

ARTICLE 400 PRELIMINARY PLAT

Sec. 400.01 Applicability of preliminary plat regulations.

Any owner of land within the jurisdiction of the City of Bentonville seeking to subdivide property shall not proceed with any construction work on the proposed subdivision before obtaining preliminary plat approval nor shall the owner attempt to record the plat of the subdivision or any part thereof prior to obtaining final plat approval from the planning commission.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.02 Pre-application conference for preliminary plats.

(a) *Purpose.* The purpose and intent of the pre-application conference is to afford the sub-divider an opportunity to obtain the advice of the planning staff in order to avoid unnecessary costs and delays to the sub-divider and to give informal guidance to the development at a stage where potential points of conflict or differences can be readily resolved.

(b) *Fees.* No fees shall be collected for a pre-application conference, its purpose being to acquaint the subdivider with plans and policies in effect that may be significant to his proposed subdivision.

(c) *Plans.* The subdivider shall submit plans and data showing existing conditions within the site and its vicinity and the proposed layout and development of the proposed subdivision in accordance with current planning department policies and procedures.

(d) *Discussion.* At the pre-application conference, the general character of the development will be discussed and items including zoning, utility service, street requirements, flooding and drainage, and other pertinent factors related to the proposed development will be reviewed. Discussions at the pre-application conference shall not imply any approval of subsequent preliminary or final plat approval.

(Code 1994; Ord. No. 95-13, § 1, 02-28-1995; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.03 Application for preliminary plat approval.

Development plans shall be submitted to the Planning Department in accordance with current planning department policies and procedures and shall consist of the following:

(a) *Application.* A Letter of Intent along with a completed application form, as provided by the Planning Department.

(b) *Fee.* Payment of the filing fee as specified in the application packet.

(c) *Preliminary plat.* The number of copies of the preliminary plat as indicated on the application packet that includes all the requirements for a preliminary plat indicated in Article 900 Plat and Plan Requirements. The preliminary plat shall be drawn clearly and legibly at a scale not smaller than 1" = 100'. Utility drawings shall be on 24" X 36" paper at a scale of 1" = 30' or larger. A digital copy will be required after approval.

- (d) *Drainage report.* Submit drainage report, grading and soil erosion plan (sites over .5 acre).
- (e) *Deed.* Copy of warranty deed showing ownership of property.
- (f) *Recorded plat.* Copy of recorded plat.

(Code 1994; Ord. No. 95-13, § 3, 02-28-1995; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.04 Review and approval process for preliminary plats.

(a) *Planning Department.* The Planning Department staff and other appropriate city and public agency staff shall review the proposed subdivision for conformance with these regulations. In its review, staff shall take into consideration the requirements of the community and the use of the land being subdivided and may offer suggestions concerning changes it feels would enable the project to meet the purpose and intent of the subdivision regulations. Particular attention shall be given to width, arrangement and location of streets, utility easements, drainage, lot sizes and arrangements and other facilities such as parks, playgrounds or school sites, public buildings, parking areas, and arterial streets, and the relationship of the proposed subdivision to adjoining, existing, proposed and possible subdivision of lands.

(b) *Other city departments.* The city staff shall distribute copies of the preliminary plat to other city departments with the request that its recommendations for either approval or disapproval be provided in writing. Such recommendations shall be forwarded to the staff and thence to the planning commission along with the staff's own recommendation.

(c) *Planning Commission action.*

- (1) *Changes or additions.* After the planning commission has reviewed the preliminary plat and taken into account any staff recommendation, the applicant shall be advised of any required changes and/or additions.
- (2) *Action.* The planning commission shall approve, approve conditionally, or disapprove the preliminary plat within sixty (60) days from the date when staff accepts the submittal as complete and ready for planning commission review or the preliminary plat shall be deemed approved unless the subdivider stipulates in writing to the planning commission that additional time is allowed. If disapproved, the preliminary plat shall be returned to the subdivider with a written statement as to the reasons for disapproval.
- (3) *Disapproval.*
 - a. A disapproved preliminary plat may be resubmitted. The plat shall be submitted for review as outlined in this regulation for an original preliminary plat submission.
 - b. The Director of Community Development may forego those steps in the review process of a resubmitted plat found to be redundant.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.05 Review criteria for preliminary plats.

The preliminary plat will be approved by the planning commission when the applicant has met all requirements of applicable specification manuals and provided clear and convincing evidence that:

(a) *Water.* Definite provision has been made for a water supply system to each lot that is sufficient in terms of quantity, dependability, fire protection, and quality to provide an appropriate supply of water for the type of subdivision proposed. The applicant shall provide verification of approval from water department staff.

(b) *Sewer.* If a public sewage system is proposed, adequate provision has been made for such a system to each lot and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state and local laws and regulations. The applicant shall provide verification of approval from the sewer department staff.

(c) *Special precautions.* All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.

(d) *Transportation.* The existing municipal transportation is adequate to accommodate the traffic to be generated by the subdivision. The planning commission may require, as part of plat approval, a traffic study, prepared by professional traffic engineer and paid for by the developer, demonstrating that existing streets can handle the proposed traffic. If the traffic study indicates that the development will create more demand than the existing transportation system can accommodate, the developer shall show that it will make appropriate off-site improvements to meet the increase in demand and capacity. The city has the right to hire an independent consultant to verify the findings of the original study.

(e) *Mitigation.* The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

(f) *Design standards.* The plans meet the requirements of Article 1100, Design Standards.

(Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.06 Authorization to proceed with improvements.

Planning commission approval authorizes the applicant to proceed to the pre-construction conference. The pre-construction conference shall be held only after all outstanding comments have been addressed and approved. Completion of the pre-construction conference is final authorization for the subdivider to proceed with the installation of improvements and the staking out of lots and blocks. The subdivider shall complete all improvements required under this regulation, obtain Arkansas Department of Health approval, and pass a site final inspection before planning commission will review a final plat application.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)

Sec. 400.07 Expiration of preliminary plat approval.

(a) *Expiration.* The preliminary plat approval shall automatically expire 12 months from the original date of approval and further development work will require approval of another preliminary plat. An approved preliminary plat conditioned upon the developer completing a "punch list" shall also be considered to be null and void should the "punch list" in its entirety not be completed within the designated twelve (12) month period from the date of preliminary plat approval.

(b) *Extensions.* If at the end of the twelve (12) month date of approval of the preliminary plat the subdivider submits a written request for extension of the preliminary approval, the planning commission may grant an extension of up to twelve (12) additional months providing, in the opinion of the planning commission, sufficient work has been completed with respect to the required improvements on the property. Further, no more than one extension shall be granted.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 400.08 Building permits for model homes.

(a) *Allowed.* All new subdivision containing more than 10 lots may be allowed to construct one (1) model home. In subdivisions containing more than one (1) phase, model homes shall be allowed only in the first phase of the subdivision. Model homes shall be placed adjacent to the primary entrance to the subdivision. Temporary offices intended for the purpose of marketing homes in the subdivision shall be placed inside the model home.

(b) *Restrictions.* Building permits for model homes shall not be issued until:

- (1) A preliminary plat is approved for the subdivision.
- (2) Fire protection is available to the site.
- (3) Roads are cut into the site and covered with crushed base.
- (4) Water and sewer services shall be available.
- (5) Lift station shall be completely finished, if lift station is required.

(c) *Right of refusal.* The City of Bentonville reserves the right to refuse a permit for a model home based on any one of the following conditions:

- (1) Any one of the requirements in Sec. 400.8(b) are not met.
- (2) Past performance indicates that a particular developer is non-compliant with this regulation and/or is attempting to abuse this regulation.

(Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2019-57, § 6, 04-09-2019)