

**Ordinance No. 66 of 2013****AN ORDINANCE ADOPTING BY REFERENCE THE  
"BENTON SUBDIVISION REGULATIONS";  
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City Council desires to establish regulations pertaining to the design and construction of subdivisions within the city; and

WHEREAS, at least three (3) copies of the proposed regulations for subdivision design and construction have been filed with the City Clerk of the City of Benton and are available for public inspection; and,

WHEREAS, a public notice was published in the Benton Courier, a newspaper of general circulation in the community, on October 11, 2013 advising the public that three (3) copies of the Revised Regulation was available for public examination at the office of the City Clerk, City Hall, 114 South East Street, Benton, Arkansas;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that:

SECTION 1. The City of Benton does hereby adopt, by reference, the "Benton Subdivision Regulations", which is attached hereto marked as Exhibit "A" and incorporated now by reference as if stated word for word.

SECTION 2. All City of Benton Ordinances and Resolutions in conflict with the "Benton Subdivision Regulations" are hereby repealed to the extent of such conflict, but not otherwise.

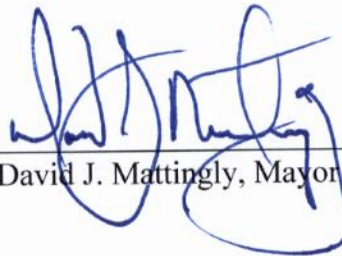
SECTION 3. The City Clerk shall maintain and keep on file at least three (3) copies of the "Benton Subdivision Regulations" as adopted by this Ordinance; and at least three (3) copies of the text of this Ordinance for use and examination by the public.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. The regulations adopted by this Ordinance shall be followed with respect to all subdivisions who obtain preliminary plat approval following the effective date of this Ordinance. Subdivisions who obtained preliminary plat approval by the city before the effective date of this Ordinance shall be bound by the regulations in effect at the time of preliminary plat approval.

SECTION 6. Based upon the necessity of clarifying and restating the subdivision design and construction standards for the city, an emergency is hereby declared and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14 day of October, 2013.

  
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David J. Mattingly, Mayor  
\_\_\_\_\_  
Cindy Stracener, City Clerk

DESIGNATED FOR PUBLICATION

## Benton Subdivision Regulations

### **Section 1.0 GENERAL INFORMATION**

#### 1.1 Purpose

The purpose of these subdivision regulations is to help implement the vision, goals, and objectives of the City of Benton Comprehensive Development Plan and, in particular, the Master Street Plan for the Benton Planning Area.

These rules and regulations are also intended to serve the following purposes:

To guide, direct, and control the future growth and development within Benton and its planning area;

To assist orderly, economic, efficient, and coordinated development within Benton and its planning area;

To promote the health, safety, morals and general welfare of the residents of Benton and its planning area;

To ensure conformance of subdivision plans with the public improvement plans of Benton;

To secure equitable handling of all subdivision plans by providing uniform procedures and standards for observance both by Subdividers and the Planning Commission.

#### 1.2 Subdividers Shall Submit Plats and Plans

Any Subdivider within the Benton Planning Area shall submit to the Planning Commission plats of the subdivision and plans for indicated improvements according to these regulations. In considering the approval of a plat the Planning Commission shall observe and enforce the requirements and procedures set forth herein. In the case of a plat constituting a replat of land into two or more lots, all of which will be served by an existing street or streets, the Planning Commission shall have the power to vary the said requirements so that substantial justice may be done and the public interest served.

#### 1.3 Certificates of Approval and Bill of Assurance Required

No Subdivider proposing to make or have made a subdivision within the territorial jurisdiction shall proceed with any construction work on the proposed subdivision, including grading, before obtaining a Certificate of Preliminary Plat Approval, and shall not convey title to any lot or lots before obtaining from the Planning Commission a Certificate of Final Plat Approval and acceptance of the plat.

No Subdivider shall record the plat of a Subdivision or any part thereof before obtaining from the Commission a certificate of final plat approval and acceptance of the plat.



#### 1.4 Suitability of the Land

Land within the 100 year flood plain shall not be platted for residential occupancy, nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life, or property unless approved steps are taken to diminish the above-mentioned hazards in accordance with the current flood plain ordinance and other applicable ordinances and statutes.

Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses as set out by the Planning Commission.

#### 1.5 Access

Every subdivision shall be served by a publicly dedicated street or streets.

#### 1.6 Conformance to the Comprehensive Development Plan

All proposed subdivisions shall conform to the objectives of the Comprehensive Plan in effect at the time of submission to the Planning Commission.

#### 1.7 Conformance with Other Applicable Ordinances

These regulations are intended to clarify or to supersede in the case of conflict with existing ordinances.

#### 1.8 Street and Subdivision Names

The Director of Communications or other Mayor's designee shall have authority to determine the street names and subdivision names and to require changes in any proposed names. Streets will be named in accordance with County 911 standards. Additionally, street names shall conform to the following guidelines:

(a) Any proposed street that is collinear with or an extension of an existing street shall have the same name and suffix as the existing street.

(b) Each street shall have a unique and different name. Streets with the same name but different suffixes are not considered to have unique and different names; therefore, different suffixes do not constitute unique and different names.

(c) Street names, not including suffixes and cardinal direction prefixes, shall not exceed 14 characters in length, including spaces.

The Director of Communications or other Mayor's designee will provide **street numbers** to the lots after final plat approval is given for each phase. For corner lots or irregularly shaped lots, the front door of the residence or other building must be on the street used as the address. The match between the address and the front door will be confirmed by Community Development when the plot plan is approved. Changes to the approved plot plan may not be made without the appropriate change in addressing confirmed by the Director of Communications.

#### 1.9 Large tracts or parcels

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed to allow for the opening of future streets and to provide access to those areas not presently served by streets.

#### 1.10 Large scale developments

A large scale development including the construction of two (2) or more buildings together with the necessary drives and ways of access, which is not subdivided into customary lots, blocs, and streets, may be approved by the Planning Commission if, in the opinion of the Planning Commission, a departure from these rules and regulations can be made consistent with the intent of these rules and regulations. Plans for all such private and public developments shall be submitted to and approved by the Commission whether or not such plat is to be recorded; and no building permits shall be issued until such approval has been given. See **Exhibit 1** for Site Plan requirements.

#### 1.11 Modification

Modification of the provisions set forth in these rules and regulations may be authorized by the Planning Commission.

Application for any of the aforementioned modifications shall be supplied in writing to the Planning Commission, along with necessary supporting documents by the subdivider simultaneously with the preliminary plat. The supplied documents shall explain in detail the reasons and facts supporting the application.

## **Section 2.0 DEFINITIONS**

### General Definitions

As used in these rules and regulations, words in the present tense include the future; words in the singular include the plural number, and words in the plural include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.

Certain words in these regulations are defined for the purpose hereof as follows:

Alley – a minor permanent public service way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Arterial, Minor – A Class IV<sup>1</sup> street or roadway with limited access. Provides connections to and through the large centers of population within the state.

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<sup>1</sup> Arkansas Functional Classification System, established by Act 308 of 1973



Arterial, Principal – A Class III<sup>1</sup> street or roadway with limited access. Serves trans-state travel to and through principal cities. Provides a system for the major traffic generators within a city.

Bill of Assurance – A legal document specifying the covenants and restrictive conditions applicable to a particular property.

Boulevard – The unpaved area between the street and sidewalk. Also known as a tree lawn, planting strip, amenity strip, buffer, or utility strip.

Building Setback Line – A line across a lot establishing the minimum open space to be provided between the buildings and structures and property line. This measurement shall be to the nearest vertical wall or support column of the building or structure. Eaves and open porches cannot extend more than 24" beyond the building setback line.

City – The City of Benton, Arkansas.

City Engineer – The City Engineer or the representative designated by the City of Benton, Arkansas to fulfill the engineering function.

Comprehensive Plan – The officially adopted guide to the orderly, coordinated development of the City, i.e., the City of Benton, AR, Comprehensive Plan.

Cul-de-sac – A short dead-end street having one end open to traffic and being permanently terminated within the plat by a vehicular turnaround. A type of cul-de-sac known as a hammerhead is not allowed in the City of Benton, Arkansas.

Developer--Any person or group that prepares land for residential, commercial, or institutional use within the City of Benton.

Easement – A grant by the property owner to the public, a corporation, or persons for the use of a strip of land for specific purposes.

Engineer – An engineer licensed by the State of Arkansas.

Expressway – A Class II<sup>1</sup> roadway with partial control of access. Provides a high level of interstate and intrastate service. Connects major generators of internal city traffic.

Family Divisions – Divisions of property involving transfers between a father and mother and their descendants and brother and sisters and their descendants shall be treated as any other subdivision.

Final Plat – A finished drawing showing completely and accurately all legal and engineering information and certification necessary for recording.

Freeway – A Class II<sup>1</sup> roadway with full control of access. Provides a high level of interstate and intrastate service. Connects major generators of internal city traffic.

Frontage Road – (Sometimes referred to as access road) A street, parallel to and adjacent to a major highway or thoroughfare, which provides access to abutting properties.

Hammerhead – (See cul-de-sac) A type of cul-de-sac known as a hammerheads, or t-shaped turnarounds, will not be allowed in the City of Benton.

Health Dept – The Arkansas Department of Health. The State of Arkansas Health Department

Interstate Freeway – A Class I<sup>1</sup> roadway with full control of access. Provides basic Interstate service. Links major cities.

Large Scale Development – A form of land subdivision which involves the development of any residential, office, commercial, industrial, or manufactured home development which proposes to contain more than one principal structure or use on a lot.

Letter of Credit – a bank-issued guarantee of performance in a form approved by the City Attorney.

Lot – A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development.

Lot, Corner – A lot abutting upon two or more streets at their intersection.

Lot, Flag – Any lot that, due to its configuration, a primary structure cannot be built at the front building line of the lot. Also commonly referred to as a “pipe-stem lot.” Flag or pipe-stem lots shall not be allowed, unless the stem is a minimum of 30 feet wide across the front.

Lot, Through – A lot other than a corner lot abutting upon two or more streets. The setbacks of a through lot shall match the front setbacks of the adjoining lots.

Maintenance bond – A bond or letter of credit furnished by the developer to the City, for a specific time period, to cover the cost of repairs resulting from defects in materials and workmanship of public improvements installed by the developer or his contractor.

Master Street Plan – the official street plan for the City denoting street classifications, alignments and their design standards as defined in the street specifications regulations as may now or hereafter be adopted by the Benton City Council.

Performance and payment bond – A bond or letter of credit posted by the developer to the City to guarantee completion of the proposed improvements within a subdivision, and to guarantee payment of all charges for labor, material, equipment and all other items and services used or utilized in the project.

Planned Unit Development or PUD – Parcel or parcels of land proposed for development as a single entity and which may include dwelling units, commercial, office, industrial uses or any combination thereof under provisions of the PUD and Zoning Ordinances.

Planning Area – (See Territorial Jurisdiction) The designated portion of Benton’s Territorial Jurisdiction within which these Subdivision Regulations shall be enforced. A map and description of the boundaries of the Benton Planning Area shall be maintained by the Commission and filed for record with the City Clerk and Saline County Recorder.

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<sup>1</sup> Arkansas Functional Classification System, established by Act 308 of 1973



Planning Commission or Commission – The Planning Commission of the City of Benton, Arkansas, unless otherwise stated.

Plat – A map or chart indicating the subdivision or re-subdivision of land, intended to be filed for record.

Preliminary Plat – A drawing which shows that proposed layout of a subdivision in sufficient detail to indicate unquestionably its workability in all aspects, but is not in final form for recording, and the details are not completely computed.

Primary Structure – A structure that services the primary function of the lot.

Replat – A plat that has undergone the process of changing the configuration of lot lines within an approved plat of record to increase, decrease, or change the shape and size of lots.

Right-of-Way – A parcel or strip of land, whether dedicated to the public, and accepted by state, city or county government, and intended for use as a street, walkway, railroad, utility or other public use, or belonging to the public by prescriptive right of use.

Setback – (See Building Setback Line)

Sketch Plan – A preliminary drawing or map for pre-application consideration of a proposed subdivision showing its general layout.

Staff – The employees of the City of Benton, and/or those contracted by the City.

State – State of Arkansas.

Street – A right-of-way used or intended for use by vehicular traffic and either dedicated for public use or used by prescriptive right whether or not accepted for maintenance by the City or Saline County.

Street, Collector – A Class V street<sup>1</sup> or roadway that provides inter-county service. It serves the economic and state park areas not serviced by a higher system; collects and distributes traffic to and from major streets; provides intra-county service to and into population centers and other recreational and industrial areas.

Street, Local— A Class VI street<sup>1</sup> or roadway that provides access to residential areas, subdivisions and neighborhoods within cities; provides direct access to adjacent properties in rural areas and within cities.

Street, Private – Any street or roadway not accepted by the State, City or Saline County nor recognized as a public street by the Benton City Council and/or the Saline County Judge on the effective date of these subdivision regulations; also, any street specifically allowed as a private street by the planning commission.

Street, Public – A street or roadway owned and maintained by the State, City or Saline County, or as otherwise provided by State statute.

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<sup>1</sup> Arkansas Functional Classification System, established by Act 308 of 1973



Stub Street – (Also known as a stub-out). A dead-end street intended to be extended in the future.

Sub divider – Any person, individual, firm, partnership, association, corporation, estate, or trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, and includes any agent of the sub divider. The term sub divider may be used interchangeably with the term developer.

Subdivision – The division by platted lots or metes and bounds of any lot, tract, or parcel of land situated within the territorial jurisdiction of the City, into 2 or more lots or sites for the immediate or future purpose of sale or development, or for laying out residential, commercial, or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of the land, lots or tracts.

Subdivision, Minor – Any subdivision of three lots or less that does not result in or necessitate modifications to the existing infrastructure or the dedication of rights-of-way.

Territorial Jurisdiction – (See Planning Area) All land lying within the Benton City Limits and all land lying within one (1) mile of the City Limits. Where the corporate limits of Benton and neighboring municipalities conflict, their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities. Also known as extraterritorial jurisdiction.

Zero lot-line development – A residential development concept eliminating the normal side yard requirement on one side of a lot and providing for more usable open space for the other side yard. Final plats involving this concept shall reflect a buildable area on each lot so as to provide for proper placement of the units and assurance that no lot will be adversely affected by placement of adjoining units.

## **Section 3.0 PROCEDURAL REQUIREMENTS**

### **3.1 Pre-application Consideration.**

Whenever any subdivision of a tract of land is proposed to be made, the Sub divider or his/her agent shall submit to the Staff **sketch plans** and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the sub dividers as to the proposed layout and type of development. The sub divider or his agent should contact the Community Development Department to set up an appointment with City and Benton Utilities staff to go over initial plans for the proposed development.

No fees shall be collected for pre-application consideration, the purpose being to acquaint the sub dividers with plans, policies and ordinances that would be applicable to the proposed subdivision, as well as the capacities and availability of utilities to the development.

### **3.2 Site Plan Requirements for Commercial Developments**

A **site plan** meeting the requirements of **Exhibit 1** shall be provided for any commercial development, or for any development that provides utility loadings greater than single family residential dwellings.

**As-built plans** in quantities specified by the Community Development Department will be provided to the City and Benton Utilities before a Certificate of Occupancy is issued. The As-built plans will be both in hard copy and digital format and will show all applicable easements and rights of way. Digital format will be AutoCAD® compatible.

### 3.3 Application for Certificate of Preliminary Plat Approval.

Amended by Ord 12 of 2021

Any development in which preliminary plat approval has been given and construction has started prior to the effective date of these regulations will be subject to Ordinance 6 of 1998.

(**Minor subdivisions** are exempt from this section)

Whenever any subdivision of a tract of land is proposed to be made, the subdivider shall first submit to the Staff an application for a Certificate of Preliminary Plat Approval which shall consist of the following procedural requirements:

- (a) A letter of request stating the name, address, email and phone number of the developer and his/her engineer's name, address, email, and phone number. If the developer intends for the engineer to manage all details of the subdivision, and does not wish to be notified of all decisions regarding the subdivision, he/she must sign a release to that effect. See **Exhibit 2**.
- (b) Eleven copies of the preliminary plat, plans and data as specified in **Exhibit 3** concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdividers as to the proposed layout and type of development.
- (c) Plat certificates as specified in **Exhibit 4**.
- (d) A filing fee as specified in Section 6 of the subdivision rules and regulations or by the most current fee ordinance.
- (e) Notice to adjoining and other affected property owners by the posting of a sign in a conspicuous place and the placing of a legal notice in a newspaper authorized to publish such notices at least ~~20~~ days prior to acting on the Preliminary Plat. The sign and notice shall read as follows:

changed to 30 days by Ord 12 of 2021

"This property proposed for subdivision or large scale development. Preliminary plat will be considered at the Planning Commission Meeting on \_\_\_\_\_. For information, call [developer's phone number]."

The Commission may, prior to acting on a Preliminary Plat, hold a hearing thereon at such time and upon such notice as the Commission may designate.

The deadline for submission for preliminary plat approval may be changed as necessary by the Community Development Department.

Added by Ord 12 of 2021 is 30 days prior to the



### 3.4 Approval of the Preliminary Plat.

(Minor Subdivisions are exempted from this section)

Upon receipt of an application for a Certificate of Preliminary Approval, the Staff shall check the application for conformance to these rules and regulations and shall also consider letters or certificates of approval or disapproval from City, County, and State Agencies, as well as from the utility companies.

The Staff shall report to the Planning Commission at its regular meetings on all applications for preliminary plat approval.

In considering a submittal, the Staff may introduce such changes as necessary to meet the intent of these rules and regulations and to serve the best interests and the needs of the community.

If in its opinion a submittal warrants such action, the Staff may cause an application to be reviewed by the Planning Commission at its regular monthly meeting.

A Preliminary Plat not approved by the Staff for submission may be re-submitted after the changes have been made as suggested.

The Staff shall initiate action on an application within seven (7) business days of submission. When Staff approves, the application package is placed on the Planning Commission agenda for the next available meeting. Special Planning Commission meetings for Preliminary Plat approval may be arranged if the Planning Commission deems it appropriate.

One signed copy of the approved Preliminary Plat shall be retained in the Community Development Department files, and one signed copy shall be returned to the subdivider.

**Approval of the Preliminary Plat** shall be governed by the following qualifications:

- (a) Approval of the Preliminary Plat is only tentative pending submission of the Final Plat.
- (b) Approval of the Preliminary Plat shall be effective and binding upon the Commission for one year and thereafter as long as work is actively progressing on installation of required improvements.
- (c) Receipt by the subdivider of the executed Certificate of Preliminary Plat Approval is authorization to proceed with:
  - The preparation of any necessary plans and specifications and the installation of any improvements required, subject to the approval of agencies having authority, including Benton Utilities.
  - The preparation of the Final Plat or part thereof as specified in Section 3.6.
- (d) All developments shall provide ingress/egress appropriate to the development proposed, consistent with Master Street Plan access management provisions applicable to

arterials and collectors and any adopted access management plans, ordinances or regulations.

In order to assist the City and Benton Utilities in planning, for **multi-phase** developments, an **overall schematic** showing the general locations of lots, utilities, streets and drainage shall be provided with each phase of the preliminary plat. However, construction plans will be presented, reviewed and approved separately for each phase.

The Community Development should be notified in writing of any changes in ownership (with contact information) after preliminary plat approval is given.

### 3.5 Construction Plan Approval

Preliminary plat approval gives the right to do **clearing and grading**. Prior to installation of any utilities, streets, and drainage, construction plans shall be approved by the Community Development Department and Benton Utilities. Construction plan requirements are detailed in **Exhibit 5**.

No utilities, streets or drainage shall be installed prior to approval of the construction plans. Plans must be reviewed by Community Development and Benton Utilities staff, and written comments provided to the Developer, no later than 10 business days after submission. Appeal of decisions regarding approval of the construction plans may be to the Benton Planning Commission or the Benton Utilities Commission, whichever is applicable.

### 3.6 Application for Final Plat Approval

Whenever the provisions of these rules and regulations have been complied with, and while the Certificate of Preliminary Plat Approval is in effect, the subdivider may submit to the Planning Commission an application for review and approval of the Final plat, which shall consist of:

- (a) A letter of application requesting review and Final Plat Approval.
- (b) Fourteen copies of the final plat and other documents as specified in **Exhibit 6**
- (c) Final Plat certificates as specified in **Exhibit 7**
- (d) A filing fee as specified in Section 6 of the subdivision rules and regulations or the most current fee ordinance.

Whenever a Final Plat has been submitted for a Minor Subdivision, the Department of Community Development may consider and take action on the plat without the advice and consent of the Planning Commission.

### 3.7 Approval of the Final Plat



Whenever a Final Plat has been submitted to the Planning Commission that is in conformance with an approved Preliminary Plat and the provisions of Section 3.6, the Planning Commission shall consider and take action on the plat.

City Staff and Benton Utilities staff shall review the Final Plat for correctness. The developer may be charged an additional review fee if the plat is found to be in substantial error.

Before Final Plat Approval is given, electronic and hard copy **as-builts** of the streets, drainage and utilities shall be provided by a Registered Professional Engineer to the Community Development Department and Benton Utilities in quantities specified by the Community Development Department. For **multi-phase projects**, as-builts shall be provided for each phase and shall include an update of all previous phases.

Application for Final Plat Approval shall be filed with the Community Development Department at least ~~20~~ calendar days prior to the regular meeting date of the Planning Commission in order to be considered at said meeting. The Planning Commission will not take action on any applications received less than ~~20 working~~ days before its meeting. Staff will provide **notice of deficiencies** if any, to the developer or his/her designated agent no less than ~~10~~ calendar days prior to the Planning Commission meeting. Staff will need a minimum of ~~5~~ calendar days to review corrections. Deficiencies shall be corrected ~~by 8:00 a.m. on the business day~~ prior to the Planning Commission meeting.

Amended by Ord

21

7

no later than 7 calendar da

Prior to Final Plat Approval, sewer lines will be inspected by video in accordance with Ordinance 5 of 2008.

Any applicant contesting notice of alleged deficiencies may be placed on the Planning Commission agenda.

Failure of the Planning Commission to act within 60 days from receipt of the application shall be deemed approval of the Final Plat and waives all further plat requirements of these rules and regulations. (5)

If the Final Plat is disapproved, the applicant shall be so notified in writing and the reasons therefore shall be enumerated.

The Chair of the Planning Commission shall sign the final plat once approval is given by the Planning Commission. If the plat is approved by the Planning Commission with conditions, the plat will not be signed until such conditions are satisfied. The Planning Commission may develop a protocol by which City Staff, in prescribed situations, may execute a Certificate of Final Plat approval.

The Community Development Department should be notified in writing of any **changes in ownership** (with contact information) after final plat approval is given.

### 3.75 Abandonment of Final Plat

The owner/developer shall have the authority to request abandonment of a final plat. The owner/developer must submit, in writing, a request to have his/her platted and recorded subdivision returned to open land. At least fifteen (15) copies of the replatted land showing a return to open property must accompany the request.

### 3.8 Acceptance of Streets, Drainage and Utilities

Approval of the Final Plat by the Planning Commission is not acceptance of the streets, rights-of-way, drainage or utilities for maintenance. The acceptance procedure is as follows:

(a) No later than the day of the Planning Commission meeting, the developer shall provide a **letter of credit** or bond to the Community Development Department in an amount equal to 50% of the total construction cost of the streets. The City Engineer or other engineer designated by the City shall keep a database of street costs for all subdivisions. If the construction costs provided by the Developer are substantially lower than those of other developments during the same 12 month period, the Planning Commission, on the advice of the City Engineer, may require the letter of credit to be increased to match the average cost per foot of the other developments. The expiration of the letter of credit shall be 1 year from the date of Final Plat Approval.

(See **Exhibit 8** for Approved Letter of Credit language)

(b) Ten months from the date of Final Plat Approval, the City Engineer, Manager of the Street Department, and Benton Utilities designee shall inspect the streets, drainage, rights-of way, and utilities. Any deficiencies noted shall be communicated in writing to the Developer or his/her designated agent. The Developer has until 7 days prior to the expiration of the letter of credit to correct the deficiencies. If deficiencies are not corrected 7 days prior to the expiration of the letter of credit, the City of Benton shall draw on the letter of credit up to two times the amount estimated by the City Engineer as necessary to make corrections. The draft proceeds shall be placed in a separate City account until all deficiencies are corrected; any remaining funds shall be returned to the Developer within 10 days after the City has approved and paid for all corrections.

(c) When the 12 month warranty period has expired, and all deficiencies are corrected, the Community Development staff will submit an ordinance to the Council for acceptance of the streets, drainage and utilities for maintenance. Once Council approval is given, the City will assume maintenance for the subdivision improvements. The Community Development Department will send a copy of the approved ordinance to the Developer.

(See **Exhibit 9** for Acceptance Ordinance language)

## **Section 4.0 DESIGN REQUIREMENTS (6)**

### 4.1 Streets Design and Construction

Unless otherwise stated here, the current ordinance regulating the design and construction of streets will apply.

The location and width of all highways, thoroughfares, and streets and roads shall conform to the most recent Master Street Plan, except that the narrow street option is eliminated in these subdivision rules and regulations.



Right-of-way dedications and pavement width for expressways, freeways, and interstate freeways shall conform to Arkansas State Highway and Transportation Department standards or the Master Street Plan, whichever is greater.

#### 4.2 Half-Street Improvements

When a development abuts a public street as shown on the Master Street Plan, the developer shall be required to dedicate the necessary Right-of-Way as shown on the Master Street Plan.

Any developer building on one side of an existing street shall be required to make half-street improvements to standards as required by the Master Street Plan or **in lieu of constructed improvements**, the developer shall contribute to the City a cash payment equal to 100% of a registered professional engineer's estimate of the cost of construction, as approved by the City Engineer, minus any temporary construction for site access or drainage that may be incorporated in future permanent construction. The in-lieu-of payments may be used on-site or off-site to improve access, drainage or other significant improvements to the development, such as traffic control signals.

Waivers from this requirement may be granted by the Planning Commission.

#### 4.3 Private Streets

The Planning Commission shall have the authority to approve subdivision plats with private streets, provided that the private streets shall meet the same construction specifications and right-of-way requirements as public streets. Private streets shall provide signage designating them as such.

#### 4.4 General Street Information

The proposed street system shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width.

When a tract fronts on streets other than minor streets or collector streets, the Planning Commission may require affected lots fronting on such major streets to be provided with **frontage roads**.

**Curb cuts** (driveways) are prohibited within 40 feet of the back of curb with an intersection with a roadway with a classification of collector or higher. (This sentence is intended to clarify a previous conflict with Ordinance 5 of 1997, p. 3)

**Cul-de-sac** streets or courts designed to have one end permanently closed shall be no more than 1,200 feet long. Dead end streets in excess of 500 feet shall be provided with a turnaround having a minimum right-of-way diameter of at least 100 feet. No islands, medians, or obstructions of any type shall be placed in a turnaround of a cul-de-sac unless the radius is enlarged to allow for appropriate fire protection.

**Alleys** may be allowed in subdivisions where they shall function as the exclusive vehicle access to residential driveways and garages. The final plat shall designate whether the alley will be an easement and maintained by the Developer/Property Owner's Association, or dedicated right-of-way and maintained by the City.

Where **narrow residential streets** currently exist, parking shall be prohibited on one side. Signage shall be provided to indicate that parking is only on one side.

Right-of-way for **stub-outs** will be dedicated to the City by the first developer for connection by later developments, and left in their natural state by the first developer. The second developer shall be responsible for all improvements to said right-of-way, including paving. Stub-outs will not be required for adjacent acreage of less than 10 acres.

#### 4.5 Blocks

**Residential blocks** shall not be more than 1,320 feet in length.

Residential blocks shall be wide enough to provide two tiers of lots of minimum depth, except where fronting Freeways, Expressways or Principal Arterials, or prevented by topographic conditions, zoning restrictions, or size of the property, in which case the Planning Commission may approve a single tier of lots of minimum depth.

#### 4.6 Lots

Insofar as practical, **side lot lines** shall be perpendicular or radial to street lines. Each lot shall abut upon a public street or road.

The size, shape, and orientation of every lot shall be as the Planning Commission deems appropriate for the type of development and use contemplated. No lot should be more than 4 times as deep as it is wide nor should any lot average less than 100 feet deep.

**Pipe-stem or flag lots** shall not be allowed unless the stem is a minimum of 30 feet wide at the street.

For residential **lots not served by a public or community sanitary sewer system**, lot sizes shall be determined by Arkansas Health Department standards.

**Lots fronting two streets**, other than corner lots, shall not be platted except under exceptional circumstances, in which case equal building setback lines shall be established on both frontages. The Planning Commission may additionally require a 10 feet wide buffer strip for screening, vegetative or otherwise. Across the buffer strip there shall be no right of vehicular access.

The size, shape, and arrangements of **commercial and industrial lots**, where platted, shall be subject to the approval of the Planning Commission, provided that approval is not granted under the provisions of the Large Scale Development (reference a # when document is set) portion of these rules and regulations.

#### 4.7 Building Setback Lines

Building setback lines for commercial and industrial lots shall be in accordance with the most current zoning ordinance.



Residential lots may have a 15 foot building setback line at any point they abut a street.

In cases where there is no dedicated street right-of-way, the setback line shall be determined by measuring from the center of the street and shall be established by the Community Development Director of the City of Benton giving due consideration to the surrounding property and the esthetics of the neighborhood. If the property line lies within the street right-of-way, then the setback line shall be measured from the back of the right-of-way. No driveway may be closer than five (5) feet to an electrical transformer.

#### 4.8 Easements

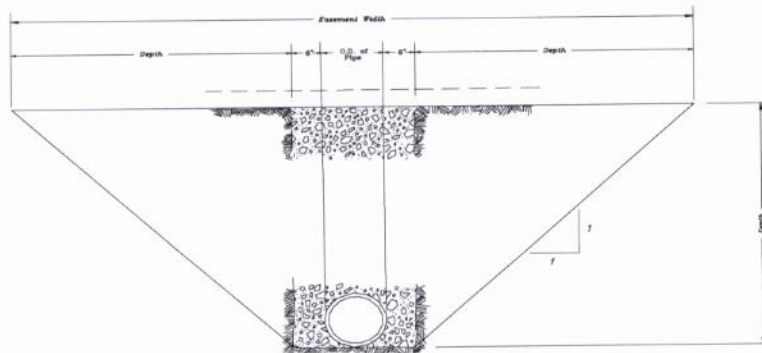
A drainage easement adjacent to the interior lot line shall be provided between each structure. This easement will be equal to the side setback distance for that lot's zoning classification less 24". Zero lot line subdivisions will have an easement twice this amount on one side only. A 10 foot utility easement shall be provided on the front and rear of all lots. A 10 foot easement shall be dedicated for electrical use only for all lots served by Benton Utilities.

Easements may be required to vary with the depth of utility lines, according to the following:

##### (a) Deep Utility Easements

Easements across lots, fronts, or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet in total width, unless a wider easement is deemed necessary by the City Engineer or Benton Utilities Commission. Said easement may encroach on the ROW to the back of the sidewalk. The width of a utility easement containing an underground pipe or facility may not be less than that calculated by the following formula unless approved by the Benton Utilities Commission (for utilities) and/or City Engineer (for storm drainage):

$$\text{Minimum Easement Width} = (2) \times (\text{Depth of Pipe}) + (\text{Pipe Diameter} + 2')$$



(b) Drainage easements.

Where a subdivision is traversed by a watercourse, drainage way, channel, pipe, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, drainage way, channel, pipe, or stream, and such further width or construction or both as will be adequate for the purpose of, including, without limitation, required maintenance activities. Parallel streets or parkways may be required along the easement. In no case shall the width of a drainage easement containing an underground pipe or facility be less than that calculated by the following formula:

$$\text{Minimum Easement Width} = (2) \times (\text{Depth of Pipe}) + (\text{Pipe Diameter} + 2')$$

(c) Multiple utility and/or drainage pipes. If an easement has multiple pipes traversing it, a cross section is to be sketched and the above descriptions used to accommodate the required easement width.

## **Section 5.0 IMPROVEMENTS**

### **5.1 State Fire Code Requirements**

All improvements shall meet the requirements set forth in the most current edition of the Arkansas Fire Prevention Code.

### **5.2 Required Improvements**

Every subdivider shall be required to install, at his or her own expense, or to have installed by the appropriate public utility, the following improvements:

(a) Street Grading

(1) All streets shall be cleared and graded as approved by the City Engineer.

(2) Finished grades shall be at levels approved by the City Engineer.

(b) Street Paving

(1) Street paving widths shall be in conformance with standards set forth in the Master Street Plan.

(2) Street pavements shall be installed according to the current "Standards for Street Design and Construction" and other applicable ordinances.

(c) Curbs and Gutters



Curbs and gutters shall be required on all streets of all new subdivisions brought into the City of Benton at the expense of the contractor or developer. Said curbs and gutters shall be in accordance with the City's specifications as adopted by the City and approved by the Planning Commission.

(d) Sidewalks

(1) Sidewalks shall be installed according to Americans with Disabilities Act standards.

(2) Sidewalks shall be installed on one side of all streets unless the Planning Commission makes a specific finding at the time of Preliminary Plat approval that sidewalks are not feasible. A sidewalk plan shall be submitted with the Preliminary Plat documents to ensure that appropriate connections are made. The requirement of sidewalks shall be noted on the Final Plat.

Sidewalks are not required outside the City Limits unless said property is subject to a pre-annexation agreement.

(e) Utilities

The installation of all utility lines shall be in accordance with Benton Utility specifications.

(1) Minimum Cover for Water, Sewer, Electrical Lines

The amount of cut and fill on lots shall be kept to a minimum. The following minimum cover shall be maintained over all utility lines:

Water main	30 inches
Gravity Sewer Mains	
PVC	30 inches
Ductile Iron	24 inches
Sewer Force Mains	30 inches
Primary Electric Lines	48 inches

All measurements are from the top of the pipe.

The lot owner shall be required to maintain these minimums. When the removal of material causes utility lines to have less than the minimum, the lot owner shall be responsible for the costs associated with relocating the lines.

(2) Water Supply

(i) Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. The Benton Utilities Commission will determine what a reasonable distance is and which system will supply the water. Water mains shall be sized and looped.

(ii) A connection to each lot shall be installed prior to the paving of the street. All service lines crossing the street shall be encased in 2" schedule 40 PVC.

(iii) Where a public water supply is not available, the subdivider shall furnish the Planning Commission satisfactory evidence that a sufficient quantity of water of a quality approved by the Arkansas Health Department is available to each individual lot.

(iv) Unless the Benton Utilities Commission makes a finding that such is not feasible, water mains should be looped to maintain fire flow for all phases of a development.

### (3) Sanitary Sewage Disposal

(i) Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot. The Benton Utilities Commission will determine what a reasonable distance is.

(ii) Such sanitary sewage system shall be installed prior to the installation of the street pavement. All service lines crossing the street shall be 4" schedule 40 PVC.

(iii) All commercial developments under control of one owner requiring lift stations and force mains shall be responsible for the operation and maintenance of said equipment.

(iv) Where a public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot or a community sewage disposal system may be used when in compliance with the standards of the Arkansas Health Department.

(v) All lift station and/or force mains shall be constructed per Benton Utilities Commission specifications.

(vi) For a period of one year from the date of Final Plat Approval, the developer shall be responsible for repairs and maintenance, plus operation of water and sewer infrastructure, including mains, force mains and lift stations.

### (4) Storm Drainage

(i) All storm drainage shall be designed and installed per the current City of Benton Drainage Ordinance. All storm drainage plans must be stamped and signed by an Engineer registered in the State of Arkansas.

(ii) If a detention pond is warranted by the storm drainage plan, the Bill of Assurance shall state that the Property Owner's Association shall maintain the detention pond and drainage structures as they were designed to function.



(iii) If the Property Owner's Association fails to maintain the drainage structures appropriately, the City (or Saline County, if an unincorporated area) may assess a fee to the property owners to reimburse the City (or Saline County, if in an unincorporated area) for all expenditures necessary for maintenance.

(5) Other Utilities

(i) Other utilities are required by Ordinance 18 of 1977 to obtain a permit from the City before installation. Prior to construction plan approval, the developer is encouraged to schedule a meeting with the City, Benton Utilities, and appropriate non-City utilities to coordinate the installation process.

(ii) Other utilities shall be located in the grass plot outside the curb lines. If stubs to the property lines are not installed, then connections between the lots and the utility lines shall be made without breaking into the wearing surface of the street, if possible. Jacking operations are recommended.

(6) Monuments

Monuments and metal pins shall conform to the requirements as stated in the latest edition of the Arkansas Standards of Practice for Property Boundary Surveys and Plats.

All subdivisions shall be tied to 2 section corner quarters and 2 State Plane Coordinates.

(7) Street Signs

All street signs shall conform to the latest edition of the Manual on Uniform Traffic Control Devices. The signs should be ordered from the Benton Street Department within one (1) week of Final Plat approval. Other requirements should be followed per the current "Standards for Street Design and Construction."

Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and maintained until replaced by permanent signs.

All **private streets** shall have a sign erected at the entrance of the street indicating that it is a private street.

(8) Street Lights

Street lights shall be placed per the current "Standards for Street Design and Construction." (Note: 1997 "Standards for Street Design and Construction" was amended by the Street Light Ordinance, Ordinance of 66 of 2006)

5.3 Exceptions to Required Improvements

~~By request from the developer, the Planning Commission may permit special exceptions to be made to the improvements required by these rules and regulations when the Planning Commission makes a specific finding that such exceptions are in keeping with the intent of these rules and regulations, and when exceptions will provide for a conformance with the general neighborhood of the proposed subdivision. The subdivider may be required to furnish special information in order to aid the Planning Commission in its determination.~~

~~These special exceptions shall be permitted only if the following conditions are met.~~

~~(a) Each lot in the subdivision is larger than 20,000 square feet, and~~

~~(b) Each lot in the subdivision is at least 90 feet wide at the building line, and~~

~~(c) Existing platting in the neighborhood of the proposed subdivision generally meets the requirements of the conditions set forth in (1) and (2) above.~~

#### **Section 6.0 FEES**

Fees for subdivision review and approval shall be per the current fee ordinance.

#### **Section 7.0 PENALTY**

Any violation of these rules and regulations or amendment hereto shall be a misdemeanor under the laws of the State of Arkansas and the offender upon conviction shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and upon conviction to fine them not less than \$100.00 nor more than \$250.00 for each days offense; and each day that any violation of these rules and regulations is in effect shall constitute a separate offense.



## EXHIBITS

### Exhibit 1 Site Plan Submission Requirements

**Site Plan shall include the following:**

1	Payment in full of applicable fees for processing the application	
2	A digital and hardcopy of the Site Plan drawing with all information in AutoCAD format.	
3	Names, addresses, zoning and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lots across streets and right-of-way) shall be located on the plat at the correct location.	
4	Name(s), address (es) and telephone numbers of owner(s) of record, developer and project representative.	
5	North arrow, scale (graphic and written), date of preparation, zoning classification and proposed use.	
6	Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date and revisions.	
7	Provide a complete and accurate legend.	
8	A vicinity map of the project with a radius of 1.5 miles from the project. This shall include any General Plan streets as well as the 100-year flood plain boundary.	
9	Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by AHTD or the Benton Master Street Plan. Future R.O.W as well as existing R.O.W and centerlines should be shown and dimensioned.	
10	The location of all existing structures.	
11	Site coverage note indicating the percentage of site that is covered by both building and surfaced area.	
12	Written legal description including area in square feet or acres that read clockwise.	
13	Boundary survey of the property shown on the plat. The surveyor shall seal, sign, and date the survey. The survey shall be tied to the state plane coordinates.	
14	Point-of-beginning from a permanent well-defined reference point.	
15	Curve data for any street which forms a project boundary.	
16	Show 100-year floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.	
17	Note regarding wetlands, if applicable. Note if Army Corp of Engineers determination is in progress.	
18	Existing and proposed topographic information noted. Show: a. Two-foot contour interval for ground slope between level and ten percent. B. Five-foot contour interval for ground slope exceeding ten percent.	
19	Spot elevation at grade breaks, existing road centerlines, gutter lines and top of curbs of pavement.	
20	Contours of adjacent land within 50 feet of the project shall be shown.	
21	Landscape proposals for parking lots shall include proposed plants and size. State the method for irrigating and plant material on the plan.	
22	Show on the drawing all known on-site and off-site existing utilities and easement.	
23	Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number of the easement.	
24	Show all storm sewer structures, sanitary sewer structures and drainage structures: a. Provide structures / locations and types. b. Provide pipe types and sizes.	



25	Sanitary sewer systems: a. Provide pipe locations, sizes, and types. b. Manhole locations of rim and invert elevations.	
26	If a septic system is to be utilized, provide a table of acreage and percolation rates, along with a letter from Arkansas Department of Health approving the septic system and size of lot.	
27	Water system on or near the site	
28	Underground or surface utility transmission lines:	
29	State the width, location and purpose of all proposed easements or right of way for utilities, drainage, sewers, flood control, ingress/egress or other public purpose within and adjacent to the project.	
30	The location, widths, grades and names of all existing and proposed streets, alleys, paths, and other right-of-ways, whether public or private....	
31	The location of all existing and proposed street lights.	
32	Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.	
33	The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.	
34	The location of known existing or proposed ground leases or access agreements, if known.	
35	The location and size of existing and proposed signs, if any.	
36	Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from side property line and surrounding intersections.	
37	Draft of covenants, conditions and restrictions, if any.	
38	A written description of requested waivers from any City requirements.	
39	Show required building setbacks. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustments for proposed setbacks less than those set forth in the zoning district.	
40	Preliminary grading and drainage plans and reports as required in the City Engineer's office.	
41	Placement of fire hydrants	
42	Any other data or reports as deemed necessary for project review by the City Planner, City Engineer or Planning Commission.	
43	Provide sidewalks along streets as required.	
44	Are there any variances being requested?	
45	As-Built Plans will be provided to the City and Benton Utilities before a Certificate of Occupancy will be issued. The As-Built plans will be both in hardcopy and digital formats and will show all applicable easements and rights of way. Digital format will be AutoCAD compatible.	



**EXHIBIT 2**  
**Permission for City of Benton to Communicate with Engineer Only**

I, \_\_\_\_\_, the developer of \_\_\_\_\_  
Subdivision, do hereby authorize my engineer \_\_\_\_\_ to be the point of  
contact for all communications regarding the development.

\_\_\_\_\_  
Signature Date

Witnessed by Notary Public:

My Commission Expires \_\_\_\_\_

**Exhibit 3**  
**Preliminary Plat Requirements**

**Preliminary Plat shall include the following:**

1	Proposed name of subdivision	
2	Name and address of owner(s) of record	
3	Source of title giving deed record book and page number number.	
4	Name and address of subdivider.	
5	Date of survey, north arrow and graphic scale.	
6	Preliminary Surveying Certificate	
7	Preliminary Engineering Certificate	
8	Location of the tract by legal description giving acreage.	
6	Centerline profiles of streets.	
7	Vicinity map locating streets and highways, section lines, railroads, schools, parks, and other significant features within one-half (1/2) mile of the proposed subdivision.	
8	Exact boundary lines of the tract indicated by a heavy line giving dimensions, angles, and at least one bearing.	
9	Contour intervals to sea level datum of not more than two (2) feet when the slope is less than four (4) percent, and not more than five (5) feet when the slope is greater than four (4) percent.	
10	Natural features within and surrounding the proposed subdivision including drainage channels, bodies of water, wooded areas and other significant features. On all water courses leaving the tract the direction of the flow shall be indicated, and for all water courses entering the tract the drainage area above point of entry shall be noted.	
11	Cultural features within and surrounding the proposed subdivision including existing and platted streets, bridges, culverts, utility lines, pipeline, power transmission lines, all easements, park areas, structures, political boundaries, land subdivision boundaries, (including, but not limited to, quarter-section, section, township, and range lines), and other significant information.	
12	Names of recorded subdivisions abutting the proposed subdivision, with plat book and page.	
13	Names of owners of unsubdivided property abutting the proposed subdivision.	
14	Zoning districts, if applicable.	
15	Proposed layout including lot lines with rough dimensions, lot numbers, block numbers, street names, right-of-way widths, sites reserved for parks, playgrounds, schools, etc., sites for commercial, non-residential, non-public uses, and building lines with dimensions.	
16	<i>Current State and County regulations will be followed for the installation and use of septic tanks.</i>	
17	<i>Average size of lots and minimum lot size.</i>	
18	<i>Number of lots and lots per gross acre.</i>	

**Preliminary Plat shall be accompanied by the following information:**

19	A summary of the proposal giving information as to the overall development plan, giving type, number of dwellings units, type of business(es), and industry so that the effects of the development can be determined by the Commission and Staff.	
20	Source of water supply.	



21	Provisions for sewage disposal, drainage, and flood control.	
22	Letters or certificates of approval or disapproval from the City, County, or State agencies, as well as from the utility companies that is applicable. Such material should be obtained and submitted by the subdivider.	
23	Typical cross sections of all streets.	
24	Copies of the approved SWPPP and permit prior to start of clearing and grading.	
25	Such other information as the subdivider wishes to bring to the attention of the Commission.	
26	Community FIRM panel number, date and flood zone(s) of site.	
27	Floodplain analysis by the engineer of record. Show proximity to any identified floodplain and/or floodway. Also identify any areas of known flooding. Development in an identified floodplain is prohibited by Benton Subdivision Regulations unless removed from the Special Flood Hazard Area.	
28	Minimum building setback lines	
29	Preliminary storm drainage plan showing proposed easements.	
30	Water supply location and name of provider.	
31	Show sanitary sewer location and name of system provider.	
32	Name of electrical provider	
33	Water flows and residual pressures will be provided.	
34	Center line locations of all streets abutting proposed subdivision.	

#### **Engineering Analysis.**

35	Typical street cross sections and profiles	
36	Show sidewalks and locations along streets as required.	
37	Are there any variances being requested?	
38	An Engineering study of proposed and/or existing sanitary sewer capacities may be required by Benton Utilities.	

#### **Plat Certificates.**

39	Certificate of Preliminary Surveying Accuracy.	
40	Certificate of Preliminary Engineering Accuracy	
41	Certificate of Preliminary Plat Approval.	

**Exhibit 4**  
**Preliminary Plat Certificates**

Each Preliminary Plat submitted to the Commission shall carry the following certificate thereon:

**CERTIFICATE OF PRELIMINARY SURVEYING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown; and that all interior lot lines are accurately described in terms of length and direction of the property sides.

Signed \_\_\_\_\_  
Registered Land Surveyor  
No. \_\_\_\_\_, Arkansas

**CERTIFICATE OF PRELIMINARY ENGINEERING ACCURACY**

I, \_\_\_\_\_ hereby certify that I am the engineer of record for this subdivision and that I, or those under my supervision, will design and cause to be constructed the improvements required in accord with the City of Benton Subdivision Rules and Regulations.

Signed \_\_\_\_\_  
Registered Engineer  
No. \_\_\_\_\_, Arkansas

**CERTIFICATE OF PRELIMINARY PLAT APPROVAL**

All requirements of the City of Benton Subdivision Regulations relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject of further provisions of said Rules and Regulations. This Certificate shall expire \_\_\_\_\_.

\_\_\_\_\_  
Date of Execution

(signed) \_\_\_\_\_  
Chairman  
Benton Planning Commission



**Exhibit 5**  
**Construction Plan Requirements**

**Construction Plan shall include the following:**

1	Name of subdivision	
2	Name and address of owner(s) of record. Contact information should be updated when changed.	
3	Name, address, seal and signature of Engineer of Record.	
4	Name and address of subdivider	
5	Date of plat, north point and graphic scale	
6	Vicinity map.	
7	Index where more than one sheet is required to present plans.	
8	Street and alley and other right-of-way lines with location and width, with street names indicated.	
9	Street center lines showing angles of deflection or bearing, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.	
10	Lot lines with dimensions to the nearest one-tenth (1/10) of a foot, necessary internal angles, arcs, and chords, and radii of rounded corners. When lots are located on a curve or when sidelines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown when required by the Commission.	
11	Lot and block numbers	
12	Easements and public service or utility rights-of-way lines giving dimensions, locations and purpose.	
13	Contour intervals to sea level datum of not more than two (2) feet when the slope is less than four (4) percent, and not more than five (5) feet when the slope is greater than four (4) percent.	

**Streets:**

14	Typical street cross section.	
15	Profile with the Plan view. Can be in sections, but will require one overall map with references.	
16	A soils geotechnical report showing soil types, strata, water table, sufficient to show how streets were designed.	
17	Show street slopes and vertical curve data.	
18	Show contours of the land and proposed street grades.	

**Storm Drainage:**

19	Show all structures and curb inlets in plan and profile.	
20	Show all pipe sizes, slopes, and quantity and material types.	
21	All design and construction shall be per current Benton Stormwater Ordinances.	

**Sanitary Sewer:**

22	Line sizes, material type, slopes and lengths.	
23	Plan and profiles. Show at least one overall with water, storm drainage, sanitary sewer and streets.	
24	Show all manhole locations, depths and lid types.	
25	Show flowline elevations in and out at manholes. Show finished manhole rim elevations.	

26	Show all service line locations.	
	<b>Potable Water</b>	
27	Show line size, length and material type.	
28	Show all fire hydrant locations and flows with residual pressures.	
29	Show all fittings, tees, valves, angles located in plan view.	
30	Show all meter locations.	
31	Provide specifications for all the above.	
32	Certificate of engineering accuracy certifying built to plans & specs for As-Built plans.	
33	Storm drainage plan showing drainage for all the water courses entering and leaving the plat boundaries, adequate for no less than a one in twenty five year rainfall.	
34	A soils geotechnical report showing soil types, strata, water table, sufficient to show how streets were designed.	
35	Show Typical Detail drawings for streets, water, sanitary sewer and storm drainage structures and appurtenances.	



**EXHIBIT 6**  
**FINAL PLAT REQUIREMENTS**

<b><u>Final Plat shall include the following:</u></b>		
1	Name of subdivision	
2	Name and address of owner(s) of record. Contact information must be updated when changed	
3	Source of title giving deed record book and page number.	
4	Name and address of subdivider	
5	Date of plat, north point and graphic scale	
6	Location of tract by legal description giving acreage.	
7	Vicinity map.	
8	Key map where more than one sheet is required to present map.	
9	True courses and distances to the two (2) nearest established section corners or bench marks or other recognized permanent monuments which shall accurately describe the location of the plat. State Plane Coordinates will be provided for the section corners.	
10	Exact boundary lines of the tract indicated by a heavy line, or other acceptable control traverse, giving dimensions to the nearest one-tenth (1/10) foot and angles to the nearest minute, which shall be balanced and closed with an error closure not to exceed one (1) to five thousand (5,000).	
11	Municipal, county, or section lines accurately tied to the lines of the subdivision by distances and angles.	
12	Street and alley and other right-of-way lines with location and width, with street names indicated.	
13	Street center lines showing angles of deflection or bearing, angles of intersection, radii, length of tangents and arcs, and degree of curvature with basis of curve data.	
14	Lot lines with dimensions to the nearest one-tenth (1/10) of a foot, necessary internal angles, arcs, and chords, and radii of rounded corners. When lots are located on a curve or when sidelines are at angles other than ninety (90) degrees, the lot width at the building line shall be shown when required by the Commission.	
15	Lot areas in square feet shall be shown when septic tanks are to be used. Lot areas of other lots shall be furnished when required by the Commission.	
16	Building setback lines with dimensions.	
17	Lot and block numbers	
18	Easements and public service or utility rights-of-way lines giving dimensions, locations and purpose.	
19	Accurate outlines and description of any areas to be dedicated or reserved for public use or acquisition with the purpose indicated thereon and of any areas to be reserved by deed covenant for common uses of all property owners.	

20	Accurate locations and description of all monuments.	
21	Certificate of engineering accuracy certifying built to plans & specs.	
22	Certificate of Owner	
23	Certificate of Final Plat approval	
24	Certificate of Surveying Accuracy	
25	Certificate of Recording	
26	As-built plans of all the submitted and approved Construction Plans.	
27	Dedication of Streets, alleys, parks & other public lands	

28	All calculations and field notes when required by the Commission.	
29	Streets and alleys within and abutting the subdivision, with street names indicated and showing the source of dedication when required. Sidewalks should also be included here.	
30	Any area or lot known to flood shall have the lowest allowable finished floor elevation indicated on the final plat.....	
31	Note: No changes in the plat are permitted without approval of the Benton Planning Commission.	
32	Error of closure calculations shall be submitted when requested...	
33	Engineer's certification that all was installed per the approved Plans & Specifications.	
34	Are any variances being requested?	
35	A digital and hardcopy of the Final Plat and As-Built drawings with all information in AutoCAD format.	



**Exhibit 7**  
**Final Plat Certificates**

Each Final Plat submitted to the Commission shall carry the following certificate thereon:

**CERTIFICATE OF OWNER**

We, the undersigned, owners of the real estate shown and described herein do hereby certify that we have laid off, platted and subdivided, and do hereby lay off, plat and subdivide said real estate in accordance with the plat dedicate all streets, easements and alleys to the City of Benton.

\_\_\_\_\_  
Date of Execution

\_\_\_\_\_  
(signed)  
Name  
Address

Source of Title

D.R. \_\_\_\_\_ page \_\_\_\_\_

**CERTIFICATE OF RECORDING**

This document, number \_\_\_\_\_ filed for record \_\_\_\_\_, \_\_\_\_\_, in Plat Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Name) Clerk

**CERTIFICATE OF SURVEYING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a survey made by me or under my supervision; that all monuments shown hereon actually exist and their location, size, type, and material are correctly shown; and that all interior lot lines have been adjusted to "as-built conditions" and are accurately described on the plat and identified on the ground in terms of length and direction of the property sides as required in accordance with the City of Benton Subdivision Rules and Regulations.

\_\_\_\_\_  
(Signed) Name

Registered Land Surveyor, No., \_\_\_\_\_,  
Arkansas

### **CERTIFICATE OF ENGINEERING ACCURACY**

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plat made by me, and that the engineering requirements of the City of Benton Subdivision Rules and Regulations have been followed.

\_\_\_\_\_  
Date of Execution

(signed) \_\_\_\_\_  
Name  
Registered Professional Engineer,  
No. \_\_\_\_\_, Arkansas

### **CERTIFICATE OF FINAL PLAT APPROVAL**

Pursuant to the City of Benton Subdivision Rules and Regulations, this document was given approval by the Benton Planning Commission at a meeting held \_\_\_\_\_, \_\_\_\_\_. All of the conditions of approval having been completed, this document is hereby accepted, and this certificate executed under the authority of said rules and regulations.

\_\_\_\_\_  
Date of Execution

(signed) \_\_\_\_\_  
Name  
Chairman  
Benton Planning Commission

**Approval of the final plat shall become null and void unless said plat is filed for record within 120 days from the date of execution of this certificate.**



**Exhibit 8**  
**Approved Letter of Credit**

Irrevocable Standby Letter of Credit No. \_\_\_\_

Beneficiary:  
City of Benton, AR  
P.O. Box 607  
Benton, AR 72018

Applicant/Subdivider

Amount: \_\_\_\_\_

Expiration \_\_\_\_\_

We hereby establish our Irrevocable Standby Letter of Credit in your favor available by your draft(s) at Sight drawn on the \_\_\_\_\_ Bank, payable to the order of the City of Benton for a sum not to exceed \_\_\_\_\_. The amount of any draft under this credit must, concurrently with negotiation, be endorsed on the reverse side by the City's Attorney, or City Attorney's designee, and the presentment of any such draft will be a warranty by the negotiating bank that such endorsement was endorsed and that documents have been forwarded as herein requested.

Any drawings under this Letter of Credit are to be accompanied by your signed statement or affidavit executed and signed by the City's Attorney or the City Attorney's designee, that drawing is due to default or failure to perform by \_\_\_\_\_ with respect to construction of improvements in \_\_\_\_\_ Subdivision, a subdivision of the City of Benton in Saline County, AR.

Special conditions:

1. Partial drawings are allowed;
2. The City will notify \_\_\_\_\_ Bank if at any time the improvements have been timely completed and the warranty period has terminated and that the credit may be released;
3. This Letter of Credit is not transferable or assignable by the Beneficiary. Letter of Credit issued as a replacement or substitution for this Letter of Credit will be issued by us without your prior consent.

All drafts drawn under this Letter of Credit must bear the clause "Drawn Under the \_\_\_\_\_ Bank Letter of Credit No \_\_\_\_\_ dated \_\_\_\_\_."

We hereby engage with you that drafts drawn under and in compliance with the terms of the credit will be duly honored upon presentation and deliver of the documents as specified, no later than three (3) days after such presentment, if negotiated on or before \_\_\_\_\_ as the same may be extended from time to time.

This Letter of Credit is subject to the International Standby Practices 1998.

The original of this Letter of Credit and any amendments thereto must be presented with any drawing.

\_\_\_\_\_ Signature of Bank Official

**Exhibit 9**  
**Street/Utilities Acceptance Ordinance**

Ordinance \_\_\_\_ of \_\_\_\_

Accepting Streets, Drainage and Utilities for Maintenance  
\_\_\_\_\_ Subdivision

WHEREAS, \_\_\_\_\_, Ph \_\_\_\_ was dedicated to the City of Benton, Arkansas on the \_\_\_\_\_ day of \_\_\_\_\_, 2XXX and is recorded in the deed records of Saline County, Arkansas, document No. \_\_\_\_\_. Streets were constructed as specified by the City, and more than one (1) year has expired since the construction of the streets, water lines, sewer lines, and storm drains in the said Addition, and

WHEREAS, the City of Benton, Arkansas now desires to accept said streets, water lines, sewer lines, and storm drains for maintenance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Benton, Arkansas, that the streets, water lines, sewer lines and storm drains of \_\_\_\_\_, Ph \_\_\_\_\_, an Addition to the City of Benton, Arkansas, be and are hereby accepted for maintenance by the City of Benton, Arkansas.

Passed and Approved this \_\_\_\_ day of \_\_\_\_\_, 2XXX.

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
City Clerk



## Proof of Publication

STATE OF ARKANSAS  
County of Saline

I, Marshall Bueche, do  
solemnly swear that I am Legal Advertising  
Clerk for The Saline Courier, a daily newspaper  
printed in said county, and that I was such at the  
date of publication hereinafter stated, and that  
said newspaper had a bona fide circulation in  
such county at said dates, and has been regularly  
published in said county since the year 1876  
before the date of the first publication of the  
advertisement hereto annexed, and that said  
advertisement was published in said newspaper  
1 times for 1 issues, the first  
insertion therein having been made on  
10/20/2013, and the last insertion on  
10/30/2013.

Billed Account City of Benton

Ad Number 50158

Marshall Bueche  
Legal Advertising Clerk

Sworn to and subscribed before me on 10/22/2013

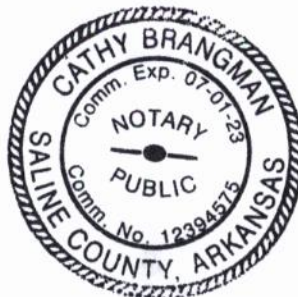
Cathy Brangman  
Notary Public

### FEE FOR PRINTING

\$ 188.20 Cost of Notice

\$ 2.60 Cost of Proof

\$ 190.80 Total



### Legal Notice

#### ORDINANCE NO. 66 of 2013

#### AN ORDINANCE ADOPTING BY REFERENCE THE "BENTON SUBDIVISION REGULATIONS"; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

**WHEREAS**, the City Council desires to establish regulations pertaining to the design and construction of subdivisions within the city; and  
**WHEREAS**, at least three (3) copies of the proposed regulations for subdivision design and construction have been filed with the City Clerk of the City of Benton and are available for public inspection; and,

**WHEREAS**, a public notice was published in the Benton Courier, a newspaper of general circulation in the community, on October 11, 2013 advising the public that three (3) copies of the Revised Regulation was available for public examination at the office of the City Clerk, City Hall, 114 South East Street, Benton, Arkansas;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Benton, Arkansas, that:

**SECTION 1.** The City of Benton does hereby adopt, by reference, the "Benton Subdivision Regulations", which is attached hereto marked as Exhibit "A" and incorporated now by reference as if stated word for word.

**SECTION 2.** All City of Benton Ordinances and Resolutions in conflict with the "Benton Subdivision Regulations" are hereby repealed to the extent of such conflict, but not otherwise.

**SECTION 3.** The City Clerk shall maintain and keep on file at least three (3) copies of the "Benton Subdivision Regulations" as adopted by this Ordinance; and at least three (3) copies of the text of this Ordinance for use and examination by the public.

**SECTION 4.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION 5.** The regulations adopted by this Ordinance shall be followed with respect to all subdivisions who obtain preliminary plat approval following the effective date of this Ordinance. Subdivisions who obtained preliminary plat approval by the city before the effective date of this Ordinance shall be bound by the regulations in effect at the time of preliminary plat approval.

**SECTION 6.** Based upon the necessity of clarifying and restating the subdivision design and construction standards for the city, an emergency is hereby declared and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of October, 2013.  
David J. Mattingly, Mayor • Cindy Stracener, City Clerk

NOV 05 2013