

REGULATIONS, STANDARDS AND SPECIFICATIONS
FOR THE SUBDIVISION, CONVEYANCE, DEVELOPMENT
AND IMPROVEMENT OF UNINCORPORATED LAND
IN
BENTON COUNTY, ARKANSAS

REVISED JULY 22, 1998

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CHAPTER I

GENERAL PROVISIONS FOR LAND DEVELOPMENT

SECTION 1 - INTENT

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

SECTION 2 - GOALS AND OBJECTIVES

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

A. To provide for a process of orderly and systematic recordation of land subdivision, conveyance, and area improvement.

B. To promote and protect safe, healthful, and attractive communities and neighborhoods by establishing and utilizing sound communities and neighborhoods by establishing and utilizing sound principles of land management techniques set forth in a well ordered fashion.

C. To promote and foster harmony between existing neighborhoods with present or planned development.

D. To provide a system of safeguards through the establishment of minimum standards to serve the separate interests of the public sector, the private sector, and that of purchaser, development, and governmental entity in such fashion as to promote harmonious growth in an understandable and identifiable fashion.

E. To facilitate performance of any adopted county plans, street development plans, growth development plans, or other plans which might presently exist or be created in the future so as to more favorably allow growth and prosperity in Benton County to co-exist with all aspects of recreational, educational, and cultural advancement and achievement.

F. To promote and protect the natural resources of Benton County including forest and woodlands, farmlands, known burial sites, residential neighborhoods and communities, and, all streams, creeks, rivers, lakes, and most notably, that navigable body of water being identified as Beaver Reservoir.

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

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

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

SECTION 3 - AUTHORITY

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

SECTION 4 - AREA OF JURISDICTION

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

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

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

SECTION 5 - MODIFICATION, VARIANCE, OR WAIVER

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

SECTION 6 - COMPLIANCE WITH SUBDIVISION ORDINANCE

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

CHAPTER II

SUBDIVISION - RULES FOR GENERAL PLANNING AND PLATTING INFORMATION

The design of each subdivision, large-scale development, master development plan, etc. shall be coordinated with any adopted plan or plans in effect. Each subdivision should relate harmoniously to the community and adjacent area so that the development shall proceed in an orderly, safe, and efficient manner. Subdivision in every respect should be designed to respect street and transportation corridors, traffic patterns, and drainage. All subdivisions should be planned and platted in such fashion as to minimize the impact of the development on the existing community and to establish a traffic pattern in as safe and orderly fashion as is possible.

SECTION 1 - NATURAL SITE CHARACTERISTICS

All subdivisions should be designed so as to retain and exploit natural topography, horticultural development, and natural beauty whenever possible. Recreation and park areas are encouraged but not required.

A. 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 twenty percent (20%) should be developed only as planned unit developments, or used as open space in accordance with applicable subdivision ordinances.

B. Natural tree cover should be preserved whenever possible. Landscaping strips are encouraged to provide visual and sound separation and relieve the monotony of uniform fronts. The planning Board reserves the right to require fences, landscaping strips, tree lines, berms, and other similar installations or constructions to provide a buffer area between commercial or industrial sites in adjacent residential areas.

C. 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 is determined by FEMA shall be clearly identified on preliminary and final plats together with a legend prohibiting construction or development. Additionally, the developer shall include covenants and restrictions which will prohibit improvement in flood prone areas as determined by FEMA.

SECTION 2 - LOCAL FACILITIES AND UTILITIES

All subdivisions shall be planned, engineered, and laid out in such a manner as to promote the economical inclusion and expansion of necessary public facilities, utilities, and commercial services. Contiguous and expanding development is desired. Sites for public lands, facilities, and easements should be provided for in each subdivision according to existing law, custom, and usage.

SECTION 3 - COMPREHENSIVE STREETS AND UTILITIES

Each subdivision shall provide means of connecting to existing and planned traffic circulation patterns, streets, and public utilities.

SECTION 4 - CIRCULATION

The roadbed shall be appropriate to intended land use. Roads shall be developed in accordance with the county master road plan, area needs, and all other existing factors. Street and street specifications are specified in Chapter IX herein below.

SECTION 5 - OPEN SPACE

Provisions for open space and useable recreation areas shall be provided by the developer whenever practicable.

SECTION 6 - TOPOGRAPHY

The most appropriate method of accomplishing the intended results shall be used by considering: (1) topography and other physical conditions, and (2) the character of the existing and contemplated developments, in that order.

SECTION 7 - BACKING LOTS

Backing lots shall be discouraged. 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.

SECTION 8 - SERVICE ROAD

Service road or frontage street immediately alongside the existing trafficway, connected therewith at infrequent intervals, should be used instead of backing lots.

CHAPTER III

PLATTING PROCEDURES

SECTION 1 - CONFERENCE

Before preparing and submitting the preliminary plat to the County Planning Board, the developer or his engineer may 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. During the pre-application proceedings, 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. The Board may consider and approve preliminary and final plat in the same meeting in appropriate circumstances.

SECTION 2 - SKETCH PLAN

The developer may prepare a sketch plan of all the property which is proposed for subdivision and/or development. The sketch plan may be a free-hand drawing, superimposed on a site map or an aerial photograph which locates the following: (1) topography (available USGS interval or better), (2) existing water courses and flood plains, (3) existing tree cover, (4) existing adjoining development, (5) existing sanitary sewer systems, if any, (6) existing storm drainage, (7) street pattern proposed, (8) land use designations, present and proposed, (9) any additional information the developer feels may be pertinent.

SECTION 3 - HANDLING OF PLAT APPLICATIONS

Land Survey Requirement: The developer shall have prepared by a registered land surveyor a plat of the proposed land subdivision, and shall file with the Planning Board an application for approval of said plat in timely fashion prior to the meeting at which action is desired. Sufficient surveys shall be made to provide information required for preliminary approval of the plat.

Preliminary Approval: Upon receipt of the preliminary plat and application for approval, the service officer shall check for conformance to the requirements in Chapter IV, Plat Details and Attachments. When all requirements for applying have been met, copies of the plat will be provided to members of the Technical Advisory Committee (TAC) for review and recommendation to the Planning Board. The committee may be made up of representatives of the public point of view on public issues, as well as County officials, utilities, planners, etc. which would benefit the public interest and well-being. Preliminary approval in respect to plat requirements shall be given by the planning Board when the plat contains the information required for preliminary application. 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.

Final Approval: Upon approval of the preliminary plat, the developer may file with the Planning Board the final plat of the subdivision. The final plat may include all or part of the preliminary plat, and final approval with respect to plat requirements shall be given 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 service officer shall check for conformance to the requirements in Chapter IV,

Plat Details and Attachments. When all requirements for applying have been met, a stamped certificate for approving the plat by the Planning Board will be affixed to the plat (see section 38), and copies will be furnished to members of the TAC as required.

Notice to Cities and Towns: The applicant of a project within the existing planning boundary jurisdiction of any city or town must deliver appropriate plans to such city or town and as a prerequisite to appearing on the agenda of the Benton County Planning Board obtain from said city or town a letter signed by the appropriate officer of the city stating the city's position with regard to the project. Staff has the right but is not required to follow up for purposes of planning coordination with the city in whose planning boundary the proposed project is cited.

Approval or Rejection: Upon receipt of the recommendations of the staff and TAC, the Planning Board will vote to approve, or to approve with conditions, or to reject the plat. In the event of rejection, the Board shall note all deficiencies by item on the plat. One copy of the approved or rejected plat, with conditions noted thereon, shall be returned to the developer/owner address on the application, signed, and dated by the Board. The developer may submit a revised plat.

Where changes are required by the Board, all public and private agencies, as in the discretion of the Planning Board are affected, shall be advised. Approval of the plat shall be deemed 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.

Approval by Lapse of 60 Days: The action of the Board shall take place within sixty (60) days from and after the date the application is received by the Service Officer for plat approval, unless the developer agrees in writing to an extension of time; otherwise, said plat shall be deemed to have the approval of the Planning Board. In lieu of the written endorsement that should appear on the final plat, prior to filing for record, a certificate of said Planning Board as to the date of application and the failure to take action thereon within the allotted time shall be sufficient to permit the filing for record in the Courthouse.

CHAPTER IV

PLAT DETAILS AND ATTACHMENTS

Whenever the letter “X” appears opposite an item, that information shall be shown on the plat at the time the plat is presented to the Planning Board.

| | Preliminary Plat | Final Plat |
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| SECTION 1 - SUBDIVISION NAME | | |
| The proposed name of the subdivision shall not duplicate or closely approximate the name of any other subdivision in the County except for extensions of or additions to existing subdivisions. The name shall not imply that the property is an addition to any municipality unless the property is in | X | X |
| fact within the corporate limits or limits of subdivision control at the date of filing for record. Name of the subdivision and the name or number of the larger subdivision or tract of which it is a part should be included. 911 will verify acceptance and non-redundancy and also tract subdivision names. Confusingly similar names which would hinder fire and police protection will be disallowed. | Preliminary Plat | Final Plat |
| SECTION 2 - ABUTTING PROPERTY | X | |
| The name of an adjacent subdivision, and the name and addresses of record owners as shown by the County Assessor’s office adjacent parcels of unplatted land shall be shown in the appropriate location upon the plat. | | |
| SECTION 3 - AREA MAP | X | X |
| An area map shall accompany or appear on the plat. The scale should be of sufficient size to show location of proposed subdivision by Township, Range, and Section. Existing roads, district, or special corporate lines, adjacent features (such as lakes) and abutting subdivisions should be identified on the area map so as to show how the proposed subdivision will fit into the surrounding area. | | |

SECTION 4 - NORTH-POINT, NAME, ETC. X X

Include on the plat a north-point arrow, title, and date. Top or left of sheet should be north.

SECTION 5 - SCALE X X

The plat shall be prepared with a scale of sufficient magnitude to clearly show all the dimensions, lettering, and all other pertinent data and shall appear on the plat in both written and graphic form.

SECTION 6 - SHEET SIZE X

The sheet size for recording shall be a maximum of 18" x 24". This may be a reduction from a larger sheet size, if desired.

SECTION 7 - BOUNDARY LINES X X

All external boundary lines with length and bearing of courses shall be shown. These boundaries shall be determined by accepted surveying practices. The legal description of the property being subdivided shall appear on the plat.

SECTION 8 - SURVEY CONNECTIONS X

Where practical, survey lines should be tied to the State Plane Coordinate System. Where not practicable, bearings and distances should be tied to the nearest established street bounds, patent or other established survey lines or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately located on the plat and their names shall be accurately lettered on it.

| | Preliminary Plat | Final Plat |
|--|---------------------|---------------|
| SECTION 9 - TOPOGRAPHY | X | |
| <p>Contours, normally with intervals of five feet, referenced to USGS datum or as may be otherwise required shall be shown.</p> | | |
| SECTION 10 - EXISTING STREETS AND OTHER FEATURES | X | X |
| <p>The plats shall show the location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract and other important features such as existing permanent buildings, water courses, railroad lines, municipal corporation lines, oil and gas lines or wells, including abandoned gas or oil wells and dry holes.</p> | | |
| SECTION 11 - NEW STREETS AND THEIR NAMES | X | X |
| <p>The plat shall show the layout, names, and width of proposed streets, alleys, and easements. Names shall be established to the satisfaction of the Board and shall not duplicate or closely approximate any existing street names in adjoining subdivisions except extensions of prior streets. Include street and alley locations, length and bearing, name, width, and angles of intersection.</p> | | |
| SECTION 12 - LOTS AND BLOCK NUMBERS | X | X |
| <p>Lots shall be numbered in numerical order. In tracts containing more than one (1) block, the blocks shall be likewise numbered in numerical order. In the case of a re-subdivision of lots in any block, such re-subdivided lots shall be designed by their original number prefixed with the term most accurately describing such division, such as W1/2 of 3, N 40' of 5, etc., or they shall be designated numerically, beginning with the number following the highest lot number in the block.</p> | | |

| | Preliminary Plat | Final Plat |
|--|---------------------|---------------|
| SECTION 13 - LOT LINES | X | X |
| <p>Lot lines shall show bearings and distances. Bearings shall be shown in degrees and minutes and seconds. Distances should be shown at least in feet and hundredths of feet.</p> | | |
| SECTION 14 - CURVING LINES | | X |
| <p>When a street is on a circular curve the radius and arc length shall be shown. But when a curve radius of 200 feet or less is used, it is sufficient to show the length and bearing of the main chord, the radius, and the central angle subtended.</p> | | |
| SECTION 15 - EXISTING UTILITIES | X | X |
| <p>Existing overhead and underground power and Communication lines, sewers, water mains, gas mains, culverts, and other underground structures, within the tract and immediately adjoining it, with pipe sizes and grades, shall be shown on the plat or on a separate attachment.</p> | | |
| SECTION 16 - UTILITY SERVICE | X | |
| <p>Proposed main locations will be designated on the preliminary plat and the necessary easements provided.</p> | | |
| SECTION 17 - BUILDING SETBACK LINES | X | X |
| <p>All building set back lines shall be designated on the plat.</p> | | |
| SECTION 18 - EASEMENTS | X | X |
| <p>Within the subdivision all public and private easements and rights-of-way, with the limitation of the easement rights, shall be stated on the plat.</p> | | |

| | Preliminary Plat | Final Plat |
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| SECTION 19 - SOIL ANALYSIS | X | |

The developer shall indicate by appropriate attachment the types of soils found in the plat area from available USDA Soil Conservation Service data or other authoritative source.

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| SECTION 20 - FLOOD AREA | X | X |
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All of the proposed platted land which is subject to inundation shall be clearly designated on the plat. All lots to be platted in a flood area shall have sufficient land area above the established 100 year frequency flood elevation to meet all applicable building area restrictions.

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| SECTION 21 - STORM DRAINAGE | | X |
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Provisions shall be made for the disposal of storm water. Where initial construction does not provide for storm sewers, drainage ditches, and culverts of adequate capacity shall be put in. Facilities for storm drainage should be of adequate capacity to take care of not only surface run-off originating within the subdivision or flowing across but also consideration should be given to the consequences of total development should it occur in the upstream drainage area.

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| SECTION 22 - OFF SITE DRAINAGE | | X |
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The developer's engineer shall make a copy of the off site drainage and/or flooding problems to be created by the full development of the proposed subdivision and submit a written statement concerning the effect the proposed subdivision would have on off site drainage. If the study identifies off site flooding problems, the engineer shall submit with the subdivision drainage plan off site drainage plans to correct the problems identified. The developer shall be responsible at his own expense for making those off site improvements necessary to correct the drainage or flooding problems created by his subdivision.

| | Preliminary Plat | Final Plat |
|----------------------------|---------------------|---------------|
| SECTION 23 - WATER COURSES | X | X |

In case the subdivision is traversed by a water course, channel, stream, or creek, its present and proposed location shall be shown.

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| SECTION 24 - CONSTRUCTION PLANS | | X |
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A general statement describing proposed improvements and drainage systems shall be a part of the preliminary plat. The Planning Board will require submission of all street construction plans prior to the approval of the preliminary plat and may request, if needed, additional utility construction plans. Construction plans and other engineering data, prepared and certified by a registered professional engineer shall be submitted to and approved by the respective office, department, or agency having jurisdiction over such improvement prior to the approval of the final plat. "As built" plans of the improvements shall be filed within sixty (60) days after their completion and before streets are accepted for County Maintenance.

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| SECTION 25 - EVIDENCE OF COMPLETION OF REQUIRED IMPROVEMENTS OR PERFORMANCE BOND TO BE SUBMITTED AS SEPARATE INSTRUMENT | | X |
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Upon preliminary approval, the developer may proceed to install all required improvements and for this purpose may secure from the appropriate authorities the

necessary permits; provided that if final plat approval is desired before completion of improvements, the developer shall post with Benton County, Arkansas a corporate surety bond in favor of the county, or deposit a cashier's check, or other negotiable securities or a certificate of deposit properly assigned to the county, in an escrow account or other acceptable bond. Such bond shall be in an amount sufficient to cover the cost of installation of all incomplete required improvements as estimated by the engineer, the contractor's bid, or the official having jurisdiction, with the exception of utilities that would be extended at no cost to the developer. The bond is to assure the satisfactory construction and performance of said improvements at the time and terms fixed by the Planning Board and in accordance with the regulations. The above bond will be required only for the portion for which the developer desires a final plat before completing the required improvements. Evidence of completion or satisfactory construction bond will be submitted with the application for final approval of the plat.

| | Preliminary Plat | Final Plat |
|-------------------------|---------------------|---------------|
| SECTION 26 - OPEN SPACE | X | X |

All areas of open space for any purpose and any natural features to be preserved shall be designated.

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| SECTION 27 - PROPERTY OFFERED FOR DEDICATION | | X |
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The accurate dimensional outline of all property which is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision, with the purpose indicated thereon, shall be shown on the plat. All lands dedicated to public use (other than streets) shall be marked "Dedicated to the Public".

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| SECTION 28 - MAINTENANCE AND OPERATION PROVISIONS | X | X |
|---|---|---|

The responsible entity for the maintenance and operation of any building, park, equipment, pool, plantings, lawn, or other legal interests in the proposed subdivision shall be shown on separate articles of incorporation, contracts, restrictions, or other methods. The means of securing payment for maintenance and operation expenses and the method of terminating such provisions shall be stated in the creating documents, if any.

| | Preliminary Plat | Final Plat |
|---|---------------------|---------------|
| SECTION 29 - PROPOSED PLAT RESTRICTIONS | X | X |

An outline of all proposed plat restrictions shall be submitted along with the preliminary plat. Private restrictions or evidence of recording shall be shown on the final plat. If there are no restrictions, the plat shall so state.

| | | |
|-------------------------------------|--|---|
| SECTION 30 - ENGINEER'S CERTIFICATE | | X |
|-------------------------------------|--|---|

Include, as a separate attachment, a certificate by the engineer that all improvements "as built" conform to all applicable engineering requirements and specifications.

| | | |
|--|--|---|
| SECTION 31 - LAND SURVEYOR'S CERTIFICATE TO APPEAR ON PLAT | | X |
|--|--|---|

Include a certificate by a registered land surveyor to the effect that he has fully complied with the requirements of this regulation and the subdivision laws of the State of Arkansas governing surveying, dividing, and mapping of the land; that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it; that the plat represents a survey made by him; that all monuments indicated thereon actually exist and their location, size, and material are correctly shown.

| | | |
|--|--|---|
| SECTION 32 - OWNER'S CERTIFICATE TO APPEAR ON PLAT | | X |
|--|--|---|

This certificate should contain the substance of the following example: "As owner, I hereby certify that I have caused the land described to be surveyed, divided, platted, dedicated, and access rights reserved as represented on this plat (and attachments)."

SECTION 38 - PLANNING BOARD CERTIFICATE TO APPEAR ON PLAT X

After the Planning Board has confirmed that the final plat meets all of the applicable requirements as outlined in preceding paragraphs of this section, it will affix and approve the signing of the following stamped certificate: "This plat has been reviewed by the Benton County Planning Board in accordance with Benton County Subdivision Regulations and meets all applicable requirements of those regulations."

SECTION 39 - PROCEDURE FOR ACCEPTING ROADS FOR MAINTENANCE X

When evidence of completion of road construction is received as acceptable to the County Highway Department, the County Judge will accept the road by signing the following stamped certificate: "Roads and drainage systems in rights-of-way dedicated to the public have been inspected and are hereby accepted for maintenance by the County Highway Department."

CHAPTER V

TRACT SPLITS

SECTION 1 - 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 5.00 acres or more is exempted from this ordinance.

SECTION 2 - 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.

SECTION 3 - 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 or more tracts or parcels shall be deemed to be a subdivision.

SECTION 4 - PUBLIC ROADS

Both existing tracts must have access to an existing public road or defined easement.

SECTION 5 - SIGNED BY REGISTERED SURVEYOR

The survey plat of a tract split must be signed by a properly license registered Arkansas surveyor.

SECTION 6 - AREA OR VICINITY MAP

The plat must contain a small area or vicinity location map of the property to be divided sufficient to identify the general area and location of the tract split.

SECTION 7 - 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.

SECTION 8 - SETBACKS, IMPROVEMENTS, LATERAL LINE FIELDS, WATER WELLS, AND UTILITY EASEMENTS SHOWN

The survey tract or plat must show all applicable setbacks, improvements, lateral line fields, water wells, well houses, easements, and all other matters of record. The plat and both tracts shown therein must additionally show a 25-foot building setback from roadbed right-of-way.

SECTION 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.

SECTION 10 - 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.

CHAPTER VI

DEVELOPMENT MASTER PLAN (DMP)

SECTION 1 - WHEN REQUIRED

A development master plan (DMP) 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.

SECTION 2 - 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:

- A. The developer uses both professional planning and engineering services.
- B. The developer submits a DMP of his entire development and the Planning Board approves the DMP.
- C. 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. 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.
- D. The developer establishes a property owners association or a suburban improvement district.

SECTION 3 - PREPARATION: THE DMP SHALL INCLUDE:

- A. Land holding capacity in terms of living units and population and designation as to high and low density.
- B. Primary street pattern throughout the entire development designating road classification and right-of-way width.
- C. General location and size of all proposed facilities ; including recreational, community, and commercial.

- D. Areas to be offered for purchase by or dedicated to public agencies.
- E. Proposed route of access from development area to nearest public highway capable of carrying proposed traffic load.
- F. Schematic plan for storm drainage, sewage disposal, and water supply.

SECTION 4 - 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.

CHAPTER VII INFORMAL PLATS

SECTION 1 - CRITERIA

Any 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 of ownership to non-record titleholders or the development or extension of utilities, dedication of easements, or rights-of-way, where the parcels are not less than three (3) acres nor greater than four point nine nine (4.99) may be processed as an informal plat.

SECTION 2 - PROCEDURE

An informal plat may be submitted after payment of the applicable fees. The informal plat shall contain a survey of the property to be developed by the informal plat. The survey shall show the general layout of all lots, public and private streets including street names.

SECTION 3 - COUNTY ROADS

All county roads as such might be identified on the Benton County Road Map running through informal plats must be developed to existing minimum county road standards.

SECTION 4 - 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, tract split, or any diminishment of the lot that would reduce any lot to less than three (3.00) acres. 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 or 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.

SECTION 5 - SUBSTANTIAL COMPLIANCE

This section as to informal plats shall be deemed substantially complied with when the applicable fee is paid, the informal plat is depicted with all lots and streets therein. Private roads must be named in accordance with 911 procedures. County roads must be identified by number and name. The above-stated covenant must be clearly and conspicuously displayed on the informal plat. Additionally, the developer must provide legible copies of all executed and file-marked deeds conveying title of all lots in said informal plat to the office of the Benton County Planning Board.

CHAPTER VIII PLAT MODIFICATION

SECTION 1 - LOT SPLIT

Any lot split within a platted subdivision shall come under REPLATTING in Section 3.

SECTION 2 - 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. Alteration of an approved final plat without Board approval shall constitute a violation of this regulation.

SECTION 3 - REPLATTING

A subdivision replat shall follow the same procedure as a preliminary and final plat. In appropriate circumstances the preliminary and final plat may be submitted at the same meeting. If there is more than one ownership involved in the property being replatted each owner must sign the plat.

CHAPTER IX
PLANNED UNIT DEVELOPMENT (PUD)

SECTION 1 - DEFINITION

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 comply with the provisions of Benton County Subdivision Regulations as varied, and must achieve the following purposes.

- A. More efficient use of land
- B. More efficient use of public facilities
- C. More useable open space through structure grouping and other design techniques.
- D. Preservation of appropriate natural and/or physical features.

SECTION 2 - PUD ACCESS

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.

SECTION 3 - OFF STREET PARKING

A minimum of two (2) parking spaces per living unit shall be provided.

SECTION 4 - OPEN SPACE

Each PUD shall provide land 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 following shall not be considered as useable open space.

- A. The surface area of parking lots including driveways.
- B. The area occupied by structures (excluding structures used for recreational purposes).
- C. Any lot intended for private ownership.
- D. Street surface area.

The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and a maintenance fund shall be established in the PUD covenants.

SECTION 5 - REVIEW PROCEDURE

Concept Plan: Whenever a developer intends to develop a PUD under the Benton County Subdivision Regulations, he shall 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 before a great deal of time and money are committed to any project.

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.

SECTION 6 - 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.

SECTION 7 - 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.

CHAPTER X COMMERCIAL AND INDUSTRIAL LARGE SCALE DEVELOPMENT

SECTION 1 - LARGE SCALE DEVELOPMENT PERMITS

Development Permits are required for:

- A. All new commercial and/or industrial developments.
- B. All additions, substantial improvements, or major renovations to commercial and/or industrial developments.

Examples of Commercial and Industrial uses can be found in Appendix A.

SECTION 2 - LARGE SCALE PLAN REQUIREMENTS

Rural Large Scale Development Plans shall conform to current surveying and engineering practices and shall contain the following information as a minimum:

- A. Topographic and Boundary Survey Information
 - 1. Title block information: Project name, development's name(s), address(es), and site location description including: quarter-quarter section, section, township, range, principal meridian, and county of its location.

2. Vicinity map location: The development within the section, identifying adjoining and/or nearby plats or certificates of survey, owner's of adjacent properties, land usage, and all prominent landmarks.
3. A scale, not smaller than one (1") inch to one hundred feet (100') and a North Arrow.
4. Boundary survey information including:
 - a. A written legal description of the project lot or property survey based on the existing Deed of Record which shall read clockwise and agree with the measurements and bearing indicated on the survey map.
 - b. All existing monuments found during the course of the survey should be indicated, including a physical description, such as "brass cap."
 - c. A certificate showing the name and registration number of the surveyor responsible for making the survey. The certificate shall be sealed, signed, and dated.
5. Topographic information including:
 - a. Existing ground contour lines, based on USGS 7.5 minute Topographic Quadrangle datum, at (5) five-foot intervals and all disturbed areas of (2) two-foot intervals indicated by dashed line over the entire property.
 - b. The 100 year flood elevation based on USGS 7.5 Topographic Maps and FEMA Floodplain Map datum. If no portion of the site is within the 100 year floodplain, a letter or certificate from a registered, professional engineer or a licensed, practicing surveyor shall be provided stating such.
6. Existing development information:
 - a. Name and location of all existing roads and streets, driveways, parking areas, etc., include the type and width of driving surface.
 - b. Location of all existing buildings and utilities.
 - c. Location of all existing easements or rights-of-way, including those contiguous to the proposed development area, their nature, width, and the book and page number where recorded.
7. Proposed development information:
 - a. All lots, blocks, rights-of-way, and easements to be created by the proposed development with their boundary, bearings, lengths, and widths.
 - b. If buildings, structures, or facilities are to be located near property lines, setbacks shall be indicated on the development plan.

B. Site Development Requirements

1. On Site Parking and Loading Requirements.

a. **Minimum Parking Space Requirements.** All developments shall provide and maintain off-street parking of the minimum number of parking spaces and the loading areas as required in Appendix B, Table 1, except for the changes of occupancy, and reconstructed or redeveloped uses on sites where parking or loading areas have not been provided in the past.

b. **Joint Parking Facilities.** Developments may utilize joint parking or loading areas if those joint areas are of adequate size for the combined uses according to the standards in Appendix B, Table 2. Joint parking areas shall be within six hundred (600) feet of all users served. Developments with differing peak activity periods may utilize joint parking areas with a consequent reduction in parking space requirements.

Example: A church with one hundred (100) sanctuary seats would be required to provide twenty-five parking areas. A day care center with six (6) employees and serving thirty (30) children would be required to provide six (6) spaces. If the day care center, operating five (5) days a week, were housed within the church, operating mostly on Sundays, twenty-five (25) parking spaces could serve both uses.

c. **Parking Area Design.** Minimum dimensions for parking spaces in different configurations are found in Table 2. Parking spaces in commercial, industrial, institutional, and public lots should be clearly marked with painted lines or dividers. Parking areas accommodating over ten (10) vehicles should have continuous (as opposed to dead-end) circulation patterns. Parking area surfaces shall be a hard surface and mud free with adequate drainage; a minimum slope of one percent (1%) and a maximum slope of five percent (5%). Parking areas should have safe access to public streets and be adequately lighted for night use. Recreational vehicle or storage parking areas should have security fencing and lighting.

d. **Parking Area Buffers.** Commercial, industrial, institutional, public, recreational vehicle, and storage parking areas should be buffered from adjoining residential uses by landscaping, walls, berms, or similar treatments (see Buffer Requirements).

e. **Disabled/handicapped Parking.** Commercial, industrial, and public parking areas shall provide clearly marked and appropriately situated parking for the disabled/handicapped according to the current Americans with Disability Act (ADA) requirements.

f. Large Scale Developments not to Decrease Existing Parking or Unloading Space. Ample space must be provided for trucks to load and maneuver off the public right-of-way. Loading areas shall be clearly marked to exclude parking, have safe access to public streets or alleys, and have designed clearances, curb radius, lane widths, maneuvering room, and lighting to accommodate their anticipated use.

2. Access Roads

A. Road Construction and Design. The design and construction shall be in accord with the standards as presented in the Benton County Road Plan – Ordinance 96-4 as amended (Appendix D).

B. County Acceptance. Roads that are to be maintained by the county must be approved and accepted by the County Road Superintendent (County Judge's Office).

C. Road Easements. Rights-of-way shall be deeded to the County.

3. Environmental Requirements

A. Storm Management Plan.

1. Storm Drainage. The developer shall construct storm sewers, drainage ditches, catch basins, and culverts of adequate capacity to convey not only surface run-off originating within the development or flowing across, but also consideration should be given to the consequence of total development should it occur in the upstream drainage area.

(a) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural ditches as approved by the County Road Superintendent.

(2) SCS or Rational Method for calculating storm run-off are to be used.

2. Off-Site Drainage. The developer shall provide an engineering study by a professional registered engineer of the off-site drainage and/or potential flooding problems that may be created by full development of the proposed project. The study area shall cover not less than 1000 feet outside the proposed development.

If the study identifies potential off-site flooding problems, the engineer shall submit with the drainage plan, off-site drainage plans to correct the problem (s) identified. The developer shall be responsible at his own expense for making those off-site improvements necessary to correct the drainage or flooding problems created by his development.

3. On-Site Storm Detention Facility. Where off-site study indicates an increase in the peak flow discharge downstream, the developer shall construct a detention system or other acceptable means whereby controlling peak run-off rate. An on-site storm drainage detention facility for 10 year storm frequency is acceptable on all commercial and industrial development.

(a) A storm water detention plan for both on and off-site drainage shall be submitted as part of the overall drainage plan. Off-site storm water facilities constructed shall be maintained by the owner of record.

4. All development (s) consisting of five (5) acres or more, must additionally comply with storm water requirements as prescribed by the Arkansas Department of Pollution Control and Ecology.

B. Water Quality Standards. Regardless of development size, a state approved septic disposal method is required of all commercial and industrial developments. All disposal system criteria must meet or exceed septic requirements as established by the Arkansas Department of Health in accordance with Act 402 of 1977 as amended.

1. Waste Discharge Control. No industrial or commercial development operation shall discharge any wastewater or fluids of any kind into either surface or ground-water sources. Exception may be considered in cases where EPA or Arkansas Department of Pollution Control and Ecology has issued a permit indicating that discharge is safe and/or that it has received adequate treatment prior to discharge. Evidence of such approval shall be provided.

(a) Waste Water Control. Developers shall produce a permit from the appropriate agency ensuring connection to an adequate public wastewater disposal system if reasonably available.

(b) On-Site Sewage Disposal. Where connection to an adequate (approved) public wastewater (sanitary sewer systems) disposal system is not reasonably available, plans approved by the State Department of Health for use of an on-site wastewater treatment is required.

2. Sedimentation and Erosion Control. Developers must minimize the area disturbed by construction activities at all times during construction activities and promptly revegetate (or mechanically stabilize) areas disturbed by construction activities. Developers shall use commonly accepted standards to limit erosion and siltation.
- C. Flood Plain. A floodplain Development Permit is required of all proposed commercial and industrial developments identified to be in or questionable as to its coincidence with relation to FEMA designated Special Flood Hazard Areas to ensure conformance with the provisions set forth in County Ordinance 0-91-29, adopted September 12, 1991 (See Appendix C).
 - D. Solid Waste Disposal. Commercial and industrial developments will provide proper solid waste disposal methods in compliance with existing federal, state, county, and/or Solid Waste Management District's laws, regulations, and ordinances. A solid waste disposal plan shall be submitted with the development plan.
 - E. Environmental Compliance. The Planning Board reserves the right to require written confirmation from the appropriate agency (ies) confirming the developer's compliance with any and all environmental regulations including but not limited to: air pollution codes (quality), hazardous chemical (s) management and disposal, above and below-ground storage tanks, compliance with historical, cultural, and archeological preservation issues, threatened/endangered species of state-wide and/or national importance, and any other concerns applicable to the issuances of a development permit.
4. Land Use Compatibility.
 - A. Development Patterns. Must be consistent and compatible with existing development and the environment.
 1. Clustering. Commercial and industrial developments are encouraged to cluster to minimize incompatible land-use.

- b. **Right to Farm.** Any industrial and commercial development (s) that could limit the viability of existing agricultural uses are discouraged.
- c. **Right to Operate.** Residential development that could limit the viability of existing commercial and industrial operations are discouraged.

B. Potential Off-site Nuisances. Potential off-site nuisances shall be mitigated by appropriate means. The means of mitigation shall be presented in detail and submitted with the application for a permit.

C. Buffer Requirements-Landscaping and Vegetation Cover

1. **Buffer Requirements.** The Planning Board reserves the right to require a buffer to separate or screen one land use from another. To be effective, a buffer should eliminate objectionable sights, sounds, or nuisances from one land use reaching from another.

2. **Buffer Design.** Figures 1 and 2 provide the ideal planting plan for a landscape buffer. The types of recommended buffer are listed in Table 3 with the recommended planting for each type.

Table 4 is a list of the soils found in Benton County. With each soil type is listed the trees and shrubs that grow best in that soil type. To plant an effective landscape buffer, the type of buffer and plantings recommended for each type must be matched with the soils at the planting site to ensure plant survival.

3. **Warranty.** All buffers shall be maintained by the owner of record. All dead planting materials shall be replaced.

5. Public Utilities, Easements, and Setbacks

A. Public Utilities. Include as a separate attachment, from each utility to serve the development, a statement indicating adequate capacity and agreement to serve the proposed development.

B. Easements. Easements of adequate width according to engineering practices shall be provided for public use and utilities. Such easements shall have a minimum combined width of at least fifteen (15) feet along front, side, and rear lot lines.

- C. **Setbacks.** All man-made structures shall be in compliance with minimum setback standards as defined in County Ordinance 86-27, Appendix F.

6. **Emergency Services**

- A. **Emergency Services Compatibility.** Commercial and industrial development must be compatible with available Emergency Services in the proposed area of development.
 - 1. **Acceptance to Service.** Written confirmation from the appropriate Fire Chief is required indicating acceptance to service the development.
 - 2. **Fire Hydrants.** If fire hydrants are required by the appropriate Fire Official, written confirmation is required indicating proper placement, flow, and pressure throughout the development. Fire hydrants shall be installed in such a manner as to provide service throughout the entire development.
 - 3. **Emergency Access Provision.** Access roads, bridges, gates, etc., to all commercial and industrial developments must be adequate to allow appropriate emergency vehicle. Road improvements may be requested at the expense of the developer and subject to standards as set forth in County Ordinance 86-4 as amended.
- B. **Fire and Safety Codes.** All commercial and industrial development must meet or exceed the current Arkansas Fire Prevention and Safety Codes.
- C. **Hazard Chemical Compliance.** All proposed commercial and industrial developments must submit written confirmation of hazardous materials to be used and stored on-site. Documentation is to be forwarded to the County Office of Emergency Services.
- D. **Approved Street Names.** All proposed street names shall be verified and approved by the Benton County 911 office prior to final plat or plan approval by the County Planning office.

- 7. **Engineer's Certificate (Building Safety).** Include, as a separate attachment, a certificate by a registered professional engineer or licensed architect indicating that all structures "as built" conform to all applicable engineering requirements and specification.

SECTION 3 – ADMINISTRATION

The Benton County Planning Board shall have the responsibility to protect the public interest by thoroughly examining each plan for rural development (Appendix E).

SECTION 4 – PERMIT PROCEDURES

- A. Method of Filing.** Eight copies of the proposed plan shall be submitted to the Benton County Planning Office ten (10) days prior to the board meeting. The developer shall show proof (Post Office Return Receipt) that he/she has sent a certified letter to all adjoining property owners of the exterior boundary of the proposed development at least fourteen (14) days prior to the scheduled meeting of the Planning Board, at which the development is to be reviewed, and the date, time, and place of the proposed development review. When the tract is to be subdivided the developer shall further abide by the preliminary platting and final platting requirements as set forth in this ordinance.

- B. Fees.** Fees shall be submitted according to the fee schedule set up in Chapter XI, Section 1.

- C. Site Plan Review.** Rural developments shall be reviewed by the Planning Board at regular meetings. The action of the Board shall take place within sixty (60) days from and after the date the application is received by the Service Officer for the plan approval, unless the developer agrees in writing to an extension of time. The Planning Board will vote to approve, to approve with conditions, or to reject the plan.
 - 1) Public Comment.** Public comments concerning a specified proposed development can be made at regularly scheduled Planning Board meeting (s).
 - a) Special Public Hearing.** A written request may be submitted to the Planning Board or County Service Officer for the purpose of a special hearing relevant to issuances of a particular development permit.
 - b) Special Public Hearing Fees.** For each request for a request for a special public hearing before the Planning Board, the County Service Officer shall collect a fee from the appellant adequate to cover expenses (including advertising expenses).
 - c) Special Public Hearing Notice.** Notice of a Special Public Hearing shall be posted on the property described in the application for a permit.

- D. Plan Acceptance or Rejection.** The developer shall receive written notice of the approval or denial of the application for a permit. One copy of the approved or rejected plan, with conditions noted thereon, shall be returned to the developer/owner address on the application, signed and dated by the Planning Board. In the event of rejection, the Planning Board shall note all deficiencies/conditions by item on the plan. The developer may submit a revised (amended) plat.
- 1) Large Scale Development Permit Issuances.** The Planning Board will issue large scale development permits only where there is full compliance with the provision of this ordinance.
 - 2) Reasons for Rejection.** The Planning Board may deny the application because of noncompliance with items addressed in this code, incompatible development, protecting the public safety and health, or any violation of an existing state and/or county law, regulation, or ordinance.
- E. Appeal.** Any decision of the Planning Board may be appealed by the developer or any land owner adjacent to the proposed development to the County Judge provided the appellant adheres to the Appeal Procedures.
- 1) Appeal Procedures.** A written appeal must be filed with the County Service Officer within thirty (30) days of the decision being appealed. The appeal must state specifically what decision is being contested, what section (s) of these codes that decision was made in pursuance of, and what relief is requested.
 - a) Upon filing of an appeal, the County Service Officer shall, within five (5) working days, schedule a hearing. The hearing shall be held within thirty (30) days, but shall be preceded by at least fifteen (15) days notice by certified mail to the appellant, and at the appellant's expense, to all landowners within one thousand (1000) feet of the proposed development site.**
 - b) The County Judge shall appoint a three (3) person Appeal Review Board knowledgeable in the area of appeal concerns, as needed to hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Board were in error. Following such hearing, the Appeal Review Board may affirm, modify, or reverse any findings or decisions of the Planning Board or may refer the proposed development back to the Planning Board for additional study and consideration.**

c) The Appeal Review Board's decision shall be final, administratively.

SECTION 5 – MODIFICATION, VARIANCE, OR WAIVER

The Planning Board may modify, vary, or waive the requirements of this regulation as set forth in Chapter 1 Section 5 of this ordinance.

SECTION 6 – ENFORCEMENT, VIOLATIONS, AND PENALTIES

The Planning Board Service Officer shall act for the County Planning Board.

A. Enforcement. It shall be the duty of the designated County Official to enforce these regulations and bring to the attention of the Prosecuting Attorney any violations or lack of compliance herewith.

1. Filing an application constitutes permission for the County Service Officer, members of the Planning Board, County Road Superintendent, Environmental Affairs Officer, and/or any other authorized agent acting for the County, to enter the development, if necessary, for survey and examination in order to enforce the compliance of these regulations.

(a) In a situation where noncompliance with the provisions of these codes is suspected and an inspection is necessary, the Public Service Officer may charge an inspection fee to the developer. Standardized fees shall be established by the County Planning Board.

B. Penalties. A violation of these regulations or failure to comply with the provisions herein specified shall be as set forth herein.

SECTION 7 – EXEMPTION

Nothing contained in the regulations shall prohibit the use of any land for agricultural purposes or the erection, maintenance, repair, alteration, or extension of any farm buildings or structures incident to the use for agricultural purposes on the land of which such buildings or structures are located. Except those commercial farm-related developments listed in Appendix A.

SECTION 8 – DEFINITIONS – COMMERCIAL AND INDUSTRIAL LARGE SCALE DEVELOPMENT

ADDITIONS, SUBSTANTIAL IMPROVEMENTS, OR MAJOR RENOVATIONS

COMMERCIAL DEVELOPMENT – See examples listed in Section 9, Appendix A – (A).

LARGE SCALE DEVELOPMENT – The general term used to refer to any proposed land-use change or construction of a building or structure that is required to have a permit pursuant to these codes.

FARM BUILDINGS AND STRUCTURES – Buildings and structures located on a working farm parcel, as evident by farming income and use.

FLOODPLAIN – The 100 year floodplain defined by the Federal Flood Insurance Administration and all other areas known to be subject to seasonal or flash flooding.

HARD SURFACE – Surfaces made from compactible materials such as SB-2, gravel, etc.

HAZARDOUS MATERIALS – Material that poses an unreasonable risk to health and safety of personnel (either employees or emergency responders), the public, and/or the environment if not properly controlled during handling, storage, manufacture, processing, packaging, use, disposal, or transportation. Defined by County Ordinance 90-31.

INDUSTRIAL DEVELOPMENT - See examples listed in Section 9, Appendix A – (B).

OFF-SITE NUISANCES – Include dust, smoke, odors, noise, vibration, light, glare, heat, etc. that affects property other than that on which it originates.

SETBACKS – An area beyond which the construction of all manmade structures is prohibited.

UTILITIES – Includes water, sewage, electrical, and natural gas.

CHAPTER XI

STREETS, STREET SPECIFICATIONS, AND GENERAL SUBDIVISION LAYOUT

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

SECTION 1 – 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, 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.

SECTION 2 – 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 classes of subdivision streets, primary and secondary, to service different population densities. (See “Minimum, Design Standards for Subdivision Streets” enclosed in this regulation).

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.

Grades: Street grade for subdivision streets should not exceed ten percent (10%). However, grades up to fifteen percent (15%) may be approved for distances up to three hundred feet and concrete surfacing with curb and gutter and/or paved ditches may be required in such cases. 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 percent (5%) 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.

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 center lines shall be avoided.

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 degrees. Pavement of streets shall have a minimum corner radius of twenty-five 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 which do not intersect opposite one another.

Separation Features and Limited Access: Where a subdivision abuts or includes a U.S. or State highway or primary subdivision street, 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 primary subdivision streets 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 therewith 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.

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.

Cul-De-Sac: Cul-de-sacs should not exceed six hundred feet 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.

Private Driveway or Street: Every lot within a platted county subdivision shall be served by a hard surface road having sufficient dedicated right-of-way. Private driveways or streets need not comply with county improvement standards for public streets, but will not be dedicated to the county nor maintained thereby. Private driveway or streets shall not be utilized for public traffic.

SECTION 3 – LOTS

Access: Every lot shall abut or be contiguous to a public road or street, right-of-way, easement, or other method of particular access. In a planned unit development, private easements or other non-public access may be substituted.

Size: Where not otherwise determined by local regulations or the regulations of the health department for individual septic systems of sewage disposal, the minimum lot size for residential use which shall be susceptible to approval shall 10,000 square feet with a minimum lot width of 60 feet.

Shape and Depth: The size, shape, and orientation of lots shall be appropriate for the location of the subdivision, and for the type of development. Excessive depth in relations to width should be avoided. 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.

Double Frontage: Backing or double frontage lots should be avoided.

SECTION 4 – 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 four (4) by four (4) inches 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.

SECTION 5 – BUILDING LINES AND YARD DIMENSIONS

The following minimum building lines shall be used in all residential subdivisions. A front building line shall be located at least 25 feet back from the right-of-way. The lot width at this building line shall be not less than 60 feet. The minimum yard dimensions free from accessory structures shall be: side yard, 10 feet; front yard, 25 feet; back yard, 25 feet; and street-side yard on a corner lot, 25 feet each.

SECTION 6 – EASEMENTS

Easements of adequate width according to engineering or open space standards shall be provided for public use and utilities. Such easements shall have a minimum combined width of at least fifteen (15) feet along the front, side, and rear lot lines.

SECTION 7 – CITY 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.

SECTION 8 – WATER SYSTEMS

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

SECTION 9 – 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.

MINIMUM DESIGN STANDARDS FOR SUBDIVISION STREETS

| Design Feature | 301-500 L.U. Primary Street | | 0-300 L.U. Secondary Street or Alley | |
|------------------------------|--------------------------------|----------------------------------|---|----------------------------------|
| | Medium Density | Low Density | Medium Density | Low Density |
| Right-of-Way | 80' | 80' | 50' | 50' |
| | | 60' | | 40' |
| Alley | | | | 20' |
| Pavement Width | 22' | 22' | 20' | 18' |
| Lane Width | 11' | 11' | 10' | 9' |
| Median Width (minimum) | - | - | - | - |
| Shoulder Width (each side) | - | 6' | 6' | 4' |
| Ditch Section Width | - | Variable | - | Variable |
| Curb & Gutter | Yes | - | Yes | - |
| Number of Lanes | 2 | 2 | 2 | 2 |
| Maximum Grade % | 10* | 10* | 10* | 10* |
| Minimum Grade % | .5 | .5 | .5 | .5 |
| Design Speed (mph) | 30-40 | 30-40 | 25-35 | 25-35 |
| Back of Curb to Back of Curb | 26' | - | 24' | - |
| Surface Type | C.C. or A.C. | C.C. or A.C. | D.C.S. | D.C.S. |
| Crown (minimum) | 6" | 6" | 5" | 4" |
| Shoulder Type | - | Improved gravel or crushed stone | - | Improved gravel or crushed stone |

*15% grade may be allowed for distance up to 300' with possible C.C. surfacing and curbs and gutters.

L.U. – Living Units

A.C. – Asphaltic Concrete

C.C. – Cement Concrete

D.C.S. – Double Chip and Seal

Low Density – 2 L.U. per acre or less

Medium Density – 3 L.U. per acre or less

Note: The type of street surface shall be determined by the County Judge. Street construction specifications shall be in accordance with the County Road Plan.

CHAPTER XII

ADMINISTRATION AND ENFORCEMENT

The Benton County Planning Board shall be charged with the responsibility for the interpretation and administration of this ordinance. Said Planning Board may adopt by-laws or internal rules and regulations as it deems fit in order to ensure an orderly and systematic interpretation and administration of this ordinance so as to serve the public health, safety, welfare, and general well-being of the citizens of Benton County.

SECTION 1 – AUTHORITY TO ASSESS FEES

In order to insure an orderly administration of this ordinance and to provide for adequate staffing, the Benton County Planning Board is hereby authorized to charge the following schedule of fees which may be from time to time reviewed and modified by the board, subsequently approved by the Benton County Quorum Court. The following schedule of fees is hereby authorized:

| | |
|---|--|
| Tract Split | \$200.00 |
| Lot Split | \$200.00 |
| Replat | \$200.00 |
| Commercial or Industrial Large Scale Development | \$300.00 |
| Informal Plat Subdivision | \$250.00 |
| Final Lot fees | \$25.00 per lot |
| Subdivision | \$500.00 filing fee for the preliminary plat. An additional \$50.00 for each lot shall be collected on approval of the final plat before said final plat may be filed. |
| Planned Unit Development | \$1,500.00 filing fee for the preliminary plat. An additional of \$50.00 per lot shall be collected on presentation of the final plat. Filing fee for revisions shall be \$500.00 . |
| Development Master Plan | \$1,500.00 filing fee together with a Fee of \$25.00 per lot. |
| Revisions | \$500.00 filing fee. |

The County Planning Board reserves the right to retain engineers in appropriate circumstances and to assess the costs of outside engineers against the developer. Independent engineers may be retained for commercial or industrial large scale developments, subdivision, planned unit developments, development master plans, or any other projects involving significant drainage issues.

Public Hearing: For each request for a public hearing before the County Planning Board, the board may also require a fee adequate to cover all expenses, including the cost of advertising.

Inspection: The board may establish fees for inspection and/or investigation of subdivision or other land developments.

SECTION 2 – ENFORCEMENT

Official in Charge: The Planning Board Service Officer and/or duly appointed county officials shall have the authority to act administratively for the Benton County Planning Board.

Complaints Answered: Upon receiving a written, signed complaint, said official shall investigate and notify the complainant within thirty (30) days of recommended action.

Inspection: The Benton County Planning Board Service Officer, other designated officials, and/or members of the Benton County Planning Board shall have the right to enter any development for purposes of examination in order to enforce the letter and spirit of these ordinances.

SECTION 3 – PENALTIES

A violation of this regulation or failure to comply with the provisions herein or failure to obey a lawfully directed communication from county officials or the Planning Board shall subject the specified person, firm, corporation, limited liability company, partnership, entity, or other private or personal combination, without restriction, to the following penalties;

Misdemeanor: Violations shall be deemed to be a misdemeanor and shall be punishable by a fine in the maximum amount of \$1,000.00 or by imprisonment for not more than thirty (30) days or by both fine and imprisonment. A violation shall be deemed to occur upon each and every day in which the violation is allowed, directly or indirectly, to continue.

Special Prosecution: Violations of this ordinance shall be prosecuted by the duly elected prosecuting attorney of Benton County and his staff. This ordinance shall expressly authorize the appointment of masters and/or special prosecutors in appropriate circumstances.

Civil Action: Nothing contained herein shall prohibit any citizen from filing civil suit to enforce any legal or equitable remedy or to pursue any cause of action which might exist in such citizen's favor.

SECTION 4 – COMPLETION OF CONSTRUCTION

The improvements required by the Planning Board shall be completed within two (2) years from and after the date of approval of the preliminary plat unless good cause is shown for granting an extension. Construction of improvements shall be inspected by the engineer at the developer's expense. "As built" plans of the improvements shall be filed with the Planning Board within sixty (60) days of completion. Certificate of completion will be made by the proper officials to the Benton County Planning Board for release of construction bond.

Evidence of completion of required improvements or satisfactory construction bond shall be submitted with the application for the final approval of the plat prior to filing for record.

Construction Bond: The construction bond shall be effective until approval of completion of the required improvement(s). If the enforcing officer determines that the requirements, standards, or specifications which apply to the construction, installation, or completion of said required improvements have not been met, the applicant must be notified by certified mail, return receipt requested, mailed to the name and address on the application for plat approval. The bond shall continue until certifying approval of completion has been accepted from the official having jurisdiction or fourteen (14) days after notification of completion, whichever is sooner.

SECTION 5 – AMENDMENT AND SEVERABILITY

This ordinance may be amended in accordance with state law. If any section of this ordinance is held to be invalid, for any reason, such decision shall not affect the validity of the remaining sections. Illustrations in this ordinance are subordinate to the text, and the figures and tables herein serve only to present the text in a summarized fashion.

CHAPTER XIII

DEFINITIONS

ALLEY: A passage or way affording generally a secondary means of vehicular access to abutting properties, and not intended for general traffic circulation.

BUFFER: Buffer area shall include but will not be limited to planted vegetation, natural vegetation, or fence with concealing properties to a height of seven feet.

BUILDING LINES: A line or lines designating the land area beyond which a structure is not permitted. (Also known as a Set Back Line).

CERTIFICATE OF ROAD MAINTENANCE ACCEPTANCE: A county instrument to record acceptance of maintenance responsibility for roads in previously dedicated and accepted rights-of-way.

COUNTY PLAN: Any of the plans authorized by Act 422 of 1977 which have been recommended by the Benton County Planning Board, adopted by the Benton County Quorum Court and filed in the office of the Ex-officio Recorder and Circuit Clerk, Benton County Courthouse. It includes but is not limited to the County Road Plan.

CUL-DE-SAC: A minor street having one end open to traffic and the other end terminated by a vehicular turn-around within the platted area.

DEVELOPER: A person, firm, or corporation engaged in the development of land, and in the dividing, subdividing, or re-subdividing of land into lots or parcels for the purpose or conveyance with the scope and application for these regulations.

DEVELOPMENT OF LAND: Includes but is not limited to providing access to lots and parcels, extending, or providing utilities except for agricultural purposes, subdividing land into lots and blocks, resulting in the need for access and public utilities service.

EASEMENT: A grant or sale by the owner of right or privilege in the use of his land for general or specific purposes. Title and taxes are not transferred.

ENGINEER: A registered professional engineer as required by Arkansas State Law.

FRONTAGE ROAD: A minor street located alongside a major street, giving access to abutting properties while providing connection to the major street at controlled intervals; includes frontage roads and streets but not alleys.

IMPROVEMENTS: Any man-made structure including but not limited to grading and street surfacing, curbs and gutters, sidewalks, crosswalks, culverts, bridges, water lines, storm sewers, sanitary sewers, utilities, and any other feature that may be a part of the development process.

LAND SURVEYOR: A licensed land surveyor as required by Arkansas State Law.

LOT: Any land intended as a unit for the transfer of ownership or for development (also called parcel and tract).

LOT, BACKING: A lot having a frontage on two streets (double frontage) and the property owner is denied access to one of the streets.

LOT, CORNER: A lot with at least two adjacent sides which abut on a street or streets.

LOT, DOUBLE FRONTAGE: A lot fronting on two non-intersecting streets.

LOT SPLIT: A transfer or contract to transfer a part of any tract of land where said tract was shown as part of a platted subdivision being recorded in the office of the Ex-Officio Recorder and Circuit Clerk of Benton County.

OPEN SPACE: Lands dedicated by the developer for uses designated by the developer.

PARKING, OFF STREET: An enclosed or open area not in the street, designated for vehicles.

PLAT, FINAL: The final plat, map, or drawing and any accompanying plans or data that is submitted to the Planning Board for their approval of the proposed subdivision.

PLAT, INFORMAL: Any 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 of ownership to non-record titleholders or the development or extension of utilities, dedication of easements, or rights-of-way, where the parcels are not less than three (3) acres nor greater than four point nine nine (4.99) acres.

PLAT, PRELIMINARY: The initial plat, plan, map, or drawing on which the layout and design of a proposed subdivision is submitted to the Planning Board for approval.

ROAD PLAN: The official plan for roads in unincorporated areas of Benton County designating the general location, characteristics, and functions of current and future roads.

SERVICE OFFICER: The administrative officer properly designated to act on behalf of the Planning Board.

SET BACK: The area in which the construction or existence of all man-made structures is prohibited.

SKETCH PLAN: May be a free hand drawing, superimposed on a site map, or aerial photograph.

STREETS: Streets mentioned in these regulations will always refer to subdivision streets as opposed to anything that might be considered a part of the Benton County Road Plan.

SUBDIVISION: A 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 a non-record titleholder or the development or extension of utilities, dedication of easements, or rights-of-way, whether immediate or future, including all changes in street or lot lines; provided, however, that tracts or lots in excess of five (5) acres are excluded from the subdivision regulation in their entirety; and, also provided, however, that where no new streets or easements of access are involved, the following shall not be included or governed as the term subdivision is defined in Benton County and may be processed as an informal plat.

The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the original lot areas are not decreased below minimum lot sizes as prescribed by applicable Benton County Subdivision Regulations; or,

The division of land into parcels of from three (3) acres to four point nine nine acres (4.99).

SURVEY: Field work that creates (or establishes), marks, and defines the boundaries of tract of land. (Manual of Surveying Instructions 1973, US Department of the Interior, should be consulted).

TRACT: Real estate within Benton County lying outside municipal boundaries which is not a part of any subdivision and is described by a metes and bounds description.

TRACT SPLIT: A division of a tract or parcel of land into two (2) or more lots or parcels or other divisions for the purpose of transferring ownership to a non-record title holder.

APPENDIX A - SAMPLE LIST OF COMMERCIAL AND INDUSTRIAL LARGE SCALE DEVELOPMENT

Other commercial and industrial uses not specifically itemized, may be considered.

A. Sample list for Commercial Uses:

- 1). General offices and office buildings to be used for the administrative functions of companies, corporations, non-profit, social, or philanthropic organization or societies.
- 2). Professional offices, such as accountants, architects, brokers, engineers, dentists, insurance, lawyers, physicians, osteopaths, chiropractors, planners, real estate, etc.
- 3). Banks, Savings and Loan institutions, Credit Union offices.
- 4). Printing, publishing, and engraving firms, including newspaper publishing.
- 5). Hospitals, Medical and Emergency Clinics.
- 6). Hospitals or Veterinarian clinics for animals.
- 7). Mortuaries, Funeral Homes.
- 8). Automotive and truck service stations, and related development including: repair and service facilities, tire sales and service, paint and body shops, upholstery shops, muffler service and repair, car and truck washes, new and used car and truck sales, etc.
- 9). Speedways, racetracks.
- 10). Shopping centers, retail stores and shops, including the following: antique shop, appliance store, art school, gallery, museum, artist materials, supply studio, auto supply, baby shop, bakery goods, barber, beauty shop, book and stationery store, camera, candy, catering establishment, cleaning, pressing, laundry collection agency, clothing, gift shop, dry goods, dairy products or ice cream store, delicatessen, department store, florist, furniture store, grocery store or supermarket, hardware store, jewelry or notion, lodge hall, meat market, medical facility, messenger or telegraph service, musical instrument sales, newspaper or magazine sales, optical sales and service, package liquor store, paint and decorating shop, pharmacy, radio and television sales and service, restaurant, self service laundry or dry cleaning, sewing machine sales, sporting goods sales, shoe store or repair shop, tailor shop, toy store, variety store.
- 11). Auditorium, theater, and open-air theaters.
- 12). Bowling alleys, amusement arcades, mini-golf, and go-cart tracks.
- 13). Taverns, bars, night clubs, adult entertainment and other membership clubs.

- 14). Restaurants, drive through establishments, etc.
- 15). Hotels, motels, or motor hotels.
- 16). Airports
- 17). Warehouses, cold-storage units, food storage lockers, mini-storage units.
- 18). Lumber yards and mills, home improvement centers, wood working and cabinet shops.
- 19). Dyeing and cleaning works; farm machinery sales and services, including storage yard, general service and repair establishments, parking lots operated as a business; plumbing and heating shops; trailer and mobile home sales area; appliance repair shops; radio and television studios, photographic studios.
- 20). Mobile home parks, trailer parks, RV parks, and campgrounds.
- 21). Livestock auctions, feedlots and holding pens, and compost facilities used for commercial sales.
- 22). Apartments, townhouses, condominiums.

B. Sample list of Industrial Uses:

1). Chemicals, Petroleum, Coal, and Allied Products: Manufacturing, processing, or warehousing of: cosmetics and toiletries, ice (including dry ice), ink, insecticides, fungicides, disinfectants, and related industrial and household chemical compounds, pharmaceutical, products, soap, washing or cleaning powder or soda, thermo-plastics, adhesives, bleaching products, bluing, calcimine, candle, dyestuff, essential oils, exterminating agents and poisons, soap products, acids and derivatives, acetylene, alcohol (industrial), ammonia, caustic soda, cellulose and cellulose chlorine, coke oven products (including fuel gas), creosote, coal, tar, asphalt, wood and bones, fertilizer (organic or non-organic), fish oils and meal, fuel briquettes, glue, hydrogen and oxygen, nylon, petroleum, gasoline, lubricating oils, plastic materials and synthetic resins, potash, proxynin, rayon; rendering and storage of dead animals, storage and transfer of offal, garbage, or waste product (solid waste transfer stations), resource recovery facilities.

2). Food and Beverage: Bakery products, wholesale (manufacturing permitted), beverage, blending, bottling, candy, chewing gum, chocolate and cocoa products, coffee/tea/spices processing and packaging, condensed and evaporated milk processing, creamery and dairy operations, dairy products, flour/feed/grain packaging and storage, fruit and vegetable processing (including canning, preserving, drying, and freezing), gelatin products, glucose and dextrin, meat products, poultry packaging and slaughtering, yeast, breweries, fish/oysters and other seafood processing, sugar refining, cider and vinegar, distilleries (alcoholic) breweries and alcohol spirits (non-industrial), fat rendering, slaughtering of animals, starch manufacturing.

3). Metals and Metal Products: Manufacturing, warehousing, storage, and distribution of agricultural or farm implements, aluminum, bicycles, boats, bolts, nuts, screws, washers and rivets, culvert, firearms, foundry products, heating/ventilation/cooking/refrigeration supplies and appliances, iron fabrication, machinery, nails/brads/tacks/spikes/staples, needles and pins, plating, plumbing supplies, scale and vault, sheet metal products, silverware and plated ware, stove and range, tinsmith shop, tool/die/gauge and machine shops, tools and hardware products, vitreous enameled products, boiler manufacture, galvanizing and plating (hot dip), lead oxide, locomotive and railroad car building, motor testing, ore dumps and elevators, structural iron and steel fabrication, wire rope and cable, aircraft and aircraft parts, automobile, truck trailer, mobile home and bicycle assembly, blast furnace, blooming mill, metal and metal ores, reduction, refining, smelting and alloying, scrape metal reduction, steel works and rolling mill.

4). Textiles, Fibers, and Bedding: Bedding (mattress, pillow, and quilt), carpet, rug, and mat, hat, bodies of fur and wool felt manufacture, hosiery mill, knitting, weaving, printing, finishing of textiles and fibers into fabric goods, rubber and synthetic treated fabrics, yarn thread and cordage, bleachery cotton wadding or linter, hair and felt products, jute, hemp and sisal products, linoleum and other hard surface floor covering, oilcloth, oil-treated products, and artificial leather, shoddy, wool (pulling or scouring).

5). Wood and Paper Products: Basket and hamper (wood, reed, rattan, etc.), box and crate, cooperage works, furniture, pencils, planing and millwork, pulp goods (pressed or molded including paper mache products), shipping container (corrugated boards, fiber, or wire bound), trailer, carriage and wagon, wood products, excelsior, paper and paperboard, sawmill, wall board, match manufacture, wood preserving treatment, wood pulp and fiber, reduction and processing.

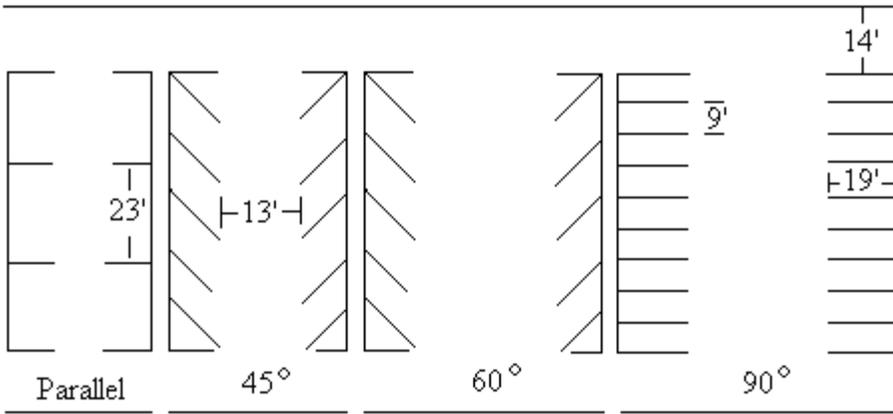
6). Extraction and Junkyard Uses: Surface mining operations including: strip and open-cut mining, and quarrying, junk, scrap, or salvage yards, including junkyards, automotive salvage yards, and automotive graveyards.

7). Other Unclassified Uses: Manufacturing, storage, sales, and distribution of construction materials (cement, lime in bags or containers, sand gravel, shell, lumber and the like), bus garage and repair shop, button, carbon paper and inked ribbons, cigar and cigarette, cleaning and dyeing of garments, hats and rugs, coal and coke, fir finishing, industrial vocational training school (including internal combustion engines), laboratories, research, experimental including combustion-type motor testing, laundries (commercial only), wholesale market, motion picture production, printing, publishing, and engraving, produce, railroad switching, tire treading and vulcanizing, truck or transfer terminal, other wholesale houses and distributors, oils/vegetables/animal processing and storage, paint/lacquer/shellac and varnish, roofing materials, building paper and felt, bag cleaning, cotton seed, oil refining, leather goods, tanning operations, hair/hides/raw fur/curing, dressing, dyeing and storage, rubber processing, rubber tire and tube, batteries.

8). Clay, Stone, and Glass Products: Abrasive wheels, stones, paper, cloth, and related products, brick, firebrick, and clay products, concrete products, central mixing and proportioning plants, glass products, monument and architectural stone, pottery and porcelain products, refractories, sand-lime products, stone products, wall board and plaster, building, installation and composition flooring.

APPENDIX B – PARKING LOT REQUIREMENTS

TABLE 1 – OFF STREET PARKING



| OFF STREET PARKING DEMENSIONS | | | | |
|------------------------------------|------------|------------|------------|----------|
| | 45 DEGREES | 60 DEGREES | 90 DEGREES | PARELLEL |
| A. Width of Parking Space | 12' | 10' | 9' | 9' |
| B. Length of Parking Space | 19' | 19' | 19' | 23' |
| C. Width of Driveway Aisle | 13' | 17'6" | 25' | 12' |
| D. Width of Access Driveway | 17' | 14' | 14' | 14' |

TABLE 2 – ON-SITE PARKING PERFORMANCE STANDARDS

| PROPOSED LAND USE | STANDARDS |
|--|---|
| Duplexes | 3 spaces each |
| Nursing or rest homes, similar resident care facilities | 1 space for every 5 residents; an additional space for each detached residential unit; an additional space for every 2 resident employees. |
| Day Care Centers | 1 space for every 2 employees plus 1 additional space for every 10 children served. |
| Schools | 2 spaces for every classroom plus 1 additional space for every 8 secondary students; adequate off-street bus loading and unloading areas. |
| Libraries | 1 space for every 5 reading or study room seats. |
| Sport arenas, theaters, auditoriums, churches | 1 space for every 4 seats and/or 30 sq. ft. of assembly area without fixed seating. |
| Restaurants, bars, clubs, and similar uses; bowling alleys | 1 space for every 3 fixed seats and/or 30 ft. of floor area used for assembly dancing recreations, etc. 1 space for every 2 employees on the largest shift; 5 spaces per lane for bowling alleys (no use in this category shall provide less than 10 spaces). |
| Banks, similar financial institutions; real estate, insurance; business and professional offices, auto sales and service centers | 1 space for every 300 sq. ft. |
| Clinics, medical offices | 1 space for every 100 sq. ft. |

TABLE 2 – ON-SITE PARKING (CONTINUED)

| PROPOSED LAND USE | STANDARDS |
|--|--|
| Major appliance, furniture stores, general merchandise “discount” stores | 1 space for every 400 sq. ft.; adequate loading areas |
| Other commercial uses | 1 space for every 200 sq. ft.; adequate loading areas. |
| Outdoor sales areas (boats, autos, RV’s implements, mobile homes) | 1 space for every 1000 sq. ft. up to 10 spaces; an additional space for each additional 5000 sq. ft.; adequate loading areas. |
| Industrial uses | 1 space for every employee, space for all company owned vehicles, adequate space for salesmen, visitors, etc.; adequate loading areas and holding areas for vehicles awaiting loading or unloading. |
| Mixed uses | Where mixed uses occur, parking space requirements should be determined on a proportional basis. Example: A single office building contains 6000 sq. ft. will need 20 parking spaces (1:100 sq. ft.), the remaining 4000 sq. ft. will need 13 spaces (1:300 sq. ft.) giving a total of 33. |

The square footage used to determine parking space requirements will be the gross square footage devoted to a uses’s principal function. Service and support spaces, like retrooms, boiler rooms, and closets will not be included.

FIGURE 1 – TYPES OF PLANTS FOR LANDSCAPE BUFFERS

| ROW 1 | ROW 2 | ROW 3 |
|----------------------|---------------|---------------|
| Autumn Olive | Black Alder | Pin Oak |
| Black Haw | Hawthorn | North Red Oak |
| Deciduous Holly | Jack Pine | Shingle Oak |
| Flower Quince | Persimmon | Soft Maple |
| Forsythia | Red Cedar | White Pine |
| High Cranberry | Scotch Pine | Green Ash |
| Lilac | Serviceberry | Loblolly Pine |
| Mock Orange | Norway Spruce | Shortleaf |
| Redbud | | |
| Pyracantha | | |
| Privet | | |
| Nanking Cherry | | |
| Tatarian Honeysuckle | | |

TABLE 2 – ROW PLANTING FOR LANDSCAPE BUFFERS

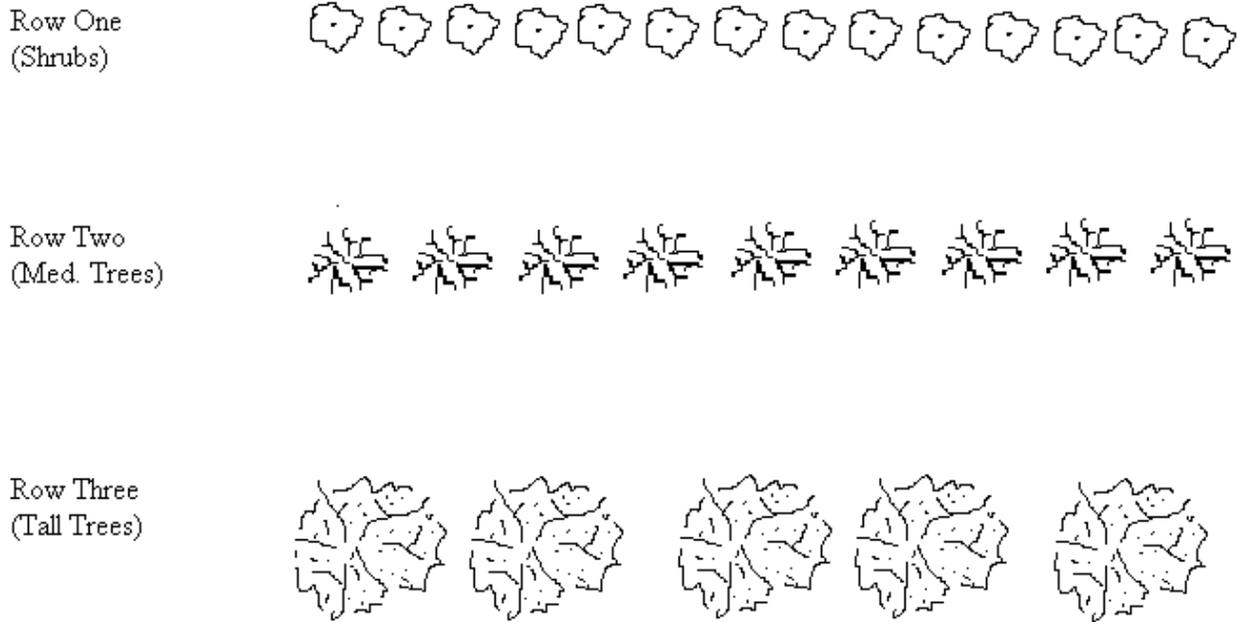


TABLE 3 – LANDSCAPE BUFFER TYPES

Benton County recommends the following type of plants for buffers:

| | |
|---|------------|
| A. Parking lots and adjoining residences | Rows 1,2,1 |
| B. Parking lots and public rows | Row 1 |
| C. Commercial/industrial and adjoining Residence/public open space | Row 1,2,3 |
| D. Residences and major streets or highways | Rows 1,2,1 |
| E. Industrial and public roads | Rows 1,2,1 |
| F. Higher density and lower density residences | Rows 1,2,1 |

TABLE 4 – SOIL TYPES SUGGESTED PLANTS FOR EACH SOIL TYPE

| SOIL NAME | SHRUBS ROWS 1 | MEDIUM TREES ROWS 2 | TALL TREES ROWS 3 |
|-------------|--|---|--|
| Bardley | Silky dogwood Honeysuckle (Tatarian) | Red Cedar American Plum | Soft Maple Green Ash Pin Oak Silver Maple White Pine |
| Bolivar | Honeysuckle (Amur) Lilac Fragrant Sumac | Autumn Olive Austrian Pine Hackberry Russian Olive | Honey Locust Bur Oak Green Ash |
| Captina | Honeysuckle (Amur) Maple Lilac | Russian Olive Red Cedar Hackberry Austrian Pine | Honey Locust |
| Cedargap | Maple Honeysuckle Lilac | Red Cedar Hackberry Austrian Pine | White Pine Green Ash Pin Oak Cottonwood |
| Clarksville | Honeysuckle (Tatarian) Lilac Fragrant Sumac | Red Cedar Crabapple Jack Pine Austrian Pine | Green Ash Bur Oak Honey Locust |
| Creldon | See Cedargap | See Cedargap | See Cedargap |
| Doniphan | See Bolivar | See Bolivar | See Bolivar |
| Gatewood | See Bolivar | See Bolivar | See Bolivar |
| Goss | See Clarksville | See Clarksville | See Clarksville |
| Huntington | Honeysuckle (Amur) Amur Maple | Red Cedar Austrian Pine | Cottonwood Pin Oak White Ash Green Ash Honey Locust |

TABLE 4 – SOIL TYPES SUGGESTED PLANTS FOR EACH SOIL TYPE (CONTINUED)

| SOIL NAME | SHRUBS ROWS 1 | MEDIUM TREES ROWS 2 | TALL TREES ROWS 3 |
|------------|--|--|---|
| Needleye | See Captina | See Captina | See Captina |
| Ocie | See Bolivar | See Bolivar | See Bolivar |
| Peridge | Lilac Honeysuckle (Amur) Amur Maple | Russian Olive Hackberry Red Cedar | Norway Spruce Honey Locust White Pine Pin Oak Green Ash |
| Secesh | See Cedargap | See Cedargap | See Cedargap |
| Tonti | Honeysuckle (Amur) Crabapple Amur Maple | Russian Olive Austrian Pine Red Cedar Hackberry | Green Ash Honey Locust |
| Wilderness | Honeysuckle (Amur) Sumac | Austrian Pine Red Cedar | Green Ash Bur Oak Honey Locust |

APPENDIX C – COUNTY ORDINANCE 0-91-29

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF A FLOOD DAMAGE PREVENTION PROGRAM FOR BENTON COUNTY AND FOR OTHER PURPOSE.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS.

Section 1. FLOOD DAMAGE PREVENTION CODE ADOPTED BY REFERENCE.

There is hereby adopted by reference a flood damage prevention code for Benton County, Arkansas, such flood damage prevention code having been delegated by the legislature of the State of Arkansas in Act 629 of 1969. A copy of the referenced code shall be filed in the office of the County Clerk and shall be available for inspection and copying by any person during normal office hours. The code shall include:

ARTICLE 1: Statutory authorization, findings of fact, purpose and methods.

ARTICLE 2: Definitions

ARTICLE 3: General provisions

ARTICLE 4: Administration

ARTICLE 5: Provisions for flood hazard reduction

Section 2. Any person or corporation who violate any measure adopted under this code may be fined not more than one hundred dollars (\$100) for each offense. Each day during which such violation exists is a separate offense.

Section 3. Any ordinance in conflict herewith or in conflict with the code adopted herein is Hereby repealed.

Section 4. It is hereby found and declared by Benton County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that ordinance become effective immediately.

Therefore, any emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

Bruce Rutherford, County Judge

Date 9-13-91

ATTEST:

Mary Lou Slinkard, County Clerk
Sponsor: Environmental Office

APPENDIX D – COUNTY ORDINANCE 86-4

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO ESTABLISH POLICIES AND PROCEDURES TO GUIDE THE ALLOCATION AND USE OF AVAILABLE FUNDS FOR THE MAINTENANCE, REPAIR, AND CONSTRUCTION OF COUNTY ROADS. THIS ORDINANCE MAY BE CITED AS “THE BENTON COUNTY ROAD PLAN OF 1986.”

ARTICLE 1 – GENERAL PROVISIONS

Section A – PRIORITY

Since county government has the responsibility to provide roads for the benefit of all residents of the county, and since the funds available for that purpose are limited, it becomes necessary for the governing body to establish priorities for the use of road funds.

Because a great many residents of rural areas hold jobs in town and must commute each day, and because livestock and poultry industries require daily deliveries an/or pickup of feed, livestock and poultry, and because of the school busses and mail routes, the need for a road system that can be used under all weather conditions is evident. Therefore, the first and highest priority of road funds shall be to provide, to the fullest extent possible, a network of county roads that are passable under all weather conditions.

Section B – TIME PROJECTIONS

Because of the uncertainty of funding, the uncertainty of weather damage to roads, and the impossibility of projection future needs, no attempt will be made in this ordinance to make time projections for any road project.

Section C - WORK FOR MUNICIPALITIES

Municipalities of the county have the responsibility of construction, repair, and maintenance of roads and streets within their city limits. Any road work done by the county for cities owning road equipment may be paid for in cash or by reciprocity as arranged by the city officials and the County Judge. Road work done by the county for towns not having the necessary equipment, must be paid for by specific agreement between the town officials and the County Judge.

Section D – SPEED ZONES

Specific sections of roads designated by resolution of the Quorum Court may have maximum speed limits as stated in the resolution. Residents living along designated roads are responsible for purchasing and maintaining the speed limit signs.

Section E – RIGHT OF WAY

Because of limited road funds, the county is unable to pay for any additional right-of-way needed for widening or new construction of county roads. Therefore, it will be necessary for landowners to give the necessary right-of-way to county, and to remove fences and other made made obstacles before construction begins.

Section F – JUDGE’S REPORT

In order that the Quorum Court may be advised of the current status of road problems and needs, the county Judge shall make monthly reports to the Court. The first report in January should include proposed improvement and new construction and their projected costs for the following year. Each month thereafter the report should include current action of the Road Department as well as an update on purposed improvement projects and their projected costs. In this way the Quorum Court will be able to work with the County Judge to make the most beneficial use of available funds.

Section G – ROAD ENGINEER

1. A road engineer should be hired on a part-time basis for specific jobs requiring his expertise. This engineer should design and supervise assigned projects in accordance with generally accepted engineering practices.
2. The County Road Department shall cooperate with the County and State program to perpetuate and remonument corners of the United States Public Land Survey. For guidance, see the basis for Quorum court appropriations shown in the “Benton County Surveyor’s Report, 1977.”

Section H – PRIVATE DRIVES AND OTHER ROAD ACCESSES

Property owners constructing private driveways or other accesses connecting to a county road shall furnish a drainage tile of appropriate size and length as determined by the county Road Supervisor. Tile may be purchased from the County at cost with payment in advance of installation or from commercial sources. Installation will be done by the County Road Department at no cost to the property owner. Property owners are requested to assist in keeping tiles open and free from obstruction. Property owners and/or other persons shall not obstruct a ditch with dirt or gravel or other material to gain access to a county road. Violation of this provision shall result in a fine of \$50.00 per day for failure to correct a violation after written notice form the County Judge.

Section I – DITCHING ACROSS ROAD

Any individual, organization, business, corporation or public utility desiring to cut a ditch or trench across any county road or highway for any purpose shall notify the County Judge or the proper entity and post bond in the amount of \$300.00. This bond will be returned upon the proper restoration of the road bed as determined by the County Road Department. Violation of this provision shall result in a fine of \$250.00 for each offense, each day shall constitute a new offense.

Section J – ROADSIDE DITCHING

Any individual, organization, business, corporations or public utility desiring to cut trenches, ditches, lay cable or pipe or other device, or otherwise disturb the existing right-of-way surfaces along any county road shall first notify the County Judge or entity and post a bond in the amount of \$2,000.00 for each mile. The bond will be returned upon the proper restoration of said right-of-way as determined by the County Judge or designated authority. Violation of this provision shall result in a \$250.00 fine for each offense, and each day shall constitute a new offense.

All cable or pipe or other devices buried on County right-of-way must be placed at least thirty-six (36) inches below the ground at point of entrenchment.

Section K – LOAD LIMITS

The County Judge shall determine and post the load limits of all hard surfaced roads built or maintained by the County if deemed necessary for maintenance of the road. Limits may vary according to conditions. Violation of the load limits shall result in a fine of \$250.00 for each offense. The County Judge may issue an overweight permit if he determines there is sufficient justification. Cost of said permit shall be \$100.00 per day.

Section L – BRUSH AND VEGETATION

1. Brush and vegetation on corners create a driving hazard. Private owners are encouraged to cooperate with the County in removing the brush so that traffic is visible in all directions thereby making it safe for all who travel the road.
2. Brush and vegetation growing along the side of the road and extending into the driving lane is a serious problem. A minimum cleared width of 40 feet will be utilized where necessary to assure a safe roadway.

Section M – NEW SUBDIVISIONS

Streets in new subdivisions shall be built in accordance with the standards of the “Benton County Subdivision Regulations.” The construction and paving specifications set out in this ordinance shall apply. It shall be the policy of the County not to accept said streets into the County System for maintenance until construction is approved by the County Judge.

Section N – ENFORCEMENT

Enforcement of the preceding provisions is the responsibility of the Benton County Sheriff's Department.

ARTICLE II – STANDARDS FOR COUNTY ROADS

Section A – REQUIREMENTS

1. Right-of-way for existing county collector roads shall be 50 feet. Right-of-way for existing County local roads shall be 40 feet to be measured from the center of the existing road or right-of-way, or to be determined by the County Judge or his agent.
2. Minimum right-of-way for new construction and/or upgraded County roads shall be 50 feet.
3. U.S. Highways shall be designated as “arterial” highways. Required right-of-way shall be as determined by the U.S. Bureau of Roads, minimum right-of-way for all Federally aided roads shall be 80 feet.

Arkansas State Highways shall be designated as “collectors.” Right-of-way widths shall be as required by the Arkansas State Highway Commission. Minimum right-of-way width for State aided road shall be 60 feet.

4. Bridges and culverts should be a minimum of 4 feet wider than the traveled surface, and minimum capacity of 20 tons. Bridge approaches should have guard rails designed and installed according to standard road engineering practices as determined by the County Judge.
5. Roads shall not be constructed with grades in excess of 12% except for short distances.
6. Flexibility in the application of standards is necessary because of special problems and situations. The standards will apply unless, in the judgment of the County Judge, a reasonable exception needs to be made.
7. The base course and surfacing shall be placed on a firm foundation that is thoroughly stable. The top six inches of the subgrade shall be compacted to a density not less than 95% of the maximum density obtained by the Standard Method of Test for the Compaction and Density of Soils, AASHO Designation T-99. Areas of soft unsuitable material shall be completely excavated and replaced with good embankment material.

8. The Base Course shall be either gravel or crushed stone. The base course may be deleted for portions of a road where the subgrade meets the requirements as outlined below for compaction, gradation, and shaping.

Gravel – This material shall consist of a natural or artificial mixture of gravel and soil mortar uniformly well graded from coarse to fine. The gravel shall consist of crushed or uncrushed hard pebbles or crushed boulders, and the material shall be reasonably free from objectionable or injurious matter. The grading of the material shall conform as closely as is deemed feasible to GB2 or GB3 “Standard Specifications for Highway construction,” Arkansas State Highway Commission, Edition of 1978.

Crushed Stone – This material shall consist of crushed run stone or a mixture of crushed stone and soil mortar uniformly mixed. The stone shall be hard and durable and the mixture shall be free from objectionable, injurious matter. The grading of the material shall conform as closely as is deemed feasible to Class SB-2 “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

Construction Methods – The base course material shall be placed on a completed and approved subgrade that has been bladed smooth and uniform, and conforming to the typical section shown. Base course material shall not be placed on a frozen subgrade.

The base course shall be placed on the subgrade and spread uniformly to such depth and lines that when compacted, it will have the thickness, width and cross section shown on the plans. When the compacted depth of the base course as shown on the typical section exceeds six inches, the material shall be placed in two or more courses of approximately equal depths. No course shall exceed six inches in compacted thickness.

Each course shall be compacted by any satisfactory method that will obtain a density of 95% of a laboratory run Proctor Density Test on the material.

Section B – BLACKTOP SPECIFICATIONS

1. Prime Coat – A single application of bituminous material, generally a medium curing cut black asphalt, shall be applied to the approved base course prior to surfacing. Immediately preceding the prime coat application, the surface to be treated shall be swept free of foreign material. After the surface to be treated has been prepared, the prime coat shall be sprayed uniformly over the surface by means of an approved mechanical pressure distributor at a rate of application between 0.25 and 0.30 gallons per square yard.

Following the application of the prime coat, where practical, the road shall be closed to traffic for a period of time sufficient to allow the proper curing of the bituminous material. Prime coat shall not be applied when the air temperature is below 50 degrees F., nor shall it be applied to a surface having excess moisture. The distributor shall be so adjusted and operated at all times as to distribute the bituminous material evenly.

2. Asphaltic Concrete Hot Mix Surface Course – This item shall consist of an asphaltic concrete wearing surface composed of a compacted mixture of mineral aggregate and asphalt cement, constructed on the completed and accepted base course.

The wearing surface shall be composed of a mixture of mineral aggregate and asphalt cement as shown for Type II, “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

The mineral aggregate for asphaltic concrete hot mix surface course shall consist of a combination of coarse aggregate, fine aggregate and mineral filler. The coarse aggregate shall be crushed gravel or crushed stone. The coarse aggregate is that fraction retained on the number 10 sieve. Crushed stone shall consist of hard, tough, durable fragments of rock of uniform quality, free from an excess of soft particles. Gravel shall consist of hard, durable pebbles free from an excess of soft particles. Crushed gravel is that gravel of which one hundred percent of the particles have been produced from larger particles.

Asphalt cement shall be prepared from petroleum, shall be homogenous, free from water, shall not foam when heated to 347 degrees F., and shall comply with specifications show in “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, Edition of 1978.

The mixture shall be compacted while in a plastic condition as soon after being spread as it will bear the weight of the rollers without undue displacement. No roller shall be operated at a speed greater than 3 miles per hour. The finished surface coarse shall be compacted to not less than 92% of the theoretical density. Hot mix bituminous material shall not be mixed or placed when the air temperature is below 40 degrees F. or when there is frost on the base or subgrade.

3. Double Bituminous Surface Treatment

Prime Coat – See Number 1 above.

Seal Coat – This item shall consist of two applications of a rapid curing cut black asphalt, each application be covered with aggregate conforming as closely as feasible to Class 8 or 9 mineral aggregate, in the “Standard Specifications for Highway Construction,” Arkansas State Highway Commission, 1978 Edition. The rate of application of the bituminous material shall be 0.3 gallons per square yard for the first application and 0.4 gallons per square yard for the second. Aggregate application rate shall be between 30 and 40 pounds per square yard.

Immediately following the placing of aggregate, the surface shall be rolled until the aggregate is thoroughly imbedded. After the second coat is rolled, surface should be swept. After roadway has been subjected to traffic for a period of one to two weeks, all excess cover material shall be removed from the roadway and properly disposed.

ARTICLE III – PROCEDURES FOR BLACKTOPPING

Section A – PRIORITY

The specific road or section of road to be blacktopped shall be determined primarily by a traffic count of at least one week. A new development in the process of construction could be a factor in making a decision that a particular road be blacktopped. This determination will be made by the County Judge.

Section B – CONTRIBUTIONS

Contributions made to cover the cost of blacktop materials for a specific section of county road shall be deposited with the County Treasurer prior to the start of work, in an amount to be determined by the County Judge, based upon the estimated cost of the project.

ARTICLE IV – ROAD CONSTRUCTION SPECIFICATIONS

The TYPICAL CROSS SECTION, attached as a part of this ordinance, and the following specifications shall govern the construction of new roads (gravel or blacktop) and the upgrading of existing roads to meet the standards as set forth herein.

Section A – BASE

1. Roadway Excavation

Roadway excavation shall include the removal and satisfactory disposal of all material taken within the limits of the typical cross section in excavation. All suitable material removed from the excavation for roadways shall be used as far as practicable in the formation of embankments and subgrades. Excavated material in excess of the quantity that can be placed in the embankment section shall be hauled away and disposed in an acceptable manner.

In the construction of embankments, grading operations shall be conducted so that the most suitable soil is placed in the top layer of the embankment in order to form an acceptable subgrade.

When detached boulders or rock is placed in an embankment, all voids shall be filled with embankment material. No rock greater than six inches in size will be permitted higher than one foot below finished subgrade or one foot from a drainage structure.

2. Drainage

Ditches shall be constructed to the sides of the roadbed as required to handle storm water runoff and should be sized according to good engineering practices. Normal ditch shall be a V-bottom with eight inches minimum depth below the base course. Maximum side slopes shall be 2.1, ditch bottom slope shall be 1.0 percent minimum to prevent ponding of water.

Drainage structures such as culverts and bridges shall be sized and located according to good engineering practices to divert water under roads and driveways. Minimum cover over culverts shall be twelve inches.

3. Embankment Material

Embankment material shall consist of a satisfactory soil, or a mixture of soil and stone or gravel, or other acceptable material free from sod, stumps, logs, roots or other perishable or deleterious matter and capable of forming a stable embankment when compacted.

ARTICLE V – MAINTENANCE AND REPAIRS

Section A – GRAVEL ROADS

1. Because regular and frequent maintenance of county roads is necessary to provide a road system which is passable under all weather conditions, and can prevent or defer costly repairs, maintenance shall be the top priority of the County Road Department. When repairs are necessary, they will be performed as soon as possible. Personnel will be utilized in such a way as to not delay the regular maintenance of any particular area for an extended period of time.
2. Portions of county roads that break through during the spring thaw should be recorded and special effort should be made to secure proper drainage and base before the next winter. If proper drainage requires a wide right-of-way, this must be secured before the base is built.
3. Since the durability of roads depends on keeping water out of the base, it follows that proper drainage is of highest priority for the efficient maintenance of existing gravel roads. Local residents desiring to have the best roads possible with the least cost will want to assist the county in keeping all culverts and bridges open. Property owners are prohibited from draining septic tanks or other similar type drainage into county road ditches or right-of-ways. Violation of this provision shall result in a fine of \$100.00 for each offense or \$100.00 per day for failure to correct a violation after written notice from the County Judge.
4. Since regular and frequent blading is necessary to maintenance of gravel roads, an adequate fleet of graders and support equipment in good working condition shall be maintained.

Section B – BLACKTOP ROADS

The cause of blacktop failure needs to be determined before repairing starts so that the cause may be attended to. If poor drainage causes the base to become saturated, then the drainage must be improved. A base that is not thick enough for the type of soil must be made thicker. Imperfections in the blacktop surface will allow water into the base and cause the base to break through. Repairing blacktopped roads is very expensive, therefore, every effort must be made to eliminate the cause of failure before expending funds for repair. If proper drainage requires a wider right-of-way, this must be secured before the base is built.

ARTICLE VI – COUNTY ROAD MAPS

The 1978 Traffic Volumes and County road Number Map of Benton County (prepared by the Arkansas Highway and Transportation Department) is attached to and made part of this ordinance. This map shows the location, inventory and classification of the roads in Benton County.

U.S. Highways shall be designated as “arterial” highways, Arkansas State Highways shall be designated as “state collectors,” and all county roads shall be designated as “county collector” or “local” roads.

ARTICLE VII – REPEALER

Ordinance No. 80-13 is hereby repealed.

ARTICLE VIII – SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

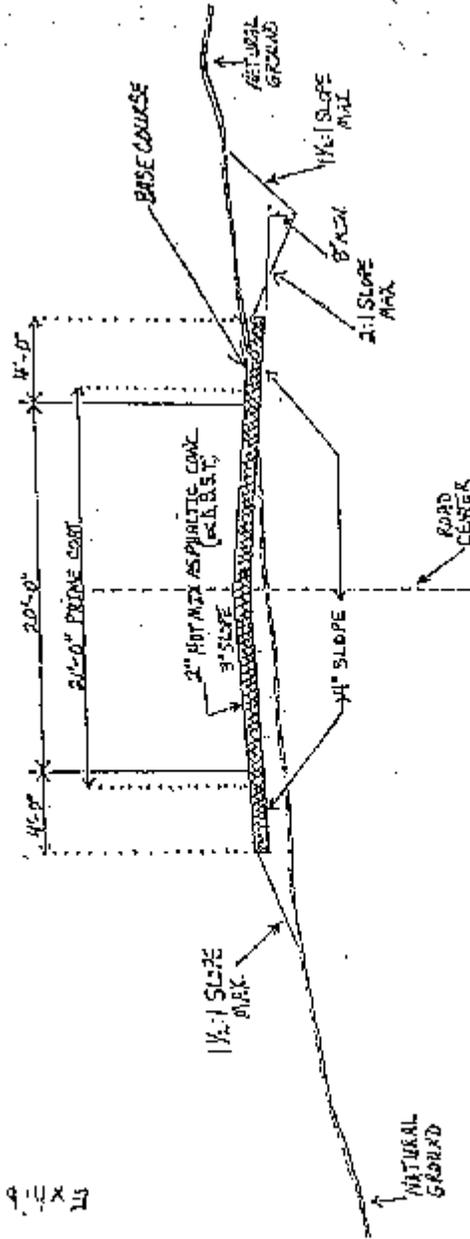
ATTEST:

Mary L. Slinkard
Date: March 13, 1986
Sponsor: Road Committee

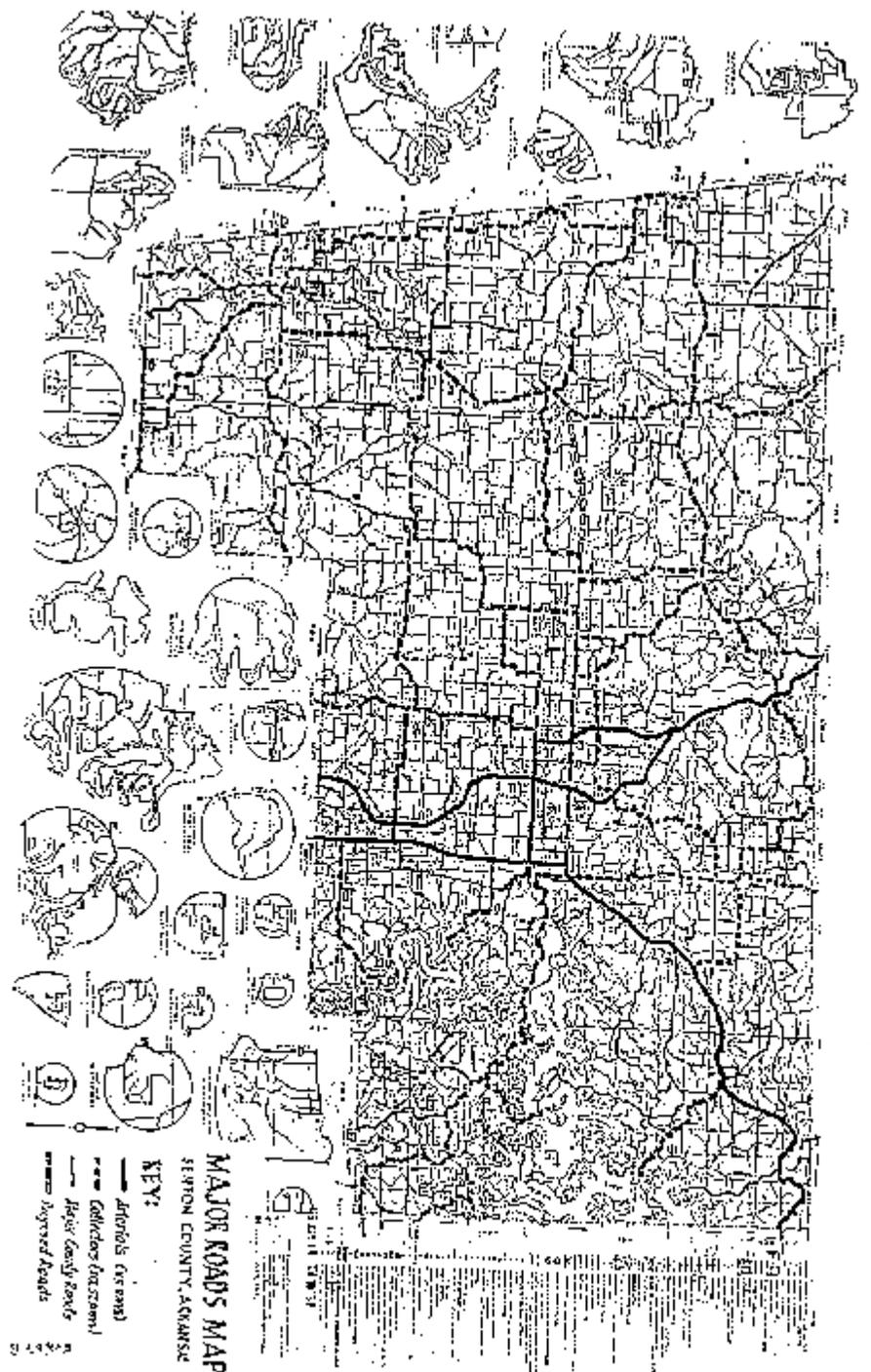
APPROVED:

A.E. Norwood, County Judge

Exhibit A



TYPICAL CROSS SECTION



2012

APPENDIX E – COUNTY ORDINANCE NO. 78-5 ARTICLE 2 & 3 AMENDED BY ORDINANCE 82-18 ON AUGUST 26, 1982

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

AN ORDINANCE TO CREATE THE COUNTY PLANNING BOARD; TO ESTABLISH THE ROLE OF PLANNING IN COUNTY AFFAIRS; AND ADMINISTER SAID BOARDS ACTIVITIES.

ARTICLE 1.0 – CREATION OF COUNTY PLANNING BOARD

1.1 There is hereby created County Planning Board. Such Board is created pursuant to the provisions of the general laws of the State of Arkansas, Acts 742 and 422 of 1977. Whereas, Act 742 provided for the termination of county planning boards no later than July 1, 1978, unless such a board was created and reorganized by the Quorum Court; and whereas, the Benton County Planning Board has served a useful and vital service for the citizens of Benton County, the Quorum Court of Benton County hereby creates a County Planning Board in the manner provided in this ordinance with such duties and provided in this ordinance with such duties and powers as herein contained.

ARTICLE 2.0 – MEMBERSHIP, TERMS AND APPOINTMENT

2.1 The County Judge of Benton County may, with the approval of the majority members of the County Quorum Court, create a County Planning Board. Said Board shall consist of seven (7) members appointed by the County Judge and confirmed by the Quorum Court. It is requested that the County Judge advertise for applicants for any open positions and submit names to the Quorum Court Personnel Committee for review and comment before appointment by the County Judge and confirmation by the Quorum Court. At least one third (1/3) of the members shall not hold any other elective office or appointment except membership on a municipal or joint planning commission or a zoning board of adjustment.

2.2 The term of each board member shall be for a period of four (4) years; provided however that the initial appointments to the board, a majority, but not exceeding three fifths (3/5) of the total membership of the Board, shall be appointed for two (2) years and the remaining members for four (4) years. No member shall serve for more than two (2) full terms, consecutively. A vacancy in the membership due to any reason shall be filled as described in Article 2.1. Any member of the Board shall be subject to removal for cause upon recommendation of the County Judge and confirmation by the Quorum Court.

ARTICLE 3.0 – OFFICERS, RULES AND PROCEDURES

3.1 The Planning Board shall designate one of its members as chairman and select a vice-chairman and such other officers as it may require annually at its July meeting. No member shall succeed himself in the same office. Rules and Regulations for the discharge of its duties and the transaction of business shall be adopted by the Planning Board. Such rules shall establish a

regular meeting date providing for at least one regular meeting to be held in each month of each calendar year. A public record shall be maintained of all business resolutions, transactions, findings, and determinations.

3.2 Special meetings may be called at the request of the County Judge or by the Quorum Court or by a majority of the membership of the Board. At least 24 hours notice is required for special meetings.

ARTICLE 4.0 EMPLOYEES, EXPENDITURES, COMPENSATION OF MEMBERS, OFFICE, AND EQUIPMENT

4.1 The County Judge shall provide necessary staff which shall assist the Planning Board and act in its behalf in the administration of its duties and responsibilities. Such staff will be employed by the County Judge with the advice of the Planning Board. Furthermore, such staff shall be governed by the uniform personnel policies affecting all County employees. Compensation of Planning Board members and staff assigned to assist said board shall be established each November by the Quorum Court in its annual budget ordinance.

4.2 The County Judge will make application for available public and private revenue sources for planning activities and may contract with respect thereto with the advice and consent of the Planning Board. No funds may be expended for planning activities except with appropriation by the Quorum Court.

ARTICLE 5.0 FUNCTIONS AND DUTIES

5.1 The County Planning Board shall have such functions and duties as specified in 1977 Acts of Arkansas, No 422, Section 3,4, and 5.

ARTICLE 6.0 SUBDIVISION, SET-BACK, AND ENTRY CONTROL ORDINANCES

6.1 The Benton County Subdivision Regulations as promulgated by the Benton County Planning Board, dated November 17, 1975, are hereby adopted and incorporated herein as if set out at length. Any alteration or amendment to said Subdivision Regulations shall be made in accordance with Arkansas Act 422, Section 5 and 6.

ARTICLE 7.0 MOBILE HOME PARK REGULATIONS

7.1 The Benton County Mobile Home Park Regulations as adopted by the Quorum Court, date November 1, 1977, shall be administered by the County Planning Board in the manner set out by Ordinance No. 77-23.

ARTICLE 8.0 SEVERABILITY

8.1 If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the involved provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

ARTICLE 9.0 EFFECTIVE DATE

9.1 It is hereby determined that creation of a County Planning Board will meet a public emergency affecting the safety and property of the people of Benton County. Therefore, an emergency is hereby declared to exist and said creation of the Planning Board as herein contained shall be in full force and effect from and after its passage and approval.

ATTEST: HARRY M. PRATT

DATE: JULY 21, 1978

SPONSOR: DUANE CURBY

APPROVAL:
COUNTY JUDGE: **RAILEY A STEELE**

FILED JULY 21, 1978
HARRY M. PRATT, COUNTY AND PROBATE CLERK

APPENDIX F - COUNTY ORDINANCE NO. 0-86-27

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

BENTON COUNTY SET-BACK ORDINANCE

WHEREAS, Ark. Stat. Anno. 17-1111 allows the Planning Board to recommend to the Quorum Court implementing ordinances; and,

WHEREAS, the purpose of the set-back ordinance is to provide for the safety, aesthetic value and road improvements of Benton County.

IT IS THEREFORE, ORDAINED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS, a Set-Back Ordinance to be established as follows:

ARTICLE I. DEFINITIONS:

- A.** Man-made structures – anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to advertising signs, billboards and similar structures but excluding portable animal shelters, portable storage buildings, cattle guard, traffic-control signs, and usual farm fences built of wire and posts.
- B.** Set-Back – the area in which the construction of all man-made structures is prohibited.
- C.** Arterial Roads – as defined in the official Benton County Road Plan.
- D.** Collector Roads – as defined in the official Benton County Road Plan.
- E.** Local Roads – as defined in the official Benton County Road Plan.

ARTICLE II. MINIMUM SET-BACK

No man-made structures shall be constructed within the following minimum set-back areas:

- A.** Arterial Roads – fifty-five (55) feet measured from the center line of the fronting road or twenty five (25) feet from the fronting property line, whichever is greater.
- B.** Collector Roads – Fifty-five (55) feet measured from the center line of the fronting road or twenty-five (25) feet from the fronting property line, whichever is greater.
- C.** Local Roads – Forty (40) feet measured from the centerline of the fronting road or fifteen (15) feet from the fronting property line, whichever is greater.

D. Existing subdivisions which have been approved by the County prior to the effective date of this ordinance with a lesser set-back than herein required shall be permitted to observe the set-back as shown on the recorded plat.

ARTICLE III. SAFETY AT INTERSECTIONS

For the safety and general welfare of the citizens of Benton County and to provide reasonable sight distance for motorists, no landscape or ornamental planting shall be permitted within thirty (30) feet of the intersection of a road right-of-way. The right-of-way of roads, for purposes of this regulation, shall be as defined as arterial, collector, or local roads in the official Benton County Road Plan.

ARTICLE IV. NON-COMPLIANCE CLAUSE

All man-made structures existing on the effective date of this Ordinance in the prohibited set-back areas as defined herein shall be allowed to be continued until the structure shall be destroyed or abandoned, except any such man-made structure which is listed on a state or national register of historical places may be rebuilt or restored on the same site following destruction or abandonment.

ARTICLE V. BOARD OF ZONING ADJUSTMENT

The Board of Zoning Adjustment shall consist of the Planning Board which shall sit as a whole.

ARTICLE VI. VARIANCE PERMITTED

The Board of Zoning Adjustment may vary the requirements of this ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration that such action will be in keeping with the spirit and intent of the provisions of the set-back ordinance. In deciding whether to grant a variance for the reconstruction of a destroyed building which building existed in the set-back area on the effective date of this ordinance, the Board of Zoning Adjustment may consider the historical significance of the destroyed building and the economic hardship on the owner of the destroyed building.

ARTICLE VII. SEVERABILITY

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or applications of the ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.

APPROVED:

Became law without

Judge's signature

DATE:

11-20-86

ATTEST:

County Clerk

DATE ADOPTED: 11-13-86

SPONSOR: Rural Roads Committee

APPENDIX G - COUNTY ORDINANCE NO. 2004-010

Amending 77-23

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE IMPLEMENTING REGULATIONS FOR THE ESTABLISHMENT
OF NEW MOBILE HOME PARKS AND ENLARGEMENT OF EXISTING MOBILE
HOME PARKS: REQUIREMENTS FOR PLATTING OF SUCH PARKS, AND
ADMINISTRATION OF SAID REGULATIONS BY THE COUNTY PLANNING
BOARD.**

ARTICLE I. GENERAL PROVISIONS

This ordinance shall be referred to as “Benton County Mobile Home Park Subdivision Regulations” and any reference to regulations in this ordinance shall be interpreted mean regulations embodied in this ordinance.

Purpose and Objectives

These regulations provide the minimum requirements and standards for establishing and for enlarging Mobile Home Parks. These requirements and standards along with recommended additional considerations are intended to:

1. Assist Mobile Home Park Developers in planning.
2. Assure adequate public streets, parking space and rights-of-way for firefighting, utilities, and other services.
3. Promote compliance with Arkansas State Board of Health “Rules and Regulations pertaining to Mobile Home and Travel Trailer Parks”, May 1967, and with other sanitation requirements described herein.
4. Protect the respective interest of developers, Mobile Home Park occupants, adjacent property owners and county taxpayers.
5. Promote harmonious development with the existing and future growth of the area.
6. Specify information to be included on plats filed for record.
7. Identify improvements to be installed at developer expense.
8. Assist in providing accurate public records.

Legal Authority

These regulations are declared to be necessary to minimize governmental expenditures and operating costs and to promote the health, safety, comfort, convenience, prosperity and welfare of the people.

Statutory Provisions

These regulations are adopted pursuant to the authority granted by Act 422 of 1977, the County Planning Board Act. Benton County has complied with the County Planning Board Act by adopting an official Highway Plan as part of the County Plan for the recommended development for all or part of the unincorporated territory of Benton County.

Jurisdiction

These regulations shall apply to all land in the unincorporated territory; provided that, prior to any County Planning Board approval action with respect to territory for which any municipality vested under Arkansas Statutes, subdivision of land aspects of compliance with this regulation will be coordinated with that municipality.

Compliance

In accordance with the purpose and objectives listed in section 1.01, the requirements hereinafter set forth must be complied with before the establishment of a New Mobile Home Park or before enlarging on an existing Mobile Home Park.

Modification, Variance or Waiver

The Planning Board may modify, vary or waive the requirements of this regulation by an affirmative two-thirds (2/3) vote of the total membership. In any case where the Mobile Home Park Developer shows by a plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this regulation would cause exceptional and undue hardship, the Planning Board may modify, vary or waive such requirements to the extent they deem just and proper so as to relieve such hardships, provided that such action will not impair the purpose and objectives of this regulation and the public interest will be secured and substantial justice done. Such action shall be recorded with the justifying reasons in the minutes of the meeting.

Definitions

Mobile Home Park Developer: The person, firm or corporation seeking to establish or to expand a Mobile Home Park. The term "Developer" used in this regulation means "Mobile Home Park Developer". Mobile Home Dwelling Units: Transportable dwelling units suitable for single family year-round occupancy and containing the same water supply, waste disposal and electrical convenience as immobile housing and shall be inclusive of the definition of "manufactured home" contained in A.C.A. 14-54-1602. Trailers: Travel trailers, motor homes, pick-up campers, fifth wheel campers, camping trailers with folding or collapsing features; such trailers may be self contained (operate for periods of time independently of sewer, water, gas and electrical

connections and may or may not contain toilet, lavatory or shower). This regulation's coverage of trailers which might occupy such parks shall be limited to compliance with siting and utilities requirements of this regulation as well as requirements and regulations referenced in Section 3.02.

Mobile Home Park: For the purpose of this regulation, a Mobile Home Park is a parcel of land located outside the corporate limits of cities in Benton County and which is originally platted under single ownership or common promotional plan and planned, developed and improved for the commercial purpose of placement of two (2) or more Mobile Homes. Excluded from this definition are single parcels of land upon which are placed three (3) or fewer Mobile Homes for use by members of a family and/or employees of a farm or business. However, all Mobile Homes not located within Mobile Home Parks, as herein defined, shall be in compliance with the water and sanitation requirements of the State Health Department and of Benton County.

Additional terms, which pertain to subdivision regulations are defined in Benton County Subdivision Regulations.

Additional terms, which pertain to Mobile Homes and Travel Trailer Park design and operation, are defined in Arkansas State Board of Health Publication "Rules and Regulations Pertaining to Mobile Home and Travel Trailer Parks". Pertinent terms in these referenced regulations apply unless such terms have been modified by definitions in this regulation.

ARTICLE II. PRE-PLATTING PROCEDURES AND PLAT REQUIREMENTS

Pre-Platting Procedures

Whenever a developer intends to develop or expand a Mobile Home Park within the meaning of these regulations, and before he prepares a plat, he may request a pre-platting conference with the Benton County Planning Board for the purpose of presenting a sketch plan and for reviewing the planning requirements in effect. Such pre-platting conference may be of assistance to the developer through improvement of design and prevention of unnecessary expense in plat preparation.

Sketch Plan

The sketch plan may be a free hand drawing, superimposed on a site map or aerial photograph, which locates the following:

1. Topography
2. Water courses and flood plains
3. Tree cover
4. Adjoining development
5. Existing sanitary and storm sewers and drainage, if any

6. Existing and proposed streets
7. Proposed Mobile Home and facilities layout
8. Any additional information the Developer feels may be pertinent.

Conference

Before preparing and submitting the Mobile Home Park Plat application to the County Planning Board, the Developer or his engineer may consult with the members and staff while the plat is in sketch form to take into account access streets, parks, school sites and other facilities or developments that are existing or planned.

Format for Sale or Transfer of Ownership

Application

If a sale or transfer of ownership of Mobile Homes sites or parts of the parcel is contemplated, a full preliminary plat and final plat application, as specified by the Benton County Subdivision Regulations (or by the Municipality exercising extra-territorial subdivision jurisdiction), is required. In all other cases, a letter to the County Planning Board requesting approval of the accompanying plat and supporting information is appropriate.

Accompanying Plat for Review

The sheet size and scale for plats for review shall be flexible; however, a drawing or reproduction at a scale of 200 feet to the inch shall be submitted and need not show other than the boundary bearings and distances.

Sheet Size

The sheet size for recording shall be a maximum of 18" X 24". This may be a reproduction from a larger sheet size if desired.

Copies

Five (5) copies of the plat shall accompany the application. (If full compliance with a subdivision is required, see that regulation for the number of copies required).

Handling of Mobile Home Park Plat Subdivision Applications When Sale or Transfer of Ownership is Not Contemplated.

The developer shall have prepared by a Registered Land Surveyor a plat of the proposed park or park expansion and shall file with the Planning Board an application for approval of said plat at least two(2) weeks prior to the meeting at which action is desired

Review Procedures

Upon receipt of the application and plat for approval, the Planning Board Service Officer shall check for conformance to the requirements of this regulation. When all requirements for applying have been met, copies of the plat will be provided to members of the Technical Advisory Committee (TAC) for review and recommendation to the Planning Board. The TAC Committee may be made up of public representatives as well as county officials, utilities, planners, etc. which could benefit the public interest.

Notice to Cities and Towns

Subdivision regulations of a city, if a proposed park is outside the city, but within the city's subdivision jurisdiction. State standards for installation set forth under A.C.A. 20-25-106 and the design of the manufacturer, and Chapter 38 of the code pertaining to flood damage prevention. Upon receiving an application and plat for Mobile Home Park approval, the Planning Office Manager shall check for conformance with this article. When all application requirements have been met, copies of the plat shall be forwarded to the planning board for consideration. The board shall consult with county officials, utilities, planners, and other authorities as deemed appropriate. Upon receipt of an application and plat for mobile home park approval, the planning office manager shall notify in writing the mayor and city area boundary. The notice will briefly describe the proposed application and include a copy of the plat and supporting information, and indicate when it will be considered for action.

Approval or Rejection

Upon receipt of the of the staff recommendation, as well as recommendations of any city, official, subcommittee or other authorities consulted, the planning board shall vote to approve or reject the mobile home park plat; provided A. C. A. 14-17-208 (i) shall, if applicable, be complied with. If the plat is rejected, the board shall note all deficiencies by item upon the plat. One copy of the approved or rejected plat, with condition noted thereon, shall be returned to the developer. The developer may submit a revised plat. When changes are required by the board, all public and private agencies, which in the discretion of the planning board are affected, shall be advised. The grounds for not approving any proposed or planned physical development, or the regulations violated by the application or plat shall also be stated in the record of the meeting and kept open for public inspection.

Approval by Lapse of Sixty (60) Days

The action of the Board shall take place within sixty (60) days from and after the date of application, unless the Developer agrees in writing to an extension of time; otherwise, said plat shall be deemed to have the approval of the Planning Board. In lieu of written approval evidence, filing for record may be accomplished with a certificate from said Planning Board as to the date of application and the failure to take action thereon within the allotted time.

Recording

A plat, prepared by a Registered Land Surveyor, of a parcel specified for use as a Mobile Home Park or of an expansion to an existing park, shall be presented for public recording only after compliance with either of Section 2.03.4 or Section 2.03.5 as appropriate.

Area Map

An area map shall accompany or appear on the plat. The scale should be large enough to show the location in Section, Township and Range with respect to existing roads, adjacent communities or features (such as lakes or streams).

Name, North Point, Etc.

Include on the Plat, the name of the Mobile Home Park. The plat scale to be shown in both words and graph form. Include a north point arrow and the date.

Boundary Lines

All external boundary lines with length and bearing of courses should be shown. These boundary lines shall be determined by accepted surveying practices.

Topography

Contours, with intervals of five to ten feet depending on terrain, referenced to USGS datum, shall be shown.

Abutting Property

The name of the adjacent subdivision and the name of the adjacent property owners of record on both platted and unplatted land shall be shown in the appropriate location upon the plat. Notations of uses of adjacent land shall be shown (i.e., residential, agricultural, or commercial).

Soil Analysis

The type of soils found in the proposed park area is available from USDA Soil Conservation Service, Soil Survey of Benton County, issued January of 1977, shall be shown.

Existing Streets

The location and width of presently existing streets bounding or within the proposed park shall be shown. Names of such streets and roads shall be shown.

New Streets, Walkways, and Parking Space

Include new street, walkway, and parking space proposed locations on the plat. Length, bearing, name, width, and angles of intersection of streets shall be shown. Streets shall have grades of 10% or less and be constructed of a hard dustless surface not less than 18 feet in width. They shall connect to accessing streets in an approved and safe manner. Streets shall be 34 feet wide (including shoulders) to provide adequate room for parking. Streets shall be sloped and properly drained into catch basins connected to storm sewer systems (where available). Hard surface walkways shall be provided between home sites and common use areas and service facilities. Adequate illuminations shall be provided for internal streets and walkways. At least two off street parking spaces should be provided for each home site. Benton County Subdivision Regulations should be consulted for additional street design and construction requirements. These must be followed for all streets, which may be dedicated to and accepted by the County for maintenance. Unless otherwise agreed, streets within a Mobile Home Park will be maintained by the Developer, owner, or occupants of the park. Normally, streets bordering and providing access to a Mobile Home Park may be dedicated and will be accepted by the County subject to

compliance with County design, construction and inspection requirements.

Existing Utilities

Existing overhead and underground power and communication lines, sewers, water mains, gas mains, culverts and other underground structures within the park and immediately adjoining it, with pipe sizes and grades, shall be shown on the plat or a separate attachment.

Utility Service

Easements for utility service will be shown on the plat. Include on the plat, or in supporting attachments, specific plans for the following:

1. **Water supply.** Where an approved public water supply is reasonably available, the Developer should connect with such water supply and make it available to each Mobile Home site. Certification by the State or County Health Office approving the water supply must be included with each application.
2. **Sewage and sanitation.** Where a public sanitary sewer is reasonably accessible, the Developer shall connect with such sanitary sewer and provide lines to each Mobile Home site. A description of the sewage and sanitation system planned for the park and a certificate from State or County Health Office approving the plan must be furnished. (The County Health Office should be contacted early for information about the design and other requirements of the State Health Department Regulations.)
3. **Heating and Cooling Service.** Specify the heating, cooling and power services planned. Include a statement from the appropriate utilities services that the service will be provided and that the easements specified on the plat application are adequate.

Community Facilities and Open Spaces

Planned community facilities, play areas and other man-made common use features should be correctly positioned on the plat. State Health Regulations should be consulted for minimum common health facilities required. Natural features, water courses, or open space to be preserved should be designated on the plat.

Flood Area

All of the proposed home park area which is subject to inundation within in the last one hundred (100) years, shall be clearly designated on the plat. A drainage study may be required by the Board before approval.

Buffer Areas

Buffer areas may be either planted vegetation, natural vegetation or fence with concealing properties to a height of seven feet. Normally buffer areas will be required between Mobile Home Parks and adjacent properties and along public street sides. Mobile Homes should not be sited closer than thirty (30) feet to vegetation buffers nor closer than twenty (20) feet to fence buffers.

Siting of Mobile Homes

Single Mobile Home Units shall be allotted at least 3000 square feet; double units at least 4500 square feet. Lot dimensions will be of sufficient size so that Mobile Homes placed upon the lots will have outside walls or attachments thereto not closer than 25 feet from an interior street, nor 30 feet from an exterior street, not 15 feet from any other Mobile Home. Where existing exterior streets may have substandard right-of-way, the Board may require a greater setback from such streets. Lot site numbers shall be posted on each site adjacent to the walkway facing the street. Planned siting of all Mobile Homes shall be included in the plat and lot site numbers given to each planned location.

Mobile Home Site Ownership Plans

Attach a statement confirming that no present plans exist to sell or otherwise convey title to the sites which the Mobile Homes will occupy. If sales or conveyance is planned, full compliance with Benton County Subdivision Regulations is required as indicated in Section 2.02.1. If sales or conveyance of sites is contemplated at a future time after Mobile Home Park is approved, the Developer is require to obtain approval from the Benton County Planning Board for any additional requirements of subdivision regulation before executing such sale or conveyance.

Construction Plans

Construction Plans and other engineering data pertaining to roads, drainage, water and sanitation systems shall be prepared and certified by a Registered Professional Engineer and should accompany the application. Any approval by the Planning Board of the application will be conditional upon the final approval certification and acceptance of such improvements by the agencies having jurisdiction unless bond is provided as outlined in Section 3.01. An engineer's certificate will be required on the plat to be recorded, that all completed required improvements conform to all applicable engineering

requirements and specifications unless bonding is elected in which case "as built" plans will contain this certification.

Owner's Certificate to Appear on Plat

Included on the plat shall be owner's certificate which should contain the substance of the following example:

"As owner, I hereby certify that I have caused the land described for this Mobile Home Park to be surveyed, platted, dedicated and access rights reserved as represented on this plat (and attachments)."

ARTICLE III – ADMINISTRATION AND ENFORCEMENT

The County Planning Board shall have responsibility for interpretation and administration. The Board shall protect the public interest by thoroughly examining and coordinating each application without undue delay to the Developer.

Bonding

If the Developer selects bonding for any or all of the required improvements, the Developer will be required to post an acceptable surety or cash bond for the total cost of such improvements as estimated by the engineer, by the contractor's bid, or by the officials having jurisdiction. Utilities that would be extended at no cost to the Developers are excluded from the bonding requirement. The bond shall continue until certifying approval of completion has been accepted from the officials having jurisdiction or fourteen (14) days after notifications of completion, whichever is sooner. In event certification is withheld during the fourteen (14) day period after notification, bonding may be continued for reasons and in the amount specified in the withholding document. Properly certified "as built" plans of improvements shall be filed with the Planning Board within sixty (60) days of completion.

Compliance with Other Regulations

Other regulations and guidelines of the United States, State of Arkansas and Benton County pertain to the planning, design and operation of Mobile Home and Trailer Parks. These regulations and guidelines should be consulted both to help and improve the planning and design of such parks and to learn specific requirements which should be considered as part of a Mobile Home Park application. The approval of a Mobile Home Park application by the Benton County Planning Board does not relieve the Developer, owner or operator from complying with the operating, licensing, permit or other requirements of such regulations. Consult the following additional information:

1. "Benton County Subdivision Regulations."
2. Subdivision Regulations of a city, if proposed park is in the city's subdivision extraterritorial jurisdiction.
3. "Rules and Regulations Pertaining to Mobile Home and Travel Trailer Parks." Arkansas State Board of Health, Little Rock.
4. "Arkansas Sewage Disposal Regulation." State Health Department.
5. "Environmental Health Guide for Mobile Home Parks," United States Dept. of Health, Education and Welfare.

Fees

Plat Application

Application fees for mobile home parks shall be \$200.00. Said fees shall be to offset processing, advertising, and inspection expenses.

Public Hearing

For each request for public hearing before the Board on a Mobile Home Park matter, the Board shall collect a fee adequate to cover expense, including advertising expenses, except that no fee shall be required on Municipalities.

Inspection

The Board may establish fees for inspections and investigations of Mobile Home Parks.

Enforcement

Official in Charge

The Planning Office Manager shall act for the County Planning Board.

Complaints Answered

Upon receiving a written signed complaint, said official shall investigate and notify the complainant within thirty (30) days of the action taken.

Inventory of Existing Mobile Home Parks

In order to enforce this regulation, as it pertains to new parks and extensions of existing parks, it shall be required that all owners or operators of existing Mobile Home Parks outside the corporate city limits of cities within Benton County advise the Benton County Planning Board within 180 days after the effective date of this regulation of the following:

1. Location and name of park.
2. Boundaries of the park.
3. Number of Mobile Homes sites in the park.
4. Type of Water and Sewer System.
5. The number of sites the water and sewer system presently serves.

Penalties

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

Misdemeanor: Violations of this regulation shall be deemed a misdemeanor and shall be punishable pursuant to provisions of Sec.1-9 of the Benton County Code of Ordinances.

Civil Action: The Planning Board or any person whose property is jeopardized by a violation may institute a civil suit to prevent or remove a violation of these regulations.

ATTEST: /S/Harry M. Pratt

APPROVED: /S/Railey A. Steele

DATE: Nov. 15, 1977

SPONSOR: Beaty