applicable setbacks. The plat and both tracts shown therein must additionally show a 25-foot building setback from the road right-of-way.
9. **Site Improvements:** The survey tract or plat must show all applicable site improvements including building, structures, and site elements such as property line fences, walls, well houses, proposed easements, utility easements and all other matters of record.
10. **Existing lateral Line Fields and septic information, Water Wells, and Utility Easements Shown:** The survey tract or plat must identify the location of existing lateral line fields to the extent plotable, septic tank location, clean out, alternate field where indicated by permit from Arkansas Health Department, existing water wells, well houses, existing easements, and all other utility easements. Where health department permits are not available, State acceptable methods of testing and verification may be required to confirm the viability and adequacy of septic system for current and future usage.
11. **Statement of Non-Assurance from Department of Health:** All tract splits must contain a statement that approval of the plat does not carry any assurances that the tract or tracts will qualify for a septic system permit from the Arkansas Health Department.
12. **Statement of Non-Buildability:** Plans shall include the following statement: "Approval of this plan does not in any way indicate that any of the lots on this plan are buildable according to the Planning Regulations of Benton County, Arkansas, nor an endorsement by the Planning Board of said buildability of said lots".

13. **Easements** – All easements shall be legally described and identified on the Plat.

§5.4.5 SUPPLEMENTARY INFORMATION FOR MINOR SUBDIVISION WITH THREE-FIVE LOTS

Lot grading and drainage plan, illustrating a plan for the handling of surface and subsurface drainage, showing proposed finished grade elevations, the type, size, location and outlet of all existing and proposed drainage systems, swales, easements, water and sanitary sewer services, and the proposed ground cover may be required by Planning staff on the basis of the characteristics of the subject property. See Appendix B – Sediment and Erosion Control Best Management Practices.

An inspection of each proposed minor subdivision may take place to verify that there is adequate drainage and outlet before lots will be approved.

§5.5 –MAJOR SUBDIVISION – MORE THAN 5 PLATS

All division of land that is not minor is considered a major subdivision. Major subdivision shall require review and approval of the Preliminary Plat and Final Plat by the Planning Board.

Figure 5.2- Examples of Major Subdivision Plats



§5.5.1 –TECHNICAL REVIEW CRITERIA FOR DESIGN OF MAJOR SUBDIVISION

A. Survey Monuments – Monumentation for the boundary corners of the subdivision shall be concrete monuments or monuments set in concrete. The concrete monuments shall be four inches (4”) in diameter for the round type and 4” x 4” for the square type. The length shall be at least twenty-four inches (24”) and when set, allow the top to be three inches (3”) above the ground. Iron rod type monuments shall be at least one-half inch (1/2”) in diameter, at least sixteen inches (16”) long, and

visible above the ground when set. Monuments shall be set at all corner points and angle points and care should be taken to reference any monuments that are in places where they are likely to be disturbed or lost themselves. Point identification shall be placed at all lot corners. "T" stubbed metal fence posts should be driven beside the concrete monuments for protection and recovery for future use.

B. Lot or Parcel Size – Lots within subdivisions shall meet the following criteria:

1. **Size:** All subdivision lots shall be a minimum one (1) acre in size except as may be modified by the Planning Board for unique development area, lot constraints or characteristics, or as may apply to a special development type such as a PUD, conservation subdivision, or other optional method as may be provided for in these regulations. Lots or parcels that require both a septic system and water well shall be sufficient size to satisfy State Health Department requirements.
2. **Shape:** The shape and orientation of residential lots shall conform to the design of the subdivision. The Planning Board shall judge lot shapes on the type of development and the use for which the lot is intended.
3. **Lot Depth:** Excessive depth in relations to width shall be avoided whereby a ratio of length to width shall not exceed 4:1. Where practicable, side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.
4. **Double Frontage:** Double frontage or backing lots shall be prohibited except as may be varied based on hardship. Lots bordering on existing roads may sometimes be reversed and front on a subdivision street paralleling the thoroughfare at a distance appropriate to lot depth. In this case, all private driveways shall connect with such subdivision street. Access restrictions shall be denoted on the plat.
5. **Corner Lots:** Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front-yard setbacks from both streets.
6. **Dimensions:** The minimum lot dimensions including setbacks and lot width shall conform to the provisions of Table 5.1 below:

Table 5.1 – Dimensional Requirements for Conventional Subdivisions

Dimensional Criteria	Requirement
Lot Size, Minimum	One (1) Acre or 43,560 s.f.
Lot width, Minimum	One-Hundred twenty (120') Feet
Length: Width Ratio, Maximum	4:1
Front Yard (Building) Setback	Twenty-Five (25') Feet
Side Yard and Rear Setback	Ten (10') Feet
Street Yard Side Setback (Corner)	Twenty-Five (25') Feet

C. Public or Private Road and Circulation

1. County Jurisdiction of Road Construction Outside Subdivisions: Any road or street outside or adjacent to a subdivision shall comply with the Benton County Road Plan. In addition, on existing roads which are adjacent to a proposed subdivision, additional right-of-way may be required.

2. Private Road or Street: Every lot shall abut or be contiguous to a public road or street or dedicated private drive, easement, or other method of access. Land locked parcels shall not be permitted. All dedicated private roads shall have a minimum width of fifty feet (50') for major residential, commercial and industrial subdivisions. In a planned unit development, private easement or other non-public access may be substituted.
All private roads connecting the lots to the county road must be constructed to the specifications noted below. Before final plat approval, the road superintendent shall visually inspect the road to ensure that general compliance with the specifications noted below has been met:
 1. Fifty-foot road right-of-way;
 2. Fourteen-foot wide road surface with eight-inch compacted SB-2, or six-inch compacted SB-2 on a prepared subgrade;
 3. Four-foot shoulder;
 4. Four-foot ditch;
 5. Ten (10) percent maximum grade;
 6. Fifty-foot minimum cul-de-sac radius at the end;
 7. Drainage provided with adequate pipes and culverts as necessary.
 - a. A development that utilizes, in whole or in part, a private road for access shall be referred to as a "private road development" or "PRD."
 - b. The plat shall note, in a noticeable fashion, the following, "NOTICE: THIS ROAD IS NOT CONSTRUCTED TO THE COUNTY STANDARDS. THE MAINTENANCE OF THE ROAD IS THE RESPONSIBILITY OF THE CURRENT AND FUTURE PROPERTY OWNERS."

3. Road Design Generally: Streets shall be designed to efficiently connect into the existing County street and road system and shall not create excessive traffic, dangerous intersections or sight distances, or excessive paved area. Design should ideally minimize the length of streets, provide for interconnection, and avoid lengthy dead-end streets in order to maximize the efficiency and minimize the maintenance load for such streets. Collector streets are encouraged to be designed as boulevards to facilitate good design and pervious cover.

4. Alignments: Street alignment should discourage sharp curves and the resulting traffic hazards, and permit proper intersection of streets. Paralleled streets (except frontage streets) with less than 126 feet between centerlines shall be avoided.
5. Intersections: Streets shall be designed to intersect as nearly as possible at right angles provided that no street shall intersect any other at less than seventy (70°) degrees. Pavement of streets shall have a minimum corner radius of twenty-five (25') feet at the outside of the pavement or curb line. All corner radii shall be on the street plans. There shall be at least a 125-foot centerline offset between streets that do not intersect opposite one another.
6. Roadbed: The roadbed shall be appropriately designed and constructed for the intended land use based on minimum County standards for road construction.
7. Master Road Plan and Street Specifications: Roads shall be developed in accordance with the Benton County Master Road Plan, area needs, and all other relevant factors (see Appendix F).
8. Gated Access: Gated restricted access to a private subdivision shall meet requirements of the fire district for access. Entrance to gated communities shall allow for sufficient stacking of at least four (4) cars on private property so that local traffic is not backed-up.
9. Separation Features and Limited Access: Where a subdivision abuts or includes a U.S. or State highway or other major arterial, access permit from Arkansas Highway and Transportation Department (AHTD) is required in order to determine the use of a frontage street for limited access.
10. Dead-End or Stub Street: Temporary dead-end or stub streets designed to provide future connections with adjoining undeveloped areas shall provide a temporary turn-around easement and shall be designed to prevent excessive accumulation of run-off water at the dead-end.
11. Cul-De-Sac: Cul-de-sacs should not exceed six hundred feet (600') in length measured from the entrance to the center of the turn-around, and shall be provided with a turn-around having a radius of not less than thirty (30') feet at the pavement center line and not less than fifty (50') feet at the property line. Exceptions may be granted due to topographical features.
12. Sight Distance Triangle:
 - i. The intersection sight distance provisions contained in 'A Policy on Geometric Design of Highways and Streets' published by the American Association of State Highway and Transportation Officials (the AASHTO Green Book referenced in Section 4008) are adopted as the presumptive standard applicable to all intersections within the County provided, however, that the Road Department may, where consistent with public safety, specify greater or lesser intersection sight distances. Unless otherwise required by the Road Department, all intersections shall be designed, constructed and maintained in accordance with such sight distance provision. Additionally, no landscaping, fence, utility equipment, wall or other structure in excess of thirty-six (36") inches in height above the roadway shall

be constructed or maintained in the area identified as the sight triangle, nor shall any parking be allowed within the area of the sight triangle.

- ii. Streets shall not be designed with intersections on the inside of horizontal curves or at any location in general where sight distance will be inadequate for drivers to tell if they can safely enter the traffic flow or cross the street. The minimum distance from an intersection to a curve shall be the applicable minimum sight distance listed below. The Road Department Director or their designee may make exceptions for especially difficult design circumstances only if visibility easements to provide adequate sight distance are established. In lieu of visibility easements, additional street right-of-way may be dedicated. Minimum intersection design sight distance standards, as specified in the AASHTO “Green Book” shall be as follows:

Table 5.2 – Sight Distance by Design Speed for Subdivision Streets

Design Speed (MPH)	Minimum Sight Distance (Feet) *
25	280
30	355
35	415

* Distance measured from an entering driver’s eye position to the position of the closest approaching vehicle’s far front corner.

- iii. Where stop control is not used, the corner sight distance for residential streets shall be a minimum of two hundred feet (200'), three hundred feet (300') [recommended].

13. Road Signage:

- i. A permanent marker, at least 1’ x 1’ (1 square foot), listing the addresses of each property as assigned by the 911 Office, shall be placed at the end of the driveway, adjacent to the public way.
- ii. A permanent marker, at least 1’ x 1’ (1 square foot), shall be placed at the intersection where the common driveway splits, indicating the addresses of each home on either side of the split.
- iii. An easement providing for shared permanent access over the driveway shall be depicted on the Site Plan, applicable to current and future owners of each lot. The easement shall include but not be limited to specific standards for maintenance and repair of the driveway and drainage system, provision for allocating financial responsibility, and a procedure for resolution of disagreements.

iv. A note of the Site Plan shall read, "The private road access is not a public road, it does not meet the standards for a County road, and the private road shall permanently remain private unless upgraded sufficiently to be a County road."

14. Traffic Impact Mitigation: Depending on the classification of the road or street the subdivision connects to, traffic signals, turn lanes and other traffic safety measures may be required to mitigate traffic impacts.

15. Private Driveway: A driveway connecting the private or public road and the primary structure(s) on the lot shall be constructed of hard surface and shall be sloped adequately to prevent Stormwater run-off onto private or public road. Erosion and sedimentation due to Stormwater run-off from driveways shall be minimized to the satisfaction of the Planning Board.

D. Water and Wastewater

i. Water: All subdivisions shall ensure the provision of a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an adequate supply of water for the type of subdivision proposed. Where the subdivision lots will be served by private wells, water tests and analysis may be required along with approval from the Department of Health. Where public water supply is to be used, a plan view of the proposed water distribution system or water extension plan, showing pipe sizes and the location of valves and fire hydrants, the location and dimensions/capacity of water mains, laterals, and service lines, shall be required on plans.

ii. Wastewater: The developer shall make adequate provisions for the safe and sanitary disposal of wastewater using the following methods upon approval by the Department of Health:

a. Conventional In-Ground Wastewater Treatment (Septic) Systems: Septic systems can be singular or shared. All systems must receive approval from the state Health Department. The minimum size for all lots utilizing septic systems for wastewater shall be one (1) acre.

b. Sanitary Sewer Systems: Where a sanitary sewer system is proposed for the subdivision, the plans and profiles for such sewers with grades and sizes, manholes, and outlets shall be shown. Other methods of sewage disposal should be indicated and detailed if required. Connection to an existing municipal sanitary sewer system or the establishment of a small sited sewer system is encouraged.

E. Provision of Basic Services

All Plats shall identify the methods of providing water, existing sewage and, waste water disposal on-site.

Municipal Connections-In all cases where the water supply or sewer disposal system will be connected to lines or mains owned or operated by a city, town, or special district, construction of said facilities shall be made according to the plans, requirements, and specifications and subject to the supervision or inspection and approval of the governing body, qualified employee, or County

Sanitarian. Approval of the plans for any such water or sewer system by the above shall satisfy these regulations.

F. **Grading and Drainage**

All development shall avoid impacting or changing the natural drainage patterns on the site. This includes grading or filling natural drainage that may redirect or intensify the flow of water on and off site. The developer's engineer shall make a copy of the off-site drainage and/or flooding problems to be created by the full development of the proposed subdivision and submit a written statement concerning the effect the proposed subdivision would have on off-site drainage. If the study identifies off-site flooding problems, the engineer shall submit with the subdivision drainage plan off-site drainage plans to correct the problems identified. The developer shall be responsible at his own expense for making those off-site improvements necessary to correct the drainage or flooding problems created by his subdivision.

1. Stormwater Drainage Control Standards. All grading and drainage shall be designed and developed in conformance with the requirements of the County's current adopted Stormwater Drainage Control Standards and/or Best Management Practices (BMPs) as applicable.
2. Notice of Intent. If the site to be disturbed is greater than one (1.00) acre and the stormwater is directed into State waters, then a "Notice of Intent" (NOI) shall be filed with the Arkansas Department of Environmental Quality as per state law. A copy of the submitted NOI will be required to be received by the County prior to or at the latest at the preconstruction conference for the project before the project will be approved to begin construction. When a request is made to begin grading on a project prior to a preconstruction conference, the grading plan, erosion control plan and a copy of the submitted NOI will be required by the County for review for approval prior to grading commencing.
3. Stormwater Detention. The following provisions govern the design, ownership, maintenance, and platting of stormwater detention facilities:
 - a. Design: The design of stormwater detention facilities shall encourage the melding of optimum stormwater detention utility with aesthetics that avoid large, unsightly, and dangerous landscapes. Preferred facilities are those that blend into the natural landscape, utilize native plants, are hidden from public ways, and are not so large as to dominate the landscape. These may include various low impact development (LID) facilities such as rain gardens or drainage swales.
 - b. Ownership and Maintenance: In residential subdivisions, stormwater detention facilities in new residential subdivisions shall remain under the ownership and maintenance of the property owner during development. Stormwater detention facilities shall be deeded to the property owner's association (POA/HOA) upon filing of the final plat. Maintenance of the facilities shall be in accordance with the provisions of this Chapter. Ownership of stormwater detention facilities in new non-residential development shall be vested in the property owner. Maintenance of the facilities shall be in accordance with the provisions of this Chapter.

- c. **Platting of Detention Facilities:** All new detention facilities and associated easements and other elements of appropriate design shall be clearly shown on the final plat. Wherever possible, stormwater detention facilities shall be located on common land and assigned a separate lot number.
- G. **Legal/Organizational** – Subdivisions that include any common facilities such as roads and sidewalks, stormwater facilities, recreational or open space, community room, or any other facility or element that is for common use shall establish a mechanism for maintenance of common facilities, i.e. Property Owners Association (POA) or Homeowners Association (HOA) that meets the following minimum criteria:
- i. Methods for maintaining common areas shall be in place upon approval of final plat.
 - ii. Property owners shall maintain the common areas in perpetuity.
 - iii. Ownership and maintenance of a common/shared driveway shall be assured through mechanisms such as, deed restriction/POA/HOA, to the satisfaction of the Planning Board, which binds current and future owners of each lot to the responsibility for all maintenance of common areas, including snowplowing and reconstruction of the private roads, etc. which shall be recorded in the County’s Circuit Court Recorder’s office.
- H. **Open Space** – Provisions for open space and useable recreation areas shall be provided by the developer whenever practicable.
- I. **Landscaping and Buffers**
- i. Common areas in approved subdivisions shall be appropriately landscaped using sod or hydroseeding and include trees, shrubs, and grasses in appropriately sized areas. Landscaped or screening buffers are not required along the edges of subdivisions. However, new subdivisions located adjacent to existing non-residential uses may be required by the Planning Board to install buffers of sufficient screening capacity to mask views of such development.
 - ii. Landscaping and buffers shall adhere to the landscaping guidelines provided in Chapter IV. List of Native vegetation is noted in Appendix C of this Ordinance.
- J. **Blocks** – The length, width, and shape of blocks shall be based on the following criteria:
- i. **Residential Blocks:** Residential blocks shall be wide enough to provide two tiers of lots of minimum depth except where lots may front on open space, highways or other major thoroughfares or prevented by site constraints whereby the Planning Board may approve a single tier of lots of minimum depth.
 - ii. **Non-Residential Blocks:** For blocks in commercial, industrial, and other non-residential subdivisions, blocks should be of a width suitable for the intended purpose with due allowance for adequate off-street parking and loading facilities.

- iii. Access: Blocks shall be so designed as to allow for adequate and safe access from each lot to the public or private street servicing the lot.
- K. **Utilities** – Public, quasi-public, or private utility providers shall design for the installation of utility lines including water, sewer, electricity, telecommunications, natural gas, or other services as applicable based on the following standards:
- i. All utilities in an underground location shall be installed wherever the soils and geology make this feasible. Utility providers shall coordinate the installation of their service lines in the fewest trench locations possible and share these locations where feasible to limit street cuts for maintenance, repair, and replacement.
 - ii. Utility providers installing underground lines shall coordinate the installation of their service lines in the fewest trench locations possible and share these locations where feasible to limit street cuts for maintenance, repair, and replacement.
 - iii. Temporary overhead service lines may be established during construction. Note that all utility specifications shall comply with the applicable provider servicing the area under development and no buildings or structures shall be erected within a dedicated utility easement.
- L. **Easements and Other Encumbrances** – Easements of adequate width according to engineering or open space standards shall be provided for public uses and utilities. Such easements shall have a minimum combined width of at least fifteen (15') feet along the front, side, and rear lot lines. Applicants shall provide all description, and if necessary a depiction on the plat, all encumbrances, including existing easements and covenants. Maintenance of common areas shall be recorded with the easement along with the following criteria.
- i. Methods for maintaining common areas shall be in place upon approval of final plat.
 - ii. Property owners shall maintain the common areas in perpetuity.
 - iii. Ownership and maintenance of a common/shared driveway shall be assured through mechanisms such as, deed restriction/POA/HOA, to the satisfaction of the Planning Board, which binds current and future owners of each lot to the responsibility for all maintenance of common areas, including snowplowing and reconstruction of the private roads, etc. which shall be recorded in the County's Circuit Court Recorder's office.

§5.5.2 – MAJOR SUBDIVISION PLATTING PROCEDURES

A. Type of Subdivision Plat

1. **Preliminary Plat:** A preliminary plat is the plan for a subdivision that contains all of the detailed design specifications and elements required for a thorough technical appraisal of the proposal which includes but is not limited to existing site features, topography, proposed layout of roads

and lots, the types and dimensions of the streets, the size and location of sewer and water mains.

The process includes staff consultation and review of a sketch plan at a pre-application conference, project design, formal application, staff technical review, public notification, technical public hearings, approval of preliminary plat, bonding, and installation of project infrastructure.

2. **Final Plat:** The final plat is a precise drawing showing the boundaries of lots and streets as prepared by a surveyor and contains all of the changes to the preliminary plat, engineering and survey detail, legal provisions, and signature spaces for approval. Once project infrastructure is in place, the applicant consults with staff and provides written evidence in the form of a Certificate of Completion that said infrastructure has been completed as per the approved preliminary plat. Once this is received and verified, the applicant is authorized to file for a final plat approval and seek return of the surety bond. Once the final plat has been approved, the plan endorsed and recorded, the applicant is eligible to sell individual lots.

B. Pre-Application Conference and Development Review Committee

1. Before preparing and submitting the preliminary plat to the County Planning Board, it is recommended that the developer or the project engineer consult with the staff while the plat is in sketch form, to take into account the location of proposed arterial and collector streets (as per the County Road Plan), primary and secondary streets (as per the County Subdivision Regulations), parkways, parks, school sites, and other facilities or developments that are planned. The sketch plan may be a concept drawing, superimposed on a site map or an aerial photograph. During the pre-application process, the general features of the subdivision or development, its layout, facilities, and required improvements shall be determined to the extent necessary for preliminary approval of the plat, attachments, and application form. Staff shall also provide the applicant with clear instructions for making a complete application.
2. Subdivisions of five (5) lots or more shall be reviewed prior to application submittal to the Benton County Development Review Committee (DRC). Refer to the provisions of Chapter IV for DRC procedures.

C. Preliminary Subdivision Plat Application Process

1. **Completeness Review/Notice to Proceed:** Upon receipt of an application for a preliminary plat, planning staff shall review submittal packet for completeness. If the packet is determined to be complete, this shall constitute "Notice to Proceed" and plans and other packet materials shall be time stamped with the date when completeness has been determined. From the date of the Notice to Proceed, the Planning Board shall hold a public hearing within sixty (60) days or the application shall be considered approved by default unless the applicant agrees to an extension in writing.

**Note that during the completeness review, staff shall confirm the location of the property in relation to municipal planning areas as noted in the letter from the municipality.

2. Technical Review and Public Hearing: Upon receipt of the preliminary plat and application for approval, planning staff shall check for conformance to the minimum requirements. When all requirements for applying have been met, a file shall be created with the plat and application materials for the purpose of initiating the technical review. Technical review shall include the following:

a. Interagency Review: Staff shall make a copy of the application materials available to other reviewing agencies for the purpose of seeking comments. These agencies shall include but not necessarily be restricted to the following:

- | | |
|------------------------------|---|
| 1) Health Department | 9) Applicable Municipality |
| 2) Road Department | 10) Fire Marshal |
| 3) Tax Collector | 11) School Board |
| 4) Building Inspector | 12) Applicable State of Arkansas Agencies (e.g. ADEQ, AHTA) |
| 5) Environmental Services | 13) Applicable Federal Agencies (e.g. FAA, EPA, ACOE) |
| 6) Applicable Water District | 14) Army Corps of Engineers |
| 7) Applicable Fire District | |
| 8) Applicable Utilities | |

b. Staff Technical Review: Staff shall review the plan and application materials for adherence to the provisions of these regulations and prepare a staff report that documents how the submittal meets the requirements, and provides comments and recommendations for consideration by the Planning Board.

3. Preliminary Plat Approval:

a. Technical Review: The Planning Board shall conduct a formal technical assessment of the preliminary plat application. Once all revisions are made and additional information requested by the Board has been provided so that the plat and supporting documents contain all of the information required for preliminary approval, the Board shall refer the item to the public hearing agenda where they shall consider the preliminary plat for approval within a duly noticed public hearing.

b. Procedures for Public Hearing: The Planning Board shall follow the procedures for a public hearing as provided in §4.8.

c. Planning Board Decision: The Planning Board decision on the application may be denial, approval, or approval with conditions. As part of any approval, the developer shall provide the County with surety for project infrastructure as per the provisions of §5.6 below. In the event of denial, the Board shall note all deficiencies by item on the plat and may note other reasons for denial. One copy of the approved or denied plat, with conditions noted thereon, shall be returned to the applicant, signed, and dated by the Board. Approval of the plat shall be deemed to be approval of the planning requirements of these regulations only, and the County Court or other official having jurisdiction may modify improvement details in accord with their adopted rules as may be necessary for the protection of the public interest and

well-being. The grounds for not approving any proposal or planned physical development, or the regulations violated by the plat or application, shall also be stated in the record of the meeting and kept open for public inspection according to statute.

4. **Project Infrastructure:** Upon preliminary approval, the developer may proceed to install all the improvements and for this purpose may secure from the appropriate authorities the necessary permits. Once project infrastructure has been installed and a Certificate of Completion submitted to the Board, the applicant is eligible for and may proceed to final plat application.
5. **Completion of Improvements-** The improvements required by the Planning Board shall be completed within two (2) years from and after the date of approval of the preliminary plat unless good cause is shown for granting an extension. Construction of improvements shall be inspected by the engineer at the at the developer's expense. "As built" plans of the improvements shall be filed with the Planning Board within sixty (60) days of completion. Certificate of completion will be made by the proper officials to the Benton County Planning Board for release of construction bond in accordance with §4.11. Evidence of completion of required improvements or satisfactory construction bond shall be submitted with the application for the final approval of the plat prior to filing for record.

D. Final Subdivision Plat Application Process

1. **Eligibility for Final Approval:** Upon approval of the preliminary plat and the receipt of a Certificate of Completion by the Planning Board, the developer shall file a final plat of the subdivision with the Planning Board. Final plat approval may be granted by the Planning Board when the plat contains the information required for final application and complies with the conditions, if any, of preliminary approval. Upon receipt of the final plat and application for approval, the case manager shall check for conformance to the requirements for a final plat. When all requirements for the application have been met and the Planning Board votes in the affirmative, a stamped certificate will be affixed to the plat for Planning Board endorsement, and copies will be furnished to members of the Board as required.
2. **Submit Application Packet:** Applicant shall submit an application packet for a final subdivision plat that includes the following:
 - a. A plat of the proposed subdivision that that is in conformance with the requirements.
 - b. Completed application.
 - c. Application fee (non-refundable).
 - d. Other applicable documents or information.
3. **Completeness Review/Notice to Proceed:** Upon receipt of an application for a final plat, planning staff shall follow procedures consistent with the Preliminary Plat.
4. **Technical Review and Public Hearing:** Same as required for a Preliminary Plat

Interagency Review: Same as required for a Preliminary Plat

Staff Technical Review: Same as required for a Preliminary Plat

5. Final Plat Approval:

Technical Review: Same as required for a Preliminary Plat

- a. Procedures for Public Hearing: The Planning Board shall follow the procedures for a public hearing as provided in §4.8.
 - b. Planning Board Decision: The Planning Board decision on the application may be denial, approval, or approval with conditions. As part of the approval, the developer shall provide the County with surety for project infrastructure as per the provisions of §5.6 below. Approval of the plat shall be deemed to be approval of the planning requirements of these regulations only, and the County Court or other official having jurisdiction may modify improvement details in accord with their adopted rules as may be necessary for the protection of the public interest and well-being. In the event of denial, the Board shall note all deficiencies by item on the plat and may note other reasons for denial. One copy of the approved or denied plat, with conditions noted thereon, shall be returned to the applicant, signed, and dated by the Board. The grounds for not approving any proposal or planned physical development, or the regulations violated by the plat or application, shall also be stated in the record of the meeting and kept open for public inspection according to statute.
- E. **Pre-Construction Conference:** Prior to construction, the developer and the contractor must meet with the Road Department Director and the Planning Director or designee to review the subdivision approval and associated conditions. The applicant must provide evidence that all required documents have been recorded. Subsequent to said recording and prior to any building permit being issued, the applicant shall file within seven (7) days one (1) print of the Final Plat with the Building Official. Further, in accordance with the statute, where approval of covenant is noted thereon, the Building Official shall issue no permit for the construction of a building on any lot within the subdivision, except upon receipt from the Planning Board of a copy of the Certificate of Performance releasing the lot in question.
- F. **Completion of Construction:** The improvements required by the Planning Board shall be completed within two (2) years from and after the date of approval of the preliminary plan unless good cause is shown for granting an extension. Construction of improvements shall be inspected by the engineer at the developer's expense. "As built" plans of the improvements shall be filed with the Planning Board within sixty (60) days of completion. Certificate of completion will be made by the proper officials to the Benton County Planning Board for release of construction bond. Evidence of completion of required improvements or satisfactory construction bond shall be submitted with the application for the final approval of the plat prior to filing for record.

- G. **Extensions:** If either the Board or the applicant seeks an extension for any reason, the applicant must submit a signed and dated Request for Extension form to the Planning Board. This Request for Extension form shall provide a date specific on which the extension shall expire.
- H. **Recording Plats:** The County Recorder shall not accept any plat in the unincorporated area of the county that is not within the exercised territorial jurisdiction of a municipality for record without the approval of the County Planning Board.

§5.5.3 MINIMUM INFORMATION TO BE INCLUDED ON A MAJOR PLAT

Preliminary and final plats for subdivisions shall be prepared by a professional engineer who is currently licensed in the State of Arkansas. All subdivisions, land developments, and mobile home parks shall be designed in such fashion as to allow a contiguous system of improved hard surface roadways conforming to the minimum standards of development set forth in this ordinance. Gravel roads, to the extent allowed, shall be constructed to existing county standards which shall be specified from time to time by the Benton County Road Department.

1. **SUBDIVISION NAME** – The proposed name of the subdivision shall not duplicate or closely approximate the name of any other subdivision in the County except for extensions of or additions to existing subdivisions. The name shall not imply that the property is an addition to any municipality unless the property is in fact within the corporate limits or limits of subdivision control at the date of filing for record. Name of the subdivision and the name or number of the larger subdivision or tract of which it is a part should be included. 911 will verify acceptance and non-redundancy and also tract subdivision names. Confusingly similar names which would hinder fire and police protection will be disallowed.
2. **ABUTTING PROPERTY** – The name of an adjacent subdivision, and the name and addresses of record owners as shown by the County Assessor’s office adjacent parcels of unplatted land shall be shown in the appropriate location upon the plat.
3. **AREA MAP** – An area map shall accompany or appear on the plat. The scale should be of sufficient size to show location of proposed subdivision by Township, Range, and Section. Existing roads, district, or special corporate lines, adjacent features (such as lakes) and abutting subdivisions should be identified on the area map so as to show how the proposed subdivision will fit into the surrounding area.
4. **NORTH-POINT, NAME, ETC.** – Include on the plat a north-point arrow, title, and date. Top or left of sheet should be north.
5. **SCALE** – The plat shall be prepared with a scale of sufficient magnitude to clearly show all the dimensions, lettering, and all other pertinent data and shall appear on the plat in both written and graphic form.
6. **SHEET SIZE** – The sheet size for recording shall be a maximum of 18" x 24". This may be a reduction from a larger sheet size, if desired.

7. **BOUNDARY LINES** – All external boundary lines with length and bearing of courses shall be shown. These boundaries shall be determined by accepted surveying practices. The legal description of the property being subdivided shall appear on the plat.
8. **SURVEY CONNECTIONS** – Where practical, survey lines should be tied to the State Plane Coordinate System. Where not practicable, bearings and distances should be tied to the nearest established street bounds, patent or other established survey lines or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately located on the plat and their names shall be accurately lettered on it.
9. **TOPOGRAPHY** – Contours, normally with intervals of five feet, referenced to USGS datum or as may be otherwise required shall be shown. Topography of the development shall be shown on the preliminary plat. Pre and post construction contour intervals will be shown for assessment and determination of proper drainage requirements. The intervals will be as follows:
 - a. Land with less than five percent (5%) overall slope, the contour interval shall not be greater than five feet (5’).
 - b. Land with more than five percent (5%) slope, the contour interval shall not be greater than two feet (2’).
10. **EXISTING STREETS AND OTHER FEATURES** – The plats shall show the location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract and other important features such as existing permanent buildings, water courses, railroad lines, municipal corporation lines, oil and gas lines or wells, including abandoned gas or oil wells and dry holes.
11. **NEW STREETS AND THEIR NAMES** – The plat shall show the layout, names, and width of proposed streets, alleys, and easements. Names shall be established to the satisfaction of the Board and shall not duplicate or closely approximate any existing street names in adjoining subdivisions except extensions of prior streets. Include street and alley locations, length and bearing, name, width, and angles of intersection.
12. **LOTS AND BLOCK NUMBERS** – Lots shall be numbered in numerical order. In tracts containing more than one (1) block, the blocks shall be likewise numbered in numerical order. In the case of a re-subdivision of lots in any block, such re-subdivided lots shall be designed by their original number prefixed with the term most accurately describing such division, such as W1/2 of 3, N 40’ of 5, etc., or they shall be designated numerically, beginning with the number following the highest lot number in the block.
13. **LOT LINES** – Lot lines shall show bearings and distances. Bearings shall be shown in degrees and minutes and seconds. Distances should be shown at least in feet and hundredths of feet.
14. **CURVING LINES** – When a street is on a circular curve the radius and arc length shall be shown. But when a curve radius of 200 feet or less is used, it is sufficient to show the length and bearing of the main chord, the radius, and the central angle subtended.

15. **EXISTING UTILITIES** – Existing overhead and underground power and Communication lines, sewers, water mains, gas mains, culverts, and other underground structures, within the tract and immediately adjoining it, with pipe sizes and grades, shall be shown on the plat or on a separate attachment.
16. **UTILITY SERVICE** – Proposed main locations will be designated on the preliminary plat and the necessary easements provided.
17. **BUILDING SETBACK LINES** – All building set back lines shall be designated on the plat.
18. **EASEMENTS** – Within the subdivision all public and private easements and rights-of-way, with the limitation of the easement rights, shall be stated on the plat.
19. **SOIL ANALYSIS** – The developer shall indicate by appropriate attachment the types of soils found in the plat area from available USDA Soil Conservation Service data or other authoritative source.
20. **FLOOD AREA** – All of the proposed platted land which is subject to inundation shall be clearly designated on the plat. All lots to be platted in a flood area shall have sufficient land area above the established 100 year frequency flood elevation to meet all applicable building area restrictions.
21. **STORM DRAINAGE** – Provisions shall be made for the disposal of storm water. Where initial construction does not provide for storm sewers, drainage ditches, and culverts of adequate capacity shall be put in. Facilities for storm drainage should be of adequate capacity to take care of not only surface run-off originating within the subdivision or flowing across, but also consideration should be given to the consequences of total development should it occur in the upstream drainage area.
22. **OFF SITE DRAINAGE** – The developer’s engineer shall make a copy of the off-site drainage and/or flooding problems to be created by the full development of the proposed subdivision and submit a written statement concerning the effect the proposed subdivision would have on off-site drainage. If the study identifies off-site flooding problems, the engineer shall submit with the subdivision drainage plan off-site drainage plans to correct the problems identified. The developer shall be responsible at his own expense for making those off-site improvements necessary to correct the drainage or flooding problems created by his subdivision.
23. **WATER COURSES** – In case the subdivision is traversed by a water course, channel, stream, or creek, its present and proposed location shall be shown.
24. **CONSTRUCTION PLANS** – A general statement describing proposed improvements and drainage systems shall be a part of the preliminary plat. The Planning Board will require submission of all street construction plans prior to the approval of the preliminary plat and may request, if needed, additional utility construction plans. Construction plans and other engineering data, prepared and certified by a registered professional engineer shall be submitted to and approved by the respective office, department, or agency having jurisdiction over such improvement prior to the approval of the final plat. “As built” plans of the improvements shall be filed within sixty (60) days after their completion and before streets are accepted for County Maintenance.

25. **EVIDENCE OF COMPLETION OF REQUIRED IMPROVEMENTS OR PERFORMANCE BOND TO BE SUBMITTED AS SEPARATE INSTRUMENT** – Upon preliminary approval, the developer may proceed to install all required improvements and for this purpose may secure from the appropriate authorities the necessary permits. If the final plat approval is desired before completion of improvements, the developer shall post with Benton County, Arkansas a corporate surety bond in favor of the county, or deposit a cashier’s check, or other negotiable securities or a certificate of deposit (CD) properly assigned to the county, in an escrow account or other acceptable bond. Such bond shall be in an amount sufficient to cover the cost of installation of all incomplete required improvements as estimated by the engineer, the contractor’s bid, or the official having jurisdiction, with the exception of utilities that would be extended at no cost to the developer. The bond is to assure the satisfactory construction and performance of said improvements at the time and terms fixed by the Planning Board and in accordance with the regulations. The above bond will be required only for the portion for which the developer desires a final plat before completing the required improvements. Evidence of completion or satisfactory construction bond will be submitted with the application for final approval of the plat.
26. **OPEN SPACE** – All areas of open space for any purpose and any natural features to be preserved shall be designated.
27. **PROPERTY OFFERED FOR DEDICATION** – The accurate dimensional outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon, shall be shown on the plat. All lands dedicated to public use (other than streets) shall be marked “Dedicated to the Public.”
28. **MAINTENANCE AND OPERATION PROVISIONS** – The responsible entity for the maintenance and operation of any building, park, equipment, pool, plantings, lawn, or other legal interests in the proposed subdivision shall be shown on separate articles of incorporation, contracts, restrictions, or other methods. The means of securing payment for maintenance and operation expenses and the method of terminating such provisions shall be stated in the creating documents, if any.
29. **PROPOSED PLAT RESTRICTIONS** – An outline of all proposed plat restrictions shall be submitted along with the preliminary plat. Private restrictions or evidence of recording shall be shown on the final plat. If there are no restrictions, the plat shall so state.
30. **ENGINEER’S CERTIFICATE** – Include, as a separate attachment, a certificate by the engineer that all improvements “as built” conform to all applicable engineering requirements and specifications.
31. **LAND SURVEYOR’S CERTIFICATE TO APPEAR ON PLAT** – Include a certificate by a registered land surveyor to the effect that he has fully complied with the requirements of this regulation and the subdivision laws of the State of Arkansas governing surveying, dividing, and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him; and that all monuments indicated thereon actually exist and their location, size, and material are correctly shown.
32. **OWNER’S CERTIFICATE TO APPEAR ON PLAT** – This certificate should contain the substance of the following example: “As owner, I hereby certify that I have caused the land described to be surveyed,

divided, platted, dedicated, and access rights reserved as represented on this plat (and attachments).”

33. **CERTIFICATION THAT TAXES ARE NOT DELINQUENT** – Include, as a separate attachment, a certificate from the County Tax Collector that there are no delinquent taxes or special assessments currently due or payable on any of the land in the plat including property dedicated for public use.
34. **PUBLIC UTILITIES COORDINATION(S) AND APPROVAL(S)** – Include as a separate statement, from each utility to serve the subdivision, that the plat does not violate any regulations of the utility and that service can be provided to the platted area.
35. **STATE HIGHWAY DEPARTMENT APPROVAL** – Include, if appropriate, a separate statement from the State Highway Department that the plat is coordinated with state and federal highways, existing and planned.
36. **STATE HEALTH DEPARTMENT APPROVAL** – Include a separate statement from the State Health Department that water and sewer improvements planned meet all applicable public health regulations.
37. **COUNTY COURT’S CERTIFICATE TO APPEAR ON PLAT** – Upon approval of the final plat by the Planning Board, the County Judge will affix and approve by signing the following stamped certificate: “Lands dedicated for easements, rights-of-way, and other public uses area accepted for the public by the County of Benton. This certificate is not an acceptance of the responsibility to maintain roads which are constructed in rights-of-way.”
38. **PLANNING BOARD CERTIFICATE TO APPEAR ON PLAT** – After the Planning Board has confirmed that the final plat meets all of the applicable requirements as outlined in preceding paragraphs of this section, it will affix and approve the signing of the following stamped certificate: “This plat has been reviewed by the Benton County Planning Board in accordance with Benton County Subdivision Regulations and meets all applicable requirements of those regulations.”

§5.6 –MODIFICATION TO AN APPROVED SUBDIVISION OR REPLAT

A replat is a process that is used to move, erase, or add new interior property lines within a recorded Plat or approved subdivision. Modification or replatting of land may include changes to the number or configuration of current lots within a subdivision. Lot line adjustments, such as buying a portion of a neighbor's lot, require a replat as well. A replat affecting no more than two lots can be approved administratively by planning staff and can be submitted as a Minor Boundary Adjustment replat.

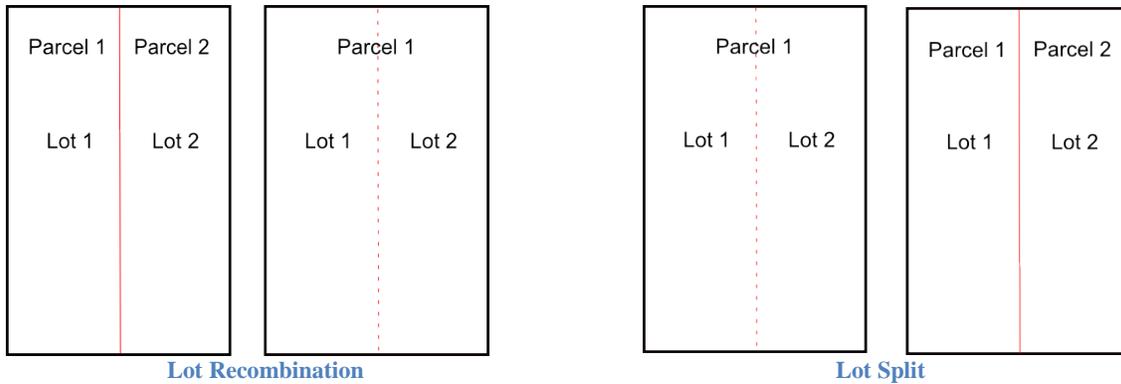
Creation of new plats or replats affecting five or more lots requires approval of the Planning Board.

A. MINOR BOUNDARY ADJUSTMENT–LOT SPLIT OR COMBINATION – UP TO FIVE PLATS ONLY

The process of splitting a single lot in an approved subdivision constitutes a Lot Split. Similarly, combining two (2) lots in the approved subdivision results in a lot combination.

1. Any lot split within an approved platted subdivision involving up to five plats shall be considered a minor replat.
2. Lot combination shall be administratively approved except if the combination conflicts with a specific provision of the subdivision plat approval or the approved covenants.

Figure 5.3 – Examples of Minor Boundary adjustment

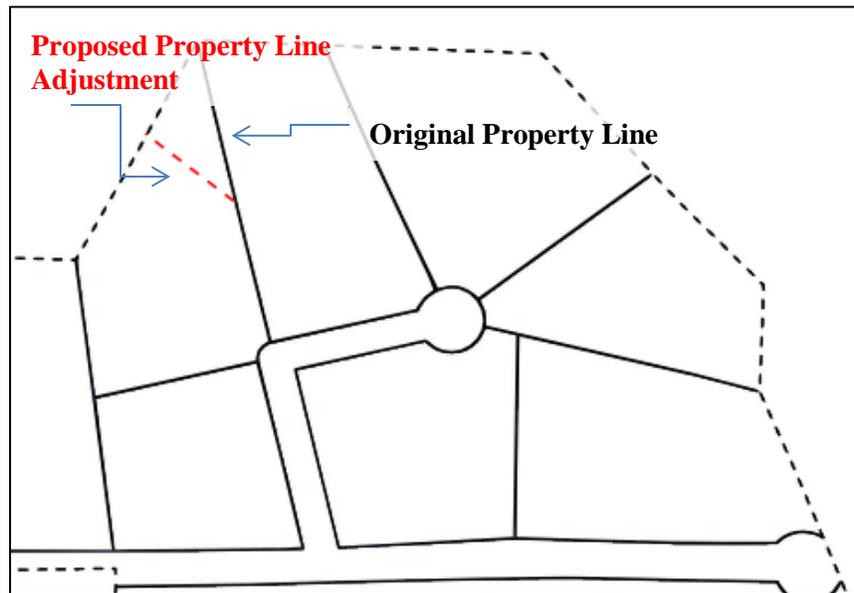


B. PROPERTY LINE ADJUSTMENT

The process of adjusting the property line either within an approved subdivision or for tract land, which does not create any additional lot.

1. Criteria for Administrative Approval: Minor revisions to lot lines to facilitate the meeting of setbacks, to eliminate the encroachment of structures, and to enable *de minimis* land transfers between adjacent lot owners may be approved administratively as long as:
 - a. The resulting lots meet all of the requirements of these regulations for setbacks, minimum lot size, or any other dimensional attribute as may be applicable. No subdivision covenant restricts such adjustment.
 - b. Such adjustment shall not involve the relocation or alteration of streets, easements for public passage, or other public areas; and no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interests herein.
 - c. Such adjustment shall not result in any new violation of the area or other dimensional requirements of this Ordinance, provided however, that any existing violation of minimum yard requirements or any existing non-conformity in any non-conforming lot (as so defined in this Ordinance) shall be permitted to continue so long as such yard violation or non-conformity is not enlarged, expanded, or extended.

Figure 5.4 Property Line Adjustment



2. Review Process: The administrative review process for Minor Boundary Adjustments shall be as follows:
 - a. Applicant shall file a complete application packet including a stamped survey, an application, and a fee.
 - b. Staff shall review the plans and conduct the necessary background research and analysis.
 - c. Staff shall, within thirty (30) days, render a decision as per the lot line adjustment request by means of a decision letter.
3. Any property line adjustment not meeting the criteria in Sections 1 and 2 above must be heard by the Planning Board as a replat.

C. MAJOR REPLAT – MORE THAN FIVE PLATS

A Major replat shall generally follow the same procedure as a preliminary and final plat based upon the specific criteria sought to be modified. The Planning Board shall determine whether the final or preliminary procedures shall be followed. Generally, major replats shall require the signature of all property owners within the approved subdivision on the plan and application. However, depending on the nature and scale of the major replat, a duly notarized letter of authorization to proceed from each property owner for which the replat directly impacts may be required. Alternatively:

- a. A single applicant may be granted power of attorney by each owner.
- b. A POA or HOA may serve as the applicant if covenants so allow.

D. VACATION OF PLATS

No vacation of a plat or any parts thereof shall be valid or impart notice until and after the consent of all the owners of such platted area is presented to the Board and the approval of the Board, and the County Court has been shown thereon. This includes request to vacate public rights-of-way, easements, platted lots, subdivisions and other specific platted and dedicated items of a subdivision plat.

All partial vacations or alterations of a final, approved, filed plat shall require the approval of the Board and the filing of a corrected plat as per the substantive replat process above. Alteration of an approved final plat without Board approval shall constitute a violation of this Ordinance.

§5.7 – Development Master Plan (DMP)

A development master plan (DMP) is intended for those projects where phasing is anticipated and that the developer intends to establish a significant development project where streets interconnect, services or facilities may be shared, covenants and deed restrictions help in common, and a POA or HOA will serve the entire development. The DMP process is intended to coordinate the procedures and ensure that phasing is conducted in such a manner as to provide project consistency and coordination regardless of the timing of development and interruptions that may occur. It is also intended to ensure that facilities, services, and amenities are provided consistently and appropriate to the often larger scale of development.

A. When Required

A development master plan may be required before accepting the initial plat which is a portion of a larger tract intended for development. The scale and mapping area for the DMP shall be set by the Planning Board.

B. DMP as Method Of Waiver For New Community Developments

The DMP shall serve as the method, by which the County Planning Board may waive the requirements for a developer of new type communities, provided that:

1. The developer uses both professional planning and engineering services.
2. The developer submits a DMP of his entire development and the Planning Board approves the DMP.
3. The developer agrees to meet the standards established by the Benton County Planning Board during said DMP approval. If after a period of two (2) years from approval date platting and development has not commenced or, if during the life of the development there should occur a two (2) year period in which platting or development does not occur, the DMP approval will lapse unless an extension is granted. If no development has started it will be necessary to resubmit the entire DMP for approval. If approval lapses then that portion undeveloped must be resubmitted for approval. Any additions to a DMP will be required to be submitted under the regulations in force at the time of the submission of the additions.
4. The developer establishes a property owners association or a suburban improvement district.

C. Preparation: The DMP Shall Include:

1. Land holding capacity in terms of living units and population and designation as to high and low density.
2. Primary street pattern throughout the entire development designating road classification and right-of-way width.
3. General location and size of all proposed facilities; including recreational, community, and commercial.
4. Areas to be offered for purchase by or dedicated to public agencies.
5. Proposed route of access from development area to nearest public highway capable of carrying proposed traffic load.
6. Schematic plan for storm drainage, sewage disposal, and water supply.

D. Submission and Review

The developer shall submit sufficient copies of the DMP to the Planning staff for review of compliance and for distribution to appropriate agencies. The Planning Board will review the developer's progress and compliance every two (2) years after approval of the DMP and each two (2) years thereafter until substantial completion.

§5.8 – Planned Unit Development (PUD)

A. Description

A Planned Unit Development (PUD) is a comprehensively planned land development project in which the standard requirements of Benton County Subdivision Regulations are varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternatives to public facility improvements. To be approved a PUD must establish a baseline development plan grounded on the provisions of Benton County Subdivision Regulations and Commercial site plan review. Following this step, the developer must provide an alternative PUD plan varied from the baseline, and should achieve the following purposes.

1. More Efficient Use of Land: The alternative PUD development must make more efficient use of buildable land by the use of clustering, zero lot line development, or other alternative development techniques that gain the added efficiency;
2. More Efficient Siting and Use of Public Facilities: The PUD alternative should, through a more efficient development pattern, achieve greater efficiencies in utility and other public facility siting. For example, if the development is clustered on one portion of the site, the road system is necessarily less extensive, more efficient, and less costly to the developer and to the public;
3. Principled Design: The County promotes the reasonable mixing of uses, projects with a community-oriented design, and designs using regionally appropriate features and amenities;

4. Open Space: The PUD development shall provide more useable open space through structure grouping, plazas, green roofs, and other innovative design techniques and allow for preservation of unique natural resources; and,
5. Preservation: Preservation of appropriate cultural or natural features. This can include but not be limited to cultural features such as historic building, sites, and landscapes or natural features such as balds, forest coves, rivers and streams, ponds, or rock outcrop.

Note that PUD development provides the developer with two (2) important benefits:

1. Accelerated project review and approval, and
2. Bonuses and incentives including greater density and more dimensional flexibility

As such, a PUD shall not be considered as-of-right development but as a special permit to be granted by the Planning Board provided the majority of the primary PUD purposes have been satisfactorily met.

B. PUD Design and Development Standards

1. Site: The site utilized for a PUD development shall be not less than ten (10) acres.
2. Ownership and Management: The PUD project site shall be under one ownership and management entity. No lots within the development may be sold prior to the installation of the required common improvements and infrastructure.
3. Access and Circulation: Streets and the rights-of-way for traffic will be provided so that traffic generated in the PUD will not adversely affect surrounding subdivisions and areas. Limited access to State Highways or County Roads must be used to minimize points of intersection and relieve congestion adequately to reduce hazards at intersections. However, PUD developments should provide more than one point of entry and exit to ensure access to emergency vehicles and to allow safe exit and evacuation as needed. Traffic calming mechanisms such as the following shall be encouraged to increase traffic and pedestrian safety:
 - a. Basic Traffic Calming Elements: high-visibility crosswalks, curb markings, stop signs, gateway treatments, truck restrictions, high-visibility signs, signed turn restrictions, residential permit parking, and minor bulbouts.
 - b. Level I Traffic Calming Elements: road bumps, raised crosswalks, minor traffic circles, major traffic circles, mid-block chokers, medians, major bulbouts, and chicanes.
 - c. Level II Traffic Calming Elements: diverters, extended medians.
4. Off Street Parking: Parking for PUD developments shall be provided as follows:
 - a. Single-Family Residential: A minimum of two (2) parking spaces per living unit shall be provided.

- b. Multi-Family Residential: A minimum of one and one-half (1.5) spaces per unit.
- c. Non-Residential Uses: Shall be provided as per the parking table 6.3 in Chapter VI.

Note however that reductions in required parking may be sought using shared parking plans and through other means to ensure adequate vehicular parking and/or alternative means to circulate within the development.

- 5. Uses: It is the intent of the Planned Unit Development option to provide maximum flexibility with regard to the mixture of land uses. Within a Planned Unit Development project, any land use may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses, as well as with due regard to the land use guide of Benton County. The permitted use or uses of property located in the Planned Unit Development shall be determined at the time the development plan is approved, and development within the district shall be limited to those uses specifically requested as part of the application and approved by the Planning Board. Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved Planned Unit Development and shall follow the same process as any other development application.
- 6. Open Space: Each PUD shall provide sufficient land or building area within the PUD as useable private or public open space. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing, and the less active games like shuffleboard and croquet. The maintenance of all private open space shall be the responsibility of the developer or of a property owners association (POA) and the method for maintenance and a maintenance fund shall be established in the PUD covenants.
- 7. Community Design: The following design principles and guidelines shall be considered for all PUD developments:
 - a. Dimensions: Development of PUD projects may seek variance from the dimensional requirements of standard subdivisions including setbacks, minimum lot sizes, road width, or other criteria through request for modification included in the narrative of their formal application. Such requests should include the justification for the request including why the modification improves the design and why a modification will not result in any negative effects.
 - b. Variety: Design interest and variety shall be sought, by means of using traditional principles of urban design for street design and changes in and mixtures of building types, heights, facades, setbacks, planting, or size of open space, the design should be harmonious as a whole and not simply from street-to-street.
 - c. Mixed Uses: The County promotes the creative and appropriate mixing of uses to create activity synergies such as the ability to walk or bike to work, school, or shopping.

- d. Community-Oriented Design: Developments that provide community resources such as shallow building setbacks or build-to lines, front porches, sidewalks, pocket parks, and other similar community amenities shall be rated higher.
- e. Regionally Appropriate Design: Developments that incorporate regionally appropriate features such as native natural stone in buildings and landscapes plus incorporate native plants in landscaping plans shall rate higher.
- f. Preservation: Preservation of appropriate cultural or natural features. This can include but not be limited to cultural features such as historic buildings, sites, and landscapes or natural features such as balds, forest coves, rivers and streams, ponds, or rock outcrop.

C. Review Procedure

1. Concept Plan: Whenever a developer intends to develop a PUD under the Benton County Subdivision Regulations, he may submit a concept plan prior to initiating the preliminary plat. The purpose of the concept plan is to allow the developer, the County Planning Board, and the general public (if appropriate) to discuss the proposed development in the concept stage. In the case of a PUD, a concept plan shall be required and heard as a discussion item on the Planning Board agenda. The concept plan shall include as a minimum the following information:
 - a. Total area to be included in the PUD;
 - b. Topography (USGS twenty foot intervals is sufficient);
 - c. Public facilities intended to be provided;
 - d. Areas with potential flood problems, wetlands, or any other features presenting development difficulty;
 - e. Unique physical features;
 - f. Nature of surrounding development;
 - g. Nature of proposed development;
 - h. Nature and extent of tree cover;
 - i. Tentative street layout to include access roads;
 - j. Any additional information deemed necessary by the Planning Board.
2. Preliminary PUD Plan: A preliminary PUD plan shall be submitted following the same procedures and requirements outlined in these Subdivision Regulations. In addition to the requirements of the Subdivision Regulations, the following information shall be submitted:
 - a. An estimate of the number of units for sale or lease;
 - b. Identification and size (acre or square feet) of all open space and proof that the developer has the capacity to maintain the open space until assumed by the property owners associations;
 - c. Identification and location of all recreational facilities and nonresidential structures proposed in the PUD;
 - d. All information relating to the establishment, operation, and perpetuation of the PUD;
 - e. Proposed protective covenants;

- f. Location and description of natural features to remain;
 - g. Written request for any desired variances from the current Subdivision Regulations.
3. Final PUD Plan: A final PUD plan shall be submitted following the procedures and requirements outlined in Subdivision Regulations. In addition, if there are any changes in the items which were submitted in the preliminary plan they must be resubmitted with the final plan.

D. Project Timeline

It is the intent of this Ordinance to facilitate development under the PUD alternative. As such, the County has provided an accelerated development review process using a Special Project Review Team (SPRT) that shall meet weekly to assess the technical aspects of the project. In this case, a PUD subdivision may result in a rendered decision within four (4) weeks of a submitted application. Conventional subdivisions may take between six and eight weeks to complete their process.

§5.9 – RESERVED