

## **ARTICLE 600 INCIDENTAL SUBDIVISIONS**

### **Sec. 600.01 Applicability of incidental subdivision regulations.**

For the purposes of these regulations, incidental subdivisions are subdivisions and plats that meet the following criteria:

- (a) No new street or alley is required or proposed. A new street or alley shall not be required when the existing street infrastructure can adequately accommodate traffic generated by the incidental subdivision.
- (b) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- (c) The proposed incidental subdivision will not result in any significant increases in public service requirements, nor will interfere with maintaining existing public service levels.
- (d) There is adequate street right-of-way as required by these regulations and the Master Street Plan.
- (e) All easement requirements have been satisfied.
- (f) All lots created by such split or readjustment shall have access on a public street.
- (g) No substandard sized lots or parcels shall be created.
- (h) No waivers or variances from these regulations are requested.
- (i) All lots created by such split or readjustment shall have direct access to public water and sewer or an approved source of water and/or sewer, and electric.

*Exemptions:* Unplatted A-1 zoned property shall be exempt from these requirements when remaining lots are five acres or more and no new streets are required or proposed.

(Ord. No. 2019-57, § 6, 04-09-2019)

### **Sec. 600.02 Types of incidental subdivisions.**

(a) *Lot split.* A lot split is the platting or subdivision of a lot, tract or parcel located within the planning area that meet the following conditions:

- (1) Creates three (3) lots or less;
- (2) Right-of-ways and/or utility easements are being dedicated to the city;
- (3) The original lot has not been split more than three times; and,
- (4) Meets all of the applicability requirements in Sec. 600.01

(b) *Informal plat.* An informal plat is the platting or subdivision of a lot, tract, or parcel within the planning area that meet the following conditions:

- (1) Creates two or more new lots;
- (2) Does not require dedications, vacations, reservations, changes in alignment of easements or rights-of-ways, street improvements, variances, waivers, or extensions of utilities; and,
- (3) Meets all of the applicability requirements in Sec. 600.01.

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(c) *Property line adjustment.* A property line adjustment in which a property line(s) is moved or relocated but does not create an additional lot. A property line adjustment may or may not dedicate right-of-way and/or utility easements.

(d) *Correction plat.* A correction plat in which a correction to an existing plat is necessary due to an incorrect legal description or scrivener errors. The correction plat does not change the boundaries, does not change the subdivision name and does not create new lots. The correction plat may or may not create new utility easements.

(e) *Easement Plat.* A plat in which only easements and/or dedications are established or altered.

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

### **Sec. 600.03 Application for incidental subdivision approval.**

The application shall be submitted to the planning department in accordance with current planning department policies and procedures and shall consist of the following:

(a) *Application.* Completed and signed application form.

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

(c) *Survey.* Survey of the property signed and sealed by a registered land surveyor with the State of Arkansas showing the information as required on the application.

(d) *Plat.* Provide the number of copies of the plat as indicated in the application packet. The plat shall be drawn clearly to include the information as required in *Article 900. Plat and Plan Requirements.*

(e) *Deed.* Copy of land deed showing ownership of property.

(f) *Digital copy.* The owner/developer must submit with an application for incidental subdivision approval, the proposed incidental subdivision in digital form with all information in AutoCAD. Information shall include property boundary, lot lines, easements, building setbacks, rights-of-way, street widths, pre-addresses, street names, arc radius, arc distance, etc. Line and curve data shall have bearing and distance chords. Questions concerning this requirement may be directed to the planning department.

(Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2012-58, § 5, 07-24-2012; Ord. No. 2019-57, § 6, 04-09-2019)

### **Sec. 600.04 Review and approval of incidental subdivisions.**

(a) *Administrative approval.*

(1) *Applicability.* The director may review and administratively approve an incidental subdivision if no dedications are being made and no waivers or variances are requested.

(2) *Staff action.* Within ten (10) days of receipt of the complete plat, the director shall approve, approve with conditions, or disprove said plat. If the plans are approved, a building permit can be issued immediately. If the plans are approved with conditions, the conditions shall be set forth in written form to the developer. The signature of the developer on the form setting forth the conditions of approval shall be deemed his agreement to comply with said conditions, whereupon a building permit may be issued. If the plat is disapproved, the reasons for such action shall be provided in written form to the developer.

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- (3) *Additional review.* If the director determines that there is a necessity of transmitting the plans to outside sources for additional comment or in-depth study, he shall notify the developer in writing within ten (10) days that a decision will not be made within the ten (10) day time period, what the reasons are for the delay and the date at which a decision can be expected. A copy of said letter shall be sent to the chairman of the planning commission. If the developer objects to such an extension, said objection shall be heard as a priority item at the next regularly scheduled planning commission meeting.
- (4) *Approval signatures.* All staff approvals to any plat shall be signified by the signature of said staff member upon the development plan.

(b) *Planning commission action.* The planning commission shall approve or disapprove any incidental subdivision that is not being administratively approved as set forth above within sixty (60) days from when staff accepts the submittal as complete and ready for planning commission review, otherwise said incidental subdivision shall be deemed to have been approved. Disapproval of the plat shall be transmitted to the applicant with the reasons therefore within a reasonable time (not to exceed two weeks) after the meeting at which the plat was disapproved. Approval of the incidental subdivision by the planning commission shall not constitute the acceptance by the public of the dedication of any streets or other public ways or grounds.

(c) *City council action.* Any incidental subdivision that dedicates street right-of-way or easements shall be reviewed by the city council. Upon approval by the planning commission, all recommendations shall be submitted to the Bentonville City Council for approval.

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

### **Sec. 600.05 Recording of incidental subdivisions.**

(a) *Owner/developer responsibility.* Upon approval of the incidental subdivision, the owner/developer shall submit ten (10) copies, notarized and signed, to the planning department prior to the approval expiration date in accordance with Sec. 600.06 below.

(b) *Planning department responsibility.*

- (1) The planning department shall have the incidental subdivision recorded in the office of the county recorder within 30 days from the date of submittal of the required documentation. If the incidental subdivision is not filed within such time, approval shall be considered as having been abandoned.
- (2) Upon recording the plat, the designated city official shall retain two (2) copies, one for planning department records and the other for building inspection's records.

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

### **Sec. 600.06 Expiration of incidental subdivision approval.**

If the incidental subdivision is not recorded in accordance with *Sec. 600.04 Recording of an incidental subdivision*, the incidental subdivision approval shall be considered expired and the owner/developer shall be required to resubmit in accordance with this article.

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

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