



**CITY OF**  
**Siloam Springs**  
*It's a natural.*

# DEVELOPMENT PROCEDURES MANUAL

City of Siloam Springs  
Community Development Department –  
Planning Division  
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## Table of Contents

<b>1.0</b>	<b>General Information</b>	
1.1	Applicability of this Manual.....	4
1.2	Legal Notification Requirements.....	4
1.3	General Development Process.....	10
<b>2.0</b>	<b>Land Subdivision Procedures</b>	
2.1	Subdivision Review	
2.1.1	Preliminary Plat.....	11
2.1.2	Final Plat.....	14
2.1.3	Revised Final Plat.....	16
2.1.4	Plat Checklist Chart.....	17
2.2	Minor Subdivisions / Re-subdivision	
2.2.1	Lot Split.....	19
2.2.2	Lot Consolidations.....	22
2.2.3	Lot Line Adjustments.....	23
2.2.4	Right-of-Way and Easement Closure.....	25
2.2.5	Minor Subdivision / Re-subdivision Checklist Chart.....	28
<b>3.0</b>	<b>Commercial and Industrial Development Procedures</b>	
3.1	Large Scale Review.....	31
3.1.1	Significant Development.....	31
3.2	Small Scale Review.....	33
3.2.1	Small Scale Commercial Review.....	33
3.3	Commercial/ Industrial Development Checklist Chart.....	34
<b>4.0</b>	<b>Land Use Change and Annexation Procedures</b>	
4.1	Variance.....	36
4.1.1	Standard Variance.....	36
4.1.2	Sign Variance.....	38
4.2	Rezoning .....	40
4.3	Special Use.....	42
4.4	Annexation.....	43
4.4.1	County Petition Process.....	43
4.4.2	City Annexation and Zoning Permit.....	44
4.5	Land Use Change Checklist Chart .....	47
<b>5.0</b>	<b>Licenses and Minor Permits</b>	
5.1	Business Licenses.....	48
5.2	Home Occupation Licenses.....	48

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5.3	Sign Permit.....	50
5.4	Fence and Paving Permits.....	51
5.5	Appeals Process.....	52
5.5.1	Appeal from the City Administrator.....	52
5.5.2	Appeal from the Planning Commission or the Board of Adjustment.....	52
5.5.3	Other Appeals.....	53
6.0	<b>Appendix</b>	
6.1	Contact List .....	54
6.2	Technical Review Membership.....	56
6.3	Resources.....	57
6.4	Schedule of Fees.....	58

## 1.0 GENERAL INFORMATION

### 1.1 Applicability of this Manual

Unless specifically instructed otherwise by the City of Siloam Springs no owner, or other person, shall cause land development within the corporate city limits or planning area except pursuant to a valid developer as provided in this manual and the Siloam Springs Municipal Code.

Land development shall mean: (1) Any significant project construction upon land; (2) Any subdivision, (re)platting, (re)zoning, or annexation of land; or (3) any variation from the regulations governing the use of, or siting of improvements upon, land, or any variation from the regulations governing constructing of a significant project.

### 1.2 Legal Notification Requirements

#### ***Forms of Legal Notice***

Prior to a public hearing for a development permit before the City of Siloam Springs Planning Commission, Board of Adjustment, or the Board of Directors. The Municipal Code requires adherence to three (3) forms of legal notification. Failure to adhere to these forms will result in postponing your application. The Municipal Code legal notice forms are listed below along with examples of the correct legal notification text.

- 1. Posting of the property.** Applicants are required to post the subject property with a public notice sign no later than thirty (30) days prior to Planning Commission review for either a significant development or preliminary plat permit. The specifications for these notices will be supplied by the Planning Division in the permit application packet. The legal notice sign shall be removed within thirty (30) days following project approval or denial. For all other permit applications, the Planning Division will post the property.
- 2. Publication in a newspaper of general circulation.** Public notice of the development permit application is required to be published in a newspaper of general circulation within the Siloam Springs area no less than fifteen (15) nor more than thirty (30) days prior to the public hearing. The notification shall include the subject of the application, property location, and date and time of the review by the Planning Commission, Board of Adjustment, or the Board of Directors. An example of proper legal notification is included on page 6 of this manual.
- 3. Notification of surrounding property owners.** Public notice of the development permit application is required to be mailed with proof of mailing to all property owners within three-hundred (300) feet of the property lines of the subject property no less than fifteen (15) nor more than thirty (30) days prior to the public hearing, or within 10 days of filing a lot split application. The mailing of public notice shall be by U.S. Post-Office First-Class mailing. Notifications shall include the subject of the application, property location, and the date and time of the review by the Planning Commission, Board of Adjustment, or Board of Directors. If the

proposal includes a site plan, staff requests that it be shown on the letter's back (or on a separate page) to inform all letter recipients of the general nature and location of the proposal. Examples of proper legal notification are included on pages 7-8.

### ***Public Hearing Information***

The Planning Commission public hearing begins with the announcement of the application. The applicant or his or her agent, or their designee, must be present at the hearing to present any requested information to the Planning Commission. Any interested party will be given equal time to protest or support the application. Upon hearing all testimony relative to the request, the Planning Commission will vote to approve, approve conditionally, table, or deny the request.

### ***Legal Notice Documentation***

Documentation is due to the Planning Division no later than fourteen (14) days prior to the public hearing, if applicable, or as specified on the development calendar. For lot splits, documentation is required prior to staff approval. For all applications requiring legal notice, documentation shall include a signed copy of the letter mailed to the property owners, a list of all property owners and addresses within three hundred (300) feet, and proof of mailing by first class (this proof is provided by the Post Office Proof of Mailing Form, PS Form 3665). For all applications scheduled for review before the Planning Commission, and/or Board of Directors, a certificate of publication from the newspaper after the publishing is required. Failure to submit the required and correct documentation will result in the application's removal from the Planning Commission, Board of Adjustment or Board of Director's agenda, or will delay approval of a lot split request.

### ***Staff Legal Notice Review***

If the applicant is submitting to the City of Siloam Springs for the first time, the applicant or agent is required to submit the following to City planning staff prior to mailing and submission to the newspaper:

- A.) a copy of the letter;
- B.) a copy of the newspaper ad (if needed);
- C.) the list of addressees.

All three of these items will be checked by City staff to ensure they are correct. You may begin executing legal notice when notice to proceed is given by City staff. Should an error persist in the legal notice materials, the delayed review resulting in such an error shall rest *completely* upon the applicant. Legal notice proof is still required after staff review.

## **Legal Notification Examples**

**INSTRUCTIONS:** Tailor the publication to your proposal type by selecting the appropriate section, (1A, 1B, 1C, or 1D). Keep the words that apply and delete words that do not apply to your application **only** within all underlined sections.

### **1A. Newspaper (For **Planning Commission** Applications). Any permit **NOT** A PLAT.**

#### **NOTICE OF PUBLIC HEARING**

A public hearing will be held before the City of Siloam Springs Planning Commission for a (rezone, special use, significant development) development permit on property described as or located at (address, location, or legal description). The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at 5:30 p.m. on the (date) day of (month), 202\_\_, \*immediately following the Board of Adjustment meeting\*. If you have any questions or comments concerning this application, please forward your comments in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761 or call (479) 373-6466.

### **1B Newspaper (For **Planning Commission** Applications). ONLY for **PRELIMINARY** or altered **FINAL PLAT** permits. This form is for final plats altered in layout from its corresponding preliminary plat.**

#### **NOTICE OF PUBLIC HEARING**

A public hearing will be held before the City of Siloam Springs Planning Commission for a (preliminary plat, final plat) development permit on property described as or located at (address, location, or legal description). The plat will include (number) (land use type, i.e. single-family) lots. This will include (number) of dwelling units at a density of (number) dwellings units per acre. The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at 5:30 p.m. on the (date) day of (month), 202\_\_, \*immediately following the Board of Adjustment meeting\*. If you have any questions or comments concerning this application, please forward your comments in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761 or call (479) 373-6466. (Note: you can omit density and dwellings if for non-residential plat)

### **1C Newspaper (For **Board of Directors** Applications). For ONLY **FINAL PLAT** permits identical to its corresponding preliminary plat layout.**

#### **NOTICE OF PUBLIC HEARING**

A public hearing will be held before the City of Siloam Springs Board of Directors for a final plat development permit on property described as or located at (address, location, or legal description). The plat will include (number) (land use type, i.e. single-family) lots. This will include (number) of dwelling units at a density of (number) dwellings units per acre. The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at 6:30 p.m. on the (date) day of (month), 202\_\_. If you have any questions or comments concerning this application, please forward your comments in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761 or call (479) 373-6466. (Note: you can omit density and dwellings if for a non-residential plat).

**1D Newspaper (For Board of Directors) for all other permits.**

**NOTICE OF PUBLIC HEARING**

A public hearing will be held before the City of Siloam Springs Board of Directors for a (annexation)(appeal)(other) development permit on property described as or located at (address, location, or legal description). The request is to zone the property as (insert requested zone). The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at 6:30 p.m. on the (date) day of (month), 202\_\_. If you have any questions or comments concerning this application, please forward your comments in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761 or call (479) 373-6466.

**1E. Newspaper (For Board of Adjustment Applications).**

**NOTICE OF PUBLIC HEARING**

A public hearing will be held before the City of Siloam Springs Board of Adjustment for a variance development permit. The applicant, (applicant's name) has requested a variance from the Siloam Springs Municipal Code to allow for (type of variance) on property described as or located at (address, location, or legal description). The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at 5:30 p.m. on the (date) day of (month), 202\_\_, \*immediately following the Planning Commission meeting\*. If you have any questions or comments concerning this application, please forward your comments in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761 or call (479) 373-6466.

(\*include this phrase when instructed so by City staff, otherwise please omit it.)

**Deadlines for Publication of Notification.**

Legal notices can be submitted to the Arkansas Democrat Gazette's office in person at 151 Hwy. 412 East, Suite B, Siloam Springs, AR, 72761 or by e-mail to [legalads@nwaonline.com](mailto:legalads@nwaonline.com). You must ask for confirmation that the email was received. The Arkansas Democrat Gazette (or Siloam Springs Herald-Leader if the publication is on a Wednesday) may also be contacted by calling (479) 202-9255. The applicant may **not** publish in another newspaper. It will be necessary for the applicant or his/her agent to contact the newspaper for all publication deadlines. Notices that fail to be published, for any cause whatsoever, no less than 15 days and no more than 30 days prior to the meeting day will be postponed.

**2A. Surrounding Property Owner Notification (Planning Commission/Board of Adjustment/Board of Directors).**

**INSTRUCTIONS:** Tailor the letter for your proposal type **by selecting the appropriate and deleting the inappropriate words** within all the underlined sections. [For example, a rezoning application going to the Planning Commission would show as City of Siloam Springs "Planning Commission" (deleting "or Board of Adjustment"). In a similar fashion, "rezoning" would remain, and the other applications listed would be deleted.] Do not use this letter format for lot splits, final plats, or preliminary plats. See form letters 2B through 2C on pages 8-9.



writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761, or by visiting the Community Development Dept. office any time Monday through Friday from 8:00 AM – 5:00 PM, located at 410 N. Broadway St., Siloam Springs, AR, or by calling (479) 373-6466.

Signed:

Applicant's:

Name:

Address:

[Redacted Name and Address]

### 2C. Surrounding Property Owner Notification (Preliminary and Final Plats)

**INSTRUCTIONS:** Tailor the letter for your proposal type by selecting the appropriate and deleting the inappropriate words within all the underlined sections. Letters must be mailed to their recipients within 300 feet of the property lines of the subject property no less than 15 days and no more than 30 days prior to the Planning Commission's scheduled meeting day. **For final plat permits, the review date in the 6<sup>th</sup> line of the letter will be provided by City staff upon evidence that the addition is substantially completed.**

Dear Property Owner:

A public hearing will be held before the City of Siloam Springs for (preliminary plat, final plat) a development permit on property described as or located at (address, location, or legal description). The request is an effort to (summary description of the preliminary or final plat). The plat will include (number) (land use type, i.e. single-family) lots. This will include (number) of dwelling units at a density of (number) dwellings units per acre. The public hearing will be held at the City of Siloam Springs Administration Building, 400 N. Broadway St., at (5:30 p.m.) [or] (6:30 p.m.) on the (date) day of (month), 202 , \*immediately following the Board of Adjustment meeting\*.

This notification will allow you an opportunity to express your views or concerns regarding the above-described petition. If you have any questions or comments concerning this application, please forward your questions or comments prior to the review completion date, as noted above, in writing to City of Siloam Springs Planning Division, P.O. Box 80, Siloam Springs, AR, 72761, or by visiting the Community Development Dept. office any time Monday through Friday from 8:00 AM – 5:00 PM, located at 410 N. Broadway St., Siloam Springs, AR, or by calling (479) 373-6466.

Signed:

Applicant's:

Name:

Address:

[Redacted Name and Address]

(\*include this phrase when instructed so by City staff, otherwise please omit it.)

1.3 General Development Process

**Significant Developments and Preliminary Plats**

Day <sup>3</sup>	Submittal	Size	Number	Process Action
1 <sup>st</sup> business day of the month	1 <sup>st</sup>	Full	PDF	E-mailed to: <a href="mailto:bphillips@siloamsprings.com">bphillips@siloamsprings.com</a> . <sup>2</sup> (Use this email for all submittals)
See Dev. Calendar Appointment Only	none	none	none	Staff comments submitted to applicant. Staff Technical Review Committee. <sup>1</sup>
One Week After TRC	2 <sup>nd</sup>	Full	PDF	Comments close the following Friday at 12 pm.
Following Monday	3 <sup>rd</sup> & Final	Full <sup>2</sup>	ONE (1)	Final comments addressed.
Following Monday	3 <sup>rd</sup> & Final	8.5 x 11 in.	PDF	
Planning Comm. See Dev. Calendar	none	none	none	Planning Commission recommends approving or denial of the request.
See Dev. Calendar	none	none	none	Board of Directors approves or denies the request.

**Minor Subdivisions / Re-subdivisions and Final Plats**

Day <sup>3</sup>	Submittal	Size	Number	Process Action
1 <sup>st</sup> business day of the month	1 <sup>st</sup>	Full	PDF	E-mailed to: <a href="mailto:bphillips@siloamsprings.com">bphillips@siloamsprings.com</a> . <sup>2</sup> (Use this email for all submittals)
See Dev. Calendar Appointment Only	none	none	none	Staff comments submitted to applicant. Staff Technical Review Committee. <sup>1</sup>
One Week After TRC	2 <sup>nd</sup>	Full	PDF	Comments close <sup>4</sup> the following Friday at 12 pm.
Eight calendar days prior to approval	3 <sup>rd</sup> & Final	18 x 24 in.	FOUR (4)	Final survey, addressing all previous comments, delivered, signed and sealed by all parties. See Dev. Calendar for date.
Same as above	3 <sup>rd</sup> & Final	Full	PDF	Final exhibit sent as a PDF.
Planning Comm. Recommendation See Dev. Calendar	none	none	none	This step is ONLY for final plats not following a corresponding preliminary plat or altered from its prelim. plat.
City Board See Dev. Calendar	None	None	None	Board of Directors approves or denies the request and/ or accepts easements.

**(Re)zonings or Special Use Permits**

Day <sup>3</sup>	Submittal	Number	Process Action
1 <sup>st</sup> business day of the month	1 <sup>st</sup>	PDF	E-mailed to: <a href="mailto:bphillips@siloamsprings.com">bphillips@siloamsprings.com</a> . <sup>2</sup> (Use this email for all submittals)
See Dev. Calendar Appointment Only	none	None	Staff comments submitted to applicant. Staff Technical Review Committee. <sup>1</sup>
One Week After TRC	2 <sup>nd</sup>	PDF	Comments close the following Friday at 12 pm.
Following Monday	3 <sup>rd</sup> & Final	PDF	Final exhibit is reduced to letter size.
See Dev. Calendar	none	none	Planning Commission recommendation.
City Board See Dev. Calendar	none	none	Board of Directors Review. 3 readings for Zonings or Rezonings and 1 reading for Special Uses.

<sup>1</sup> The Technical Review Committee is either held on the 2<sup>nd</sup> or 3<sup>rd</sup> Wednesday of the month, consult the development calendar for your appointment meeting day.

<sup>2</sup> Site, grading, drainage, utility, and erosion control plans are due, unless arrangements are made with the City Engineer.

<sup>3</sup> All deadlines are at 5:00 p.m. unless noted otherwise. Pre-submittal review meeting is recommended 72 hours prior to 1<sup>st</sup> submittal.

<sup>4</sup> Comment closure means the date which no new City comments can be issued, exceptions may be made if a design change or public comment necessitates additional review.

## 2.0 SUBDIVISION PROCEDURES

### Contact Information

(See Manual Sec. 6.1)

Ben Rhoads, AICP – Senior Planner

Brian Phillips – Permit Technician

Justin Bland, PE – City Engineer

### Reference Documentation:

- Preliminary Plat Application
- Development Permit Checklist Chart (Sec. 2.1.4)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 102 (Zoning Code)
- Municipal Code Ch. 87 (Subdivision Code)
- Siloam Springs Storm Water Drainage Manual
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

## 2.1 Subdivision Review

### 2.1 Preliminary Plat:

- a. **Definition.** The Preliminary Plat of a subdivision of land is a drawing of the preliminary site layout for a development, including a legal description of the property, dimensions of the lots, easements, public rights-of-way, and improvements. Preliminary plats are reviewed within the City and the City's Planning area, they are required to be annexed into the City if abutting to the City.

- b. **STEP 1** *Pre-Application Meeting*  
The sub-divider of land, the applicant, or his/her agent shall be responsible for scheduling this meeting. This is strongly recommended prior to the formal submittal to the City at the initial concept stage. The intent of this meeting is to informally discuss the sub-divider's intent, which includes the following areas: the general character, zoning, emergency access, utilities, street configurations, flooding, drainage, and any other relevant issues associated with the development of the subject property. **Failure to schedule this meeting may result in review delays of the application.**

- c. **STEP 2** *Pre-Submittal Meeting*

The meeting is optional, but highly recommended, to ensure your project meets the City requirements for submittal. The agent shall schedule this meeting no less than three (3) business days prior to formal submittal to the City. The meeting is held with the Senior Planner, Permit Technician, City Engineer, and Community Development Director. The purpose of this meeting is to make a final review of the formal submittal for a quality check and to review the approval process with the applicant.

- d. **STEP 3** *Formal Application Submittal*

**When?** Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

- e. **Where?** All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

- f. **Submission Requirements**

*What is needed?*

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Grading Permit Application.
- iii. Drainage Study.

- iv. Application Fee. \$350.
- v. First Draft Plat Exhibit.  
Applicant must submit a PDF file of the proposed subdivision plat per Checklist requirements (See Manual Sec. 2.1.4 for Preliminary Plat Checklist items on pg. 17). All PDFs shall be e-mailed to [bphillips@siloamsprings.com](mailto:bphillips@siloamsprings.com)  
  
Note: Incomplete applications will be returned to the applicant and may be delayed to the following month's review cycle. Refer to the Preliminary Plat Checklist (See Manual Sec. 2.1.4 on page 17) for specific submittal requirements.
- g. **STEP 4** *Legal Notification*  
This is the responsibility of the applicant or his/her agent. Refer to the Legal Notice Requirements (See Manual Sec. 1.1 on page 5) for details and procedures.
- h. **Staff Comments.** On the Friday preceding Technical Review (see "i" below), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee.
- i. **STEP 5** *Staff Technical Review*  
The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on pg. 54) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee. The Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.
- j. **STEP 6** *Second Submittal Exhibits*  
Once the technical review comments are addressed, it is necessary to resubmit to the City one (1) revised PDF copy of the plat no more than five (5) business days after Technical Review. This submittal is checked to ensure all comments are addressed. The revisions may only include the site, grading/erosion control and utility plans.
- k. **STEP 7** *Legal Notice Documentation*  
In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant, or his/her agent, is responsible to provide staff proof that legal notice occurred. Please see page 4 of this manual for details. **Failure to complete this step will result in delay of your application's review.**
- l. **STEP 8** *FINAL Submittal Exhibits*  
Upon addressing all remaining comments from City staff, the applicant shall provide (1) one PDF copy of the preliminary plat proposal and one (1) full sized original signed and sealed by the engineer of record. Consult the Development Calendar for the submittal deadline. **Failure to submit signed copies by the final deadline will result in the removal or tabling of your application at the Planning Commission.**
- m. **Planning Division Action.** During the submittal process, all relevant City staff members shall review the proposal for adherence to all City Codes. All commentary received by staff, from other reviewers, and from the public shall be furnished in a staff report memorandum. The staff report is submitted to the Planning Commission and ultimately to the Board of Directors for review and consideration.

n. **STEP 9** *Planning Commission*

Commissioners will receive a copy of the plan to review and a staff recommendation. Taking into consideration the staff report, the information from the applicant, and any other interested parties, the Planning Commission will vote to either approve, approve conditionally, deny, or table the request. The public hearing begins with the announcement of the application. The applicant or his or her agent must be present at the hearing to present information if called upon by the Commission. Consult the Development Calendar for meeting times and location.

o. **STEP 10** *Pre-Construction Meeting*

The applicant submits a PDF of the construction plans to the Engineering Division, additional copies may be requested by City staff. Construction plans are typically reviewed by staff prior to Board of Directors approval; however, these may be submitted after Board review if desired by the applicant. The construction plan must include detail sheets and additional information beyond the exhibit used for approval, commonly referred to as the civil plan set. City staff requires two weeks for construction plan review. Upon completion of staff's review, the City Engineer, or staff member, will contact the applicant to schedule a pre-construction meeting for the item after Board of Directors approval.

p. **Board of Directors.** The Board of Directors will be provided with a copy of the plat for review, along with a staff memorandum. The item will be considered as a resolution, which requires one (1) reading at the Board.

q. **STEP 11**

*Authorization to Proceed with Construction*

After the pre-construction meeting and the approval or conditional approval of the construction plans, the sub-divider is officially authorized to proceed with the installation of improvements and the staking out of the lots and blocks. The sub-divider must complete all improvements as specified on the approved plat prior to filing a final plat application, unless arrangements have been made for a performance bond, cashier's check, or letter of credit covering the cost of outstanding work. Bonding a project is subject to City staff approval. Work must begin on the preliminary plat no later than one year, 365 days, after the Board of Directors approval. If no work commences, the application will be considered expired and the preliminary subdivision process must be started anew. Staff may issue an extension if a letter from the sub-divider requesting an extension is received no later than thirty (30) days prior to the expiration.

### 2.1.2 Final Plat:

#### Reference Documentation:

- Final Plat Application
- Development Permit Checklist Chart (Sec. 2.1.4)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 102 (Zoning Code)
- Municipal Code Ch. 87 (Subdivision Code)
- Siloam Springs Storm Water Drainage Manual
- Master Street Plan
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

The agent shall schedule the meeting no less than three (3) business days prior to formal submittal to the City. The meeting is held with the Senior Planner, Permit Technician, City Engineer, Community Development Director, and other staff as needed. The purpose of this meeting is to make a final review of the formal submittal for a quality check and to review the approval process with the applicant.

a. **Definition.** A final plat is required after all preliminary plat improvements are completed or substantially completed. The final plat records all new lots allowing them to be sold. Final plats also include minor subdivisions creating more than one new lot, even if no facility improvements are planned. If City utilities are needed and the plat abuts the City Limits, it must be annexed into the City.

b. **STEP 1** *Pre-Application Meeting*  
The sub-divider of land, the applicant, or his/her agent, shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the sub-divider's intent, which includes the following areas: the general character, zoning, emergency access, utilities, street configurations, flooding, drainage and any other relevant issues associated with the development of the subject property. **Failure to schedule this meeting may result in delay of review of the formal application.**

c. **STEP 2** *Pre-Submittal Meeting*  
This meeting is optional, but highly recommended, to ensure your project meets the City requirements for submittal.

d. **STEP 3** *Application Submittal*  
**When?** Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

e. **Where?** All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

f. **Submission Requirements.**  
*What is needed?*  
i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).  
ii. Application Fee. \$350.  
iii. Checklist Chart Submission item (See Manual Sec. 2.1.4).  
iv. First Submittal Exhibits.  
Applicants must submit a PDF file of the proposed final subdivision plat per checklist requirements (See Manual Sec. 2.1.4 on page 17 for Final Plat items). E-mails shall be directed to [bphillips@siloamsprings.com](mailto:bphillips@siloamsprings.com)

Note: Incomplete applications will be returned to the applicant and may be delayed to the next month's deadline. Refer to the Final Plat Checklist (See Manual Sec. 2.1.4 on pg. 17) for specific submittal requirements.

g. **STEP 4** *Legal Notification*

This is the responsibility of the applicant or his/her agent. Refer to the Legal Notice Requirements (See Manual Sec. 1.1) for details and procedures.

h. **Staff Comments.** On the Friday preceding Technical Review (see “i” below), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee.

i. **STEP 5** *Staff Technical Review*

The procedure is the same as in the preliminary plat stage. See Sec. 2.1.1. on page 11.

j. **STEP 6** *Second Submittal Exhibits*

Once the technical review comments are addressed, it is necessary to resubmit to the City one (1) revised PDF copy of the plat no later than five (5) business days after Technical Review. This submittal is checked to ensure all comments are addressed. The revisions may only include the site, grading/erosion control and utility plans.

k. **STEP 7** *Authorization to Start Legal Notice*

Once all site inspections are completed and approved by City Engineering staff, the Permit Technician will provide you the meeting date in which to include in your legal notice newspaper ad and letter, see Section 2C on page 9 for more information.

l. **STEP 8** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant, or his/her agent, is responsible to provide staff proof

that legal notice occurred. Please see page 6 of this manual for details. **Failure to complete this step will result in delay of your application’s review.**

m. **STEP 9** *Ownership verification*

The applicant must seek the verification of clear title of his or her property prior to any dedication to the City. The certificate shall be shown on the plat or be provided in a separate legal document. Certificate of ownership must be verified by either an attorney, title company, or a lender. Use example on pg. 28-29 of this manual. In order to ensure that the final submittal deadline is met, it is highly recommended that the applicant or agent *begins* the certification process *prior* to Step 9 (see “n” below).

n. **STEP 10** *FINAL Submittal Exhibits* Upon addressing all remaining comments from staff, the applicant shall be responsible to provide one (1) PDF copy of the plat proposal and four (4) original 18 x 24 in. sized copies signed, sealed, and dated by all parties involved, including the authenticator (see item “l”). The City will return unsigned copies to the applicant for signature. Note: Four (4) copies will be used for recording at the County offices if the plat is approved. Consult the Development Calendar for the submittal deadline. **Failure to turn in signed copies by the final deadline will result in the removal of your application from the Board of Director’s agenda.**

o. **Planning Division Action.** The procedure is the same as in the preliminary plat stage. (See Manual Sec. 2.1.1. on page 11.)

p. **STEP 11** *Planning Commission*

This step is *only* for final plats that do not follow a preliminary plat permit, or are for final plats that are altered in design from its corresponding preliminary plat. This is the same procedure as in the preliminary plat stage. (See Manual Sec. 2.1.1 on page 12). All other plats skip this step and proceed directly to the Board after Step 10.

q. **Board of Directors.** The procedure is the same as in the preliminary plat stage, with the exception that all public dedications shall be accepted by the Board of Directors. See page 13.

r. **STEP 12** *Recording*

The applicant shall be responsible to obtain the signed and approved four (4) copies of the plat from the Planning office. These plats *must* be in black and white, the Circuit Clerk will *not* record plats in color. The applicant or his or her agent must submit these plats to the Benton County Circuit Clerk's office for recording. After this is done, the applicant *shall* return to the City one (1) filed stamped copy of the plat and the restricted covenants (if applicable) within forty-five (45) days of the approval. **Note: If these items are not returned to the City, no additional permits related to the subdivision will be released by the City.** Subdivision lots are not legal for sale until recordation is completed. If the applicant desires to retain more than one (1) copy after filing with the County and returning a copy to the City, the applicant may submit additional copies (beyond four) for the number desired.

s. **STEP 13** *County Assessor's Form*

The Benton County Assessor requires that the applicant complete a form at their offices in order to authorize the assignment of new tax parcels for all newly created lots (a copy of this form may be obtained at the Planning Div. office for your convenience).

t. **STEP 14** *As-built Drawings*

Provide one (1) hard copy of the as-builts in the following forms; PDF, CAD file, and paper file.

2.1.3 Revised Final Plats (re-plats and informal plats):

**Reference Documentation:**

- Final Plat Application
- Development Permit Checklist Chart (See. Sec. 2.1.4)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 102 (Zoning Code)
- Municipal Code Ch. 87 (Subdivision Code)
- Siloam Springs Storm Water Drainage Manual
- Master Street Plan
- Legal Notification Requirements (See Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Division)

a. **Definition.** The platting of three (3) or more lots as part of the re-platting of existing platted lots.

b. **Process.** The submission, review and approval process for this action occurs in the same manner as a standard final plat and will require recording. These plats are required to go before the Planning Commission (See Manual Sec. 2.1.2. on page 14)

2.1.4 Plat Checklist Chart

KEY: ● = Required

Preliminary Plat	Final Plat	PLAT CHECKLIST CHART
●	●	a. Filing fee (See Schedule of Fees, Manual Sec. 6.4 on page 56).
●	●	b. Legal Notification (See Legal Notification Requirements, Manual Sec. 1.1 on page 4).
●	●	c. Authorization letter from the property owner for an agent to act on their behalf (if applicable).
●	●	d. Completed application form. The City needs signed originals.
●	●	e. Indicate the subdivision name.
●	●	f. Include the boundary of subdivisions with written legal description.
●	●	g. Include the tax parcel ID number and address of the subject property.
●	●	h. Complete legend labeling all symbols and line types used in the drawing.
●	●	i. Provide the names and addresses of owners of record, the applicant and the registered engineer/ surveyor.
●	●	j. Indicate the date of survey, map scale, north arrow, with basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	k. Show the names, location, and width of proposed and existing streets and alleys interconnecting and bordering the subdivision.
●	●	l. Dimension the street rights-of-way, blocks, and lot lines.
●	●	m. Show the location of schools, parks, publicly owned or used property, and any significant topographical features within the subdivision or adjacent thereto.
●	●	n. Include applicable zoning districts and the surrounding zoning.
●	●	o. Location and description of all existing and/ or proposed structures.
●	●	p. Indicate the location of building setback lines and easements (see "s" below)
●	●	q. Indicate the contour lines for drainage.
●	●	r. Show the existing and proposed fire hydrant locations.
●	●	s. Show the location of all existing and proposed features of: utilities (including water and sewer lines), public utility easements (their purpose labeled), and drainage structures within or adjacent to the subject property.
●	●	t. Indicate the bearings of all lines not parallel or perpendicular to lines of known bearing. Interior angles of lots may be shown in lieu of bearings. All bearings shall correspond with the City's control coordinate system.
●	●	u. Provide a location map (within a mile section).
	●	v. Provide the location of monuments.
●	●	w. Show the radius, central deflection angle, degree of curvature, and tangent distances for centerline of curved street/ property lines.
●		x. Show the location and the distances between existing street connections and drive entrances. Show the distances from driveways to all property lines.
●	●	y. Show the location of all ponds, lakes, streams, wetlands, and areas subject to flooding based upon the Flood Insurance Rate Maps.
	●	z. Provide the certificate of licensed surveyor and engineer.
	●	aa. Include a certificate of the dedication of streets and alleys to the City. <b>Must Use language on page 19.</b> (Table continues on page 18)

Preliminary Plat	Final Plat	PLAT CHECKLIST CHART (Cont. from Pg. 17)
	●	bb. Provide a certificate of the owners of record of property. <b>Certificate of ownership must be verified by either an attorney, Title Company, or a lender. Use example on pg. 29-30 of this manual.</b>
●	●	cc. Include a signature block for Planning Commission and Board of Directors approval.
	●	dd. Record protective covenants.
●		ee. Include a drainage, grading, and erosion control plan, including a preliminary topography and storm water runoff study. (See Siloam Springs Drainage Manual.)
●	●	ff. Show the names of adjacent subdivisions, property lines, and owners of adjacent property.
●		gg. Provide a traffic impact study.
	●	hh. One (1) complete paper set, PDF, and CAD file of as-built drawings.
●		ii. Attain a National Pollution Discharge Elimination System Permit.
	●	jj. Provide a benchmark established on a permanent structure (i.e. sanitary sewer manhole rim, chiseled square on headwall, bonnet bolt on fire hydrants.) The elevation on benchmark shall reference the North American Vertical Datum 88 (NAVD-88).
●	●	kk. Basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	ll. Each plat shall provide the coordinate pair; Easting (X) and Northing (Y) of two (2) property corners referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	mm. Label existing easements with the name of the easement holder, purpose of easements, and the instrument number for the easement. If the easement is blanket or indeterminate in nature, a note to this effect shall be indicated on the plat.
	●	nn. Add a note that sidewalk construction shall be the responsibility of the home builder, prior to certificate of occupancy issuance.
●	●	oo. Petition to annex into the City, if abutting to the City Limits and utilizing City utilities. If the property does not abut the City Limits, see item pp. (below). This item may be exempted if a final plat was already approved as a preliminary plat, and the petition was filed.
●	●	pp. Signed and filed pre-annexation agreement, if the project ties into City utilities. The City will supply the agreement. This step does not apply if the property will be annexed, see item oo. (above)
●	●	qq. Indicate the number of proposed dwelling units, if applicable.
	●	rr. Provide a separate grading plan for the development which includes general proposed contours for the site, minimum FFEs for each lot and drainage arrows along all lot lines or areas where drainage would change direction. FFEs shall be based upon: <ul style="list-style-type: none"> <li>● AFPC Vol. III Section R403.1.7.3: Foundation elevation. On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches plus 2 percent. Alternate elevations are permitted subject to the approval of the building official, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site.</li> <li>● FFE must be 2 foot above 100-year water surface if lot is adjacent to a drainage basin, ditch, etc.</li> </ul>
●	●	ss. All technical review comments are required to be addressed in a letter, addressed to the City Planner or City Engineer upon the second submittal.
	●	tt. The following plat note must be included if the project is occurring in the H-1 district. "All structures subject to front yard setbacks must be within 10 feet of adjacent structures, as determined by the city administrator."

Owner's Certification Language:

WE THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE SOLE OWNERS OF THE HEREON PLATTED PROPERTY AND DO HEREBY DEDICATE ALL STREETS AND EASEMENTS IF ANY, FOR THE USE OF THE GENERAL PUBLIC AND FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES. "STREETS" SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL ROADWAYS, ALLEYS, CUL-DE-SACS, SIDEWALKS, TRAILS, SIDEPATHS AND SUCH APPURTENANCES THERETO AS MAY BE REASONABLY NECESSARY FOR SAFE AND CONVENIENT VEHICULAR AND PEDESTRIAN TRAVEL. "UTILITIES" SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL PUBLIC AND PRIVATE INFRASTRUCTURE REQUIRED TO PROVIDE SERVICES AND AMENITIES SUCH AS ELECTRICITY, WATER, WASTEWATER, GAS, TELEVISION, BROADBAND, TELEPHONE AND DRAINAGE TO THE DEVELOPMENT AND/OR SURROUNDING AREAS. SAID DEDICATIONS INCLUDE THE RIGHTS OF MAINTENANCE, REPLACEMENT, REMOVAL AND REPAIR, AND TO DO SUCH THINGS AS MAY BE REASONABLY NECESSARY TO EXERCISE SAID RIGHTS, INCLUDING TRIMMING OF GRASS, LIMBS AND FOLIAGE, AND REMOVAL OF OBSTRUCTIONS WITHOUT ADDITIONAL COMPENSATION.

\_\_\_\_\_  
OWNER

## 2.2 Minor Subdivisions / Re-subdivision

### Reference Documentation:

- Lot Split Application
- Lot Consolidation Application
- Lot Line Adjustment Application
- Right-of-Way/Easement Closer Application
- Minor Subdivision Checklist Chart (Sec. 2.2.5)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 102 (Zoning Code)
- Municipal Code Ch. 87 (Subdivision Code)
- Master Street Plan
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

### 2.2.1 Lot Splits

- a. **Definition.** A lot split occurs when there are one (1) or more platted lots (or on property not platted called "metes and bounds") split into two (2) lots. One residential lot cannot be split more than once per year, unless it's in a commercial zone district. A lot split is considered a minor subdivision or re-subdivision. Tax parcel lines, when not coinciding with a platted lot line, are not considered bonafide lot lines unless approved by the City.
- b. **STEP 1** *Pre-Application Meeting*  
The sub-divider of land, the applicant, or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City.

The intent of this meeting is to informally discuss the sub-divider's intent, which includes the following areas: the general character, zoning, emergency access, utilities, street configurations, flooding, drainage and any other relevant issues associated with the development of the subject property. **Failure to schedule this meeting will result in delay of review of the formal application.**

- c. **STEP 2** *Pre-Submittal Meeting*  
This meeting is optional, but highly recommended, to ensure your project meets the City requirements for submittal. The agent shall schedule the meeting no less than three (3) business days prior to formal submittal to the City. The meeting is held with the Senior Planner, the Permit Technician, and City Engineer. The purpose of this meeting is to make a final review of the formal submittal for a quality check and to review the approval process with the applicant.
- d. **STEP 3** *Application Submittal*  
*When?* Applications may be submitted at any time for immediate review. Reviews typically take 5 to 6 weeks.

e. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

f. **Submission Requirements**

*What is needed?*

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Application Fee. \$100.
- iii. Checklist Chart Submission Item (See Manual Sec. 2.2.5 on pg. 28).
- iv. **First Submittal Exhibits.**  
Applicants must submit a PDF file per Minor Subdivision / Re-subdivision Checklist Chart requirements (See Manual Sec. 2.2.5 on page 28 for Lot Split checklist items)

Note: Incomplete applications will be returned to the applicant and may result in a delayed review. Refer to the Lot Split Checklist, Manual Sec. 2.2.5 on page 28, for specific submittal requirements.

g. **STEP 4** *Legal Notification*

This is the responsibility of the applicant or his/her agent. Legal notice must be submitted within 10 calendar days of filing the application. Refer to the Legal Notice Requirements (See Manual Sec. 1.1 on pg. 4) for details and procedures.

h. **Staff Comments.** Upon completion of staff's initial review, usually within 5 to 10 days, staff will transmit via e-mail all comments on the project to the agent. If deemed necessary, a review appointment will be scheduled with the Technical Review Committee.

i. **STEP 5** *Staff Technical Review*

The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on page 55) provides an opportunity for various City departments to review development

proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee. The Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.

j. **STEP 6** *Second Submittal Exhibits.*

Once the technical review comments are addressed, it is necessary to resubmit to the City one (1) revised PDF copy of the plat. This submittal is checked to ensure all technical comments are addressed.

k. **STEP 7** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his or her agent is responsible to provide staff proof that legal notice occurred. Please see page 8 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

l. **STEP 8** *Ownership verification*

The applicant must seek the verification of clear title of his or her property prior to any dedication to the City. The certificate shall be shown on the plat or provided in a separate legal document. Certificate of ownership must be verified by either an attorney, title company, or a lender. Use example on pg. 29-30 of this manual. In order to ensure that the final submittal deadline is met, it is highly recommended that the applicant inform one of the above stated agents shown above to *begin* the certification process *prior* to Step 9 (see "m" below).

m. **STEP 9** *FINAL Submittal Exhibits*

Upon addressing all remaining comments from staff, the applicant shall provide one

PDF copy of the plat and four (4) originals 18 x 24 in. at full size. The full-sized originals must be signed, sealed, and dated by all parties involved, including the authenticator (see item “l”). The City will return unsigned originals for signature. If nothing is re-submitted within ninety (90) days and no updates are received from the applicant, the application will be terminated. Note: Four (4) originals will be used for recording at the County offices if the lot split is approved. See step n below.

restricted covenants (if applicable) within forty-five (45) days of the approval. **Note: If these items are not returned to the City, no additional permits related to the lot split will be released by the City.** Subdivision lots are not legal for sale until recordation is completed. If the applicant desires to retain more than one (1) copy after filing with the County and returning a copy to the City, the applicant may submit additional copies (beyond four) for the number desired.

n. **Board Acceptance of Easements.** The City Board of Directors will formally accept any required easements to be dedicated for public use. This process will occur once the final layout is known for the easements. Approvals typically occur on the first Tuesday of the month that follows *after* the month the application was filed, if the application was filed prior to the 20<sup>th</sup> day of the month. For applications coming in after the 20<sup>th</sup> day of the month, the Board will review the application the third Tuesday of the following month.

q. **STEP 11** *County Assessor’s Form*

The Benton County Assessor requires that the applicant complete a form at their offices in order to authorize the assignment of new tax parcels for all newly created lots (a copy of this form may be obtained at the Planning office for your convenience).

o. **Administrative Approval.** Upon review by City staff of the second submittal, staff will either approve, disapprove, or conditionally approve the request. Conditional approvals, with outstanding comments, must be addressed prior to final approval.

p. **STEP 10** *Recording*

The applicant shall be responsible to obtain the signed and approved four (4) copies of the plat from the Planning office. These plats *must* be in black and white, the Circuit Clerk will *not* record plats in color. The applicant or his or her agent must submit these plats to the Benton County Circuit Clerk’s office for recording. After this is done, the applicant *must* return to the City one (1) file stamped copy of the plat and the

2.2.2 Lot Consolidation:

a. **Definition.** A re-platting of multiple contiguously platted lots in common ownership into one (1) lot, effectively dissolving all interior lot lines. (See Sec. 102-83 of the Siloam Springs Municipal Code.). Legal notice is not required for this application.

b. **STEP 1** *Pre-Application/  
Pre-Submittal Meeting*

The sub-divider of land, the applicant, or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the sub-divider's intent, which includes the following areas: the general character, zoning, emergency access, utilities, street configurations, flooding, drainage and any other relevant issues associated with the development of the subject property. In addition, the meeting will cover the general submittal requirements. This meeting must be scheduled no later than three (3) business days prior to formal submittal to the City. **Failure to schedule this meeting may result in delay of review of the formal application.**

c. **STEP 2** *Application Submittal*

*When?* Applications may be submitted at any time for immediate review. Reviews typically take 5 to 6 weeks.

d. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

e. **Submission Requirements.**

*What is needed?*

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Application Fee. \$100.

- iii. Checklist Chart Submission items (See Manual Sec. 2.2.5 on page 28).
- iv. First Draft Plat Exhibit. The applicant shall provide a PDF file of the proposed re-plat for staff review per Minor Subdivision / Re-subdivision Checklist Chart requirements (See Manual Sec. 2.2.5 on page 28)

Note: Incomplete applications will be returned to the applicant and may be delayed for review. Refer to Checklist, Manual Sec. 2.2.5 on page 28, for specific submittal requirements.

f. **Staff Comments.** Upon completion of staff's initial review, usually within 5 to 10 days, staff will transmit via e-mail all comments on the project to the agent. If deemed necessary, a review appointment will be scheduled with the Technical Review Committee.

g. **STEP 3** *Staff Technical Review*

The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on page 55) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee Meeting held in the conference room at Community Development, 410 N. Broadway, unless noted otherwise.

h. **STEP 4** *Second Submittal Exhibit*

After comments are released, the applicant must re-submit one (1) revised PDF copy of the plat addressing all staff comments. If nothing is re-submitted within ninety (90) days and no updates are received from the applicant, the application will be terminated.

i. **STEP 5** *Ownership verification*

The applicant must seek the verification of clear title of his or her property prior to any dedication to the City. The certificate shall be shown on the plat or provided in a separate legal document. Certificate of ownership must be verified by either an attorney, title company, or a lender. Use example on pg. 29-30 of this manual.

j. **STEP 6** *Final Submittal Exhibits*

The applicant must provide five (5) original 18 x 24 in. signed and stamped copies of the final approved plat survey. Unsigned or copied originals will be returned to the applicant for signature. Authorized staff will sign these copies (see "k" below) and return them to the applicant for recording.

k. **Board Acceptance of Easements.** The City Board of Directors will formally accept any required easements to be dedicated for public use. This process will occur once the final layout is known for the easements. Approvals typically occur on the first Tuesday of the month that follows *after* the month the application was filed, if the application was filed prior to the 20<sup>th</sup> day of the month. For applications coming in after the 20<sup>th</sup> day of the month, the Board will review the application the third Tuesday of the following month.

l. **Administrative Approval.** Upon review by City staff of the second submittal, staff will either approve, disapprove, or conditionally approve the request. Conditional approvals, with outstanding comments, must be addressed prior to final approval.

m. **STEP 7** *Recording*

The applicant shall be responsible to obtain the signed and approved four (4) copies of the plat from the Planning office. These plats *must* be in black and white, the Circuit

Clerk will *not* record plats in color. The applicant or his or her agent must submit these plats to the Benton County Circuit Clerk's office for recording. After this is done, the applicant *must* return to the City one (1) file stamped copy of the plat and restricted covenants (if applicable) within forty-five (45) days of the approval. **Note: If these items are not returned to the City, no additional permits related to the lot consolidation will be released by the City.** If the applicant desires to retain more than one (1) copy after filing with the County and returning a copy to the City, the applicant may submit additional copies (beyond four) for the number desired.

n. **STEP 8** *County Assessor's Form*

The Benton County Assessor requires that the applicant complete a form at their offices in order to authorize the assignment of new tax parcels for all newly created lots (a copy of this form may be obtained at the Planning Div. office for your convenience).

2.2.3 Lot Line Adjustment:

c. **Definition.** Lot line adjustments (also known as a plat correction) occur when a lot line needs to be adjusted between two lots, without changing the total number of existing lots. This process is also used in cases when a plat correction is needed. A correction is necessary when there is an incorrect legal description, graphical error, or any other errant textual feature which requires a correction. Changes to the subdivision name or any other physical changes to lot configuration would fall under a revised final plat process. (See Manual Sec. 2.1.3 on page 16). Legal notice is not required for this application. Tax parcel lines, when not coinciding with a platted lot line, are not considered bonafide lot lines unless approved by the City.

- a. **Process.** The submission, review, and approval process for this action occurs in the same manner as a lot consolidation permit and will require recording. Review times may vary depending on the nature of the correction or lot line alteration. (Plat corrections are exempt from formal application and fees. See Manual Sec. 2.2.2 on pg. 22).

### 2.2.4 Right-of-Way and Easement Closures (Vacations):

a. **Definition.** Right-of-way (R-O-W) and easement closures, also referred to as a ROW vacation, occur when the applicant desires to permanently close and abandon a public R-O-W, access easement, or any other kind of easement for public or governmental use or access. This process shall not be used in cases where an easement will be relocated on a survey plat following a minor subdivision procedure.

#### b. **STEP 1**

##### *Pre-Application and Pre-Submittal Meeting and Acceptance Criteria*

The applicant, or his/her agent, shall be responsible for scheduling this mandatory meeting no later than three (3) business days prior to formal submittal to the City. The intent of this meeting is to informally discuss the applicant's intent and to uncover any other relevant issues associated with the development of the subject property and to cover the approval process with the applicant. **Failure to schedule this meeting will result in delay of review of the formal application.**

Per State Statute, the City will *only* consider a clearly abandoned or *impassible* R-O-W that poses no need for existing or future vehicular circulation for the area and has not been used by the general public for at least five years. The same conditions apply to easement closures. A closure must demonstrate that no utility requires the easement for existing or future utility services.

Note: If a fence is constructed over an existing utility easement, it will be the

responsibility of the fence owner to replace fencing that is removed for maintenance or utility work.

#### c. **STEP 2** *Application Submittal*

*When?* Applications are due by **5:00 p.m. on the first business day of each month.**

Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

d. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

#### e. **Submission Requirements**

*What is needed?*

- i. Application Fee: \$240.
- ii. Letter to the Board of Directors stating the request (a sample letter is available at the Planning office).
- iii. Signed petition from all surrounding property owners contiguous to the R-O-W or easement. The petition shall contain the legal description of the R-O-W or easement to be vacated and a copy of the plat (if applicable) which shows the R-O-W or easement to be closed.
- iv. A PDF file of a land survey indicating what area is to be vacated and newly set property lines for all affected lots. The file should be saved as 8.5 x 11 in. or 11 x 17 in. in size. (See Manual Sec. 2.2.5 on page 28).

Note: Incomplete applications will be returned to the applicant and may be re-submitted for the next month's deadline. Refer to the Minor Subdivision / Re-subdivision Checklist Chart (See Manual 2.2.5 on page 28) for specific submittal requirements.

f. **Staff Comments.** On the Friday preceding Technical Review (see “h”), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee.

g. **STEP 3** *Legal Notification*

This is partly the responsibility of the applicant or his/her agent. Please refer to the Legal Notice Requirements (See Manual Sec. 1.1) for details and procedures. The process for legal notification differs from other planning applications due to State of Arkansas Statutes. The following must occur for legal notification:

- i. The alleyway (or easement) will be posted on both ends of the alley by City staff.
- ii. Once the alleyway or easement is reviewed by the Technical Review Committee, and all comments addressed, the City Clerk will be notified of the application and will assign the hearing date for formal Board review.
- iii. Once the hearing date is established by the Board of Directors, the City Clerk shall publish notice of the public hearing for two (2) consecutive weeks, one time per week in the same newspaper, prior to the formal review at the Board of Directors. Proof of publication is available upon request.
- iv. If there are third party property owners (not associated with this request) that are within 300 ft. of the proposed closure, the applicant must submit letters (See Manual Sec 1.1 on page 4) advertising the public hearing date. This shall be done in accordance to the general standards for legal notification. Said notice shall be received no later than 15 days prior to the Board hearing.

h. **STEP 4** *Staff Technical Review*

The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on page 54) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal’s consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee. The Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.

i. **Staff’s Recommendation.** For R-O-W and easement closures, selected City staff members and the members of the Technical Review Committee are required to sign an approval memorandum stating that the alleyway or easement may be closed before the proposed closure can be reviewed by the Board of Directors.

j. **STEP 5** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant, or his/her agent, is responsible to provide staff proof that legal notice occurred. See page 5 of this manual for details. **Failure to complete this step will result in delay of your application’s review.**

k. **STEP 6** *Ownership verification*

The applicant must seek the verification of clear title of his or her property prior to any dedication to the City. The certificate shall be shown on the plat or provided in a separate legal document. Certificate of ownership must be verified by either an attorney, title company, or a lender. Use example on pg. 29-30 of this manual. This step may be bypassed if the property was platted through a separate process fulfilling the verification requirement.

l. **STEP 7** *Final Survey Submittal*

After all staff comments are addressed and staff has approved the proposed closure, it will be necessary for all adjoining property owners and all associated parties to sign four (4) 18 x 24 in. originals (this is in addition to the signed petition of closure). The City will not accept unsigned copies of the survey. The applicant shall also provide one (1) PDF copy of the survey. The original surveys *must* be in black and white; the Benton County Circuit Clerk will *not* file color copies.

m. **STEP 8** *Board Review*

The Board of Directors will consider the item as an ordinance at the meeting date established by the Board (see step g-ii). The ordinance is read three (3) times before approval, unless the reading rule is suspended by the Board.

n. **STEP 9** *Recording*

After the application is approved by the Board of Directors via an ordinance, the applicant must submit the four (4) signed original surveys (step 7) to the Benton County Circuit Clerk's office for recording. After the surveys are recorded, the applicant must return one (1) filed original to the City within forty-five (45) days of the Board's approval. If this original is not returned, no additional permits related to the closure will be accepted by the City.

o. **STEP 10** *County Assessor's Form*

The Benton County Assessor requires that the applicant complete a form to authorize the assignment of new tax parcels for all newly amended lots (a copy of this form is available at the Planning Division office for your convenience).

2.2.5 Minor Subdivision / Re-subdivision Checklist

				KEY: ● Required
Lot Split	Lot Consolidation	Lot Line Adjustment	R-O-W Closure	
●	●	●	●	a. Filing fee (See Schedule of Fees, Manual Sec. 6.4, pg. 56).
●			●	b. Legal Notification (See Legal Notification Requirements, Manual Sec. 1.1 on page 5).
●	●	●	●	c. Authorization letter from the property owner for an agent to act on their behalf (if applicable).
●	●	●	●	d. Completed application form.
			●	e. Completed letter of request addressed to the Board of Directors. Letter must explain the reason for the request and include a legal description of the property to be closed.
			●	f. Signed petitions from all affected property owners who own property that abut the closure.
●	●	●	●	g. Include the name and address of the owner(s) of record (Certificate of Ownership), subdivider(s), and the registered engineer(s) and/or surveyor(s). <b>Certificate of ownership must be verified by either an attorney, title company, or a lender. Use example on pg. 29-30.</b>
●	●	●		h. Provide a signature block for Planning Division approval, Senior Planner as signatory.
			●	i. Provide a signature block for Board of Directors approval, City Clerk as signatory.
			●	j. Provide a signature block for all adjoining property owners.
			●	k. Show all utility lines located within 50 ft. of the proposed closed alleyway or easement.
●	●	●	●	l. Include a legal description of the property and complete boundary survey showing the dimensions, distances to the nearest one-hundredth foot, bearings to the nearest second, and acreage to the nearest one-hundredth acre. Basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	●		m. Include bearings (or interior angles of lots) of lines not parallel/ perpendicular to establishment bearing lines. Show in City's coordinate system.
●	●	●	●	n. Include tax parcel ID numbers and address for the subject property.
●	●	●	●	o. Complete legend labeling all symbols and line styles used in the drawing.
●	●	●	●	p. Indication of a scale, bar scale, north arrow, and date.
●	●	●	●	q. Include a location map (within a mile section).
●	●	●	●	r. Show the location of all property lines of adjoining lands, subdivisions, property owners (by parcel ID or address), and City limit boundaries (if adjoining the property).
●	●	●	●	s. Show the location and description of all existing structures.
●	●	●	●	t. Show the location of all ponds, lakes, streams, wetlands, and areas subject to flooding based upon the Flood Insurance Rate Maps.
●	●	●	●	u. Show the location, width, and name of each existing and adjacent street or public way, railroad, bridge, park, school, or other public property or open space.
●	●	●	●	v. Indicate all facilities or land for dedication to the public use, and/or to be reserved for the use of all property owners in the subdivision and any conditions of such dedications or reservations. All right-of-way closures shall be retained as a utility easement.
●	●	●	●	w. Show all existing utility lines including fire hydrant locations.
●	●	●	●	x. Show the location, width, and distance between existing street connections or drive entrances and their distance from property lines.
●	●	●	●	y. Indicate zoning district and the surrounding zoning. (This table continues on Pg. 29)
Lot Split	Lot Consolidation	Lot Line	R-O-W Closure	KEY: ● = Required (Continued from Page 28)

MINOR SUBDIVISION/ RE-SUBDIVISION				
●	●	●	●	z. Indicate all required utility easements and setbacks for the split, re-plat or right-of-way closure with a certificate of dedication to the City.
●	●	●	●	aa. Basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	●	●	bb. Each plat shall provide the coordinate pair; Easting (X) and Northing (Y) of two (2) property corners referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●	●	●	●	cc. Label existing easements with the name of the easement holder, purpose of easements, and the instrument number for the easement. If the easement is blanketed or indeterminate in nature, a note to this effect shall be indicated on the plat.
●	●	●		dd. Add a note that sidewalk construction shall be the responsibility of the home builder.
●	●	●		ee. Indicate the new subdivision name and depict lot numbers for each new lot.
●	●	●	●	ff. All technical review comments are required to be addressed in a letter, addressed to the City Planner or City Engineer upon the second submittal.
●	●	●	●	gg. The following plat note must be included if the project is occurring in the H-1 district. "All structures subject to front yard setbacks must be within 10 feet of adjacent structures, as determined by the city administrator."

Proof of Land Ownership Methods (choose one). Include this language on the plat.

### 1. Attorney's Certificate

I, \_\_\_\_\_, being an attorney licensed to practice law in the State of Arkansas, certify that I have examined title to the above described land dedication to the City of Siloam Springs, Arkansas, and that the party executing the dedication is the owner thereof in fee simple, and the dedicated land is free and clear of liens and encumbrances.

\_\_\_\_\_  
 Attorney at Law

\_\_\_\_\_  
 Date

### 1A. Attorney's Certificate (in the case of no land dedication)

I, \_\_\_\_\_, being an attorney licensed to practice law in the State of Arkansas, certify that I have examined title to the above described land within the City of Siloam Springs, Arkansas, and that the party executing the plat is the owner thereof in fee simple.

\_\_\_\_\_  
 Attorney at Law

\_\_\_\_\_  
 Date

**1. Title Company certificate (land dedication).**

**Title Company's Certificate**

I, \_\_\_\_\_, a \_\_\_\_\_ representing \_\_\_\_\_ **Title Company Name** \_\_\_\_\_ certify that I have examined the real estate records of Benton County, Arkansas and find that the last grantee of record of the property described hereon is the same as the parties executing the Owners Certificate. This certificate is solely for the use and benefit of the City of Siloam Springs, Arkansas and may not be relied upon by any other person. **Title Company Name's** liability for this certificate to the City of Siloam Springs, Arkansas shall be expressly limited to the amount paid for this certificate.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

**2A Title Company's Certificate (in the case of no land dedication)**

I, \_\_\_\_\_, representing \_\_\_\_\_ **Title Company Name** \_\_\_\_\_ certify that I have examined title to the described land within the City of Siloam Springs, Arkansas, and that the parties executing the plat are the owners thereof in fee simple.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ A.D.

**2. Lender's Approval and Subordination (Use if the property is not owned free and clear of any mortgage)**

The undersigned consents to the dedication of the right-of-way and (utility, drainage, pedestrian, and/or access) easements as indicated on the Subdivision Plat and hereby subordinates any interest it may have to such dedication.

Mortgage Company Name \_\_\_\_\_

By:

State of \_\_\_\_\_ )

)ss

County of \_\_\_\_\_ )

The foregoing Lender's Approval and Subordination was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ A.D.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

### 3.0 COMMERCIAL AND INDUSTRIAL DEVELOPMENT PROCEDURES

#### Contact Information

(See Manual Sec. 6.1)

Justin Bland, PE – City Engineer

Brian Phillips – Permit Technician

Ben Rhoads, AICP – Senior Planner

#### 3.1 Large Scale Review

##### 3.1.1 Significant Development:

- a. **Definition.** These are standard commercial, industrial, multifamily, or institutional structures that are more than 5,000 sq. ft. in new floor area or over 20,000 sq. ft. in new lot coverage (i.e. disturbed area). Multifamily is defined as a structure(s) with more than 3 units on one lot.
- b. **STEP 1** *Pre-Application Meeting*  
The applicant or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the applicant's intent, which includes the following areas: the general character, zoning, emergency access, utilities, street configurations, flooding, drainage, and any other relevant issues associated with the development of the subject property. **Failure to schedule this meeting will result in delay of review of the formal application.**
- c. **STEP 2** *Pre-Submittal Meeting*  
This meeting is optional, but highly recommended, to ensure your project meets the City requirements for submittal. The agent shall schedule the meeting no less than three (3) business days prior to formal submittal to the City. The meeting is held with the Senior Planner, Permit Technician,

#### Reference Documentation:

- Significant Development Application
- Development Permit Checklist Chart (See Manual Sec. 3.3)
- Municipal Code Ch. 53 (Landscaping Code)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 81 (Sign Code)
- Municipal Code Ch. 102 (Zoning Code)
- Legal Notification Requirements (Sec. 1.1)
- Siloam Springs Storm Water Drainage Manual
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

- City Engineer, and Community Development Director. The purpose of this meeting is to make a final review of the formal submittal for a quality check and to review the approval process with the applicant.
- d. **STEP 3** *Application Submittal*  
**When?** Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.
- e. **Where?** All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.
- f. **Submission Requirements**  
*What is needed?*
- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com)
  - ii. Application Fee: \$350.
  - iii. Drainage Report.
  - iv. Traffic Impact Study (unless exempted by City Engineer).
  - v. Letter of consent if applicant is not listed as the property owner.
  - vi. Site Plan (PDF). See Manual Sec. 3.3 for checklist requirements.

Note: An incomplete application will be returned to the applicant and may be delayed to the next month's deadline. See the Commercial/Industrial Checklist on Manual Sec. 3.3, page 34, for specific submittal requirements.

g. **STEP 4** *Legal Notification*

This is the responsibility of the applicant or his/her agent. See Legal Notification Requirements in Manual Sec. 1.1 on page 4.

h. **Staff Comments.** On the Friday preceding Technical Review, (see "i" below), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee.

i. **STEP 5** *Staff Technical Review*

The City of Siloam Springs staff technical review (See Manual 6.2 on page 54) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee. The Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.

j. **STEP 6** *Second Submittal Exhibit*

Once the technical review comments are addressed, it is necessary to resubmit to the City one (1) revised PDF copy of the plans no more than five (5) business days after Technical Review. This submittal is checked to ensure all comments are addressed. Revised items may include the site, grading/erosion control, landscaping, and utility plans.

k. **STEP 7** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his or her agent is responsible to provide staff proof that legal notice occurred. Please see page 5 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

l. **STEP 8** *FINAL Submittal Exhibit*

Upon addressing all remaining comments from staff, the applicant shall be responsible to provide one (1) PDF reduced to 8.5 x 11 in. and one (1) full sized original signed by all parties.

m. **Planning Division Action.** During the submittal process, City staff shall review the proposal for adherence to all City Codes. The culmination of all commentary received by staff, from other reviewers, and from the public shall be furnished in a staff report memorandum. The staff report is submitted to the Planning Commission and ultimately to the Board of Directors for review and consideration.

n. **STEP 9** *Planning Commission Action*

Commissioners will receive a copy of the plan to review and a staff recommendation. Taking into consideration the staff report, the information from the applicant, and any other interested parties, the Planning Commission will vote to either, approve, approve conditionally, deny, or table the request. The public hearing begins with the announcement of the application. The applicant or his or her agent must be present at the hearing to represent the project. The request will be scheduled for

the next available meeting of the Board of Directors.

is received no later than thirty (30) days prior to the expiration.

o. **STEP 10** *Pre-construction Meeting*  
The applicant submits a PDF copy of construction plans (also referred to as the architectural plans) to the Engineering Division, additional copies may be requested by City staff. The construction plan shall include detail sheets and additional information beyond the exhibit used for approval, commonly referred to as the civil set. City staff requires at least two weeks for construction plan review. Construction plans are typically reviewed by staff prior to Board of Directors approval, however these may be submitted after Board review, if desired, by the applicant. Upon completion of staff's review, the City Engineer, or staff member, will contact the applicant to schedule a pre-construction meeting for the item after Board of Directors approval.

r. **STEP 12** *Easement Plat*  
When there are easements needed, provide an easement plat per the applicable standards in the Minor Subdivision / Re-subdivision Checklist Chart in Sec. 2.2.5.

### 3.2 Small Scale Review

#### Reference Documentation:

- Building Permit Application
- Commercial/ Industrial Checklist Chart (Sec. 3.3)
- Municipal Code Ch. 102 (Zoning Code)
- Siloam Springs Storm Water Drainage Manual
- [www.siloamsprings.com](http://www.siloamsprings.com)

#### 3.2.1 Small Scale Building Review:

p. **Board of Directors.** The Board of Directors will be provided with the 8.5 x 11 in. copy of the proposal, along with a staff memorandum, including the original staff report. The item will be considered as a resolution, which requires one (1) reading.

a. **Definition.** New commercial, industrial, or institutional structures that are less than 5,000 sq. ft. of new floor area and less than 20,000 sq. ft. in new lot coverage. Note: if your project does not meet these thresholds, proceed to section 3.1, pg. 31.

q. **STEP 11** *Authorization to Proceed with Construction*  
After the pre-construction meeting and the approval or conditional approval of the construction plans, the applicant is officially authorized to proceed. The applicant must complete all improvements as specified on the approved construction plans. Work must begin on the significant development no later than one year (365 days) after approval from the Board of Directors or it is deemed expired. Staff may issue an extension if a letter requesting an extension

b. **STEP 1** *Application Submittal*  
Applications may be submitted at any time. The following items are required at the time of submittal:

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Building Permit Fee (amount will vary, see Schedule of Fees, Sec. 6.4, pg. 56).
- iii. Building Plans.
- iv. Site Plan. Include proper scale, adjoining property, number of parking spaces provided, zoning district, and utility information.

Note 1: Incomplete applications will be returned to the applicant and may be

delayed for review. See the Commercial/Industrial Checklist on Manual Sec. 3.3, page 34, for specific submittal requirements.

Note 2: Small scale reviews are exclusively handled through the City's Building Division and do not require a technical review or formal Planning Commission or Board approval. Contact the City's Building Official for more information.

If the item is approved, the applicant is authorized to proceed with the project. The applicant must complete all improvements as specified on the approved plans. Work must begin on the standard building development no later than 180 days after approval or the permit is deemed expired.

### 3.3 Large Scale Development Checklist Chart

c. **Plan Approval.** Upon acceptance of the plans staff will approve, or conditionally approve, the building permit with appropriate documentation and updates as requested by staff.

d. **STEP 2**  
*Authorization to Proceed with Construction*

KEY: ● = Required

Significant Development Permit	Small Scale Review	
<b>COMMERCIAL, MULTIFAMILY, INSTITUTIONAL AND INDUSTRIAL DEVELOPMENT</b>		
●	●	a. Filing fee (See Schedule of Fees, Manual Sec. 7.4).
●		b. Legal Notification (See Legal Notification Requirements, Manual Sec. 1.1 on page 5).
●		c. Authorization letter from the property owner for an agent to act on their behalf (if applicable).
●	●	d. Completed application form.
●	●	e. Indicate the name and address of the owner(s) of record, the registered engineer(s), and surveyor(s).
●		f. Provide a signature block for Planning Commission and Board of Directors approval.
●	●	g. Show the tax parcel ID number and physical address for the subject property.
●	●	h. Provide a complete legend labeling all symbols and line types used in the drawing.
●	●	i. Provide the proposed name of the development proposal.
●	●	j. Indicate the zoning district.
●	●	k. Indicate all the existing and proposed structure locations, including the gross floor area for each type of use, and the number of floors (stories) per each proposed structure.
●	●	l. Indicate the lot coverage and floor to area ratio (FAR).
●	●	m. Indication of scale, bar scale, date, and north arrow with basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic

Survey. (This table continues on pg. 35)

KEY: ● = Required - Continued from page 34

## COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Significant Development Permit	Small Scale Review	
●	●	n. Provide a legal description of the property and complete boundary survey showing the dimensions, distances to the nearest one-hundredth foot, bearings to the nearest second, and acreage to the nearest one-hundredth acre. Basis of Bearings: Each Plat shall be referenced to the Arkansas Coordinate System 1983, North Zone, as established by the United States National Geodetic Survey.
●		o. Show the bearings of lines not parallel/ perpendicular to established bearing lines in the City's coordinate sys.
●		p. Show the radius, central deflection angle, degree of curvature, and tangent distances for centerline of curved streets or property lines.
●		q. Show the location of all property lines of adjoining lands, subdivisions, property owners, and City limit boundaries (if adjoining the property) and all surrounding zoning.
●	●	r. Provide a location map (within a mile section).
●	●	s. Indicate the location all existing and/ or proposed drainage structures and facilities.
●	●	t. Show all ponds, lakes, streams, and areas subject to flooding based on the Flood Insurance Rate Maps.
●	●	u. Indicate the location, width, and name of each existing and/ or proposed street or public way, railroad, utility easement, setbacks, bridge, park, school, or other public open space.
●	●	v. Indicate the location of facilities or land to be considered for dedication to the public use and any conditions of such dedications or reservations.
●	●	w. Indicate the location of proposed or existing utility lines, including fire hydrant locations.
●		x. Show the location, width and distance between proposed or existing street connections, drive entrances, and distance from property lines.
●		y. Provide site contour lines (intermediate and index) not to exceed two (2) foot intervals; Vertical datum shall be NAVD-88.
●		z. Provide a grading, drainage, and erosion control plan.
●	●	aa. Indicate the location, size, and layout of all parking and loading areas, include a required parking and proposed parking total.
●	●	bb. Indicate the location and size of all proposed signs (signs are permitted separately).
●	●	cc. Indicate the landscaping type, quantity or coverage, and description of material.
●	●	dd. Show the dumpster location and screening material.
●		ee. Provide a traffic impact study.
●		ff. Show all pedestrian sidewalks and crosswalks at the drive intersection. Crosswalks to meet all ADA standards with ramps and truncated domes.
●	●	gg. Show the location, height, and material of any proposed fencing or opaque screening.
●		hh. Attain a National Pollution Discharge Elimination System permit.
●		ii. Provide two copies of the As-built drawings after the completion of the project.
●	●	jj. If necessary, provide easement dedication plat per Minor Subdivision / Re-subdivision checklist in Sec. 2.2.5
●	●	kk. All technical review comments are required to be addressed in a letter, addressed to the City Planner or City Engineer upon the second submittal.

## 4.0 LAND USE CHANGE AND ANNEXATION PROCEDURES

### Contact Information

(See Manual Sec. 6.1)  
Ben Rhoads, AICP – Senior Planner  
Brian Phillips – Permit Technician

### 4.1 Variance

#### 4.1.1 Standard Variance:

a. **Definition.** Variances are required whenever there is a need for relief from various zoning regulations. Variances must show a non-financial hardship unique to that property that does not frequently occur in that zone, that is not caused by the applicant. Variances cannot be used for land-use changes or to increase residential density.

#### b. **STEP 1** *Pre-Application Meeting*

The applicant or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the applicant's intent and allow staff to provide any relevant feedback. **Failure to schedule this meeting will result in delay of review of the formal application.**

#### c. **STEP 2** *Pre-Submittal Meeting*

This meeting is optional, but highly recommended, to ensure your project meets the City requirements for submittal. The agent shall schedule the meeting no less than three (3) business days prior to formal submittal to the City. The meeting is held with the Senior Planner, Permit Technician, City Engineer, and Community Development Director. The purpose of this

#### Reference Documentation:

- Variance Application
- Statement of Hardship
- Land Use Changes Checklist Chart (Sec. 4.5)
- Municipal Code Ch. 102 (Zoning Code)
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

meeting is to make a final review of the formal submittal for a quality check and to review the approval process with the applicant.

#### d. **STEP 3** *Application Submittal When?*

Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

e. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

#### f. **Submission Requirements**

*What is needed?*

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Application Fee: \$100.
- iii. Letter of consent if applicant is not listed as the property owner.
- iv. Statement of Hardship.
- v. Applicable survey or site plan sized at 8.5 x 11 in. (larger sized plans are acceptable, however only for the initial review).

Note: Incomplete applications may be delayed for review. Refer to the Land Use Changes Permit Checklist (See

Manual Sec. 4.5 on page 45) for specific submittal requirements for this item.

Statement of Hardship is also included in the report.

g. **STEP 4** *Legal Notification*

This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification requirements (See Manual Sec. 1.1 on page 5).

l. **STEP 7** *Board of Adjustment Action*

The Board of Adjustment (the same body that makes up the Planning Commission) will make the final approval, taking into consideration the staff report, the information provided by the applicant, and any other interested party. The public hearing begins with the announcement of the application. The applicant or his/her agent must be present at the hearing; they will be given an opportunity to present information if called upon to do so. Upon hearing all of the testimony relative to the request, the Board of Adjustment will vote to approve, approve conditionally, table, or deny the variance.

h. **Staff Review.** The City staff review provides an opportunity for planning staff and other applicable departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. Staff will take the applicant's written Statement of Hardship and other arguments to state the reasoning and merits of the variance request. Staff will *not* issue a recommendation on variances.

m. **Building Permit Issuance.** If approved, any applicable building permits may be issued, see the Building Division for more information.

i. **STEP 5** *Second Submittal*

If comments are issued by staff, the applicant must address these by the deadlines established by staff on a case-by-case basis. Final submittal is one (1) 8.5 x 11 in. *or* 11 x 17 in. site plan or exhibit.

j. **STEP 6** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his or her agent is responsible to provide staff proof that legal notice occurred. Please see page 6 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

k. **Planning Division Action.** The staff reports are submitted to the Board of Adjustment for review and consideration. The report will take in account all factual evidence relating to the variance request. The

**Reference Documentation:**

- Sign Variance Application
- Sign Permit Application
- Land Use Changes Checklist Chart (Sec. 4.5)
- Statement of Hardship
- Municipal Code Ch. 81 (Sign Code)
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

4.1.2 Sign Variance:

a. **Definition.** Sign variances are required whenever there is a need for relief from any provision in Chapter 81 of the Siloam Springs Municipal Code. These permits are approved solely based on practical difficulties with meeting Code standards based on the characteristics of the sign and not the site where the sign is proposed to be located.

b. **STEP 1** *Pre-Application /  
Pre-Submittal Meeting*

The applicant or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the applicant's intent and allow staff to provide any relevant feedback. In addition, the meeting will cover the general submittal requirements. This meeting must be scheduled no later than three (3) business days prior to formal submittal to the City. **Failure to schedule this meeting will result in delay of review of the formal application.**

c. **STEP 2** *Application Submittal*

*When?* Applications are due by 5:00 p.m. on the first business day of each month. Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

d. *Where?* All items must be submitted to the Planning Division, at Community Development, 410 N. Broadway St.

e. **Submission Requirements**

*What is needed?*

- i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).
- ii. Application Fee: \$100.
- iii. Letter of consent if applicant is not listed as the property owner.
- iv. Statement of Hardship.
- v. PDF or sign drawing plan sized at 8.5 x 11 in.
- vi. Copy of the sign permit application, if applicable

Note: Incomplete applications may be delayed for review. Refer to the Land Use Changes Permit Checklist (See Manual Sec. 4.5 on page 45) for specific submittal requirements for this item.

f. **STEP 3** *Legal Notification*

This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification requirements (See Manual Sec. 1.1 on page 5).

g. **Staff Review.** The City of Siloam Springs staff review provides an opportunity for planning staff and other applicable departments to review the applicant's sign proposal and provide comments necessary to ensure the proposal's consistency with the Municipal Code. Staff will take the applicant's written Statement of Hardship and other arguments to state the reasoning and merits of the variance request. Staff will *not* issue a recommendation on sign variances.

- h. **STEP 4**      *Legal Notice Documentation*  
To ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his/her agent is responsible to provide staff proof that legal notice occurred. Please see page 6 of this manual for details. **Failure to complete this step will result in delay of your application's review.**
- i. **Planning Division Action.** The staff reports are submitted to the Board of Adjustment for review and consideration. The report will take in all factual evidence relating to the request. The Statement of Hardship and sign drawing plans are also included in the report.
- j. **STEP 5**      *Board of Adjustment Action*  
The Board of Adjustment (the same body as the Planning Commission) will make the final approval, taking into consideration the staff report, the information provided by the applicant, and testimony of any interested party. The public hearing begins with the announcement of the application. The applicant or his/her agent must be present at the hearing; they will be given an opportunity to present information. Upon hearing all of the testimony relative to the request, the Board of Adjustment will vote to approve, approve conditionally, table, or deny the request.
- k. **STEP 6**      *Sign Permit Issuance*  
After the variance is approved, the applicant may obtain the sign permit from the Permit Technician.

## 4.2 Rezoning

### Reference Documentation:

- Rezoning Application
- Land Use Changes Checklist Chart (Sec. 4.5)
- Municipal Code Ch. 54 (Land Use Code)
- Municipal Code Ch. 102 (Zoning Code)
- Legal Notification Requirements (Sec. 1.1)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

a. **Definition.** The process in which a zone is changed for the purpose of changing the allowed land use for a given area or parcel.

b. **STEP 1** *Pre-Application /  
Pre-Submittal Meeting*

The applicant or his/her agent shall be responsible for scheduling this meeting. This is required prior to the formal submittal to the City. The intent of this meeting is to informally discuss the applicant's intent and allow staff to provide any relevant feedback. In addition, the meeting will cover the general submittal requirements. This meeting must be scheduled no later than three (3) business days prior to formal submittal to the City. **Failure to schedule this meeting may result in delay of review of the formal application.**

c. **STEP 2** *Application Submittal*  
*When?* Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com) The calendar is on the Planning Division's page.

d. **Submission Requirements.**

*What is needed?*

- i. Application. Form is available at [www.siloamsprings.com](http://www.siloamsprings.com)
- ii. Application Fee: \$150.

- iii. Letter of consent if applicant is not listed as the property owner.
- vi. First Draft Exhibit: A PDF file indicating zoning area, including legal description.
- vii. Legal description shown in sub-step (vi above) in Microsoft Word format. E-mail this file to the Permit Technician.

Note: Incomplete applications may be delayed for review. Refer to the Land Use Changes Permit Checklist (See Manual Sec. 4.5 on page 45) for specific submittal requirements for this item.

e. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

f. **STEP 3** *Legal Notification*  
This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification Requirements (See Manual Sec. 1.1 on page 4).

g. **Staff Comments.** On the Friday preceding Technical Review (see "h" below), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee. If there are no comments, you may skip to Step 6.

h. **STEP 4** *Technical  
Review*

The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on page 55) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. If necessary, the agent/applicant is given an appointment with the Technical Review Committee. The

Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.

i. **STEP 5** *Second Submittal*

It is necessary to resubmit to the City a revised PDF file of the survey after staff Technical Review. This is usually due no later than five (5) business days after Technical Review. If there are no comments at Technical Review, this step may be bypassed.

j. **STEP 6** *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant, or his or her agent, is responsible to provide staff proof that legal notice occurred. Please see page 6 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

k. **STEP 7** *FINAL Submittal*

Upon addressing all remaining comments from staff, the applicant shall provide one (1) PDF copy of the survey at 8.5 x 11 in.

l. **Planning Division Action.** During the submittal process, relevant City staff members shall review the proposal for adherence to all City Codes. Commentary received by staff and from the public shall be furnished in a staff report memorandum. The staff reports are submitted to the Planning Commission and ultimately to the Board of Directors for review and consideration.

m. **STEP 8** *Planning Commission*

Commissioners will receive a copy of the plan to review and a staff recommendation.

Taking into consideration the staff report, the information from the applicant, and any other interested parties, the Planning Commission will vote to either, approve, approve conditionally, deny, or table the request. The public hearing begins with the announcement of the application. The applicant or his/her agent must be present at the hearing to present information. The request will be scheduled for the next available meeting of the Board of Directors.

n. **Board of Directors.** The Board of Directors will be provided with the final copy of the survey along with the staff's and Planning Commission's recommendation. A rezoning is approved by ordinance, which requires three (3) readings at the Board. See the Development Calendar for specific review times.

o. **STEP 9** *Authorization to Proceed with Construction*  
If the item is approved, the applicant is authorized to proceed with a building permit or other applicable permits.

### 4.3 Special Uses

a. **Definition.** Special Uses (S.U.) are uses that are allowed only under special review. Refer to the matrix in Sec. 102-41 of the Municipal Code, which indicates the land uses that are S.U.'s by zone. S.U.'s are allowed only with the approval of the Board of Directors via resolution with one (1) reading.

b. **STEP 1** *Pre-Application/  
Pre-Submittal Meeting*  
The applicant, or his/her agent, is responsible for scheduling this meeting prior to formal submittal. The intent of this meeting is to informally discuss the proposal with the applicant or his/her agent. In addition, the meeting will cover the general submittal requirements. This meeting must be scheduled no later than three (3) business days prior to formal submittal to the City. **Failure to schedule this meeting will result in delay of review of the formal application.**

c. **STEP 2** *Application Submittal*  
*When?* Applications are due by **5:00 p.m. on the first business day of each month.** Please refer to the Development Calendar for deadline information. Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

d. **Submission Requirements.**  
*What is needed?*  
i. Application. Forms are available at [www.siloamsprings.com](http://www.siloamsprings.com).  
ii. Application Fee: \$100.  
iii. Letter of consent if applicant is not listed property owner.

iv. Supplementary letter, material, or information that supports the request (1 copy). PDF files preferred.

Note: An incomplete application may be delayed for review.

e. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

f. **Planning Division Action.** During the submittal process, Technical Review Committee members will review the proposal for adherence to all applicable City Codes. Any unresolved comments are discussed in the staff report. The report is submitted to the Planning Commission and ultimately to the Board of Directors for review and consideration.

g. **STEP 3** *Legal Notification*  
This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification Requirements. (See Manual Sec. 1.1)

h. **STEP 4** *Legal Notice Documentation*  
To ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his/her agent is responsible to provide staff proof that legal notice occurred. Please see page 5 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

i. **STEP 5** *Planning Commission Action*  
Commissioners will receive a copy of the plan to review and a staff recommendation. Taking into consideration the staff report, the information from the applicant, and any other interested parties, the Planning

Commission will vote to either, approve, approve conditionally, deny, or table the request. The public hearing begins with the announcement of the application. The applicant or his or her agent must be present at the hearing to present information if requested by the Commission.

- j. **Board of Directors.** The Board of Directors will be provided with all submitted materials and a version of the staff memorandum. A special use is approved by resolution, which requires one (1) reading at the Board. See the Development Calendar for specific review times.

#### 4.4 Annexation (Benton County and City Process)

##### 4.4.1 County Petition Process:

- a. **Background.** The annexation process in Arkansas can be obtained by three distinct methods. These are:
- i. *Petition – partial owner agreement.* The property owner petitions the County to annex into a City. The petition annexation process starts at the Benton County Clerk's office. The petitioner can obtain forms from the County Clerk's Office, or have the forms prepared by an attorney. The petitioners must provide a map or plat and legal description of the property. The map must show that the property to be annexed is contiguous to the City and its relationship to the present City limits.
  - ii. *Petition – full ownership agreement.* This method occurs in a similar fashion as with a petition, only that the approval process is accelerated. The process does not require a filing fee. The County Clerk has 15 days to review and recommend approval of the petition, then the

County Judge has 30 days to make a final decision. After the judge's decree is issued, the City then can accept the annexed land through an ordinance and assign its ward and zoning. The petitioner must present the following documentation to the County Clerk:

- a. *Signed and notarized petition, including the attending witness signatures.*
  - b. *A letter from a certified engineer or surveyor indicating that the proposed petition adjoins to the City Limits.*
  - c. *A letter from a title company or certified abstractor certifying that the petitioners are the bona fide landowners of the property.*
  - d. *A map showing the property to which to be annexed into the City.*
- iii. **General Election.** This is where a large tract of land can be annexed into the City by an election process by the entire City.
- iv. **Enclosure.** This is where the City can surround a piece of property and if it is surrounded on all sides, the City may incorporate it if the Board wishes to do so.
- b. **Petition Process (less than 100% owner agreement).** The following is the procedure provided by Benton County:
- i. The Petitioner(s) or their agent must sign the Petition for Annexation.
  - ii. The signed petition must be filed at the Benton County Clerk's office. Along with the petition, a map, legal description, and a filing fee of \$30.00 must be provided. The Clerk's Office will file the original and place it on record in the County Court and will also make a file

- marked copy to distribute to the County Judge.
- iii. The petitioner must take the Order for Hearing to the County Judge's office to receive a hearing date. The hearing date will be more than thirty (30) days from the date the petition was filed and published.
  - iv. The petitioner must complete the Notice of Hearing and have it published in the newspaper once per week for three (3) consecutive weeks.
  - v. The affidavit of publication must be filed in the County Clerk's Office prior to the hearing.
  - vi. On the day set for the hearing, the petitioner shall appear before the County Judge with the Decree of Annexation completed.
  - vii. If the County Judge accepts the annexation, then the Decree of Annexation will be signed.
  - viii. Once the Judge has signed the Decree of Annexation, the petitioner shall then deliver the Decree to the County Clerk's Office for filing.
  - ix. The County Clerk's Office will then send a Certified Copy of the Decree of Annexation to the annexing city. After thirty (30) days have passed and no appeal has been filed, the City Council (or Board of Directors) can pass an ordinance or resolution annexing the property into the City and assign the property to its prospective City wards. Upon passage of the ordinance or resolution, the City Clerk will deliver the certified approved ordinance or resolution to the County Clerk's Office to indicate that the annexed land has been accepted by the City.
  - x. The County Clerk submits certified copies of the ordinance or resolution, the Decree of Annexation, map, and

legal description to the Secretary of State, Tax Division of the Arkansas Public Service Commission, Benton County Assessor, the Northwest Arkansas Regional Planning Commission, and the State GIS Office.

- xi. Once thirty (30) days has passed after publication of the approved ordinance or resolution by the City Clerk, the property annexed will officially go into the City and receive all eligible City services.
- xii. When an annexed property enters into the City, it is zoned as R-2 (Residential, medium). If the applicant desires another zone, he or she must indicate the desired zone on the City annexation permit, see 4.4.2 below.
- xiii. All other forms of annexation are handled by the City as either part of an election or incorporation.

#### 4.4.2 City Annexation and Zoning Permit:

##### a. **Definition & Submittal Information.**

Upon filing an annexation petition request with Benton County, the applicant shall also apply for a City Annexation and Zoning Permit. This permit is reviewed by the Board of Directors with your County annexation request. Care should be given to ensure that there is adequate time for the County to complete their release of the land for annexation before applying for the City permit. See Step 6 below. Typically, annexations require 60 to 90 days for review at the County. The City will require the necessary County paperwork a minimum of 14 calendar days prior to the desired City Board of Directors' review.

b. **STEP 1**

***Pre-Application and Pre-Submittal Meeting and Acceptance Criteria***

The applicant, or his/her agent, shall be responsible for scheduling this mandatory meeting no later than three (3) business days prior to formal submittal to the City. The intent of this meeting is to informally discuss the applicant's zoning and development intent and to uncover any other relevant issues associated with the development of the subject property and to cover the approval process with the applicant. **Failure to schedule this meeting will result in delay of review of the formal application.**

c. **STEP 2** ***Application Submittal***

***When?* Applications are due by 5:00 p.m. on the first business day of each month.**

Accommodation may be made, on a case-by-case basis, for applications submitted after the first of the month, provided that legal notice is adhered to. Please refer to the Development Calendar for deadline information.

Go to [www.siloamsprings.com](http://www.siloamsprings.com). The calendar is on the Planning Division's page.

d. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

e. ***Submission Requirements***

*What is needed?*

- i. Application Fee: \$150.
- ii. Application form
- iii. Benton County Annexation documentation. This is required no less than 14 calendar days prior to the

City Board of Directors' review. See Step 6.

Note: Incomplete applications will be returned to the applicant and may be re-submitted for the next month's deadline.

f. ***Staff Comments.*** On the Friday preceding Technical Review (see "h"), staff will transmit via e-mail all comments on the project to the agent and will set up your review appointment with the Technical Review Committee.

g. **STEP 3** ***Legal Notification***

This is partly the responsibility of the applicant or his/her agent. Please refer to the Legal Notice Requirements (See Manual Sec. 1.1) for details and procedures.

h. **STEP 4** ***Staff Technical Review***

The City of Siloam Springs staff technical review (See Manual Sec. 6.2 on page 54) provides an opportunity for various City departments to review development proposals and provide comments necessary to ensure the proposal's consistency with the Municipal Code. The agent/applicant is given an appointment with the Technical Review Committee. The Technical Review Committee meets in the conference room at Community Development, 410 N. Broadway St., unless noted otherwise.

i. ***Staff's Recommendation.***

City staff will review the annexation request and will evaluate if it meets the minimum City standards both for annexation and for the zoning request. For more on the approval criteria, consult Chapter 54 of the City Code.

j. **STEP 5**      *Legal Notice Documentation*

In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant, or his/her agent, is responsible to provide staff proof that legal notice occurred. See page 5 of this manual for details. **Failure to complete this step will result in delay of your application's review.**

week following the final Board vote. City services will be provided, as specified on the ordinance at, or close to, that time.

k. **STEP 6**      *Final County Documentation*

Before scheduling your annexation request for review by the City Board of Directors, as an ordinance, the Benton County Clerk's office is required to submit the decree of annexation, and related documentation, to the City Clerk. In order to maintain proper review and ordinance preparation, this documentation is required no less than 14 calendar days prior to your legal notified Board of Directors review date. Failure to receive this documentation will result in your annexation being tabled at the City Board. This step may be bypassed if this documentation was submitted with, or is available upon, your application. City staff will inform you when the documentation is received.

l. **STEP 8**      *Board Review*

The Board of Directors will consider the item as an ordinance. The ordinance is read three (3) times before approval, unless the reading rule is suspended by the Board.

m. **Final Certification.**

After the annexation is approved by the Board of Directors via an ordinance, the City Clerk must submit the approved ordinance to the County Clerk to transmit to the Arkansas Secretary of State. Annexations goes into effect 30 days after the publication of the ordinance, which normally occurs on the Wednesday the

4.5 Land Use Changes Checklist Chart

Variances (Standard)	Variance (Sign)	Rezoning/ Annexations	Special Use	
KEY: ● = Required				
<b>LAND USE CHANGES</b>				
●	●	●	●	a. Filing fee (see Schedule of Fees in Manual Sec.6.4 on page 56).
●	●	●	●	b. Legal Notification (see Legal Notification Requirements Manual Sec. 1.1 on page 5).
●	●	●	●	c. Authorization letter from the property owner for an agent to act on their behalf (if applicant does not sign the application).
●	●	●	●	d. Complete the application form.
●	●			e. Complete the Statement of Hardship.
●			●	f. Provide a scaled land survey, site plan, or identification certificate (8.5 x 11) showing the property's current and proposed condition, as applicable.
		●		g. Provide a scaled land survey or site plan including a valid legal or survey description of the subject property to be (re)zoned. Use table 2.2.5, on pg. 28, for standards and general surveys (larger sizes only acceptable for initial review)
		●		h. Copy of the legal description in Microsoft Word format. This shall be e-mailed to the City Planner.
	●		●	i. Provide information, including but not limited to, diagrams, site plans, or other information explaining the variance request.
		●		j. Submit one (1) copy of an exhibit 8.5 x 11 in. or a PDF file consisting of either a scaled land survey or a plat (including legal description) indicating the existing and proposed zoning districts.

## 5.0 LICENSES AND PERMITS

### Reference Documentation:

- Business License Application
- Home Occupation License Application
- Sign Permit Application
- Municipal Code Ch. 22 (Municipal Code)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Administration)

### Contact Information

(See Manual Sec. 6.1)

Randal Clark – Senior Building Official

Ben Rhoads, AICP - Senior Planner

Dustin Kindell - Fire Marshal

Danny Farine - Water Service Supervisor

Brandy Rowbotham – Administrative Assistant II

### 5.1 Business Licenses

#### a. **STEP 1** *Application Submittal*

The applicant must complete a business license application provided by the City or as available online. The applicant should refer to the application for relevant information and requirements to operate the desired business. If the business will be operated out of a residence, please jump to Sec. 5.2 below.

#### b. **Submission Requirements**

*What is needed?*

- Completed application form. Forms and applicable fees are available online at: [www.siloamsprings.com](http://www.siloamsprings.com).
- Signed acknowledgement letter provided with the application.
- Sign permit (if applicable). See sign permit requirements (See Manual Sec. 6.3).

Note: An incomplete application will result in a delayed review.

#### c. *Where do I turn in my application?*

All items must be submitted to the Community Development Department, located at 410 N. Broadway St., Siloam Springs.

#### d. **Application Expiration.** Applications not approved, or with pending issues, will expire six months after application.

#### e. **STEP 2**

##### *Benton County Health Department Approval*

If the business license involves the preparation or distribution of food or beverage items, a separate Health Department approval is required. Contact the Benton County Health Department at 479-986-1300.

#### f. **STEP 3** *Authorization to Proceed*

Upon review and approval by City staff, the applicant shall be given notice to proceed. Signatures from the Building Official, Water/Wastewater Director, City Clerk, Fire Marshal, and the City Planner are required for the approval of the business license. Please consult the acknowledgement letter for contact information for the individuals responsible for the approval of your license.

### 5.2 Home Occupation License:

#### a. **STEP 1** *Application Submittal*

Applicants desiring to operate a business out of their home must fill out a home business license application, provided by the City or available at [www.siloamsprings.com](http://www.siloamsprings.com). Before applying, the applicant must know the name and type of business, number of employees, if the business is a sole-ownership or partnership, Tax ID number, and the zoning district of

the residence where the business will also operate. The applicant must reside in the home to qualify for a home occupation license. If the applicant leases the residence, he or she must also submit a letter of consent from the owner stating permission to operate a home-based business.

- b. **Submission Requirements.** The following items are required at the time of submittal:
- i. Completed application form. Forms and applicable fees are available online at: [www.siloamsprings.com](http://www.siloamsprings.com)
  - ii. Letter of consent, if applicant is not the listed property owner.

Note: Incomplete applications will be delayed for review.

- c. *Where do I turn in my application?*  
All above items must be submitted to the Community Development Dept., located at 410 N. Broadway St., Siloam Springs.

- d. **Home Occupation Requirements.** The following are the requirements for a Home Occupation License:
- i. The business use cannot occupy more than 30 percent of the residence.
  - ii. The business cannot produce noise, odors, pollution, etc. above that which would normally occur in a residential setting.
  - iii. No off-street parking allowed above normal residential requirements.
  - iv. Parking must not interfere with the neighbors' typical parking needs.
  - v. No advertising signage is allowed.
  - vi. No non-residential structural alterations are allowed.
  - vii. No deliveries allowed that require a vehicle larger than a passenger car except standard FedEx, UPS, USPS, etc.

- viii. No manifestation of the business shall be visible from the residence's exterior.
- ix. No inventory or materials may be stored outside.
- x. All Federal, State, County, and City laws/ordinances must be obeyed.

e. **STEP 2 Authorization to Proceed**

Upon review and approval by City staff the applicant shall be given authorization to proceed with the business. Signatures from the Building Official, City Clerk, and the City Planner are required upon the approval of the home occupation license.

- f. **Violation of City Code.** It is illegal to operate a home occupation without a home occupation license. Violations of Municipal Code regarding home occupations are misdemeanors punishable, upon conviction by fines while the business remains in operation.

### 5.3 Sign Permit

#### Contact Information

(See Manual Sec. 6.1)  
Brian Phillips – Permit Technician

#### Reference Documentation:

- Sign Permit Application
- Municipal Code Ch. 81 (Sign Code)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

- a. **Definition.** A sign is any structure or device visible from the exterior of a structure where its essential purpose and design is to convey to the general public either commercial or noncommercial messages by means of graphical presentation of alphabetic, numeric, or pictorial symbols or representations. Anyone erecting a new sign or altering an existing sign is required to apply for a sign permit. This includes re-facing an existing sign (application fee is \$10.00 per sign).
- b. **STEP 1** *Application Submittal*  
The applicant must complete a sign permit application. Sign permits are required by the City from any business owner wanting to advertise their business through signage either on the building wall or as a freestanding structure supported by columns or posts.
- c. **Submission Requirements.**  
*What is needed?*
- i. Application. Forms are available online at [www.siloamsprings.com](http://www.siloamsprings.com).
  - ii. Application Fee. (Base Fee of \$10 plus \$1.00 for every one (1) sq. ft. of sign surface area). *Note: Fees will be doubled plus any fines accrued for signs installed prior to the approval of the sign request.*

- iii. Letter of consent if applicant is not listed as the property owner or if the property owner has not signed the permit.
- iv. At least one diagram stating the dimensions of the sign.
- v. An additional diagram if applicant is proposing a freestanding sign. This must include the sign's setback footage, height, and design. (Depending on the height of the sign structure, an engineer stamped drawing may be required to identify wind speed, snow load, and footing preparation.)

Note: An incomplete application will be delayed for review.

- d. *Where do I turn in my application?*  
All above items must be submitted to the Permit Technician, located at Community Development Dept., 410 N. Broadway St., Siloam Springs.
- e. **Staff Review.** Planning staff will review the application. Staff review consists of a site visit to determine correct zoning designation, setbacks, location of sign in relation to abutting lots, character of sign, sign height, and any other factors included on the application.
- f. **STEP 2** *Authorization to Proceed*  
Upon review and approval by Planning staff, the applicant shall be given notice to proceed with sign installation. Signatures from the Permit Technician are required upon the approval. *If the sign is installed prior to authorization to proceed, then this shall be deemed a sign violation and subject to a fine.*

g. **STEP 3** *Sign Permit Decal*  
Once the sign permit is approved, the applicant will receive a sign permit decal. This is a sticker that must either be affixed to the sign or placed with the business license displayed on the premises. Failure to display the decal will constitute a sign violation.

h. **Violation of the Sign Ordinance.** If a violation has occurred, the sign permit applicant may be subject to a fine up to \$500 per violation. Violations include, but are not limited to, erecting a sign without a permit or exceeding the provisions of an approved permit application.

#### 5.4 Fence and Paving Permits

##### Contact Information

(See Manual Sec. 6.1)

Brian Phillips – Permit Technician

Randal Clark – Senior Building Official

##### **Reference Documentation:**

- Fence or Paving Permit Application
- Municipal Code Ch. 102-80 & 102-89
- [www.siloamsprings.com](http://www.siloamsprings.com) (Permits)

a. **Definition.** A fence permit or paving permit is needed whenever you are proposing a new fence, or if you are proposing a new driveway or parking area, that is not associated with another permit, such as a building permit.

b. **STEP 1** *Application Submittal*  
The applicant must complete the required permit application. The application will have a space for you to draw how your project will impact your property. This can be provided on a separate sheet if desired

c. **Submission Requirements.**

*What is needed?*

- i. Application. Forms are available online at [www.siloamsprings.com/516/Permit](http://www.siloamsprings.com/516/Permit).
- ii. Application Fee. (\$10.00 for residential permits and \$25.00 for non-residential permits). The fees are the same for fence permits or paving permits.
- iii. Letter of consent if applicant is not listed as the property owner or if the property owner has not signed the permit.

Note: An incomplete application will be delayed for review.

d. *Where do I turn in my application?*

All above items must be submitted to the Permit Technician, located at Community Development Dept., 410 N. Broadway St., Siloam Springs.

e. **Staff Review.** Building division staff will review the application. Staff review may consist of a site visit to determine correct zoning designation, property lines, setbacks, location of your improvement, etc.

f. **STEP 2** *Authorization to Proceed*

Upon review and approval, the applicant shall be given notice to proceed with installation.

## 5.5 Appeal Applications

### Contact Information

(See Manual Sec.6.1)  
Renea Ellis - City Clerk  
Ben Rhoads, AICP - Senior Planner

#### Reference Documentation:

- Appeals Application
- Municipal Code Ch. 54-41 thru 43 (Land Use Code)
- [www.siloamsprings.com](http://www.siloamsprings.com) (Planning Div.)

### 5.5.1 Appeal from the City Administrator:

#### a. **STEP 1** *Application Submittal*

The applicant must complete an appeal from the City Administrator Application. This application is provided by the Planning Division and is required for any interested party wishing to appeal the determination regarding any development permit.

#### b. **Submission Requirements.**

*What is needed?*

- i. **Deadline.** Applications must be submitted no later than fifteen (15) days after the final written determination of the Administrator or his designee.
- ii. **Application.** Forms are available at the Planning Division or at [www.siloamsprings.com](http://www.siloamsprings.com).
- iii. **Application Fee:** \$100.
- iv. **Letter.** A letter discussing the reason for the appeal.

Note: An incomplete application will be delayed for review.

- c. *Where?* All above items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St.

#### d. **STEP 2** *Legal Notification*

This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification Requirements. (See Manual Sec. 1.1 on page 4)

- e. **Review Stage.** The application is forwarded to the Board of Adjustment. The Board of Adjustment will make the final decision on the appeal.

### 5.5.2 Appeal from the Board of Adjustment or Planning Commission:

#### a. **STEP 1** *Application Submittal*

The applicant must complete an appeal application from the Planning Commission/and or the Board of Adjustment. This application is provided by the Planning Division and is required from any party wishing to appeal the determination regarding any development permit.

#### b. **Submission Requirements.**

*What is needed?*

- i. **Deadline.** Applications must be submitted no later than 30 days after the final determination of the Planning Commission or Board of Adjustment.
- ii. **Application.** Forms are available at the Planning Division or at [www.siloamsprings.com](http://www.siloamsprings.com).
- iii. **Application Fee:** \$100.
- iv. **Letter** discussing the reason for the appeal.

Note: An incomplete application may be delayed for review.

- c. *Where?* All items must be submitted to the Planning Division, located at Community Development, 410 N. Broadway St. date where such an appeal is to be considered.
- d. **STEP 2** *Legal Notification*  
This is the responsibility of the applicant or his/her agent. Please refer to the Legal Notification Requirements. (See Manual Sec. 1.1 on page 5)
- e. **STEP 3** *Legal Notice Documentation*  
In order to ensure that all legal notice procedures were completed correctly by the applicant, the applicant or his/her agent is responsible to provide staff proof that legal notice occurred. Please see page 6 of this manual for details. **Failure to complete this step will result in delay of your application's review.**
- f. **Review Stage.** The application is forwarded to the Board of Directors where the Board will review the item de novo, but only upon evidence and arguments reasonably presented to the Planning Commission. The Board will make the final determination of the appeal or may remand the matter back to the Planning Commission for further presentation of the facts.

#### 5.5.3 Other Appeals

- a. **Application Process and Notice.** This process is reserved for any other appeals that does not fit within those shown in Sections 5.4.1 and 5.4.2. The application and review process are the same as detailed in Section 5.4.1 with the following changes:
- i. Notice of other appeals shall be by mailing to the property owner within seven (7) days after filing the appeal with the City Clerk.
  - ii. Notice must be mailed no less than twenty (20) days prior to any hearing

## 6.0 APPENDIX

### 6.1 Contact List

City Hall is open from 8:00 a.m. to 5:00 p.m., Monday through Friday, except City holidays. Community Development is open from 7:00 a.m. to 6:00 p.m., Monday through Friday, except City holidays. After Regular Business Hours, Call 524-4118 for emergencies, such as: water leaks, sewer problems, electrical outages, etc.

#### COMMUNITY DEVELOPMENT DEPARTMENT

Director, Don Clark

##### *Planning Division*

410 N. Broadway/P.O. Box 80

**373-6466**

E-mail: [Development@siloamsprings.com](mailto:Development@siloamsprings.com)

Rezoning, special uses, variances, preliminary and final plats, large scale review, right-of-way closures, sign permits, sign variances, appeals, and special event permits.

**Ben Rhoads, AICP**, Senior Planner  
**Brian Phillips**, Permit Technician

##### *Engineering Division*

410 N. Broadway St./P.O. Box 80

**373-6466**

E-mail: [Engineer@siloamsprings.com](mailto:Engineer@siloamsprings.com)

Drainage questions/ problems.

**Justin Bland, PE**, City Engineer.  
**Kevin Moore, PE**, Staff Engineer  
**Michael Blankenship**, Surveying and Mapping Technician  
**Steven Escalante**, GIS Technician

##### *Building Division*

410 N. Broadway St./P.O. Box 80

**373-6466**

E-mail: [Building@siloamsprings.com](mailto:Building@siloamsprings.com)

Issue building, plumbing, RPZ permits, inspection scheduling, and building code questions.

**Randal Clark**, Senior Building Official  
**Ryan Schraub**, Building Inspector

**Clifford Hickman**, Facilities Coordinator  
**Brandy Rowbotham**, Administrative Assistant II  
**Kelly Carr**, Administrative Assistant

*Code Enforcement Division*  
410 N. Broadway St./P.O. Box 80

**524-6535**

E-mail: [jharris@siloamsprings.com](mailto:jharris@siloamsprings.com)

Code enforcement

**Austin Ramos**, Code Compliance Specialist

PUBLIC WORKS DEPARTMENT  
Director, Steve Gorszczyk

*Water/Wastewater Division*  
1100 E. Ashley St.

**238-0921**

E-mail: [Water@siloamsprings.com](mailto:Water@siloamsprings.com)

Water and sewer line information/problems, upgrade sewer service, RPZ questions/monthly inspections, and set meters for new construction.

**Danny Farine**, Water Service Superintendent  
**Janet Hall**, Administrative Assistant

*Street Division*  
1100 E. Ashley St.

**524-6554**

E-mail: [Streets@siloamsprings.com](mailto:Streets@siloamsprings.com)

Street repairs, right-of-way clearing, street specs, street cut/bore permits.

**Dennis Kindy**, Street Superintendent  
**Ashley Edwards**, Street Administrative Assistant

FIRE DEPARTMENT  
Chief, Jeremy Criner

*Fire Department*  
1400 Cheri Whitlock Drive

**524-3103**

E-mail: [FireDepartment@siloamsprings.com](mailto:FireDepartment@siloamsprings.com)

**Jeremey Criner**, Fire Chief  
**Dustin Kindell**, Fire Marshal

ELECTRIC DEPARTMENT  
Director, Phil Stokes

1600 W. Quarter Rd./P.O. Box 80

**524-3777**

E-mail: [ElectricDept@siloamsprings.com](mailto:ElectricDept@siloamsprings.com)

Set appointments to connect temporary electric service and inspections, street light repairs, and removal of tree limbs in power lines.

**Phil Stokes**, Director  
**John Bland**, Superintendent  
**Anna Reed**, Administrative Assistant

UTILITY BILLING

400 N. Broadway St./P.O. Box 80

**524-5136** ext. 3316 / 3317 / 3319

Start new accounts for residential/ commercial construction, payment of utility bills, and disconnection of service.

6.2 Technical Review Committee Membership

STAFF TECHNICAL REVIEW COMMITTEE MEMBERSHIP

Ben Rhoads, AICP, Planning Division, Committee Chair

Justin Bland, PE, City Engineer

Randal Clark, Building Division

Kevin Moore, PE, Engineering Division

Michael Blankenship, Engineering Division

Dustin Kindell, Fire Marshal, Fire Department

Danny Farine, Water/Wastewater Department

John Bland, Electric Department

Benton County Planning (*For plats outside of the City limits, but within the City's Planning Area*)

Siloam Springs School Board (*For plats only in the City's Planning Area and for ordinances*)

Private Utilities:

CenturyTel

Cox Communications

Source Gas

### 6.3 Resources

City Website [www.siloamsprings.com](http://www.siloamsprings.com)

#### Building Division:

Arkansas Fire Prevention Code	2012 Volumes I, II, and III
Arkansas State Plumbing Code	2006 Edition
Arkansas Gas Code	2006 Edition
Arkansas Mechanical Code	2010 Edition
Arkansas Energy Code	2015 Edition

#### Planning Division:

Siloam Springs Municipal Code:

Chapter 53	Landscape Code
Chapter 54	Land Use Code
Chapter 78	Planning Code
Chapter 81	Sign Code
Chapter 87	Subdivision Code
Chapter 102	Zoning Code

#### Electric Department

National Electric Code 2014 Edition  
Siloam Springs Municipal Code: Chapter 98 Utilities Code

#### Street Department

Siloam Springs Street Construction Specifications  
Specification Requirements for the construction of water and sewer facilities  
Siloam Springs Municipal Code:  
Chapter 98 Utilities Code  
Chapter 86 Streets, Sidewalks and Other Public Places

#### State Licensing Information

General Contractors: [www.state.ar.us/clb/](http://www.state.ar.us/clb/)  
Plumbing Professionals: [www.healthyarkansas.com/faq/faq\\_plumb](http://www.healthyarkansas.com/faq/faq_plumb)  
Arkansas Dept of Health: [www.healthyarkansas.com](http://www.healthyarkansas.com)  
Electric Professionals: [www.state.ar.us/directory/detail2.cgi?ID=1068](http://www.state.ar.us/directory/detail2.cgi?ID=1068)

#### Other Resources

2030 Land Use Map  
Zoning Map  
Master Street Plan  
Downtown Parking Plan  
Downtown Connectivity and Master Plan

6.4 Schedule of Fees

The following schedule of fees includes only those fees and charges assumed at the time of application. Building permit fees, all water and sewer tap fees, street cuts fees, and road bores must be paid in full prior to the permit becoming valid.

**SPECIAL USE OR REZONING**

Rezone / Annexation Development Permit	\$150
Special Use Development Permit	\$100

**DEVELOPMENT OF LAND**

Lot Split Development Permit	\$100
Preliminary Plat Development Permit	\$350
Final Plat Development Permit	\$350
Significant Development Permit	\$350
Right-of-Way Closure	\$240

**BOARD OF ADJUSTMENT**

Variance Development Permit	\$100
Sign Variance Development Permit	\$100

**SIGN PERMIT FEE**

Sign Permit Fee (base)	\$10
plus \$1.00 per sq. ft. of sign face	

**m**

**WATER TAP FEES**

¾" Tap	\$350
1" Tap	\$470
2" Tap	\$820

**SEWER TAP FEES**

4" Tap	\$285
6" Tap	\$300
8" + Tap	Variable
(complete cost to be assumed by owner)	

**WATER METER FEES**

¾" Meter	\$200
1" Meter	\$280
2" Meter	\$580

**PLUMBING FEES**

Please see the Building Dept. for Plumbing Fee Schedule.

**STREET CUT/ROAD BORE**

Street Cut Permit	\$150
Road Bore Permit	\$100

Variable costs may be incurred by the owner depending on the scope of each project. Contact the

Water/Wastewater Department for further information at 238-0921.

**ELECTRIC SERVICE EXTENSION FEE**

Per new building or structure \$1069.46

**STREET FEES**

The fee varies is based on land use planned, contact the City Engineer for fee calculation and amount.

**BUILDING PERMITS**

**Total Valuation**

\$1000 and less  
 \$15 fee for each required inspection.

\$1001- \$50,000

\$15/first \$1000; \$5/each additional \$1000 in valuation or fraction thereof.

\$50,001 - \$100,000

\$260/first \$50,000, \$4/each additional \$1000 in valuation or fraction thereof.

\$100,001 - \$500,000

\$460/first \$100,000, \$3/each additional \$1000 in valuation or fraction thereof.

\$500,001 and up

\$1660/first \$500,000, \$2/each additional \$1000 in valuation or fraction thereof.

**DEMOLITION FEE**

Structure Size

0 – 100,000 cu. ft. \$50

100,001 cu. ft. and up \$0.50/1,000 cu. ft.

**MOVING FEE OF TOTAL STRUCTURE**

\$100

**MISCELLANEOUS PERMITS**

Fence Permit \$10.00 (res.); \$25.00 (com.)

Driveway Permit \$10.00 (res.); \$25.00 (com.)

