

CHAPTER V – SUBDIVISION REGULATIONS

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This chapter merges nine separate chapters that each dealt with some aspect of subdivisions including:

- Chapter 2 – Subdivision – Rules for General Planning
- Chapter 3 – Platting Procedures
- Chapter 4 – Plat Details and Attachments
- Chapter 5 - Tract Splits
- Chapter 6 – Development Master Plan
- Chapter 7 – Informal Plats
- Chapter 8 – Plat Modification
- Chapter 9 – Planned Unit Developments
- Chapter 11 – Streets, Street Specifications, and General Subdivision Layout and Design

Many of these individual chapters are oddities as standalone chapters and belong merged into a single chapter where they can be coordinated and better structured. Much of the existing language has been retained but where there have been changes, we'd identified them throughout.

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§5.1 – AUTHORITY

The Benton County Planning Board is vested with the authority to review and decide on applications for the subdivision of land, including preliminary, final, and informal plats as well as lot splits, tract splits, and other adjustments and modifications to tracts and lots as provided for in this ~~chapter~~Chapter. The Planning Board may grant modifications, waivers, and variances to these provisions as per Chapter II of this Ordinance.

§5.2 – PURPOSE AND SCOPE

A. **Purpose.** The purposes of this ~~chapter~~ **Chapter** is to promote the public health, safety, and general welfare and to address the applicable goals in Chapter I, §1.2 of this Ordinance. This chapter provides criteria and procedures to govern the review of subdivision applications in Benton County. They are intended to comply with the provisions of Arkansas Code §14-17-208, Subdivision, setback, and entry control ordinances of the County Planning Statutes (1977). In the event any of the regulations in ~~this chapter~~ **this chapter** conflict with the specific requirements of §14-17-208, the Planning Board shall follow the requirements of state law, rather than the conflicting provisions in ~~this chapter~~ **this chapter**.

B. **Scope.** The regulations governing plats and the subdivision or development of land shall apply within the unincorporated areas of Benton County, Arkansas. Any division of a tract of land into three or more parcels any of which is less than twenty-five (25) acres shall constitute a subdivision and be subject to the provisions of this **Chapter**.

Comment [CR1]: This section was previously in Chapter I as Section 6.

§5.3 APPLICABILITY

Note that we propose to raise the unlimited lot tract split minimum acreage from five (5) acres to twenty-five (25) acres since many upscale subdivisions nationwide are sometimes much larger than five acres per lot.

A. The regulations in this chapter apply to all subdivision of land including subdivision, informal plat subdivision, plat modification, lot split or recombination, property line adjustment, replatting, tract splits as defined in Chapter ~~IV~~ **III**, located within the unincorporated lands of Benton County, Arkansas and as may be exempted by its location within a municipal planning area whereby said municipality possesses the authority to conduct subdivision review and approval. Please refer to Chapter II, §2.9, Regulations in Relation to Municipalities, for criteria related to planning area jurisdiction.

B. The division of land into three (3) or more tracts, any one of which is less than twenty-five (25) acres, or any land developed as is defined herein shall be subject to the provisions of this Ordinance. The Ex-Officio Recorder and Circuit Clerk shall require certification of compliance with this Ordinance before accepting documents purporting to subdivide land, creating tract splits, or conveying or transferring legal equitable interests in real property in Benton County as may be applicable.

C. Note that the applicant of a subdivision project within the existing planning area jurisdiction of any municipality must deliver appropriate plans to such municipality and obtain from said municipality a letter signed by the appropriate officer of the municipality stating their position with regard to the project prior to seeking comment from staff and/or appearing on the agenda of the Benton County Planning Board. The County has the right but is not required to follow up for the purpose of planning coordination with the municipality in whose planning boundary the proposed project is cited.

D. 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.

- E. No project infrastructure including streets, curbing and gutters, stormwater facilities, sidewalks, or any other physical or site improvements associated with a proposed subdivision may be developed until a preliminary or informal plat has been approved. Thereafter, the aforementioned improvements may only be developed in accordance with the approved preliminary plat and associated decision letter with conditions as applicable.
- F. No land described in this §5.3 shall be subdivided or sold, leased, transferred, ~~or~~ developed, or recorded until each of the following conditions has occurred in accordance with these regulations:
1. The subdivider or their agent has obtained approval of the preliminary and final plat from the Planning Board.
 2. The subdivider or their agent files the approved and endorsed plat with the County Clerk and County Recorder for Benton County.

§5.4 – GUIDELINES FOR SUBDIVISION DESIGN

All design criteria have been placed in this section and are also located in the plan submission criteria in Chapter I.

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- A. Intent:** This section established key criteria for the design and development of conventional subdivisions within Benton County. These criteria are intended to provide a comprehensive means for applicants to ~~insure~~ ensure a complete and thorough plan and application. These criteria are also associated with the goals of this Ordinance as provided in Chapter I, §1.2.
- B. Natural Site Characteristics:** All subdivisions should be designed so as to retain and utilize the natural topography, natural and native plant regime, and aesthetic beauty whenever possible. 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, utility easements, 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 as shall not involve any danger to public health, safety, and welfare. The Specific site criteria include the following: inclusion of recreation and park areas are highly encouraged.
1. Hillsides and Slopes. The development of hillside areas, or any area having a maximum slope greater than ten percent (10%) shall be designed to minimize grading and filling and to maximize the retention of natural ground cover. ~~Areas with a slope in excess of fifteen percent (15%) may require appropriate mitigation measures. Finally, areas with a slope in excess of twenty percent (20%) are discouraged and should only be used as protected open space in developments that require or include open space unless engineering analysis indicates that mitigation will prevent slumps, mudslides, or other environmental hazards.~~ Topographical

information including contour lines on a basis of five (5') feet intervals shall be provided. All elevations shall be referenced to U.S.G.S. survey datum. The datum used shall be specified on the drawing. Any proposed changes in topography shown by contour lines on a basis of five (5) feet vertical interval in terrain with a slope of five (5) percent or more, and on a basis of two (2) feet vertical interval in terrain with a grade of less than five (5) percent.

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2. **Tree Cover.** Natural tree cover shall be preserved whenever possible. Landscaping strips 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 screening installations or constructions to provide a suitable natural and/or constructed buffer area between commercial or industrial sites and adjacent residential areas.
3. **Flooding.** Areas subject to flooding, as determined by existing Federal Emergency Management Association (FEMA) plans and studies, subdivisions and land development, shall meet existing state and federal guidelines. Without exception, areas subject to flooding or overflow as determined by FEMA, shall be clearly identified on preliminary and final plats together with a legend prohibiting construction or development without a flood development permit. Additionally, the developer shall include covenants and/or deed restrictions which will prohibit improvement in flood prone areas as determined by FEMA.
4. **Wetlands and Other Critical Water Resources.** An undisturbed buffer should be maintained adjacent to all wetland resource areas including free flowing rivers or streams, ponds or lakes, freshwater wetlands, bogs, or natural springs as well as other critical water resources such as groundwater recharge areas. Additionally, a no-build area should be established adjacent to these resources where no building, structure, or septic system is placed.
5. **Waters of the U.S.** Any development project within the jurisdictional authority of the Army Corps of Engineers in regard to Waters of the U.S. shall provide a letter of determination to the Planning Board.

Comment [CR2]: Add reference to Corps Line

C. Local Facilities and Utilities

1. **Public Services, Facilities, and Utilities** – All subdivisions shall be designed, planned, and engineered, and laid out in such a manner as to promote the economical inclusion and expansion of necessary and adequate public services and facilities, utilities, and commercial services. Contiguous and expanding development or infill is desired for new development. Sites for public lands, facilities, and easements should be provided for in each subdivision according to existing law, custom, and usage.
2. **Parks and Recreation Facilities** – The inclusion of recreation, and park, and open space areas are highly encouraged in subdivisions, and other planned residential developments. The provision of such facilities should be provided according to the standards of the National Park and Recreation Association (NRPA) for the provision of park facilities per capita.

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Comment [CR3]: NEW broken out section highlighting these required elements

D. Water and Wastewater

1. **Water:** All subdivisions shall ensure to provide 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, the location and dimensions/capacity of water mains, laterals, and service lines shall be required on plans.

2. **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:** Connection to an existing municipal sanitary sewer system or the establishment of a small sited sewer system is encouraged.

E. Technical Development Criteria

Each subdivision shall provide means of connecting to existing and planned traffic circulation patterns, provide standard street dimensions and technical specifications, meet minimum dimensional criteria for lots and blocks, and provide necessary public utilities.

1. General Provisions of Development:

- a. At minimum, subdivisions **shall be a minimum of five (5) acres** inclusive of streets, lots and blocks, common area, and all associated infrastructure.
- b. Subdivisions proposed with common private facilities shall be required to establish a Property Owners Association (POA) or Homeowners Association (HOA). Private facilities shall be provided for and maintained as outlined in ~~the~~ the O&M Provisions and covenants.

2. Streets and Circulation:

- a. **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.
- b. **Roadbed:** The roadbed shall be appropriately designed and constructed for the intended land use based on minimum County standards for road construction.
- c. **Master Road Plan:** Roads shall be developed in accordance with the Benton County Master Road Plan ~~(see table 5.2)~~, area needs, and all other relevant factors (see table 5.3 for road design criteria).

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Comment [CR4]: The idea here is that given the minimum three lots plus necessary infrastructure, a reasonable minimum size for a subdivision should be around five acres.

- d. Service Roads: Service roads or frontage streets immediately alongside the existing trafficway, connected therewith at infrequent intervals, should be used instead of backing lots (see 3d below).
 - e. Driveways: Driveways serving subdivision lots shall not access through streets to minimize interference with local traffic. In the design, limiting the number of access driveways connecting to the Public Street is encouraged to minimize the interference with local traffic. Sight distance and sight triangles may be required in accordance with §5.6 of this chapter.
 - f. Street Specifications: are provided in Table 5.2-55.3 below.
3. Lots. Lots within subdivisions shall meet the following criteria:
- a. 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.
 - b. 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.
 - c. Lot Depth: Excessive depth in relations to width shall be avoided whereby a ratio of width to length 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.
 - d. 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.
 - e. 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.
 - f. 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
Development Area	Five (5) Acres
Lot Size, Minimum	One (1) Acre or 43,560 s.f.
Lot Depth, Minimum	One-Hundred Fifty (150') Feet
Length: Width Ratio, Maximum	4:1

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Front Yard (Building) Setback	Twenty-Five (25') Feet
Side Yard Setback	Fifteen (15') Feet
Street Yard Side Setback (Corner)	Twenty-Five (25') Feet
Rear Yard Setback	Twenty-Five (25') Feet
Lot Width (at bldg. setback) ¹	One-Hundred Twenty (120') Feet
Floodway Boundary Setback	Twenty-Five (25') Feet

- g. Floodways: A minimum building setback line of no less than twenty-five (25) feet shall be established from any floodway boundary. Any development proposed for a flood zone is required to obtain a Floodplain Development Permit (see Chapter X for further information).
 - h. Slope/Drainage: Lots shall slope so that stormwater runoff is directed into the stormwater collection system and not onto adjacent lots or other property (see Chapter VIII for further information).
 - i. Access: Every lot shall abut or be contiguous to a public road or street, right-of-way, easement, or other method of particular access except where private streets are explicitly approved by the Planning Board such as in a planned unit development (PUD). 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.
4. Blocks. The length, width, and shape of blocks shall be based on the following criteria:
- a. Size: Block size shall be based on the density of the subdivision. For medium/high density subdivisions with lot sizes 1 (one) acres or less in size less than one (1) acre, blocks shall be no less than 400' in length and no more than 1000' in length except as may be modified by the Planning Board. Low density subdivisions shall contain a minimum block length of 500' and a maximum length of 1500' except as may be modified by the Planning Board.
 - b. 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, freeways-highways or other major thoroughfares or prevented by site constraints whereby the Planning Board may approve a single tier of lots of minimum depth.
 - c. 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.
 - d. 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.
5. 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

¹ Except that for cul-de-sac lots the lot width may measured from the front of the building envelope.

applicable based on the following standards:

- a. Medium/High Density: Net development densities of less than one (~~1-.00~~) acres shall install all utilities in an underground location 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.
- b. Low Density: Net development densities of greater than one (1.01 acres1.00) acre or more are encouraged but not required to install all utilities in an underground location wherever the soils and geology make this feasible. 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.
- b. 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.

F. Open Space

Provisions for open space and useable recreation areas shall be provided by the developer whenever practicable. Note that density bonuses for the inclusion of open space may be available using the Conservation Subdivision alternative depicted in Chapter.

G. Landscaping and Buffers

- a. Common areas in approved subdivisions shall be appropriately landscaped in grass using sod or hydroseeding and include trees, shrubs, and grasses in appropriately sized and maintained planter islands or 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.
- b. Landscaping and buffers shall adhere to the landscaping guidelines provided in Appendix C of this Ordinance.

H. Topography

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:

1. Land with less than five (5%) percent overall slope, the contour interval shall not be greater than two (2) feet.

Comment [CR5]: NEW SECTION

2. Land with more than five (5%) percent slope, the contour interval shall not be greater than five (5) feet. Collin, Co., TX

2.

Comment [CR6]: 1.Collin, Co., TX

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I. 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.

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 provided in Chapter ~~IX-VIII~~ of this Ordinance and/or Best Management Practices (BMP's) 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 meld optimum stormwater detention utility with aesthetics that avoid a large, unsightly landscape that is weedy, tends to collect trash and debris, is surrounded by a chain link fence, and which may be dangerous to children. 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 the responsibility of the property owner's association. Ownership of stormwater detention facilities in new non-residential development shall be vested in the property owner. Maintenance of the facilities shall be the responsibility of the Property Owners Association. (POA).
 - 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 POA/HOA land assigned a separate lot number.

Comment [CR7]: NEW

Comment [CR8]: NEW

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§5.5 – PLAT DETAILS AND ATTACHMENTS

Table 1.2 in Chapter I, §1.8, DEVELOPMENT REVIEW provides all plan requirements for both preliminary and final plat submissions. Please refer to Column 3 for preliminary plat requirements and Column 4 for final plat requirements.

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§5.6 –SUBDIVISION LAYOUT AND DESIGN

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 these regulations. Gravel roads, to the extent allowed, shall be constructed to existing county standards, which shall be specified and updated from time to time by the Benton County Road Department.

A. Street and Drainage Plan

The street plan should show all existing and proposed improvements. The plan should show the water courses, drainage outlets, and methods of disposal. A centerline profile of the proposed roadways shall be drawn from field notes and the proposed final grade profile shall be added showing the grades and vertical curves. A typical cross-section of each type of proposed street on the plat showing ditch section, side sloping, shoulder paving, and curb and gutter (if applicable) with dimensions. Grades of existing streets at the intersection of subdivision streets shall be shown for a minimum distance of 200 feet. The drainage area, in acres above each proposed drainage structure, shall be shown on the final plat or submitted by a separate drawing to the final plat. The engineer shall prepare calculations certifying that the drainage exiting the subdivision shall not exceed a certain specified flow. The engineer preparing such subdivision plat shall be responsible for the accuracy and completeness of all drainage calculations.

B. Streets

The arrangement, character, extent, width, and general location of all subdivision streets shall conform to these regulations. The relationship to existing and planned streets, terrain conditions, public convenience and safety, and the proposed uses of the land area to be served shall be considered in determining suitability. There are two (2) classes of subdivision streets, primary and secondary, to service different population densities and traffic needs. (See Table 65.2-3 - Minimum Design Standards for Subdivision Streets).

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. Grades: Street grade for subdivision streets shall not exceed ten percent (10%) except that grades not to exceed fifteen (15%) percent may be approved by variance for distances up to three hundred (300') feet and concrete surfacing with curb and gutter and/or paved ditches may

be required in such cases. Grades exceeding fifteen (15%) percent shall not be permitted in any circumstance. A vertical curve of a radius to assure adequate forward visibility and designed for a minimum speed of 25 mph shall be used to connect stretches having different grades. On the approaches to intersections, there shall be a leveling off of the street at a grade generally not exceeding five (5%) percent for a distance of generally not less than fifty (50') feet from the nearest lane of the crossing street. The grade within the intersection should be as level as possible, consistent with drainage requirements.

3. 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.
4. 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.
5. Separation Features and Limited Access: Where a subdivision abuts or includes a U.S. or State highway or other major arterial, a pre-platting conference (see Chapter III) is required in order to determine the use of a frontage street or limited access.
 - a. A frontage street is located parallel and adjacent to highways or major arterial to provide separation and access to the adjoining properties and to minimize intersections.
 - b. Recommended limited access includes but is not limited to:
 - 1) Platting the lots abutting such trafficways at very generous depths; and by providing vehicular access to them by means of either alleys or service drives in the rear or frontage access roads next to the highway connecting there with at infrequent intervals.
 - 2) Fronting on a secondary street paralleling the highway at a distance of a generous lot depth with limits of no access identified on the plat for those lots which border the highway.
 - 3) Shared Driveways: As per the requirements of §5.7 above.
6. 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.
7. 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.
8. Private Road or Street: Every lot within a platted county subdivision shall be served by a hard surface road having sufficient dedicated right-of-way. Private roads or streets shall comply with

county improvement standards for private subdivision streets, but will not be eligible for dedication to the County nor maintained thereby.

9. Private Driveway or Way: Subdivision lots may be provided with a private driveway connecting the street and the primary structure(s) on the lot. A private (shared) driveway may serve up to three (3) house lots within an informal subdivision. Any subdivision with four (4) or more lots utilizing a single access way shall, at minimum, utilize a private street or road. Private driveways need not comply with county improvement standards for public streets, but will not be eligible for dedication to the County nor maintained thereby. Private driveway or streets shall not be utilized for public traffic.
10. Sight Distance Triangle:
 - a. 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 Director or their designee may, where consistent with public safety, specify greater or lesser intersection sight distances. Unless otherwise required by the Road Department Director or their designee, 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.
 - b. 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.

- c. The entering driver's eye position shall be assumed three feet(3') to the right of the entering street's centerline, three and a half feet(3.5') above the pavement surface, and 9 feet to the nearest pedestrian crosswalk line (marked or unmarked) on the street being entered.
- d. The position of the closest approaching vehicle's far front corner shall be assumed three feet(3') from the edge of the nearest approaching vehicle lane and 4.24 feet above the pavement surface for each direction of travel.
- e. 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].
- f. To maintain the minimum sight distance, restrictions on height of embankment, locations of buildings, and screening fences may be necessary. Landscaping in the sight distance triangle shall be low-growing, and shall not be higher than three feet (3') above the level of the intersecting street pavements. Tree overhang shall be trimmed to a line at least eight feet (8') above the level of the intersections.

10. 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.

Table 5.3 - Minimum Design Requirements for Subdivision Streets

	Primary Street TYPE 1 (Residential Collector)	Secondary Residential Street TYPE 2 (Urban)	Secondary Residential Street TYPE 3 (Local/Suburban)	Secondary Residential Street TYPE 4 (Local/Rural)	Secondary Residential Private TYPE 5	Commercial Subdivision TYPE 6
Residential Densities ²	NA	>1.0 d.u./acre	0.5-1.0 d.u./acre	< 0.5 d.u./acre	< 0.33 d.u./acre	NA
Status/Sign	Public ROW Green	Public Easement Blue	Public Easement Blue	Public Easement Blue	Private ROW White	Public Easement Blue
Maintenance	County Full	County Limited	County Limited	County Limited	Private	County Limited
Typical ADT	1500<400	400<0	400<0	400<0	100<0	400<0
Right-of-Way (ft.)	50	40	40	36	33	60
Width of Pavement (ft.)	22	28	20	18	12-16 ³	32
Lane Width (ft.)	11	9	10	9	8	11
Traffic Lanes	2	2	2	2	2	2
Surface Type ⁴	CC/AC	CC/AC	CC/AC	DCS	DCS/G	CC/AC
Crown (in.)	6	5	5	4	4	5
Curb and Gutter	No	Yes	Yes	No	No	Yes
Shoulder Width (ft.)	4	---	---	2	2	---
Shoulder Type	Improved Gravel or Crushed Stone	---	---	Improved Gravel or Crushed Stone	Improved Gravel or Crushed Stone	---
Design Speed (mph)	25-35	20	20	20	15	25-35
Min. Sight Distance Crest Vertical Curve (ft.)	300	200	200	200	110	300
Grade (min./max.) ⁵	0.5/10	0.5/10	0.5/10	0.5/10	0.5/10	0.5/6

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² Street type based on residential design density where dwelling units per acre (d.u./acre) determine said density

³ Based on terrain.

⁴ The surface type shall be chosen by the County Judge. Street construction specifications shall be in accordance with the County Road Plan as amended. Note that CC refers to cement concrete, AC refers to asphaltic concrete, and DCS means double chip and seal

⁵ Up to a 15% grade may be allowed by variance for distances up to 300' with possible CC surfacing and curbs and gutters

	Primary Street TYPE 1 (Residential Collector)	Secondary Residential Street TYPE 2 (Urban)	Secondary Residential Street TYPE 3 (Local/Suburban)	Secondary Residential Street TYPE 4 (Local/Rural)	Secondary Residential Private TYPE 5	Commercial Subdivision TYPE 6
On-Street Parking	No	Yes	No	No	No	Yes
Roadside Width (ft.) ⁶	5.5 to 12	5.5-10	5.5 to 10	5.5	5.5	12
Tree Lawn/Planting Strip	0-6	0-6	0/6	0-6	None	0/6
Sidewalk (No. and widths)	2 x 5'	2 x 5'	1 x 5'	No	No	1 x 5'
Street Lighting	At intersections and pedestrian scale lighting at driveways	At intersections and pedestrian scale lighting at driveways	At intersections and pedestrian scale lighting at driveways	At intersections	At intersections	At intersections and pedestrian scale lighting at driveways
Traffic Control	Stop Signs 4-Way Yield	4-Way Yield	4-Way Yield	4-Way Yield	4-Way Yield	4-Way Yield
Curb Radii (ft.)	15-25	15-25	15-25	15-25	15	15-25

⁶ Includes pedestrian or bicycle facilities, drainage swale, planting strip

C. 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 (4") inches in diameter for the round type and 4" x 4" for the square type. The length shall be at least twenty-four (24") inches and when set, allow the top to be three (3") inches above the ground. Iron rod type monuments shall be at least one-half (1/2") inch in diameter, at least sixteen (16") inches 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.

D. 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 a description, and if necessary a depiction on the plat, all encumbrances, including existing easements and covenants.

E. 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. Water Systems

Where a water system is proposed for the subdivision, a plan view of the proposed water distribution system or water extension plan, showing pipe sizes and the location of valves and fire hydrants shall be shown.

G. 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.

§5.6-7 – 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.

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 the final plan subject to recording that contains all of the changes to the preliminary plat, engineering and survey detail, legal provisions, and signature spaces for endorsement. 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, and alleys (as per the County Subdivision Regulations), parkways, parks, school sites, and other facilities or developments that are planned. The sketch plan may be a free-hand 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 __, §x.xx for DRC procedures.

C. Preliminary Subdivision Plat Application Process

1. **Completeness Review/Notice to Proceed:** Upon receipt of an application for a preliminary plat, the case manager 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. Default approval shall result in a Certificate of Default Approval (Form X) being issued by the Planning Board.

****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, the case manager shall check for conformance to the requirements in Table 1.2 in Chapter 1, §1.11. 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
 - 2) Road Department
 - 3) Tax Collector
 - 4) Building Inspector
 - 5) Environmental Services
 - 6) Applicable Water District
 - 7) Applicable Fire District
 - 8) Applicable Utilities
 - 9) Applicable Municipality
 - 10) Fire Marshal
 - 11) School Board
 - 12) Applicable State of Arkansas Agencies (e.g. ADEQ, AHTA)
 - 13) Applicable Federal Agencies (e.g. FAA, EPA, ACOE)
 - 14) Army Corps of Engineers
 - b. Staff Technical Review: Staff shall review the plan and application materials for adherence with 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.
4. 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 §4.10, Subsection B.
 - 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 §5.7 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.

5. **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.

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 in Table 1.2 in Chapter I, §1.11. 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 listed in Column 4 in Table 1.2 in Chapter 1, §1.11 .
 - 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, the case manager 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.
4. **Technical Review and Public Hearing:** Upon receipt of the final plat and application for approval, the case manager shall check for conformance to the requirements in Table 4 in Chapter 1, §1.11. 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
- 2) Road Department
- 3) Tax Collector
- 4) Building Inspector
- 5) Environmental Services
- 6) Applicable Water District
- 7) Applicable Fire District
- 8) Applicable Utilities
- 9) Applicable Municipality
- 10) Fire Marshal
- 11) School Board
- 12) Applicable State of Arkansas Agencies (e.g. ADEQ, AHTA)
- 13) Applicable Federal Agencies (e.g. FAA, EPA, ACOE)
- 14) Army Corps of Engineers

- b. Staff Technical Review: Staff shall review the plan and application materials for adherence with 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.

4. Final Plat Approval:

- a. Technical Review: The Planning Board shall conduct a formal technical assessment of the preliminary plat application. The applicant shall make all revisions and provide all additional information requested by the Board provided so that the plat and supporting documents contain all of the information required for preliminary approval. Once these steps have been completed, only then shall the Board refer the item to the public hearing agenda where the item may be considered for 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 §5.10, Subsection B.
- c. 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 §5.7 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 Chief Building Inspector. Further, in accordance with the statute, where approval of covenant is noted thereon, the Chief Building Inspector 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. **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.
- G. **Refiling Denied Plats:** Preliminary or final plats that have been denied by the Planning Board may, after six (6) months, reapply for approval as a new application. The revised plat, addressing the changes required by the Board, shall be reviewed as a new plan.
- H. **Recording Plats:** 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.

§5.7-8 – SURETY TO WARRANT PERFORMANCE

Comment [CR10]: NEW SECTION TO CLARIFY BONDING PROCESS

- A. **Approval with Financial Performance Guarantee (FPG).** Before endorsement of the Planning Board's approval of a Final Plat of a subdivision, the applicant shall agree to complete the required improvements specified in §§ 5.4 and 5.5 of these regulations as well as any standard or special conditions applied by the Planning Board as shall be provided in the Letter of Decision for the subdivision, for all lots in the subdivision. Such construction and installation to be secured by surety in the form of a surety bond.

The applicant shall file a surety company performance bond in an amount determined by the Planning Board in consultation with the appropriate County departments and other agencies (or contracted consultants at the applicants expense, as necessary), to be sufficient to cover the cost of all or any part of the improvements specified in this Ordinance at State (or, if applicable, Federal) prevailing wage rates and to cover the costs of inspections, record plans, street acceptance plans, and legal work, and a 20% contingency/inflation factor. Warranty principal shall be not less than 15% of the estimated cost of those components of the entire project which shall be dedicated for public or common use and shall cover workmanship and materials.

Surety bonds must be drafted so that the only requirement that must be met for the Planning Board to draw on the letter is to notify the financial institution (grantor) that:

"We have incurred liability by reason of the failure of the applicant/developer/owner, within ninety days of the expiration of this letter, to complete the construction of their project (insert name of subdivision and plans) in accordance with the final subdivision

plans and submittal, the subdivision approval decision letter, and the Benton County Subdivision Regulations. The amount drawn, which may be more than required to complete the project, will be held in a segregated bank account until the work can be bid competitively and the bid awarded and paid for or until the contract for the work is otherwise let and the work paid for. Any excess over the cost of completing the work will be returned to the grantor."

Such bond shall be approved as to form, the surety or financial institution, and manner of execution by the County.

For any surety bond:

1. The surety must agree that any litigation stemming out of the bond will take place in Arkansas.
2. The bond must include the name and address of the person to be served for any legal action.
3. The bond must specifically include the terms above.
4. No expiration date may be allowed in the bond (the bond must be valid until the work is complete) and the warranty performance period has been completed.
5. The amount shall be sufficient to cover the costs of completion of all project infrastructure including streets and roads, curb and gutter, culverts and other stormwater facilities, landscaping and buffers, required park or recreational amenities, and any other element of the approved project.

Surety bonds shall be submitted to the County service officer and held by the Treasurer until such time performance warrants release.

- B. **Completion Time Schedule.** The FPG, as previously described herein, shall be contingent upon the completion of such improvements, and the required (1) one year warranty on same as required in this Ordinance within a maximum period of three (3) years of the date of such surety. There shall be at least a three (3) month period between the completion date of all improvements and (1) one year warranty period and the expiration date of any bond. Said three (3) month period shall give the County the opportunity to collect the financial performance guarantee so that it will be able to complete the necessary improvements in case (a) the developer is unable to do so; and/or (b) the Planning Board denies any requests for an extension of time. The term "Warranty" shall apply to and include all workmanship and materials.

Upon written request from the applicant, the Planning Board may, at its discretion, grant an extension of time, and such agreement shall be executed and affixed to the FPG. Such an agreement for an extension shall not be effective until the surety delivers to the Planning Board a written statement that the surety agrees to the proposed alteration of the completion schedule and that such alteration shall not relieve or affect the liability of the surety company. Failure to complete all improvements as required by these provisions within the time allotted shall cause the Planning Board to:

1. Draw upon the performance guarantee in order to complete said improvements; and/or
2. Schedule a Public Hearing in order to rescind approval of the subdivision in accordance with appropriate sections of these regulations.

C. Release of Performance Guarantee

1. Procedures for Partial Release. The subdivider may, upon partial completion and installation of required improvements in a subdivision, as specified in Section 6.7(B) of this Ordinance, the security for the performance of which was given by bond, make formal application, in writing, to the Planning Board for partial release of his Performance Guarantee (FPG), in accordance with the procedures set forth as follows for a FPG: The amount of such a bond held may, from time to time, be reduced by the Planning Board. The applicant shall present to the Planning Board a list of all construction items performed and/or completed, said list to be based on the conditions of the subdivision approval, and the subdivision regulations in their entirety. The amount to be reduced by the Planning Board, after consultation with staff, shall be based upon Federal or State prevailing wage construction costs at the time the application for reduction is made. The Planning Board shall withhold adequate funds to complete the project, as described in **Section 6.7**, but shall withhold no less than twenty (20%) percent of the original approved cost estimate or fifty thousand dollars (\$50,000), whichever is greater. At the completion of the project (based on a written acceptance from the Planning Board that the project has been completed) and a one (1) year warranty period, the amount withheld shall be released under **§5.7. (C)**
2. Procedures for Full Release. The subdivider may, upon completion and installation of required improvements in a subdivision, the completion of record plans and street acceptance plans, as specified in this Ordinance, and the completion of a one (1) year labor and materials warranty period make formal application, in writing, to the Planning Board for full release of any outstanding performance guarantee. Before the Planning Board releases the full interest of the County in said performance guarantee, the Planning Board shall:
 - a. Obtain in writing from the Road Department Director or from a registered professional engineer chosen by the Planning Board, a Certificate of Completion (see **Appendix D, Form C**) that all work required by this Ordinance has been constructed in conformance with the approved construction plans. In the case where roadways will remain under private ownership, the above-mentioned certificate or statement shall be supplied by the project's registered professional engineer.
 - b. The applicant shall present the Planning Board with letters from the water, electric, telephone, gas and cable TV companies (as applicable) stating that their respective underground systems have been installed to their satisfaction.
 - c. Obtain from the applicant a set of record construction plans. Said plans shall include, but not be limited to, all the information requested in **Chapter I, § 1.11**. Approval of said plans by the Planning Board shall take place after review of the former by the Road Department Director.
 - d. Receive from the applicant street acceptance plan or plans and necessary documents. Said plans and documents, after approval by the Planning Board and the Road Department

Director, shall be presented by the Planning Board to the County Judge for a formal road acceptance.

- e. **Dedication of Utilities:** The applicant may be required to execute an instrument, in a form approved by the Planning Board, transferring to the County or to an approved public utility company, without cost, valid unencumbered title to all applicable sanitary sewers, water mains, and appurtenances thereto, and other utilities constructed and installed in the subdivision of approved portion thereof, and conveying to the County or to an approved public utility company without cost and free of all liens and encumbrances, perpetual rights and easements to construct, inspect, repair, renew, replace, operate and forever maintain such sanitary sewers, water mains and other utilities, with any manholes, conduits, and other appurtenances, and to do all acts incidental thereto, in, through, and under the whole of all streets in the subdivision or approved portion thereof, and if any such sewers or water mains have been constructed and installed in land not within such streets, then in, through, and under a strip of land extending fifteen (15) feet in width on each side of the centerline of all such sewers and water mains. The Planning Board may require greater than fifteen (15) feet in width on each side of the centerline where it deems necessary.
 - f. If the Planning Board determines that all improvements as shown on the endorsed Final Plan and all required plans and legal documents have been completed satisfactorily, it shall release all the interest of the County in such performance guarantee and return the bond to the person who furnished the same.
 - g. If the Planning Board determines after inspection that said construction or installation has not been completed, or wherein said construction or installation fails to comply with these Regulations, the Planning Board shall send by registered mail to the applicant and to the County Clerk the details wherein said construction or installation fails to comply with its rules.
 - h. The applicant shall have thirty (30) days after receipt of such notice to correct all problems mentioned in the above. Failure of the applicant to finish all the necessary work within said thirty (30) days shall cause the Planning Board to draw upon the bond deposit of money as mentioned below.
 - i. Any such bond may be enforced by the Planning Board for the benefit of Benton County upon failure of the performance for which any bond was given to the extent of the reasonable cost to the County of completing such construction and installation.
 - j. Review and sign off from the Planning Director that any required landscaping has been installed in accordance with the approved subdivision. Additionally a statement from an arborist or certified nurseryman indicating that the plantings and post-planting care has been performed in conformance with Chapter 7, section 7.11 and ANSI. Alternatively a three (3) year warranty period from the time of the installation of plantings or replacement of original plantings may be offered.
3. **Recording of Plan.** The applicant, with a representative of the Planning Board present, shall, within ten (10) days after the final As-Built Plan has been endorsed, record said plan, Form F, and whenever applicable, the Planning Board's Letter of Decision, public easements (plans and

documents), restrictive covenants, master deeds, etc., at the Benton County Circuit Clerk The cost of said recording shall be borne by the applicant.

D. Maintenance Guarantee

1. The applicant shall submit a maintenance bond for an amount equal to 1.25 times the cost of common area infrastructure.

§5.8-9 – INFORMAL PLAT SUBDIVISION

A. Introduction

Comment [CR11]: New Section

The special rules and regulations regarding the informal plat subdivision process are intended to generally create a procedure allowing certain qualified land developers to bypass the formal procedures set forth in the subdivision regulations. Generally, informal plat subdivisions may be presented on a single plat, which shall be identified as “Informal Plat Subdivision”. The informal plat subdivision is created to give relief to tract owners wishing to develop tracts in excess of two (2) acres but smaller than five (5) acres where the impact of roads and drainage are believed to be minimal to the existing infrastructure. The informal plat subdivision is designed for only one (1) single family dwelling on each lot. Multi-family uses or placing more than one (1) single-family dwelling unit on any one (1) lot is prohibited. Only one (1) manufactured home or mobile home may be placed on a lot. Benton County and the Benton County Planning Board reserve the right to deny, modify, or apply existing subdivision procedures to all informal plat subdivisions. Any provision in ~~the Informal Plat Subdivision~~ this section is subject to waivers and/or variances on approval from the Benton County Planning Board.

B. Criteria

The division of a lot, tract, or parcel of land into three (3) or more lots or other division of land for the purpose of transferring ownership to non-record titleholders or the development or extension of utilities, dedication of easements, or rights-of-ways where the parcels are not less than two (2) acres nor greater than four point nine-nine (4.99) acres may be administered as an informal plat.

C. Procedure

1. File Application: Applicant files application for Informal Plan along with informal plat, fees, and other supporting documents Table 1.2 in Chapter 1, §1.11.
2. Planning Board Approval: Informal Plats shall be heard by the Planning Board and a decision rendered. Presentation of a preliminary plat or a final plat may be unnecessary.
3. Endorsement/Recording: The Planning Board shall endorse the informal plat and the applicant shall record the endorsed informal plan and provide one copy to the County Planning Office.

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The developmental plat of the informal plat subdivision shall contain a survey of the property to be developed and shall depict all lots, easements, improvements, drainage improvements, and all other

requirements as might from time to time be designated by the Benton County Planning Board or the Benton County Quorum Court.

D. Plat Requirements

1. Plat Criteria. All plats of any informal plat subdivision, phased or not phased shall show all street improvements, drainage improvements, easements, rights-of-way, and all other encroachment or other restrictions on the property in final form. The lots shall be designated lot one, block one, and so forth. Boundaries for each and every lot shall be clearly marked and further described with a corresponding metes and bounds legal description. All lots bordering a street or street right-of-way shall be subject to a minimum street or road right-of-way as set forth herein.
2. Distinct Name Assigned. Each informal plat subdivision shall be given a separate assigned name that must be approved by the 911 administration office. No informal plat subdivision can have a name confusingly similar to any other existing Benton County land development where the same is a subdivision, plat, development, or non-entity.
3. Recordation. Upon approval of an informal plat subdivision by the Benton County Planning Board, the entire plat shall be recorded and filed of record in the office of the Benton County Circuit Clerk and Ex-Officio as such is deemed necessary and proper by the Benton County Planning Board. Items on recorded plat must at least contain the following three (3) items:
 - a. Covenant clause permanently restricting future lot splits
 - b. Covenant clause indicating the method of maintenance of the roads
 - c. Private Road Disclosure Statement.

E. Road Standard

Rights-of-Way. All roads in an informal plat subdivision require a minimum of a fifty (50) foot right-of-way. Generally, all existing Benton County road standards apply with the exception that privately maintained roads, which are offered pursuant to a Benton County private road disclosure statement, may be built to a minimum of a **sixteen (16) foot cleared and developed road surface as per subsection 1 below.**

1. Topographical considerations- where terrain permits. Additional wider places in the road allowing emergency equipment to pass with a minimum width of twenty three feet (23') may be required. The requirement of a **sixteen (16) foot clear developed road surface** may be subject to a variance upon a showing of hardship caused by existing terrain, topography, slope, and other geographical factors normally associated with Benton County development. Cul-de-sacs or dead-end roads having less than six (6) homes may be subject to a reduced minimum standard width upon application to the Benton County Planning Board. All dead-end streets shall end in a cul-de-sac having a minimum diameter of seventy-five (75) feet cleared and leveled road surface, where terrain permits.
2. Road Name. The names of all roads, whether public or private, and regardless to what standard constructed, excluding singular private driveways, shall be subject to the same naming process utilized by the Benton County 911 Administration Office.

3. **Minimum Standard for Access.** Under no circumstances shall an access easement or private drive be allowed to serve as a private road for an informal plat subdivision. The minimum required facility to access an informal plat subdivision shall be a dedicated private road.
4. **Drainage.** A licensed professional engineer shall demonstrate under statement/sealed document that all proposed roads shall have suitable drainage, ditches, and culverts so as to ~~insure~~-ensure that the road will not wash out in inclement weather nor become impassable. This requirement shall be subject to a written request for waiver. The burden of demonstrating no adverse drainage impact is on the developer.
5. **Maintenance.** Public roads built to county standards which are dedicated to and accepted by Benton County, Arkansas, shall be maintained by the County. All other roads shall be considered open public roads subject to private maintenance. Such private maintenance shall be the duty and the responsibility of the owner/developer as such might be delegated or assigned, in orderly fashion, to the ultimate purchaser or grantee to the individual lots of the informal plat subdivision. No lot of any Benton County informal plat subdivision may be conveyed unless and except a Benton County private road disclosure statement is first personally delivered by the owner/developer prior to the closing transaction and delivery of such is certified to the Benton County Planning Board. All such privately maintained roads shall be acknowledged as being maintained by the property owners' association or individual entity responsibility therefore. Under no circumstances shall the Benton County Road Department or Benton County be responsible for the maintenance, safety, or upkeep of any such privately maintained road.
6. **County Road Intersection.** Any and all intersections of a proposed road, whether built to county standards or not and whether maintained by Benton County or privately, must be approved in writing by the Benton County Road Department prior to approval of the informal plat subdivision.
7. **Completion.** All improvements must be complete or substantially complete; or, in lieu thereof, a sufficient bond posted before the informal plat subdivision shall be approved and any lots sold.
8. **Fire Department Notification.** As a pre-condition for acceptance, the owner/developer must either: (A) produce a letter from the applicable fire department having jurisdiction over the informal plat subdivision stating that the development is within its boundaries or service area; or, (B) produce a certified letter to the fire department serving notice of the development being within its boundaries or service area. (Proof of delivery must be filed in the Planning Office)

F. Covenant Against Lot Split.

All informal plats shall have stamped clearly and boldly on their face the following covenant:

"Any grantee or subsequent grantee or assign of any right, title, or interest in any lot herein is expressly prohibited from any further lot split that would reduce any lot to less than three two (2) acres lots. Such promise is in the nature of a covenant to run with the land. Such covenant shall be irrevocably deemed to be released and satisfied without any other further action at that point in time that the road providing primary access to any such lot herein is improved to minimum county standards and water service is provided to said lot."

G. Special Procedure for Two (2) Acre Lots.

Upon application, the Benton County Planning Board may entertain and approve Benton County informal plat subdivisions containing lots smaller than three (3) acres but greater than two (2) acres where roads serving such smaller lots meet the required minimum of a sixteen (16) foot cleared and developed road surface. In addition, the road serving such smaller lots must have a defined roadside ditch and shoulder. The special requirements governing less than three (3) acres but greater than two (2) acres will only permit such development of lands which are relatively free and clear of any and all drainage problems.

§5.10 – PLAT MODIFICATION

The modification of approved subdivision plats through lot line adjustment, combination or recombination, lot split, or replat shall follow the provisions below.

A. LOT SPLIT OR RECOMBINATION

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

1. Any lot split within an approved platted subdivision shall be considered a minor replat and be administered under the provisions of Section C, Replatting, below.
2. Lot combination or recombination shall be administratively approved except if the combination or recombination conflicts with a specific provision of the subdivision plat approval or the approved covenants.

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 minimus* or limited 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.

b. No subdivision covenant restricts such adjustment.

c. 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.

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~~b-d.~~ 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.

2. Review Process: The administrative review process for lot line 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.

4-3. Any property line adjustment not meeting the criteria in Sections 1. And 2. Above must be heard by the Planning Board as a replat.

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C. REPLATTING

A subdivision replat shall generally follow the same procedure as a preliminary and final plat. There are two forms of replat, minor and substantive:

1. Minor Replat: A minor replat shall follow the provisions of a final plat with all of the requirements thereto. However, rather than each property owner in the approved subdivision required to be a signatory to the replat, minor replats shall only require a duly notarized letter of authorization to proceed from each affected property owner.
2. Substantive Replat: A substantive replat shall follow the provisions of a final or preliminary plat based upon the specific criteria sought to be modified. The Planning Board or designee shall determine whether the final or preliminary procedures shall be followed. Substantive replats shall require the signature of all property owners within the approved subdivision on the plan and application. 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. 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.

§5.11 – TRACT SPLITS

A. When Required

A tract is an unplatted parcel of real estate lying situate in Benton County, Arkansas, which is not within the city limits of a municipality and is described by metes and bounds. A tract split shall be deemed to occur when real estate is divided into two (2) parcels for the purpose of transferring title or interest by conveyance deed, sale, or contract. Any such division resulting in tracts or parcels of land aggregating 25.00 acres or more each is exempted from this ordinance.

- ~~1. When the parent tract of a proposed tract split exceeds ten (10) acres, the survey of the parent parcel may be omitted from tract split plat instrument provided the following is located and shown on the plat:

 - ~~a. A correct legal description of the parent tract in addition to any other legal descriptions required by the ordinance.~~
 - ~~b. An established boundary line (i.e. a section line, quarter section line, quarter quarter section line, etc.).~~
 - ~~c. An inset map that illustrates the relationship of the parent tract to the smaller tract (c).~~~~
- 2. Tract splits that meet the minimum requirements of the ordinance and/or this resolution may be handled administratively by the Planning staff.

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B. Limitations and Requirements

- 1. Not Part of Existing Subdivision: A tract split 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 Into Two Tracts: A tract split shall be deemed to occur when real estate is divided into two (2) tracts or parcels. The division of lands into three (3) or more tracts or parcels shall be deemed to be a subdivision. No parcel subject of a tract split, either the parent tract or resultant parcel, shall be considered for any further splits for a period not less than five (5) years.
- 3. Public Roads: Both tracts must have access to an existing public road including the minimum required frontage. No landlocked tracts may be created via tract split. If a new street or road is proposed or required, a subdivision rather than a tract split shall be required.
- 4. Dimensional Requirements: Any parcels created via tract split must meet the minimum dimensional requirements of this Ordinance.
- 5. Easements: All easement requirements for both parcels shall be satisfied.

Comment [CR12]: The public road frontage requirement is now

B.C. Minimum Plan Requirements

The following plan elements are required for lot or tract split submittals are provided in Table 1.2 of Chapter 1, and noted below:

1. **Plan Format:** Tract split plans 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. **Plan Signed by Registered Surveyor:** The survey plat of a tract split must be signed by a properly licensed registered Arkansas surveyor or engineer.

2-3. Size of Parent Tract: When the parent tract of a proposed tract split exceeds ten (10) acres, the survey of the parent parcel may be omitted from tract split plat instrument provided the following is located and shown on the plat:

e-a. A correct legal description of the parent tract in addition to any other legal descriptions required by the ordinance.

e-b. An established boundary line (i.e. a section line, quarter section line, quarter-quarter section line, etc.).

f-c. An inset map that illustrates the relationship of the parent tract to the smaller tract (s).

3-4. **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.

4-5. **Relation of Smaller/Larger Tracts Shown on Survey:** Both tracts must be shown on the same survey or plat instrument. The relationship of the smaller to the larger tract must be shown and each of the two (2) tracts must be clearly identified by separate legal description.

5-6. **Setbacks:** The plat must show all applicable building setbacks. The plat and both tracts shown therein must additionally show a 25-foot building setback from the road right-of-way.

6-7. **Site Improvements:** The survey tract or plat must show all applicable site improvements including building; structures; and site elements such as fences, walls, well houses, etc.

7-8. **Lateral Line Fields, Water Wells, and Utility Easements Shown:** The survey tract or plat must show all applicable lateral line fields, water wells, well houses, easements, and all other utility easements.

8-9. **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.

9-10. **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 map number of site; and an endorsement stamp for the Planning Board

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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 Lot or Tract Split.”

~~10.11.~~ **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 is buildable according to the Planning Regulations of Benton County, Arkansas nor an endorsement by the Planning Board of said buildability of said lots”.

~~C.D.~~ **Adoption of Procedure**

Benton County Planning Board is hereby authorized to adopt through its by-laws or internal regulation a procedure to allow informal approval of qualified tract splits. Formal approval of qualified tract splits will allow summary approval without the requirement of appearance before the Benton County Planning Board.

§5.12 – 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 ~~insure~~ 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 Board Service Officer for review of compliance and for distribution to appropriate agencies. The Planning Board will review the developer's progress and compliance two (2) years after approval of the DMP and each two (2) years thereafter until substantial completion.

§5.13 – Planned Unit Development (PUD)

B. 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 copses, 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.

C. 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 7-5 in Chapter VII

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.

D. 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 under Section 6 of this chapter they must be resubmitted with the final plan.

E. 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.

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