



**Planning Commission
Agenda
March 20, 2018**

- I. Call to Order**
- II. Approval of Minutes**
- III. Consent Agenda**

- 1. Lots 18-23 Block 1 T.J. Holland's Subdivision** **Lot Split**
401 SW B Street (*LS18-0011*)
- 2. Lot 11 Demings Addition** **Property Line Adjustment**
204 NW 4th Street (*PLA18-0007*)
- 3. Lot 1 Bentonville Downs Subdivision** **Property Line Adjustment**
905 SE 5th Street (*PLA18-0006*)
- 4. Lots 281-283 Stone Meadows Addition** **Property Line Adjustment**
1904 SW Riverstone Road (*PLA18-0008*)
- 5. Lots 13-16 Gilmore's Addition** **Property Line Adjustment**
502 & 506 SW D Street (*PLA18-0010*)
- 6. Lots 33-37 McAndrew & Jackson Addition** **Preliminary Plat**
610 Bella Vista Road (*PP18-0005*)
- 7. N2 Hangar** **Large Scale Development**
2503 SW I Street (*LSD17-0106*)
- 8. Phillips Park Townhomes** **Large Scale Development Extension**
SE C Street & SE 34th Street (*LSD17-00041*)

IV. New Business

- 1. Bentonville Housing** **Rezoning***
(R-1, Single-Family Residential to DN-3, Downtown High-Density Residential)
SE 3rd Street & SE D Street (*RZ18-0006*)
- 2. Bentonville Housing** **Rezoning***
(R-1, Single-Family Residential to DN-3, Downtown High-Density Residential)
501 SE 3rd Street (*RZ18-0007*)
- 3. Bentonville Housing** **Rezoning***
(I-2, Heavy Industrial to DN-4, Downtown Mixed-Use Residential)
608 SE 3rd Street (*RZ18-0008*)

4. Bentonville Housing **Rezoning***
(R-1, Single-Family Residential to DN-4, Downtown Mixed-Use Residential)
401 SE D Street (*RZ18-0009*)

5. Atkins **Rezoning***
(R-1, Single-Family Residential to DN-1, Downtown Low-Density Residential)
NW 2nd Street (*RZ18-0010*)

6. Benton County Fairgrounds **Conditional Use***
7640 SW Regional Airport Boulevard (*CU18-0007*)

7. Zoning Ordinance Amendments **Ordinance***

V. Other Business

1. Planning Commission By-Laws

VI. Planner's Report

VII. Adjournment



Consent Agenda Items

For Planning Commission meeting of March 20, 2018

Reviewer: Tyler Overstreet, Planner

- ❖ At the Technical Review meeting held on March 13, 2018 the Planning Commission requested these items be placed on the Consent agenda. The descriptions below shall serve as the staff report for each of the consent agenda items.

Lot Split: Lots 18-23, Block 1 T.J. Holland's Subdivision, Berns Capital, LLC, 401 SW B Street, D-E, Downtown Edge, (LS18-0011)

The applicant has submitted a lot split for an approximately .2 acre area, splitting Lot 15, Block 1 of T.J. Holland's Subdivision, and creating Lots 18-23, Block 1 of T.J. Holland's Subdivision. Lot lines are created on the common walls of an existing townhouse development. The plat dedicates a six feet utility easement. All public infrastructure and improvements were provided with the Pharm Townhomes Large Scale Development (LSD15-00032) *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)*

Property Line Adjustment: Lot 11 Demings Addition, Gandy, 204 NW 4th Street, R-1, Single-Family Residential, (PLA18-0007)

The applicant has submitted a property line adjustment to remove the common lot line between Lots 6 & 7, Block 4 of Demings Addition to create Lot 11 (+/- 0.42 acres) of Demings Addition. The plat dedicates right-of-way along NW 4th Street and a 20 ft. utility easement along all property lines. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)*

Property Line Adjustment: Lot 1 Bentonville Downs Subdivision, Rader, 905 SE 5th Street, R-1, Single-Family Residential, (PLA18-0006)

The applicant has submitted a property line adjustment that will create Lot 1 (+/- .25 acres) of Bentonville Downs Subdivision. The plat dedicates right-of-way along SE 5th Street and multiple utility easements of varying widths. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)*

Property Line Adjustment: Lots 281-283 Stone Meadows Addition, ELB Land Holdings, LLC, 1904 SW Riverstone Road, R-1, Single-Family Residential & R-2, Duplex and Patio Home Residential, (PLA18-0008)

The applicant has submitted a property line adjustment adjusting the depth of Lots 277 & 278 of Stone Meadows Addition, creating new lots 281 through 283 of Stone Meadows Addition. The plat dedicates a 10 ft. utility easement along the rear of new lots 281 & 282. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)*

Property Line Adjustment: Lots 13-16 Gilmore's Addition, Roth Family, Inc., 502 & 506 SW D Street, D-E, Downtown Edge (PLA18-0010)

The applicant has submitted a property line adjustment of Lots 2, 4, 6, & 8, Block 7 of Gilmore's Addition, creating new Lots 13 through 16. Lot 13, a corner lot, is .24 acres in size, while lots 14 thru 16 are .19 acres in size. The plat dedicates right-of-way along SW 5th Street, a 15 ft. utility easement along the northern property line, and a 20 ft. utility easement along the eastern property line. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mgweb/PZpending/>)*

Preliminary Plat: McAndrew & Jackson Addition Lots 33-37, Hurricane WA, LLC, 610 Bella Vista Road, DN-2, Downtown Medium-Density Residential (PP18-0005)

The applicant has submitted a preliminary plat for an approximately 1.1 acre area, creating Lots 33 thru 37 of McAndrew & Jackson Addition. Right-of-way will be dedicated along Bella Vista Road. Existing sidewalk will be demolished and new sidewalk will be constructed as each lot develops. Each lot will rear load from a private access drive to be constructed with this plat. All non-bondable items and guarantees of improvements shall be complete prior to final platting. No waivers requested. This preliminary plat does meet the minimum requirements of the subdivision regulations. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mqweb/PZpending/>)*

Large Scale Development: N2 Hangar, City of Bentonville, 2503 SW I Street, A-1, Agricultural

The applicant has submitted a large scale development application for the construction of a 9,600 square foot hangar in the Bentonville Municipal Airport. The applicant is providing trees, green space, and shrubbery on the western side of the building that fronts SW I Street. The primary materials depicted for the exterior elevations include 25 gauge metal panels and face brick. No waivers requested. This large scale development does meet the minimum requirements of the subdivision regulations. *(Please click on this link to access the vicinity map for this item: <http://geo.bentonvillear.com/mqweb/PZpending/>)*

Large Scale Development Extension: Phillips Park Townhomes, Honey Creek Land & Cattle, LLC, SE C Street & SE 34th Street, R-4, High-Density Residential

This item was originally approved by the Planning Commission on September 19, 2017.

The applicant is proposing a large scale development consisting of 4 separate buildings that contain 22 two story townhome units. Fifty-seven parking spaces will be provided, including 44 garage spaces and 13 off-street spaces. The primary ingress/egress will be from a single proposed curb cut onto SE 34th Street. A portion of new sidewalk will be constructed along SE 34th street and will connect to the existing sidewalk along SE 'C' Street. The primary materials depicted for the exterior elevations include fiber cement board & batten siding, masonry and / or stone veneer and aluminum windows.

PROPERTY LINE ADJUSTMENT OLD LOTS 6 & 7, BLOCK 4 CREATING LOT 11 DEMINGS ADDITION

Utility Notes

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES.

Miscellaneous Notes

COMPLETED FIELD WORK:
JULY 13, 2017

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2017 AT PAGE 44288.
2. SURVEY PLAT FILED IN PLAT BOOK G AT PAGE 163.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

ATLAS PAGE 361

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0090J, WHICH BEARS AN EFFECTIVE DATE OF 9/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES

ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN ELECTRICAL EQUIPMENT NOT BEING ON THE NEW LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST TO RELOCATE ELECTRICAL EQUIPMENT.

IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH BEUD TO DETERMINE IF EQUIPMENT IS IN CONFLICT, AND TO PAY FOR ANY COSTS ASSOCIATED WITH THE RELOCATION OF EQUIPMENT.

BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENTS AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITH-IN THE RIGHT-OF-WAY.

OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.

SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.

THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

Current Zoning

ZONING: R-1

BUILDING SETBACKS:
FRONT - 20'
SIDE, INTERIOR - 7'
SIDE, EXTERIOR - 20'
REAR - 25'

Owner/Developer

PARCEL 01-02113-000
GANDY, DAVID R & JENNIFER
297 LAKE ELIZABETH DR
CENTERVILLE MA 02632-3630

Legend of Symbols & Abbreviations

BOUNDARY LINE
CENTERLINE OF ROAD (C/L)
RIGHT-OF-WAY (R/W)
FENCE
OVERHEAD POWER LINE
SET 1/2" REBAR & CAP
FOUND MONUMENT AS NOTED
WATER METER
POWER POLE
TELEPHONE PEDESTAL
P.O.B. POINT OF BEGINNING

Parent Tract Description

PREVIOUS DESCRIPTION - EAST HALF OF LOT 6
THE EAST HALF OF LOT 6, BLOCK 4, DEMINGS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. TO-WIT: BEGINNING AT A FOUND IRON PIN WHICH IS N87°28'12"W 38.25' FROM THE SOUTHEAST CORNER OF SAID LOT 6, AND RUNNING THENCE N02°39'21"E 230.00' TO A SET IRON PIN, THENCE S87°27'23"E 39.49', THENCE S02°57'57"W 230.00', THENCE N87°28'12"W 38.25' TO THE POINT OF BEGINNING. CONTAINING 0.21 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PREVIOUS DESCRIPTION - WEST HALF OF LOT 7
THE WEST HALF OF LOT 7, BLOCK 4, DEMINGS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. TO-WIT: BEGINNING AT A FOUND IRON PIN WHICH IS S87°28'12"E 38.25' FROM THE SOUTHWEST CORNER OF SAID LOT 7, AND RUNNING THENCE N87°28'12"W 38.25', THENCE N02°57'57"E 230.00', THENCE S87°27'23"E 39.49' TO A SET IRON PIN, THENCE S03°16'34"W 230.00' TO THE POINT OF BEGINNING. CONTAINING 0.21 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 11 DESCRIPTION
THE EAST HALF OF LOT 6 AND THE WEST HALF OF LOT 7, BLOCK 4, DEMINGS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS. TO-WIT: BEGINNING AT A FOUND IRON PIN WHICH IS N87°28'12"W 38.25' FROM THE SOUTHEAST CORNER OF SAID LOT 6, AND RUNNING THENCE N02°39'21"E 230.00' TO A SET IRON PIN, THENCE S87°27'23"E 78.98' TO A SET IRON PIN, THENCE S03°16'34"W 230.00' TO A FOUND IRON PIN, THENCE N87°28'12"W 76.50' TO THE POINT OF BEGINNING. CONTAINING 0.41 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

SIGNED: _____

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED: _____

SIGNED: _____

SIGNED: _____

SIGNED: _____

I, BUCKLEY D BLEW, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

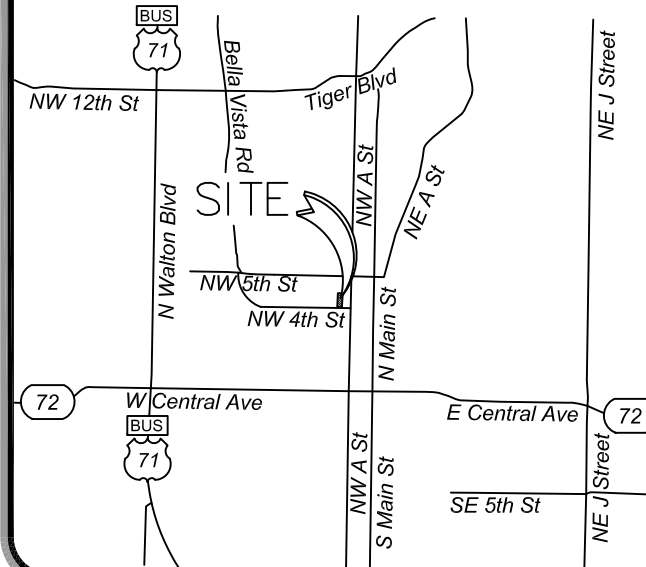
SIGNED: _____

REGISTERED LAND SURVEYOR NO. 1532
STATE OF ARKANSAS

DATE	REVISION

Recording Block

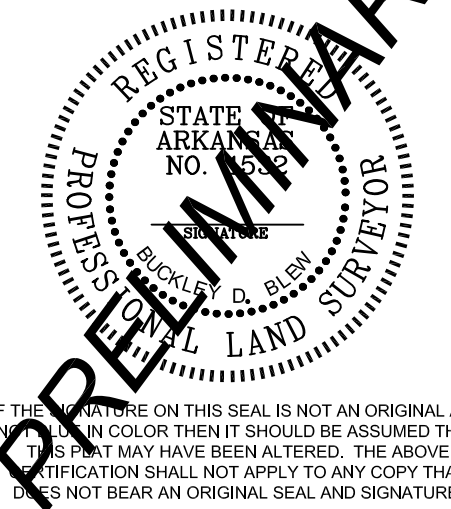
Vicinity Map



0 30 60 90

1 INCH = 30 FEET

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 13TH DAY OF JULY, 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

FIRM:

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE: J.C. - 2/2/2017
REVIEWED BY: G.A.C.
SURVEYED BY: D.D.A.

COUNTY & STATE: BENTON COUNTY, ARKANSAS
JOB NUMBER: 18-348

LOCATION: 204 NW 4TH STREET, BENTONVILLE, AR

FOR THE USE AND BENEFIT OF:
LOT COMBINATION
for
DAVID & JENNIFER GANDY

CITY OF BENTONVILLE PROJECT #PLA18-0007

PROPERTY LINE ADJUSTMENT CREATING NEW LOT 1 OF RADER SUBDIVISION

NOTES PER THIS PLAT:

1. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.
2. ALL STRUCTURES MUST MAINTAIN MINIMUM OF 20' CLEARANCES FROM ALL ELECTRIC LINES.
3. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC.) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
4. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479-271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT.
5. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE EQUIPMENT TO THE NEW LOT LINE.
6. WORK WITHIN THE STREET RIGHT-OF-WAY HAS TO BE APPROVED AND REVIEWED BY THE ENGINEERING DEPARTMENT.
7. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENT AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITHIN THE RIGHT-OF-WAY.
8. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER, AND ELECTRIC SERVICE.
9. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
10. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

ADJACENT LAND OWNERS

- 1) LANE, MICHELLE RANEE
906 SE 4TH ST
BENTONVILLE AR 72712-6021
PARCEL #01-00680-000
ZONED: R-1
- 2) TOWNSEND, DONALD W
918 SE 4TH ST
BENTONVILLE AR 72712-6021
PARCEL #01-00684-000
ZONED: R-1
- 3) BOYDSTON, JAMES A
907 SE 5TH ST
BENTONVILLE AR 72712-6029
PARCEL #01-00685-000
ZONED: R-1
- 4) AUGUST 31 HOLDINGS LLC
PO BOX 9504
FAYETTEVILLE AR 72703-9504
PARCEL #01-00679-000
ZONED: C-1
- 5) LAMAN, KERRY M
5108 S OSAGE CREEK RD
ROGERS AR 72758-8978
PARCEL #01-02492-001
ZONED: DN-2

PROPERTY OWNER:

RADER, JULIE
905 SE 5TH ST
BENTONVILLE AR 72712-6029

ATLAS PAGE:

404

PROPOSED USE:

RESIDENTIAL

FIELD WORK:

MAY 24 & JUNE 2, 2016

BASIS OF BEARING:

GPS OBSERVATION - AR NORTH ZONE

PROPERTY ZONED:

R-1

BUILDING SETBACKS:

FRONT (GARAGE FACING)	30R
FRONT	20R
SIDE (INTERIOR)	07R
SIDE (EXTERIOR)	20R
REAR	25R

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION:

SIGNED _____
BENTONVILLE PLANNING
COMMISSION CHAIRMAN

SIGNED _____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

SURVEY DESCRIPTION:

PREVIOUS PARCEL #01-00679-000:

A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N87°14'04"W 635.18' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N87°14'04"W 73.86', THENCE N02°33'49"E 171.23' TO AN EXISTING FENCE CORNER, THENCE S87°13'58"E 73.37' TO AN EXISTING REBAR, THENCE S02°23'56"W 171.23', TO THE POINT OF BEGINNING, CONTAINING 0.29 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 1 OF RADER SUBDIVISION:

LOT 1 OF RADER SUBDIVISION, ALSO BEING A PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE NORTH MASTER STREET PLAN RIGHT-OF-WAY OF SOUTHEAST 5TH STREET WHICH IS N87°14'04"W 635.18' AND N02°23'56"E 20.75' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY N87°42'00"W 73.80', THENCE LEAVING SAID RIGHT-OF-WAY N02°33'49"E 151.08' TO AN EXISTING FENCE CORNER, THENCE S87°13'58"E 73.37' TO AN EXISTING REBAR, THENCE S02°23'56"W 150.48' TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOTE:

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.

(FIRM PLAN #05007C0255K, DATED 06/05/2012)

OWNER'S CERTIFICATION - PARCEL #01-00679-000:

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

PRINTED NAME: JULIE RADER

SIGNATURE: _____

SOURCE OF TITLE: D.R. BOOK 2012-23541

REFERENCE DOCUMENTS:

- 1) PLAT OF SURVEY FILED IN BOOK 18 AT PAGE 169
- 2) PLAT OF SURVEY FILED IN BOOK 2 AT PAGE 255
- 3) BOUNDARY SURVEY FILED IN BOOK 2 AT PAGE 101
- 4) PLAT OF SURVEY FILED IN BOOK 18 AT PAGE 51
- 5) PLAT OF THE 3RD EAST SIDE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS FILED IN BOOK G AT PAGE 75
- 6) SPECIAL WARRANTY DEED FILED IN BOOK 2012 AT PAGE 23541



GRAPHIC SCALE (IN FEET)

1 Inch = 20ft.

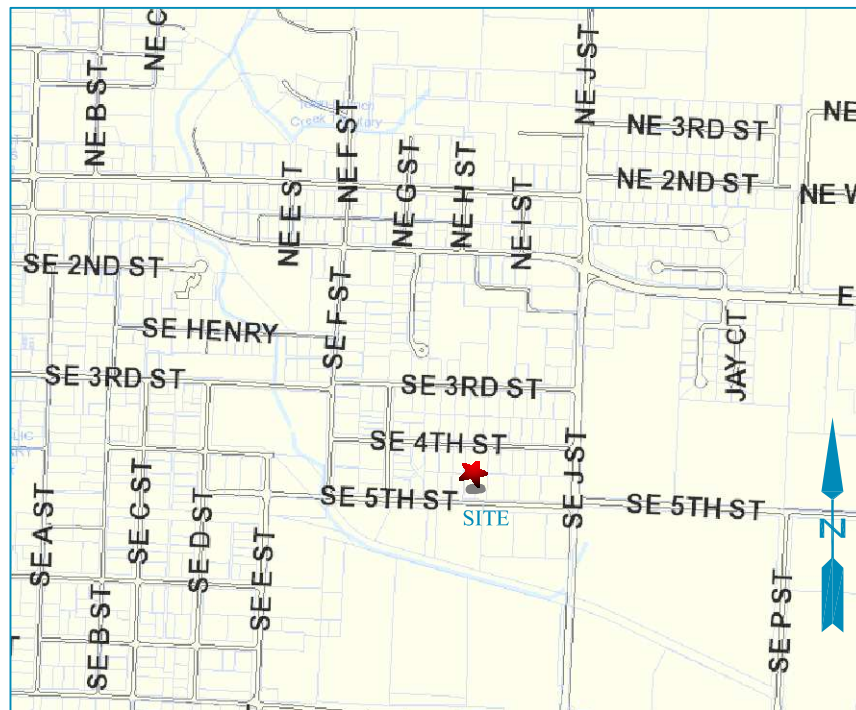
STATE RECORDING NUMBER:
500-20N-30W-0-32-410-04-1642

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 2ND DAY OF JUNE, 2016.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



VICINITY MAP NOT TO SCALE

CITY OF BENTONVILLE PROJECT # PLA 18-0006

RECORDING NUMBER/DATE

DRAWING # 16-139PLA

FOR USE AND BENEFIT OF:
JULIE RADER

ADDRESS:
**905 SE 5TH STREET
BENTONVILLE, ARKANSAS 72712**

DATE: 3/5/18 SCALE: 1"=20'

LOCATION:
SECTION: 32
TOWNSHIP: 20 NORTH
RANGE: 30 WEST

SURVEYED: DRAFTED:

UROS: AH

REVIEWED: DT

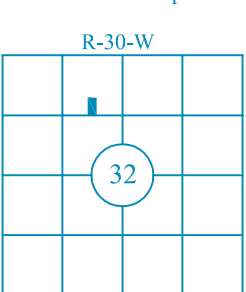


Bates & Associates, Inc.
Engineers - Surveyors - Landscape Architects

2230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

BATES & ASSOCIATES, INC. Copyright 2018
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for encumbrances of record, encroachments, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the heretofore cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

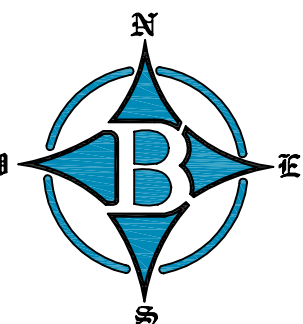
Location Map:

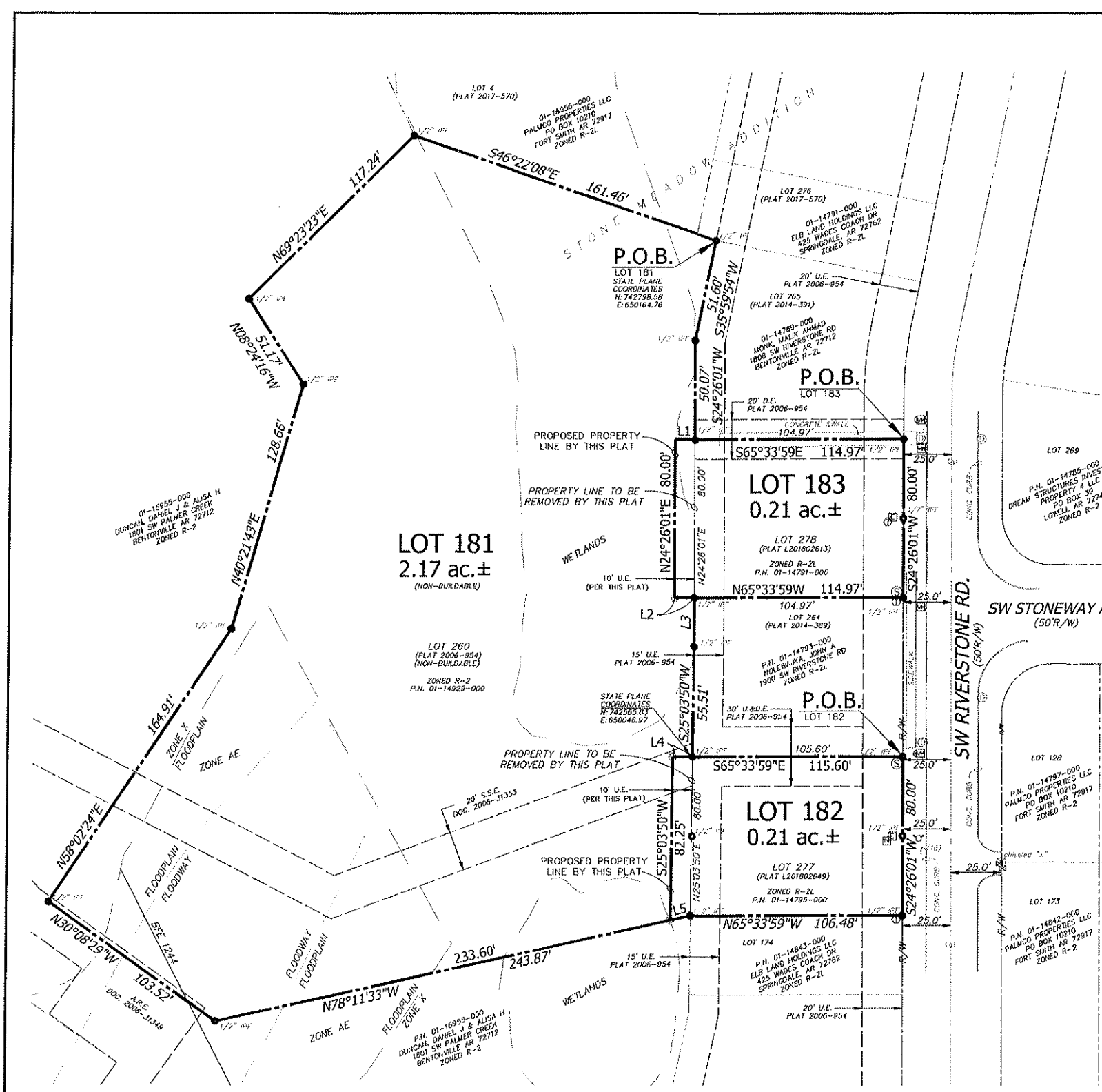


LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR/CAP
- ⊗ FOUND 1/2" REBAR/CAP
- FOUND PIPE
- ⊙ FENCE CORNER POST
- ⊙ SET 5/8" REBAR/CAP
- COMPUTED POINT
- ⊙ SANITARY SEWER MH
- ⊙ POWER POLE
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT
- ⊙ WATER METER
- ⊙ GAS METER
- BOUNDARY LINE (MEASURED)
- FORTY LINE/TIE LINE
- CENTERLINE OF ROAD
- MASTER STREET PLAN RIGHT-OF-WAY
- x - x - FENCE





LEGEND:

- IRON PIN FOUND
- 1/2" IRON PIN SET PS 1380
- BOUNDARY LINE
- LOT LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- WOODEN FENCE
- DRAINAGE MANHOLE
- SANITARY SEWER MANHOLE
- ELECTRIC TRANSFORMER
- TELEPHONE RISER
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- CABLE TV RISER
- MAIL BOX
- UTILITY EASEMENT
- DRAINAGE EASEMENT
- UTILITY AND DRAINAGE EASEMENT
- SANITARY SEWER EASEMENT
- ACCESS ROAD EASEMENT

N

BASIS OF BEARINGS: ARKANSAS STATE PLANE
NORTH COORDINATE SYSTEM
CONVERGENCE ANGLE: -1°18'32"

40 20 0 20 40

1 inch = 40 ft.

SURVEY DESCRIPTION LOT 181 (THIS PLAT):

A TRACT OF LAND BEING A PART OF LOT 260 OF THE FINAL PLAT OF STONE MEADOW ADDITION AS RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS OF BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 260; THENCE S35°59'54"W 51.60 FEET; THENCE S24°26'01"W 50.07 FEET; THENCE N65°33'59"W 10.00 FEET; THENCE S24°26'01"W 80.00 FEET; THENCE S65°33'59"E 10.00 FEET; THENCE S24°26'01"W 24.50 FEET; THENCE S25°03'50"W 55.51 FEET; THENCE N65°33'59"W 10.00 FEET; THENCE S25°03'50"W 82.25 FEET; THENCE N78°11'33"W 233.60 FEET; THENCE N30°08'29"W 103.32 FEET; THENCE N58°02'24"E 164.91 FEET; THENCE N40°21'43"E 128.66 FEET; THENCE N08°24'16"W 51.17 FEET; THENCE N69°23'23"E 117.24 FEET; THENCE S46°22'08"E 161.46 FEET TO THE POINT OF BEGINNING, CONTAINING 2.17 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION LOT 182 (THIS PLAT):

A TRACT OF LAND BEING ALL OF LOT 277 OF A PROPERTY LINE ADJUSTMENT RECORDED AS DOCUMENT L201802649 AND A PART OF LOT 260 OF THE FINAL PLAT OF STONE MEADOW ADDITION AS RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS OF BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 277 BEING ON THE WEST RIGHT-OF-WAY LINE OF SW RIVERSTONE RD. (50'R/W); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S24°26'01"W 80.00 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE N65°33'59"W 106.48 FEET; THENCE N78°11'33"W 10.27 FEET; THENCE N25°03'50"E 82.25 FEET; THENCE S65°33'59"E 115.60 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

SURVEY DESCRIPTION LOT 183 (THIS PLAT):

A TRACT OF LAND BEING ALL OF LOT 278 OF A PROPERTY LINE ADJUSTMENT RECORDED AS DOCUMENT L201802613 AND A PART OF LOT 260 OF THE FINAL PLAT OF STONE MEADOW ADDITION AS RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS OF BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LOT 278 BEING ON THE WEST RIGHT-OF-WAY LINE OF SW RIVERSTONE RD. (50'R/W); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S24°26'01"W 80.00 FEET; THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE N65°33'59"W 114.97 FEET; THENCE N24°26'01"E 80.00 FEET; THENCE S65°33'59"E 114.97 FEET TO THE POINT OF BEGINNING, CONTAINING 0.21 ACRES, MORE OR LESS. SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

LINE TABLE		
LINE	BEARING	DISTANCE
1	N65°33'59"W	10.00
2	S65°33'59"E	10.00
3	S24°26'01"W	24.50
4	N65°33'59"W	10.00
5	N78°11'33"W	10.27

CERTIFICATE OF AUTHORIZATION

PAYA INC.

No. 3152

ARKANSAS

CERTIFIED PROFESSIONAL SURVEYOR

STATE OF ARKANSAS

No. 1380

Lazaro G. Paya

SIGNATURE

CERTIFICATE OF SURVEY.

I, LAZARO G. PAYA, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME, BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST, THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: 03/05/2018

SIGNED: *Lazaro Paya*

LICENSED PROFESSIONAL SURVEYOR NO. 1380

STATE OF ARKANSAS

CITY OF BENTONVILLE PROJECT NUMBER: PLA18-0008		
REVISION	DATE	DESCRIPTION
R1	03/05/2018	CITY OF BENTONVILLE COMMENTS

PAYA INC.

www.paya-inc.com

(479) 696-9138

mail@paya-inc.com

259 BRIGHT ROAD - CAVE SPRINGS, AR - 72718

PROPERTY LINE ADJUSTMENT OF LOTS 260, 277 & 278 OF STONE MEADOW ADDITION, CREATING LOTS 181, 182 & 183 CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS			
PREPARED FOR: ELB LAND HOLDINGS LLC			
DRAWN BY:	LP	SCALE: 1" = 40'	DATE: February 10, 2018
REVISED:	CEB	DWG: 18010_PLA_REV	SHEET: 2 OF 2

PROPOERTY LINE ADJUSTMENT OF LOTS 2, 4, 6, AND 8 IN BLOCK 7
GILMORE'S ADDITION CREATING NEW LOTS 13, 14, 15, AND 16.

ADJACENT LAND OWNERS

- 1) MSB HOLDINGS LLC
506 SW 5TH ST
BENTONVILLE AR 72712-5821
PARCEL #01-02705-000
ZONED: R-1
- 2) MLC INC
508 NE 2ND ST
BENTONVILLE AR 72712-5403
PARCEL #01-02702-004
ZONED: RC-2
- 3) CHP LLC
PO BOX 3450
BENTONVILLE AR 72712-3450
PARCEL #01-02703-000
ZONED: R-1
- 4) CITY OF BENTONVILLE
ATTN: THOMPSON, CAMILLE
117 W CENTRAL AVE
BENTONVILLE AR 72712-5256
PARCEL #01-02725-000
ZONED: D-E
- 5) DODSON, JAMES RICKY & PIHA, JANA RICHELLE
508 SW D ST
BENTONVILLE AR 72712-5866
PARCEL #01-02723-000
ZONED: R-1
- 6) DODSON, JAMES RICKY & PIHA, JANA RICHELLE
508 SW D ST
BENTONVILLE AR 72712-5866
PARCEL #01-02722-000
ZONED: R-1
- 7) NORTH ARKANSAS WHOLESALE CO INC
WAL MART PROPERTY TAX DEPT
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
PARCEL #01-02719-000
ZONED: R-1

PROPERTY OWNER:
ROTH FAMILY INC
6077 SW REGIONAL AIRPORT BLVD
STE1
BENTONVILLE AR 72712-9450
PARCELS #01-02720-000 & #01-02721-000
ZONED: D-E

FIELD WORK:
MAY 20, 2016

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE

- REFERENCE DOCUMENTS:
1) PLAT OF GILMORE'S ADDITION, FILED IN PLAT BOOK "A" AT PAGE 37
2) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 364
3) PLAT OF SURVEY FILED IN BOOK 2005 AT PAGE 365
4) PLAT OF SURVEY FILED IN BOOK 2010 AT PAGE 49
5) PLAT OF SURVEY FILED IN BOOK 2003 AT PAGE 692
6) REPLAT FILED IN PLAT BOOK 2012 AT PAGE 197
7) WARRANTY DEED FILED IN BOOK 521 AT PAGE 109
8) WARRANTY DEED FILED IN BOOK 95 AT PAGE 77180

- NOTES:
1. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENTS AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITHIN THE RIGHT-OF-WAY.
2. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
3. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE. THE SIDEWALK SHALL BE A MINIMUM WIDTH OF 8' ALONG SW D STREET AND SW 5TH STREET.
4. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

PROPERTY ZONED:
D-E (DOWNTOWN EDGE)

- BUILDING SETBACKS:
FRONT 20ft MAX
SIDE 06ft MIN
REAR 06ft MIN (ADJACENT TO NON-RESIDENTIAL ZONES <20')
REAR 08ft MIN (ADJACENT TO RESIDENTIAL ZONES AND BUILDING HEIGHT <20')
REAR 12ft MIN (ADJACENT TO RESIDENTIAL ZONES AND BUILDING HEIGHT >20')

SURVEY DESCRIPTIONS:

PARCEL 01-02721-000 (B. 2015, P 61631):
LOTS 4, 6, AND 8 IN BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

PARCEL 01-02720-000 (B. 2015, P 61688):
LOT 2, BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

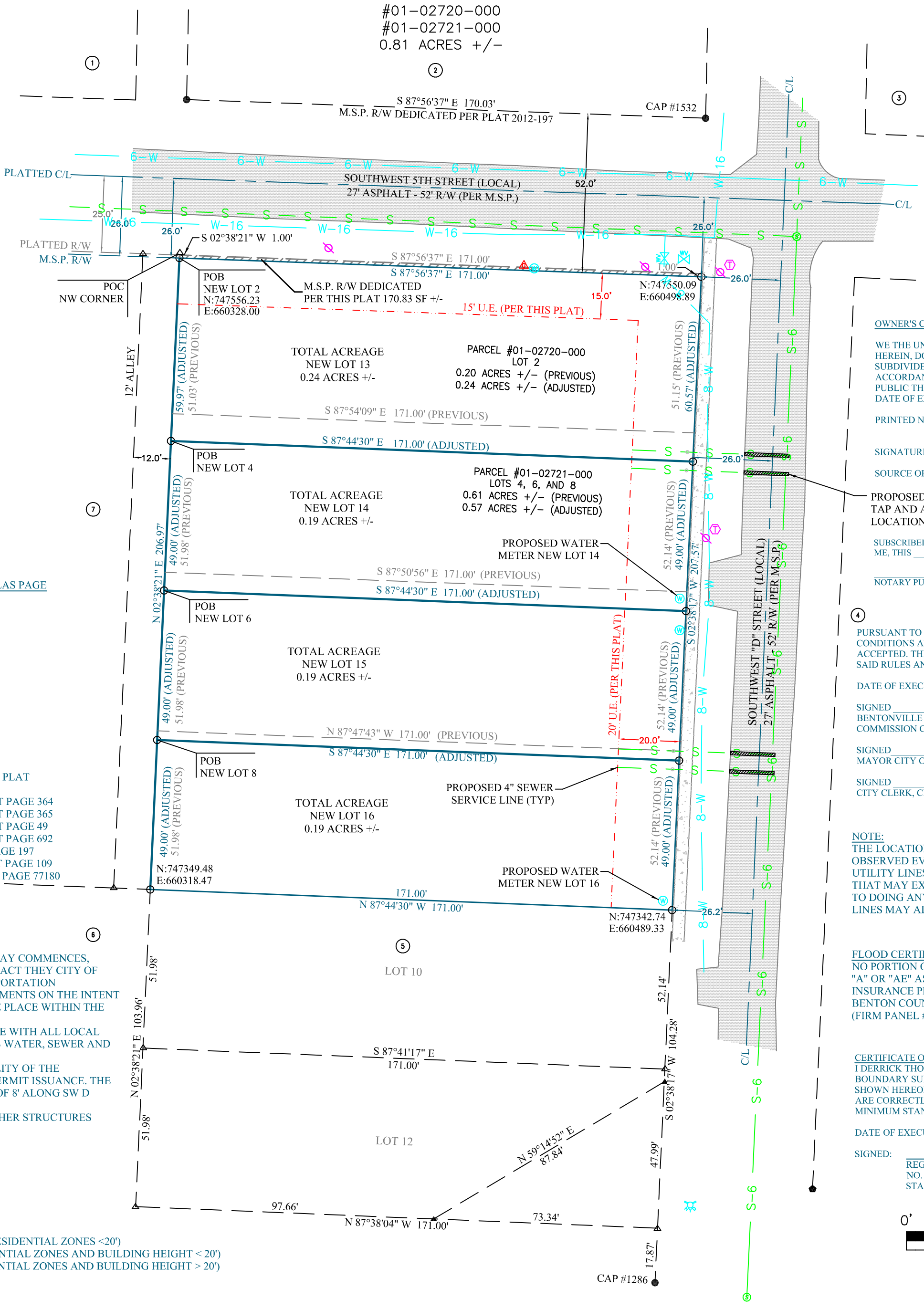
NEW LOT 2, BLOCK 7:
ALL OF LOT 2 AND A PART OF LOT 4 IN BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH MASTER STREET PLAN RIGHT-OF-WAY OF SOUTHWEST 5TH STREET WHICH IS S02°38'21"W 1.00' FROM THE NORTHWEST CORNER OF SAID LOT 2 AND RUNNING THENCE ALONG SAID RIGHT-OF-WAY S87°56'37"E 171.00' TO THE WEST MASTER STREET PLAN RIGHT-OF-WAY OF SOUTHWEST D STREET, THENCE LEAVING SAID RIGHT-OF-WAY OF SOUTHWEST 5TH STREET ALONG SAID RIGHT-OF-WAY OF SOUTHWEST D STREET S02°38'17"W 60.57', THENCE LEAVING SAID RIGHT-OF-WAY S87°44'30"W 171.00', THENCE N02°38'21"E 59.97' TO THE POINT OF BEGINNING, CONTAINING 0.24 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 4, BLOCK 7:
A PART OF LOT 4 AND A PART OF LOT 6 IN BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'21"W 60.97' FROM THE NORTHWEST CORNER OF SAID LOT 4 AND RUNNING THENCE S87°44'30"E 171.00', THENCE S02°38'17"W 49.00', THENCE N87°44'30"W 171.00', THENCE N02°38'21"E 49.00' TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 6, BLOCK 7:
A PART OF LOT 6 AND A PART OF LOT 8 IN BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'21"W 109.97' FROM THE NORTHWEST CORNER OF SAID LOT 6 AND RUNNING THENCE S87°44'30"E 171.00', THENCE S02°38'17"W 49.00', THENCE N87°44'30"W 171.00', THENCE N02°38'21"E 49.00' TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NEW LOT 8, BLOCK 7:
A PART LOT 8 IN BLOCK 7 IN GILMORE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S02°38'21"W 158.97' FROM THE NORTHWEST CORNER OF SAID LOT 8 AND RUNNING THENCE S87°44'30"E 171.00', THENCE S02°38'17"W 49.00', THENCE N87°44'30"W 171.00', THENCE N02°38'21"E 49.00' TO THE POINT OF BEGINNING, CONTAINING 0.19 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

TOTAL ACREAGE
PARCELS
#01-02720-000
#01-02721-000
0.81 ACRES +/-



OWNER'S CERTIFICATION:
WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED, AND SUBDIVIDED AND DO HEREBY LAY OFF, PLAT, SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THIS PLAT AND DO HEREBY DEDICATE TO THE USE OF THE PUBLIC THE STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.
DATE OF EXECUTION: _____

PRINTED NAME: _____
NAME & ADDRESS _____

SIGNATURE: _____

SOURCE OF TITLE: DEED BOOK 2015, PAGE 61631
DEED BOOK 2015, 61688

PROPOSED SEWER SERVICE
TAP AND ASPHALT CUT
LOCATION (TYP)

SUBSCRIBED AND SWORN BEFORE
ME, THIS ____ DAY OF ____, 2018.

NOTARY PUBLIC _____

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED
BENTONVILLE PLANNING
COMMISSION CHAIRMAN

SIGNED
MAYOR CITY OF BENTONVILLE

SIGNED
CITY CLERK, CITY OF BENTONVILLE

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.
(FIRM PANEL #05007C0255K. DATED 05/ 05/ 2012)

CERTIFICATE OF SURVEY AND ACCURACY:
I, DERRICK THOMAS, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

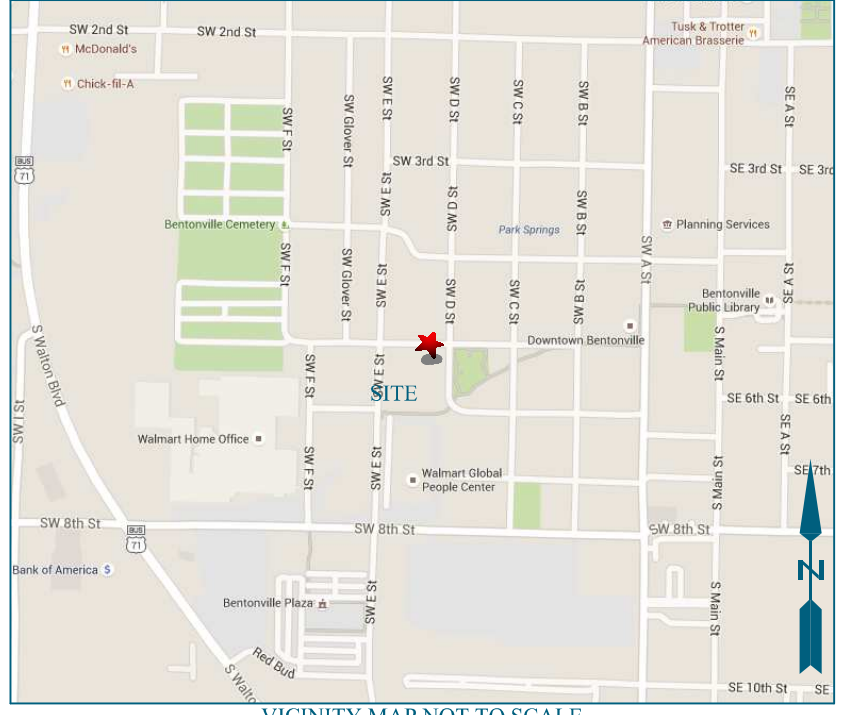
DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR
NO.
STATE OF ARKANSAS



GRAPHIC SCALE (IN FEET)
1 Inch = 30ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE
BENTONVILLE PROJECT #PLA 18-0010

FOR USE AND BENEFIT OF:
ROTH FAMILY, INC.

ADDRESS:
502 & 506 SW D ST
BENTONVILLE, ARKANSAS

DATE: 2/12/18 SCALE: 1"=30'

LOCATION: LOTS 2, 4, 6, & 8
BLOCK 7
GILMORE'S ADDITION

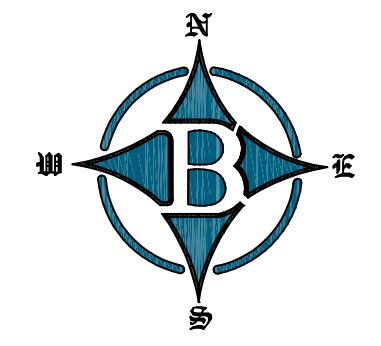
SURVEYED: _____
DRAFTED: _____
REVIEWED: DT

Bates & Associates, Inc.
Engineers - Surveyors - Landscape Architects

2230 S. Pleasant Ridge Dr. - Fayetteville, Arkansas 72704 - 479.442.9350 - Fax 479.521.9350

BATES & ASSOCIATES, INC., Copyright 2018
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encroachments, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

- LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
- FOUND 5/8" REBAR/ CAP
 - FOUND COTTON SPINDLE
 - FOUND RAILROAD IRON
 - SET 5/8" REBAR/ CAP
 - COMPUTED POINT
 - BOUNDARY LINE
 - BOUNDARY LINE (PREVIOUS)
 - FORTY LINE/ TIE LINE
 - CENTERLINE OF ROAD
 - RIGHT-OF-WAY (EXISTING)
 - RIGHT-OF-WAY (PROPOSED)
 - UTILITY EASEMENT
 - SEWER LINE
 - WATER METER
 - SANITARY SEWER MH
 - POWER POLE
 - WATER VALVE
 - GAS METER
 - TELEPHONE PEDESTAL



RECORDING NUMBER/DATE

1) THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON SUCH ABOVE GROUND STRUCTURES AS WERE VISIBLE AT THE TIME OF SURVEY, AND/OR FROM RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES.

- CONDUIT NOTES:**

1. ALL CONDUIT RUNS SHALL BE SCHEDULE 40, ELECTRICAL GRADE, RIGID PVC, NON METALLIC AND OF SIZES INDICATED.
2. INSTALLATION SHALL BE IN ACCORDANCE WITH THE CITY OF BENTONVILLE ELECTRICAL UTILITY SPECIFICATIONS.

LOTS 28 & 29 OF McANDREWS & JACKSONS
ADDITION, BENTONVILLE AS FILED IN BOOK A PAGE
30, BENTON COUNTY, ARKANSAS

Part of Lot 28 of McAndrews & Jacksons Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the Northeast corner of said Lot 28, thence S00°39'24"W 67.28 feet, thence N88°09'05"W 224.53 feet, thence N65°15'50"W 67.85 feet, thence S88°01'17"E 231.53 feet to the POINT OF BEGINNING, Containing 13,346 square feet, more or less, subject to easements and right of ways of record.

Part of Lot 28 of McAndrews & Jacksons Addition to the City of Bentonville, Benton County, Arkansas as filed in Book A, Page 30, being more particularly described as follows: Commencing at the NE Corner of said Lot 28, thence S01°39'24"W 67.28 feet to the POINT OF BEGINNING; thence S01°39'24"W 40.01 feet, thence N88°09'05"W 220.37 feet, thence N05°15'50"W 40.31 feet, thence S88°09'05"E 224.53 feet to the POINT OF BEGINNING. Containing 8,732 square feet, more or less, subject to easements and right of ways of record.

Part of Lots 28 & 29 of McAndrews & Jacksons Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 39, being more particularly described as follows: Commencing at the NE Corner of said Lot 28, thence S00°39'24"W 107.29 feet to the POINT OF BEGINNING; thence S00°39'24"W 40.01 feet, thence N88°09'05"W 218.22 feet, thence N05°15'05"W 40.31 feet, thence S88°09'05"E 220.37 feet to the POINT OF BEGINNING, Containing 0.732 square feet, more or less, subject to easements and right of ways of record.

Part of Lot 29 of McAndrews & Jacksons Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Commencing at the SE Corner of said Lot 29, thence N00°32'24" E 40.01 feet to the POINT OF BEGINNING, thence N88°09'05" W 212.06 feet, thence N05°15'50" W 40.31 feet, thence S88°09'05" E 216.22 feet, thence S00°32'24" W 40.01 feet to the POINT OF BEGINNING, Containing 8.565 square feet, more or less, subject to easements and right of ways of record.

Part of Lot 29 of McAndrews & Jacksons Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the SE Corner of said Lot 29, thence N88°09'05"W 207.90 feet, thence N05°15'50"W 40.31 feet, thence S86°09'05"E 212.05 feet, thence S00°39'24"W 40.01 feet to the POINT OF BEGINNING, Containing 8,399 square feet, more or less, subject to easements and right of ways of record.

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown hereon actually exist and their location, size, type and material are correctly shown.

Date of Execution:

Registered Land Surveyor

State of Arkansas

State of Arkansas
Registration No. _____

Certificate of Preliminary Engineering Agreement

PARCEL # 01-03388-000
BRIAN LEE ROBINSON
607 BELLA VISTA RD.
BENTONVILLE, AR 72712

I, _____, hereby certify that this plan correctly represents a plan made under my direction and engineering requirements of the Bentonville Subdivision Regulations have been complied with.

Date of Execution:

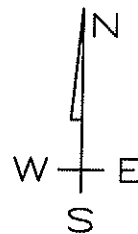
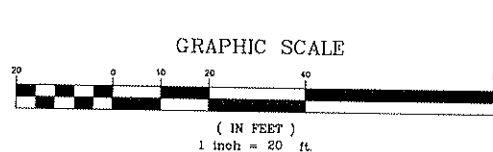
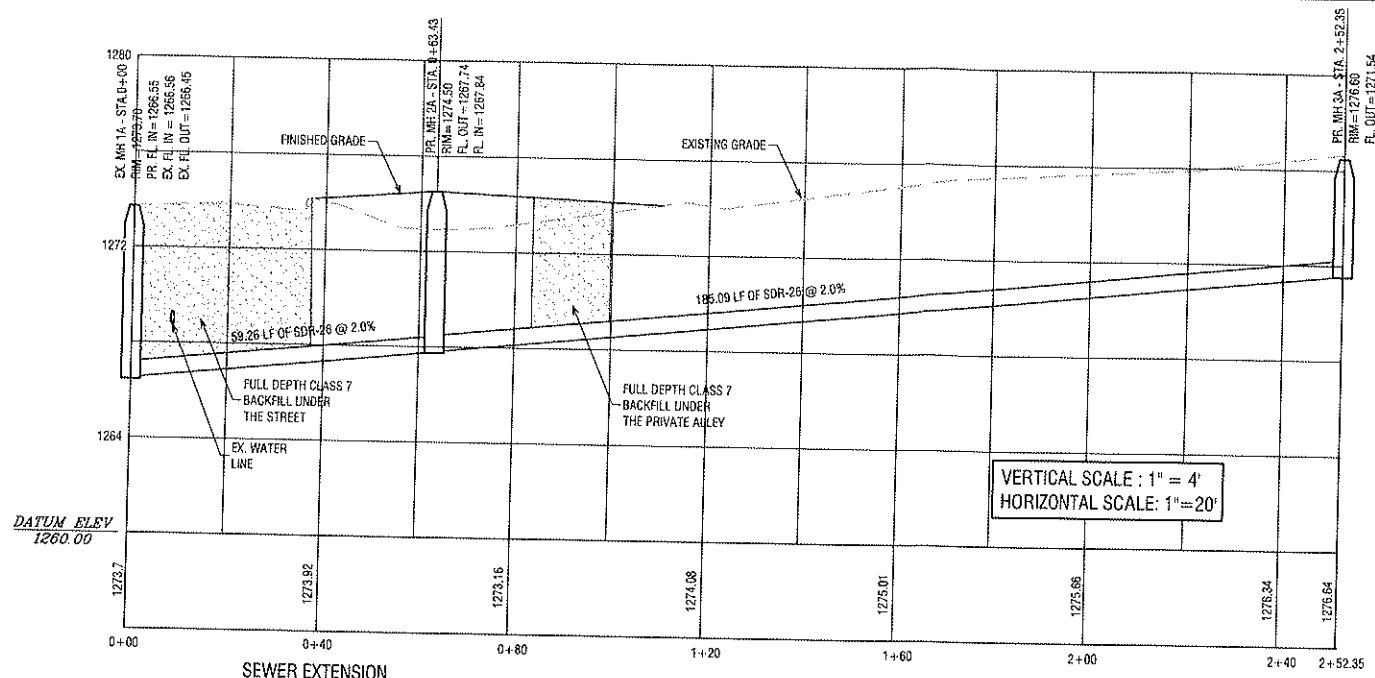
Registered Engineer

State of Arkansas
Registration No.

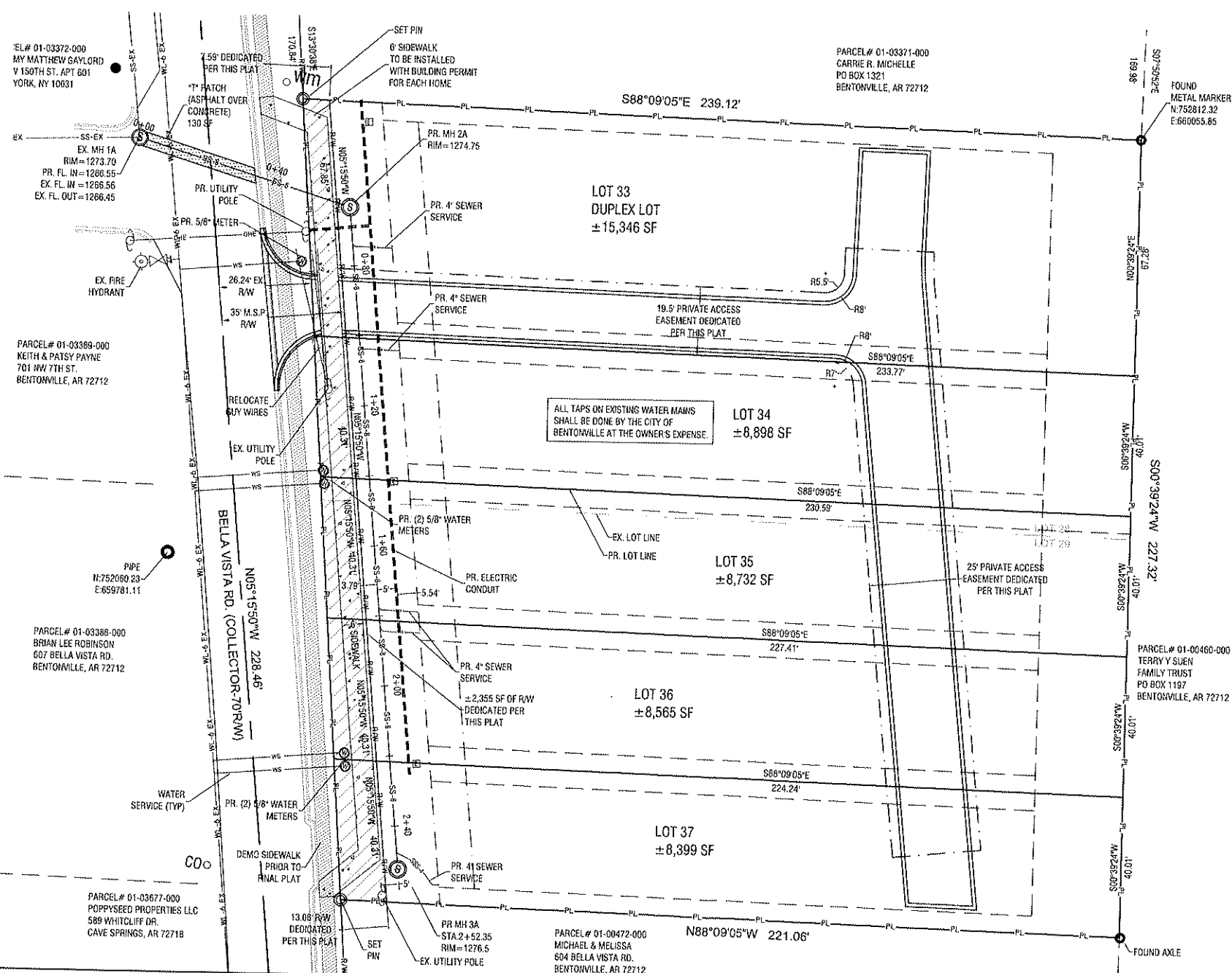
This plat has been given preliminary plat approval only and has not been approved for recording purposes as a public record. This certificate shall expire on _____ (date).

Date of Execution:

Chairman, Bentonville Planning Commission



FRONT MIN.	12'
FRONT MAX.	25' MAX
CORNER SIDE	12' MIN.
INTERIOR SIDE	5' MIN.
TOTAL MIN.	25%
REAR	25'



1) PARCEL NUMBER: 01-03367-000
2) ADDRESS - 610 BELLA VISTA RD.
3) CURRENT ZONING - DN-2
4) BASIS OF ROTATION - ARKANSAS STATE PLANE
6) BENCHMARK = 1276.54

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

JACOBS GROUP
PO BOX 1285
BENTONVILLE, AR 72712

- 1) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM #05007C0090J DATED SEPTEMBER 28, 2007.
- 2) BELLA VISTA ROAD: 75' RIGHT-OF-WAY.
- 3) NEW TREES SHALL BE LOCATED 5' FROM UTILITIES AND STORM DRAINAGE.
- 4) NO FENCES SHALL BE BUILT IN DRAINAGE EASEMENTS.
- 5) SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT THE TIME OF BUILDING PERMIT ISSUANCE.
- 6) OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER SEWER, AND ELECTRIC SERVICE.
- 7) BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND/OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENTS AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITHIN THE RIGHT-OF-WAY.
- 8) ALL PROPOSED SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
- 9) NO KNOWN PROPOSED FENCING AT THIS TIME.

THE CITY OF BENTONVILLE STREET STANDARDS, DRAINAGE CRITERIA MANUAL, SUBDIVISION ORDINANCE, WATER, SEWER, ELECTRIC UTILITY SPECIFICATION AND STATE CODE SHALL GOVERN THESE PLANS. IF THERE ARE DISCREPANCIES IN THE PLANS OR INFORMATION CONTAINED WITHIN, CITY OF BENTONVILLE ORDINANCES, STANDARDS, AND SPECIFICATIONS SHALL RULE, UNLESS, APPROVED IN WRITING BY THE CITY ENGINEER

2. BEUD DESIGN LAYOUT DRAWING TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION SHOWN ON THE SITE UTILITY PLAN. THE CONTRACTOR SHALL FOLLOW DESIGN ON BEUD'S DRAWING WHEN INSTALLING FACILITIES.

3. CONTACT BEUD AT 479-271-3135 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.

4. ELECTRIC FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE ELECTRIC SPECIFICATIONS FOUND ON THE WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.

5. BORE WATER SERVICES OR MILL AND OVERLAY WILL BE REQUIRED ON BELLA VISTA RD.

6. ALL TAPS ON EXISTING WATER MAINS SHALL BE DONE BY THE CITY OF BENTONVILLE AT THE OWNER'S EXPENSE.



- ✕ CALCULATED POINT
- ⊙ FOUND RAILROAD SPIKE
- SET IRON PIN & CAP
- ⦿ POWER POLE
- △ CENTERLINE MARKER
- ⊙ SEWER MANHOLE
- ⦿ FIRE HYDRANT
- ⦿^{SL} STREET LIGHT

EXISTING 8" SEWER LINE
PROPOSED 8" SEWER LINE
EXISTING WATERLINE
PROPOSED 8" WATER LINE
CENTERLINE STREET
BUILDING SETBACK
UTILITY EASEMENT
NEW 5' SIDEWALK
UTILITY CROSSING
UTX
EXISTING CONTOUR
FINISHED CONTOUR

PROJECT TITLE:
610 BELLA VISTA RD
PRE PLAT

PROJECT LOCATION:

REVISIONS

DATE: 2.27.2018
DRAWN BY: ELN
PROJECT # 2017041
FILE PATH: Z:\LOTS\DWG\PREPLA
SHEET SIZE: 22" x 34"
SCALE: 1" = 20'



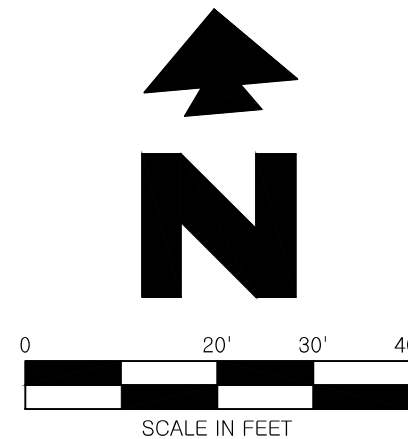
SHEET TITLE

PRE PLAT &

UTILITY PLAN



Know what's below.
Call before you dig.



LEGEND

EXISTING

e	EAST OR ELECTRIC	UGT	UNDERGROUND TELEPHONE
n	NORTH	UGTV	UNDERGROUND TV
oh	OVERHEAD	X'W	WATER
s	SOUTH OR SEWER		
t	TELEPHONE		
ug	UNDERGROUND		
w	WEST OR WATER		
	PROPERTY LINE		
	RIGHT OF WAY LINE		
	STORM DRAIN		
X'G	GAS		
OHE	OVERHEAD ELECTRIC		
OHE&T	OVERHEAD ELECTRIC AND TELEPHONE		
OHT	OVERHEAD TELEPHONE		
OHTV	OVERHEAD TV		
X'SS	SANITARY SEWER		
UGE	UNDERGROUND ELECTRIC		
UGE&T	UNDERGROUND ELECTRIC AND TELEPHONE		

PROPOSED

	PROPERTY LINE/RIGHT OF WAY LINE
	CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.
	CURB INLET
	BUILDING CONTROL POINT
	PROPOSED PARKING SPACES
	LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)
	LIMITS OF HEAVY DUTY ASPHALT PAVING
	LIMITS OF STANDARD DUTY ASPHALT PAVING
	LIMITS OF AREA TO BE DEMOLISHED AND REPLACED WITH STANDARD DUTY ASPHALT PAVING

GENERAL SITE NOTES

- ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- ALL CURB RETURN RADII SHALL BE 3' OR 10', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 01A. ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL 01B. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 08A OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES. ALL PARKING LOT STRIPING INCLUDING ACCESSIBLE AND VAN ACCESSIBLE SPACES SHALL BE PAINTED PER DETAIL: 09U.

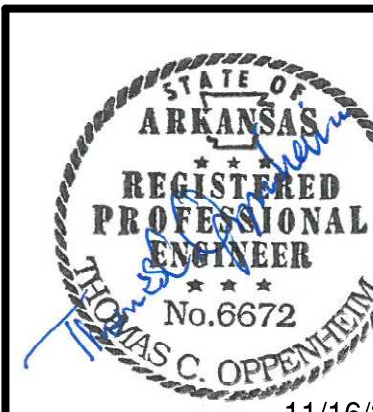
SITE NOTES

- SIDEWALK (PER ARCH. PLANS).
- PRECAST CONCRETE SPLASH PADS AT ROOF DRAINS (TYP - SEE ARCH. PLANS FOR NO. AND LOCATION OF DOWN SPOUTS).
- EXISTING TO BE REMOVED.
- MATCH EXISTING PAVEMENT ELEVATIONS.
- PROTECT EXISTING STRUCTURES AND/OR PIPES DURING DEMOLITION AND CONSTRUCTION PHASES.
- BOLLARD BIKE RACK BY SITE SCAPES (402-421-9464). PRODUCT #BPL-02-SH
- PICNIC TABLE BY EVEREST MODEL # 398-6008. COLOR: GREEN THERMOPLASTIC. SIZE: 46' SQUARE. BY HIGHLAND STORES. 1-800-695-3503

SITE DETAILS

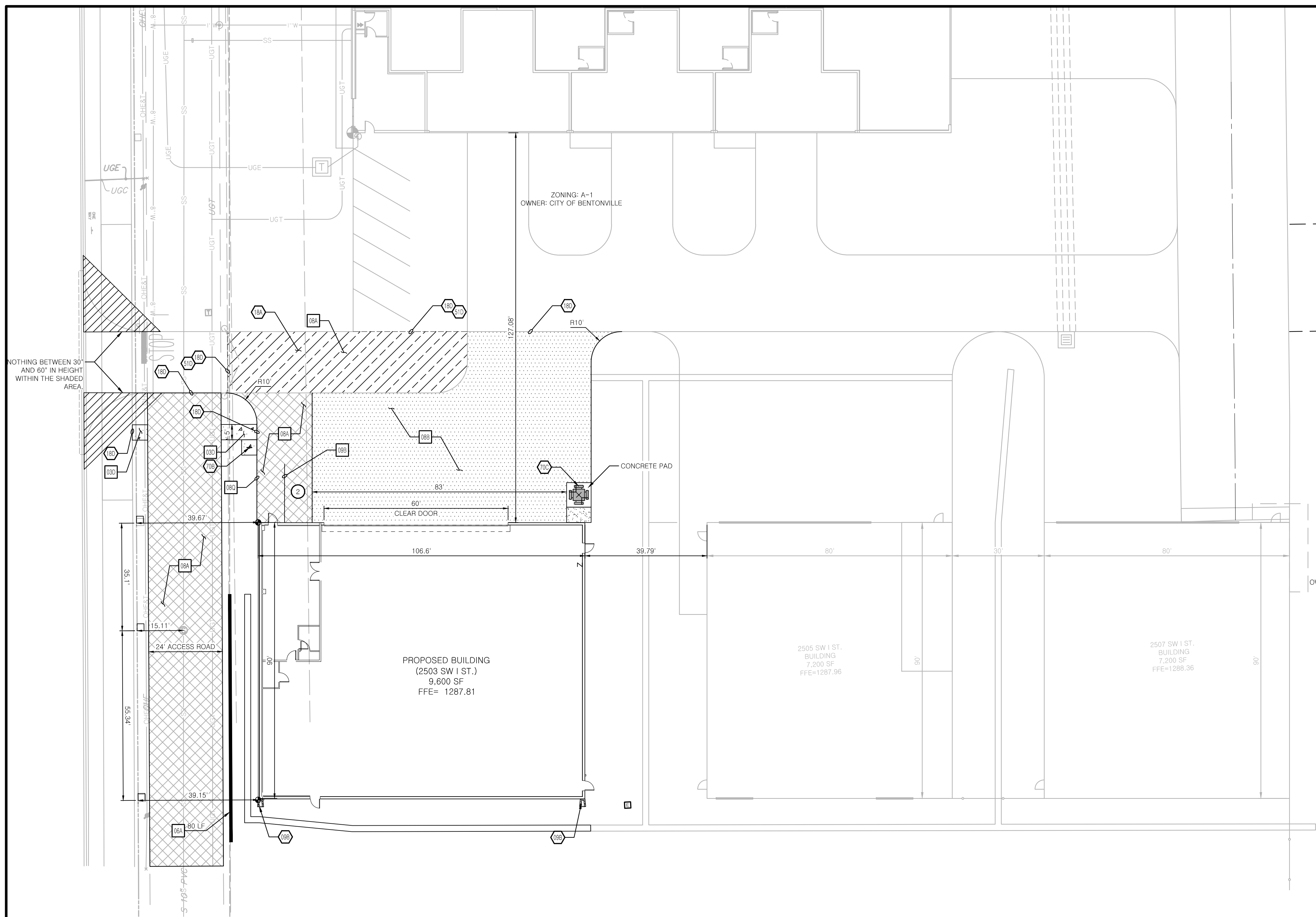
- CONCRETE SIDEWALK
- SEGMENTAL RETAINING WALL NOTES
- STANDARD DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- THICKENED EDGE OF PAVING
- NINETY DEGREE PARKING SPACE STRIPING

CITY PROJECT # LSD17-0108



30438	11/16/17	TCO	JPS	NPD	JNB
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW
CEI Engineering Associates, Inc.					
ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS					
3108 S.W. REGENCY PARKWAY, SUITE 2 Bentonville, AR 72712					
(479)273-9472 FAX (479)273-0844					
N2 HANGAR					
2503, 2505 & 2507 SW I ST. BENTONVILLE ARKANSAS					
SITE PLAN					
REV DATE 11/16/17 REV-0		SHEET NO. 2 OF 12			

© 2017 CEI ENGINEERING ASSOCIATES, INC.



Site Bench Mark: NGS Monument "BENTPORT" located ±69' east of the centerline of the airport runway and ±50' north of the north taxiway centerline. Said benchmark also South 21°43'34" West, a distance of 639.56' from the northwest corner of the apron. Elevation=1296.06'

Basis of Bearings: NAD83 (NSRS2007) and State Plane Coordinate System Arkansas North Zone, using CEI Reference Station, derived by OPUS utilizing stations DH7119 ARFY FAYETTEVILLE CORS ARP & DH7105 ARHR HARRISON CORS ARP.

Basis of Elevation: NAVD88 (GEOID 03), using CEI Reference Station, derived by OPUS utilizing stations DH7119 ARFY FAYETTEVILLE CORS ARP & DH7105 ARHR HARRISON CORS ARP, and NGS Monument M 309, PID GG0918. Elevation=1329.22.

NOTE:
SEE ARCHITECTURAL/MEP/PLUMBING FOR EXACT ENTRY POINT
LOCATIONS AND PRECISE BUILDING DIMENSIONS.

N2 HANGAR ADDRESS:
SW I STREET
BENTONVILLE, AR 72712

THE ADDRESS SHOULD BE PLACED ON THE BUILDING IN CLEAR SIGHT
FROM THE NEAREST PUBLIC STREET IN ACCORDANCE WITH THE CITY
ADDRESSING ORDINANCE.
COORDINATE WITH ARCHITECT.

BEUD DESIGN LAYOUT DRAWING TAKES PRECEDENCE
OVER ANY INFORMATION SHOWN ON THE SITE UTILITY
PLAN. CONTRACTOR SHALL FOLLOW DESIGN ON BEUD S
DRAWING WHEN INSTALLING FACILITIES.

BUILDING SETBACK REQUIREMENTS A-1 ZONING

FRONT SETBACK:	30'
SIDE SETBACK:	30'
SIDE SETBACK (ROW):	30'
REAR SETBACK:	30'

SIGNAGE TO BE DETERMINED AT A LATER DATE. ALL
PROPOSED SIGNAGE WILL REQUIRE A SEPARATE PERMIT.

ALL MECHANICAL EQUIPMENT (ROOF AND GROUND
MOUNTED) SHALL BE SCREENED ON ALL SIDES WITH
SIMILAR MATERIALS AS THE BUILDING.

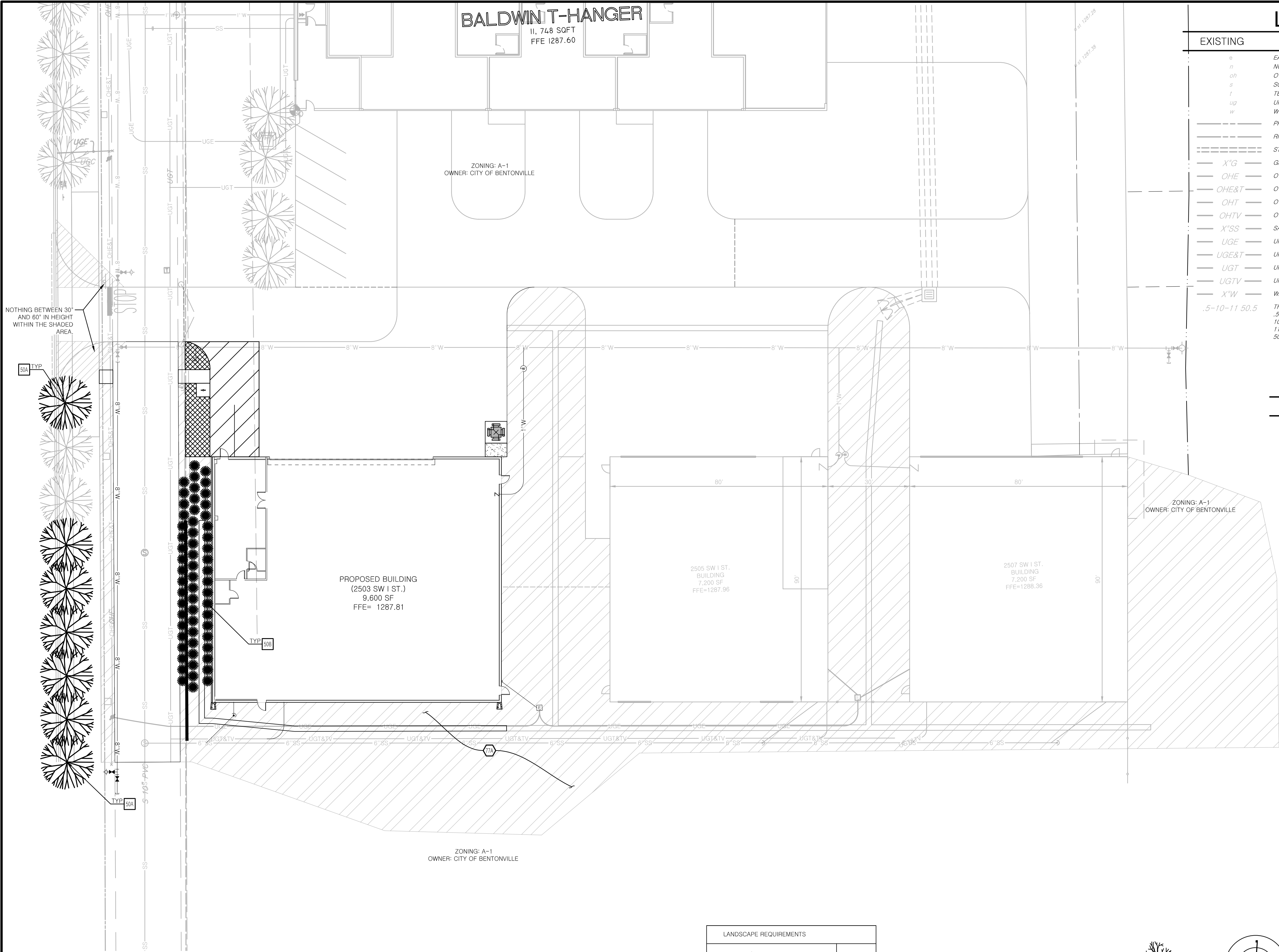
ANY NEW LIGHTING MUST BE CUT-OFF AND APPROVED BY
THE CITY OF BENTONVILLE PLANNING DEPARTMENT.

UPON APPROVAL BY THE CITY OF BENTONVILLE,
THE OWNER AGREES TO CONSTRUCT THE PROJECT
ACCORDING TO THESE DRAWINGS. ANY DEVIATION
FROM THESE DRAWINGS WILL REQUIRE APPROVAL
BY THE CITY OF BENTONVILLE.

NOTE TO CONTRACTOR:
BY RECEIVING THIS DOCUMENT, THE CONTRACTOR IS HEREBY NOTIFIED
THAT PRIOR TO COMMENCEMENT OF EARTH DISTURBING ACTIVITIES, THE
ENGINEER OF RECORD OR FACILITATING ENGINEER SHALL BE NOTIFIED A
MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION,
CONDUCTING ANY REQUIRED TESTING, OR PERFORMING FINAL CLOSEOUT.

NOTE TO CONTRACTOR:
THIS DOCUMENT NOTIFIES THE CONTRACTOR THAT ANY AND ALL PUBLIC
INFRASTRUCTURE CONSTRUCTION SHOWN ON SAID DOCUMENT AND/OR
DISCUSSED IN A PRE-CONSTRUCTION FORUM SHALL REQUIRE THE
ENGINEER OF RECORD OR FACILITATING ENGINEER TO BE NOTIFIED A
MINIMUM OF 24 HOURS PRIOR TO COMMENCEMENT OF CONSTRUCTION,
CONDUCTING ANY REQUIRED TESTING, OR PERFORMING FINAL CLOSEOUT.
FAILURE TO MAKE NOTIFICATION SHALL RESULT IN THE ENGINEER OF
RECORD OR FACILITATING ENGINEER TO RECOMMEND DISAPPROVAL OF
CONSTRUCTION, TESTING, FINAL CLOSEOUT OR CERTIFICATIONS.

JOB # 30438 DRAWING: 30438PRCL.dwg LAST SAVED BY: JBREBE LOCATION: P:\30438\30438.dwg UNDO: www.cei-engineers.com\Design\Working\30438PRCL.dwg



LEGEND

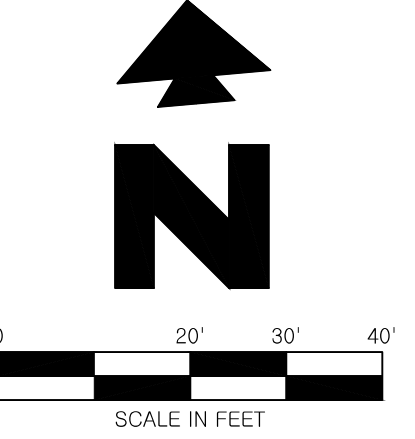
EXISTING

e	EAST OR ELECTRIC
n	NORTH
oh	OVERHEAD
s	SOUTH OR SEWER
t	TELEPHONE
ug	UNDERGROUND
w	WEST OR WATER
---	PROPERTY LINE
---	RIGHT OF WAY LINE
---	STORM DRAIN
X'G	GAS
OHE	OVERHEAD ELECTRIC
OHE&T	OVERHEAD ELECTRIC AND TELEPHONE
OHT	OVERHEAD TELEPHONE
OHTV	OVERHEAD TV
X'SS	SANITARY SEWER
UGE	UNDERGROUND ELECTRIC
UGE&T	UNDERGROUND ELECTRIC AND TELEPHONE
UGT	UNDERGROUND TELEPHONE
UGTV	UNDERGROUND TV
X'W	WATER

TREE INFO
.5 = DIAMETER OF TRUNK IN FEET
10 = HEIGHT OF TREE IN FEET
11 = CANOPY DIAMETER IN FEET
50.5 = ELEVATION AT BASE OF TREE



Know what's below.
Call before you dig.



PROPOSED

---	PROPERTY LINE/RIGHT OF WAY LINE
---	STORM DRAIN
---	BERMUDA SOD

LANDSCAPE DETAILS

50A	TREE PLANTING
50B	SHRUB PLANTING

LANDSCAPE NOTES

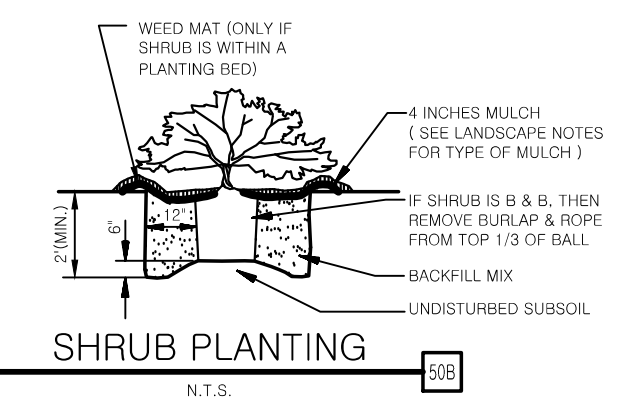
77A CONTRACTOR TO ESTABLISH 80% GRASS ESTABLISHMENT PRIOR TO C OF O. 3:1 SLOPES BEHIND BUILDING MAY RECEIVE HYDROSEED OR SOD DEPENDING ON TIME OF PLANTING.

GENERAL NOTES

- CONTRACTOR IS RESPONSIBLE FOR THE INSURING THAT ALL PROPOSED LANDSCAPING IS INSTALLED IN ACCORDANCE WITH PLANS, DETAILS, SPECIFICATIONS (IF APPLICABLE) AND ALL LOCAL CODES AND REQUIREMENTS.
- CONTRACTOR TO INSPECT SITE AND VERIFY CONDITIONS AND DIMENSIONING PRIOR TO PROCEEDING WITH WORK DESCRIBED HERE IN. NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING ANY CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR WORK IN ACCORDANCE WITH PLANS, DETAILS, SPECIFICATIONS AND APPLICABLE CODES AND REQUIREMENTS.
- QUANTITIES PROVIDED IN THE PLANT LIST ARE FOR GENERAL USE ONLY. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL PLANT AND LANDSCAPE MATERIAL QUANTITIES. SYMBOL COUNT ON PLAN TAKES PRECEDENCE OVER TABLE QUANTITIES.
- IMMEDIATELY AFTER AWARD OF CONTRACT, NOTIFY THE OWNER'S REPRESENTATIVE AND/OR THE LANDSCAPE ARCHITECT OF UNAVAILABILITY OF SPECIFIED PLANT MATERIAL FROM COMMERCIAL NURSERIES. THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT WILL PROVIDE ALTERNATE PLANT MATERIAL SELECTIONS IF UNAVAILABILITY OCCURS. SUCH CHANGES SHALL NOT ALTER THE ORIGINAL BID PRICE UNLESS A CREDIT IS DUE TO THE OWNER.
- ALL PLANT MATERIALS TO CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1.
- CONTAINER GROWN STOCK SHOULD HAVE GROWN IN A CONTAINER LONG ENOUGH FOR THE ROOT SYSTEM TO HAVE DEVELOPED SUFFICIENTLY TO HOLD ITS SOIL TOGETHER.
- ANY PLANT SUBSTITUTIONS, RELOCATION, OR REQUIRED CHANGE SHALL REQUIRE THE WRITTEN APPROVAL OF THE LANDSCAPE ARCHITECT OR OWNER.
- THE OWNER'S REPRESENTATIVE AND/OR LANDSCAPE ARCHITECT RESERVE THE RIGHT TO REFUSE ANY MATERIAL THEY DEEM UNACCEPTABLE.
- COORDINATE WITH PROJECT REPRESENTATIVE FOR DISTURBED SITE TREATMENTS OUTSIDE LANDSCAPE IMPROVEMENTS. SEE CIVIL PLANS FOR SOIL STABILIZATION FOR EROSION CONTROL.
- IF REQUIRED, CONTRACTOR TO ENSURE THAT AN AUTOMATED IRRIGATION SYSTEM THAT PROVIDES COMPLETE COVERAGE OF THE SITE IS INSTALLED PRIOR TO INSTALLING TREES (SEE IRRIGATION PLAN SHEET IF PROVIDED). CONTRACTOR SHALL SUBMIT A PROPOSED DESIGN TO THE LANDSCAPE ARCHITECT/ENGINEER FOR APPROVAL PRIOR TO INSTALLATION. THE PROPOSED DESIGN MUST HAVE AN APPROVED BACKFLOW DEVICE AND RAIN SENSOR INSTALLED TO STOP IRRIGATION DURING RAIN EVENTS. CONTRACTOR SHALL ENSURE THAT THERE IS POSITIVE DRAINAGE AND NO PONDING OF WATER AT ROOT AREA.
- ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY RELOCATED TREES SHALL BE MAINTAINED UNTIL SUCH POINT AS TREE IS RE-ESTABLISHED. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. LOCATIONS OF EXISTING BURIED UTILITY LINES SHOWN ON THE PLANS ARE BASED UPON BEST AVAILABLE INFORMATION AND ARE TO BE CONSIDERED APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR 1) TO VERIFY THE LOCATIONS OF UTILITY LINES AND ADJACENT TO THE WORK AREA 2) TO PROTECT ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD 3) TO REPAIR ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC. WHICH OCCURS AS A RESULT OF THE CONSTRUCTION AT NO COST TO THE OWNER.
- WEED MAT IS REQUIRED IN LANDSCAPED ISLANDS AS SPECIFIED.
- ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
- IF A SWPPP PLAN IS PROVIDED THIS PLAN IS TO BE IMPLEMENTED COOPERATIVELY WITH SWPPP PLAN. AS NEEDED, TO MAXIMIZE THE EFFECTIVENESS OF THE SWPPP PLAN FOR THIS SITE.
- THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING OR SODDING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADING.
- ALL DISTURBED AREAS AS DESIGNATED ON THE GRADING PLAN SHALL BE SOWN WITH BERMUDA.
- SEEDING ON SLOPES: HYDROSEED WITH GRASS SEED AS INDICATED ON PLANS. SEE LEGEND FOR SPECIFIC GRASS SEED TYPE. SEEDING SHALL BE ACCOMPLISHED IMMEDIATELY AFTER BED PREPARATION. HYDROSEED MIXTURE SHALL CONTAIN CELLULOSE MULCH APPLIED AT A RATE OF 2,000 LBS./ACRE. WITH A MAXIMUM OF 50 LBS./100 GAL. OF WATER. IF SEEDING IS DELAYED AFTER MIXING 1/2 - 2 HOURS ADD AN ADDITIONAL 50% OF SEED MIX. IF DELAY IS LONGER THAN 2 HOURS, BEGIN WITH NEW MIXTURE. ALL SLOPES 2:1 OR GREATER SHALL BE COVERED WITH EROSION CONTROL BLANKET AS SHOWN IN THE EROSION CONTROL BLANKET DETAIL. SEE SPECIFICATIONS FOR SEED ESTABLISHMENT REQUIREMENTS.
- ALL PLANT MATERIAL IN TREE HOLDING AREAS SHALL BE MANUALLY WATERED/IRRIGATED TO KEEP MOIST UNTIL PLANTED.
- ALL PROPOSED TREES SHALL BE A MINIMUM OF 5' FROM ALL CITY UTILITIES.
- ONCE INSTALLED, LANDSCAPING SHALL BE MAINTAINED IN HEALTHY LIVING CONDITION AND ALL PLANT MATERIAL THAT DIES SHALL BE REPLACED. (SEC 1400.5.C-10)
- TREES SHALL NOT BE TOPPED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES. (SEC 1400.5.C-11)
- HEALTHY TREES SHALL NOT BE REMOVED AT ANY TIME AND PROPER TREE PRUNING TECHNIQUES AS ESTABLISHED BY THE LATEST EDITION OF THE ANSI A300 "STANDARDS FOR TREE CARE" SHALL BE UTILIZED FOR MAINTENANCE PURPOSES. (SEC 1400.5.C-12)
- LIVING MATERIALS, SUCH AS LAWN, GRASS OR HERBACEOUS GROUNDCOVERS LIKE JUNIPER OR LIRIOPE, ETC., SHALL COVER A MINIMUM OF EIGHTY PERCENT (80%) OF THE PLANTING ISLANDS. ONE HUNDRED PERCENT (100%) OF LIVING MATERIALS IS STRONGLY ENCOURAGED. (SEC 1400.6.A-8 & 1400.8.G-7)

LANDSCAPE REQUIREMENTS		
1 TREE PER 15' OF BLDG LENGTH		COST FEE IN LIEU
EAST BLDG 90'	6 TREES REQ.	\$2,100
WEST BLDG 90'	6 TREES REQ.	\$2,100
TOTAL		\$4,200 12 TREES

NOTE: FEES TO BE PAID TO CITY OF BENTONVILLE PRIOR TO ISSUANCE OF C. OF O.



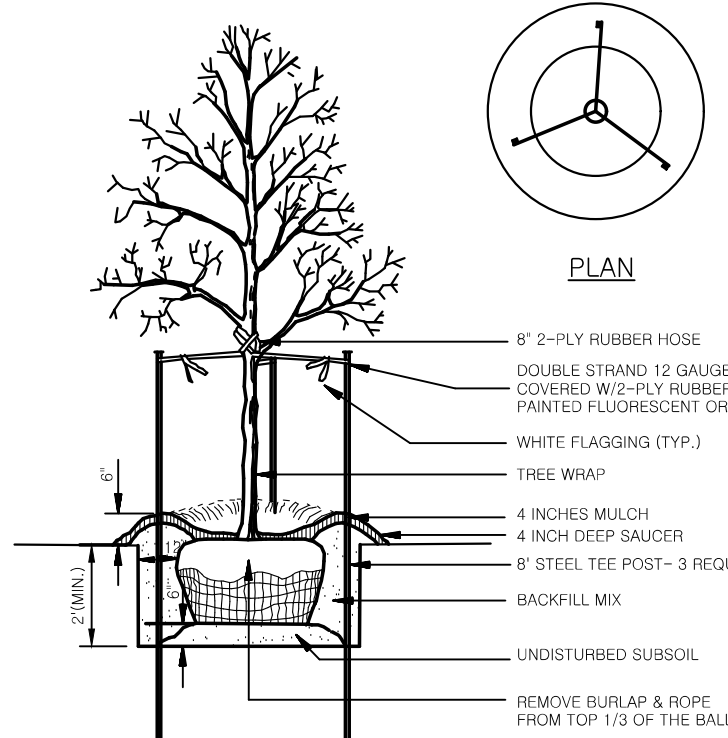
SHRUB PLANTING

N.T.S.

Site Bench Mark: NGS Monument "BENTPORT" located ±69' east of the centerline of the airport runway and ±50' north of the north taxiway centerline. Said benchmark also South 21°43'34" West, a distance of 639.56' from the northwest corner of the apron. Elevation=1296.06'

Basis of Bearings: NAD83 (NRSR2007) and State Plane Coordinate System Arkansas North Zone, using CEI Reference Station, derived by OPUS utilizing stations DH7119 ARFY FAYETTEVILLE CORs ARP & DH7105 ARHR HARRISON CORs ARP.

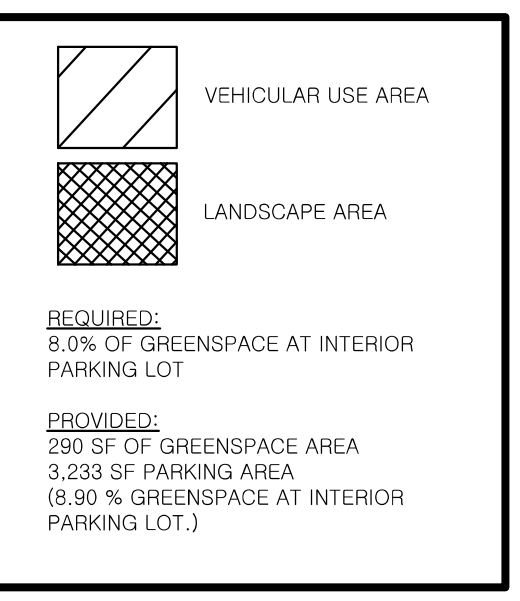
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TREE PLANTING

N.T.S.

NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.



REQUIRED:
8.0% OF GREENSPACE AT INTERIOR PARKING LOT

PROVIDED:
250 SF OF GREENSPACE AREA
9,235 SF PARKING AREA
(8.90 % GREENSPACE AT INTERIOR PARKING LOT.)

PLANT LIST (NOT IN CONTRACT)

KEY	QTY	COMMON NAME/ BOTANICAL NAME	ROOT	SIZE	REMARKS
SM	7	LEGACY SUGAR MAPLE <i>Acer saccharum 'Legacy'</i>	B&B	2.5' CAL.	
SM	60	BOWWOOD <i>Buxus microphylla</i>	CONT.	5 GAL.	

30438
CEI PROJECT NO.

11/16/17
INITIAL DATE

TCO
DPOR

JPS
PM

NPD
DES

JNB
DRW

Engineering Associates, Inc.
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 S.W. REGENCY PARKWAY, SUITE 2
Bentonville, AR 72712

(479)273-9472
FAX (479)273-0844

N2 HANGAR
2503, 2505 & 2507 SW 1 ST.
BENTONVILLE ARKANSAS

LANDSCAPE PLAN

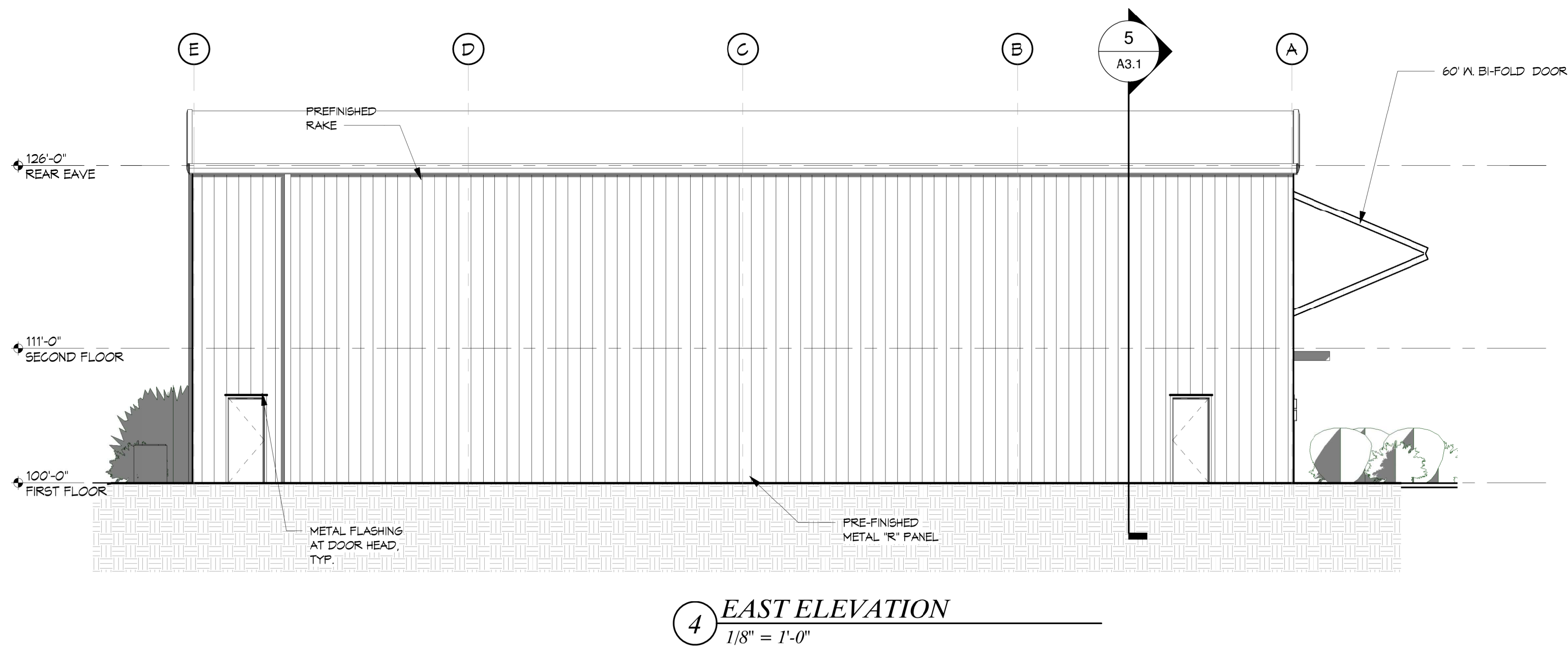
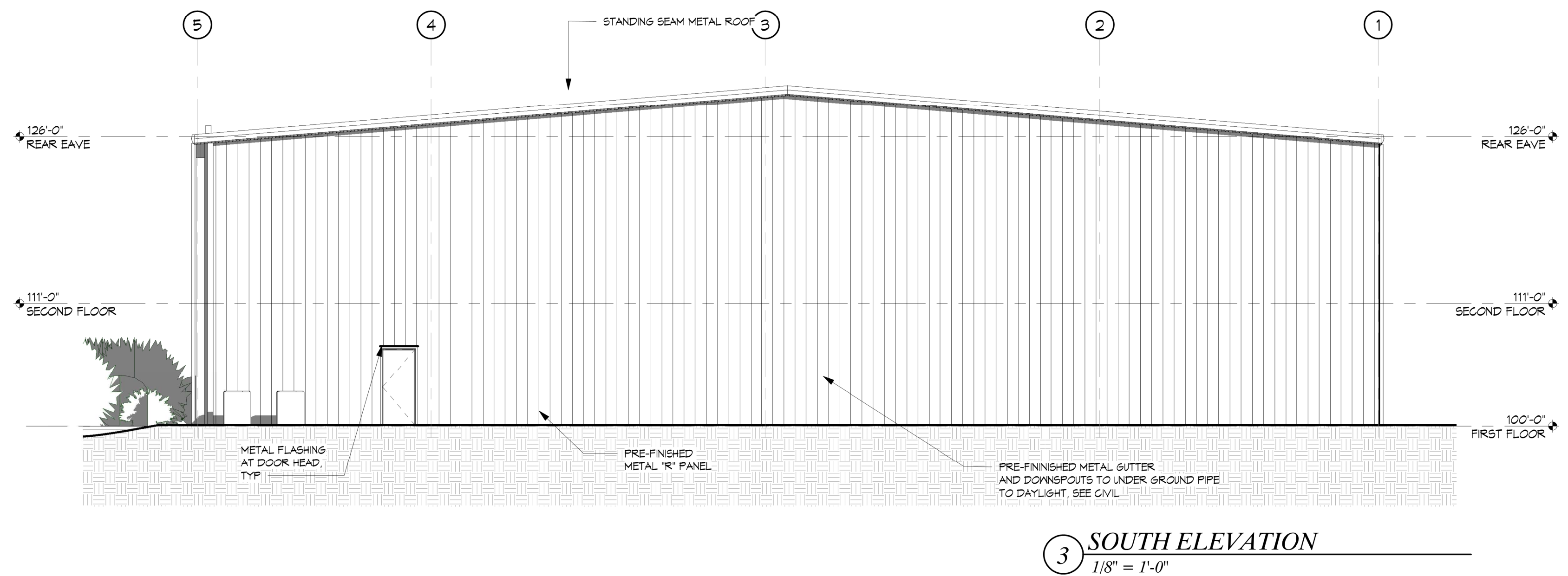
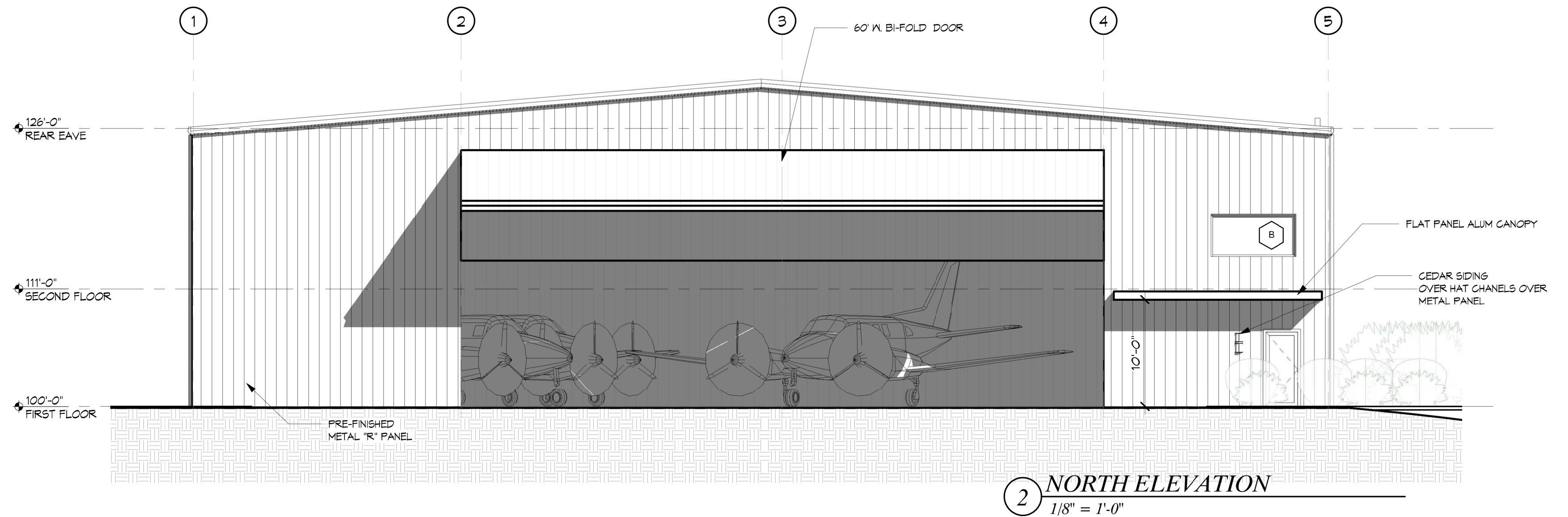
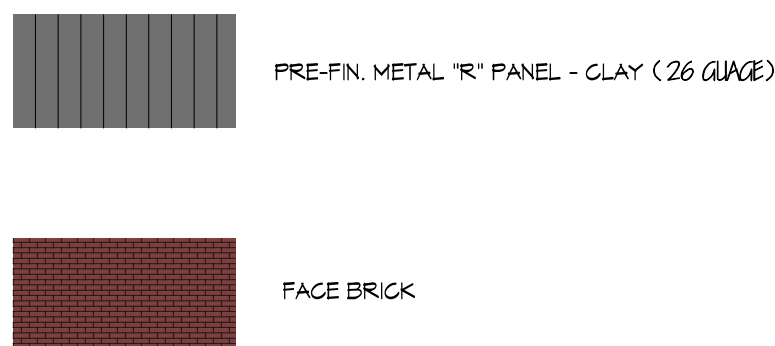
REV DATE
11/16/17
REV-0

SHEET NO.
6 OF 12



6 CONCEPTUAL RENDERING

EXTERIOR FINISH LEGEND



PRELIMINARY
NOT FOR CONSTRUCTION

N2 HANGARS
BENTONVILLE AIRPORT
BENTONVILLE, AR

Burris
Architecture
820 Tiger Blvd, Suite 4, Bentonville, Ar 72712
479-319-6045

DATE
2-3-16
JOB NO.
15089
REVISIONS

A2.0
EXTERIOR
ELEVATIONS



CEI Engineering Associates, Inc.

ENGINEERS ■ SURVEYORS ■ LANDSCAPE ARCHITECTS ■ PLANNERS

3108 SW Regency Parkway, Suite 2
Bentonville, AR 72712
(479) 273-9472 Fax (479) 273-0844
www.ceieng.com

March 12, 2018

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Phillips Park Townhomes LSD extension (COB project # LSD17-00041)

Dear Planning Commission:

Please accept this letter as a formal request by Honey Creek Land & Cattle LLC for a 6-month extension of the approved LSD for the townhome development at the intersection of SE "C" Street and SE 34th Street in Bentonville, Arkansas. The date of Planning Commission approval letter for this LSD was September 21, 2017. The project is currently out to bid but we do not expect to be able to meet the start of construction requirement before the expiration of the approval. Construction is expected to start in April.

Thank you for your time and consideration in this matter. Should you have any questions, please do not hesitate to call.

Respectfully submitted,
CEI Engineering Associates, Inc.

Nate Bachelor, PE
Project Manager

Providing Consolidated Land Development Services

CALIFORNIA ■ TEXAS ■ ARKANSAS ■ MINNESOTA ■ PENNSYLVANIA

PARKING RATIO		
	REQUIRED	PROVIDED
2 PER DWELLING	44	44 (PROVIDED IN GARAGE)
OFF STREET PARKING	0	13

GENERAL DEMOLITION NOTES

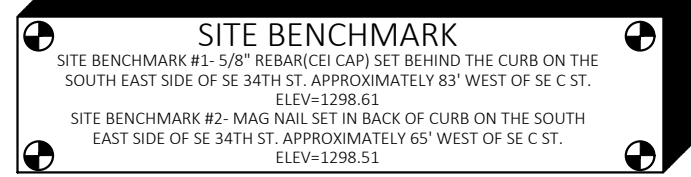
- A. THE SITE WORK FOR THIS PROJECT SHALL MEET OR EXCEED THE "STANDARD SITE WORK SPECIFICATIONS".
- B. CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVAL OF THE EXISTING STRUCTURES, RELATED UTILITIES, PAVING, UNDERGROUND STORAGE TANKS AND ANY OTHER EXISTING IMPROVEMENTS AS NOTED. SEE SITE WORK SPECIFICATIONS.
- C. CONTRACTOR IS TO REMOVE AND DISPOSE OF ALL DEBRIS, RUBBISH AND OTHER MATERIALS RESULTING FROM PREVIOUS AND CURRENT DEMOLITION OPERATIONS. DISPOSAL WILL BE IN ACCORDANCE WITH ALL LOCAL, STATE AND/OR FEDERAL REGULATIONS GOVERNING SUCH OPERATIONS.
- D. THE GENERAL CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
- E. ENGINEER'S NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

DEMOLITION NOTES

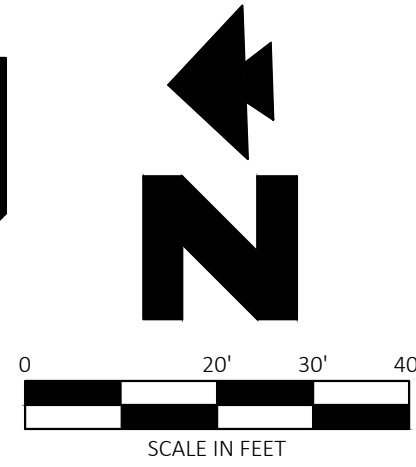
- 18A EXISTING TO BE REMOVED.
19A EXISTING TO REMAIN.
51B LIMITS OF SAWCUT AND PAVEMENT REMOVAL



Know what's below.
Call before you dig.



NOTE:
SEE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF PORCHES, RAMPS, VESTIBULES, SLOPED PAVING, TRUCK DOCKS, BUILDING UTILITY ENTRANCE LOCATIONS AND PRECISE BUILDING DIMENSIONS.



LEGEND

EXISTING			
	OHT		OHTV
	OH		X'SS
	S		UGE
	T		UGE&T
	UG		UGT
	W		UGTV
	P		X'W
	R		5-10-11 50.5
	S		5-10-11 50.5
	X'G		5-10-11 50.5
	OHE		5-10-11 50.5
	OHE&T		5-10-11 50.5

PROPOSED

	PROPERTY LINE/RIGHT OF WAY LINE
	CONCRETE CURB AND GUTTER. SEE DETAIL 01A/01B.
	CURB INLET
	BUILDING CONTROL POINT
	PROPOSED PARKING SPACES
	LIMITS OF SIDEWALKS AND CONCRETE APRONS (PER ARCH. PLANS)
	LIMITS OF HEAVY DUTY CONCRETE PAVING

GENERAL SITE NOTES

- A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
- B. ALL CURB RETURN RADII SHALL BE 3' OR 10', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.
- C. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON OR WITHIN THE SPECIFICATIONS: ALL CURB AND GUTTER ADJACENT TO ASPHALT PAVING SHALL BE INSTALLED PER DETAIL 01A. ALL CURBING ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL 01B. PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH DETAIL 08A OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES.
- D. ALL PARKING LOT SIGN BASE SUPPORTS SHALL BE INSTALLED PER DETAIL 12F.

SITE NOTES

- 02B TRANSFORMER PAD (PER CITY OF BENTONVILLE DETAILS).
02E TRASH DUMPSTER ENCLOSURE (PER ARCH. PLANS).
12A 4 INCH TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL).
21B TAPER CURB FROM 6 INCHES TO 0 INCHES OVER 2 FEET.
70A BIKE RACK (DERO SWERVE, BLACK)(OR APPROVED EQUAL).
70B PICNIC TABLE

SITE DETAILS

- 01A TYPE A CONCRETE CURB AND GUTTER
03D CONCRETE SIDEWALK
03N WHEELCHAIR RAMP IN SIDEWALK (TYPICAL AT EACH DRIVEWAY CURB RETURN)
07B SIX FOOT BOARD FENCE
08A STANDARD DUTY ASPHALT PAVING
08C HEAVY DUTY CONCRETE PAVING
08D THICKENED EDGE OF PAVING
08T CONCRETE STAIR
12F SIGN BASE
12G STOP SIGN

CITY PROJECT# LSD17-00041

29885	9/5/17	NLB	NLB	ATW	ATW
CEI PROJECT NO.	INITIAL DATE	DPOR	PM	DES	DRW

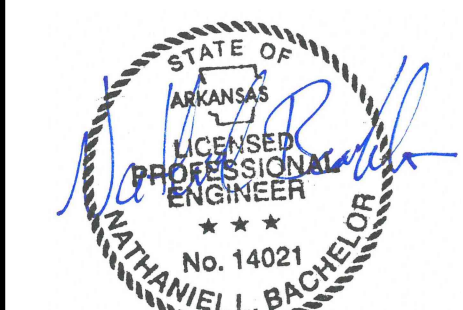
CEI Engineering Associates, Inc.
ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • ENVIRONMENTAL SCIENTISTS

3108 S.W. REGENCY PARKWAY, SUITE 2 (479)273-9472
Bentonville, AR 72712 FAX (479)273-0844

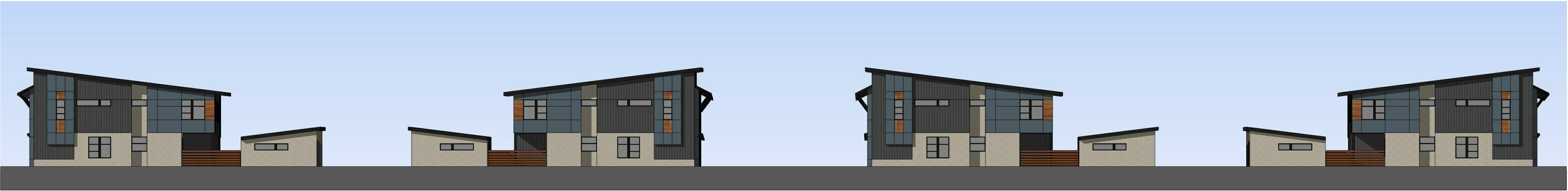
PHILLIPS PARK TOWNHOMES

SE C ST. & SE 34TH ST.
BENTONVILLE ARKANSAS

DEMOLITION & SITE PLAN REV DATE 9/5/17 REV-1 SHEET NO. 2 OF 10



09/05/2017



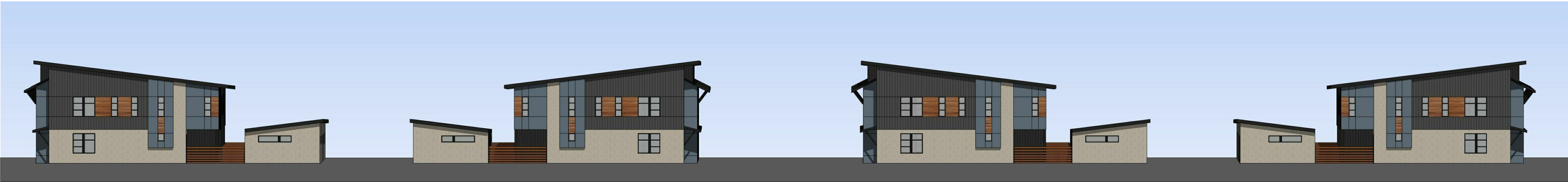
EAST OVERALL ELEVATION



NORTH OVERALL AND TYPICAL 6-TENANT FRONT ELEVATION



SOUTH OVERALL AND TYPICAL 5-TENANT FRONT ELEVATION



WEST OVERALL ELEVATION



TYPICAL REAR AND GARAGE ELEVATION

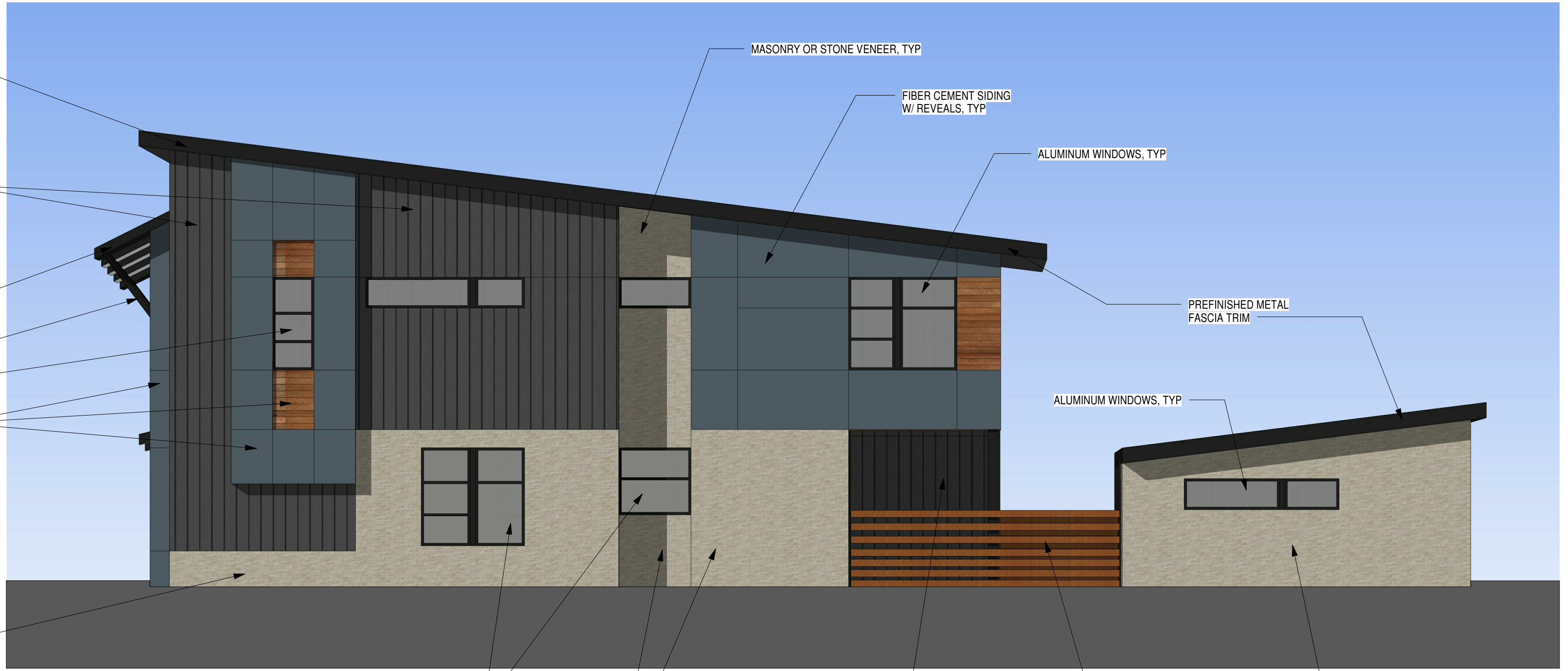
SEE SHEET A1.0B FOR TYPICAL ENLARGED ELEVATIONS AND EXTERIOR BUILDING FINISH NOTES



TYPICAL FRONT ELEVATION

- PREFINISHED METAL FASCIA TRIM
- FIBER CEMENT BOARD & BATTEN SIDING, TYP
- PREFINISHED METAL SOFFIT PANELS
- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- PAINTED STEEL OVERHANG SUPPORTS, TYP
- ALUMINUM WINDOWS, TYP
- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- PAINTED STEEL OVERHANG SUPPORTS, TYP
- MASONRY OR SIMULATED STONE VENEER
- WOOD DOOR
- PREFINISHED METAL FASCIA TRIM
- FIBER CEMENT BOARD & BATTEN SIDING, TYP
- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- PAINTED STEEL OVERHANG SUPPORTS, TYP
- ALUMINUM WINDOWS, TYP
- FIBER CEMENT SIDING W/ REVEALS, TYP
- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- ALUMINUM WINDOWS, TYP
- WOOD DOOR
- MASONRY OR SIMULATED STONE VENEER

FIBER CEMENT SIDING W/ REVEALS, TYP



TYPICAL SIDE ELEVATION

ALUMINUM WINDODWS, TYP

MASONRY OR SIMULATED STONE VENEER, TYP

FIBER CEMENT BATTEN & BOARD SIDING, TYP

ALUMINUM WINDOWS, TYP

ALUMINUM WINDOWS, TYP

ALUMINUM WINDOWS, TYP

MASONRY OR SIMULATED STONE VENEER, TYP



TYPICAL REAR AND GARAGE ENTRANCE ELEVATION

- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- FIBER CEMENT BOARD & BATTEN SIDING, TYP
- ALUMINUM WINDOWS, TYP
- PREFINISHED METAL FASCIA TRIM
- PREFINISHED STEEL INSULATED SECTIONAL GARAGE DOORS
- MASONRY OR SIMULATED STONE VENEER
- PREFINISHED METAL STANDING SEAM ROOF PANELS
- PREFINISHED METAL FASCIA TRIM
- FIBER CEMENT BOARD & BATTEN SIDING, TYP
- ALUMINUM WINDOWS, TYP
- PREFINISHED METAL FASCIA TRIM
- PREFINISHED STEEL INSULATED SECTIONAL GARAGE DOORS
- MASONRY OR SIMULATED STONE VENEER

FIBER CEMENT SIDING W/ REVEALS, TYP

ALUMINUM WINDOWS, TYP

PREFINISHED METAL SOFFIT PANELS

PREFINISHED STEEL INSULATED SECTIONAL GARAGE DOOR

REZONING STAFF REPORT



Bentonville Housing

SE 3rd Street & SE D Street

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	RZ18-0006
Applicant / Current Owner	Bentonville Housing, LLC PO Box 1860 Bentonville, AR 72712
Site Area	+/- .7 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	Downtown High-Density Residential (D-HDR)

Property Description

This approximately .7 acre tract is currently a parking lot located at the corner of SE 3rd Street and SE D Street. Adjacent zonings are R-1 to the north, south, and west and I-2 to the east.

Projected Traffic Impact

The proposed zoning designation does not have the potential to adversely impact traffic in the area. The existing street network will be able to handle any increase in traffic to the area.

Relationship to the General Plan

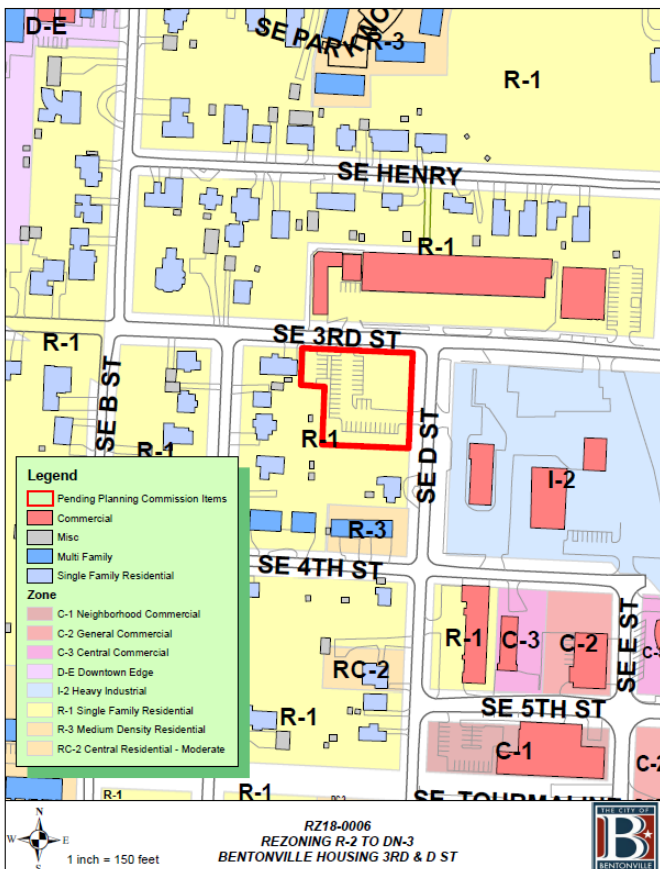
The Future Land Use Plan depicts this property as Downtown High-Density Residential (D-HDR). The DN-3, Downtown High Density Residential zoning is an appropriate zoning district for this designation.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Conclusion

The DN-3, Downtown High Density Residential is an appropriate zoning district for the Downtown High-Density Residential (D-HDR) land use designation and is compatible with existing and adjacent uses.

Location Map



Bentonville Housing, LLC

700 SE 5th Street Suite 1 | Bentonville AR 72712 | 479.268.4157

February 12, 2018

City of Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Request for NE Corner of 3rd and D Street Narrative

Parcels 01-01168-000, 01-01169-000, 01-01170-000, 01-01171-000, 01-01172-000, 01-01167-000 are currently zoned R-1. The proposed zoning request from the current R-1, Single Family Residential, to DN-3, Downtown High Density, will allow for an increased neighborhood density. This zoning change will allow for a multi-family apartment building adjacent to the bike trails and the downtown commercial areas. The property will relate to the surrounding properties with use and scale. Below are responses to topics related to use, traffic, signage and appearance.

Use:	The new structures on the site will be for residential use.
Traffic:	The traffic on SE 3 rd and SE D Street are very light at these parcels and are a few blocks from several north/south and east/west arteries.
Signage:	Any building signage will be submitted to the City for review and approval.
Appearance:	The proposed structures will follow the City's design standards.
Utilities:	There are existing 4" water lines and sewer running the entire north and east sides of the properties.

NOTICE OF INTENT TO REZONE

Bentonville Housing LLC

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-2, Duplex and Patio Home



to

DN-3, Downtown High-density Residential



The legal description of the property is as follows:

See attached

The common description of the property is: NE Corner of 3rd and D Street

Proposed land use: Mixed Use / Residential

The public hearing will be held March 20th, 2018 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

The community can not handle the TRAFFIC & we already have a problem with parking in the Downtown area.

Bad for the people who live here. We should not be pushed to live next to cheap apartments. We would like to keep the area nice.

Signature and Physical Address

Signature and Physical Address

305 S.E. C

NOTICE OF INTENT TO REZONE

Bentonville Housing LLC

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-2, Duplex and Patio Home

to

DN-3, Downtown High-density Residential

The legal description of the property is as follows:

See attached

The common description of the property is: NE Corner of 3rd and D Street

Proposed land use: Mixed Use / Residential

The public hearing will be held March 20th, 2018 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

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☒ I / we object to the rezoning because:

The community can not handle the traffic & we already have a problem with parking in the Downtown area.

Bad for the people who live here. We should not be pushed to live next to cheap apartments. We would like to keep the area nice.

Signature and Physical Address

Signature and Physical Address

305 S.E.C



REZONING STAFF REPORT



Bentonville Housing

501 SE 3rd Street

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	RZ18-0007
Applicant / Current Owner	Bentonville Housing, LLC PO Box 1860 Bentonville, AR 72712
Site Area	+/- 2.29 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-3, Downtown High Density Residential
Future Land Use Map Designation	Downtown High-Density Residential (D-HDR)

Property Description

This approximately 2.29 acre tract is the former Bentonville Water Utilities building, located at 501 SE 3rd Street. Adjacent zonings are R-1 to the north, east, and west and I-2 to the south.

Projected Traffic Impact

The proposed zoning designation does not have the potential to adversely impact traffic in the area. The existing street network will be able to handle any increase in traffic to the area.

Relationship to the General Plan

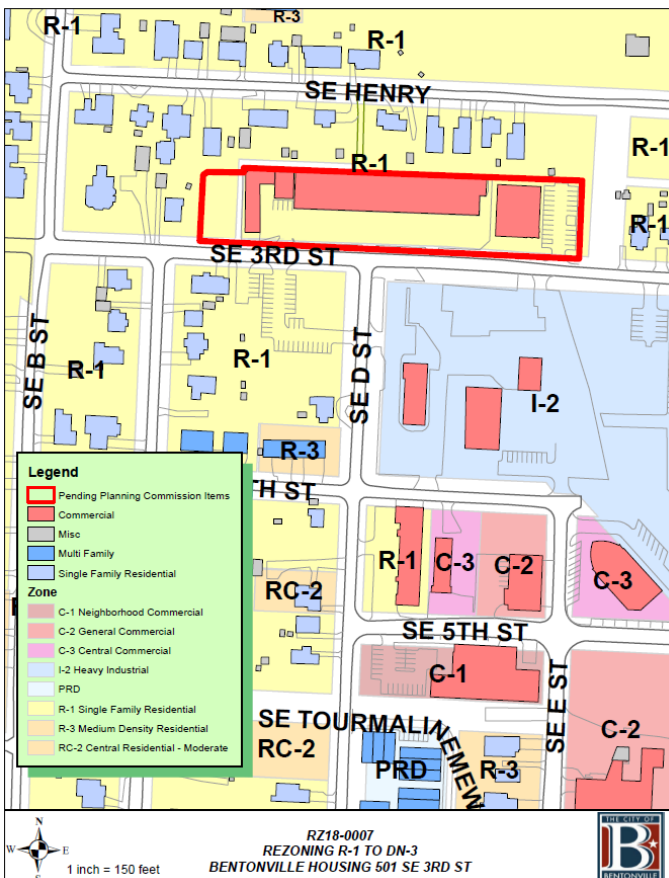
The Future Land Use Plan depicts this property as Downtown High-Density Residential (D-HDR). The DN-3, Downtown High Density Residential zoning is an appropriate zoning district for this designation.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Conclusion

The DN-3, Downtown High Density Residential is an appropriate zoning district for the Downtown High-Density Residential (D-HDR) land use designation and is compatible with existing and adjacent uses.

Location Map



Bentonville Housing, LLC

700 SE 5th Street Suite 1 | Bentonville AR 72712 | 479.268.4157

February 12, 2018

City of Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Request for 501 SE 3rd Street Narrative

Parcel 01-05137-000 located at 501 SE 3rd Street is currently zoned R-1. The proposed zoning request from the current R-1, Single Family Residential, to DN-3, Downtown High Density, will allow for an increased neighborhood density. This zoning change will allow for a multi-family apartment building adjacent to the bike trails and the downtown commercial areas. The property will relate to the surrounding properties with use and scale. Below are responses to topics related to use, traffic, signage and appearance.

Use:	The new structures on the site will be for residential use.
Traffic:	The traffic on SE 3 rd Street is very light at this parcel and is a few blocks from several north/south and east/west arteries.
Signage:	Any building signage will be submitted to the City for review and approval.
Appearance:	The proposed structures will follow the City's design standards.
Utilities:	There are existing 4" water lines and sewer running the entire south side of the property and at the midpoint of the property on the north side.

NOTICE OF INTENT TO REZONE

Bentonville Housing LLC.

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-2, Duplex and Patio Home

to

DN-3, Downtown High-density Residential

The legal description of the property is as follows:

Lot 2, Bentonville Municipal Addition To The City Of Bentonville,
Benton County, Arkansas, As Shown On Plat Record 2013 At
Pages 353 And 354.

The common description of the property is: 501 SE 3rd Street

Proposed land use: Mixed Use / Residential

The public hearing will be held March 20th, 2018 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

NEW APARTMENTS ARE ALREADY BEING BUILT. WE ALREADY HAVE
TO MANY PLACES FOR SALE IN THE AREA. THIS WOULD INCREASE
TRAFFIC WE CANNOT HANDLE. BAD FOR OVERALL PROPERTY VALUE

305 S.E. 3RD

Signature and Physical Address

Signature and Physical Address

NOTICE OF INTENT TO REZONE

Bentonville Housing LLC.

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-2, Duplex and Patio Home



to

DN-3, Downtown High-density Residential



The legal description of the property is as follows:

Lot 2, Bentonville Municipal Addition To The City Of Bentonville,
Benton County, Arkansas, As Shown On Plat Record 2013 At
Pages 353 And 354.

The common description of the property is: 501 SE 3rd Street

Proposed land use: Mixed Use / Residential

The public hearing will be held March 20th, 2018 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

NEW APARTMENTS ARE ALREADY BEING BUILT. WE ALREADY HAVE
TO MANY PLACES FOR SALE IN THE AREA. THIS WOULD INCREASE
TRAFFIC WE CANNOT HANDLE. BAD FOR OVERALL PROPERTY VALUE

Signature and Physical Address

305 S.E. C St
Signature and Physical Address

NOTICE OF INTENT TO REZONE

Bentonville Housing LLC.

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-2, Duplex and Patio Home



to

DN-3, Downtown High-density Residential



The legal description of the property is as follows:

Lot 2, Bentonville Municipal Addition To The City Of Bentonville,
Benton County, Arkansas, As Shown On Plat Record 2013 At
Pages 353 And 354.

The common description of the property is: 501 SE 3rd Street

Proposed land use: Mixed Use / Residential

The public hearing will be held March 20th 2018 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

Please see attachment

K. Z. Bruce 303 SE 3rd St
Signature and Physical Address

Signature and Physical Address

Dear members of the Planning Commission:

2/26/18

We are the owners of 303 SE 3rd, aka the Elliott House, and we are opposed to the rezoning of Lot 2, 501 SE 3rd St.

We do not wish to live in a sprawling urban neighborhood. When we purchased our property, we were planning to raise our family in a quiet community in the Historic District, on a street with long-term neighbors, single-family homes, traditional architecture and light traffic.

Rezoning this area a block down our street to high-density/mixed use is out of the spirit of this residential community. Large, unsightly buildings like the Adair Creative Building (307 S Main) will hinder the atmosphere of the historic district. Apartments and duplexes will increase the amount of temporary residents, making it harder to establish a real community of caring neighbors. In addition, for all of the above reasons, we are concerned that the value of our property will diminish.

Most of us who moved to Bentonville were escaping cities. Let's not turn Bentonville into a city. Please vote down this proposal.

Thank you,



Keely and Alex Brice

REZONING STAFF REPORT



Bentonville Housing

608 SE 3rd Street

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	RZ18-0008
Applicant / Current Owner	Bentonville Housing, LLC PO Box 1860 Bentonville, AR 72712
Site Area	+/- 6.28 acres
Current Zoning	I-2, Heavy Industrial
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Future Land Use Map Designation	Downtown Mixed Use Residential (DMUR)

Property Description

This approximately 6.28 acre tract is part of the former Bentonville Water Utilities complex, located at 608 SE 3rd Street. Adjacent zonings are R-1 to the north and west, R-1 and R-3 to the east, and C-2 and C-3 to the south.

Projected Traffic Impact

The proposed zoning designation does not have the potential to adversely impact traffic in the area. The existing street network will be able to handle any increase in traffic to the area.

Relationship to the General Plan

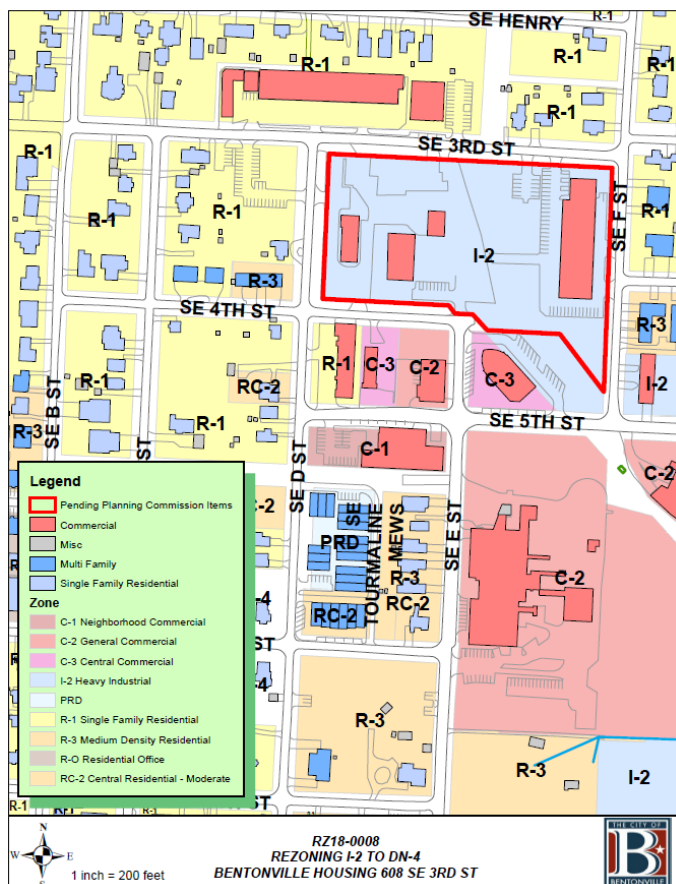
The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The DN-4, Downtown Mixed-Use Residential zoning is an appropriate zoning district for this designation.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Conclusion

The DN-4, Downtown Mixed-Use Residential is an appropriate zoning district for the Downtown Mixed Use Residential (DMUR) land use designation and is compatible with existing and adjacent uses.

Location Map



Bentonville Housing, LLC

700 SE 5th Street Suite 1 | Bentonville AR 72712 | 479.268.4157

February 12, 2018

City of Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Request for 608 SE 3rd Street Narrative

Parcel 0110855-000 located at 608 SE 3rd Street is currently zoned I-2. The proposed zoning request from the current I-2, Heavy Industrial District, to DN-4, Downtown Mixed-Use Residential, will allow for an increased neighborhood density. This zoning change will allow for a multi-family apartment building and mixed-use structures adjacent to the bike trails and the downtown commercial areas. The property will relate to the surrounding properties with use and scale. Below are responses to topics related to use, traffic, signage and appearance.

Use:	The new structures on the site will be mixed use residential & commercial use.
Traffic:	The traffic on SE 3 rd Street is very light at this parcel and is a few blocks from several north/south and east/west arteries.
Signage:	Any building signage will be submitted to the City for review and approval.
Appearance:	The proposed structures will follow the City's design standards.
Utilities:	There are existing 4" water lines and sewer running the perimeter and through the shorter length of the site.

REZONING STAFF REPORT



Bentonville Housing

401 SE D Street

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	RZ18-0009
Applicant / Current Owner	Bentonville Housing, LLC PO Box 1860 Bentonville, AR 72712
Site Area	+/- .57 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Future Land Use Map Designation	Downtown Mixed Use Residential (DMUR)

Property Description

This approximately .57 acre tract is located south of the former Bentonville Water Utilities complex, located at 401 SE D Street. Adjacent zonings are I-2 to the north, C-3 to the east, C-2 to the south, and R-1 to the west.

Projected Traffic Impact

The proposed zoning designation does not have the potential to adversely impact traffic in the area. The existing street network will be able to handle any increase in traffic to the area.

Relationship to the General Plan

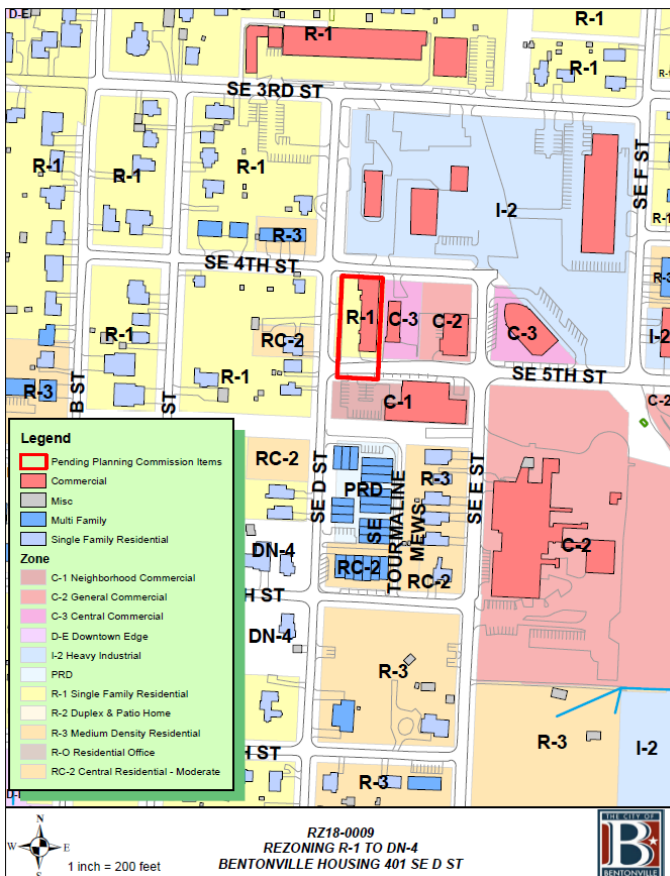
The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The DN-4, Downtown Mixed-Use Residential zoning is an appropriate zoning district for this designation.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Conclusion

The DN-4, Downtown Mixed-Use Residential is an appropriate zoning district for the Downtown Mixed Use Residential (DMUR) land use designation and is compatible with existing and adjacent uses.

Location Map



Bentonville Housing, LLC

700 SE 5th Street Suite 1 | Bentonville AR 72712 | 479.268.4157

February 12, 2018

City of Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

RE: Rezoning Request for 401 SE D Street Narrative

Parcel 01-03587-001 located at 401 SE D Street is currently zoned R-1. The proposed zoning request from the current R-1, Residential Single Family, to DN-4, Downtown Mixed-Use Residential, will allow for an increased neighborhood density. This zoning change will allow for local commerce structures adjacent to the bike trails and the downtown commercial areas. The property will relate to the surrounding properties with use and scale. Below are responses to topics related to use, traffic, signage and appearance.

Use:	The new structures on the site will be for mixed use commercial.
Traffic:	The traffic on SE D Street is very light at this parcel and is a few blocks from several north/south and east/west arteries.
Signage:	Any building signage will be submitted to the City for review and approval.
Appearance:	The proposed structures will follow the City's design standards.
Utilities:	There are existing 4" water lines and sewer running the entire north and west side of the property.

REZONING STAFF REPORT



Atkins

NW 2nd Street

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	RZ18-0010
Applicant / Current Owner	Joe Atkins 2272 Kilbirnie Germantown, TN 38139
Site Area	+/- .11 acres
Current Zoning	R-1, Single Family Residential
Requested Zoning	DN-1, Downtown Low-Density Residential
Future Land Use Map Designation	Downtown Low-Density Residential (D-LDR)

Property Description

This approximately .11 acre tract is located on NW 2nd Street. Adjacent zonings are R-1 to the north, south, east, and west.

Projected Traffic Impact

The proposed zoning designation does not have the potential to adversely impact traffic in the area.

Relationship to the General Plan

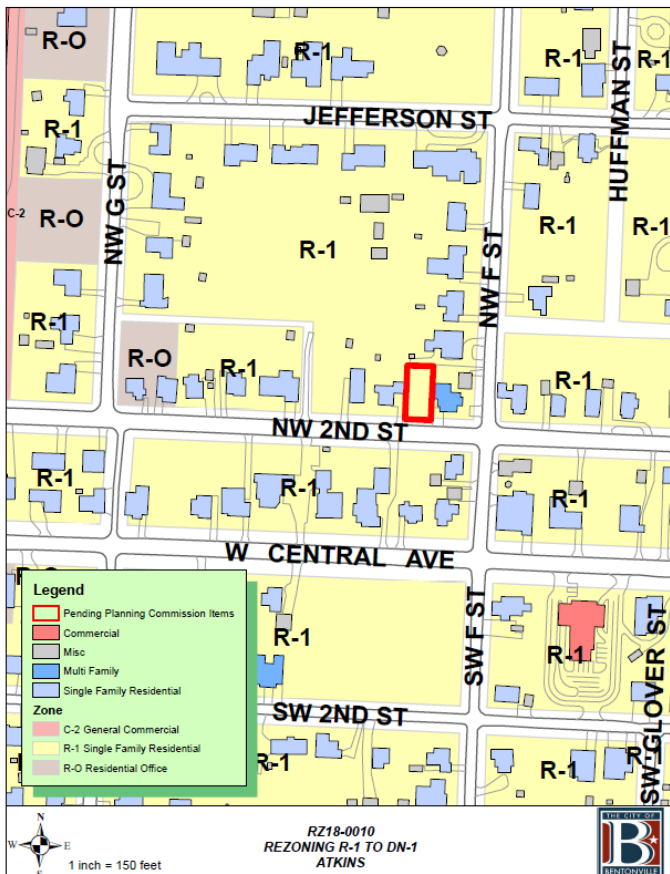
The Future Land Use Plan depicts this property as Downtown Low-Density Residential (D-LDR). The DN-1, Downtown Low-Density Residential zoning is an appropriate zoning district for this designation.

Conclusion

The DN-1, Downtown Low-Density Residential is an appropriate zoning district for the Downtown Low-Density Residential (D-LDR) Land Use designation, and is compatible with existing and adjacent uses.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Owner – Jon Kelley Atkins

Property Location – NW 2nd Street

Parcel – 01-02389-001

Current Zoning – R1

Rezoning – DN1

The reason the lot is being rezoned is to make better use of the lot. This will allow for a larger outdoor living space between the house and detached garage.

A single family home will be built on the property comparable to the other houses in the area.

Water and sewer are readily available at the lot. A street cut will be required.

CONDITIONAL USE STAFF REPORT



Benton County Fairgrounds

7640 SW Regional Airport Boulevard

PC Date: 3/20/2018

Reviewer: Tyler Overstreet, Planner

Project Number	CU18-0007
Applicant / Current Owner	BCFA, Inc. PO Box 251 Bentonville, AR 72712
Site Area	+/- 59 acres
Current Zoning	A-1, Agricultural
Future Land Use Map Designation	Public/Semi-Public
Requested Use	Commercial Outdoor Recreation Facility
Protective Covenants	None

Property Description

This property is the site of the Benton County Fairgrounds, located at 7640 SW Regional Airport Boulevard. The applicant is proposing the site be allowed for use as an Commercial Outdoor Recreation Facility.

Proposed Use Description

The applicant is proposing to provide a more diverse variety of uses for the existing fairgrounds facility. Some of these uses may include outdoor events, concerts, and large gatherings. The applicant chose to pursue a conditional use rather than a rezoning to preserve the open, agricultural nature of the existing facilities. There will be no changes to the existing structure of the fairgrounds; any changes would require Large Scale Development Approval. Existing parking and access to the site will be sufficient for the change in use classification.

Projected Traffic Impact

The proposed use will not adversely impact traffic in the area.

Public Notice

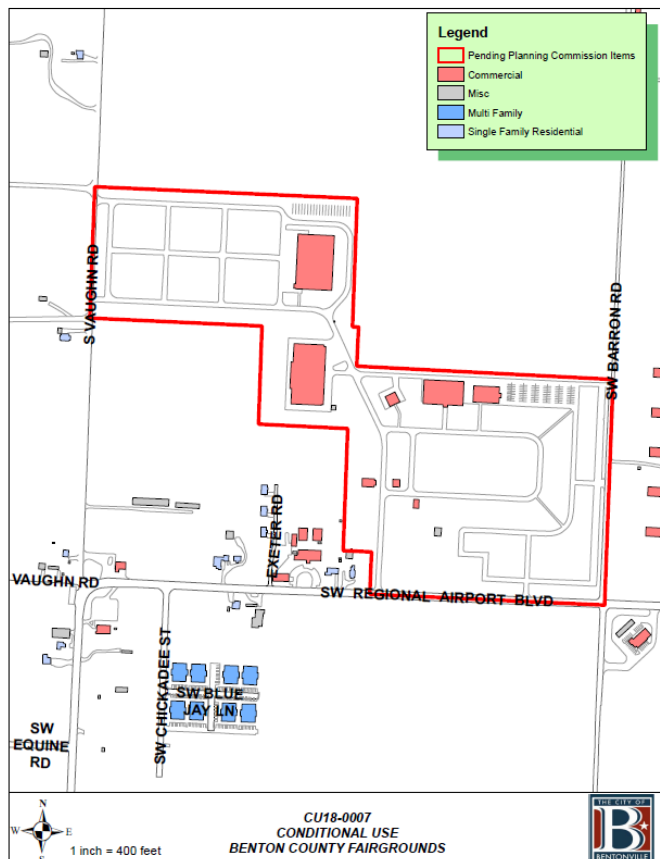
Staff has not been contacted regarding this request.

Conditions of Approval

1. This Conditional Use Permit shall be valid for one year from the date of approval. The applicant will need to apply for a new Conditional Use Permit before expiration.
2. Any additions, alterations, or substantial renovations to the existing fairgrounds facilities (including buildings, parking, etc.) will require submission and approval of a Large Scale Development project.

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map





Narrative for Conditional Use Application: Commercial and Outdoor Recreation Facility

A. Proposed use and reason for proposed change:

After many years of being in the heart of downtown Bentonville, due to increased growth and traffic in the area, as well as old, outdated facilities the Benton County Fairgrounds was relocated in 2007 to its new location and modern facilities. The BCFG then became the Benton County Fairgrounds and Expo Center.

The BCFGEC received 60 acres at 7640 SW. Regional Airport Rd. for operations, and the construction of several buildings to facilitate the annual fair event which has been held annually since 1904, serve the community and help the Benton County Fair Association (a 501c3 non-profit) produce earned income to support its mission through facility rental.

Given the recent and projected growth in Bentonville and Northwest Arkansas (NWA) in general, we are requesting a zoning change from public community facility to commercial recreation and outdoor facility to better serve our existing rental leasees as well as attract other event producers. Our goal is to take full advantage of the property and facilities, ensure for its long term financial sustainability to support our mission as well as add to the quality of life initiatives and economic development opportunities in NWA. We believe our fairground facility and acreage is the most modern in the state and perhaps the region.

The facility is under-utilized and may be noncompliant in some instances for camping/RV stays as well as for serving, consuming or selling adult beverages. Many of our leasees want more options as it pertains to adult beverages and we would require the event organizers to obtain the proper permits based on their needs. With a zoning change we could contribute more to the City of Bentonville, Arkansas Advertising and Promotions Commission (A&P) on lodging through RV stays as well as with food and beverage sales. We believe we could become a "destination" facility that helps Bentonville attract more tourism, and events not suitable for other venues nor our facilities as currently zoned.

With additional commercial rental of the facilities, we may be able to reduce fees to community groups and nonprofits. There are very few reasonably priced venues for cultural organizations, nonprofits and families to lease for celebrations and gatherings, and we could provide greater access if we can adjust our current financial model. We also enable Benton County 4H, Caring and Sharing and several other nonprofits to use our facility for free or at minimum fees to ensure their missions are fulfilled. We are proud to assist them and are doing more to quantify our facility's social impact beyond our actual fair event.

Our goal is to make the facility more financially viable and continue our more than 100-year heritage and mission of producing the Benton County Fair to celebrate the area's agricultural roots, youth from throughout the county, and economic impact. Even with the projected growth in our area, Benton County will likely remain one of the largest agricultural producing areas of the state. We could be doing more to bridge consumer trends for locally grown, clean eating and humane ranching practices further enhancing quality of life in NWA, and economic opportunity for rural ranching families.

B. Provide site plan to scale designating property lines, structures and proposed structures and indoor/outdoor areas to be utilized:

See attachment. We are not proposing constructing any new areas at this time but wish to maximize the areas and facilities we have to date.

C. Hours of operation:

Our facility is available for public and private event rental 365 days a year. We require leasees abide by all city and county standards. Typical maximize hours of operation are at the earliest 5am for livestock events, to 1am at latest for private gatherings.

D. Indoor and outdoor areas to be utilized:

We want to utilize all our facilities including:

- Auditorium
- Camping RV Hookups
- Exhibit Hall
- Horse Arena and Concession Kitchen
- Livestock Barn and show pens
- Midway 8 acres and paved track for sports, recreation and car shows
- Music Stage and grass seating
- Pavilion with covered and lighted seating and food truck hook ups
- Rabbit Barn
- West Parking Lot Acreage sports or recreation

E. Indoor and outdoor structural changes:

We do not anticipate any specific changes at this time. We are working to enhance the property landscaping, considering outdoor and indoor art murals and additional signage to recognize donors and sponsors. We have contracted with a skilled maintenance expert to help us perform routine maintenance, lighting and mechanical checkups and mowing. We do plan to install temporary stalls in the horse arena for shows and performances contracted in 2018. We are working with a campgrounds design expert to evaluate possible enhancements to existing RV and camping sites, but have not determined necessity, feasibility or costs.

F. Parking needs (provide a sketch)

We have ample parking for events. (see attached)

G. Planned outdoor lighting changes:

We do not foresee additional lighting changes but routine maintenance of existing structures and pending leasee requirements we may use rented lighting towers for some events. We deploy parking staff for some events and require leasees to have parking staff pending event characteristics. We have multiple entries to the property to help reduce traffic issues and keep entry and exit flowing.

H. Anticipated patrons/clients, deliveries and customers per day.

We average 30 rental events per year and would like to grow this to 50 by 2019. Our strategy is to attract repeat events who can grow with us and enhance our brand. Attendance is guided by building codes and typically is in a range 500 to 2000 people coming and going on site over several hours. We work with a number of event planners and Visit Bentonville to attract leasees including associations hosting regional sporting events, dog shows and more. Our goal is to make our facilities available at a reasonable price for the community at large to hold private gatherings, cultural celebrations, team building and corporate events, recreation in addition to large community events such as Vintage Market Days and the Crusing the Ozarks Car Show, Cowboy Mounted Shooting and Horse and Livestock Shows as well as charity fundraisers. We wish to continue to attract culturally relevant events for area residents as well as to support efforts to make Bentonville a destination.

I. Proposed number of employees

We do not have any direct employees but contract with at minimum four individuals for management of the facility and rentals, maintenance and cleaning and event support. Leasees are required to staff events accordingly to their plans.

J. Photographs of the Property:

Jon offered to help with google earth during meeting.

ORDINANCE STAFF REPORT



Zoning Ordinance Amendments

PC Date: 3/20/2018

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

Type	Amendment
Code Impacted	Zoning Code
Section(s)	Choose an item.

<http://www.bentonvillear.com/departments/planning-department/codes/code-changes/>

From time to time, staff reviews the existing zoning code for clarification, corrections, or updates to meet current conditions. The following outline is a summary of the key issues identified with the current zoning code and the proposed changes to address the issue. Staff requests approval of the proposed ordinance to amend Chapter 14 Zoning Code.

Issue	Solution
Ord. Sec. 2 - Definitions	
1. Regulations regarding awnings and canopies were in the sign code. They have been pulled out of the sign code and placed into zoning with improved definitions.	Add a definition for awning and revise definition of canopy roof.
2. Micro-breweries are specifically regulated and defined in the Use Regulations of the Zoning Code. However, they are included in the definition of "Bar, lounge or tavern" which is allowed in more districts than a microbrewery. This creates confusion on which regulation is correct. Staff interprets that the microbrewery regulation is more recent, therefore, stands as the current regulation.	Remove "microbreweries" from the definition of "bar, lounge, or tavern."
3. Often in the regulations, there is a reference to a general term of "commercial" or "residential" districts. Now with many districts allowing a mixture of uses, it is necessary to clarify when either of those terms are used which districts it pertains to.	Add definitions for "residential district," "commercial district," "downtown district," "downtown neighborhood district," and "industrial district."
4. Home occupation – type A and type B have the same definition. The type is dependent on a list of criteria in the regulations; therefore, there is no need to list both in the definitions.	Keep the definition of Home Occupation – type A, strikethrough "type A" and delete the definition for type B.

Ord. Sec. 3 & 4 – Article 301 Administration & Enforcement

5. Regulations regarding PC are referenced in a different chapter of the city code, while the BOA is in this chapter. The PC regulations should be in this chapter as well.	Pull in text from Chapter 13.04 into this chapter and delete Chapter 13.04 from the city code.
6. Sec. 301.5 conflicts with building permit regulations in the city code.	Delete Sec. 301.5 Building Permits from zoning code.

Ord. Sec. 5 – DN district design standards

7. Sec. 401.7-B, subsections D through J are design related regulations that are better located in the subdivision regulations that allow them to go through the PC waiver process instead of	Move Sec. 401.7-B, subsections D through J to Article 1400 Design Standards of the Subdivision Code.
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ORDINANCE STAFF REPORT

the variance process.

Ord. Sec. 6 – Zoning District Regulations

- | | |
|--|---|
| 8. PUD and PRD's are similar and should be considered in the category of Planned Development. Similarly, the two airport districts are overlay districts and should be grouped into the same category. | Establish a Planned Development category to include both PUD and PRD districts. Add an Overlay Districts category to include the municipal airport and XNA districts. |
| 9. Needed to clarify how setbacks are measured. | Add regulations for measuring setbacks. |
| 10. To meet fire code building separation requirements, all side setbacks and rear setbacks need to be a minimum of 7'. | Change any side or rear setbacks that are under 7' to 7', in the R-C2, R-C3, DC and DE districts. |
| 11. Minimum lot sizes in the DN districts for single family and two-family dwellings depend on whether or not there is alley access, but the lot and area standards do not adequately show that. | In the lot and area standards for the DN districts, specifically state that 40 ft. width is only allowed for properties with alley access. Without alley access it's 50 ft. |
| 12. In DN districts, the height standards are listed as a measured height or number of stories. This can be confusing since it's difficult to determine exactly what is a story. | In the height standards for DN districts, remove the "or 2.5 stories" and keep the feet measurement. |
| 13. C-3 was the original downtown district, but with the new DC and DE districts, it is no longer appropriate for downtown and is better served as a mixed use district for outside of downtown. | Revise the description of the C-3 district as a mixed-use district for outside of downtown. |
| 14. Changing C-3 to a mixed used instead of a downtown district, the 80' maximum height regulation is likely to be out of scale with the desired neighborhood type development desired in this district. | Reduce the maximum height in C-3 from 80 ft. to 60 ft. |
| 15. The regulations do not specify what happens to the zoning when a PUD/PRD expires. | Add a regulation that when a PUD expires, consistent with LSD's, the zoning reverts back to its previous district. |
| 16. The maximum height allowed in all residential district is currently 36'. However, this doesn't adequately accommodate higher density residential districts. | Requires a maximum height of 36' in RE, R-1, R-2, R-MH, R-ZL and 40' in R-3, R-4, R-C2, R-C3, RO. |

Table of Uses

- | | |
|---|---|
| 17. The Table of Permitted Uses is an Appendix and should be part of the zoning regulations. | Pull the Table of Permitted Uses directly into the Zoning Regulations Chapter; remove "permitted" from the title of the table, and change the use of the term permitted to allowed. Added language to better describe how to use the table. |
| 18. Now that the C-3 district is more for mixed use, a large size office is an appropriate use. | Allow "large scale office - > 4,000 gross square feet" in the C-3 district. |

ORDINANCE STAFF REPORT

19. Allow mini-storage facilities in the C-2 District. These need to be located where people live and work. They were initially allowed only in industrial due to the appearance of their exterior façade. Today, design standards can address façade concerns.
20. Several areas in the code identify the review period for submitted items. This has changed back and forth from 22 days to 32 days, depending on increasing/decreasing application levels. To be consistent, language for all application sections needs to state that applications should be submitted in accordance with current Planning Department policies and procedures.

Allow mini-warehouse storage in the C-2 district in the table of uses.

Change Sec. 301.6.B.1 Conditional Use Applications; Sec. 301.8.B.1 Zoning Ordinance Amendment applications; and Sec. 301.10.B.1 Variance Applications to remove a specific time period and follow current planning policies.

Section 7 – Parking Regulations

21. To promote the purpose of a mixed-use district, the development needs to be walkable and pedestrian friendly. In order to do this, parking lots should not be the predominant feature of a development.

Add Sec. 501.03.C that off-street parking lots must be located to the rear or side of the primary building in C-3 and DN districts.

Section 8 – Use Regulations

22. Need to clarify how the size limitation on accessory structure is measured and specify that accessory commercial structures need to meet design standards.
23. Outdoor vending needs to specify that the regulations are for those at a fixed location to differentiate it from a mobile food vendor that travels to various locations.
24. For home occupations to be allowed, in cases where the occupant is not the property owner, the property owner must give permission for the home occupation.

In Sec. 601.01.B Size, clarify that the 720 square feet regulation is the footprint of the accessory structure.

In Sec. 601.16, specify that outdoor vending is for a fixed location, but they must remain mobile and not be a permanent structure.

In Sec. 601.12, add a provision under Type A Home Occupations that permission from the property owner is required.

Ord. Sec. 9 – Exemption for outdoor vendor as temporary use

25. Since outdoor vendors could be considered a temporary use or structure, they needed to be exempt from the regulations for temporary uses or structures because they have their own set of regulations.

In Sec. 604.25, exempt Outdoor vendors as temporary structures.

Ord. Sec. 10 - Nonconformities

26. Regulations regarding the ownership of lots is not applicable in zoning, therefore such regulations should be removed.
27. Regulations regarding existing plats were in the zoning regulations and are better served in the nonconformities chapter.

In Sec. 701.03, remove regulations pertaining to lot ownership.

Relocate Sec. 401.04(f) regarding plats recorded prior to adoption of the zoning code to Sec. 701.03 Non-conforming lots of record.

Ord. Sec. 11 – Nonconforming signs

ORDINANCE STAFF REPORT

28. Recent changes to nonconforming sign regulations uses the sign *value* as a measure to gauge when compliance is required. However, a more precise trigger for compliance is measurement based on *size* or if the development must go through the Large Scale Development process.

In Sec. 801.12. H Nonconforming signs, remove value and replace it with size as a measurement for compliance. Require any development going through the large scale development approval process to bring existing noncompliant signs into compliance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE
OF THE BENTONVILLE MUNICIPAL CODE.

WHEREAS, Bentonville periodically reviews the Zoning Code; and,

WHEREAS, the periodic reviews uncover errors, need for clarification, or updates to meet current conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:

Section 1. That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

Section 2. That Bentonville Municipal Code, Chapter 14 Zoning Code, Article II Definitions shall be and is hereby amended by deleting the terms “building height” and “home occupation – type b” and with the following amendments and placing them in alphabetical order within the existing definitions:

Awning: An overhead protective structure that is attached to and/or projects from a wall or roof structure of the building (exclusive of the highest roof of the building) that is constructed to allow pedestrians and/or vehicles to pass under or as a decorative embellishment. This definition does not include canopies, which are freestanding structures and separately defined.

Bar, Lounge or Tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service is secondary to the sale of beer, wine or other liquors. Does not includes micro-breweries where patrons are served beer produced on the premises for on-site consumption, which are separately regulated.

Canopy ~~Roof~~: A permanent freestanding overhead protective structure that is constructed to allow pedestrians and/or vehicles to pass under ~~decorative porch or walkway cover other than an awning which is attached to a building or~~ that is supported by columns extending to the ground. This definition does not include awnings, which are attached to a building and separately defined.

Commercial district: Any land within the city limits of Bentonville zoned as a district listed under Commercial (C) districts in Sec. 401.02 Classification of districts.

Downtown: Downtown is that area between the boundaries of Tiger Boulevard to the north, J Street to the east, SE 14th/Hwy 102 to the south, and Walton Blvd. to the west.

Downtown (D) district: Any land within the city limits of Bentonville zoned as a district listed under Downtown (D) districts in Sec. 401.02 Classification of districts.

Downtown Neighborhood (DN) district: Any land within the city limits of Bentonville zoned as a district listed under Downtown Neighborhood (DN) districts in Sec. 401.02 Classification of districts.

Home occupation, type A: A non-residential use carried on within a dwelling, which is clearly subordinate to the residential use and which does not outwardly change the residential character of the use, lot or structure.

Industrial district: Any land within the city limits of Bentonville zoned as a district listed under Industrial (I) districts in Sec. 401.02 Classification of districts.

Obstruction (municipal airport district): Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in ~~Sec. 401.10 D Height limitations~~ the height limitations of the municipal airport district.

Residential district: Any land within the city limits of Bentonville zoned ~~R-E, R-1, R-2, R-3, R-4, R-C2, R-C3, R-MH, R-ZL and R-O~~ as a district listed under Residential (R) districts in Sec. 401.02 Classification of districts.

Section 3. That Bentonville Municipal Code, Chapter 14 Zoning Code, Article 301 Administration shall be and is hereby deleted and replaced with Attachment A: Article 301 Administration and Enforcement, an electronic copy and hard copy of which is on file with the City Clerk, and is hereby adopted by reference as though it were copied herein fully.

Section 4. That Bentonville Municipal Code, Chapter 13.04 Planning Commission shall be and is hereby deleted.

Section 5. That Bentonville Municipal Code, Chapter 14, Zoning Code, Art. 401 Zoning District Regulations Sec. 401.07-B, Subsections D through J be relocated to Article 1400 Design Standards of Chapter 15 Subdivision Code.

Section 6. That Bentonville Municipal Code, Chapter 14, Zoning Code, Art. 401 Zoning District Regulations shall be and is hereby deleted and replaced with Attachment B: Article 401 Zoning District Regulations, an electronic copy and hard copy of which is on file with the City Clerk, and is hereby adopted by reference as though it were copied herein fully.

Section 7. That Bentonville Municipal Code, Chapter 14, Zoning Code, Article 501 Off-Street Parking and Loading shall be and is hereby amended by adding the following to Sec. 501.03 Location of Off-Street Parking:

C. C-3 and DN Districts. Off-street parking lots shall be located to the rear or side of the primary building or structure.

Section 8. That Bentonville Municipal Code, Chapter 14, Zoning Code, Article 601 Use Regulations shall be and is hereby amended with the following:

Sec. 601.01 Accessory Non-residential Buildings

- B. Size. An accessory building shall ~~be~~ have a footprint no larger than 720 square feet ~~and shall have a similar architecture to that of the main structure.~~ Total area of all accessory nonresidential buildings shall not exceed 40% of the total area of the primary structure. A variance to the requirement may be requested in accordance with Article 301 Administration and Enforcement. An accessory

building footprint in excess of 720 square feet shall be required to have a building permit and shall conform to required setbacks and shall not be located in any easement.

C. Setbacks. No detached accessory nonresidential building with a footprint of 720 square feet or less shall be located closer than five (5) feet to any side or rear lot line. In the case of a corner lot, said accessory building shall not project beyond the building line required or existing on the adjacent lot. Accessory buildings shall meet the front building setbacks for the zone it is to be located. An accessory nonresidential building footprint in excess of 720 square feet shall conform to the required setbacks.

F. Façade. The façade of the accessory structure shall have a similar architecture to that of the main structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.

Sec. 601.12 Home Occupations

A.12. If the occupant is not the property owner, the home occupation is allowed by the property owner.

Sec. 601.16 Outdoor and Mobile Food Vendors

B.2 Application. Applicants may request a Vending Permit for either (1) outdoor vending at a fixed location or (2) mobile food vending.

D.5 Mobility. The conveyance used by the outdoor vendor shall be mobile, able to be moved freely or easily, and may not be a permanent structure.

Sec. 601.29 Alcohol Sales

B.2 Microbrewery-Restaurant. A microbrewery-restaurant as defined by the Division of Alcoholic Beverage Control of the State of Arkansas, shall be allowed ~~with the approval of a Conditional Use Permit in the C-1, Neighborhood Commercial, C-2, General Commercial, DC, Downtown Core, I-1, Light Industrial, and I-2, Heavy Industrial zoning districts~~ in the zoning districts as set forth in the Table of Uses in Article 401 Zoning Regulations.

Section 9. That Bentonville Municipal Code, Chapter 14, Zoning Code Sec. 601.25 Temporary Uses and Structures shall be and is hereby amended by adding the following exemption: The temporary structure or use is an outdoor vendor otherwise regulated in this chapter.

Section 10. That Bentonville Municipal Code, Chapter 14, Zoning Code, Article 701.03 Nonconforming Lots of Record shall be and is hereby amended with the following:

A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. ~~Such lot must be in separate ownership and not of continuous frontage with other lots in the same~~

~~ownership.~~ This provision shall apply even though such lot fails to meet the requirements for area or width or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustment.

~~B. If two(2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirement established by this ordinance nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.~~

C. Existing plats. In cases where plats were recorded prior to adoption of the Zoning Code on June 10, 2003 and have setbacks that conflict with the setbacks of the zoning code, the setback requirements of this chapter shall prevail. Applicants may seek a variance in accordance with the policies set forth in Article 301 Administration and Enforcement.

Section 11. That Bentonville Municipal Code, Chapter 14, Zoning Code, Article 801.12. H Nonconforming Signs shall be and is hereby amended with the following:

Nonconforming signs. Signs ~~which~~ that were lawful at the time of their construction or placement but are not in conformance with current regulations shall be ~~permitted~~ allowed to be maintained as nonconforming signs until such time that the sign meets any of the following conditions. At such time, the sign shall be removed or brought into compliance with this article. If only the sign face is being replaced, the nonconforming sign structure may remain.

1. 50% of the size of the sign and/or sign structure is damaged or in a state of disrepair beyond 50% of current repair or replacement cost,
2. The sign is proposed for replacement or major alteration, which includes but is not limited to, increasing the sign size or height, replacing the sign cabinet, changing or adding lighting, or any other alteration determine to be major as determined by the director;
3. The primary structure on the site on which the sign is located is:
 - a. damaged 50% or more of the structure's gross square footage;
 - b. proposed for major alteration, renovation or replacement; or
 - c. is or is proposed to be being demolished;
 - d. ~~The primary structure on the site on which the sign is located is damaged beyond 50% of current repair or replacement costs or receives an addition that~~

~~is larger than the gross square footage of the primary structure. At that time, the sign shall be replaced with a sign compliant with this Article.~~

4. Development on the site on which the sign is located requires large scale development approval, including both administrative and planning commission approvals.

Section 12. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this ____ day of _____, 2018.

Approved:

Mayor Bob McCaslin

ATTEST:

City Clerk

ARTICLE 301. ADMINISTRATION AND ENFORCEMENT

SEC. 301.00 Reserved.

SEC. 301.01 **Enforcement.**

The Zoning Ordinance, hereinafter referred to as “this chapter,” shall be administered and enforced by the community development director as appointed by the mayor. It shall be a violation of this ~~ordinance~~ chapter for any person to erect, alter, move or improve any building or structure until a building permit has been obtained under the regulations of this ordinance. The planning commission may, from time to time, recommend instructions and operating procedures to be followed in the administration of these regulations to the end that the public may be better informed.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003)

SEC. 301.02 **Fees.**

(a) *Establishment of fee schedule.* The city council of the city of Bentonville, Arkansas shall establish a schedule of fees, charges and expenses and a collection procedure for ~~building permits,~~ rezonings, conditional uses, variances, appeals and other matters pertaining to this ~~ordinance~~ chapter by resolution. The schedule of fees shall be available in the ~~Community Development~~ planning office ~~department~~ and may be altered or amended only by the city council.

(b) *Fee to be paid in full.* ~~Development fees.~~ Prior to initiation or commencement of any action or the physical transfer of any item listed in this section ~~chapter,~~ the fees, as established from time to time for the same, shall be collected by the city as part of the application for such item or the purchase of said item, to include:-

Rezoning-proposed fee

Appeal

Variance

Final plat

Preliminary plat

Large sale development

Lot split

Map sales

Ordinance sales

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.03 **Planning commission.**

~~See Title 13, Section 13.04 of the Cit Code.~~

(a) Purpose of the planning commission. The general purpose of the planning commission is to:

(1) Prepare, or have prepared, a plan of the municipality;

Art. 301 Administration and Enforcement

Underlined text to be added and strikethrough text to be deleted.

- (2) Receive and make recommendations on public and private proposals for development;
- (3) Prepare and administer planning regulations;
- (4) Prepare and transmit to the legislative body recommended ordinances implementing plans;
and
- (5) Advise and counsel the city government and other public bodies.

(b) ~~Composition, appointment of members~~ Creation and appointment.

- (1) Membership and appointment. ~~There is hereby appointed a~~ planning commission which shall consist of seven members, at least two-thirds of whom shall not hold any elective or appointive city ~~office~~department except membership; in the board of adjustment or a joint planning agency. The members of the planning commission shall be ~~nominated~~ appointed by the mayor and confirmed by a majority vote of the city council.
- (2) Terms of office of members. The members of the planning commission shall serve for five-year staggered terms.
- (3) Vacancies in office. When the term of office of any member of the planning commission expires or in the event of any vacancy, the mayor shall immediately make a nomination to fill the vacancy. The person so nominated and confirmed by the city council shall serve for the remainder of the term of the person whom he or she replaced.

(c) Organization.

- (1) Election of officers. The planning commission shall from its membership elect a chairperson, a vice-chairperson and such other officers as it may require. The chairperson shall not hold any other city office or appointment.
- (2) Rules and regulations to be adopted; limitation on delegation of duties to committees.
 - a. The planning commission shall make and adopt bylaws establishing ~~such~~ rules and regulations for the discharge of its duties and the transaction for business, ~~which shall provide for a regular meeting date of the commission at least once in each quarter of each calendar year or more often if prescribed by the commission,~~ and such rules and regulations shall provide for such committees within the commission as may be found necessary and advisable and the duties of such committees shall be prescribed by the commission.
 - b. No committee established pursuant to subsection (1) of this section shall exercise duties delegated by state law or this article that are organic to the commission.
 - c. Such rules and regulations may also provide for special meetings and the manner of calling the same.
- (3) Meetings. The planning commission shall provide for a regular meeting date of the commission at least once in each quarter of each calendar year or more often if prescribed by the commission.
- (4) Minutes. The planning commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it

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shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the planning department.

(5) Quorum. A quorum of the planning commission shall be a majority of the appointive members present.

~~(f) Senior planner position established. A new position of senior planner, Grade 31, is established within the planning commission.~~

~~(Code 1994, § 13.04.06; Or, No. 99-8, § 1)~~

(d) *Appropriation by council required prior to expending or encumbering funds.* The planning commission shall not expend or encumber funds without prior appropriation by the city council.

(e) *Comprehensive study.*

(1) The planning commission shall make a comprehensive study of present conditions and future growth of the city and its neighborhood and adjacent territory for the purpose of planning a coordinated, adjusted and harmonious development of the city and its environs which would promote, in accordance with future needs, the safety, morals, order, convenience, prosperity and general welfare of its citizens; efficiency and economy in the process of development, convenience or traffic; safety from fires and other dangers; adequate light and air, healthful and convenient distribution of population; provision of adequate open spaces, good civic design and arrangement; wise and efficient expenditure of public funds; adequate provision for public utilities; and for other matters pertaining to the public requirements.

(2) *Formulation of plan.* The planning commission shall formulate and maintain a plan of the territory within its planning jurisdiction in accordance with state law, which plan shall at least embrace the subjects prescribed by state law and which shall be adopted by the planning commission by resolution after public hearing and notice as provided by state law.

(3) *Filing plan.* When the planning commission shall have approved any plan, the same shall be certified to the city council and shall be filed in the office of the city clerk and in the office of the circuit clerk and county recorder.

(4) *Action on plan by city council; acceptance.*

a. The city council, on receipt of a certified copy of a plan adopted by the planning commission, may accept, amend, modify or reject the plan in whole or in part.

b. On acceptance of a plan by city council, it shall become in full force and effect binding upon all persons with force of law.

(5) *Manner of amending plan.* Whenever a plan has been adopted by the planning commission, filed for record and accepted by the city council, the same shall not be changed, altered or amended except by the procedure required by state law for the adoption of an original plan.

(f) *Construction of streets, public utilities, etc., to be approved by planning commission.* Whenever a plan has been so adopted, filed and become effective, no new street, square, park or other public way, ground or open space or any public building or structure or public utility, whether publicly or privately owned, shall be constructed or authorized to be constructed in any section or district of the planning

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jurisdiction embraced within a plan until the location, character and extent thereof shall have been submitted to the planning commission in the manner prescribed by state law.

(g) *Rules to be prepared after master street plan governing subdivision of land is adopted.* After a master street plan is adopted and filed as provided in this article, the planning commission shall prepare and administer rules governing subdivision of land within its jurisdiction in accordance with state law.

(h) *Cooperation with other planning bodies.* The planning commission shall have the authority to cooperate with official and unofficial planning bodies for the purpose of coordinating the preparation of plans for the city and its adjacent territory.

(i) ~~Development fees. Prior to initiation or commencement of any action or the physical transfer of any item listed in this section, the fees, as established from time to time for the same, shall be collected by the city as part of the application for such item or the purchase of said item.~~

~~Rezoning proposed fee~~

~~Appeal~~

~~Variance~~

~~Final plat~~

~~Preliminary plat~~

~~Large sale development~~

~~Lot split~~

~~Map sales~~

~~Ordinance sales~~

(Code 1994 § 13.04.17; Ord. No. 83-31, § 1; Ord. No. 97-7, §1)

State law reference – General purpose of municipal plans, A.C.A. § 14-56-403; establishment of planning commission, A.C.A. § 14-56-404; designation and term of officers, A.C.A. § 14-56-406; regular meetings, A.C.A. § 14-56-407; internal rules and regulations, A.C.A. § 14-56-408; appropriations authorized, A.C.A. § 14-56-410; purpose of planning commission, A.C.A. § 14-56-411; legislative recommendations, A.C.A. § 14-56-415; land development regulations, A.C.A. § 14-56-417; amendments to recommended ordinances and regulations, A.C.A. § 14-56-420, 14-56-426, 14-56-424; adoption procedure, A.C.A. § 14-56-422.

SEC. 301.04 Board of adjustment.

(a) *Creation and appointment.*

(1) *Memberships and terms.* There is hereby appointed a board of adjustment which shall consist of five (5) members; each to be appointed by the city council of the City of Bentonville for a term of five (5) years. Not less than one (1) member shall be appointed from the membership of the planning commission. Appointments shall be staggered.

(2) *Removal.* A member of such board of adjustment, once qualified, can thereafter be removed during his/her term of office only for cause on a majority vote of the city council. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the city council to serve his/her unexpired term by resolution.

(b) *Organization.*

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- (1) *Officers.* A chairperson, vice chairperson, and secretary shall be elected annually by the board from among its membership. The chairperson, or in his/her absence, the vice chairperson, shall preside at all meetings, shall decide all points of order or procedure.
 - (2) *Rules and regulations to be adopted.* The board of adjustment shall adopt bylaws to establish rules necessary to the conduct of its affairs and in keeping with the provisions of ~~the Zoning Ordinance~~ this chapter and for appeals to floodplain interpretations.
 - (3) *Meetings.* Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public.
 - (4) *Minutes.* The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or if failing to vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the planning office.
 - (5) *Quorum.* A quorum of the board shall consist of three (3) members. The concurring vote of three (3) of the board members shall be necessary to revise any order or decision of the Community development director or to decide on any matter upon which it is required to pass under this ~~Ordinance~~ chapter.
- (c) *Powers and duties.* The board of adjustment shall have all the powers and duties prescribed by law and by this ~~Ordinance~~ chapter, which are more particularly described as follows:
- (1) *Appeal of interpretation.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this ~~Zoning Ordinance~~ chapter and floodplain regulations. The board may affirm or reverse, in whole or in part, said decision of the community development director.
 - (2) *Variances.* To hear and decide requests for variances from the literal provisions of the zoning ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the ordinance.
 - (3) *Determination of zoning district boundaries.* In addition to the powers and duties specified above, the board shall also have the powers and duties to hold public hearings and interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.
- (Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.5 Building permits.

No building permit shall be issued except in conformance with the provisions of this section chapter.

~~Whenever any structure or building is to be erected or structurally altered, including but not limited to modular or manufactured structures, a building permit shall be obtained from the Community development director or his designee(s). Every applicant for a building permit shall furnish the following information:~~

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~~(a) *Plans.* A plot plan, drawn to scale, showing the exact size, shape and dimension of the lot to be built upon, the exact size and location on the lot of all existing buildings and structures, and the exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved, and the size, arrangement, number of parking stalls, movement of vehicles and ingress and egress drives for all off street parking and loading facilities and all easements on the lot.~~

~~(b) *Declaration.* A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.~~

~~(c) *Additional Information.* Additional information relating to the proposed improvement needed to determine compliance with these regulations.~~

~~(d) *Survey.* A survey prepared by an engineer or surveyor registered in the State of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Mayor or Community development director.~~

~~(e) *Filing.* A record of such application and plat shall be kept by the Community development director and is subject to review by the Planning commission.~~

SEC. 301.06 Conditional uses.

(a) *Authority.* The planning commission shall have the authority to approve conditional uses in accordance with the provisions of this section.

(b) *General.*

(1) *Purpose.* The purpose of this section is to define the concept of conditional uses; to establish standards by which the planning commission shall evaluate conditional uses; and to set forth procedures for processing conditional uses.

(2) *Description.* A conditional use is a use that conforms to the intent of the General Plan for a specific area and is generally allowable. The use may represent potential problems, however, with respect to its impact on neighboring property or to the city as a whole. For this reason, it requires a careful review of its location, design, configuration, and spatial impact to determine the desirability of allowing it on a particular site.

The conditional use process must not allow an applicant to secure a use variance or as a means to circumvent the intent of the General Plan or Zoning Ordinance. Building configurations, footprints, and outlines should be compatible with other uses permitted for a district. Whether a proposed use is appropriate in a particular location depends upon a careful evaluation of the impacts to the neighborhood and the city by the planning commission and a weighing of conditions and methods proposed by the commission or by the applicant to mitigate those impacts.

(3) *Table of ~~Permitted~~ uses.* Where the letter “C” appears for certain uses in the *Table of ~~Permitted~~ Uses for zoning districts*, the use is ~~permitted~~ allowed subject to approval by the planning commission of a conditional use permit.

(c) *Procedure for conditional use request.*

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- (1) *Application.* ~~The property owner shall submit~~ An application shall be filed by the property owner with the city to the planning department in accordance with current planning department policies and procedures. ~~Said application shall be filed no less than twenty-two (22) days prior to the planning commission meeting.~~ Such applications shall show the location and intended use of the site and include a general statement as to the intent of the use. Applications may be obtained from the planning ~~office~~ department. A general graphic representation of what is proposed shall be submitted as well and shall include the following:
- The location, size, and use of buildings, signs, land and improvements;
 - The location, size and arrangement of parking space, loading space, driveways and street access;
 - Proposed screening and landscaping;
 - The use of adjoining property;
 - Scale, north arrow and vicinity map; and
 - Any additional information needed by the staff because of conditions peculiar to the development.
- (2) *Notification.*
- Notice of public hearing.* Notice of public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing. The planning department will publish the notice for conditional use. This public notice must include the conditional use sought, the location including legal description and address (if no address is available, a description which is clear to the average lay person will suffice), and the time, date and place of the public hearing.
 - Sign.* The planning department will post one or more public hearing signs on the premise of said property. Such sign(s) shall be clearly visible, unobstructed to the passing general public, and posted on or near the existing front property line not later than seven (7) days prior to the public hearing.
- (3) *Staff review.* The planning department staff shall review the proposed conditional use and report to the planning commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this ~~Ordinance~~ chapter and shall make recommendations to the planning commission.
- (4) *Public hearing.* The city planning commission shall hold one (1) or more public hearings thereon. The planning commission shall review conditional use applications at its regularly scheduled meetings, at which time interested persons may appear and offer information in support of, or against, the proposed conditional use.
- (5) *Planning commission action.*
- Action.* The planning commission may approve, deny, defer, or modify a conditional use request based on findings of fact with regard to the standards set forth in Section ~~(d)~~ (d) below.

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- b. *Conditions.* The planning commission may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize any injurious effects of the conditional use. Such action may be necessary to ensure that the conditional use is compatible with surrounding property to better carry out the intent of this ~~Ordinance~~chapter. Once any portion of the approved conditional use permit is utilized, all such conditions pertaining to such authorization shall become effective immediately. Such conditions may include time limits for exercise of such authorization and commence within a reasonable time. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use permit.

(d) *Standards for approval.* In carrying out the purpose of this section, the commission's consideration shall include, but not be limited to, the following development standards and design specifics. The appropriateness of these standards shall be determined at the discretion of the planning commission for each specific conditional use location.

- (1) The proposed use shall be so designated, located and operated so that the public health, safety and welfare will be protected.
- (2) The proposed land use shall be compatible with other area properties located near it.
- (3) The proposed use shall be in compliance with the provision of "Conditional Uses" as set out in this ~~Ordinance~~chapter.
- (4) The proposed use shall be in conformance with all applicable provisions stated in this ~~Ordinance~~chapter for the district in which the use is to be located.
- (5) The proposed conditional use shall be in conformance with all off-street parking and loading requirements of this ~~Ordinance~~chapter and ingress and egress and pedestrian ways shall be adequate.
- (6) Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust and odor shall have been addressed in the proposed use application.
- (7) Landscaping and screening of the proposed use shall be in accordance with these ~~Ordinance~~ regulations and the city of Bentonville landscaping regulations.
- (8) Proposed use signage shall be in accordance with the provisions of this ~~Ordinance~~chapter.
- (9) Open space located on the proposed use shall be maintained by the owner/developer.
- (10) The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the intent of this ~~Ordinance~~chapter.
- (11) The planning commission shall in no case authorize less than minimum requirements of the ~~Ordinance~~chapter relating to height, area, or setbacks.
- (12) The planning commission shall not permit any use in a zone as a conditional use that is not permitted under the Zoning Ordinance.

(e) *Amendments.* Major changes to a conditional use authorization must follow the same process as the original conditional use; however, the commission may delegate to the staff authority to approve minor modifications to the conditions approved, including modifications to an approved development plan.

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~~(f) Building permit. No building permit shall be issued except in conformance with the provisions of this section.~~

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.07 ~~Violation and Penalties.~~ Reserved.

~~A violation of this ordinance shall be deemed a misdemeanor and shall be punishable as set forth in the Bentonville Municipal Code Section 1.32.01.~~

SEC. 301.08 ~~Zoning ordinance amendments~~ (rezoning).

(a) ~~General Authority.~~ The city council shall have the authority to enact amendments to the text or map of the Zoning Ordinance in accordance with the provisions of this section. Such action may be initiated on the recommendation of the planning commission, on its own motion, or on petition from a property owner. Before action is taken in regard to any amendment of the Ordinance is chapter, the planning commission shall have reviewed the case and given a recommendation. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of the majority of the council.

(b) *Procedure for zoning amendments by property owners.*

- (1) *Application.* The property owner shall submit ~~A~~an application ~~giving the legal description of the property involved and the zoning classification requested for the property, shall be submitted to the Planning~~planning department in accordance with current planning department policies and procedures ~~Commission by the agent of the property owner no less than twenty-two (22) days prior to the public hearing. The petition shall~~ provide the legal description of the property involved, the zoning classification requested for the property, and ~~also include a statement and diagram explaining why the proposed changes will not conflict with the surrounding land uses. A proposed ordinance rezoning the property shall also be submitted with the petition for approval as to its correctness and form.~~

(2) *Notification.*

- a. *Notice of public hearing.* Notice of the public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing. The planning department will publish the notice of proposed amendment. The notice shall include the rezoning being sought, the location including legal description and address (if no address is available, a description which is clear to the average lay person will suffice), and the time, date and place of the public hearing.
- b. *Sign.* The planning department will post a notice of public hearing sign on said property to be rezoned. Such sign(s) shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line not later than fifteen (15) days prior to the public hearing.
- c. *Certified mail.* The property owner will be required to notify, by certified mail with return receipts requested ~~and/or petition~~, all property owners within 200 feet of the property of his/her intention to apply for a zoning amendment no less than fifteen (15) days prior to

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the public hearing. The petitioner shall state the date and time of the public hearing with a certified letter ~~and/or petition~~. The postmarked certified receipts and/or petitions shall be submitted to the planning department staff not less than ten (10) days prior to the planning commission meeting along with a map showing the location of the property in question as well as the owners within 200 feet of the property and a letter from the petitioner certifying that the map shows a complete list of those property owners.

(3) *Staff review.* The planning department staff shall review the proposed zoning request and report to the planning commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this ~~Ordinance~~ chapter and shall make recommendations to the planning commission.

(4) *Public hearing.* The city planning commission shall hold one (1) or more public hearings thereon. The planning commission shall review zoning request applications at its regularly scheduled meetings, at which time interested persons may appear and offer information in support of, or against, the proposed zoning request.

(5) *Planning commission action.*

a. *Approval.* Following the public hearing, the proposed amendment may be approved as presented or as modified, by a majority vote of the planning commission and recommended for adoption by the city council, with reasons for recommendation stated in writing. No petition shall be reviewed by the city council without a report from the planning commission on the case.

b. *Denial.* If the planning commission disapproves a proposed amendment, the applicant may appeal to the city council in accordance with ~~Sec. 106-309~~ Appeals to city council.

c. *Forward to city council.* Following approval by the planning commission, the petition will be sent to the city council for action. A petitioner may withdraw the request for an amendment prior to action by the city council.

d. *Re-consideration.* No application for a zoning amendment will be considered by the Planning commission within one (1) year from date of final disapproval by planning commission of a proposed amendment. The resubmission must meet all requirements for a rezoning request and must be a different rezoning from original request.

(6) *City council action.* The city council by majority vote, may by ordinance, adopt the recommended amendment submitted by the planning commission or may return the proposed amendment to the planning commission for further study and recommendation. If the city council does not concur with the recommendation of the planning commission, either as first submitted or as submitted after re-study, the city council may, by majority vote, amend this ordinance by granting the request for amendment in full or in modified form. However, nothing in this section shall be construed to limit the city council's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(c) *Procedures for zoning amendments by the city council.*

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- (1) *Refer to planning commission.* The city council may refer a request for amendment to the planning commission to be considered in accordance with the procedures outlined in Sub-section ~~E~~(d), below.
 - (2) *Emergency.* The city council may act upon a request to amend this Ordinance when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the city. An amendment may be made under this section upon the approval of two-thirds (2/3) of the entire city council.
- (d) *Procedures for zoning amendments by the planning commission.*
- (1) *Initiation.* The planning commission, may, from time to time, either upon request by one or more of its members, by direction of the city council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Ordinance.
 - (2) *Studies.* The planning commission shall prepare a work program and make studies, including the preparation of maps, to support its decisions regarding possible amendments.
 - (3) *General plan.* If the proposed amendments are not consistent with the General Plan, the planning commission shall first consider and adopt any necessary changes to the General Plan.
 - (4) *Public hearing.* The planning commission shall hold a public hearing to consider amendments to the Zoning Ordinance and amendments to the General Plan, if required.
 - (5) *Notification.* Changes in the Zoning Ordinance initiated by the planning commission shall be considered comprehensive changes affecting the entire city and no individual notifications shall be made. A map indicating the proposed changes shall be available in ~~City Hall~~the mayor's office or at a convenient location designated by the mayor for interested citizens and property owners.
 - (6) *Planning commission action.* Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire planning commission.
 - (7) *City council action.* Following its adoption of plans and recommendations of ordinances and regulations, the commission shall certify adopted plans or recommended ordinances and regulations to the city council for its adoption.
- (e) *Standards for approval.* The city council may consider several recommendations and planning documents when attempting to make a decision on the granting of an amendment. Such guidelines may be derived from recommendations from the planning commission and planning staff, use of provisions of the General Plan, Master Street Plan, Master Parks Plan, Land Use Plan, Capital Improvements Plan, and Bicycle and Pedestrian Master Plan, as well as any other appropriately approved document created to provide required public facilities necessary to protect the public interest. Any denial by the city council of an amendment shall be final for one (1) year and the same application may not be reinitiated until the expiration of that deadline.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.09 Appeals to city council.

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(a) *Notice of appeal.* Any decision by the planning commission regarding a rezoning or conditional use permit, may be appealed to the city council. In order to make an appeal, the aggrieved party must file a “Notice of Appeal” with the city clerk within 30 days of the planning commission’s final action. The Notice of Appeal shall be filed on forms and in a format prescribed by the city council. As a minimum however, the applicant shall provide the following information:

- (1) Summary of any reasons provided by the planning commission concerning the decision made in the case.
- (2) Reasons why the applicant of the appeal contends that the planning commission erred in its decision.
- (3) Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the planning commission’s action were reversed.
- (4) Any new and pertinent information bearing on the case which may have been overlooked by the planning commission or which may have come to light following the meeting at which the planning commission made its decision.

(b) *City council action.* Appeals to the city council shall be de novo; however, they shall first be considered on the record of the public hearing and planning commission meeting at which the original case was heard and the original decision made. Based on this review, the city council may affirm the planning commission’s decision, reverse it, or send the case back to the planning commission for further study and re-certification. If new information is placed before the Council that, in the opinion of the Council, would affect the planning commission’s decision, the Council may refer the case back to the planning commission for further study, including the new information, and re-certification.

(Code 1994; Ord. No. 2003-101, §1, 06-10-2003; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.10 Variances.

(a) ~~General Authority.~~ The board of adjustment shall have the authority to approve variances of the ~~Zoning Code~~ this chapter in accordance with the provisions of this section.

(b) *Procedure for variance requests.*

- (1) *Application.* ~~All appeals and applications made to the Board shall be made in writing on forms prescribed by the Board.~~ The property owner shall submit an application to the planning department in accordance with the current planning department policies and procedures. Every appeal or application shall refer to the specific provision of ~~the Ordinance~~ this chapter involved and shall exactly set forth:
 - a. The interpretation that is claimed,
 - b. The use for which the permit is sought, or
 - c. The details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.
 - d. ~~Scale Drawing.~~ Each applicant must submit, at least ten (10) days prior to the public hearing, a scaledd drawing showing the requested variance along with all relevant

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information, including the exceptional condition or situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought.

- e. Any additional information requested by the planning department due to conditions specific to the request.

(2) *Notification.*

- a. *Notice of public hearing.* ~~The Board shall fix a reasonable time for the public hearing of an appeal, cause public notice to be given of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Bentonville. The public notice shall give the particular location of the property on which the appeal is requested, including a legal description and an address (if no address is available, a description which is clear to the average lay person will suffice), as well as a brief statement of what the appeal consists.~~ Notice of a public hearing shall be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the hearing. The planning department will publish the notice of proposed amendment. The notice shall include the variance being sought, the location including legal description and address (if no address is available, a description which is clear to the average lay person will suffice), and the time, date and place of the public hearing.
- b. *Sign.* The planning department will post a notice of public hearing sign on said property ~~to be rezoned~~ for which the variance is being requested. Such sign(s) shall be clearly visible, unobstructed to the passing general public and posted on or near the front property line not later than seven (7) days prior to the public hearing.

- (3) *Staff review.* The planning department staff shall review the proposed variance request and report to the board of adjustment on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this ~~Ordinance~~ chapter.

- (4) *Public hearing.* Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

(c) *Standards for approval.* A variance from the terms of this ~~Zoning Ordinance~~ chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this ~~Ordinance~~ chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ~~Zoning Ordinance~~ chapter;

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- c. that special conditions and circumstances do not result from the actions of the applicant; and,
 - d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ~~Zoning Ordinance~~chapter to other lands, structures, or buildings in the same district.
- (2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
 - (3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.
 - (4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ~~Zoning Ordinance~~chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - (5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ~~Zoning Ordinance~~chapter.
 - (6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this ~~Ordinance~~chapter in the district involved, or any use expressly or by implication prohibited by the terms of this ~~Zoning Ordinance~~chapter in said district.
- (d) *Effect of appeal.* An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board, that, by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or a court of record on application, and notice to the person from whom the appeal was taken.
- (e) *Time limit on permits.* No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than six ~~(6)~~ months unless such use is established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.
- ~~(f) *Fee.* The fee for any appeal or application to the Board shall be established by the Bentonville City council and subject to periodic change. Current fee schedules are available with the application. Fees are non-refundable.~~
- (f) *Appeals from board of adjustment.* Any person or persons, or any board, taxpayer, department, board or bureau of the city aggrieved by any decision of the board of adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

Art. 301 Administration and Enforcement

Underlined text to be added and strikethrough text to be deleted.

(g) *Reconsideration.* If a variance request is denied, it shall not be reconsidered by the board of adjustment within one (1) year from the date of denial of the variance request. The resubmission must meet all requirements for a variance request and shall be a different variance request.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2007-67, § 1; Ord. No. 2007-67, §1; Ord. No. 2012-58, § 1, 07-24-2012)

SEC. 301.11 Severability.

~~If any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the Ordinance shall not thereby be invalid, but shall remain in full force and effect.~~

SEC. 301.12 Repeal of conflicting ordinances.

~~Any ordinance now in effect that conflicts with any provision of this Ordinance is hereby repealed, held to be invalid and to no effect to the extent of the conflict.~~

SEC. 301.13 Emergency clause.

~~Whereas no emergency exists for the immediate taking effect of this Ordinance, therefore, the same shall be in full force and effective one month from and after its passage. (Ord. No. 2012 58, 7 24 12)~~

ATTACHMENT B - P g | 1
Art. 401 Zoning District Regulations

Underlined text to be added and strikethrough text to be deleted.

ARTICLE 401 ZONING DISTRICT REGULATIONS

SEC. 401.01 Zoning district boundary map.

(a) *Official zoning map.* This ~~Ordinance~~chapter consists of a map and text. The City of Bentonville shall maintain the Official Zoning Map in the mayor's office or at a convenient location designated by the mayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the Official Zoning Map consists of the paper copy signed by the mayor or as shown in the official city of Bentonville GIS website and designated as such, as may be amended by ordinance adopted by the city council.

(b) *Boundary of districts.* The boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Boundary Map" of Bentonville, Arkansas as may be amended by ordinance adopted by the city council, which is part of this ~~Ordinance~~chapter and which is on file in the office of the city clerk.

(c) *Interpretation of district boundary.* Where due to scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to location of any zoning district boundary as shown thereon, the ~~Designated Staff~~community development director shall make an interpretation of the map upon request of any person. Any person in disagreement with any such interpretation may appeal such interpretation to the board of zoning adjustment. All city commissions, boards or personnel interpreting the zoning map or deciding any appeal, shall apply the following standards:

- (1) Zoning district boundary lines are intended to follow lot lines or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- (2) Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- (3) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- (4) In un~~-~~subdivided property, the district boundary lines on the maps accompanying and made part of this ~~Ordinance~~chapter shall be determined by use of scale contained on such map.
- (5) Where a zoning district boundary is indicated as approximately following city limits the boundary shall be determined as such.
- (6) Where a zoning district boundary is indicated as approximately following railroad lines, the boundary shall be construed to be midway between the main tracks.
- (7) If, after all of the previously stated rules have been applied, uncertainty shall exist as to exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of zoning ordinances and amendments in the city as well as other relevant facts. The board of adjustment, upon motion, shall interpret and determine the location of said boundaries based on the above mentioned guidelines.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 2, 07-24-2012)

ATTACHMENT B - P g | 2
Art. 401 Zoning District Regulations

Underlined text to be added and strikethrough text to be deleted.

SEC. 401.02 Classification of districts.

This ~~Ordinance~~chapter classifies and regulates the use of land, buildings, and structures within the city limits of Bentonville, Arkansas as hereinafter set forth. For the purpose of promoting the health, safety, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of land by buildings, the size of yards and open spaces, density of population and location of buildings. Zoning districts shall be designated as follows:

- (a) Agricultural (A) districts.
 - (1) A-1, Agricultural
- (b) Residential (R) districts.
 - (1) R-E, Residential Estate
 - (2) R-1, Single Family Residential
 - (3) R-2, Duplex and Patio Home Residential
 - (4) R-3, Medium Density Residential
 - (5) R-4, High Density Residential
 - (6) R-MH, Manufactured Home Residential
 - (7) R-ZL, Zero Lot Line
 - (8) R-O, Residential Office
 - (9) R-C2, Central Residential – Moderate Density
 - (10) R-C3, Central Residential – High Density
- (c) Downtown ~~Neighborhood Residential~~(DN) districts.
 - (1) DN-1, Downtown Low-Density Residential
 - (2) DN-2, Downtown Medium-Density Residential
 - (3) DN-3, Downtown High Density Residential
 - (4) DN-4, Downtown Mixed-Use Residential
- (d) Commercial (C) districts.
 - (1) C-1, Neighborhood Commercial
 - (2) C-2, General Commercial
 - (3) C-3, Central Commercial
- (e) Downtown (D) districts.
 - (1) DC, Downtown Core
 - (2) DE, Downtown Edge
- (f) Industrial (I) districts.
 - (1) I-1, Light Industrial
 - (2) I-2, Heavy Industrial
- (g) Planned development districts.
 - (1) PUD, Planned Unit Development
 - (2) PRD, Planned Residential Development
- (h) Overlay districts
 - (1) Municipal Airport Overlay District
 - (2) Northwest Arkansas Regional (XNA) Airport Overlay District

ATTACHMENT B - P g | 3
Art. 401 Zoning District Regulations

Underlined text to be added and strikethrough text to be deleted.

(Code 1994; Ord. No. 99-20, § 1, 02-09-1999; Ord. No. 2003-101, §1, 06-10-2003; Ord. No. 2006-33, § 1; Ord. No. 2009-50, § 4; Ord. No. 2009-111, §1; Ord. No. 2012-58, § 2, 07-24-2012; Ord. No. 2016-141, § 2, 10-11-2016)

SEC. 401.03 ~~General provisions~~ **Calculations and measurements.**

(a) *Measuring lot width.* Lot width is measured at the building setback.

(b) *Measuring lot depth.* The minimum lot depth is measured at its shallowest point measured at right angles or radial to the street right-of-way line.

(c) *Measuring building height.* The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations.

(1) *Measuring height.* Building height shall be measured as the vertical distance from the elevation of the natural grade level to the highest point of the roofline or parapet wall. In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment.

(2) *Exceptions.* Chimneys, elevators, poles, spires, tanks, towers, (except for transmission towers/station) and other projections not used for human occupancy may extend above the height limit.

(d) *Measuring setbacks.* Setbacks shall be measured as the horizontal distance between the property line and/or right-of-way line and the structure's foundation.

(e) *Computing density.* When computing gross density of a tract of land, any and all common open space may be used in said calculation.

(Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.04 **Application of zoning district regulations.**

(a) *Minimum regulations.* The regulations set by this ~~ordinance~~ chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(b) *Conformity of regulations.* No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located. No building, ~~or other structure~~ or land shall hereafter be erected or altered:

(1) to exceed the height or bulk;

(2) to accommodate or house a greater number of families;

(3) to occupy a greater percentage of lot area; and,

(4) to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required or in any other manner contrary to the provisions of this ~~ordinance~~ chapter.

ATTACHMENT B - P g | 4
Art. 401 Zoning District Regulations

Underlined text to be added and strikethrough text to be deleted.

(c) Independent compliance. No part of a yard or other open spaces or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ~~ordinance~~chapter shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building, unless otherwise stated in the city code.

(d) Yard and lots to meet minimum requirements. No yard or lot existing at the time of passage of this ~~ordinance~~chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ~~ordinance~~chapter shall meet at least the minimum requirements established by this ~~ordinance~~chapter.

(e) Zoning district for annexations. All territory which may hereafter be annexed to the City of Bentonville, Arkansas shall be considered to be in District A-1 until the territory is rezoned as provided herein or unless provided for in the annexing ordinance.

~~(f) In cases where plats were recorded prior to adoption of the Zoning Code on June 10, 2003 and have setbacks that conflict with the setbacks of the zoning code, the zoning code setback requirements shall prevail. Applicants may seek a variance in accordance with the policies set forth in Article 3 Administration and Enforcement.~~

(g) Prior to annexation to the city. On any parcel annexed into the city subsequent to the adoption of these regulations, and upon which building construction has proceeded to the point at which the foundation(s) has been completed, construction may continue. If construction continues after the annexation, these regulations shall require no changes in the overall layout, plans, construction, or size of any building unless the planning commission determines that continued construction would pose a threat to the health, welfare, safety, or morals of the citizens of Bentonville. If construction is stopped for a period exceeding one (1) year, the planning commission may require, as a condition of renewing construction thereafter, that the building(s) meet all requirements for new construction.

~~(h) Height. The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations.~~

~~(1) Measuring height. In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment.~~

~~(2) Exceptions. Chimneys, elevators, poles, spires, tanks, towers, (except for transmission towers/station) and other projections not used for human occupancy may extend above the height limit.~~

(i) Sight distance requirements. No building, structure, sign or part thereof shall be located so as to create an obstruction in the area to be kept clear of all sight obstructions, as set forth in Chapter 15 Subdivision Code, Article 1100.01 General Provisions, unless otherwise approved by the city engineer.

(j) Setback encroachments. Awnings may extend into a required front setback up to six (6) feet but shall be no closer than two (2) feet, measured in horizontal distance, from the curb of any street or property line.

(k) Clearance. Awnings and canopy structures shall maintain a clearance of eight (8) feet above a public right-of-way, sidewalk or front yard.

ATTACHMENT B - P g | 5
Art. 401 Zoning District Regulations

Underlined text to be added and strikethrough text to be deleted.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2004-63, §1; Ord. No. 2009-50, §6; Ord. No. 2012-58, § 2, 07-24-2012; Ord. No. 2017-205, § 8, 12-12-2017)

SEC. 401.05 Table of ~~permitted uses~~ for zoning districts.

~~(a) A.~~ Location and Description. The Table of Permitted Uses is located in Appendix Table of uses. The table below establishes a list of land uses and identifies the zoning districts in which that use is allowed by right, allowed with a conditional use permit, or prohibited. Land uses are listed in the column on the left and zoning districts are listed across the top row. Further clarification of each use is provided in Article 201 Definitions.

~~(ab) Permitted Uses.~~ Uses allowed by right. Where the letter “P” a dot (●) appears ~~on the line of a permitted use and in the column of a district~~ in the box where the land use row and the district column intersect, the use is ~~permitted~~ allowed by right as a primary and secondary use in that district, subject to the provisions of:

- (1) Article 501 Off-Street Parking and Loading ~~and Landscaping~~
- (2) Article 601 ~~Supplemental~~ Use Regulations.

~~(cb) Conditional Uses.~~ Uses allowed with an approved conditional use permit. Where the letter “C” appears in the box where the land use row and the district column intersect, the use is ~~permitted~~ allowed subject to acquiring a conditional use permit as set forth in Article 301.046 Conditional uses.

~~(de) Uses allowed as an accessory use.~~ Where the letter “A” appears in the box where the land use row and the district column intersect, the use is allowed only as an accessory use to the primary use and shall not be a primary use.

~~(e) Uses Pprohibited uses.~~ Where neither “A●” nor “C” appears in a district column, the box where the land use row and the district column intersect, the use is not allowed in the district.

~~(fd) Uses not listed.~~ When a use is proposed that is not listed in the Table of Permitted Uses the table below, the community development director shall recommend the appropriate districts based on land uses that are similar in size, bulk, and traffic generation. If the applicant does not agree with this interpretation, he/she may appeal the interpretation to the board of adjustment. If the Community Development director fails to make an interpretation for the use in question, then the application shall be handled as a proposed amendment to the Zoning Ordinance and shall be processed in accordance with Article 301 Administration and Enforcement.

ATTACHMENT B - P g | 6

Art. 401 Zoning District Regulations

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TABLE OF USES

	Use Regs.	A1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	DN-1	DN-2	DN-3	DN-4	C1	C2	C3	DC	DE	I1	I2
Agriculture and animals																							
agriculture		●																					
agricultural product processing		●																		C	●	C	●
agriculture-related business		●																		C	●	C	●
animal clinic	601.03	●															C	●	C	●	●	●	●
animal kennel or shelter	601.03	●																C		●	●	●	●
animal - domestic or household		●	●	●	●	●	●	●	●	●	●	●					●	●	●	●	●	●	●
animal - exotic		C																					
animal - farm	601.03	●	C																				
apiculture	601.04	●	A	A																			
botanical garden		●	C	C	C	C	C	C	C	C	C	●					●	●	C	●	●	●	●
chicken, hobby	601.11	●	●	A	A																		
community garden		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●				
greenhouse		●	●														C	●	C	●	●	●	●
livestock market		●																		C		C	
plant nursery		●																●		●	●	●	●
slaughterhouse		C																		C		C	
stable, commercial		●																					
Residential																							
dwelling - accessory	601.02	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
dwelling - condominium					●	●	●	●	●			●			●	●			●	●	●		
dwelling - manufactured										●													
dwelling - modular		●	●	●	●	●	●	C	C	●	●	●	●	●	●	●			C		●		
dwelling - multi-family						●	●		●							●			●	●	●		
dwelling - multi-family - end block																●	●						
dwelling - single family		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●					●		
dwelling - townhouse or rowhouse					●	●	●		●							●	●		C	●	●		
dwelling - townhouse or rowhouse - end block								●							●	●	●						
dwelling - two-family					●	●	●	●	●			●			●	●	●		C		●		
home occupation - type a	601.12	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●			●	●	●		
home occupation - type b	601.12	C	C	C	C	C	C	C	C	C	C	●	C	C	C	C			●	●	C		
manufactured home park										●													
residential facility - assisted living						●	●	●	●	●	●	●				●	●	●					
residential facility - extended medical care																	●	●					
residential facility - rehabilitation																	●	C	●				
residential facility - temporary shelter						●	●					●						●					

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Art. 401 Zoning District Regulations

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	Use Regs.	A1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	DN-1	DN-2	DN-3	DN-4	C1	C2	C3	DC	DE	I1	I2
Services																							
ATM machine												●					●	●	●	●	●	●	●
adult day care		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	●	●	●	●	●	●	●
auction house												C					●	●	●	●			
auto or equipment auction		C																●				●	●
automobile repair																		●				●	●
car wash	601.06																C	●				●	●
cemetery or mausoleum		●	C	C	C	C	C	C	C	C	C	C	C	C	C	C	●	●	C		●	●	●
child care - commercial	601.07	●	C	C	C	C	C	C	C	C	C	●					●	●	●	●	●	C	C
child care - residential (4 children)	601.07	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
child care - residential (5 -10 children)	601.07	C	C	C	C	C	C	C	C	C	C	●	C	C	C	C			●		●		
copy services												C					●	●	●	●	●	●	●
correctional facility or jail		●																				●	●
crematory																		C				●	●
financial institution												●					●	●	●	●	●		
funeral home												●					●	●	●		●		
governmental service facility		●										●					●	●	●	●	●	●	●
lodging - bed & breakfast	601.05	C	C		C	C	C	C	C			C		C	C	C	C		C	C	C		
lodging - hotel / motel																		●	●	●	C		
maintenance service																	●	●			●	●	●
medical services - hospital	601.13																	●	C				
medical services - doctor office												●					●	●	●	●	●		
medical services - urgent care clinic																		●		●	●		
medical services - laboratory																		●		●	●	●	●
medical services - substance abuse or mental health treatment clinic																		●					
office - small scale(≤ 4,000 gsf)												●			C	●	●	●	●	●	●	●	●
office - large scale (> 4,000 gsf)																		●	●	●	●	●	●
office/warehouse																		●		C	C	●	●
personal services												C			C	●	●	●	●	●	●		
public safety services		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
postal services									P								●	●	●	●	●	●	●
repair services - household																	●	●	●	●	●	●	●
repair services - equipment, large appliances																		●				●	●

ATTACHMENT B - Pg | 9

Art. 401 Zoning District Regulations

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	Use Regs.	A1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	DN-1	DN-2	DN-3	DN-4	C1	C2	C3	DC	DE	I1	I2
Retail																							
artisan shop															C	●	●	●	●	●	●		
auto and vehicle sales/rental																		●				●	●
bakery									P						C	●	●	●	●	●	●		
bar, lounge or tavern									C								●	●	●	●	C		
building and landscape material sales																		●				●	●
construction / heavy equipment sales/rental																		C				●	●
convenience store									C								●	●	●	●			
convenience store that sells beer and/or light wine for off-site consumption	601.29														C	C	●	●	●	C			
convenience store that sells beer and/or light wine for off-site consumption within 500' of a city owned park or trail	601.29																C	C	C	C			
convenience store that sells beer, light wine and/or spirits for off-site consumption	601.29																●	●	●				
convenience store that sells beer, light wine and/or spirits for off-site consumption within 500 ft. of a city owned park or trail	601.29																C	C	C				
equipment rental - indoor																	●	●				●	●
equipment rental - outdoor																		●				●	●
gas station																	C	●	●			●	●
manufactured home sales																						●	●
medical marijuana dispensary	601.31																	●	●	●		●	●
mobile food vendor	601.021 <u>6</u>	●	●	●	●	●	●	●	●	●	●	●				●					●		
outdoor vending, private property	601.16																●	●	●	●	●	●	●
outdoor vending, public right-of-way	601.16																			●	●		
outdoor vendor park	601.021 <u>6</u>																C	C	C	C			
package liquor store	601.29																	●					
package liquor store within 500 ft. of a city owned & maintained park or trail	601.29																	C					
pharmacy																		●	●	●		●	●
recreational vehicle and boat sales/rental																		●				●	●
restaurant									C							P	C	●	●	●	C		
restaurant, drive-in																		●	●				
restaurant, microbrewery	601.29															P	C	C		C		C	C
retail - small scale (≤ 4,000 gsf)															●	●	●	●	●	●	●	●	
retail - large scale (> 4,000 gsf)																		●		●			
sexually oriented business	601.22																	C					
sidewalk café in public right-of-way	601.23															●			●	●	●		

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Art. 401 Zoning District Regulations

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(Code 1994; Ord. No. 95-81, §1, 08-22-1995; Ord. No. 98-58, §1, 06-23-1998; Ord. No. 98-70, § 1, 08-11-1998; Ord. No. 98-83, § 3, 10-13-1998; Ord. No. 99-20, § 1, 02-09-1999; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2004-63, § 6; Ord. No. 2006-24, § 14-15; Ord. No. 2006-33, § 13; Ord. No. 2009-50, § 3; Ord. No. 2009-11, §2; Ord. No. 2010-5, § 2, 01-12-2010; Ord. No. 2010-72, § 3, 11-23-10; Ord. No. 2009-11, § 2, 11-10-2009; Ord. No. 2013-75, §3, 08-27-2013; Ord. No. 2016-83, § 4, 06-14-2016; Ord. No. 2016-141, § 4, 10-11-2016)

Sec. 401.06 A-1, Agricultural district regulations.

(a) ~~General~~ Description and purpose. The regulations for the A-1 Agricultural District are designed to preserve and protect prime agricultural lands and to protect undeveloped areas from intensive uses until a use pattern is approved.

(b) *Bulk and area regulations.*

(1) *Density.* The table below establishes the maximum density for agricultural districts.

<u>AGRICULTURAL (A) DISTRICT DENSITY STANDARDS</u>	
<u>Zoning district</u>	<u>Maximum density allowed</u>
A-1	1 dwelling unit per 5 acres

(2) *Lot and area requirements* standards. The table below establishes the lot and area standards for agricultural districts.

<u>AGRICULTURAL (A) DISTRICT LOT AND AREA STANDARDS</u>							
District	<u>Building type</u>	Min. lot area (sq. ft.)	<u>Min. land area / dwelling unit (sq. ft.)</u>	Min. lot width	Min. lot depth	Max. lot coverage	
						Interior lot	Exterior / corner lot
A-1	<u>All</u>	217,800 (5 acres)	<u>217,800 (5 acres)</u>	100'	100'	30%	30%

(3) *Minimum setback requirements* standards. ~~(ft.)~~ The table below establishes the minimum setback standards for agricultural districts.

<u>AGRICULTURAL (A) DISTRICT MINIMUM SETBACK STANDARDS</u>					
District	<u>Building Type</u>	Front	Side		Rear
			<u>Interior</u>	<u>Exterior</u>	
A-1	<u>All</u>	30'	30'	30'	30'

- (4) Height ~~requirements~~standards. The table below establishes the maximum height allowed.

AGRICULTURAL (A) DISTRICT
HEIGHT STANDARD

District	Maximum height allowed
A-1	40'

2. *Exceptions:* A building or structure may exceed the maximum height shown provided each of its front, side, and rear setbacks are increased an additional foot for each foot such building exceeds the maximum height.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.07 Residential (R) districts ~~description and purpose~~ regulations.

- (a) ~~General~~Description and purpose.

(1) Residential districts generally. The target goal of the residential districts is to provide sound, safe, economical, and innovative housing solutions for all citizens of Bentonville. Specific goals of residential districts include:

- provisions of adequate space at appropriate locations necessary to create an appropriate mix of housing alternatives for people of all lifestyles;
- consideration to site selection and variety of choice;
- prevention of congestion as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use;
- control of structure height to provide light and air access through windows; and,
- promotion of desirable land use and development in order to protect district character and to conserve land and building value.

(2) R-E, Residential Estate purpose. The R-E district is an extremely low density residential district designed to provide for maximum privacy through the use of open spaces, permit the keeping of animals, specifically approved by the planning commission, promote scenic attraction, expand and promote residential alternatives and encourage the development of residential areas most protective of the environment.

(3) R-1, Single-family Residential purpose. The R-1 district serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired. Since R-1 districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

(4) R-2, Duplex and Patio Home Residential purpose. The R-2 district encourages the basic land use restrictions as the R-1 district. It permits slightly higher ~~population~~ density than the R-1 district, with residential and related uses separated from commercial and industrial activity.

- Such a district shall encourage and maintain duplex and patio home development at appropriate locations.

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- b. The R-2 district should provide areas for the development of two-family residential structures, attached or detached. The district may be located in developed areas or undeveloped areas of the city where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.
- (5) *R-3, Medium Density Residential purpose*. The R-3 district is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used as buffer or transitional zones between incompatible development districts. Within this district, zero lot line and townhouses are ~~permitted~~allowed.
- (6) *R-4, High Density Residential purpose*. The R-4 district is established in order to provide high-density residential development. This area could exist in the older sections and newer developed areas of town. Such a district may be developed adjacent to, or in conjunction with neighborhood commercial or shopping center development. Adequate public utilities and services shall exist prior to or be provided in conjunction with development. Such a district may exist as a buffer zone between single-family and non-compatible use districts. Within this district, buildings, structures or uses having commercial characteristics and not planned as a main part of the total development shall be excluded.
- (7) *R-MH, Manufactured Home Residential purpose*. The R-MH district is established to ~~permit~~allow and encourage the development of single-family manufactured home subdivisions, manufactured home parks, or placement of manufactured homes on individual lots in a suitable environment.
- (8) *R-ZL, Zero Lot Line Residential purpose*. The R-ZL district is a moderate density residential district designed to permit and encourage the development of a variety of dwelling types including “zero lot line” units suitable for a low cost per unit development. To be approved, an R-ZL district must be efficient in the use of land and utilities. It should be considered compatible with other residential uses~~s~~ and may be used to create a transition from purely residential districts to medium and high-density residential zones.
- (9) *R-O, Residential Office purpose*. The R-O district is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities and compatible residential uses. It is further the intent of this district to establish a transition area where the continuation of residential activity is no longer practical between residential and nonresidential uses.
- (10) *R-C2, Central Residential – Moderate Density purpose*. The R-C2 district is established to provide moderate density residential development and redevelopment in that area generally referred to as “Downtown”, primarily those residential areas beyond the town square and beyond the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design. This district is appropriate as a buffer or

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transitional zone between single family and higher density residential or commercial districts.

- (11) *R-C3, Central Residential – High Density* purpose. The R-C3 district is established to provide high density residential development and redevelopment in that area generally referred to as “Downtown”, primarily the areas surrounding the town square and along —the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design.

(Ord. No. 2006-33, 2-28-06)

- (b) *Residential (R) districts density standards*. The table below establishes the maximum density allowed for each residential zoning district.

RESIDENTIAL (R) DISTRICTS
DENSITY STANDARDS

Zoning district	Maximum density Permitted <u>allowed</u>
R-E	1 dwelling unit per 2 acres
R-1	6 dwelling units per acre
R-2	9 dwelling units per acre
R-3	12 dwelling units per acre
R-4	24 dwelling units per acre
R-MH	6 dwelling units per acre
R-ZL	9 dwelling units per acre
R-O	6 dwelling units per acre
R-C2	18 dwelling units per acre
R-C3	36 dwelling units per acre

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(c) Residential (R) districts lot and area ~~requirements~~standards.

(1) *Standards.* The table below establishes minimum residential lot and area standards.

RESIDENTIAL (R) DISTRICTS
~~BULK LOT~~ AND AREA STANDARDS

District	Building type	<u>Min.</u> Lot area (sq. ft.)	<u>Min.</u> Land area / dwelling unit (sq. ft.)	<u>Lot width</u>		<u>Min. lot depth</u>	Max. lot coverage	
				Min. lot width	<u>Max. lot width</u>		Interior lot	Exterior / corner lot
R-E	All	87,120 (2 acres)	87,120 (2 acres) ==	100'	=	<u>100'</u>	10%	10%
R-1	All	6,000	6,000 ==	60'	=	<u>100'</u>	40%	45%
R-2	Two-family	7,000	3,500 ==	70'	=	<u>100'</u>	50%	55%
	Townhouses	10,000 /dev. 2,000 / lot	3,500	14' (interior) 21' (exterior)	=	<u>100'</u>	50%	55%
	All others	6,000	6,000	60'	=	<u>100'</u>	40%	45%
R-3	Two-family	7,000	3,500 ==	70'	=	<u>100'</u>	50%	55%
	All others	6,000	6,000	60'	=	<u>100'</u>	40%	45%
R-4	Two-family	7,000	3,500 ==	65'	=	<u>100'</u>	50%	55%
	All others	10,000	--	65'	=	<u>100'</u>	50%	55%
R-MH	Manufactured home lots	4,500	4,500	50'	=	<u>100'</u>	30%	35%
	Manufactured home parks	11,000	3,500	60'	=	<u>100'</u>	30%	35%
	All others	7,000	7,000	65'	=	<u>100'</u>	40%	45%
R-ZL	Zero lot line	4,000	4,000 ==	40'	=	<u>100'</u>	60%	65%
R-O	Single-family	6,000	6,000 ==	60'	=	<u>100'</u>	40%	45%
	Two-family	7,000	3,500 ==	70'	=	<u>100'</u>	50%	55%
	All others	6,000	6,000	60'	=	<u>100'</u>	60%	65%
R-C2	Single-family and all others not specifically listed	4,000	-	35' with rear alley or rear private drive access 50' without rear alley or rear private drive access	=	=	--	--

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Underlined text to be added and strikethrough text to be deleted.

RESIDENTIAL (R) DISTRICTS ~~BULK LOT~~ AND AREA STANDARDS

District	Building type	<u>Min.</u> Lot area (sq. ft.)	<u>Min.</u> Land area / dwelling unit (sq. ft.)	<u>Lot width</u>		<u>Min. lot depth</u>	Max. lot coverage	
				Min. lot width	<u>Max. lot width</u>		Interior lot	Exterior / corner lot
	Two-family / duplex Townhomes – end block	--	2,000	20' with rear alley or rear private drive access 25' without rear alley or rear private drive access	=	=	--	--
R-C3	Single-family	3,000	-	15'	=	=	70%	70%
	Two-family / Duplex	7,000	-	15'	=	=	70%	70%
	Townhomes (attached)	-	1,200	15' per unit	=	=	No max.	No max.
	Multi-family (4+ units)	-	1,200	No minimum	=	=	No max.	No max.
	All others	4,000	--	15'	=	=	70%	70%

(2) *Street frontage.* Each lot in R-1, R-2, R-C2 and R-C3 zoning districts shall have a minimum street frontage equal to the minimum lot width required at the building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than ~~thirty five (35)~~ feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining residential zoning districts shall have a minimum of thirty-five (35) feet of street frontage.

~~(3) *Depth.* Each lot, not including the R-C2 and R-C3 zoning districts shall be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the street right-of-way line.~~

(4) *Width of corner lots.* The minimum width for corner lots shall be 75'ft. at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 ft. at the building line.

(5) *Setbacks for zero lot line lots.* One side yard setback must be no less than ~~twelve (12)~~ feet, and the other side yard setback may be ~~zero (0)~~ feet.

(d) *Residential (R) districts* ~~Minimum setback requirements~~ standards.

(1) Standards: The table below establishes the minimum residential setback standards.

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RESIDENTIAL (R) DISTRICTS
MINIMUM SETBACK STANDARDS

District	Building Type	Front	Side		Rear
			Interior	Exterior	
R-E	All	30'	30'	30'	30'
R-1	All	20'	7'	20'	25'
R-2	All	20'	7'	20'	25'
R-3	All	20'	10'	20'	25'
R-4	All	20'	10'	20'	25'
R-MH	Manufactured home lots	20'	10'	20'	25'
	Manufactured home park	25'	15'	25'	25'
R-ZL	Zero lot line	20'	12'/0'	20'	25'
R-O	Single-family	20'	7'	20'	25'
	Two-family	20'	10'	20'	25'
	Office with parking in front	50'	10'	50' parking; 20' no parking	25'
	Office w/o parking in front	20'	10'	20'	25'
R-C2	Single-family and all others not specifically listed	20'	5 7'	20'	15'
	Two-family, duplex	20'	5 7'; 0' where attached	20'	15'
	Townhome – end block	10'	7 5'; 0' where attached	10	15
R-C3	Single-family	0'	0'	5'	5 7'
	Duplex	0'	0'	5'	5 7'
	Townhome	10'	0'	10'	10'
	Multi-Family	0'	0'	10'	5 7'
	All others	0'	7 5'	5'	5 7'

(2) Garages.

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1. Street facing garage. The minimum front setback for street facing garages shall be 30 ft.² from the property line that the garage faces.
2. Side or rear-loading garage. The minimum front setback for side- or rear-loading garages shall be 20² ft. from the front property line. The minimum garage setbacks apply to attached and detached garages.
3. Garages in R-C2 and R-C3 districts. In the R-C2 and R-C3 districts, when a rear alley or rear private drive exists or is platted~~anned~~, a rear-loading garage is required. When no rear alley or rear private drive exists or is platted~~anned~~, a front-loading garage is allowed, but must be pushed toward the rear lot line and must be recessed a minimum of ~~six (6) feet.~~ from the front façade of the building.

- (3) *Easements.* Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

(e) Residential (R) districts ~~H~~height requirements standards. The table below establishes the maximum height allowed in residential (R) districts.

- (1) *Standards.*

RESIDENTIAL (R) DISTRICTS
HEIGHT STANDARDS

<u>District</u>	<u>Maximum height allowed</u>
All Residential (R) districts <u>RE,</u> <u>R-1, R-2, R-MH, R-ZL</u>	36'
<u>R-3, R-4, R-C2, R-C3, RO</u>	<u>40'</u>

- (2) *Guidelines.* New infill structures should be constructed at a height that is compatible to the adjacent structures. If at all possible, the new dwelling should have a height within an acceptable percentage to the Planning Commission to ensure compatible massing, scale and to prevent the overshadowing of the adjacent structure(s).
- (3) *Exceptions.* The principal use building or structure may exceed the maximum allowed height when an additional one ft. of interior side yard setback is provided for each two ft. of additional height. This exception does not apply to zero lot line buildings.

(Code 1994; Ord. No. 99-20, § 1, 02-09-1999; Ord. No. 2003-101, §1, 06-10-2003; Ord. 2004-63, § 2; Ord. No. 2006-33, § 2-12; Ord. No. 2006-58, §1-2; Ord. No. 2012-58, § 2, 07-24-2012; Ord. No. 2016-83, § 2, 06-14-2016)

SEC. 401.7-B Downtown Neighborhood (DN) districts regulations.

(a) ~~District purposes.~~ *Description and purpose.*

- (1) *DN-1, Downtown Low Density Residential purpose.* The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 ft. in width.
- (2) *DN-2, Downtown Medium Density Residential purpose.* The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district.
- (3) *DN-3, Downtown High Density Residential purpose.* The intent of the DN-3 district is to allow for an increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district.
- (4) *DN-4, Downtown Mixed-use Residential purpose.* The intent of the DN-4 district is to allow for increased neighborhood density and increased local commerce through the development of multi-family housing and mixed-use structures. These areas tend to be located in areas of unique activity due to the surrounding context and resulting levels of activity and housing demand.

(b) DN districts ~~B~~building types allowed. For the purposes of the Downtown Neighborhood districts, all structures must be classified as one of the building types below, as defined in Article 201 Definitions.

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
BUILDING TYPES ALLOWED

	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-1	•						
DN-2	•	•	•				
DN-3	•	•	•	•	•		
DN-4		•	•	•	•	•	•

(c) DN districts ~~Bulk-~~ lot and area requirements~~standards.~~ ~~Table 401.7-B(2)~~ The table below establishes the lot and area standards for all development in the Downtown Neighborhood districts. Accessory dwelling units (ADUs) are permitted in DN-1 and DN-2 on lots with single-family structures and do not require additional land area per the table below, but are subject to additional standards in *Article 601.02* Accessory dwelling units.

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DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
LOT AND AREA STANDARDS

				Lot Width		Max. Lot Coverage ©	
District	Building Type	Min. Lot Area (sq. ft.) ①	Min. Land Area / Dwelling Unit (sq. ft.)	Min. Lot Width ②	Max. Lot Width	<u>Interior lot</u>	<u>Exterior /corner lot</u>
DN-1	Single-family	6,000	6,000	60'	N/A	40%	<u>40%</u>
DN-2	Single-family <u>with alley access</u> and two-family	5,000	3,500	40'	N/A	50%	<u>50%</u>
	<u>Single-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	<u>Two-family with alley access</u>	<u>5,000</u>	<u>--</u>	<u>40'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	<u>Two-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	Townhouse cluster	15,000	2,700	125'	N/A	60%	<u>60%</u>
DN-3	Single-family and two-family <u>with alley access</u>	5,000	3,500	40'	N/A	50%	<u>50%</u>
	<u>Single-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	<u>Two-family with alley access</u>	<u>5,000</u>	<u>--</u>	<u>40'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	<u>Two-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	Townhouse cluster	15,000	2,700	125'	N/A	65%	<u>65%</u>
	Multi-family	20,000	800	125'	N/A	65%	<u>65%</u>
DN-4	Single-family <u>with alley access</u> and two-family	5,000	3,500	40'	50'	50%	<u>50%</u>
	<u>Single-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
	<u>Two-family with alley access</u>	<u>5,000</u>	<u>--</u>	<u>40'</u>	<u>50'</u>	<u>50%</u>	<u>50%</u>

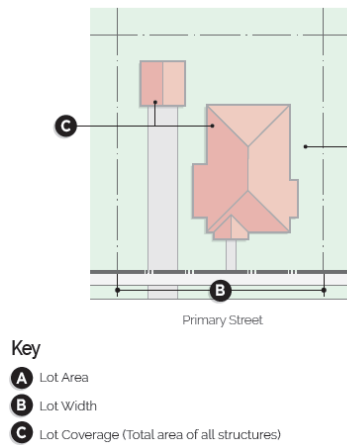
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<u>Two-family without alley access</u>	<u>5,000</u>	<u>--</u>	<u>50'</u>	<u>N/A</u>	<u>50%</u>	<u>50%</u>
Townhouse cluster	15,000	2,700	125'	N/A	65%	<u>65%</u>
Multi-family	20,000	800	125'	N/A	75%	<u>75%</u>
Mixed-use	10,000	800	75'	N/A	75%	<u>75%</u>

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS

LOT STANDARDS REFERENCE



(d) DN districts setback standards. The table below establishes the setback standards for the Downtown Neighborhood districts. The required setback for townhouses applies to townhouse clusters. No setback is required between individual townhouse dwelling units within the same townhouse cluster.

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
MINIMUM SETBACK STANDARDS ~~in the DN Districts.~~

District	Building type	Front Yard		Corner Side Yard (CS)		Interior Side Yard (S)			Rear Yard (R)
		Min. (F1)	Max. (F2)	Min.	Max.	Total Min. (% of lot width)	Yard 1	Yard 2	
DN-1	Single-family	15'	25'	15'	N/A	25%	10'	Remainder of total, but no less than 5'	25'

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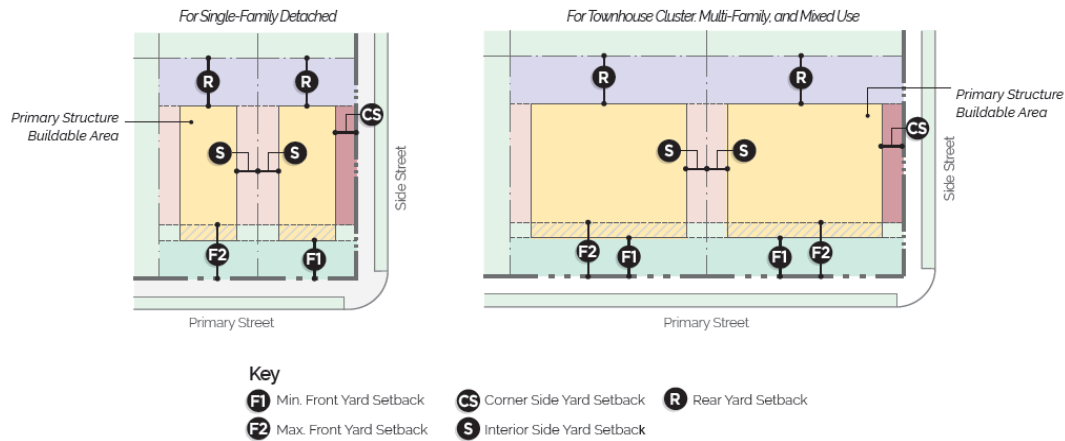
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DN-2	Single-family with lot width > 50' & two-family <u>with</u> alley access	15'	25'	12'	N/A	30%	75'	Remainder of total, but no less than 5'	25'
	Single-family with lot width > 50' & two-family <u>without</u> alley access	15'	25'	12'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single-family with lot width <u>equal to</u> or < 50' & two-family	15'	25'	12'	N/A	25%	75'	Remainder of total, but no less than 5'	25'
	Townhouse cluster: block-end	15'	25'	12'	N/A	N/A	10'	10'	25'
DN-3	Single-family with lot width > 50' & two-family <u>with</u> alley access	15'	25'	10'	N/A	30%	75'	Remainder of total, but no less than 5'	25'
	Single-family with lot width > 50' & two-family <u>without</u> alley access	15'	25'	10'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single-family with lot width <u>equal to</u> or < 50' & two-family	15'	25'	10'	N/A	25%	75'	Remainder of total, but no less than 5'	25'
	Townhouse cluster	15'	25'	10'	N/A	N/A	10'	10'	25'
	Multi-family: block-end	15'	25'	10'	N/A	N/A	12'	12'	25'
DN-4	Single-family & two-family	10'	20'	8'	N/A	25%	75'	Remainder of total, but no less than 5'	25'
	Townhouse cluster	10'	20'	8'	N/A	N/A	10'	10'	25'
	Multi-family	10'	20'	8'	N/A	N/A	12'	12'	25'
	Mixed-use	0'	15'	0'	10'	N/A	0', 8' if adjacent to a non mixed-	Same as Yard 1	25'

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							use building		
--	--	--	--	--	--	--	-----------------	--	--

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
SETBACK STANDARDS REFERENCE



(e) DN districts height standards. The table below establishes the maximum height standards allowed in for the Downtown Neighborhood districts. For the purpose of this table, a 1/2-story refers to a level of habitable interior space that is integrated into the design of the roof structure through the use of dormers or other protrusions.

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
HEIGHT STANDARDS

District	Single-family and two-family	Townhouse	Multi-family	Mixed-use
DN-1	35 <u>36</u> ' or 2.5 stories	--	--	--
DN-2	35 <u>36</u> ' or 2.5 stories	35' or 2.5 stories	--	--
DN-3	40' or 3 stories	40' or 3 stories	40' or 3 stories	--
DN-4	40' or 3 stories	40' or 3 stories	50' or 4 stories	50' or 4 stories

Subsections D – J regarding design are relocated to the Design Standards of the Subdivision Code.

SEC. 401.08 Commercial (C) districts regulations.

(a) ~~General~~ Description and purpose.

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- (1) Commercial districts generally. Regulations for commercial districts are designed to encourage stable and efficient areas to meet the needs for commercial goods and services of both the city's neighborhoods and its trade area. The planning commission will consider, in the administration of commercial districts, the General Plan objective of discouraging urban sprawl. The districts are designed to:
- a. minimize any potential incompatibilities between commercial developments and other types of land use;
 - b. provide opportunities for investment as new residential areas and thoroughfares are built, they are particularly designed to encourage the use of undeveloped lands in existing commercial areas;
 - c. provide sufficient space, at appropriate locations in close proximity to established residential areas for retail and service trade. Such commercial establishments should provide shopping needs of nearby residential areas; and,
 - d. provide sufficient and appropriate space to meet anticipated future needs for planned commercial developments in central shopping districts, regional, community and neighborhood shopping centers.

Provision of off-street parking ~~space~~ in conjunction with commercial area development shall be fostered through commercial districts establishments. Establishments will be encouraged through the districts to congregate in planned developments to the consumer and merchant's advantage.

- (2) C-1, *Neighborhood Commercial* purpose. The C-1 district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas while maintaining a character in harmony with residential development. To this end, development in the C-1 district should harmonize in terms of form, bulk, height, materials, architecture, and overall design with surrounding residential areas. Signage and lighting should be subdued while landscaping and open space should be maximized. Parking areas should be as inconspicuous as possible as should loading and trash collection areas.
- (3) C-2, *General Commercial* purpose. The C-2 district represents the least restrictive of the commercial districts and is designed to serve the planning area and highway travelers. This district shall congregate on local arterial streets in such a manner as to minimize disruptions of through traffic and shall be interspersed within the corporate boundaries.
- (4) C-3, *Central* Mixed-Use Commercial purpose. The C-3 district ~~comprises that area generally referred to as "Downtown." Because of its unique and historic nature, properties within the district enjoy privileges not afforded other commercial or residential developments. The Zoning Ordinance does not require front yards or side yards in the Central Commercial District. Additional fire code protections as well as historic preservation requirements apply in this district, however, and redevelopment plans are closely monitored in order to maintain the design integrity of the district.~~ is established for areas outside of downtown to provide an opportunity for people to live, work, meet, shop and utilize services within the vicinity of their residences. The C-3 district allows for a mix of neighborhood commercial and personal services, offices and medium density residential uses. Development in this district should be

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designed with an urban, walkable character that encourages physical activity, alternative transportation and greater social interaction to benefit the health and wellbeing of residents.

(b) Commercial (C) districts density standards. ~~bulk and area regulations~~ The table below establishes the maximum density when residential is allowed in a commercial district.

**COMMERCIAL (C) DISTRICTS
DENSITY STANDARDS**

<u>District</u>	<u>Maximum density allowed</u>
<u>C-1</u>	=
<u>C-2</u>	=
C-3	48 dwelling units per acre

(c) Commercial (C) districts lot and area requirements standards. ~~The table below establishes the lot and area standards for all development in commercial (C) districts.~~

**COMMERCIAL (C) DISTRICTS
LOT AND AREA REQUIREMENTS STANDARDS**

<u>District</u>	<u>Building Type</u>	<u>Min. lot area (sq. ft.)</u>	<u>Min. land area / dwelling unit (sq. ft.)</u>	<u>Lot width</u>		<u>Min. lot depth</u>	<u>Max. lot coverage</u>	
				<u>Min. lot width</u>	<u>Max. lot width</u>		<u>Interior lot</u>	<u>Exterior / corner lot</u>
C-1	All	7,000	=	70'	=	=	50%	50%
C-2	All	7,000	=	70'	=	=	60%	60%
C-3	All except townhouses	None	=	25'	=	=	100%	100%
	Townhouses	None	=	14'	=	=	100%	100%

(d) Commercial (C) districts setback requirements standards.

(1) Standards: See The table below establishes the minimum setbacks required for all development in commercial (C) districts.

**COMMERCIAL (C) DISTRICTS
MINIMUM SETBACK REQUIREMENTS**

<u>District</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>
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	Parking in front	No parking in front	Adjacent to non-residential district	Adjacent to residential district	Adjacent to non-residential district	Adjacent to residential district
C-1	50'	20'	7'	15'	20'	25'
C-2	50'	20'	7'	30'	20'	30'
C-3	0'	0'	0'	10'	0'	0'

(2) ~~Canopies in C-3 district:~~ In the C-3 Central Business District, canopies may project over the street rights of way if they terminate no less than two (2) feet horizontally from the outside edge of the street curb and are no less than eight (8) feet above the surface of a new or existing sidewalk.

(c) ~~Sidewalk setback in C-3 district.~~ No building in the C-3 Central Business district, regardless of the location of the lot lines of the property on which it is to be built, shall be built closer than eight (8) feet from the back of the curb line of any public street abutting the property on which the building is located. This spacing shall be maintained in order to provide adequate space for the required sidewalk to be built along that street frontage.

(e) Commercial (c) districts height requirements standards.

(1) ~~Standards.~~ The table below establishes the maximum height standards for all development in commercial (C) districts.

COMMERCIAL (C) DISTRICTS
MAXIMUM HEIGHT STANDARDS

District	Maximum height
C-1	40'
C-2	60'
C-3	80' <u>60'</u>

(2) ~~Exceptions:~~ Any structure exceeding the listed maximum height shall be set back an additional one (1) foot for each foot in excess of the maximum height allowed for that district. In the C-3 district, only that portion of the structure above the maximum height shall meet the additional setback requirement.

(Code 1994; Ord. No. 2003-101, §1, 06-10-2003; Ord. No. 2005-82, § 3; Ord. No. 2006-24, § 3; Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.8-B Downtown (D) districts regulations.

(a) District Purposes Description and purpose.

(1) DC, Downtown Core purpose.

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The Downtown Core comprises that area of the Bentonville Square and extends those urban characteristics along the primary downtown street of SW A Street to Highway 102/~~14th Street~~. The intent of this zone is to maintain and expand the pedestrian oriented character of the ~~town~~ square. The physical form is of an urban character with uses that promote retail and entertainment venues with upper story residential uses permitted. Mixed use is defined as vertical mixed use with commercial and retail on the first floor and office and residential on the upper floors. Buildings are spaced closely or attached.

DOWNTOWN CORE
CONCEPT ILLUSTRATION



- (2) *DE, Downtown Edge* ~~purpose~~. The Downtown Edge creates an area of transition between the Downtown Core with its retail emphasis and the lower density residential neighborhoods on the outskirts of downtown. This is the area of downtown with the greatest potential for infill and redevelopment. The physical form of structures begins to shift from commercial to residential character with flexibility in use, taking on a more service-oriented character for surrounding neighborhoods. The horizontal and vertical mixed use allows retail, commercial, office and residential uses on all floors. Live/work housing, personal services and small offices are strongly evident in this district. Buildings are spaced closely, but are separated by setbacks.

DOWNTOWN EDGE
CONCEPT ILLUSTRATION



(b) Downtown (D) districts ~~primary and secondary streets~~. Developments that face primary streets have specific regulations pertaining to the relationship between the building and the street. The designated primary streets in the downtown districts are: Central Ave, SW A St, SW 8t St, and S Main St. All other streets in the downtown districts shall be considered secondary streets.

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(c) Downtown (D) districts density standards. ~~Bulk and area regular~~ The table below establishes the density standards for the downtown (D) districts.

DOWNTOWN (D) DISTRICTS

DENSITY STANDARDS

Zoning district	Maximum density allowed
DC	48 du/acre
DE	18 du/acre

(d) Downtown (D) districts lot and area requirements standards.

DOWNTOWN (D) DISTRICTS

LOT AND AREA STANDARDS

District	Building type	Lot area		<u>Min. land area/dwelling unit (sq. ft.)</u>	Lot width		<u>Min. lot depth</u>	Lot coverage	
		Min.	Max.		Min. lot width	Max. lot width		Min.	Max.
DC	All	None	None	=	None	None	=	None	100%
DE	All	None	None	=	None	None	=	None	80%

(e) Downtown (D) districts setback requirements. ~~Setbacks from the property lines shall be:~~ The table below establishes the setbacks from property lines for all development in the downtown (D) districts. Side setbacks are not applicable when a common wall is proposed or present.

DOWNTOWN (D) DISTRICTS

SETBACK REQUIREMENTS

District	<u>Building type</u>	Front Yard		Side Yard		<u>Rear</u>			
						<u>Adjacent to Residential</u>		<u>Adjacent to Non-residential</u>	
		<u>Min.</u>	Max.	Min.	<u>Max.</u>	Min.	<u>Max.</u>	Min.	<u>Max.</u>
DC	Residential	=	20'	0'	=	0'	=	0'	=
	Nonresidential	=	0'	0'	=	0'	=	0'	=
DE	Residential	=	20'	6'-7'	=	12'	=	6'-7'	=
	Nonresidential	=	0'	6'-7'	=	12'	=	6'-7'	=

(f) Downtown (D) districts height requirements standards. ~~The table below establishes the height standards for all development in the downtown (D) districts.~~

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Underlined text to be added and strikethrough text to be deleted.

DOWNTOWN (D) DISTRICTS
HEIGHT STANDARDS

<u>District</u>	<u>Height standards</u>	
	Minimum	Maximum
DC	20'	80'
DE	None	60' <u>50'</u>

(g~~f~~) *Downtown (D) districts ~~encroachment requirements~~ standards.* Following are the requirements The table below establishes the standards for encroachments such as canopies, awnings and balconies. Height clearance is measured from the pavement to the bottom most portion of the encroachment. The setback is measured from back of curb or, if no curb is present, from the edge of street pavement ~~if no curb is present.~~

DOWNTOWN (D) DISTRICTS
ENCROACHMENT STANDARDS

District	Min. <u>height</u> clearance	Min. setback adjacent to a primary street	Min. setback adjacent to a secondary street
DC	8'	2'	2'
DE	8'	4'	6' <u>6'</u>

(Ord. No. 2009-11, § 1, 11-10-09; Ord. No. 2012-58, §2, 07-24-2012)

SEC. 401.9 Industrial (I) districts regulations.

(a) *Description and purpose.*

- (1) *Industrial districts generally.* The Industrial districts ~~Zones~~ are to provide for development of industrial uses and related facilities. The regulations for the Industrial districts are designed to:
- make available a range of suitable sites for all types of manufacturing and related activities;
 - protect residences by separating them from manufacturing activities and by limiting the use of each space for new residential development;
 - provide restricted areas for those industries emitting objectionable noises, odors, or which involve danger of fire or explosives;
 - to protect industrial activities and related developments against congestion, as appropriate for each area, by limiting building bulk in relation to surrounding land and other industries and providing off-street parking and loading with each development;
 - to promote desirable land use and building development direction and to provide stability for industry and related development in an effort to strengthen the city's economic base; and,

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f. to protect district character and usage and to conserve land and building value.

(2) *I-1, Light Industrial district purpose*. The I-1 district is designed primarily to provide for general offices, light manufacturing, assembly and accessory warehousing for products which present low risk of objectionable environmental and aesthetically offensive influences, have low traffic volumes and provide no health or safety hazards.

(3) *I-2, Heavy Industrial district purpose*. The I-2 district is designed primarily to minimize the high risk of hazardous and environmentally objectionable uses of general manufacturing processes and storage facilities as well as provide for warehousing, heavy equipment repair and transportation facilities.

(b) *Industrial (I) districts ~~Bulk lot and area~~ requirements standards*. The table below establishes the lot and area standards for all development in the industrial (I) districts.

INDUSTRIAL (I) DISTRICTS
LOT AND AREA STANDARDS

District	Building type	Min. lot area (sq. ft.)	<u>Min. land area / dwelling unit (sq. ft.)</u>	Lot width		Min. lot depth	Max. lot coverage		Min. street frontage
				Min. lot width	<u>Max. lot width</u>		Interior lot	Exterior / corner lot	
I-1	All	20,000	=	100'	=	100'	60%	60%	50'
I-2	All	20,000	=	100'	=	100'	50%	50%	50'

(c) *Industrial (I) districts ~~Minimum~~ setback requirements*.

(1) *Standards. ~~(in feet)~~*. The table below establishes the minimum setback standards for all development in the industrial (I) districts.

INDUSTRIAL (I) DISTRICTS
MINIMUM SETBACK REQUIREMENTS

District	Building type	Front		Side		Rear		
		With parking in front	Without parking in front	Adjacent to non-residential district and/or ROW	Adjacent to residential district	Adjacent to ROW	Adjacent to non-residential district	Adjacent to residential district
I-1	All	75'	30'	30'	75'	30'	50'	75'
I-2	All	75'	50'	50'	75'	50'	50'	75'

(2) *Railroads*. Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.

(d) *Industrial (I) districts height standards requirements*.

- (1) *Standards:* The table below establishes the maximum height allowed in industrial (I) districts.

INDUSTRIAL (I) DISTRICTS
MAXIMUM HEIGHT STANDARDS

District	Maximum height allowed
I-1	60'
I-2	60'

- (2) *Exceptions:* A building or structure may exceed the maximum heights shown allowed provided each of its front, side, and rear yards are increased an additional one foot for each one foot such building exceeds the maximum height allowed.

(e) *Industrial (I) districts development criteria.* Unless otherwise specifically provided in this section, the following development criteria shall apply:

- (1) *All Industrial (I) districts.*

- a. *Nuisance mitigation.* Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.
- b. *Trash receptacles.* Outdoor storage of trash receptacles shall be at the sides or rear of the site and shall be totally encircled or screened by a sight-proof fence, planting or other suitable visual barrier.
- c. *Screening.* A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than eight (8) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.
- d. *Front yards.* No loading or storage of material shall be permitted in the required front yard.

- (2) *I-1 Industrial district only.* Every use or any part thereof that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the I-1, Industrial district:

- a. *Screening.* The height of any opaque screening fence or wall shall not be less than eight (8) feet.
- b. *Vehicle storage areas.* Automobile, bus, truck, tractor, mobile home, boat or motorcycle, and wheeled and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003)

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Underlined text to be added and strikethrough text to be deleted.

(a) ~~Description and General Description~~ purpose of PUD districts. The purpose of the PUD district is to establish a mechanism for a person to propose a commercial, industrial or residential mixed-use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning.

The intent of the PUD district is to promote high quality developments while allowing greater flexibility in the design of such developments. The PUD should produce:

- (1) a maximum choice in the types of environment and living units available to the public;
- (2) common open space and recreation areas;
- (3) a pattern of development which preserves natural features and prevents soil erosion;
- (4) a creative approach to the use of land and related physical development;
- (5) an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs;
- (6) internally located commercial uses that serve surrounding residential areas; and,
- (7) an environment of stable character in harmony with the surrounding development.

(b) Minimum district area required for PUD districts. The minimum lot area required for property proposed for a Planned Unit Development ~~d~~ District shall be 10 acres.

(c) PUD districts require—zoning designation and a master site plan. The PUD is a combination of zoning designation and master site plan. A detailed site plan is required for approval. Once approved, the site plan becomes a zoning district by city ordinance in the same manner as any other zoning parcel and the applicant may proceed with the platting or large scale development process. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

(d) Allowed uses in PUD districts ~~allowed uses~~. The PUD submittal shall include a listing of the proposed land uses and the amount of land devoted to each. This list will constitute part of the zoning component of the PUD. No other land uses will be allowed unless the PUD is revised through a rezoning process.

(e) ~~PUD districts~~ Density requirements for PUD districts. The site plan shall clearly depict the proposed density by land use category. For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-way, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a property owners' association shall be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one (1) property owners' association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

(f) PUD districts may modify ~~modification of~~ development standards. The applicant shall provide a written description of the proposed zoning and development standards. This information will become part of the zoning ordinance of the PUD district.

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Underlined text to be added and strikethrough text to be deleted.

(1) *Modifications permitted.* The PUD district may ~~allow~~ modify the following zoning and development standards ~~to be modified~~:

- a. density;
- b. building setbacks;
- c. height of building or structure;
- d. lot size;
- e. lot width;
- f. lot depth;
- g. landscaping;
- h. required off-street parking spaces in instances of mixed residential/commercial uses; ~~and~~;
- i. street widths; and;
- j. garage setbacks.

(2) *Modifications prohibited.* The PUD district shall not ~~allow~~ modify the following development standards ~~to be modified~~:

- a. sign requirements;
- b. grading and drainage;
- c. access management;
- d. outdoor lighting;
- e. screening;
- f. residential and commercial street light standards; and,
- g. flood damage protection.

(g) ~~D. PUD~~ Development criteria for PUD districts.

(1) PUD districts common open space requirements. Common useable open space constitutes an essential ingredient in a planned unit development and is one of the most basic and important design elements.

a. ~~Standards. The common open space requirements are:~~

- i. ~~Minimum area~~ devoted to open space. A minimum of 20% of the total project area, exclusive of public right-of-way and parking lots, shall be devoted to common open space.
- b. *Equitable distribution.* Open space should be distributed more or less equitably throughout the PUD district in relationship to the dwelling units and other use areas that are intended to be served by the common open space.
- c. *Preservation.* Adequate guarantees must be provided that the common open space areas as contained in the plan for the PUD district are preserved and maintained for those purposes only. A property owners' association shall be required if other arrangements satisfactory

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to the planning commission have not been made for improving, operating and maintaining all such common open space areas. At the time the final plan and plat is submitted, the articles of incorporation and bylaws of the property owners' association shall be reviewed and approved by the planning commission. Additionally, the restrictive covenants which run with the land must be submitted and include similar provisions to preserve all open space areas.

- d. *Accessible.* Common useable open space shall be open to tenants and customers within the PUD. Access by the general public is desired.
- e. *Common open space ~~determination~~options.* The required common open space may include:
 - 1. Wetlands and water bodies, including the normal water surface area of unfenced retention ponds up to 50% of the required open space area;
 - 2. Active detention ponds that include recreational equipment/facilities;
 - 3. Vegetated / landscaped area, excluding required parking lot landscaping requirements;
 - 4. Pedestrian paths, trails, sidewalks (exclusive of those required by ordinance) and covered walkways;
 - 5. Public plazas and hard surfaced recreation areas; and,
 - 6. Public pools, tennis courts, basketball courts, baseball fields, soccer fields, or similar outdoor recreation facilities that are open to the residents and users of the PUD.
- (2) *PUD districts parking and off-street loading requirements.* All uses established within a Planned Unit Development district shall comply with the off-street parking and loading requirements as established in *Article 501 Off-Street Parking and Loading*. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located or upon adjacent property which is under the control of a property owners' association to which said lot is an automatic participant. In no case, however, shall the cumulative requirements for all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the city.
- (3) *PUD districts perimeter requirements.* In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD district or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the planning commission and city council shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.
- (4) *PUD districts structural design standards.* The PUD shall meet the design standards for large scale developments in the subdivision code and the following structural design standards.
 - a. Residential buildings should have their main entrances oriented toward the adjoining street.
 - b. All structures shall have a common architectural theme.

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- c. Avoid unbroken building facades of more than 100 ft.
- d. Provide human scale features, especially at street level.
- e. Avoid unarticulated and monotonous building facades and window placement.
- f. Provide a variety of building heights and varied roofline articulation.
- g. Aluminum, vinyl or fiberglass siding or roofing materials on the facades or sides of the building shall not be visible from a public right-of-way.
- h. Rear and side loading residential garages are encouraged and shall be setback a minimum of 20 feet. Front-loading garages shall be recessed a minimum of 10 ft, from the front elevation of the house and shall be setback a minimum of 30 ft. from the front property line.

(i) PUD expiration. If a PUD expires as set forth in the Subdivision Code, the PUD zoning designation is void and the property reverts to its previous zoning district.

(Code 1994; Ord. No. 2003-101, § 1, 06-10-2003; Ord. No. 2005-51, § 1; Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.11 PRD, Planned Residential Development district regulations.

(a) ~~General~~ Description and purpose of PRD districts. This section establishes standards and criteria for Planned Residential Developments (PRD). The primary purpose of a PRD is to enhance the design of a residential development by allowing for flexibility and variation from the established site requirements and development standards of the zoning and subdivision codes. The PRD is a mechanism by which the city may allow for variation in the design and arrangement of structures as well as provide for the coordination of project characteristics with features of a particular site in a manner that is consistent with the public health, safety, and welfare of the community. A PRD allows for innovations and special features in site development, including the locations and type of structures, the conservation of natural features, the conservation of energy, the efficient use of open space, and allowances for housing serving varying price points.

The intent of the PRD district is to encourage the use of Smart Growth principals and Traditional Neighborhood Design, to provide a variety of housing types and densities available to the general public, and to promote high quality residential developments while allowing greater flexibility in the design of such developments. The PRD shall produce:

- (1) A maximum choice in the types of environment and living units available to the public;
- (2) A variety of housing types that effectively meets the varying price points of the community;
- (3) Energy-efficient site design or building features;
- (4) A minimum of fifteen percent (15%) common, useable open space and recreation areas;
- (5) A pattern of development which preserves natural features and prevents soil erosion;
- (6) A creative approach to the use of land and related physical development;
- (7) Efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs;

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- (8) Environment of stable character in harmony with the surrounding development;
- (9) Efficient use of infrastructure, and,
- (10) High quality architectural design, placement, relationship and orientation of structures.

(b) *Smart Growth and Traditional Neighborhood Design (TND)*. The PRD district shall incorporate Smart Growth principles, including Traditional Neighborhood Design elements into the development by such means as:

- (1) Offer a range of housing opportunities and choices;
- (2) Foster walkable, “close-knit” neighborhoods;
- (3) Promote distinctive, attractive communities with a strong “sense of place”;
- (4) Preserve open space, farmland, natural beauty, and critical environmental areas;
- (5) Strengthen and encourage growth in existing communities;
- (6) Provide an interconnected network of narrow streets that are safe and pleasant for pedestrians and which provide a variety of routes for local traffic; and,
- (7) Provide high quality public spaces such as greenbelts, parks, plazas, squares, courtyards, and streets that are an organizing feature and gathering place for the neighborhood.

(c) ~~*Minimum District area.*~~ ~~The minimum lot area required for property proposed for a PRD shall be three (3) acres.~~

(d) *PRD districts require zoning designation, a master site plan, and architectural elevation renderings.* A PRD is a combination of zoning designation and master site plan, including architectural elevation renderings. A detailed master site plan and architectural elevation renderings are required for approval and must be submitted at the time of application submittal. Elevations may be digitally or hand drawn. Once approved, the site plan becomes a zoning district by ordinance in the same manner as any other zoning parcel and the application may proceed with the preliminary platting or large scale development process. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged and flexibility is allowed, the PRD may not be used simply as a method of avoiding zoning regulations.

- (1) *Master site plan.* PRD master site plan shall include:
 - a. Residential housing types;
 - b. Building setbacks;
 - c. Location of the central gathering area(s) such as a public plaza or courtyard;
 - d. Open space including, but not limited to parks, trails, and other recreational facilities (central gathering area(s) are a separate requirement, but may be included as open space);
 - e. Heights of all buildings and other structures;
 - f. Lot size, width, and depth;
 - g. All parking spaces including off-street and on-street;
 - h. Locations of all structures;

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- i. Housing densities by type, expressed in units per acre;
 - j. Traffic circulation pattern;
 - k. Street widths and sidewalks; ~~and,~~
 - l. Location of proposed signage;~~;~~
 - m. Ariel view of all public gathering places depicted on the master site plan;
 - n. garage setbacks;
- (2) Architectural elevations. PRD district architectural elevation renderings shall include:
- a. Front, rear, and side elevations and architectural design for each type of residential structure.
 - ~~b. Ariel view of all public gathering places depicted on the master site plan.~~
 - b. Exterior façade building materials list for each type of residential structure and public gathering places.
- (e) *Allowed uses in PRD districts.* The primary use of a PRD shall be residential. Uses that are accessory to the primary residential use are also allowed, as are open space and recreation uses as permitted by this zone. The PRD submittal shall include a listing of the proposed land uses and the amount of land devoted to each type of development. This list will constitute part of the zoning component of the PRD. No other land uses will be allowed unless the PRD is revised through a rezoning process.
- (f) ~~PRD districts shall provide~~ Development standards for PRD districts. The applicant shall provide a written description of the proposed zoning and development standards. This information will become part of the zoning ordinance of the PRD district.
- (1) ~~Modifications permitted~~ allowed. The PRD district master site plan may ~~allow the~~ modify the following zoning and development standards ~~to be modified:~~
- a. density;
 - b. building and garage setbacks;
 - c. height of buildings or structures;
 - d. lot size, depth, and width;
 - e. required off-street parking spaces, and
 - f. street widths.
- (2) *Modifications prohibited.* The PRD district shall not ~~allow~~ modify the following zoning and development standards ~~to be modified:~~
- a. sign requirements;
 - b. grading and drainage;
 - c. access management;
 - d. outdoor lighting;

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Underlined text to be added and strikethrough text to be deleted.

- e. landscaping and screening;
- f. residential light standards, and
- g. flood damage protection.

(g) ~~PRD districts~~ Phased development for PRD districts. If development is to be completed in phases, the development plan shall coordinate improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total PRD.

(h) ~~PRD districts~~ Development criteria for PRD districts.

(1) *Common open space and recreation requirements*. In addition to adhering to Article 1400 of the Subdivision Code, common usable open space constitutes an essential ingredient in a PRD and is one of the most basic and important design elements.

- a. *Minimum area*. A minimum area of fifteen percent (15%) of the total project area, exclusive of public right-of-way and parking lots, shall be devoted to common usable open space.
- b. *Equitable distribution*. Open space shall be distributed more or less equitably throughout the PRD district in relationship to the dwelling units or other use areas that are intended to be served by the common open space.
- c. *Preservation*. Adequate guarantees must be provided that the common useable open space area as contained in the plan for the PRD district are preserved and maintained for those purposes only. A property owner's association (POA) shall be required if other arrangements satisfactory to the planning commission have not been made for improving, operating, and maintaining all such common open space area. At the time the final plat and plan is submitted, the articles of incorporation and bylaws of the POA shall be reviewed and approved by city staff. Additionally, the restrictive covenants which run with the land must be filed with Benton County, submitted to the planning ~~Office~~ department and include similar provisions to preserve all open space areas.
- d. *Accessibility*. Common open space shall be open to tenants and customers within the PRD, although access by the general public is encouraged and desired.
- e. *Common open space* ~~Determination~~ options. The required common open space may include:
 - 1. wetlands and water bodies;
 - 2. lawns – five percent (5%) maximum of total percentage required;
 - 3. pedestrian paths, trails, sidewalks (exclusive of those required by ordinance) and covered walkways;
 - 4. central gathering spaces such as plazas, parks, or courtyards;
 - 5. vegetated / landscape areas, excluding required parking lot landscaping requirements; and,

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Underlined text to be added and strikethrough text to be deleted.

6. recreational areas / facilities such as public pools, tennis courts, basketball courts, baseball fields, soccer fields, or similar outdoor recreation facilities that is open to the residents and users of the PRD.
- (2) *Parking and off-street loading.* All uses established within a PRD shall comply with the off-street parking and loading requirements as established Art. 501 Off-street Parking and Loading of the Zoning Code and the following additional requirements.
- a. Two (2) off-street parking spaces must be provided for each residential unit, such as a driveway, carport, garage, etc.
 - b. Guest parking spaces may be uncovered and shall be so located as to be accessible to visitors and guests.
 - c. The required parking spaces, garages, or carports, or any portions thereof, may be grouped when it is determined by the planning commission that such grouping and the locations thereof will be accessible and useful in connection with the proposed dwelling unit in the development.
- (3) *Perimeter requirements.* In order to ensure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, lot coverage, and other elements necessary for all perimeter lots that are adjacent to the boundary of the PRD district or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the planning commission and city council shall consider the nature, extent, and character of the adjacent development and shall take into considerations the types of area regulations applicable to adjacent properties.
- (4) *Density.* The site plan shall clearly depict the proposed density, expressed in units per acre for each residential type included within the PRD.
- (5) *Authorization of housing types.* A PRD may authorize a variety of housing types including, but not limited to:
- a. detached, single-family;
 - b. common wall dwellings including multi-family, condominiums, duplex / patio home;
 - c. townhouses or row-houses (including those on individual lots to be sold ~~in fee~~ and those sharing common lots), and,
 - d. zero lot line homes.
- (6) *Structural design standards.* The PRD shall meet the following structural design standards.
- a. Buildings shall be sensitive to the natural environmental conditions and should be oriented around a public gathering space such as a plaza, park, or courtyard, or respond in design to a prominent feature, such as a corner location, or other manmade or natural feature.
 - b. Buildings and site design shall provide inviting entry orientation.
 - c. Main entrances shall be oriented toward the adjoining street.
 - d. All structures shall have a common architectural theme.

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- e. Human scale features shall be provided.
- f. Provide a variety of building height and varied roofline articulation.
- g. Aluminum, vinyl, or fiberglass siding materials on the facades or sides of the building shall not constitute over fifty percent (50%) of the structure; soffit and fascia shall not be included within this 50% calculation.
- h. Rear and side loading garages ~~are encouraged and~~ shall be setback a minimum of ~~thirty feet (30' ft.)~~ for a rear loading garage and twenty feet (20') for a side loading street facing garage. Front loading garages ~~shall be recessed a minimum of ten feet (10') from the front elevation of the house and~~ shall be setback a minimum of ~~thirty feet (30' ft.)~~ from the property line.

(i) ~~PRD districts~~E. R Revocation of PRD districts. Where the master plan is not met, the planning commission shall meet and discuss the revocation of the PRD at any time they feel necessary.

(j) PRD expiration. If a PRD expires as set forth in the subdivision code, the PRD zoning designation is void and the property reverts to its previous zoning district.

(Ord. No. 2006-176, § 2; Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.12 Municipal Airport Overlay District.

(a) Description and purpose. The purpose of the Municipal Airport District is to:

- (1) prevent the creation or establishment of hazards to air navigation;
- (2) eliminate, remove, alter and mitigate hazards to air navigation; and,
- (3). provide for marking and lighting of obstructions.

(b) Review and approval. In addition to the standard review and approval procedures, all developments within this district also shall be reviewed and approved by the Federal Aviation Administration (FAA) and the Bentonville Airport Manager or his or her designee.

(c) Municipal airport ~~district zoning ordinance map~~.

- (1) Official map. The Bentonville Municipal Airport Zoning Ordinance Map is made a part hereof. The map identifies the zones within the ~~Municipal Airport D~~istrict. The City of Bentonville shall maintain the Official Municipal Airport Zoning Ordinance Map in the mayor's office or in a convenient location designated by the mayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the Official Municipal Airport Zoning Ordinance Map consists of the paper copy signed by the mayor and designated as such, as may be amended by ordinance adopted by the city council.

- (2) Interpretation of zones. An area located in more than one airport zone is considered to be only in the zone with the more restrictive height limitation.

(d) Zones within the municipal airport district. There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Bentonville Municipal Airport. The zones are hereby established and defined as follows:

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Underlined text to be added and strikethrough text to be deleted.

- (1) *Zone A, Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone.* The inner edge of this approach zone coincides with the width of the primary surface and is 500 ft. wide. The approach zone expands outward uniformly to a width of 3,500 ft. at a horizontal distance of 10,000 ft. from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (2) *Zone B, Transitional Zone.* The transitional zones are the areas beneath the transitional surfaces.
- (3) *Zone C, Horizontal Zone.* The horizontal zone is established by a swinging arc of 10,000 ft. radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (4) *Zone D, Conical Zone.* The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 ft.

(e) *Height limitations.* Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in the Municipal Airport District to a height in excess of the applicable height herein established for such zone. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 ft. above the surface of the land. Applicable height limitations are hereby established for each of the zones as follows:

- (1) *Zone A, Runway larger than utility with a visibility minimum greater than ¾ mile non-precision instrument approach zone.* Slopes 34 ft. outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 ft. along the extended runway centerline.
- (2) *Zone B, Transitional Zone.* Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 ft. above the airport elevation, which is 1,296 ft. above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 ft. measured at 90 degree angles to the extended runway centerline.
- (3) *Zone C, Horizontal Zone.* Established at 150 feet above the airport elevation or at a height of 1,446 feet above mean sea level.
- (4) *Zone D, Conical Zone.* Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(f) *Use restrictions.*

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Underlined text to be added and strikethrough text to be deleted.

- (1) Notwithstanding any other provision of this section, no use may be made of land or water within the municipal airport district in such a manner as to:
 - a. create electrical interference with navigational signals or radio communication between the airport and aircraft;
 - b. make it difficult for pilots to distinguish between airport lights and others;
 - c. result in glare in the eyes of pilots using the airport;
 - d. impair visibility in the vicinity of the airport;
 - e. create bird strike hazards; or
 - f. otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- (2) *Marking and lighting.* The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Mayor to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the city.
- (3) *Noise sensitive uses.* All types of residential uses and uses that promote places of public gathering such as schools, religious facilities, hospitals, etc. are allowed in the Municipal Airport District if sound attenuated to achieve a minimum of 30 decibel noise reduction from outside noise levels to indoor noise levels. The granting of an avigation easement is required prior to issuing a building permit and plat notification is required on all plats.

(Ord. No. 2006-23, § 2; Ord. No. 2012-58, § 2, 07-24-2012)

SEC. 401.13 Northwest Arkansas Regional (XNA) Airport Overlay District.

(a) Description and purpose. The Northwest Arkansas Regional Airport (XNA) Overlay District is designed to provide protection to people and property on the ground and to protect the airport from the encroachment of non-compatible land uses that may interfere with the safe operation of the airport.

(b) *Northwest Arkansas Regional Airport (XNA) Overlay District ~~Zones~~ Map.*

- (1) *Official map.* The ~~Northwest Arkansas Regional (XNA) Airport~~ Overlay Zones Map is made a part hereof. The map identifies the zones within the XNA ~~Airport~~ Overlay District. The City of Bentonville shall maintain the official ~~Northwest Arkansas Regional (XNA) Airport~~ Overlay Zones Map in the mMayor's office or in a convenient location designated by the mMayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the ~~Northwest Arkansas Regional (XNA) Airport~~ Overlay Zones Map consists of the paper copy signed by the mMayor and designated as such, as may be amended by ordinance adopted by the ~~C~~city ~~C~~council.
- (2) *Interpretation of zones.* An area located in more than one airport zone is considered to be only in the zone with the more restrictive height limitation and use restriction.

C. Zones within the Northwest Arkansas Regional Airport Overlay District.~~Zones~~

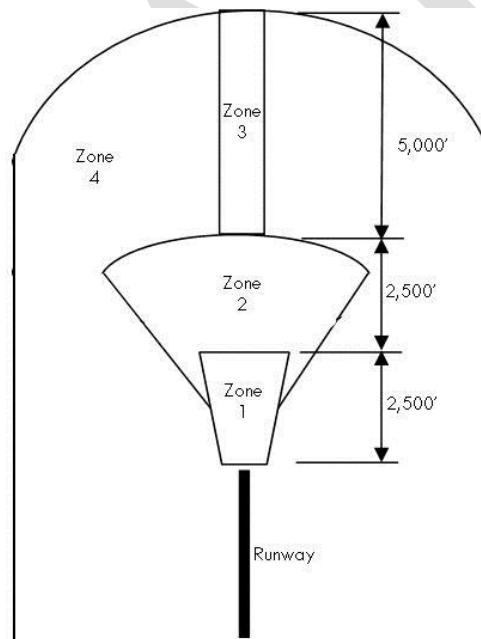
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Underlined text to be added and strikethrough text to be deleted.

- (1) *Zone 1, Runway Protection Zone (RPZ)*. The Runway Protection Zone is defined by a trapezoidal shaped area beyond the runway ends. The clearance of all objects within the RPZ is necessary. This area shall remain as open/undeveloped space and shall be contained entirely on airport property.
- (2) *Zone 2, Inner Safety/Turning Zone (ISTZ)*. The ISTZ boundary is defined by a triangular shaped area that is positioned along each side of the Zone 1 (RPZ). For Runway 16/34 at the Northwest Arkansas Regional Airport, Zone 2 (ISTZ) extends approximately 5,000 feet from the inner width of Zone 1 (RPZ), within a 60 degree sector off the extended runway centerlines.
- (3) *Zone 3, Outer Safety Zone (OSZ)*. The OSZ boundary is defined by rectangular area that is centered on the runway. For runway 16/34 at the Northwest Arkansas Regional Airport, the OSZ is 1,000 feet wide overall (extending 500 feet laterally from the runway centerline) and extends approximately 5,000 feet beyond Zone 2, ISTZ.
- (4) *Zone 4, Traffic Pattern Zone (TPZ)*. The TPZ boundary extends approximately 6,000 feet on each side of the runway. Beyond the ends of the runway, this boundary follows the same arc pattern of Zone 2 (ISTZ).

NORTHWEST ARKANSAS REGIONAL AIRPORT (XNA)

OVERLAY DISTRICT ZONES



(d) General provisions.

- (1) *Glare*. In Zones 1, 2, and 3, no glare-producing material shall be used on the exterior of any building, including any metal building, which would produce glare that would endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.
- (2) *Lighting*. In Zones 1, 2, and 3, no flashing or blinking signs or upward projecting lights shall be used that would interfere with a pilot's ability to identify airport lights.

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Underlined text to be added and strikethrough text to be deleted.

- (3) *Visibility.* In Zones 1, 2, and 3, no structure or use shall impair the visibility in the vicinity of the airport so as to endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. Such prohibited uses include, but shall not be limited to, the emission or discharge of smoke, steam, or other obscuring phenomena that would interfere with the health and safety of pilots, or that would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
 - (4) *Electronic interference.* In Zones 1, 2, 3, and 4 no structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between aircraft and a ground station.
 - (5) *Wildlife hazards.* In Zones 1, 2, and 3, in the judgment of the Community Development Director or other authorized agent, a use with the potential to attract wildlife that threatens aviation safety shall be prohibited.
 - (6) *Sound attenuation.* In Zones 1,2, 3, and 4, all noise sensitive uses shall be sound attenuated to achieve a minimum of 30 db noise reduction from outside noise levels to indoor noise levels. Noise sensitive uses are those defined as including but not limited to: day care/child care centers, school facilities, hospitals, religious facilities, single family homes, multifamily homes, manufactured homes, convalescent /maternity /nursing homes, or any other type of dwelling.
 - (7) *Avigation easements.* In Zones 1, 2, 3, and 4 the granting of an avigation easement is required prior to issuing a building permit and plat notification is required on all plats.
- (e) *Height limitations.* All structures must comply with the Height Hazard Zoning Ordinance prepared by the Northwest Arkansas Regional Airport Authority. All development shall supply to the Planning Department a height certificate issued by the FAA.
- (f) *Use restrictions.* The XNA Airport Overlay District is divided into four zones with specific uses prohibited within each zone.
- (1) *Zone 1, Runway Protection Zone (RPZ).*
 - a. Uses prohibited in Zone 1~~uses:~~ All uses are prohibited.
 - (2) *Zone 2, Inner Safety/Turning Zone (ISTZ).*
 - a. Uses allowed in Zone 2~~Permitted uses:~~ -All uses ~~permitted~~ allowed in the base zoning district are ~~permitted~~ allowed in Zone 2, except as listed below in the Prohibited Uses section. All uses must meet the requirements of SubSection (d)~~SubSection (d)~~. *General provisions above.*
 - b. Uses allowed with conditional uses approval~~in Zone 2.~~ All uses ~~permitted~~ allowed in the base zoning district as conditional uses are ~~permitted~~ allowed as conditional uses in Zone 2, except as listed below in SubSection c. Uses Prohibited in Zone 2~~Uses Section~~. All uses must meet the requirements of SubSection (d)~~SubSection (d)~~. *General provisions above.*
 - c. Uses prohibited in Zone 2. ~~uses in Zone 2.~~ The following uses are prohibited in Zone 2:
 - 1. places of public assembly not designed for airport patrons, including but not limited to: adult day care, child care, educational facilities, hospitals, religious facilities,

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theaters (indoor and outdoor), museums, arena/auditoriums; conference/convention centers; and community centers;

2. places of residence including, but not limited to single family homes, multifamily homes, manufactured homes, assisted living facilities, or any other type of dwelling;
3. correctional facilities or jails;
4. transmission tower/station;
5. wind turbines;
6. mining;
7. solid waste disposal;
8. above ground bulk hazardous material storage or bulk storage of highly flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash;
9. contractor maintenance yards; salvage yards; or storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; and,
10. wireless communication facility.

(3) Zone 3, Outer Safety Zone (OSZ).

- a. Uses allowed in Zone 3~~Permitted uses.~~ All uses ~~permitted~~ allowed in the base zoning district are ~~permitted~~ allowed in Zone 3, except as listed below in ~~the~~ Subsection c. Uses prohibited in Zone 3 ~~Prohibited Uses Section~~. All uses must meet the requirements of SubSection (d). General provisions ~~above~~.
- b. Uses allowed with ~~C~~conditional uses approval. All uses ~~permitted~~ allowed in the base zoning district as conditional uses are ~~permitted~~ allowed as conditional uses in Zone 3, except as listed below in Subsection c. Uses prohibited in Zone 3 ~~the Prohibited Uses Section~~. All uses must meet the requirements of SubSection (d). General provisions ~~above~~.
- c. Uses ~~P~~rohibited ~~uses~~ in Zone 3. The following uses are prohibited in Zone 3:
 1. places of public assembly not designed for airport patrons, including but not limited to: adult day care, child care, educational facilities, hospitals, religious facilities, theaters (indoor and outdoor), museums, arena/auditoriums; conference/convention centers and community centers;
 2. places of residence including, but not limited to single family homes, multifamily homes, manufactured homes, assisted living facilities, or any other type of dwelling;
 3. correctional facilities or jails;
 4. transmission tower/station;
 5. mining;
 6. solid waste disposal;
 7. wind turbines;

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8. above ground bulk hazardous material storage or bulk storage of highly flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash;
9. contractor maintenance yards; salvage yards; or storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; and,
10. wireless communication facility.

(4) Zone 4, Traffic Pattern Zone (TPZ).

a. ~~Permitted~~ Uses allowed in Zone 4. All uses ~~permitted~~ allowed in the base zoning district are ~~permitted~~ allowed in Zone 4, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Subs~~Section (d)~~ General provisions above.

b. Uses allowed with ~~Conditional uses~~ approval in Zone 4. All uses ~~permitted~~ allowed in the base zoning district as conditional uses are ~~permitted~~ allowed as conditional uses in Zone 4, except as listed below in Subsection c. Uses prohibited in Zone 4 ~~the Prohibited Uses Section~~. All uses must meet the requirements of Subs~~Section (d)~~ General provisions above.

c. Uses ~~Prohibited uses~~ in Zone 4. Manufactured homes are prohibited.

(Ord. No. 2006-23, § 2; Ord. No. 2006-153, § 1; Ord. No. 2009-23, § 1; Ord. No. 2012-58, § 2, 07-24-2012)

**BY-LAWS
BENTONVILLE PLANNING COMMISSION**

Article 1 Member, Term, Attending to Duties

- 1.1 The Members and term of office shall be as stipulated by the most recent city ordinances or as amended.
- 1.2 When a new member is appointed to the commission the position number he or she is filling will be so designated at the time of appointment.
- 1.3 Missing three (3) consecutive regularly scheduled meetings, to include both, Planning Commission and/or Technical Review meetings or a total of six (6) meetings combined in a calendar year, except in extraordinary cases, may, at the recommendation of the commission, constitute cause for removal by the city council.
- 1.4 Members should advise the secretary or planning staff before the meeting date if they expect to be absent or late.

Article 2 Officers, Election and Term, Duties, Chairing the Meeting, Signing for the Commission.

- 2.1 The members shall elect a chairman, vice-chairman and a secretary at the administrative meeting in December, and the term of office shall be until the next officers have been elected.
- 2.2 The chairman shall preside at meetings and hearings and shall decide points of order or procedure, following Robert's Rules of Order. The chair may designate a parliamentarian to keep the meeting running in an orderly fashion.
- 2.3 In case the chairman is absent, the vice-chairman shall assume the duties as chair; next comes the secretary. If all three are absent and a quorum is present, those members shall elect from among themselves a chairman and secretary and proceed.
- 2.4 The secretary shall be responsible for the following tasks; however, (s) he may delegate authority for performing them to another member or employee of the planning department;
 - 2.4.1 Bring an up-to-date copy of the by-laws and appointing orders (names, addresses, term dates, and committee lists) to every meeting.
 - 2.4.2 Prepare the minutes of meetings and public hearings.
 - 2.4.3 Distribute minutes of regular meetings, special meetings and public hearings to all Commission members prior to next regularly scheduled meeting.
 - 2.4.4 Hand deliver, mail, email or otherwise digitally notify the proposed order of business items and notice of regular meetings, and the purpose and notice of special meetings.
 - 2.4.5 Keep up with priority correspondence and inspect the files; complete filings with city officials as required. Routine matters will normally be delegated to the employee (s) of the planning department.
 - 2.4.6 Place notices of public hearing and legal advertising.
- 2.5 When adopting all or a part of the comprehensive city plan for all or any part of the incorporated territory which takes the certifying signature of the chairman, the material shall be signed by the appointed chairman or the acting chairman.
 - 2.5.1 In lesser matters and when agreed to by the members, the chair shall delegate the authority for certifying specific commission actions to another officer. Routine matters will normally be the duty of the planning department.
 - 2.5.2 In the event the planning commission takes action accompanied by restrictions or conditions that must be met before that action is to be certified and carried into effect, the planning staff will assure satisfaction of these conditions.

Article 3 Meeting scheduling, Quorum, Majority, Order of Business, Public Hearings

- 3.1 Commission meetings shall be open to the public as provided by the Arkansas Freedom of Information Act.
 - 3.1.1. The regular meetings of the planning commission shall be on the first and third Tuesday of each month at 5:00 p.m. in the Planning Commission Chambers of the Bentonville Community Development Building located at 305 SW A Street.
 - 3.1.2. Special meetings may be called at any time by the chairman or any three members.
- 3.2. No formal business shall be conducted without a quorum and no member may vote by proxy.
 - 3.2.1 A quorum shall exist when a majority of the appointive members are present.
 - 3.2.2 The affirmative vote of a simple majority of those members present shall carry any motion or resolution, except as otherwise stated. The chairman shall have a vote at all times.
 - 3.2.3 The mayor shall be an ex-officio member (or any ex-officio member) and shall not be counted in arriving at quorum.
- 3.3 The order of business shall follow the distributed agenda unless otherwise agreed to by the members.
- 3.4 Public hearings shall be conducted (formally), and the chair shall make all rulings and determinations regarding the scope of the inquiry, the admissibility of evidence, the order in which evidence, objections and arguments will be heard, and other like matters, except that other members shall be privileged to make inquiries personally and to call for a vote on any ruling of the chair, whereupon the vote shall determine the rule. It shall be the purpose of the chair to entertain the presentation of sufficient matter to do substantial justice to all concerned parties to the proceedings. It is not the intent in the public hearing to defy the members and their responsibilities as spokesmen for the public view on public issues, but rather to develop them in this role. Final or official action shall be taken only in regular meetings unless the public hearing is continued to a special session of the planning commission after the hearing.
- 3.5 A rehearing shall be called if there is substantial information indicating a factual error, omission or oversight in the first consideration or at the request of city council. A request for a rehearing must be made in writing and must state the factual error, omission or oversight asserted as the basis for a rehearing. A request of a rehearing must be filed with the community development director within 30 days from the date of final action on the matter by planning commission.
- 3.6 One meeting per year will be reserved for administrative items. No development items will be heard at this meeting. The 2nd meeting during the month of December will be reserved for administrative items of the planning commission.

Article 4 Consent Agenda

- 4.1 The community development director or his/her designee is authorized to prepare for each meeting a consent agenda for consideration by the planning commission.
- 4.2 Items may be placed on the consent agenda if it is non-controversial, the item does not require a public hearing and staff and applicant agree on the findings and conditions of approval.
- 4.3 The following procedure will generally be followed by the planning commission when considering consent agenda items:
 - 4.3.1 Introduction of the consent agenda items by the chair.
 - 4.3.2 Any commissioner or member of the public may request that an item be removed from the consent agenda. The reason for the request shall be stated. Such request need not be seconded.

- 4.3.3 The chair shall determine if the item removed from the consent agenda can be expeditiously resolved or be placed at the end of the regular agenda. The public hearing on each item, which has been removed from consent, shall be limited to the issues raised by those requesting removal.
- 4.3.4 After any item(s) has been removed from the consent agenda, the chair may call for a motion to approve the item(s) remaining on the consent agenda.
- 4.3.5 Only one motion is required for all consent items. After being duly seconded, the consent agenda shall be voted on by a roll call vote of the commissioners.

Article 5 Committees

- 5.1 The chairman may establish standing, special, or advisory committees. Committee members may be persons other than member of the planning commission, but a commission member shall be named as either active or ex officio chairman of each committee. The chairman shall be obliged to follow Robert's Rules of Order.
- 5.2 Meetings shall be called by the chairman of the committee, or a majority of the membership of the committee, notifying the others.

Article 6 Records, Action, Studies, Recommendations, Public Access

- 6.1 The planning department shall keep a file including, among other things, studies, plans, reports and recommendations made by the commission members and planning department staff in the discharge of its duties and responsibilities.
- 6.2 Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order and discipline in the office of the planning department.

Article 7 Changes to These By-Laws, Timing, 2/3 Majority

- 7.1 These by-laws shall be adopted, and later suspended, changed, or canceled only after an affirmative vote of 2/3rds of the membership of the planning commission. Amendments shall be proposed in writing at a regular meeting and moved for action at a following meeting, unless ten days notice and the written amendment itself have been given to all members, in which case motion may be made at a special meeting ten days after all the members have received the proposed change to these by-laws.

PLANNING COMMISSION ACTION: by majority of the appointed members so voting, these by-laws for the Bentonville Planning Commission are approved.

REVISED AND ADOPTED BY THE CITY OF BENTONVILLE PLANNING COMMISSION THIS 6TH DAY OF MARCH, 2018.

ATTEST:

Secretary

Chair

Amended 2/11/77
 5/19/98
 2/03/04
 12/28/05
 3/20/07
 3/6/18