

CHAPTER II – ADMINISTRATION AND ENFORCEMENT

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§2.1 – ADMINISTRATION AND ENFORCEMENT

Pursuant to A.C.A. §14-17-203, the Benton County Planning Board was established in accordance with Ordinance No. 78-5 on June 21, 1978 with subsequent amendments by Ordinance 82-18 approved on September 7, 1982 and Ordinance 1978-05.

A. Administration

- i. The Benton County Planning Board shall be charged with the responsibility for the administration of this Ordinance. The Planning Board may adopt by-laws or internal rules and regulations as it deems necessary 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.
- ii. The Planning Board may develop a summarization of the Planning and Development regulations to make ~~the recommendations stipulations and requirements~~ more accessible to the property owner/applicant. In their consideration of a development application, the Planning Board will take into account recommended ‘Standard Conditions of Site Plan Approval’ (Appendix K). ~~and additional project specific special conditions or amendments thereto attached to the Decision Letter and the approved site plan~~ Further, the Planning Board may stipulate, or condition their approvals, which shall be formalized in the Decision Letter, and where applicable, shown on a final approved site plan. The Planning Board shall have no authority to supersede the Planning and Development Regulations of Benton County.
- iii. In addition to the standards established by this Ordinance, all development shall comply with any other regulations or special requirements of the state, local or federal agencies.
- iv. Appeals to administrative or Planning Board decisions and land use interpretations shall be reviewed by the Board of Appeals.
- v. Any appeal concerning roads shall be appealed directly to circuit court in accordance with Arkansas State Code A.C.A. §14-17-209.

B. Enforcement

It shall be the duty of the County Judge to enforce this Ordinance and address any violations of the Ordinance and/or the rules established by this Ordinance or otherwise adopted or established pursuant thereto. The enforcement by the County Judge may be carried out by the County Judge, by any County employee acting on his behalf or on behalf of the County, or by any other governmental official, employee or agent acting on his behalf or on behalf of the County. Actions for enforcement are valid if brought in the name of the County Judge, the County Planning Board, or the County, and no proof of specific authorization to bring an enforcement action shall be required. Enforcement actions may also be brought in the name of the State of Arkansas where appropriate by the Prosecuting Attorney (or his or his deputy) having authority in Benton County and no specific authorization for such shall be required.

The enforcement authorized herein may be pursued in the civil courts, through injunction or otherwise; or through the criminal courts, including, but not limited to such enforcement being based on the provisions of this Ordinance providing that a violation thereof shall subject the violator to punishment under the provisions of § 1-9 of the Code of Ordinances of Benton County.

Additionally, in accordance with §14-17-207(f) of the Arkansas Code any individual aggrieved by a violation of this Ordinance and/or the rules established by this Ordinance or otherwise adopted or established pursuant thereto may request an injunction against any individual or property owner in violation or may mandamus any official to enforce the provisions of the Ordinance.

The County Judge and/or those persons, employees, or agents acting on his behalf shall have the authority to issue a document stating that a person or entity is in violation of the Ordinance and/or the rules established by this Ordinance or otherwise adopted or established pursuant thereto (a "Notice of Violation"). Such document may be by letter or otherwise and may be delivered personally or by mail, electronic or otherwise. Such notices are only tools to be used in encouraging compliance and it is not a requirement that a Notice of Violation be given before an enforcement action provided for herein can commence or otherwise.

~~It shall be the duty of the Benton County Planning staff to enforce this Ordinance and to bring any violations or lack of compliance herewith to the attention of the County's Prosecutor's Office.~~

~~In accordance with A.C.A §14-17-207(f) any individual aggrieved by a violation of any such plan or Ordinance may request an injunction against any individual or property owner in violation or may mandamus any official to enforce the provisions of the Ordinance.~~

§2.2 – BOARD OF APPEALS

A Board of Appeals is hereby established to provide ~~citizens~~applicants the opportunity to appeal any administrative or Planning Board ~~division~~decision on matters pertaining to this Ordinance. For the puposes of this section, 'applicant(s)' mean the person or persons making an application to the County for approval of any type of review subject to this Ordinance (see definition for APPLICANT, Chapter 3, Sec. 3.4). The Board of Appeals shall have such powers and duties as are provided by law or Ordinance. The Board of Appeals shall have the following functions:

B. Organization

1. Officers and Duties

The Board of Appeals shall elect a Chair and Vice-Chair from among its membership. The Chairperson, or in his/her absence, the Vice Chairperson, shall preside at all meetings.

2. Meetings

Meetings of the Board of Appeals shall be held on a regular schedule. The Chair, or in his absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. Agenda items requiring a public hearing shall require sufficient notice as required by law.

3. Required Attendance

If a member fails to attend three (3) consecutive meetings or misses 20 percent (20%) or more of the meetings held during a calendar year, the County Judge, upon recommendation by the Chair, may declare the position vacant.

4. Quorum

A quorum of the Board of Appeals shall consist of four (4) members. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter before the Board of Appeals.

5. Office, Staffing, and Records

- i. Office – The office of the Board of Appeals shall be the Planning Department or as may be otherwise designated by the County Judge.
- ii. Staffing – The Planning ~~Department~~ Division must provide the Board of Appeals with staff assistance necessary to enable it to discharge its duties including arrange for its meetings, and perform such other duties, consistent with the provisions of this chapter, as the adopted rules of the Board of Appeals require.
- iii. Records – The Planning ~~Department~~ Division shall be the custodian of the records of the Board of Appeals including all agendas, minutes, and other documents pertaining to the business of the Board.

§2.3 – BOARD OF APPEALS PROCEDURES

A. Board of Appeals Application

A written appeal must be filed by the applicant within thirty (30) days of the decision sought to be appealed. For the puposes of this section, ‘applicant(s)’ mean the person or persons making an application to the County for approval of any type of review subject to this Ordinance (see definition for APPLICANT, Chapter 3, Sec. 3.4). The appeal must include the following materials:

1. ~~1.~~ A completed copy of a Board of Appeals application, including:-
 - a. Notarized Owners affidavit (Owner, lessee, prospective purchase or legal representation must sign the application.
 - b. A letter from the legal property owner giving permission to the applicant to represent the property, if applicable.
2. Cover letter addressed to the Board of Appeals explaining ~~what relief or action is sought and the justification for justifying~~ the request.
3. ~~Eight-Fifteen (158)~~ sets of survey plans / site plans ~~showing the lot size, location of all structures, existing and proposed, setbacks, parking and loading facilities, and septic system, if applicable. Such plan shall be the same as that required of the original application, as submitted for the Planning Board Public Hearing should one have been required.~~
4. Photos of property and area of concern (as applicable) and other supplemental information as required.

B. Appeals Procedures

1. Setting a Date – Upon filing of an appeal, the Planning staff shall schedule a hearing date, which shall be held within thirty (30) days of the application filing date. If the thirty (30) day scheduling period ends on a day when County Offices are closed, then the deadline for scheduling the requisite hearing date shall be end-of-business the next day County Offices are open.-
2. Notice – ~~Public notice shall be served~~The hearing shall be held within thirty (30) days of the application, preceded by at least fifteen (15) days' prior to the scheduled hearing date. notice Notice shall be served via by USPS certified mail, with return receipt, to by the appellant/applicant, and at the appellant's-applicant's expense, to all ~~landowners-property owners~~ within a 500 feet ~~radius from of~~ the property line, based on current records of the Assessor's database, via certified mail with return receipt. Such notice shall be sent no less than fourteen (14) days prior to the scheduled public hearing. If the fifteen (15) day noticing period ends on a day when County Offices are closed, then the deadline for public noticing being served shall be end-of-business the next day County Offices are open.
3. Public Hearing Sign: Public Hearing Sign shall comply with §4.8 of this ordinance.
4. The Board's decision shall be final, administratively.

§2.4 – APPEALS TO THE DECISION OF THE BOARD OF APPEALS

1. County Quorum Court – A decision of the Board of Appeals may be appealed to the County Quorum Court prior to an appeal to a court of record. The County Judge shall be the chair of the Board of Administrative Appeals but shall vote only in the event of a tie. The County Quorum Court shall determine the number of Quorum Court members who shall sit on such an Appeal.
2. Court of Record – All appeals to the decision of the Board of Appeals shall be subject to appeal to a court of record having jurisdiction.

§2.5 – COMPLIANCE AND INSPECTIONS

- A. **Compliance: Conditions Met as Precursor to certificate of occupancy** – No certificate of occupancy (CO) shall be issued for any development unless all conditions of approval have been met.
- B. **Inspection** – The enforcement entity 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 this Ordinance. The right to enter extends from the applicant's authorization agreed to by making an application which shall be in effect through confirmation of compliance with any conditions so applied by decision or with this Ordinance.

§2.6 – PENALTIES

A violation of this Ordinance 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 penalties provided for in §1-9 of Benton County Code of Ordinance.

§2.7 – AMENDMENTS TO THIS ORDINANCE

This Ordinance may be amended in strict accordance with the provisions of A.C.A. §14-17-207-Adoption, Amendment, and Enforcement of official plans and implementing Ordinances.

§2.8 – AUTHORITY TO ASSESS FEES

- A. **Establishment of Fee Schedule:** The Benton County Planning Board shall establish a schedule of fees which may be from time to time reviewed and modified by the Planning Board and subsequently approved by the Benton County Quorum Court.
- B. **Fee to be Paid in Full:** Until all applicable fees, charges and expenses have been paid in full by the applicant, no action shall be taken on any application or appeal.
- B. **Third Party Consultant Review Fees:** The Planning Board reserves the right to retain professional services including legal, architectural, engineering, land surveying, and such other consulting services in appropriate circumstances to protect the health, safety, and environmental concerns. Independent engineers or other consultants may be retained for commercial or industrial large scale developments, subdivisions, planned unit developments, development master plans, or any other projects involving significant drainage, transportation, or other complex technical issues. Requests for review fees may only be made by a vote of the Planning Board in a regular meeting. Planning staff may use specifically programmed funds for consultants for the same purpose if an independent assessment of a technical report or data submitted by a consultant is necessary.

The Planning Board shall be reimbursed by the applicant for the reasonable fees and expenses of such consultants, and each application for a development review under this Ordinance hereunder shall contain an agreement by the applicant to that effect regardless of the decision on the project. The cost of special technical reviews shall not be onerous, exorbitant, unreasonable, or in excess of what the market would bear for such services.

§2.9 –MODIFICATION, VARIANCE, OR WAIVER

- A. **Waivers and Modifications:** Waivers and modifications are essentially the same action and may be taken by the Planning Board by regular vote as part of an existing hearing by the Board. Waivers and modifications are applicable to non-dimensional provisions of this Ordinance which, by the scrutiny of the Board and which may be informed by supporting evidence by staff or other experts, can be prudently and judiciously modified or waived to the extent reasonable and necessary to provide relief to the applicant as part of their development request. Waivers and modifications may be requested by an applicant via a formal request in writing that specifies the provision of the regulations where relief is sought and a justification for the request. Consideration of a specific waiver or modification may also be initiated by staff or the Board. As a distinction, a waiver would be the elimination of a provision while a modification would generally be a reduction in scope of a provision.
- B. **Variances:** Variances are relief to a dimensional provision of this Ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Planning Board. Note that a two-thirds (2/3) vote of the attending quorum is not sufficient.

The criteria to grant variances shall be without exception and singularly because strict compliance with any provision of this Ordinance would cause exceptional or undue hardship to the applicant. Additionally, extra expense, economic hardship, or additional outlay of capital funds or money shall never constitute grounds for exceptional or undue hardship. Hardship shall hereby be defined as:

1. There exist exceptional, extraordinary, or unique physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope.
2. Because of the exceptional physical circumstances, the strict application of this Ordinance would create an exceptional or undue hardship to the property owner.
3. The hardship is not self-imposed. While self-imposition may be a complicated assessment, generally it refers to fore knowledge of the limitation or reasonable expectation of fore knowledge upon assuming ownership or control of the property.
4. The variance, if granted, will not adversely affect the use and/or enjoyment of adjacent property as permitted under this Ordinance.
5. That the variance, if granted, will not change the character of the area in which the property is located, and is in keeping with the intent of this Ordinance; and,
6. That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Benton County.

§2.10 – RESERVED

ACCESSORY STRUCTURES – Structures which are on the same parcel of property as the principle structure and the use of which is incidental and subordinate to the use of the principle structure (such as garages and storage sheds).

ACCESSORY USE – The use of land or a building or a portion thereof customarily incidental, subordinate to the principal use of the land or building, and located on the same lot as the principal use.

ADDITION – Any construction that increases the size of the building such as an attached garage or a new room or wing.

ADJACENT – See Adjoining Land

ADJOINING LAND – A tract, lot, or parcel that shares all or part of a common line with another tract, lot, or parcel (See Abutting).

AE ZONES – Special flood hazard areas where detailed studies have determined base flood elevations ♦

AGENT – An individual or entity empowered to act for or to represent another such as an attorney, engineer, architect, real estate agent, or similar. For example, an applicant for a development permit may be the agent of the owner of the property.

AGRICULTURAL BUILDING – A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.

AGRICULTURAL LAND USE – Shall include land used for farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Agricultural land uses shall not include commercial or industrial scale processing or manufacturing facilities, livestock or other agricultural auction facilities, fairs or shows where livestock or agricultural products are displayed or judged, or any other activity clearly commercial in scale, scope, or use.

AGRITOURISM ACTIVITY – In accordance with A.C.A §2.11.103, an interactive or passive activity carried out with or without payment to an agritourism activity operator on a farm, ranch, or agribusiness operation related to agriculture, food production, historic traditions, or nature watching conducted by an agritourism activity operator for the education, entertainment, or recreation of participants. An agritourism activity includes without limitation:

Key to Symbols: ♦ Floodplain, ☁ Stormwater, ■ Telecommunications, ▲ Wind Energy

Note that symbols are associated with specific definitions that apply only to that category. For example, definitions that include the Floodplain Symbol ♦ are only applicable to floodplain provisions and not more broadly to other provisions of this Ordinance.

DATE OF DECISION – Date that the Benton County Planning Board renders a decision, on a development project, during a projects’ requisite Public Hearing.

DECISION LETTER – Summary of the Benton County Planning Boards’ decision, signed by the Planning Board Chair, with DATE OF DECISION notated, and any/all conditions, stipulations that were exacted upon a subject development project during its requisite Public Hearing.

DE MINIMIS – De minimis is a Latin expression meaning about minimal things, normally in the locutions *de minimis non curat lex* ("The law does not concern itself with trifles). In risk assessment, it refers to a level of risk that is too small to cause concern. Some refer to this as a "virtually safe" level. For the purpose of this Ordinance, de minimis shall be defined as not exceeding one (1) percent.

DETENTION BASIN – An area or facility where excess stormwater is stored or held temporarily and then slowly drains when water levels in the receiving channel recede. In essence, the water in a detention basin is temporarily detained until additional room becomes available in the receiving channel (see RETENTION BASIN below).

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.

DEVELOPMENT – Broadly, any manmade change in improved or unimproved real estate. It includes, but is not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvement to a building. "Development" also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 consecutive days. The installation of utilities, construction of roads, bridges, culverts or similar projects are also "developments." Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are "developments." Storage of materials including the placement of gas and liquid storage tanks are "developments," as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. "Development" does not include maintenance of existing buildings and facilities, maintenance of existing drainage ditches, resurfacing of roads, gardening, plowing, routine farming, or similar practices that do not involve filling, grading, or construction of levees ♠

DEVELOPMENT PERMIT – Refers to the permit required for placing a "development" in the Floodplain ♠

DOMESTIC SEWAGE – Sewage originating primarily from kitchen, bathroom and laundry sources,

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LOCAL ROAD: Minor streets used primarily to provide access to abutting properties.

LOT – Any unit of land created as part of a platted subdivision, for the purposes of transferring ownership 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 that abut on a street or streets.

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

LOT LINE – A line dividing one (1) lot from another, from a street, or from any public place.

LOT LINE ADJUSTMENT – A lot line adjustment indicates small revisions between two (2) parcels to adjust for setbacks, structure encroachments, or adjacent owner agreements.

LOT RECOMBINATION – The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as required by this ordinance.

LOT SPLIT – A transfer or contract to transfer a part of any parcel of land where said parcel was shown as part of a platted subdivision being recorded in the office of the Ex-Officio Recorder and Circuit Clerk of Benton County. Each lot created as part of a lot split must meet all of the dimensional requirements of the approved subdivision and of this ordinance.

“M” Definitions

MAJOR MODIFICATION – Concerning telecommunications towers, major modification shall refer to:

1. A change from personal use to non-personal or commercial use.
2. A change in support structure type.
3. Any increase in height of more than 24' for towers at 250' or less in height.
4. Any increases in height by more than 10% of tower's original height if over 250'.
5. For guyed towers in excess of 500' in height, 50% of the tower's original width.
6. For monopole towers, replacement of the tower ■

MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

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member with authority to sign off on administrative approvals and shall serve as the enforcement officer for violations of the Planning and Development Regulations of Benton County, AR. The Planning Board Service Officer shall be the Director of ~~the Department of Planning and Environmental Services~~ or their designee.

PLAT, FINAL –The final plat is the final plan subject to recording that contains all of the changes to the preliminary plat, engineering and survey detail, legal provisions, and signature spaces for endorsement 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 – A preliminary plat is the plan for a subdivision that contains all of the detailed design specifications and elements required for a thorough technical appraisal of the proposal and approval by the Planning Board.

POINT OF CONTACT – For applications to the Planning Board, the applicant shall designate a single point of contact who shall serve as the reference person who can speak for the project, answer technical questions, and serve as the conduit for all information concerning the application.

POTABLE WATER - Water that has been treated to drinking water standards and is safe for human consumption.

PRIVATE DRIVES AND DRIVEWAYS: A travelway installed and maintained by others and not part of the County road system. They are intended to provide access to and from a residence, lot, parcel of land, apartment complex or other private development approved by the County Planning Board.

PUBLIC FACILITIES, NECESSARY AND ADEQUATE – Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed development as determined by the Planning Board based on specified levels of service.

PUBLIC HEARING – A meeting announced and advertised in advance that is open to the public, with the public being given an opportunity to speak or otherwise communicate their concerns, opposition to, support of, or any other position concerning a project or issue before the Planning Board.

PUBLIC WAY – Any public highway, or a private way that is laid out under authority of a statute, or a way dedicated to public use, or a way that is under the control of the County Judge or a body having similar powers. Interstate and state highways, as well as County streets and roads, would all be included in this definition but not the associated right-of-way.

“Q” Definitions

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SECTION 404 WETLANDS PERMIT – A permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

SELF-SERVICE STORAGE FACILITIES - means an arrangement of enclosed or unenclosed individual secured storage areas for sale, lease, or rent, but the term does not include storage for commercial, industrial, manufacturing, or any other non-residential / non-agricultural uses, not associated with the principal use.

SEPTIC SYSTEM – An onsite wastewater treatment system. It usually has a septic tank, which promotes the biological degradation of the waste, and a drain field, which is designed to let the left over liquid soak into the ground. Septic systems and permits are usually sized by the number of bedrooms in a house.

SEPTIC TANK WASTE – Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks and shall also include decentralized sewer systems ☔

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

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

SEWAGE SYSTEM, CENTRAL – A sanitary sewage system designed to serve a collective such as a neighborhood, subdivision, or other group of common users. Such as system may be developed and/or maintained by a private or public entity and may not be limited in type provided that the system meets the requirements of the Department of Health.

SEWAGE SYSTEM, INDIVIDUAL – A sanitary sewage system designed to serve a single private user in the form of a septic tank or similar technology.

SFHA – The acronym for Special Flood Hazard Area ♦

SIGHT TRIANGLE – A sight triangle is intended to provide increased visibility at intersections for the safety of pedestrians and motorists at corner lots. All corner lots shall provide a sight triangle consisting of an unobstructed triangular area where the front lot line and the exterior side lot line intersect. The sight triangle shall be measured from the point of intersection of the lot lines.

SITE PLAN – The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways, means on ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers and other screening devices, surrounding development, and any other information that reasonably may be required in order for an informed decision to be made by the Planning Board.

Key to Symbols: ♦ Floodplain, ☔ Stormwater, ■ Telecommunications, ▲ Wind Energy

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STORM DRAINAGE SYSTEM – All surfaces, structures and systems that contribute to or convey stormwater, including private drainage systems, the MS4, surface water, groundwater, waters of the State and waters of the United States ☂

STORMWATER – Runoff resulting from precipitation ☂

STORM SEWER – A sewer system designed to collect storm water and is separated from the waste water system.

STORMWATER MANAGEMENT PLAN – All regulated Small MS4's, including Benton County, that are permitted under the general permit are required to develop and implement a Storm Water Management Program (SWMP) to address each of the Six Minimum Control Measures that are contained the federal regulation and Part V.B of the ADEQ general permit. The SWMP plan must include Best Management Practices (BMPs) for each of the minimum control measures along with Measurable Goals and interim milestones for each BMP.

STORMWATER PERMIT – A permit issued by EPA that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis ☂

STORMWATER POLLUTION PREVENTION PLAN (SWP3) – A document that describes the Best Management Practices (BMPs) to be implemented at a site, to prevent or reduce the discharge of pollutants ☂

STORY – The part of a building between any floors or between the floor and roof.

STRUCTURE – For the purposes of floodplain management, structure refers to any building with two or more rigid walls and a fully secured roof on a permanent site or to any gas or liquid storage tank that is principally above ground ♦

STRUCTURE – Is anything constructed or erected, the use of which requires permanent ~~or temporary~~ location on the ground, or attached to something having a permanent ~~or temporary~~ location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, boathouse, boat shelter, ~~advertising sign,~~ deck, patios, fences, retaining walls, or other improvements or any part of such structure. ~~A structure includes any permanent or temporary appurtenance attached thereto, including but not limited to awnings and advertising signs.~~ For the purpose of this Ordinance, structure shall exclude ~~portable animal shelters, portable storage buildings, cattle guard, traffic control signs, and usual farm fences~~ not exceeding 7 feet in height, retaining walls not exceeding 4 feet in height, and usual farm fences built of wire and posts.

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PLANNING AND DEVELOPMENT REGULATIONS OF BENTON COUNTY

STRUCTURE, TEMPORARY - Is anything constructed or erected, the use of which requires temporary location on the ground, or attached to something having a temporary location on the ground, including but not limited to tents, domestic animal shelters, portable storage buildings, cattle guard, traffic control signs.

SUBDIVISION – A division of a lot, tract, or parcel of land into two (2) 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;

SUBDIVISION DEVELOPMENT – Includes activities associated with the platting or division of any parcel of land into two or more lots or tracts and includes all construction activity taking place thereon.

SUBSTANTIAL DAMAGE – Damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUPPORT STRUCTURE – Any existing structure onto which one or more antenna arrays are placed; they need not be towers ■

SURFACE WATER – Water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff ☔

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).

Key to Symbols: ♦ Floodplain, ☔ Stormwater, ■ Telecommunications, ▲ Wind Energy

Note that symbols are associated with specific definitions that apply only to that category. For example, definitions that include the Floodplain Symbol ♦ are only applicable to floodplain provisions and not more broadly to other provisions of this Ordinance.

TOWER, WIND ENERGY – The monopole, freestanding, or guyed structure that supports a wind generator. Towers are made from tubular steel, concrete, or steel lattice. The vertical component of a wind energy conversion system that elevates and supports the wind turbine generator and attached blades above the ground up out of the turbulent wind ▲

TOWNHOUSE – A single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides.

TRACT – Real estate within unincorporated portions of Benton County ~~lying outside municipal boundaries,~~ which is not a part of any platted 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 titleholder.

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 §7.1(C)2 of these regulations.

TURBINE – The parts of a wind system including the blades and nacelle ▲

“U” Definitions

USE, TEMPORARY – Uses or activities that are carried out primarily out-of-doors for a limited and fixed period of time including flea markets, farmers markets, fireworks displays, large scale rallies, seasonal sales, swap meets and other outdoor sales, racing meets, circuses, certain agritourism activities, carnivals, concerts, parades, spiritual revivals, and outdoor gatherings such as Burning Man or the like (also Special Event, Special Activity).

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

UTILITY AGENCY – Private utility companies, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

UTILITY EASEMENT – The area of the earth that has electric, gas, or telephone lines. The property owner may own these areas, but the utility company has the legal right to enter the areas as necessary to repair or service the lines.

Key to Symbols: ♦ Floodplain, ☁ Stormwater, ■ Telecommunications, ▲ Wind Energy

Note that symbols are associated with specific definitions that apply only to that category. For example, definitions that include the Floodplain Symbol ♦ are only applicable to floodplain provisions and not more broadly to other provisions of this Ordinance.

PLANNING AND DEVELOPMENT REGULATIONS OF BENTON COUNTY

must be approved by the Arkansas Department of Health in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the land development. On-site wells shall be approved by the Arkansas Department of Health.

- iii. Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.

8. SANITARY SEWER SYSTEM

All development shall identify the provision of sewer system on-site. A plan view of the proposed sewers with grades and sizes, manholes, and outlets shall be shown. Other methods of sewage disposal should be indicated and detailed on the plans. All disposal system criteria must meet or exceed Arkansas State Board of Health Rules and Regulations pertaining to Onsite Wastewater systems.

The sanitary sewer system shall be approved by the Arkansas Department of Health and shall meet the requirements noted below, based on the accessibility of a public sanitary sewer system:

- i. Accessible public sanitary sewer system: When an approved public sanitary sewer system is reasonably accessible, the developer shall install a system of sanitary sewer mains and shall connect to such system, and each lot within the land development shall be provided with a connection to the public sanitary sewer system. The sanitary sewer system and connections shall be approved by the Arkansas Department of Health.
- ii. Community sanitary sewer systems: When an approved public sanitary sewer system is not reasonably accessible, the developer shall install a community sewage treatment system or plat the minimum lot size to accommodate individual sewage disposal systems. The community sewage system and/or minimum lot size and individual sewage disposal system shall meet the Arkansas Department of Health requirement for land development, and shall be approved by the Arkansas Department of Health.
- iii. Individual service lines and connections shall be made prior to the base and curb and gutter construction phase of the street improvement. Individual service lines and connections made prior to the base and curb and gutter phase may be installed by open trench construction provided all open cuts across the roadway portion are backfilled entirely with SB2. When individual service lines and connections are made after the pavement is completed, they shall be installed by boring only. Pavement cuts will not be allowed, except in extreme and unusual circumstances.
 - (a) Any land development as defined in this Ordinance that utilizes septic systems, also known as Individual Sewage Disposal Systems, must be designed so that the tank, lateral lines and alternate area are all located on one (1) legally recognized Lot or Tract as referenced by deed lot, parcel, tract or dwelling unit.

~~(b) Only one (1) septic system shall be allowed on any lot, parcel, tract or dwelling unit.~~

~~(c) Any such septic system must be located on the lot, parcel, tract or dwelling unit to be served by said system.~~

~~(bd)~~ To the extent plottable, -a Alternative field, lateral lines, location of septic tank and clean out shall be identified on the plan/plat.

9. WASTE WATER DISPOSAL

All development shall identify the provision of waste water disposal system on-site. 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 the Environmental Protection Agency (EPA) or Arkansas Department of Environmental Quality (ADEQ) 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.

- i. Waste Water Control. Developers shall produce a permit from the appropriate agency ensuring connection to an adequate public wastewater disposal system if reasonably available.
- ii. 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 Arkansas Department of Health for use of an on-site wastewater treatment is required.
- iii. All facilities used for the collection , treatment, and renovation of wastewater shall be at least 100 feet from any source of domestic water supply, such as an on-site well and shall be at least 10 feet from any water service line, all property lines and any dwelling or building or structure. Such facilities shall not be located in a floodplain identified on the County's Flood Insurance Rate Maps (FIRM) panels.

10. ON- SITE STORMWATER MANAGEMENT

All development shall identify the provision of stormwater management facility on-site. Provisions shall be made for the safe disposal of storm water. Where initial construction does not provide for storm sewers, drainage ditches, and culverts of adequate capacity shall be installed. Facilities for storm drainage should be of adequate capacity to take care of not only surface run-off originating within the subdivision/area of development or flowing across but also consideration should be given to the consequences of total development should it occur in the upstream drainage area.

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 and a drainage report certified by a registered professional engineer in Arkansas shall be provided to the satisfaction of the Planning Board.

B. Rational Method for calculating storm run-off is to be used.

- i. 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. The study shall be based on a 10 year storm event. Based on a specific location and existing drainage challenges, the Planning Board may require a study based on a 100 year storm event.

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.

- ii. 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.

C. The engineer shall provide complete documentation concerning the selection of design frequency and criteria.

D. The developer shall install storm drainage facilities, including drains, sewers, catch basins and culverts necessary for the proper drainage of all surface water, and serve the entire drainage area.

E. All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural ditches or streams approved by the County Road Department.

F. The developer is responsible for correcting any drainage or flooding problems occurring on adjacent or downhill or downstream property as a result of the development.

G. 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.

11. **NOTICE OF INTENT (NOI) AND STORM WATER POLLUTION PREVENTION PLAN (SWPPP)**

All development(s) disturbing one (1) acre or more must comply with storm water requirements as prescribed by the Arkansas Department of Environmental Quality (ADEQ). For ~~lots of an acre or more, and if the areas~~ to be disturbed is that are equal to one-five acres or more, and the stormwater is directed into State waters, then a "Notice of Intent" (NOI) shall be filed with the Arkansas Department of Environmental Quality (ADEQ) as per state law.

CHAPTER V – SUBDIVISION REGULATIONS

§5.1 – APPLICABILITY AND INTENT

§5.2 – EXEMPTIONS

§5.3 – RULES FOR SUBDIVISION DESIGN

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

§5.5 – MAJOR SUBDIVISION- MORE THAN 5 PLATS

§5.6 – MODIFICATION TO AN APPROVED SUBDIVISION

§5.7 – DEVELOPMENT MASTER PLAN (DMP)

§5.8 – PLANNED UNIT DEVELOPMENT (PUD)

§5.9 – RESERVED

§5.1 APPLICABILITY AND INTENT

A. **Applicability:** Pursuant to the adoption of the Benton County Road Plan, the subdivision ordinances have been adopted in the unincorporated areas in Benton County. The regulations in this chapter shall apply to all plats of two (2) or more parcels categorized as minor or major subdivision and special subdivisions such as master development plans, planned unit developments, modifications to approved plats, and all other types and forms of commercial and industrial subdivisions.

~~a. No land may be subdivided through the use of any legal description other than with reference to a plat approved by the Planning Board in accordance with this Ordinance.~~

~~b. The county recorder shall not accept any plat in the unincorporated area of the county not within the exercised territorial jurisdiction of a municipality for record without the approval of the County Planning Board.~~

"Subdivision" means

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

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

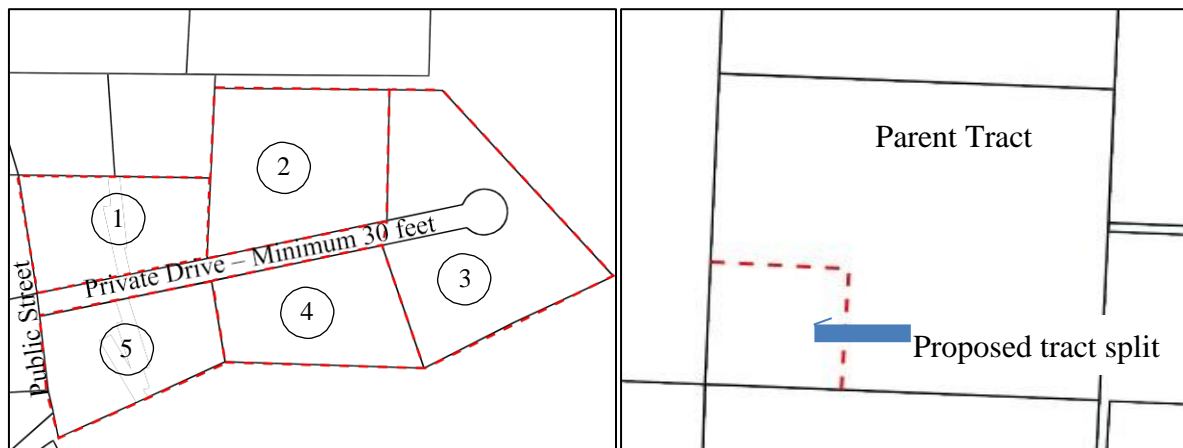
§5.4 –MINOR SUBDIVISIONS ~~AND FAMILY SPLIT – UP TO 5~~ PLATS

A. Introduction

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

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

Figure 5.1- Examples of Minor Subdivision Plats



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

§5.4.1 MINIMUM REQUIREMENTS FOR MINOR SUBDIVISION AND FAMILY SPLIT:

1. Not Part of Existing Subdivision – A minor subdivision shall be deemed to occur only to a division of lands described by a metes and bounds description which is not a part of an existing County subdivision.
2. Divided Only up to five Tracts – A minor subdivision shall be deemed to occur when real estate is divided into five (5) or less tracts or parcels.
3. Restriction on division – Concurrent lot splits of the same parcel shall be prohibited to prevent a series of lot splits on the same parcel. In circumstances where a series of tract splits would result in more than ~~two-five~~ (25) cumulative tracts or lots created after the adopted date of this Ordinance~~parcels~~, it may be reviewed as a major subdivision to the satisfaction of the Planning Board.
4. The Proposed Subdivision Is Not Phased – All phased subdivisions or proposals resulting in expansion of the subdivision shall be reviewed as a major subdivision.
5. Access – Every lot shall abut or be contiguous to a public road or street or dedicated private drive, easement, or other method of access. Land locked parcels shall not be permitted. All dedicated private drive shall have a minimum width of thirty feet (30') for residential subdivision and minimum fifty feet (50') for commercial and industrial subdivisions.
6. No Improvements Required – The subdivision does not require dedications, vacations, changes in alignment of easements or rights-of-ways, or extensions of utilities.
7. Special Flood Hazard Areas – The proposed subdivision is approved by the County Health Department and the buildable area including all access and septic is outside the Special flood Hazard Area (SFHA) or complies with the Floodplain development permit requirements as outlined in Chapter X-Flood Damage prevention of this Ordinance.
8. Utility Easements – Public utility easements at least 15 feet in total width may be required along the rear, front, and sides of lots where needed for the accommodation of a public utility, drainage, sanitary structures, or any combination of the foregoing, and at least 20 feet total width where sanitary sewer or waterlines will be placed. All existing and proposed easements shall be identified.
9. Others – The minor subdivision or family split is designed for only one (1) single family dwelling on each lot or parcel with a single parcel number.
 - i. Multi-family uses or placing more than one (1) single-family dwelling unit on any one (1) lot is prohibited.

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

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

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

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

§5.4.3 REVIEW PROCEDURE

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

§5.4.4 MINIMUM INFORMATION TO BE INCLUDED ON A MINOR PLAT

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

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

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

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

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

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

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

§5.6 –MODIFICATION TO AN APPROVED SUBDIVISION OR REPLAT

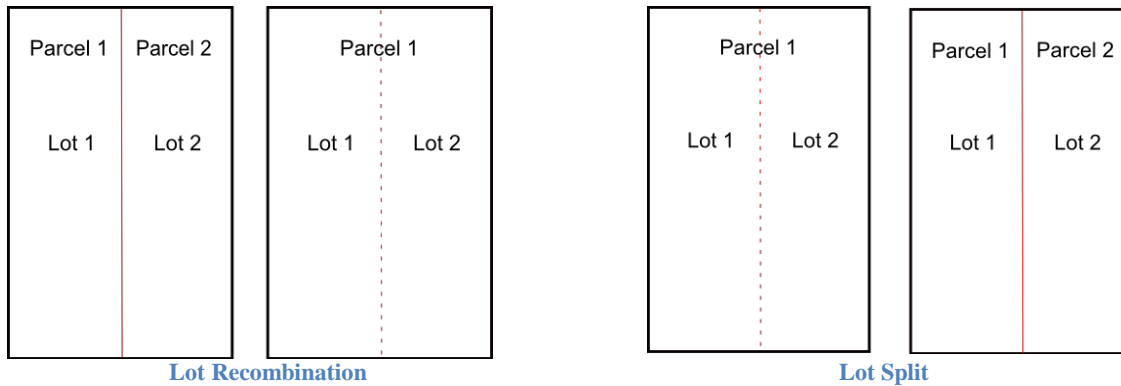
A replat is a process that is used to move, erase, or add new interior property lines within a recorded Plat or approved subdivision. Modification or replatting of land may include changes to the number or configuration of current lots within a subdivision. Lot line adjustments, such as buying a portion of a neighbor's lot, require a replat as well. A replat affecting no more than ~~two-five~~ lots can be approved administratively by planning staff and can be submitted as a Minor Boundary Adjustment replat. Creation of new plats or replats affecting ~~five or more~~ more than five (5) lots requires approval of the Planning Board.

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

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

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

Figure 5.3 – Examples of Minor Boundary adjustment



B. PROPERTY LINE ADJUSTMENT

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

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

9. Site Plan Design Professional

ALL SITE PLANS SHALL BE DESIGNED AND PRODUCED BY A REGISTERED PROFESSIONAL ENGINEER/SURVEYOR/LANDSCAPE ARCHITECT/ARCHITECT IN THE STATE OF ARKANSAS FOR WHICH A PROFESSIONAL SEAL / SEAL STAMP SHALL BE CONTAINED ON THE PLAN.

Table 6.3 – On-Site Parking Performance Standards

Proposed Land Use	Minimum Parking Requirements
RESIDENTIAL	
Duplex	1.5 spaces per unit or 3 spaces per duplex
Multi-family residence	2 spaces for the first two units and 1.5 spaces per unit for subsequent units
Congregate elderly housing	0.6 spaces per unit
Hotel, Motels or inn	1 space per guest bedroom
Bed and Breakfast	1 spaces per guest bedroom plus 1 space for the owner
INSTITUTIONAL	
Nursing or rest homes, similar resident care Facilities	1 space per 2 employees + 1 space per physician + 1 space per 2 beds or rooms
Day care centers	1 space for every 2 employees plus 1 additional space for every 10 children served.
Schools (public or private)	1 spaces per teacher/staff + 1 space for every 10 secondary students; Note that facility must provide adequate off-street bus loading and unloading areas.
Libraries and museums	1 space per 2 employees + 3 spaces per 1000 s.f. of Gross Floor Area (GFA)
Hospital	1 space per 2 employees + 1 space per doctor + 1 space per 2 beds
Church or other house of worship	Greater of 1 per 5 seats or 1.75 per 1000 s.f. of Gross Floor Area (GFA).
COMMERCIAL	
Proposed Land Use	Minimum Parking Requirements
Shopping centers	5 spaces per 1000 s.f. of Gross Floor Area (GFA)
Sport arenas, theaters, auditoriums	1 space for every 4 seats and/or 30 sq. ft. of assembly area without fixed seating.
Motor vehicle repair	1 space per employee plus 3 spaces per bay
Full service restaurants, bars, entertainment, clubs, and similar uses; bowling alleys	1 space for every 5 fixed seats and/or 100 sq. ft. of floor area used for assembly dancing recreations,

Proposed Land Use	Minimum Parking Requirements
	etc. whichever is greater + 1 space for every 2 employees on the largest shift + 5 spaces per lane for bowling alleys (Note that no
Restaurant, or fast food	5.5 spaces per 1000 s.f. Gross Floor Area (GFA) or 1 space per 4 seats whichever is greater
Drive through facilities, such as, financial institutions with drive up teller or ATM, pharmacy	Vehicle stacking requirement of 4 vehicles per window/kiosk
Drive through facilities, such as, restaurants, fast food and or coffee shops with no indoor seating	Vehicle stacking requirement of 6 vehicle per window
Banks, similar financial institutions; real estate, insurance; business and professional offices, auto sales and service centers	3 spaces for every 1000 sq. ft. of Gross Floor Area (GFA)
Medical offices	1 space per 2 employees + 3 spaces for every 1000 sq. ft. Gross Floor Area (GFA)
Major appliance, furniture stores, general merchandise "discount" stores	2 spaces for every 1000 sq. ft.; adequate loading areas
Other commercial or retail uses	5 spaces for every 1000 sq. ft.; Note that adequate loading areas shall be provided
Outdoor sales areas (boats, autos, RV's implements, mobile homes), Boat sales and service	1 space for every 1000 sq. ft. up to 10 spaces; an additional space for each additional 5000 sq. ft.; one space per employee on largest shift; Site
Marine repair services, no boat sales	1 space per employee plus 3 per bay or work area
<u>SELF-SERVICE STORAGE FACILITIES</u>	<u>1 SPACE PER 30 STORAGE UNITS + 1 SP per employee. FOR UNENCLOSED FACILITIES, IN WHOLE OR AS PART OF A SINGLE FACILITY, 1 SPACE + ONE ADDITIONAL SPACE PER EMPLOYEE. SITE MUST HAVE ADEQUATE AND SEPARATE LOADING AREAS AND HOLDING AREAS FOR VEHICLES LOADING OR UNLOADING.</u>
Indoor rack boat storage	1 space per employee plus 2 for visitors,
Retail gasoline stations	Vehicle stacking requirement of 2 vehicle per gasoline pump
Wholesale gasoline stations	Vehicle stacking requirement of 4 vehicle per gasoline pump

INDUSTRIAL	
Proposed Land Use	Minimum Parking Requirements
Manufacturing, processing and wholesale facilities (and similar uses or establishments)	<p>1 space for every employee/shift + 1 space for each company owned vehicle + Designated visitor parking spaces + (or) 2 spaces per 1000 s.f. of Gross Floor Area (GFA), whichever is greater.</p> <p>Site must have adequate loading areas and holding areas for vehicles loading or unloading.</p>
Warehouse or storage facilities	<p>1 space for every employee/shift + 1 space for each company owned vehicle + (or) 5<u>1</u> spaces per 2,000 s.f. of Gross Floor Area (GFA), up to 50,000 sq. ft., after which, in addition, 1 space per 10,000 sq.ft. whichever is greater.</p> <p>Site must have adequate loading areas and holding areas for vehicles loading or unloading.</p>
OTHER	
Mixed uses	<p>Parking requirements shall be the sum total of the requirements of the individual uses, but shared reduced parking requirements may be allowed between uses with a shared parking plan. <u>Example</u>: A building containing 2000 s.f. of retail uses on ground floor ($2000/200=10$) + 2000 s.f. of office uses on 2nd floor ($2000/.333=6$) + 2 units of residential use on 3rd floor (2 spaces each=4) would require 20 parking spaces unless reduced through a shared parking plan.</p>
<p>Note 1: The square footage used to determine parking space requirements will be the gross square footage devoted to a user's principal function. Service and support spaces, like restrooms, boiler rooms, and closets will not be included.</p> <p>Note 2: Stacking space shall have the same dimensional requirement as a parking space. Further, stacking lanes shall not interfere with parking spaces, parking aisles, internal site circulation, or points of ingress and egress and shall not stack into any Public Road.</p> <p>In case joint parking facility is proposed, 50% of the required spaces may be shared with adjoining business, institutions and agencies that do not have a time conflict in parking demand.</p>	

<p><u>A-Minor:</u> May require minimal setbacks, screening, or buffering plus other measures based on specific use such as restrictions on hours of operation.</p> <p><u>B-Moderate:</u> May require deeper setbacks and/or more concentrated screening and buffering plus other measures based on specific use such as restrictions on hours of operation.</p> <p><u>C-Significant:</u> May require substantial setbacks and/or may also require the most intensive screening and buffering plus other measures based on specific use such as restrictions on hours of operation.</p>		wall/fence and 3 tier plantings	
<p>Level 3 – Incompatible/Deleterious: When a proposed use is incompatible with adjacent land uses, the project should not be supported unless extraordinary measures can be taken to offset the impacts. Incompatibility may trigger a fundamental shift in predominant land uses in a previously stable area.</p>	Greater than 20'	40' or greater; May require wall/fence and 3 tier plantings	Based on specific use. Mitigation, if feasible or practicable, will likely be significant.

§6.8 - SITE PLAN REVIEW PROCEDURES

A. Administrative Review Process

1. **Pre Consultation and Development Review Committee (DRC) Meeting :** Prior to submission, applicants are encouraged to pre-consult with Planning staff and attend the DRC meeting to review the documents/ drawings required for the submission ~~and applicable design guidelines.~~
2. **Preparation of Application Packet:** It is highly recommended that in order to make a complete and substantive application for review, the applicant should pay close attention to the following steps:
 - a. Conduct a compatibility analysis as described in §6.7 of this Ordinance.
 - b. Consult with staff if any criteria, measure, or provision is unclear or ambiguous.
3. **File Application:** For site plans that may be reviewed and approved administratively (minor site plans [C1]), applicants shall provide two (2) copies of a complete application packet for review. The applicant shall notice the review by posting a sign on the property for the period under which the application is being reviewed as per the requirements of §4.8 of this Ordinance.
4. **Plan Review:** Once application packet has been determined complete and fee is paid, the Planning staff will undertake a technical review of the plan and other information. This may

include a site visit and other research in order to conduct a thorough review of the proposal.

Decision: Staff shall, within fifteen (15) working days, make a decision regarding the application and shall provide the applicant with a Letter of Decision within this time frame. The staff may request an extension in writing from the applicant to this time frame in order to conduct additional research. If no extension is granted, the application shall be adjudicated with the information available.

B. Planning Board Review Process

1. Pre Consultation and Development Review Committee
 - a. Prior to submission, applicants are encouraged to pre-consult with planning staff to review the documents/ drawings required for the submission and applicable design guidelines.
 - b. All site plan projects shall be reviewed prior to application submittal to the Benton County Development Review Committee (DRC). Refer to the provisions of §4.9 of this Ordinance for DRC procedures.
2. Preparation of Application Packet: It is highly recommended that in order to make a complete and substantive application for review, the applicant should pay close attention to the following steps:
 - a. Conduct a compatibility analysis as described in §6.7 of this Ordinance.
 - b. Consult with staff if any criteria, measure, or provision is unclear or ambiguous.
3. File Application: submit required number of paper copies of the site plan at 18"x24" one (1) copy of the site plan at 11" x 17", and an electronic copy (.pdf-file) format, and any Computer Aided Design (CAD) files produced in support of the development project of the proposed application shall be submitted to the Benton County Planning OfficeDivision.
4. Fees: Applicant shall submit required fees.
5. Subdivision: When the lot or tract is to be subdivided the developer shall further abide by the preliminary platting and final platting requirements as set forth in Chapter V of this Ordinance.
6. Notice: The ~~Planning staff and the~~ applicant shall give notice for public hearing ~~agenda~~ as provided in §4.8 of this Ordinance.
7. Planning Board Review: Site plans applications shall be reviewed by the Planning Board at regular meetings, with the first meeting being the including a t Technical Advisory Committee, and at the next meeting thereafter being the separate public hearing. The action of the Board shall take place occur within sixty (60) days from and after the date the a Site Plan Review application is received and accepted by the Case Manager for the plan approval Planning staff, unless the applicant agrees in writing to an extension of time. The Planning Board will vote to

approve, to approve with conditions, or to ~~reject~~ deny the Site Plan Application.

8. Public Comment: Public comments concerning a Site Plan application specified proposed development can may be made heard at the regularly scheduled Planning Board meeting(s) requisite public hearing.
9. Site Plan Acceptance Approval or Rejection Denial: The Planning Board ~~will~~ shall approve Ssite Pplans applications only where there is full compliance with the provision of this Ordinance or where any deviation from the Ordinance is explicitly waived or modified by the Board, and only then after a formal request by the applicant. The Board may, during a public hearing, conditions and associated Site Plan revisions, to be reviewed by Planning Staff administratively~~The developer shall receive written notice in the form of a Letter of Decision of the approval or denial of the application for an approved site plan. One (1) copy of the approved or rejected plan, with conditions noted thereon, shall be returned to the developer/owner address on the application, approved by signature and dated by the Chair of the Planning Board. While the Board may allow for administrative review and approval by Planning Staff, the Planning Board shall specify, on the record, which revisions are required to satisfy a conditional approval. Should Staff determine that the materials needed to satisfy conditional approval exceed 'de minimis' in scope, the Board may require the submittal of new Site Plan review application. In the event of rejection denial, the Planning Board, through Planning Staff, shall itemize note all deficiencies/conditions by item on the plan and~~
~~Letter of in the Decision Letter~~. Site plans that have been denied by the Planning Board may re-apply for approval as a new Site Plan Review application. ~~The revised plan, addressing the changes required by the Board, shall be reviewed as a new plan.~~
10. Reasons for Rejection Denial: The Planning Board may deny the application because of noncompliance with items addressed in these regulations, incompatible development, protecting the public safety and health, or any violation of an existing state and/or county law, regulation, or ordinance.
11. Decision Letter: The property owner and/or owner-designated applicant, shall receive a Decision Letter, summarizing the approval or denial of the Site Plan application.
12. Final Site Plan Signature: For Site Plan applications that have been approved, five (5) copy of the approved plan, shall be signed and dated by the Chair of the Planning Board, and returned to the owner, or owner- designated applicant, to the address shown on the Site Plan review application.
11. ~~Recording Approved Site Plan: The approved site plan shall be recorded with the County Recorder's office within 30 days of approval by the County Planning Board otherwise the approval is null and void.~~

§6.9 – RESERVED

2. Format For Sale or Transfer of Ownership

- a. 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.
- b. 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 two-hundred (200') feet to the inch shall be submitted and shall, at minimum, show the boundary bearings and distances.
- c. Sheet Size: The sheet size for recording shall be a minimum of 18" x 24". This may be a reproduction from a larger sheet size if desired.
- d. Submittal Packet: The application, plan, and all accompanying supplementary materials shall be submitted electronically via .pdf and .dwg.

3. Handling of Mobile Home Park Plat Subdivision Applications When Sale or Transfer of Ownership 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.

- a. Review Procedures: Upon receipt of the application and plat for mobile home park approval, the staff 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.
- b. Notice To Cities And Towns: Upon receipt of an application and plat for mobile home park approval, the planning staff shall notify in writing the mayor and city planner (if applicable) of any city where the proposed park lies within the city's planning 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.
- c. Approval or Rejection: Upon receipt 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

F. Administrative Approvals for Minor Facilities

Certain projects falling within the scope of this Ordinance are subject only to administrative review, and may be administratively approved in the manner described herein. Projects that are subject only to administrative review shall include the following:

1. Projects Subject to Administrative Review.

- a. Placement of antenna arrays which might be used for emergency services or 911 calls on existing support structures which do not increase the total height of the original support structure by more than twenty-four (24') feet, and which will not significantly increase the lighting or noise levels of the structure. Outbuildings and facilities built in connection with such antenna arrays are subject to the same administrative review. Note that such arrays proposed to be affixed to an existing support structure previously approved under the scope of these regulations must receive a building permit and submit an engineering report that verifies the structural integrity of the additional weight and bulk.
- b. The co-location of all other antenna arrays on existing towers, buildings, water towers, or other built structures. Antenna arrays may not be placed on trees or any other living organism. Note that arrays proposed to be affixed to an existing support structure previously approved under the scope of these regulations must receive a building permit and submit an engineering report that verifies the structural integrity of the additional weight and bulk.
- c. The replacement of existing antenna arrays with new antenna array equipment that is similar in size, color, and structure.
- d. The modification of an existing support structure so that it is more architecturally integrated into the surrounding environment. The effort to make a support structure and/or antenna array less visible shall not constitute a major modification.

2. Administrative Review Application Submittal. A project involving placement of an antenna array on an existing support structure, which is subject to administrative review pursuant to the terms of this section, shall be submitted to the staff of the Benton County Planning ~~Office~~Division, and shall contain the following:

- a. A completed application
- b. An engineered site plan depicting the proposed location of the antenna array. The site plan shall include:
 - 1) A plan for the entire parcel identifying the location of the tower
 - 2) A detail showing a dimensioned layout of the tower including the easement on which it is located.

- 3) Construction detail of the new equipment to be installed. Planning staff will accept a product information sheet in place of a detailed drawing if specific enough.
 - 4) Meet all of the requirements for a standard site plan as per Chapter VI of this ordinance.
 - c. A cover letter that includes a complete written description of all new equipment being erected on an existing tower.
 - d. A notarized owner's affidavit for both the property and the owner/operator of the easement and tower structure subject of the application.
 - e. Engineering report or statement verifying that the addition of an antenna array will not compromise the load capacity of the existing tower.
 - f. Review fee
3. Procedures for Administrative Review of Telecommunication Facilities. The following procedures shall be followed for applications for administrative review of telecommunications facilities:
- a. Application: Submit application materials as per Section B. above.
 - b. Staff Review: If the application submittal is complete and the proposed improvement complies with the terms of this section, the staff shall review and approve the application without the necessity for review by the full Planning Board. Approval may be with or without conditions as applicable.
 - c. Variance from Regulations: Administrative review shall not be applicable if any variance from these regulations is requested. Such items shall be scheduled for the Planning Board.
 - d. Decision: The staff shall make a decision on any administrative review application within fifteen (15) business days after date stamping unless the applicant approves an extension of time.

G. Planning Board Review for Major Telecommunication Facilities

- 1. Projects Subject to Planning Board Review. If a telecommunications facility may not be approved administratively, pursuant to Subsection F, then a Planning Board approval pursuant to the requirements and process below shall be required before placement of such facilities.
- 2. Planning Board Review Application Submittal. A project which is subject to Planning Board review pursuant to the terms of this section shall be submitted to the Staff of the Benton County Planning ~~Office~~Division. A complete application submittal shall consist of the following:
 - a. A completed application

3. The construction, use, maintenance or continued existences of illicit connections to the storm drain system are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
4. No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.
5. No person shall destroy or interfere with BMPs implemented pursuant to this Ordinance.

B. Exemptions

The following non-stormwater discharges are deemed acceptable and not a violation:

1. A discharge authorized by an NPDES permit;
2. Uncontaminated waterline flushing and other infrequent discharges from potable water sources;
3. Infrequent uncontaminated discharge from landscape irrigation or lawn watering;
4. Discharge from the occasional non-commercial washing of vehicles;
5. Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;
6. Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs;
7. Diverted stream flows and natural riparian habitat or wetland flows; or a
8. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

9. Cumulative land disturbance 200 square feet or less in total area.

C. Requirements Applicable to Certain Dischargers

1. Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
2. Minimization of Irrigation Runoff. A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

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D. Stormwater Pollution Prevention Plans

Preparation and implementation of Stormwater Pollution Prevention Plans for construction activity shall comply with the following:

1. Preparation:

- a. The SWP3 shall be prepared under the direction of a qualified person.
- b. The SWP3 shall provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.
- c. The SWP3 shall identify existing natural resources such as streams, forest cover and other established vegetative cover.
- d. The SWP3 shall specify and provide detail for all BMPs necessary to meet the requirements of this program, including any applicable BMPs that have been adopted and imposed by the appropriate staffer.
- e. The SWP3 shall specify when each BMP will be installed, and for how long it will be maintained within the construction sequence. Multiple plans may be required for major phases of construction such as rough grading, building construction and final grading.
- f. The SWP3 shall delineate all anticipated disturbed areas and specify the vegetative cover that must be established in those areas to achieve final stabilization.

2. Implementation:

- a. BMPs shall be installed and maintained by qualified persons. The owner and/or the developer or their representative shall maintain a copy of the SWP3 on site, before commencement of construction, shall produce upon the appropriate staffer's request a copy of the SWP3 on site and shall be prepared to respond to all maintenance requirements of specific BMPs.
- b. The owner and/or the developer or their representative shall inspect all BMPs at least once every seven days, or at least ~~twice per month and within 24 hours after a rainfall of one-half of an~~ once every 14 calendar days and within 24-hours of the end of a quarter inch or more rainfall event as measured at the site. Inspection schedule must be specified in the SWP3.
- c. Based on inspections performed by qualified person/the owner and/or the developer or inspection by the appropriate staffer, modifications to the SWP3 will be necessary if at any time the specified BMPs do not meet the objectives of this program. All modifications shall be initiated within twenty-four (24) hours of discovery, and completed within seven (7) days of discovery, except in circumstances necessitating more timely attention, and shall be recorded on the owner and/or the developer's copy of the SWP3.

conduct additional research. Upon a complete review, staff shall issue the Stormwater Permit identifying the permit number and date.

- E. **Pre-Construction Conference:** Prior to construction, the developer and the contractor must meet with the Planning staff to review a short presentation on Best Management Practices for erosion and sediment control as well as undertake a short quiz in the Planning Division to demonstrate their knowledge of the BMPs .

§8.6 –RESERVED

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CHAPTER X FLOOD DAMAGE PREVENTION

§10.1 – IN GENERAL

§10.2 – FLOOD DAMAGE PREVENTION

§10.3 – ADMINISTRATION

§10.4 – FLOOD DAMAGE PREVENTION

§10.5 – STANDARDS FOR SUBDIVISION PROPOSALS

§10.6 – STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

§10.7 – FLOODWAYS

§10.8 – PENALTIES FOR NON-COMPLIANCE

§10.9 – EMERGENCY CLAUSE

§10.10 – RESERVED

§10.1 – IN GENERAL

After the receipt of an address assignment, the Planning Division shall determine whether the site is located in a designated floodplain, and the applicability of stormwater regulations. Notifications to affected parties of the necessity to comply with county floodplain regulations, and that state and/or county stormwater regulations may be applicable, shall be made promptly after receipt of address assignment notification.

§10.2 – FLOOD DAMAGE PREVENTION

A. Definitions Referenced

The definitions of certain terms referenced in this Section are set forth in Chapter III, “Definitions”, of the Planning and Development Ordinance of Benton County.

B. Findings of Fact

1. The flood hazard areas of the county are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

C. Statement of Purpose

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

APPENDIX J – SITE PLAN REVIEW & APPROVAL PROCESS

