

City of Centerton

TITLE 15 | SUBDIVISION AND DEVELOPMENT REGULATIONS

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CHAPTER 15.01: GENERAL PROVISIONS

15.01.01 Title These regulations shall officially be known, cited and referred to as the “Subdivision and Development Code of the City of Centerton, Arkansas”, hereinafter referred to as “these regulations.”

15.01.02 Authority These regulations for the subdividing and developing of land within the corporate limits and the planning area boundary of the City of Centerton are adopted pursuant to Arkansas Code Annotated § 14-56-401 et seq.

15.01.03 Purpose The purpose of these regulations is to set forth the procedures, requirements and minimum standards governing the subdivision and development of land under the jurisdiction of the Centerton Planning Commission (hereinafter referred to as the Planning Commission).

These regulations are formulated to promote safety, public health, and the general welfare of the citizens of Centerton and its planning area. These regulations should be administered in a manner:

- A. To assist the orderly, efficient, and coordinated land development within the planning area of Centerton in accord with its adopted Comprehensive Plan, Master Street Plan, Master Trails Plan, and all other adopted plans.
- B. To ensure conformance of subdivision plans and developments with public improvement plans for the city.
- C. To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties.
- D. To establish a beneficial relationship between the uses of land and buildings and the municipal street system to require proper location and design of streets and building lines, to minimize traffic congestion, and to make adequate provision for pedestrian traffic circulation.
- E. To provide for the harmonious development of Centerton and the coordination of streets and other public utility improvements within subdivisions and site developments with existing or planned improvements.
- F. To establish reasonable standards of design and procedures for subdivision and re-subdivision to further the orderly development and use of land and to ensure proper legal descriptions and monumentation of subdivided lands.
- G. To encourage the wise use and management of natural resources and to provide adequate and safe recreational areas of natural beauty and topography within the community.
- H. To make provision for adequate air, open space, drainage, transportation, public utilities, and other needs.

- I. To ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources.

15.01.04 Jurisdiction The territorial jurisdiction of these regulations include the subdivision and development of lands within the corporate limits of the City of Centerton, Arkansas and lands outside the city limits but within the Centerton Planning Area except as limited by A.C.A. §14-56-413 (Territorial Jurisdiction). The planning area includes those areas depicted on the Planning Area Map, copies of which are on file with the Centerton City Clerk and the Benton County Recorder.

15.01.05 Applicability and Conformance The subdivision or development shall conform to the regulations within this chapter as well as the Comprehensive Plan, including the Land Use Plan, Master Street Plan, Master Trail Plan, and Community Facilities Plan to ensure orderly planning and efficient development of the City and the planning area. In addition, the developments shall conform to zoning and setback requirements pursuant to Title 14 Zoning; Title 9 Streets and Sidewalk; Title 16 Drainage & Flood; and all other applicable Titles of the Centerton Municipal Code.

15.01.06 Conflicts

- A. **Other Code Requirements.** These regulations shall be held to be minimum requirements. Where requirements of these regulations are in conflict with other requirements within the municipal code, and state and federal laws, the highest or most restrictive requirements shall apply.
- B. **Comprehensive Land Use Plan.** The regulations contained herein are adopted giving due consideration to the Comprehensive Plan. Thus, the requirements of the regulations shall take precedence over the policies of the Comprehensive Plan. Any conflict therewith should not be considered basis for challenge.
- C. **Private Agreements.** These regulations are not intended to abrogate any private agreements, deed restrictions, covenants, easements, or other private agreements on the use of land. Where the regulations are more restrictive or impose higher standards than the private agreement, the regulations shall control. Where the provisions of a private agreement are more restrictive or impose higher standards than the regulations, the provisions of the regulations shall be implemented and enforced by the city. Private agreements shall not be enforced by the city; the private restrictions may be implemented or enforced by the applicable private parties as outlined within the terms of the private agreement.
- D. **A.C.A. Amendments.** Whenever any provision of the regulations refers to or cites a section of the Arkansas Code Annotated (A.C.A.) which is later amended or superseded, the regulations shall be deemed amended or superseded in accordance therewith.

15.01.07 Approval Required

- A. **Approval.** No developer or subdivider proposing to undertake a subdivision or site development within the planning area of the City of Centerton may proceed with any construction work prior to obtaining Planning Commission approval and shall not convey title to any lot or lots before obtaining from the Planning Commission a certificate of final plat approval and filing of said plat with the County Circuit Clerk.
- B. **Planning.** In no case shall a grading permit be issued by the City of Centerton prior to the applicant's receiving approval from the Planning Commission or the Planning Director for the prerequisite development application.

15.01.08 Enforcement The City of Centerton Planning Commission or its designee shall be responsible for ensuring compliance with this chapter. Any individual or business found to be violating these regulations shall be given notice of said violation in the form of personal notice or by certified mail. The notice shall state the nature of the violation and shall provide the violator with a reasonable amount of time to correct the applicable situation. If, after given proper notice and time to cure, the violation still exists, the City may take action to compel conformance with these regulations.

15.01.09 Penalty. Any person, firm or corporation which violated any provision of this Title or amendments thereto shall be guilty of a misdemeanor and on conviction shall be fined not less than \$100.00 nor more than \$500.00 for each offense and each day that any violation of these rules and regulations are in effect shall constitute a separate offense and be subject to additional fines of between \$100.00 and \$200.00 per day.

15.01.10 Amendments All amendments to the text of this code must conform procedurally to the applicable amendment processes laid out in Ark. Code Ann. §§ 14-56-420, 14-56-422 and 14-56-423. as amended from time to time.

- A. The City Council may amend the code by a majority vote, or the City Council may suggest that the Planning Commission amend the text of this Code for review by the Council, or the Planning Commission itself may desire to initiate an amendment.
- B. Should the Planning Commission, after study or after consultation with staff request a change in the text, it shall conduct a public hearing on the proposed amendment. Notice of consideration of proposed amendments to the text shall be advertised in a paper of general circulation at least 15 days in advance of a Public Hearing.
- C. Following the public hearing, the Planning Commission shall forward the proposed amendment to the City Council for adoption in the form of an ordinance amending this Code.

15.01.11 Effective Date. This regulation shall take effect upon the date established in adoption by ordinance of the City Council of Centerton, Arkansas. These regulations shall be made available to the general public in written or digital form. These regulations shall be published as required by law.

15.01.12 Severability. Any clause or provision of this code declared invalid or unconstitutional by the court shall not affect the validity of the regulation as a whole or any other part of the code thereof.

15.01.13 Waivers

- A. When, by the strict interpretation of these development regulations, an applicant incurs undue restrictions on the physical property to be subdivided or developed, or when application of these regulations is not required by and/or consistent with the intent of the regulations, a waiver for such requirements may be granted by the Planning Commission. Waivers shall not be granted based strictly on financial hardship. A waiver is determined applicable when extraordinary circumstances exist and when the granting of the waiver maintains the intent of the adopted regulations.
- B. The applicant shall request any waiver by written petition and application to the City planning staff. The petition shall explicitly state the grounds for the waiver and all the facts upon which the petition is made.
- C. In considering the petition for a waiver, the Planning Commission shall consider the nature of the proposed use of land involved, existing uses of land in the area, proximity to public utilities, the number of persons who will reside or work in the proposed subdivision or development, and the probable effect of such waiver upon traffic conditions and upon the public health, safety and general welfare in the vicinity. No waiver shall be granted unless the Planning Commission finds all four of the following:
 - 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provision of these regulations would unreasonably affect the applicant.
 - 2. That the waiver is not in conflict with the adopted City of Centerton Comprehensive Plan.
 - 3. That the granting of the waiver will not be detrimental to the public health, safety, and welfare or injurious to other property in the area.
 - 4. That the granting of the waiver will not have the effect of preventing the orderly subdivision or development of other land in the area in accord with the provision of these regulations.
- D. In granting the waiver, the Planning Commission shall prescribe any conditions that it deems necessary or desirable in the public interest.
- E. The findings of the Planning Commission together with the specific facts upon which findings are based shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this code.

15.01.14 Vacation of Rights-of-Way and Public Easements.

- A. **Application.** The ROW, Alley, and Easement Vacation Application & Checklist shall be submitted to the Planning Department in accordance with Arkansas Codes §14-199-103 and §14-301-301 through §14-301-306—or as provided in §14-54-104 as further provided below. Each submittal shall include the following:

1. *Application and Fee.* Completed and signed application form, with all exhibits, attachments and applicable fees as provided on said application.
2. *Petition.* A petition designating the public easement or right-of-way--or portion thereof--to be vacated shall be provided.
3. *Existing Plat or Exhibit.* A certified or photostatic copy of the existing plat and any other related document or exhibit on record in the Circuit Clerk's Office which shows or describes the street, alley, and/or easement to be vacated, along with the lot and block numbers of each lot which abuts the land to be vacated.
4. *Ownership.* Provide a list that states the names and addresses of all owners of property abutting the street R.O.W, alley, or easement to be vacated. Alternatively, property owner information may be obtained from the Benton County property records.
5. *Written consent from property owners.* On form(s) provided with the application, provide written signature from all property owners abutting the portion of right-of-way or easement to be vacated. Applications not achieving such may not proceed, per Arkansas Code §14-301-303.
6. *Vacation Plat.* A plat prepared by a surveyor clearly illustrating the area to be vacated, showing all existing utility locations, and providing an accurate legal description for area requested to be vacated. At the discretion of the City, an exhibit may be acceptable instead of a plat at the time of application; however, recordation of a survey plat will be required for all approved requests.

B. Procedures for right-of-way vacation requests

1. *Generally.* Requests to vacate a portion or section of right-of-way, including right-of-way easements, shall follow the procedures of this subsection.
2. *Review.* The Planning Division will review the request and provide a recommendation, based on the submitted application as well as through consideration of the general health, safety, and welfare of the City. The review will consider contextual access, and how the vacation—if approved—would impact pedestrian and other forms of transportation—now and into the future.
3. *Utilities.* As a part of the review, City will send notice of the vacation request and all relevant information to all utility companies affected by the request, along with a copy of the Utility Company Consent Form to be returned to the City.
4. *Council resolution.* After an initial review of the application, the council shall by resolution prepared by the City set a day for the public hearing of the petition and arrange for publication.
5. *Public notice.* The following noticing efforts shall be achieved.
 - a. *Published notice.* City will publish notice of hearing in a newspaper published in the county and having a general circulation in the City at least once a week

for two (2) consecutive weeks prior to hearing date. The petitioner will be responsible for the cost of publication.

- b. *Posted notice.* City will prepare a Notice of Public Hearing sign for applicant to post on the property. Applicant shall send a picture as proof of posting to the city email address as noted on the application.
 - c. *Mailed notice.* Applicant will send by registered mail, notices of public hearing to all owners of property abutting street ROW, alley, or easement to be vacated, along with copy of petition and related exhibits. Applicant shall provide to the City the certified mail receipts and signed Affidavit of Mailing Notices.
6. *Determination.* The City Council shall make the final determination on vacation requests by holding a Public Hearing and considering whether to approve, deny, or table the vacation petition (either in whole or part). If the City Council chooses to approve the petition for vacation, they shall memorialize the decision by adopting an ordinance stating that the legal description as provided by the applicant and verified by the City is vacated.
 7. *Recording.* The City Clerk shall file the ordinance and plat/exhibit vacating the right-of-way with the County Recorder's office.

C. Procedures for public easement vacation requests.

1. *Generally.* Requests to vacate a portion or section of a utility, drainage or other public easement not considered a right-of-way shall follow the procedures of this subsection.
2. *Review.* The Planning Division will review the request and provide a recommendation, based on the submitted application as well as through consideration of the general health, safety, and welfare of the City. The mayor or their designee will consider contextual access, future connectivity, and how the vacation—if approved—would impact pedestrian and other forms of transportation—now and into the future.
3. *Utilities.* As a part of the review, City will send notice of the vacation request and all relevant information to all utility companies affected by the request, along with a copy of the Utility Company Consent Form to be returned to the City.
4. *Determination.* The City Council shall make the final determination on easement vacation requests by approving or denying the vacation petition (either in whole or part). If the City Council chooses to approve the petition for vacation, they shall memorialize the decision by adopting an ordinance stating that the legal description as provided by the applicant and verified by the City is vacated.
5. *Recording.* The City Clerk shall file the ordinance and plat/exhibit vacating the easement with the County Recorder's office.

15.01.15 Appeals

- A. **Generally.** Unless an appeal is filed with the court, the following shall be met:
1. *Form.* All appeals shall be submitted in writing referencing the applicable city code sections and setting out the reason the applicant contends the decision was in error.
 2. *Time.*
 - a. *Appeals.* Appeals shall be submitted within ten (10) working days from the date of the final action taken.
 - b. *Consideration or Hearing.* The entity reviewing or hearing the appeal shall fix a reasonable time for consideration of the appeal.
 3. *Submittal.*
 - a. *City Clerk.* Appeals made to the City Council shall be filed with the City Clerk, and a copy of the appeal shall be delivered to the Planning Director.
 - b. *Planning Director.* All other appeals shall be submitted to the Planning Director or their designee.
- B. **Appeals from Planning Commission Decisions.** Owners of record of the property being considered may file an appeal to the City Council regarding Planning Commission decisions, per *Section 15.01.15(A)* above, unless otherwise or alternatively provided by the Zoning Code.
- C. **Appeals from Staff Interpretations and Actions.** Aggrieved parties may appeal the denial or approval of a permit or the interpretation of decision of the Administrative Official or designee regarding the subdivision and development regulations to the Board of Zoning Adjustment. Such appeals shall follow the process as outlined in the Zoning Code.
- D. **Circuit Court.** Unless set forth otherwise within City Code, any appeals from final administrative or quasi-judicial decisions taken from the City Council, Planning Commission or Board of Zoning Adjustment shall be taken to the Circuit Court of Benton County.

15.01.16 Applicant Responsibility and Development Calendar.

- A. Applications shall be submitted by the deadlines as noted on the Planning Department's annual Development Calendar. Incomplete application submittals will not be reviewed and must be resubmitted to proceed.

- B. Early submittals in advance of the development calendar deadline day are encouraged. Upon intake of a new application, staff will make an earnest effort to communicate any missing application elements to the applicant. However, any submittals found incomplete at the time of the deadline as provided on the development calendar will be deemed incomplete for that cycle, and subject to the submittal deadline which the applicant meets. Staff will not hold nor be responsible for maintaining incomplete submittals for more than 30 days past an application deadline.

15.01.17 Dust Mitigation. Permitted development shall be conducted in a manner that generally keeps dust, dirt, and other debris on the project site, in accordance with applicable best management practices (BMP). Mitigation techniques including any or all the following may be required by the city to achieve compliance:

- A. Limiting the amount of vegetation that may be cleared in advance of construction occurring; and/or
- B. Requiring that water be applied to cleared or other dust producing areas as applicable; and/or
- C. Requiring use of an alternative dust mitigation plan as approved by the city.

15.01.18 Fees. See *Section 13.05* Planning Fee Schedule for applicable information.

CHAPTER 15.02: COMPREHENSIVE PLAN

Sections:

15.02.01 Adopted

15.02.01 Adopted In accordance with Arkansas Code Annotated §14-56-402 et seq the City has adopted a Comprehensive Plan, including the Land Use Plan, Master Street Plan and Master Trails Plan.

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CHAPTER 15.03: PLAT AND PLAN REQUIREMENTS

Plat & Plan Requirements City of Centerton	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
General						
Compliance with the “Arkansas Standards of Practice for Property Boundary Surveys and Plats”, latest revision, and shall be drawn at a scale not smaller than 1” = 100’ as long as readable, and shall include the following information.	X	X	X	X	X	
Name, address, telephone numbers, of the record owners, applicant, design professional that prepared the plans, and utility companies.	X	X	X	X	X	
Name, address, zoning and property lines of all property owners adjacent to the exterior boundaries of the project.			X	X	X	
For all properties adjacent to the exterior boundaries of the project show property lines, parcel ID’s, names of owners, and deed book and page.	X	X	X		X	
North arrow with basis of direction and bar scale. When the basis of direction is referenced to the Arkansas Coordinate System, NAD83 Grid, and a note shall be included to list Convergence Angle at a specified point. If distances have been converted to ground, the Combination Adjustment Factor at a specified point shall be noted.	X	X	X	X	X	
Date of preparation, zoning classifications, setbacks, and proposed use.	X	X	X	X	X	
A general vicinity map showing the location of the project within the City with a radius of 1 mile, indicating subject in relation to Section-Town-Range. This map shall include all Master Street Plan streets as well as the 100-year floodplain boundary.	X	X	X	X	X	
Title Block, indicating the name and type of project and name of firm or individual who prepared the drawing, with revision block.	X	X	X	X	X	

A complete and accurate legend will all symbols represented.	X	X	X	X	X	
The surveyed location and dimensions of all existing structures, including buildings, hydrants, streetlights, manholes, inlets, and flumes.	X	X	X	X	X	
Signature blocks as required by code.	X	X	X	X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Survey and Description						
Boundary survey of the property depicted on the plat or plan. The surveyor shall seal, sign, and date the survey. Each survey shall have 2 points described in State Plane Coordinates, Arkansas North, North American Datum, 1983 (NAD 83).	X	X	X	X	X	
Boundary survey for Plat boundary, with written metes/bounds description, reading clockwise from POB, including gross and net developed area in square feet and acres. Exterior tract boundaries shall show distances in feet and directions by bearings and reflect Surveyed and Recorded values when different.	X	X	X			
When curves are platted, the following four (4) elements shall be shown: radius, arc length, chord bearing, and chord distance.	X	X	X	X	X	
Monuments or references bearing the license number of the responsible surveyor to be set at all parent tract corners.	X	X	X	X	X	
Label type and dimension of monuments found or set during the course of the survey setting platted lot, parcel, and subdivision perimeter corners; All created tract/lot corners shall be pinned or otherwise monumented bearing the license number of the responsible surveyor shall be set at all tract/lot corners.	X	X	X	X	X	
Point of Beginning (POB) from a well-defined permanent reference point. The POB shall be clearly labeled on the plat/plan.	X	X	X	X	X	
Provide benchmark, tied to a specific defined point, referenced to NAVD088 Datum	X	X	X	X	X	

Ties to corners, monuments, corner accessories and other relevant witness information, which control the location of a boundary or corner, the surveyor's basis for acceptance thereof, and the originating source of monuments or accessories.	X	X	X	X	X	
Tract or lot lines that cross into or across public rights-of-way shall also be monumented at the points of intersection.	X	X	X	X	X	
Location of existing and known razed (visible) or to be razed fences and structures.	X	X	X	X	X	
Reasonably observed encroachment and possession lines.	X	X	X	X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Floodplain, Floodway, Wetland						
Show 100 year floodplain and/or floodway and base flood elevations where applicable. Reference the applicable FiRM panel number and effective date.	X	X	X	X	X	
Note regarding wetlands, if applicable. Provide note if Army Corps of Engineers determination is in progress.	X	X	X	X	X	
Finished Floor Elevations--Where a lot is entirely or partially in a flood hazard zone with base flood elevations (BFE) determined, or adjacent to open drainage or detention ponds, the lowest finished floor elevation allowed for a building shall be indicated on the lot.	X	X	X	X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Grading and Drainage						
Refer to Centerton Stormwater Management and Drainage Manual, latest revision. Download of manual is available	X	X		X	X	

at www.centertonar.us under the Downloads/Planning tab. Note: It is the developer's responsibility to obtain the latest version.						
At a scale 1" =50' or larger, suitable for constructing planned improvements, showing the following items. (The amount of detail required for this plan varies greatly based upon circumstance.) Plan and Profile drawings are recommended at: H 1" =20' and V 1" = 5'.	x	x				
At a scale not smaller than 1" = 60', show all applicable items.				x	x	
Existing topography and proposed grading with 1-foot contours.	x	x		x	x	
For projects one (1) acre or smaller, show at least 50' of topography beyond the project limits. More than one (1) acre, show at least 100' of topography beyond the subdivision limits, including existing and future streets to far ROW.	x	x		x	x	
Drainage System Plan and profile of storm drainage system(s), including: proposed changes, structures, pipe type, size, elevation, swales, ditches, detention ponds, and details, etc., must be shown in sufficient detail for the City to verify that what is included in the drainage report is shown and can physically be constructed on the site, including any proposed off-site drainage improvements.	x	x		x	x	
Clearly define all proposed easements for drainage and indicate modeled water levels for 2, 10, 25, and 100 year events.	x	x		x	x	
Location and details of all construction erosion control methods, including energy dissipation means and methods at points of discharge.	x	x		x	x	
Location and details of all construction erosion control methods.	x	x		x	x	
Provide a structure table with the following information: Structure Label, Size, Rim Elevation, Gutter Elevation, Throat Extension (Length and Direction), and Invert Information (diameters, direction identifiers as necessary and elevations).	x	x		x	x	

	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Tree Protection and Landscape						
Landscape plan meeting the requirements of Chapter 15.08.	X	X		X	X	
Delineate trees to be preserved, and include tree preservation plan data per Chapter 15.08 if utilizing tree preservation for landscape reduction credits.	X	X		X	X	
Clearly depict the limits of soil disturbance, including areas for grading, mobilization, and access both on and off-site, as applicable.	X	X		X	X	
Show location of all proposed utilities and utilities to remain.	X	X		X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Existing Utilities						
Show on the drawing all known on-site and off-site existing utilities, and provide the structure's location, type, and any known condition/characteristic notes and note them as "existing" on the plat/plan.	X	X	X	X	X	
Show location, width, and purpose of all existing easements for drainage, utilities, and flood control and all other purposes within and adjacent to the project.	X	X	X	X	X	
"Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for						
the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan."	X	X	X	X	X	
Location and notes regarding existing well and/or septic systems and their respective use or abandonment.	X	X	X	X	X	

	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Street, Sidewalk and Storm Sewer Construction Plans						
At a scale 1"=50' or larger for system plans, suitable for constructing planned improvements, include the following items:	X	X		X	X	
Location, dimensions, and names of all existing streets, whether public or private, in and adjacent to the project.	X	X		X	X	
Existing, planned, and dedicated Street Rights-of-Way lines, including City-County-ARDOT, with centerlines dimensioned. Show the location, widths, and names or designations of all existing or proposed streets and other rights-of-way, whether public or private, within and adjacent to the project, and the radius and curve data of each centerline curve. Private streets shall be clearly indicated, including responsibility for operation/maintenance/repair/replacement. Identify if existing streets have curb and gutter or shoulder and ditches, roadway surfacing type and thickness of asphalt or other material, if used.	X	X	X	X	X	
Internal and adjacent street sections.	X	X		X	X	
Show the location, widths, and recording information for public and private easements of record within and adjacent to the project.	X	X	X	X	X	
Plan and profile of any proposed streets, typical cross sections, recommended at H 1" = 20' and V 1" = 5', and details.	X	X		X	X	
Plan and profile of storm sewer / drainage systems within the street corridor, including structure and pipe type, size, elevation, and necessary details. (see: Grading and Drainage Plan Requirements.)	X	X		X	X	
Width, location, and purpose of all proposed easements or rights of way for streets, access, and drainage.	X	X	X	X	X	
ADA sidewalk ramp locations clearly identified and shown.	X	X		X	X	

Sidewalks and trails conform to Centerton Bike Pedestrian Plan and Master Street Plans as adopted.	X	X	X	X	X	
Developer installed 'common' sidewalk-trails clearly identified and shown.	X	X		X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Subdivision of Land						
Area of parent tract(s) and tracts created in the subdivision area in square feet or acres. (Show gross and net areas when ROW dedications are required).	X	X	X			
The lot layout, dimensions, lot number, lot area in square feet or acres (to the nearest 1/100th acre), easements, and building setback lines shall be shown for each lot. Lots shall be numbered consecutively for all phases. The total number of lots shall be indicated on the plat. All building setbacks shall be shown as defined in the zoning regulations AND a minimum of 2 feet from any drainage easement.	X	X	X	X	X	
Proposed locations of Concrete Monuments on subdivision perimeter at key boundary corners for Final Platting.	X	X		X	X	
For phased development, a plat or civil sheet showing all phases is required.	X	X		X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Site Specific						
Layout of what is proposed to be constructed, including: building footprints; driveways; parking lots; lighting; dumpster area; and other surface improvements.				X	X	

	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Lighting, Signage, and Striping						
At a scale 1" = 100' or larger, show the following items:	X	X		X	X	
Show Street Lighting locations at all intersections and along one side of street spaced not greater than 300-ft along street.	X	X		X	X	
Show regulatory sign locations, with reference to MUTCD number and detail.	X	X		X	X	
Show existing and proposed signage locations, with sign detail.	X	X		X	X	
Show proposed and as-built pavement striping.	X	X		X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Water and Sanitary Sewer Utilities						
Provide system plan(s) at a scale 1"=100' or larger, showing the following items:	X	X				
At a scale not smaller than 1" = 60', show the following applicable items.				X	X	
Show all existing and proposed utilities on or adjacent to the project on the System Plan and with the Plan and Profile drawings, as appropriate, to identify utility crossings and other potential conflicts. Include each structure's location, type, size, and condition, and note as 'existing' on plat or plan.	X	X		X	X	
Plan and profile for all proposed sanitary sewer systems, including pipe locations, sizes, rim and invert elevations, materials and details at scale of 1" = 50' or larger (recommended scales of H 1" = 20' or 30' and V 1" = 5' for plan and profile).	X			X	X	
Plan for all proposed water systems (may be shown on Sewer Plan with attribute descriptions), including pipe, fire hydrants, meters, valves, and related	X	X		X	X	

appurtenances, locations, sizes, materials, and details. Water profiles will be required where significant cuts or fills are involved, or where, in the opinion of the Utility, a profile will be needed to assure successful construction.						
Static pressure and flow of the nearest hydrants.	X	X		X	X	
Identify all high points in water system distribution piping and Air Release devices to be used.	X	X		X	X	
Location and purposes of all utility easement(s) widths 15-ft minimum or 2-times depth for sewers.	X	X	X	X	X	
Plan for all Franchise utilities including proposed locations of pedestals, poles, structures, and conduits.	X	X		X	X	
Signature block for Centerton Water and Sewer Department. Note: Centerton Water and Sewer must sign drawings before developer submits them to Arkansas State Health Department.	X	X		X	X	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
<i>Drainage Report</i>						
In accordance with the City of Centerton Stormwater Management and Drainage Manual dated June 2009, or latest revision. Download of manual available at www.centertonar.us under the Downloads/Planning tab. Note: It is the developer's responsibility to obtain the latest version.	X	X		X	X	
Drainage Design Checklist in Report (Section 1, Figure 1.1 in Manual.)	X	X		X	X	
Include pre-developed and post-developed analysis, with detention pond design.	X	X		X	X	
Include design tables and/or calculations for the design of all elements of the drainage system	X	X		X	X	

infrastructure, such as inlets, pipes, flumes, open channels.						
Include effects, if any, on upstream, adjacent, and downstream areas (up to ½ mile as appropriate); including topographic map of these offsite areas.	x	x		x	x	
Include exhibits to indicate the type of soils at the site.	x	x		x		
Include the location of the site relative to regulated flood zones per adopted FEMA Flood Hazard Mapping.	x	x		x	x	
Identify timing of Pond and outlet structure construction and what its relationship will be to erosion control for the project.	x	x		x	x	
	Preliminary Plat	Final Plat	Minor Plat	Development, Preliminary	Development, Final	Concept Plat or Plan
Concept Plat or Plan						
General vicinity map showing relationship of subject site to nearby streets and other community facilities.						x
Site plan or boundary survey depicting property boundaries.						x
General location of all existing structures and notation regarding structures to remain.						x
Adjacent streets and driveways depicted.						x
Location of existing utilities.						x
Existing contour data.						x
General location and description of land cover including tree cover, mapped floodplains, wetlands, steep slopes, and other natural features.						x
Existing setbacks per zoning code.						x

CHAPTER 15.04: PROVISIONS FOR SUBDIVISIONS

Sections:

15.04.01	Applicability
15.04.02	General Enforcement
15.04.03	Minor Plat Procedures
15.04.04	Preliminary Plat Procedures
15.04.05	Final Plat Procedures
15.04.06	Easement Plat Procedures

15.04.01 Applicability

These regulations and development standards shall apply to all types of land subdivision within the City and Planning Area of Centerton, including: lot splits, tract splits, property line adjustments, tract or lot combinations, correction plats, preliminary plats, final plats, and easement plats.

15.04.02 General Enforcement

- A. **Plat approval.** No plat of any tract of land within the city limits or adopted planning area jurisdiction shall be accepted by the County Recorder for filing of record unless the plat has been approved by the Planning Commission and bears the signature of the proper city official.
- B. **Building permits.** The mayor or their designee shall not issue building permits for any structure on any lot in a subdivision for which the plat or plan has not been approved and recorded in the manner prescribed herein.
- C. **Compliance.** No conveyance by metes and bounds of tracts or lots coming under the definition of subdivision, without compliance with the applicable provisions of this regulation or amendments thereto, shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
- D. **Streets.** No dedication and acceptance by the City of street rights-of-way for the purpose of making the affected land available for development shall itself be interpreted as being the responsibility of the City to complete street improvements. Street improvements may be required with future development. See Title 9 for additional details regarding street improvements.
- E. **Lot or Tract Size.** Newly created tracts and lots shall utilize the minimum lot size prescribed by the applicable zoning district. New tracts or lots proposed outside the city's zoning jurisdiction but within the city's planning area shall be a minimum of one (1) acre in size.
- F. **Setbacks.** Applications subject to these regulations shall utilize the setbacks prescribed by the applicable zoning district. Applications regarding lands outside the city's zoning jurisdiction but within the city's planning area shall utilize the applicable setbacks as prescribed by the county.

G. **Access Easements.** Access easements where required and allowed shall be dedicated as follows:

1. *Subdivision roads.* Private roads designated as access easements in subdivisions shall comply with the Master Street Plan's local street standard and have a minimum access easement width of 50 feet. Additionally, utility easements running 20 feet wide shall be platted and run adjacent to each side of the 50' access easement.
2. *Alleys.* When an access easement is designed to serve as an alley for rear-loaded lots, the access easement width in these cases shall be dedicated at a minimum width of 20 feet. Rear loaded lots shall be fronted by a public street with pedestrian accommodations as required by the Master Street Plan.
3. *Other scenarios.* When an access easement is allowed and required to serve essential access in a Minor Plat proposal, the minimum dedication shall include a 30-foot access easement, with an adjacent 15-foot utility easement.

15.04.03 Minor Plats

A. **Applicability.** For the purposes of these regulations, minor plats include the following:

1. *Lot/Tract Split.* A Lot/Tract Split is the platting or subdivision of a lot, tract, or parcel that falls into one of the following categories, and when no new public infrastructure, including public utility extensions or public road improvements or extensions, is required:
 - a. **Type I** - Less than 40 acres:
 - i. When the parent tract is less than 40 acres, the plat may create up to 3 lots/tracts, including the remainder/parent tract.
 - ii. No more than two (2) lots/tracts may be without public road frontage, and all lots/tracts without public road frontage must be served by a private road and access easement.
 - iii. Previous tract splits reducing the smallest remaining tract to less than 20 acres are included in the number of parcels allowed.
 - b. **Type II** - 40 acres or more:
 - i. When the parent tract is 40 or more acres, the plat may create up to four (4) lots/tracts, including the remainder/parent tract.
 - ii. No more than two (2) lots/tracts may be without public road frontage and all lots/tracts without public road frontage must be served by a private road and access easement.

2. *Property Line Adjustment or Lot/Tract Combination*: A property line adjustment or combination is the movement, removal, or relocation of property line(s) between two (2) or three (3) adjoining lots or tracts, and when no new public infrastructure, including public utility extensions or public road improvements or extensions, is required.
 - a. The application shall not create an additional lot.
3. *Replat*: Replats in this section refer to the adjustment of property lines associated with no more than three (3) lots within a recorded subdivision, and when no new public infrastructure, including public utility extensions or public road improvements or extensions, is required.
4. *Correction Plat*: A correction plat is intended to correct errors in survey, building placement, fence location or other similar situations needing a minor adjustment within a lot or along a parcel line.
 - a. Correction plats may also be necessary due to an incorrect legal description or scrivener errors.
 - b. The correction plat shall not produce an additional lot/tract and shall not result in any lot/tract having a land area less than required by the city in the applicable Zoning District or less than 1 acre in unincorporated Benton County. As no new lots may be created, right-of-way dedication shall not be required.

B. Limits and Restrictions

1. *Restriction on division*: Concurrent or repeated tract or lot splits of a 40 acre or less parcel shall be prohibited to prevent a series of lot splits on the same parent parcel. In circumstances where a series of tract splits would result in more than three (3) cumulative tracts or lots created within the last 10 years will be subject to the subdivision regulations.
2. *Other scenarios*: When the thresholds defined within *Section A, Applicability* are surpassed with the proposal, the request shall be processed as a Subdivision. This shall include property line adjustment or replat proposals involving more than three (3) lots, and any proposals requiring the extension or construction of public infrastructure.
3. *Exceptions*. The following standard activities shall not be considered a type of public infrastructure improvement that in and of itself:
 - a. Sidewalk construction associated with the requirements of a certificate of occupancy.
 - b. Dedication of right-of-way or easements to the City or other public entity.

C. Minor Plat Procedure and Requirements.

1. *Application*: The application shall be submitted to the planning department pursuant to the city development calendar and shall consist of the following:
 - a. Signed and completed application form, including all required exhibits as noted on the application including proof of ownership. The applicant shall consult the application for clarification on plat and other requirements.
2. *Review procedure*:
 - a. The Planning Department shall check the minor plat documents and distribute to City staff and other applicable agencies for review and comment. Any issues in the processing of a minor plat which cannot be resolved by City staff shall be referred to the Planning Commission for their review and action.
 - b. All minor plats given Administrative Approval by the Planning Director shall be ratified by the Planning Commission. The minor plat will be signed by an officer of the Commission.
3. *Requirements*:
 - a. *Plat/Plan requirements*: all Minor Plat proposals shall be prepared in conformance with *Sec. 15.03, Plat and Plan Requirements* and as provided on the Minor Plat application.
 - b. *Master Street Plan compliance*: Minor plats involving an increase in the number of tracts or lots constitutes a type of development, and the following shall apply:
 - i. *In or outside of City Limits*. The plat shall provide for adequate street right-of-way dedication on the plat, as required by the city's Master Street Plan.
 - ii. *In City Limits only*. The plat shall provide a note that sidewalks, in conformance with the Master Street Plan, shall be provided along the applicable frontage street(s) prior to the Certificate of Occupancy.
 - c. *Driveway alignment with public roads*. To prevent multiple driveways being arranged in immediate proximity, the City shall require a shared access easement with single curb cut for any two (2) or more driveways not meeting the below separation requirements.
 - i. *Collector and higher classification streets*. Driveway centerline offsets of less than 200 feet shall be avoided.
 - d. *Outside agency review*: When minor plats are located outside the city limits but within the planning area of the City of Centerton, a copy of the

proposed project will be sent to applicable jurisdictions for their review and comment.

- e. *Access to water and sewer or septic required:*
 - i. All proposed lots within the City limits or the City's Planning area are required to confirm that the provision of water and sewer or septic are immediately accessible to each lot.
 - ii. The applicable utility and/or agency shall review and determine the need for dedicated utility easements and whether the proposed lots shall be served by public water and sewer or if septic and/or private wells are acceptable.
 - iii. The extension of public water or sewer lines to serve the proposed lots require the proposed development to be processed as a major subdivision.
- f. *Septic systems:*
 - i. No more than one dwelling unit may be connected to an individual septic system.
 - ii. Minor plat proposals involving existing structures served by existing septic system(s) shall provide a letter from a Designated Representative of the Arkansas Department of Health that the existing system(s) are operational by state standards or that the property is conducive for septic.
 - iii. In addition to retaining the primary septic field within the limits of the future lot/tract boundary—and within an area at least 10-ft from proposed or existing property lines—provision of secondary (alternate) septic field shall also be designated within the applicable lot/tract boundary, and within an area at least 10-ft from existing or proposed property lines.
 - iv. A Designated Representative of the Arkansas Department of Health shall provide information regarding the proposed size and location of the primary and alternate areas for each lot based on approved Arkansas Department of Health methods of determination.
- g. *Arkansas Department of Health:* Any proposed subdivision application that also meets the definition of a subdivision as defined by the Arkansas Department of Health shall receive applicable review and conditional approval by that jurisdiction prior to the formal approval by the city.
- h. *Public Sanitary Sewer and Public Water:*

- i. As applicable and as directed by City, add the following note:
“Sanitary Sewer is available within 300ft of the platted property; all new development shall connect to the available public sewer system and water service”.
 - ii. Connections to the City of Centerton public sewer system also require connection to the City of Centerton public water system.
 - iii. When the proposed lots/tracts have access to public water lines, show approximate location of existing water main and size, and note the name of the utility. Show location of any current water meter(s) and other existing water utility infrastructure. Add plat note stating: *“These tracts/lots have access to public water system connection”.*
4. *Recording:* Upon obtaining Planning Commission approval, the applicant shall submit original plats signed by the owners to the City Planning Department for city signatures and recording with the Benton County Circuit Clerk. Signed plats not submitted to the City Planning Department for recording within 90 days of the date of the Planning Commission approval shall be considered expired and will be required to be reconsidered by the Planning Department as a new application unless extended by the Planning Director due to unique circumstances, but not more than 180 days.

D. **Minor Plat Certificates.** Each Minor Plat submitted to the City for approval shall carry the following certificates printed thereon.

Certificate of Surveying Accuracy	
I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.	
Signature _____	Date _____
Registered Land Surveyor No. _____ State of Arkansas	

Certificate of Ownership and Dedication	
We the undersigned owners, representing one hundred percent (100%) ownership of the real estate shown and described herein, do hereby dedicate for public ownership, all streets and alleys as shown on this plat for public benefit as prescribed by law. The owners also dedicate to the City of Centerton and to the public utility companies the	

easements shown on this plat for the purpose of installation of new facilities and the repair of existing facilities. Also established hereby is the right of ingress and egress to said easements, the right to prohibit the erection of buildings, structures or fences within said easements, and the right to remove or trim trees within said easements.

Owner Signature _____ Date _____

Owner Signature _____ Date _____

Printed Name: _____ Address: _____

Printed Name: _____ Address: _____

Source Of Title: Book ____ Page ____ Instrument Number: _____

Certificate of Minor Plat Approval

I hereby certify that this Minor Plat was approved by the City of Centerton on _____, _____, 20____.

Planning Official _____ Date: _____

City Clerk _____ Date: _____

15.04.04 Subdivision Preliminary Plat Procedures

- A. **Applicability.** Any owner of land within the planning jurisdiction area of the City of Centerton seeking to subdivide property shall not commence any construction on the proposed subdivision before obtaining preliminary plat approval and construction permit. 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 and acceptance by City Council.
- B. **Conformance with official plans.** Any subdivision of land which is covered by these regulations must conform to the Comprehensive Plan and all other adopted plans and regulations.
- C. **Pre- Application Meeting/Concept Plan.**

1. *Process.* When a developer intends to subdivide or develop land within the Centerton Planning Area they are strongly encouraged to request a pre-development meeting with City Staff and provide a concept plan. The purpose of the Concept Plan is to acquaint the city officials with the subdivider's intent to develop and to acquaint the subdivider with the various plans, regulations, design standards, and other relevant considerations.
 2. *Concept plan.* A Concept Plat or Plan shall be prepared including the applicable data as provided in *Sec. 15.03, Plat and Plan Requirements.*
 3. *Discussion and guidance.* At the pre-application meeting, the general character of the development should be discussed and items including zoning, utilities, street requirements, flooding and drainage, and other pertinent factors related to the proposed development may also be discussed, with the intent to provide overall guidance to the applicant prior to application. Discussions at the pre-application meeting shall not imply any approval of subsequent preliminary or final plat applications but is rather offered to serve as an exchange of information.
- D. **Preliminary Plat Submission and Procedure.** When a land development is proposed, the first formal application for review shall be the preliminary plat directed to the Planning Commission and submitted to the Planning Department, subject to the following:
1. *Application:* Preliminary Plat Applications shall be completed and submitted according to *Sec. 15.03, Plat and Plan Requirements*, and per the Planning Submittal Schedule. The submittal shall include payment of Preliminary Plat Application Fee according to *Section 13.09 Planning Schedule of Fees.*
 2. *Review procedures:*
 - a. Preliminary Plats will be reviewed by city staff and applicable outside agencies, and a recommendation may be made by the Administrative Official to the Planning Commission for each project.
 - b. The Planning Commission shall review preliminary plat applications and related data, then shall approve, conditionally approve, deny, or table the plat.
 - c. Receipt of an approved or conditionally approved copy of the preliminary plat and improvements plan shall constitute authorization by the planning commission for the subdivider to proceed with the scheduling of a Pre-Construction meeting, subject to any conditions and in accordance with the prerequisites and other criteria below.
 3. *Phased development.* If the subdivider desires to initially develop only a portion of the total area or to submit more than one (1) phased Final Plat application, the following shall be provided:

- a. A comprehensive phasing plan showing all proposed phases shall be provided. This phasing plan shall contain the items listed above in *Section 15.04.03(C)(2), Concept Plan*, and shall also provide an overall preliminary drainage analysis with proposed mitigation areas depicted. The city will review the phasing plan as an overall proof of concept to determine overall feasibility of the proposal.
 - b. With the understanding that a Final Plat may be requested for any sub-area or phase of the overall proposal and given the time limit provisions of *Section 15.04.03(D)(8), Expiration of preliminary plat approval*, the applicant shall prepare a preliminary plat for each individual phase, prior to development of each portion. Additional preliminary and final plat review will apply to the other portions of the area as applicable.
 - c. Regardless of the proposed boundaries of an individual phase, the City will require construction and completion of any infrastructure deemed essential to the phase currently under consideration including any applicable on and off-site improvements, and dedication of R.O.W. for the overall development, at the time of any requested Final Plat review.
- E. **Review Criteria.** The following describes the criteria by which a preliminary plat may be approved.
1. *Plat and Plan requirements.* All Preliminary Plat proposals shall be submitted for review in conformance with the Preliminary Plat Subdivision Application and associated plat and plan requirements in Section 15.03, Section 15.07 Improvements and Design Standards, Section 15.08, Landscape Requirements, and other applicable provisions of the City of Centerton municipal code, including but not limited to: Title 9 Streets and Sidewalk; Title 10 Utilities; Title 14 Zoning; Title 15 Subdivision and Development; Title 16 Drainage and Flood; and the currently adopted Master Street Plan, Master Street Trail Plan.
 2. *Water supply.* Definite provision has been made for a water supply system that is sufficient to provide for both water supply and fire protection for the type of subdivision proposed.
 3. *Wastewater.* Definite provision for a public sewage system to adequately serve the development—such that the system(s) will comply with federal, state, and local laws and regulations.
 4. *Drainage.* All drainage systems have been reviewed and approved by the City Engineer.
 5. *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 a professional traffic engineer and paid for by the developer, demonstrating that existing streets can handle the proposed traffic.

6. *Fire protection.* The development meets the regulations set by Arkansas State Fire Code, and meets any additional local requirements as provided by the Fire Chief or their designee.
 7. *Topography and site specific.* All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions.
 8. *General.* The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- F. **Disapproval of the Preliminary Plat.** Disapproval of a preliminary plat shall be governed by the following:
1. A disapproved preliminary plat is null and void but may be resubmitted. The plat shall be submitted to the Administrative Official for review as outlined in this regulation for an original preliminary plat submission.
- G. **Pre-Construction meeting.** Before a pre-construction meeting is held for a subdivision or large-scale development the developer shall:
1. Comply with all applicable zoning and development codes.
 2. Complete applicable conditions of preliminary approval.
 3. Submit approved construction plans to the Planning Department, as well as documentation from the Arkansas Department of Health indicating approval of the Water and Sanitary Sewer Utility Plans.
 4. Submit an approved and signed Street Agreement Letter.
 5. Obtain all necessary permits and supporting documents from applicable governing bodies (e.g. ADEQ Permit; ARDOT Permit; Arkansas Department of Health; AR Game & Fish; Wetlands Determination and ACE Permit, NPDES storm water discharge permit with associated SWPPP, etc.).
 6. City of Centerton Grading and Erosion Control and Floodplain Permits, as applicable, shall be applied for and reviewed by the City. However, these local permits may be issued after the completion of the Pre-Construction meeting.
- H. **Construction Permit:** After completion of the above pre-construction meeting procedures, the applicant may commence site disturbance and construction only upon receipt of a Construction Permit and official pre-construction meeting notes, as issued by the City of Centerton Planning Director or designee.
- I. **Expiration of preliminary plat approval:** The approval of the preliminary plat shall be effective for a period of 12 months and thereafter as long as construction has commenced and work is actively progressing on the installation of required improvements. If construction has not commenced within this period, a preliminary plat must again be submitted for review unless the subdivider and the Planning Commission

have agreed in writing to an extension of time. Any associated PUD, variances, or waivers would also expire.

- J. **Amendments and Change Orders:** Amendments are considered to be those changes to the preliminary plans prior to “Issued for Construction” plans. Change orders to the “Issued for Construction” Plans shall be submitted to the City for any proposed field change or change to the civil set, details, plat or other items approved with the preliminary plat shall be submitted to the City for review. Minor amendments and change orders may be approved by the City Staff without Planning Commission approval. Significant amendments or Change Orders must be approved by the Planning Commission, as determined by the Planning Director or Planning Chair. Amendments and change orders shall be considered using the same standard as the initial design approval.
- K. **Discrepancies:** If boundary discrepancies are found, the Planning Director may require at the subdividers’ expense a re-survey of the proposed subdivision.

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15.04.04 Subdivision Final Plat Procedures

- A. **Applicability.** After approval of the preliminary plat and the installation of applicable required improvements, the subdivider shall submit to the Planning Department a request for final plat review according to the Application & Checklist requirements and per the Planning Submittal Schedule.
- B. **Subdivision build-out.**
1. *Conformance.* Build-out of the project site shall conform to the drawings, information, and plans as approved by the Planning Commission and in accordance with these regulations. Build-out shall also include any change orders or revisions as required by Planning.
 2. *On-Site and Off-Site Improvements.* All on-site and off-site improvements shall be constructed or covered with a guarantee of completion as provided in accordance with *Chapter 15.07 Improvements and Design Standards*.
- C. **Application for final plat.** When the requirements of these regulations have been satisfied and while the preliminary plat approval is in effect, the owner/developer shall submit to the planning commission an application for review of the final plat pursuant to the city development calendar which shall consist of:
1. *Completed Final Plat Application and Checklist.*
 2. *Fee Payment* for Final Plat Application per Section 13.05 Planning Fee Schedule.
 3. *Final Plat of the Subdivision, with associated documents and copies as required on the application*
 4. *Certification of Completion.* When site construction is complete, the Engineer of Record shall submit a statement certifying that "All improvements and installations have been completed in accordance with the approved construction documents dated and City specifications".
 5. *Survey of Detention/ Retention Facilities.* A survey of the constructed detention/retention facilities shall be conducted with notification to the City Engineer as required by the Centerton Stormwater Management and Drainage Manual. The Engineer of Record shall model the As-built facilities and provide updated calculations as required, including certification that the facilities were constructed in accordance with the approved construction plans and drainage report. Any corrections or deficiencies shall be completed before acceptance of the Final Plat will be considered.
 6. *Record Documents (As-builts).* Prior to the Final Inspection, the Design Engineer shall submit a preliminary set of As-built drawings for staff review. The As-built set must include any field changes and show actual built conditions in accordance with the Subdivision Final Plat Application and Checklist.

Subsequent submittals of record documents for final approval shall be subject to the language of *Section 15.07.14 Criteria for Completion and Bondable Items*.

7. *Maintenance Bond estimates*. Maintenance Bond estimates shall be submitted to the city for review, inclusive of a detailed cost breakdown of all public infrastructure items.
 8. *Certificate and Affidavit* as required by the Centerton Water and Sewer Department's standards and specifications document.
 9. *Fire Hydrant Map and GPS Coordinate Spreadsheet*. A hydrant map of the subdivision being platted, showing the property lines, Lot numbers, Addresses, Hydrant numbers, with an Excel spreadsheet giving the hydrant Longitude and Latitude of at least 6 decimals places.
 10. *Lots Monumented*. A licensed surveyor shall provide a certification letter stating that all monuments have been placed at each corner, angle point, and at the beginning and end of all curved segments of each lot.
 11. *Streetlights*. Installed and operational with electric power or proof of payment from the developer.
 12. *Street signs*. Required street signs shall be installed by the developer. Responsibility is on the applicant to provide sign proofs to Public Works for review and approval prior to ordering.
- D. **Prior to consideration by the Planning Commission**. Prior to placement on the agenda of any Planning Commission meeting, the applicant shall provide or achieve the following:
1. *Pre-Final Inspections*. Public Works and Centerton Utilities (use checklists provided from departments)
 2. *Site final inspection*. Following the submittal of the Engineer of Record (EOR) Certification of Completion Letter and preliminary As-built drawings, the EOR shall request in writing to the Planning Department that a final site inspection be scheduled. Final Inspection will not be scheduled until the pre-final walkthrough is complete along with applicable punch lists. No inspection shall be approved until all items are completed in accordance with *Section 15.07 Improvements and Design Standards* and all other governing specifications and regulations of the City of Centerton. The applicant shall revise the As-built set as applicable receiving a final inspection with acceptable completion of required improvements. The final As-built set shall be submitted as Record Drawings.
 3. *Certifications and Bonds*. After the final inspection and acceptable completion of the infrastructure construction, the Developer/Owner shall provide Maintenance Bonds in the amount previously approved by the City which guarantees the maintenance, repair, and/or reconstruction of the complete project in accordance with Centerton Municipal Code *Section 9.02.08 Final Acceptance of Streets*; the Stormwater Management and Drainage Manual; *Section 15.08.01(E), Tree*

Maintenance Agreements; and the Centerton Water and Sewer Utilities Specification Manual.

- a. Maintenance bonds shall be set to go into effect on the date of Final Plat recording.
 4. *Completion Bonds*. As an option, the developer may request providing a completion bond to the City for certain unfinished improvements or corrective repairs in accordance with *Section 15.07.03 Criteria for Completion and Bondable Items*.
 5. *Deed documents*. Deed documents as necessary for any property being conveyed to the City, such as a lift station or public park.
- E. **Final Plat Approval**. The Planning Commission shall review Major Subdivision final plats at its regularly scheduled monthly meeting. The Planning Commission shall then approve, conditionally approve, deny, or table the final plat.
1. Approval of the plat shall be granted if the final plat satisfactorily addresses all requirements of this Code, all required information is contained thereon, construction has been inspected and approved, and all required bonds and certifications have been received, reviewed, and found to be adequate.
- F. **Dedications**. Following Final Plat approval by the Planning Commission, the City Council shall provide for the acceptance of associated right-of-way and other applicable dedications through ordinance. City Council action shall also include acceptance of any instruments of surety provided as a condition of final plat approval. City Council acceptance will be referenced in City Council minutes.
1. *Conditions of Acceptance*. The City shall not have any responsibility with respect to any street, road, or other improvements, notwithstanding the use of the same by the public, unless the street, road, or improvement has been accepted by the City. City maintenance will not begin until after the required maintenance bonds have expired.
- G. **Recording**. Following City Council acceptance of the dedications associated with the approved Final Plat, the owner/developer shall submit signed copies of the Final Plat document to the Planning Department. The Planning Department will coordinate recordation of the plat at the Circuit Clerk and will notify the applicant when achieved.
- H. **Application for building permit**. No building permits may be issued until proof of the recording of the approved final plat has been presented to the Building Department.

15.04.05 Final Plat Certificates

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown, and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Signature _____ Date _____

Registered Land Surveyor No. _____ State of Arkansas

Certificate of Ownership and Dedication

"We, {DEVELOPER NAME} _____, owners of the real estate shown and described herein, on this date, _____, _____, do hereby dedicate the public streets and easements shown upon this plat. Said public streets and easements shall be for the benefit of the City of CITY NAME, Arkansas and its Franchise Utilities, a perpetual easement right, privilege, and authority to enter upon the lands of the undersigned grantor, and to place, construct, reconstruct, erect, excavate, add to, relocate, rebuild, modify, change operative voltage level, repair, replace, patrol, operate and maintain on, over, and under the described lands, and in and upon all streets, roads, highways, and other rights of way abutting said premises, underground pipelines, cables of one or more circuits to serve as service, distribution, or transmission lines, or combinations of all, to transmit gas, water, sewer, drainage (excluding detention ponds), electrical energy and communications, including but not limited to buried pipelines or buried or above ground pipeline appurtenances, cable, transformers, junction cabinets, vaults, and other appurtenances necessary thereto, together with the right of ingress and egress to and from the lines of the City and Franchise Utilities over the lands of the grantors for the purpose of installing, repairing, replacing, upgrading or otherwise accessing the utility systems to be installed in the easement, which said lands are described under the legal description on this plat.

Grantors do also hereby grant and convey to the City and Franchise Utilities the perpetual right to clear and keep clear by cutting, trimming, spraying, or removing by any other manner all brush, trees, timber, and vegetation within the defined easement. All parties agree that no structures shall be constructed within the said easement, or any shrubs, trees, or fences be planted or constructed that may interfere or endanger said utilities.

Grantors agree to make no use of, nor permit others to make any use of said easement that would reduce in clearance or in any other way interfere with the proper and safe operation and or maintenance of the utility facilities.”

[PRINTED COMPANY NAME IF APPLICABLE]

Owner Signature _____

Date _____

State of Arkansas

County of _____

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public _____

My Commission Expires _____

Centerton Planning Commission Approval

This plat is approved by the City of Centerton Planning Commission and recommended for acceptance this _____ day of _____, 20____.

Planning Commission Chairperson _____

City Engineer _____

Public Works Department: _____

Fire Department: _____

Centerton Utilities: _____

Centerton City Council Acceptance

This plat and any dedication(s) thereon is/are approved by the City of Centerton City Council this _____ day of _____, 20____.

ORDINANCE No. _____ - _____

Mayor _____

City Clerk _____

15.04.06 Easement Plat Procedures

A. **Applicability.** Projects or interests other than subdivisions that require dedication of easements and/or rights-of-way shall submit an Easement Plat application. Additionally, some subdivision applications may be required to submit an accompanying Easement Plat if deemed necessary by Staff for clarity. The applicant shall submit to the City for review an Easement Plat consisting of:

1. Property lines
2. Required Setbacks on all sides
3. Metes and bounds legal description of the property
4. Dimensioned and labeled easement and right-of-way
5. North Arrow
6. Signature/Certification blocks
7. Legend
8. Vicinity Map
9. Name of Project
10. Name of Engineer
11. Stamp/seal of Arkansas State registered land surveyor or professional land surveyor
12. Names of all owners/developers of the project
13. Graphic scale and written scale
14. Centerline & quarter section line of adjoining right-of-way(s)
15. Date the plat was drawn and dates of any corrections
16. Dimension the right-of-way to be dedicated by the plat to meet Master Street Plan requirements.

B. **Process.**

1. The proposed plat will be distributed to City staff and other applicable agencies for review and comment. After technical review, the easement plat shall be considered and reviewed by the Planning Commission.
2. If the plat is approved, it will be forwarded to the City Council for final consideration and adoption via ordinance.
3. After City Council approval, the applicant shall obtain all required outside agency signatures on the plat copies. When achieved, the applicant shall return the plat copies to the Planning Department, who will coordinate all City department signatures and will also record the plat at the Circuit Clerk.

C. **Easement Plat Certificates**

Each easement plat submitted to the City for approval shall carry the following certificates printed thereon.

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown, and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Signature _____ Date _____

Registered Land Surveyor No. _____ State of Arkansas

Certificate of Ownership and Dedication

"We, {DEVELOPER NAME} _____, owners of the real estate shown and described herein, on this date, _____, _____, do hereby dedicate the public streets and easements shown upon this plat. Said public streets and easements shall be for the benefit of the City of CITY NAME, Arkansas and its Franchise Utilities, a perpetual easement right, privilege, and authority to enter upon the lands of the undersigned grantor, and to place, construct, reconstruct, erect, excavate, add to, relocate, rebuild, modify, change operative voltage level, repair, replace, patrol, operate and maintain on, over, and under the described lands, and in and upon all streets, roads, highways, and other rights of way abutting said premises, underground pipelines, cables of one or more circuits to serve as service, distribution, or transmission lines, or combinations of all, to transmit gas, water, sewer, drainage (excluding detention ponds), electrical energy and communications, including but not limited to buried pipelines or buried or above ground pipeline appurtenances, cable, transformers, junction cabinets, vaults, and other appurtenances necessary thereto, together with the right of ingress and egress to and from the lines of the City and Franchise Utilities over the lands of the grantors for the purpose of installing, repairing, replacing, upgrading or otherwise accessing the utility systems to be installed in the easement, which said lands are described under the legal description on this plat.

Grantors do also hereby grant and convey to the City and Franchise Utilities the perpetual right to clear and keep clear by cutting, trimming, spraying, or removing by any other manner all brush, trees, timber, and vegetation within the defined easement. All parties agree that no structures shall be constructed within the said easement, or any shrubs, trees, or fences be planted or constructed that may interfere or endanger said utilities.

Grantors agree to make no use of, nor permit others to make any use of said easement that would reduce in clearance or in any other way interfere with the proper and safe operation and or maintenance of the utility facilities."

[PRINTED COMPANY NAME IF APPLICABLE]

Owner Signature _____

Date

State of Arkansas

County of _____

Sworn to and subscribed before me this _____

day of ____, 20 ____.

Notary Public _____

My Commission Expires _____

Certificate of Final Easement Plat Approval

I hereby certify that this Final Easement Plat was approved by the City of Centerton on

_____, _____, 20____.

Planning Official _____ Date: _____

City Clerk _____ Date: _____

CHAPTER 15.05: PROVISIONS FOR SITE DEVELOPMENT

15.05.01 Applicability and Enforcement

A. Applicability.

1. This chapter is applicable to all developments and building construction regardless of zone and for all additions to existing developments or buildings regardless of zone as further described below.
2. No grading or building permits may be issued until the development plan has been approved as set forth herein.
3. Examples of development and construction includes but is not limited to:
 - a. New commercial, institutional, industrial, and residential construction not otherwise excluded below.
 - b. The revision of land use resulting in the need for access to public streets or utilities, except as otherwise excluded below.
 - c. Expansions of existing commercial, institutional, industrial, and residential construction or additional impervious area when certain conditions are met as follows:
 - i. The construction of new or additional impervious area increases on the overall site by greater than 10% of its original size, or by more than 1/8 acre (5,445 SF) in size.
 - ii. The expansion increases the interior gross square footage of the building(s) by greater than 10% of their original size, or more than 500 SF, whichever is less.
4. *Exception.* The construction of one (1) single-family or one (1) two-family residential structure on a single lot is specifically exempt from Chapter 15.05. This exemption does not apply to other sections of the City Code, including any applicable provisions of *Chapter 15.04, Provisions for Subdivisions* and *Title 14, Zoning*.

- B. Enforcement.** No building permit shall be issued and no temporary or permanent connection to utilities shall be allowed until the development plan has been approved as set forth in this chapter.

15.05.02 Review Procedures

- A. Administrative review.** The Planning Director or their designee may administratively review and approve or deny Minor Site Development applications. Developments qualify

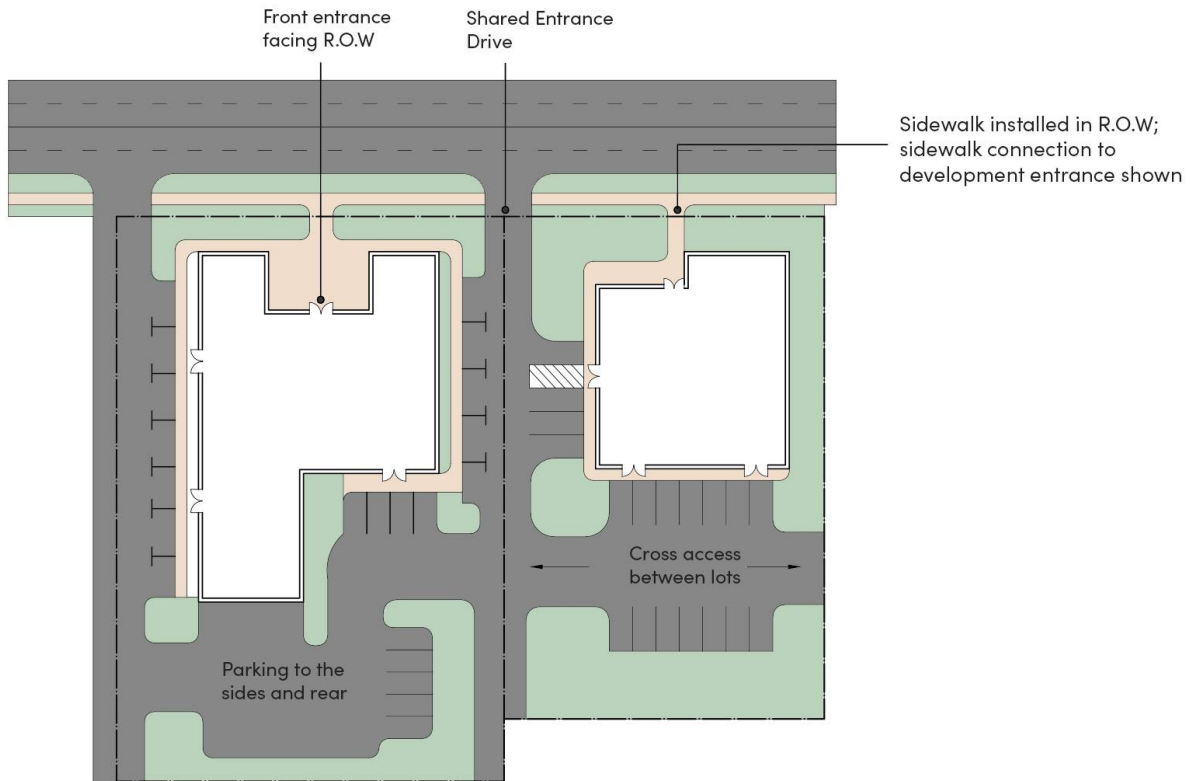
as Minor Site Improvement applications when either of the three (3) scenarios below are proposed:

1. Up to and no more than ¼ acre (10,890 SF) of land is proposed to be altered into new impervious area and no other structures requiring a building permit are proposed; or
 2. The revision of land use results in the need for access to public streets or utilities and no other structures requiring a building permit are proposed; or
 3. The improvements are an addition to a previously approved development plan, and include the following:
 - a. No changes to stormwater drainage report are needed, (i.e. adding storm pipe, create/revise/enlarge/upgrade a pond);
 - b. Will not trigger adjacent street improvement requirements beyond or in excess of sidewalks;
 - c. No new access drives created; and,
 - d. The addition of any habitable building area represents no more than a 20% addition.
- B. **Planning Commission.** Applicable developments beyond the threshold of *Section 15.05.02(A), Administrative review* above shall be reviewed as Development applications utilizing either the Large Scale or Small-Scale Development applications. The applicant shall submit to the Planning Department the appropriate application and supporting documents. The project will tentatively be placed on the agenda for the applicable meeting of the Planning Commission in accordance with the Planning Submittal Calendar. The project may be moved to the next meeting agenda if comments are not resolved by the corresponding deadline and at the discretion of the Planning Director or Planning Commission Chair.

15.05.03 Site Design Standards. The following sections apply to all development types within the city requiring Large-Scale, Small-Scale or Minor Site Improvements review.

- A. **Improvements and other requirements.** The project shall be designed and built in accordance with the provisions of *Chapter 15.07, Improvements and Design Standards* as well as *Chapter 15.08, Landscape Requirements*.
- B. **Current standards.** Sites not meeting current development and improvement standards at the time of a Minor Site Improvement Application shall be brought into compliance with current standards and proposed along with the Minor Site Improvement application plans.
- C. **Building Placement.** This *Subsection B, Building placement* applies to new buildings and building expansions, as more specifically described below.
 - 1. New structures shall be placed with as much of the building width at the front of the lot as possible, to maximize front façade exposure to the public. For commercial structures located on corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.
 - 2. When building expansions are proposed on lots that are currently regulated by a build-to zone in lieu of a traditional building setback, existing buildings may be expanded in the existing location and are not required to be extended to the build-to line. New primary buildings and reconstruction of a demolished or damaged primary building shall meet any current build-to area requirements, when applicable.
 - 3. The front façade shall be generally kept parallel with the street.

Figure 15.05(A): Example of building face placement



D. **Parking and Drives.**

1. *Zoning Code reference.* See [Zoning Code](#), Section 14.04.05 (Off-Street Parking), for minimum parking space quantities based on the type of development.
2. *Landscape Regulations reference.* See Section 15.08.03 Site Development Landscape Standards for clarification on parking island widths, standards, and other related requirements.
3. *Standards applying only to Commercial and other non-residential uses not classified as industrial.*
 - a. **Parking location.** No more than 50% of the off-street parking area for the entire property shall be located between the front façade of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings or berms.
 - b. **Cross access.** Cross access between properties shall be required to adjacent developed and undeveloped properties. Access easement(s)

serving cross access areas shall be shown on the site plan and dedicated, prior to the Certificate of Occupancy.

- c. **Shared drives.** Shared drives shall be provided as applicable to comply with access management provisions as provided by *Title 9, Section 9.05.01(M)*, which states:

- i. Arterial/Collector Roads (Speed Limit 45 mph or greater) = 440 feet
- ii. Arterial/Collector Roads (Speed Limit 40 mph or less) = 250 feet
- iii. Local Roads not designated on the MSP = 220 feet

Note: *Section 15.04.03(C)(3)(c), Driveway alignment with public roads* supersedes the residential driveway exception provided in *Title 9, Section 9.05.01(M)*.

- d. The exact location of required cross access shall be approved by the Planning Commission.

4. *Standards applying only to Multi-family uses.*

- a. Parking shall be primarily interior to the development with the building façade along the street and no more than 10% of total parking spaces between the street(s) and the façade(s).
- b. Internal access drives may include parking alongside but must be clearly defined by landscaped curb bump outs between buildings, or every ten (10) parking spaces. Parallel parking on internal drives shall be setback from street intersections at the discretion of the City Engineer.
- c. Shared drives and cross access between properties shall be required adjacent to developed and undeveloped properties. Access easements serving shared and cross access areas shall be shown on the site plan and dedicated, prior to the issuance of any grading or building permits.
- d. The exact location of the required cross access improvements shall be approved by the Planning Commission.

5. *Distance between access drives.* Additional access management standards including minimum separation distance and related standards for the spacing of access roads and drives is provided within *Chapter 09.05.01*.

6. *Entrance Drive width.* In addition to the standards in *Chapter 9.05 Driveway and Driveway Approaches* of the Centerton Municipal Code, commercial entrance drives shall be designed and built to a minimum 30' wide for two-way traffic (larger widths may be required by city staff).

7. *Drive Aisle Dimensions.* The minimum width for drive aisles are as follows:

- a. Any drive aisle with a fire hydrant located on it shall be 26' wide. Bollards shall be used to protect hydrants, as necessary, with an isolation area around the hydrant of 3' in any direction or as specified by current fire code.
 - b. Two-way drive aisles:
 - iv. 24' minimum width.
 - v. Trickle channels and other surface drainage features may not be calculated as a part of this minimum width.
 - vi. Additional width may be required per Fire code.
 - c. One-way drive aisles:
 - i. Parallel Parking and Low Angle (0° - 45°) = 14'
 - ii. Perpendicular and High Angle Parking (45° - 90°) = 20'
8. *Stacking Space*: In addition to meeting the off-street parking requirements, establishments with drive-through facilities shall comply with the following minimum vehicle stack space standards:
- a. *Stack space schedule*. The applicant shall provide a statement or analysis indicating how much stacking space will be needed by the proposed development, and how the indicated amount is sufficient to succeed without negatively impacting adjacent properties, adjacent roadways, or creating or compounding a dangerous traffic condition. The statement or analysis shall at a minimum provide:
 - i. The number of stack spaces proposed on site.
 - ii. The expected maximum number of customers, clients, guest, visitors, or attendees using the drive-through facility at any time.
 - iii. Any other information showing how the proposed stacking space will be adequate for the proposed use.
 - b. *Design and layout*. Vehicle stack spaces shall be subject to the following design and layout standards:
 - i. Stack spaces shall be designed so as not to impede pedestrian access to the building, on and off-site traffic movements, or movements into or out of parking spaces.
 - ii. Stack spaces shall be a minimum of 10 (ten) feet wide by 24 feet and shall be separated from other internal drive aisles with painted lines or curbing.

9. *Accessible Parking Space Requirements.* The following table shall be used to determine the minimum number of accessible parking spaces to be provided with development:

Figure 15.05(B), Accessible Parking

Total number of Parking Spaces Provided in Lot	Total Minimum Required Number of Barrier-Free Spaces	Van Accessible Parking Spaces (minimum 8' wide access aisle)	Accessible Parking Spaces (minimum 5' wide access aisle)
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 each 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- a. Van accessible parking spaces require an 8'-0" wide area adjacent to the accessible space. For other accessible spaces, the open area need only be 5'-0" wide. See Figure 15.05(C) below.

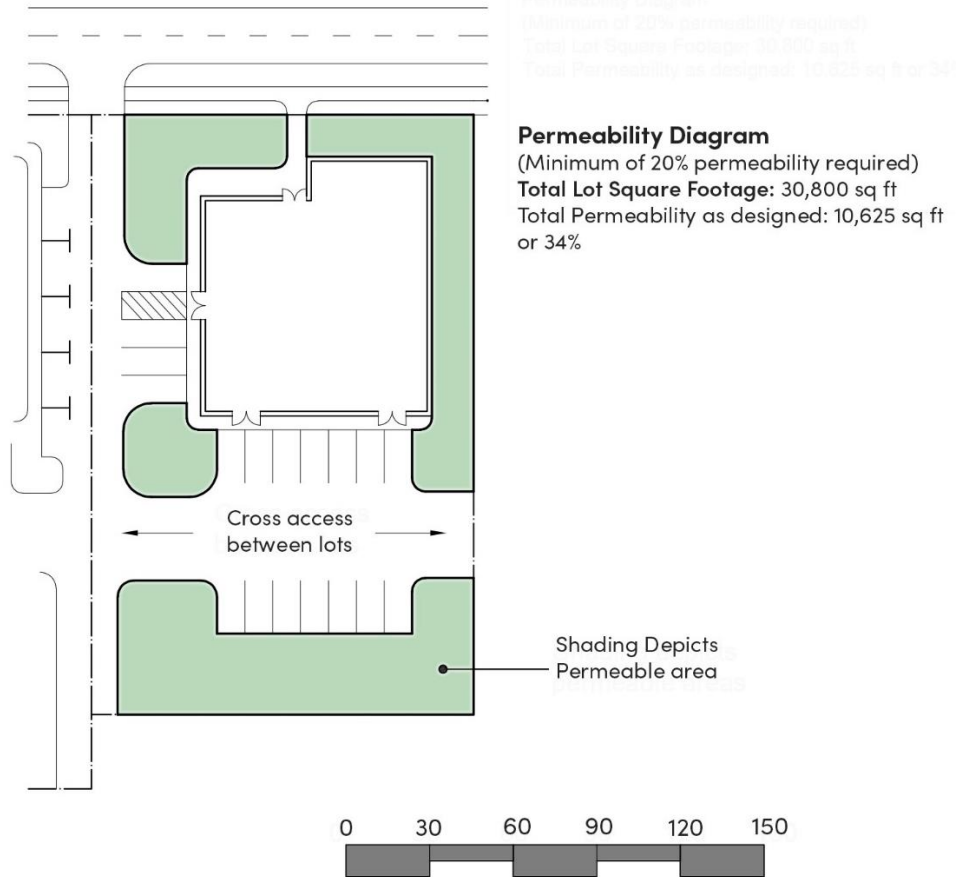
Figure 15.05(C), Van Accessible Spaces

10. *Parking Space Dimensions.* The minimum parking space size is 9'x18' (162 sq. ft.) when parking stalls are installed on an angle or perpendicular to the maneuvering aisle. Parallel parking spaces shall be a minimum of 9'x24'.
 11. *Curbs or Wheel Stops.* Curbs and/or wheel stops shall be utilized for each parking space to ensure parked vehicles do not overhang or impede upon adjacent sidewalk or pedestrian access areas. In locations where sidewalks or pedestrian ways are built directly adjacent to the narrow dimension of parking spaces, the adjacent parking spaces shall be longer than outlined in *item 10* above and utilize Wheel Stops—regardless of curbs—to prevent parked vehicles from overhanging or impeding on pedestrian areas.
 12. *Loading Space Requirements.* Structures or developments used for retail sales or services, manufacturing, warehousing, wholesale, display of goods, or those that require receiving and distributing materials or supplies shall provide a space for loading/unloading operations, subject to the below:
 - a. Loading shall occur solely within the subject property and shall not occur within rights-of-way. This stipulation shall not apply to buildings or properties featuring proposed or preserved structures built within 15' of the right-of-way or via a build-to line.
 - b. Provide adequate loading space for the development and provide dimensions for review. Where trailer trucks are involved, a turn radius exhibit shall be provided for review.
 - c. Loading space shall be designed so as to not interfere with public street transportation or off-street parking.
 - d. Storage of merchandise or materials is prohibited within the loading space.
- E. **Sight Distance.** Safe sight distances at intersections and points of access shall be maintained. To provide a reasonable degree of traffic visibility, landscaping, fences, and walls constructed near street intersections shall stay clear of the “sight distance triangle” as determined by the AASHTO Geometric Design Guide. The construction of fences within the sight distance triangles will be required to relocate.
- F. **Site Coverage and Permeability.**
1. *Intent.* Care must be taken to preserve permeable surface on the site. Limiting parking areas, using permeable pavers, and maintaining natural water systems (where safe and appropriate) should be a priority.
 2. *Maximum coverage.* A maximum percentage of the development site may be covered by the impermeable surface, including the ground floor of any structure, parking lots, and private streets and drives, and any other impermeable surface.

Maximum coverage of impermeable surface as a percentage of the subject property or lot is as follows:

- a. *Residential Districts.* Residential Use Zoning Districts, as provided in Section 14.04.04, Zoning Districts shall not exceed 70% maximum permeability per site.
 - b. *Commercial Districts.* Commercial Use Zoning Districts identified as C-2, Highway Commercial and C-3, Neighborhood Commercial shall not exceed 80% maximum permeability per side. No maximum shall apply to the C-1, Central Business District.
 - c. *Industrial and Agricultural Districts.* No maximum shall apply to the districts associated with Industrial or Agricultural, as identified in Section 14.04.04, Zoning Districts.
3. *Diagram.* The developer shall show permeability percentages as a diagram on the plan sheets submitted for review. The diagram shall show the location of all permeable surfaces as shaded/hatched areas. An accompanying table shall state the percentage of permeable areas on site by stating the total site square footage and the total square footage of permeable areas. See Figure 15.05(D) below.

Figure 15.05(D): Example of permeability diagram



G. **Underground Utility Wires.** In new residential and commercial developments requiring Planning Commission approval, all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground and concentrated into shared easements with above ground utility elements clustered when feasible, and according to *Title 10 Utilities*, and *Section 15.07.02(K) Improvements, Franchised Utilities*.

H. **Dumpster Screening.** Any dumpster or refuse areas must be screened completely from view and consist of a masonry enclosure and access gate made of an opaque material not consisting of wood.

1. The design of the masonry enclosure shall include design/construction measures to assure that the sizing of the enclosure is adequate to accommodate the housing and servicing of the desired.
2. Adjacent and just outside of the masonry enclosure, landscape vegetation screening shall be provided as follows and meeting the standards of **Fig. 15.08(A): Size requirements table (Section 15.08.01)** and contained within a 4' (for shrubs) or 8' (for trees) wide planting area:
 - a. Shrubs shall be planted at 5' on center (separation); or

- b. Small/understory trees (**Table B.3, Appendix A: Recommended Plant Lists**) shall be planted at 12' on center (separation).
3. Any damage to the enclosure or screening vegetation shall be repaired within 120 days.
4. All waste must be properly contained within the enclosure area.
5. Dumpster or refuse area enclosures shall be located no closer than five (5) feet from the fascia of any adjacent structure.

15.05.05 Building Design Standards.

Section 15.05.05 applies to new developments, new buildings, and building expansions when the expansion equals more than 50% of the existing building square footage.

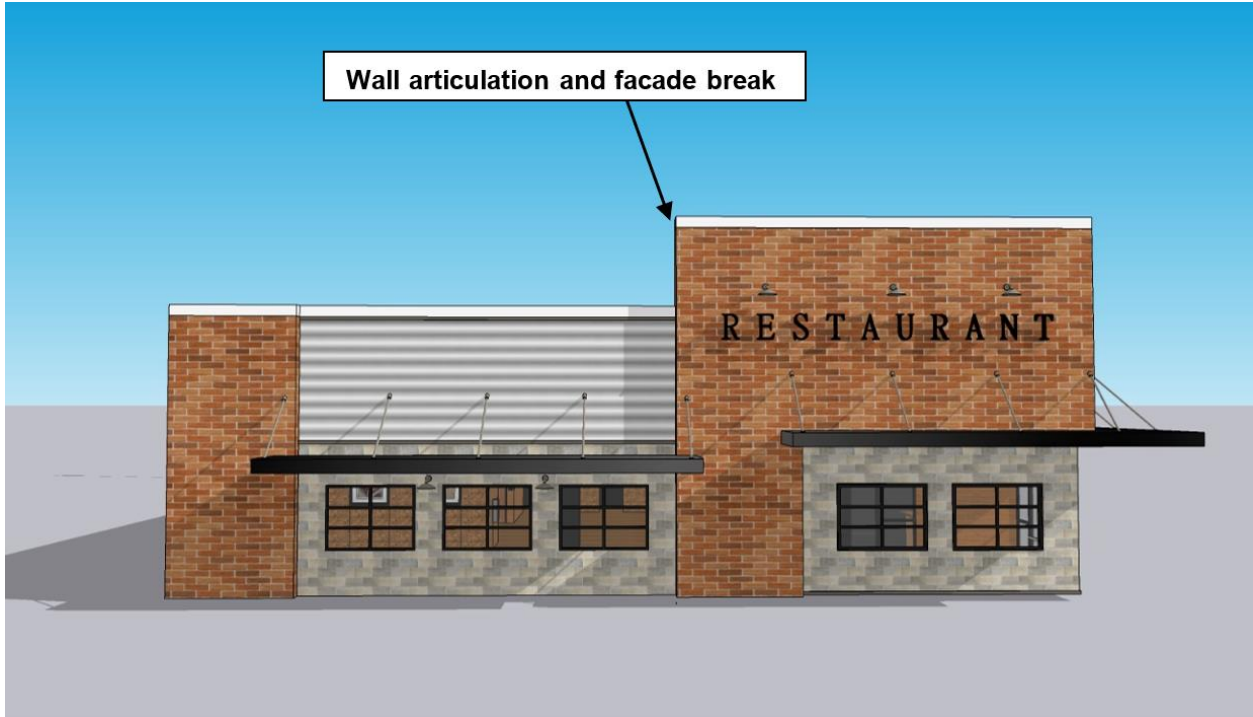
- A. **Material.** This subsection below regarding material standards shall apply to the sides of the building that are visible from the right-of-way:
 1. *Wall material.* The primary material shall constitute at least 75% of the wall area, excluding glass.
 2. *Primary materials.* The primary exterior material shall consist of a combination of brick, textured concrete block, stucco, cement board, wood, synthetic stone or natural stone. The remaining exterior material shall be considered building trim. Note: Trim is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement.
 3. *Secondary materials.* No masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim. Trim may constitute up to 25% of wall materials.



B. **Wall articulation.** This subsection below regarding wall articulation shall apply to the sides of the building that are visible from the right-of-way:

1. Buildings shall avoid long uninterrupted façade planes and/or blank walls.

2. All commercial and multi-family buildings with facades greater than 50 feet in length shall incorporate wall plane projections or recess that are at least two feet deep. Projections/recess must be at least 25% of the length of the façade.
3. No uninterrupted length of a façade may exceed 50 feet in length.



C. Roofs.

1. Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length.
2. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
3. Alternative lengths and designs may be acceptable and may be approved by Planning Commission.
4. Utility and mechanical equipment and infrastructure accommodated on roofs of non-residential and non-industrial buildings shall be screened from all directions by either architectural (such as parapet walls) or green roof (vegetation) screening elements.

D. Accessory Buildings

1. Commercial accessory buildings are allowed when there is a need for additional space outside of the main commercial structure for general merchandise storage,

storage of materials or products intended to be kept outside, or when additional storage is needed for maintenance equipment or similar equipment or products.

2. Accessory buildings shall be compatible with and harmonize with the general character of the buildings within the district. Truck trailers, metal storage containers, or other types of containers that are not buildings will not be considered accessory structures and will not be considered compatible in commercial zones, except when used as temporary storage during construction, a special event(s), or an emergency situation, but in no case shall the use exceed six (6) months.
3. Accessory structures shall meet the same building setback as other buildings in the zoning class they are located in and shall be at least 10' from any other existing building on the lot. No accessory building shall be constructed in a way to allow runoff, rainfall, seepage, or any other detrimental condition to negatively affect adjacent properties.

E. Entrances

1. Buildings containing dwelling units on the second (2nd) and higher floors above grade shall:
 - a. Not contain exterior stairwells between the front façade and the right-of-way for units accessed on the second (2nd) or higher floor above grade.
 - b. Not contain exterior stairwells that are visible from the public right-of-way for units accessed on the third (3rd) or higher floor above grade.
 - c. Provide internal access to any dwelling units on the third (3rd) and higher floors above grade.
2. Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:
 - a. Canopies or porticos;
 - b. Overhangs;
 - c. Recesses/projections;
 - d. Raised corniced parapets over the door;
 - e. Peaked roof forms;
 - f. Arches;
 - g. Architectural detail such as tile work and moldings integrated into the building structure and design;
 - h. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
 - i. Other architectural features approved by Planning Commission.

F. Architectural details.

1. All buildings shall be designed to incorporate no less than one (1) of the architectural elements from the list below, in addition to regulations regarding the design of entrances above.

2. Buildings over 50,000 square feet shall include a minimum of three (3) of the referenced architectural elements. Buildings over 100,000 square feet shall include a minimum of four (4) of the referenced architectural elements.
 - a. Canopies, awnings, or porticos;
 - b. Recesses/projections;
 - c. Peaked roof forms;
 - d. Arches;
 - e. Display windows;
 - f. Accent materials (minimum of 15% of exterior façade);
 - g. Architectural details (such as tile work and moldings) integrated into the building façade;
 - h. Articulated cornice line;
 - i. Articulated ground floor levels or base;
 - j. Varied roof heights; or
 - k. Other architectural features approved by Planning Commission.

15.05.06 Development Construction.

- A. **Planning Commission Approval.** Construction of the project site shall conform to the drawings, information, and plans as approved by the Planning Commission and in accordance with these regulations.
- B. **Pre-Construction.** Before a pre-construction meeting for a large-scale development or minor site improvement is held, the developer shall:
 1. Comply with all applicable zoning and development codes.
 2. Complete applicable conditions of approval.
 3. Obtain all necessary outside agency permits and approvals as applicable for the project; including but not limited to: ADEQ; ARDOT; ADH; AR Game & Fish; Wetlands Determination and ACE Permit.
 4. Submit City of Centerton Full Grading and Erosion Control and Floodplain Permit for review, as applicable.
- C. **Amendments & Change Orders.** Any amendments to the drawings, information, and plans shall be submitted to the Planning Department. Minor amendments may be approved by the City Staff through the Change Order Request Form without Planning Commission Approval. Significant amendments must be approved by the Planning Commission, as determined by the Planning Director or Planning Chair.
 1. *Review.* Amendments shall be considered using the same standards as the initial design approval.
 2. *Process.* Change Order and Amendment requests shall follow the procedures as outlined on the [associated form](#).

15.05.07 Development Final Application

- A. **Development Final Application.** Applicant shall submit a Development Final Application, as provided by the Planning Department, along with the following supporting items. Approval of the application and receipt of a Certificate of Development Compliance from the Planning Department shall be achieved prior to issuance of the Certificate of Occupancy.
1. *Dedication of Right-of-Way and Easements.*
 - a. Dedicate right-of-way in compliance with the city's Master Street Plan, and in compliance with the requirements for on or off-site improvements. All dedications shall be finalized via recordation of plat depicting the development and associated areas of dedications.
 - b. Dedicate all easements necessary to serve the development as required by the utility providers and the city. This may be completed by easement plat or separate easement document(s), with approval of the Planning Commission.
 2. *On and Off-Site Improvements.* Construct or guarantee required on- and off-site improvements in accordance with *Chapter 15.07, Improvements and Design Standards.*
 3. *Engineer of Record Site Certification & Record Documents.*
 - a. *EOR Certificate of Completion.* When site construction is complete, the owner/developer's engineer-of-record shall submit a written statement certifying that all improvements and installations required under the terms of these regulations have been made, added, or installed and are functional in accordance with city specifications and approved plans.
 - b. *Record Documents.* Prior to the Final Inspection, the Design Engineer must submit Record Drawings documents in accordance with the Development – Final Application & Checklist for staff review. The Record Drawing documents must include any field changes and show actual built conditions in accordance with the Large-Scale Development- Final Application and Checklist.
 4. *Final inspection for development.* The purpose of the final inspection is to ensure the completed project complies with the approved plans and specifications, and all municipal codes and regulations of the City of Centerton.
 - a. *Site final inspection.* Following the submittal of a Site Certification Letter and Record Documents, the owner/developer's engineer-of-record shall request in writing a site final inspection, addressed to the Planning Department. Final inspection will only be scheduled after completion of the pre-final walkthrough with City Compliance personnel. No inspection shall be passed until all items are completed in accordance with *Chapter 15.09 Improvements and Design Standards* and all other governing specifications and regulations of the City of Centerton.

5. *Warranty/Maintenance Bonds and Estimates.* Along with the Development Final Application, the applicant shall provide Maintenance Bond estimates to the City which guarantees the maintenance, repair, and/or reconstruction of the public infrastructure in accordance with Centerton Municipal Code, Stormwater Management and Drainage Manual, *Title 9, Streets and Sidewalks*, and the Centerton Water and Sewer Utilities Specification Manual. After the estimate is reviewed and approved by the City, the applicant shall then provide the Warranty/Maintenance bonds.
 6. *Street Tree Maintenance Bonds.* Maintenance agreements for all required street trees shall be coordinated in accordance with *15.08.01(E), Tree Maintenance Agreements*.
 7. *Performance/Completion Bonds.* Performance/completion sureties may only be reviewed and accepted by the City for public infrastructure items—not for internal site development items. Such eligible items, if approved by City shall be subject to the provisions of *Section 15.07.03 Criteria for Non-Bondable and Bondable Items*.
- B. **Certificate of Occupancy.** No certificate of occupancy for a large-scale development shall be issued until the Building Inspector has ensured the following have been completed:
1. The requirements for on- and off-site improvements have been completed.
 2. Maintenance bonds/guarantees as referenced above deposited to city specifications.
 3. Record Documents have been approved by the City Engineer or bonded in accordance with *Section 15.09.03*.
 4. The development has been inspected and approved by all applicable city departments.
 5. All applicable conditions of approval have been completed.
 6. Planning Department issuance of Certificate of Development Compliance.
- C. **Noncompliance.** Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large-scale development approval, and any construction permit approvals void.

CHAPTER 15.06: RESERVED

Reserved

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CHAPTER 15.07: IMPROVEMENTS and DESIGN STANDARDS

Sections:

15.07.01	Applicability
15.07.02	Required on and off-site infrastructure improvements
15.07.03	Criteria for Completion and Bondable Items

15.07.01 Applicability.

- A. The provisions of this chapter are required of the developer for Preliminary/Final Plat, Large Scale Development, Minor Site Improvements applications, as well as those as required by the Drainage Manual (19.02.05). Additionally, the provisions of 15.07.02(A), *Dedication of Right-of-Way* shall apply to Minor Plats as noted.
- B. Before Final Plat approval is granted or Certificate of Development Compliance is issued, the developer shall have installed, or shall have made provisions to install, at their expense, public improvements in accordance with Centerton Municipal Code and the prior approval by the Planning Commission.

15.07.02 Required On And Off Site Infrastructure Improvements

A. Dedication of Right-of-Way

1. *On-site.* Sufficient right-of-way shall be dedicated by the developer to bring all interior and adjacent streets and trails into conformance with the Master Street Plan and Master Trails Plan and provide any necessary improvements for safety or capacity and shall be approved by the Planning Commission.
2. *Off-Site.* Off-site right-of-way dedication may be required as needed to construct off-site street improvements that are required based on the rough proportionality and rational nexus of the impacts of the project. All such determined dedications shall be provided by the developer.
3. *Acceptance of Streets and Alleys.* The City Council confirms the acceptance of all dedicated Rights of Way, streets, and alleys approved by the Centerton Planning Commission.

B. Improvements.

1. *Definitions of On and Off-Site Improvements.*
 - a. On-site improvements are within a project site and adjacent street ROW, such as widening the adjacent street along the project street frontage, constructing interior streets, and utilities, etc.

- b. Off-site improvements are not adjacent to a project, such as the extension of an off-site sewer line to the property boundary, off-site storm drainage improvements, or an off-site intersection/street improvement, etc.
2. *Standards Applicable.* Any required on or off-site improvements within the City and within the Planning Area shall be installed according to the city's standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the development.
3. *Required Infrastructure Improvements.* On and off-site improvements that are roughly proportional and bear a rational nexus to the impact of the development are required for all development within the City. The developer shall be required to install on and off-site improvements where the need for such improvements is created in whole or in part by the proposed development.
4. *Planning Commission.* At the time the Planning Commission considers the development request, the Planning Commission shall determine whether the proposed development creates a need for off-site improvements and the portion of the cost of any needed off-site improvements which the developer shall be required to bear; provided, that portion of the cost of off-site improvements to roads located outside the City's corporate limits but within the City's planning area shall be determined through coordination with the County.

In determining that portion of the cost of off-site improvements which the developer shall be required to bear, this amount may be agreed upon between the developer/applicant and the City Staff, subject to Planning Commission approval. If no agreement can be reached, the Planning Commission shall consider the need for potential improvements based on the rough proportionality and rational nexus of the potential improvements to the impacts of the proposed project.

5. *Determining Necessity for On and Off-Site Improvements.*
 - a. All projects shall provide for dedication of adequate street right-of-way as required by the Master Street Plan and these regulations. Projects other than Minor Plats will provide necessary improvements to conform to the Master Street Plan sections, as determined by this chapter and based on the scale of the project.
 - b. In tandem with the standards and criteria provided directly below, traffic studies shall be provided by the applicant as required as provided in *Sec. 15.07.04, Traffic Study*. When an agreement on the improvements cannot be reached between the applicant and City prior to consideration by the Planning Commission, a Level 2 Traffic Study shall be provided for review by the City.
 - c. Required infrastructure improvements ultimately applied are based on a rough proportionality and rational nexus consideration by the City, and said requirements may be in addition to what is recommended by the traffic study.
 - d. **On Site and Adjacent Improvements.** When a proposed development has direct access to, or fronts on an existing road or street which is substandard,

the developer shall be responsible for contributing their proportionate share of the cost of improving said street or road to existing city or county standards, as provided in Section 15.07.02 and Title 9, Streets & Sidewalk. The Planning Commission shall determine the developer's proportionate share of said costs in accordance with the provisions above.

- e. **Off Site Improvements.** When a proposed development has access to paved streets or adequate roadways to support the projected traffic only by way of substandard or unimproved roads leading from the development to the paved roads, the developer shall be responsible for contributing their proportionate share of the cost of improving the substandard access roads or streets to existing city or county standards. The developer's proportionate share of said costs may be agreed upon by the developer/applicant and the City Staff, subject to Planning Commission approval. If no agreement can be reached the Planning Commission may determine required improvements in accordance with the provisions above.
 - f. Off-site drainage improvements shall be required whenever a proposed development causes the need for such improvements as described in the Stormwater Management and Drainage Manual.
6. *State Highways.* The developer shall be required to dedicate sufficient right-of-way to bring those state highways which the Master Street Plan shows to abut or intersect the proposed subdivision or development into conformance with the right-of-way requirements of the Master Street Plan. The developer shall be required to install sidewalks and/or trails and all other applicable improvements as designated by the Master Street Plan and the City code.
- a. Any improvements required by the Planning Commission within the state right-of-way shall be coordinated with the Arkansas Department of Transportation (ARDOT).
 - b. In the event that ARDOT does not agree to permit a City required improvement, the City required improvement shall be provided adjacent to that portion of the ARDOT right-of-way, just within the subject development site.
7. *Traffic Signals.* Traffic signals shall be installed as determined based on the rough proportionality and rational nexus of the impacts of the development as determined by the Planning Commission.
8. *Improvement Agreement.* The Planning Commission shall approve improvements based on three options, in accordance with *Sec. 9.02.04 (I) Adjacent Street Improvements* of municipal code. The developer shall prepare an agreement to be reviewed by city staff. The final agreement will be approved and signed by the City Engineer, Public Works Director, and Planning Chair or designee. The agreement shall provide for the proposed construction of all on and off-site improvements according to the plans and specifications considered for Planning Commission approval. The agreement shall include the following as applicable:
- a. Proposed on- and off-site right-of-way dedications.

- b. Proposed street, sidewalk, and/or trails improvements.
- c. Proposed street light installation.
- d. Proposed street tree installation
- e. Proposed Drainage improvements
- f. The *Improvement Agreement* shall include the pertinent details for all proposed improvements including, but not limited to the street name, width, size, pavement sections, fixture types, and all other required items per the approved development plan(s).

15.07.03 Monuments and Lot Stakes

- A. **Generally.** The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with general procedures of the Arkansas Standards for Boundary Surveys and Plats, latest edition. The lot stakes and/or monuments shall be preserved and remain visible throughout all construction and placement of structures.

15.07.04 Traffic Study

- A. **Introduction.** The city has developed Traffic Impact Study (TIS) guidelines to be used as part of the planning process for proposed land development projects, including new development and redevelopment. A TIS determines the impacts a proposed development will have on the adjacent and surrounding roadway network. A TIS also includes improvements required to mitigate development impacts. This sub-section will identify when a TIS is required and will standardize traffic impact study procedures.
- B. **Applicability.** The TIS requirements will be determined by the volume of traffic generated by the proposed site, and as required at the discretion of the City or Planning Commission. The TIS level of analysis is proportional to the anticipated impact of the development. Site-generated trips shall be calculated using the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The volume shown in Table 1 represents the vehicles per hour (vph) estimated to be generated by the proposed site during the critical peak hour.

Table 1 – Traffic Impact Study Level

Level of Study	Projected Peak Hour Site-Generated Traffic
Level 1	0-100
Level 2	>100

- C. **TIS Scope of Service.** Prior to conducting a study, City staff will determine the level of TIS required for the proposed development. Table 2 summarizes typical scope items for each level of TIS. The City may request additional items be included in the TIS depending on size or context of the proposed development.

Table 2 – Traffic Impact Study Scope of Service

Traffic Impact Study - Typical Requirements		
Traffic Impact Study Levels	Level 1	Level 2
Project Peak Hour Site-Generated Traffic	0-100	>100
Location Description	X	X
Proposed Land Use / Development	X	X
Trip Generation Estimate	X	X
Access Management Review	X	X
Adjacent Access Spacing - Upstream & Downstream	X	X
Existing Street Characteristics (number of lanes; speed limits; functional classification)	X	X
Intersection Sight Distance	X	X
Current Intersection Peak Period Turning Counts		X
Existing and Anticipated Truck Volume		X
Connectivity and Circulation Review		X
Crash History		X
Operational Analysis		X
Delay per Vehicle Analysis		X
Improvement Recommendations		X
Summary		X

D. **Impact Study Outline.** The Traffic Impact Study (TIS) shall be prepared according to generally acceptable professional practice and address the study elements listed below.

1. *Introduction of Study Scope.* This section should explain the context of the TIS and scope of the work.
2. *Existing conditions.* The TIS should document existing conditions covering existing volumes and peak periods, safety issues, number of lanes, speed limits, functional classification, and operational performance.
3. *Development project description.* This section shall provide the following:
 - a. Existing site access, land uses (types, intensities, building arrangement), and parking.
 - b. Proposed site location, layout, access, land uses, and development phasing.

- c. Information on nearby parcel access and land use, and their relationship to the proposed development project.
 - d. Trip generation using the latest ITE Trip Generation Manual and ITE Trip Generation Handbook procedures.
 - e. Traffic assignment and distribution should be summarized and illustrated onto figures.
- E. **Traffic Operational Analysis Sections.** The traffic operational analysis shall be summarized for each of the traffic volume scenarios described below. This section shall include Levels of Service (LOS) by movement and vehicle queuing along with the overall intersection LOS for the applicable peak periods (AM, PM midday, weekend). This section shall also include traffic signal warrant analysis and any turn lane recommendations.
- 1. *Existing conditions (No Development):* The TIS shall represent the background transportation conditions adjacent to the proposed development on the anticipated opening day.
 - 2. *Existing Conditions plus Site Generated Traffic (Full Build):* This section should present the background transportation conditions in addition to traffic generated by the proposed development. If the Project will cause traffic operation issues to the existing street network, mitigation measures should be identified, and their effect on the performance on the road network should be identified.
 - 3. *Future Year Background Traffic (Future No Build):* This analysis scenario grows background traffic to a determined future year, typically 20 years and is used to provide a base scenario to compare against “Future Build” conditions.
 - 4. *Future Year Background Traffic plus Site Generated Traffic (Future Build):* This analysis scenario is to determine the ultimate impact the proposed development will have on the street network for the future year scenario. Operations not meeting the acceptable levels of service will need to be mitigated.
- F. **Summary and Recommendations.** The applicant’s Level 2 TIS shall provide a summary of the study process and geometric and other improvements proposed.
- G. **Appendix.** All trip generation assumptions, internal capture rates, and traffic analysis reports shall be provided in an appendix with sufficient detail to recreate the process and assumptions upon request.

15.07.05 Access Management.

A. Street Design and Access Management Principles.

1. *Conformance.* In addition to the standards that follow, all proposed streets and developments shall conform with the requirements of the Master Street Plan and the Arkansas State Fire Code. Additionally, streets shall be designed, constructed and improved by the subdivider or developer in conformance with the standards and regulations set forth in Centerton Municipal Code Title 9 – Streets and Sidewalks.
2. *Coordination.* The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this section.
3. *Congruence with Master Street Plan.* When proposed subdivisions lie adjacent to Collector road(s) containing parallel parking—or when parallel parking is required by the applicable Collector road cross section—lots proposed to lie adjacent to said Collector shall front the Collector, with rear access provided via alley. This frontage requirement shall not be required when Collector roads/sections do not include parallel parking.
4. *Access.* Except as provided within *Section 15.07.02(E)(2), Private Streets and Gated Communities*, and *Section 15.04.03, Minor Plats*, all lots shall be accessed via and fronting a public street. Access to each lot shall be from a Local street, and in cases where subdivisions border Collector and higher classification streets, Local streets shall be constructed for individual lot access.
5. *Connectivity.*
 - a. Connectivity to the property lines of adjoining parcels which are currently undeveloped is required in order to provide future connectivity of the City street system. The layout and spacing of stub-out streets, regardless of subdivision type, shall generally conform to the required block lengths as established by these regulations.
 - b. Local streets shall connect with surrounding streets to permit the safe and convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Where the City determines such street layout would encourage the use of such residential streets by substantial through traffic, a collector street may be required.
6. *Block Length.* Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed and the overall density of the proposed project and surrounding properties. The following standards apply:
 - a. **Local or Collector Street, Low Density Residential** includes areas in which the overall development will be at 2 units per acre or less. Intersections shall occur at a minimum of one every 960 feet.

- b. **Local or Collector Street, Medium Residential** includes areas in which the overall development will be greater than 2 units per acre. Intersections shall occur at a minimum of one every 660 feet.
- c. **Local or Collector Street, Residential Townhouse** includes areas of single-family attached dwellings as provided in Sec. 14.04.04. Intersections shall occur lesser of either one every 20 units or at a minimum of one every 660 feet. City Staff can administratively approve up to 25% additional length, being up to 825 feet.
- d. **Local or Collector Street, Mixed Use and other Non-Single-Family Residential** includes areas that are planned for mixed use, commercial, civic, and other non-single family residential uses. Intersections shall occur at a minimum of one every 660 feet.
- e. **Industrial** includes areas that are planned for industrial land uses. Blocks intended for such uses shall be of a length suitable for the intended purposes with allowance for the provisions required by other applicable sections of the City Code.

Figure 15.07(A): Street Intersection, Block Length, and Stub Out Options

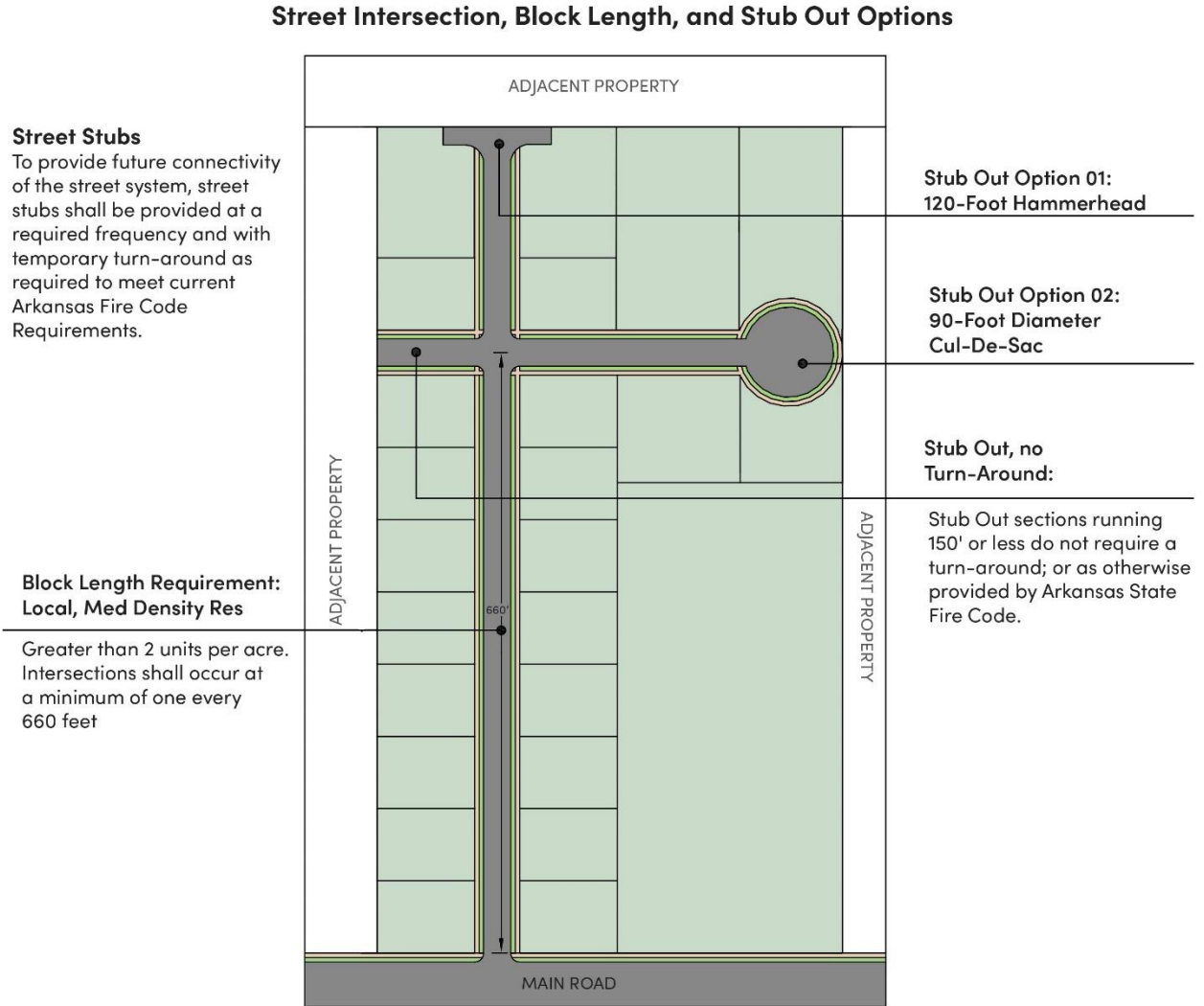
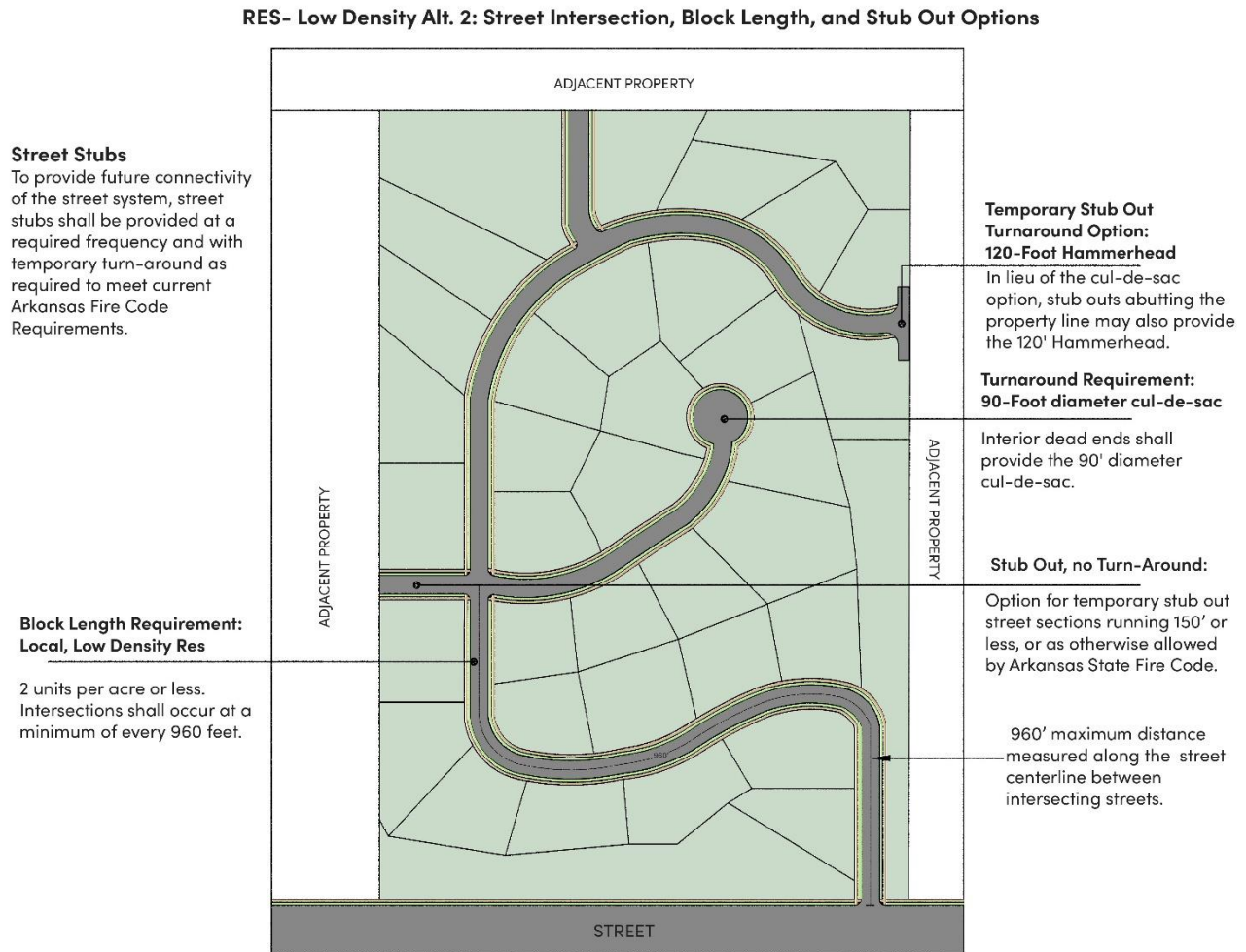


Figure 15.07(B): Low Density Alternative -- Street Intersection, Block Length, and Stub Out Options



7. **Street Stubs.** In order to provide for future connectivity of the city street system, street stubs shall be provided at a frequency as is required on the subject property as per the above subsection--or as deemed necessary by the Planning Commission to provide access to abutting properties and logically extend the street system into the surrounding area. Street stubs shall be provided with temporary turn-around as required to meet current Arkansas Fire Code requirements. The extension of the street shall be the responsibility of any future developer of the abutting land.
8. **Street Intersections.** Street intersections shall be designed to ensure safety. Because steep grades at intersections reduce sight distances and hinder vehicle control, there shall be a suitable leveling of street grade, generally not exceeding four percent, within one-hundred (100) feet of intersections.

B. **Private Streets and Gated Communities.** In addition to following the provisions in subsection A. *Street Design and Access Management Principles*, developments proposing private streets or gated communities shall also comply with the following.

1. Gated street entryways into residential subdivision developments are prohibited unless all internal streets are private, and the residential subdivision development was designed and approved per the criteria and standards of this section.
2. Streets within gated communities will remain privately owned by the developer or property owners within the subdivision. The gate shall meet current Arkansas Fire Code requirements. Electric gate operators shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.
3. Gated residential developments are limited to no more than 10 dwelling units.
4. The minimum easement width for private streets shall be 50 feet.
5. Streets within gated communities and other private streets shall be constructed to meet the City's current minimum street technical specifications for local streets, as required by city code.
6. The homeowner or property owners association (HOA/POA) documents shall require the HOAs/POAs to identify and enforce a no parking restriction in fire lanes throughout the community.
7. A community being gated does not exempt other connectivity or access management requirements as applicable; and, where connectivity of streets is found to be necessary, the Planning Commission may prohibit gated communities.
8. Utilities require access into gated communities at all times; developer shall be responsible for coordinating utility access prior to Final Plat approval.
9. **Maintenance Documentation** required:
 - a. A set of homeowners or property owners association (HOA or POA) covenants shall address maintenance of the private streets, greenspaces and streetlights by the HOA or POA. The developer is responsible for maintenance until the HOA is self-sufficient.
 - b. Maintenance of gated and/or private streets shall not be the responsibility of the City. Any POA or HOA requesting that the City acquire its private streets shall produce genuine documentation of maintenance. The City may or may not accept private streets as public streets at their discretion.
 - c. The covenants shall expressly provide that the City is a third-party beneficiary to the covenants only for the limited purpose of accessing, protecting, and managing public easements. The protective covenants shall further grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service, general code enforcement, and any other municipal function.

- d. Submittals for gated communities shall include the proposed set of POA covenants that, if approved, shall be properly executed and recorded before approval of the Final Plat.
9. *Required plat language:* In addition to the applicable certificates as provided within Section 15.04.05, Certificates, all plats containing private streets and public easements shall be dedicated utilizing the required signature block(s) and plat language as prescribed with the applicable Preliminary and Final Plat applications.
10. *Private Street Name Signs.* Where a structure is addressed on a private street or drive, the developer or property owner(s) shall be required to install, maintain, repair and replace all private street name signs. Any private street name sign existing at the time of passage of this chapter shall be maintained, repaired and replaced as required by this section. Signs shall meet the standards of the Manual on Uniform Traffic Control Devices (MUTCD) and Title 9 of the municipal code, whichever is more restrictive, and shall be installed at all street/drive intersections. Prior to installation, proofs of the proposed signs shall be submitted to the Public Works Department and Fire Department for review. Unless approved otherwise, all signs shall be retroreflective and utilize a white legend on a blue background.

15.07.06 Sidewalks and Trails.

- A. **On-Site Sidewalks.** Sidewalks shall be installed along new interior and adjacent streets according to existing city standards (Section 9.03) and the Master Street Plan as adopted by the Planning Commission and City Council.
 1. **Within R/W.** A pedestrian sidewalk, as depicted in the adopted Master Street Plan typical sections, is required within the adjacent public or private road R.O.W. This sidewalk must remain an open walking space. The sidewalk built within the R.O.W. must connect with any existing sidewalks on either side of the lot. Sidewalks shall be constructed by the developer, homeowner and/or lot owner, as further provided in *Title 9, Section 09.03.01.*
 2. **To the primary entrance.** Clearly defined pedestrian walkways or paths shall be provided from public ROW sidewalks to primary building entrances. Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries. All internal walkways shall be distinguished from driving surfaces and connect with a sidewalk internal to the lot (a minimum of 5' in width) which leads to a building entrance. Design of such infrastructure shall meet the applicable provisions of current Americans with Disabilities Act (ADA) requirements.
- B. **Off-Site Sidewalks.** Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.
- C. **Trails.**

1. **On-street Trails** shall be a minimum width of ten feet (10'), or as depicted in the adopted [Master Street Plan Typical Sections](#), Master Trails Plan, or other applicable guiding City document. This trail shall be located a minimum of five feet (5') from the back of curb (or as depicted in the adopted Master Street Plan Right of Way Sections or other applicable guiding City document) and must remain an open walking and biking space.
2. **Off-street Trails.** The developer may be required to construct a trail linkage or corridor for trails shown on the Master Trails Plan that abut, intersect, or traverse the project site, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development.
3. **All trails** shall be adequately lit to meet existing ADA, NACTO, AASHTO, and other applicable codes. Trail plans shall include a photometric plan to depict proposed light fixtures and light exposure to ensure adequate lighting along the trail, and any lights installed shall meet the requirements of Section 15.09.07, General Standards. Adequate lighting shall be met as described below:
 - a. Horizontal illumination achieving a 0.5 footcandles average as a minimum lighting level.
 - b. Higher illumination levels may be required at higher priority areas, including but not limited to: tunnels and overpasses, trailheads, bridges, crosswalks, path intersections, and adjacent to roadways.

15.07.07 Streetlights.

- A. **Public Streets.** Developers of all new residential subdivisions with public streets shall install street lighting along all public streets. Streetlights shall be installed along the property frontage at intersections, and along one side of each street at a frequency of no more than 300-ft between lights. The location of each streetlight shall be depicted in the civil set.
- B. **Private Streets.** The developer of new subdivisions that have private streets shall install street lighting along all private streets. Streetlights shall be installed along the property frontage at intersections, and along one side of each street at a frequency of no more than 300-ft between lights. The location of each streetlight shall be depicted in the civil set. The developer and/or property owner's association shall be responsible for the cost of the electrical power service and ongoing maintenance and upkeep of the fixtures installed in the development. The City will bear no responsibility for any lights installed by the developer and/or property owner's association.
- C. **Commercial development.** All new commercial developments that contain public streets within the development or that front a public street or public street extensions shall install streetlights along the property frontage at a frequency of no more than 300-ft between lights. Streetlight locations along public streets and within the development are to be approved by the City and by the electric company.
- D. **Technical requirements.** All new street and replacement street lighting shall meet the outdoor lighting standards of *Section 15.08.07, General Standards*. Neither utility

companies nor others may install an unshielded or otherwise non-compliant streetlight within the City of Centerton.

15.07.08 Grading and Storm Drainage System.

- A. **Generally.** All drainage shall be designed and developed in conformance with the requirements set forth in Title 16 and the adopted Stormwater Management and Drainage Manual for Centerton, Arkansas, as well as comply with the following general standards.
1. The developer shall install storm drainage facilities, including drains, sewers, catch basins, culverts, and other infrastructure necessary for the proper drainage of all surface water.
 2. All drainage facilities shall be so designed to serve the entire drainage area.
 3. All stormwater drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches subject to review by the City Engineer and Public Works Director.
 4. The City Engineer and Public Works Director shall review all drainage features for compliance.
 5. *Culverts.* Culverts shall be installed and constructed in accordance with the jurisdiction having authority.
 6. *Bridges.* Bridges shall be installed and constructed in accordance with existing Arkansas Department of Transportation (ARDOT) standards and specifications.

15.07.09 Water Supply

- A. **Accessible Public Water Supply.** When an approved public water supply is reasonably accessible as determined by the utility, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development shall be provided with a connection to said public water supply. All connections shall be approved by the applicable Utilities Director. Connections under the street shall be made prior to paving, but individual service lines shall be coordinated and installed, through the building permit process.
- B. **Non-accessible Public Water Supply.** Where an approved public water supply is not reasonably accessible as determined by the utility, any private water supply system proposed by the developer must be approved by the Arkansas Department of Health and the applicable Utilities Director to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision or development. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
- C. **Fire Hydrants.** Fire hydrants shall be required in all subdivisions and other applicable development, as required to ensure accordance with the Arkansas State Fire Code or as required by the City Fire Chief or designee.

15.07.10 Sanitary Sewer System

- A. **Public Sanitary Sewer Accessible.** Where a public sanitary sewer is reasonably accessible (generally within 300 ft, or as determined by the applicable utility), the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. All connections shall be subject to the approval of the Centerton Utilities Director. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street if possible.
- B. **Public Sanitary Sewer Not Accessible.** Where a public sanitary sewer is not accessible (as determined by the applicable utility) the subdivider or developer shall be required to make provisions for use of individual sewage disposal systems or other acceptable method--all according to State Health Department standards and regulations. Where a subdivision, lot split, or other development is proposed to utilize either individual septic systems or an onsite wastewater treatment system the following is required:
1. Developer must first prove that connection to sanitary sewer is not feasible.
 2. If proven, a letter from the Arkansas Department of Health is required verifying approval of soil tests and that the property could be developed with individual septic systems, prior to preliminary plat approval.
 3. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions, lot splits, and development plans.
 4. The approved Final Plat shall contain language clarifying that once sanitary sewer does become available and the property's septic system fails, the property will then be required to connect to sanitary sewer. A digital copy of said plat shall be submitted to the applicable Utilities Director for future reference, prior to the issuance of any building permits.
 5. The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City unless expressly permitted by resolution of the City Council.

15.07.11 Franchise Utilities

- A. **Generally.** [Title 4, Chapters 8, 12, 16, 20 & 24]. A Public Works Right of Way and Easement Work Permit shall be obtained from the City in accordance with Chapter 10.05 of the Centerton Municipal Code.
- B. **Utilities underground.** In new residential developments requiring Planning Commission approval and in new commercial developments, all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground and concentrated into shared easements with above ground utility

elements clustered when feasible. Installation shall follow the Centerton Utility Placement Corridor.

1. *Exemptions.* The following shall be exempt from the requirements of this section:

- a. Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service. A permit obtained from the City for said temporary service, addressing the nature and duration of said service, shall be required.
- b. Existing lines of 12Kv and above.
- c. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.
- d. Nothing herein shall be construed to usurp the authority of the Arkansas Public Service Commission and in all instances of conflict, the rules and regulations of said Arkansas Public Service Commission shall prevail.

C. **Other Standards.** Franchise utilities will be installed per the Centerton Utility Placement Corridor Specifications. Utility permits shall be applied for through the appropriate city department or agency and installed as applicable per the Centerton Utility placement Corridor Specifications. Any applicable bonds shall be paid prior to installation.

15.07.12 Other Infrastructure Improvements

Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by city staff or by the Planning Commission.

15.07.13 Fee in-lieu-of Infrastructure Improvements as Necessary

- A. **Determination of Need.** When additional flexibility is desired by the Developer with regard to building or providing the required improvements, the Developer may request to provide a Fee in-lieu-of constructing or providing the improvements. After receiving guidance from City Staff and after consulting all adopted city plans, the Planning Commission may accept the Fee in-lieu of Improvements. If accepted, the developer shall deposit with the city a fee in-lieu-of constructing the applicable infrastructure. The amount to deposit will be in accordance with the standards prescribed in *Section 15.07.02(A)* as determined to be the developer's proportionate share of the cost of such specific infrastructure need.
- B. **Collection of Fee.** As a part of the approval of the developer's application, the developer shall pay the amount determined appropriate in full and in the form of a cash deposit, as follows: along with the Final Plat application or before the Certificate of Occupancy associated with a Large Scale or Minor Site Improvement application. The city shall deposit these funds into a special interest-bearing account and follow all requirements of A.C.A. §14-56-103(f) and (g). In some cases, it may be mutually agreed

by both city and developer that a portion of the required fee be paid up front, with the remaining portion being paid via the timeframes described above in this paragraph.

- C. **Refund of Unused Fees.** If all or a portion of the collected fee has not been properly expended upon the specific infrastructure project within seven (7) years from the date the fees were paid, the city shall refund all unused funds plus accrued interest to the present owner of the property that was subject of the new development and against which the fee was assessed and collected as required by A.C.A. §14-56-103(h).
- D. **Compliance with State Law.** This section shall be interpreted to conform with A.C.A. §14-56-103 and all requirements of that law as well as any future amendments.

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15.07.14 Criteria for Non-Bondable and Bondable Items

A. **Criteria for Non-Bondable Items.** The following items shall not be guaranteed and shall be completed prior to planning commission approval of the final plat and issuance of the Final Site Compliance Certificate. *Note: the following non-bondable items shall be documented and provided on a set of 'as-built' drawings.* Because of unique infrastructural needs of each development, the Planning Commission may add items to this list.

1. Drainage.

- a. Drainage swales in-place sodded or concrete-lined, with erosion control measures in-place, and easements properly dedicated.
- b. Detention/retention facilities to grade and draining properly. Outlet structures, pilot channels, and headwalls, flumes, etc. in-place and constructed to approved plans and specifications.
- c. Any needed off-site improvements or easements in-place.
- d. Sodding of detention/retention ponds complete and established.
- e. Fencing of detention/retention ponds in-place.
- f. Aeration facilities for retention ponds in-place.
- g. All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
- h. Final layer of drainage paving in-place as required by approved plan, including parking lots.
- i. As-Built storm sewer, drainage plans and drainage report.

2. Sewer. Installation required per currently adopted water and sewer specifications.

- a. All sewer lines constructed to grade.
- b. Mandrel and pressure tests complete.
- c. Televising completed and approved.
- d. All manholes complete to required elevations and vacuum tested.
- e. Sewer services marked with T-posts.
- f. Tracer wires on all public lines; tested and approved.
- g. Lift station site complete and approved.
- h. Lift station extra pump delivered.

- i. Lift station site accessible with pavement.
- j. As-built drawings per specifications – approved PDF and AutoCAD.

3. **Streets.**

- a. All curb and gutter completed and backfilled. Curb and gutter repairs from punch list excluded in nonbondable items.
- b. Final layer of asphalt in-place and to the required thickness and density.
- c. Street signs paid for.
- d. Common sidewalks and ADA accommodations constructed. Sidewalk repairs from punch list excluded in nonbondable items.
- e. Approved as-built street drawings.

4. **Water.** Installation required per currently adopted water and sewer specifications.

- a. All waterlines in-place, pressure tested, and bacteriologically tested safe.
- b. All hydrants and valves in-place, accessible, and operational (facing street).
- c. Meter cans and setters in-place.
- d. Tracer wires in place and tested.
- e. All backflow prevention devices installed properly and functional.
- f. Passing test results for all backflow devices.
- g. As-built drawings per specifications – approved PDF and AutoCAD with hydrant map and spreadsheet.

B. **Criteria for Guarantees (bondable items).** The following items may be guaranteed, provided a cost estimate is proposed, reviewed and accepted by the City, as provided below in *Section 15.07.03(C)*:

1. **Streets.**

- a. Correction of final layer of pavement due to incidental damages.
- b. Correction of minor low or ponding areas in street.
- c. Correction of unacceptable curb sections.
- d. Correction of damaged sidewalk sections.

2. **Water.**

- a. Painting and adjusting hydrants to grade.
- b. Adjusting meter cans to grade.
- c. Adjusting meter setters.
- d. Adjusting valve stacks.
- e. Valve pads at final grade and grouted.

3. **Sewer.**

- a. Cosmetic work.
- b. Adjusting manhole lids to grade
- c. Cleaning out excess concrete at ring connection

4. **Drainage.**

- a. Cosmetic work (e.g. finish grout, clean out boxes and pipes, etc.).
- b. Outfall/energy dissipation measures exiting into interior lands

5. **Landscape requirements.**

- a. Street trees
- b. Detention trees and other plantings
- c. Irrigation systems

C. **Guarantees for Completion [for bondable items as provided in 15.07.03(B)].**

1. **Performance.** When a subdivision final plat, large scale development, or minor site improvement plan utilizes *Section 15.07.03(B)* and intends to provide a performance or completion surety, the developer shall deposit with the city or provide the following in an amount equal to 150% of the estimated cost of the uncompleted improvements as determined by the city staff:
 - a. *Deposit of U.S. currency;*
 - b. *Bond.* A performance/surety bond; or
 - c. *Letter of Credit.* An irrevocable letter of credit from a bank or banking institution doing business in the state which is a member of the Federal Deposit Insurance Corporation.
2. **Remedies.** Depending on the scope of remaining work and other factors, each completion or performance surety shall be established with a completion timeframe to be accepted by city staff prior to its going into effect. The city has the following options if the improvements have not been constructed within the agreed upon time period:
 - a. *Deposit of U.S. currency.*

- i. *Construct Improvements.* Construct the remaining improvements using the U.S. currency. Any balance remaining after the improvements have been constructed shall be returned to the developer; or
 - ii. *Hold Currency.* Continue to hold the U.S. currency until the developer completes the required improvements. After the improvements have been completed and certified, the entire deposit shall be returned to the developer.
- b. *Performance/Surety Bond.*
 - i. *Terms of Bond.* The surety shall be notified, and the parties shall proceed under the terms of the bond; or
 - ii. *Amend Bond.* Amend the performance/surety bond, or require the developer to provide another performance/surety bond for any uncompleted improvements in an amount equal to 150% of the estimated cost of remaining improvements as determined by city staff.
- c. *Irrevocable Letter of Credit.*
 - i. *Call Letter of Credit.* Call the irrevocable letter of credit and use the proceeds to construct the remaining improvements. Any balance remaining after the improvements have been constructed, shall be returned to the developer; or
 - ii. *Amend Letter of Credit.* Amend the irrevocable letter of credit or require the developer to provide another irrevocable letter of credit for any uncompleted improvements in an amount equal to 150% of the estimated cost of remaining improvements as determined by city staff. After the improvements have been completed and certified, the guaranteed amount for any completed improvements may be returned to the developer.

CHAPTER 15.08: LANDSCAPE REQUIREMENTS

15.08.01 Purpose and General Standards.

- A. **Purpose:** It is the purpose of this chapter to preserve the health, safety and general welfare of all citizens of Centerton by establishing standards that support urban canopy, preserve natural vegetation areas, and enhance the development of a healthy, attractive, environmentally sound city, and further the objectives of *Chapter 12.08 Tree Board* of the Centerton Municipal Code.
- B. **Applicability:** The provisions of this section shall apply to all proposed preliminary and final plats; small and large-scale developments; and minor site improvement applications. The chapter does not apply to Minor Plats. The provisions of this chapter shall be administered in addition to any other standards as provided within the Zoning Code.
- C. **General Standards**
1. **Landscape Architect:** Landscape plans associated with Preliminary Plat, Final Plat, and Large-scale Development applications shall be prepared and sealed by a licensed landscape architect. Landscape plans associated with Minor Site/Small-Scale and other applications may be provided by others.
 2. **Spacing:** The spacing of all trees and plants shall be designed to accommodate the mature height and width of the tree and plant, except as more specifically clarified throughout this chapter.
 3. **Invasive Species:** Invasive species shall not be permitted in projects that require a landscape plan review. A list of common invasive species is included in Appendix A.
 4. **Naming.** Where existing and proposed plants and trees are shown on the landscape plan, both scientific and common name of the plant materials shall be provided.
 5. **Recommended plants.** Acceptable species of proposed trees and plants are provided within the *Recommended Plants List (Appendix A)*. Other species may be approved by the Planning Director upon written request.
 6. **Plant size requirements.** Required landscape improvements shall meet the minimum standards as provided in the table below.

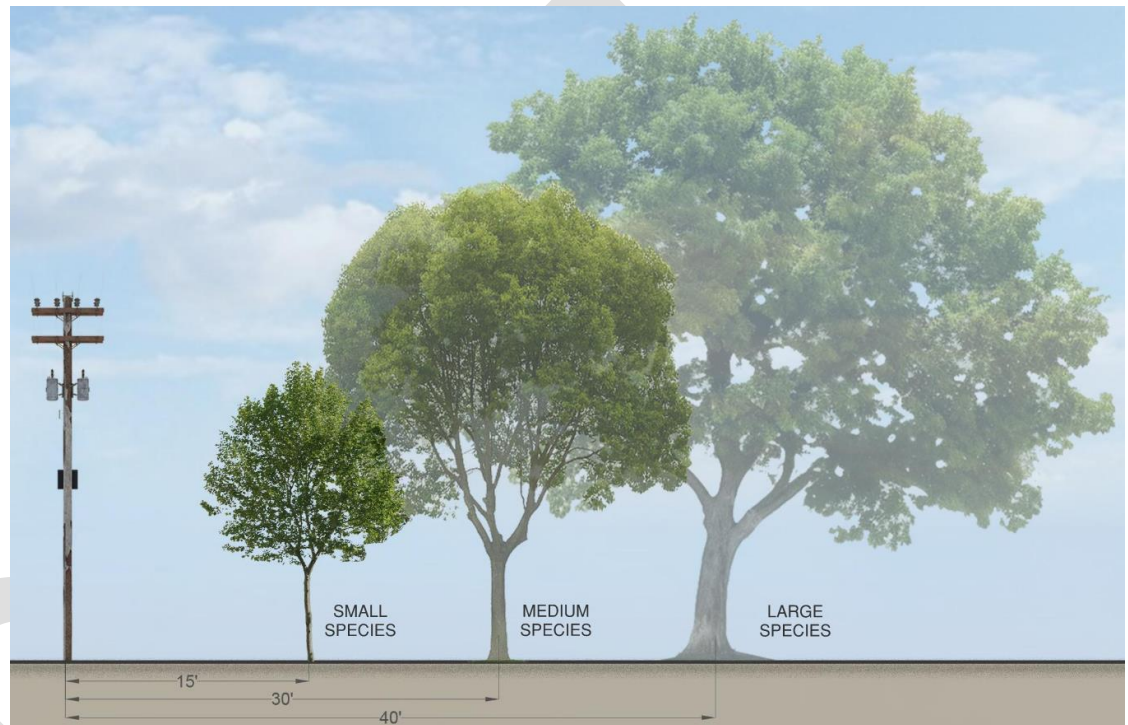
Fig. 15.08(A): Size requirements table. Minimum Planting Size Requirements

Minimum Size Requirements	
Deciduous Trees	2" Caliper at 6-inches above ground level
Conifers or Upright Evergreen Trees	Height of Five (5) Feet
Shrubs	Pot Size of 3-Gallons

Perennials	Pot Size of 1-Gallon
Other Ground Cover	Pot Size of 1-Gallon

7. **Overhead utilities.** When trees are required or planned in areas containing overhead utility lines that will remain, the following spacing shall be observed, unless otherwise advised by the Planning Director. See Appendix A for more guidance on species size categories.

Fig. 15.08(B): Overhead Utilities and Tree Placement by Size



8. **Timing of Installation.** Required landscaping shall be verified during the final inspection prior to the receipt of the Certificate of Development Compliance or final plat approval, whichever is applicable. Where timing of installation is not seasonally appropriate, the final landscaping may be bonded in an amount equal to the estimated cost of the plant materials and labor at the time of planting, according to *Section 15.09.03*.
9. **Preservation of Sight Distance Triangles.** Sight distances at intersections and points of access shall meet the requirements of Chapter 9 of AASHTO's *A Policy on Geometric Design of Highways and Streets*, latest edition. No plant material mass shall be between the height of 3' to 6' (prune low growing shrubs to below 3' and maintain the bottom limbs of small tree canopies to a minimum of 6') in the sight distance areas at driveways or street intersections.

10. **Replacement Landscaping.** Landscaping that dies or is damaged shall be removed and replaced by the current owner of the property. The owner shall have sixty (60) days from the receipt of written notice issued by the city to remove and replace any required landscaping that dies or is damaged.

D. Landscape Plan Requirements. Development projects applicable to this chapter shall provide a landscape plan with the following information:

1. The date, scale, north arrow, project name, name of landscape architect/designer and name of the owner/developer.
2. The location of property lines and the dimensions of the lot or tract.
3. **Site features:**
 - a. Existing vegetation on the site and in the adjacent right-of-way.
 - i. Off-site trees whose canopy overlaps or intersects with the subject property line shall be shown on the landscape plan.
 - b. Approximate centerline of all existing water courses.
 - c. The location and size of existing and proposed drive aisles, streets and alleys, parking areas and other improvements to the site.
 - d. Existing and proposed utility easements and overhead utility lines on or adjacent to the lot.
 - e. Existing and proposed utilities as depicted on the Utility and Drainage Plans of the civil set.
 - f. Existing and proposed sidewalks on or adjacent to the lot.
 - g. Location of all existing and proposed points of access.
 - h. Existing and proposed structures on the property.
 - i. Existing topography and proposed grading.
 - j. Clarification of irrigation system and pertinent details including backflow prevention
4. **Proposed landscaping.** The landscape plan shall indicate the number and species of all plants, the size of each species at the time of planting, the expected canopy and height at maturity, the spacing requirements for each plant, and the type of edging and mulch to be used for the planting areas.

5. **Other improvements.** Indicate the limits of disturbance, location of proposed material storage during construction, and location of all points of access (driveways, sidewalks, and public & private utilities) within the proposed development. The Landscape Plan shall be designed collectively with other civil sheets to best provide that site grading, material storage, construction access, driveways, sidewalks, and utilities will not endanger the livelihood of the proposed and preserved trees.
 6. **Planting Details and/or Specifications.** Planting and installation details shall be included with the plan and are meant to ensure the following:
 - a. All landscaping shall be installed in areas to minimize maintenance and ensure longevity of the plants, including tree lawns, tree wells, trees islands, foundation plantings, and free-standing beds.
 - b. Planting beds shall have amended soils to ensure the health of the plants.
 - c. All new plantings shall receive a minimum of 2" of organic hardwood mulch. Mulch shall be kept at least 6" from the root collar at the soil line adjacent to tree trunks.
 - d. All sod shall be removed from planting beds prior to planting.
 - e. All edges where beds meet lawn shall be defined. If using steel, then a minimum of 4" x 1/8" flat steel edging. Masonry materials may also be used for edging.
 7. **Irrigation.** Include a note indicating the type of irrigation system to be used for each required landscape area. An automated irrigation system is encouraged to ensure adequate moisture to plant material. In landscaped areas without an automated irrigation system, hose bibs (water spigots) shall be provided such that a hose bib is located within 100 feet of all required landscape areas.
- E. **Tree Maintenance Agreements:** All plans requiring trees per this chapter shall include a binding two (2) year maintenance and monitoring plan, which shall hold the applicant responsible for the health of all planted street trees, including those planted via Sections 15.08.02, *Street Tree Standards*; 15.08.03, *Site Development Landscape Standards*; and 15.08.04, *Detention Facility Landscaping*. The procedure shall be as follows:
1. Approval of a plan requiring street trees shall be contingent upon the applicant depositing with the city either currency, bond, irrevocable letter of credit or other surety, in an amount equal to the estimated cost of materials and labor (mobilization, planting) of trees at the time of planting. The bond, irrevocable letter of credit, or other surety must also cover the entire two (2) year maintenance and monitoring period. The applicant shall submit cost estimates to the Planning Director.

2. Upon completion of the two (2) year landscape establishment period, the Planning Director or their designee shall inspect the trees and determine whether 90% of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the city shall release the currency, bond, or letter of credit.
3. In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees, or take other appropriate action as approved by the Planning Director. If the applicant does not take remedial steps to bring the requirements into compliance within sixty (60) days of notice from the Planning Director, the city shall use the necessary monies from the landscape establishment guarantee to do so.
4. In the event trees are injured or destroyed by natural disasters, including but not limited to, tornadoes, straight-line winds, ice storms, fire, floods, hail, or lightning strikes, or through the independent actions of third parties, the applicant shall be relieved of the responsibility of replanting the tree or trees so affected. Drought or dry weather shall not be considered a natural disaster yielding relief to the applicant. The language of this paragraph shall also apply to applicants utilizing Section 5, Alternative option, immediately below.
5. **Alternative option.** However, in lieu of cash surety, letter of credit, or bond, the monitoring and maintenance requirement may also be met through proof of a two (2) year tree maintenance contract with a landscape contractor approved by the Planning Director. The contract shall name the City of Centerton as a third-party beneficiary and clarify the replacement cost per tree. This fully executed contract shall contain:
 - a. Itemized proof of payment or paid invoice for two (2) years of watering and maintenance for each required street tree.
 - b. A clause requiring that if the approved contract is breached, the developer shall either immediately supply an acceptable replacement maintenance contract or shall deposit to the city 125% the replacement cost of the street trees as approved by the original maintenance contract.
 - c. After inspection by the Planning Director at the end of the two (2) year period, if the Planning Director determines that less than 90% of the trees are found healthy and with a reasonable chance of surviving to maturity, the trees shall be replaced by the developer within sixty (60) days of notice from the Planning Director. If the developer fails to comply, the city would recover losses as outlined in the contract.

15.08.02 Street Tree Standards.

A. **Applicability:** In addition to all Preliminary Plat and Final Plat applications, landscape plans associated with development shall also conform to the requirements of this subsection when any of the following are proposed:

1. New structures or development requires a Large Scale or Small-Scale Development application; or
2. Expansion of 50% or more of the existing building square footage occurs on existing buildings under 10,000 square feet; or
3. Expansion of 20% or more of the existing building square footage occurs on existing buildings sized 10,000 square feet or more; or
4. Existing parking areas are expanded or paved. In these cases, this section shall only apply to the street frontages adjacent to or most closely aligned with the new or paved parking areas.

B. General Street Tree Standards

1. **Type.** Street trees shall be large species trees as provided in *Appendix A* and shall meet the size requirements of *Figure 15.08(A)*. However, medium and small species trees should be used when planned near overhead power lines, as further depicted in *Figure 15.08(B)*.
2. **Location.** Street trees shall be planted as prescribed by the associated Master Street Plan street section. If a significant utility or drainage conflict exists, required trees shall be planted within a dedicated landscape easement adjacent to or along the right-of-way. Dedicated landscape easements shall be independent of utility easements.
 - a. *Alternatives.* The developer may request to provide the required street trees in other areas associated with the development in unique situations in which the terrain or existing trees make the planting of new trees impractical. Examples include, but are not limited to:
 - i. Where the finish grade slope in the designated planting area exceeds 30%. This exemption will be administratively considered only for development sites that contained such slopes prior to development.
 - ii. Where bedrock is encountered within 24 inches of finish grade within the designated planting area.
 - iii. Where existing healthy trees that are shown to be preserved within the right-of-way are in such proximity that they would prevent a new tree from establishing a typical canopy when

mature. Trees planned for preservation shall be protected throughout development and shall be replaced at the frequency required within this section if and when they die or become poor in health.

3. **Timing.** Street trees shall be planted after the installation of the sidewalk, and prior to the request for a Certificate of Occupancy inspection or Certificate of Development Compliance, as applicable. A note shall be provided on the Final Plat containing the language of the previous sentence.
- C. **Street Tree Quantities.** Preliminary plat, Final Plat, and development applications shall include a landscape plan that provides for street trees as described in *Section 15.08.02(B)* for the following as applicable:
1. **Residential Subdivisions.** Street trees shall be planted in the quantity of one (1) per lot, such that each residential lot is adjacent to a street tree in the right-of-way. Additionally, street trees shall be planted one (1) every thirty linear feet along all street frontages not adjacent to buildable lots.
 2. **Development applications, Non-Residential Subdivisions, and Townhouse.** Street trees shall be planted at a minimum of one (1) per 30 linear feet of street frontage for Development applications, Non-Residential Subdivisions, as well as subdivisions designed for Residential Townhouses as provided in the Zoning Code.
 - a. *Cluster or Grouping.* Landscape plans associated with development applications may propose to alter the spacing of the required street trees in a manner that clusters or groups the trees to allow additional flexibility with building accents or other infrastructure. Utilization of this option must does not remove any other requirements such as total number of required trees and shall be approved by the Planning Division.

15.08.03 Site Development Landscape Standards

- A. **Applicability.** The following sections apply to:
1. **New Development.** All new development types (excluding single family residential development) within the City requiring Large-Scale and Small-Scale Development or Minor Site Improvement approval.
 2. **Additions.** All expansions of more than 5,999 sq ft of new construction -or- additions representing 25% of the existing building square footage.
 3. **Parking Lots.** All new or expanded parking lots containing five (5) or more spaces.
- B. **Front Landscape Area.** A minimum of a ten foot (10') wide landscaped area shall be provided along the front property line between the front building face and the roadway. When adjacent to a public road this area shall be exclusive of and adjacent to the Master

Street Plan right-of-way. Further, the landscape area may not also contain utility easement within. Specifically, the bed shall contain:

1. **Quantity.** Five shrubs per 25 linear feet of street frontage shall be provided. A minimum of 25 percent of the shrubs required shall be evergreen.
 2. **Groupings.** Specification of shrub type and spacing must be appropriate for the chosen species to create groupings of shrubs.
 3. **Mulch and Weed Barrier.** Mulch, gravel, or other organic material should be used within bed areas to limit weeds and preserve water. A weed barrier shall also be used.
 4. **Defined Beds.** Landscape beds shall be defined by steel edging, rock borders, masonry, or other similar durable material. If using steel edging, it shall be a minimum of 4" x 1/8" flat steel edging.
 5. **Area calculation.** The area of the defined landscape area shall be noted on the plan.
 6. **Breaks for points of access.** Points of access (entrance drives, exit drives, service drives, etc.), site amenities, and sidewalks may cross the landscaped area.
 7. **Urban building forms.** In order to provide compliance with the Master Street Plan, developments prescribing an urban building form that utilizes front setbacks of less than ten (10) feet are permitted to eliminate the greenspace between the principal façade of a building and the Master Street Plan right-of-way and instead provide pedestrian oriented elements.
- C. **Parking Lot Landscape:** Parking lots containing five (5) or more spaces shall be buffered from the public right-of-way and adjacent properties as follows:
1. **Buffer Vegetation.** Within a 5' wide landscape area, a continuous row of shrubs or other vegetation to form a minimum of a three (3) foot tall hedge shall be provided. Shrubs, grasses, and other plants shall be spaced appropriately for their species to form a screening hedge.
 - a. *Note:* this 5' wide landscape area for parking lot buffer may be within or inclusive of the land occupied by the Front Landscape Area, when parking lot edges are adjacent to streets.
 - b. *Note:* when a parking lot is proposed adjacent to a "triggering property," as defined by the Zoning Code, the applicant shall achieve the greater setbacks required for surface-level parking lots, as provided in 14.04.13(C)(2).
 2. **Evergreen.** Fifty (50) percent of the buffer vegetation shall be evergreen. However, boxwood (*Buxus* spp.) shall not be the primary species and any use of boxwood (*Buxus* spp.) shall be placed in groupings, as opposed to in a linear row.

3. Location.

- a. The location of these beds shall be placed to provide screening of parking areas from adjacent properties and public right-of-way. The beds can be near the parking edge or where otherwise applicable to best screen and buffer the parking based on topography, existing trees, utilities, and other considerations.
- b. For all linear feet in which the parking lot landscape buffer is required, *Section 15.08.05(C)(1), Front Landscape Area* shall not also be required.

4. Abutting Parking Lots and other situations.

- a. Where a parking lot is proposed to lie adjacent to an existing off-site parking lot that is adequately buffered per this section, the developing property shall leave a three-foot (3') landscape buffer but is not required to install buffer shrubs. However, when the existing off-site parking lot does not meet the landscape buffering requirements of this section, the developing property shall provide the standard buffering improvements as provided above in Sections 3(a-d).
- b. If both parking lots are being submitted and developed simultaneously, then it is permissible that the screening landscape requirements may be divided equally between the two properties (with some portions of the landscaping being located on either side of the property line). However, neither property shall provide less than 2.5 feet of greenspace on that side of the property line.
- c. Parallel, on-street parking, or any other type of parking directly accessed from an access drive or street is not required to be screened. See Figure 15.08(C) for examples.

5. Parking Lot Trees.

- a. *Tree / Parking Ratio.* Parking lots shall have one tree per ten (10) parking spaces. These shall be in a planting island protected by curbs and sized with the approximate dimensions of a standard parking stall (generally 180 sq ft but may vary slightly in accordance with proposed parking layout) or in a continuous landscape area with eight-foot (8') minimum width.
- b. *Minimums.* A minimum of two (2) unique tree species must be used in any parking lot with four (4) or more trees. A maximum run of ten (10) stalls shall be allowed between tree/planting islands.
- c. *Tree Wells.* The City discourages use of tree wells in most locations and encourages soil areas that are large enough to support healthy, mature trees.

Fig. 15.08(C): Site Planning Landscape and Parking Requirements

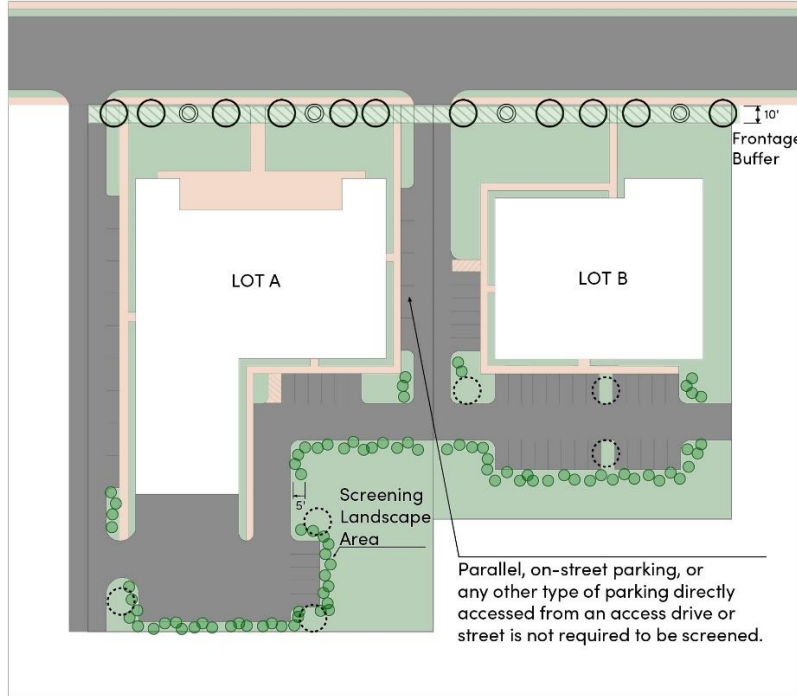
SITE PLANNING LANDSCAPE AND PARKING REQUIREMENTS

STREET TREES-

One tree per 30' of frontage shall be planted within a 10' frontage buffer.

Lot A Example: 230' of lot frontage; eight frontage trees required. Six of the eight frontage trees must be large trees; two trees may be understory

Lot B Example: 200' of lot frontage; seven frontage trees required. Five of the seven frontage trees must be large trees; two trees may be understory



PARKING TREES-

One tree per ten parking spaces and maximum of ten stalls allowed between tree planting islands.

Lot A Example: 25 parking spaces; three parking lot trees required.

Lot B Example: 32 parking spaces; three parking lot trees required.

PARKING LOT LANDSCAPE BUFFER-

Parking lots containing five or more spaces shall be screened with a 5' wide landscaped area to screen parking from adjacent properties and public rights-of-way.

- Large frontage trees
- Screening Shrubs
- ⊙ Understory frontage trees
- ⊘ Parking lot trees
- ▨ Frontage landscape area

Note: This exhibit does not depict all opportunities or provisions of code. Consult code for verification of all applicable requirements and allowances.

15.08.04 Detention Facility Landscaping.

- A. **Applicability and Standards.** All development required to install detention ponds shall also be required to submit a landscape plan for approval by the Planning Commission adhering to the following general guidelines. Where stormwater requirements are met with underground detention, or other alternative stormwater management measures as approved by the Planning Director and City Engineer, those approved methods shall not be required to meet the requirements of Detention Facility Landscaping.
1. *Site Conditions.* All plant materials chosen must be appropriate for the soils, hydrology, and other site conditions.
 2. *Plant species.* All plant species shall be selected from either the approved species list (Appendix A) or shall be an approved alternative.
 3. *Best Management Practices.* The landscape plan should be designed using best-management practices to minimize the need for herbicides, pesticides, pesticides, and soil amendments during the life of the facility.
 4. *Minimize Maintenance.* The design should minimize the need for mowing, pruning and irrigation.
 5. *Primary Function.* The landscape shall not impede the primary function of the stormwater facility.
- B. **Quantity requirements.** The stormwater facility area is defined to be equivalent to the area of the detention basin, including the bottom and the side slopes, plus a 5-foot buffer around the detention basin. The developer shall install minimum plant material quantities per 3,000 square feet of the stormwater facility for facilities under 30,000 sq ft, and per 6,000 square feet for facilities 30,000 sq ft. and larger as follows:
1. Two (2) conifer / upright evergreen or deciduous tree per detention pond;
 - a. Evergreen trees (6-ft height minimum)
 - b. Deciduous trees (minimum caliper of 2-in. at 6" above base)
 2. Four (4) large shrubs or small trees (3 gal. container or equivalent);
 3. Six (6) grass-like plants or shrubs (1 gal. container or equivalent);
 4. *Appendix A.* In meeting the above standards, species shall be chosen from *Appendix A, Stormwater Facility Plants.*
 5. *Protection of stormwater pond banks.* Required trees, shrubs, and other woody plants may not be proposed or planted on the pond banks or side slopes. These

areas shall be planted with perennials, groundcovers, grasses, and other herbaceous plants.

- a. Groundcover - 1 per 12 inches on center with triangular spacing.

15.08.05 Tree Preservation and Landscape Reduction

- A. **Applicability:** If an applicant is preserving and protecting existing trees on the development site, the existing trees may be used as credit toward a reduction in the tree and landscape planting requirements, as described below and as approved by the Planning Commission.
- B. **Eligible trees:** Trees for which credit is given shall be clearly depicted on the landscape plan and shall be protected from injury throughout construction and protected as a site element after project completion. Tree preservation credits will not be allowed for:
 1. Trees located within a utility, drainage, or access easement.
 2. Any dead tree, any tree in poor health, or any tree subjected to material storage, grade alterations, or other disturbance within the drip line of the tree's canopy.
 3. Invasive tree species as indicated in *Appendix A*.
- C. **Submittal requirements:**
 1. *Demolition Plan and all civil sheets, as applicable.* Demolition, grading and utility plans, and all other plans as necessary, associated with the development application shall depict the location of trees to be preserved, to ensure the preservation goal can be achieved.
 2. *Tree preservation data.* The Landscape Preservation Plan shall include the following information:
 - a. Existing contours and proposed grading.
 - b. Existing and proposed drainage, utility, and access easements.
 - c. Existing and proposed utilities
 - d. Proposed construction entrance/exit.
 - e. Proposed limits of disturbance, including any on-site and off-site land.
 - f. Proposed locations for material storage, equipment storage, concrete washout, and vehicle access.
 - g. Surveyed location and size of all existing trees greater than 8" DBH, including depiction of canopy both onsite and canopy overhanging and adjacent to the site. In cases where large areas of existing woodland is proposed for preservation, the edge of the overall tree canopy area may be shown as a clouded area.

- h. Identification of trees to be preserved, including the location of tree trunks and overall canopy, as well as the species, overall health, and diameter at breast height (DBH) of each individual tree to be preserved.
- i. Show location of proposed tree protection fencing for trees to be preserved.

D. Tree protection measures:

1. Before commencing construction activity, the applicant shall construct tree protection fencing along the tree dripline or 10 feet from the trunk, whichever is greater, for all trees planned for preservation. These measures shall be inspected by the City along with any required erosion control measures.
2. Trees depicted as preserved shall be protected from construction activity to prevent damage by construction vehicles, materials, debris, spoils or equipment in areas with preserved trees.
3. No filling, excavating, land, or soil disturbance shall take place in areas with preserved trees.
4. Tree protection measures surrounding the areas with preserved trees shall be maintained throughout the construction process and through requested final inspections. Protection measures shall be removed after receipt of the Certificate of Development Compliance.
5. Trees or tree canopy areas damaged during construction will not be eligible for tree preservation credits. Trees damaged significantly or those that die must be replaced per *15.08.01(C)(10), Replacement Landscaping*, but shall be replaced at a quantity matching the ratio provided in *Figure 15.08(D), Preservation and Landscape Reduction Chart*.

E. Preservation and Landscape Reduction Chart. Credits for preserved trees shall be permitted at the following rates:

Fig. 15.08(D): Preservation and Landscape Reduction Chart

Diameter of preserved tree (DBH of each tree)	Number/Type of Trees Credited
4-7.9 inches	3 large shrubs/small detention trees
8-17.9 inches	6 large shrubs/small detention trees and 1 large detention tree
18-23.99 inches	12 large shrubs/small detention trees and 3 large detention trees
24-29.9 inches	16 large shrubs/small detention trees; 4 large detention trees; and 1 unbuildable lot or non-residential lot street trees.
30-35.99	20 large shrubs/small detention trees; 8 large detention trees; and 3 unbuildable lot or non-residential lot street trees
36+ inches	All required large shrubs/small detention trees; All required detention trees; and 4 unbuildable lot or non-residential lot street trees

15.08.06 Screening Requirements.

A. Generally.

1. Applicability and Purpose.

- a. When a development is proposed and is adjacent to land of a different zoning district, increased landscaping and screening standards shall be applied along the applicable side(s) and rear of the developing property to reduce noise and light glare on adjacent properties as indicated on the screening chart below. Specific applicability per the application shall be determined by the planning director based on the below Screening Requirements Chart.
- b. Street trees and all other applicable landscape standards shall apply as outlined elsewhere throughout *Chapter 15.08, Landscape Requirements*.

2. Location. Required screening shall be provided on and within the subject property on which the proposed development is located. The screening will be required along or near the property line, or in a location deemed most appropriate and effective to meet the purpose of this subsection, as determined by the planning director.

- a. In no case may fill material or debris be placed on adjacent properties and in no case may the proposed screening requirements increase or cause additional stormwater flow onto adjacent properties.

- 3. Screening requirement determination.** The table of screening requirements below establishes the instances in which screening shall be provided and the screening type to be used, all of which are determined by adjacency with lower intensity zoning districts, in relation to the zoning district of the proposed development. Where the horizontal row and vertical column intersect, the letter shown indicates the screening type to be provided by the proposed development and depicted on the proposed Landscape Plan, with more detail provided in subsections C-G below. Where 'N/A' is indicated, no screening is required.

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B. Screening Requirement Chart

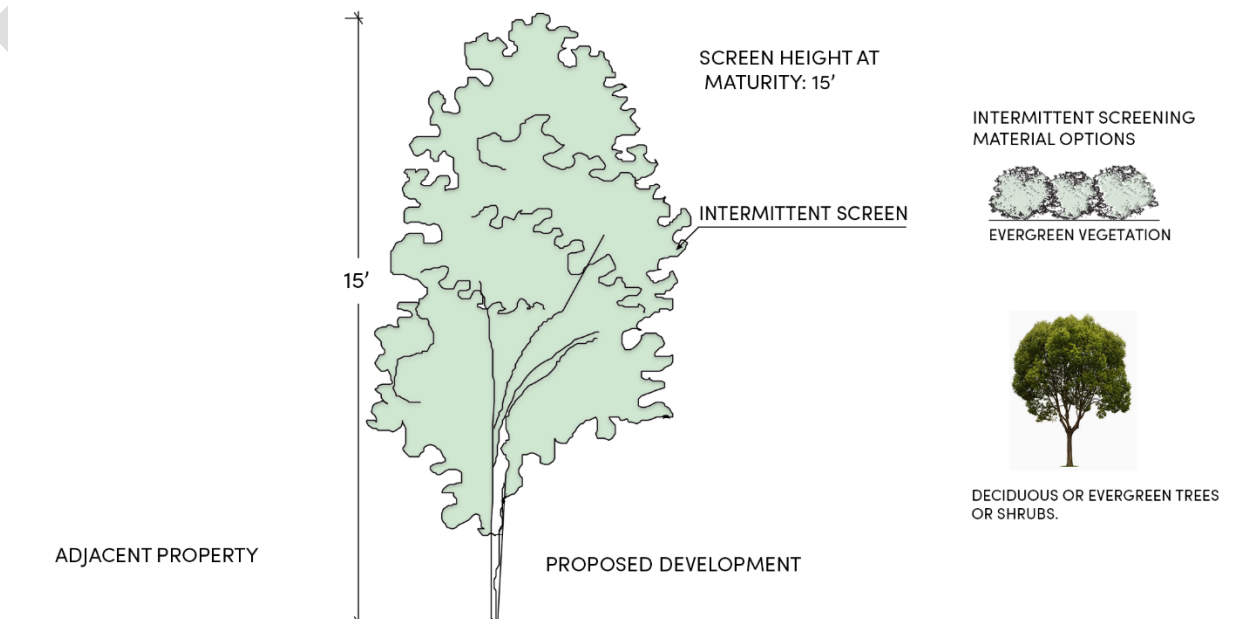
Proposed Development Zoning District (listed per row)	Existing Adjacent Zoning District (listed per column)											
	A-1 (Agricultural)	R-E, R-1, R-2 (Residential Estate, Low Density Res., Medium Density Res.)	R3-SF (Medium-High Density Single-Family)	R3-D, RTH-2, or R-MH (Medium-High Density Two-Family, Residential Townhouse Two, or Residential Modular House)	R3-MF or RTH-5 (Medium-High Density Multi-Family or Residential Townhouse Five)	R-C (Residential Condominium)	R4-MF (High Density Multi-Family)	C-3 (Neighborhood Commercial)	C-1 (Central Business District)	C-2 (Highway Commercial)	I-1 (Light Industrial)	I-2 (Heavy Industrial)
A-1 (Agricultural)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-E, R-1, R-2 (Residential Estate, Low Density Res., Medium Density Res.)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R3-SF (Medium-High Density Single-Family)	A	A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R3-D, RTH-2, or R-MH (Medium-High Density Two-Family, Residential Townhouse Two, or Residential Modular House)	B	B	A	A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R3-MF or RTH-5 (Medium-High Density Multi-Family or Residential Townhouse Five)	C	C	B	A	A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-C (Residential Condominium)	C	C	C	B	A	A	A	A	N/A	N/A	N/A	N/A
R4-MF (High Density Multi-Family)	C	C	C	C	B	A	A	A	N/A	N/A	N/A	N/A
C-3 (Neighborhood Commercial)	C	C	C	B	B	A	A	A	N/A	N/A	N/A	N/A
C-1 (Central Business District)	C	C	C	C	B	B	B	A	A	N/A	N/A	N/A
C-2 (Highway Commercial)	C	C	C	C	C	B	B	B	B	A	N/A	N/A
I-1 (Light Industrial)	C	C	C	C	C	C	C	C	C	C	A	N/A
I-2 (Heavy Industrial)	D	D	D	D	D	D	D	C	C	C	B	A

C. **Screen type A: Intermittent Screen.** The intermittent screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces.

1. **Applicable sides.** The Intermittent screen shall be applied adjacent to all property lines as required by the *Screening Requirement Chart*, except that screening shall not be applied adjacent to public rights-of-way.
2. **Minimum height.** This screen type shall be composed of intermittent visual obstruction from the ground to a height of at least 15 feet upon maturity.
3. **Materials.** The intermittent screen may be composed of any of, or a combination of, any of the following: planted or existing vegetation, with both evergreen and deciduous vegetation being acceptable.
4. **Compliance.** Compliance of planted vegetative screens or natural vegetation will be determined based on the average mature height and spacing of the planted species or current height and spacing of existing established vegetation. To comply, the plants shall:
 - a. Be placed or observed on center (trunk spacing) no more than the distance of the lowest (least) average plant spread, as provided by the *Missouri Botanical Garden's Plant Finder* tool; and
 - b. Be observed at the minimum height requirement or be anticipated to reach the minimum height requirement as provided in *Appendix A, Recommended Plant Lists*.

Fig. 15.08(E): Screen Type A, Intermittent Screen

SCREEN TYPE A: INTERMITTENT SCREEN

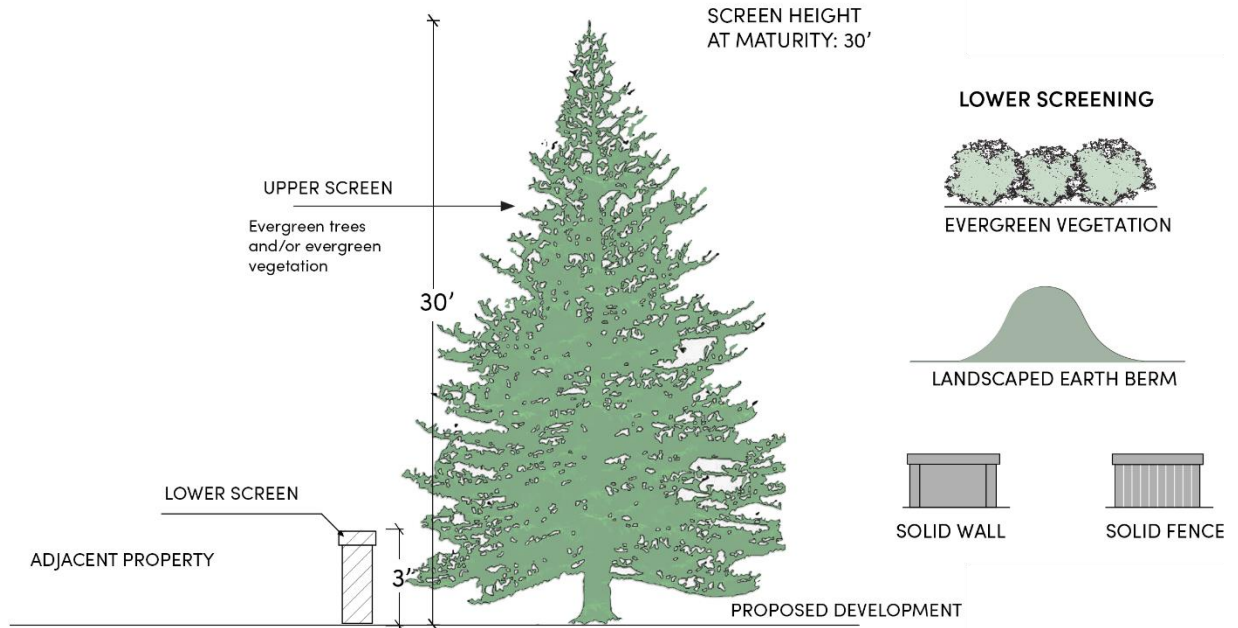


D. **Screen type B: Medium Screen.** The Medium screen is intended to partially obscure visual contact between uses and to create an impression of the separation of spaces.

1. **Applicable sides.** The Medium screen shall be applied adjacent to all property lines as required by the *Screening Requirement Chart*, except that screening shall not be applied adjacent to public rights-of-way.
2. **Minimum height.** A lower screen shall be provided from the ground to a minimum height of three (3) feet, plus tree(s) featuring a mature height of 30' shall be provided.
3. **Materials.** The lower screen may be composed of landscaped earthen berm, planted evergreen vegetation, low wall/fence, or existing evergreen vegetation—or a combination of any of these. The upper screen shall be composed of evergreen trees or other evergreen vegetation.
4. **Compliance.** Compliance of planted vegetative screens or natural vegetation will be determined based on the average mature height and spacing of the planted species or current height and spacing of existing established vegetation. To comply, the plants shall:
 - a. Be placed or observed on center (trunk spacing) no more than the distance of the lowest (least) average plant spread, as provided by the *Missouri Botanical Garden's Plant Finder* tool; and
 - b. Be observed at the minimum height requirement or be anticipated to reach the minimum height requirement as provided in *Appendix A, Recommended Plant Lists*.

Fig. 15.08(F): Screen Type B, Medium Screen

SCREEN TYPE B: MEDIUM SCREEN

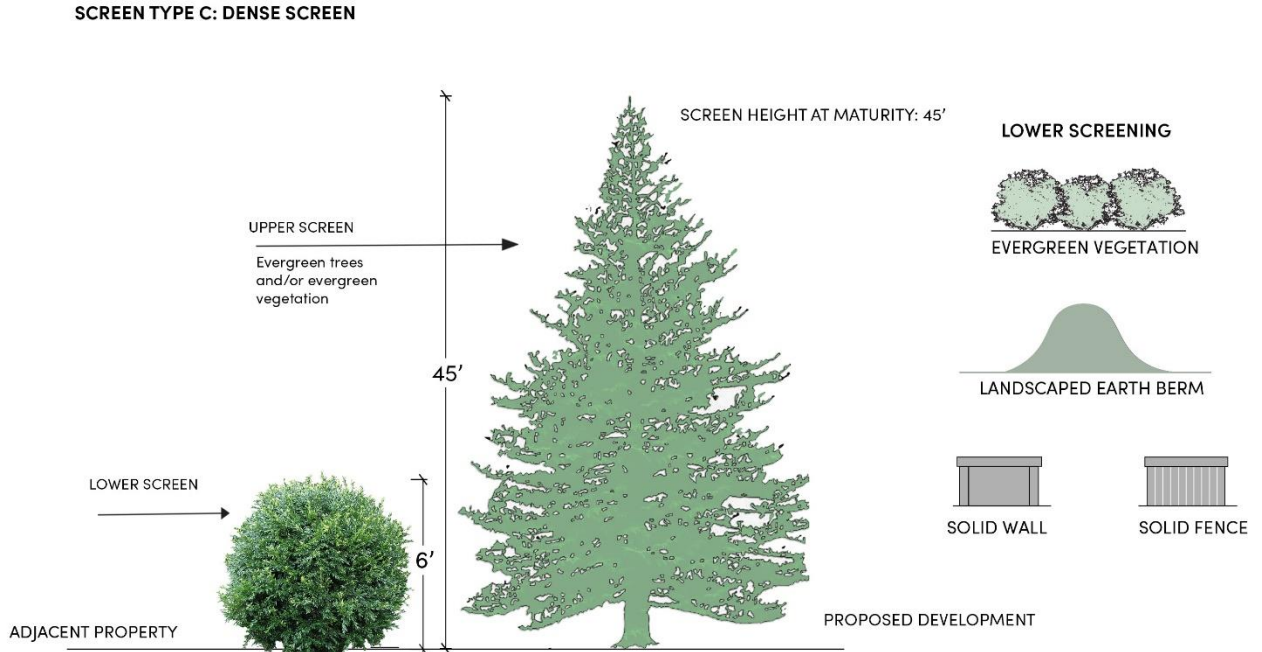


E. **Screen type C: Dense Screen.** Intended to provide a medium-high level of screening between uses.

1. **Applicable sides.** The Dense screen shall be applied adjacent to all property lines, as required by the *Screening Requirement Chart*, except that screening shall not be applied adjacent to public rights-of-way.
2. **Minimum height.** A lower screen shall be provided from the ground to a height of at least six (6) feet, plus tree(s) featuring a mature height of 45' shall be provided.
3. **Materials.** The lower screen may be composed of a wall, fence, landscaped earthen berm, planted evergreen vegetation, or existing evergreen vegetation—or a combination of any of these. The upper screen shall be composed of evergreen trees or other evergreen vegetation.
4. **Compliance.** Compliance of planted vegetative screens or natural vegetation will be determined based on the average mature height and spacing of the planted species or current height and spacing of existing established vegetation. To comply, the plants shall:
 - a. Be placed or observed on center (trunk spacing) no more than the distance of the lowest (least) average plant spread, as provided by the *Missouri Botanical Garden's Plant Finder* tool; and

- b. Be observed at the minimum height requirement or be anticipated to reach the minimum height requirement as provided in *Appendix A, Recommended Plant Lists*.

Fig. 15.08(G): Screen Type C, Dense Screen



F. **Screen type D: Intense Screen.** Intended to provide the highest level of screening to best mitigate development when the most intense zoning districts lie adjacent to less intense zoning districts.

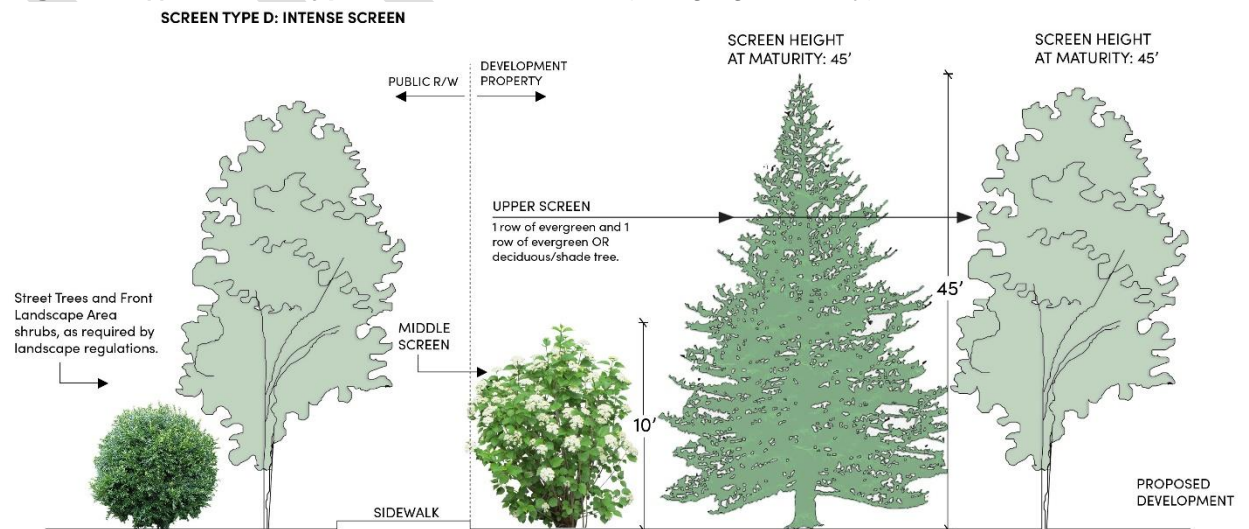
1. **Applicable sides.** The Intense screen shall be applied adjacent to all property lines, as required by the *Screening Requirement Chart*. Unique from the other screening types, Type D shall also be provided adjacent to public rights-of-way, as applicable. Any required screening shall be provided in addition to Street Trees and other standards in this chapter.
2. **Minimum height.** A lower screen measuring from the ground to a height of at least three (3) feet; a middle screen from the ground to a height of at least ten (10) feet; plus two (2) rows of tree(s) featuring a mature height of 45' shall be provided.
3. **Materials.** This screen type involves four (4) tiers or layers of screening:
 - a. Two (2) rows of 45' or greater trees (one of which shall be evergreen and the other may be evergreen or deciduous);
 - b. One (1) row of 10' or greater shrub or small tree;
 - c. One (1) row of 3' or greater shrub. *For frontages along the right-of-way where street trees and shrubs are required, the lower screen (3' shrub) shall not be required.*

4. **Compliance.** Compliance of planted vegetative screens or natural vegetation will be determined based on the average mature height and spacing of the planted species or current height and spacing of existing established vegetation. To comply, the plants shall:
- a. Be placed or observed on center (trunk spacing) no more than the distance of the lowest (least) average plant spread, as provided by the *Missouri Botanical Garden's Plant Finder* tool; and
 - b. Be observed at the minimum height requirement or be anticipated to reach the minimum height requirement as provided in *Appendix A, Recommended Plant Lists*.

Fig. 15.08(H): Screen Type D, Intense Screen (typical scenario)

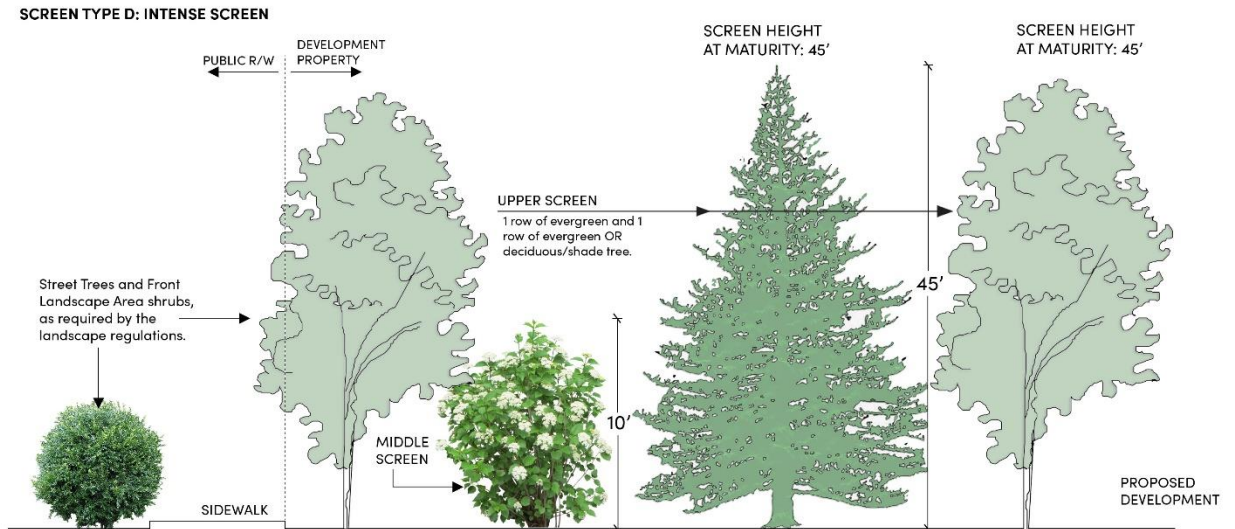


Fig. 15.08(I): Screen Type D, Intense Screen (along right-of-way)



**Note: For frontages along the right-of-way where street trees and shrubs are required, the lower screen (3' shrub) shall not be required.*

Fig. 15.08(J): Screen Type D, Intense Screen (along right-of-way, when street trees cannot be accommodated in the right-of-way)



**Note: For frontages along the right-of-way where street trees and shrubs are required, the lower screen (3' shrub) shall not be required.*

- G. **Reductions.** Screening requirements may be reduced with City approval if the screening requirements are determined to create a safety hazard.

CHAPTER 15.09: OUTDOOR LIGHTING/ILLUMINATION

Sections:

15.09.01	Definitions
15.09.02	Purpose
15.09.03	Applicability
15.09.04	Exemptions
15.09.05	Prohibitions
15.09.06	Submittals
15.09.07	General Standards
15.09.08	Nonconforming Outdoor Light Fixtures
15.09.09	Enforcements
15.09.10	Penalties

15.09.01 Definitions.

Outdoor Lighting The night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

B.U.G. rating A luminaire classification system that classifies backlight (B), uplight (U) and glare (G). The acronym describes the types of stray light escaping from an outdoor lighting luminaire.

- "B" stands for backlight, or the light directed in back of the mounting pole.
- "U" stands for uplight, or the light directed above the horizontal plane of the luminaire, and
- "G" stands for glare, or the amount of light emitted from the luminaire at angles known to cause glare.

Cutoff a fixture's light distribution where no more that 2.5% of the fixture's total lumens are emitted at a cutoff angle of 90° or greater. Additionally, no more than 10% of the total fixture lumens may be emitted at a cutoff angle greater than 80°.

Full Cutoff A fixtures light distribution where not light is emitted above the horizontal.

Glare Harsh and uncomfortably bright light.

Light Fixture A light fixture or luminaire is an electrical device that contains an electric lamp that provides illumination. Light fixture and luminaire may be used interchangeably within this chapter.

Light Pollution Manmade light that falls outside the area of intended illumination.

Light Trespass The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

Lumen A unit of measure of the intensity of light produce by a lamp (bulb) as indicated by the manufacturer.

Luminaire A light fixture or luminaire is an electrical device that contains an electric lamp that provides illumination. Light fixture and luminaire may be used interchangeably within this chapter.

Shielded An installed outdoor light fixture that is shielded or constructed with an opaque housing or attachment so that all light emitted is projected below the placement of buildings therein.

Accent Lighting Directional lighting which emphasizes a particular object or draws attention to a particular area

15.09.02 Purpose. This section is intended to:

- A. Reduce light pollution;
- B. Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
- C. Protect drivers and pedestrians from the glare of non-vehicular light sources that can impair safe travel;
- D. Promote efficient and cost-effective lighting;
- E. Allow for flexibility in the style of light fixtures;
- F. Reduce atmospheric light pollution. Minimize urban sky-glow to help protect the scenic view of the night sky.
(Ord. No. 2009-8, Sec. 1.)
- G. Provide greater safety for pedestrians on public trails and sidewalks.

15.09.03 Applicability. The outdoor lighting regulations apply as follows:

- A. **Development applications.** All developments, expansions, improvements, and changes requiring a Large-scale development, Small-scale development, or Conditional Use Permit application shall meet the provisions of this chapter.
 - 1. Any existing non-conforming lights or light fixtures on the building and associated property grounds shall be either removed or replaced with fixtures that meet the requirements of *Section 15.09*.
 - 2. The development application set shall clearly depict and clarify the location of all existing lights and proposed light removals or replacement. After review and approval of the plan set, compliance will be verified prior to issuance of the Certificate of Development Compliance or formal approval letter (Conditional Use applications), as applicable.

B. Other:

1. In the event of a conflict with any other section of this chapter, the more stringent requirement shall apply.
2. Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.

15.09.04 Exemptions. The following are exempt from the requirements of *Chapter 15.09*, except where they create a glare or hazard to the public, or as otherwise noted:

- A. Agricultural, single and two (2) family residential uses.
- B. Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than ten (10) minutes after activation.
- C. The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Where possible, lighting should be cutoff.
- D. Temporary emergency lighting, used by police, fire or medical personnel for as long as the emergency exists.
- E. Routine maintenance, including changing the lamp ballast, starter, photo control, fixture housing, lens and other required components.
- F. Airport lighting provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
- G. Neon lights only as permitted by the sign regulations.
- H. Illuminated signs only as permitted by the sign regulations.
- I. The outdoor illumination of digital signs, specifically excluding billboards, in compliance with the Centerton Sign Code.
- J. Flags. Up-lighting of flags shall have a maximum lumen output of 1,300 lumens with a cone of light directed on the flag itself. Down-lighting of flag poles is encouraged.

15.09.05 Prohibitions.

- A. The operation of searchlights for advertising purposes is prohibited.
- B. Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.
- C. See *Title 18 Signs* for additional regulations.

15.09.06 Submittals. When developments require compliance with this chapter, a lighting plan shall provide evidence of compliance with the requirements of this chapter. The data listed below in Section 15.08.06(A)(1) may be provided concurrently on the Site Plan in lieu of a separate civil sheet, if such can be displayed in a clear manner. The submittal shall contain the following information:

- A. Photometric Plan.** A photometric plan is required to be submitted along with development plans, containing the following:
1. Plans indicating the location, type, and height of all existing and proposed outdoor light fixtures including both building and ground mounted fixtures;
 2. A description of each outdoor light fixture, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;
 3. Comprehensive photometric data, such as that as furnished by the manufacturer; and
 4. Any additional information as may be required by City Staff in order to determine compliance with this chapter.

15.09.07 General Standards. The following standards shall apply to all outdoor lighting installed after the effective date of this chapter, unless otherwise exempted in Section 15.08.04:

- A. Compliance.** Neither utility companies nor others may install a non-compliant streetlight within the City of Centerton.
- B. Cutoff required.** All nonexempt outdoor light fixtures with an initial output greater than or equal to 2,000 lumens shall be full cutoff, as defined by IESNA.
- C. Installation.** All outdoor light fixtures that have cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
- D. Shielding.** Beyond the cutoff requirements above, all light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house side shielding to minimize light trespass on residential properties.
- E.** Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding, and hooding are shown in example lighting figures, attached herein. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.

- F. The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to ensure that the illumination is only pointing downward onto the ground surface.
- G. Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
- H. All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
- I. All lighting shall meet the Arkansas Shielded Outdoor Lighting Act.
- J. Luminaires shall have a B.U.G. rating associated for backlight, up light, and glare. The B.U.G. acronym describes the amount of light emitted from a street luminaire's housing.
- K. All lighting shall be within the 3,000K to 4,500K range of color temperatures for uniformity.
- L. All lighting shall be 75-80 CRI minimum on the color rendering index (CRI).
- M. This chapter may be enforced on the basis of a formal complaint submitted to the Planning Department or Code Enforcement Officer.
- N. Sports field and outdoor recreation facility lighting.
 - 1. Shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting.
 - 2. Fixtures shall have optics, shields or cut-offs that limit glare and spill of light outside of recreation facilities being illuminated.
 - 3. Fixtures shall be aimed so that the beams are directed and fall within the primary playing or performance area, and fixtures shall be mounted such that the cut-off angle is as close to parallel with the ground plane being illuminated as possible to reduce glare.
 - 4. Primary field, recreation area or event area lighting shall be Class IV facility lighting or less intense, as defined by IESNA RP-6-01, Section 1.2.
 - 5. All such light fixtures shall be turned off one hour after the end of the last event.
- O. Accent lighting.**
 - 1. *Landscape/facade lights.* Landscape and facade lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way. Down-lighting is encouraged.
 - 2. *Landscape elements.* Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaires shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent

fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.

3. *Building mounted accent lighting.* Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaires shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions. Pole mounted accent lighting for a building or structure is not permitted.
4. *Ground mounted accent lighting.* Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.
5. *Pedestrian lighting.* Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.
6. Neon and light emitting diode (led) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures if it meets the following requirements:
 - a. Neon or led lighting shall only be used to accent architectural elements of nonresidential structures.
 - b. Neon or led lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
 - c. Neon or led lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
 - d. Neon or led used in signs shall be regulated pursuant to the sign ordinance.
 - e. Neon and led accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire building's linear façade length.
 - f. *Festoon Lighting.* Strands of individual, low-intensity, white or yellow decorative lights used to illuminate the outdoor patio space of bars,

restaurants, or other commercial occupancies during their normal business hours. Festoon lighting systems shall be designed and operated so that the associated light does not extend beyond the applicable property line.

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Fig. 15.09(A): Light Fixture Exhibit A

Examples of Acceptable & Unacceptable Lighting Fixtures



*GRAPHICS CREATED BY BOB CRELIN. USED WITH PERMISSION.

Fig. 15.09(B): Light Fixture Exhibit B

BAD		GOOD		
	→			
<p>Tip : Make sure the fixture is aligned horizontally and choose the intensity of the lamp wisely.</p>				
	→			
<p>Tip : A motion detector is ideal to use the light only when needed.</p>				
	→			
<p>Tip : Choose a light fixture where the lamp is hidden to reduce glare.</p>				
	→			
		Yellow « bug free »	Warm-white < 2700 K	Amber
<p>Tip : Yellow light bulbs are an efficient and cheap way to reduce the negative impacts of light at night.</p>				

*GRAPHICS CREATED BY BOB CRELIN. USED WITH PERMISSION.

15.09.08 Existing and Nonconforming Outdoor Light Fixtures

Lighting installed prior to the effective date of this ordinance shall comply with the following:

- A. Legal, nonconforming:** All nonconforming outdoor light fixtures for which a building permit has been approved or are lawfully installed prior to and operable on the effective date of this chapter are exempt from all outdoor lighting requirements in this chapter. Compliance with this chapter through either removal or replacement of legal nonconforming outdoor light fixtures shall be achieved as applicable per *Section 15.09.03, Applicability.*

APPENDIX A: RECOMMENDED PLANT LISTS

(A) Overview:

1. All plant materials should be spaced appropriately in accordance with mature plant size.
2. Plant materials intended for screening as required in the district should be spaced appropriately to form the appropriate screen upon maturity.
3. These are general recommendations. Other species may be considered by the City (unless specifically prohibited in other official City Documents or Ordinances).
4. All plants should be selected based on specific site conditions and best practices. Consultation with horticulturists, landscape architects, or other professionals is recommended.

(B) RECOMMENDED PLANT LIST

¹: Not to be Used as a Street Tree

Table B.1. LARGE SPECIES: Mature heights reaching 45’ or above.

COMMON NAME	SCIENTIFIC NAME
American Beech ¹	Fagus grandifolia
Bald Cypress ¹	Taxodium distichum
Bitternut Hickory ¹	Carya cordiformis
Black Oak	Quercus velutina
Black Gum	Nyssa sylvatica
Black Walnut ¹	Juglans nigra
Bur Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Eastern White Pine	Pinus strobus
Frontier Elm	Ulmus carpinifolia x parvifolia
Hackberry	Celtis occidentalis
Japanese Scholar Tree	Sophora japonica
Japanese Zelkova	Zelkova serrata
Jefferson Elm	Ulmus americana ‘Jefferson’
Lacebark Elm	Ulmus parvifolia
Littleleaf Linden	Tilia cordata
Loblolly Pine	Pinus taeda
Norway Spruce	Picea abies
Northern Red Oak	Quercus rubra
Osage Orange ¹	Maclura pomifera
Pecan	Carya illinoensis
Prospector Elm	Ulmus wilsoniana
River Birch ¹	Betula nigra
Scotch Pine	Pinus sylvestris
Shagbark Hickory	Carya ovata
Shingle Oak	Quercus imbricaria
Shumard Oak	Quercus shumardi

Shortleaf Pine	<i>Pinus echinata</i>
Silver Linden	<i>Tilia tomentosa</i>
Southern Magnolia ¹	<i>Magnolia grandiflora</i>
Southern Red Oak	<i>Quercus falcate</i>
Southern Catalpa	<i>Catalpa bignonioides</i>
Sycamore ¹	<i>Platanus occidentalis</i>
Sugar Maple	<i>Acer saccharum</i>
Sugarberry	<i>Celtus laevigata</i>
Swamp White Oak	<i>Quercus bicolor</i>
Sweetgum ¹	<i>Liquidambar styraciflua</i>
Tuliptree	<i>Liriodendron tulipifera</i>
Turkish Filbert	<i>Corylus columna</i>
Water Oak	<i>Quercus nigra</i>
White Oak	<i>Quercus alba</i>
Willow Oak	<i>Quercus phellos</i>

Table B.2. MEDIUM SPECIES: Mature heights reaching 30'-45'.

COMMON NAME	SCIENTIFIC NAME
American Hophornbeam	<i>Ostrya virginiana</i>
American Holly ¹	<i>Ilex Opaca</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Crepe Myrtle	<i>Lagerstroemia indica</i>
Eastern Arborvitae	<i>Thuja occidentalis</i>
Eastern Red Cedar	<i>Juniperus virginiana</i>
English Oak	<i>Quercus robur</i>
Hawthorns	<i>Crataegus species</i>
Goldenrain Tree	<i>Koelreuteria paniculata</i>
Japanese Black Pine ¹	<i>Pinus thunbergii</i>
Japanese Yew	<i>Taxus cuspidata</i>
Persimmon ¹	<i>Diospyros virginiana</i>
Rocky Mountain Juniper	<i>Juniperus scopulorum</i>
Sassafras	<i>Sassafras albidum</i>
Scarlet Oak	<i>Quercus coccinea</i>
Thornless Honeylocust	<i>Gleditsia tricanthos</i>
Yellowwood	<i>Cladrastis kentuckea</i>

Table B.3. SMALL/ UNDERSTORY SPECIES: Mature heights reaching less than 30' in height.

COMMON NAME	SCIENTIFIC NAME
American Smoketree	<i>Cotinus obovatus</i>
Crabapple	<i>Malus speciose</i>
Fringe Tree	<i>Chionanthus virginicus</i>

Flowering Dogwood	Cornus florida
Lilac	Syringa species
'Little Gem' Magnolia	Magnolia grandiflora 'Little Gem'
Oriental Arborvitae	Platycladus orientalis
Pawpaw	Asimina triloba
Possumhaw	Ilex deciduas
Serviceberry	Amelanchier arborea
Saucer Magnolia	Magnolia x soulangiana
Star Magnolia	Magnolia stellata
Sweetbay Magnolia	Magnolia virginiana
Trident Maple	Acer buergerianum
Yaupon Holly	Ilex vomitoria

Table B.4. SHRUBS:

COMMON NAME	SCIENTIFIC NAME
Buckthorn	Rhamnus frangula
Butterfly Bush	Buddlei davidii
Buttonbush	Cephalanthus occidentalis
Chokeberry	Aronia species
Cotoneaster	Cotoneaster species
English Laurel	Prunus laurocerasus
Elderberry	Sambucus nigra
Fragrant Sumac	Rhus aromatic 'Gro-Low'
Flowering Quince	Chaenomelies speciose
Forsythia	Forsythia species
Fothergilla	Fothergilla gardenia
Glossy Abelia	Abelia grandiflora
Hydrangia	Hydrangea species
Mahonia	Mahonia species
Mock Orange	Philadelphus
Mugo Pine	Pinus mugo
Pieris	Pieris species
Pyracantha	Pyracantha species
Spirea	Spirea species
Twig Dogwood	Cornus sericea
Viburnum	Viburnum species
Weigela	Weigela species
Yew	Taxus species
Yucca	Yucca species

Table B.5. VINES:

COMMON NAME	SCIENTIFIC NAME
Virginia Creeper	Rhamnus frangula
Boston Ivy	Buddlei davidii
Trumpet Creeper	Cephalanthus occidentalis
Crossvine	Aronia species
Clematis	Clematis species
Climbing Hydrangea	Decumaria barbara
Running Strawberry Bush	Euonymus obovatus
Grapes	Vitus species

(C) STORMWATER FACILITY PLANTS: The following is a list of plant options for installation in bioretention facilities, bioretention basins, swales, rain gardens, detention ponds and other facilities designed to be temporarily inundated. Additional plants can be recommended by the licensed Landscape Architect. Planting plans are subject to City approval.

Table C.1. Native Trees for Bioretention

Common Name	Scientific Name	Drought Tolerant (DT) Flood Tolerant (FT)	Light	Moisture Preference (Dry, medium, wet)	Height
Red Maple	Acer rubrum	DT, FT	Sun, shade	Dry to wet	50-70'
River Birch	Betula nigra	FT	Sun, pt shade	Medium to wet	40-70'
Redbud	Cercis canadensis	DT	Sun-shade	Dry to medium	20-40'
Yellowwood	Cladratis kentukea	DT	Sun	Dry to medium	30-50'
Persimmon	Diospyros virginiana	FT, DT	Sun, pt shade	Dry to medium	35-60'
Sweet Gum	Liquidambar styraciflua	--	Sun	Medium to wet	60-80'
Swamp White Oak	Quercus bicolor	FT, DT	Sun	Medium to wet	50-60'
Sycamore	Platanus occidentalis	FT	Sun	Medium to wet	75-100'
White Oak	Quercus alba	DT	Sun	Dry to medium	50-80'

Table C.2 Native Shrubs for Bioretention

Common Name	Scientific Name	Drought Tolerant (DT) Flood Tolerant (FT)	Light	Moisture Preference (Dry, medium, wet)	Height
American Beautyberry	<i>Callicarpa americana</i>	DT	Sun, pt shade	Medium to wet	3-6'
Blackhaw Viburnum	<i>Viburnum rufidulum</i>	DT	Sun, pt shade	Dry to wet	10-15'
Button Bush	<i>Cephalanthus occidentalis</i>	FT	Sun to shade	Medium to wet	6-12'
Spicebush	<i>Lindera benzoin</i>	DT	Part Shade	Medium	6-12'
Witch-hazel	<i>Hamamelis virginiana</i>	--	Sun to pt shade	Dry to medium	10-15'

Table C.3 Native Grasses and similar plants for Bioretention

Common Name	Scientific Name	Size and spacing	Light	Moisture Preference (Dry, medium, wet)	Height
Broomsedge	<i>Andropogon virginicus</i>	1 gal @ 1 plant/24" o.c.	Part shade	Dry to medium	2-6'
Big bluestem	<i>Andropogon gerardii</i>	1 gal @ 1 plant/24" o.c.	Sun	Dry to medium	4-7'
Indian grass	<i>Sorghastrum nutans</i>	1 gal @ 1 plant/24" o.c.	Sun	Dry to medium	2-5'
Little Bluestem	<i>Schizachyrium scoparium</i>	1 gal @ 1 plant/24" o.c.	Sun	Dry to medium	2-4'
Muhly Grass	<i>Muhlenbergia capallaris</i>	1 gal @ 1 plant/24" o.c.	Sun	Dry to Medium	2-3'
Switchgrass	<i>Panicum virgatum</i>	1-3 gal @ 1 plant/48"	Sun, part shade	Dry to Medium	3-6'
Upland Sea Oats	<i>Chasmanthium latifolium</i>	1 gal plugs @ 1 plant/18" o.c.	Part shade to shade	Dry to wet	2-5'

(D) INVASIVE or PROHIBITED SPECIES: These plant species are invasive or problematic and shall not be permitted in submittals that require a planning review.

Table D.1 Invasive Species -- Prohibited

COMMON NAME	SCIENTIFIC NAME
Asian Wisteria	Wisteria sinensis, Wisteria
Bamboo	Pyllostachys Spp.
Bigleaf Periwinkle	Vinca major
Callary/ Bradford Pear	Pyrus calleryana
Burning Bush	Eunymus alatus
Bush Honeysuckle	Lonicera maackii, Lonicera
Chinese Privet	Ligustrum sinense
Creeping Euonymus	Euonymus fortunei
English Ivy	Hedera helix
Heavenly Bamboo*	Nandina domestica
Japanese Honeysuckle	Lonicera japonica
Kudzu	Pueraria montana
Littleleaf Periwinkle	Vinca minor
Mimosa, Silktree	Albizia julibrissin
Multiflora Rose	Rosa multiflora
Sericea Lesedeza	Lespedeza cuneata
Shrubby Lespeza	Lespedeza bicolor
Tree-of-Heaven	Ailanthus altissima

**Cultivars that do not produce flowers or fruit are not considered invasive.*

APPENDIX B: DEFINITIONS

Definitions Definitions not expressly prescribed herein are to be construed in accordance with the customary usage in municipal planning and engineering practices. Whenever used in this regulation, the word "may" is permissive, while the word "shall" is to be interpreted in its mandatory sense. For the purpose of interpreting this regulation, certain words used herein are defined as follows:

Access, Cross Reciprocal easements created by official instrument, allowing vehicle movement across more than one property without the need to directly access the adjacent right-of-way.

Access, Joint Also called Shared Drive or Shared Access. An area shared by adjacent properties usually for the purposes of allowing a vehicular driveway to connect two or more sites to the public street system, typically secured via easement.

Access Management The proactive management of vehicular access points to land parcels adjacent to all manner of roadways. Good access management promotes safe and efficient use of the transportation network. Access management encompasses a set of techniques that state and local governments can use to control access to highways, major arterials, and other roadways.

Alley A section of right-of-way typically narrower than a local street and used for access to the rear or the side of properties abutting a street. For pedestrian and other non-motorized transportation types, alleys often play a role in the overall connectivity of the street network.

Applicant: The person, firm, or developer, which may be a public or private entity, responsible for submitting requisite materials to the City Staff to enable a complete review that ensures all regulatory provisions provided by City Code and/or City Ordinance are met.

Berm An earthen mound designed to provide visual interest, screen undesirable views, and decrease noise.

Buffer The area of land set aside for the purposes of providing separation of light and/or noise between two (or more) adjacent properties or uses.

Build Out Work done to make a structure or system ready for use or to bring a construction or development project to a completed state.

Buildable Area The area of that part of the lot not included within the yards or open spaces herein required.

Building Any structure with a roof, and supported by four walls, designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property; and forming a construction that is safe and stable. A building is a type of structure. See "Structure" for more information.

Building, Detached A building having no wall, roof, floor, or other structural element with another adjacent building.

Building Frontage The vertical side of a building which faces the primary space or street and is built to the build-to line.

Building Setback Line A line parallel to the street right-of-way at the front of the property and property line at the side and rear of the property which indicates the limit beyond which buildings or structures may not be built, subject to any specific exceptions as allowed by applicable building and fire codes. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.

Caliper The measurement of the diameter of the trunk measured six (6) inches above ground level for trees up to four (4) inches in caliper size. Mature trees and any younger trees exceeding 4" caliper are measured using the commonly accepted *diameter at breast height (DBH) method*, which measures trunk diameter at 4.5 feet above ground level.

Certificate of Development Compliance Official certification issued by the City of Centerton Planning Director confirming that a site conforms to applicable provisions of the adopted zoning and development codes. Unless the certificate of development compliance is issued, the associated building(s) are not eligible for a final building or certificate of occupancy inspection.

Certificate of Occupancy Official certification that a premises conforms to the provisions of the building code, zoning code, and all other adopted city codes. The Certificate of Occupancy allows legal occupancy and use of the premises, and unless a certificate is issued, a structure cannot be occupied. Note: this definition is separate and distinct from the definition for 'Certificate of Compliance' as found in the Flood Damage Prevention Code.

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Commercial Pertaining to any business, trade, industry, or other activity engaged in profit. Commercial does not include multi-family development.

Conditional Use A use permitted in certain zoning districts subject to certain conditions imposed by the Planning Commission after review of development plat.

Corner Lot A lot located at the intersection of two streets not sharing the common centerline.

Cul-de-sac A local street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

Curb Cut A cut into a street curb to provide vehicular access to a driveway or parking space.

Dedication The formal process of transferring land ownership from a non-public entity to a public agency for public use, and where said public agency has regulatory control over the land being transferred.

Developer A person, firm or corporation undertaking to develop a subdivision or large-scale development as set forth in the development regulations.

Development Development includes, but is not limited to, division of land, providing access to a site, clearing vegetation; grading; earth moving; providing utilities and other services such as parking facilities; stormwater management and erosion control systems; and sewage disposal systems; altering landforms; or construction of a structure on the land. Development shall also mean any of the following:

1. Construction, installation, alteration, demolition, or removal of a structure, impervious surface, or stormwater management system, or
2. Clearing, scraping, grubbing, or otherwise removing or killing the vegetation of a site; or
3. Adding, removing, exposing, excavating, leveling, grading, digging, dumping, or otherwise disturbing the soil or rock of a site in a manner contrary to the requirements of the stormwater management, drainage and erosion control regulations.
4. Shall include, but shall not be limited to, the construction of a new improvement, the construction of an addition to an existing improvement, or a parceling of land which results in the need for access and utilities.

Driveways A travel-way installed, owned, and maintained by others and not part of the City street system intended to provide access to and from a lot, parcel, or tract of land. Driveway does not include a public or private street.

Dwelling, or Dwelling unit Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one household or housekeeping unit, but not including travel trailers or recreational vehicles (RV).

Dwelling, Attached: A dwelling having any portion of one or more walls in common with adjoining dwellings.

Dwelling, Detached: A dwelling having no wall, roof, floor, or other structural element in common with another building.

Easement The granting of access, use, or maintenance of specified land by a property owner for public or private use. Easements typically include utilities such as potable water, sewerage, stormwater drainage, electricity, telecommunication, and may be prescribed for motorized vehicles, non-motorized vehicles, or pedestrian access. *Note: This definition is unique and distinct from the definition of 'easement' as found in Title 16, Chapter 8 – Flood Damage Prevention Program.*

Facade Refers to the exterior sides of a building, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation but does not include any structural or nonstructural elements which extend beyond the roof of a building.

Fence, privacy/opaque - A manmade, non-vegetative, vertical barrier constructed to provide visual separation between two (or more) adjacent properties and/or uses.

Floodplain Refers to any land area susceptible to inundation by floodwaters from any

source. For the purposes of these regulations, floodplain shall refer to special flood hazard areas (SHFA) as shown on the effective Flood Insurance Rate Map (FIRM), produced by FEMA in concert with the National Flood Insurance Program (NFIP).

Franchise Utilities Natural gas, electrical power, telephone, cable television and other communication services authorized to occupy the City of Centerton's easements or rights-of-way.

Gated Community A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across the primary access ways.

Ground Cover Plants, other than turf grass, normally reach an average maximum height of not more than 24 inches at maturity.

Hedge A landscape barrier consisting of a continuous, dense planting of shrubs.

Improvements An addition to real property (public or private), whether permanent or not; that increases its value or utility or that enhances its appearance. "Improvements" include but are not limited to streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings.

Invasive Plants A plant that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Impervious Surface A surface that has been compacted or covered so that it is highly resistant to infiltration by water.

Landscape Architect As defined by the American Society of Landscape Architects; must be registered in the State of Arkansas.

Landscaping A combination of living vegetation (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living materials (such as, rocks, pebbles, sand, mulch, walls, decorative walls, fences or decorative paving materials) arranged or preserved to enhance aesthetics, as well as achieve requirements of these regulations.

Landscape Plan - Plan sets, required during the formal review of applicable development under these regulations, showing the location, arrangement, planting, and maintenance methods of all existing and proposed landscaping contained within said plans.

Lot A parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, providing such yards and setbacks as are required herein, having access to a public street and being a single lot of record (platted or replatted) or an approved, designated tract of record.

Lot Line The boundary lines of a lot as defined herein.

Lot split A type of land subdivision as described further in the Minor Plat section. For parcels of land not within a platted subdivision, process may be referred to as a 'Tract Split'.

Lot width The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80% requirement shall not apply.

Multi-Family Dwelling A residential building or buildings designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Non-Conforming A structure, improvement, use, activity, or lot which was lawful prior to the adoption of the current regulations but that fails to meet or conform to the present requirements of these regulations.

Outdoor Lighting The illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

Parcel A piece of land created by a partition, sub-division, deed, or other instrument duly recorded with the appropriate recorder. This term is inclusive of a lot, a lot of record, or a piece of land created through other methods.

Parking Lot An off-street area intended primarily for the parking of motor vehicles and subject to certain design standards as adopted by the City.

Parking Space A space adequate for parking an automobile with properly related access to a street or alley along with necessary maneuvering room. Parking space dimensions and related ADA provisions are further clarified within Title 15.

Permeable Surfaces Surfaces that allow infiltration of water into the earth. May be used in reference to permeable pavers, as well as with planting beds, gravel, turf, and other “permeable” or “pervious” materials

Plan, Comprehensive The city plan adopted by the City Council clarifying the comprehensive vision and set of goals for the city; as well as, the general locations recommended for the various land uses, major streets, parks, public buildings, and other community improvements.

Plan, Master Street A plan for streets, including street classifications, related sections and typical improvements, as adopted by the City Council.

Plan, Master Trails A plan for pedestrian and bicycle facilities that enhances the Master Street Plan for non-motorized transportation adopted by the City Council indicating locations for existing and future active transportation infrastructure.

Plat A survey instrument with accompanying information indicating the existing and/or proposed conditions related to a surveyed area. The term includes plats submitted into one of several of the City’s development review processes, including applications for ‘*minor plat*’, ‘*preliminary plat*’ or ‘*final plat*’.

Plat, Final A complete and exact subdivision plat prepared for official recording, defining property boundaries, proposed streets, and other improvements—and as required by the

municipal code.

Plat, Preliminary A formal plan, drawn to scale, indicating prominent existing features of a tract and its surroundings and the general layout of the proposed subdivision and meeting the requirements of the municipal code.

Public Open Space Land areas that are commonly opened to the public often for passive or active recreation reasons--including but not limited to, any park, lake, stream, playground, or natural area commonly open to the public.

Right-of-Way (ROW) The land opened, reserved or dedicated for streets, sidewalks, drainage or other public purposes.

Screen A method of reducing the impact of noise or visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shrub A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches , usually not more than fifteen (15) feet in height at its maturity.

Street Classification Referring to the organization of streets and their related improvements, as identified on the Master Street Plan and the Comprehensive Plan.

Street A public or private right-of-way serving as a means of vehicular and pedestrian travel, typically furnishing the primary access to abutting property.

Street, Private A travel-way installed, owned, and maintained by others and not otherwise part of the City public street system.

Structure Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, and sheds.

Subdivider Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein.

Subdivision The dividing of land into lots and blocks, the parceling of land resulting in the need for access or utilities, or the dividing of an existing lot, tract, or parcel into two (2) or more lots, tracts, or parcels.

Tract Split see '*Lot Split*'.

Trails A pathway typically designed for pedestrian, bike, and other active transportation users.

Tree Any self-supporting woody perennial plant which has a diameter breast height (DBH)

of two inches (2") or more at maturity and normally attains an overall height of at least fifteen (15) feet, usually with one main stem or trunk and many branches.

Vacation The termination of, or termination of interest in, an easement, right-of-way, or publicly dedicated area of land.

Variance An exception to *Chapter 14: Zoning* of the City of Centerton municipal code, authorized by the Board of Zoning Adjustment.

Waiver An exception to a requirement of Title 15, as otherwise described herein.

Wall A solid barrier that typically has a foundation and is constructed of masonry, concrete, metal, wood, or other similar materials. On side and rear lot lines, walls are limited to a maximum height of five (5) feet, and in front yards to a height of three (3) feet.

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