



**Planning Commission
Meeting Agenda
February 3, 2026
Bentonville City Hall
Tech Review: 4:30 PM
Public Hearing: 5:00 PM**

Registration Link: <https://us02web.zoom.us/j/86828834875>

Notice: Fraudulent invoices are being sent to builders and developers who have active projects in the City of Bentonville. The invoices appear to come from the City of Bentonville but ask for a wire transfer of funds. **The City of Bentonville will never ask for a wire transfer of funds.**

I. Call to Order

II. Approval of Minutes

- | | |
|--|------------------------------------|
| 1. January 20th Meeting Minutes | Approval of Meeting Minutes |
|--|------------------------------------|

III. Consent Agenda

- | | |
|---|---------------------------------|
| 1. Mauck-Block Addition, Lot 26
540 Southeast A Street (PLA25-0035) | Property Line Adjustment |
| 2. Azalea Place Subdivision, Phase 1
3999 Ginn Road (FP25-0014) | Final Plat |
| 3. RV PS Subdivision Phasing Plan
3820 Ginn Road (PP24-0003) | Preliminary Plat |

IV. New Business

- | | |
|---|---------------|
| 1. Clark Sidewalk Waiver
340 Crestview Drive (WAV26-0001)
Waiver: Section 1100.15(b)(2) Sidewalk Requirements | Waiver |
|---|---------------|

Advertised Public Hearings

V. Other New Business

VI. Old Business

VII. Other Business

- | | |
|---|----------------------|
| 1. Plan Bentonville Update
Draft Bentonville Community Code | Informational |
|---|----------------------|

VIII. Adjournment



**Planning Commission
Meeting Minutes
January 20, 2026
Bentonville City Hall
Tech Review: 4:30 PM
Public Hearing: 5:00 PM**

Meeting Recording: <https://bentonvillear.portal.civicclerk.com/event/2064/media>

Commissioners Present: Dana Davis (Chairman), Reggie Wright, Elaine Kerr, Danny Bennett, Doug Bryant, Ifeoma Ibekwe, Eric Hipp

Commissioners Absent:

Staff Present: Tyler Overstreet, Tom Adler, Dan Weese, Braedyn McBroom, Nathan Izard

I. Call to Order

- Chairman Davis calls the meeting to order at 5:01 pm.

II. Approval of Minutes

1. January 6th Meeting Minutes

Approval of Meeting Minutes

- Motion to approve by Wright, second by Ibekwe.
- Minutes are approved unanimously on a voice vote 7-0.
- Commissioner Kerr requests, without objection, to move items 2, 3, and 4 under New Business with the accompanying conditions to the Consent Agenda. No objections heard.

III. Consent Agenda

- 1. Lincoln and Rice Addition, Block 1,
Lot 18**
612 Northeast 2nd Street ([PLA25-0037](#))

Property Line Adjustment

- 2. Daniell's Place, Lots 1 & 2**
5927 Southwest Barron Road ([LS25-0037](#))

Lot Split

- 3. Aadhira Subdivision**
Parcels 01-21092-000 and 01-21090-000 on Town Vu Road ([PP25-0007](#))

Preliminary Plat

- 4. Crockett Commercial**
414 Southwest Regional Airport Boulevard ([LSD25-0048](#))

Large Scale Development

- 5. 8th Street Gateway Park Phasing**

Large Scale Development

Amendment

Both sides of SW 8th Street, west of SW I Street ([LSD23-0047](#))

6. Townhomes at OZ

Preliminary Plat

405 Southeast A Street ([PP25-0010](#))

- Mr. Adler provides an overview of the items on the Consent Agenda.
- Consent Agenda is approved 7-0.

IV. New Business

1. Brown Sidewalk Waiver

403 West Central Avenue ([WAV25-0020](#))

Waiver: Section 1100.15(b)(2) Sidewalk Requirements

- Mr. Adler provides an overview of the staff report.
- Chairman Davis opens discussion among commissioners.
- Motion by Wright to approve the waiver with a Fee-in-Lieu for the installation of the sidewalk subject to an agreement on fee amount and terms as approved by the Transportation and Planning Departments and agreed upon by applicant; second by Kerr.
- Waiver with conditions is approved 7-0.

Advertised Public Hearings

1. Hancock Residential Temporary Parking and Material Staging

Conditional Use Permit*

502, 506, and 508 SE 7th Street ([CU25-0037](#))

Temporary Use within DE, Downtown Edge

- Mr. Adler provides an overview of the staff report.
- Chairman Davis opens the public hearing.
- Mr. Sbarra, the applicant, is present to answer any questions.
- Chairman Davis closes the public hearing and opens discussion among commissioners.
- Commissioners discuss the conditional use permit.
- Conditional use permit is approved 7-0.

V. Other New Business

VI. Old Business

VII. Other Business

1. Plan Bentonville Update [Draft Code](#)

Informational

- Mr. Overstreet advised Commissioners that the plan was in its final review stages internally and requested that commissioners submit any red flags they saw to planning staff.

VIII. Adjournment

- Motion to adjourn by Hipp, second by Wright. Meeting is adjourned.



Mauck-Block Addition, Lot 26

540 Southeast A Street

PC Date: 2/3/2026

Staff Report Details

Project Number	PLA25-0035
Applicant / Current Owner	Crafton & Tull, Sean Johnson / City of Bentonville, Travis Matlock
Site Area	+/- [0.50] Acres
Current Zoning	D-E, Downtown Edge
Requested Zoning	
Current Future Land Use Map Designation	City Center
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description

Property Line Adjustment: Lots 16, 17, 20, and east half vacated alley of Mauck-Block Addition, Creating Lot 26 of Mauck-Block Addition. 540 Southeast A Street, PLA25-0035.

A Property Line Adjustment of Lots 16, 17, 20, and east half vacated alley of Mauck-Block Addition, Creating Lot 26 of Mauck-Block Addition. The plat is dedicating a total of 528 square feet of right-of-way along Southeast A Street.

Project Details

Relationship to the Community Plan

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers**Conclusion****Additional Details**



PC Item

S MAIN ST

SE A ST

SE 6TH ST

SW 6TH
ST

Creating Lot
25 Mauck-Block
Subdivision



PLA25-0035
Creating Lot 25 Mauch-Block Subdivision
540 SE A ST



PROPERTY LINE ADJUSTMENT OF LOT 16, LOT 17, LOT 20, AND EAST HALF VACATED ALLEY OF MAUCK-BLOCK ADDITION CREATING LOT 26 OF THE MAUCK-BLOCK ADDITION

PARENT DESCRIPTION:

THE EAST HALF OF AN ALLEY VACATED BY ORDINANCE 2025-123, SAID ORDINANCE RECORDED AS DOCUMENT L202535297 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

PARENT DESCRIPTION:

LOT 16 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

PARENT DESCRIPTION:

THE EAST 130 FEET OF LOT 17 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

PARENT DESCRIPTION:

THE WEST 20 FEET OF LOT 17 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

PARENT DESCRIPTION:

THE EAST 130 FEET OF LOT 20 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS.

DESCRIPTION LOT 26:

PART LOT 16, PART OF THE EAST 130 FEET OF LOT 17, THE WEST 20 FEET OF LOT 17, AND PART OF THE EAST 130 FEET OF LOT 20 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245, AND THE EAST HALF OF AN ALLEY VACATED BY ORDINANCE 2025-123, SAID ORDINANCE RECORDED AS DOCUMENT L202535297 OF MAUCK-BLOCK ADDITION IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 16;
THENCE ALONG THE NORTH LINE THEREOF N87°45'47"W 3.88 FEET TO THE POINT OF BEGINNING;
THENCE LEAVING SAID NORTH LINE S02°04'03"W 150.49 FEET TO THE SOUTH LINE OF SAID LOT 20;
THENCE ALONG SAID SOUTH LINE N87°49'58"W 126.37 FEET TO THE WEST LINE OF THE EAST 130 FEET OF SAID LOT 20;
THENCE ALONG SAID WEST LINE N02°07'15"E 50.66 FEET TO THE SOUTH LINE OF SAID LOT 17;
THENCE ALONG SAID SOUTH LINE N87°45'47"W 27.42 FEET TO THE CENTER OF AN ALLEY VACATED BY ORDINANCE 2025-123, SAID ORDINANCE RECORDED AS DOCUMENT L202535297;
THENCE ALONG SAID CENTER OF SAID VACATED ALLEY N02°07'15"E 99.99 FEET TO THE NORTH LINE OF SAID LOT 16;
THENCE ALONG SAID NORTH LINE S87°45'47"E 153.65 FEET TO THE POINT OF BEGINNING, CONTAINING 21758 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

DESCRIPTION STREET RIGHT OF WAY:

PART OF LOT 16, PART OF THE EAST 130 FEET OF LOT 17, AND PART OF THE EAST 130 FEET OF LOT 20 OF MAUCK-BLOCK ADDITION, AS PER PLAT RECORD G-245, AND THE EAST HALF OF AN ALLEY VACATED BY ORDINANCE 2025-123, SAID ORDINANCE RECORDED AS DOCUMENT L202535297 OF MAUCK-BLOCK ADDITION IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16;
THENCE ALONG THE EAST LINE OF LOT 16, LOT 17, AND LOT 20 S02°21'04"W 150.49 FEET TO THE SOUTHEAST CORNER OF SAID LOT 20;
THENCE ALONG THE SOUTH LINE THEREOF N87°49'58"W 3.13 FEET;
THENCE LEAVING SAID SOUTH LINE N02°04'03"E 150.49 FEET TO THE NORTH LINE OF SAID LOT 16;
THENCE ALONG SAID NORTH LINE S87°45'47"E 3.88 FEET TO THE POINT OF BEGINNING, CONTAINING 528 SQUARE FEET, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

CERTIFICATE OF APPROVAL

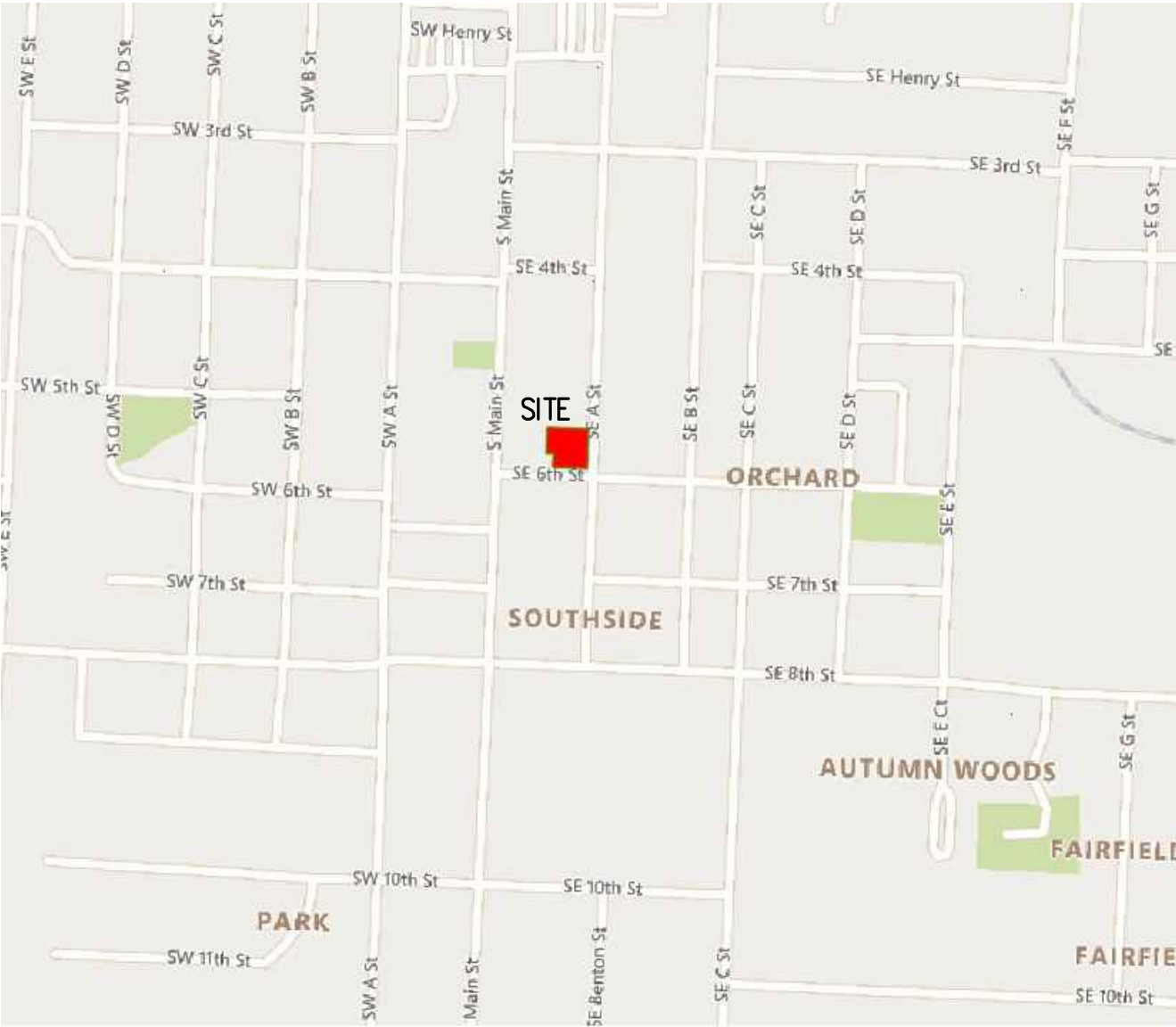
PURSUANT TO THE BENTONVILLE LAND DEVELOPMENT CODE AND ALL OTHER CONDITIONS AND APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS CERTIFICATE IS HEREBY EXECUTED UNDER THE AUTHORITY OF THE SAID RULES AND REGULATIONS.

DATE OF EXECUTION: _____

SIGNED _____
MAYOR CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

SIGNED _____
BENTONVILLE PLANNING COMMISSION CHAIRMAN



VICINITY MAP NTS

OWNER:

CITY OF BENTONVILLE
1000 SW 14TH ST
BENTONVILLE AR 72712

CERTIFICATE OF OWNERSHIP

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: _____

BY: _____
CITY OF BENTONVILLE

(PRINT)

SOURCE OF TITLE: DEED RECORD 494-555 AND ORDINANCE L202535297

STATE OF ARKANSAS)
COUNTY OF BENTON) SS
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____, 2025
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

NOTES:

THE SURVEY SHOWN HEREON IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THIS SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, EXPRESSED OR IMPLIED.

THIS PROPERTY LIES WITHIN THE MUNICIPAL LIMITS OF BENTONVILLE, ARKANSAS.

ACCORDING TO THE CITY OF BENTONVILLE GIS WEB SITE: THE PROPERTY IS ZONED D-E.

THE ADJACENT PROPERTY OWNERS NAMES SHOWN ON THIS PLAT WERE OBTAINED FROM THE BENTON COUNTY GIS WEB SITE, AND REPRESENT THE OWNER'S LISTED NAME AT THE TIME OF THIS SURVEY.

THE BOUNDARY DETERMINATION SHOWN HEREON WAS BASED UPON THE FOLLOWING DOCUMENTS AND NO OTHERS: ORDINANCE 97-55, ORDINANCE 98-52, ORDINANCE 2020-44 (DOC L202010509), ORDINANCE 2025-123 (DOC L202535297), AFFIDAVIT L202307329, DEED 494-555, DEED L201933892, DEED L202315033, BENTONVILLE SOUTH 1955-P2, PLAT G-245, PLAT P1-75, PLAT 18-280, PLAT 28-173, PLAT 2015-635, PLAT L202349392, AND DECREE QUIETING TITLE (CASE NO. 04CV-25-3238).

THE SURVEYOR HAS NOT MADE A SEPARATE INVESTIGATION OR SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, OR RESTRICTIVE COVENANTS OR ANY OTHER FACTS WHICH MIGHT AFFECT THE PROPERTY. ANY EASEMENTS SHOWN HEREON CAME TO THE ATTENTION OF THE SURVEYOR FROM EXAMINATION OF WACO TITLE COMPANY EASEMENT SEARCH FILE NO. 2503280-102, DATED APRIL 2, 2025.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT CONSIDERED A PART OF THIS SURVEY AND NO INVESTIGATION OF THESE CONDITIONS WAS MADE.

ANY UTILITY LINES, STRUCTURES OR APPURTENANCES SHOWN HEREON ARE FROM A FIELD INVESTIGATION LIMITED TO THE VISIBLE SURFACE OF THE PROPERTY SURVEYED. OTHER UTILITY LINES, STRUCTURES AND APPURTENANCES MAY BE PRESENT ON THE PROPERTY. FOR INFORMATION REGARDING SUCH ITEMS, CONTACT THE APPROPRIATE AGENCIES.

THIS PROPERTY IS NOT IN FLOOD ZONE "A" OR "AE", AND IS OUTSIDE THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM PANEL NUMBER 05007C0255K, EFFECTIVE DATE JUNE 05, 2012.

THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S). IN ADDITION, NO INDEPENDENT STUDY OF THE LIKELIHOOD OF FLOODING OF THE SURVEYED PROPERTY HAS BEEN DONE BY THE SURVEYOR AND NO OPINION OF FLOOD HAZARDS IS INCLUDED IN THIS SURVEY. THE FLOOD HAZARD ZONE BOUNDARIES SHOWN HEREON WERE SCALED FROM THE MAPS CITED AND ARE NOT THE RESULT OF INDEPENDENT COMPUTATION OR ANALYSIS.

NO RESIDENTIAL LOT SHALL BE PERMITTED DIRECT ACCESS TO A COLLECTOR OR ARTERIAL STREET. ALL RESIDENTIAL SUBDIVISION DEVELOPMENT CONTIGUOUS TO A COLLECTOR OR ARTERIAL STREET SHALL ORIENT FRONTAGE TO A LOCAL STREET, AND BACK OF THE PROJECT, WITHOUT ACCESS TO THE SAID MAJOR STREETS.

BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.

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

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

ALL SIDEWALKS SHALL BE INSTALLED BY THE TIMEFRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS.

BUILDING SETBACK NOTE:

SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFORMATION, VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT AT 479-271-3122.

DRAINAGE EASEMENT NOTE:

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

CERTIFICATE OF SURVEYING ACCURACY

I, KEVIN J. MONTGOMERY, 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: _____

CRAFTON, TULL & ASSOCIATES, INC.
BY KEVIN J. MONTGOMERY (AGENT)

SIGNED: _____
KEVIN J. MONTGOMERY (AGENT)
REGISTERED LAND SURVEYOR
NO. 1460
STATE OF ARKANSAS



ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL AND SIGNATURE MAY HAVE BEEN ALTERED. THE ABOVE DECLARATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

ATLAS PAGE: 403A

CITY OF BENTONVILLE
PROJECT NUMBER: PLA25-0035

RECORD INFORMATION

STATE PLAT CODE:
500-20N-30W-0-31-120-04-1460

SEAL

PROPERTY LINE ADJUSTMENT
LOT 16, LOT 17, LOT 20, AND EAST HALF OF VACATED ALLEY
MAUCK-BLOCK ADDITION
PLAT RECORD G-245

PREPARED FOR:
CITY OF BENTONVILLE

ARKANSAS

BENTONVILLE

DATE: 01/27/2026
PROJECT NO: 25102900
CONTACT: K.MONTGOMERY



CERTIFICATE OF AUTHORIZATION

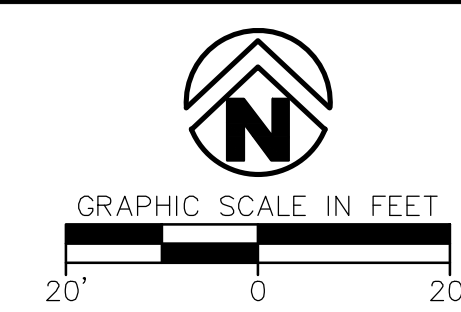


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DELTA	DESCRIPTION	DATE
1	REVISED PER COMMENTS	12/08/2025
2	REVISED PER COMMENTS	01/27/2026

SHEET NO.:

1 OF 2



LEGEND

- FOUND IRON PIN
FOUND MAG NAIL
SET IRON PIN
POWER POLE
— PROPERTY LINE
— EASEMENT
— RIGHT OF WAY LINE
— FENCE

RECORD INFORMATION

STATE PLAT CODE:
500-20N-30W-0-31-120-04-1460

SEAL



PROPERTY LINE ADJUSTMENT
LOT 16, LOT 17, LOT 20, AND EAST HALF OF VACATED ALLEY
MAUCK-BLOCK ADDITION
PLAT RECORD G-245

PREPARED FOR:
CITY OF BENTONVILLE

ARKANSAS

BENTONVILLE

DATE:	01/27/2026
PROJECT NO:	25102900
CONTACT:	K MONTGOMERY

901 N. 47th St., Suite 400
Rogers, Arkansas 72756



Crafton Tull

479.636.4838 †
craftontull.com

CERTIFICATE OF AUTHORIZATION:



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[illegible]

SHEET NO.:

2 OF 2

ATLAS PAGE: 403A

CITY OF BENTONVILLE
PROJECT NUMBER: PLA25-0035



Consent Agenda Item [FP25-0014](#)

For the Planning Commission meeting on February 3, 2026

Details

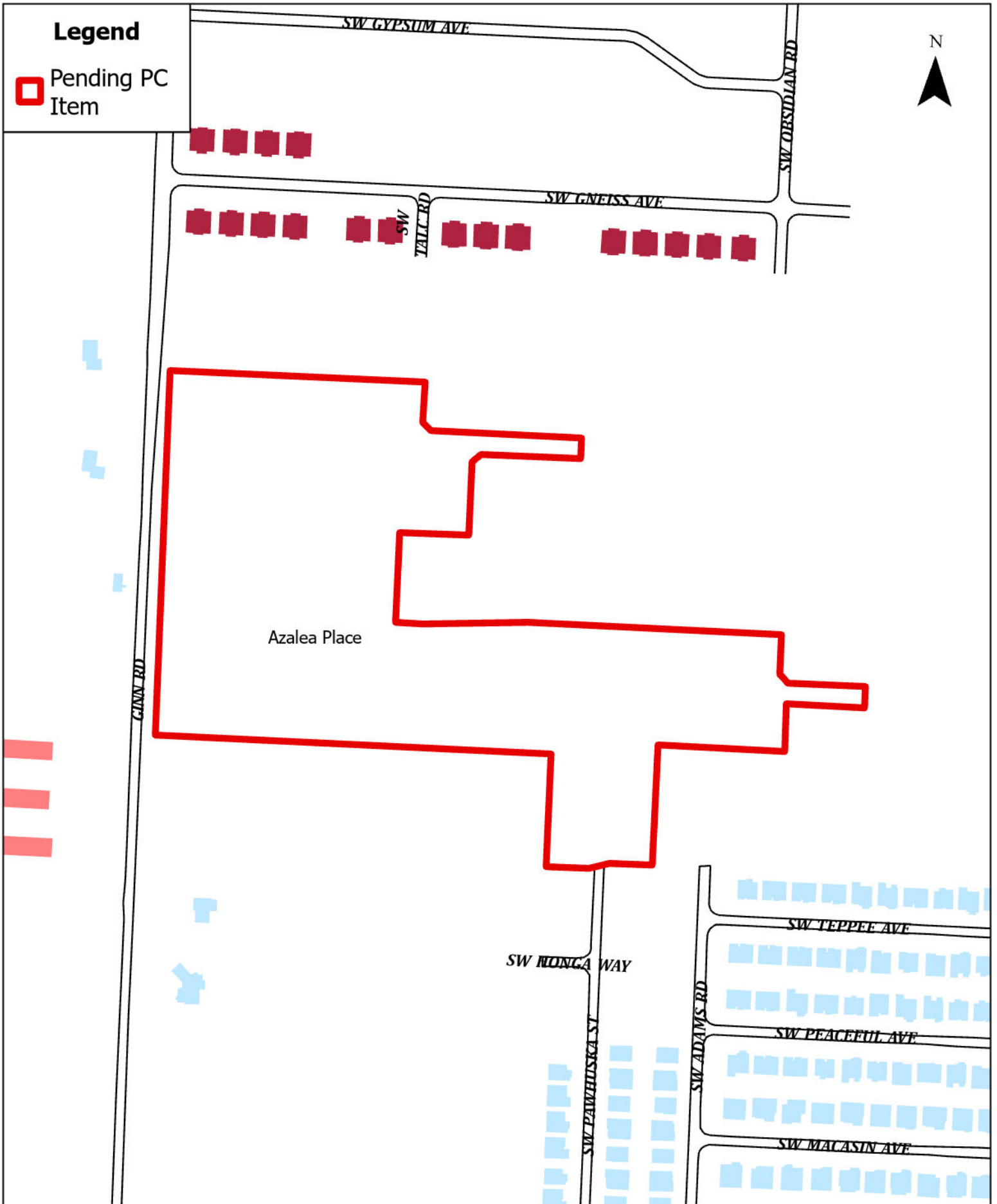
Final Plat of Azalea Place, Phase 1, FP25-0014

A final plat of Azalea Place, Phase 1. All public streets and easements are dedicated as shown on the plat.

The preliminary plat, approved on 6/20/23 contains 3 phases, this first phase consisting of 85 lots: 82 single family detached lots, an amenity lot and 2 detention pond lots.

Legend

 Pending PC Item



FP25-0014
Azalea Place Sub Ph 1
Final Plat



FINAL PLAT

AZALEA PLACE - PHASE 1

CONTACTS

PLANNING

CITY OF BENTONVILLE
305 SW 'A' STREET,
BENTONVILLE, AR 72712
TYLER OVERSTREET
PHONE: 479.271.3122
EMAIL: toverstreet@bentonvillear.com

CITY ENGINEER

CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE,
BENTONVILLE, AR 72712
JARROD BRIGHTWELL, / CITY ENGINEER
PHONE: 479.271.8675
EMAIL: jrbrightwell@bentonvillear.com

WATER / SEWER DEPARTMENT

CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE,
BENTONVILLE, AR 72712
BEAU THOMPSON
PHONE: 479.271.3140
EMAIL: bthompson@bentonvillear.com

STREET DEPARTMENT

CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE,
BENTONVILLE, AR 72712
DANIEL CLARITY / MANAGER
PHONE: 479.271.3130
EMAIL: dclarity@bentonvillear.com

WASTEWATER DEPARTMENT

CITY OF BENTONVILLE
1901 NE 'A' STREET,
BENTONVILLE, AR 72712
CHRIS EARL
PHONE: 479.271.3161
EMAIL: cearl@bentonvillear.com

STORMWATER DEPARTMENT

CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE,
BENTONVILLE, AR 72712
ALISON WEST / COORDINATOR
PHONE: 479.271.6719EMAIL: awest@bentonvillear.com

NATURAL GAS

BLACK HILLS ENERGY
1301 FEDERAL HIGHWAY, P.O. BOX 2129,
LOWELL, AR 72745
JOSH KNIGHT
PHONE: 479.333.7005
EMAIL: joshua.knight@blackhillscorp.com

TELEPHONE

AT&T
1133 E. HAROLD ST.,
FAYETTEVILLE, AR 72701
BRENT BALDWIN
PHONE: 479.200.9022
EMAIL: bb585@att.com

ELECTRIC

CITY OF BENTONVILLE
3200 SW MUNICIPAL DRIVE,
BENTONVILLE, AR 72712
PHONE: 479.271.3135 ext.2

INTERNET

COX COMMUNICATIONS
4901 S. 48th STREET,
SPRINGDALE, AR 72762
TIMOTHY GOSS
PHONE: 479.651.5583
EMAIL: timothy.goss@cox.com

FIRE DEPARTMENT

CITY OF BENTONVILLE
800 SW 'A' STREET,
BENTONVILLE, AR 72712
JUSTIN SCANTLIN
PHONE: 479.271.5927
EMAIL: jscantlin@bentonvillear.com

OWNER / DEVELOPER

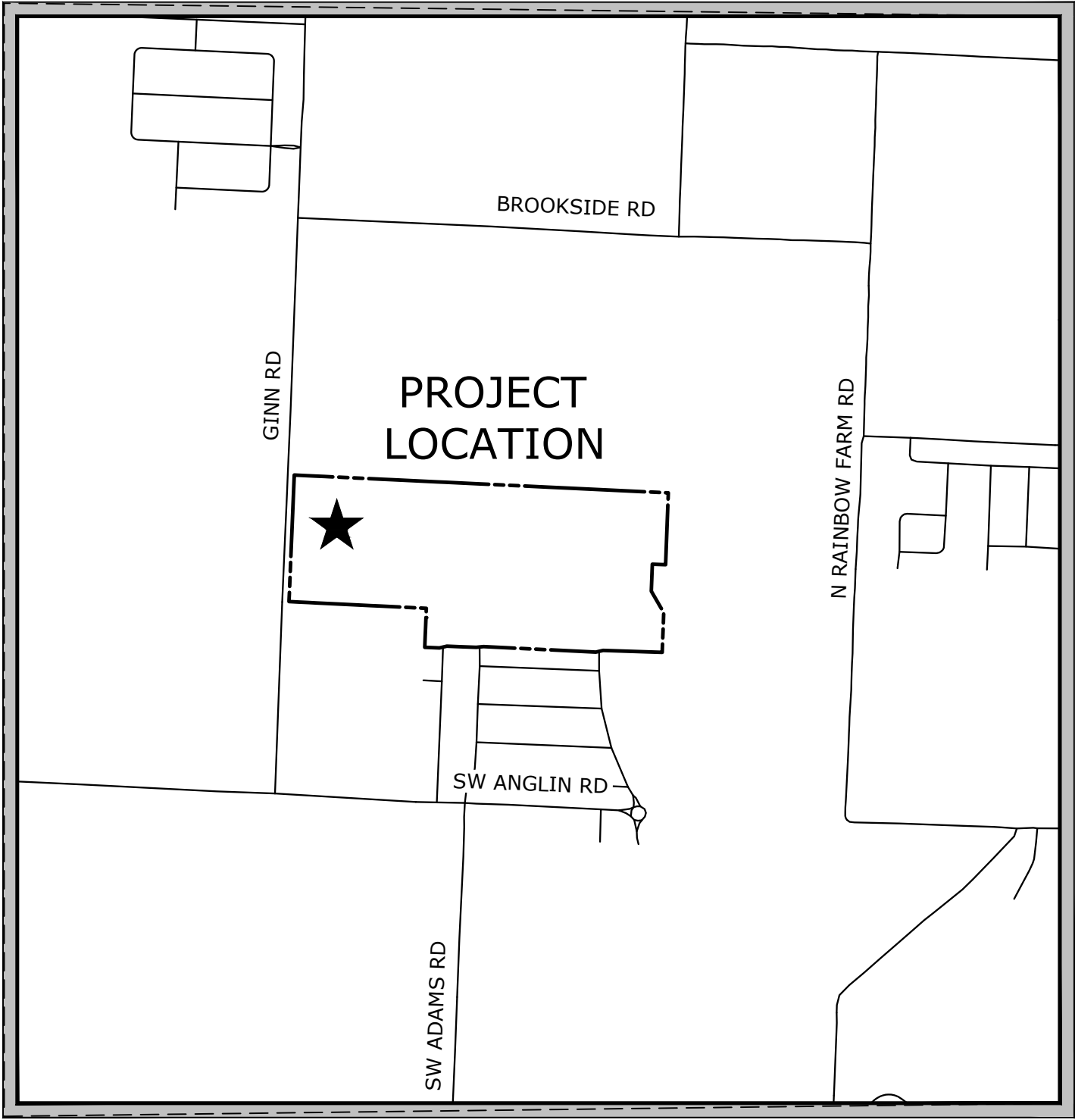
BRITTENUM CONSTRUCTION COMPANY, INC.
4034 N. OLD WIRE ROAD
FAYETTEVILLE, AR 72703
JON BRITTENUM
PHONE: 479.582.8732
EMAIL: jon@brITTENUMconstruction.com

BUILDING & FIRE SAFETY

CITY OF BENTONVILLE
305 SW 'A' STREET,
BENTONVILLE, AR 72712
TODD PIERCE
PHONE: 479.271.3108
EMAIL: tpierce@bentonvillear.com

CIVIL ENGINEERING CONSULTANT

MCCLELLAND CONSULTING ENGINEERS
1580 E. STEARNS STREET
FAYETTEVILLE, AR 72703
ADAM B. OSWEILER, PE
PHONE: 479.443.2377
EMAIL: aosweiler@mce.us.com



VICINITY MAP

FLOOD CERTIFICATION

FLOOD HAZARD - ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) FOR BENTON COUNTY, ARKANSAS AND INCORPORATED AREAS, MAP 05007C0235K, EFFECTIVE DATE, JUNE 5, 2012, PART OF THIS PROPERTY LIES WITHIN ZONE "A" OR "AE", AND IS INSIDE THE 100-YEAR FLOOD PLAIN.

GENERAL NOTES

INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS AND EXISTING FIELD CONDITIONS WHEN POSSIBLE. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES BY HAND DIGGING TEST PITS AT ALL UTILITY CROSSINGS IN ADVANCE OF TRENCHING WITH ANY MECHANICAL DEVICE. ANY CLEARANCES LESS THAN SPECIFIED ON THESE PLANS OR 18" (WHICHEVER IS LESS), CONTRACTOR SHALL CONTACT MCCLELLAND CONSULTING ENGINEERS, INC. @ (479) 443-2377 PRIOR TO ANY FURTHER CONSTRUCTION.

CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATION OR REMOVAL OF EXISTING UNDERGROUND UTILITIES SHOWN OR NOT SHOWN AT NO ADDITIONAL COST TO THE OWNER.

CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND USE OF ANY AND ALL REQUIRED OR NECESSARY SHORING, SHEETING, BRACING, AND SPECIAL EXCAVATION MEASURES REQUIRED ON THIS PROJECT. THESE MEASURES WILL MEET OR EXCEED OSHA, FEDERAL, STATE, AND LOCAL REGULATIONS DURING CONSTRUCTION. MCCLELLAND CONSULTING ENGINEERS, INC. AND THE DEVELOPER/OWNER ACCEPTS NO RESPONSIBILITY FOR THE CONTRACTORS FAILURE TO COMPLY WITH THESE REGULATIONS.

ALL UTILITIES, INCLUDING STORM SEWER, SHOWN WITHIN PUBLIC EASEMENTS OR RIGHT OF WAYS SHALL BE CONSTRUCTED TO THE GOVERNING AGENCY'S SPECIFICATIONS. ALL OTHER UTILITIES SHALL BE CONSTRUCTED TO THE CLIENT'S OR THE GOVERNING AGENCY'S SPECIFICATIONS, WHICHEVER IS MORE STRINGENT. IF THERE IS A QUESTION AS TO WHICH SPECIFICATIONS SHOULD APPLY, THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FOLLOW ALL RECOMMENDATIONS SET FORTH IN THE GEOTECHNICAL STUDY, WHERE A CONFLICT EXISTS BETWEEN THE HIGHWAY DEPARTMENT / CITY STANDARDS, OR THE GEOTECH STUDY, THE MOST STRINGENT SHALL APPLY.

FURTHERMORE IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN THE EROSION CONTROL MEASURES AS SHOWN ON THESE PLANS. CONTRACTOR SHALL KEEP THESE MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION. CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR IMPLEMENTING THE SWPPP BEFORE, DURING, AND AFTER RAIN FALL EVENTS.

ALL PHASES OF CONSTRUCTION SHALL MEET OR EXCEED THE OWNER / DEVELOPER SITE WORK SPECIFICATIONS.

SEE ARCHITECTURAL PLANS FOR THE EXACT DIMENSIONS AND LOCATIONS OF ANY RAMP, VESTIBULE, PORCHES, SLOPED PAVING, BUILDING UTILITY ENTRANCE LOCATIONS, TRUCK DOCKS, OR WELLS AND PRECISE BUILDING DIMENSIONS.

CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL DEBRIS, RUBBISH, AND OTHER MATERIALS RESULTING FROM PREVIOUS AND CURRENT DEMOLITION PROCEDURES. DISPOSAL SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, AND/OR FEDERAL REGULATIONS GOVERNING SUCH OPERATIONS.

THE BOUNDARY / TOPOGRAPHIC SURVEY HAS BEEN PROVIDED BY THE FOLLOWING COMPANY:

MCCLELLAND CONSULTING ENGINEERS, INC.
1580 E. STEARNS STREET,
FAYETTEVILLE, AR 72703
PHONE: (479) 443-2377

MCCLELLAND CONSULTING ENGINEERS, INC. AND ITS ASSOCIATES WILL NOT BE HELD RESPONSIBLE FOR THE ACCURACY OF THE SURVEY OR FOR DESIGN ERRORS OR OMISSIONS RESULTING FROM SURVEY INACCURACIES. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY ALL EXISTING FEATURES AS SHOWN ON THE SURVEY AND NOTIFY THE SURVEYOR AND THE ENGINEER OF RECORD OF ANY INACCURACIES FOUND ON THE SURVEY PRIOR TO BEGINNING CONSTRUCTION.

THE GENERAL CONTRACTOR SHALL BE HELD SOLELY RESPONSIBLE FOR AND SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT.

ALL CONSTRUCTION IN THE STATE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE HIGHWAY DEPARTMENT.

THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING ALL PHASES OF CONSTRUCTION OF THIS SITE. THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO CONSTRUCTION WORKING HOURS.

WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR DESIGN FUNCTION AND USE INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER THE ENGINEER NOR HIS PERSONNEL CAN OR DO WARRANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER INSPECTS AND CONTROLS THE PHYSICAL CONSTRUCTION AT THE SITE.

LOT 15 OSAGE HILLS SUBDIVISION DESCRIPTION PER LOT SPLIT L202275906

A PART OF LOT 12 OF OSAGE HILLS SUBDIVISION, PER PLAT L202193281, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB LOT 15) AT THE SOUTHWEST CORNER OF SAID LOT 12;
THENCE ALONG THE WEST LINE OF SAID LOT 12, N02°22'47"E, 870.40 FEET;
THENCE LEAVING SAID WEST LINE, S87°16'22"E, 2574.18 FEET; THENCE S02°11'56"W, 493.98 FEET;
THENCE N87°47'10"W, 91.00 FEET; THENCE S02°13'54"W, 185.88 FEET; THENCE S30°05'43"E, 170.36 FEET;
THENCE S01°59'45"W, 50.54 FEET; THENCE S02°13'51"W, 222.37 FEET TO THE SOUTHERLY LINE OF SAID LOT 12;
THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING COURSES:
N88°08'26"W, 406.71 FEET; THENCE S77°04'57"W, 51.56 FEET; THENCE N87°12'53"W, 772.86 FEET;
THENCE N84°19'40"W, 50.77 FEET; THENCE N87°40'13"W, 201.73 FEET; THENCE S76°31'05"W, 52.29 FEET;
THENCE N87°39'30"W, 100.98 FEET; THENCE N02°20'41"E, 268.17 FEET; THENCE N87°10'48"W, 944.87 FEET TO THE POINT OF BEGINNING OF LOT 15 (POB LOT 15), CONTAINING 2,618.312 SQUARE FEET, 60.11 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

AZALEA PLACE - PHASE 1 DESCRIPTION PER THIS PLAT:

A PART OF LOT 15 OF OSAGE HILLS SUBDIVISION, PER LOT SPLIT L202275906, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING (POB) AT THE SOUTHWEST CORNER OF SAID LOT 15;
THENCE N02°22'47"E, 870.40 FEET; THENCE S87°16'22"E, 2574.18 FEET; THENCE S02°43'32"W, 95.32 FEET;
THENCE S42°16'22"E, 27.83 FEET; THENCE S87°16'22"E, 360.09 FEET; THENCE S02°43'38"W, 50.00 FEET;
THENCE N87°16'22"W, 237.82 FEET; THENCE S47°43'38"W, 27.83 FEET; THENCE S02°43'28"W, 175.32 FEET;
THENCE N87°17'40"W, 165.01 FEET; THENCE S02°43'38"W, 215.18 FEET; THENCE S87°16'32"E, 65.49 FEET;
THENCE N89°15'41"E, 251.39 FEET; THENCE S87°16'32"E, 605.00 FEET; THENCE S02°43'32"W, 95.32 FEET;
THENCE S42°16'32"E, 27.83 FEET; THENCE S87°16'32"E, 185.90 FEET; THENCE S02°43'38"W, 50.00 FEET;
THENCE N87°16'32"W, 186.19 FEET; THENCE S02°43'28"W, 113.08 FEET; THENCE N87°16'32"W, 302.00 FEET;
THENCE S02°43'28"W, 285.99 FEET; THENCE N87°40'13"W, 100.84 FEET; THENCE S76°31'05"W, 52.29 FEET;
THENCE N87°39'30"W, 100.98 FEET; THENCE N02°20'41"E, 268.17 FEET; THENCE N87°10'48"W, 944.87 FEET TO THE POINT OF BEGINNING (POB), CONTAINING 901,719 SQUARE FEET, 20.70 ACRES. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR COVENANTS OF RECORD.

PARCEL 01-18729-005 DESCRIPTION PER WARRANTY DEED L202277522

LOTS 15 AND 16, OSAGE HILLS SUBDIVISION, BEING A LOT SPLIT OF LOT 12 OF OSAGE HILLS SUBDIVISION, BENTONVILLE, ARKANSAS, SAID LOT SPLIT FILED FOR RECORD IN/AS DOCUMENT NO. L202275906 OF THE RECORDS OF BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT: A PART OF LOT 16 OF OSAGE HILLS SUBDIVISION AS SHOWN ON LOT SPLIT PLAT FILED FOR RECORD IN/AS DOCUMENT NO. L202275906 OF THE PUBLIC RECORDS OF BENTON COUNTY, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF OSAGE HILLS SUBDIVISION, PHASE 1 AS SHOWN ON DOCUMENT NO. L202158715 OF THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS; THENCE N02°20'57"E 1020.71' TO A FOUND 1/2" IRON REBAR; THENCE N87°10'29"W 945.19' TO A FOUND 1/2" IRON REBAR; THENCE N02°22'47"E 1320.19' TO A POINT; THENCE N02°00'03"E 423.72' TO A FOUND IRON PIN; THENCE N 02°00'07"E 301.34' TO THE POINT OF BEGINNING; THENCE N02°00'07"E 549.23' TO A FOUND 1/2" IRON REBAR; THENCE S87°12'16"E 1037.50' TO A POINT; THENCE S 52°45'29" W, 281.45' TO A POINT; THENCE S 00°00'00" E, 61.07 FEET TO A POINT; THENCE S 77°50'46" E, 105.96 FEET TO A POINT; THENCE S 07°03'39" W, 149.86' TO A POINT; THENCE N 87°46'59" W, 166.39 FEET TO A POINT; THENCE S 79°01'44" W 281.86 FEET TO A POINT; THENCE S 84°08'04" W 476.08 FEET TO THE POINT OF BEGINNING, CONTAINING 9.87 ACRES, MORE OR LESS, BEING SUBJECT TO ANY COVENANTS, EASEMENTS, OR RIGHT-OF-WAYS OF RECORD OR FACT.

AFFIDAVIT OF SCRIVENER'S ERROR DESCRIPTION PER L202310658

A PART OF LOT 10 PER OSAGE HILLS SUBDIVISION, PHASE 1, INSTRUMENT #L202158715, BEING RECORDED IN THE OFFICE OF THE EXOFFICIO RECORDER OF BENTON COUNTY, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF OSAGE HILLS SUBDIVISION, PHASE 1; THENCE N 02°20'57" E 1020.71' TO A POINT; THENCE N 02°00'57" E 368.10' TO A POINT; THENCE N 87°10'29" W 945.19' TO A POINT; THENCE N 02°22'47" E 1320.19' TO A POINT; THENCE N 02°00'03" E 423.72' TO A POINT; THENCE N 02°00'07" E 301.34' TO THE POINT OF BEGINNING; THENCE N 02°00'07" E 549.23' TO A POINT; THENCE S 87°12'16" E 1037.50' TO A POINT; THENCE S 52°45'29" W 281.45' TO A POINT; THENCE S 00°00'00" E 61.07' TO A POINT; THENCE S 77°50'46" E 105.96' TO A POINT; THENCE S 07°03'39" W, 149.86' TO A POINT; THENCE N 87°46'59" W 166.39' TO A POINT; THENCE S 79°01'44" W 281.86' TO A POINT; THENCE S 84°08'04" W 476.08' TO THE POINT OF BEGINNING, CONTAINING 429,766 SQ. FEET, 9.87 ACRES, MORE OR LESS. SUBJECT TO ANY RIGHT-OF-WAYS OR EASEMENTS OF RECORD.

PARCEL 01-18729-006 DESCRIPTION PER WARRANTY DEED L202333929

LOT 16, OSAGE HILLS SUBDIVISION, BEING A LOT SPLIT OF LOT 12 OF OSAGE HILLS SUBDIVISION, BENTONVILLE, ARKANSAS, SAID LOT SPLIT FILED FOR RECORD IN/AS DOCUMENT NO. L202275906 OF THE RECORDS OF BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT: A PART OF LOT 16 OF OSAGE HILLS SUBDIVISION AS SHOWN ON LOT SPLIT PLAT FILED FOR RECORD IN/AS DOCUMENT NO. L202275906 OF THE PUBLIC RECORDS OF BENTON COUNTY, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF OSAGE HILLS SUBDIVISION, PHASE 1 AS SHOWN ON DOCUMENT NO. L202158715 OF THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS; THENCE N02°20'57"E 1020.71' TO A FOUND 1/2" IRON REBAR; THENCE N87°10'29"W 945.19' TO A FOUND 1/2" IRON REBAR; THENCE N02°22'47"E 1320.19' TO A POINT; THENCE N02°00'03"E 423.72' TO A FOUND IRON PIN; THENCE N 02°00'07"E 301.34' TO THE POINT OF BEGINNING; THENCE N02°00'07"E 549.23' TO A FOUND 1/2" IRON REBAR; THENCE S87°12'16"E 1037.50' TO A POINT; THENCE S 52°45'29" W, 281.45' TO A POINT; THENCE S 00°00'00" E, 61.07 FEET TO A POINT; THENCE S 77°50'46" E, 105.96 FEET TO A POINT; THENCE S 07°03'39" W, 149.86' TO A POINT; THENCE N 87°46'59" W, 166.39 FEET TO A POINT; THENCE S 79°01'44" W 281.86 FEET TO A POINT; THENCE S 84°08'04" W, 476.08 FEET TO THE POINT OF BEGINNING, CONTAINING 9.87 ACRES, MORE OR LESS.

CERTIFICATE OF APPROVAL

PURSUANT TO THE BENTONVILLE LAND DEVELOPMENT CODE 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.

DAY OF EXECUTION: / /

SIGNED: _____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED: _____
MAYOR, CITY OF BENTONVILLE

SIGNED: _____
CITY CLERK, CITY OF BENTONVILLE

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY VERIFY 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 THE USE OF THE PUBLIC STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

NAME & ADDRESS: _____

PRINT NAME: _____

SOURCE OF TITLE: D.R. _____
PAGE: _____

STATE OF ARKANSAS, COUNTY OF WASHINGTON
THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME
ON THIS _____ STAMP

NOTARY SIGNATURE: _____
PRINTED NAME: _____
DATE: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP

WE THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY VERIFY 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 THE USE OF THE PUBLIC STREETS, ALLEYS, DRIVES, EASEMENTS, ETC. AS SHOWN ON SAID PLAT.

DATE OF EXECUTION: _____

SIGNED: _____

NAME & ADDRESS: _____

PRINT NAME: _____

SOURCE OF TITLE: D.R. _____
PAGE: _____

STATE OF ARKANSAS, COUNTY OF WASHINGTON
THIS DOCUMENT WAS ACKNOWLEDGED BEFORE ME
ON THIS _____ STAMP

NOTARY SIGNATURE: _____
PRINTED NAME: _____
DATE: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF SURVEYING ACCURACY

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

DAY OF EXECUTION: / /

SIGNED: _____ NO. _____
REGISTERED LAND SURVEYOR STATE OF ARKANSAS

CITY OF BENTONVILLE PROJECT #FP25-0014

MCE McCLELLAND
CONSULTING
ENGINEERS, INC.
DESIGNED TO SERVE

1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

FINAL PLAT
AZALEA PLACE - PHASE 1
GINN ROAD
BENTONVILLE, AR

REVISIONS

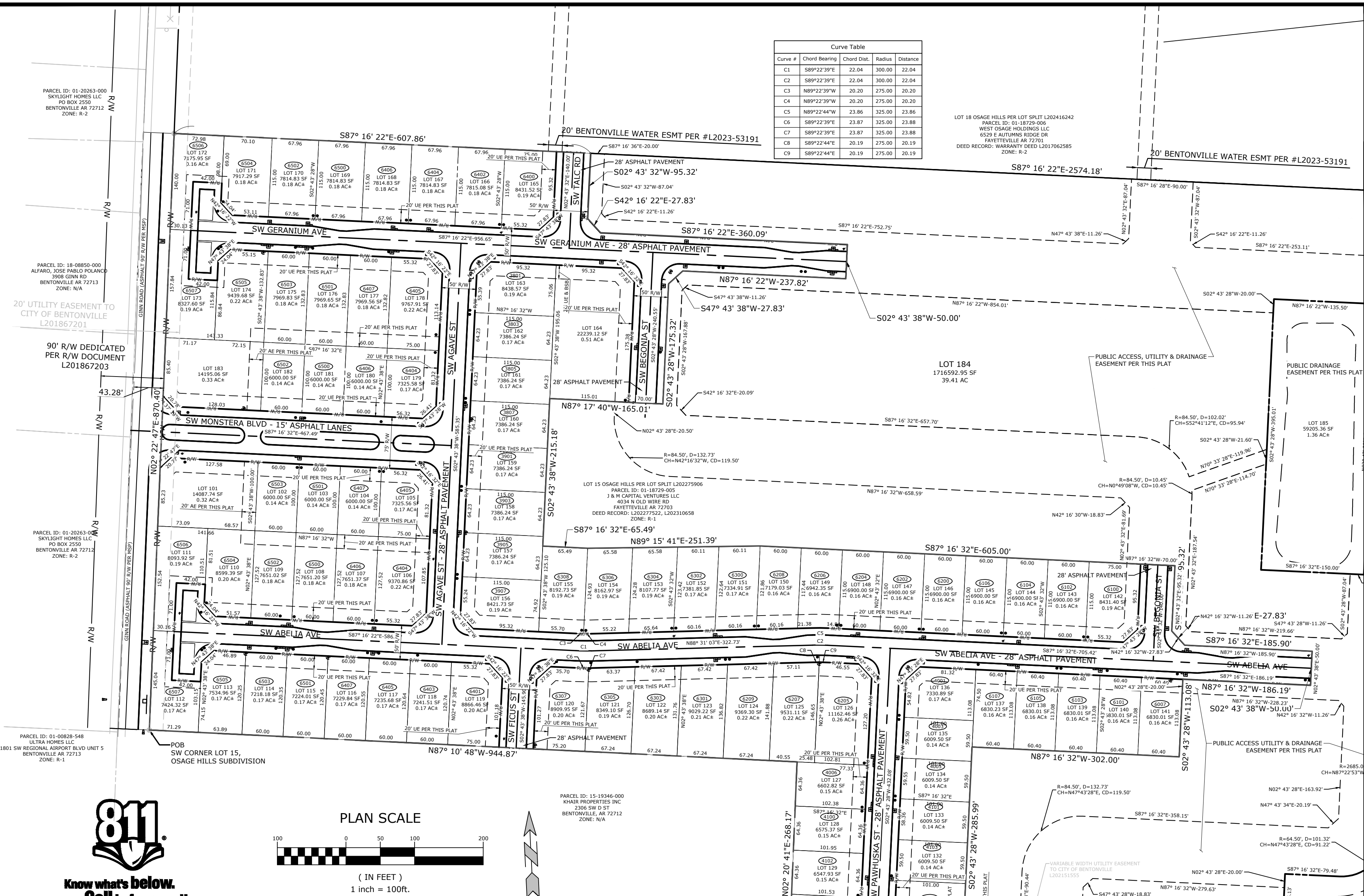
REV	DATE	DESCRIPTION	ADDRESSED CITY COMMENTS
1	1/20/2026		

FINAL PLAT

PROJ. MANAGER: ABO	DRAWN BY: JMT
DATE: 01/20/2026	REVISION: 1
SCALE: AS NOTED	PROJ. NUMBER: 22-2178

FP-1

W:\2022\22-2178-BENTONVILLE, AR GINN ROAD SUBDIVISION SURVEY\BOUNDARY DRAFTING\JMT-222178 FINAL PLAT UPDATED 1.20.26.DWG

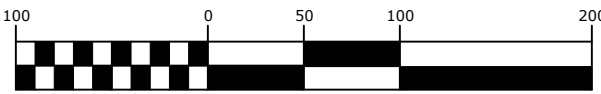


Curve Table				
Curve #	Chord Bearing	Chord Dist.	Radius	Distance
C1	S89°22'39\"E	22.04	300.00	22.04
C2	S89°22'39\"E	22.04	300.00	22.04
C3	N89°22'39\"W	20.20	275.00	20.20
C4	N89°22'39\"W	20.20	275.00	20.20
C5	N89°22'44\"W	23.86	325.00	23.86
C6	S89°22'39\"E	23.87	325.00	23.88
C7	S89°22'39\"E	23.87	325.00	23.88
C8	S89°22'44\"E	20.19	275.00	20.19
C9	S89°22'44\"E	20.19	275.00	20.19



Know what's below.
Call before you dig.

PLAN SCALE



(IN FEET)
1 inch = 100ft.

SITE DATA		
OVERALL SITE AREA	901,719 S.F.	20.70 AC
ZONING	REFER TO CURRENT ZONING CLASSIFICATION	
FRONT BUILDING SETBACK	REFER TO CURRENT ZONING CODE	
REAR BUILDING SETBACK	REFER TO CURRENT ZONING CODE	
SIDE BUILDING SETBACK	REFER TO CURRENT ZONING CODE	
MINIMUM LOT REQUIREMENTS		
LOT AREA	6,000 S.F. (INTERIOR LOT) 7,200 S.F. (CORNER LOT; 20% INCREASE OVER INTERIOR LOT)	
LOT WIDTH	60' @ PROPERTY LINE (INTERIOR LOT) 75' @ BUILDING SETBACK (CORNER LOT)	
LOT COVERAGE	40% COVERAGE (INTERIOR LOT) 45% COVERAGE (CORNER LOT)	
TYPICAL BUILDING PAD SIZES	40% COVERAGE (INTERIOR LOT) 45% COVERAGE (CORNER LOT)	

EXISTING LEGEND

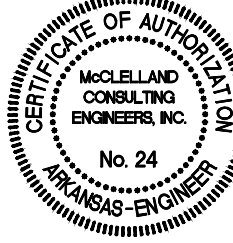
---	PROPERTY LINE
---	RIGHT OF WAY
---	SANITARY SEWER LINE
---	WATER LINE
---	GAS LINE
---	UNDERGROUND TELEPHONE
---	UNDERGROUND ELECTRIC
---	UNDERGROUND TELEVISION
---	UNDERGROUND FIBER
---	OVERHEAD ELECTRIC
---	FENCE
---	ROAD CENTERLINE
---	DITCH FLOWLINE
---	EASEMENT LINE
---	GRAVEL LINE
---	FIRE HYDRANT
---	WATER METER
---	WATER VALVE
---	WATER FAUCET
---	SANITARY SEWER MH
---	CLEAN-OUT
---	DRAINAGE MH

---	POWER POLE
---	GUY WIRE w/ ANCHOR
---	GAS METER
---	GAS RISER
---	STREET LIGHT POLE
---	TELEPHONE PEDESTAL
---	CABLE TV PEDESTAL
---	ELECTRIC VAULT
---	FIBER VAULT
---	GAS VAULT
---	TELEPHONE VAULT
---	WATER VAULT
---	SIGN (AS NOTED)
---	POST (AS NOTED)
---	BENCHMARK
---	FOUND IRON PIN (AS NOTED)
---	CONTROL POINT
---	RR SPIKE
---	BUSH
---	DECIDUOUS TREE
---	CONIFEROUS TREE

PROPOSED LEGEND

---	CURB AND GUTTER
---	EASEMENT
---	ASPHALT PAVEMENT
---	CONCRETE SIDEWALK (BY HOME BUILDER)
---	CONCRETE SIDEWALK (BY DEVELOPER)
---	CATCH BASIN
---	FLARED END SECTION
---	SANITARY SEWER MANHOLE
---	FIRE HYDRANT
---	WATER METER
---	POWER POLE/POWER POLE & GUY
---	LIGHT POLE
---	ELECTRICAL TRANSFORMER

NOTE: SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFO VISIT [HTTP://WWW.BENTONVILLEPLANNING.COM/](http://www.bentonvilleplanning.com/) OR CALL THE PLANNING DEPARTMENT @ 479-271-3122



CITY OF BENTONVILLE PROJECT #FP25-0014

McCLELAND
CONSULTING
ENGINEERS, INC.
1580 E. STEARNS ST.
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[HTTP://WWW.MCE.US.COM](http://www.mce.us.com)

FINAL PLAT
AZALEA PLACE - PHASE 1
GINN ROAD
BENTONVILLE, AR

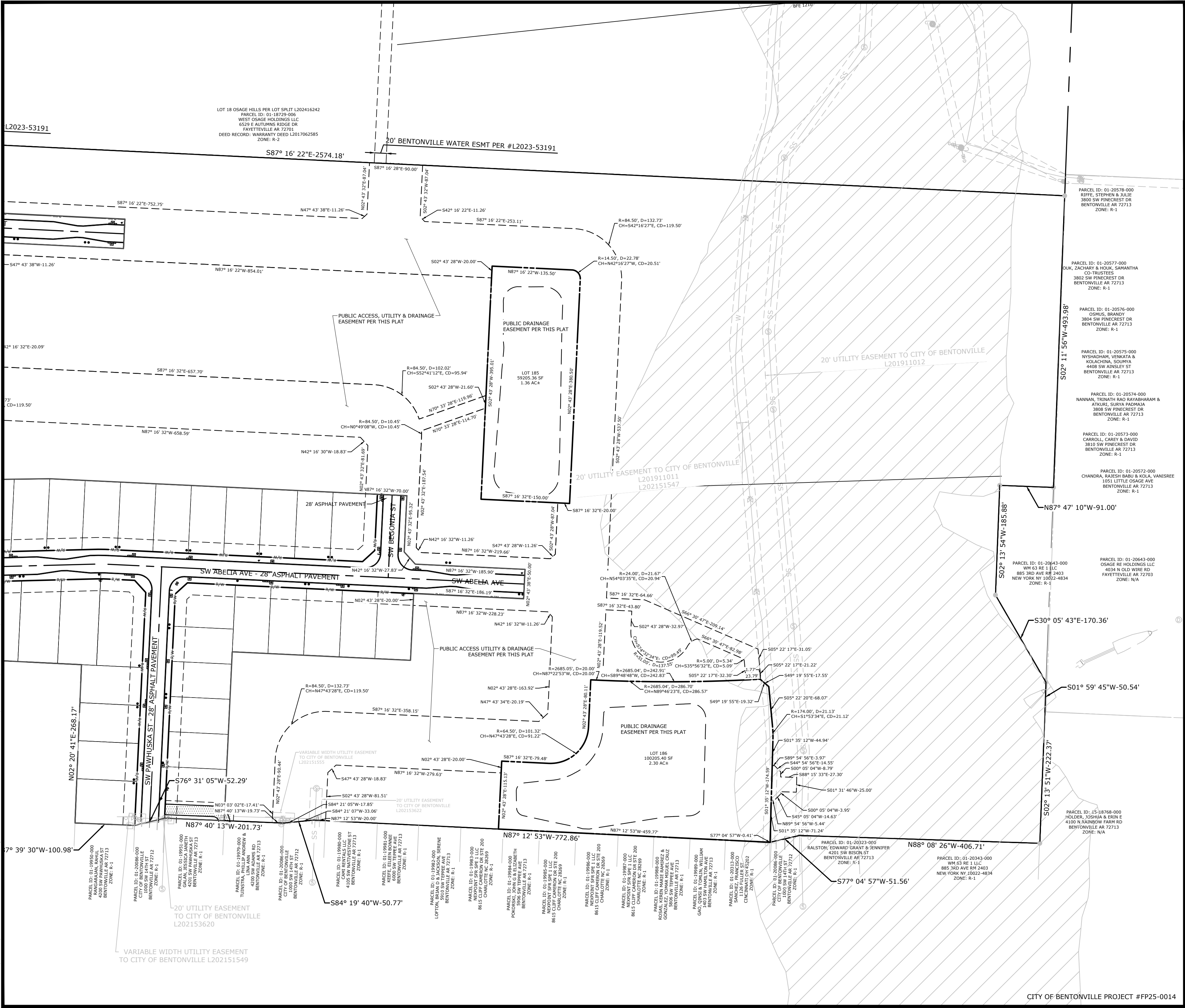
REVISIONS		
REV	DATE	DESCRIPTION
1	1/20/2026	ADDRESSED CITY COMMENTS

FINAL PLAT

PROJ. MANAGER:	DRAWN BY:
ABO	JMT
DATE:	REVISION:
01/20/2026	1
SCALE:	PROJ. NUMBER:
AS NOTED	22-2178

FP-2

W:\2022\22-2178-BENTONVILLE, AR GINN ROAD SUBDIVISION SURVEY\BOUNDARY DRAFTING\JMT-222178 FINAL PLAT UPDATED 1.20.26.DWG



MCE McCLELLAND
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FINAL PLAT
AZALEA PLACE - PHASE 1
GINN ROAD
BENTONVILLE, AR

REVISIONS			
REV	DATE	DESCRIPTION	ADDRESSED CITY COMMENTS
1	1/20/2026		

FINAL PLAT

PROJ. MANAGER:	DRAWN BY:
ABO	JMT
DATE:	REVISION:
01/20/2026	1
SCALE:	PROJ. NUMBER:
AS NOTED	22-2178

FP-3

©2022

	RV PS Subdivision Phasing Plan
	3820 Ginn Road
	PC Date: 2/3/2026

Staff Report Details	
Project Number	(PP24-0003)
Applicant / Current Owner	Skylight Homes LLC
Site Area	+/- [49.85] Acres
Current Zoning	R-2, Medium Density Two Family and Townhome Residential
Requested Zoning	
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Requested Future Land Use Map Designation	
Development Type / Use	Single- and Two-family Residential
Related projects	RZ24-0014

Property Description
Preliminary Plat : RV PS Subdivision Phase 1, Skylight Homes LLC, 3820 Ginn Road, R-2, Medium Density Two Family and Townhome Residential, PP24-0003 A preliminary plat for RV PS Subdivision Phase 1 was approved by the commission on July 2, 2024 and subsequently extended 12 months on June 3rd, 2025. The plat creates 92 lots, zoned R-2, Low-Density Single-Family Residential. Lot 54 is non-buildable. The northerly street, SW Rock Rose Ave, consists of 30 single family detached dwellings while the rest of the project consists of duplexes (61 lots, 122 units). The project is located in the Centerton water and sewer service area which has experienced some setbacks in the availability of sewer. Please see the narrative for the proposed phasing. BEUD requires all of Phase 1 and 2 electric facilities to be constructed at the same time for connectivity.

Project Details

Relationship to the Community Plan

Public Comment
Has Staff received Public Comment at the time of this report? : <u>No</u>

Analysis / Waivers

Conclusion

Additional Details



PENDING PC Items

SW GYPSUM
AVE

SW GNEISS
AVE

GINN RD

SW ANGLIN RD



PP24-0003
RV PS Subdivision Phase I
Preliminary Plat



January 21, 2026

KARSTETTER JOHNSTON AND ASSOCIATES
155 FANTINEL DR SUITE D
SPRINGDALE, AR 72762
479-485-011

RE: PP24-0003
Phasing Request

Tom Adler
Planning Manager
Development Services / Planning Department
City of Bentonville
305 SW A Street
Bentonville, AR 72712

Dear Mr. Adler,
I am writing to request that Preliminary Plat application PP24-0003 (3820 Ginn Road / RV PS Subdivision Phase 1) be updated to allow phasing.

Delays stemming from Arkansas Department of Health (ADH) reviews and ongoing wastewater capacity constraints at the Decatur treatment facility have significantly impacted project timelines. A recent sewer swap arrangement with a project in Centerton successfully released capacity for Phase 1, demonstrating that phased development can work effectively within current infrastructure limitations.

Phasing would enable manageable progression while maintaining full compliance with city regulations, drainage requirements, and capacity constraints. Please advise on the process to amend the application accordingly or bring this forward for Planning Commission review. I am happy to provide any additional details needed.

Respectfully,



Clint Karstetter, P.E.

Phasing Narrative

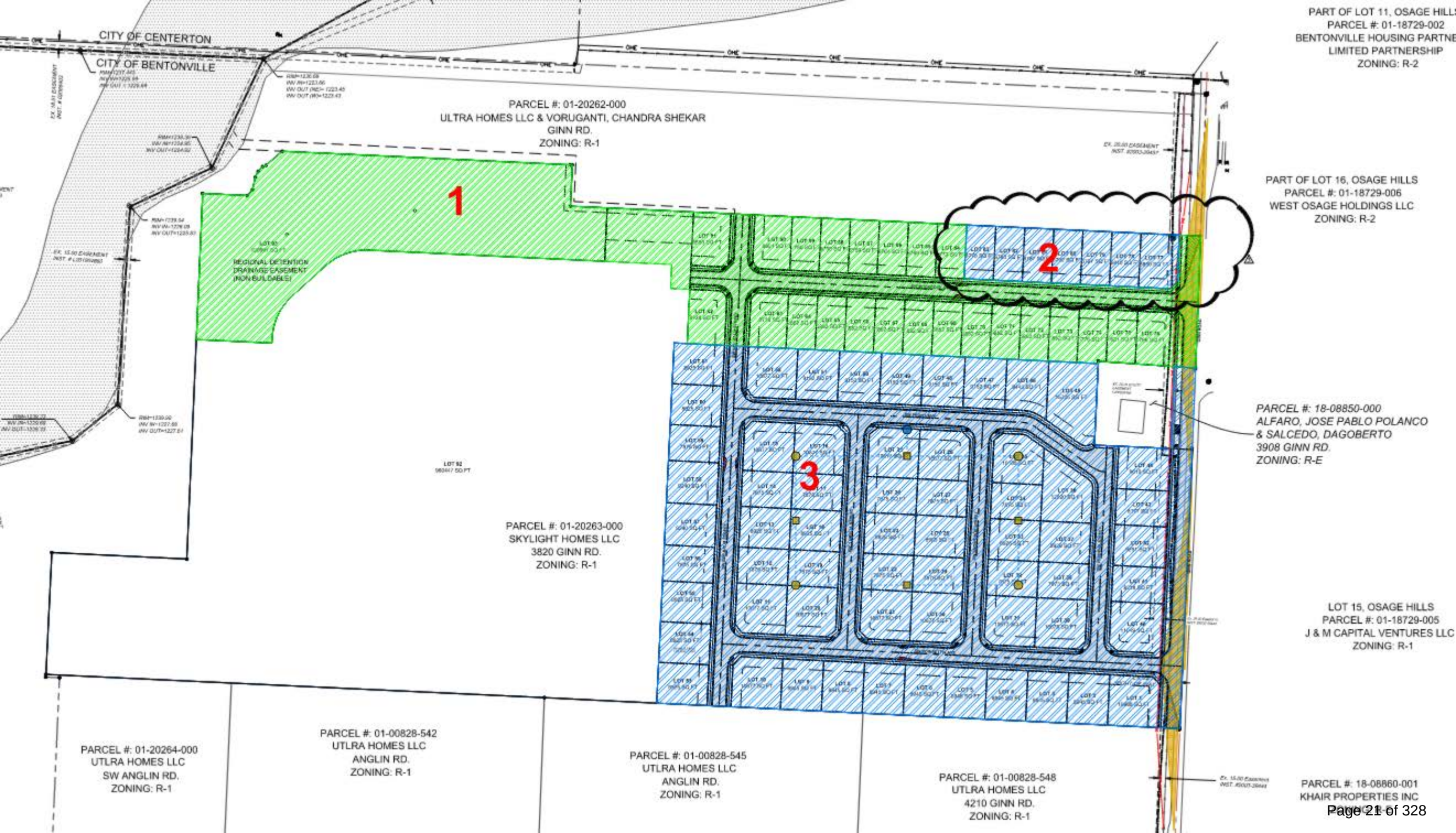
The Pre con for the entire project occurred on January 21, 2025.

Phase 01 Land development:

Areas 1 and 2 to be developed simultaneously with the ability for Area 1 & 2 to be inspected and finalized as part of Phase 01 but building permits can be issued for Area 1. Area 2 building permits will be released after Sewer Capacity Issue is resolved.

Phase 02 Land Development:

Area 3 development will proceed after ADH approval and sewer capacity issues resolved.



PART OF LOT 11, OSAGE HILLS
PARCEL #: 01-18729-002
BENTONVILLE HOUSING PARTNERSHIP
LIMITED PARTNERSHIP
ZONING: R-2

PART OF LOT 16, OSAGE HILLS
PARCEL #: 01-18729-006
WEST OSAGE HOLDINGS LLC
ZONING: R-2

PARCEL #: 18-08850-000
ALFARO, JOSE PABLO POLANCO
& SALCEDO, DAGOBERTO
3908 GINN RD.
ZONING: R-E

LOT 15, OSAGE HILLS
PARCEL #: 01-18729-005
J & M CAPITAL VENTURES LLC
ZONING: R-1

PARCEL #: 18-08860-001
KHAIR PROPERTIES INC
Page 21 of 328

PARCEL #: 01-20262-000
ULTRA HOMES LLC & VORUGANTI, CHANDRA SHEKAR
GINN RD.
ZONING: R-1

PARCEL #: 01-20263-000
SKYLIGHT HOMES LLC
3820 GINN RD.
ZONING: R-1

PARCEL #: 01-20264-000
ULTRA HOMES LLC
SW ANGLIN RD.
ZONING: R-1

PARCEL #: 01-00828-542
UTLRA HOMES LLC
ANGLIN RD.
ZONING: R-1

PARCEL #: 01-00828-545
UTLRA HOMES LLC
ANGLIN RD.
ZONING: R-1

PARCEL #: 01-00828-548
UTLRA HOMES LLC
4210 GINN RD.
ZONING: R-1



Clark Sidewalk Waiver

340 Crestview Drive

PC Date: 2/3/2026

Staff Report Details

Project Number	(WAV26-0001)
Applicant / Current Owner	Daniel and Larah Clark
Site Area	+/- 0.22 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	N/A
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residential
Related projects	N/A

Property Description

The subject property is located at 340 Crestview Drive, which is a downtown local street. The applicant is requesting a waiver from section 1100.15(b)(1) of the development code requiring property owners to install sidewalks for new residential construction.

Project Details

The property owner requests a waiver for constructing the required sidewalk per the Master Street Plan for the following reasons:

1. **Special Conditions and Circumstances:** The applicant states that the property is situated within a mature, established neighborhood (Crestview Addition) that was not originally designed to include sidewalks. Crestview Drive is not a through street and is already wider than most streets in the surrounding area. Additionally, the property is well over 1,000ft walking distance to any established sidewalk networks (along Walton Blvd.). The homes in the neighborhood largely appear to be in good condition, so it could be decades before other existing homes in the neighborhood would be demolished and replaced by new builds. Therefore, it would possibly be several decades before the sidewalk in front of our property connected to any other sidewalk by adjoining lots, at which point our sidewalk may then be

Project Details

out of code. Additionally, the construction of a sidewalk could be detrimental to the health of one large, mature tree whose base or root system are located within the proposed path. This tree not only contributes to the aesthetic value and environmental health of the property but also provides significant shade and natural cooling that reduce our dependence on air conditioning during warmer months. The tree is over 50 feet tall and measures over 6 feet in circumference. Based on the size and species of this tree, the estimated age is over 100 years.

2. Preservation and Enjoyment of Property Rights: The applicant states that upon inheritance of this property, they worked to specifically maintain the health and wellness of the mature trees on the property, along with ensuring as much green space was maintained as possible. Requiring the installation of a sidewalk would materially alter the character of the property and diminish the enjoyment and utility of the space. The possible loss of additional trees, disruption of the terrain, and change in curb appeal would undermine their property rights. With the May 2024 storm, there were several very large, mature trees lost in the neighborhood in addition to the mature tree that caused damage to the existing home. The applicant's current and future intention is to try to preserve as many of their remaining trees as possible.

3. No Detriment to Public Health, Safety, or Welfare: The applicant states that the waiver would not result in any harm to the public health, safety, or welfare. Furthermore, as no other properties on the street include sidewalks, constructing one solely on this property would provide no pedestrian benefit and may create confusion or visual discontinuity.

4. No Impact on Future Subdivision or Development: The applicant states that the granting of this waiver will not impede the orderly subdivision or development of land in this area. The neighborhood is fully developed, with established parcels and infrastructure that do not support or anticipate sidewalk expansion. Given that this property would be the only one with a sidewalk, the installation would be isolated, noncontiguous, and ultimately impractical for any broader municipal planning objective. The applicant states that the house at 332 Crestview Drive was rebuilt in 2017 without sidewalk.

Relationship to the Community Plan

Public Comment

Has Staff received Public Comment at the time of this report? : **No**

Analysis / Waivers

The original subdivision was built without sidewalk. The current owner is building a single-family house and Section 1100.15(b)(1) of the development code requires new residential constructions to install sidewalk in accordance with the Master Street Plan requirements. The Master Street plan calls out Crestview Drive as a Downtown Local Street which requires a 5' or 8' sidewalk and the property owner was asked to include a 5' sidewalk in the site plan for the building permit (RES25-0288). The cost estimate is for an 8' sidewalk as there is no ability to predict which side the 8' will be on until the first sidewalk is built.

Waiver Review Criteria pursuant to Section 1100.15(e)(3)

- **Current or proposed zoning:** The existing zone is R-1, Low Density Single Family Residential, and there is no proposed zone change.

Analysis / Waivers

- **Proposed land use:** The proposed land use for this property is Walkable Neighborhood.
- **Location of property in an urban or suburban setting.** The property is located in the downtown area within a pocket of single-family homes. However, commercial properties are located nearby (west on NW 3rd St), and the location is near downtown Bentonville.
- **Pedestrian traffic generators such as parks and schools in the area.** The property is located within half a mile of RE Baker Elementary School, Old High Middle School, and Bogle Park as well as half a mile from trails.
- **The existence of a sidewalk network in the area.** There are currently no existing sidewalks along NW 3rd Street, Crestview Drive, or any of the immediate surrounding area.
- **Whether the terrain is such that a sidewalk is physically practical and feasible, and the extent to which drainage ditches, trees, ground cover, and natural areas would be adversely impacted by the construction of the sidewalk.** Sidewalk installation could damage an existing mature tree.
- **The design of the subdivision such that utilities, the location of structures, rights-of-way, easements, etc., create conditions making sidewalks impractical.** Sidewalk installation would be practical and feasible.
- **The overall need for a sidewalk to be constructed on the lot.** Given the location of the lot, and the character of the neighborhood, the need for a sidewalk at this location is moderate.

Conclusion

Staff recommends disapproval of the waiver. The area is a pedestrian shed of schools and by beginning the installation of sidewalk in this corridor will move the city toward our goal of pedestrian connectivity.

Additional Details



PC Item

CRESTVIEW DR

MAGNOLIA DR

MAGNOLIA LN

Clark

NW 3RD ST



WAV26-0001
Clark
340 CRESTVIEW DR



To Whom It May Concern,

We are writing to formally request an exemption from the requirement to construct a sidewalk as part of the re-development of our residential property located at 340 Crestview Drive. While we understand and appreciate the city's goals in requiring sidewalks to improve walkability and infrastructure, we believe our property presents special circumstances that justify a waiver.

This property has belonged to the Clark-Lynch family since 1989. We took possession of this property in September of 2020 after having already resided in the original structure since 2013. In May of 2024, the house suffered significant damage after a tornadic weather event fell a mature oak tree into the center of the home. After consulting with our contractor, we determined that a total tear down and rebuild would be the best course of action.

There are many issues with this required sidewalk. We will address the issues in the order outlined in the Waiver of Land Development Code Checklist. We will demonstrate:

- That there are special conditions and circumstances affecting the land involved that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of this land.
- That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
- That the granting of the waiver will not be detrimental to the public health, safety, and welfare or injurious to other property in the area.
- That the granting of the waiver will not have the effect on preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.

1. Special Conditions and Circumstances

Our property is situated within a mature, established neighborhood (Crestview Addition) that was not originally designed to include sidewalks. Crestview Drive is not a through street and is already wider than most streets in the surrounding area. Additionally, our property is well over 1,000ft walking distance to any established sidewalk networks (along Walton Blvd.).

The homes in the neighborhood largely appear to be in good condition, so it could be decades before other existing homes in the neighborhood would be demolished and replaced by new builds. Therefore, it would possibly be several decades before the

sidewalk in front of our property connected to any other sidewalk by adjoining lots, at which point our sidewalk may then be out of code.

Additionally, the construction of a sidewalk could be detrimental to the health of one large, mature tree whose base or root system are located within the proposed path. This tree not only contributes to the aesthetic value and environmental health of our property but also provides significant shade and natural cooling that reduce our dependence on air conditioning during warmer months. The tree is over 50 feet tall and measures over 6 feet in circumference. Based on the size and species of this tree, the estimated age is over 100 years.

2. Preservation and Enjoyment of Property Rights

Upon inheritance of this property, we worked to specifically maintain the health and wellness of the mature trees on the property, along with ensuring as much green space was maintained as possible. Requiring the installation of a sidewalk would materially alter the character of our property and diminish the enjoyment and utility of the space we carefully designed and invested in. The possible loss of additional trees, disruption of the terrain, and change in curb appeal would undermine the substantial property rights we believe we are entitled to preserve.

With the May 2024 storm, there were several very large, mature trees lost in the neighborhood in addition to the mature tree that caused damage to the existing home.. Our current and future intention is to try to preserve as many of our remaining trees as possible. If we removed and then replaced the impacted trees, we would not see them grow to a size that would provide a similar shade canopy within our lifetime.

3. No Detriment to Public Health, Safety, or Welfare

The waiver we are requesting would not result in any harm to the public health, safety, or welfare. Furthermore, as no other properties on our street include sidewalks, constructing one solely in front of our property would provide no pedestrian benefit and may create confusion or visual discontinuity.

4. No Impact on Future Subdivision or Development

The granting of this waiver will not impede the orderly subdivision or development of land in this area. The neighborhood is fully developed, with established parcels and infrastructure that do not support or anticipate sidewalk expansion. Given that our property would be the only one with a sidewalk, the installation would be isolated, noncontiguous, and ultimately impractical for any broader municipal planning objective.

Additionally, it appears a waiver may have been granted for the only other new build property on the street in the previous 10+ years. The property at 332 Crestview Drive was similarly demolished and a new build was constructed in 2017, and yet no sidewalk was constructed on this property.

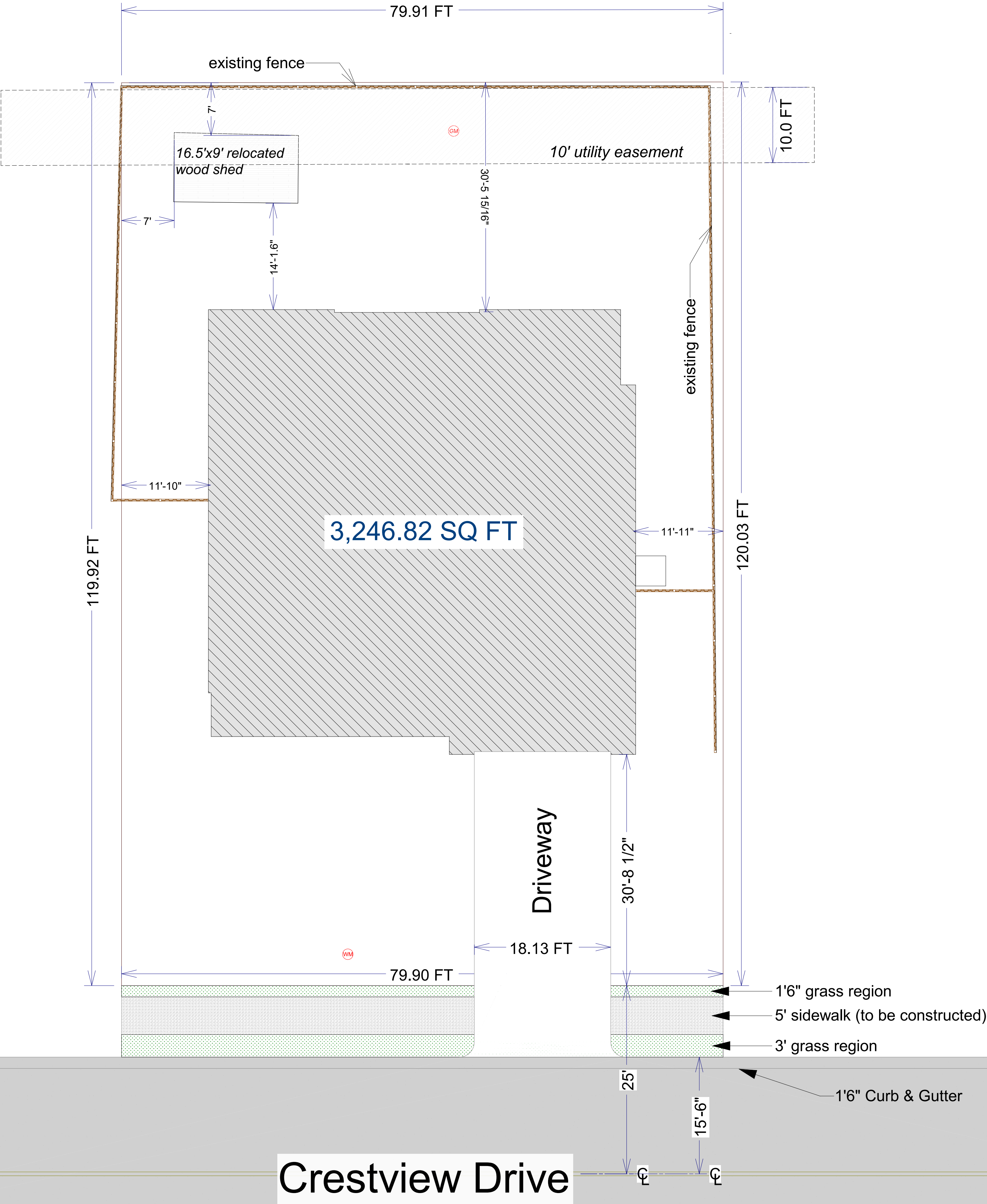
Because the sidewalk requirement would cause the many issues outlined above and would have a very detrimental impact to our property, as well as the properties surrounding ours, we are formally requesting an exemption to waive the requirement of sidewalk construction at the front of our property.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Larah Clark". The signature is written in a cursive, flowing style.

Daniel & Larah Clark

SITE PLAN



Newly constructed single and two-family residential structures

One (1) shade tree shall be planted in each yard adjacent to the roadway and one (1) shade tree shall be planted in each right-of-way adjacent to the roadway. Trees planted in the right-of-way shall be located on a residential or local street as designated on the Master Street Plan. Final occupancy permits may be held for those who fail to complete landscape requirements



SHEET:

S1

SCALE:

1/8"

DRAWING ID:

Client: Dan & Larah Clark

Contact:

Project Address:

Drawing Dated: 4/15/2025

Clark Project
Custom House Plans
Designer: Wade Campbell



Clark Sidewalk Waiver
340 Crestview

Cost estimate

<u>W</u>	<u>L</u>	<u>\$/SF</u>	<u>Total</u>
8	80	12.56	8038

Contingency 1.25
10,048

say	\$10k
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Existing sidewalks are shown as black lines



1/23/2026, 2:01:14 PM

Sidewalk Edge Polygon

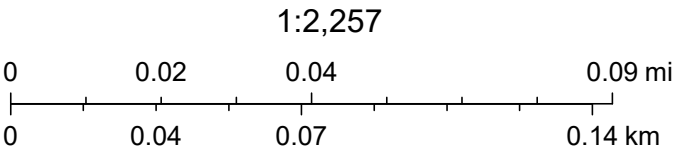
Painted Cross

Tax Parcels

Sidewalks

Sidewalk

Other Cross



Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community



PLAN BENTONVILLE

Bentonville, Arkansas Community Code

02/01/2026

DRAFT

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ARTICLE 50-1 GENERAL PROVISIONS

SEC. 50-101. TITLE

- (a) The title of this Chapter is the “Bentonville Community Code (BCC) of the City of Bentonville, Arkansas.”
- (b) This Chapter is also referred to as “BCC” and “this Code” throughout.
- (c) This Code consists of the text provided in this Chapter and the zoning districts referenced in City of Bentonville Official Zoning Map, available through the Planning Department or on the City’s website.

SEC. 50-102. AUTHORITY

The City of Bentonville adopts these regulations under the authority granted by the General Assembly of the State of Arkansas, as outlined in Arkansas Code Annotated (A.C.A.) §14-56-402 through §14-56-425, as amended.

SEC. 50-103. APPLICABILITY

- (a) City of Bentonville. This Chapter applies to all land and structures within the city limits of Bentonville, Arkansas, including any areas annexed into the city after its adoption.
- (b) If there are contradictions of regulations within this Code, the most restrictive standards apply.

SEC. 50-104. INTERPRETATIONS

(a) Interpreting regulations

- (1) Terms are interpreted as follows:
 - a. Definitions in [Article 50-9 Terminology](#) apply in place of any other definition of the same term.
 - b. Terms not defined in [Article 50-9 Terminology](#) are defined by the latest edition of the Merriam-Webster Dictionary.
 - c. This Code follows Plain Language Guidelines, as published by the United States General Services Administration.
 - d. The term “rule” or “rules” refers to both “regulations” and “standards” collectively.
 - e. The term “must” is equal to “shall” for standard requirements.
 - f. The term “follow” or “following” indicates that all rules listed or referred to apply.
 - g. The term “residentially zoned district” indicates R-1, T3.1, T3.2, and T4.1, inclusive.
- (2) Numbers, tables, diagrams, and illustrations are interpreted as follows:
 - a. Numerical standards control over graphic representations.
 - b. Where a fractional number occurs, numbers of 0.5 or greater are rounded up to the next whole number, and numbers less than 0.5 are rounded down.
 - c. A blank cell in a table means that the use or condition is not allowed.
 - d. Diagrams and illustrations within tables in this Code are regulatory.
 - e. All figures are illustrative.

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- (3) References to the Director mean:
 - a. The Planning Director; or
 - b. A designee of the Planning Director.
- (4) A reference to any titled position includes that position's duly authorized designee.

(b) Interpreting district boundaries

- (1) Where zoning district boundary location on the Official Zoning Map is uncertain or unclear, the following rules apply:
 - a. Zoning district boundaries are assigned to entire parcels of land.
 - b. District assignments are determined by parcel ID as maintained in the City of Bentonville Geographic Information System (GIS) and apply to the entire parcel as established through a professional boundary survey. Inquiries regarding parcel assignments may be directed to the Planning Department.
 - c. Any land annexed into the City of Bentonville without an assigned zoning district at the time of annexation, or otherwise not assigned a zoning district, is deemed to be assigned to the T2.1 District.
 - d. District boundaries that do not follow parcel lines are interpreted as follows:
 - 1. Boundaries following streets, alleys, railroads, streams, rivers, or lakes are interpreted as following the center lines of those features;
 - 2. Boundaries following City limit lines are interpreted as following the official City limit lines;
 - 3. Boundaries following lot lines or future lot lines are interpreted as following those features;
 - 4. Distances not specifically indicated on the Official Zoning Map are determined by using the map scale; and
 - 5. Where a boundary cannot be determined by any of the above methods, the Planning Commission is authorized to determine the location of the boundary.

(c) Measurements

- (1) Horizontal distances
 - a. Distances are measured in a straight line between the nearest points of the subject lots, parcels, or structures, unless otherwise specified.
 - b. Where a property line, street right-of-way, or public easement lies between two uses or structures, the measurement is made from the nearest point of each boundary line.
 - c. Curved boundaries are measured along the arc.
 - d. Distances are measured in a straight line from the building or leased space to the lot line of the protected use.
- (2) Rounding
 - a. Measurements expressed in whole numbers must be interpreted to the nearest tenth of a unit. Any fraction of 0.5 or greater is rounded up to the next whole unit.

SEC. 50-105. PURPOSE AND INTENT

- (a) The purpose of this Article is to implement Bentonville's Community Plan by establishing the legal foundation, authority, and structure of this Bentonville Community Code.
- (b) The intent of this Article is to support development that reflects the City's vision across multiple geographic and physical scales:
 - (1) Purpose generally:
 - a. To promote public health, safety, and general welfare;
 - b. To protect the character of established neighborhoods, historic districts, and sensitive natural areas; and
 - c. To fulfill the vision established in the Future Land Use Plan, which directs the desired future character and intensity of each part of the city.
 - (2) Purpose at the city scale:
 - a. To promote compact and mixed-use development in the form of centers and neighborhoods;
 - b. To design new developments for pedestrians and cyclists and automobiles;
 - c. To limit the amount and scale of districts focused on single uses;
 - d. To encourage diverse housing options and price points, accommodating different ages and income levels;
 - e. To provide daily activities within walking or biking distance of homes whenever feasible;
 - f. To ensure streets are interconnected, distributing car traffic and shortening travel distances for pedestrians and cyclists;
 - g. To design streets that accommodate pedestrians, cyclists, vehicles, trees, and utilities adequately and safely;
 - h. To coordinate water, sewer, and electrical systems with development, providing safe drinking water, effective collection and treatment of wastewater, and a dependable electrical supply while minimizing long-term maintenance costs; and
 - i. To distribute parks and civic spaces of various sizes and functions throughout the city, within walking or biking distance of most homes.
 - (3) Purpose at the block and building scale:
 - a. To enhance pedestrian comfort and encourage slower driving speeds by framing street edges with landscaping and buildings;
 - b. To prioritize pedestrian and cyclist safety while accommodating vehicle access; and
 - c. To enhance public safety by following Crime Prevention Through Environmental Design (CPTED) principles.

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ARTICLE 50-2 FUTURE LAND USE PLAN

SEC. 50-201 . PURPOSE AND INTENT

- (a) The purpose of this Article is to establish the relationship between the Bentonville Community Code and the City's adopted Future Land Use Map (FLUM).
- (b) The intent of this Article is to ensure that development decisions support the long-term vision for growth, land use, and community character established in the Community Plan. The standards in this Article are intended to govern zoning map amendments, subdivision patterns, and infrastructure investments in a coordinated and transparent manner.

SEC . 50-202. COMPLIANCE WITH THE FUTURE LAND USE PLAN

- (a) The Bentonville City Council has adopted the Future Land Use Map (FLUM) through Res. No 02/11/25M.
- (b) Zoning districts are limited by the Future Land Use Map place type, as regulated by [Table 2.1 Place Type Correlation with Zoning Districts](#).

SEC . 50-203. PLACE TYPES AND ZONING

- (a) Zoning district assignment is evaluated for appropriateness based upon the assigned Future Land Use Category, referred to as Place Type, as specified in [Table 2.1 Place Type Correlation with Zoning Districts](#).
- (b) Place types define the intended form, scale, and character of different areas. They serve as a bridge between the community's vision and the zoning standards needed to support it. The [place types](#) are described in the Community Plan.
- (c) Standard Review (SR) as assigned in [Table 2.1 Place Type Correlation with Zoning Districts](#) means a zoning district is conforming to the place type and subject to Sec. 50-708(e)(1) Standard review criteria.
- (d) Enhanced Review (ER), as assigned in [Table 2.1 Place Type Correlation with Zoning Districts](#) means a zoning district may potentially conform within the Place Type, but a careful evaluation of the surrounding area is required for approval and subject to Sec. 50-708(e)(2) Enhanced review criteria.
- (e) Blank cells in [Table 2.1 Place Type Correlation with Zoning Districts](#) means a zoning district is nonconforming, will not create the intended place type and may not be considered for rezoning unless the Future Land Use Map is amended.

TABLE 2.1 PLACE TYPE CORRELATION WITH ZONING DISTRICTS

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	GC	LI	LFI	MH
Centers														
Regional							SR	SR	SR	SR	ER	ER		
City							SR	SR	ER					
Neighborhood						SR	SR	ER						
Neighborhoods														
Urban					SR	SR	SR	ER						
Walkable				SR	SR	SR	ER							
Traditional			SR	SR	SR									
Suburban			SR	SR	ER									ER
Corridors														
Urban							SR	SR	SR					
Walkable							SR	SR	ER					
Suburban								SR			SR	ER		ER
Industry and Technology														
Industry and Technology											SR	SR	ER	
Rural														
Rural	SR	ER		ER										ER

SR: Standard review applies in accordance with Sec. 50-708(e)(1) Standard review criteria. Zoning district is appropriate for Place Type.

ER: Enhanced review applies in accordance with Sec 50-708(e)(2) Enhance review criteria. Zoning district may be appropriate for the Place Type with a positive compliance review.

Blank: Zoning district is not appropriate for Place Type and may not be considered for rezoning.

ARTICLE 50-3 LAND DEVELOPMENT**SEC. 50-301. PURPOSE AND INTENT**

- (a) This Article guides the development of minor subdivisions, major subdivisions, and large sites to ensure orderly growth and land use, despite differences in development type, process, and timing, by applying the design standards in [Sec. 50-502. Land development](#) according to the site size and development approach.
- (b) The intent of this Article is to:
 - (1) Implement the Community Plan;
 - (2) Apply rules to subdivisions, non-subdivided development, and sites of different sizes to result in similar built outcomes, all of which achieve the intent of [Sec. 50-502. Land development](#);
 - (3) Rely on the rules in [Article 50-4 Zoning](#) to direct building and site design, ensuring consistency in zoning districts across the city;
 - (4) Allow phased development to adjust over time while upholding these goals; and
 - (5) Ensure that these goals cannot be circumvented through multiple land divisions.

SEC. 50-302. APPLICABILITY**(a) General requirements**

1. All subdivisions and land divisions must comply with this Article. These rules apply to any action that creates, modifies, or reconfigures lots, blocks, streets, or public improvements.
2. All proposed uses of the site must comply with the zoning standards in [Article 50-4 Zoning](#) and the design standards in [Article 50-5 Design Standards](#).
3. All development must comply with applicable engineering, stormwater, and erosion control requirements in the [City of Bentonville Stormwater Pollution Prevention and Erosion Control Ordinance](#), [City of Bentonville Street Specification](#), [Stormwater Management and Drainage Manual](#), and all other requirements of the [Bentonville Municipal Code](#).
4. All development must comply with [Sec. 50-511. Natural resource protection](#).
5. Development must follow one of the paths listed in [subsection \(c\) Development types](#), based on project type and the functional outcome of the proposal, including whether the development creates, enables, or relies upon multiple legal lots or public streets intended to serve future lots..
6. Any development proposal intended to create, or reasonably expected to result in, multiple legal lots, tracts, or parcels shall comply with the subdivision procedures of this Article, regardless of whether development plan approval is also required.

(b) Exemptions

1. The following are exempt from this Article, but remain subject to [Article 50-4 Zoning](#) and [Article 50-5 Design Standards](#):
 - a. Residential development of no more than four dwelling units on a single lot of record that does not require off-site public improvements;
 - b. Agricultural buildings that meet the zoning requirements for the site;
 - c. Accessory structures that meet zoning requirements and do not require utility extension;
 - d. Non-residential changes of use, additions, or exterior alterations with less than 10,000 square feet of cumulative land disturbance that do not require subdivision or new buildings;
 - e. Projects eligible for review solely through permit-level review under [Sec. 50-721](#).

Permits; or

f. Projects that are otherwise exempt under this Code.

2. Projects exempt from this Article must still be reviewed as part of a Building Permit or other applicable permit to confirm compliance with zoning, access, and design standards.

(c) Development types

1. Development must follow one of the following sections, based on the scope and type of work proposed:
 - a. Sites not being subdivided that are not exempt under [subsection \(b\) Exemptions](#) must follow [Sec. 50-303. Development plans](#);
 - b. Lot splits, property line adjustments, and lot combinations must follow [Sec. 50-304. Minor subdivisions](#); or
 - c. Sites being subdivided must follow [Sec. 50-305. Major Subdivisions](#).
 - d. Sites involving phased development must also follow [Sec. 50-306. Phasing](#).
 - e. Sites involving campus plans must follow [Sec. 50-307 Campus Development Plan](#).

SEC. 50-303. DEVELOPMENT PLANS

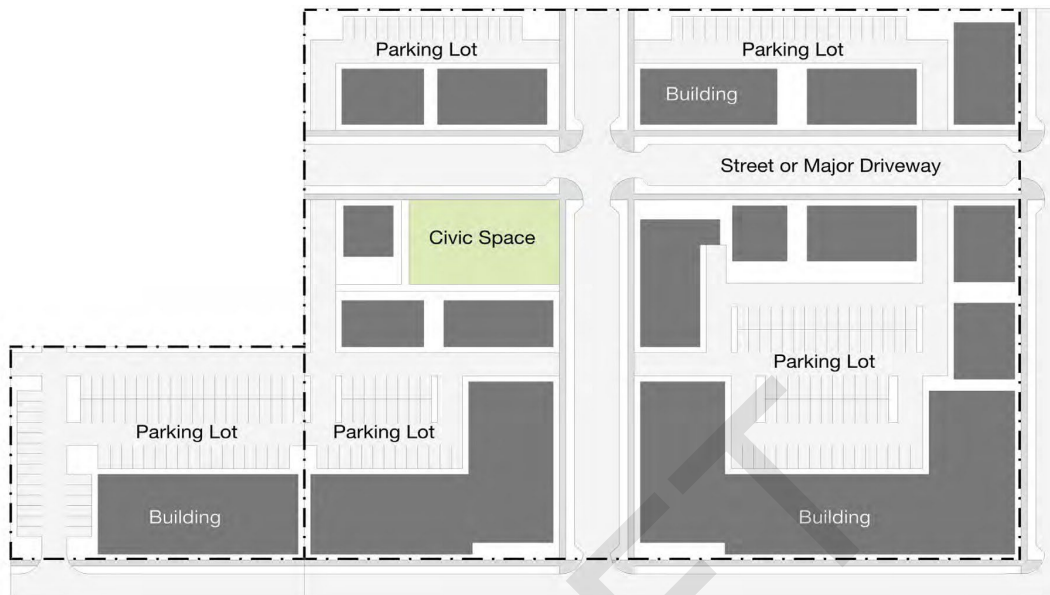
(a) General

- (1) Rules vary by site size, as specified in subsections (d) Sites 3 acres or less, (e) Sites over 3 and under 6 acres, and (f) Sites 6 acres and larger.
- (2) Development plans are reviewed as small-scale or large-scale development under [Article 50-7 Administration](#), based on subsections (b) and (c).
- (3) Development plans are reviewed according to the thresholds in subsections (d) through (h).
- (4) Development plan approval does not authorize the creation, conveyance, or recordation of legal lots.
- (5) Any proposal intended to result in multiple legal lots shall comply with the applicable subdivision procedures of this Article.
 - a. Where a development plan proposes or would reasonably result in seven (7) or fewer lots, the lots may be created through a Minor Subdivision in accordance with [Sec. 50-304 Minor Subdivision](#), following development plan approval.
 - b. Where a development plan proposes or would reasonably result in more than seven (7) lots, a Preliminary Plat is required. The Director may authorize concurrent review of the development plan and preliminary plat in accordance with [Article 50-7 Administration](#).
- (6) Condominiums, or horizontal and vertical property regimes, must comply with applicable state law.
- (7) The following rules apply as follows:
 - a. The following subsections explain how [Sec. 50-502. Land development](#) applies, which structures the overall development into blocks, streets and major driveways, and civic space;
 - b. Rules related to buildings and specific site design follow [Article 50-4 Zoning](#), which may be to the overall site or through future lots, following [subsection \(e\) Future lots](#);
 - c. [Sec. 50-506. Overlay districts](#) applies when a site is located within an overlay district;
 - d. Streets and alleys must follow [Sec. 50-602. Street design](#);
 - e. Major driveways must follow the dimensional standards for streets in [Sec. 50-602. Street design](#); and
 - f. [Sec. 50-509. Tree preservation](#), [Sec. 50-511. Natural resource protection](#), [Sec. 50-510. Landscape, screening, and buffering](#), [Sec. 50-606. Communications equipment](#), and the City's

City of Bentonville, Arkansas

[Flood Damage Prevention Code](#) apply to all sites.

FIGURE 3.1 DEVELOPMENT PLAN



Site < 3 acres See (b) Sites 3 acres or less	Site 3 to 6 acres See (c) Sites over 3 and under 6 acres
--	---

(b) Small-scale Development.

- (1) *Applicability.* Small-Scale Development is used for any development that meets all of the following:
 - a. One acre or less of land disturbance; and
 - b. Does not require off-site public improvements.
- (2) The Director may waive the requirement if the work clearly follows a previously approved plan or permit.
- (3) *Review process.* See [Sec. 50-704 Small-scale development review](#) for development review procedures.

(c) Large-scale Development.

- (1) *Applicability.* Large-Scale Development applies to any development that does not qualify as Small-Scale Development, including but not limited to development that:
 - a. Have a land disturbance exceeding one acre; or
 - b. Require off-site public improvements.
- (2) *Review process.* See [Sec. 50-705. Large-scale development review](#) for review procedures.

(d) Sites 3 acres or less

- (1) Circulation
 - a. Through lots must add a connection through the site, based on the lot width:
 1. Less than 400 feet wide: No through connection required;
 2. 400 to 600 feet wide: 1 mid-block trail or major driveway;
 3. 600 feet or wider: at least 1 major driveway; and
 4. Mid-block trail must follow the design standards in [Sec. 50-502 \(4\) Mid-block trails](#).
 - b. Circulation outside of the site must be extended:
 1. Streets that end at the site boundary must be extended with a major driveway or street through the site;
 2. Trails that end on the site must be extended following [Sec. 50-604. Trails and bikeways](#);
 3. Parking lot drive aisles that end on the site must be connected to an internal driveway; and
 4. Where the [Master Street Plan](#) shows a street through or along the site, it must be provided as specified in [Sec. 50-502 \(c\) \(2\) Street network](#).
- (2) Future Lots
 - a. Where a street or major driveway is provided through the site, buildings must be sited according to [subsection \(g\) Future lots](#).
 - b. All rules in [Article 50-4 Zoning](#) apply, evaluated for each future lot or for the site as a whole if there are no future lots.

(e) Sites over 3 and under 6 acres

- (1) Circulation
 - a. Circulation must be provided through the site to abutting streets and properties, except to developed properties, as follows:

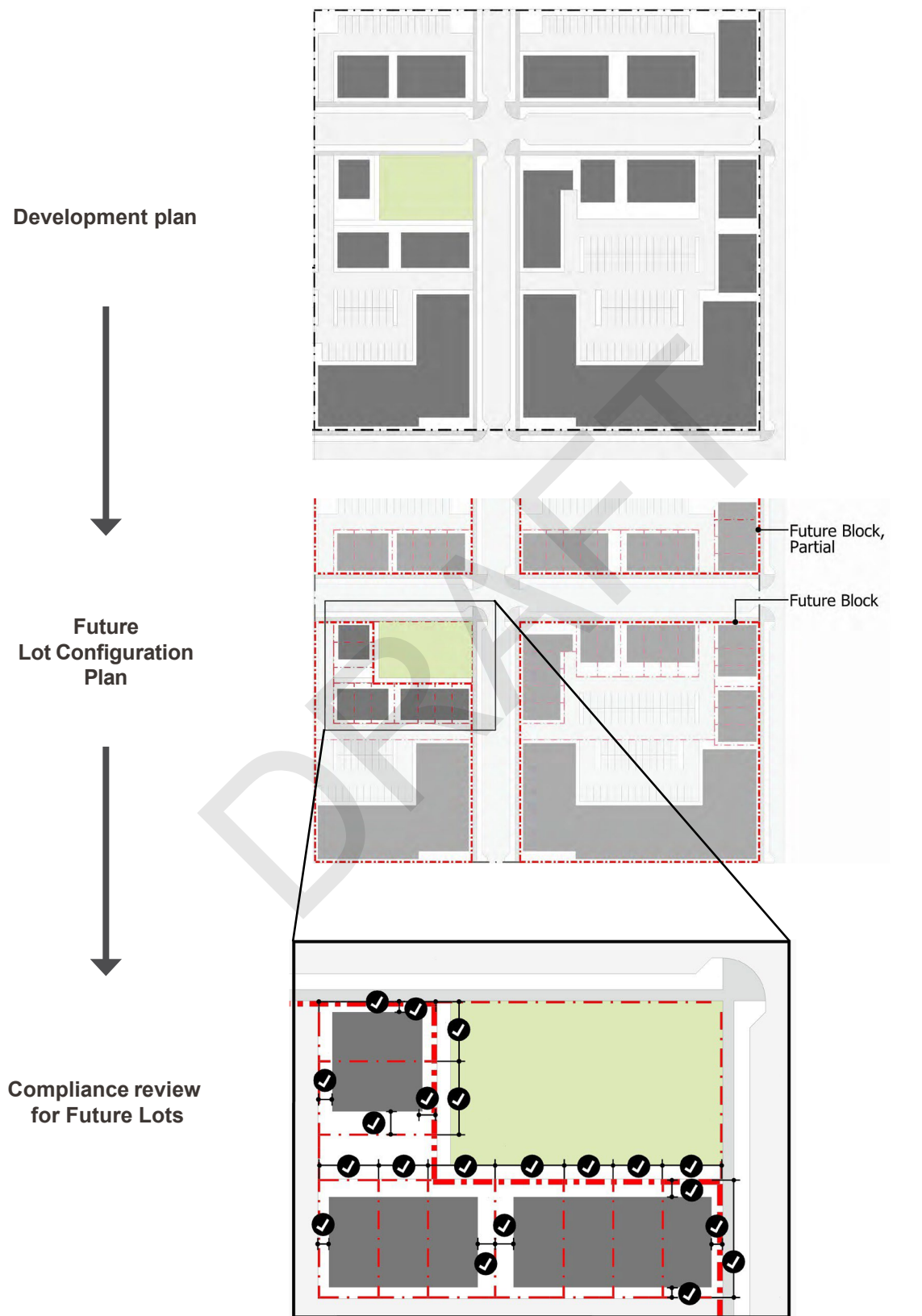
City of Bentonville, Arkansas

1. At least 1 major driveway is required;
 2. A mid-block trail is required if the distance between the major driveway and property lines exceeds 500 feet; and
 3. Mid-block trail must follow the design standards in [Sec. 50-502 \(4\) Mid-block trails](#).
 - b. Circulation outside of the site must be extended:
 1. Streets that end at the site boundary must be extended with a major driveway or street through the site;
 2. Trails that end on the site must be extended with a dedicated bicycle facility, following [Sec. 50-604. Trails and bikeways](#);
 3. Parking lot drive aisles that end on the site must be connected to an internal driveway; and
 4. Where the [Master Street Plan](#) shows a street through or along the site, it must be provided as specified in [Sec. 50-502 \(c\) \(2\) Street network](#).
 - (2) If contiguous open space greater than one-half acre is provided, excluding any required buffers, it must follow [Sec. 50-502 \(e\) Civic space standards](#).
 - (3) Buildings must be sited according to [subsection \(g\) Future lots](#).
 - (4) In GC and the Suburban Corridor Place Type, build-to area requirements under [Table 4.1 Zone Standards](#) do not apply.
- (f) Sites 6 acres and larger**
- (1) A connected circulation network is required, using major driveways or streets, as specified by [Sec. 50-502 \(c\) Circulation network](#).
 - (2) Civic space is required as specified in [Sec. 50-502 \(e\) Civic space standards](#).
 - (3) A future lot layout is required following [subsection \(g\) Future lots](#).
 - (4) Future lots must be organized into future blocks, following [subsection \(h\) Future blocks](#).
 - (5) In GC and the Suburban Corridor Place Type:
 - a. Up to 50% of major driveways, by center line length, may be designated service streets; and
 - b. The build-to area requirements under [Table 4.1 Zone Standards](#) do not apply along service streets.
- (g) Future lots**
- (1) The intent of future lots is to ensure that sites not formally subdivided have similar built outcomes to sites that are subdivided, by applying design standards consistently.
 - (2) Future lots are used to apply rules from [Article 50-4 Zoning](#), such as building setbacks, to sites not formally subdivided but reviewed through [Sec. 50-705. Large-scale development review](#).
 - (3) Future lots do not establish legal lots, do not imply subdivision approval, and shall not be recorded. Legal subdivision of land shown as future lots shall require approval and recording of a plat in accordance with this Article.
 - (4) A future lot layout must be provided, as shown in [Figure 3.2 Future Blocks and Lots](#).
 - (5) The future lot layout must meet the requirements specified in [Sec. 50-502 \(d\) Lot layout](#).
 - (6) Site design and vertical construction must comply with [Article 50-4 Zoning](#) standards using future lot lines shown on the future lot layout as though they are actual lot lines.
- (h) Future blocks**
- (1) The intent of future blocks is to ensure that sites not formally subdivided provide similar circulation

networks as sites that are subdivided, by applying design standards consistently.

- (2) Future blocks divide the site to provide external and internal circulation equivalent to streets and trails in subdivisions, as shown in [Figure 3.2 Future Blocks and Lots](#).
- (3) Future blocks are not binding for future ownership or legal subdivision.
- (4) All development must be within future blocks, other than development allowed in civic spaces.
- (5) Future blocks must follow the standards for blocks in [Sec. 50-502 \(b\) Blocks](#).
- (6) The Director may exempt a site from providing future blocks if according to [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

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FIGURE 3.2 FUTURE BLOCKS AND LOTS

SEC. 50-304. MINOR SUBDIVISIONS**(a) Applicability**

- (1) Minor subdivisions include lot splits, property line adjustments, and lot combinations that create no more than seven lots or tracts.

(b) General

- (1) The Director is responsible for determining whether a subdivision requires public improvements. That determination governs whether a Preliminary Plat and construction documents are required.
- (2) See [Sec. 50-706. Minor subdivision review](#) for development review procedures.

(c) Lot splits, property line adjustments, and lot combinations

- (1) Lot splits must not be used to avoid subdivision regulations.
- (2) A property may only be lot split into a maximum of seven lots or tracts in a five-year period.
 - a. Properties that have been split may be further divided through the major subdivision process according to [Sec. 50-305. Major Subdivisions](#).
- (3) Each lot resulting from a split, adjustment, or combination must follow [Sec. 50-502 \(d\) Lot layout](#).
- (4) Any vacatable utility easements may be vacated and new or expanded utility easements may be required.
- (5) Where the [Master Street Plan](#) shows a new street on the site and if an existing street stub abuts the site, the lot layout must comply with [Sec. 50-502 \(c\) \(2\) Street network](#), except block size requirements. Adequate right-of-way must be dedicated to meet the requirements of the Master Street Plan.
- (6) No lot splits are permitted if they result in a land locked property.
- (7) The lot split must not conflict with:
 - a. Neighboring land use or transportation patterns; or
 - b. Any plans adopted by the City of Bentonville.
- (8) All lots must have direct access to public water, sewer, and electric, or an approved source of water and sewer.
- (9) Applications must follow [Sec. 50-706 \(e\) Final plats](#).

SEC. 50-305. MAJOR SUBDIVISIONS**(a) Applicability**

- (1) Major subdivisions include all other divisions of land not eligible as minor subdivisions.

(b) General

- (1) Building permits and development plan approvals may be obtained after a Final Plat has been approved and filed.
 - a. Where early-building permits are proposed prior to Final Plat approval, applicants must comply with the provisions of [Sec. 50-707 \(d\) Early-build permits](#).
 - b. The Director may authorize concurrent review of a development plan and preliminary plat according to [Sec. 707\(f\) Concurrent review](#) of subdivision and development applications
- (2) Major subdivisions may be rezoned in advance of, or concurrent with a subdivision following

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[subsection \(b\) Subdivision zoning.](#)

- (3) The Director is responsible for determining whether a subdivision requires public improvements. That determination governs whether a Preliminary Plat and construction documents are required.
- (4) See Sec. 50-707. Major subdivision review for development review procedures.

(c) Subdivision zoning

- (1) Major subdivisions may require multiple zones, by size:
 - a. Less than 20 acres: May choose to rezone to one or multiple zones;
 - b. Between 20 and 40 acres: Must include 2 or more zones;
 - c. Between 40 and 160 acres: Must include 3 or more zones, except in Urban Corridor, Walkable Corridor, Suburban Corridor, Regional Center, and Suburban Neighborhood Place Types which only require 2 zones; and
- (2) Zoning approval may be obtained ahead of subdivision.
- (3) Zones must be assigned following these rules:
 - a. Each lot must be assigned only one zone;
 - b. All lots must be assigned zones consistent with the Future Land Use Place Type;
 - c. Civic space and open space must be zoned with Transect Zones;
 - d. Zone transitions should occur across alleys or along streets, not across streets, as illustrated in [Figure 3.3 Zone Transitions](#);
 - e. Transect zones must not transition by more than 1 main category (like T3 to T4);
 - f. Sites over 40 acres must follow the zoning mix requirements in [Table 3.5 Zoning Mix for Subdivisions over 40 Acres](#);
 - g. Within Neighborhood Center Place Types, zones must be assigned following the rules below, as shown in [Figure 3.4 Zone Transitions for Neighborhood Center Place Types](#):
 1. T5 is limited to lots within 660 feet of an arterial or collector intersection; and
 2. T5 or T4 must be assigned to all lots abutting existing arterials or collectors.

FIGURE 3.3 ZONE TRANSITIONS

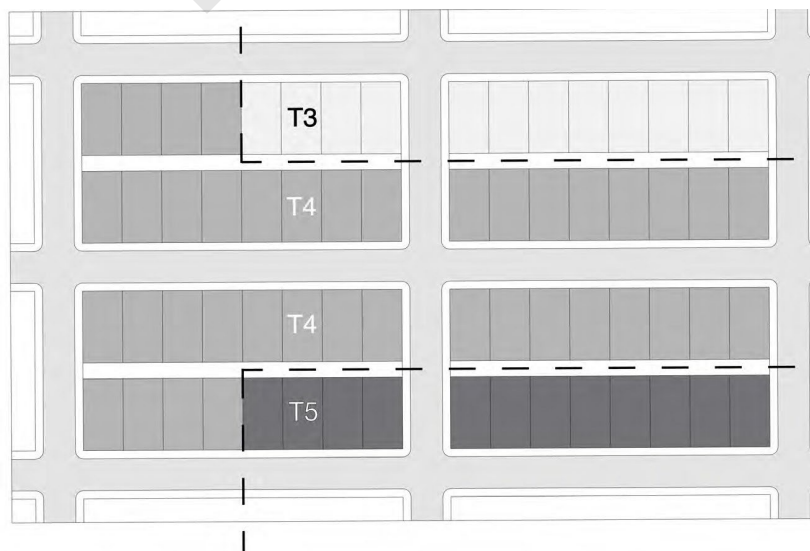


FIGURE 3.4 ZONE TRANSITIONS FOR NEIGHBORHOOD CENTER PLACE TYPES

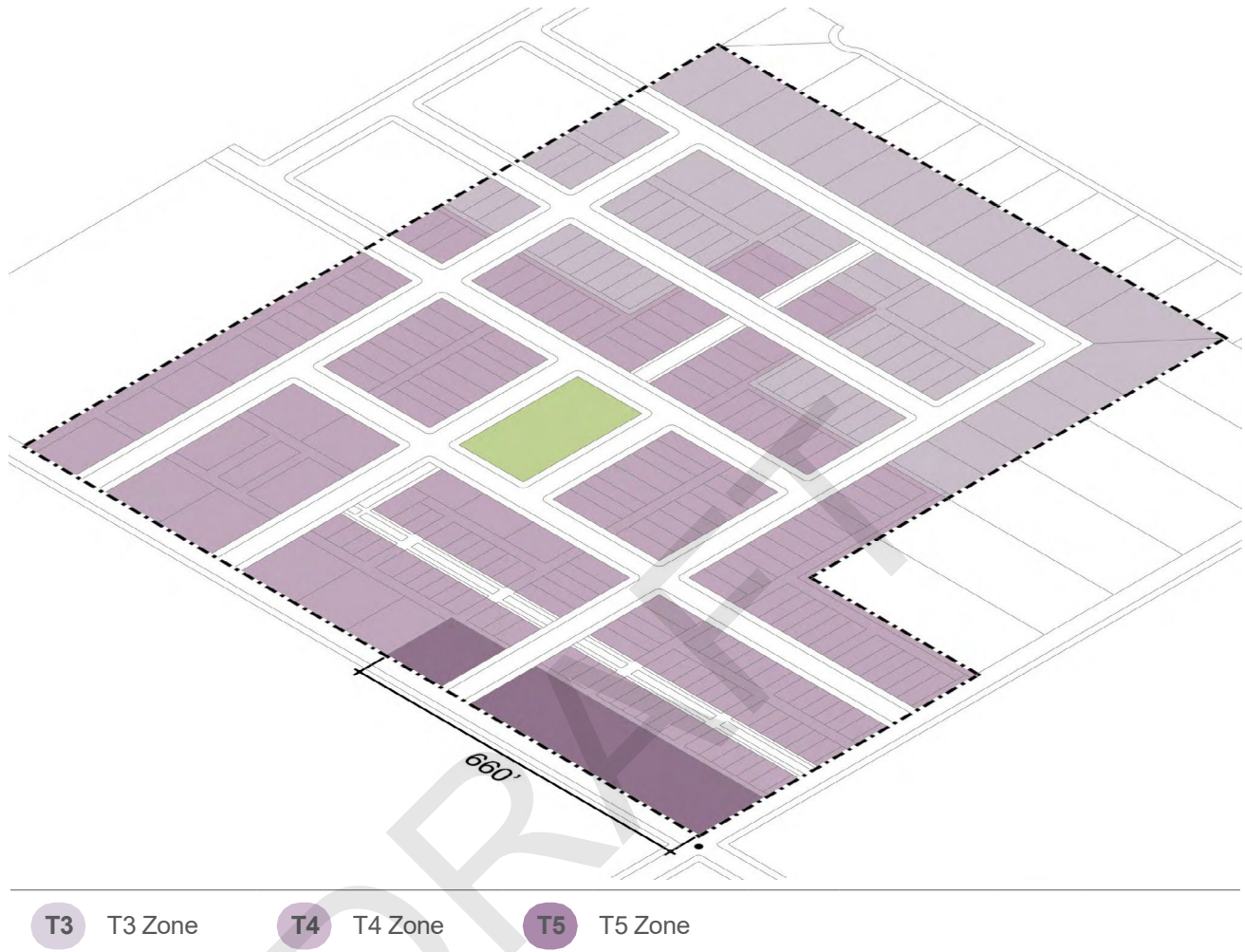


TABLE 3.5 ZONING MIX FOR SUBDIVISIONS OVER 40 ACRES

Place Type	Zones Allowed													
	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	GC	LI	LFI	
Centers														
Regional	E							20% max.	60% max.	60% max.	ER	ER		
City							40% max.	No max.	50% max.					
Neighborhood						20% max.	50% max.	60% max.						
Neighborhoods														
Urban	E				20% max.	40% max.	60% max.	ER						
Walkable			ER	20% max.	40% max.	60% max.	ER							
Traditional				40% max.	60% max.									
Suburban				No max.	40% max.									
Corridors														
Urban	E						40% max.	No max.	No max.		E			
Walkable						60% max.	ER							
Suburban									No max.			No max.	20% max.	
Industry and Technology														
Industry and Technology	E										No max.	No max.	No max.	
Rural														
Rural	No max.	20% max.	E	SR										

SR: Standard review applies in accordance with Sec. 50-708(e)(1) Standard review criteria. Zoning district is appropriate for Place Type.

ER: Enhanced review applies in accordance with Sec 50-708(e)(2) Enhance review criteria. Zoning district may be appropriate for the Place Type with a positive compliance review.

E: Zone only applies to existing lots, not available for rezoning.

SEC. 50-306. PHASING

(a) General

- (1) Development may be phased to coordinate construction over time.
- (2) Any development or subdivision proposed to be constructed in phases shall include a phasing plan at the time of Development Plan or Preliminary Plat application.
- (3) Phasing plans are approved by the Planning Commission concurrently with development plan or preliminary plat approval.
- (4) Submittal of a phasing plan after development plan or preliminary plat approval is considered a major revision and requires approval by the Planning Commission following [insert reference].
- (5) All off-site public improvements must be completed within the first phase.
- (6) Each phase must meet the requirements for streets, utilities, stormwater, and civic space without reliance on undeveloped phases.
- (7) Areas intended to satisfy civic space minimum standards must not be deferred to later phases unless approved by the Planning Commission.
- (8) Approval of a phasing plan authorizes the City to administer each phase as a separate project for purposes of permitting, inspection, fee assessment, financial guarantees, and acceptance of improvements.
- (9) Phasing requirements differ according to development type:
 - a. Development plans follow [subsection \(c\) Site phasing](#); and
 - b. Subdivisions follow [subsection \(d\) Subdivision phasing](#).

(b) Temporary improvements

- (1) Temporary improvements may be allowed to ensure safe and functional infrastructure in early phases, provided they:
 - a. Maintain emergency access and circulation;
 - b. Do not conflict with later phases; and
 - c. Are clearly identified in the phasing plan.
- (2) Examples of allowed temporary improvements include:
 - a. Temporary turnarounds or hammerheads;
 - b. Temporary drainage systems that connect to future permanent infrastructure;
 - c. Temporary utility stubs and easements to serve early phases; and
 - d. Gravel or paved surface treatments for future street corridors.
- (3) The phasing plan must include details and time lines for removal or conversion of temporary infrastructure to permanent systems.
- (4) Temporary improvements may require financial surety or guarantees under Sec. 50-724. Public improvement and dedication to ensure completion.

(c) Site phasing

- (1) Site phasing may involve building different parts of the site in sequence, or completing portions of the work in stages within the same area.
- (2) Phasing plans must indicate:
 - a. Site and phase boundaries;

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- b. Public improvements to be completed with each phase;
- c. Utility extensions, stormwater systems, and shared infrastructure to support each phase;
- d. Sequencing and estimated timing of phases, including anticipated start and completion dates;
- e. Civic space locations, sizes, and types, with a description of how open space will be proportionally provided with each phase;
- f. Building location, size, and use for buildings to be constructed with each phase; and
- g. Circulation for each phase, demonstrating safe access to all buildings for pedestrians, bicycles, and vehicles.

(3) Phasing must prioritize building construction along existing streets and new civic spaces to the greatest extent possible.

(4) Phasing plans are approved concurrently with Development Plan approval.

(5) Each approved phase shall be processed as a separate project for purposes of pre-construction review, fee assessment, bonding, inspections, and issuance of certificates of occupancy.

(6) Phasing plan modifications that alter phase boundaries, sequencing, or required improvements may be approved by the Director, unless such modification materially increases impacts or defers required infrastructure, in which case Planning Commission approval is required.

(d) Subdivision phasing

(1) Phasing plans must indicate:

- a. Subdivision and phase boundaries;
- b. Public improvements to be completed with each phase;
- c. Utility extensions, stormwater systems, and shared infrastructure to support each phase;
- d. Sequencing and estimated timing of phases, including anticipated start and completion dates; and
- e. Civic space locations, sizes, and types, with a description of how open space will be proportionally provided with each phase.

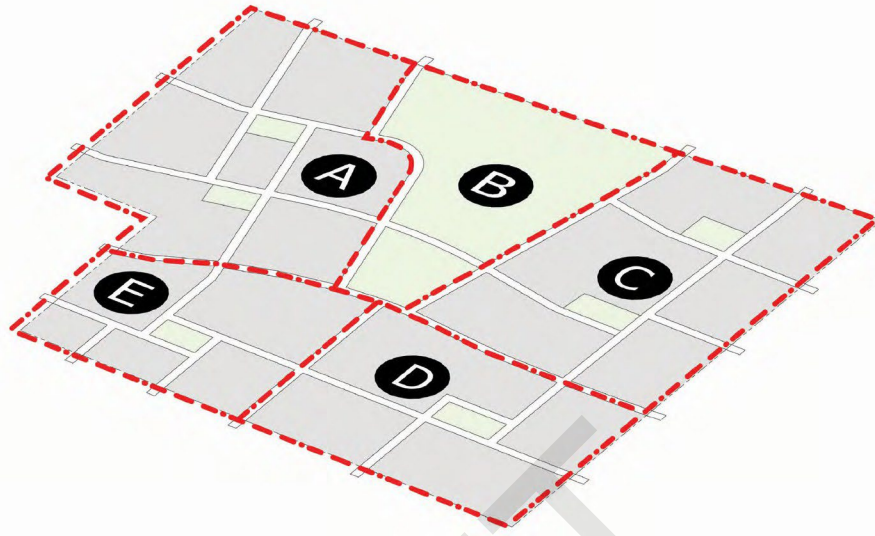
(2) Phasing plans are approved concurrently with Preliminary Plat approval.

(3) Phasing plan modifications require approval by the Director.

(4) Final Plat approval and recording shall be required for each phase.

(5) Each approved phase shall be processed as a separate project for purposes of pre-construction review, fee assessment, bonding, inspections, and issuance of certificates of occupancy.

(6) Phasing plan modifications that alter phase boundaries, sequencing, or required improvements may be approved by the Director, unless such modification materially increases impacts or defers required infrastructure, in which case Planning Commission approval is required.

FIGURE 3.6 PHASING ILLUSTRATION

Letter A, C, D, E: Phase

Letter B: Civic space, developed alone or with other phases

Figure depicting a phasing plan divided into 4 phases plus a large civic space. The phasing plan indicates the main circulation network and most prominent civic space in each phase.

(e) Enforcement of phasing schedules

- (1) The Director may suspend further development activity in any phase if the applicant fails to meet the phasing schedule without good cause.
- (2) A delay that results in expiration of a development approval is governed by [Sec. 50-723. Duration and expiration of approvals](#). Any reactivation after expiration must follow the resubmittal or extension process in that section, in addition to the revised phasing plan required by subsection (2).

SEC. 50-307 CAMPUS DEVELOPMENT PLAN

(a) Applicability

- (1) Campus Development Plans are available for any development that elects to apply the alternative standards in [Sec. 50-507. Campus development standards](#).
- (2) To qualify for this process, the development must:
 - a. Include an institutional or corporate anchor use; and
 - b. Contain a minimum of 8 acres under unified ownership or long-term control.

(b) Review. See [Sec. 50-708. Campus development plan review](#) for development review procedures.

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SEC. 50-308 OFF-SITE INFRASTRUCTURE IMPROVEMENTS**(a) On-site versus off-site improvements.**

- (1) *On-site.* On-site improvements are adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc. as required by the Bentonville Community Code.
- (2) *Off-site.* Off-site improvements are not adjacent or interior to a project; such as the extension of an off-site sewer line to the property boundary, off-site stormwater improvements, or an off-site intersection improvement, etc. as determined by this section.

(b) Required off-site infrastructure improvements.

- (1) Off-site improvements that are roughly proportional and bear a rational nexus to the impact of the development are required for all development. The developer must install on and off-site improvements where the need for such improvements is created by the proposed development.

(c) Standards applicable.

- (1) On and off-site improvements required must be made according to city standards. The developer is responsible for that portion of the cost of off-site improvements with a rational nexus to the needs created by the development.

(d) Proportionate share for off-site improvements.

- (1) *Determining authority.* At the time of development approval, the approval body will determine whether the proposed development creates a need for off-site improvements and the portion of the cost of any needed off-site improvements that is the developer's responsibility.
- (2) *Determining proportionate share.* In determining that portion of the cost of off-site improvements which is the developer's responsibility, the approval body may consider the acreage within the proposed development as a percentage of all the acreage which, when fully developed, will benefit from the off-site improvements. The approval body may use a different method of measurement if it determines that use of the acreage standard will not result in the developer bearing that portion of the cost which bears a rational nexus to the needs created by the development.

(e) Necessity for off-site improvements.

- (1) *Streets.*
 - a. When a proposed development has access to paved streets only by way of substandard or unimproved streets leading from the development to the paved streets, the developer is responsible for contributing their proportionate share of the cost to improve the substandard streets to city standards with a minimum pavement width of twenty feet.
 - b. Street widening and/or new street construction off-site may be required to address traffic impacts identified in a traffic impact analysis based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving according to Street Specifications.
- (2) *Drainage.* Off-site drainage improvements are required whenever a proposed development causes the need for such improvements.
 - a. *Curbs and gutters.* Curbs and gutters off-site may be required to address drainage and/or stormwater impacts based on the rough proportion and rational nexus to impacts of the project. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.
 - (3) *Utilities.* Off-site utility improvements, such as extensions of new infrastructure or upgrades to existing infrastructure, are required whenever a development causes the need for such improvements.
- (4) *Traffic Signals.* As determined to be needed based on the rough proportionality and rational nexus of the impacts of the development.

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- (5) *Sidewalks*. Sidewalks may be required to be installed off-site to connect to the nearest sidewalk network based on the rough proportionality and rational nexus of the impacts of the development.
- (6) *Other infrastructure improvements*. Other infrastructure improvements may be required where the need for such improvements is created by the proposed development as determined by the Planning Commission.

(f) Delayed Improvements

- a. The approval body may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with [Sec. 50-724 Public Improvements and Dedications](#).

(g) Waiver

- a. A waiver of off-site improvements may be granted in accordance with [Sec. 50-716 Administrative Adjustments and Waivers](#).

(h) Performance Guarantee

- a. At or prior to the pre-construction conference with the City, the developer shall provide a performance guarantee in accordance with [Sec. 50-724 Public Improvements and Dedication](#).

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ARTICLE 50-4 ZONING**SEC. 50-401. PURPOSE AND INTENT**

- (a) This Article sets the rules for how land and buildings can be used and arranged in Bentonville through zoning districts. These zoning rules are intended to protect public health, safety, and general welfare.
- (b) Bentonville uses two types of zoning districts and a series of overlay districts:
 - (1) Transect Districts, which focus on how buildings relate to each other to form safe, walkable streets and neighborhoods, from rural areas to the center of downtown; and
 - (2) Special Purpose Districts, which are used for areas that need specific rules based on their function, such as large campuses and industrial areas.
 - (3) Overlay Districts, which provide additional standards for specific locations, including two overlays for the downtown area and two overlays for the airport area, to guide development and protect the character and function of those areas. Standards are located in [Sec. 50-506. Overlay districts](#).
- (c) Transect districts intend to:
 - (1) Support historic neighborhoods and downtown areas;
 - (2) Guide growth in the form of walkable, bikeable, drivable, and transit-friendly places;
 - (3) Help new building fit in with their surroundings;
 - (4) Protect rural and natural areas by encouraging compact development;
 - (5) Align the intensity of development with appropriate infrastructure investment, so that more urban transect zones help lower long-term costs for streets and utilities by supporting compact, efficient service delivery; and
 - (6) Make public services more affordable through compact and efficient growth.
- (d) Special Purpose Districts intend to:
 - (1) Set aside space for businesses and services that depend on driving or large format operations;
 - (2) Support campuses that are designed around walking and biking; and
 - (3) Make sure these uses are located in the right places and follow rules to fit in with their surroundings.

SEC. 50-402. TRANSECT DISTRICTS

- (a) The City of Bentonville utilizes the following transect districts for zoning, shown on the City of [Bentonville Official Zoning Map](#):
 - (1) T2.1: Rural;
 - (2) T2.2: Rural Node;
 - (3) T3.1: Neighborhood Edge;
 - (4) T3.2: Neighborhood Transition;
 - (5) T4.1: Neighborhood General;
 - (6) T4.2: Neighborhood Node;
 - (7) T5.1: Town Center Low;
 - (8) T5.2: Town Center High; and
 - (9) T6: Urban Center.
- (b) Rules may specify district names using a main category (like T3 or T5) and sometimes a sub-category (like T3.1 or T5.2). Here is how they apply:

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- (1) If only the main category is listed, like T4, the rule applies to all sub-categories under it: T4.1 and T4.2;
- (2) If both the main and sub-category are listed, like T4.2, the rule applies only to that specific district, not to T4.1; and
- (3) If a rule includes a mix, like “T4 and T3.2”, apply each part individually: it applies to T4.1 and T4.2, and also to T3.2, but not to T3.1.
- (4) Rules may include transect districts along with special purpose districts, or specify only one or the other.
- (5) Rules that do not specify a transect district or special purpose district apply to all districts.

SEC. 50-403. SPECIAL PURPOSE DISTRICTS

- (a) The City of Bentonville utilizes the following special purpose districts for zoning, shown on the City of [Bentonville Official Zoning Map](#):
 - (1) R-1: Suburban Single-Family;
 - (2) GC: General Commercial;
 - (3) LI: Light Industrial;
 - (4) LFI: Large Format Industrial; and
 - (5) MH: Manufactured Housing.
- (b) Rules may include special purpose districts along with transect districts, or specify only one or the other.
- (c) Rules that do not specify a transect district or special purpose district apply to all districts.

SEC. 50-404. OVERLAY DISTRICTS

- (a) Overlay districts apply additional design rules to specific areas of the city to protect character, guide redevelopment, or address special conditions.
- (b) Overlay districts are shown on the [Bentonville Official Zoning Map](#).
- (c) Because overlay districts regulate design rather than use, their standards are located in [Article 50-5 Design Standards](#), [Sec. 50-506. Overlay districts](#).
- (d) The following overlay districts are established:
 - (1) Downtown Center Overlay
 - (2) Downtown Neighborhood Overlay
 - (3) Bentonville Municipal Airport Overlay
 - (4) Northwest Arkansas National Airport Overlay

SEC. 50-405. STANDARDS FOR ZONING DISTRICTS**(a) General**

- (1) All development must follow these sections in [Article 50-5 Design Standards](#):
 - a. [Sec. 50-503. Site design](#) related to driveways, walkways, parking, and similar site specifics;
 - b. [Sec. 50-504. Vertical construction](#) related to building and fence design and placement;
 - c. [Sec. 50-505. Zone Transitions](#) specifying transition rules between different districts;
 - d. [Sec. 50-506. Overlay districts](#) specifying rules for overlay districts;
 - e. [Sec. 50-508. Signs](#);
 - f. [Sec. 50-509. Tree preservation](#) and [Sec. 50-510. Landscape, screening, and buffering](#) for landscape requirements, materials, and installation; and

g. [Sec. 50-511. Natural resource protection](#) specifying rules for natural resources and hazards.

- (2) [Table 4.1 Zone Standards](#) provides a summary of the basic rules for each zoning district.
- (3) Rules for the use of properties and buildings are found in [Sec. 50-406. Use standards](#).
- (4) Lot splits and other land subdivisions must follow the rules of [Article 50-3 Land Development](#).
- (5) Sites 1 acre or larger may have additional rules imposed in [Article 50-3 Land Development](#).
- (6) Setbacks, lot width, building footprint, and impervious area may be available for Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).

(b) Height

(1) Maximum height

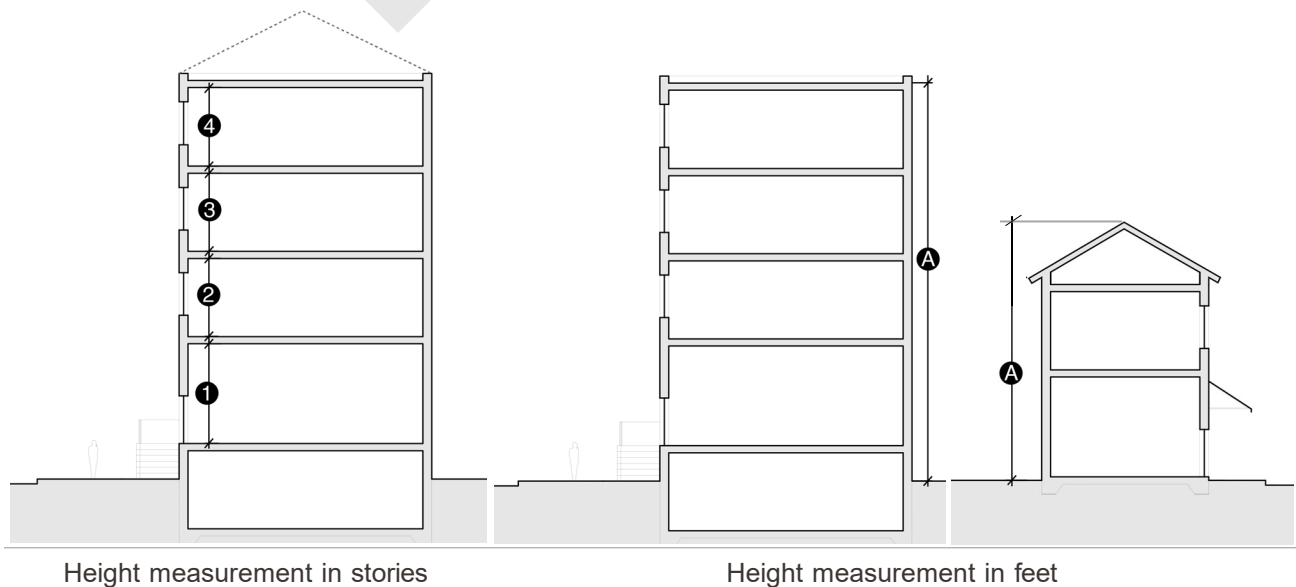
1. The maximum allowed height for buildings and other structures is regulated by both :
 1. A maximum number of stories; and
 2. A maximum overall height in feet ("not-to-exceed" height), as established by zoning district and listed in **Table 4.1 Zone Standards**.
- b. Height is measured according to the rules in [subsection \(2\) Height measurement](#).
 1. Maximum heights in single-family zoning districts are also capped by maximum feet.
- c. The following features are allowed to extend above the maximum overall height, provided they comply with the limitations below and do not include habitable floor area unless expressly allowed:
 1. Chimneys, up to 4 feet above the roof ridge or parapet;
 2. Rooftop equipment on flat roofs, up to 6 feet above the parapet, if:
 - i. It is set back at least 10 feet from the edge; and
 - ii. It is screened from view along public sidewalks.
 3. Parapets, up to 4 feet above a flat roof or above the eave of a sloped roof;
 4. Water tanks, when needed to maintain pressure;
 5. Elevator overruns and bulkheads necessary to house mechanical equipment;
 6. Stair enclosures providing roof access, up to 10 feet above the flat roof; and
 7. Limited rooftop habitable space is permitted on buildings with flat roofs in T4, T5, and T6 zoning districts, subject to the following standards :
 - i. No more than one additional level of habitable space is permitted above the primary roof plane;
 - ii. The rooftop level shall not exceed 12 feet in height, measured from the roof surface to the top of the roof or parapet of the rooftop level;
 - iii. The total floor area of rooftop habitable space shall not exceed 400 square feet;
 - iv. The rooftop level shall be set back a minimum of 10 feet from all roof edges; and
- d. The rooftop level shall be designed to minimize visibility from public streets through setbacks, roof form, and architectural integration with the primary structure. Special architectural features, including but not limited to clock towers, steeples, bell towers, and decorative parapets, may exceed the maximum overall building height if approved as an Administrative Adjustment pursuant to [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

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(2) Height measurement

- a. Height is measured:
 1. From the front lot line sidewalk grade for buildings located within 30 feet of the front lot line; or
 2. From the highest adjacent existing grade for buildings located more than 30 feet from the front lot line; and
 3. Once for the entire building if the building footprint if it is less than 100 feet wide or deep;
 4. At intervals of every 100 feet of building length or depth for larger building;
 5. At each street frontage for buildings on through-lots; and
 6. More frequent if requested by the applicant or required by staff for complex sites or building configurations.
- b. Height measured by number of stories:
 1. A story is defined as a level of a building between finished floor surfaces that contains occupiable space.
 2. The total number of stories is counted vertically from the grade plane used for height measurement to the highest occupied floor level.
 3. Mezzanines exceeding 40 percent of the floor area of the level below are counted as an additional story.
 4. Stories located entirely below grade do not count toward building height, provided they extend no more than 4 feet above finished grade.
 5. Finished attics under sloped roofs are not counted as a story if:
 - i. The attic floor area does not exceed 30 percent of the floor area below; and
 - ii. The space does not exceed the maximum overall height in feet.
- c. Height measured by feet:
 - i. Overall building height is measured to the highest point of the roof structure, as illustrated in Figure 4.1, Height Measurement.
 - ii. The measured height shall not exceed the maximum overall height in feet listed in Table 4.1 Zone Standards, regardless of the number of stories provided.
- d. A minimum ground floor height applies where specified in [Table 4.1 Zone Standards](#).

FIGURE 4.1 HEIGHT MEASUREMENT

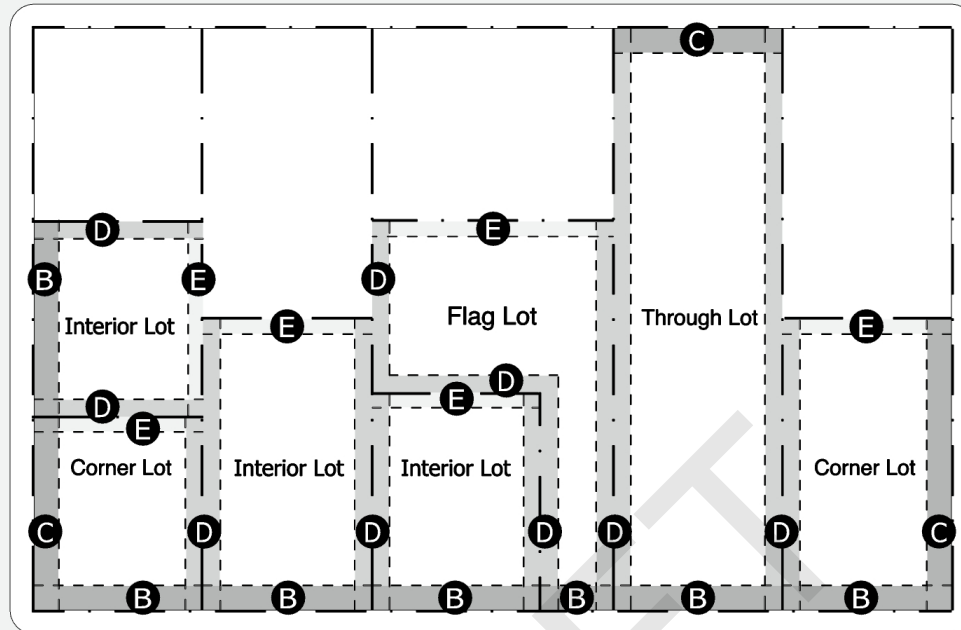


(c) Setbacks**(1) Minimum Setbacks**

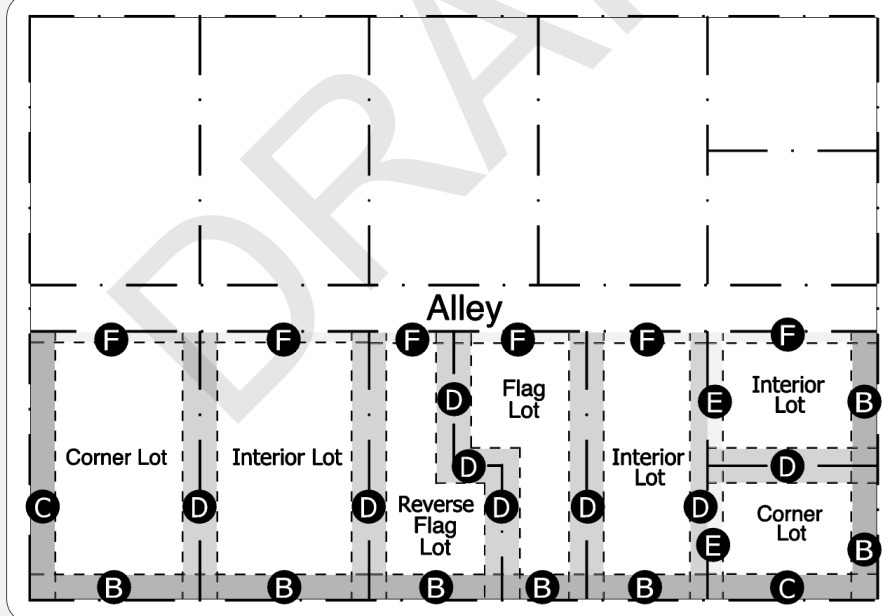
- a. Buildings must be set back from lot lines as listed in [Table 4.1 Zone Standards](#).
- b. Parking within buildings must be set back from lot lines following parking setbacks in [Table 4.1 Zone Standards](#). Additional parking structures rules are in [Sec. 50-504 \(b\) Parking structures](#).
- c. The location of each setback is determined as follows, and shown in [Figure 4.2 Setbacks for Typical Lot Conditions](#) and [Figure 4.3 Setbacks for Special Lot Conditions](#):
 1. Front Setback: Measured from the front lot line, typically the side with the street address, or from a trail or civic space if applicable, determined by the Director;
 2. Side Street Setback: Measured from any street-facing lot line that is not the front;
 3. Side Setback: Measured from lot lines shared with neighboring properties, with the following considerations:
 - i. If the side lot line borders an alley, the alley setback applies;
 - ii. If the zoning standard allows 0 feet or another number (e.g., 0 ft. or 6 ft. min.), you may:
 - (i) Use 0 feet for attached buildings; or
 - (ii) Use the larger minimum setback if the building is not attached.
 - iii. In T4 zones, side setbacks of 0 feet are only allowed for attached townhomes. End units must provide the larger minimum setback listed for the zone.
 4. Alley Setback: Measured from any lot line bordering an alley, a shared parking area, or an access easement providing vehicle access to the lot; and
 5. Rear Setback: Measured from the rear lot line, usually opposite the front lot line. If the rear lot line borders an alley, the alley setback applies.
- d. If a street or alley is located within an easement or right-of-way that overlaps the lot boundary, the setback is measured from the edge of the easement or right-of-way, not the property line.
- e. Utility and other easements may require additional setbacks beyond the minimums listed.
- f. Setbacks are measured from lot lines to the finished vertical wall structure; foundations, wall finishes, eaves, and other projections are not allowed within easements.
- g. Setbacks as required by [Table 4.1 Zone Standards](#) may be reduced from the minimum setback if approved as an Administrative Adjustment according to [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

(2) Pools, Patios, Decks, and Accessory Structures

- a. Minimum setbacks are as listed in [Table 4.1 Zone Standards](#).

FIGURE 4.2 SETBACKS FOR TYPICAL LOT CONDITIONS

Setbacks for common lot conditions without an alley



Setbacks for common lot conditions with an alley

A Buildable Area (white)

B Front Setback*

C Side Street Setback*

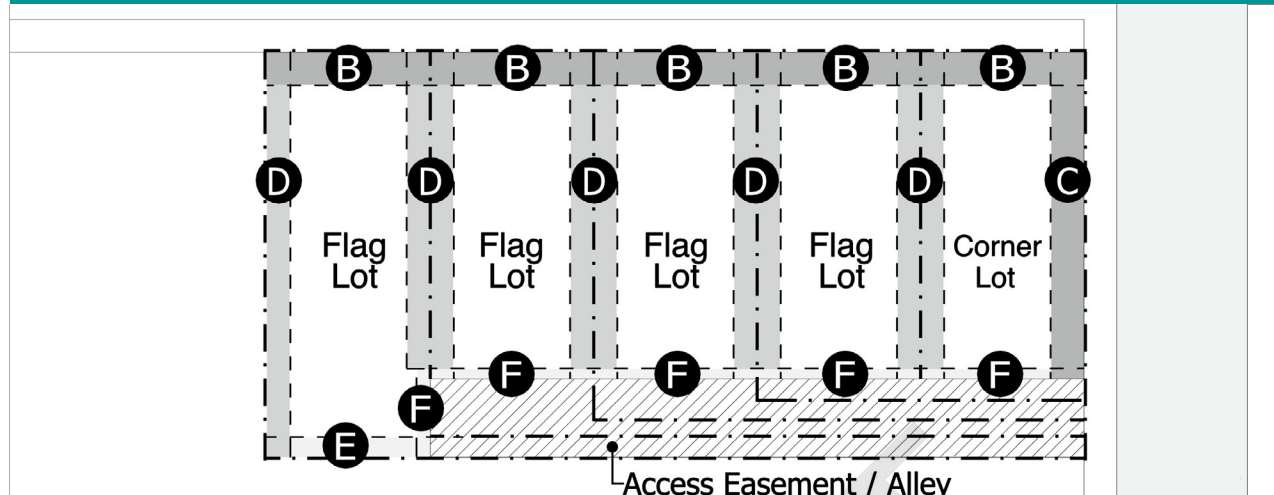
D Side Setback (interior)*

E Rear Setback*

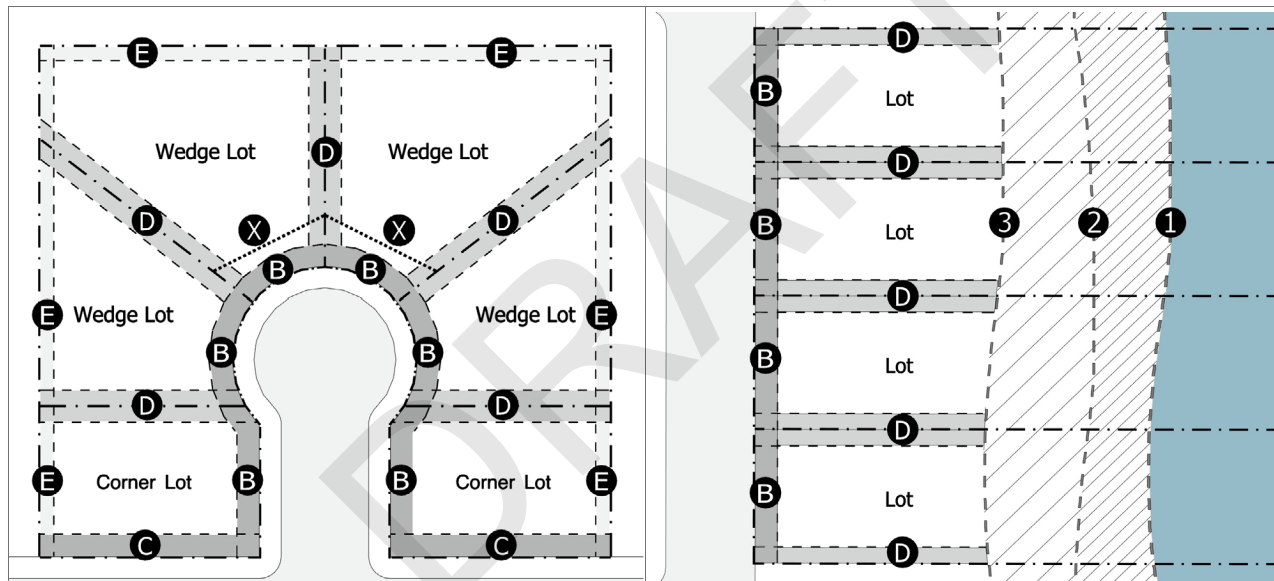
F Alley Setback*

* Utility easements and fire access standards may increase or otherwise modify setbacks.

FIGURE 4.3 SETBACKS FOR SPECIAL LOT CONDITIONS



Setbacks for trail fronting lots with utility access flag lots



Setbacks from culs-de-sac

Setbacks from water bodies

- | | |
|--|-----------------------------------|
| A Buildable Area (white) | D Side Setback (interior)* |
| B Front Setback* | E Rear Setback* |
| C Side Street Setback* | F Alley Setback* |
| X Wedge setback is the greater of B or where the lot is 50 feet wide tangent to the wedge (X).* | |
| 1 Floodway | 2 Flood Hazard Area |
| | 3 Base Flood Elevation |

The closest boundary of #1, #2, or #3 serves as the Rear Setback or Side Setback, as appropriate.

* Utility easements and fire access standards may increase or otherwise modify setbacks.

(3) Maximum Setbacks

- a. If a maximum front or side street setback is listed in [Table 4.1 Zone Standards](#), it establishes a build-to area between the minimum and maximum, as shown in [Figure 4.4 Build-to Area](#).
- b. In T5 and T6 zoning districts, buildings must occupy at least 70% of the width of the build-to area. This percentage does not include side setbacks, side street setbacks, driveways, or forecourts, as shown in [Figure 4.5 Build-to Area Occupation](#).
- c. The maximum front setback may be exceeded when a forecourt is located along the front lot line or at the corner of a corner lot, as long as these conditions are met:
 1. The forecourt area is no larger than 1,800 square feet in T5 and T6;
 2. The forecourt area is no larger than 3,200 square feet in T4;
 3. The forecourt width is no more than 40% of the lot width;
 4. Corner forecourts have buildings along two sides;
 5. Interior forecourts have building along three sides;
 6. Any building sides that face the forecourt must meet minimum entry, glazing, and active use requirements; and
 7. At least 60% of the forecourt surface must be paved.
- d. If a utility or access easements is deeper than the maximum setback, the setback is adjusted to be 2 feet behind the edge of the easement.
- e. Where front parking is allowed under [Sec. 50-503 \(h\) Car parking and circulation](#), the maximum setback is measured as 2 feet from the interior edge of the front parking area. The front parking area includes the sidewalk and planting area as well as parking and drive aisles.
- f. Flag lots with a front or side street lot width less than 60 feet are exempt from the relevant maximum setback requirement and build-to area occupation.
- g. Institutions and places of assembly may exceed the maximum front setback if approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).

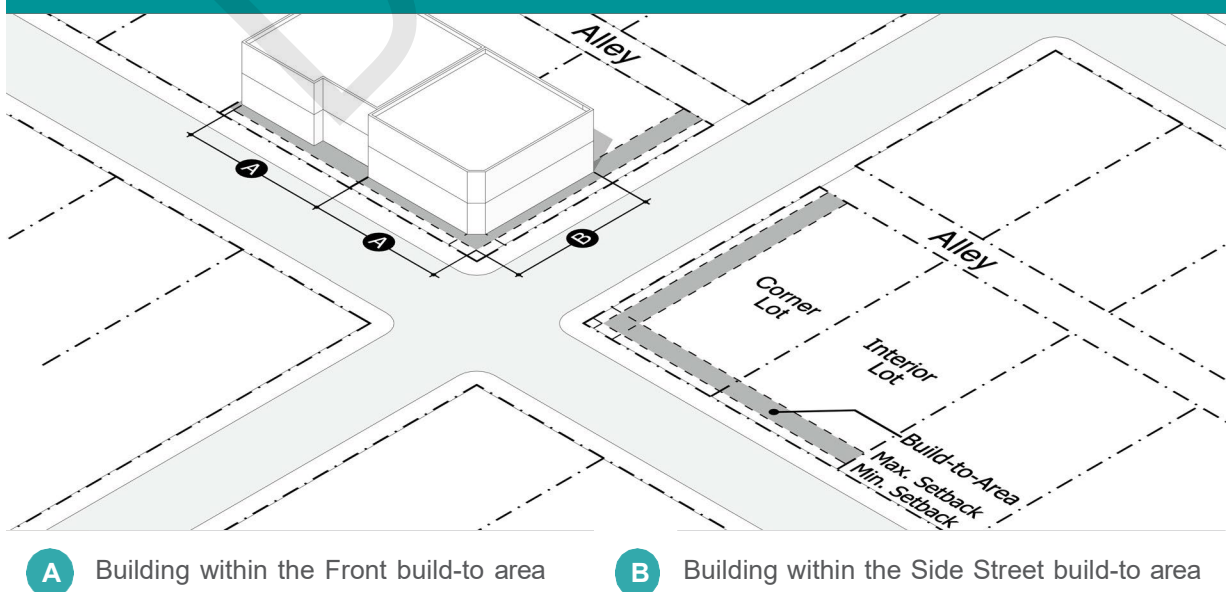
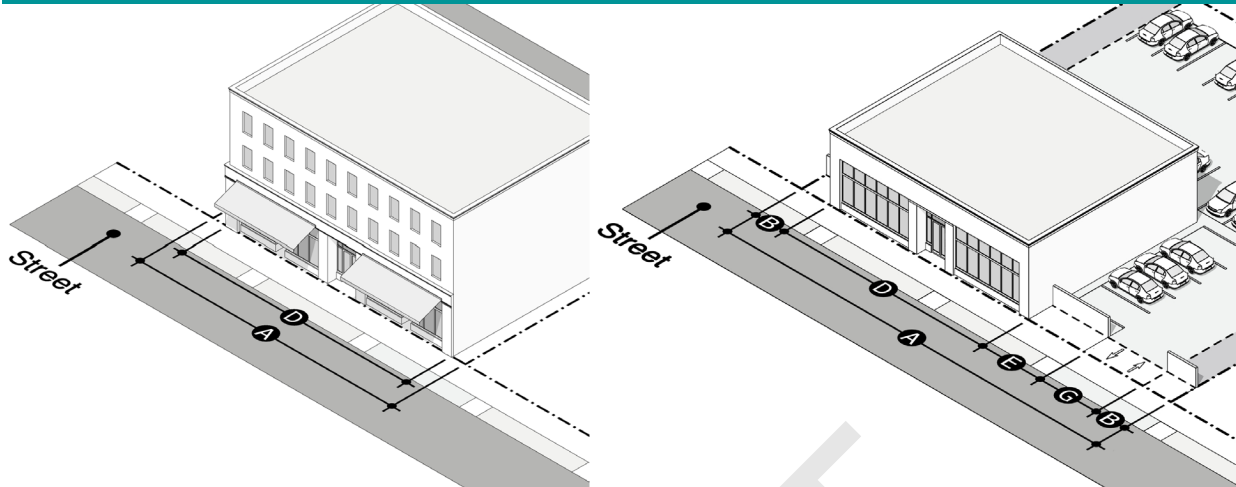
FIGURE 4.4 BUILD-TO AREA

FIGURE 4.5 BUILD-TO AREA OCCUPATION



Example with Alley (approximately 90%)

Example with Driveway (approximately 85%)



Interior Forecourt Example with Driveway (approximately 90%)

- | | |
|--|---|
| A Lot Width | E Build-to Area without a Building |
| B Required Setbacks | F Forecourt |
| C [reserved] | G Driveway |
| D Building in the Build-to Area | |

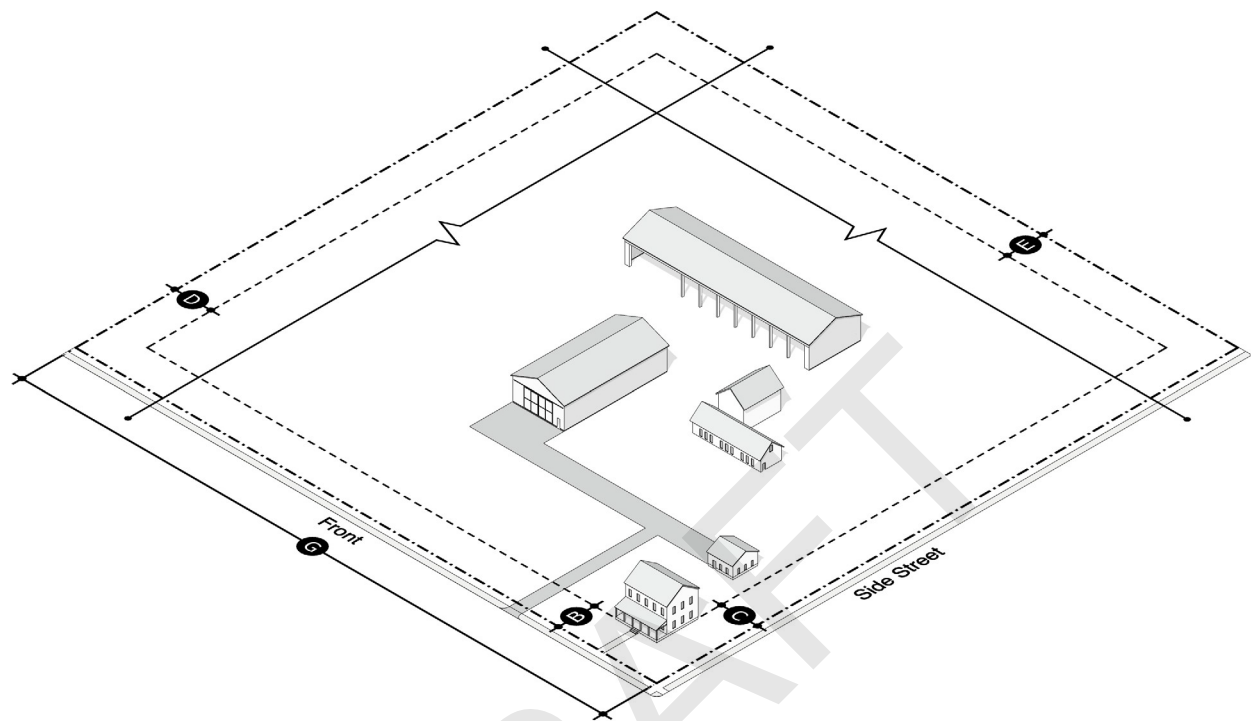
Occupation % = $D / (A - B - F - G)$

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TABLE 4.1 ZONE STANDARDS

T2.1: RURAL



T2.1 applies to rural areas with large lots, few homes, and mostly open space or agriculture. It is used for very low-intensity development. In some cases, this zoning is temporary until the land is ready to be rezoned to match the City's long-term growth plan.

Buildings			
Location*		Height	
A	Building Footprint	30% max.	Buildings
B	Front Setback	30 ft. min.	
C	Side Street Setback	30 ft. min.	
D	Side Setback	30 ft. min.	
E	Rear Setback	30 ft. min.	
Accessory Structures and Pools		Not allowed within setbacks	

T2.1: RURAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor N/A

Required Active Uses

Upper Floor N/A

N/A

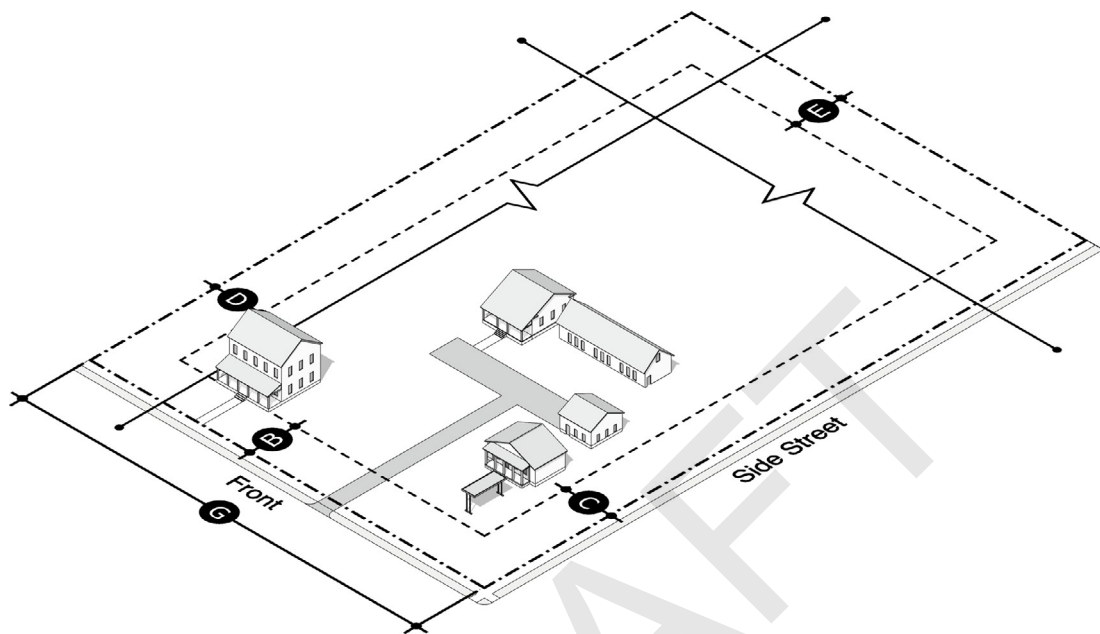
Site Design**Lot Size****G** Lot Area 5 acres min.**Parking Location****H** Front Setback 50 ft. min.**Fencing and Walls****J** Side Street Setback 30 ft. min.See [Sec. 50-510 \(e\) Fences and walls.](#)**K** Side Setback 30 ft. min.**Impervious Areas****L** Rear Setback 30 ft. min.

Impervious Area 45% max.

UsesSee [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

T2.2: RURAL NODE



T2.2 provides a location for small shops, services, and civic uses that support surrounding rural neighborhoods and farms. Development is limited in scale and designed to fit the rural landscape, forming a small cluster of services and amenities.

Buildings			
Location*		Height	
A	Building Footprint	30% max.	Buildings
B	Front Setback	15 ft. min.	
C	Side Street Setback	15 ft. min.	
D	Side Setback	15 ft. min.	
E	Rear Setback	25 ft. min.	
Accessory Structures and Pools		Not allowed within setbacks	3 stories max. not to exceed 40', farm buildings exempt

T2.2: RURAL NODE**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor N/A

Required Active Uses

Upper Floor N/A

N/A

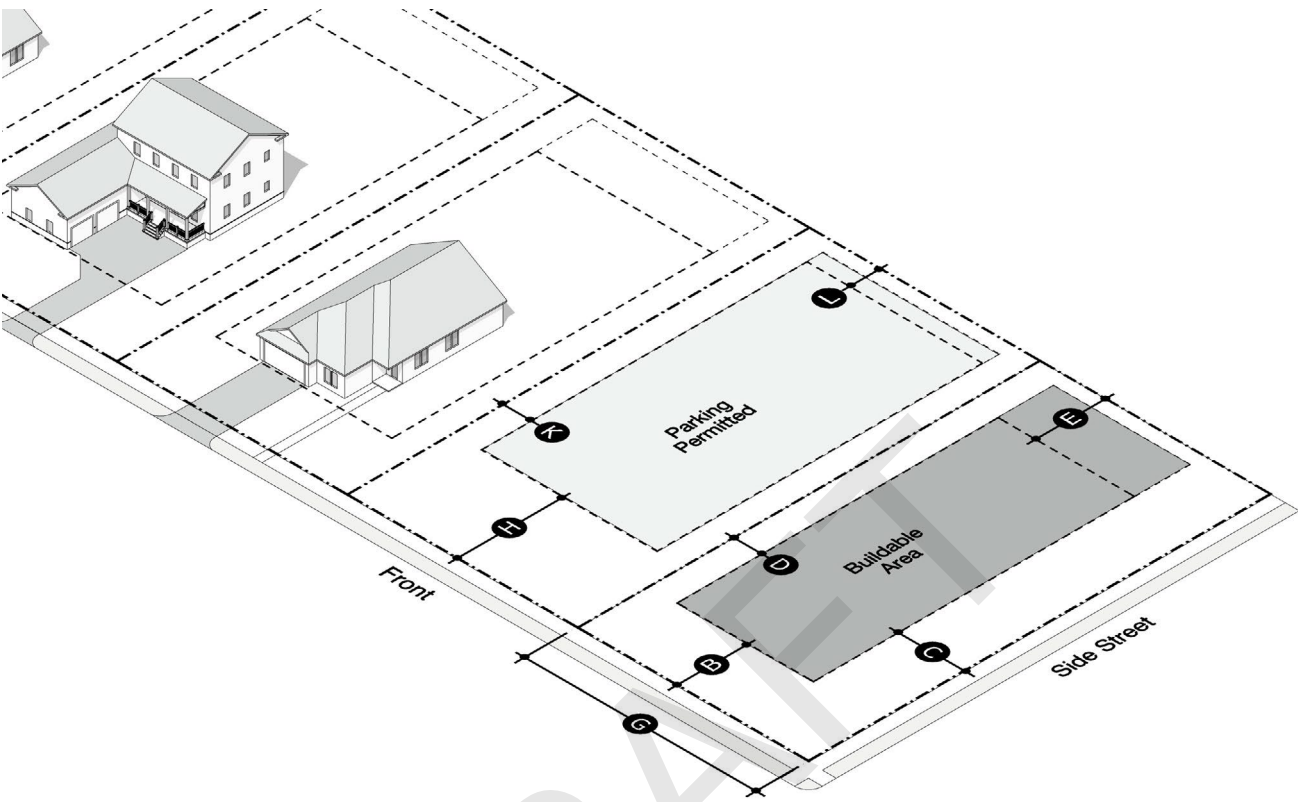
Site Design**Lot Size****G** Lot Area 1 acre min.**Parking Location****H** Front Setback 30 ft. min.**Fencing and Walls****J** Side Street Setback 15 ft. min.See [Sec. 50-510 \(e\) Fences and walls](#)**K** Side Setback 15 ft. min.**Impervious Areas****L** Rear Setback 15 ft. min.

Impervious Area 45% max.

UsesSee [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

R-1: SUBURBAN SINGLE-FAMILY



R-1 is a residential zone for neighborhoods with larger lots and single-family homes where parking is almost exclusively accessed from the street. Nonresidential uses are not allowed, other than home occupations as otherwise allowed by this code.

Buildings

Location*		Height	
A	Building Footprint	40% max. / 45% max. corner lot	Buildings 36 ft. max.
B	Front Setback	20 ft. min.	
C	Side Street Setback	20 ft. min.	
D	Side Setback	7 ft. min.	
E	Rear Setback	25 ft. min.	
F	Alley Setback	15 ft. from the alley centerline	
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks	

R-1: SUBURBAN SINGLE-FAMILY**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor N/A

Required Active Uses

Upper Floor N/A

N/A

Site Design**Lot Size****G** Lot Width 60 ft. min.

Lot Area 6,000 sq. ft.

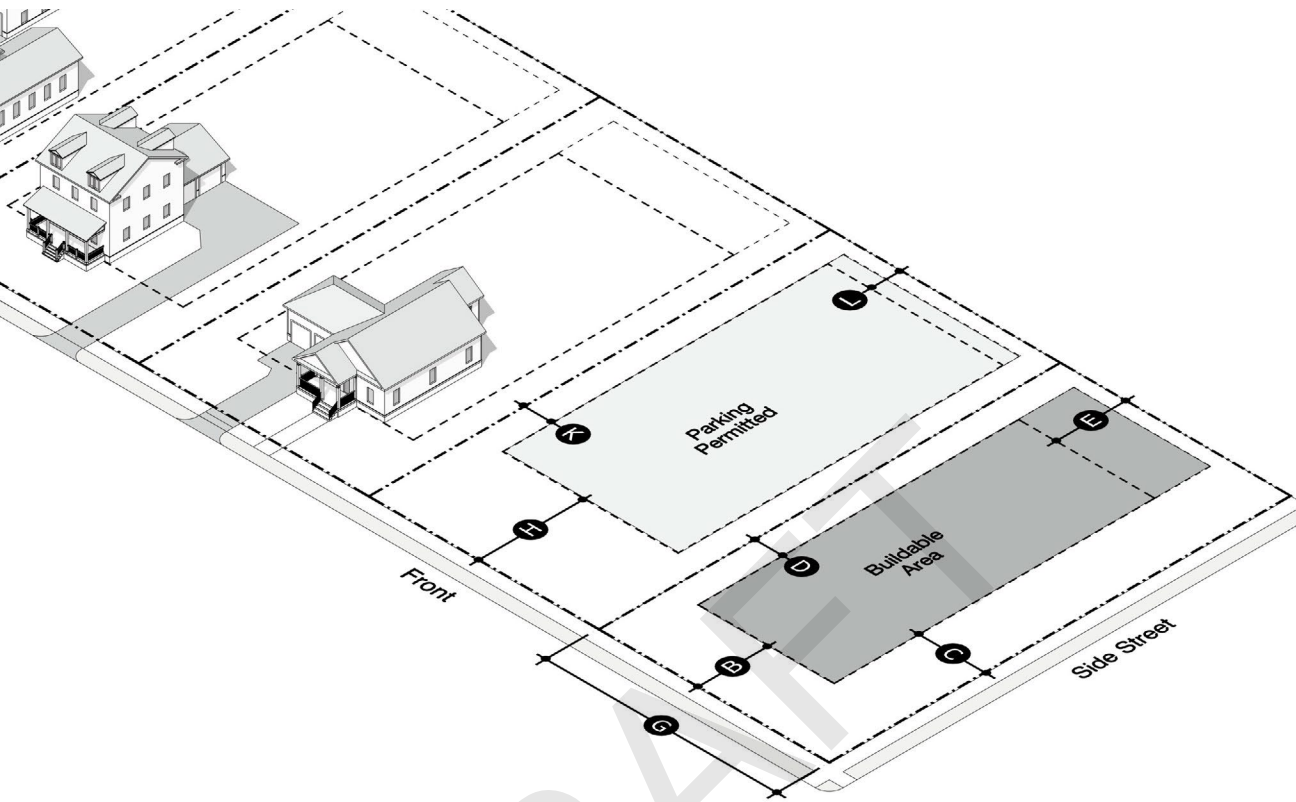
Parking Location**H** Front Setback 20 ft. min.**J** Side Street Setback 20 ft. min.**K** Side Setback 7 ft. min.**L** Rear Setback 12 ft. min.**M** Alley Setback 0 ft. min.**Fencing and Walls**See [Sec. 50-510 \(e\) Fences and walls](#)**Impervious Areas**

Impervious Area 75% max.

UsesSee [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

T3.1: NEIGHBORHOOD EDGE



T3.1 is a residential zone for low-intensity neighborhoods with single-family homes on medium to large lots. Parking is normally accessed from the street.

Buildings

Location*		Height	
A	Building Footprint	50% max.	Buildings36 ft. max.
B	Front Setback	15 ft. min.	
C	Side Street Setback	12 ft. min.	
D	Side Setback	7 ft. min.	
E	Rear Setback	25 ft. min.	
F	Alley Setback	15 ft. from the alley centerline, min.	
Accessory Structures and Pools		Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks	

T3.1: NEIGHBORHOOD EDGE**Building Elevations****Required Entries**

Entry Frequency N/A

Required Active Uses

N/A

Required Glass

Ground Floor N/A

Upper Floor N/A

Site Design**Lot Size**

G Lot Width 60 ft. min. no alley
50 ft. min. with alley

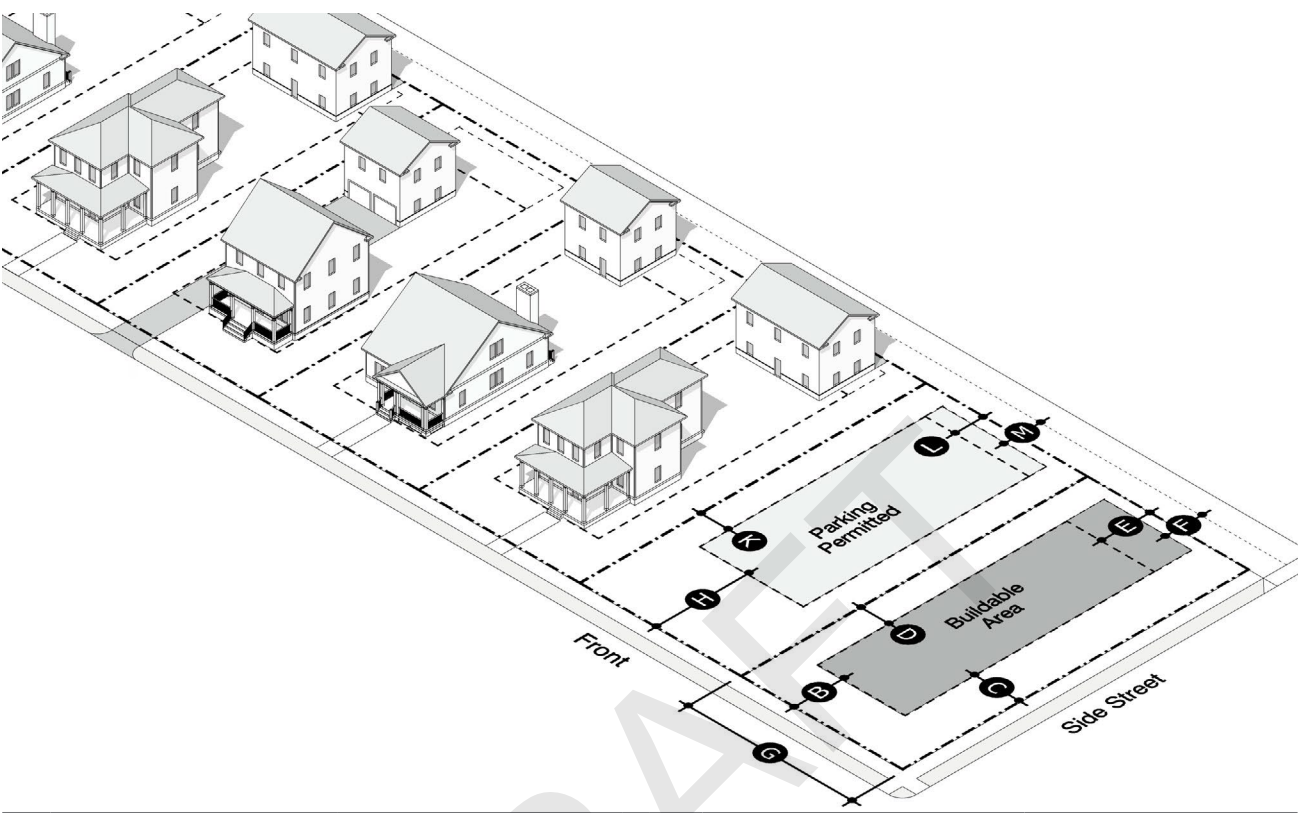
Fencing and WallsSee [Sec. 50-510 \(e\) Fences and walls](#)**Impervious Areas**

Impervious Area 80% max.

Parking Location**H** Front Setback 20 ft. min.**J** Side Street Setback 12 ft. min.**K** Side Setback 7 ft. min.**L** Rear Setback 12 ft. min.**M** Alley Setback 0 ft. min.**Uses**See [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

T3.2: NEIGHBORHOOD TRANSITION



T3.2 is a residential zone for low to medium-intensity neighborhoods with single-family homes on medium-sized lots. Parking may be accessed from the street or from alleys.

Buildings				
Location*		Height		
A	Building Footprint	55% max.	Buildings	36 ft. max.
B	Front Setback	15 ft. min., 25 ft. max.	Parking Structures	N/A
C	Side Street Setback	12 ft. min.	Ground Floor Height	N/A
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	15 ft. min.		
F	Alley Setback	15 ft. from the alley centerline, min.		
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks		

T3 .2: NEIGHBORHOOD TRANSITION**Building Elevations****Required Entries**

Entry Frequency N/A

Required Active Uses

N/A

Required Glass

Ground Floor N/A

Upper Floor N/A

Site Design**Lot Size**

G Lot Width 50 ft. min. no alley
40 ft. min. with alley

Fencing and WallsSee [Sec. 50-510 \(e\) Fences and walls](#)**Impervious Areas**

Impervious Area 80% max.

Parking Location

H Front Setback 30 ft. min.

J Side Street Setback 12 ft. min.

K Side Setback 12 ft. min.

L Rear Setback 12 ft. min.

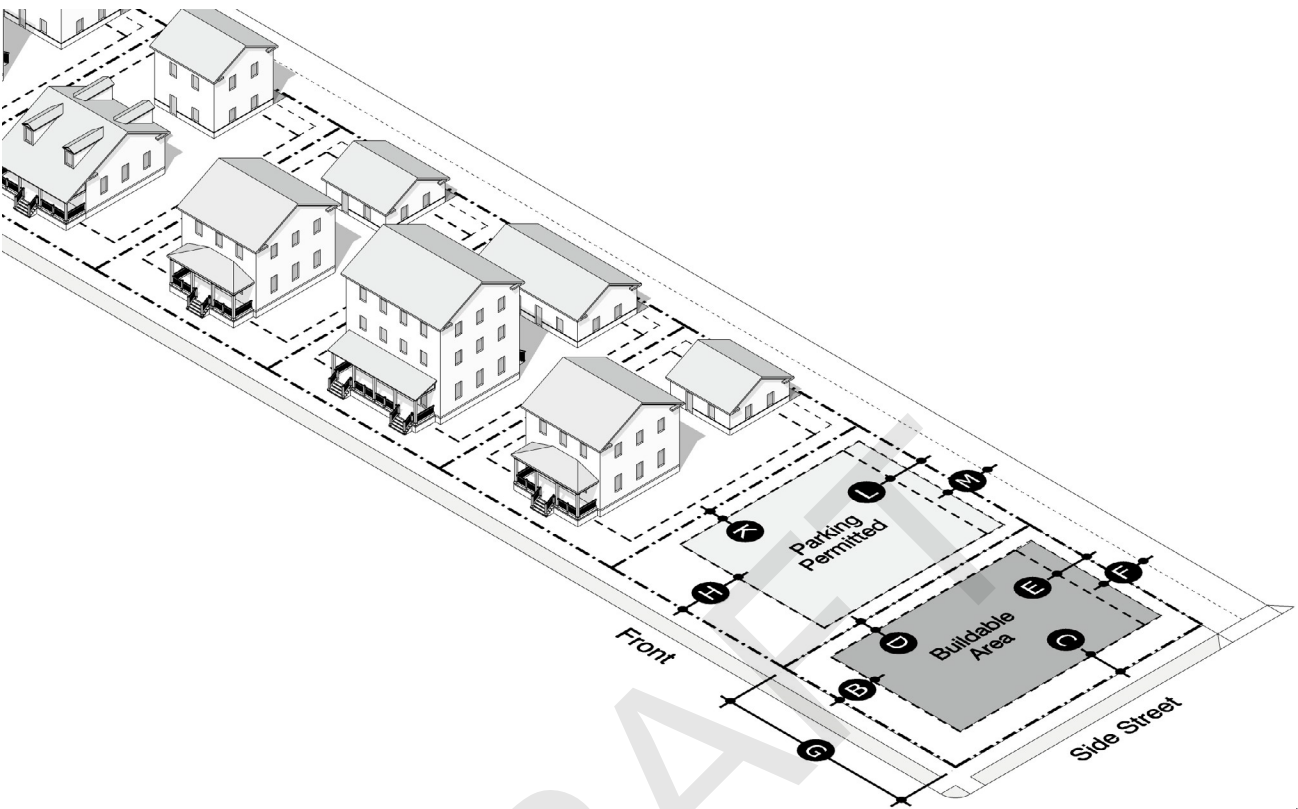
M Alley Setback 0 ft. min.

UsesSee [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

** Building walls or a shared party-wall may be built without a setback with a sideyard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

T4.1: NEIGHBORHOOD GENERAL



T4.1 is a residential zone for medium-intensity neighborhoods with blended density, including townhomes, and small-scaled lodging. Parking is normally accessed from alleys and occasionally from the street.

Buildings				
Location*		Height		
A	Building Footprint	65% max.	Buildings	3 stories max. not to exceed 40'
B	Front Setback	12 ft. min., 20 ft. max.	Parking Structures	N/A
C	Side Street Setback	12 ft. min.	Ground Floor Height	N/A
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	15 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks		

T4.1: NEIGHBORHOOD GENERAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Active Uses

N/A

Required Glass

Ground Floor 15% min.

Upper Floor 15% min.

Site Design**Lot Size**

G Lot Width 40 ft. min. no alley
20 ft. min. with alley
55 ft. max. per dwelling

Parking Location

H Front Setback 20 ft. behind front setback

Fencing and WallsSee [Sec. 50-510 \(e\) Fences and walls](#)

J Side Street Setback 12 ft. min.

K Side Setback 5 ft. min.

Impervious Areas

Impervious Area 85% max.

L Rear Setback 6 ft. min.

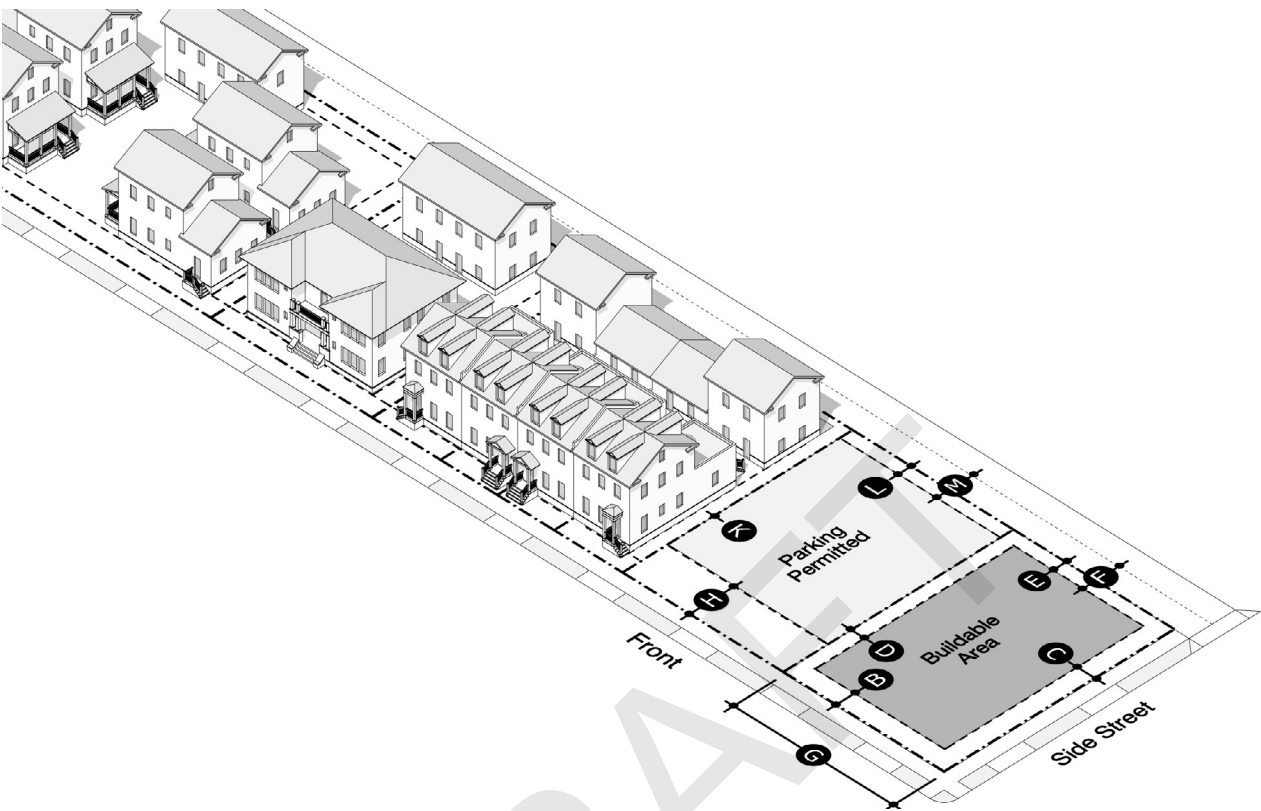
M Alley Setback 0 ft. min.

UsesSee [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

** Building walls or a shared party-wall may be built without a setback with a sideyard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

T4.2: NEIGHBORHOOD NODE



T4.2 is a primarily residential zone for medium to high-intensity neighborhoods, allowing a range of residential types, small-scaled lodging, and limited small-scale businesses. Parking is normally accessed from alleys and occasionally the streets.

Buildings				
Location*		Height		
A	Building Footprint	75% max.	Buildings	4 stories max. not to exceed 50'
B	Front Setback	0 ft. min., 16 ft. max.	Parking Structures	N/A
C	Side Street Setback	8 ft. min.	Ground Floor Height	N/A
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	15 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed in front or side street setbacks, 7 ft. min. for all other setbacks		

T4.2: NEIGHBORHOOD NODE**Building Elevations****Required Entries**

Entry Frequency N/A

Required Active Uses

N/A

Required GlassGround Floor 50% min. Commercial
15% min. other uses

Upper Floor 15% min.

Site Design**Lot Size****G** Lot Width 40 ft. min. no alley
18 ft. min. with alley
45 ft. max. per dwelling**Parking Location****H** Front Setback 20 ft. behind front setback**Fencing and Walls**See [Sec. 50-510 \(e\) Fences and walls](#)**J** Side Street Setback 8 ft. min.**K** Side Setback 2 ft. min.**Impervious Areas**

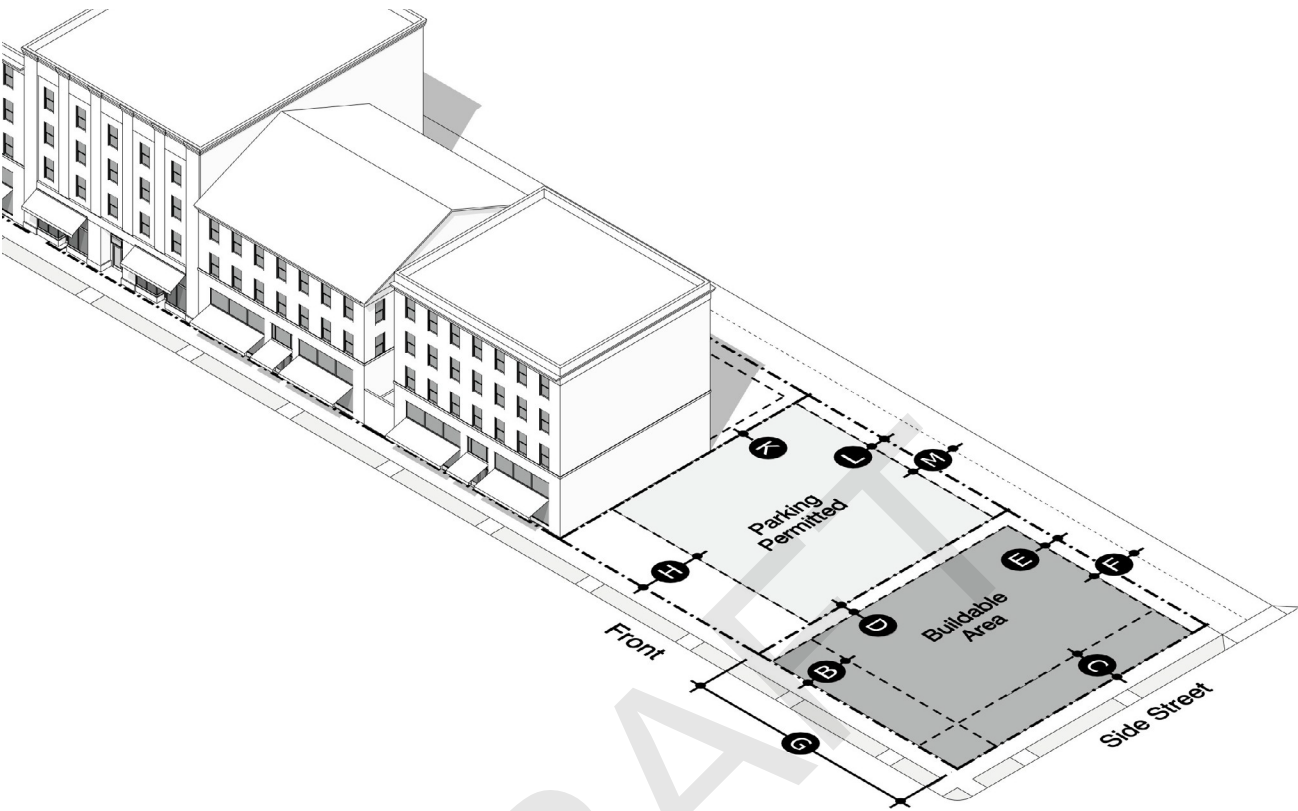
Impervious Area 90% max.

L Rear Setback 6 ft. min.**M** Alley Setback 15 ft. from the alley centerline**Uses**See [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

** Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

T5.1: TOWN CENTER LOW



T5.1 is for walkable areas with a mix of shops, restaurants, and other non-residential uses, along with multi-family housing and townhomes.

Buildings				
Location*			Height	
A	Building Footprint	85% max.	Buildings	4 stories max. not to exceed 60'
B	Front Setback	12 ft. max.	Parking Structures	35 ft. max.
C	Side Street Setback	12 ft. max.	Ground Floor Height	12 to 25 ft.
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	5 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed within minimum setbacks		

T5.1: TOWN CENTER LOW**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Uses**Required Glass**

Ground Floor	50% min. Commercial 15% min. other uses
--------------	--

Upper Floor	15% min.
-------------	----------

See Sec. 50-504(c)(4) [Required active uses](#).

Site Design**Lot Size**

G Lot Width	No minimum. 25 ft. max. per dwelling
--------------------	---

Fencing and Walls

See [Sec. 50-510 \(e\) Fences and walls](#)

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

Parking Location

H Front Setback	30 ft. min. or behind building
------------------------	--------------------------------

J Side Street Setback	12 ft. min. or behind building
------------------------------	--------------------------------

K Side Setback	0 ft. min.
-----------------------	------------

L Rear Setback	5 ft. min.
-----------------------	------------

M Alley Setback	0 ft. min.
------------------------	------------

Uses

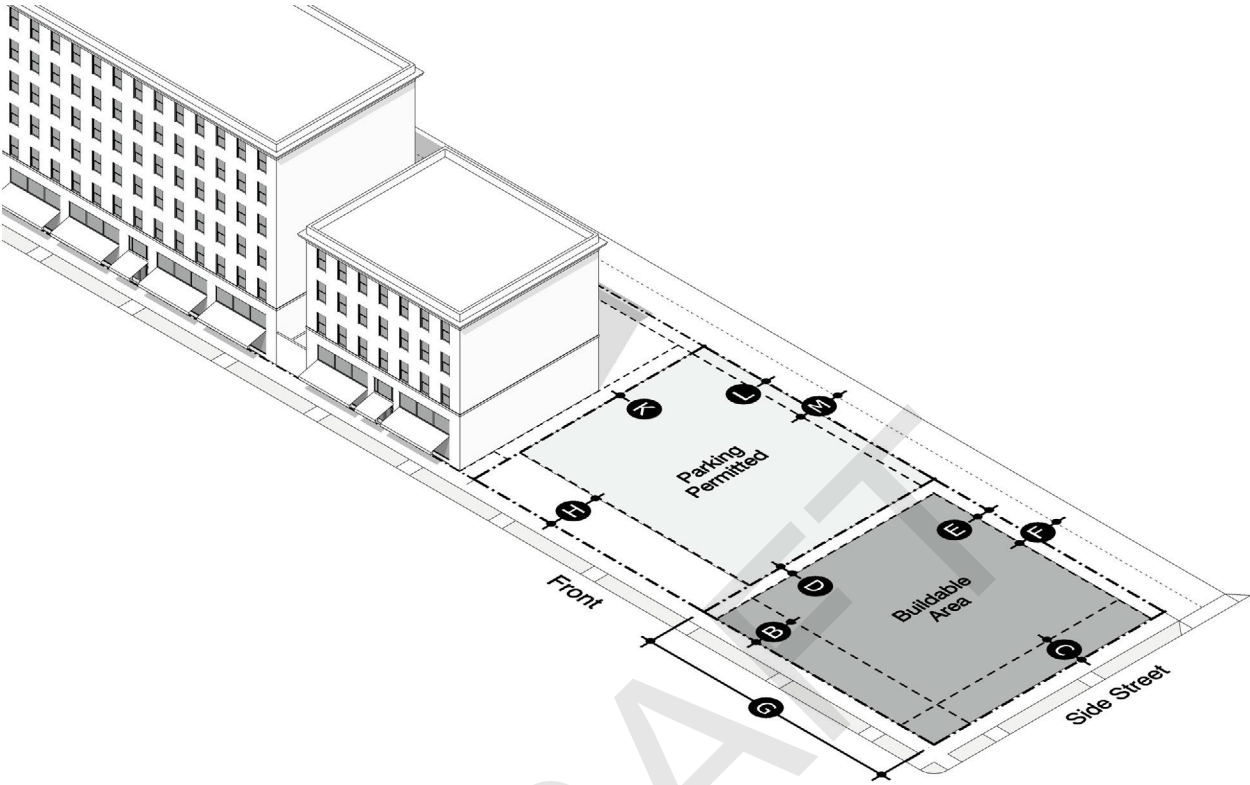
See [Sec. 50-406. Use standards](#)

Notes

* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.** Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

T5.2: TOWN CENTER HIGH



T5.2 is a walkable district with a broad mix of uses in moderately tall buildings. It reflects the look and feel of downtown Bentonville and supports new active, compact places.

Buildings				
Location*		Height		
A	Building Footprint	90% max.	Buildings	6 stories max. not to exceed 96'
B	Front Setback	12 ft. max.	Parking Structures	50 ft. max.
C	Side Street Setback	12 ft. max.	Ground Floor Ceiling Height	12 to 25 ft.
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	5 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed within minimum setbacks		

T5.2: TOWN CENTER HIGH**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Uses

See Sec. 50-504(c)(4) [Required active uses](#).

Required Glass

Ground Floor	50% min. Commercial 15% min. other uses
Upper Floor	15% min.

Site Design**Lot Size**

G Lot Width	No minimum. 25 ft. max. per dwelling
--------------------	---

Fencing and Walls

See [Sec. 50-510 \(e\) Fences and walls](#)

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

Parking Location

H Front Setback	30 ft. min. or behind building
J Side Street Setback	12 ft. min. or behind building
K Side Setback	0 ft. min.
L Rear Setback	0 ft. min.
M Alley Setback	0 ft. min.

Uses

See [Sec. 50-406. Use standards](#)

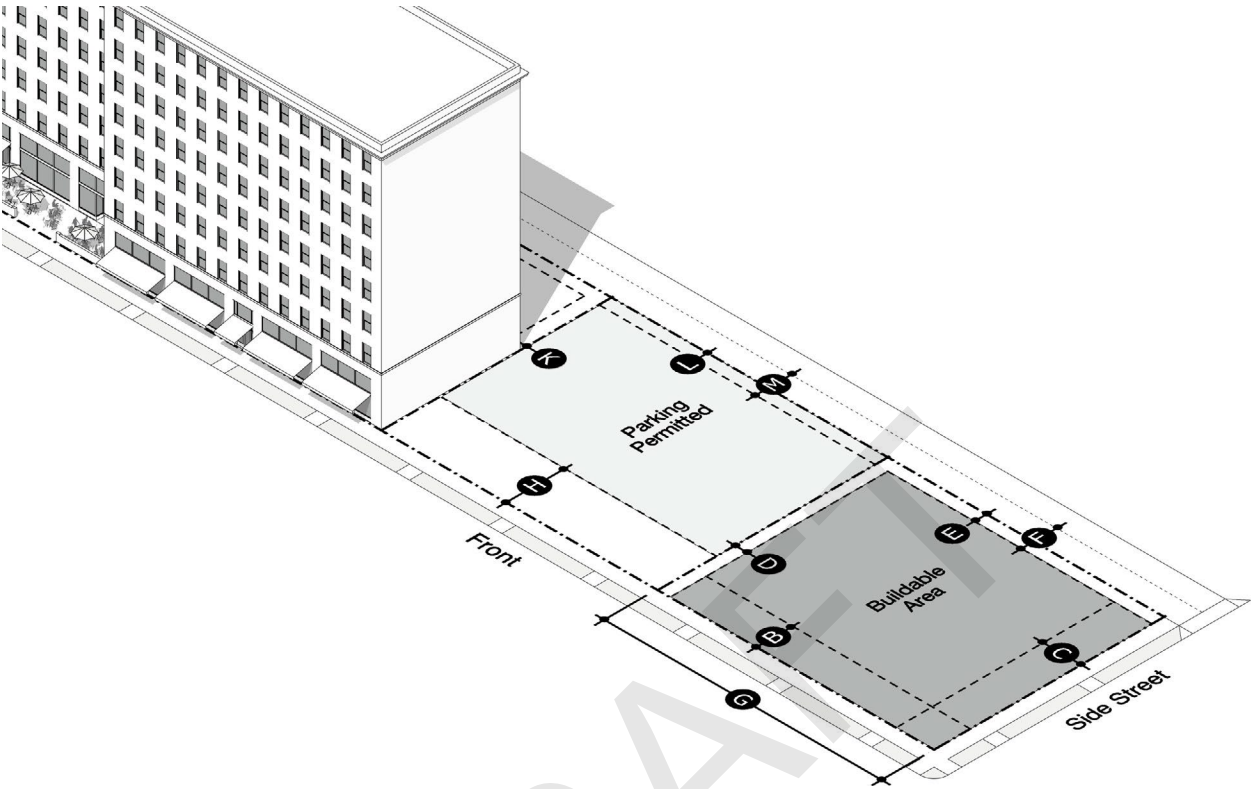
Notes

* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.

** Building walls or a shared party-wall may be built without a setback with a sideyard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

T6: URBAN CENTER



T6 is the highest-intensity district in the City, focused on employment, entertainment, and large-format multi-family housing within vibrant, walkable areas.

Buildings				
Location*		Height		
A	Building Footprint	100% max.	Buildings	10 stories max. not to exceed 160'
B	Front Setback	12 ft. max.	Parking Structures	70 ft. max.
C	Side Street Setback	12 ft. max.	Ground Floor Height	12 to 25 ft.
D	Side Setback	0 ft. or 5 ft. min.**		
E	Rear Setback	5 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed within minimum setbacks		

T6: URBAN CENTER**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Uses

See Sec. 50-504(c)(4) [Required active uses](#).

Required Glass

Ground Floor	50% min. Commercial 15% min. other uses
Upper Floor	15% min.

Site Design**Lot Size**

G Lot Width	No minimum. 20 ft. max. per dwelling
--------------------	---

Fencing and Walls

See [Sec. 50-510 \(e\) Fences and walls](#)

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

Parking Location

H Front Setback	30 ft. min. or behind building
J Side Street Setback	12 ft. min. or behind building
K Side Setback	0 ft. min.
L Rear Setback	0 ft. min.
M Alley Setback	0 ft. min.

Uses

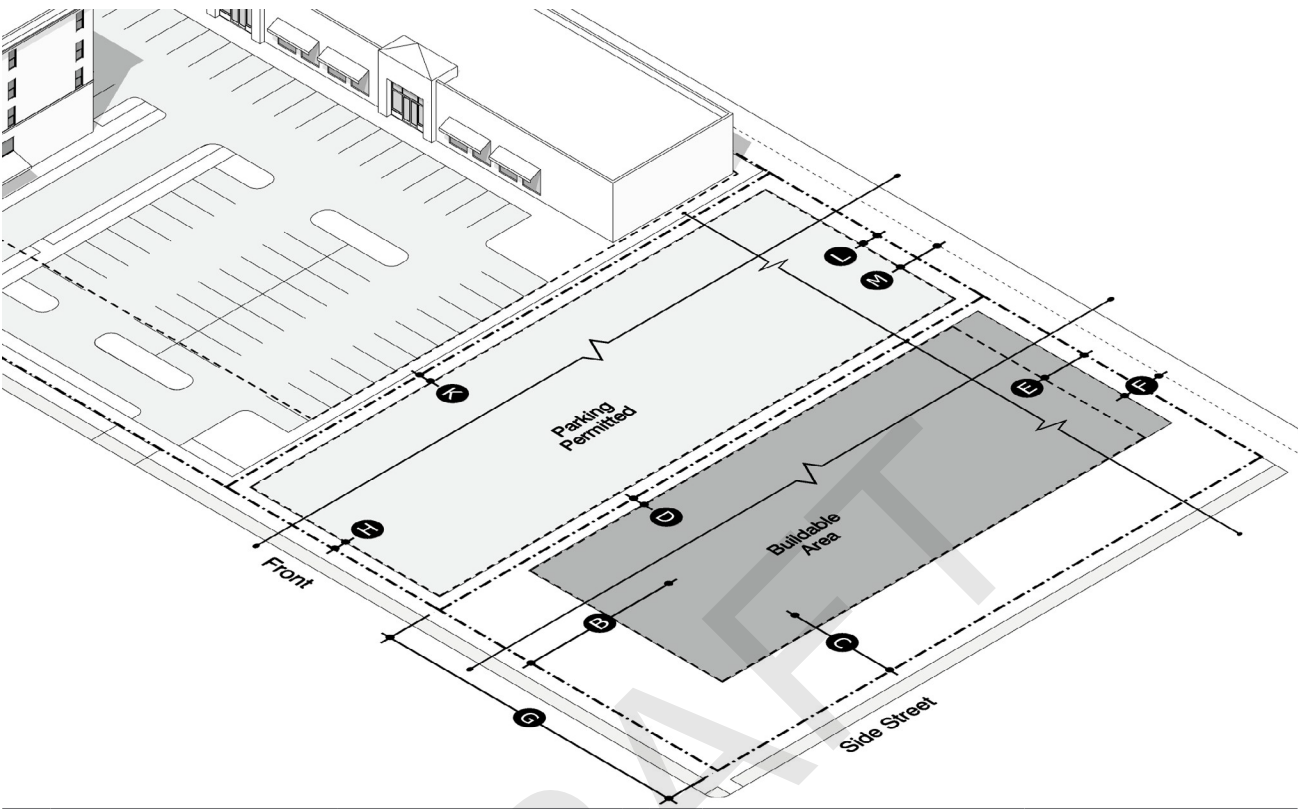
See [Sec. 50-406. Use standards](#)

Notes

* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.** Building walls or a shared party-wall may be built without a setback with a side yard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

GC: GENERAL COMMERCIAL



The GC district includes primarily low-scale commercial development in a strip format. The standards allow existing conditions to continue while encouraging infill of underutilized areas with more active uses.

Buildings				
Location*		Height		
A	Building Footprint	60% max./80% max.**	Buildings	4 stories max. not to exceed 60'
B	Front Setback	12 ft. min./8 ft. min.**	Parking Structures	50 ft. max.
C	Side Street Setback	12 ft. min./8 ft. min.**	Ground Floor Height	N/A
D	Side Setback	7 ft. min.		
E	Rear Setback	20 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures and Pools	Not allowed within setbacks		

GC: GENERAL COMMERCIAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor 25% min.

Required Active Uses

Upper Floor 15% min.

N/A

Site Design**Lot Size****G** Lot Width 50 ft. min.**Parking Location****H** Front Setback 5 ft. min.**Fencing and Walls**See [Sec. 50-510 \(e\) Fences and walls](#)**J** Side Street Setback 12 ft. min./8 ft. min.****K** Side Setback 7 ft. min.**Impervious Areas**

Impervious Area 90% max./100% max.**

L Rear Setback 5 ft. min.**M** Alley Setback 0 ft. min.**Uses**See [Sec. 50-406. Use standards](#)**Notes**

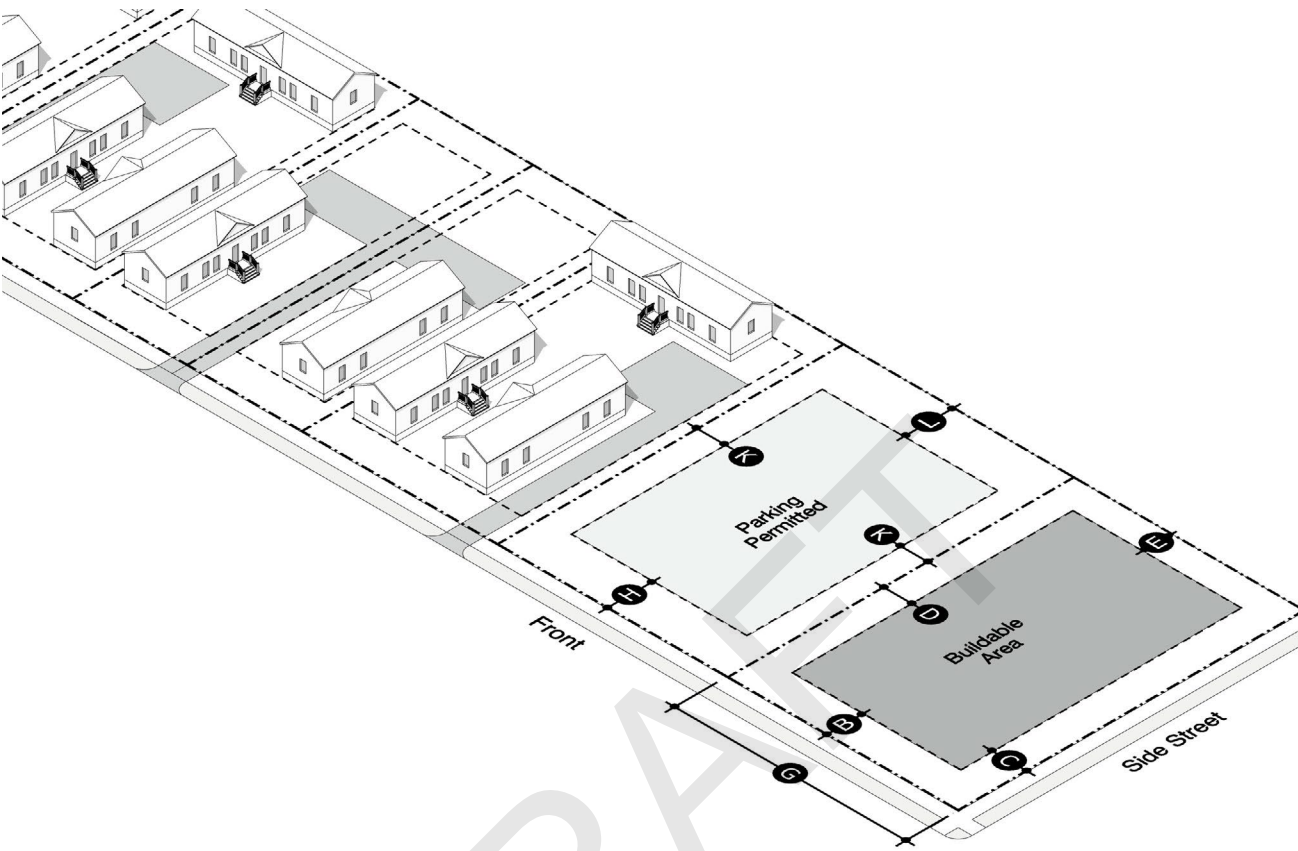
* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.

** Standards are adjusted for as follows:

- (1) Setbacks are reduced where the site abuts or is across the street from GC, LI, or LFI.
- (2) Building footprints are increased where the site abuts or is across the street from GC, LI, or LFI.
- (3) Uses on the site other than Commercial, such as Lodging or Residential, are subject to the reduced setback and increased building footprint.
- (4) Uses on the site other than Commercial are subject to minimum required glazing.
- (5) An additional 10% impervious surface is allowed for uses other than Commercial.

MH: MANUFACTURED HOME



MH allows medium-density residential development with manufactured homes. It supports both individual lots and manufactured home parks, and may permit up to three homes per lot based on setbacks and lot coverage.

Buildings			
Location*		Height	
A	Building Footprint	40% max.	Buildings 36'
B	Front Setback	16 ft. min.	Parking Structures N/A
C	Side Street Setback	16 ft. min.	Ground Floor Height N/A
D	Side Setback	7 ft. min.	
E	Rear Setback	12 ft. min.	
F	Alley Setback	15 ft. from the alley centerline	
	Accessory Structures and Pools	Not allowed within setbacks	

MH: MANUFACTURED HOME**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor 10% min.

Required Active Uses

Upper Floor 10% min.

N/A

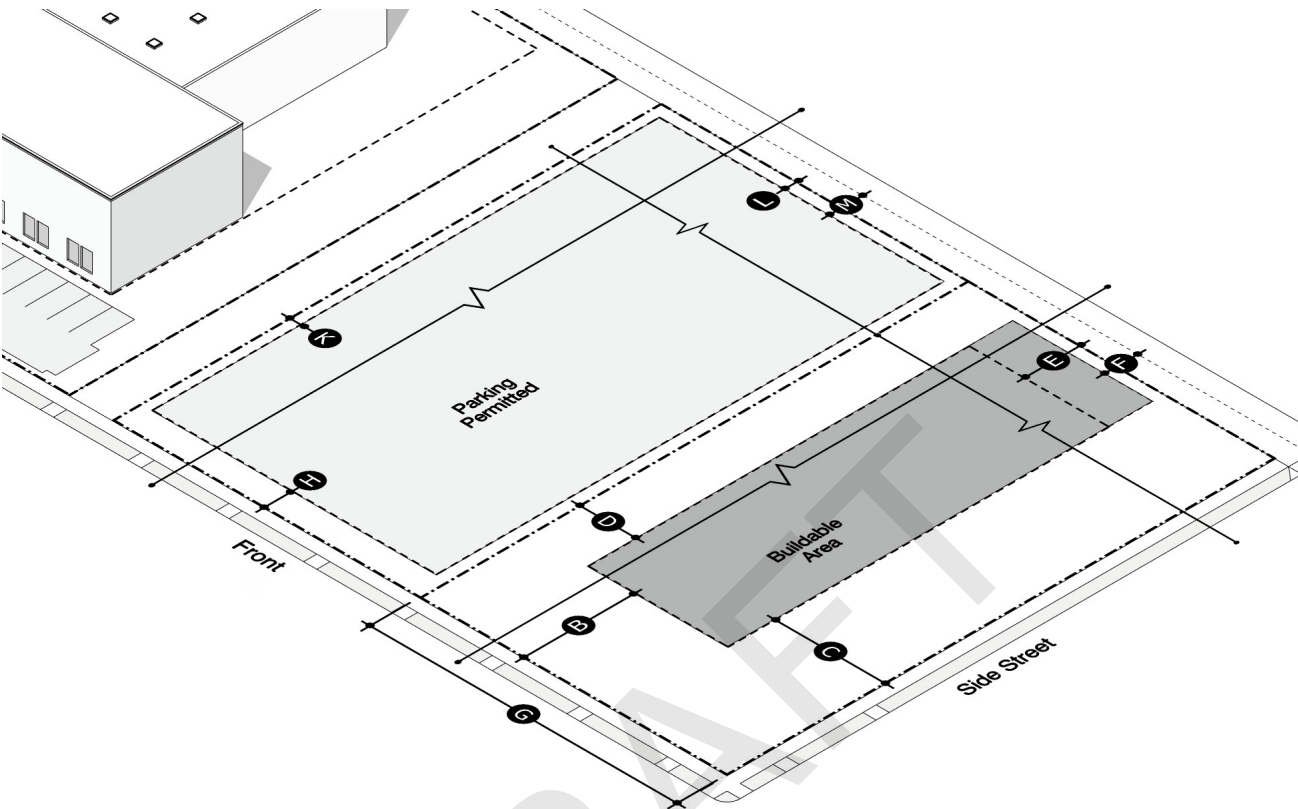
Site Design**Lot Size****G** Lot Width 36 ft. min.**Parking Location****H** Front Setback 20 ft. min.**Fencing and Walls**See [Sec. 50-510 \(e\) Fences and walls](#)**J** Side Street Setback 16 ft. min.**Impervious Areas**

Impervious Area 75% max.

K Side Setback 20 ft. min.**L** Rear Setback 20 ft. min.**M** Alley Setback 0 ft. min.**Uses**See [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

LI: LIGHT INDUSTRIAL



LI is an industrial and employment district for uses that have limited off-site impacts and can be located near or within mixed-use areas without conflict.

Buildings

Location*		Height		
A	Building Footprint	50% max. / 80% max.**	Buildings	60 ft. max.
B	Front Setback	30 ft. min. / 8 ft. min.**	Parking Structures	N/A
C	Side Street Setback	30 ft. min. / 8 ft. min.**	Ground Floor Height	N/A
D	Side Setback	20 ft. min. / 12 ft. min.**		
E	Rear Setback	20 ft. min.		
F	Alley Setback	15 ft. from the alley centerline		
	Accessory Structures	Not allowed within setbacks		

LI: LIGHT INDUSTRIAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor N/A / 25% min.*

Required Active Uses

Upper Floor N/A / 25% min.*

N/A

Site Design**Lot Size****G** Lot Width 50 ft. min.**Parking Location****H** Front Setback 20 ft. min.**Fencing and Walls**See [Sec. 50-510 \(e\) Fences and walls](#)**J** Side Street Setback 30 ft. min. / 8 ft. min.****K** Side Setback 5 ft. min.**Impervious Areas**

Impervious Area 80% max. / 100% max.**

L Rear Setback 5 ft. min.**M** Alley Setback 0 ft. min.**Uses**See [Sec. 50-406. Use standards](#)**Notes**

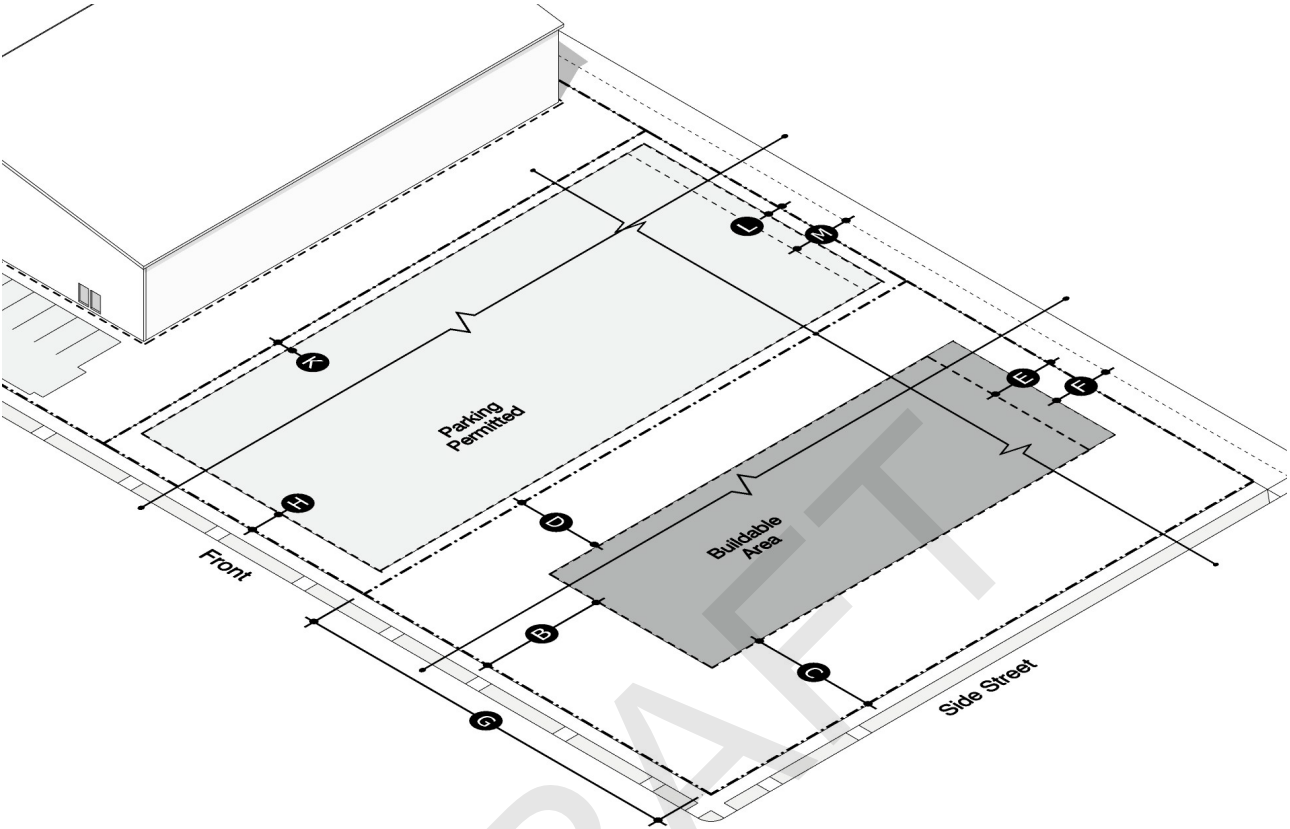
* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.

** Standards are adjusted for as follows:

- (1) Setbacks are reduced where the site abuts or is across the street from GC, LI, or LFI.
- (2) Building footprints are increased where the site abuts or is across the street from GC, LI, or LFI.
- (3) Uses on the site other than Industrial and Manufacturing, such as Lodging or Retail, are subject to the reduced setback and increased building footprint.
- (4) Uses on the site other than Industrial and Manufacturing are subject to minimum required glazing.
- (5) An additional 20% impervious surface is allowed for uses other than Industrial and Manufacturing.

LFI: LARGE FORMAT INDUSTRIAL



LFI is an industrial district for uses with limited off-site impacts but require separation from other uses, typically involving large buildings, warehousing, distribution, and the frequent movement of goods and materials.

Buildings				
Location*		Height		
A	Building Footprint	50% max.	Buildings	60 ft. max.
B	Front Setback	30 ft. min.	Parking Structures	N/A
C	Side Street Setback	30 ft. min.	Ground Floor Height	N/A
D	Side Setback	50 ft. min.		
E	Rear Setback	50 ft. min.		
F	Alley Setback	30 ft. from the alley centerline		
	Accessory Structures	30 ft. min. from lot lines		

LFI: LARGE FORMAT INDUSTRIAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glass

Ground Floor N/A

Required Active Uses

Upper Floor N/A

N/A

Site Design**Lot Size****G** Lot Width 100 ft. min.**Parking Location****H** Front Setback 20 ft. min.**Fencing and Walls****J** Side Street Setback 30 ft. min.See [Sec. 50-510 \(e\) Fences and walls](#)**K** Side Setback 20 ft. min.**Impervious Areas****L** Rear Setback 20 ft. min.

Impervious Area 80% max.

M Alley Setback 0 ft. min.**Uses**See [Sec. 50-406. Use standards](#)**Notes**

* Utility easements and fire access standards may increase or otherwise modify setbacks.

* [Sec 50-505 Zone Transitions](#) may modify setbacks and heights.

SEC . 50-406. USE STANDARDS**(a) Public use exception**

- (1) Purpose. To recognize that certain public facilities and services are essential for community health, safety, and welfare, and may be located where needed to serve the public interest.
- (2) Applicability
 - a. Public uses and infrastructure, including utilities, streets, stormwater facilities, and similar systems, are permitted in all zoning districts when determined necessary for the benefit of the community as a whole.
 - b. Such uses must comply with applicable design standards in [Article 50-5 Design Standards](#) and any technical or construction requirements adopted by the City.

(b) Allowed uses

- (1) Allowed uses are listed in [Table 4.3 District Use Matrix](#), indicated by:
 - a. “■” = Allowed without additional restrictions;
 - b. “R” = Allowed, but must meet the extra conditions in [subsection \(c\) Specific use restrictions](#); and
 - c. Blank cell = Not allowed.
- (2) Allowed uses may be combined on the same property or in the same building.
- (3) Uses are defined in [Sec. 50-904 Use Classifications](#).
- (4) Unlisted uses that are not specifically disallowed by law:
 - a. Are allowed if the Director determines that a similar use is listed, using the most recently published North American Industry Classification System (NAICS) as a guide, the rules for which apply to the unlisted use; or
 - b. Are not allowed if prohibited by local, state or federal law.

TABLE 4.3 DISTRICT USE MATRIX

Use	Use reg. Sec. 50-407	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Agriculture															
Agricultural processing, packaging, and warehousing	(c) (4)	R												R	R
Auction yard		■													■
Commercial dairy, poultry, and swine production	(c) (4)	R													R
Commercial greenhouse		■	■										■	■	
Farming and ranching		■	■												
Feedlot	(c) (13)														R
Grain storage		■												■	■
Medical marijuana cultivation facility	(c) (22)	R	R											R	R
Stable		■	■												
Stockyard	(c) (13)	R													R
Urban Farm								■	■	■			■	■	■
Commercial															
Adult oriented businesses	(c) (3)												R	R	R
Aquarium			■						■	■	■		■	■	■
Automobile sales	(c) (5)									R	R		■	■	■
Automobile service	(c) (6)												R	■	■
Car wash	(c) (6)		■						R	R	R		■	■	■
Child care	(c) (7)			R	R	R	R	R	R	R	R	R	R	R	
Commercial laundry	(c) (8)								R	R	R		■	■	■
Crematorium	(c) (10)														R
Dry cleaners	(c) (11)							R	■	■	■		■	■	■
Food and beverage	(c) (14)	R	R					R	■	■	■		■	■	■
Funeral home	(c) (15)							R	■	■	■		■	■	
Gas station	(c) (16)		■						R	R	R		R	■	■
Hospital									■	■	■		■	■	■
Commercial continued															

■: Allowed use

R: Use subject to additional restrictions, see (c) Specific use restrictions

TABLE 4.3 DISTRICT USE MATRIX

Use	Use reg. Sec. 50-407	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Medical housing: assisted, extended, or rehabilitation								■	■	■	■		■	■	
Medical marijuana dispensary	(c) (22)		R					R	R	R	R		R	R	R
Medical services: urgent and ambulatory care										■	■		■	■	
Medical services: substance abuse treatment													■	■	
Office, including medical	(c) (23)							R	■	■	■		■	■	■
Outdoor vendor	(c) (27)								R	R	R		R	R	R
Parking, structured									■	■	■		■	■	■
Parklets	(c)(28)								R	R					
Retail, including pharmacies	(c) (29)		R					R	■	■	■		■	■	■
Self-storage	(c) (32)		■										R	■	■
Service (personal or professional)	(c) (33)	■	■					R	■	■	■		■	■	■
Entertainment															
Adult entertainment	(c) (3)													R	R
Event venue	(c) (12)	R	R					R	■	■	■		■	■	
Golf course		■	■										■	■	■
Indoor entertain- ment facility	(c) (19)		■					R	■	■	■		■	■	■
Outdoor entertain- ment facility	(c) (26)		■							R	R		■	■	■
Industrial (specific use restrictions are listed by this section title, not for each use)															
Electric substation														■	■
Ground transporta- tion terminal														■	■
Industrial, heavy	(c) (20)														R
Industrial, light	(c) (20)									R	R		R	R	R
Recycling or salvage facility	(c) (30)														R
Sewage treatment facility		■	■											■	■

■: Allowed use

R: Use subject to additional restrictions, see (c) Specific use restrictions

TABLE 4.3 DISTRICT USE MATRIX

Use	Use reg . Sec. 50-407	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Solar energy system	(c) (34)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Industrial continued															
Solid waste disposal	(c) (35)														R
Warehouse and distribution	(c) (37)												R	R	R
Water supply facility		■	■											■	■
Wind energy, large	(c)(38)	R													R
Wind energy, small	(c) (39)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless communication	(c) (40)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Institutional (specific use restrictions in (c)(21) are listed by this section title, not for each use)															
Convention or exhibition facilities									■	■	■		■	■	
Cultural (library, museum, gallery)	(c) (21)		■	R	R	R	R	R	■	■	■		■	■	
Emergency services								■	■	■	■		■	■	■
Government facilities								■	■	■	■		■	■	■
Religious assembly	(c) (21)	R	R	R	R	R	R	R	■	■	■	R	■	■	
School: K-12	(c) (21)	R	R	R	R	R	R	R	■	■	■		■	■	
School: post-secondary									■	■	■		■	■	
Lodging															
6 rooms or less		■	■					■	■	■	■		■		
7 to 12 rooms			■					■	■	■	■		■		
More than 12 rooms									■	■	■		■		
Campground or recreational Vehicle (RV) Park	(c) (31)	R	R												
Residential															
Home occupation	(c) (18)	R	R	R	R	R	R	R	R	R	R	R			
Accessory dwelling (ADU)	(c) (2)	R	R	R	R	R	R	R	R						
Group home	(c) (17)	R	R	R	R	R	R	R	R	R	R	R	R	R	
Manufactured home		■	■									■			

■ : Allowed use

R: Use subject to additional restrictions, see (c) Specific use restrictions

TABLE 4.3 DISTRICT USE MATRIX

Use	Use reg . Sec. 50-407	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Cottage court	(c) (9)			R	R	R	R	R							
Residential continued															
1 dwelling detached	(c) (24)	■	■	R	R	R	■	■							
1 dwelling attached (townhomes)	(c) (25)					R	R	■	■	■			■		
2 dwellings per building	(c) (36)					R	■	■	■						
3 to 4 dwellings per building							■	■	■	■	■		■		
5 to 8 dwellings per building								■	■	■	■		■	■	
9 to 12 dwellings per building								■	■	■	■		■	■	
13 or more dwellings per building									■	■	■		■	■	

■: Allowed use

R: Use subject to additional restrictions, see (c) Specific use restrictions

(c) Specific use restrictions

- (1) The following restrictions apply when a use is identified with an "R" in [Table 4.3 District Use Matrix](#).

(2) Accessory dwelling

- One accessory dwelling unit (ADU) is allowed by right on any lot that contains a principal residential structure. In the T2, R-1, and T3 zoning districts, ADU's are only allowed on lots that contain a single-family residential structure.
- An ADU may be attached, detached, or interior to the principal dwelling.
- The gross floor area of an ADU must not exceed 1,000 square feet or 75% of the floor area of the principal dwelling, whichever is less.
- No additional parking spaces are required for an ADU. If parking is provided, no more than one off-street parking space may be added for the ADU, and it must be paved.
- The ADU must be served by the existing principal dwelling's sewer and water connections and water meter. The water meter size must not be increased solely to serve the ADU.
- The ADU or the land on which it is located must be located on the same property as the principal dwelling and must not be subdivided or separated in ownership from the principal dwelling or the lot.
- No portion of the ADU is allowed within any easement.

(3) Adult oriented businesses

- This subsection applies to adult retail, adult service, adult entertainment, and other sexually oriented business specified in Arkansas Code § 14-1-301 et seq.
- Adult oriented businesses must be separated from protected uses at least:
 - 1,500 feet from any dwelling, residential zoning district, child care facility, religious institution or place of worship, park, playground, or public trail access point; and
 - 2,500 feet from another adult oriented business.

- c. If a protected use locates closer to an adult-oriented business than the required separation distance, the adult-oriented business is not required to relocate.
- d. Adult oriented businesses must not display adult material or merchandise where it can be seen from outside.

(4) Agricultural processing, packaging, warehousing, including commercial dairy, poultry, and swine production

- a. Subject to performance standards, see [subsection \(d\) Performance standards](#).

(5) Automobile sales

- a. In T5:
 - 1. Outdoor storage and sales of vehicles are not allowed between front and side street property lines and the nearest building; and
 - 2. Outdoor storage and sales of vehicles must be set back from lot lines according to the rules for parking areas according to [Sec. 50-503 \(h\)](#).
- b. In T6:
 - 1. Outdoor storage and sales of vehicles is not allowed.

(6) Automobile service

- a. Outdoor storage of vehicles is not allowed between front and side street property lines and the nearest building. See [Table 4.1](#) and [Sec. 50-503 \(h\) Car parking and circulation](#)
- b. Outdoor storage of vehicles must be shielded from view by a street screen, following [Sec. 50-510 \(d\) Screening and buffering](#).
- c. New buildings are not allowed to orient garage bays toward a street. This restriction does not apply to existing buildings where garage bays are repurposed for non-automotive functions.
- d. Car wash
 - 1. Location standards
 - i. Car washes are not permitted on lots abutting existing R-1, T3.1, T3.2, T4.1 or T4.2 lots.
 - ii. Queuing lanes must be located behind the building relative to the street.
 - 2. Car washes are subject to [subsection \(d\) Performance standards](#).

(7) Child care

- a. Child-care family home must comply with Ark Code 20-78-201-203.
 - 1. Capacity.
 - i. Registered homes may care for up to five children total.
 - ii. Licensed homes may care for up to sixteen children total.
 - iii. The provider's preschool children must be counted in that total.
 - 2. Operator and dwelling
 - i. The operator must be the resident.
 - ii. If renting, keep the owner's written consent on site.

- iii. The home must meet all building, fire, health, and sanitation codes.
 - 3. Traffic safety
 - i. Homes on four-lane streets must add one drop-off bay.
 - ii. The bay must let cars exit forward, not backward.
 - iii. Planning and Engineering staff must approve the bay design.
 - 4. A licensed child care family home must comply with all standards above, as well as the following additional requirements:
 - i. The home must meet the provisions for an accessory commercial home occupation as specified in subsection (18) c.
 - ii. The applicant must provide verification of a Fire Department inspection.
 - b. Licensed child care center
 - 1. A licensed child care center, including commercial child care, pre-schools, kindergartens, and nurseries, must comply with the following:
 - i. The center must operate from a structure that is commercial in nature or within a religious facility.
 - ii. The center must meet all licensing requirements of the State of Arkansas.
 - iii. The center must comply with all dimensional and area standards for the zoning district where it is located.
- (8) Commercial laundry**
- a. The square footage of commercial laundry facilities is limited to 3,000 sq. ft.
- (9) Cottage courts**
- a. Lot and building standards
 - 1. A cottage court lot must be a minimum area of 10,000 sq. ft. in R-1 and T3.1.
 - 2. A cottage court must contain no more than 12 dwellings per site, or 4 dwellings per site in R-1 and T3.1.
 - 3. Cottage court dwelling units may be attached or detached in T4.
 - 4. Home Occupations are allowable uses within cottage court dwelling units.
 - 5. Minimum setbacks between detached dwellings must be 10 feet minimum.
 - 6. Dwellings must face and be oriented toward the shared open space.
 - 7. Dwellings located along the perimeter of the site must also include a primary façade and entry facing any abutting public streets.
 - 8. Each dwelling must include a usable front porch facing the shared open space or street.
 - b. Shared open space
 - 1. The shared open space must include at least 400 square feet per dwelling, with no dimension less than 20 feet.
 - 2. Shared open space must be centrally located and directly accessible from each dwelling.
 - 3. Private open space may be provided for individual dwellings and must include a minimum area of 250 square feet with no dimension less than 10 feet.
 - 4. Fencing in private open space must not exceed 6 feet in height.

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- c. Access and circulation
 - 1. Pedestrian paths must connect all dwellings to the shared open space and to public sidewalks or trails.
 - 2. Vehicle access must occur from a shared drive or alley.
 - 3. Parking areas must be located behind or beside dwellings and may not be placed between dwellings and the shared open space.
- d. Design and materials
 - 1. Building design must maintain architectural consistency among units, including roof pitch, materials, and porch type.
 - 2. Exterior materials must meet the standards for durable construction in [Sec. 50-504 \(c\) \(3\) Required materials](#).
 - 3. Roofs and façades visible from public streets must be designed with equal finish quality on all sides.

(10) Crematorium

- a. Subject to performance standards, see [subsection \(d\) Performance standards](#).

(11) Dry cleaners

- a. Subject to performance standards in T4.2, see [subsection \(d\) Performance standards](#).
- b. The square footage is limited to 2,000 sq. ft. in T4.2.

(12) Event venue

- a. Limited to a maximum assembly space of 3,000 sq. ft. in T2.2 and T4.2.
- b. Subject to [Sec. 50-407 \(d\) Performance standards](#).

(13) Feedlots and stockyards

- a. Subject to [subsection \(d\) Performance standards](#).

(14) Food and beverage

- a. Tenant space is limited to 1,600 sq. ft. maximum in T2.1 and T4.2.

(15) Funeral home

- a. Subject to performance standards, see [subsection \(d\) Performance standards](#).
- b. Parking areas are limited to 30 parking spaces, maximum.

(16) Gas station

- a. Pumps and canopies are not allowed between buildings and the front and side street property lines, except in GC, LI, LFI, and T2.2.
- b. Canopy clearance is limited to 14 feet maximum.
- c. Canopies must not exceed the eave or parapet height of the main building.

(17) Group homes

- a. A group home for up to eight unrelated residents, plus necessary live-in staff, is allowed wherever detached dwellings are allowed.

- b. Residents must function as a single housekeeping unit.
- c. Individuals whose tenancy would pose a direct threat to the health or safety of others, or cause substantial physical damage to the property of others, are not allowed.
- d. Group homes must be located with reasonable access to public or shared transportation and support services such as social service providers, employment agencies, and medical care.
- e. Parking must meet the requirements for detached dwellings and include any additional spaces needed for staff and visitors.
- f. The Fire Department must approve the use of the structure as a group home prior to occupancy.
- g. Group homes must comply with all applicable state and federal requirements.

(18) Home occupations

- a. Home occupations are divided into two categories:
 - 1. Standard home occupations involve only the residents of the household and no more than one customer at a time.
 - 2. Accessory commercial units involve employees who do not reside on the premises and customers who visit the site.
- b. Standard home occupations are limited as follows:
 - 1. Must not exceed 25% of the dwelling;
 - 2. No more than one customer may visit the home at a time;
 - 3. No non-resident employees are employed; and
 - 4. Business signage is not allowed.
- c. Accessory commercial units are limited as follows:
 - 1. Not allowed in the R-1 or T3 districts.
 - 2. The following commercial uses are allowed:
 - i. Office
 - ii. Retail (excluding alcohol sales)
 - iii. Services (personal and professional)
 - iv. Food and Beverage
 - 3. Must comply with the Building Code for live/work or mixed-use occupancy classification.
 - 4. Must be located on the first floor of the dwelling if attached, or in a single-story detached structure.
 - 5. The use may be attached or detached from the primary dwelling.
 - 6. The total floor area devoted to the business must not exceed 49% of the floor area of the primary structure or 1,000 square feet, whichever is less.
 - 7. A maximum of five individuals not residing on the premises, whether customers or employees, may be present at one time.
 - 8. Hours of operation are limited to 7:00 a.m. through 10:00 p.m.
 - 9. The business must not create noise, odor, vibration, or light perceptible beyond the property line.
 - 10. The business must maintain a residential appearance consistent with surrounding structures.
 - 11. Outdoor work, storage, or display of goods is prohibited.

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12. Business signage is limited to one non-illuminated sign, not exceeding 9 square feet in area.
13. Parking for the business must be accommodated within the site without expanding impervious area or converting required residential parking.
- d. The following uses are not allowed:
 1. Repair, commercial storage, or assembly of vehicles, equipment, and large appliances;
 2. Dispatch facilities;
 3. Labor pools;
 4. Employment agencies;
 5. Warehousing;
 6. Animal sales or kennels; and
 7. Merchandise warehousing, packing, and shipping, except for small-scale storage, packing, and shipping of home-produced items shipped directly to customers.
- e. The following apply to all home occupations:
 1. The dwelling and site must remain residential in appearance and primary use;
 2. Home occupations are subject to performance standards, see [subsection \(d\) Performance standards.](#);
 3. Outdoor equipment not typically found or used for domestic household use is not allowed; and
 4. Residential trash and recycling volumes and facilities may not be materially exceeded.

(19) Indoor entertainment

- a. Building area is limited to 3,000 sq. ft. per floor maximum in T4.2.
- b. Subject to [Sec. 50-407 \(d\) Performance standards.](#)

(20) Industrial and manufacturing

- a. Subject to performance standards, see [subsection \(d\) Performance standards.](#)
- b. Light manufacturing: Outdoor storage of materials and products is limited to 15% of the associated building area.

(21) Institutional

- a. In R-1, T3.1, T3.2, T4.1, and T4.2, parking areas are limited to 30 parking spaces, maximum.

(22) Medical marijuana facilities

- a. All medical marijuana facilities must comply with distance separation requirements and the licensing requirements and rules established under § 8 of Arkansas Amendment 98.

(23) Office

- a. Building area is limited to 6,000 sq. ft. per floor maximum in T4.2.

(24) One dwelling, detached

- a. In R-1, T3.1, and T3.2 buildings are limited to one per lot, maximum.

(25) One dwelling, attached

- a. In T3.2 buildings are limited to one per lot and a total of two dwellings, maximum.
- b. In T4.1 buildings are limited to four dwellings per lot, maximum.

(26) Outdoor entertainment facility

- a. In T5 and T6 on-site surface parking is limited to 60 spaces, maximum.

- b. A noise impact assessment must be completed by a professional acoustic engineer. The assessment must identify noise levels prior to, after construction, and identify sound attenuation measures that ensure the venue will comply with Art. 58-V Noise.
- c. Installation of sound attenuation measures as recommended in the noise impact assessment.
- d. Subject to [Sec. 50-407 \(d\) Performance standards](#).

(27) Outdoor and mobile food vendors

- a. Permits are required as specified in [Sec. 50-718 \(g\) Outdoor vendor permit](#).
- b. Outdoor vendors: private property
 - 1. Outdoor vendors are allowed only in T5, T6, GC, and industrial zones.
 - 2. No more than one outdoor vendor is allowed per lot. More than one vendor on a lot constitutes an Outdoor Vendor Park.
 - 3. Outdoor vendors must have written property owner permission.
 - 4. The vendor area must not exceed 900 square feet and must be on a hard-surfaced area.
- c. Outdoor vendor parks
 - 1. Outdoor Vendor Parks are allowed in T5, T6, GC, and industrial zones and are not allowed in residential zones.
 - 2. Outdoor Vendor Parks are permitted as a small-scale development or large-scale development based upon the area. See [Sec. 50-704. Small-scale development review](#) and [Sec. 50-705. Large-scale development review](#).
 - 3. Each vendor within the park must have its own outdoor vendor permit.
- d. Outdoor vendors: public property and right-of-way
 - 1. Outdoor vendors on public property are only allowed within special outdoor vendor districts designated by the City Council, or in parks as authorized by the Parks and Recreation Director.
 - 2. The Town Square Outdoor Vendor District is established from NE/NW 3rd St. to SE/SW 3rd St., and NW/SW A St. to NE/SE B St. This does not include the A Street Promenade, which is a park managed by Bentonville Parks and Recreation.
 - 3. Vendors in the Town Square must use a hand cart, push cart, or pedal cart no larger than eight feet long, four feet wide, and six feet high, on a paved surface.
 - 4. No more than one permit per vendor is allowed within the district.
 - 5. Vendors must relocate or adjust operations as required for special events organized by Downtown Bentonville Inc. or City of Bentonville.
- e. Location restrictions for outdoor vendors. No outdoor vendor may operate:
 - 1. Within 10 feet of a street intersection, crosswalk, driveway, bus stop, fire hydrant, or fire escape;
 - 2. Within 15 feet of a building entrance;
 - 3. Within 50 feet of a driveway to a police or fire station or a principal public entrance to a food service business not owned by the vendor;
 - 4. On a median or grass area;
 - 5. In a public parking space or lot, unless expressly allowed; or
 - 6. Where pedestrian flow is obstructed; a four-foot clear passageway must be maintained at all times.

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- f. Hours and mobility
 1. Outdoor vendors may operate only from 7:00 AM to 10:00 PM.
 2. The vendor unit must be mobile, movable, and not a permanent structure.
- g. Mobile food vendors: additional standards
 1. Vending may only occur from streets where on-street parking is allowed.
 2. Vending is not allowed within 500 feet of a school during school hours and one hour before or after.
 3. Mobile food vendors may operate only between 10:00 AM and 30 minutes before sunset.
 4. All vehicles must include safety equipment as required, including convex mirrors, slow signals, signage, and must vend only from the right side.
 5. Vending must not occur with customers in the roadway.

(28) Parklets

- a. Public and reserved parklets are allowed in T5 zones.
- b. Permits are required as specified in [Sec. 50-718 \(d\) Encroachment permit](#).
- c. Eligibility. To be eligible for a parklet permit, an establishment must:
 1. Be located within the Downtown Center Overlay Area as defined in [Sec. 50-506 \(b\) Downtown Center Overlay \(DCO\)](#);
 2. Be located in T5.1 or T5.2; and
 3. Abut a public street with on-street public parking.
- d. Conditions.
 1. Signage: No signs or advertising are allowed on the parklet.
 2. Indemnification: The establishment must release and indemnify the City from any liability for injury or property damage related to use of the parklet.
 3. Condition: The establishment must inspect and report defects, keep the area clean, and maintain the parklet in good condition.
 4. Insurance: The establishment must maintain general liability insurance with a minimum of one million dollars in coverage and must name the City as an additional insured. If serving alcohol, liquor liability insurance is also required. Policies must remain current and cannot be cancelled without at least ten days' prior written notice to the City.
 5. Smoking: Parklets must be designated non-smoking.
 6. Alcohol: Alcoholic beverages may only be served or consumed in the parklet if fully compliant with ABC licensing.
 7. Hours of operation: Parklets may be used during the establishment's normal hours of operation but must close no later than 1:00 AM. When the business is closed, the parklet must be available for public use.
 8. Maintenance: The establishment must keep all parklet elements in good condition and promptly repair or replace worn or damaged elements.
 9. Inspections: The City may conduct periodic inspections for compliance.
 10. Minimum design standards: The establishment must comply with the minimum design standards in [subsection e. Minimum design standards](#).
 11. Building and fire code: The parklet must comply with all applicable Building and Fire Codes.

e. Minimum design standards

1. Size:

- i. Length: Limited to the frontage length of the business, unless written permission is provided by the abutting property owner to extend.
- ii. Width: Limited to the area between the curb and travel lane.

2. Location:

- i. Must maintain at least a one-foot buffer from travel lanes.
- ii. Must not be within twenty feet of an intersection.
- iii. Must maintain at least a four-foot buffer from abutting parking stalls, with wheel stops.
- iv. Must not block fire hydrants, utilities, accessible parking, or other critical infrastructure.
- v. Must not interfere with sight visibility; sight lines must meet AASHTO requirements.

3. Design:

- i. Must be temporary and removable.
- ii. Must include a continuous barrier along the travel lane, up to 42 inches high.
- iii. Must use durable, weather-resistant, slip-resistant materials.
- iv. Must be ADA compliant with a flush transition, 60-inch turning space, and 60-inch wide entrance.
- v. Must remain open air, with no walls or permanent enclosures; umbrellas, awnings, or canopies are allowed but must maintain seven feet of clearance above the sidewalk.
- vi. Must not block stormwater drainage.

f. Revocation. The City may revoke an Encroachment Permit if:

- 1. The establishment violates any part of this Section or the Permit;
- 2. The encroachment creates a safety hazard;
- 3. A City ordinance, state, or federal law is violated;
- 4. The establishment or its employees are convicted of serving alcohol to minors;
- 5. The parklet is not adequately maintained;
- 6. The City initiates an infrastructure project requiring removal of the parklet; or
- 7. The establishment may appeal a revocation to the City Council within 14 days of notice.

(29) Retail

- a. Building area is limited to 3,000 sq. ft. per floor maximum in T4.2 and T2.2

(30) Recycling or salvage

- a. Subject to performance standards, see [subsection \(d\) Performance standards](#).

(31) Recreational Vehicle (RV) park

a. Location:

- 1. A recreational vehicle park is not allowed within 200 feet of a residential zoning district.

- b. Site suitability.
 - 1. The site must be suitable for temporary occupancy and may not contain conditions related to soil, drainage, topography, or surrounding land uses that create hazards to occupants or adjacent properties.
- c. Density.
 - 1. The maximum density is fifteen recreational vehicle sites per acre.
- d. Site layout.
 - 1. Recreational vehicles and accessory structures must be separated from each other by a minimum of ten feet. No recreational vehicle may be located closer than five feet to an internal site boundary.
- e. Access.
 - 1. The site must have vehicular access from an improved public street. Parks with more than 25 sites must provide at least two vehicular access points. Parks with more than 100 sites must provide at least three vehicular access points.
- f. Accessory uses.
 - 1. Accessory uses customarily associated with recreational vehicle parks are allowed.
 - 2. Convenience services, if provided, must be limited to park occupants and may not exceed 5% of the gross site area or present a commercial appearance visible from outside the park.
- g. Screening.
 - 1. Where a recreational vehicle park abuts a residential zoning district, screening must be provided in accordance with [Sec. 50-510 \(d\) Screening and buffering](#).
- h. Length of stay.
 - 1. Occupancy of a single recreational vehicle within the same park may not exceed three months within any 12 month period.

(32) Self-storage

- a. Self-storage must follow [Sec. 50-504. Vertical construction](#) and [Sec. 50-503. Site design](#).
- b. Individual storage unit roll-up doors must face away from or be screened from front and side street property lines. Screening is subject to [Sec. 50-510 \(d\) Screening and buffering](#).
- c. Single story self storage is subject to the following:
 - 1. Single story self storage is not allowed in T5 and T6; and
 - 2. Single story self-storage buildings must be set back from front and side street property lines a minimum of 100 feet in GC.
- d. Multi-story self storage is subject to the following:
 - 1. The ground floor must include an active use, such as the rental office, at the main pedestrian entry, no less than 500 sq. ft. in area.

(33) Service

- a. Tenant area is limited to 2,000 sq. ft., maximum in T4.2.

- b. Outdoor storage of materials is not allowed.

(34) Solar energy systems

- a. Roof-mounted systems:
 - 1. May extend up to 5 feet above sloped roofs, measured along the slope;
 - 2. May extend up to 10 feet above flat roofs; and
 - 3. Must not extend beyond the roof line on any side.
- b. Wall-mounted systems:
 - 1. Wall-mounted systems must be flush-mounted unless architecturally integrated.
- c. Ground-mounted accessory use systems:
 - 1. Must not be located within front and side street setbacks or on required landscape buffers;
 - 2. Must be screened according to [Sec. 50-510 \(d\) Screening and buffering](#) when visible from a public street or abutting residential property;
 - 3. Are limited to 15 feet above ground; and
 - 4. Must not exceed 10% of lot area.
- d. Principal solar energy facilities:
 - 1. Allowed only in the T2.1, LI, and LFI districts;
 - 2. Must be located at least 100 feet from any residential zoned lots;
 - 3. A landscape buffer according to [Sec. 50-510 \(d\) Screening and buffering](#) must be provided along any edge visible from public rights-of-way or residential property;
 - 4. Glare must be minimized through use of anti-reflective coatings; and
- 5. Decommissioning must occur within 12 months of discontinuation of use. A decommissioning plan and financial assurance may be required as a condition of approval.
- e. Downtown Bentonville
 - 1. Only rooftop solar panels are allowed in Downtown.
 - 2. Rooftop solar panels are subject to the following compatibility standards:
 - i. Roof-mounted systems must be placed on roof slopes not visible from the primary street, or set back so they are not visible from the public sidewalk;
 - ii. Panels must be parallel to the roof surface and use mounting hardware that minimizes visual bulk;
 - iii. For flat roofs, equipment must be screened by the parapet or otherwise not visible from surrounding streets;
 - iv. Visible components such as inverters or conduit must be painted to match the building surface and be located away from street-facing façades; and
 - v. Solar systems must not obstruct or alter historic architectural features such as cornices, chimneys, or window openings.

(35) Solid waste disposal

- a. Facilities must be located at least 1,000 feet from any residential zoning district, school, park, or public trail.
- b. All waste handling and storage activities must be enclosed or screened from view and must not emit dust, odors, or airborne debris beyond the site boundary.
- c. Access must be provided from an arterial or collector street. Haul routes must avoid residential areas where feasible.
- d. Stormwater runoff must be managed in compliance with the [City of Bentonville Drainage Criteria Manual](#) and applicable Arkansas Department of Environmental Quality (ADEQ) requirements.
- e. The operator must maintain all required permits from ADEQ and provide a copy to the City upon request.

(36) Two dwellings per building

- a. In T3.2 buildings are limited to one per lot, maximum.

(37) Warehouse and distribution

- a. Buildings must be located a minimum of 100 feet from lots zoned R-1, T3, or T4.
- b. Loading docks, service bays, and outdoor storage areas must be screened from streets and residential uses abutting the site by a solid fence or wall and a continuous landscape buffer according to [Sec. 50-510 \(d\) Screening and buffering](#).
- c. Vehicle access must be provided from an arterial or collector street. Truck circulation must not pass through or face residential streets.

(38) Wind energy, large

- a. Systems must comply with [Sec. 50-406 \(d\) Performance standards](#).
- b. Systems must comply with applicable FAA and electrical code requirements.

(39) Wind energy, small

- a. Systems must be set back from all property lines a distance equal to or greater than the total system height.
- b. Maximum tower height is 80 feet in non-residential districts and 50 feet in residential districts.
- c. Towers must be monopole or architecturally integrated. Guy-wired towers are not allowed.
- d. Systems must comply with applicable FAA and electrical code requirements.
- e. Systems must not produce noise, glare, or vibration detectable at the property line.

(40) Wireless communication cellular towers

- a. 5G Equipment.
 1. 5G equipment must be integrated into new stealth monopoles or be mounted on buildings or existing communications towers.
 2. 5G equipment and stealth monopoles are not subject to the remainder of this section.
- b. Other Wireless Towers.
 1. Towers must be set back at least 200% of the tower height from any residential zoning district or existing dwelling.

2. Collocation on existing towers, utility poles, or buildings is required if available. A new tower must demonstrate that no existing facility can accommodate the equipment. Approval of the appropriate utility director is required.
3. Towers must be designed to accommodate at least three carriers unless otherwise justified.
4. All equipment and ground facilities must be screened with a solid fence and a continuous landscape buffer according to [Sec. 50-510 \(d\) Screening and buffering](#).
5. Towers must not be illuminated except as required by the FAA.
6. Abandoned towers must be removed within 180 days of discontinuation of use.

(d) Performance standards

- (1) The following environmental and operational standards apply to all uses where indicated. Property owners and operators are responsible for ensuring compliance and mitigating off-site impacts.
- (2) Noise and vibration.
 - a. Noise and vibration must comply with [Article 58-V Noise](#).
- (3) Radioactivity.
 - a. The emission of any radioactive material or radiation is not allowed.
- (4) Electrical disturbance.
 - a. Electrical interference that affects the operation of off-site equipment, including communications or navigation systems, is not allowed.
- (5) Flammable or explosive materials.
 - a. The use, storage, handling, or production of flammable or explosive materials must comply with applicable fire codes and must not create hazardous conditions.
- (6) Air pollution.
 - a. Emissions of smoke, dust, vapors, or other air pollutants must comply with standards established by the Arkansas Division of Environmental Quality.
- (7) Glare or heat.
 - a. Visible glare or radiant heat that is discernible without instruments at or beyond the property line is not allowed.
- (8) Odor.
 - a. Emission of odorous gases or vapors that are discernible without instruments at or beyond the property line is not allowed, except as associated with food & beverage and food service and preparation incidental to other uses.
- (9) Dust, dirt, or particulate matter.
 - a. Discharge into the air of dust, dirt, ash, or other particulate matter from activities or stored materials that is discernible without instruments at or beyond the property line is not allowed.
- (10) Liquid contaminants.

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- a. Discharge of any contaminant into a public sewer, private sewage system, natural stream, or the ground that pollutes water, interferes with treatment, or causes hazardous or offensive by-products is not allowed.

(11) Hazardous materials.

- a. Hazardous materials must be stored and handled in compliance with applicable fire and environmental codes, and must be contained to prevent accidental release into the air, soil, or drainage systems.

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ARTICLE 50-5 DESIGN STANDARDS**SEC. 50-501. PURPOSE AND INTENT**

- (a) This Article sets the design rules for development at all scales and sizes, including, but not limited to, subdivisions, site design, buildings, signs, landscape, and special areas. The goal is to bring all rules together to create walkable, attractive, and environmentally responsible places that fit well with their surroundings and make efficient use of public resources.
- (b) These rules are intended to:
 - (1) Locate buildings, parking, walkways, and open space in ways that match the area's character;
 - (2) Create street networks that spread out traffic and provide good emergency access;
 - (3) Organize sites into blocks that follow a pattern similar to Downtown Bentonville, making it easier to walk, bike, or drive short distances to destinations;
 - (4) Connect walking, biking, and driving routes throughout the City;
 - (5) Design open spaces for everyday use and recreation as part of the overall site layout;
 - (6) Locate trees along streets to provide shade and manage stormwater runoff;
 - (7) Protect existing trees and add new landscaping and stormwater features to each site;
 - (8) Ensure smooth transitions between different zoning districts without the need for wide buffers;
 - (9) Arrange buildings in ways that support walkability, local businesses, and calm traffic;
 - (10) Make parking areas safe, pleasant, and supportive of good street design;
 - (11) Encourage lasting, high-quality development that benefits the community and public health; and
 - (12) Apply the same rules to both subdivided and non-subdivided sites to ensure a consistent development pattern across the City.

SEC. 50-502. LAND DEVELOPMENT**(a) Utilities**

- (1) Utilities and utility easements must be provided following [Sec. 50-605. Utility location standards](#).

(b) Blocks**(1) General**

- a. Block requirements apply to sites 6 acres and larger.

(2) Arrangement

- a. Development sites must be divided into blocks, except:
 - 1. Sites zoned T2, LI, or LFI;
 - 2. Parks, civic spaces, and open spaces; and
 - 3. Site area is within 200 feet of abutting properties.
- b. Each block must meet the size requirements in [subsection \(3\) Block size](#).
- c. Block perimeters must follow existing streets.
- d. See [subsection \(c\) Circulation network](#) for additional rules for street and trail connections that affect block size and arrangement.

(3) Block size

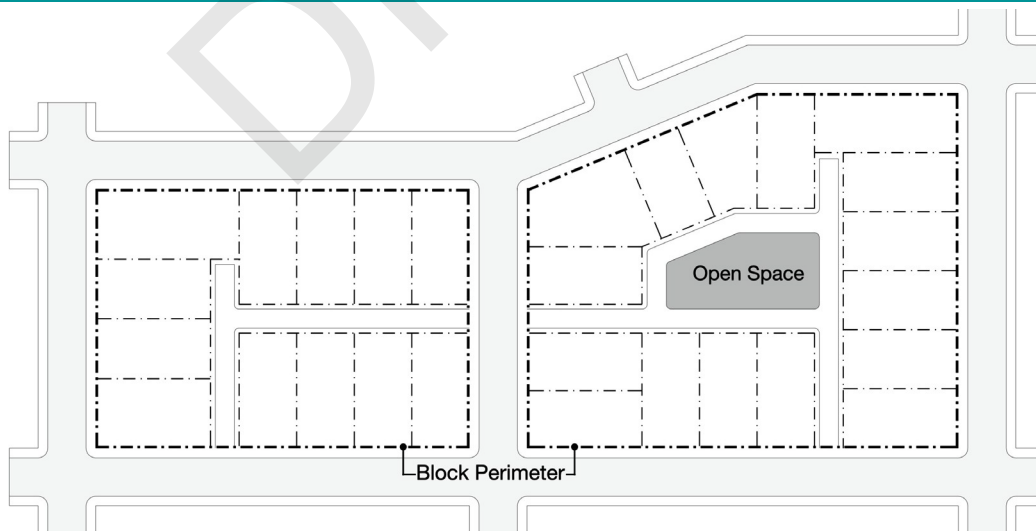
- a. Streets and civic spaces, excluding mid-block trails, delineate the sides of blocks, known as the block perimeter.
- b. A block's size is the total length around its perimeter, as shown in [Figure 5.1 Block Size](#).
- c. Block size cannot be more than 2,000 feet in length, unless an exception applies as defined in [Table 7.2 Administrative Adjustment Criteria](#).
- d. If a non-exempt block is longer than 500 feet on any side, a mid-block trail must be added through the block following [subsection \(4\) Mid-block trails](#).
- e. Blocks must be 150 feet or greater in any direction.
- f. Blocks must be deep enough to accommodate two lots.
- g. Rear lot lines may not face the edge of a block.

(4) Mid-block trails

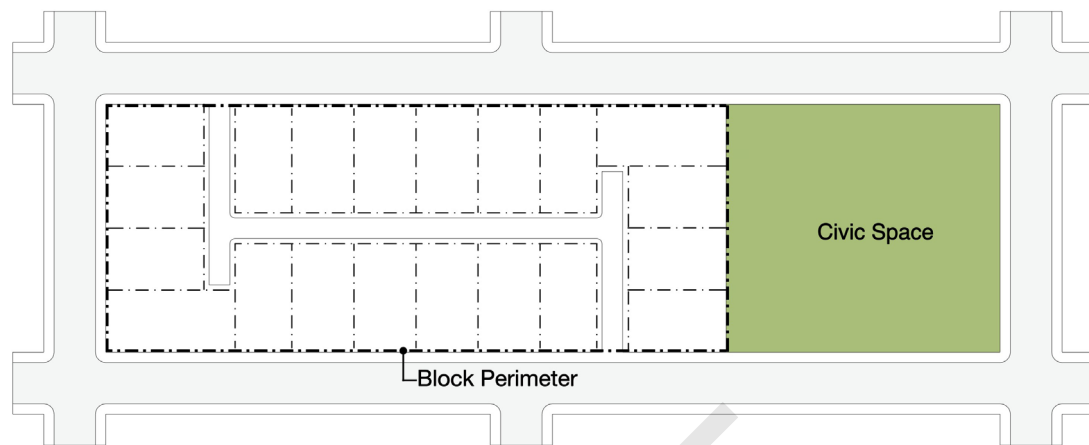
- a. Mid-block trails provide walking and biking access through long blocks. They must divide the block along its longest dimension, as shown in [Figure 5.2 Mid-Block Trails](#).
- b. In GC, this rule may be satisfied with a pedestrian walkway through parking areas.
- c. Mid-block trails are not required in T2, R-1, T3.1, LI, and LFI.
- d. Mid-block trails must meet the design standards in [Sec. 50-604. Trails and bikeways](#). The minimum width of the easement, tract, or right-of-way may be reduced if adherence to other design standards is demonstrated.

(5) Alleys

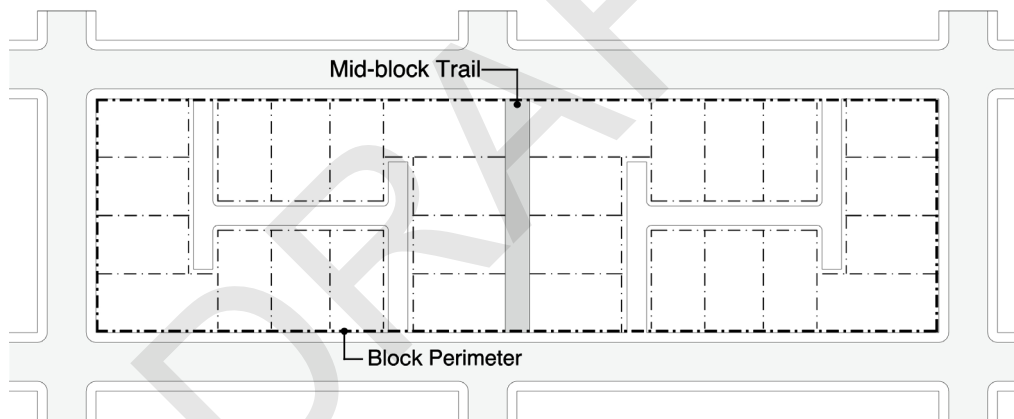
- a. Alleys are required where specified in [subsection \(d\) Lot layout](#).
- b. Alleys must follow the rules in [Sec. 50-602 \(m\) Alleys](#).

FIGURE 5.1 BLOCK SIZE

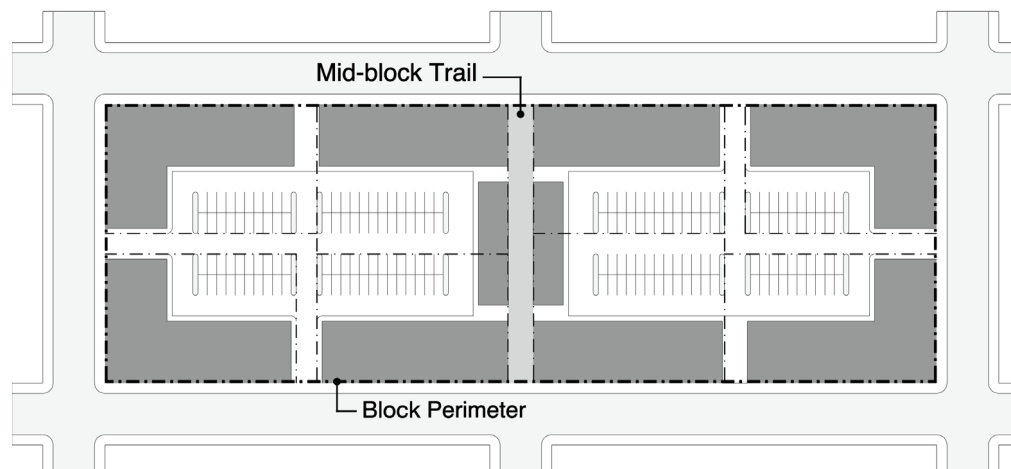
Block Size: Typical Blocks

FIGURE 5.1 BLOCK SIZE

Block Size: Blocks Including Civic Space

FIGURE 5.2 MID-BLOCK TRAILS

Mid-block trail through in a typical residential block.



Mid-block trail through a typical commercial or mixed-use block.

(c) Circulation network**(1) General**

- a. All development must include a connected circulation network for walking, biking, and driving throughout the site.
- b. The circulation network must connect with existing streets, walkways, and trails, and connect to neighboring undeveloped properties.
- c. The circulation network must be located between blocks and may include:
 1. Streets, which must make up at least 50% of the circulation network (by center line length);
 2. Special streets, such as shared streets, festival streets, and green streets, for up to 50%; and
 3. Trails, for up to 50%, not including mid-block trails.
- d. For development that is not subdivided, major driveways must be laid out like streets. The term "street" in this Article includes both streets and major driveways, except where major driveways are referred to specifically.

(2) Street network

- a. The street network includes existing and new streets created as part of the development.
- b. All streets must connect with other streets, except where allowed in [Sec. 50-502 \(c\) \(6\) Culs-de-sac](#).
- c. The street network must create blocks that comply with the rules in [Sec. 50-502 \(b\) Blocks](#).
- d. Streets must follow the design standards in [Sec. 50-602. Street design](#).
- e. Intersections must follow the [Bentonville Street Specifications](#).
- f. Streets shown in the [Master Street Plan](#) must be built, including:
 1. Right-of-way dedication and all street and utility improvements;
 2. The alignment shown, except the Director may approve a shift in alignment if the street meets the connections on either side of the property; and
 3. The cross-section shown in the [Master Street Plan](#) with details compliant with [Sec. 50-602. Street design](#).
- g. Streets must connect to and extend:
 1. To existing streets that end at property boundaries and those opposite the site; and
 2. To property boundaries following [Sec. 50-502 \(c\) \(5\) External connections](#).
- h. Street connections must provide transitions for changes in the location, size, or number of sidewalks, travel lanes, parking lanes, and medians.
- i. Streets must meet at or near right angles, within 15-degrees of perpendicular, except:
 1. Streets may meet at Y-intersections as long as no angle is less than 90-degrees.
- j. Street and commercial driveway intersections must:
 1. Line up across from each other; or
 2. Be offset by at least 150 feet, measured from center line to center line; except where a permanent median separates the connections.

- k. Only one offset intersection is allowed for every 6 blocks along a street unless an exception applies as defined in [Table 7.2 Administrative Adjustment Criteria](#).
- l. Subdivisions with 30 lots or more must provide at least 2 street connections.
 - 1. This may be eligible for administrative adjustment if no alternatives exist and units are sprinkled.

(3) Bicycle and trail network

- a. The bicycle and trail network includes:
 - 1. Shared-use trails for both pedestrians and cyclists;
 - 2. Dedicated bike lanes; and
 - 3. Bike routes marked for shared use with vehicles.
- b. All trails and bicycle facilities must follow [Sec. 50-604. Trails and bikeways](#).
- c. All development must provide:
 - 1. Bicycle facilities specified in the [Bike and Pedestrian Master Plan](#); or
 - 2. Extension through the site of any bicycle facility that ends at property boundaries and those opposite the site.
- d. Small and Medium Sites (less than 6 acres):
 - i. No additional bicycle facilities are required.
- e. Large Sites (6 acres and larger):
 - i. Sites with through streets must provide at least 1 through bicycle facility for every 4 through streets in each direction; and
 - ii. Sites without through streets must provide access to existing streets at the site boundary at a rate of 1 bicycle facility for every 1,320 feet of site length along existing streets.

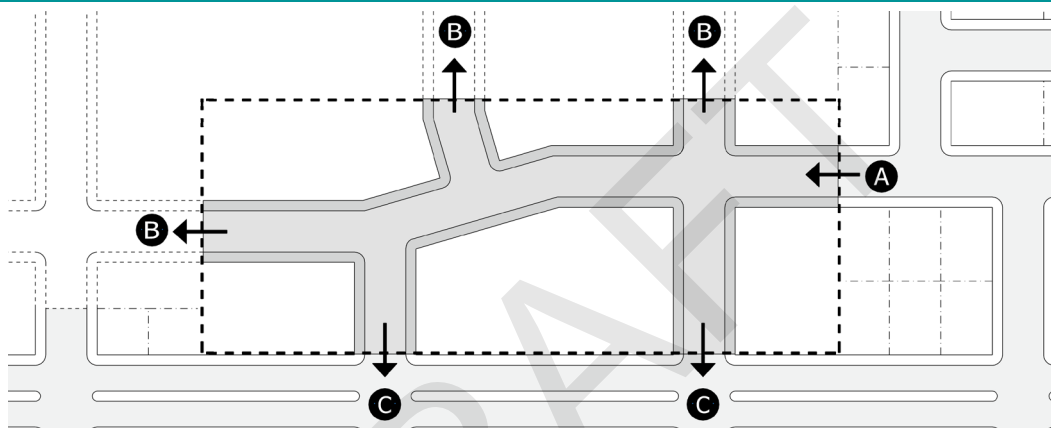
(4) Pedestrian network

- a. The pedestrian network includes sidewalks, trails, and dedicated pedestrian walkways.
- b. It must provide an access route to the entrance of every building where people live or work.
- c. It must connect to existing sidewalks and trails at the edges of the site.
- d. It must meet the American's with Disability Act requirements for accessibility.
- e. Where the pedestrian network crosses driveways, drive aisles, or alleys, the sidewalk, trail, or walkway must appear continuous, as demonstrated in [Table 6.4 Alley Apron](#).
- f. The Director may require additional walkways to close gaps in the pedestrian network as controlled by [Table 7.2 Administrative Adjustment Criteria](#).

(5) External connections

- a. External connections must be provided to neighboring properties as listed in this section and shown in [Figure 5.3 External Connections](#).
- b. External connections must be provided along property boundaries at least every 660 feet.
- c. External connections include:
 - 1. Streets or major driveways, compliant with [Sec. 50-602. Street design](#);

2. Front parking lanes following [Sec. 50-503 \(h\) \(9\) Car parking location](#); and
 3. Trails, following [Sec. 50-502 \(b\) \(4\) Mid-block trails](#).
- d. Trails can make up no more than 50% of the required external connections.
- e. External connections are not required when:
1. Exempted per [Sec. 50-502 \(b\) \(3\) Block size](#); or
 2. The Director determines the connection is unnecessary or unsafe. The Director may still require external connections for bikes and pedestrians
- f. An access easement must be recorded with the deed providing cross access for all abutting properties.

FIGURE 5.3 EXTERNAL CONNECTIONS

A Street and trail stubs abutting site boundaries continued within the site.

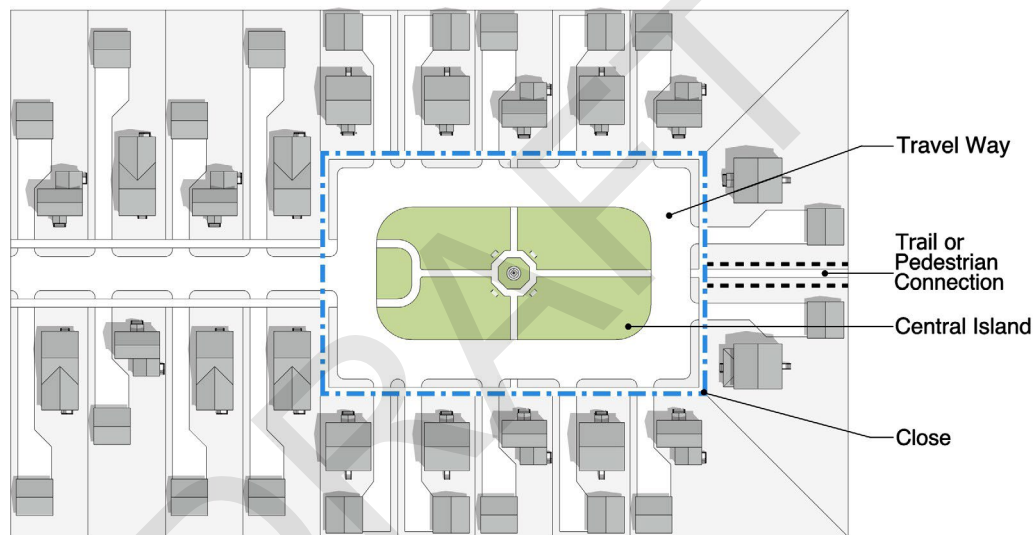
B Street and trail stubs made to abutting properties.

C Street and trail stubs made to abutting streets, except where restricted by natural features.

(6) Culs-de-sac

- a. Culs-de-sac are not allowed except where one or more of the following conditions exist:
1. Natural features described in [Sec. 50-511. Natural resource protection](#), limit where streets can be located;
 2. The site is too narrow for a full block and neighboring properties are already developed, preventing a street connection; or
 3. The Arkansas Department of Transportation (ARDOT) does not allow a new connection to a state highway.
- b. Urban districts. In the T4, T5, and T6 districts, any allowed cul-de-sac must follow a close layout, as shown in [Figure 5.4 Culs-de-Sac](#), and meet the following standards:
1. At least 100 feet between property lines in all directions;
 2. The street border must continue around the cul-de-sac, including street trees;
 3. A landscaped central island must be provided with trees, benches, walkways, or other usable features that serve as an amenity to nearby homes; and

4. A trail or pedestrian walkway that continues the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.
5. A close may provide civic space in alignment with [Table 5.7 Pocket Park](#) requirements.
- c. All other districts. In all other districts, a cul-de-sac may follow a close layout or a conventional layout, subject to the following standards:
 1. Culs-de-sac must be no longer than 660 feet, measured from the nearest intersecting street to the center of the cul-de-sac;
 2. The cul-de-sac must have a minimum diameter of 96 feet to the back of curb, or as required by the Fire Code; and
 3. A trail or pedestrian walkway must continue the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.

FIGURE 5.4 CULS-DE-SAC**(d) Lot layout**

- (1) All land being developed must be divided into lots, except streets, alleys, civic space, and open space.
- (2) Sites zoned LI or LFI do not need to be divided into lots.
- (3) All lots must:
 - a. Meet or exceed the minimum lot width and lot area for their zoning district, as applicable;
 - b. Be able to meet all rules in [Article 50-4 Zoning](#).
 - c. Be at least 40 feet deep;
 - d. Have at least one lot line along a street, civic space, or trail;
 - e. Have vehicular access from an alley, street, or shared parking area; and
 - f. Have direct access to utilities.
- (4) Rear lot lines are not allowed along streets or civic spaces.
- (5) Lots that are less than 40 feet wide must have vehicular access from an alley, side street, or shared access easement.
- (6) New through lots are only permitted when:

- a. The block cannot meet the block size limit in [Sec. 50-502\(b\)](#) and no standard lot layout will fit the site;
- b. One of the streets is an arterial where driveways are not permitted and all access will come from the lower speed street;
- c. The [Master Street Plan](#) shows one of the streets as a corridor where new frontage is not allowed; or
- d. The plat provides a rear yard buffer of the required depth along the street that will not receive access, along with a recorded easement that prohibits future driveways.

(7) New flag lots are allowed in the following instances:

- a. Utility access flag lots are allowed in all districts;
- b. Flag lots are allowed in T2, T3, and T4.1 zoning districts; and
- c. Reverse flag lots are allowed in T4 and T5 zoning districts.

(e) Civic space standards

(1) Required civic space

- a. Developments must include civic space as follows:
 - 1. Sites under 6 acres: No civic space is required;
 - 2. Site over 6 acres: Must include at least 5% civic space;
 - 3. Sites over 30 acres: Must include at least 1 separate civic space for every 30 acres; and
 - 4. Distribution: When more than 1 civic space is required, they must be spaced out so that every lot is within 2,640 feet of one, as shown in [Figure 5.5 Civic Space Distribution](#).
 - 5. Sites less than 10 acres within 1/2 mile of a public park may have civic space requirements removed by the Director according to [Table 7.2 Administrative Adjustment Criteria](#).
- b. All required civic spaces must follow the standards in [subsection \(2\) Minimum civic space standards](#).
- c. Additional open space is allowed, however any open space larger than 1/2 acre must follow [subsection \(2\) Minimum civic space standards](#).
- d. Sites zoned entirely LI, LFI, and T2 do not have to provide civic space.
- e. Lots zoned T2, LI, LFI, and GC are excluded from the civic space distribution requirements.

(2) Minimum civic space standards

- a. To count towards the civic space requirement, spaces must meet the design and dimensional rules in [Table 5.7 Civic Space Types](#) and the landscape requirements of [Table 5.35 Civic Space Landscaping](#).
- b. The Director may approve other types of civic space if they meet the purpose and function of another civic space type.
- c. Civic space landscaping must follow the requirements of [Sec. 50-510 \(h\) Civic space landscape](#).
- d. Civic space proportion and minimum dimension are measured as follows:
 - 1. Rectangular in shape: the proportion is the ratio of width to length and the minimum dimension is the lesser of the width and length;
 - 2. Triangular in shape: the proportion is the ratio of the base to the altitude and the minimum dimension is the altitude; and

3. Irregular in shape: the proportion is measured with an inscribed rectangle, as shown in [Figure 5.6 Irregular Civic Space Sides and Proportion](#), and the minimum dimension is the shortest side.
- e. Sides of a civic space are separated by corners with an angle of 135-degrees or less, as shown in [Figure 5.6 Irregular Civic Space Sides and Proportion](#).
- f. Civic spaces may include stormwater features, if they follow [subsection \(4\) Stormwater in civic spaces](#).
- g. For subdivided sites, required civic spaces must be located on a dedicated lot or tract and must be protected by a public use deed restriction.
- h. Civic spaces must be maintained by the property owner or an established property owners' association or homeowners' association, unless dedication is accepted by the Parks Director.

(3) Alternative civic spaces

- a. The Director may approve alternative civic space elements and meet the functional intent of this section. These may include green roofs, stormwater features, or other designs that are integrated into a building or infrastructure system.
- b. Green roofs may count toward civic space by administrative adjustment requirements under [Sec. 50-716. Administrative adjustments and waivers](#) if they meet all of the following:
 1. Include at least 25% planted area and provide seating or gathering features such as benches, shade structures, or paved overlooks; and
 2. Include a contiguous usable area of at least 2,000 square feet, with a minimum of 50% of that area providing unobstructed access for people to sit, walk, or gather.
- c. Land dedicated for a public school may count toward the civic space requirement if the site is publicly accessible outside of school hours and provides outdoor gathering or recreation areas.

(4) Stormwater in civic spaces

- a. Stormwater storage and treatment is limited within civic space by the ranges specified in [Table 5.7 Civic Space Types](#) and as follows:
 1. Maximum storm water area is calculated as a percentage of the area of the surrounding civic space.
 2. Open water is measured as the mean water level.
- b. The design of storage and treatment areas must follow these rules:
 1. Areas not continually under water must be shared-use for recreation when dry;
 2. All furnishings must be anchored;
 3. Stormwater areas must be accessible and may not be enclosed by fences or walls;
 4. Stormwater areas must be located within a drainage easement;
 5. Subject to maintenance by a POA; and
 6. Tree canopy coverage requirements exclude stormwater areas.

- c. Integrated green roof and stormwater systems may count toward both civic space and stormwater requirements if they meet all of the following:
 - 1. Retain at least one inch of rainfall from a 24-hour storm event, calculated based on the entire vegetated area of the roof; and
 - 2. Include overflow controls and meet any applicable city engineering standards for stormwater detention or quality.

(5) Community Gardens in Civic Spaces

- a. Community gardens may be included in parks, greens, squares, greenways, and pocket parks.
- b. Limited to:
 - 1. 50% of pocket park area; and
 - 2. 20% of all other civic spaces.
- c. Must include a water supply.
- d. Must have at least 75% noon-time solar exposure.

FIGURE 5.5 CIVIC SPACE DISTRIBUTION

A Site A (Requires 2 civic spaces)

B Public park (outside of sites)

C Site C (Requires 2 civic spaces)

D Site D (Requires 1 civic space)

E Site E (Requires 1 civic space)

This figure depicts multiple adjacent sites surrounding an existing public park, each of which is required to provide their own, distributed civic spaces.

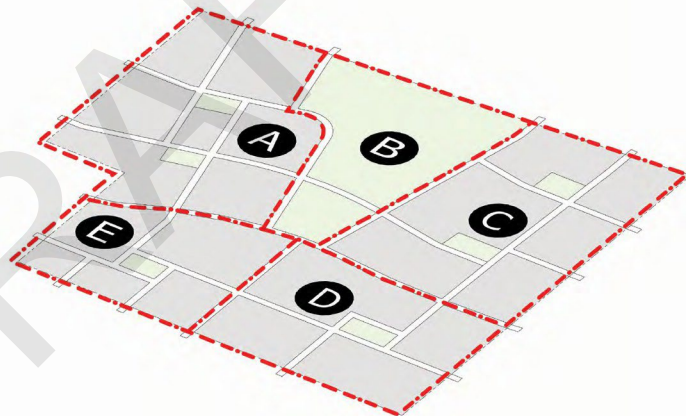
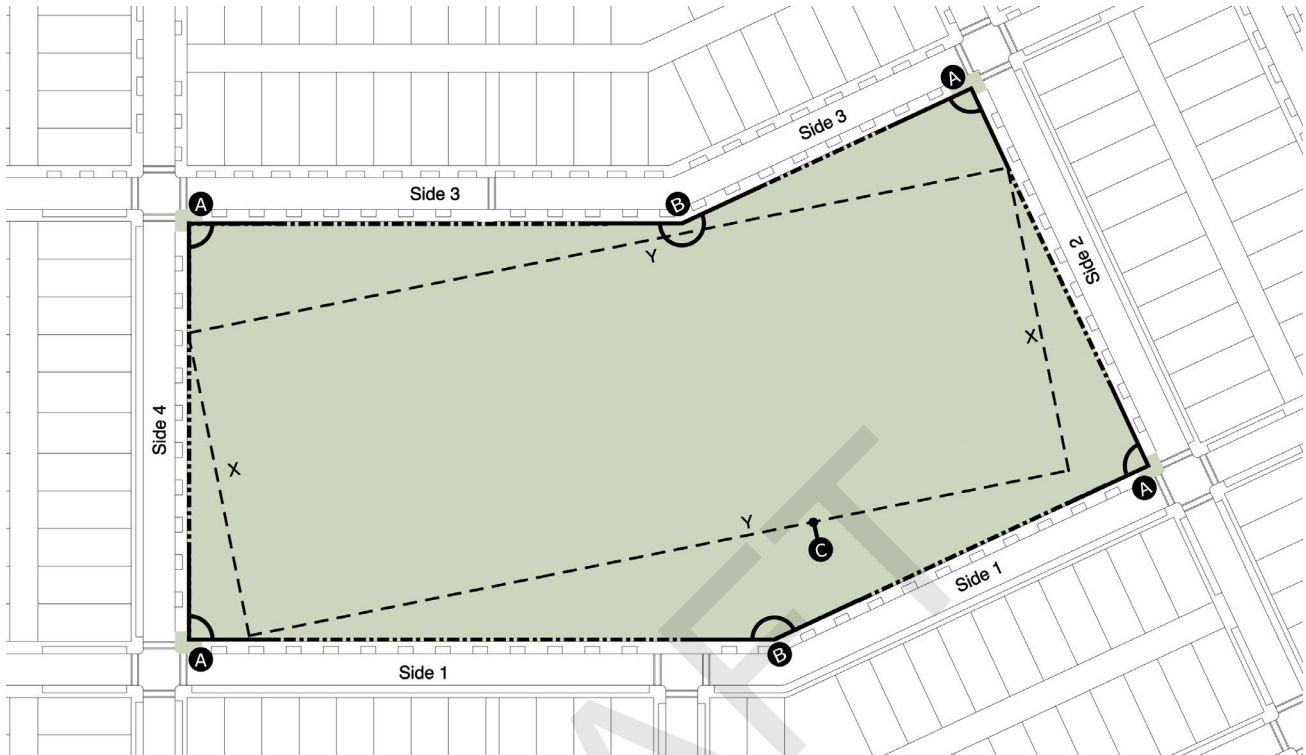


FIGURE 5.6 IRREGULAR CIVIC SPACE SIDES AND PROPORTION

Sides of a civic space are between corners that meet at an angle less than 135-degrees.

Civic space proportion is the ratio of rectangle inscribed in the civic space in the form of X:Y (e.g. 1:4)

A	Corner separating 2 sides	X	Short side of the inscribed rectangle
B	Corner not separating 2 sides	Y	Long side of the inscribed rectangle
C	Rectangle measured for proportion		

TABLE 5.7 CIVIC SPACE TYPES

Conservation Park		
Zoning District	Any	
Size	1/2 ac. min., 80 ft. min. in width.	
Proportion	N/A	
Edge condition	N/A	
Surface	Planted, pervious paths and maintenance roads.	
Buildings	Pavilions and picnic areas.	
Storm Water Type	Natural systems retention and detention	
Storm Water Area	100% max.	
Open Water	60% max.	

Green		
Zoning District	T3, T4, T5	
Size	1/2 ac. min.	
Proportion	1:8 max.	
Edge condition	Right-of-way required on at least one side.	
Surface	Planted, 20% max impervious.	
Storm Water Type	Local retention and conveyance	
Storm Water Area	60% max. shared-use	
Open Water	30% max.	

Square		
Zoning District	T4, T5, T6, GC	
Size	A minimum dimension of 74 ft. on 2 sides.	
Proportion	1:5 max.	
Edge condition	Rights-of-way required on two sides minimum.	
Surface	50% max. impervious	
Buildings	Pavilions, rest rooms, storage, performance support.	
Storm Water Type	Local retention and conveyance	
Storm Water Area	60% max. shared-use	
Open Water	20% max.	

TABLE 5.7 CIVIC SPACE TYPES

Plaza		
Zoning District	T5, T6, GC	
Size	A minimum dimension of 40' on one side.	
Proportion	1:4 max.	
Edge condition	Rights-of-way required on 2 sides minimum.	
Surface	50% min. paved, 80% max. impervious	
Buildings	Pavilions, storage, rest rooms, food service, vending, performance support.	
Storm Water Type	Sub-grade and surface storage	
Storm Water Area	100% max. sub-grade, 20% max. surface	
Open Water	20% max.	

Greenway		
Zoning District	Any	
Size	50 ft. min. in width, 1,000 ft. min. in length.	
Proportion	N/A	
Edge condition	Rights-of-way or trail required on one side minimum.	
Surface	Planted, 20% max. impervious	
Storm Water Type	Local and regional retention and conveyance	
Storm Water Area	90% max. shared-use	
Open Water	60% max.	

Pocket Park		
Zoning District	R1, T3, T4, T5, T6	
Size	2,000 sq. ft. min., 8,000 sq. ft. max.	
Proportion	1:5 max.	
Edge condition	Rights-of-way required on one side minimum.	
Surface	Planted, 30% max. impervious	
Storm Water Type	Local retention and conveyance	
Storm Water Area	50% max. shared-use	
Open Water	20% max.	

SEC. 50-503. SITE DESIGN**(a) Impervious surfaces**

- (1) Impervious surface is the percentage of the lot that is covered by buildings, paving, and any other surfaces that are not permeable to water.
- (2) Impervious surface is limited as follows:
 - a. For each lot: By the amounts specified in [Table 4.1 Zone Standards](#);
 - b. Within flood hazard areas: Following [Sec. 50-511. Natural resource protection](#) and the City's [Flood Damage Prevention Code](#);
 - c. Within civic spaces: By the amounts specified in [Table 5.7 Civic Space Types](#);
 - d. Within open spaces (other than civic spaces): 10%, maximum; and
 - e. Sites larger than 1 acre in T5 and T6: 90%, maximum.
- (3) If a site has a future lotting plan, impervious surface is limited for each future lot, civic space, open space, and flood hazard area separately.

(b) Stormwater drainage connection

- (1) All new property improvements must be designed to drain to an approved stormwater collection system or public street with enough capacity to accept the flow.
- (2) Site grading, storm drains, and any other drainage systems must comply with the City's [Stormwater Management and Drainage Manual](#).

(c) Required landscaping

- (1) Site landscape requirements are located in [Sec. 50-510 \(f\) Site landscape](#).

(d) Public art**(1) Applicability .**

- a. Public art may be provided as part of site design in any zoning district where site amenities are allowed or required.

(2) Standards .

- a. Public art may include sculpture, murals, integrated architectural features, or similar artistic elements that are permanently installed and visible from public or semi public spaces.

(3) Location .

- a. Public art may be located within plazas, courtyards, civic spaces, landscaped areas, building forecourts, or similar site features.
- b. Public art may be located within the public right-of-way only when approved by the City and when consistent with applicable right-of-way requirements.

(4) Incentives for public art

- a. Permanent artwork that is clearly visible from a public street or space may be credited toward required street or civic space furnishings if approved during plan review.
- b. Incentives
 1. Projects meeting the eligibility requirements in [c. Eligibility](#) may receive one of the following incentives:

- i. A reduction of up to 10% in the minimum required off-street parking spaces, rounded down to the nearest whole number;
 - ii. A 5% increase in maximum allowed lot coverage in districts where maximum lot coverage applies; or
 - iii. Priority review of the plan upon a complete submittal.
 2. No more than one incentive may be applied per project. Incentives are granted at the time of plan review and recorded as part of the approval.
- c. Eligibility
 1. Eligible development types. Incentives may be applied only to the following development types:
 - i. New non-residential or mixed-use buildings with a gross floor area of 5,000 square feet or more;
 - ii. Multi-building commercial or mixed-use sites greater than one acre; or
 - iii. Civic or institutional developments open to the public, regardless of size.
 2. Minimum value of public art.
 - i. The installed public art must represent a minimum investment equal to at least 0.5% of the total project construction cost, documentation submitted with the plan.
 3. Artwork standards. To be eligible, the public art must:
 - i. Be designed or fabricated by a professional artist, design team, or architect;
 - ii. Be original, site-specific work, not mass-produced;
 - iii. Be located outdoors in an area visible from a public right-of-way or civic space; and
 - iv. Not include signage elements.

(e) Pedestrian walkways

- (1) Walkways must connect to the broader network of sidewalks and trails required by [Sec. 50-502. Land development](#).
- (2) Walkways must connect all building entries where people live or work to sidewalks along streets.
- (3) Walkways must connect all on-site dedicated parking areas with building entries and perimeter sidewalks.
- (4) Walkways within parking areas are required, following [subsection \(h\) Car parking and circulation](#).
- (5) Walkway must meet the following specifications:
 - a. Walkways must meet ADA accessibility standards;
 - b. Walkways must be at least 5 feet wide;
 - c. Walkways must be constructed of concrete or unit pavers; and
 - d. Alternative materials may be allowed as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#), subject to the following:
 1. Asphalt walkways in LI and LFI districts; or
 2. Gravel or pervious walkways if they meet ADA compliance standards.

(f) Trails and bicycle facilities

- (1) If [The Bike & Pedestrian Master Plan](#) shows a trail or pathway through the site, it must be provided as specified in the plan.
- (2) Additional trails and bicycle facilities are optional. If provided, they must follow [Sec. 50-604. Trails and bikeways](#).

(g) Bicycle parking

(1) Required bicycle parking

- a. Bicycle parking must be provided following [Table 5.9 Required Bicycle Parking](#), but must always provide a minimum of 4 spaces for the uses listed in [Table 5.9](#).
- b. Required bicycle spaces must follow the rules in [subsection \(2\) Bicycle parking location](#).
- c. Reductions or exemptions may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).

(2) Bicycle parking location

- a. General
 1. Bicycle parking must be located on the same lot or future lot as the use being served.
 2. Bicycle storage within dwelling units does not count toward required spaces.
 3. Bicycle racks and corrals within streets count towards required short-term spaces. Only racks and corrals on the same side of the street and along lot lines count toward required spaces.
 4. Lots with multiple uses may provide required spaces separately or together.
- b. Short-term space locations:
 1. May be within streets along lot lines;
 2. On-site, within 50 feet of a publicly accessible building entry along a street or trail, or distributed among entries if there are multiple;
 3. On-site, up to 50% may be within 200 feet of a publicly accessible building entry, connected by a pedestrian walkway; and
 4. If spaces are not visible from sidewalks or trails, signs must be posted indicating their location.
- c. Long-term space locations:
 1. May be indoors, within a lobby, common area, clubhouse, storage room, or garage;
 2. Outdoors, within a covered structure, parking structure, or other area covered for weather protection;
 3. Within 200 feet of a building entry accessible to the intended users; and
 - i. Secured by walls or fencing with doors or gates that are access restricted; or
 - ii. Within bicycle lockers.
- d. Spaces within parking structures:
 1. Must be located within 50 feet of a pedestrian entrance to the parking structure, or stairwell with access to a ground floor pedestrian entrance; and

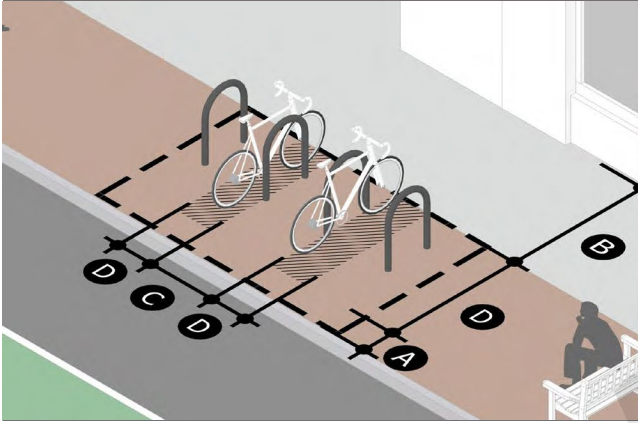
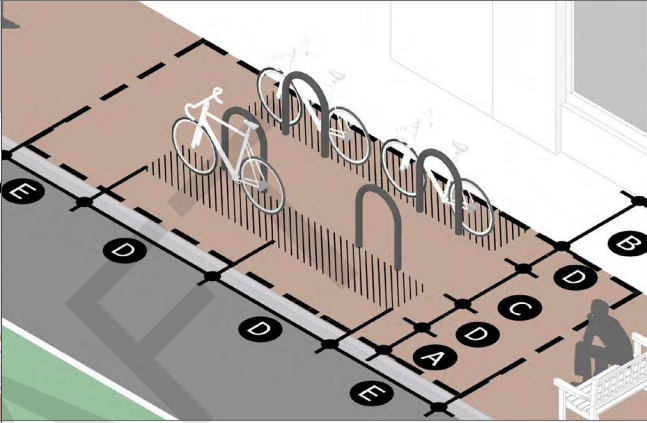
2. Must be located on the ground floor, except where building entrances, accessible to the intended users, are located on a different floor of the parking structure.
- e. Entertainment and Institutional uses:
 1. Alternative locations for required short-term and long-term bicycle parking may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2](#).

(3) Bicycle parking design

- a. Bicycle parking installation must provide:
 1. A paved surface, including pavers, with a slope no more than 3%;
 2. Access to a sidewalk, trail, or common area within a building;
 3. At least 6 feet of vertical clearance;
 4. Bicycle space size and spacing as follows, and as shown in [Table 5.8 Bicycle Parking Dimensions](#):
 - i. Each space must provide a clear area 6 feet long by 2 feet wide;
 - ii. Racks must be spaced at least 30 inches apart along the width of parking spaces, overlapping the parking spaces up to 18 inches; and
 - iii. Lengthwise, one side of the parking space must have at least 4 feet of clear space between the parking space and any obstruction.
 5. The following spacing between the full bicycle space dimension and obstructions:
 - i. At least 5 feet from fire hydrants;
 - ii. At least 4 feet from loading zones, bus stop signs or shelters;
 - iii. At least 3 feet from driveways, manholes, benches, trash receptacles, and buildings;
 - iv. At least 2 feet from utility meters, landscaped areas; and
 - v. At least 1 foot from walls, curbs, and any other obstructions;
 6. No overlap with ADA paths;
 7. Secure anchoring with tamper-resistant hardware; and
 8. Long-term bicycle parking must include one accessible power outlet for at least 20% of spaces.
- b. Bicycle racks design must follow these rules:
 1. Must be an inverted "U"/hoop rack;
 2. Must have a minimum tube diameter of 1.9 inches;
 3. Must be galvanized, powder coated, or coated with another weather-proof surface;
 4. Must be a maximum height of 36 inches;
 5. Must comply with the Association of Pedestrian & Bicycle Professionals (APBP) bicycle parking guidelines, including:
 - i. Must accept multiple bicycle frame sizes and styles;
 - ii. Must accommodate the use of cable and U-type locks;

- iii. Must support a bicycle frame at 2 points above the wheel hubs to allow the frame and at least 1 wheel of the bicycle to be locked to the rack without lifting the bicycle onto the device;
- iv. Must be easy to understand and operate, with no moving parts.
- c. High-density racks such as vertical and two-tier racks may be approved by the Director for long-term spaces. Two-tier racks must include lift assist for upper-tier spaces.

TABLE 5.8 BICYCLE PARKING DIMENSIONS

Bicycle Racks Perpendicular to the Curb	Bicycle Racks Parallel to the Curb
	
A. Required setback from curbs & obstructions	B. No overlap with ADA paths allowed
C. Minimum spacing between racks	D. Minimum bicycle space dimension
Minimum Bicycle Space Dimensions	

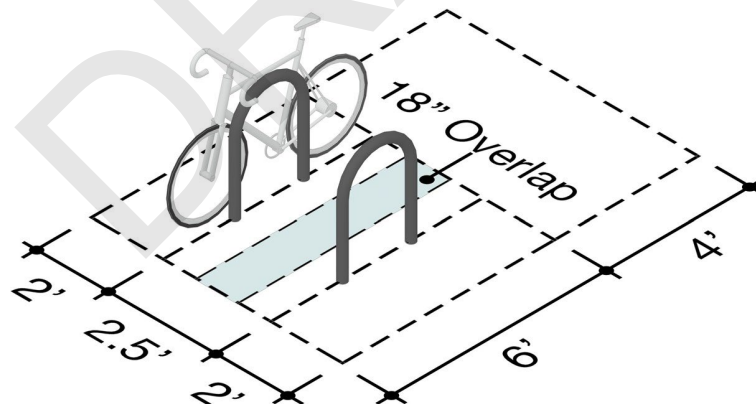


TABLE 5.9 REQUIRED BICYCLE PARKING

Commercial	Short Term	Long Term
Food and beverage	0.5 spaces / 1,000 square feet	
Child care	1 space / 1,000 square feet	
Office, including medical	0.2 space / 1,000 square feet	50% of required short term spaces when more than 12 spaces
Retail, including pharmacies	0.25 space / 1,000 square feet	
Institutional and Entertainment	Short Term	Long Term
Convention or exhibition facilities	0.25 spaces / 1,000 square feet	0.1 spaces / 1,000 square feet
Place of Assembly (indoor or outdoor entertainment, theater, performing arts, event venue, religious assembly)	0.2 spaces / 1,000 square feet	
School: K-12	8 spaces + 0.25 / 1,000 square feet	
School: post-secondary	0.5 space / 1,000 square feet	
Lodging	Short Term	Long Term
12 rooms or less	0.5 spaces per bedroom	
More than 12 rooms	0.25 spaces per bedroom, up to 20 spaces	0.25 spaces per bedroom, up to 20 spaces
Residential	Short Term	Long Term
5 - 8 dwellings per building	0.5 spaces per dwelling	0.75 spaces per dwelling
More than 8 dwellings per building	0.25 spaces per unit up to 30 spaces	0.25 spaces per unit
All Other	For any use not listed, the Director may make a determination of similarity to a listed use or combination of uses.	

(h) Car parking and circulation**(1) Single-site development**

- a. Major driveways must follow [Sec. 50-502 \(c\) Circulation network](#) and are treated like streets for the purpose of this Section.
- b. Only major driveways are allowed to connect to public streets, not individual driveways for future lots, except for sites where major driveways are not required.

(2) Driveway location

- a. Driveways providing access for cars to the lot must be located following [Table 5.10 Driveway Access Location](#), and as follows:
 1. In T2 a driveway may connect along the front lot line;
 2. In GC, LI, and LFI, a driveway may connect along the front lot line in addition to other allowed connections if the site is wider than 400 feet;
 3. Driveways are not allowed parallel to a front or side street lot line within the setback area, except front parking areas, where allowed in [subsection \(9\) Car parking location](#);
 4. Driveways must align across streets, or be offset at least 150 feet between centerlines, except where a permanent median separates the driveways;
 5. Driveway centerlines must be separated from intersection rights-of-way as specified in [Table 5.11 Driveway Spacing from Intersections](#);
 6. Driveway centerlines must be separated from other driveways as specified in [Table 5.12 Driveway Spacing from other Driveways](#), except
 7. The maximum number of driveway connections for a single property along the same street is as specified in [Table 5.13 Maximum Driveways Along a Lot Line](#); and
 8. Additional driveways and adjusted locations may be allowed by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).
- b. Shared driveways between abutting lots are encouraged.
- c. For shared driveways, an access easement must be recorded with the deed:
 1. Providing cross access for all abutting properties; and
 2. Defining the maintenance responsibility of property owners.
- d. Looped and circular driveways within front or side street setbacks are only allowed in:
 1. T2, R-1, T3 where lots are equal to or greater than 100' in width;
 2. Schools in any zoning district; and
 3. Within a forecourt, as specified in [Sec. 50-405 \(c\) \(3\) Maximum Setbacks](#).
- e. Driveways and parking areas must be designed to only allow forward movement of vehicles exiting the site, except for single, two-unit, and three-unit dwellings.
- f. Individual residential driveways are not allowed along collectors or arterials, except along new collectors approved for new subdivisions.

TABLE 5.10 DRIVEWAY ACCESS LOCATION

Lot Type	Available Access	Driveway Location
All Lot Types	Alley	Connect to the alley.
	Shared Parking Lot or Major Driveway	Connect to the shared parking lot; Connect along the side street lot line; or Connect along the front lot line if it is the only option.
	Only Front Lot Line	Connect along the front lot line.
Additional Conditions		
Corner	Only Along Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Through	Along 2 Streets	Connect along the street with a lower functional classification.
	Along 3 Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Flag and reverse Flag	Along 2 Streets	Connect along the street with a lower functional classification, or the side street lot line if streets are the same classification.
Utility Access Flag	Shared Driveway	Connect along the shared driveway.

TABLE 5.11 DRIVEWAY SPACING FROM INTERSECTIONS

Spacing By Street Functional Classification		intersecting Street		
Street The Driveway Connects To	Local	Local	Collector	Arterial
	Local	50 ft. min.	50 ft. min.	100 ft. min.
	Collector	100 ft. min.	100 ft. min.	250 ft. min.
	Arterial	250 ft. min.	250 ft. min.	250 ft. min.

TABLE 5.12 DRIVEWAY SPACING FROM OTHER DRIVEWAYS

Street Design Speed	<25	30	35	40	45	50	55
Minimum Spacing	50 ft.	100 ft.	150 ft.	200 ft.	250 ft.	300 ft.	350 ft.
Driveways with Acceleration or Deceleration Lanes	400 ft. minimum spacing to any other driveway						

TABLE 5.13 MAXIMUM DRIVEWAYS ALONG A LOT LINE

Maximum Driveways	1	2	3	4	5
Length of Lot Line	up to 200 ft.	201 - 600 ft.	601 - 1,000 ft.	1,001 - 1,500 ft.	> 1,500 ft.

(3) **Driveway curb cuts**

- a. All driveway curb cuts require a right-of-way permit from Engineering, except as otherwise approved as part of a Development Plan or Subdivision.
- b. Curb cut radius:
 1. Major driveways follow [Sec. 50-602. Street design](#).
 2. Where intersecting with local streets and within Downtown, follow alley apron standards in [Table 6.4 Alley Apron](#).
 3. Where intersecting with collector or arterial streets, a 15 ft. curb return radius is required.
 4. Increased radii will be approved by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).
- c. Deceleration lanes:
 1. If the use being accessed generates 300 peak hour trips or more, ArDOT approved deceleration lanes are required for intersections along arterials and collectors.
 2. Peak hour trips are calculated using ITE trip generation rates.
 3. Driveways are not allowed within acceleration or deceleration lanes.

(4) **Driveway width**

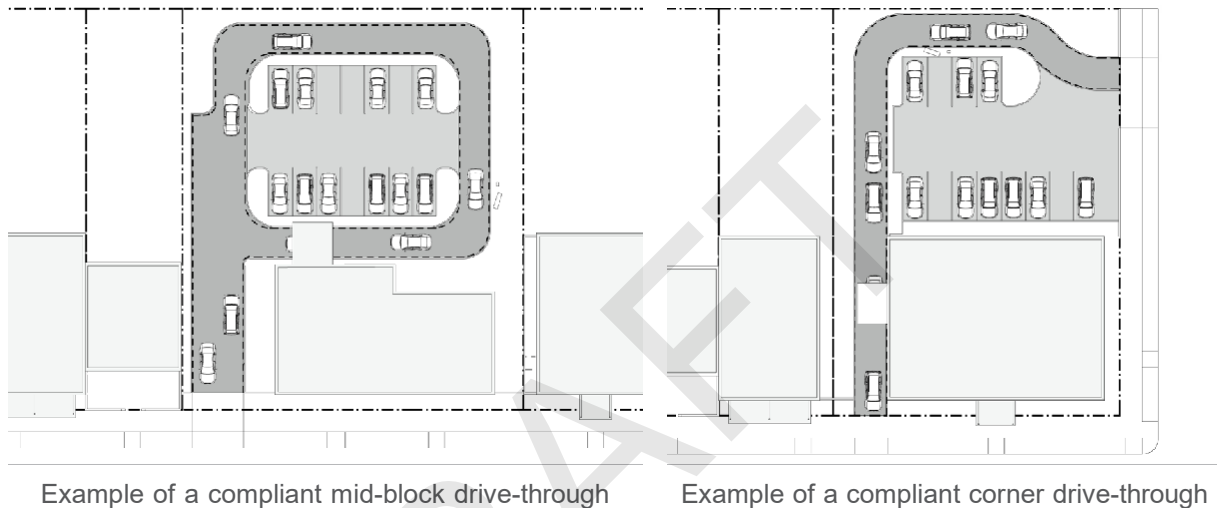
- a. Driveway width is limited, following [Table 5.14 Driveway Width](#).
- b. Additional driveway width may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

TABLE 5.14 DRIVEWAY WIDTH

Zone	Connecting To	Maximum Driveway Width
All Zones	Alleys	N/A
	Shared Parking Lots	
R-1, T2, T3	Any Lot Line	18 feet wide, for lots less than 50 feet wide; 20 feet wide, for lots 50 to 69 feet wide; and 24 feet wide, for lots 70 feet or wider.
T4, T5, T6	Any Lot Line, One-way	11 feet wide, each lane, up to 2 lanes; and limited within the building setback area.
	Any Lot Line, Two-way	11 feet wide, each lane, up to 3 lanes ; and limited within the building setback area.
GC, LI, LFI	Any Lot Line, One-way	24 feet wide, and a minimum of 16 feet wide.
	Any Lot Line, Two-way	Between 24 and 40 feet wide; and A 4 foot wide median must separate opposing directions if the driveway exceeds 2 lanes.

(5) Drive-throughs

- a. Drive-throughs are only allowed for commercial uses in T5, GC, LI, and LFI.
- b. Drive-through lanes, windows, and equipment are not allowed between the building and the front or side street property line, as illustrated in [Figure 5.15 Drive-Through Layout](#).
- c. Drive-through lanes must not block sidewalks or other pedestrian walkways.
- d. Any drive-through structure - such as canopies, windows, or other equipment - must be set back at least 20 feet from the front of the building.

FIGURE 5.15 DRIVE-THROUGH LAYOUT**(6) Required car parking**

- a. Car parking must be provided in the amounts required in [Table 5.16 Minimum Car Parking](#).
- b. Only spaces that follow [subsection \(9\) Car parking location](#) count towards required car parking.
- c. Residential uses in the Traditional Neighborhood place type on the FLUP require 2 parking spaces for each dwelling.
- d. Parking required for multiple uses within the same building or site are added together for the total site requirement.
- e. The amount of car parking required may be reduced following [subsection \(7\) Car parking reductions](#).
- f. Sites within parking management districts must follow parking management district rules and are exempt from required car parking in this section.
- g. Parking requirements may be adjusted as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

TABLE 5.16 MINIMUM CAR PARKING

Use	T2	R-1	T3	T4	T5	T6	GC	LI	LFI	MH
Commercial										
Child care		2					3			
Food and beverage	4			2			5			
Gas station	4						3			
Hospital							1 per bed			
Medical services							3			
Office, including medical				1			3			
Retail, including pharmacies	4			1			4	3		
Service (personal or professional)	4			1			4	3		
Entertainment										
Indoor entertainment facility	Lesser of 4 or 25% of maximum occupancy				2		Lesser of 4 or 25% of maximum occupancy			
Outdoor entertainment facility										
Theater, excluding drive-in										
Industrial and Manufacturing										
Manufacturing							1.75			
Warehouse and distribution							0.5			
Institutional										
Convention or exhibition facilities						Lesser of 4 or 25% of maximum occupancy				
Cultural (library, museum, gallery)	4	4	4	4	3	4				
Event venue	Lesser of 4 or 25% occupancy			Lesser of 4 or 25% occupancy	3	4 or 25% of maximum occupancy				
Religious assembly		4								
School: K-12	Grades 1-9: 1 per classroom + 1 per employee Grades 10-12: greater of 1 per 3 full-time students or 1 per 6 seats in the largest auditorium All: Stacking space for buses and vehicles must be provided Except in T5 and T6									
School: post-secondary							Greater of 3/1000 or 1 space per 3 students			

Non-residential uses: spaces for every 1,000 square feet of net building area.

Lodging uses: spaces for each guest room, restaurants and meeting rooms are counted separately.

Residential uses: spaces for each dwelling.

TABLE 5.16 MINIMUM CAR PARKING

Use	T2	R-1	T3	T4	T5	T6	GC	LI	LFI	MH
Lodging										
12 rooms or less	1			1			1			
More than 12 rooms							1.1			
Residential										
1 dwelling detached		2		1						
1 dwelling attached (town homes)			2		1					
2 dwellings per building			2		1					
3 dwellings per building					1					
4 or more dwellings per building					1		1.5			
Cottage court		1	1	1						

Non-residential uses: spaces for every 1,000 square feet of net building area.

Lodging uses: spaces for each guest room, restaurants and meeting rooms are counted separately.

residential uses: spaces for each dwelling.

(7) Car parking reductions

- The required number of car parking spaces may be reduced in several ways. These reductions can be combined when more than one applies.
- State-licensed assisted living and senior independent living facilities parking requirements are reduced by 50%.
- Sites near the Northwest Arkansas Razorback Greenway or the loop trail described in the Connecting Bentonville Master Plan may reduce parking based on distance:
 - $\frac{1}{8}$ of a mile: Parking requirements are reduced by 20%; and
 - $\frac{1}{4}$ of a mile: Parking requirements are reduced by 10%.
- Sites near a 15-minute cycle time transit stop may reduce parking based on distance:
 - $\frac{1}{8}$ of a mile: No parking is required;
 - $\frac{1}{4}$ of a mile: Parking requirements are reduced by 50%; and
 - $\frac{1}{2}$ of a mile: Parking requirements are reduced by 25%.
- Parking may be reduced by up to 10% for providing bike parking above minimum requirements at a rate of 1 car parking space for every 4 short term bike parking spaces or 1 car parking space for every 2 long term bike parking spaces.
- A reduction in required parking may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).
- Parking requirements may be reduced when two or more uses share the same parking area:
 - The shared parking must serve uses on the same site or in the same shared facility;
 - Shared parking must follow the [Urban Land Institute's Shared Parking Handbook](#) which accounts for different peak hours of use; and

3. A shared use contract between the two properties must be in a form acceptable to the Director and Staff Attorney.

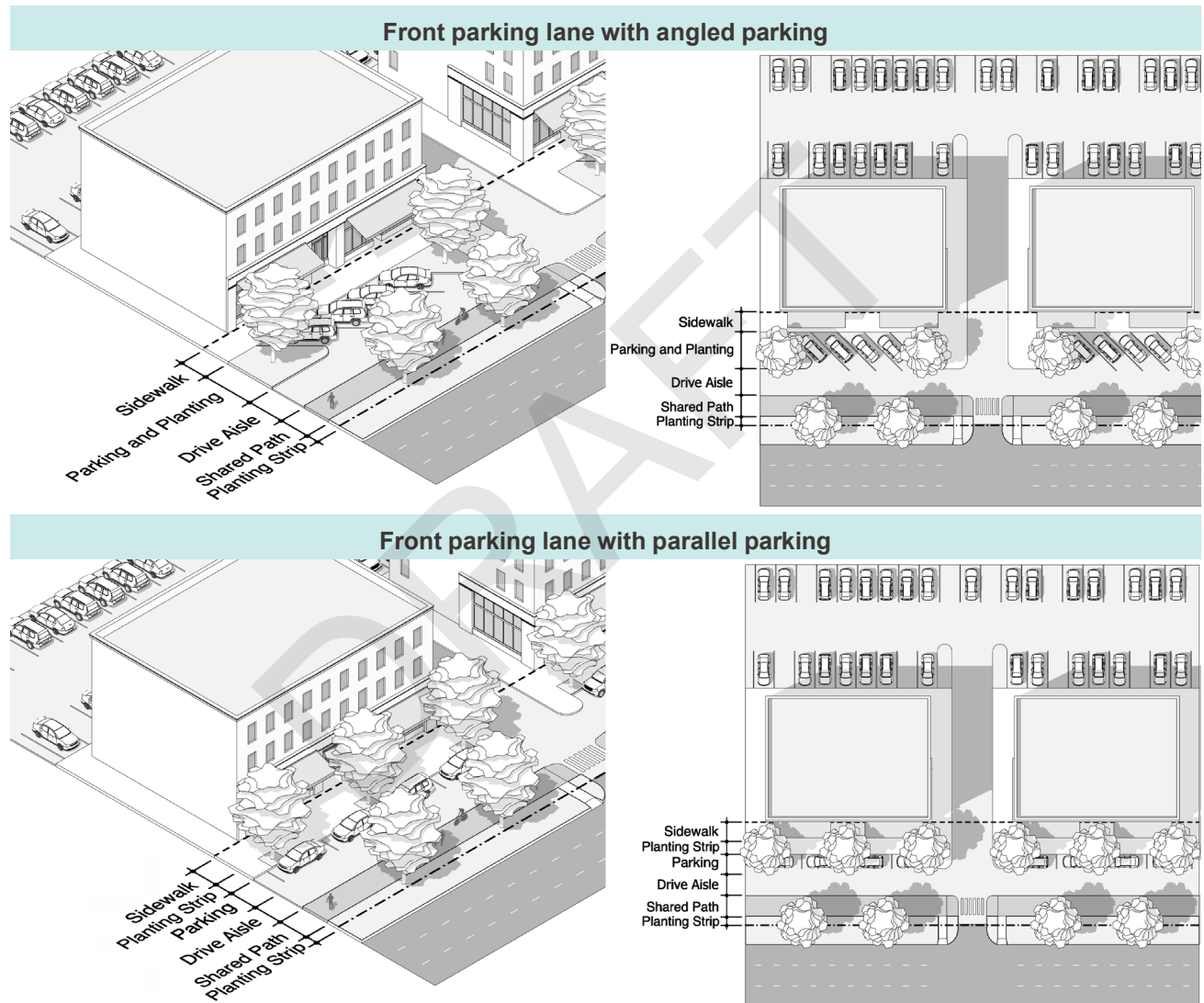
(8) Car parking maximum

- a. Off-street car parking spaces may not exceed the following maximums, calculated as a percentage of the minimum required car parking spaces:
 - i. T2, T3, R-1, LFI: n/a;
 - ii. T4, T5, T6, GC, LI: 150% for buildings up to 60,000 square feet and 125% for buildings greater than 60,000 square feet

(9) Car parking location

- a. Parking in the following locations counts toward required car parking:
 1. On the same site as the related use;
 2. On-street, in parking lanes along the edges of the site;
 3. Off-street parking within 660 feet of the site. A shared parking agreement must be executed and filed with the Planning Department; and
 4. Parking provided by a parking management district.
- b. Parking lots must follow the rules in [subsection \(10\) Parking lot design](#).
- c. Parking structures must follow the rules in Sec. 50-504 [\(b\) Parking structures](#).
- d. Off-street parking areas must follow setback rules in [Table 4.1 Zone Standards](#), except:
 1. If the parking lot is shared between abutting properties, no setback is required from the shared lot line; and
 2. Parking structures must set back as specified in [Sec. 50-504 \(b\) Parking structures](#).
- e. Parking is not allowed between the front and side street property lines and the nearest building, except in these situations:
 1. GC, LI, and LFI zones are exempt;
 2. Sites within the Suburban Corridor future land use category are exempt; and
 3. Front parking areas, described in the following subsection, are allowed for sites in Urban Corridor and Walkable Corridor future land use categories, only if located along streets where no on-street parking exists.
- f. If a front parking area is allowed, it must follow these rules:
 1. Parking may be located between buildings and the street, as shown in [Figure 5.17 Front Parking Lane Layout](#); Parking setback requirements in [Table 4.1 Zone Standards](#) do not apply;
 2. The front parking area must be set back 6 to 12 feet from the right-of-way. This setback must be landscaped and include street trees no more than 50 feet apart;
 3. The front parking area cannot be more than 60 feet deep and must include:
 - i. A shared path for bikes and pedestrians, at least 10 feet wide;
 - ii. A drive aisle;
 - iii. One row of parallel or angled parking; and

- iv. A border with a planting strip and sidewalk, following [Sec. 50-602. Street design](#). Planting may be placed between angled parking instead of in a separate strip.
- 4. Parking spaces and drive aisles must follow [Table 5.18 Parking Space and Aisle Dimensions](#); and
- 5. A sidewalk and planting strip must be provided between the front parking area and buildings. These must comply with the rules in [Sec. 50-602. Street design](#).

FIGURE 5.17 FRONT PARKING LANE LAYOUT

(10) Parking lot design

- a. All parking lots must follow these general rules:
 1. ADA accessibility standards must be met for all parking spaces and walkways;
 2. Parking space and aisle sizes must follow [Table 5.18 Parking Space and Aisle Dimensions](#);
 3. Parking lots must be paved, except that crushed gravel may be used in T2 and C districts; and
 4. Landscaping requirements are located in [Sec. 50-510 \(g\) Parking lot landscape](#).

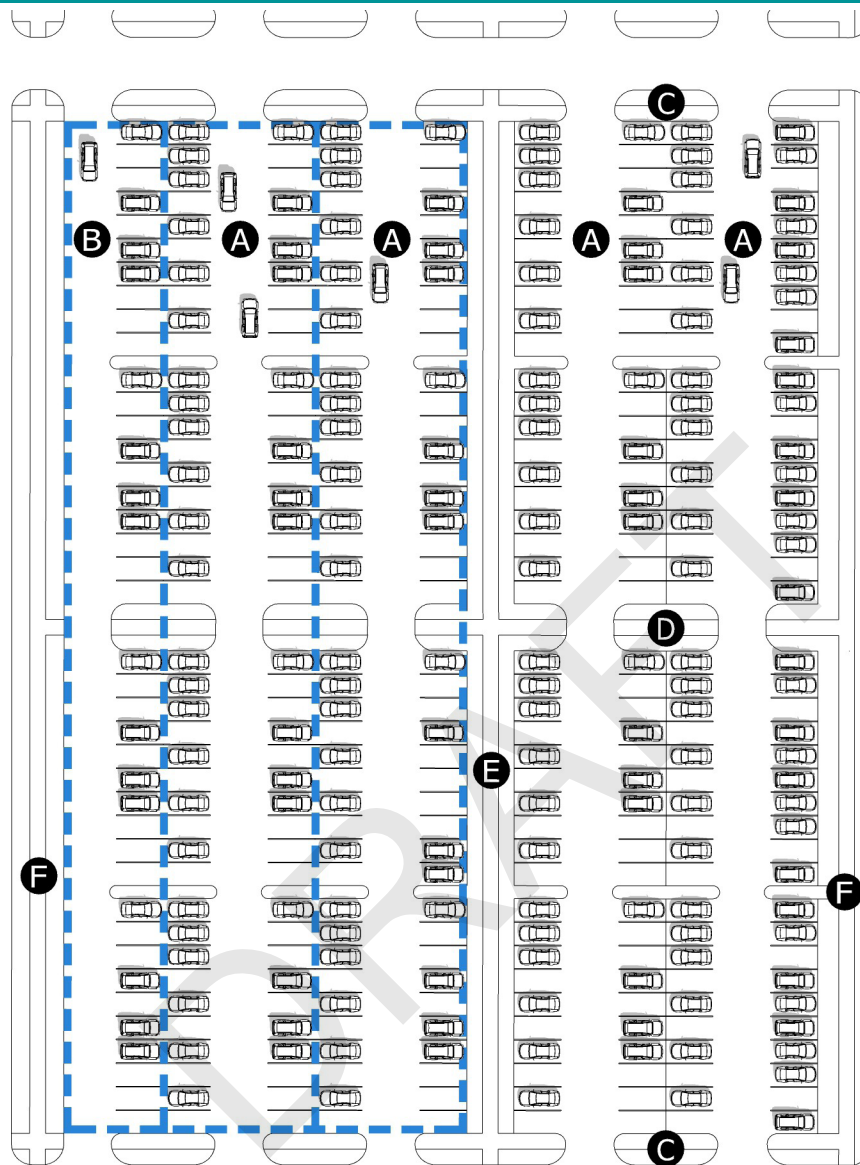
TABLE 5.18 PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking	Aisle: One-Way, Single Loaded	Aisle: One-Way, Double Loaded	Aisle: Two-Way, Double Loaded
90 Degrees	20 ft. min.	22 ft. min.	24 ft. min.
60 Degrees	18 ft. min.	18 ft. min.	22 ft. min.
45 Degrees	14 ft. min.	14 ft. min.	20 ft. min.
Parallel	10 ft. min.	10 ft. min.	20 ft. min.
Standard Stall	9 ft. wide min.		
Compact Stall	7.5 ft. wide min.		
Parallel Stall	7 ft. wide min.		

- b. Parking lots with more than 20 spaces:
 1. Wheel stops are required where parking spaces end on walkways or landscaped areas.
 2. Drive aisle connections or stubs must be provided:
 - i. To neighboring undeveloped properties, and to any abutting T4, T5, T6, and GC properties with parking lots;
 - ii. At least once every 300 feet of parking lot length along shared property lines; and
 - iii. Within a recorded access easement.
 3. Pedestrian walkways, landscape areas, and trees must be included within parking lots:
 - i. As specified in [Table 5.19 Required Walkways and Planting in Parking Lots](#); and
 - ii. As shown in [Figure 5.20 Illustrated Walkways and Planting in Parking Lots](#).
 4. In T3 and T4 zones, the total number of required parking lot trees is increased by 25%.
 5. Landscape areas within parking lots must be designed to accept stormwater runoff unless otherwise approved by the Transportation Director.

TABLE 5.19 REQUIRED WALKWAYS AND PLANTING IN PARKING LOTS

Location	Walkways	Landscape Area	Trees required
Exterior Landscaping			
Side and rear lot lines		10 ft. wide, min.	At least 1 tree every 40 ft. within the landscape areas.
Side street lot lines	Connecting to the sidewalk, every 3 rows or 20 spaces along a row, and at least 1 connection	Ground cover and continuous hedge, at least 6 ft. high at maturity	
Front lot lines		15 ft. wide, min. Ground cover and hedge per street screen requirement	
Interior Landscaping			
Between every 10 spaces		8 ft. wide, min. Ground cover or LID	1 for each required landscape area
Between every 20 spaces	Crossing rows, at least 5 ft. wide	8 ft. wide, min., both sides of the walkway Ground cover or LID	
Between every 3 rows	Along the row, at least 5 ft. wide		At least 1 tree every 50 ft. on both sides of the walkway.
At the end each row	Crossing rows, at least 5 ft. wide	8 ft. wide, min. Ground cover or LID	2 for each parking tray

FIGURE 5.20 ILLUSTRATED WALKWAYS AND PLANTING IN PARKING LOTS

- | | |
|---|--|
| A Parking row - double-loaded | D Planter and walkway every 20 spaces |
| B Parking row - single-loaded | E Planter and walkway between every 3 rows |
| C Planter and walkway at the end of aisles | F Planter required along lot lines in addition to walkway and planting along the street |

(11) Loading location

- a. Sites in the T2 zoning district are exempt from these loading rules.
- b. Loading areas on private property must follow these rules:
 1. Must be placed behind the building, away from the front lot line;
 2. Must be set back at least 20 feet from side streets; and
 3. Must be screened from view using a street screen, as described in [Sec. 50-510 \(d\) Screening and buffering](#).
- c. If site constraints disallow loading on the private property, a dedicated loading area may be placed along a side street, only if:
 1. It is the least visible and least disruptive alternative option; and
 2. The loading area is no longer than 30 feet.
- d. A dedicated loading area may be placed along the front street, subject to approval by the Planning Commission.

(i) Outdoor lighting**(1) Exemptions**

- a. The following light types are exempt from the requirements of this section:
 1. Lighting for one- and two-dwelling residential uses;
 2. Navigation lights, such as those required for airports, heliports, and radio or television towers;
 3. Temporary emergency lighting, used by police, fire fighting or medical personnel for as long as the emergency exists;
 4. Temporary or periodic events approved by the City, such as parades or festivals;
 5. Illuminated signs in compliance with [Sec. 50-508. Signs](#);
 6. Security lights of up to 1,600 lumens when controlled by a motion sensor that turns the light off no later than 12 minutes after activation;
 7. Emergency lighting required by the City of Bentonville's adopted Building Code;
 8. Lighting of flags displaying governmental bodies;
 9. Streetlights; and
 10. Lighting by combustion sources, such as gas lamps and fire pits.

(2) General

- a. Fixtures must be designed, located, and maintained to prevent direct illumination from extending beyond the boundaries of the property on which they are located.
- b. Illumination levels must not exceed 2.0 footcandles at the property line of any lot zoned T2, R-1, or T3.
- c. Fixtures must be permanently fixed to prevent tampering or redirection of the light source.
- d. Fixtures must direct lighting downward.
- e. Fixtures exceeding 1,100 lumens must include cutoff or full cutoff shielding, as defined by IESNA.
- f. The source of illumination must not be visible from beyond the property line.

- g. Searchlights are not allowed for events or advertising purposes.

(3) Outdoor recreation

- a. This subsection applies to lighting of outdoor play and performance areas.
- b. Cutoff is not required, however it is encouraged.
- c. Glare control packages, such as louvers and shields, are required to direct light onto play, performance, and seating areas only.
- d. Lighting must be turned off no later than one (1) hour after the conclusion of the last event or upon park closure, whichever occurs later.

(4) Accent lighting

- a. Landscape accent lighting:
 - 1. Accent lighting directed onto landscaping is allowed;
 - 2. All non-cutoff luminaires must be shielded and directed so that light is only focused on the landscaped area; and
 - 3. Luminaires must not be visible from any pedestrian or vehicular egress.
- b. Building mounted accent lighting:
 - 1. Accent lighting attached to building facades, structures, or architectural elements is allowed;
 - 2. All non-cutoff luminaires must be shielded and directed toward only the area being illuminated; and
 - 3. Fixtures may be used to illuminate vertical building surfaces if the bulb is shielded with an opaque surface that prevents horizontal light emissions.
- c. Ground mounted accent lighting:
 - 1. Ground-mounted lighting for buildings must be directed only onto the building surface;
 - 2. Direct light emissions must not be visible above the roof line or beyond the edge of the building;
 - 3. Upward-aimed fixtures must be:
 - i. Fully shielded;
 - ii. Confined by eaves, roofs, or overhangs; and
 - iii. Located as close to the illuminated building as possible.
 - 4. Spotlight bulbs or lamps must not be visible from a pedestrian or vehicular egress.
- d. Pole mounted accent lighting:
 - 1. Pole-mounted accent lighting for the purpose of illuminating buildings is not allowed.
- e. Pedestrian walkway accent lighting:
 - 1. Allowed when mounted no more than 42 inches above the walkway grade.
- f. Neon and light emitting diode (LED) lighting:
 - 1. Neon or LED lighting used in signs is subject to [Sec. 50-508. Signs](#) and is exempt from this subsection; and
 - 2. Neon or LED accent lighting is allowed to highlight architectural elements of nonresidential structures, subject to the following:

- i. Fixtures must be mounted on or affixed to non-reflective surfaces;
 - ii. All direct illumination must remain within the boundaries of the property; and
 - iii. Total accent lighting is limited to:
 - (i) One linear foot of lighting per linear foot of illuminated façade; and
 - (ii) A maximum of 75% of the building's total façade length.
- g. Strands of individual, low-intensity, white or warm white decorative lights are allowed to illuminate outdoor spaces during normal business hours.
- (j) Mechanical equipment, waste, and storage**
 - (1) Mechanical equipment, waste containers, and open storage are not allowed:
 - a. Between the front or side street lot line and the nearest building; and
 - b. In flood hazard areas.
 - (2) The following elements must be screened following the rules in [Sec. 50-510 \(d\) Screening and buffering](#):
 - a. Mechanical equipment, waste, and open storage areas screened from view along sidewalks and from T2, R-1, T3, and T4 properties; and
 - b. Above-ground utility equipment located within a front or side setback, or located between the building and a front or side street lot line.
 - (3) Rooftop mechanical equipment must be screened from view along sidewalks.
 - (4) Exhaust vents and waste rooms within buildings are not allowed along front lot lines.

SEC. 50-504. VERTICAL CONSTRUCTION

(a) Building placement

- (1) Minimum and maximum setbacks are specified in [Sec. 50-405. Standards for zoning districts.](#)
- (2) Building height is limited as specified in [Sec. 50-405. Standards for zoning districts.](#)

(b) Flood hazard areas

- (1) New enclosed buildings must follow the requirements of the [Flood Damage Prevention](#) requirements.

(c) Building footprint limits

- (1) The maximum amount of the lot that buildings can cover is limited as a percentage of the total lot area, listed in [Table 4.1 Zone Standards.](#)

(d) Building projections

- (1) Certain building features may extend (or project) into minimum setbacks and build-to areas as shown in [Table 5.21 Encroachment Examples](#), and as follows:
 - a. Projections are measured outward from the face of the building, and the allowed depth may be partially or entirely within the setback or build-to area;
 - b. Up to 2 feet: Roof overhangs, cornices, trim around doors and windows, and decorative elements on the façade;
 - c. Up to 4 feet: Balconies, bay windows, and awnings over residential windows;
 - d. Up to 6 feet: Stoops and ground-floor display windows in non-residential buildings;
 - e. Up to 10 feet: Porches, as long as the porch is at least 5 feet deep; and
 - f. Up to the lot line:
 1. Steps attached to stoops or porches; and
 2. Galleries and awnings over non-residential windows, as long as they are at least 6 feet deep.
 - b. Projections into easements require an encroachment permit. See [Sec. 50-718 \(d\) Encroachment permit.](#)
 - c. Projections are not allowed into neighboring properties.
- (2) Encroachment into rights-of-way
 - a. Any feature that extends into an easement or the public right-of-way requires an encroachment permit, following [Sec. 50-718 \(d\) Encroachment Permit](#) and must meet the vertical clearance requirements of BEUD and BWUD Specifications.
 - b. Galleries and awnings may extend into the right-of-way if they meet the following:
 1. Minimum vertical clearance of 8 feet above sidewalks;
 2. Minimum vertical clearance of 10 feet above trails;
 3. Minimum horizontal setback of 2 feet from trails;
 4. Minimum depth of 8 feet for galleries and 6 feet for awnings;
 5. A clear ADA path is maintained within the right-of-way; and
 - c. Balconies may encroach up to 4 feet into the right-of-way if there is a minimum vertical clearance of 13 feet above the sidewalk.

TABLE 5.21 ENCROACHMENT EXAMPLES**Porch Encroachment into the Front Setback****Stoop Encroachment into the Front Setback****Gallery Encroachment into the Right-of-Way**

(e) Parking structures**(1) Setbacks**

- a. Parking structures must follow the parking setback rules listed in [Table 4.1 Zone Standards](#), along with the additional rules in this section.
- b. Setbacks from shared lot lines depend on the zoning district of abutting properties:
 1. T3 and R-1 zones: 40 feet;
 2. T4 zones: 30 feet; and
 3. All other zones: 10 feet.
- c. Parking structures may be located within the build-to area if they meet the following:
 1. At least 80% of the sides facing the build-to area are lined with ground floor active uses following [Sec. 50-504 \(c\) \(4\) Required active uses](#); and
 2. Portions of the parking structure facade that are not lined with other uses are screened as follows:
 - i. The facade must be at least 50% opaque or match the average opacity of other attached building facades above the ground floor, whichever is greater; and
 - ii. Openings must be sized and arranged to be consistent with the windows of other attached building facades.
 3. The Planning Commission may permit an alternative facade screen based upon architectural or artistic merit.
- d. If a parking structure is set back behind the build-to area, it must be screened by other buildings that meet all of the following:
 1. Screen the structure for at least 70% of the width of the front build-to area;
 2. Screen the structure for at least 50% of the width of the side street build-to area; and
 3. Include active uses as specified in [Sec. 50-504 \(c\) \(4\) Required active uses](#).

(2) Height

- a. Freestanding parking structures must comply with the maximum height in feet listed in [Table 4.1 Zone Standards](#) for the zoning district in which they are located.
- b. Parking structures that are fully lined by other uses or screened by buildings along the build-to area may have a height equal to
 1. The maximum height for parking structures in Table 4.1 Zone Standards, or
 2. The eave height (sloped roof) or parapet height (flat roof) of the lowest liner use or screening building, whichever is greater.
- c. Parking structures that are vertically stacked with other uses must comply with the following:
 1. The maximum overall building height in feet permitted for the zoning district; and
 2. The maximum number of building stories permitted for the zoning district.
 3. In T5.2, T6, and GC, all parking levels combined may count as a single building story for the purpose of determining compliance with subsection (c)(2). In all other zoning districts, each level of parking stacked with other uses shall count as a building story.
- d. Under no circumstance may parking be used to increase the permitted number of stories or exceed the maximum overall building height in feet.

(3) Screening

- a. Parking structures must be screened according to [Sec. 50-510 \(d\) Screening and buffering](#).

(f) Building elevations**(1) Required entrances**

- a. Buildings located within 30 feet of front or side street lot lines must include at least one entrance from the sidewalk, based on the frequency listed in [Table 4.1 Zone Standards](#).
- b. Required entrances must provide interior access to the building and be clearly visible from the sidewalk.
- c. Side street entrances are not required when:
 1. The building's length along the side street is less than 75 feet; and
 2. Required entrances are provided along the front lot line.

(2) Required glass

- a. Building walls (elevations) located within 30 feet of and facing towards front or side street lot lines or front parking areas must meet the minimum glass requirements listed in [Table 4.1 Zone Standards](#).
- b. Glass area is calculated as illustrated in [Figure 5.22 Glass Area Calculations](#) and as follows:
 1. Glass area is measured separately for each building elevation and each floor;
 2. The elevation area is measured between the finished floor and finished ceiling;
 3. The full rough opening of each window or storefront system counts toward the glass area; and
 4. Doors that have at least 75% glass also count toward the glass area, including their full rough opening.
- c. The following do not count toward the glass requirement:
 1. Tinted, mirrored, reflective glass; or other glass with a Visible Light Transmittance (VLT) less than 60%; and
 2. Glass covered by graphics, solid films, or screening materials, unless allowed as part of [Sec. 50-508. Signs](#).
- d. Blank walls (without glass) within the build-to area are limited to 40 feet long per floor, except in LI and LFI.

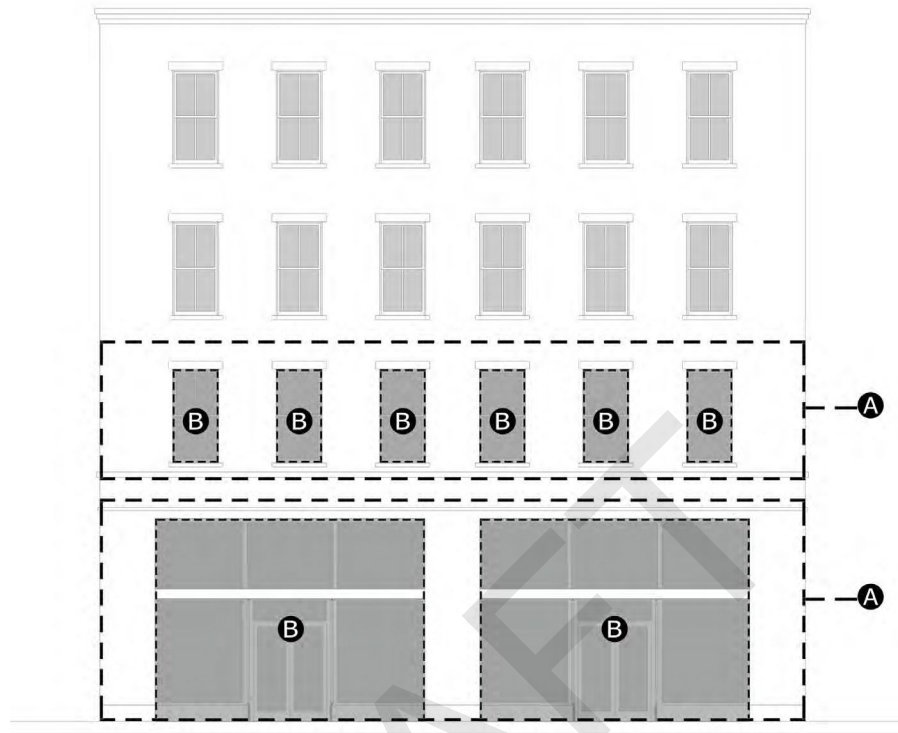
(3) Required materials

- a. Purpose
 1. To ensure developments use durable, high-quality exterior materials that contribute to the long-term value, character, and visual continuity of the city.
- b. Base requirements
 1. All exterior walls visible from a public right-of-way must be clad in durable materials.
 2. The following materials are considered durable and permitted as primary materials:
 - i. Brick, natural stone, cast stone;
 - ii. Natural or architectural concrete;
 - iii. High-quality architectural metals (aluminum composite, copper, bronze, marble, granite); and
 - iv. Fiber cement board and wood siding with a minimum 25-year warranty, but are only permitted in T2, R-1, T3, and T4 zoning districts;

- v. and
- 3. No more than two primary materials may be used on any one façade.
- 4. Materials must return at least 24 inches around corners and architectural projections.
- 5. Materials must be used consistently and wrap all sides of the building visible from public view.
- c. Prohibited materials
 - 1. The following materials are not permitted:
 - i. Masonite
 - ii. Vinyl siding;
 - iii. Non-architectural CMU;
 - iv. T-111 or similar sheet siding;
 - v. Plywood;
 - vi. Exterior Insulation Finish System (EIFS); and
 - vii. Faux stone or brick veneers with exposed edges.
- d. Alternative materials or configurations may be requested from the Planning Commission if the alternative:
 - 1. Meets or exceeds performance standards for durability, weather resistance, impact resistance, and manufacturer warranty, as documented in product cut sheets or technical data; and
 - 2. Does not introduce any prohibited materials or colors; and
 - 3. Meets the purpose and intent of this Article.
- e. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface.
- f. Bright or saturated colors are only permitted as an accent.

(4) Required active uses

- a. In T5 and T6 zones, the ground floor of buildings in the build-to area must include active uses.
- b. Active uses must extend at least 12 feet deep into the building.
- c. Active uses include, but are not limited to:
 - 1. Entrances, lobbies, or reception areas;
 - 2. Shared spaces in multi-tenant buildings;
 - 3. Merchandise or product display areas;
 - 4. Dining areas or food preparation areas;
 - 5. Manufacturing production or preparation areas;
 - 6. Spaces for performances or events;
 - 7. Meeting rooms or gathering areas;
 - 8. Spaces for art galleries or art exhibitions; and
 - 9. Any other space intended for regular use and frequent occupancy.

FIGURE 5.22 GLASS AREA CALCULATIONS**A**

Area of elevation

B

Area of glass

Required glass is calculated for each floor separately: B / A

SEC. 50-505. ZONE TRANSITIONS

(a) Conditions requiring transitions

- (1) The standards of this Section apply when:
 - a. Properties zoned T6, GC, LI, or LFI abut lots zoned R-1, T3, and T4;
 - b. Properties zoned T5 abut lots zoned R-1 and T3.
- (2) The required landscape buffers and expanded setbacks in this section do not apply where the GC, LI, or LFI property is developed with residential uses.

(b) Setback transitions

- (1) Buildings must comply with the minimum side or rear setback of the abutting zoning district along shared lot lines.
- (2) Additional setback distance is required as follows:
 - a. In GC and LI, buildings must be set back 20 feet more than the required minimum when abutting T2, R-1, T3, or T4.
 - b. LFI, buildings must be set back 50 feet more than the required minimum when abutting T2, R-1, T3, or T4.

(c) Landscape buffer transitions

- (1) A landscape buffer is required along shared lot lines where different zoning districts abut, as specified in [Sec. 50-510 \(d\) Screening and buffering](#) and [Table 5.32 Buffer Requirement by Adjacency](#).

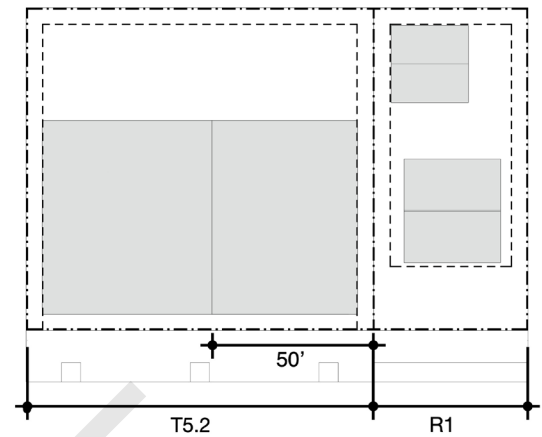
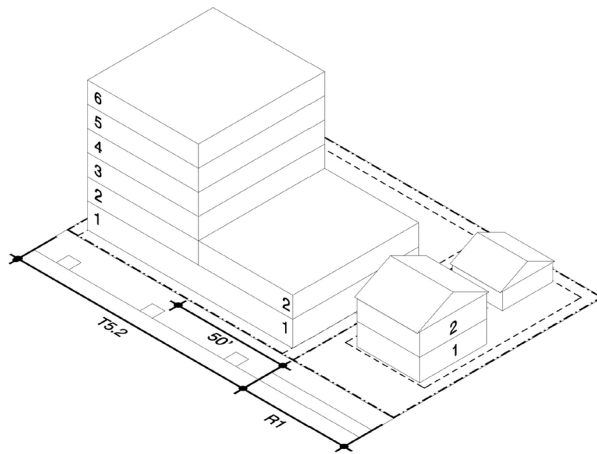
(d) Transition in height

- (1) Height transitions are required as illustrated in [Figure 5.24 Height Transition Examples](#) and specified in [Table 5.23 Height Transitions](#).

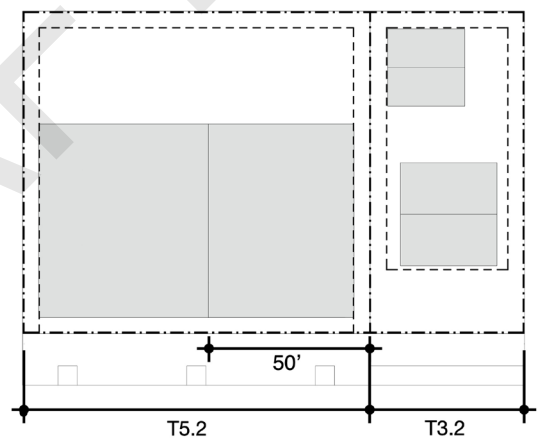
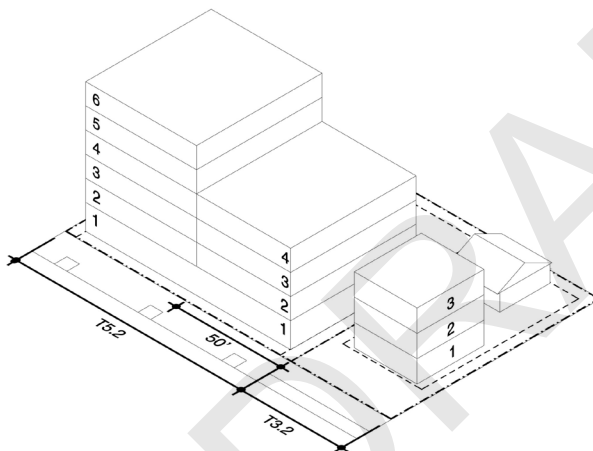
TABLE 5.23 HEIGHT TRANSITIONS

Subject Lot			
Abutting Lot	T5.1, GC	T5.2	T6
R-1	Limited to R-1 maximum height within 50 feet		The T5.2 limitation applies within 50 feet. Between 50 and 100 feet, 2 additional stories, not to exceed 30 additional feet, are allowed above the T5.2 limitation.
T3	No limitation	Limited to the maximum height of the abutting lot plus 1 story, not to exceed 15 additional feet, within 50 feet	
T4			

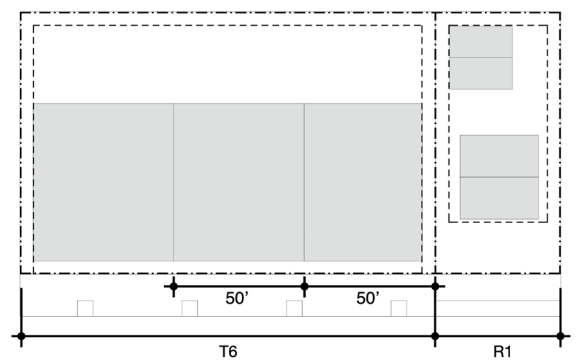
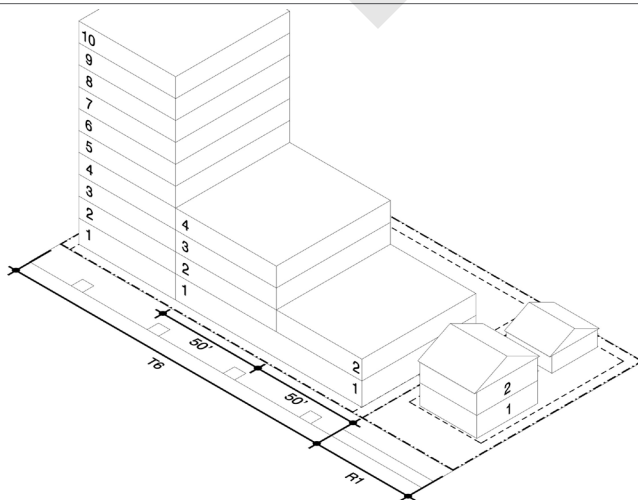
FIGURE 5.24 HEIGHT TRANSITION EXAMPLES



Example of T5.2 abutting R-1

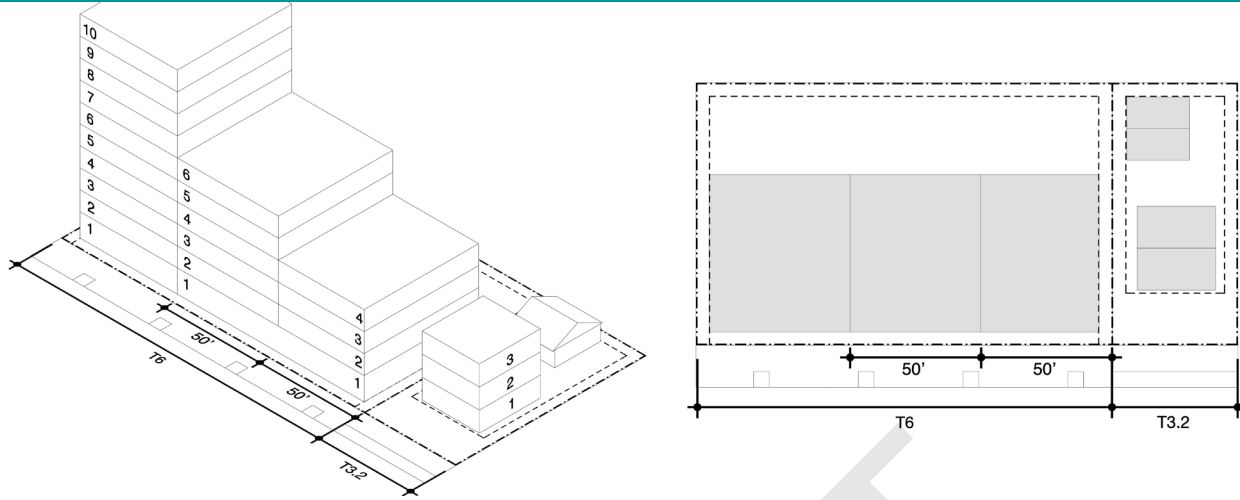


Example of T5.2 abutting T3



Example of T6 abutting R-1

FIGURE 5.24 HEIGHT TRANSITION EXAMPLES



SEC. 50-506. OVERLAY DISTRICTS**(a) Applicability**

- (1) Overlay districts apply only to properties located within the boundaries of each overlay, as shown on the Official Zoning Map.
- (2) Overlay districts may establish use limitations, height restrictions, design requirements, or other rules that are specific to the overlay area.
- (3) Overlay district rules supersede rules elsewhere in this BCC if they conflict.

(b) Downtown Center Overlay (DCO)**(1) Purpose and intent**

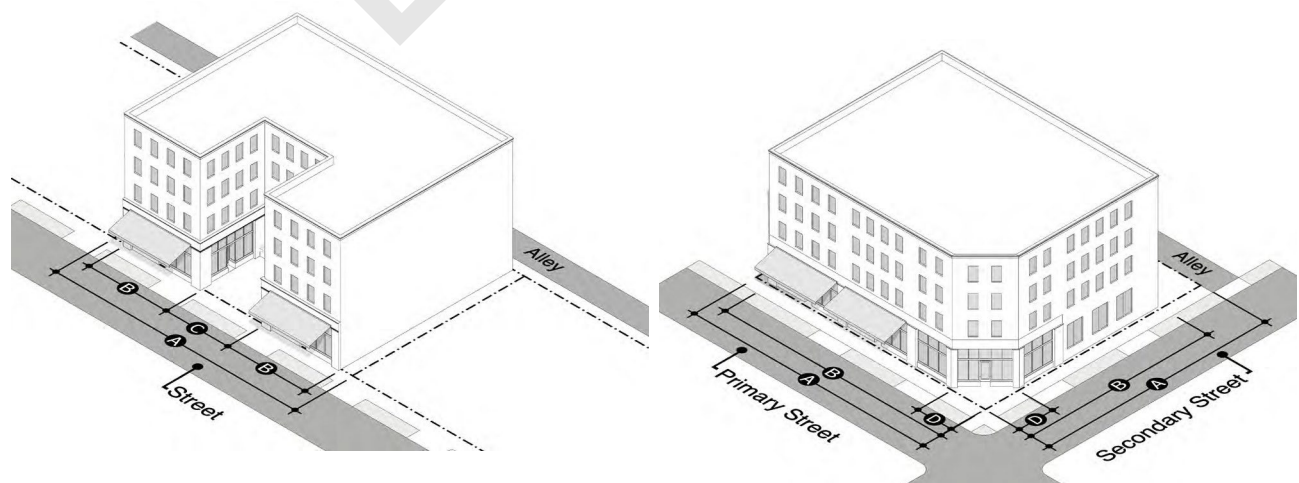
- a. To ensure new buildings maintain the quality of exterior materials reflected in historic downtown buildings.
- b. To ensure that the downtown center retains ground floor commercial opportunities.
- c. To establish minimum standards for windows, doors, shop fronts, and building attachments in order to maintain compatibility with historic downtown buildings.

(2) Building height

- a. The maximum height of T5.2 zoned properties is 80 feet.
- b. The maximum height of T5.1 zoned properties is 50 feet.
- c. All other zoning districts heights shall be per [Table 4.1 Zone Standards](#).

(3) Building placement

- a. Forecourts do not contribute to build-to area requirements, see [Figure 5.25 Downtown Build-to Conditions](#).
- b. Corner entry chamfers count toward the required build-to area only if they are less than 20 feet wide along both property lines.

FIGURE 5.25 DOWNTOWN BUILD-TO CONDITIONS

- | | |
|---------------------------|---|
| A Lot width | C Forecourt width does not contribute to build-out |
| B Facade build-out | D Corner chamfer contributes to build-out |

(4) Materials

- a. Exterior walls along streets and mid-block trails must be finished with brick, stone, or plaster.
- b. Only one primary material may be used for each elevation.
- c. Additional materials are limited to:
 1. Attachments such as awnings, galleries, and bay windows; and
 2. Architectural details such as a water table, coining, pilasters, eaves, or as a lintel across window and door openings.

(5) Ground floors

- a. All buildings must be constructed to accommodate retail or other active commercial uses at the ground story along streets, whether such a use is established at the time of construction or not.
- b. The ground level story must be at least 12 feet high.

(6) Windows and doors

- a. Windows and doors must be recessed at least 2.25 inches from the exterior surface of the wall.
- b. Windows must be separated by a minimum of 4 inches if multiple windows are grouped.
- c. Window sills must project outward from the exterior surface of the wall.

(7) Shop fronts

- a. Shop fronts must be composed as a unified design, incorporating doors, transoms, signage, awnings, or canopies.
- b. Shop fronts must include a continuous bulkhead between 12 and 36 inches in height.
- c. Shop front glass must comprise at least 60% of the width of the tenant space.
- d. Security devices, if installed, must be placed inside the glass.

(8) Awnings and canopies

- a. Awnings and canopies must comply with the standards of [Sec. 50-504 \(5\) Building projections](#) and [\(6\) Encroachment into rights-of-way](#).
- b. Awnings are subject to these rules:
 1. Must be made of fabric;
 2. Must include a valence flap;
 3. Must not include side panels; and
 4. Must project at least of 6 feet from the exterior wall.
- c. Canopies are subject to these rules:
 1. Must be made of metal;
 2. Must be at least 6 inches thick; and
 3. Must project at least 4 feet from the exterior wall.
- d. Awnings and canopies must be installed between transom and display windows where transoms are present.
- e. Awnings and canopies must maintain a clearance of at least 8 feet above the sidewalk.

- f. Awnings and canopies must be set back a minimum of 2 feet from the curb.
- g. Awnings and canopies must span at least 80% of the width of the tenant space.

(c) Downtown Neighborhood Overlay (DNO)

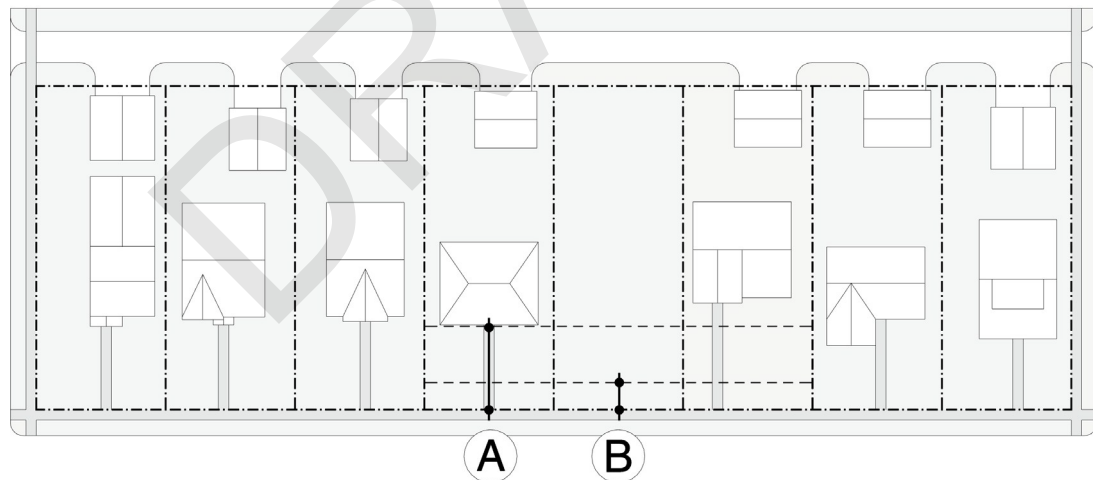
(1) Purpose and intent

- a. To allow new development of a wide variety of housing types near the downtown center.
- b. To ensure that new building size, orientation, and spacing are compatible with the surrounding neighborhood pattern.

(2) Requirements

- a. Front and side street setbacks must match or fall between the setbacks of existing buildings on the same block face, as shown in [Figure 5.26 Downtown Neighborhood Setbacks](#).
- b. Building height is limited to the lower of:
 - 1. One story higher than the average height of buildings built before 1950 on the same block; and
 - 2. The base zone height limit.
- c. Lot combinations are limited to no more than 2 original platted lots, unless otherwise approved by the Planning Commission.
- d. Rezoning above T3.2 will not be considered.

FIGURE 5.26 DOWNTOWN NEIGHBORHOOD SETBACKS



A Adjusted setback, to match existing buildings

B Minimum setback for the base zoning district

(d) Bentonville Municipal Airport Overlay (BMAO)**(1) Purpose and intent**

- a. To protect the Bentonville Municipal Airport and public safety by managing building height, land use, and lighting near airport flight paths.
- b. To reduce risks to aircraft operations, prevent hazardous land use near the airport, and maintain long-term compatibility between airport activity and surrounding development.

(2) Applicability

- a. The overlay applies to all properties located within the airport's designated approach, transitional, horizontal, and conical surfaces.
- b. These boundaries are shown on the Official Bentonville Municipal Airport Zoning Map, adopted by reference and kept on file with the City of Bentonville.

(3) Height limits

- a. Structure must not exceed 50 feet in height above ground unless the FAA issues a determination of no hazard to air navigation.
- b. Structures must not exceed the height limit established for the airport surface area in which they are located, based on FAA regulations and the Official Bentonville Municipal Airport Zoning Map.
- c. If a structure exceeds a regulated airport surface, the City may install and maintain warning lights or markings on the structure, consistent with FAA guidance. These improvements are installed at the City's expense.

(4) Land use restrictions

- a. Uses must not:
 1. Cause electronic interference with aircraft communication or navigation;
 2. Make it harder for pilots to see airport lighting;
 3. Produce glare, light, smoke, or air pollution that affects visibility; or
 4. Attract birds or wildlife in a way that creates a risk to aircraft.
- b. Residential and other noise-sensitive uses are only allowed if all of the following conditions are met:
 1. Building design must include soundproofing that reduces indoor noise levels by at least 30 decibels;
 2. Plans must include documentation showing how the sound reduction will be achieved;
 3. An aviation easement must be recorded before permits are issued; and
 4. A plat attachment or separate recorded notice must inform current and future owners about overflight activity and potential aircraft noise.

(5) Administrative procedures

- a. Applicants must file FAA Form 7460-1 to determine whether a proposed structure would affect airspace near the airport.
- b. A determination of no hazard to air navigation from the FAA will be required before the City approves a development application.

(e) Northwest Arkansas National Airport Overlay (XNAO)**(1) Purpose and intent**

- a. To protect the Northwest Arkansas National Airport from encroachment by incompatible uses and to ensure safe aircraft operations and public safety.
- b. To regulate height, lighting, glare, and land use around the airport, and to reduce hazards such as electronic interference, visual obstructions, and wildlife attraction.

(2) Applicability

- a. This overlay applies to all land within the 4 mapped zones surrounding XNA: the Runway Protection Zone, Inner Safety and Turning Zone, Outer Safety Zone, and Traffic Pattern Zone.
- b. The Official XNA Overlay Zones Map is adopted by reference and maintained in the City of Bentonville Geographic Information System (GIS).
- c. When a property lies within more than one zone, the more restrictive height or land use standard applies.

(3) Overlay zones

- a. Zone 1: Runway Protection Zone (RPZ)
 1. This zone includes the area immediately beyond runway ends.
 2. All uses are not allowed.
 3. The area must remain open and undeveloped and must be located entirely on airport-owned property.
- b. Zone 2: Inner Safety and Turning Zone (ISTZ)
 1. This zone includes a 60-degree wedge extending approximately 5,000 feet beyond the RPZ.
 2. All uses allowed in the base zoning district are allowed unless specifically listed as not allowed.
 3. Conditional uses in the base zoning district remain conditional unless not allowed.
 4. The following uses are not allowed:
 - i. Places of public assembly not designed for airport use, such as schools, child care, theaters, and religious facilities;
 - ii. Residential dwellings, including all housing types;
 - iii. Correctional facilities and jails;
 - iv. Transmission towers or stations;
 - v. Wind turbines;
 - vi. Mining;
 - vii. Solid waste disposal facilities;
 - viii. Storage of bulk hazardous or flammable materials;
 - ix. Contractor yards and salvage or storage yards; and
 - x. Wireless communication facilities.

- c. Zone 3: Outer Safety Zone (OSZ)
 - 1. This zone extends approximately 5,000 feet beyond Zone 2 and is centered on the runway.
 - 2. Use permissions and prohibitions are the same as Zone 2.
 - 3. All disallowed uses listed in Zone 2 also apply in this zone.
- d. Zone 4: Traffic Pattern Zone (TPZ)
 - 1. This zone includes the airspace approximately 6,000 feet on either side of the runway and follows the same arc as the ISTZ.
 - 2. No specific land uses are disallowed in this zone, but general provisions apply.

(4) General development standards for zones 1-4

- a. No building or surface material may cause glare visible to pilots.
- b. No lighting may blink, flash, or direct light upward in a way that could be mistaken for airport lights.
- c. No structure or activity may impair visibility near the airport, including emissions of smoke, steam, or other visual obstructions.
- d. No use may cause electrical interference with airport navigation or communication systems.
- e. Any use that may attract birds or other wildlife is not allowed in Zones 1, 2, and 3.
- f. All noise-sensitive uses, including housing, schools, hospitals, and places of worship, must be soundproofed to reduce indoor noise by at least 30 decibels.
- g. An aviation easement must be granted and recorded prior to permit approval. Plat notices must also disclose potential airport impacts.

(5) Height limitations

- a. All structures must comply with the FAA Height Hazard Zoning Ordinance prepared by the Northwest Arkansas Regional Airport Authority.
- b. A height certificate issued by the FAA must be submitted with development applications within the overlay.

SEC. 50-507. CAMPUS DEVELOPMENT STANDARDS**(a) Purpose and intent**

- (1) To provide flexible development standards for large-scale institutional or corporate campuses.
- (2) To support cohesive master planning, shared infrastructure, and long-term phasing that would not be possible under conventional development regulations.
- (3) To enable walkable, functional, and coordinated campuses that serve as employment or institutional anchors.
- (4) To create well-shaped public and semi-public spaces, maintain essential connectivity, and provide alternatives to conventional platting and circulation patterns.

(b) Applicability

- (1) The standards in this section apply only to developments approved through the Campus Development Plan process described in [Article 50-7 Administration](#). To qualify, a development must meet all of the following criteria:
 - a. The site must be at least 8 acres in size;
 - b. The project must include an institutional or corporate anchor;
 - c. The site must be under unified ownership or long-term control; and
 - d. The development must be guided by a coordinated plan for internal circulation and open space.

(c) Modifications

- (1) Development standards in this section may be modified or replaced as part of an approved Campus Development Plan.

(2) Connectivity

- a. Required pedestrian, bicycle, and emergency access routes must be maintained throughout the site.
- b. A connected internal street network must be provided even if public street standards are not used.

(3) Street design

- a. Internal streets are subject to the general standards of [Article 50-5 Design Standards](#).
- b. Streets may be privately owned and may use custom cross-sections if they provide appropriate access for all users and connect to the public street network.

(4) Lot and frontage standards

- a. Lots within the campus are not required to front a public street.
- b. Lot lines may follow utility, leasing, or operational boundaries and are not subject to minimum lot size or setback requirements if the overall development meets the intent of this section.

(5) Building orientation and entry

- a. Buildings must face streets, internal open spaces, courtyards, or pedestrian pathways.
- b. Primary entrances are not required to face a public street but must be clearly identifiable from the internal circulation network.

(6) Parking and transportation

- a. A parking management plan is required.
- b. Parking location and layout must not dominate pedestrian circulation or detract from shared open spaces.

(7) Access management

- a. Driveway spacing, internal access design, and service vehicle routing may vary from standard requirements.
- b. A coordinated access plan must be approved as part of the Campus Development Plan.

(8) Lighting

- a. Lighting standards may be met through a site-wide plan that addresses:
 - 1. Intensity;
 - 2. Cut-off; and
 - 3. Uniformity across campus areas, including pedestrian paths and parking facilities.

(9) Phasing

- a. Campus development may be phased over time.
- b. Public improvements and open space may be delivered in phases according to thresholds or triggers established in the approved plan.

(10) Design

- a. Campus Development Plans must demonstrate:
 - 1. A connected internal network for pedestrian, bicycle, vehicular, emergency and service circulation;
 - 2. Compatibility and appropriate transitions at the edges of the site;
 - 3. A coordinated landscape and open space plan that defines clear relationships between buildings;
 - 4. Building placement that shapes meaningful public or semi-public spaces appropriate to the campus context; and
 - 5. Cohesive utility, grading, and stormwater strategies at the site level.

SEC. 50-508. SIGNS**(a) Purpose and intent**

- (1) To limit the size, number, location, and appearance of signs for pedestrian and traffic safety, and preserve community character.
- (2) To set rules about how signs are built, where they go, and how big they are. .

(b) Applicability

- (1) This Section applies to all signs on private property, public property, and in the right-of-way, unless clearly exempted.
- (2) All signs require a permit, except as specified in [subsection \(d\) Signs allowed without a permit](#).
- (3) Sign permit requirements are specified in [Sec. 50-721 \(i\) Sign permit](#).
- (4) Signs that do not comply with this Section or are not allowed, may be removed by the City or require correction, as explained in [Article 50-7 Administration](#).

(c) General rules**(1) Interpretation**

- a. Where a term, sign type, or dimensional standard is not clearly defined, the Director may issue a written interpretation to clarify the rules.
- b. If a sign type isn't listed, the Planning Commission will determine the closest matching sign type based on its size, shape, structure, and how it's displayed.

(2) Height measurement

- a. Sign height is measured from the finished grade at the base of the sign to the top of the sign.
- b. For roof signs, height is measured from the top of roof deck to the top of the sign.

(3) Area measurement

- a. Sign area is measured as the total surface within a continuous rectangle that encloses all parts of the sign, including logos, symbols, and background elements that frame the message.
- b. Supporting structures such as poles or base elements are not included in the area calculation unless they are internally lit or used to convey a message.
- c. For double-faced signs placed back-to-back, only one face is counted if the two faces are identical and separated by no more than 24 inches.

(4) Location

- a. Signs must be entirely within private property, unless stated otherwise.
- b. Signs must be at least 5 feet from utility lines and easements.
- c. Signs placed within or extending into the public right-of-way or public property require an encroachment permit as required by [Sec. 50-718 \(d\) Encroachment permit](#) and are subject to the following:
 1. Signs are not allowed in utility easements without coordination and approval by all utility departments and parties; and
 2. Signs must be located at least 2 feet from curbs, ramps, driveways, light poles, street signs, transit stops, and trails and shared-use paths.

- d. Signs must not:
 - 1. Block doors, windows, or fire escapes;
 - 2. Interfere with traffic control devices, pedestrian movement, or visibility at intersections, driveways, or crosswalks;
 - 3. Project into a sight triangle, as defined by the Arkansas Department of Transportation;
 - 4. Impair visibility for pedestrians, cyclists, or drivers; or
 - 5. Attach to fences, utility poles, light poles, street furniture, or landscaping.
- e. Sign location must meet these minimum vertical clearances:
 - 1. 8 feet above pedestrian walkways;
 - 2. 10 feet above bicycle routes; and
 - 3. 13.5 feet above driveways.

(5) Administrative adjustments

- a. The Director may approve administrative adjustments to the placement or dimensions of signs according to [Sec. 50-716 Administrative adjustments and waivers](#).
- b. Administrative adjustments may not be granted for signs not allowed by [Sec. 50-508. Signs](#).

(6) Construction and maintenance

- a. Signs must be constructed of durable, weather-resistant materials.
- b. Signs must be installed safely and follow building and electrical codes.
- c. Structural elements must remain plumb and securely anchored.
- d. Signs must be kept in good condition, free from rust, rot, peeling paint, cracking, fading, or structural damage.
- e. Sign faces must be legible and free of obscured or missing lettering, panels, or components.
- f. Electrical signs must function as designed, with no exposed wiring or broken illumination.
- g. Landscaping at the base of a sign, if required, must be maintained in healthy condition and replaced as needed in accordance with [Sec. 50-510. Landscape, screening, and buffering](#).

(7) Abandoned, unsafe, and defective signs

- a. A sign that becomes structurally unsound or otherwise dangerous must be repaired or removed within 10 business days of written notice from the City.
- b. If the responsible party fails to act within 10 business days, the City may remove the sign at the owner's or tenant's expense.
- c. Abandoned signs must be removed or updated with a new sign or sign face within 90 days of abandonment.

(8) Illegal signs

- a. The City may issue a notice of violation and require correction or removal within 10 business days.
- b. If corrective action is not taken, the City may remove the sign and recover costs from the responsible party.

(9) Artwork exemption

- a. Displays are not considered signs if they:
 - 1. Meet the definition of artwork in [Sec. 2-550](#) of the Bentonville Municipal Code; and
 - 2. Do not contain letters, numbers, logos, or trademarks.

(d) Signs allowed without a permit

- (1) Signs specified in this subsection don't need a permit if they comply with the listed rules and [subsection \(c\) General rules](#).

(2) Building-integrated and incidental signs

- a. Signs or plaques on a building wall, up to 1 square foot in area and not lit.
- b. Signs integrated into building design, projecting up to 1 inch, and not independently lit.
- c. Signs on vending machines, fuel pumps, ATMs, or other similar fixtures, up to 6 square feet and contained within the fixture.

(3) Temporary signs not requiring a permit

- a. Posters or printed boards up to 15 square feet and 5 feet tall.
- b. Worksite signs required by OSHA or state agencies.
- c. Yard signs displayed no more than 7 consecutive days, up to 8 square feet and 5 feet tall.
- d. Construction signs up to 32 square feet, displayed after a building permit is issued and removed before occupancy.
- e. A-frame and other movable signs used only during business hours in T5 or T6, removed during bad weather and located to preserve a clear path of travel of 5 ft. min. Allowed in other zoning districts if not visible from a public street.

(4) Government and utility signs

- a. Signs installed by a government agency or public utility.
- b. Signs installed under a franchise agreement with the City or other government agency.

(5) Signs on vehicles

- a. Signs displayed on buses, taxis, and other vehicles legally operating as common carriers are allowed if:
 - 1. The vehicle is in use for a business and not just to display the sign;
 - 2. The sign is painted or applied;
 - 3. The sign does not project beyond the vehicle;
 - 4. The sign does not cover more than 40% of windows; and
 - 5. The vehicle is not parked in the same location for more than 2 days just to display the sign.

(6) Window signs

- a. Painted, applied, or hanging signs located inside a window.
- b. Vinyl appliques must be individual letters or images, without solid backgrounds, not exceeding 40% of the window area.

(7) Maintenance work

- a. Repainting, repairing, changing copy, or fixing signs without changing their size, structure, or electrical.
- b. Replacing damaged parts with identical materials.
- c. Covering signs temporarily during repairs. Covers may not include new sign content.

(e) Signs that are not allowed

- (1) Signs that visually simulate or could be confused with official signage.
- (2) Signs that cause electrical or radio interference with emergency communications or navigation.
- (3) Signs that use flashing or blinking lights, beacons, rotating elements, or chasing lights.
- (4) Pole signs.
- (5) Rotating or revolving signs.
- (6) Hand-held signs.
- (7) Portable message center signs.
- (8) Off-site commercial message signs.
- (9) Signs in public ROW without proof of an encroachment permit per [Sec. 50-718 \(d\) Encroachment permit](#).
- (10) Mobile billboards.
- (11) Wind-animated devices like banners, bow flags, feather flags, spinners, streamers, or pennants, when visible from public streets.
- (12) Inflatable signs or figures, including tethered balloons or gas-inflated objects.
- (13) Signs with exposed bulbs over 25 watts, metal halide lighting over 75 watts, or projecting light or glare onto a public streets or neighboring properties.
- (14) Signs mounted on vehicles or trailers, other than those allowed under [\(5\) Signs on vehicles](#).

(f) Signs allowed with a permit

- (1) Signs must follow the rules in [Table 5.27 Sign Standards](#) and in this subsection.

(2) Temporary signs

- a. Posters or printed boards more than 15 square feet or 5 feet tall.
- b. Banners for temporary events, displayed for up to 14 days before and 2 days after. Up to 4 banners may be allowed each calendar year for each tenant or property.
- c. Signs for on-site events, holidays, or sales, displayed up to 14 days before and 2 days after.

(3) Billboards

- a. Location
 1. Billboards are only allowed within 75 feet of the Interstate 49 right-of-way between Exit 85 (southbound entrance ramp) and Exit 86 (southbound exit ramp).
 2. Billboards must be outside of required building setbacks.
 3. Billboards are not allowed on rooftops or within railroad rights-of-way.
 4. Billboards must be freestanding.

- b. Spacing
 - 1. Billboards must be spaced at least 2,640 feet from any other billboard.
 - 2. Billboards must not be within 250 feet of properties zoned R-1, T3, or T4.
 - 3. Billboard must be at least 150 feet from a signalized intersection.
- c. Size and Height
 - 1. Maximum height is 45 feet above finished grade.
 - 2. Maximum sign area is 480 square feet per sign face.
 - 3. Up to 2 faces are allowed per sign, visible from the same direction.
 - 4. Back-to-back billboard signs must:
 - i. Be no more than 4 feet apart on average and 3 feet at the closest point; and
 - ii. Form an angle no greater than 45 degrees.
 - 5. The sign structure must not extend beyond the edges of the sign face.
 - 6. Skirting, framing, or support structure surrounding the sign face are not allowed.
- d. Replacement of Static Billboards with Digital Billboards
 - 1. New digital billboards are only allowed if they replace legally nonconforming static billboards.
 - 2. For every 1 square foot of new digital sign, at least 2.5 square feet must be removed. Multiple billboards may be removed to accommodate a new digital sign.
 - 3. The sign face area of any new digital billboard must not exceed the area of the smallest billboard removed.
 - 4. Billboard removal must follow this priority:
 - i. Nonconforming signs on Walton Boulevard;
 - ii. Double-decker billboards located within city limits; and
 - iii. Other nonconforming billboards on the same roadway as the digital sign.
 - 5. All removal and replacement rules must be met before a new digital billboard is allowed.
- e. Landscaping at Billboard Base
 - 1. Must include at least two large canopy trees.
 - 2. Plants removed or trimmed within the public right-of-way must follow Arkansas Department of Transportation regulations.
 - 3. All landscaping must comply with [Sec. 50-510. Landscape, screening, and buffering](#).
- f. Maintenance
 - 1. Billboards must be maintained and repaired, and display components must be replaced.
 - 2. Billboards may not be expanded, raised, or relocated unless done so in full compliance with this Section.

(4) Corner sign

- a. Allowed only at an exterior building corner where two building walls meet, and each wall faces a public street.

- b. May project up to 4 feet from the wall of the building. An encroachment permit per [Sec. 50-718 \(d\) Encroachment permit](#) is required if projection encroaches into an easement or public right-of-way.

(5) Ground sign

- a. The bottom edge must be within 2 feet of the sidewalk grade.
- b. Signs adjacent to I-49, between Exit 85 and Exit 86, may be up to 70 feet tall and 100 square feet.
- c. Ground signs in T2.1, R-1, T3, and T4 are only allowed for institutional uses.
- d. Ground signs in T2.2 are only allowed for institutional uses and gas stations.

(6) Marquee sign

- a. Marquee signs consist of a horizontal canopy and a vertical sign element above, each subject to separate rules in [Table 5.27 Sign Standards](#).

(7) Projecting sign

- a. Must be attached to the wall of a building.
- b. May extend up to 4 feet from the wall.
 - 1. If extending into the right-of-way proof of an encroachment permit per [Sec. 50-718 \(d\) Encroachment permit](#) is required.

(8) Roof sign

- a. Only allowed on buildings over 3 stories.
- b. Structure must not be visible from sidewalks.
- c. Must not extend beyond the edge of the building.
- d. In T5, the sign area is limited to 100 square feet plus 25 square feet for each floor above 3 stories.

(9) Subdivision sign

- a. Can be ground signs or attached to entry walls.
- b. An encroachment permit per [Sec. 50-718 \(d\) Encroachment permit](#) is required if subdivision sign encroaches into an easement or public right-of-way.

(10) Wall sign

- a. Must project no more than 12 inches from the wall, unless on a sloped canopy roof.
- b. Must be at least 6 inches from building corners, except where signs on 2 building walls connect.

TABLE 5.27 SIGN STANDARDS

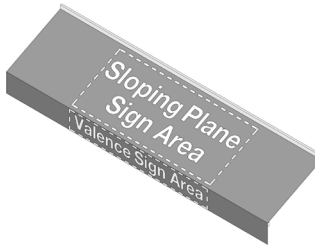
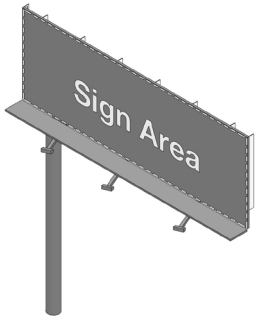
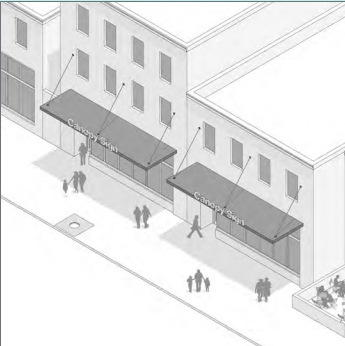
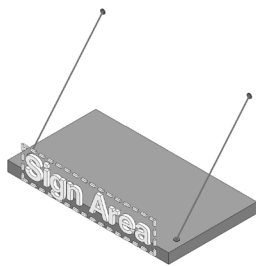
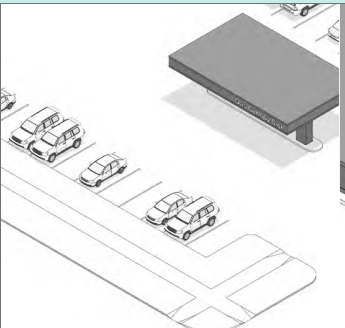
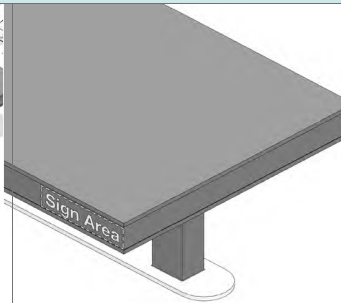
Permanent Signs		
Awning		
Zoning District	T4, T5, T6, GC, I	
Height (max.)	N/A	
Number (max.)	1 per awning face	
Area (max.)	32 sq. ft.	
Copy Height (max.)	10 in.	
Sign regulation		
		
Billboard		
Zoning District	Restricted in: T6, GC, I	
Height (max.)	45 ft.	
Number (max.)	See (3) Billboards	
Area (max.)	480 sq. ft.	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(3)	
		
Canopy		
Zoning District	T5, T6, GC, I	
Height (max.)	N/A	
Number (max.)	1 per entry	
Area (max.)	2 sq. ft. per linear ft. and 12 sq. ft.	
Copy Height (max.)	30 in.	
Sign regulation		
		
Canopy for Gas Station		
Zoning District	T5, T6, GC, I	
Height (max.)	N/A	
Number (max.)	1 per face	
Area (max.)	25 sq. ft.	
Copy Height (max.)	30 in.	
Sign regulation		
		

TABLE 5.27 SIGN STANDARDS

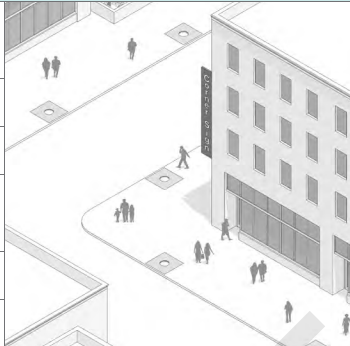
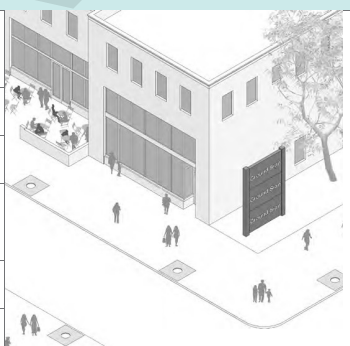
Permanent Signs		
Corner		
Zoning District	T5, T6, GC, I	
Height (max.)	6 ft. above eave or parapet	
Number (max.)	1 per building	
Area (max.)	40 sq. ft.	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(4)	
Ground – single tenant		
Zoning District	T5, T6, GC, I Restricted in: T2, R1, T3, T4	
Height (max.)	12 ft.	
Number (max.)	1 per frontage	
Area (max.)	60 sq. ft.	
Copy Height (max.)	30 in.	
Sign regulation	Sec. 50-508(f)(5)	
Ground – multi-tenant		
Zoning District	T5, T6, GC, I	
Height (max.)	12 ft.	
Number (max.)	1 per frontage	
Area (max.)	120 sq. ft.	
Copy Height (max.)	30 in.	
Sign regulation	Sec. 50-508(f)(5)	
Marquee (canopy)		
Zoning District	T5, T6, GC, I	
Height (max.)	N/A	
Number (max.)	1 per building	
Area (max.)	120% of face	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(6)	

TABLE 5.27 SIGN STANDARDS

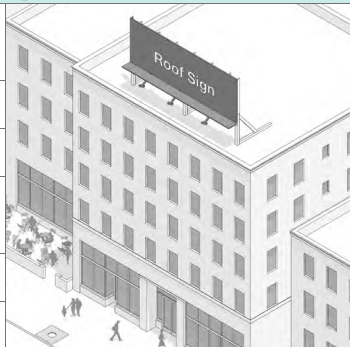
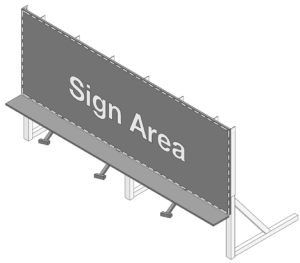
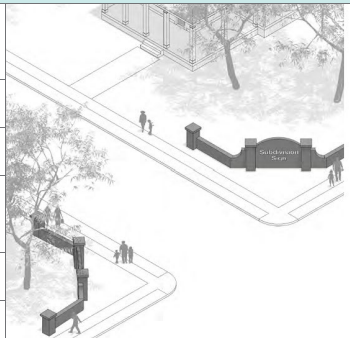
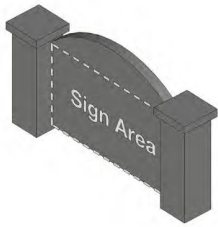
Permanent Signs		
Marquee (vertical)		
Zoning District	T5, T6, GC, I	
Height (max.)	6 ft. above eave or parapet	
Number (max.)	1 per building	
Area (max.)	120% of face	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(6)	
Projecting		
Zoning District	T4, T5, T6, GC, I	
Height (max.)	N/A	
Number (max.)	1 per ground floor tenant	
Area (max.)	6 sq. ft. per side	
Copy Height (max.)	8 in.	
Sign regulation	Sec. 50-508(f)(7)	
Roof		
Zoning District	T6, GC, I Restricted in: T5	
Height (max.)	15 ft.	
Number (max.)	1 per parcel	
Area (max.)	200 sq. ft.	
Copy Height (max.)	30 in.	
Sign regulation	Sec. 50-508(f)(8)	
Subdivision		
Zoning District	R1, T3, T4, I	
Height (max.)	Ground or wall sign	
Number (max.)	1 per subdivision	
Area (max.)	24 sq. ft.	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(9)	

TABLE 5.27 SIGN STANDARDS

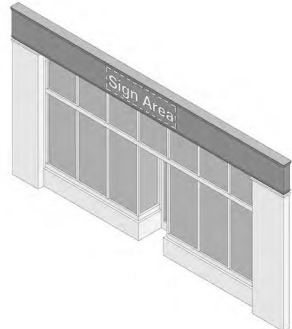
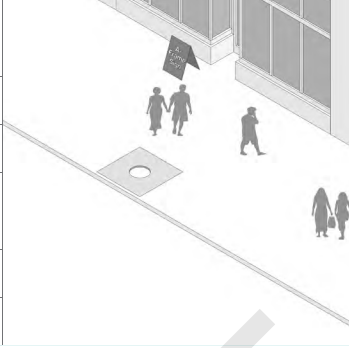
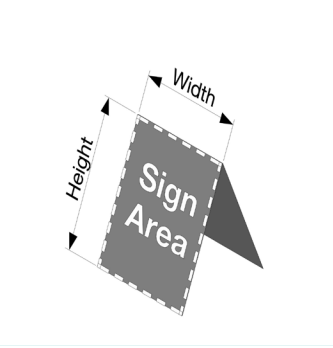
Permanent Signs			
Wall			
Zoning District	All Districts		
Height (max.)	N/A		
Number (max.)	1 per tenant and 1 per frontage		
Area (max.)	1 sq. ft. per 1 linear ft. of frontage		
Copy Height (max.)	18 in.		
Sign regulation	Sec. 50-508(f)(10)		
Window			
Zoning District	T4, T5, T6, GC, I		
Height (max.)	N/A		
Number (max.)	1 per window		
Area (max.)	40% of window area		
Copy Height (max.)	8 in.		
Sign regulation	Sec. 50-508(d)(6)		

TABLE 5.27 SIGN STANDARDS

Temporary Signs

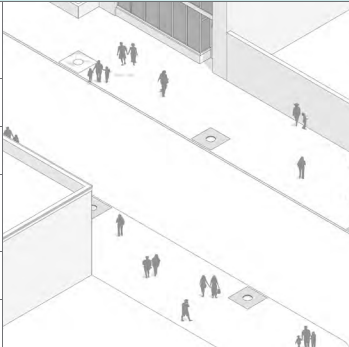
A-frame

Zoning District	T4, T5, T6,	 
Height (max.)	42 in.	
Number (max.)	1 per ground floor tenant	
Area (max.)	30 in. wide and 42 in. high	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(d)(3)	

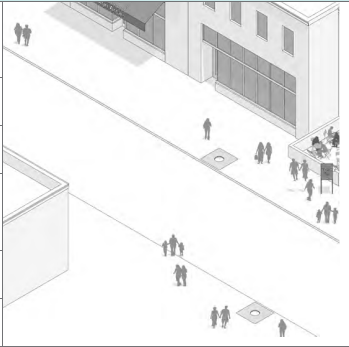
Banner

Zoning District	T4, T5, T6, GC, I	 
Height (max.)	20 ft.	
Number (max.)	1 per tenant	
Area (max.)	25 sq. ft.	
Copy Height (max.)	18 in.	
Sign regulation	Sec. 50-508(f)(2)	

Construction

Zoning District	All Districts	 
Height (max.)	15 ft.	
Number (max.)	1 per lot	
Area (max.)	32 sq. ft.	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(d)(3)	

Event ground sign

Zoning District	All Districts	 
Height (max.)	4 ft.	
Number (max.)	4 per parcel	
Area (max.)	12 sq. ft.	
Copy Height (max.)	N/A	
Sign regulation	Sec. 50-508(f)(2)	

(g) Lighting

- (1) Lighting must not cause glare or interfere with traffic control devices, street lighting, or pedestrian visibility.
- (2) Externally lit signs must use top-mounted, fully shielded lighting aimed only at the sign face.
- (3) Internal lighting is only allowed for window signs, wall signs, and digital billboard signs.
- (4) Internally lit signs must have an opaque background and translucent copy.
- (5) Neon is only allowed for window and marquee signs.
- (6) Lighting must not blink, flash, pulsate, rotate, or strobe.
- (7) Exposed bulbs must not exceed 300 lumens, except metal halide bulbs in marquee signs which may be up to 400 lumens.
- (8) Low-pressure sodium, high-pressure sodium, and mercury vapor lights are not allowed.

(h) Electronic message centers (EMCs)**(1) Where allowed**

- a. Only allowed as part of ground signs and digital billboards.
- b. Only allowed in GC, LI, and LFI zones, and the I-49 billboard corridor.
- c. Must be at least 250 feet from any residential property.
- d. Must be at least 150 feet from signalized intersections.
- e. Must be:
 1. 2,500 feet from another EMC on the same side of the street; and
 2. 1,000 feet from another EMC on the opposite side of the street.

(2) Size and design

- a. Only 1 EMC is allowed per sign.
- b. Must be less than 50% of the total sign area.
- c. Must be integrated into the sign face and framed by a solid, opaque, and unlit border.
- d. Must be mounted flush with the sign structure and not protrude beyond its face.

(3) Operation

- a. Messages must remain static for at least 8 seconds.
- b. Transitions between messages must be instant, without animation, motion, flashing, or fading.
- c. Backgrounds may only change when the message changes.
- d. Must turn off or display a solid black screen in case of failure.
- e. Chasing messages are not allowed on EMC billboards.
- f. Must include ambient light sensors and be set to automatically dim.

(i) Nonconforming signs

- (1) See [Sec. 50-808 Nonconforming Signs](#).

SEC. 50-509. TREE PRESERVATION**(a) Purpose and intent**

- (1) To preserve and protect Bentonville's existing tree canopy.
- (2) To reduce erosion, mitigate heat island effects, provide wildlife habitat, increase property values, and contribute to the community's identity and character.
- (3) To retain existing trees where feasible during development.
- (4) To ensure tree preservation is considered early in the site design process.
- (5) To recognize that limited utility-related trimming may be necessary for public safety and service continuity, while ensuring such activity respects the goals of long-term canopy health.
- (6) This section works along with [Sec. 50-510. Landscape, screening, and buffering](#) to promote a healthy and diverse urban forest.

(b) Applicability

- (1) This section applies to all Preliminary Plats and Development Plans, including public and private projects.
- (2) This section does not apply to individual single-family and two-family dwellings on existing lots.

(c) Tree preservation plan required

- (1) A Tree Preservation Plan must be submitted concurrently with any required Landscape Plan when the site contains Significant Trees as defined in [subsection \(d\) Significant trees](#).
- (2) The Tree Preservation Plan must include:
 - a. Identification of location, species and DBH of trees to be preserved;
 - b. Dimension of tree protection zone required in subsection (g) Tree protection during construction; and
 - c. Location and description of tree protection fencing required in subsection (g) Tree protection during construction

(d) Significant trees

- (1) The following are considered significant trees and are subject to the requirements of this Chapter:
 - a. Trees species in [Table 5.36 Approved Tree Species](#) that exceed minimum size thresholds in [Table 5.28 Significant Tree Size Thresholds](#);
 - b. Trees required to be planted by Section 50-510 after the adoption of this UDC.
 - c. Trees species endangered or threatened as identified by the U.S. Fish and Wildlife Service;; and
 - d. Trees within areas described in [Sec. 50-511. Natural resource protection](#).

TABLE 5.28 SIGNIFICANT TREE SIZE THRESHOLDS

Type	DBH
Large and medium-height species	8 inches or greater
Short-height species	4 inches or greater

(e) **Tree removal**

- (1) Significant trees must not be removed from the site without approval by the Director, and requires one of the following findings:
 - a. The tree poses a risk to public safety or property;
 - b. The tree interferes with utilities, grading, or structural improvements with no reasonable alternative;
 - c. The tree is a prohibited species listed in [Table 5.37 Plant Species Not Allowed](#);
 - d. Tree removal is required by the BEUD Director or the BWUD Director; or
 - e. The tree is dead, dying, or fatally diseased, as documented by a certified arborist.
- (2) Replacement is required for all significant trees that are removed and do not meet one of the above findings, following the rules in [subsection \(i\) Tree mitigation and replacement](#).

(f) **Tree preservation credit**

- (1) Preserved trees may be credited toward required trees in [Sec. 50-510. Landscape, screening, and buffering](#) according to [Table 5.29 Tree Preservation Credits](#).
- (2) Credits are only available for healthy, approved species protected in accordance with this section.

TABLE 5.29 TREE PRESERVATION CREDITS

DBH of Preserved Tree	Credit toward Required Trees
4–7.9 inches	2 trees
8–17.9 inches	4 trees
18–23.9 inches	6 trees
24–29.9 inches	8 trees
30+ inches	10 trees

(g) **Tree protection during construction**

- (1) All trees identified for preservation must be protected during construction using methods below, including:
 - a. Establish Tree Protection Zone at 1' radius for each 1" of trunk diameter.
 - b. Tree protection fencing at the Tree Protection Zone;
 - c. Root pruning and soil compaction prevention where grading occurs within proximity;
 - d. Trunk protection with wooden planks or other durable wrap materials if fencing is located closer than four feet from the trunk; and
 - e. Durable signage clearing stating purpose of tree protection fencing.
- (2) Protective measures must be installed prior to construction and remain in place until final inspection.
- (3) Damage to preserved trees due to noncompliance may result in stop work orders and require mitigation. For purposes of this section, 'damage' means:
 - a. Removal, injury or death of a preserved tree;
 - b. Disruption or compaction of the Tree Protection Zone;
 - c. Failure to maintain fencing, barriers or approved protection methods; or
 - d. Canopy die-back or structural failure attributable to construction activity.

City of Bentonville, Arkansas

(4) Authority and inspection

- a. The Director or a qualified arborist designated by the City determines whether damage has occurred.
- b. The City may conduct site inspections to document the condition of preserved trees before, during, and after construction.

(5) Responsibility for costs

- a. The permit holder is responsible for the cost of any additional inspections or monitoring needed to confirm compliance.
- b. The City may require a financial guarantee or surety at the time of approval to cover these costs.

(h) Disallowed activities

(1) The following actions are not allowed within the Tree Protection Zone of a tree designated for preservation:

- a. Grading or excavation deeper than 6 inches;
- b. Trenching for utilities unless specifically approved as part of a Tree Preservation Plan;
- c. Storing equipment or materials;
- d. Discharging fluids or waste; and
- e. Attaching signage, lighting, or fencing to trees.

(2) Tree topping is not allowed. All pruning must follow [ANSI A300](#) Tree Care Standards.**(i) Tree mitigation and replacement**(1) When tree preservation is not feasible or required trees are removed, replacement must occur at the ratios in [Table 5.29 Tree Preservation Credits](#).

(2) Where replanting is not feasible, a fee-in-lieu may be paid into the City's tree fund at a rate established by the City Council. See "FIL"

(3) Replacement trees must comply with the species and planting standards in [Sec. 50-510. Landscape, screening, and buffering](#) and the [Tree Preservation and Protection Manual](#).(4) Mitigation calculations must follow the procedures and definitions provided in the [Tree Preservation and Protection Manual](#).

(5) The Director may authorize off-site planting, or the Planning Commission may accept a fee in lieu, where on-site replacement is not physically feasible due to:

- a. Existing buildings, utilities, drainage facilities, or easements that occupy or restrict the required planting area;
- b. A site area of less than 10,000 square feet that lacks sufficient unpaved surface to accommodate the required trees or landscaping; or
- c. Slope conditions exceeding 20% where planting would compromise soil stability or drainage.

SEC. 50-510. LANDSCAPE, SCREENING, AND BUFFERING**(a) Purpose and intent**

- (1) To protect and enhance the visual, environmental, and functional quality of development by requiring the thoughtful placement of trees, shrubs, and ground cover throughout each site.
- (2) To support stormwater management, reduce urban heat, provide shade, buffer incompatible uses, and improve the overall appearance of the city.
- (3) To reinforce the character of different zoning districts by regulating landscape design in a context-sensitive manner.
- (4) To integrate landscape with parking, pedestrian areas, and buildings to support walkability and reduce impacts on neighboring properties.
- (5) To preserve existing trees by providing credit toward planting requirements.

(b) Applicability

- (1) This section applies to all public and private development, including new construction, redevelopment, and improvements within rights-of-way.
- (2) The Director may waive or adjust some or all requirements for renovations, additions, or modifications according to [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

(c) Existing landscape

- (1) Native vegetation must be preserved where feasible and may reduce required planting where it meets or exceeds the functional intent of this section.
- (2) Landscape plans must identify all existing trees and significant vegetation.
- (3) Preservation of existing trees and removal of significant trees are subject to [Sec. 50-509. Tree preservation](#).
- (4) Removal of more than 10,000 square feet of contiguous canopy from a site, regardless of tree size, requires a tree removal permit.

(d) Screening and buffering

- (1) Screening and buffering is required to inhibit view and noise from streets and neighboring properties as specified in [Table 5.30 Screening Requirements](#).
- (2) Screen and buffer types are specified in [Table 5.30 Screening Requirements](#).
- (3) Street screens are required elsewhere in the BCC, following the standards in this section, and:
 - a. Vehicular openings are limited to a maximum width of 30 feet;
 - b. Trail openings are limited to a maximum width of 16 feet; and
 - c. Pedestrian openings are limited to a maximum width of 8 feet.
- (4) Additional requirements apply to zone transitions following [Sec. 50-505. Zone Transitions](#).
- (5) Required buffer trees may be grouped or irregularly spaced, but tree separation must not exceed 60 feet along the buffer.

TABLE 5.30 SCREENING REQUIREMENTS

Use	Location or Application	Type	Additional Standards
Street Screens	Screening parking areas	C	Fencing may be within 3 feet of the property line or aligned with the building setback.
	Screening outdoor use areas	D	Fencing must be aligned with the building setback.
Parking Structures	Front and side street lot lines	E	Only if the structure is not behind a liner or other building.
	Side and rear lot lines	F	Only if the structure is within 60 feet of T2, R-1, T3, or T4 zones.
Utility Pedestals and Minor Ground-mount- ed Equipment	Sidewalks or pedestrian walkways within 10 feet	A	Only where located within a front or side street setback area. Type A or alternative screening method approved by the applicable Utility Director. Must not block access to utility equipment.
Mechanical Equipment	Front and side street lot lines	A	Only where located within 20 feet of a front or side street lot line.
	Side and rear lot lines	B	Only where located within 20 feet of a lot line shared with T2, R-1, T3, or T4.
Loading & Service Area	Front and side street lot lines	C	Only if not behind a building.
	Side and rear lot lines	D	Only if not behind a building.
Trash & Open Storage Areas	All lot lines	D	Only where located within 40 feet of a lot line and not behind buildings. Fencing must be opaque and aligned with the building setback.

TABLE 5.31 SCREEN AND BUFFER TYPES

Type	Buffer Width	Ornamental Metal Fence	Masonry Wall	Evergreen Hedge	Trees
A				4 ft. high, minimum	
B				6 ft. high, minimum	
C		3 to 4 feet high	3 to 4 feet high	4 ft. high, minimum	
D		6 to 8 feet high	6 to 8 feet high	6 ft. high, minimum	
E	6' minimum		3 to 4 feet high	4 ft. high, minimum	1 every 50 linear ft., min.
F	10' minimum			6 ft. high, minimum	
G	25' minimum			6 ft. high, minimum	2 every 40 linear ft., min., alternating spacing in two rows
H	25' minimum		6 to 8 feet high	6 ft. high, minimum	

- (6) Zone transition landscape buffers.
- a. Buffers must meet the configuration standards in [Table 5.31 Screen and Buffer Types](#).
 1. Buffer widths and trees are required as listed.
 2. Other elements listed in [Table 5.31](#) are not cumulative.
 3. A buffer must include any one of the following at the specified heights:
 - i. A continuous masonry wall that meets the required height;
 - ii. A metal or wood fence combined with evergreen planting or hedge; or
 - iii. An evergreen hedge.
 - b. Landscape buffers must:
 1. Be located on the newly developing property;
 2. Include continuous evergreen hedges with one row per 20 feet of buffer width; and
 3. Include ground cover to cover all exposed soil.
 - c. 2 other trees may substitute 1 canopy tree, up to 50% of the required tree count.
 - d. Natural drainage ways or existing vegetation may be substituted for required buffers when the feature is at least 20 feet wide and provides at least 80% of the required visual screening.

TABLE 5.32 BUFFER REQUIREMENT BY ADJACENCY

Proposed Development	Existing Adjacent Zoning								
	T2	R-1	T3	T4	T5	T6	GC	LI	LFI
T2		E	E	F	G	G	G	G	G
R-1	E			E	F	G	G	G	H
T3	E			E	F	G	G	G	H
T4	F	E	E		E	F	F	I	H
T5	G	F	F	E		E	F	F	H
T6	G	G	G	F	E			E	H
GC	G	G	G	F	F				F
LI	G	G	G	G	F	E			E
LFI	G	H	H	H	H	J	H	E	

(e) Fences and walls**(1) General**

- a. This Section applies to all fences, walls, gates, and related structures on private property.
- b. Fence permitting, variances, and administrative relief procedures are addressed in [Article 50-7 Administration](#).
- c. Fences and walls must not:
 1. Block drainage or alter the flow of stormwater;
 2. Block access to utility equipment; or
 3. Be placed closer than five feet from current or proposed right-of-way. An administrative waiver to three feet may be approved according to [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).
- d. Fences and walls must comply with the Arkansas Department of Transportation Clear Zone requirements and must not obstruct sight triangles at intersections or driveways.
- e. Fence and wall locations and terminology is illustrated in [Figure 5.33 Fence and Wall Locations](#).

(2) Materials and features

- a. All fences and walls must be constructed with durable materials and be kept in good repair.
- b. Fences and walls must not be constructed of scrap materials, debris, or other hazardous material.
- c. Fences must be installed with the finished side facing outward toward abutting property or right-of-way.
- d. Gates must not swing into public rights-of-way, alleys, or trails.
- e. Barbed wire, razor wire, and electrified fences are not allowed except where specified in [subsection \(3\) Specific standards by zoning district](#).
- f. Chain link fences are not allowed for frontage fencing.

(3) Specific standards by zoning district

- a. T2
 1. Fences and walls are limited to 4 feet in height within 40 feet of any lot line and 12 feet elsewhere.
 2. Barbed wire and electrified fences are not allowed within 40 feet of any lot line.
 3. Fences and walls in T2 are exempt from other provisions of this section.
- b. R-1, T3, and T4
 1. Frontage fences and walls between a building and a sidewalk are allowed up to 4 feet high.
 2. Privacy and security fences and walls are allowed up to 6 feet high.
- c. T5, T6, GC, and LI
 1. Frontage fencing is not allowed in T5 and T6, except:
 - i. Outdoor dining or other outdoor uses:
 - (i) Fences or walls are allowed up to 4 feet high; and

(ii) Building or tenant entrances must remain accessible.

ii. Forecourts:

- (i) Fences or walls are allowed up to 8 feet high enclosing forecourts;
- (ii) At least 25% transparency is required above 4 feet;
- (iii) An opening is required, providing pedestrian access; and
- (iv) Gates must be at least 50% transparent.

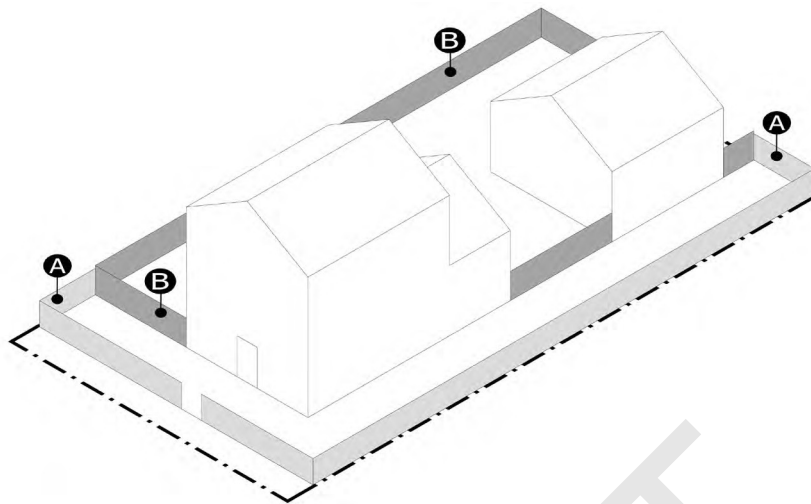
2. Privacy and security fences and walls are allowed up to 8 feet high.

d. LFI

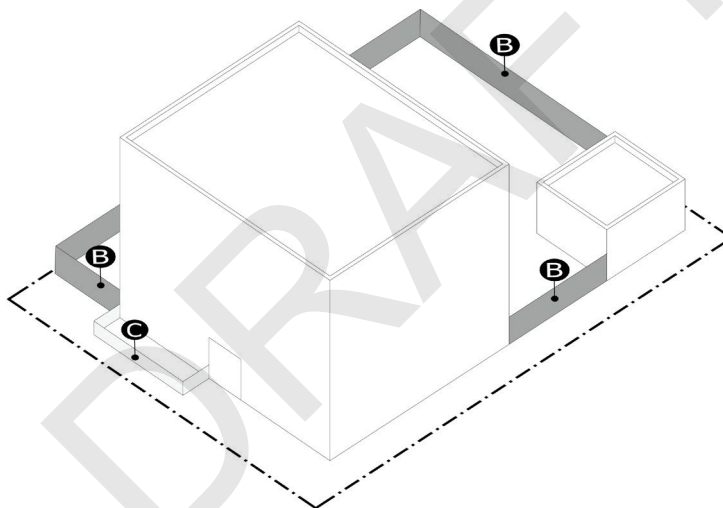
1. Fences are limited to 8 feet high and must be set back at least 10 feet from the sidewalk.

(4) Retaining walls and landscape walls

- a. Retaining and landscape walls are allowed up to 4 feet high anywhere within a lot, measured from adjacent grade.
- b. Retaining and landscape walls 4 feet or less are allowed up to 1 foot from lot lines.
- c. Retaining walls up to 8 feet high are allowed if located more than 15 feet from a lot line.
- d. Retaining walls more than 8 feet high require a Waiver from Planning Commission according to [Sec. 50-716. Administrative adjustments and waivers](#).
- e. Terraced retaining walls may be used to achieve greater grade changes provided each wall is separated by a minimum horizontal distance equal to the height of the lower wall.

FIGURE 5.33 FENCE AND WALL LOCATIONS

Fence and wall locations for a corner lot in T3 and T4, depicting frontage fencing along street-facing lot lines and privacy and security fencing on other lot lines and in line with buildings.



Fence and wall locations for a corner lot in T5 and T6, depicting privacy and security fencing at side and rear lot lines and in line with buildings, and fencing of outdoor uses in the frontage.

A Frontage Fencing

B Privacy and Security Fencing

C Fencing for Dining or other Outdoor Uses

(f) Site landscape

- (1) Landscaping must be provided following [Table 5.34 Site Landscaping](#).
- (2) All pervious areas must include ground cover, mulch, shrubs, trees, or other allowed plants.
- (3) All landscaping must follow the utility spacing requirements found in BWU and BEUD Specifications.
- (4) Existing trees must be preserved following [Sec. 50-509. Tree preservation](#).
- (5) Required trees may be clustered instead of evenly spaced, provided the total number of trees required by this section is provided.
- (6) Tree location may be adjusted to avoid conflict with utilities or preserved vegetation, subject to approval by the Director.

TABLE 5.34 SITE LANDSCAPING

Zone	Location	Landscape
T2		
R-1	Front and side street setbacks	Must be landscaped; and Must include at least 2 trees for every 50 feet; no less than 2 trees.
T3		
T4.1	Front and side street setbacks	Must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
T4.2	Front and side street setbacks	If deeper than 5 ft. must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
T5	Front and side street setbacks	If landscaped, must include at least 1 tree for every 60 feet.
T6	Other pervious areas	Must include at least 1 tree for every contiguous 1,800 sq.ft. of pervious areas other than front and side street setbacks.
GC LI LFI	Front and side street setbacks	Must be landscaped; and Must include at least 1 tree for every 50 feet; no less than 1 tree.
	Overall site	At least 15% of the site must be landscaped, including: • 2 shrubs for every 250 sq.ft. of landscaped area; and • 2 trees for every 500 sq.ft. of landscaped area.
	Along arterial streets	Except where front parking areas are used, a buffer is required: • Landscaped, at least 20 feet wide along the arterial; and • At least 1 shade tree for every 30 feet; no less than 1 tree.
MH	Front and side street setbacks	Must be landscaped; and Must include at least 2 trees for every 50 feet of front and side street lot line length.
	Overall site	Must include at least 1 tree for every 4,000 sq.ft. of site area.

(g) Parking lot landscape

- (1) Landscaping is:
 - a. Required if parking lots are within 20 feet of a lot line;
 - b. Is not required along shared lot lines if parking lots are shared between properties; and
 - c. Required landscaping must follow [Table 5.19 Required Walkways and Planting in Parking Lots](#) and as shown in [Figure 5.20 Illustrated Walkways and Planting in Parking Lots](#).

(h) Civic space landscape

- (1) All civic spaces must meet the landscape standards of this section and the applicable requirements of [Table 5.35 Civic Space Landscaping](#), and [Sec. 50-502 \(e\) Civic space standards](#).
- (2) Landscape design must reinforce the civic space type, enhance pedestrian comfort, and provide shade through canopy trees and other plantings suited to the intended level of activity and use.

TABLE 5.35 CIVIC SPACE LANDSCAPING

Civic space type	Required landscape
Conservation park	Preservation of existing tree canopy.
Green	40% min. tree canopy coverage at maturity.
Square	30% min. tree canopy coverage at maturity.
Plaza	20% min. tree canopy coverage at maturity.
Greenway	20% min. tree canopy coverage at maturity.
Pocket park	40% min. tree canopy coverage at maturity.

(i) Plant materials**(1) Allowed plants**

- a. Trees must be selected from the [Table 5.36 Approved Tree Species](#).
- b. The Fire Marshall may restrict mature tree height to a maximum of 25 feet, including street trees, where aerial access is required.

(2) Plants not allowed

- a. Species in [Table 5.37 Plant Species Not Allowed](#) are not allowed.
- b. Species deemed invasive by the Arkansas Natural Heritage Commission are not allowed and must be removed if existing.
- c. Plants with spines, thorns, or needles that may present hazards are not allowed in rights-of-way or within 2 feet of front and side street facing property lines.

(3) Size at time of planting

- a. Shade trees must be at least 2.5-inch caliper and 6 feet tall.
- b. Ornamental trees must be at least 2-inch caliper and 6 feet tall.
- c. Evergreen trees must be at least 8 feet tall.
- d. Shrubs must be at least 3-gallon container size and 18 inches tall.

(4) Tree diversity

- a. No more than 50% of new trees may be of the same species.
- b. No more than 25% of new trees may be ornamental trees.
- c. At least 10% of new trees must be evergreen species, except in T5 and T6.

(5) Mulch and ground cover

- a. Mulch must be organic and applied in at least a 4 foot diameter ring around trees and to a depth of 3 to 4 inches.
- b. Mulch must not be mounded around tree trunks.

- c. Artificial turf and gravel are not allowed within required landscape areas.
- d. Rock used as ground cover is limited to 25% of required landscape areas.

TABLE 5.36 APPROVED TREE SPECIES				Streets		Utilities	Under Hardscape	Plaza & Greenways	Greens & Parking Lot	Median & Buffers	Riparian
Common Name	Scientific Name	Usage	Height	T2-4, R1	T5-6, GC, LI, LFI						
American Beech	<i>Fagus grandirolia</i>	Shade Tree	L					■			
American Elm	<i>Ulmus americana</i>	Shade Tree	L	■	■			■			■
American Holly	<i>Ilex opaca</i>	Ornamental, Screening	M			■	■	■	■		
American Hornbeam / ironwood	<i>Carpinus caroliniana</i>	Ornamental	S	□	□	■	■	■	■		
American Smoketree	<i>Corinus obovatus</i>	Ornamental	M	□	■	■	■	■	■		
Autumn Brilliance Serviceberry	<i>Amelanchier x grandiflora</i>	Ornamental	S			■	■	■	■		■
Bald Cypress	<i>Taxodium distichum</i>	Ornamental, Wet Sites	L	■	■		■	■			■
Black Cherry	<i>Prunus serotina</i>	Wildlife	L					■			
Black Gum / Tupelo	<i>Nyssa sylvatica</i>	Shade Tree	L	■	■		■	■			■
Black Walnut	<i>Juglans nigra</i>	Shade Tree	L					■			
Black Willow	<i>Salix nigra</i>	Wet Sites, Erosion	M			■		■			■
Blackhaw Viburnum	<i>Viburnum prunifolium</i>	Ornamental, Screening	S		□	■					
Blackjack Oak	<i>Quercus marilandica</i>	Shade Tree, Poor Soils	M				■				
Bur Oak	<i>Quercus macrocarpa</i>	Shade Tree	L		■			■			
Carolina Buckthorn	<i>Rhamnus caroliniana</i>	Ornamental, Screening	S	□	□	■		■	■		
Carolina Willow	<i>Salix caroliniana</i>	Wet Sites, Erosion	S			■					■
Chinquapin Oak	<i>Quercus muehlenbergii</i>	Shade Tree	L	■	■			■			
Common Witchhazel	<i>Hamamelis virginiana</i>	Ornamental	S			■		■			
Downy Serviceberry	<i>Amelanchier arborea</i>	Ornamental	S	□	□	■				■	
Eastern redbud	<i>Cercis canadensis</i>	Ornamental	M	□	■	■		■	■	■	
Flowering Dogwood	<i>Cornus florida</i>	Ornamental	S	□	□	■		■	■		
Fringe Tree	<i>Chionanthus virginicus</i>	Ornamental, Screening	S	□	□	■	■				
■ Allowed for specified use or application; all listed species allowed for private property. □ Allowed as a street tree only if needed for utility clearances.											

Common Name	Scientific Name	Usage	Height	Streets T2-4, R1	T5-6, GC, L, LF1	Utilities	Under Hardscape	Plaza & Greenways	Greens & Greenways	Parking Lot	Median & Buffers	Riparian
Green Hawthorn	<i>Crataegus viridis</i>	Ornamental, Screening	M						■	■		
Hop hornbeam	<i>Ostrya virginiana</i>	Ornamental	M	■			■		■	■		
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	Shade Tree	L						■	■		
Littlehop/Pasture Hawthorn	<i>Crataegus spathulata</i>	Ornamental, Screening							■	■		
Missouri Willow	<i>Salix eriocephala</i>	Wet Sites, Wildfire				■			■			■
Nigra American Arborvitae	<i>Thuja occidentalis</i>	Ornamental, Screening	M				■		■			
Northern red Oak	<i>Quercus rubra</i>	Shade Tree	L	■					■			
Overcup Oak	<i>Quercus lyrata</i>	Shade Tree, Wet Sites	M	■					■			■
Pawpaw	<i>Asimina triloba</i>	Ornamental, Fruit Tree	S			■	■		■			
Pecan	<i>Carya illinoensis</i>	Shade Tree, Nut Tree	L						■			
Persimmon	<i>Diospyros virginiana</i>	Shade Tree, Fruit Tree	M						■			■
Pignut hickory	<i>Carya glabra</i>	Shade Tree	L	■	■				■			
Pin oak	<i>Quercus palustris</i>	Shade Tree	L	■	■		■		■	■		■
Possumhaw	<i>Ilex decidua</i>	Ornamental, Wildfire	S	□		■	■		■	■		
Red Chokeberry	<i>Aronia arbutifolia</i>	Ornamental, Screening	S		□	■						
Red Buckeye	<i>Aesculus pavia</i>	Ornamental, Wildlife	S				■		■			
Red Maple	<i>Acer rubrum</i>	Shade Tree	L	■					■	■		■
River Birch	<i>Betula nigra</i>	Ornamental, Erosion Control	M				■		■			■
Sassafras	<i>Sassafras albidum</i>	Ornamental, Wildfire	M						■			
Shagbark Hickory	<i>Carya ovata</i>	Shade Tree	L						■	■		
Shortleaf Pine	<i>Pinus echinata</i>	Wildlife	L						■			
Shumard Oak	<i>Quercus shumardii</i>	Shade Tree	L	■	■				■			
Silky Dogwood	<i>Cornus obliqua</i>	Ornamental, Screening	S			■						■
Southern Red Oak	<i>Quercus falcata</i>	Shade Tree, Drought	L	■	■				■			

■ Allowed for specified use or application; all listed species allowed for private property.
□ Allowed as a street tree only if needed for utility clearances.

TABLE 5.36 APPROVED TREE SPECIES				Streets		Utilities	Under	Plaza &	Greenways	Greens &	Parking Lot	Median &	Buffers	Riparian
Common Name	Scientific Name	Usage	Height	T2-4, R1	T5-6, GC, L1, LF1			Hardscape						
Swamp Chestnut Oak	<i>Quercus michauxii</i>	Shade Tree	L	■						■			■	
Swamp White Oak	<i>Quercus bicolor</i>	Shade Tree, Floodplains	L	■						■			■	
Sweetgum, fruitless	<i>Liquidambar styraciflua</i> 'Rotundiloba'	Shade Tree	L	■	■			■		■	■		■	
Sycamore	<i>Platanus occidentalis</i>	Shade Tree, Floodplains	L							■			■	
Texas redbud "Oklahoma"	<i>Cercis canadensis texensis</i>	Ornamental	S		□		■			■				
Thornless Honeylocust	<i>Gleditsia triacanthos</i>	Shade Tree	L	■	■			■		■				
Trident Maple	<i>Acer buergerianum</i>	Shade Tree	L	■	■			■		■	■			
Tulip Poplar	<i>Liriodendron tulipifera</i>	Shade Tree	L							■				
Umbrella Magnolia	<i>Magnolia tripetala</i>	Ornamental	M		□		■			■				
Water Tupelo	<i>Nyssa aquatica</i>	Wet Sites, Wildfire	L							■			■	
White Oak	<i>Quercus alba</i>	Shade Tree	L	■	■			■		■				
Yellowwood	<i>Cladrastis kentuckea</i>	Shade Tree	M	■	■			■		■	■			
■ Allowed for specified use or application; all listed species allowed for private property. □ Allowed as a street tree only if needed for utility clearances.														

TABLE 5.37 PLANT SPECIES NOT ALLOWED

Common Name	Scientific Name
Black locust	<i>Robinia pseudoacacia</i>
Bradford pear	<i>Pyrus calleryana</i>
Callery pear	<i>Pyrus calleryana</i>
Chinese privet	<i>Ligustrum sinense</i>
Glossy privet	<i>Ligustrum lucidum</i>
Kudzu	<i>Pueraria montana</i>
Mimosa	<i>Albizia julibrissin</i>
Multiflora rose	<i>Rosa multiflora</i>
Russian olive	<i>Elaeagnus angustifolia</i>
Siberian elm	<i>Ulmus pumila</i>
Silver maple	<i>Acer saccharinum</i>
Tree-of-heaven	<i>Ailanthus altissima</i>

(j) Landscape installation**(1) General**

- a. All tree and plant installation must follow [ANSI Z60.1](#) American Standard for Nursery Stock and [ANSI A300](#) Tree Care Standards.
- b. All landscaping must meet the clearance requirements in the BWU and BEUD Specifications.
- c. Materials specified in landscape plans may be substituted with other approved materials of the same type (trees, shrubs, ground cover) if the new material is reported to the Planning Department and verified for compliance prior to planting.

(2) Planting beds

- a. All landscaping must be planted within designated planting beds.
- b. Planting beds must include amended soil to support healthy root development, as determined by the applicant's landscape architect.
- c. Sod must be removed from the planting bed before installation.
- d. After planting, all bare soil within the bed must be covered with mulch.
- e. Sod is allowed in tree lawns and parking lot tree islands only when no other plant material is included in those areas.

(3) Soil and drainage preparation

- a. All planting areas must be excavated to a depth of 3 feet and backfilled with sandy loam topsoil.
- b. Where water does not drain at a minimum rate of 6 inches within 24 hours, an underdrain must be installed or the area must be re-excavated and replaced with well-draining soil.

(4) Non-vegetative materials

- a. Stone, gravel, rock beds, and other non-vegetative materials:
 1. May only be used as accent features;
 2. Do not count toward required landscape; and
 3. May not be used for more than 20% of the total landscaped area.
- b. Artificial turf and artificial plants are not allowed, except in the following cases:
 1. Active recreation sports fields; and
 2. Non-residential sites where artificial turf is used for less than 20% of the total landscaped area.

(5) Tree planting and protection

- a. Trees must be balled and burlapped.
- b. Trees must be spaced to accommodate their mature canopy spread.
- c. Trees must be planted with the root flare slightly above finished grade.
- d. Trees must not be planted:
 1. Within 3 feet of a fire hydrant;
 2. Within 5 feet of underground utilities; or
 3. Within 10 feet of doors to above-ground utility equipment, or within 3 feet of equipment walls.

- e. Street trees may be staked only when necessary to ensure upright growth. Stakes must be removed within 12 months or at the end of the next growing season.
- f. During construction, trees must be protected from mechanical injury, trunk damage, and root zone compaction as follows:
 - 1. Tree trunks must be protected using wooden planks or other durable wrap materials where construction occurs within 4 feet of the trunk;
 - 2. Root zones must be protected from compaction by fencing, matting, or mulch berms to prevent the use of heavy machinery in those areas;
 - 3. Where roots are exposed or cut, clean pruning cuts must be made with sharp tools to promote healing; and
 - 4. Construction material, equipment, and waste must not be stored or staged within the tree protection zone.

(6) Irrigation

- a. Hose bibs must be located within 100 feet of all landscape areas, except where a permanent irrigation system is provided.

(7) Landscape maintenance

- a. All required landscaping must be maintained in a healthy and weed-free living condition.
- b. Removal of trees required by this Chapter must follow the procedures of 50-509e.
- c. Street trees must be pruned to maintain a minimum vertical clearance of 8 feet above sidewalks and trails, and 14 feet above streets. Pruning must preserve natural tree structure and avoid damage to the tree leader, trunk, or major limbs.
- d. Landscaping that dies or becomes diseased or damaged must be removed and replaced with equivalent species within 60 days of notification by the City, except when this timing falls during winter, in which case planting is required before the end of April.
- e. Tree topping is not allowed. Trees must be maintained using proper pruning techniques as established by the most current ANSI A300 "Standards for Tree Care".
- f. Rope, wire, signs, posters, handbills, or other item must not be attached to any tree, except rope lights or temporary support used to stabilize a young or damaged tree or limb.
- g. A note must be included on all landscape plans stating the following:
 - 1. "All plant material must be maintained in a healthy living condition. Any plant material that dies must be replaced."
 - 2. "Tree topping is not allowed. Trees must be pruned in accordance with ANSI A300 Standards for Tree Care."
 - 3. "Healthy trees must not be removed except where approved by the Director. Trees must be maintained using approved pruning methods as described in ANSI A300."

SEC . 50-511. NATURAL RESOURCE PROTECTION**(a) Purpose and intent**

- (1) To ensure that natural features are documented, protected, and incorporated into site design where feasible.
- (2) To reduce environmental degradation, stormwater impacts, and off-site disturbance by requiring context-sensitive development practices at all scales.

(b) Special flood hazard areas and base level engineering

- (1) Any new development or substantial redevelopment in Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data requires a Land Disturbance Permit which functions as the floodplain development permit, see the City's [Flood Damage Prevention Code](#).

(c) Wetlands

- (1) When Bentonville GIS indicates there may be wetlands on the site or when the Transportation Director has reason to believe wetlands are present on the site, an assessment must be prepared by a qualified environmental consultant certifying the presence or absence of wetlands.
- (2) If wetlands are present:
 - a. Wetland boundaries must be shown on all development plans; and
 - b. A jurisdictional determination must be requested from the United States Army Corps of Engineers.
- (3) If development will impact wetlands, a permit from the United States Army Corps of Engineers must be obtained before a Land Disturbance Permit is issued.

(d) Steep grades

- (1) Existing grades greater than 30% are considered unbuildable. They must be designated as open space or included within new lots.
- (2) New lots containing steep grades must include enough buildable land outside those areas to accommodate a habitable structure that complies with the setback and zoning requirements of [Article 50-4 Zoning](#).

(e) Natural resource areas**(1) Identification and evaluation**

- a. Areas of contiguous forest, woodland, or natural landscape located within a development site must be identified and evaluated as part of the site analysis for potential eligibility under [subsection \(f\) Conservation development](#).
- b. Natural resource areas include:
 1. Contiguous areas at least ½ acre in size.
 2. Forests and woodlands:
 - i. Include naturally occurring tree canopy and understory vegetation; and
 - ii. Have not been substantially altered by development, grading, or clear-cutting.
 3. Natural landscapes:
 - i. Are free from noxious weeds;
 - ii. Composed of native or non-invasive plants of any origin; and
 - iii. May include natural lawns, pollinator gardens, rain gardens, meadow vegetation,

prairie gardens, native planting, and other managed ecological landscapes.

(2) Preservation and protection

- a. Development that avoids disturbance of identified natural resource areas may qualify for incentives under [subsection \(f\) Conservation development](#).
- b. To qualify for incentives, the preserved area must be:
 1. Retained in its natural state with minimal disturbance, allowing only selective thinning for health or safety; and
 2. Protected by a conservation easement, deed restriction, or other binding instrument recorded with the property.

(3) Petition for new areas

- a. Applicants may petition for the designation of new natural resource areas to qualify for the incentives of [subsection \(f\) Conservation development](#)

(4) Mitigation of disturbance

- a. If preservation of a natural resource area is not feasible, the applicant must submit a mitigation plan that demonstrates how development will:
 1. Limit grading and soil disturbance;
 2. Minimize canopy or vegetation fragmentation; and
 3. Provide replacement planting or habitat restoration equal to the area disturbed.

(f) Conservation development

(1) Purpose

- a. Conservation development encourages preservation of natural forests, woodlands, and natural landscapes by allowing flexible site design and providing measurable development incentives.

(2) Eligibility

- a. Development that avoids disturbance of areas defined in this section may qualify for incentives if the area is:
 1. At least one-half acre in size;
 2. Retained in its natural state with minimal disturbance; and
 3. Protected by a conservation easement, deed restriction, or other binding instrument recorded with the property.

(3) Incentives

- a. For qualifying areas, the following calculations may be determined at the site level rather than the individual lot level, exclusive of rights-of-way:
 1. Lot coverage;
 2. Impervious surface; and
 3. Setbacks.
- b. Sites that preserve natural resources in accordance with this section may count those areas toward up to 100% of the site's required civic space, using the Conservation Park civic space type under [Table 5.7 Civic Space Types](#).

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ARTICLE 50-6 STREETS, TRAILS, AND UTILITIES**SEC. 50-601. PURPOSE AND INTENT**

- (a) This Article sets the rules for street and trail design and the location of utilities, in coordination with the surrounding built environment.
- (b) These rules are intended to:
 - (1) Design streets that are safe and efficient for all users in a balance that fits the area's land use;
 - (2) Create a connected street network that enhances mobility for all users, reduces congestion, and supports a walkable and bikeable city;
 - (3) Coordinate the location of public and franchise utilities with street design, planting areas, and building frontages to minimize conflicts and support long-term maintenance; and
 - (4) Apply the same rules to both subdivided and non-subdivided sites to ensure a consistent development pattern across the City.

SEC. 50-602. STREET DESIGN**(a) Applicability**

- (1) Streets and alleys within new subdivisions must follow this section.
- (2) Streets depicted on the [Master Street Plan](#) are not subject to this section.
- (3) Major driveways must comply with the applicable street design standards of this Section, except as expressly modified by Sec. 50-6 Major Driveway Allowances, as follows:
 - a. All dimensions, features, and locations of travel lanes, parking lanes, medians, on- and off-street bicycle facilities, curbing, parkways, sidewalks, and special requirements;
 - b. Street design speed, centerline radius, sight distance, and other geometric design constraints;
 - c. Signage and striping requirements;
 - d. Planting, lighting, and street furniture;
 - e. Right-of-way width may be as depicted along future blocks if not dedicated as a street;
 - f. Drainage may be designed for the overall large-scale application; and
 - g. Any additional rules applicable for public streets that are not followed will disqualify future dedication as a public street until remedied and approved by the Transportation Director.

(b) General

- (1) The following standards and documents apply in addition to this section. Where in conflict, the Transportation Director will determine the applicable requirements:
 - a. The [Bentonville Street Specifications](#);
 - b. The [Bentonville Stormwater Management and Drainage Manual](#);
 - c. The Americans with Disabilities Act (ADA);
 - d. Standards from Arkansas Department of Transportation (ARDOT), where applicable; and
 - e. National Association of City Transportation Officials (NACTO) guidelines, where approved by the Transportation Director.
- (2) Streets to be dedicated to the city are subject to [Sec. 50-724. Public improvement and dedication](#).
- (3) Transitions between streets must ensure safe and logical connections. The Transportation Director must approve transitions and will determine where designs may differ from standard configurations.

- (4) Transitions between zoning districts affect streets as follows:
 - a. Both sides of a street must follow the same zoning district standard and transition at the same locations along the street length;
 - b. Where zoning districts differ on two sides of a street, rules for the most intense zoning district apply;
 - c. Where zoning districts differ along the side of a block:
 - 1. Rules for the most intense zoning district assigned to lots along the side of the block may be used for the full side of the block; or
 - 2. Rules may transition along each side of the block up to two times, and all segments must follow the rules of the most intense zoning district assigned to adjacent lots.
 - d. Transition in rules that affect the roadway must be approved by the Transportation Director.
- (5) At least 16.5 feet of vertical clearance must be maintained above the roadway of all streets. Clearance may be higher at intersections with ARDOT rights-of-way.
- (6) Alleys must follow the rules in [\(m\) Alleys](#).

(c) Street standards

- (1) Street design must follow the rules below, generally organized by the elements shown in [Figure 6.1 Elements of a Street](#):
 - a. Roadway
 - 1. Roadway in general: [\(d\) Roadway](#);
 - 2. Travel lanes: [\(e\) Travel lanes](#);
 - 3. On-street Parking: [\(g\) On-street parking](#);
 - 4. On-street bikeways: [Sec. 50-604. Trails and bikeways](#);
 - 5. Medians: [\(f\) Medians and center turning lanes](#) and the [Bentonville Street Specifications](#);
 - 6. Turn lanes, effective radius (curb return radius), traffic islands, horizontal and vertical alignment, cross slope, knuckles, round-abouts, and construction specifications: [Bentonville Street Specifications](#); and
 - 7. Lanes must contain all of their intended uses and not overlap.
 - b. Border
 - 1. Parkway: [\(k\) Parkways](#), [\(9\) Shared-use paths must follow the rules in Sec. 50-604. Trails and bikeways.](#), and [\(j\) Lighting](#);
 - 2. Sidewalk: [\(h\) Sidewalks, shared-use paths, and crosswalks](#); and
 - 3. Off-street bikeways: [Sec. 50-604. Trails and bikeways](#).
- (2) Street design must be based on one of the following:
 - a. The design standards in [Table 6.2 Street Standards](#), as is appropriate for the street location;
 - b. A street design specified in the [Bentonville Street Specifications](#); or
 - c. An alternative to the required street design may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).
- (3) Right-of-way must be provided sufficient to accommodate all minimum standards in this section and may be larger than the minimum size listed in [Table 6.2 Street Standards](#).

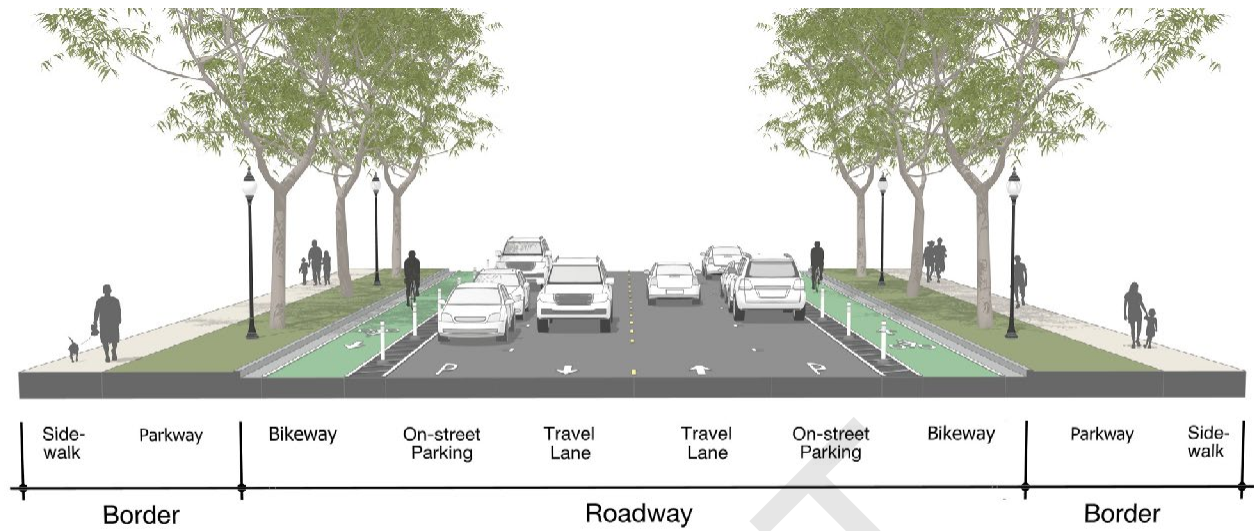
FIGURE 6.1 ELEMENTS OF A STREET

TABLE 6.2 STREET STANDARDS

Walkable Avenue



Context		Roadway	
Place Type	All	Travel Lanes	2
Zoning District	All	Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 90 T5, T6: 100	Turning Lane (feet, maximum)	12; Within the median
Design Speed (mph, maximum)	25-30	Median (feet, minimum)	14
Border		On-street Parking	Parallel or angled, both sides
Parkway	6 ft. min., see (k) Parkways	On-street Bikeways	Buffered lane required
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4, GC: 8 T5, T6: 12	Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Off-street Bikeways	Optional	Curb Type	Vertical
		Effective radius (feet minimum)	40
		Special Requirements	
		Angled parking requires Transportation Director approval	

TABLE 6.2 STREET STANDARDS

Walkable Connector



Context	
Place Type	All
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, LI, LFI: 70 T4, T5, T6: 80
Design Speed (mph, maximum)	25-30
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4: 8 T5, T6: 10
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit, in LFI, and curb-adjacent lanes
Turning Lane (feet, maximum)	12; May be within the median
Median (feet, minimum)	14; Optional
On-street Parking	Parallel, both sides
On-street Bikeways	Optional; parallel route required if on-street is not provided
Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	35
Special Requirements	

TABLE 6.2 STREET STANDARDS

Mixed-use Street



Context		Roadway	
Place Type	Centers, Corridors	Travel Lanes	2
Zoning District	T4, T5, T6, GC	Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Right-of-Way (feet, minimum)	T4, GC: 65 T5, T6: 70	Turning Lane (feet, maximum)	None
Design Speed (mph, maximum)	20-25	Median (feet, minimum)	None
Border		On-street Parking	Parallel or angled, both sides
Parkway	6 ft. min., see (k) Parkways	On-street Bikeways	Optional
Sidewalk (feet, minimum)	Both sides T4: 8 T5, T6: 10 GC: 6	Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Off-street Bikeways	Optional	Curb Type	Vertical
		Effective radius (feet minimum)	25
		Special Requirements	
		Angled parking requires Transportation Director approval	

TABLE 6.2 STREET STANDARDS

Neighborhood Bikeway



Context	
Place Type	Centers, Corridors, Neighborhoods
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 75 T5, T6: 80
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4, GC: 8 T5, T6: 10
Off-street Bikeways	On or off-street required

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit, in LFI, and curb-adjacent lanes
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, both sides
On-street Bikeways	On or off-street required
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.2 STREET STANDARDS

Neighborhood Street



Context		Roadway	
Place Type	Neighborhoods	Travel Lanes	2
Zoning District	All	Travel Lane Width (feet, maximum)	10
Right-of-Way (feet, minimum)	R1, T3, T4, GC: 60 T5, T6: 65	Turning Lane (feet, maximum)	None
Design Speed (mph, maximum)	20	Median (feet, minimum)	None
Border		On-street Parking	Parallel, one or both sides
Parkway	6 ft. min., see (k) Parkways	On-street Bikeways	Optional
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4, GC: 6 T5: 8 T6: 10	Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Off-street Bikeways	Optional	Curb Type	Vertical
		Effective radius (feet minimum)	25
		Special Requirements	

TABLE 6.2 STREET STANDARDS

Small Neighborhood Street



Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4, T5
Right-of-Way (feet, minimum)	R1, T3, T4: 55 T5: 60
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6 T5: 8
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one side only
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.2 STREET STANDARDS

Neighborhood Drive



Context		Roadway	
Place Type	Neighborhoods	Vehicle Lanes	2
Zoning District	R1, T3, T4, T5	Travel Lanes	10; 11 for curb-adjacent lanes
Right-of-Way (feet, minimum)	45	Travel Lane Width (feet, maximum)	None
Design Speed (mph, maximum)	20	Median (feet, minimum)	None
Border		On-street Parking	Parallel, one side only
Parkway	6 ft. min., see (k) Parkways	On-street Bikeways	Shared lane optional
Sidewalk (feet, minimum)	One side R1, T3: 5 T4: 6	Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Off-street Bikeways	Optional	Curb Type	Vertical
		Effective radius (feet minimum)	25
		Special Requirements	
		The side without a sidewalk must be along civic space, open space, R1, or T3.1	

TABLE 6.2 STREET STANDARDS

Neighborhood Side Street



Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4
Right-of-Way (feet, minimum)	45
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel optional
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

(d) Roadway**(1) Design Speed**

- a. The design speed for streets is as specified in [Table 6.2 Street Standards](#).
- b. Design speed should be equal to the target and posted speeds.

(2) Dead-end Streets

- a. Temporary dead-end streets are only allowed on streets that have no direct access from adjoining property.
- b. Temporary dead-end streets must be fully constructed to the property line and provide temporary road closure signage per MUTCD.
- c. Where temporary dead-end streets exceed 150 feet in length, a temporary turnaround must be constructed to the shape and dimensions required by the fire code.
- d. Temporary turnarounds must be entirely within an access easement or street right-of-way. The easement may be vacated by the City when the easement is no longer necessary.

(e) Travel lanes

- (1) The number and width of travel lane widths must follow [Table 6.2 Street Standards](#) and the following:
 - a. Where “transit only” is specified in the table, the larger travel lane size is required for lanes providing access to transit vehicles;
 - b. Curb-adjacent travel lanes must be at least 11 feet, measured to the vertical curb; and
 - c. At least 20 feet clear width must be provided within the roadway between barriers such as parking lanes and curbs, except where narrower dimensions are approved by the Fire Marshall and Transportation Director under [Sec. 50-716. Administrative adjustments and waivers](#).
- (2) When travel lanes abut a curb, they are measured to the face of the gutter pan.

(f) Medians and center turning lanes

- (1) Medians must follow [Table 6.2 Street Standards](#).
- (2) Center medians and continuous center turning lanes require approval from the Transportation Director.

(g) On-street parking

- (1) Parking lane type must follow [Table 6.2 Street Standards](#).
- (2) On-street parking must be set back from the approach or departure of:
 1. Controlled intersections: 30 feet;
 2. Crosswalks (marked or unmarked): 20 feet; and
 3. Mid-block crossings: 20 feet or 5 feet if mid-block crossings include a curb extension locating the crossing at the travel lane.
- (3) Parking lanes are measured to the vertical curb when they are curb-adjacent.
- (4) Parallel parking must follow:
 - a. Lane width: 7 feet, except:
 1. T6, GC, and LFI zones: parking lanes may be 8 feet wide.

- b. Stall length: between 22 and 26 feet long for each space; and
- c. Parking lanes are measured to the face of curb and include the gutter pan.

(5) Angled parking must follow:

- a. Angle: 30-degree or 45-degree;
- b. Stall width: 8.5 feet;
- c. Stall length: 19 feet; and

(6) Accessible spaces must follow ADA.

(7) Curbs along on-street parking are limited to 6 inches high.

(h) Sidewalks, shared-use paths, and crosswalks

(1) Applicability.

- a. Sidewalk construction applies to development that includes any of the following:
 - 1. Fronts on a public street and includes new construction;
 - 2. Site redevelopment;
 - 3. Large-scale development;
 - 4. Development of parking lots or expansion of expansion of existing lots by more than 25% of the existing area;
 - 5. The expansion of an existing building or site that totals 50% or more of the gross area; or
 - 6. The creation of new dwelling units (excluding ADUs).

(2) Exemptions.

- a. This subsection does not apply to:
 - 1. Interior alterations that do not add dwellings;
 - 2. T2 zoned lots or parcels with greater than 150 linear feet of street frontage used as single-family or two-family; or
 - 3. ArDOT determination that a sidewalk is not allowed within state right-of-way.

(3) Requirement.

- a. Where a property abuts a public street identified on the Master Street Plan as requiring sidewalks, a sidewalk must be constructed along the frontage of the site as part of development.
- b. Sidewalks must connect to existing or planned sidewalk networks where feasible.

(4) Sidewalk widths must meet the following minimums:

- a. T6: 10 feet;
- b. T5 and GC: 8 feet;
- c. T4 and LI: 6 feet; and
- d. T3, R-1, T2, and LFI: 5 feet.

(5) At driveways and alleys, sidewalks must:

- a. Maintain a continuous pedestrian surface across all driveway and alley aprons;

- b. Remain consistent in width, elevation, and surface material across the full width of the alley or driveway crossing; and
 - c. Where alley grades require a slope transition, vertical alignment must be ramped outside the pedestrian path or integrated into a detectable warning zone.
- (6) Crosswalks must be provided at all controlled intersection quadrants.
 - (7) Where two streets intersect at an offset of less than 200 feet, a single set of crosswalks must serve the combined quadrants.
 - (8) Crosswalks must be clearly marked and constructed with high-visibility materials, as specified in the [Bentonville Street Specifications](#).
 - (9) Shared-use paths must follow the rules in [Sec. 50-604. Trails and bikeways](#).

(i) Street furnishings

(1) General requirements

- a. Street furnishings must be located within:
 - 1. The parkway, as defined in subsection (k) [Parkways](#); or
 - 2. Private property directly abutting the street.
- b. Furnishings must be durable and secured to prevent movement, except:
 - 1. Moveable seating is allowed as long as it is secured outside of business hours.
- c. Street furnishing must follow (l) [Use of rights-of-way](#).
- d. The quantity or placement of required street furnishings may be adjusted as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).

(2) Required furnishings

- a. Street furnishings are required for all Large-scale Developments and Subdivision streets along T5-T6 lots.
- b. At a minimum, each development must include:
 - 1. One bench or other fixed seating element per 200 linear feet of street;
 - 2. One trash and recycling receptacle for each intersection; and
 - 3. Bicycle racks must be provided as required in (g) [Bicycle parking](#).
- c. The following are allow but not required:
 - 1. Planters;
 - 2. Information kiosks; and
 - 3. Wayfinding elements.

(j) Lighting

- (1) Pedestrian lighting must be provided at the following minimum frequencies:
 - a. In R-1 and T3: at intersections and at curves or bends exceeding 30 degrees;
 - b. In T4, GC, LI, and LFI: no more than 150 feet between fixtures, alternating sides of the street; and
 - c. In T5 and T6: no more than 60 feet between fixtures, located on both sides of the street.

- (2) Light poles must comply with the following maximum heights:
 - a. R-1, T3, and T4: 12 feet; and
 - b. T5, T6, GC, LI, and LFI: 16 feet.
- (3) All lighting fixtures must:
 - a. Use LED lamps;
 - b. Be shielded to prevent uplighting;
 - c. Be shielded or diffused to prevent direct view of the light source; and
 - d. Have a maximum color temperature of 3,000 kelvin.
- (4) Pedestrian lighting is required along all sidewalks, shared-use paths, and pedestrian walkways, including those not located in the right-of-way.
- (5) Alternative lighting materials or technologies may be approved as an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).

(k) Parkway

- (1) The parkway is located between the curb and sidewalk or in another location approved by the Transportation Director if utilities or design constraints exist.
- (2) Street trees must be provided within the parkway at a maximum spacing of 50 feet, unless:
 - a. Utilities prohibit planting or require greater spacing; or
 - b. In T5 or T6, awnings, canopies, or galleries fully cover the parkway.
- (3) Parkway design must follow [Table 6.3 Parkway Requirements](#).
- (4) Parkway width is measured from the back of curb to the sidewalk.
- (5) Parkway trees and landscaping must comply with [Sec. 50-510. Landscape, screening, and buffering](#), and:
 - a. Trees must be specified as Street Trees within [Table 5.36 Approved Tree Species](#); and
 - b. Trees located below overhead utilities must be selected for overhead utility compliance.
- (6) Where street trees are not allowed within the right-of-way due to utility conflicts, trees must be located on private property immediately abutting the street or be offset with a fee-in-lieu.

TABLE 6.3 PARKWAY REQUIREMENTS

Standard Tree Well		
Zoning District	T6, T5, GC	
Tree Well Width	5.5 ft. min.	
Tree Well Length	5.5 ft. min.	
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement	
Surface: Tree Planter	Rubberized mulch or expandable grate	
Long Tree Well		
Zoning District	T6, T5, T4, GC	
Tree Well Width	5.5 ft. min.	
Tree Well Length	12-20 ft.	
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement	
Surface: Tree Planter	Landscaped, ground cover with tree guards, or rain gardens and LID treatments.	
Continuous Planter		
Zoning District	T2, R-1, T3, T4, GC, LI, LFI	
Planter Width	5.5 ft. min.	
Planter Length	Continuous	
Surface: Between Tree Planters	Landscaped; Intermittent rain gardens and LID treatments are allowed	

(l) Use of rights-of-way

- (1) Use of the public right-of-way requires an encroachment permit, including but not limited to:
 - a. Use of on-street parking spaces for purposes other than vehicle parking;
 - b. Placement of street furnishings in the parkway; and
 - c. Use of sidewalks or areas between curb and property line for private or commercial activity.
- (2) A-frame signs placed within the parkway do not require a permit, provided they comply with [Sec. 50-508. Signs](#).
- (3) Sight triangles must be maintained at intersections and driveways, following the Bentonville Code [Bentonville Street Specifications](#).
- (4) A clear pedestrian path at least 5 feet wide must be maintained along the sidewalk.
- (5) Retail or commercial furnishings placed in the right-of-way must be:
 - a. Removed or stored indoors between 12:00 a.m. and 6:00 a.m.; and
 - b. Positioned to avoid blocking access to building entrances, crosswalks, fire hydrants, and utilities.
- (6) Any other use of the public right-of-way is subject to the review and approval of the Transportation Director and may be subject to revocation in the interest of public safety or accessibility .

(m) Alleys**(1) Design**

- a. Right-of-way or access easement width must be:
 1. 28 feet; or
 2. 20 feet by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).
- b. Pavement must meet the following minimum widths:
 1. Where solid waste, utility, and fire access are required, excluding aerial access: at least 20 feet;
 2. Where aerial fire access is required: at least 26 feet;
 3. T2, R1, T3, T4: at least 12 feet;
 4. T5, T6: at least 16 feet; and
 5. All others: at least 16 feet, or as approved by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).
- c. The interior radius of pavement must be:
 1. Personal vehicle access only: at least 15 feet; and
 2. Fire, solid waste, and utility access: at least 35 feet.
- d. Alley design speed is 5-10 mph.

- e. Drainage may be provided:
 - 1. All zones: using a V-shaped section, sloping towards the middle of the alley, with a 2% cross slope; or
 - 2. T2, T3, T4: using a crown section in combination with Low Impact Design features, as approved by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).
- f. Dead-end alley segments must be:
 - 1. No longer than 4 abutting lots;
 - 2. At least 30 feet wide; and
 - 3. Paved at least 6 feet wider than the required minimum but no more than 30 feet.
- g. Additional fire access requirements:
 - 1. Design must follow the Arkansas Fire Code to support apparatus access; and
 - 2. 1- and 2-unit dwellings are not allowed fire access from the alley if there is a street abutting the lot, except as approved by the Fire Marshall.
- h. Alleys providing fire or solid waste access must be designed to not require a fire apparatus or solid waste vehicles to turn around.
- i. Parking is not allowed within alleys, except where striped parking spaces are provided, and:
 - 1. They meet the stall and aisle rules in [Table 5.18 Parking Space and Aisle Dimensions](#);
 - 2. They do not intrude into minimum alley pavement areas; and
 - 3. They do not block vehicles, solid waste trucks, or fire apparatus.

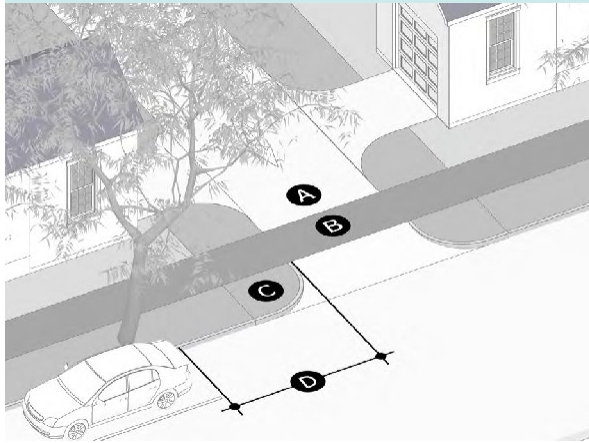
(2) Street intersections

- a. Alley intersections with streets must be within 15 degrees of perpendicular.
- b. Alley design at intersections must follow [Table 6.4 Alley Apron](#).
- c. All alleys must include a paved apron.
- d. Parking accessed from an alley must be set back at least 20 feet from the alley apron.

(3) Partial alleys

- a. If the Director finds that building the full alley exceeds the rough proportionality of the project, they may approve partial alley construction provided the developer:
 - 1. Builds the full-width alley segment that borders the site, including pavement, drainage, and any required utility corridor; and
 - 2. Installs a paved apron plus a full-width paved section that extends at least 20 ft. into the alley, measured from the edge of the nearest street right-of-way.
- b. The developer must dedicate any additional right-of-way or easement needed for the remaining alley length so it can be completed when adjacent property develops.
 - 1. The Director may require a development agreement or other surety to guarantee that future completion.

TABLE 6.4 ALLEY APRON

Neighborhood Alley

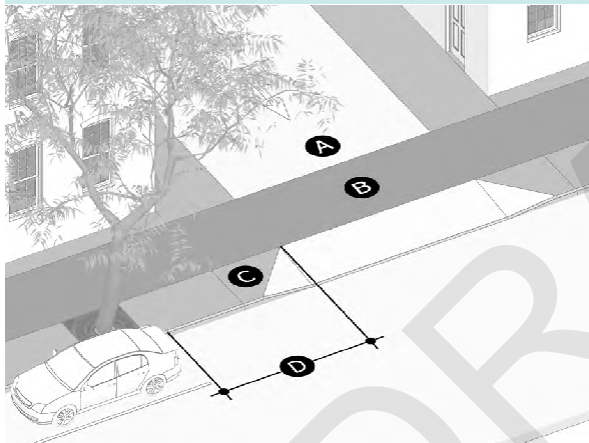
A Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.

B Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.

C The apron must have a 10 to 15 ft. curb return radius.

D Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T2, T3, T4

Mixed-Use and Non-residential Alley

A Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.

B Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.

C The alley apron may have a 5 ft. taper or a 5 ft. curb return radius.

D Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T5, T6, GC, LI, LFI

(n) Major Driveway Allowances and Modifications

- (1) *Purpose and Intent.* The purpose of this section is to recognize that major driveways are private circulation facilities that may be required to function similarly to public streets for purposes of connectivity, access, and safety, while allowing appropriate flexibility in design standards to reflect private ownership, site-specific conditions, and development context. It is the intent of this section to:
 - a. Ensure safe and functional circulation for vehicles, pedestrians, bicycles, and emergency services;
 - b. Support walkable urban form and connectivity objectives; and
 - c. Avoid requiring private facilities to meet all standards applicable to public streets where such standards are unnecessary or impracticable.
- (2) *Applicability*
 - a. This section applies to major driveways required or approved under this Code.
 - b. Major driveways are not public streets unless and until formally dedicated and accepted by the City.
 - c. Except as modified by this section, major driveways shall comply with the applicable street design standards of Article 50-6.
- (3) *General Allowance Authority.*

- a. The Director, through the Technical Advisory Committee, may approve alternative designs or reduced standards for major driveways where it is determined that the proposed design:
 1. Provides equivalent or superior safety performance;
 2. Maintains adequate emergency access;
 3. Supports pedestrian and bicycle circulation appropriate to the development context; and
 4. Does not preclude future connectivity or planned circulation improvements.
- b. Approval under this subsection shall not be construed as a waiver unless expressly stated.

(4) *Specific Allowances for Major Driveways*

- a. The following allowances may be applied to major driveways without requiring a waiver, unless otherwise noted:
 1. *Design Speed.* Design speeds may be reduced below the minimums in Table 6.2 where geometric design, access spacing, and pedestrian priority support traffic calming objectives.
 2. *Travel Lanes.* Minimum curb-adjacent travel lane widths may be reduced to 10 feet where fire access requirements are satisfied.
 3. *Parking Configuration.* Parking adjacent to Major Driveways may follow the parking layout, stall dimensions, and aisle widths in Table 5.18 Parking Space and Aisle Dimensions, in lieu of on-street parking standards, subject to this subsection.
 - i. Dimensional Standards.
 - a. Parking stall dimensions shall comply with Table 5.18.
 - b. Travel lane widths within the Major Driveway may be adjusted to the required parking aisle widths in Table 5.18.
 - ii. Permitted Parking Configurations. The following parking configurations may be permitted along Major Driveways where consistent with site design and circulation:
 - a. Parallel parking;
 - b. Angled parking (30-degree or 45-degree); or
 - c. Perpendicular parking (90-degree), where maneuvering space and sight distance are adequate.
 - iii. Limitations.
 - a. Parking along Major Driveways shall not obstruct required fire access routes, loading zones, or pedestrian crossings.
 - b. Parking configurations that would be prohibited on a public street may be permitted on a Major Driveway, provided the Major Driveway is not dedicated as a public street._
 4. *Medians and Turn Lanes.* Medians and continuous center turn lanes may be approved administratively as part of site or construction plan review, without separate discretionary approval, where traffic operations warrant.
 5. *Street Furnishings.*
 - i. Required street furnishings may be:
 - a. Relocated to civic spaces or private frontage zones; or
 - b. Omitted where pedestrian volumes are low.
 - ii. Furnishings shall not obstruct emergency access or required clear zones.
 6. *Lighting*
 - i. Pedestrian lighting spacing may be increased where pedestrian activity is limited.
 - ii. Lighting design shall prioritize pedestrian safety at crossings, building entrances, and conflict points.
 7. *Parkways and Landscaping*

City of Bentonville, Arkansas

- i. Where a major driveway is private, required parkway elements may be located:
 - a. Within private frontage zones;
 - b. Within public access easements; or
 - c. On private property immediately adjacent to the travel way.
 - ii. Tree spacing and planting requirements may be adjusted to reflect utility constraints and site conditions.
- 8. Reduced Easement Width.
 - i. Where a Major Driveway is not dedicated as a public street, it may instead be dedicated within a public easement. The required right-of-width may be reduced to the minimum width easement necessary to accommodate the approved facility cross-section, including:
 - a. Travel lanes;
 - b. Parking lanes, where permitted;
 - c. Required sidewalks or shared-use paths;
 - d. Drainage facilities; and
 - e. Utility corridors approved as part of the development.
 - ii. The easement width shall be sufficient to ensure safe operation, emergency access, and long-term functionality of the Major Driveway, as determined through Technical Advisory Committee review.
- 9. Prohibited Uses of Allowances. Allowances under this section shall not be used to:
 - i. Eliminate required connectivity;
 - ii. Reduce emergency access below minimum safety standards;
 - iii. Circumvent subdivision, public improvement, or dedication requirements; or
 - iv. Avoid future dedication obligations where dedication is expressly required by this Code.
- 10. Relationship to Public Streets and Dedication
 - i. Approval of a major driveway under this section does not constitute:
 - a. Acceptance of a public street;
 - b. A commitment to future dedication; or
 - c. A finding that the facility meets all public street standards.
 - ii. Any future request for dedication shall require compliance with the standards in effect at the time of dedication.
 - iii. Major driveways required by this Code for access and circulation require the dedication.

SEC. 50-603. PUBLIC STREET IMPROVEMENTS**(a) Purpose**

- (1) To establish consistent rules for public street improvements required along the frontage of development sites.
- (2) To ensure that all new development contributes to a complete and connected public street network, consistent with the adopted [Master Street Plan](#) and street design standards.
- (3) To support safe, multi-modal access for vehicles, pedestrians, and cyclists.

(b) Applicability

- (1) This section applies to all development sites along an existing or proposed public street.
- (2) This section does not apply to streets within subdivisions or major driveways.
- (3) All public street improvements are subject to Streets to be dedicated to the city are subject to [Sec. 50-724. Public improvement and dedication](#).

(c) Required frontage improvements

- (1) Development along public streets must include street improvements from the street centerline to the edge of the property line, along the entire property.
- (2) The Transportation Director may require the developer to construct the full street and any off-site improvements if needed for safety, circulation, or access.
- (3) Required improvements include:
 - a. Curb and gutter;
 - b. Pavement widening, where the existing street does not meet minimum width;
 - c. Sidewalks and planting strips;
 - d. Street lighting and street trees;
 - e. ADA-accessible ramps at corners or crossings; and
 - f. Any bicycle or trail facilities required by [The Bike & Pedestrian Master Plan](#).
- (4) Improvements must match the street type and cross-section identified on the [Master Street Plan](#) and [Sec. 50-602. Street design](#).
- (5) If the Master Street Plan does not identify the street type, the appropriate section must be selected from [Sec. 50-602. Street design](#) based on zoning district.
- (6) The Transportation Director may require additional improvements to safely transition to existing portions of the street.
- (7) Where existing rights-of-way cannot accommodate [Master Street Plan](#), [Sec. 50-602. Street design](#), or [Bentonville Street Specifications](#) standards, an alternative streetscape design may be approved by the Transportation Director.

(d) Right-of-way dedication

- (1) Right-of-way must be dedicated in accordance with the Master Street Plan and to accommodate the required improvements.
- (2) Right-of-way dedication may extend beyond the street edge to include trails or utility corridors.
- (3) Dedication must be made by plat or by separate instrument, as approved by the staff legal department.

SEC. 50-604. TRAILS AND BIKEWAYS**(a) Trail design standards**

- (1) If a trail is identified in the [Bike & Pedestrian Master Plan](#):
 - a. Trail design must follow the standards specified in the plan, including the trail, landscaping, intersection crossings, lighting, and wayfinding; and
 - b. Trail signage and construction must follow the [Bentonville Street Specifications](#).
- (2) All other trails and shared-use paths must meet the following design standards:
 - a. Design elements listed in [Table 6.5 Trail Design Standards](#) are required;
 - b. Must be placed within a dedicated tract or easement, providing adequate space for all design elements and future maintenance needs;
 - c. Must include a paved shared-use path for walking and biking. The Transportation Director may approve the use of pervious materials by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#);
 - d. Where trails follow utility corridors or follow utility access roads provisions must be made to accommodate access and maintenance of the utility.
 - e. Must include lighting along the trail. Light temperature must be 3000K or less; and
 - f. Street crossings must include:
 1. Curb ramps, compliant with ADA standards;
 2. "Special emphasis" crosswalk markings; and
 3. Crosswalk signage, compliant with the [Manual on Uniform Traffic Control Devices](#).

TABLE 6.5 TRAIL DESIGN STANDARDS

Design Element	Zone	Requirement
Easement, Tract or right-of-Way	MH, T2, T3, R-1, T4	At least 20 feet wide.
	T5, T6, GC, LI, LFI	At least 30 feet wide.
Trail or Shared-use Path	MH, T2, T3, R-1, LI, LFI	At least 10 feet wide.
	T4, GC	At least 12 feet wide.
	T5, T6	At least 14 feet wide.
Trees	MH, T2, T3, R-1, T4	1 for every 40 feet of trail length, may be clustered.
	T5, T6, GC, LI, LFI	1 for every 50 feet of trail length, may be clustered.
Landscape	MH, T2, T3, R-1, T4	At least 4 feet wide on both sides of the trail and no less than 10 feet in total width. Must include ground cover and shrubs.
	T5, T6, GC, LI, LFI	At least 5 feet wide on both sides of the trail and no less than 16 feet in total width. May be up to 60% paved and must include ground cover and shrubs where unpaved.
Seating	All	1 bench for every 500 feet of trail length, may be clustered.

TABLE 6.5 TRAIL DESIGN STANDARDS

Design Element	Zone	Requirement
Lighting	MH, T2, T3, R-1, T4, LI, LFI	At least every 100 feet of trail length. Pole height between 10 and 12 feet.
	T5, T6, GC	At least every 50 feet of trail length, unless provided by adjacent buildings. Pole height between 12 and 14 feet.

(b) Bikeways

- (1) If an on-street bicycle facility is identified in the [Bike & Pedestrian Master Plan](#):
 - a. Facility design must follow the standards specified in master plan, including the facility, buffering or separation, intersection crossings, lighting, and wayfinding;
 - b. If facility design is not specified in the master plan, it must meet the requirements of this section; and
 - c. Trail signage and construction must follow the [Bentonville Street Specifications](#).
- (2) Trails and shared-use paths, other than sidepaths, must follow [Sec. 50-604. Trails and bikeways](#).
- (3) All bikeways must meet the dimensional and design requirements of [Table 6.6 Bikeways](#) and [Bentonville Street Specifications](#).
- (4) The alignment of bikeways in existing plans may differ from the plan to respond to site conditions, provided the network connects to all adjacent facilities and is approved by the Transportation Director and Parks Director.
- (5) The Transportation Director or Parks Director may require a specific bikeway type or alignment within the site to ensure integration with the citywide bicycle network.
- (6) Bikeways must be constructed of smooth, durable paving, clearly demarcated, and designed to minimize conflicts with pedestrians and vehicles.
- (7) Curb-adjacent bicycle facility width is measured to the vertical curb.
- (8) Manholes, drains, and other obstructions should not be located in bikeways.

TABLE 6.6 BIKEWAYS

Type	District	Functional Classification	Posted Speed (mph, max.)	ADT (max.)	Width (feet, min.)	Separation		Special Standards
Shoulder or Edge Lane	Rules by FHWA Bikeway Selection Guide; Requires approval from County Engineer, Transportation Director, Parks Director, and Planning Commission							
	All	Local	20	2,000	10, max.			Lane width on yield streets may exceed the maximum
Shared Lane	All	Local	25	3,000	7			
Advisory Lane	All	Local	25	3,000	7			
	T2, T3, T4	Local	30	5,000	5			
Conventional Lane	T5, T6, GC, LI, LFI				6			
Buffered Lane	T2, R1, T3, T4	Local, Collector	35	6,000	5	Paint, Flexible post	3 ft. min.	
	T5, T6, GC, LI, LFI				6			
Separated Lane (1-way)	All	Local, Collector	45		7	Grade, Flexible Post, Inflexible Barrier, Parking, Raised Island	2 ft. min.	
Separated Lane (2-way)	All	Local, Collector	45		12			
Sidepath	All				12	By Parkway Rules		

SEC. 50-605. UTILITY LOCATION STANDARDS**(a) Applicability**

- (1) This section applies to all public and franchise utility lines, structures, and appurtenances located within or adjacent to public rights-of-way, alleys, and easements.
- (2) Utility placement must be coordinated with:
 - a. Rules and guidelines in [BEUD Electric Specifications](#);
 - b. Rules and guidelines in [BWUD Specifications](#);
 - c. Street and alley design rules in [Sec. 50-602. Street design](#) and the [Bentonville Street Specifications](#); and
 - d. Street trees and planting areas required by [Sec. 50-510. Landscape, screening, and buffering](#) and [Sec. 50-511. Natural resource protection](#).

(b) Utility Location standards**(1) General**

- a. Utilities located on private property must be within an easement. Easement width may vary depending on specific or existing site conditions as approved by the BWUD or BEUD Director.
- b. Easements must be provided in accordance with [Sec. 50-724. Public improvement and dedication](#).
- c. Easements and accommodations for existing or planned utilities may be required by the BEUD Director or BWUD Director.
- d. Additional easements and utilities may be required based on site location, size, development program, and adjacent uses.
- e. Utility easements and specifications may increase setbacks and restrict encroachments specified in [Article 50-4 Zoning](#).

(2) Typical location

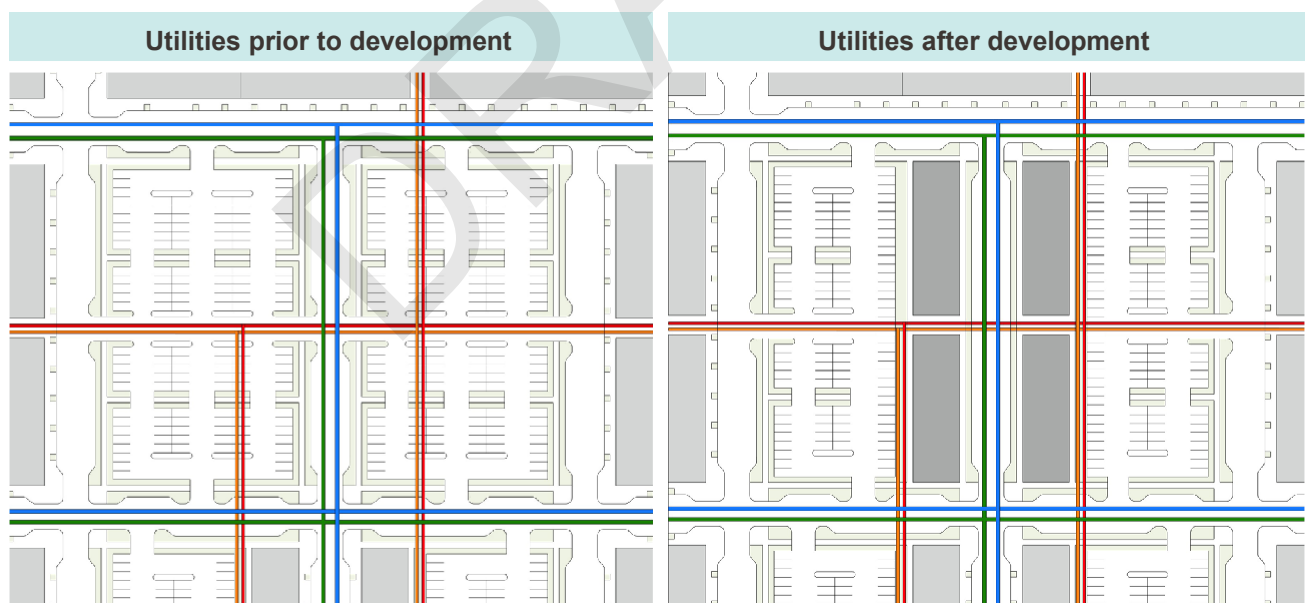
- a. *Utility layout concepts.*
 1. Utilities should be located in accordance with the utility layout concepts shown in [Figure 6.3 Typical Utility Locations](#), which reflect the City's preferred approach to utility coordination, relative separation, and efficient use of right-of-way and easement. The diagrams communicate functional relationships, coordination principles, and separation requirements among utilities rather than prescribe exact, fixed locations.
 2. Utility placement may vary as necessary to address site-specific conditions, constructability, or operational needs, provided the overall coordination intent is maintained and adequate access for construction, operation, maintenance, and servicing is preserved, as determined by the BEUD Director and BWUD Director.
- b. *Approval.*
 1. All utility layouts are subject to final approval by the BEUD Director and BWUD Director.
- c. *Utilities located within alleys, non-street rights-of-way, or infill development.*
 1. Where a proposed development seeks to locate electric, water, sewer, or other utilities within an alley or other non-street right-of-way, or where utility placement is proposed as part of infill development that may be constrained by existing infrastructure, access, or surrounding development, the Director shall require completion of a Technical Feasibility Conference in accordance with Article 50-7 Administration.

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2. The Director is responsible for coordinating and convening the Technical Feasibility Conference and for identifying the City departments, utilities, and agencies required to participate.
3. Utility placement in these contexts shall be permitted only where the BEUD Director and BWUD Director determine that sufficient access for construction, operation, maintenance, and servicing can be provided and that the proposed layout is compatible with surrounding development and infrastructure.

(3) Developments using major driveways and future lots

- a. The purpose of this section is to ensure that Utility locations in developments utilizing Major Driveways shall be designed to:
 1. Ensure safe, reliable utility access and long-term maintenance;
 2. Preserve the ability to develop future lots as shown on the approved development plan as depicted in Figure 6.2; and
 3. Avoid utility placements that would require relocation or redesign during future development phases.
- b. Public utilities proposed outside of public streets, Major Driveways, or other primary circulation corridors as depicted in Figure 6.3 shall require review through a Technical Feasibility Conference prior to approval.

FIGURE 6.2 UTILITY LOCATION IN DEVELOPMENTS USING MAJOR DRIVEWAYS**(4) Preserved trees**

- a. Where utility installation occurs in proximity to preserved trees, all work must comply with the construction protection measures specified in [Sec. 50-509. Tree preservation](#), unless conflicts cannot be avoided. This includes:
 1. Avoiding trenching or excavation within the critical root zone unless specifically approved in the Tree Preservation Plan;

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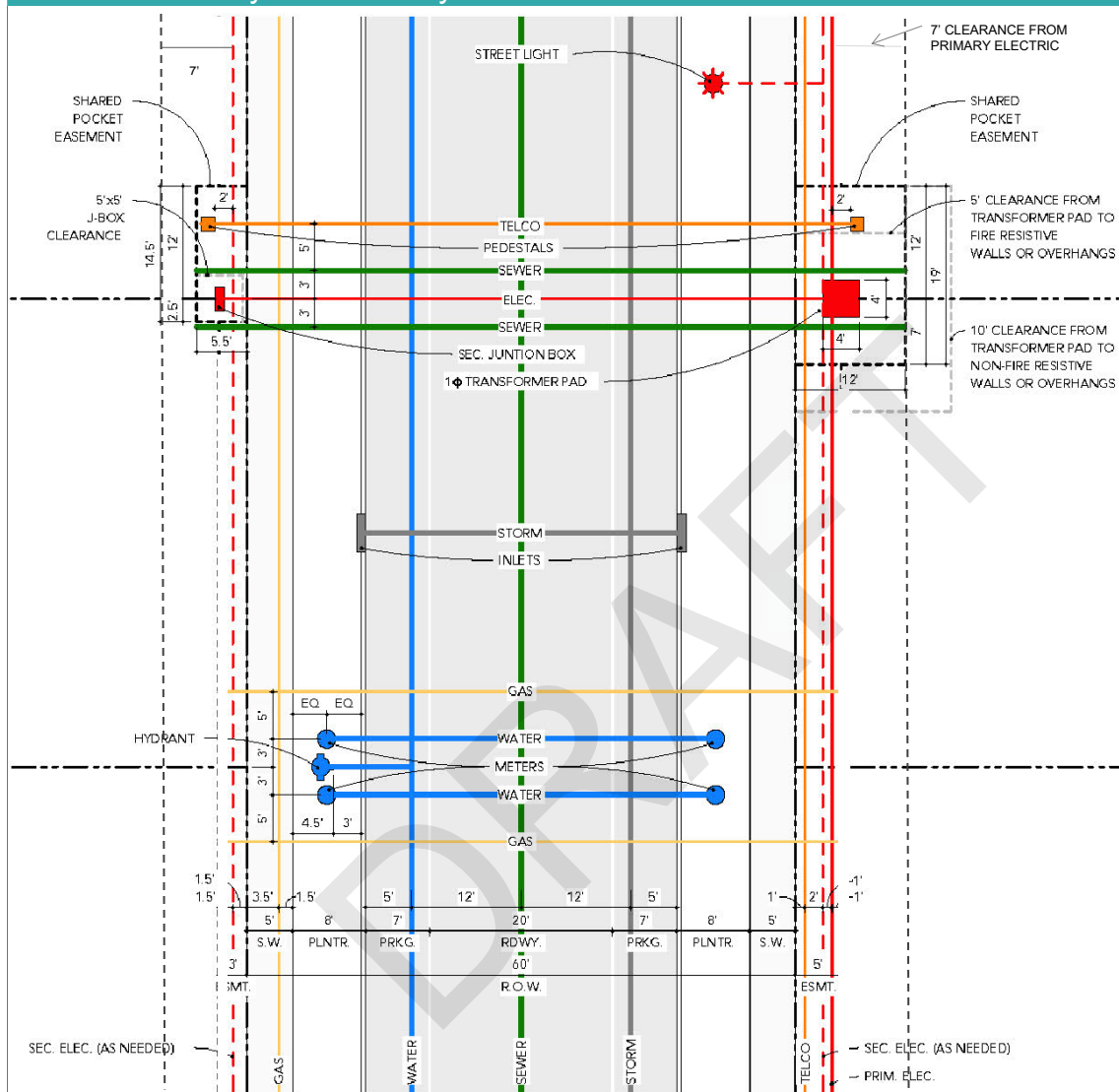
2. Using directional boring, root-sensitive excavation, or hand trenching where conflicts cannot be avoided; and
 3. Installing tree protection fencing, implementing soil compaction prevention, and applying root pruning methods consistent with approved preservation practices.
 4. A modified tree protection strategy, subject to the approval of the Planning Director, BEUD Director, and BWUD Director, to minimize harm and preserve long-term health of the tree to the greatest extent practicable.
- b. Where compliance with these standards is infeasible due to utility service requirements, the Planning Director may approve removal of the tree consistent with [Sec. 50-509. \(e\) Tree removal](#).

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FIGURE 6.3 TYPICAL UTILITY LOCATIONS

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

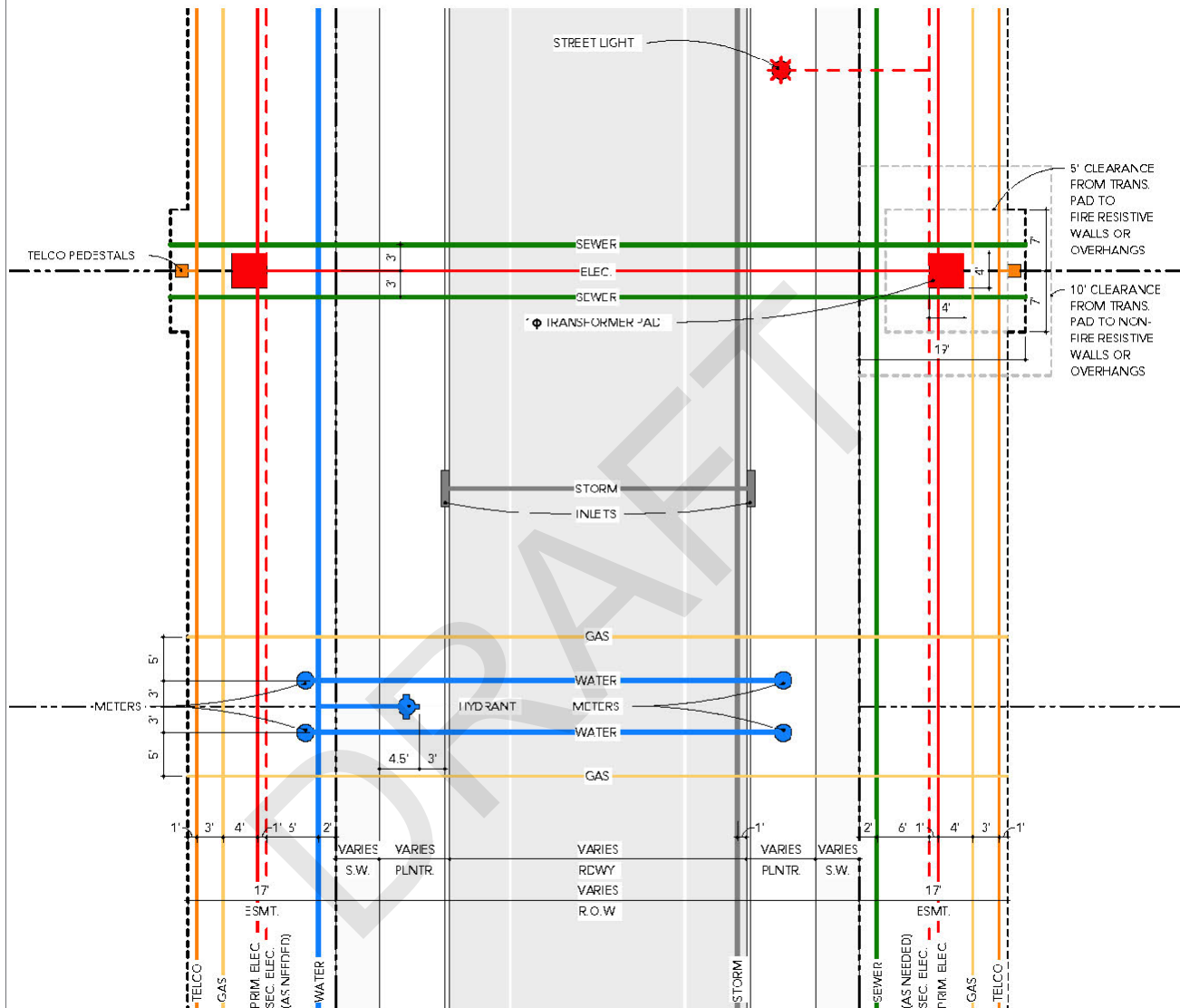
1. 34ft Roadway without Alley



Notes

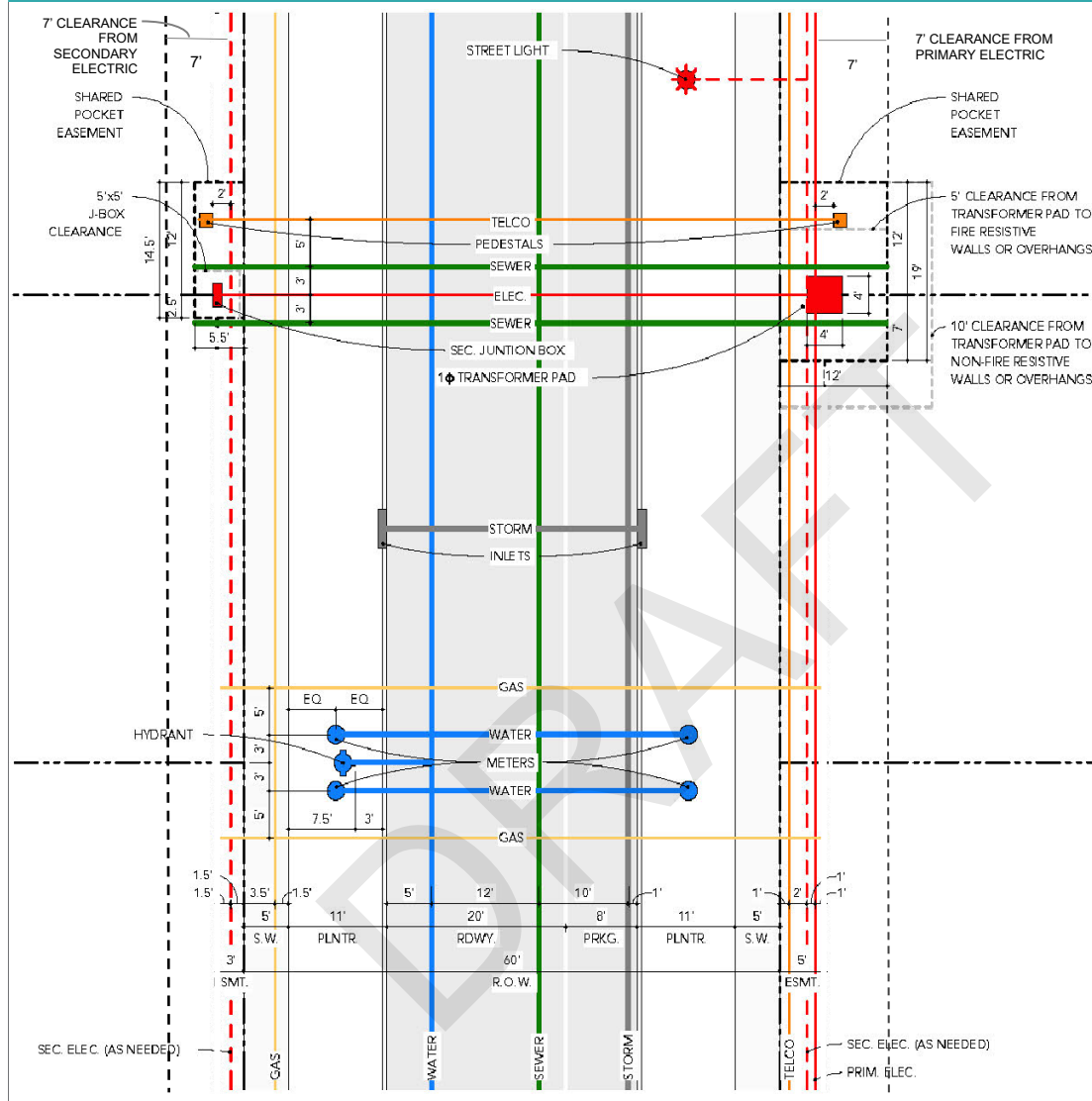
- 60 ft right-of-way depicted with 34 ft vertical curb-to-curb with on-street parking both sides.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- Electric and telecom service are accommodated within utility easements on private property.
- Additional pocket easement depicted for telecom pedestals, confirm easement dimension and construction type.
- Locate streetlight transformer in park strip.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back 5 ft minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

2. Roadway without Alley, Water & Sewer in Easement

**Notes**

- 60 ft right-of-way depicted with 34 ft vertical curb-to-curb with on-street parking both sides. Right-of-way width and roadway width may vary.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- All utilities are located within easements on private property, except fire hydrants.
- Additional pocket easement depicted for telecom pedestals, confirm easement dimension and construction type.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back 5 ft minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

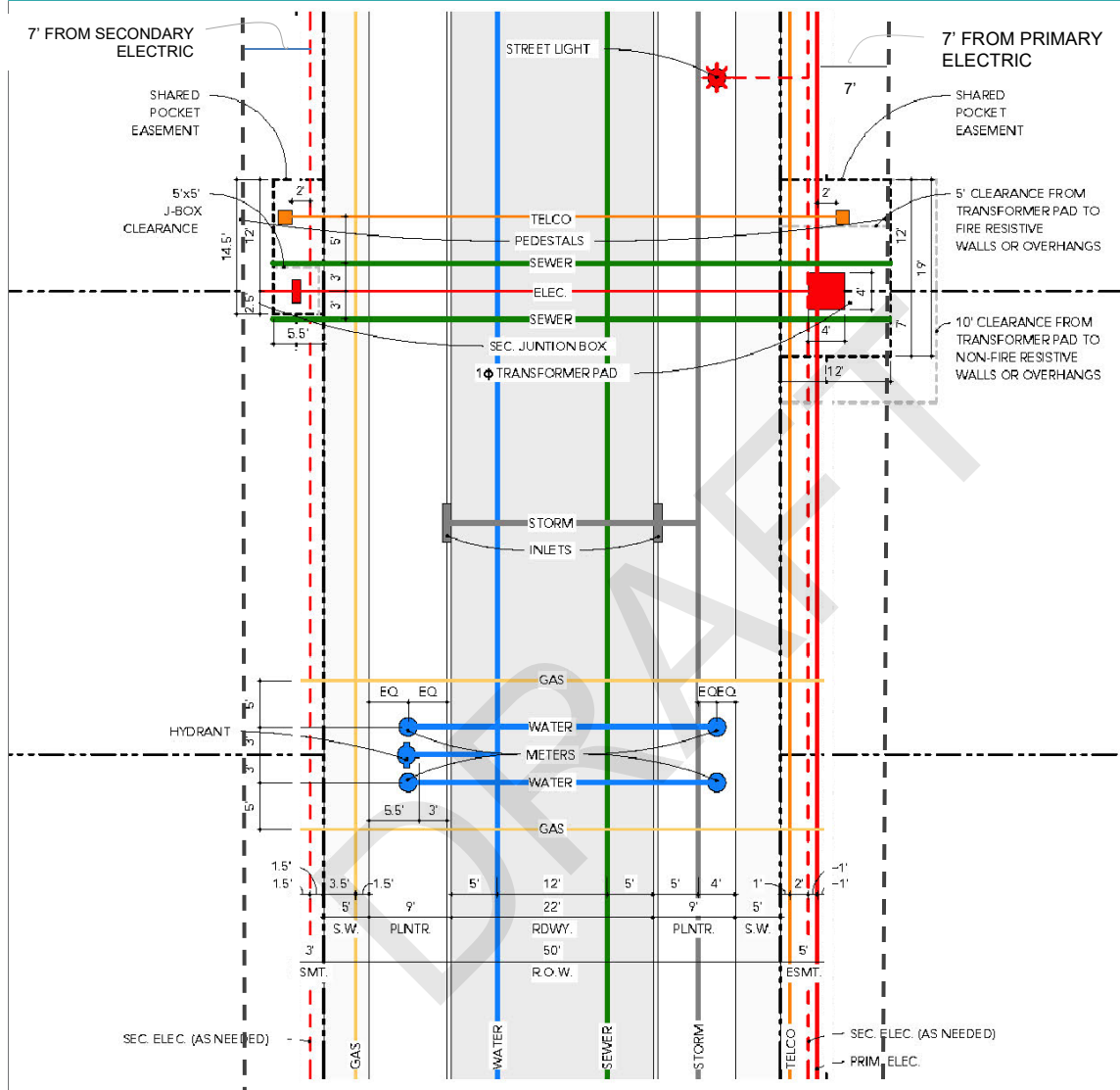
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FIGURE 6.3 TYPICAL UTILITY LOCATIONS**3. 28 ft Roadway without Alley****Notes**

- 60 ft right-of-way depicted with 28 ft vertical curb-to-curb with on-street parking on one side.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- Electric and telecom service are accommodated within utility easements on private property.
- Additional pocket easement depicted for electric and telecom pedestals, confirm easement dimension and construction type.
- Locate streetlight transformer in park strip.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back 5 ft minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

4. 22 ft Roadway without Alley



Notes

- 50 ft right-of-way depicted with 22 ft vertical curb-to-curb with no on-street parking.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Electric and telecom service are accommodated within utility easements on private property.
- Secondary electric service located under sidewalk, locate streetlight transformer in park strip.
- Additional pocket easement depicted for electric and telecom pedestals, confirm easement dimension and construction type.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back 5 ft minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

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SEC . 50-606. COMMUNICATIONS EQUIPMENT**(a) Purpose and intent**

- (1) To regulate the placement, design, and lighting of communications towers and antennas in order to minimize visual impacts, ensure compatibility with surrounding development, and protect public health and safety.
- (2) To allow communications services while ensuring equipment is visually unobtrusive, appropriately integrated with surrounding context, and safely maintained over time.

(b) Applicability

- (1) This section applies to all towers, antennas, and supporting telecommunications equipment within the city.
- (2) The BEUD Director may waive one or more of these standards upon determining that the location, surrounding context, or project scope does not require visual or operational mitigation.
- (3) All separation requirements of the [BEUD Electric Specifications](#) and [BWUD Specifications](#) specifications must be met.

(c) Lighting

- (1) Towers must be illuminated only when required by the Federal Aviation Administration or other applicable regulatory authority.
- (2) When lighting is required, it must:
 - a. Comply with the minimum specifications established by the applicable regulatory authority; and
 - b. Be designed to minimize glare and disturbance to surrounding properties.
- (3) Security lighting or motion-activated lighting at the base of a tower or within a telecommunications facility must:
 - a. Be fully shielded; and
 - b. Prevent light spillover onto adjacent lots or public rights-of-way.

(d) Stealth and camouflage

- (1) Towers and antennas must be designed using stealth techniques or camouflage to reduce visibility and integrate with their surroundings.
- (2) Towers must:
 - a. Be finished with galvanized steel, wood laminate, or a neutral paint color; and
 - b. Comply with any FAA standards related to marking or lighting.
- (3) All buildings, shelters, and ground-mounted equipment associated with telecommunications facilities must be designed to blend with surrounding structures or vegetation, using materials, colors, and architectural detailing consistent with adjacent development.
- (4) If an antenna is mounted on a structure other than a tower, including a building or utility structure, the antenna and all visible support equipment must:
 - a. Match or closely complement the color of the supporting structure; and
 - b. Be mounted in a manner that minimizes visual prominence and avoids silhouette against the sky.

(e) Maintenance and removal

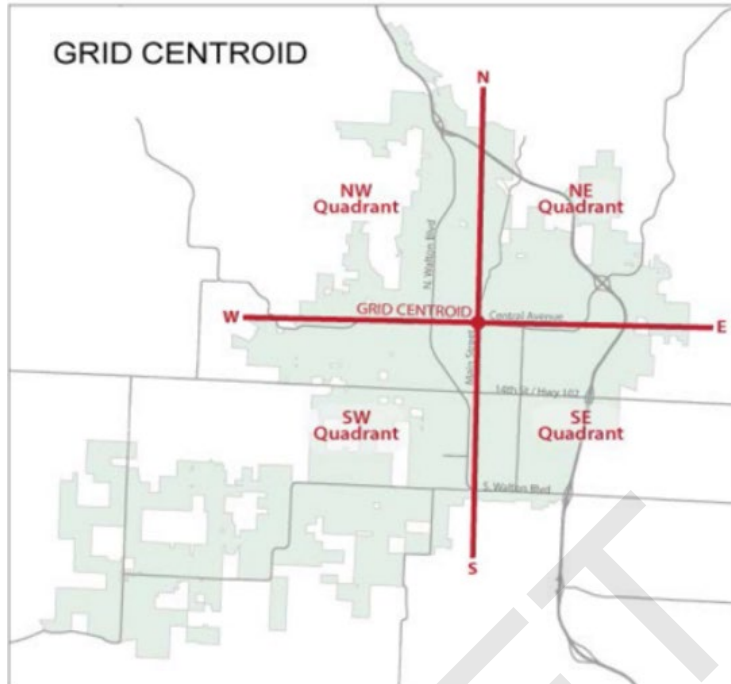
- (1) All communications equipment must be maintained in a clean, structurally sound, and operational condition.
- (2) Any facility that is damaged or no longer in use must be repaired, replaced, or removed within 90 days of notification by the City.
- (3) If a tower or antenna is unused or abandoned for a continuous period of 12 months, it must be removed by the facility owner, service provider, or property owner.
- (4) Upon removal, the site must be restored to its prior condition or to a condition consistent with adjacent development, including the removal of foundations, fencing, and other supporting infrastructure unless otherwise approved by the Director.

SEC . 50-607. ADDRESSING AND STREET NAMING**(a) Applicability**

- (1) This section applies to:
 - a. The naming of public and private streets,
 - b. The assignment of address numbers, and
 - c. The labeling of units, suites, or floors.
- (2) These standards apply to all development within the city, including:
 - a. New subdivisions,
 - b. Site developments,
 - c. Multifamily and commercial projects, and
 - d. Existing properties subject to renaming or renumbering.

(b) Official Street Map and City Grid Centroid

- (1) The City's directional and address grid is centered at the intersection of Main Street and Central Avenue, which serves as both the directional grid centroid and the address grid centroid. From this point, the north-south centerline extends east-west and the east-west centerline extends north-south to the city limits and addressing boundary.
- (2) All street address numbering begins at this centroid, increasing outward in all directions, with each block ranging from 100-199 and continuing sequentially to the city limits.
- (3) Based on this centroid, the city is divided into four quadrants: NE, NW, SE, and SW.
- (4) The public GIS Master Map shall serve as the authoritative reference for street names and addresses within the city.
- (5) It must be updated upon approval of plats or master plan developments.

**(c) Authority**

(1) The GIS Coordinator, or a designee, is responsible for:

- a. Assigning addresses and street names,
- b. Maintaining the authoritative GIS Master map,
- c. Reviewing proposed names and numbers,
- d. Resolving conflicts, and
- e. Initiating or processing name or number changes.

(d) Street naming standards**(1) General requirements**

- a. Street names will be updated and confirmed before Final Plat approval and coordinated and assigned during the Large Scale Development process.

(2) Street naming

- a. Proposed names must be submitted on the Preliminary Plat.
- b. Names must be approved by the GIS Department.
- c. Duplicate or phonetically similar names are not allowed.
- d. Street names may not include directional or type confusion (such as Northglen Drive).
- e. Streets that align with existing named streets must use the same name.
- f. Loop streets must include an appropriate suffix such as "Loop," "Circle," or "Court." At the discretion of the assigned designee, this requirement may be waived when it is determined that the loop should retain the name of the street from which it originates or with which it is primarily aligned.
- g. Street names honoring individuals require a proclamation by City Council.
- h. Alleys must be named and addressed in accordance with these standards and must use the suffix 'Alley'.

- i. Full street names, including the suffix and directional (prefix) are limited to a maximum of seventeen (17) characters in length.
- j. Numeric street names must use the appropriate numeric suffix (e.g., 1st, 2nd, 3rd, 4th).
- k. Streets that are also designated state or federal highways may be identified by a local street name in conjunction with the highway designation on the Official Street Address Map.

(3) Street name components

- a. All streets must have directional prefixes that follow the approved abbreviations:
 - 1. North: N
 - 2. South: S
 - 3. East: E
 - 4. West: W
 - 5. Northeast: NE
 - 6. Northwest: NW
 - 7. Southeast: SE
 - 8. Southwest: SW
- b. Suffixes must match the direction of the street:
 - 1. East–West streets: Avenue or Boulevard
 - 2. North–South streets: Road or Street

(4) Renaming

- a. Renaming may be initiated by the City Council, Planning Commission, Mayor, or GIS Department.
- b. Public requests must include:
 - 1. A completed application, and
 - 2. Signatures from 100% of abutting property owners, with at least 80% in support.
- c. Requests must be reviewed by city departments and by the Traffic Safety and Signage Committee.

(e) Address formatting

- (1) General.
 - a. Every habitable or substantial structure must be assigned an address.
 - b. Accessory structures and minor features will not receive separate addresses.
 - c. Final addresses, other than corner lots, and street names will be assigned before Final Plat approval or building permit issuance.
 - d. Suite and unit numbers are assigned as part of the project approval process or at commercial tenant infill for pre-existing structures.
 - e. Only whole numbers may be used. Fractions, letters, and decimals are not allowed.
 - f. Even numbers are placed on the right side of the street, and odd numbers are placed on the left side in relation to the centroid.
 - g. Corner lots must receive one address based on the location of the front door.

(2) Labels

- a. Labels are assigned as follows:
 - 1. Main address (M)
 - 2. Suite (STE)
 - 3. Apartment (APT)

(3) Commercial Addressing

- a. Suites in commercial buildings are numbered from 1 to 99, or by floor using 100-level ranges.
- b. Suite numbers are assigned based on building parity and layout.
- c. In a suite split, the next available number is used, regardless of odd-even pattern.
- d. Address spacing must allow for future splits or tenant changes.

(4) Multifamily addressing

- a. Multifamily buildings must be assigned a main address and unit numbers.
- b. Units must be numbered sequentially, increasing from the centroid.
- c. When floors are stacked, unit numbers must correspond to the floor:
 - 1. First floor: 100–199
 - 2. Second floor: 200–299, and so on
- d. Duplexes must be assigned one main address with numbered units.
- e. Townhomes must receive separate street addresses, not unit numbers.
- f. The official address for apartments or condominiums is the main address plus the unit number.

(5) Readdressing

- (1) When renumbering is necessary, it must follow the same standards.
- (2) Corner lots must receive one address based on the location of the front door.

(g) Address display

- (1) Addresses must be posted on all buildings as required by the Fire Code.
- (2) If not visible from the street, a secondary sign must be installed at the point of access.

(h) Enforcement

- (1) Inspectors will confirm address compliance at final inspection. A certificate of occupancy or compliance will not be issued unless the correct address is posted and matches city records.

ARTICLE 50-7 ADMINISTRATION**SEC . 50-701. PURPOSE AND INTENT**

- (a) To establish the procedures for review and approval of development activities and enforce the rules in this Code.
- (b) To protect the public interest through consistent and thorough review of development proposals.
- (c) To provide clear and predictable review processes that comply with Arkansas State Statutes and other laws.
- (d) To establish the responsibility and authority of decision-making bodies and city staff.

SEC . 50-702. APPLICABILITY

- (a) Any development activity regulated by this Code, or any change affecting features of the development site subject to its standards, may require review and approval as specified in this article.

SEC . 50-703. APPROVAL BODIES**(a) Review responsibilities**

- (1) Each application is subject to the review responsibilities identified in [Table 7.1 Approval Authority](#).
- (2) The roles of City Council, Planning Commission, and Board of Adjustment in this section and [Table 7.1 Approval Authority](#) apply only to decisions and recommendations required by this Code.
- (3) Nothing in this section changes, limits, or expands the duties of these bodies under state law or other provisions of City code.
- (4) Applications are routed to the appropriate departments, staff reviewers, or approval bodies based on the type of request and applicable technical requirements.
- (5) The Director is responsible for determining application completeness and assigning routing based on this section and the approval bodies schedules.
- (6) When an application includes multiple components requiring different approvals, review bodies may consider them concurrently or consecutively, as determined by the Director.

(b) City Council

- (1) The Bentonville City Council is responsible for legislative actions, including:
 - a. Adopting or amending the Official Zoning Map;
 - b. Adopting or amending this Code;
 - c. Adopting or amending the Future Land Use Plan;
 - d. Hearing and deciding rezoning applications; and
 - e. Hearing and deciding annexations
 - f. Hearing and deciding on street and alley vacations.
- (2) The City Council shall act upon recommendations from the Planning Commission where required by this Code or state law.

(c) Planning Commission

- (1) The Planning Commission is responsible for quasi-judicial and policy advisory functions under this Code, including:

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- a. Hearing and deciding:
 1. Minor Subdivisions, as assigned by this Code;
 2. Preliminary Plats and Final Plats;
 3. Large-Scale Development Plans;
 4. Campus Development Plans;
- b. Accepting dedications of public improvements, easements, and rights-of-way when authorized by this Code;
- c. Acting on waivers and administrative appeals;
- d. Making recommendations to the City Council regarding:
 1. Rezoning ;
 2. Code amendments;
 3. Future Land Use Plan amendments; and
 4. Annexations; and
- e. Taking other actions as identified in Table 7.1 Approval Authority.

(2) The Planning Commission shall base its decisions on the applicable approval criteria.

(d) Board of Adjustment

- (1) The Board of Adjustment is responsible for:
- a. Hearing and deciding variance requests from Art. 50-4 Zoning based on hardship;
 - b. Hearing appeals of administrative decisions or interpretations; and
 - c. Other duties as provided by state law and shown in [Table 7.1 Approval Authority](#).

(e) Technical Advisory Committee

(1) Establishment and purpose

- a. The City of Bentonville hereby establishes a Technical Advisory Committee (TAC) to review as an interdepartmental staff body responsible for integrated technical review of development applications.
- b. The purpose of the TAC is to ensure coordinated application of adopted codes, standards, and specifications and to provide clear, consolidated staff feedback to applicants and decision-making bodies.

(2) Authority and Function

- a. TAC is administrative and technical in nature. The TAC does not act as a legislative or quasi-judicial body unless expressly authorized by this Code.
- b. The TAC is responsible for:
 1. Reviewing development applications for technical compliance with applicable codes, standards, and adopted manuals;
 2. Conducting pre-application conferences, technical feasibility conferences, and pre-construction conferences;
 3. Reviewing and approving construction documents as authorized by this Code;
 4. Reviewing and approving Minor Subdivisions as authorized by this Code; and

5. Providing written technical findings, comments, and recommendations for applications requiring Planning Commission or City Council action.

(3) Composition

- a. The TAC consists of representatives from the following City departments and utilities:
 1. Planning;
 2. Transportation;
 3. Building and Fire Safety;
 4. Bentonville Electric Utility Department (BEUD); and
 5. Bentonville Water Utility Department (BWUD).
- b. Each department or utility shall designate one or more qualified representatives with authority to speak on behalf of the department.
- c. The Director may request participation by additional City departments or agencies, when an application involves subject matter within their jurisdiction or expertise. Such participation does not alter approval authority under this Code.

(4) Administration

- a. The Planning Director serves as Chair of the TAC and is responsible for:
 1. Scheduling TAC meetings;
 2. Establishing agendas and review priorities;
 3. Coordinating interdepartmental review; build
 4. Requesting participation by additional departments when appropriate; and
 5. Documenting consolidated staff positions.
- b. TAC meetings shall be held in accordance with the published TAC schedule and submission deadlines.

(f) Planning Director

- (1) The Director is responsible for administering, interpreting and enforcing this Code, including :
 - a. Determining application completeness and eligibility;
 - b. Coordinating application routing and development review
 - c. Reviewing and approving permits where authorized;
 - d. Making determinations on administrative adjustments where authorized;
 - e. Providing staff support to the Planning Commission and Board of Adjustment; and
 - f. Serving as Chair of the TAC.
- (2) The Director may refer an application to a higher approval body where authorized by this Code or where necessary to ensure compliance with applicable standards.
- (3) The Director may require consolidated review where multiple applications or permits are proposed in a manner that would circumvent the intent of this Article.

TABLE 7.1 APPROVAL AUTHORITY

Application or Action	Applicable Department Director	Technical Advisory Commission	Planning Commission	City Council	Board of Adjustment
Administrative Actions					
Permits	Approve				Appeal
Interpretation	Approve				Appeal
Plans					
Small-Scale Development	Review	Approve	Appeal		
Large-scale Development		Review	Approve	Appeal	
Campus Development Plan		Review	Approve	Appeal	
Construction Documents		Approve			
Subdivision of Land					
Minor Subdivisions		Review	Approve	Appeal	
Preliminary Plat		Review	Approve	Appeal	
Final Plat		Review	Approve and Accept Dedications	Appeal	
Construction Documents		Approve			
Amendments					
Rezoning		Review	Recommend	Adopt	
BCC Amendment		Review	Recommend	Adopt	
FLUM Amendment		Review	Recommend	Adopt	
Land Actions					
Annexation		Review	Recommend	Adopt	
Independent Dedications		Review		Accept	
Vacation		Review	Recommend	Adopt	
Relief and Exceptions					
Administrative Adjustment	Approve				Appeal
Variance		Review			Approve
Waivers		Review	Approve		

SEC. 50-704. SMALL-SCALE DEVELOPMENT REVIEW**(a) Purpose and applicability**

- (1) Small-scale development review applies to development plans classified as small-scale development pursuant to [Sec. 50-303\(c\) Small-scale development](#).
- (2) The purpose of small-scale development review is to evaluate site-specific development proposals that do not establish a new street or block framework and that are limited in scale, intensity, or complexity.

(b) Pre-application review

- (1) Pre-application review is required prior to submitting a small-scale development plan and shall be conducted in accordance with [Sec. 50-714 Pre-Application Review](#).
- (2) Infill development shall comply with the technical feasibility conferences requirements of [Sec. 50-714 Pre-Application Review](#), regardless of scale.
- (3) Completion of pre-application review does not constitute approval or guarantee application completeness.

(c) Plan submittal

- (1) A small-scale development application and plan shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), plans that show items identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
- (2) At a minimum, the small-scale development plan must demonstrate meeting the review criteria is subsection (f).

(d) Plan Review

- (1) The Technical Advisory Committee (TAC shall review complete small-scale development applications for compliance with this Code, according to subsection (f) Review Criteria.

(e) Administrative Action

- (1) TAC may approve, approve with conditions, or deny a small-scale development plan.
- (2) The TAC's decision is final unless appealed in accordance with [\(i\) Appeals to Planning Commission](#).
- (3) The Director may refer a small-scale development application to the Planning Commission for review and decision where the Director determines that the proposal:
 - a. Raises policy considerations;
 - b. Requires interpretation of Code standards; or
 - c. Is otherwise appropriate for Planning Commission review.

(f) Review criteria

- (1) A Small-Scale Development may be approved upon finding that the plan:
 - a. Meets all applicable rules in this Code;
 - b. Compliance with zoning, access, and site design standards in Articles 4 and 5;
 - c. Keeps public infrastructure demands within existing capacity;
 - d. Protects trees and landscaping as required;
 - e. Meets all applicable codes and utility and engineering specifications;

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- f. Keeps or improves pedestrian and vehicle circulation; and
- g. Meets utility spacing and alignment rules.

(g) Administrative adjustments and waivers

- (1) Applicants may request an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) if the site cannot meet all regulations due to physical constraints.
- (2) All requests must follow the limits, criteria, and process in [Sec. 50-716 Administrative adjustments and waivers](#).

(h) Effect of approval

- (1) Approval confirms that the site meets zoning, design, and utility rules.
- (2) Approval is valid for 18 months from the date of issue unless extended.
- (3) Approval does not waive compliance with other required permits or inspections.
- (4) If construction plans are not required, applicants may move forward with permitting once the small-scale development is approved.
- (5) If construction plans are required, approval is the authorization to apply for preconstruction review according to [Sec. 50-715. Preconstruction Review](#).

(i) Appeals

- (1) Any person aggrieved by the final action on a small-scale development may file an appeal in accordance with [Sec. 50-718 Appeals](#).

SEC. 50-705. LARGE-SCALE DEVELOPMENT REVIEW

(a) Purpose and applicability

- (1) Large-scale development review applies to development plans classified as large-scale development pursuant to [Sec. 50-303\(d\) Large-scale development](#).
- (2) The purpose of large-scale development review is to evaluate and approve the overall development framework for complex or multi-phase projects, including the street and block network, infrastructure layout, stormwater approach, and general development pattern, prior to subdivision, permitting, and construction.

(b) Pre-application review

- (1) Pre-application review is required prior to submitting a large-scale development plan and shall be conducted in accordance with [Sec. 50-714, Pre-Application Review](#).
- (2) For infill development, the technical feasibility conference required by [Sec. 50-714](#) shall occur prior to the pre-application conference.
- (3) Completion of pre-application review does not constitute approval or guarantee application completeness.

(c) Plan submittal

- (1) A large-scale development application and plan shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), that include the materials identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
- (2) At a minimum, a large-scale development plan shall demonstrate compliance with applicable standards and review criteria in subsection (f) review criteria.

(d) Plan Review

- (1) The TAC will review complete large-scale development applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards., based on the criteria in [\(f\) Review criteria](#).
- (2) TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.
- (3) TAC review does not constitute approval of a large-scale development plan.

(e) Planning Commission Action

- (1) The Planning Commission may approve, approve with conditions, or deny the large-scale development plan.

(f) Review criteria

- (1) A development plan may be approved upon finding that:
 - a. Compliance with zoning, access, and site design standards in Articles 4 and 5;
 - b. The plan conforms to the [Master Street Plan](#) and Future Land Use Plan;
 - c. Streets are depicted as required by this BCC;
 - d. Street connections are consistent with this BCC and the [Master Street Plan](#);
 - e. The proposed street typologies support the intended place type and land use;
 - f. If the site requires a traffic study, one has been provided;
 - g. Blocks meet the standards of [Sec. 50-502 \(b\) Blocks](#);
 - h. Hypothetical blocks, if applicable, are laid out in accordance with BCC standards;
 - i. Adequate areas are reserved for utilities, drainage, and park space;
 - j. Lot area, setbacks, and parking location meet the standards of [Table 4.1 Zone Standards](#); and
 - k. Future lots, if applicable, comply with dimensional and use requirements of this Code

(g) Administrative adjustments and waivers

- (1) Applicants may request an Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#) if the site cannot meet all regulations due to physical constraints.

(h) Effect of approval

- (1) Approval of a large-scale development plan constitutes entitlement of the development framework and authorizes the applicant to proceed to pre-construction review in accordance with [Sec. 50-715 Preconstruction Review](#), as applicable.
- (2) Approval does not constitute approval of construction plans or authorize commencement of construction.
- (3) All construction plans, public improvements, and guarantees shall comply with [Sec. 50-715 Preconstruction Review](#) and [Sec. 50-724 Public Improvements and Dedications](#) prior to construction.
- (4) Any modification to an approved large-scale development plan shall be processed in accordance with [Sec. 50-723 Duration, expiration and amendments of approvals](#).
- (5) Approval is subject to the duration, expiration, and extension provisions of [Sec. 50-723](#).

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(j) Appeals

- (1) Any person aggrieved by the final action on a large-scale development may file an appeal in accordance with [Sec. 50-718 Appeals](#).

SEC. 50-706. MINOR SUBDIVISION REVIEW

(a) Purpose and applicability

- (1) Minor subdivision review applies to minor subdivisions pursuant to [Sec. 50-304 Minor Subdivisions](#).
- (2) The purpose of minor subdivision review is to provide a streamlined process for the review and approval of limited and low-complexity land divisions, while ensuring that resulting lots can be served by adequate access, utilities, drainage, and public infrastructure, and that subdivision regulations are not used to circumvent development, public improvement, or design requirements of this Code.

(b) Plan submittal

- (1) A minor subdivision application and plan shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), plans that include the information identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
- (2) At a minimum, the minor subdivision shall demonstrate meeting the review criteria is [subsection \(e\) Review criteria](#).

(c) Plan Review

- (1) The Technical Advisory Committee (TAC) shall review complete minor subdivision applications for compliance with this Code, according to [subsection \(e\) Review Criteria](#).

(d) Administrative Action

- (1) TAC may approve, approve with conditions, or deny a small-scale development plan.
- (2) The Director may refer a minor subdivision application to the Planning Commission for review and decision where the Director determines that the proposal:
 - a. Raises policy considerations;
 - b. Requires interpretation of Code standards;
 - d. Requires waivers, or
 - e. Is otherwise appropriate for Planning Commission review.

(e) Review criteria

- (1) A minor subdivision may be approved upon finding that the plan:
 - a. Meets all applicable rules in this Code;
 - b. Complies with zoning, access, and site design standards in Articles 4 and 5;
 - c. Keeps public infrastructure demands within existing capacity;
 - d. Protects trees and landscaping as required;
 - e. Meets all applicable utility and engineering specifications;
 - f. Keeps or improves pedestrian and vehicle circulation; and
 - g. Meets utility spacing and alignment rules.

(f) Administrative adjustments

- a. Applicants may request an Administrative Adjustment under [Sec. 50-716. Administrative adjustments](#) if the site cannot meet all regulations due to physical constraints.
- b. All requests must follow the limits, criteria, and process in [Sec. 50-716 Administrative adjustments](#).

(g) Effect of Approval

- a. Approval authorizes the applicant to proceed to pre-construction review in accordance with [Sec. 50-714 Preconstruction Review](#), where construction plans are required.
- b. Approval does not constitute approval of construction plans or authorize commencement of construction.
- c. Approval does not waive compliance with other required permits, inspections, or approvals.
- d. Approval is subject to the duration, expiration, and amendment provisions of [Sec. 50-723 Duration, expiration, and amendments of approvals](#).

(h) Appeal

- a. Any person aggrieved by the final action on a minor subdivision may file an appeal in accordance with [Sec. 50-718 Appeals](#).

SEC 50-707 MAJOR SUBDIVISION REVIEW**(a) Purpose and Applicability**

- (1) Major subdivision review applies to major subdivisions pursuant to [Sec. 50-305 Major Subdivisions](#).
- (2) The purpose of major subdivision review is to evaluate and approve the overall development framework for complex or multi-phase projects, including the street and block network, infrastructure layout, stormwater approach, and general development pattern, prior to large scale development, permitting, and construction.

(b) Pre-application review

- (1) A pre-application meeting with the TAC is required before submittal. The meeting will determine eligibility under [Sec. 50-305. Major Subdivisions](#) and confirm any additional information needed for review.
- (2) If the Director determines that the subdivision requires public improvements, the applicant must obtain approval of the following:
 - a. A Preliminary Plat in accordance with [\(c\) Preliminary plats](#);
 - b. Public improvement plans in accordance with [Sec. 50-724. Public improvement and dedication](#); and
 - c. A Final Plat in accordance with [\(e\) Final plats](#).

(c) Preliminary plats**(1) Plan Submittal**

- a. The Preliminary Plat application shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), plans that include the materials identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
- b. At a minimum, the preliminary plat shall demonstrate meeting the review criteria is subsection [\(c\)\(4\) Review criteria](#).

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(2) Plan Review

- a. The TAC will review complete preliminary plat applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in [subsection \(c\)\(4\) Review criteria](#).
- b. TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.
- c. TAC review does not constitute approval of a large-scale development plan.

(3) Planning Commission Action

- a. The Planning Commission will vote by a simple majority of the quorum present to approve, approve with conditions, or deny the application based on the criteria in [subsection \(c\)\(4\) Review criteria](#).

(4) Review criteria

- a. A Preliminary Plat may be approved upon finding that it:
 1. Conforms to the requirements of this Code;
 2. Compliance with zoning, access, and site design standards in Articles 4 and 5;
 3. Results in lots of a size, shape, and arrangement suitable for the proposed development; and
 4. Is consistent with the adopted Future Land Use Plan.

(5) Administrative adjustments and waivers

- a. Applicants may request Administrative Adjustments and Waivers in accordance with under [Sec. 50-716. Administrative adjustments](#) and [Table 7.2 Administrative Adjustment Criteria](#).

(6) Effect of approval

- a. Approval of a Preliminary Plat confirms compliance with this BCC and authorizes application for construction document approval according to [Sec. 50-715. Preconstruction Review](#). It does not authorize conveyance of any lot or guarantee Final Plat approval.

(7) Appeal

- a. Any person aggrieved by the final action on a preliminary plat may file an appeal in accordance with [Sec. 50-718 Appeals](#).

(d) Early-build permits

- (1) A building permit may be issued prior to Final Plat approval only if the following conditions are met:
 - a. A Preliminary Plat is approved for the Subdivision.
 - b. The early-build occurs within the first phase of the Preliminary Plat.
 - c. The developer has executed an Early-build Development Agreement with the City.
- (2) No early-build permit may be issued until:
 - a. A temporary or permanent access road is installed, inspected, and approved. The road must:
 1. Provide access for emergency, utility, and inspection vehicles;
 2. Be capable of supporting a minimum vehicle weight of 86,000 pounds;
 3. Meet applicable City specifications and the Arkansas Fire Prevention Code; and

4. Be constructed within 0.10 feet of approved grading and thickness values.
 - b. The Stormwater Pollution Prevention Plan is implemented and maintained.
 - c. The following infrastructure systems and any crossings are installed, inspected, and approved:
 1. Sanitary sewer
 2. Stormwater
 3. Water
 4. Contractor-installed electrical infrastructure
 5. Fire protection service
 - d. Each lot proposed for early-build permits is staked by a licensed surveyor and remains staked through foundation inspection.
 - e. The engineer of record requests and passes an Early-build Inspection by the Planning Department.
- (3) Electric and sewer services must not be connected to any structure until the Final Plat is recorded.
- a. Permanent connections must be completed prior to yard line inspection.
 - b. BEUD electric infrastructure will not be installed until the Final Plat is recorded.
 - c. All contractor-installed electric infrastructure must be in place prior to Final Plat approval.
- (4) No Certificate of Occupancy may be issued for any early-build home until the Final Plat is recorded with the Benton County Recorder's Office.
- (5) The City may deny an early-build permit if:
- a. Any requirement of this subsection is not met; or
 - b. The developer has a prior record of non-compliance or misuse of early-build approvals.
- (6) The developer or property owner is responsible for the cost of repairs to public infrastructure resulting from early-build activity.
- (e) Final plats**
- (1) Plan Submittal**
- a. The Final Plat must be submitted while the approved Preliminary Plat remains valid.
 - b. The Final Plan application shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), plans that include the materials identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
 - c. At a minimum, the final plat shall demonstrate meeting the review criteria in subsection [\(e\)\(4\) Review criteria](#).
- (2) Plan Review**
- a. The TAC will review complete final plat applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection [\(e\)\(4\) Review criteria](#).
 - b. TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.
 - c. TAC review does not constitute approval of a large-scale development plan.
- (3) Planning Commission Action**

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- a. The Planning Commission will vote by a simple majority of the quorum present to approve, approve with conditions, or deny the application based on the criteria in [subsection \(e\)\(4\) Review criteria](#).

(4) Review criteria

- a. The Final Plat must conform to the approved Preliminary Plat, if one was required. If not required, the Final Plat must:
 1. Comply with all applicable standards of this BCC;
 2. Result in lots suitable for the proposed use; and
 3. Be consistent with the Future Land Use Plan.

(5) Appeal

- (a) Any person aggrieved by the final action on final plat may file an appeal in accordance with [Sec. 50-718 Appeals](#).

(6) Dedications and improvements

- a. The City Council delegates authority to the Planning Commission to accept dedications of public improvements, easements, and rights-of-way upon Final Plat approval.

(7) Effect of approval

- a. Approval of a Final Plat confirms compliance with this Code and authorizes recordation of the plat once all conditions of approval have been satisfied and required public improvements have been constructed or guaranteed in accordance with this Code.
- b. Approval of a Final Plat does not authorize grading, construction, sale, transfer, or conveyance of any lot until the plat is recorded.
- c. Approval of a Final Plat by the Planning Commission does not constitute acceptance of public improvements, easements, or rights of way. Acceptance occurs only in accordance with [Sec. 50-724. Public improvement and dedication](#).
- d. All conditions of approval and all required guarantees remain in effect after Final Plat approval and continue to apply until released or satisfied in accordance with this Code.
- e. Final Plat approval does not create a vested right to develop property except as expressly provided by state law.
- f. If a Final Plat is not recorded within the time required by [subsection \(8\) Recording](#), the approval is void and a new application is required.

(8) Recording

- a. No Final Plat may be recorded until:
 1. All required public improvements have been constructed and accepted, or a financial guarantee has been approved by the Director; and
 2. All conditions of approval have been satisfied.
- b. All plats must be recorded with the County within 30 days of approval or it is deemed abandoned.

(f) Concurrent Review of Subdivision and Development Applications

- (1) *Purpose and intent.* The purpose of this subsection is to allow coordinated review of subdivision and development applications where efficiency can be achieved without altering required approval sequencing, infrastructure obligations, or construction authorization thresholds.

- (2) *Applicability.* Concurrent review may be requested when a Preliminary Plat includes lots or tracts that may require Large-Scale Development or Small-Scale Development application(s).
- (3) Review procedure
 - a. The Preliminary Plat and associated development application may be reviewed concurrently by staff, the Technical Advisory Committee, and the Planning Commission.
 - b. Each application shall be evaluated against its respective approval criteria and standards.
 - c. Conditions of approval may be coordinated across applications to ensure consistency.
- (4) Effect of approval
 - a. Approval of a Preliminary Plat and a development application under concurrent review does not, by itself, authorize construction of site-specific development regulated under a Large-Scale or Small-Scale Development approval.
 - b. The Preliminary Plat may proceed to Pre-construction in accordance with [Sec. 50-715 Preconstruction Review](#) and upon approval begin construction of subdivision improvements authorized by the approved Preliminary Plat, including streets, utilities, and other public improvements, subject to compliance with [Sec. 50-724 Public improvement and dedications](#) and issuance of required permits.
 - c. Pre-construction conferences, approval of construction documents, or commencement of site-specific development work under an approved Large-Scale or Small-Scale Development shall not occur until:
 - i. The Final Plat is recorded; and
 - ii. Required public improvements serving the platted lots are installed, accepted, or secured in accordance with [Sec. 50-724 Public improvement and dedications](#).
 - d. Development approvals granted under this subsection shall not expire while the subdivision approval remains valid. Upon recordation of the Final Plat, the Large-Scale Development approval period shall commence in accordance with [Sec. 50-723](#).
- (5) The Director may require applications to be processed separately if the scale, infrastructure complexity, phasing, or coordination needs of the project warrant independent review.

(g) Violations

- (1) It is a violation of this Code for any person to subdivide land or adjust legal lot boundaries without first obtaining subdivision approval under this section.

SEC. 50-708. CAMPUS DEVELOPMENT PLAN REVIEW

(a) Purpose and relationship to other approvals

- (1) A Campus Development Plan is an optional, framework-level entitlement that may be used in conjunction with a Large-Scale Development, a Preliminary Plat, or both, to allow the use of alternative development standards authorized by [Sec. 50-507, Campus Development Standards](#).
- (2) A Campus Development Plan may be submitted:
 - (3) a. Concurrently with a Large-Scale Development application or Preliminary Plat; or
 - (4) b. Prior to submission of a Large-Scale Development application or Preliminary Plat.
- (5) Approval of a Campus Development Plan does not, by itself, authorize subdivision, permitting, or construction, and does not replace any other approvals required by this Code.

(b) Pre-application review

- (1) Pre-application review is required prior to submittal and shall be conducted in accordance with

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[Sec. 50-714 Pre-Application Review](#), including coordinated technical review by the Technical Advisory Committee (TAC).

- (2) Pre-application review shall confirm eligibility under [Sec. 50-507 Campus Development Standards](#), and identify any additional information required for plan review.
- (3) Completion of pre-application.

(c) Plan submittal

- (1) A Campus Development Plan application and plan shall be submitted in accordance with [Sec. 50-722 Application Requirements](#), plans that include the materials identified in [Table 7.4 Plan Requirements](#) and any other requirements in the city's published Minimum Submittal Requirements.
 - a. The applicant must submit an eligibility and intent packet that includes the following:
 1. A letter of intent describing the proposed campus concept and purpose;
 2. A legal description or boundary survey of the campus area;
 3. Documentation of property ownership for all parcels within the proposed campus;
 4. A statement of unified control that demonstrates coordinated management of the campus through a binding agreement, ownership entity, or other enforceable mechanism responsible for maintaining shared infrastructure and ensuring compliance with this Code; and
 5. A conceptual diagram showing general land uses, circulation routes, and primary access points.
- (2) At a minimum, the plan must show the following demonstrate it meets the review criteria in [subsection \(f\) Review criteria](#).

(c) Plan Review

- (1) The TAC will review complete final plat applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (f) Review criteria.
- (2) TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of their review and approval.
- (3) TAC review does not constitute approval of a large-scale development plan.

(b) Planning Commission Action

- (1) The Planning Commission will vote by a simple majority of the quorum present to approve, approve with conditions, or deny the application based on the criteria in subsection (f) [Review criteria](#).

(c) Review criteria

- (1) No campus development plan may be approved unless the TAC finds that:
 - a. Internal circulation is adequate for all modes of travel and connects logically to the surrounding street network;
 - b. Shared open space is provided and framed by building placement in a manner consistent with the purpose of [Sec. 50-602 \(e\) Civic space standards](#);
 - c. Phasing is coordinated and supported by the timely extension of infrastructure;
 - d. The proposal meets the intent of [Sec. 50-507. Campus development standards](#) and is

consistent with the Future Land Use Plan.

(d) Administrative Adjustments and Waivers

- (1) Applicants may request Administrative Adjustments and Waivers in accordance with [Sec. 50-716. Administrative adjustments and waivers](#) and [Table 7.2 Administrative Adjustment Criteria](#).

(e) Effect of approval

- (1) Approval of a Campus Development Plan authorizes the use of alternative development standards in Sec. 50-507, Campus Development Standards, subject to compliance with the approved campus framework and phasing plan.
- (2) Approval does not authorize subdivision, permitting, or construction except as allowed by subsequent approvals under this Code.
- (3) Approval of a Campus Development Plan establishes the governing framework for subsequent Large-Scale Development, subdivision, and site plan approvals within the campus area.
- (4) Approval is subject to the duration, expiration, and amendment provisions of [Sec. 50-723 Duration, expiration, and amendment of approval plans](#).
- (5) Approval of a campus development plan authorizes the use of alternative development standards in [Sec. 50-507. Campus development standards](#) and remains valid so long as development proceeds in accordance with the approved phasing plan.

(f) Authorization to apply for preliminary plat review

- (1) Preliminary Plat review under [Sec. 50-707. Major subdivision review](#) may not begin until the campus development plan is approved, unless the TAC authorizes early submittal at its meeting.

(g) Appeal

- (1) Any person aggrieved by the final action on for a Campus Development Plan may file an appeal in accordance with [Sec. 50-718 Appeals](#).

SEC. 50-709. ZONING MAP AMENDMENTS

(a) Applicability

- (1) A zoning map amendment application may be filed by:
 - a. A property owner or authorized representative;
 - b. The Planning Commission; or
 - c. The City Council.

(b) Relationship with future land use map

- (1) The Future Land Use Map identifies adopted place types across the city.
- (2) Zoning map amendments must conform to [Table 2.1 Place Type Correlation with Zoning Districts](#), which classifies proposed zoning districts as Standard Review (SR), Enhanced Review (ER) or Nonconforming in Sec. 50-203 Place Types and Zoning.
- (3) These classifications determine the level of review in subsection (e) Review criteria.

(c) Acceptance and processing by Director

- (1) If a proposed zoning district is not identified in [Table 2.1 Place Type Correlation with Zoning Districts](#) for the relevant place type, the application will not be processed.

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- (2) The Future Land Use Map must be amended before a zoning map amendment may proceed for such districts.
- (3) The Director will review the Future Land Use Map annually to identify areas that may require amendment.
- (4) Property owners whose applications were set aside due to a Future Land Use Map conflict may appear at the annual public hearing to request a Future Land Use Map amendment.
- (5) Notice of the annual hearing must be provided in accordance with [Sec. 50-717. Application procedures](#).

(d) Public hearing

- (1) The Planning Commission must hold a public hearing before making a recommendation.
- (2) The City Council must hold a public hearing before taking final action.
- (3) Notice must be provided in accordance with [Sec. 50-720 Public Hearings](#).

(e) Review criteria

- (1) Standard Review Criteria (SR). For districts labeled “SR” in [Table 2.1 Place Type Correlation with Zoning Districts](#), the proposed district must:
 - a. In the case of Transect Districts:
 1. Establish an orderly transition of intensity from the center to the edge of the place type; and
 2. Be within one transect degree of the zoning of adjacent properties, except where:
 - i. Significant natural barriers separate properties;
 - ii. A street classified as an arterial separates the sites; or
 - iii. The subject property is less than 600 feet deep, abuts an arterial, and is proposed for T5.1 or T5.2.
 - b. In the case of Special Purpose Districts:
 1. Be supported by adequate infrastructure; and
 2. Demonstrate that the current zoning is unlikely to result in appropriate development.
 - c. If the request applies to a site larger than 40 acres, the proposed zoning mix must comply with [Table 3.5 Zoning Mix for Subdivisions over 40 Acres](#).
- (2) Enhanced Review Criteria (ER). For districts labeled “ER” in [Table 2.1 Place Type Correlation with Zoning Districts](#), the proposed district must:
 - a. Meet the review criteria in [Sec. 50-709 \(e\) \(1\) Standard Review Criteria](#); and
 - b. Review must consider the following, in total, to determine the appropriateness of the requested zoning district:
 1. Utility capacity. The proposed zone will not result in exceeding existing or planned utility capacity for the place type.
 2. Edge condition. The property lies on a place type boundary and the requested district matches a district applied on either side of that boundary.
 3. Mobility capacity. The property is within one quarter mile of transit, a four-lane road, or a shared use trail, and additional travel demand can be served by existing infrastructure.
 4. Jobs proximity. The property is within one mile of a job center that supports alternatives to

driving.

5. Future context. The property is adjacent to vacant land and the requested district sets a clear pattern for compatible future development.
6. Development context. The request is consistent with the surrounding development pattern.
7. Policy alignment. The request advances the goals of the Comprehensive Plan.

(f) Planning Commission action

- (1) When reviewing a zoning map amendment, the Commission may:
 - a. Recommend approval by simple majority of the quorum present;
 - b. Recommend denial by simple majority;
 - c. Table for up to 60 days for additional information; or
 - d. Dismiss at the request of the applicant.

(g) City Council action

- (1) When considering a zoning map amendment:
 - a. The Council may adopt the Planning Commission's recommendation by simple majority; or
 - b. The Council may overturn the Planning Commission's recommendation only by a two-thirds vote of the quorum present.

SEC. 50-710. BENTONVILLE COMMUNITY CODE AMENDMENTS

(a) Applicability

- (1) An application to amend this Code may be submitted by:
 - a. The Director;
 - b. The Planning Commission; or
 - c. The City Council.

(b) Review criteria

- (1) In reviewing and deciding on a proposed amendment, the Planning Commission and City Council must consider whether:
 - a. The proposed amendment corrects an error or inconsistency or responds to a changing condition;
 - b. The proposed amendment is consistent with the Future Land Use Plan and the stated purpose of this Code; and
 - c. The proposed amendment serves the public interest and promotes good planning and development practices.

(c) Public hearing

- (1) A public hearing must be held by the Planning Commission before any recommendation is forwarded to the City Council.
- (2) Notice of the hearing must be provided in accordance with [Sec. 50-7120 Public hearing notice](#).
- (3) Courtesy notice may be provided by the Director, as described in [Sec. 50-719. Review process and procedures](#).

(d) Planning Commission action

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- (1) Following a public hearing, the Planning Commission may, by simple majority of the quorum present:
 - a. Recommend approval;
 - b. Recommend approval with modifications;
 - c. Recommend denial;
 - d. Table the proposed amendment to a date certain for additional information; or
 - e. Dismiss the application at the request of the applicant.
- (2) When the Planning Commission is the applicant, a vote to deny may be entered directly. When the City Council is the applicant, the Commission must transmit a recommendation.

(e) City Council action

- (1) Recommendations for Approval
 - a. If the Planning Commission recommends approval or approval with modifications, the City Council must consider the amendment as part of its regular agenda.
 - b. A simple majority vote of the quorum present is required to adopt the amendment.
 - c. The Council may table the amendment for additional consideration.
- (2) Recommendations for Denial
 - a. If the Planning Commission recommends denial of an amendment initiated by the City Council, the Council may:
 1. Dismiss or deny the amendment by simple majority vote; or
 2. Table the amendment by two-thirds vote of the quorum present and direct the City Clerk to provide new public hearing notice per [Sec. 50-720 Public hearing notice](#).
- (3) Final Adoption
 - a. Following public hearing and deliberation, the Council may:
 1. Adopt the recommendation of the Planning Commission by simple majority; or
 2. Approve an alternate action by a three-fourths vote of the quorum present.

SEC. 50-711. FUTURE LAND USE PLAN AMENDMENTS**(a) Applicability**

- (1) An review of the Future Land Use Plan may be:
 - a. Initiated by the Planning Director; or
 - b. Initiated by the Planning Commission.

(b) Periodic review

- (1) The Planning Commission must review the Future Land Use Plan periodically to ensure continued alignment with public needs and planning objectives.
- (2) Following review, the Planning Commission may recommend amendments to the City Council.

(c) Review criteria

- (1) In considering an amendment to the Future Land Use Plan, the Planning Commission must

consider whether the amendment:

- a. Promotes fiscal and environmental sustainability;
- b. Responds to changing conditions or needs; and
- c. Advances the public health, safety, and welfare.

(d) Planning Commission action

- (1) The Planning Commission must hold a public hearing in accordance with [Sec. 50-720. Public hearing notice](#).
- (2) After the hearing, the Planning Commission may vote by simple majority of the quorum present to:
 - a. Certify the proposed amendment as stated policy;
 - b. Certify the proposed amendment with revisions; or
 - c. Deny the proposed amendment.

(e) City Council action

- (1) The City Council must consider the Planning Commission's certified action and may:
 - a. Adopt the proposed amendment by simple majority of the quorum present; or
 - b. Reject the Planning Commission's certification by a two-thirds vote of the quorum present.
- (2) If the City Council does not act within 90 days of the Planning Commission's certification, the amendment becomes final as stated policy.

SEC. 50-712. ANNEXATIONS

(a) Applicability

- (1) This section applies to voluntary annexation petitions filed under state law, including Arkansas Code § 14-40-609 and § 14-40-601 et seq.

(b) Pre-application coordination

- (1) Applicants must meet with Planning, Engineering, and Utilities staff to review service availability, zoning options, and infrastructure needs.
- (2) A conceptual zoning plan and infrastructure map may be requested prior to submittal.

(c) Review criteria

- (1) Annexation applications are reviewed based on the following criteria:
 - a. Whether the proposed annexation aligns with the Future Land Use Plan and growth policies;
 - b. Whether the property is contiguous to the existing city limits and capable of being served efficiently;
 - c. Whether existing or planned infrastructure can support the annexation without creating capacity or access issues;
 - d. Whether utility extensions or improvements are feasible and coordinated with master plans;
 - e. Whether transportation connections can be extended or improved to maintain continuity; and
 - f. Whether the annexation would unreasonably burden city services or staff capacity.

(d) Technical Advisory Committee

- (1) The Technical Advisory Committee will review the application for completeness and provide findings related to:

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- a. Public service provision;
- b. Utility capacity;
- c. Street network connectivity; and
- d. Service delivery timing.

(e) Planning Commission consideration and action

- (1) Following a public hearing, the Planning Commission may, by simple majority of the quorum present:
 - a. Recommend approval;
 - b. Recommend approval with conditions related to zoning, infrastructure improvements, or service agreements;
 - c. Recommend denial;
 - d. Table the application to a date certain for additional information; or
 - e. Dismiss the application at the request of the applicant.

(f) City Council consideration and action

- (1) When considering an annexation:
 - a. The Council may adopt the Planning Commission's recommendation by simple majority;
 - b. The Council may impose conditions to ensure service delivery, require a separate service or infrastructure agreement, or modify the proposed zoning assignment; or
 - c. The Council may overturn the Planning Commission's recommendation only by a two-thirds vote of the quorum present.

(g) Future land use and zoning

- (1) Future land use may be assigned through the same ordinance, if not already assigned.
- (2) Zoning may be assigned through the same ordinance or in a separate zoning map amendment.
- (3) If zoning is not assigned and is undeveloped, it will be assigned T2.1 upon annexation.
- (4) If zoning is assigned separately, it must be initiated concurrently and follow the rezoning process in [Sec. 50-709. Zoning map amendments](#).

SEC. 50-713. VACATIONS**(a) Applicability**

- (1) This section applies whenever an easement, street, alley, or public right-of-way, or any portion thereof, is proposed for vacation or release from public use within the corporate boundaries of the City.
- (2) The City of Bentonville retains exclusive control over its public rights-of-way and may vacate or abandon them only by ordinance.
- (3) No vacation or abandonment is valid unless:
 - a. A recommendation is provided by the Planning Commission; and
 - b. An ordinance is adopted by the City Council.
 - c. When a vacation alters property boundaries or changes the configuration of platted lots, the applicant submits a Property Line Adjustment (PLA) application consistent with [Sec. 50-304. Minor subdivisions](#).

(b) Authority to file

- (1) An application for right-of-way vacation may be filed by:
 - a. The owner of property abutting the right-of-way to be vacated;
 - b. The Planning Director on behalf of the City; or
 - c. The Planning Commission.

(c) Adjacent owner consent

- (1) If the applicant is a private property owner, written consent from at least 75% of the owners of properties abutting the right-of-way must be submitted with the application.
- (2) The Planning Director may require additional documentation, such as title or survey data, to verify ownership or easement boundaries.

(d) Review criteria

- (1) In reviewing a proposed vacation, the Planning Director, Planning Commission, and City Council must consider whether:
 - a. All adjacent properties retain legal and physical access to a public street;
 - b. The vacation does not create a block or street pattern in violation of [Sec. 50-502. Land development](#) or [Sec. 50-511. Natural resource protection](#);
 - c. The vacation does not create or extend a dead-end street or alley without a turnaround meeting City standards;
 - d. The right-of-way proposed for vacation is not designated for future improvement on the [Master Street Plan](#); and
 - e. No public infrastructure or utility easement may be vacated or disrupted unless:
 1. The infrastructure or utility line has been abandoned and is no longer in service; or
 2. An alternative alignment or facility is already constructed or secured by easement; and
 3. All affected providers confirm in writing that the vacation will not reduce service reliability, access for maintenance, or system capacity.

(e) Planning Commission action

- (1) The Planning Commission must hold a public hearing in accordance with [Sec. 50-720 Public hearing notice](#).
- (2) After the hearing, the Commission must by simple majority of the quorum present:
 - a. Recommend approval of the proposed vacation;
 - b. Recommend denial;
 - c. Postpone the application to a date certain; or
 - d. Dismiss the application at the request of the applicant.

(f) City Council action

- (1) The City Council must consider the recommendation of the Planning Commission and, by ordinance, either:
 - a. Approve the vacation; or
 - b. Deny the vacation.
- (2) If the Council fails to act within 90 days of the Commission's recommendation, the application is deemed denied.
- (3) The City may condition approval on the reservation of easements or infrastructure access.

Sec. 50-714 PRE-APPLICATION REVIEW**(a) Purpose and intent**

- (1) The purpose of pre-application review is to provide applicants with early, informal guidance regarding applicable plans, policies, and regulations prior to formal application submittal.
- (2) Pre-application review is intended to:
 - a. Identify known site constraints and regulatory issues early in the process;
 - b. Reduce unnecessary costs, redesign, and delays; and
 - c. Clarify the applicable development review process and approval path.
- (3) Pre-application review occurs prior to entitlement review and does not include review of construction-ready drawings.

(b) Types of pre-application review

Pre-application review may include one or more of the following meetings, as applicable:

(1) Conceptual Meeting

- a. The conceptual meeting is the initial step in the development review process.
- b. The applicant may present a preliminary development concept.
- c. Planning staff will:
 1. discuss general zoning and land use considerations;
 2. summarize the applicable development review processes; and
 3. identify required next steps in the pre-application process.

(2) Technical Feasibility Conference

- a. *Purpose.* The purpose of the Technical Feasibility Conference is to identify known technical constraints, infrastructure considerations, and required interdepartmental coordination prior to preparation of detailed plans or formal application materials. The conference is intended to reduce avoidable delays, conflicts, and redesign during subsequent pre-application, entitlement, and construction review stages.
- b. *Applicability.* A Technical Feasibility Conference may be required when the Director determines that a proposed development involves one or more of the following conditions:
 1. Infill development where existing infrastructure, access, or surrounding development may materially affect feasibility or constructability;
 2. Placement or relocation of electric, water, sewer, or other utilities within an alley or other non-street right-of-way; or
 3. Other site, infrastructure, or operational conditions that, in the Director's judgment, require early interdepartmental technical coordination to identify constraints, applicable standards, or required sequencing.
- c. *Timing and sequencing.*
 1. A Technical Feasibility Conference occurs after a Conceptual Meeting, if required, and prior to a Pre-Application Conference.
 2. Completion of a required Technical Feasibility Conference is a prerequisite to scheduling a Pre-Application Conference.

3. The conference does not constitute an application, approval, denial, or vested right.

d. Procedure

1. The Technical Feasibility Conference is conducted by the Technical Advisory Committee (TAC) and coordinated by the Director.
2. Discussion is limited to applicable technical standards, known infrastructure constraints, utility placement and access considerations, and required interdepartmental coordination.
3. The Director shall identify and request participation from the City departments, utilities, or agencies necessary to address the subject matter of the proposed development.

e. Effect

1. Outcomes of the Technical Feasibility Conference shall be documented and may inform subsequent staff guidance and review.
2. Guidance provided during the conference is advisory and does not bind the City to a future decision or approval.

(3) Pre-Application Conference

- a. A pre-application conference is required for development types as assigned in this Article.
- b. The pre-application conference is conducted as a Technical Advisory Committee (TAC) meeting and provides coordinated, multi-departmental review.
- c. Discussion typically includes zoning and land use, utilities, street and access requirements, drainage and stormwater considerations, and other site-specific or policy issues relevant to the proposed development.

(c) Sequencing of pre-application review

- (1) Pre-application review shall generally occur in the following order, as applicable:
 - a. Conceptual Meeting;
 - b. Technical Feasibility Conference, where required; and
 - c. Pre-Application Conference.
- (2) Completion of required pre-application review shall occur prior to formal application submittal.

(d) Procedures

- (1) Pre-application meetings shall be scheduled and conducted in accordance with published city policies, procedures and published schedules.
- (2) No fees shall be charged for pre-application review unless otherwise adopted by the City Council.

(e) Effect of pre-application review

- (1) Pre-application review is advisory and non-binding.
- (2) Discussion or feedback provided during pre-application review shall not be construed as approval, denial, or endorsement of any subsequent application.
- (3) Participation in pre-application review does not:
 - a. Guarantee application completeness;
 - b. Establish vested rights; or
 - c. Limit the City's authority to apply adopted regulations at the time of application review.

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SEC. 50-715. PRECONSTRUCTION REVIEW

(a) Applicability

- (1) Preconstruction review applies to approved Small Scale Development, Large Scale Development, and Preliminary Plat applications when construction plans are required prior to site work, grading, or construction.

(b) Authorization to submit construction plans

- (1) Following approval of a Small Scale Development under [Sec. 50-704 Small-scale development review](#), a Large Scale Development under [Sec. 50-705 Large-scale development review](#), or a Preliminary Plat under [Sec. 50 706 Subdivision review](#), the applicant may submit construction plans for City review when required by this Code.

(c) Construction plan submittal

- (1) Construction plans, when required, must be submitted in accordance with Table 7.4 Application requirements and the Director's published submittal checklist.
- (2) An applicable development approval is required prior to construction plan submittal unless the Director determines that construction plans are not required for the proposed work.

(d) Projects not requiring construction plans

- (1) When construction plans are not required, the applicant may proceed directly to applicable permits following development approval, subject to compliance with this Code and all other applicable permits, approvals, and inspections.

(e) Review process

- (1) Preconstruction review is an administrative review conducted by City staff to resolve outstanding technical comments, coordinate utility service design, and align approved development plans with construction level documents prior to the start of site work.

(f) Preconstruction conference

- (1) A Preconstruction Conference is required prior to commencement of grading, site work, or construction unless waived by the Director.
- (2) The Preconstruction Conference may be scheduled only after all of the following have occurred:
 - a. All City departmental review comments have been addressed to the satisfaction of the reviewing departments;
 - b. Building Inspections and the Fire Department have provided preliminary acceptance of architectural plans, when applicable;
 - c. All required outside agency approvals have been submitted; and
 - d. All required fees, fees in lieu, and performance guarantees have been paid.

(g) Effect of preconstruction review

- (1) At the conclusion of the Preconstruction Conference, City staff may stamp construction plans and identify required permits, inspections, and conditions applicable to construction.
- (2) Authorization to proceed is limited to permits issued and does not waive compliance with this Code or other applicable regulations.

(h) Phase-specific pre-construction review

- (1) Where a development is approved with an adopted phasing plan, construction plans shall be submitted, reviewed, and approved on a phase-by-phase basis unless the applicant elects, at their option, to submit a consolidated construction plan set covering multiple phases.
- (2) Each phase submitted for construction shall be assigned a separate project number and shall

include all construction documents necessary to fully construct that phase in accordance with the approved development framework and phasing plan.

- (3) Where a consolidated construction plan set is approved, construction activity shall remain limited to the phase or phases authorized to proceed, and inspection and enforcement shall be based on the approved phase boundaries.
- (4) Construction of any phase shall be limited to the plans approved for that phase.

SEC. 50-716. ADMINISTRATIVE ADJUSTMENTS AND WAIVERS

(a) Purpose

- (1) The purpose is to provide a clear and consistent process for limited modifications to the standards of this Code where strict application would create unintended hardship or prevent reasonable design solutions.
- (2) This section distinguishes between:
 - a. Administrative adjustments, reviewed and decided by technical staff; and
 - b. Planning Commission waivers, reviewed and decided by the Planning Commission.
- (3) Neither administrative adjustments nor waivers change the allowed uses of land or the required process for development review.

(b) Intent

- (1) To allow flexibility where strict application of a standard would produce outcomes that conflict with the goals of this Code.
- (2) This section is intended to:
 - a. Address physical or regulatory site constraints;
 - b. Accommodate established engineering or design practices;
 - c. Preserve natural features or existing infrastructure;
 - d. Support coordinated streetscape or utility design; and
 - e. Maintain consistency with the Future Land Use Plan and the purpose of the zoning district.
- (3) This section is not intended to permit exceptions based on personal preference, project cost, or routine design choices.

(c) Applicability

- (1) Administrative adjustments may only be requested for the standards listed in [Table 7.2 Administrative Adjustment Criteria](#).
- (2) Planning Commission waivers may only be requested for standards specifically identified in Art. 50-5 Design Standards or Art. 50-7 Streets, Trails and Utilities as eligible for a “waiver” or “Planning Commission waiver.”
- (3) Neither process will:
 - a. Change the list of allowed or restricted uses;
 - b. Modify or waive procedural requirements, including application types, notice, or hearing procedures;
 - c. Authorize any type of development otherwise not allowed by this Code; or
 - d. Override conditions of approval from a previous rezoning, variance, or development agreement.

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- (4) An administrative adjustment is not required if the proposed development complies with all applicable standards.
- (5) Where both an administrative adjustment and a waiver could apply, the Director determines which process is appropriate based on the scale of deviation and the approving authority for the underlying application.

(d) Administrative adjustments**(1) Approval criteria and findings**

- a. The adjustment is the minimum modification necessary to accommodate a physical constraint or to achieve a coordinated design outcome.
 1. The adjustment is consistent with the intent of the applicable standard and the purpose of the zoning district.
 2. The adjustment does not create adverse impacts on surrounding properties, infrastructure, or the public realm.
 3. The adjustment does not reduce pedestrian access, frontage conditions, or emergency access, unless expressly allowed by [Table 7.2](#).
 4. The adjustment complies with all numeric limits and conditions in [Table 7.2](#).
 5. The adjustment will not adversely affect public health, safety, or welfare, or such impacts have been mitigated.
 6. The request demonstrates compliance with all criteria in this subsection and all limits and conditions in [Table 7.2](#).
- b. The review authority may require documentation or technical studies to demonstrate compliance with these criteria.

(2) Authority and procedure

- a. The Director, the Technical Advisory Committee, or another official listed in [Table 7.2](#) serves as the review authority.
 1. Requests are reviewed concurrently with the underlying development application.
 2. Decisions are final unless appealed under [Sec. 50-718. Appeals and interpretations](#).

(3) Effect of approval

- a. An approved adjustment remains valid only for the duration of the underlying approval under [Sec. 50-723. Duration, expiration and amendment of plan approvals](#).
- b. Expiration of the underlying approval voids any associated adjustment.

(e) Planning Commission waivers**(1) Applicability**

- a. Waivers apply only where this Code or the Bentonville Municipal Code expressly authorizes a waiver or a Planning Commission waiver;
 1. Financial hardship alone is not grounds for a waiver.

(2) Approval criteria

- a. Strict application of the standard would create undue hardship or practical difficulty not caused by the applicant;
 1. The waiver is consistent with the intent of the applicable section and the overall purpose

of this Code;

2. The waiver does not reduce public safety, access, or environmental protection;
3. Any impacts are fully mitigated through design, conditions, or equivalent improvements.

(3) Procedure

- a. Requests must be submitted in writing and are reviewed concurrently with any related development application;
 1. The Planning Commission may approve, approve with conditions, or deny the waiver at a public meeting;
 2. Approval applies only to the specific property and standard requested and does not establish precedent;
 3. Decisions follow the appeal process for Planning Commission actions in [Sec. 50-716](#).

(4) Effect of approval

- a. A granted waiver remains valid for the duration of the underlying approval under [Sec. 50-720](#);
 1. Expiration of the underlying approval voids any associated waiver.

TABLE 7.2 ADMINISTRATIVE ADJUSTMENT CRITERIA

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-303(f) (6)	Future block exemption	Full exemption	Planning Director	Allowed where the site is too narrow for two compliant streets, or all neighboring sites are developed, or streets or trails on abutting sites cannot be extended through site. Also allowed if the site has an existing street along only one boundary and is less than 200 ft. wide along that street
Sec. 50-406(c) (1)d	Height of architectural features	Up to 1 story increase	Planning Director	Allowed only for decorative or non-habitable elements like steeples or clock towers
Sec. 50-406(c) (3)g	Front setback for institutional use	Up to 100% increase	Planning Director	Allowed only to permit a civic entry and gathering area.
Table 4.1	Front or side street setback	10%	Planning Director	Allowed only where alignment with existing block frontage is maintained
Table 4.1	Side setback	10%	Planning Director	Allowed where shared access or fire-rated buildings support narrower spacing
Table 4.1	Rear setback	10%	Planning Director	Allowed only when abutting alleys, civic space, or utility corridors
Table 4.1	Lot width	10%	Planning Director	Allowed only where irregular shape, easements, or civic frontage limit buildable width
Table 4.1	Lot coverage	10%	Planning Director	Allow if lot is unusually shaped or access is restricted
Table 4.1	Building footprint	10%	Planning Director	Allowed only for buildings with public entries on two or more façades or structured parking

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Table 4.1	Parking setback	20%	Planning Director	Allowed if garage is internalized and 12 feet wide or less
Sec. 50-502(b)(3)	Block size	100%	TAC	Allowed if an existing building exceeds the maximum block size. Allowed if site is zoned T2, LI, or LFI. Allowed for topography, rail, limited access road, or highway adjacency, floodway adjacency, slopes over 20%, or lack of connections to adjacent parcels.
Sec. 50-502(c)(6)	Culs-de-sac layout	50% lot width reduction	TAC	Allowed topography prevents wider lots

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TABLE 7.2 ADMINISTRATIVE ADJUSTMENT CRITERIA

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-502(c)(2)k	Offset intersections	Elimination	Transportation Director	Not allowed if determined to disrupt traffic flow or pose a safety risk
Sec. 50-502(e)(1)	Civic space area minimum	Reduce or eliminate	Planning Director	Allowed if site is within 1/2 mile of a public park
Sec. 50-503(c)(4)	Pedestrian network	Full block sidewalk	TAC	May be required if project exceeds 30% of the block length
Sec. 50-503(e)(5)	Walkway materials	Substitution	Planning Director	Allowed in LI or LFI or where ADA-compliant gravel/pervious materials are used
Sec. 50-503(g)(1)	Bicycle parking minimum	Full exemption	Planning Director	Allowed only for uses unlikely to generate bicycle traffic
Sec. 50-503(g)(2)e	Entertainment and institutional bicycle parking location	Alternative	Planning Director	Allowed alternate location if it supports secure and sheltered storage for the duration and frequency of events.
Sec. 50-503(h)(2)	Driveway distance from intersections	Down to 25'	TAC	Only where lot width or arterial frontage prevents compliance
Sec. 50-503(h)(2)	Driveway maximum number	No fixed limit	Transportation Director	Requires a traffic study that demonstrates separate ingress and egress are necessary
Sec. 50-503(h)(3)	Curb cut radius	Up to 100% increase	Transportation Director	Requires turning templates for large design vehicles
Sec. 50-503(h)(4)	Driveway width	Up to 20% wider	Transportation Director	Requires a traffic study that demonstrates the need to accommodate high traffic volumes or large design vehicles
Sec. 50-503(h)(7)	Car parking reductions	25%	Planning Director	Allowed if existing heritage or specimen trees, as specified in Sec. 50-509. Tree preservation , are preserved; or allowed if a parking study or management plan, prepared by a qualified professional using industry-accepted methods, demonstrates that the proposed use has a lower parking demand than the requirements in this Code.
Table 5.16	Parking minimum	Up to 25% reduction	Planning Director	Requires documented parking study or location in walkable area
Sec. 50-503(h)(7)	Parking reduction	Up to 25% reduction	Planning Director	Only if preserving specimen or heritage trees

TABLE 7.2 ADMINISTRATIVE ADJUSTMENT CRITERIA

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-508(c)(5)	Sign standards	10%	Planning Director	Only if consistent with the intent of this Code, do not increase the number or type of signs allowed, and do not result in incompatibility with adjacent development.
Sec. 50-510(b)(2)	Landscape standards	Full exemption	Planning Director	Allowed for small-scale applications if the area of disturbance is less than 25% of the total site area; or if existing landscaping meets at least 75% of the required plant quantity; or required planting is not physically feasible due to existing buildings, utilities, or drainage facilities.
Sec. 50-510(e)(1)	Fence setback	Two feet	TAC	Allowed if no existing or planned utility corridor exists.
Sec. 50-602(c)(2)	Street design	Alternative	TAC	Must be necessary to provide sufficient traffic capacity; result in better safety performance following professional standards; accommodate a physical constraint; or reflect an established best practice that achieves equal or better transportation, safety, and design outcomes.
Sec. 50-602(e)(1)c	Travel lane clear width	Full exemption	Fire Marshall and Transportation Director	Must provide sufficient access for emergency services; and increase roadway safety.
Sec. 50-602(9)(1)d	Street furnishing quantity and placement	No fixed limit	Planning Director	Only if one of the following conditions are met: • The site includes a civic space that incorporates equivalent furnishings; • The site is constrained by existing grade or permanent improvements; or • The alternative design provides equal or greater pedestrian comfort and public benefit
Sec. 50-602(j)(5)	Lighting materials or technology	Substitution	Transportation Director	Only if standard materials are unavailable
Sec. 50-602(m)(1)a	Alley ROW width	Minimum 20 feet	Fire Marshall and Transportation Director	Only if emergency access, fire service, and solid waste service are not limited by the narrower width.
Sec. 50-602(m)(1)b	Alley pavement width	Reduction to 12 feet	Fire Marshall and Transportation Director	Only if emergency access, fire service, solid waste service, and property access are not limited by the narrower width.

TABLE 7.2 ADMINISTRATIVE ADJUSTMENT CRITERIA

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-602(m) (1)e	Alley drainage	Crown section and LID features permitted	Transportation Director	Only if the change maintains compliance with stormwater requirements; or improves current stormwater capacity
Sec. 50-604(a) (2)c	Pervious materials	Alternative material	Transportation Director	Only if the material complies with ADA standards and can support service vehicles requiring access.
Sec. 50-605(b) (2)c	Utility location	Alternative placement	BEUD Director and DWUD Director	Only if alternative placement provides sufficient access for the proposed use and servicing

SEC. 50-717. VARIANCES

- (1) The Board of Adjustment may grant a variance from the dimensional or development standards of this Code where compliance would result in undue hardship.
- (2) The Board of Adjustment may not grant a variance to:
 - a. Allow a use not allowed in the zoning district;
 - b. Modify or override any definition in [Article 50-9 Terminology](#);
 - c. Override conditions of approval or requirements imposed by another decision-making body; or
 - d. Modify any provision of [Sec. 50-719. Review procedures](#).
- (3) Decision-Making Criteria
 - a. The Board of Adjustment must find that:
 1. Strict application of this Code would create undue hardship due to unique physical circumstances of the property;
 2. The hardship is not self-imposed;
 3. The variance is the minimum relief necessary;
 4. No reasonable alternatives exist to avoid the need for a variance; and
 5. The variance is consistent with the purpose and intent of this Code.

(a) Board of Adjustment action

- a. Following a public hearing held in accordance with [Sec. 50-719. Review procedures](#), the Board may, by simple majority vote of the quorum present:
 1. Approve the variance;
 2. Approve the variance with conditions;
 3. Deny the variance;
 4. Table the request to a date certain; or
 5. Dismiss the application at the applicant's request.

SEC. 50-718. APPEALS**(a) Applicability**

- (1) This section governs appeals of any final administrative or quasi-judicial decision made under this Code, including interpretations by the Director, site-plan determinations, variances, and subdivision decisions.

(b) Filing

- (1) Appeals must be filed in writing with the Director within 15 business days of the date of the interpretation or decision.

(c) Procedure

- (1) Appellate bodies are specified in [Table 7.1 Approval Authority](#).
- (2) The appellate body must presume the original decision correct.
- (3) The appellant bears the burden of proof to show error.
- (4) A simple majority of the quorum present is required to uphold; a two-thirds majority is required to overturn.

(d) Judicial review

- (1) Any person aggrieved by a final decision of the Planning Commission, Board of Adjustment, or City Council may seek judicial review in Benton County Circuit Court in accordance with Ark. Code § 14-56-425.

SEC. 50-719. REVIEW PROCEDURES**(a) Filing and completeness**

- (1) The Director must publish and maintain a checklist of Minimum Submittal Requirements for each application type. The Director may revise the checklist as needed to reflect current standards.
- (2) At the time of application, the applicant must submit all materials and fees required by the checklist. Incomplete applications will not be reviewed.
- (3) The Director will conduct a completeness review within a reasonable time frame. If the application is complete and all fees are paid, the application is accepted for processing.
- (4) If the application is incomplete or fees are unpaid, the Director will notify the applicant of deficiencies. The applicant must correct the deficiencies within 30 days or the application will be considered withdrawn.

(b) Resubmittals and review priority

- (1) The Director may establish and collect resubmittal fees in accordance with the adopted fee schedule.
- (2) The Director may prioritize review of applications that are resubmitted promptly and completely in the interest of efficient review and quality development.

(c) Application routing

- (1) The Director is responsible for determining which applications are routed to TAC, Planning Commission, Board of Adjustment, or City Council.
- (2) Applications involving multiple actions may be reviewed concurrently or consecutively, as determined by the Director.

- (3) Applications may be tabled at any stage to obtain additional information or clarification.

(d) Review sequencing

- (1) Development plan, subdivision, or construction document applications may not proceed until required prior approvals have been granted, unless early review is authorized by the TAC or Director.
- (2) Where allowed by this Code, the TAC may authorize concurrent review of related applications.

(e) Project and permit sequencing

- (1) *Purpose and intent.* The purpose of this section is to establish clear sequencing requirements for land disturbance, construction plan approval, building permits, and certificates of occupancy, while allowing flexibility for different development types, including subdivided and non-subdivided development.
- (2) *Generally.* No permit authorizing site or vertical construction shall be issued unless the property is lawfully eligible under one of the following conditions:
- a. The property is part of a recorded plat approved in accordance with this Code; or
 - b. The project is subject to an approved development plan that does not create or propose multiple legal lots, unless otherwise specified in this Section.
- (3) *Land disturbance permits*
- a. *Eligibility.* A Land Disturbance Permit may be issued only after one of the following has occurred:
 1. Approval of a Small-Scale Development or Large-Scale Development;
 2. Approval of a Preliminary Plat; or
 3. Approval of a stand-alone Land Disturbance Permit.
 - b. *Scope.* Issuance of a Land Disturbance Permit authorizes only the land disturbance activities expressly approved and does not authorize vertical construction, installation of public improvements, or creation of legal lots.
 - c. *No Subdivision Inference.* Issuance of a Land Disturbance Permit does not establish a legal lot of record, authorize subdivision, or waive future platting requirements.
- (4) *Approved Construction Plans (Pre-Construction Review)*
- a. *Requirement.* Approved construction plans are required prior to installation of public improvements or civil site work beyond authorized land disturbance.
 - b. *Subdivision limitation.* Where a project includes or results in subdivision of land, construction plans shall not be approved and stamped until:
 1. A Preliminary Plat has been approved by the Planning Commission and received approval through Pre-construction review; or
 2. For development plans, concurrent review has been authorized, provided that authorization to proceed with construction is expressly conditioned on Final Plat or Minor Subdivision recordation.
- (5) *Building Permits*
- a. *General Rule.* Building permits may be issued only when one of the following applies:
 1. The structure is located on a lot created by a recorded plat; or
 2. The structure is part of an approved development plan on a single, unsubdivided site with no subdivision proposed or pending.
 - b. *Pending subdivision prohibited.* If a subdivision application is required or pending, building permits shall not be issued until the applicable plat is approved and recorded, unless expressly authorized by the Director in accordance with this Code.
- (6) *Certificate of occupancy.*

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- a. A Certificate of Occupancy shall not be issued unless:
 1. *Public improvements.* Required public improvements have been fully constructed, inspected, and accepted, unless deferred in accordance with Sec. 50-721, and
 2. *Plat status.* Any required subdivision plat has been approved and recorded.
- (7) *Director authority.*
 - a. The Director is authorized to determine:
 1. Whether subdivision is required, proposed, or pending;
 2. Whether SSD or LSD approval may substitute for plat recordation for permit issuance; and
 3. Whether proposed sequencing complies with this Article and Sec. 50-721.
 - b. Such determinations shall not be used to circumvent subdivision, public improvement, or dedication requirements.

SEC 50-720 PUBLIC HEARING NOTICE**(a) Notice required**

- (1) Notice is required for all public hearings before the Planning Commission, Board of Adjustment, or City Council and must include published, mailed, posted, and optional courtesy notice as specified below.
- (2) Notice method per hearing type is in accordance with [Table 7.3 Notification Responsibility](#).

(b) Published notice

- (1) Must be published in a newspaper of general circulation in the City of Bentonville;
- (2) Must be published at least 15 business days prior to the hearing; and
- (3) Must include the case number, applicant name, subject location, and hearing date, time, and place.

(c) Mailed notice

- (1) Must be sent to all property owners within the boundaries of the subject site and within 300 feet of the property lines;
- (2) Owner information must be based on the most recent Benton County Assessor's records;
- (3) Notice must be sent by certified mail and postmarked at least 15 business days prior to the hearing; and
- (4) Applicant is responsible for preparing and mailing notice unless otherwise authorized by the Director.

(d) Posted notice

- (1) Must be placed on the subject property at least 15 business days prior to the hearing;
- (2) Must be visible from all abutting public rights-of-way;
- (3) Signage must include project name, case number, and hearing date and time; and
- (4) The number, size, and location of signs must be approved by the Director.

(e) Proof of notice

- (1) The applicant must submit proof of mailing and an affidavit of posting before the hearing.
- (2) The Director may reject a hearing if notice requirements are not met.

(f) Responsible Party

- (1) In all zoning or land-development applications requiring a public hearing, notice responsibilities are divided as follows:
 - a. City Planning staff administer and verify notice procedures; and
 - b. Applicants bear all costs associated with those notices.
- (2) Roles and responsibilities according to type of hearing are according to [Table 7.3 Notification Responsibility](#).

TABLE 7.3 NOTIFICATION RESPONSIBILITY

HEARING TYPE	NOTICE METHOD	CITY STAFF ROLE	COST RESPONSIBILITY
Rezoning	Certified mail to property owners within 300 ft.	Review mail receipts, document compliance	Applicant pays for certified owner list and certified-mail postage/fees
	Certified mail to the School District Board of Directors	Review mail receipts, document compliance	Applicant pays for certified owner list and certified-mail postage/fees
	Newspaper advertisement in Arkansas Democrat-Gazette	Staff places ad at least 15 business days prior to hearing; approves content and timing	Applicant pays ad costs (billed via application process)
	Site-posted public hearing sign	Staff oversees sign placement not fewer than 15 business days before hearing	City provides and installs signs; Applicant pays for sign production and placement
Variance	Newspaper advertisement	Staff places ad at least 7 days before hearing, reviews format and timing	Applicant pays advertisement cost
	Site-posted hearing sign	Staff verifies and supervises installation not fewer than 7 days before hearing	Applicant provides, installs, and pays for sign production and placement

(g) Courtesy notice

- (1) Courtesy notice may be distributed by the City or applicant at their discretion.
- (2) Formats may include mailed flyers, email newsletters, or digital platforms.
- (3) Courtesy notice does not replace required notice and may not be used to cure deficiencies in required notice.

(h) Public hearings

- (1) Hearings must follow published agendas and conform to the Open Meetings Act.
- (2) A quorum must be present for the body to conduct business.
- (3) The applicant must be given an opportunity to present, and the public must be given an opportunity to comment.
- (4) The decision-making body may deliberate and vote following the hearing or table the item for further consideration.

SEC. 50-721. PERMITS**(a) General provisions**

- (1) The permits and approvals in this section apply to specific activities that may occur independently or in connection with an approved development, subdivision, or master plan.
- (2) These permits ensure that construction, site work, public right-of-way use, and other activities are performed in a safe, orderly, and legally compliant manner.
- (3) Nothing in this section replaces the requirement to obtain any primary land use approval where otherwise required by this Code.
- (4) Unless otherwise stated, all permits expire if work is not started within six months of issuance or completed within one year, unless extended by the Director.
- (5) Payment of all applicable fees are required when the application is received.

(b) Building permit

- (1) A building permit is required according to the requirements of the [Bentonville Municipal Code, Chapter 14](#) and is subject to the adopted Building Codes.

(c) Demolition permit

- (1) A demolition permit is required for:
 - a. Full or partial demolition of any building or structure.
 - b. Demolition of foundations or other structural components below grade.
 - c. Removal of accessory structures, where applicable, that may affect utilities or grading.
 - d. Demolition of structures in flood hazard areas, subject to additional standards in [Sec. 50-511. Natural resource protection](#).
- (2) General Standards
 - a. Demolition must be performed in a manner that ensures the safety of the public and neighboring properties.
 - b. All utility connections must be properly disconnected, capped, or rerouted in compliance with the adopted building code.
 1. If utilities are not properly disconnected, penalties will be assessed.
 - c. Erosion control measures must be implemented to prevent sediment runoff from the demolition site.
 - d. Trees must be protected or removed in compliance with [Sec. 50-509. Tree preservation](#) and [Sec. 50-510. Landscape, screening, and buffering](#).
 - e. Waste and debris must be disposed of at approved off-site facilities; burial of demolition debris on site is not allowed.
- (3) Applications for a demolition permit must include:
 - a. A site plan identifying all structures to be demolished;
 - b. A description of demolition methods and schedule;
 - c. Details showing how utilities will be disconnected or capped must be submitted 72 hours prior to demolition;
 - d. Erosion control measures;
 - e. Tree protection or removal plan, if trees are affected;

- f. Any additional documentation required by the City Engineer or Building Official.

(4) Approval

- a. The Director or Building Official must verify that all requirements are met before issuing a demolition permit.
- b. Where the site is within a flood hazard area, additional verification is required under [Sec. 50-511. Natural resource protection](#), the City's [Flood Damage Prevention Code](#), the [Stormwater and Drainage Manual](#), and applicable FEMA standards.

(5) Additional Requirements

- a. The site must be secured during demolition activities.
- b. Final site grading must ensure proper drainage in compliance with [Sec. 50-511. Natural resource protection](#).
- c. The property owner is responsible for all removal, site stabilization, and cleanup.

(d) Encroachment permit

- (1) An encroachment permit is required for any private use or structure that extends into or occupies the public right-of-way or a public easement.

(2) Uses and structures requiring a permit

- a. Encroachment permits apply to, but are not limited to:
 - 1. Awnings, canopies, balconies, bay windows, overhangs, marquees, signs, and similar building projections.
 - 2. Parklets, sidewalk cafés, outdoor seating, and other furnishings within the right-of-way.
 - 3. Private utilities, planters, landscaping features, fences, and other permanent or semi-permanent elements placed in a public right-of-way or easement.

(3) Application requirements

- a. All applications must include:
 - 1. A site plan or detailed drawing showing the location, dimensions, and design of the proposed encroachment;
 - 2. Documentation demonstrating that utilities, drainage facilities, or other public infrastructure will not be adversely affected;
 - 3. Proof of liability insurance naming the City as an additional insured, if the encroachment presents a liability risk; and
 - 4. An agreement to indemnify the City from claims related to the encroachment.
- b. Applications for parklets must also include:
 - 1. A completed permit form provided by the City;
 - 2. A letter of support from any adjacent property owner if the parklet extends beyond the responsible establishment's frontage;
 - 3. A detailed drawing or rendering showing seating, railings, barriers, planting, or other parklet features;
 - 4. A signed Encroachment Agreement with the City, including all terms specified in [Sec. 50-602\(l\) Use of rights-of-way](#) and related standards.

(4) General standards

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- a. All encroachments must be structurally sound, properly anchored if required, and maintained in good condition.
- b. Encroachments must not block or restrict safe pedestrian or vehicle movement.
- c. Encroachments must not block access to public utilities, fire hydrants, fire escapes, transit stops, accessible parking spaces, or other public infrastructure.
- d. A minimum clear pedestrian path of five feet must be maintained along all sidewalks at all times.
- e. Encroachments must not obstruct sight triangles or interfere with utilities, drainage, or street trees.
- f. Encroachments must comply with all applicable design standards of [Sec. 50-602. Street design](#), and any relevant state or federal visibility or safety requirements.

(5) Parklet standards

- a. A parklet may be located within the boundaries of a public street or public on-street parking space only with an approved encroachment permit.
- b. Parklets must be located according to the requirements of [Sec. 50-406\(c\)\(28\) Parklets](#).
- c. Parklets must be removed or relocated if required for utility maintenance, public works projects, or emergencies.

(6) Maintenance and operation

- a. The permit holder must maintain all encroachments in good repair and safe condition.
- b. The area surrounding the encroachment must be kept clean and free of litter, debris, or hazards.
- c. If the encroachment is removed, the right-of-way or easement must be restored to its original condition, to the satisfaction of the Transportation Director.
- d. Parklet permit holders must:
 1. Maintain the parklet in good, clean, and safe condition at all times;
 2. Keep all furniture, planters, railings, and other elements in good repair and free of hazards; and
 3. Remove snow and ice where applicable.

(7) Insurance and indemnity

- a. All permit holders must maintain liability insurance in an amount acceptable to the City and name the City as an additional insured.
- b. The permit holder must release, defend, and indemnify the City from any claims or damages arising from the installation, use, or operation of the encroachment, including parklets.

(8) Duration, renewal, and revocation

- a. An encroachment permit remains valid for the period specified in the approval or, for parklets, one year from the date of approval.
- b. Renewal
 1. The permit may be renewed annually if the permit holder remains in compliance with all requirements.
 2. Renewal applications must be submitted before the current permit expires.
- c. Revocation

1. The City may revoke an encroachment permit if the encroachment becomes unsafe, fails to comply with permit conditions, interferes with public use or maintenance, or otherwise violates this Code or any other law;
2. Upon revocation, the permit holder must remove the encroachment and restore the area to the satisfaction of the Transportation Director.
3. A decision to revoke may be appealed under [Sec. 50-716. Appeals and interpretations.](#)

(e) Fence permit

- (1) A fence permit is required prior to construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large-scale development.
- (2) Application requirements.
 - a. All applications must include:
 1. A site plan or detailed drawing showing the location and dimension of the following:
 - i. property lines;
 - ii. existing structures;
 - iii. existing or proposed pool or spas;
 - iv. existing fencing on or adjacent to the property that is to remain in place.
 - v. existing fence that will be replaced.
 - vi. new fencing.
 - b. A written description of the proposed fence height and the type of construction (i.e. wood privacy, wrought iron, brick, etc.), and any requests for administrative adjustment in accordance with Sec. 50-714 Administrative Adjustments and Waivers.
 - c. A cut sheet or photo of the fence style, labeling the side of the fence that is the finished surface.
 - (3) Standards.
 - a. Fences and walls must be installed in compliance with the fence regulations in Sec. 50-510 (e) Fences and walls and with the information shown on the approved site plan and fence permit application form.
 - b. Fences and walls must be maintained in good repair and structurally sound.

(f) Land disturbance permit

- (1) **Purpose and Intent.** The purpose of this section is to regulate land disturbance activities in order to protect public safety, drainage systems, water quality, public infrastructure, and adjacent property. This section establishes a unified permitting framework for grading, excavation, filling, stockpiling, and related earth-moving activities.
- (2) **Applicability.** A Land Disturbance Permit is required prior to commencement of any activity that:
 - a. Disturbs more than 6,000 square feet of land area;
 - b. Disturbs land within a drainage easement, stormwater facility, floodplain, or public right-of-way;
 - c. Alters, obstructs, regrades, or redirects drainage conveyance serving public infrastructure or adjacent property; or
 - d. Requires erosion or sediment control measures under the City's Stormwater Pollution

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Prevention and Erosion Control Standards ordinance or applicable state or federal permits.

(3) **Permit Types.**

- a. Land disturbance activity authorized under this section shall be issued under one or more of the following permit types, as applicable:
 1. Full Grading Permit
 2. Limited Grading Permit
 3. Floodplain Development Permit
 4. Temporary Storage or Material Stockpiling Approval
- b. Each permit type is subject to the requirements of this section unless expressly stated otherwise. Any land disturbance activity not associated with an approved development plan, preliminary plat, or large-scale development approval shall be classified as Full Grading.
- c. Limited Grading may be approved only as a discretionary exception in accordance with subsection (f).

(4) **Default Classification.**

- a. Any land disturbance activity not associated with an approved development plan, preliminary plat, or large-scale development approval shall be classified as Full Grading.
- b. Limited Grading may be approved only as a discretionary exception in accordance with subsection (f).

(5) **Floodplain Development Permit**

- a. A Floodplain Development Permit is required for any development or land disturbance activity regulated under the City's Flood Damage Prevention Code, the Stormwater Management and Drainage Manual, and applicable FEMA standards.
- b. When disturbance qualifying under subsection (b) occurs in a Special Flood Hazard Area or Base Level Engineering (BLE) area within the City, the Floodplain Development Permit shall be issued in conjunction with a Land Disturbance Permit, pending separate application and review of the permit. The Floodplain Development Permit requires a separate fee when issued in conjunction with a Land Disturbance Permit.
- c. Approval of a Floodplain Development Permit does not waive compliance with grading, erosion control, or stabilization requirements of this section.

(6) **Full Grading Permit**

- a. *Applicability.* A Full Grading Permit is required for:
 1. Stand-alone grading or earthwork not tied to an approved development plan;
 2. Land alteration exceeding the thresholds in subsection (2); or
 3. Any land disturbance not qualifying for Limited Grading.
- b. *Authorization.* A Full Grading Permit authorizes grading, excavation, filling, and related earthwork activities ONLY, subject to approved plans and conditions. Full Grading authorizes earthwork only and does not permit construction of foundations, vehicular use areas, utilities, or structures. Full authorization to begin work is subject to an approved Pre-Construction meeting.
- c. *Requirements.*
 1. A Full Grading Permit application shall include (not inclusive of all requirements):
 2. A grading and drainage plan prepared by a licensed professional (Civil Engineer, Architect, Landscape Architect, or similar professional);

- i. Required erosion and sediment control plans;
- ii. Applicable state or federal stormwater permits; and
- iii. Financial assurance as required under subsection (i).

(7) Limited Grading Permit

- a. *Purpose.* A Limited Grading Permit allows restricted land disturbance after Planning Commission approval and prior to final development approvals under narrowly defined circumstances.
- b. *Eligibility.* The Director, in consultation with the City Engineer, may approve a Limited Grading Permit only when:
 1. The underlying development has received discretionary approval;
 2. The approved plans do not contain unresolved waivers, variances, or relief affecting grading; and
 3. The applicant demonstrates a hardship or timing constraint outside normal development sequencing.
- c. *Limitations.*
 1. Limited Grading authorizes earthwork only and does not permit construction of foundations, vehicular use areas, utilities, or structures.
 2. Grading shall be limited to areas and quantities expressly approved.
- d. *Duration.* A Limited Grading Permit shall expire within six (6) months unless, prior to expiration, the associated development or subdivision receives approval of construction plans through the applicable development review process, or the permit is extended by the Director. Full authorization to begin work is subject to an approved Pre-Construction meeting.

(8) Temporary Storage and Stockpiling Approval

- a. Temporary storage or stockpiling of soil, aggregate, or construction materials exceeding incidental construction activity requires approval under this section. Any stockpile greater than 1 acre requires a Full Grading Permit.
- b. Such approval may be issued as a standalone authorization or in conjunction with a grading permit. A temporary storage or material stockpiling permit must be issued separate from a Large Scale Development or Preliminary Plat if said storage is not included within the limits of disturbance for the parent project.
- c. Approval shall specify:
 1. Location and duration;
 2. Required erosion and sediment control measures; and
 3. Restoration and stabilization requirements upon removal.

(9) Performance Surety

- a. *Purpose.* A performance surety is required to ensure stabilization of disturbed areas and protection of public safety, drainage systems, public infrastructure, and adjacent property during land disturbance activities.
- b. *Timing.* When required by the Director, a performance surety shall be provided prior to issuance of a Land Disturbance Permit.
- c. *Scope.* The scope of a land disturbance performance surety shall be limited to the cost necessary to:

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1. Install, maintain, and restore erosion and sediment control measures;
2. Stabilize disturbed soils and slopes;
3. Restore or protect drainage conveyance, ditches, easements, and stormwater facilities; and
4. Address unsafe site conditions resulting from land disturbance activity.

d. *Limitation.* A land disturbance performance surety shall not be construed as an obligation for the City to complete grading, development, or construction activities. Its purpose is limited to stabilization and public protection.

e. *Form and Amount.* Acceptable forms and amounts of performance surety shall be determined by the Director based on an engineer's estimate reviewed by the City Engineer, consistent with Sec. 50-721. Public Improvements and Dedication.

(10) **Inspections and Enforcement**

- a. Land disturbance sites are subject to inspection at any time and regular intervals for compliance with the City's Stormwater Pollution Prevention and Erosion Control Standards ordinance.
- b. Failure to comply with approved plans or permit conditions constitutes a violation subject to enforcement under this Code.

(g) **Outdoor vending permit**

- (1) An outdoor vending permit is required for:
 - a. Any person or business that sells goods or food from a temporary stand, cart, or vehicle at a fixed outdoor location or as part of an outdoor vendor park.
 - b. Outdoor vending is allowed according to [Sec. 50-406\(c\)\(27\) Outdoor and mobile food vendors](#).
 - c. Outdoor vending on private property must comply with all applicable setbacks, lot coverage, and parking standards in [Article 50-4 Zoning](#).
 - d. Outdoor vending within the public right-of-way must comply with the requirements for encroachments in [subsection \(d\) Encroachment permit](#).
- (2) An application for an outdoor vending permit must include:
 - a. A completed application form provided by the City.
 - b. The applicant's name, address, contact information, proof of identity, and a current photograph.
 - c. A description of the goods or food to be sold.
 - d. A site plan showing the vending location and all distances to property lines, sidewalks, streets, and adjacent buildings.
 - e. Written consent from the property owner if vending on private property.
 - f. Proof of notice to adjacent property owners if vending near a residential zone.
 - g. For food sales, a valid Benton County Health Department certificate.
 - h. Proof of valid driver's licenses for all drivers, if using a vehicle.
 - i. Proof of A&P tax registration, if applicable.
 - j. Any other information needed to demonstrate compliance with this Chapter.
- (3) An outdoor vending permit is not required for:

- a. Sidewalk sales lasting three or fewer consecutive days and keeping four feet clear for pedestrian passage.
- b. Temporary nonprofit fundraisers lasting five or fewer days.
- c. Merchants operating under an approved outdoor market or event permit.
- d. Children's lemonade stands.
- e. Goods temporarily placed on sidewalks during ordinary deliveries.

(4) Duration and Renewal

- a. A permanent outdoor vending permit expires each year on December 31.
- b. A temporary outdoor vending permit expires on the date specified on the permit.
- c. Renewal applications must be submitted before expiration. Applications submitted after expiration will be processed as new permits.

(5) Suspension or Revocation

- a. The Director may suspend or revoke a permit if:
 - 1. The permit was obtained by fraud or misrepresentation.
 - 2. The vendor violates any part of this BCC or the conditions of the permit.
 - 3. The vendor creates a nuisance or hazard to public health or safety.
 - 4. Revocation is subject to the appeal procedures in [Sec. 50-718. Appeals and interpretations.](#)

(h) Right-of-way permit

(1) A right-of-way permit is required for:

- a. All work performed within the public right-of-way that is not associated with a defined project in this Chapter.
- b. Curb cuts for residential driveways.
- c. Removal of trees or planting trees within the public right-of-way.

(2) General Standards

- a. Right-of-way permit application must be submitted in compliance with [Appendix C Street Specifications, Sec 200.12 Permits.](#)

(i) Sign permit

(1) Sign permits apply to:

- a. All new permanent signs.
- b. All new temporary signs not exempted under [Sec. 50-508 \(d\) Signs allowed without a permit.](#)
- c. Any modification to an existing sign that changes its size, structure, location, illumination, or height.

(2) Signs Exempt from Permit Requirements

- a. Signs that do not require a sign permit are listed in [Sec. 50-508 \(d\) Signs allowed without a permit.](#)

(3) General Standards

- a. All signs must comply with the design, size, height, setback, clearance, illumination,

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and location standards in [Sec. 50-508. Signs](#).

- b. Signs located within a public right-of-way require an encroachment permit in addition to a sign permit.
- c. Signs must be constructed of durable, weather-resistant materials and maintained in good condition.
- d. Electronic Message Centers (EMCs) must comply with the specific performance standards in [Sec. 50-508 \(h\) Electronic message centers \(EMCs\)](#).
- e. Temporary signs requiring a permit may be displayed for a maximum of 60 days per calendar year per lot or business.
 - 1. Each permit authorizes display for up to 15 consecutive days, and no more than four permits may be issued per calendar year.

(4) Applications for sign permits must include:

- a. A site plan or scaled drawing showing the sign's location on the lot or building;
- b. Elevation drawings showing sign dimensions, design, lettering, and any structural supports;
- c. Details of any illumination, including type, brightness levels, shielding, and illustration of sign appearance at night;
- d. Details of the sign materials;
- e. The business registry number, if applicable;
- f. For EMCs, documentation demonstrating compliance with brightness and timing standards; and
- g. For signs projecting into a public right-of-way, proof of a valid encroachment permit.

(5) Maintenance and Removal

- a. Permitted signs must be maintained in good repair, legible, and structurally sound.
- b. Nonconforming signs are subject to the limitations in [Sec. 50-808 Nonconforming signs](#) and may not be enlarged or structurally altered except to bring the sign into compliance.
- c. Abandoned or illegal signs must be removed within the time specified in [Sec. 50-808 Nonconforming signs](#).

(j) Temporary use permit

(1) A temporary use permit is required for:

- a. Temporary structures such as trailers or other buildings used during construction, sales offices, or staging;
- b. Seasonal outdoor sales lots, including holiday tree sales, fireworks stands, or similar uses;
- c. Temporary contractor yards, staging areas, or stockpiles associated with allowed construction;
- d. Planned activities or special events that may exceed the noise standards in [Article 58-V Noise](#); and
- e. Other activities determined by the Director to be temporary and to have potential impact on the surrounding area.

(2) A permit is not required for:

- a. Temporary uses or structures that are specifically regulated under another section of this BCC;
- b. Uses that are integral to an active, valid building permit and do not involve a separate structure or off-site impact.

(3) Applications must include:

- a. A description of the proposed temporary use, including duration, hours of operation, and anticipated activities;
 - b. A site plan showing the location of any structures, parking areas, signage, fencing, or utility connections;
 - c. A statement describing measures to minimize impacts on surrounding uses, traffic, drainage, and pedestrian circulation;
 - d. Evidence of any required state or county health permits, if applicable.
- (4) Standards for Approval
- a. The temporary use must be compatible with surrounding land uses and not create traffic, noise, lighting, or safety problems;
 - b. Adequate parking and access must be provided;
 - c. The site must be restored to its original condition or better at the end of the temporary use period;
 - d. All structures and equipment must comply with applicable building, fire, and health codes.
- (5) Duration
- a. Temporary use permits are valid for up to six months unless otherwise specified in the permit;
 - b. One extension may be approved by the Director for up to six additional months if the applicant demonstrates good cause and compliance with all conditions.
- (6) Additional Requirements
- a. The Director may require a surety to ensure site cleanup and restoration;
 - b. The Director may impose conditions to address noise, lighting, signage, or screening;
 - c. Temporary signs must comply with [Sec. 50-508. Signs](#);
 - d. The Director may refer a temporary use permit to the Planning Commission for review if there is a question whether the proposed use can meet the standards for approval in [subsection \(4\) Standards for Approval](#); and
 - e. Permits may be revoked if the use creates a hazard or nuisance, or violates permit conditions.

SEC. 50-722. APPLICATION REQUIREMENTS

(a) Application submittal requirements

- (1) All applications must include:
- a. Fee payment per the adopted fee schedule;
 - b. Digital plat or plan set in the digital format as required by GIS that:
 - 1. Clearly indicates the information required in [Table 7.4 Plat and Plan Requirements](#);
 - 2. Matches the City coordinate system;
 - 3. Includes the layer legend;
 - c. Narrative summarizing site acreage, flood-zone status, and proposed public improvements; zoning compliance statement; and

- d. Existing-conditions sheet that maps USDA soil classifications and notes any limitations;
1. Soil suitability must be evaluated in relation to grading, stormwater infiltration, vegetation, and structural stability.
 2. Where tree preservation is proposed under [Sec. 50-509. Tree preservation](#), soil conditions must be assessed within the critical root zones of trees to be preserved.
 3. Where known or mapped soil limitations exist, site design must mitigate impacts through soil amendments, construction detail adjustments, or location changes.

TABLE 7.4 PLAT AND PLAN REQUIREMENTS

	Rezoning	Small-Scale Development	Pre-Application Plan	Large-Scale Development	Construction Plans	Minor Subdivision	Preliminary Plat	Final Plat
General information								
Applicant and preparer's information	■	■	■	■	■	■	■	■
Property legal description and recorded deed	■	■		■	■	■	■	■
Date	Required for all maps, plans, and drawings							
Location map	1" = 2,000'		1" = 2,000'	1" = 2,000'	1" = 2,000'	1" = 2,000'	Subdivision	
Title, north arrow, and scale	Required for all maps, plans, and drawings							
Complete legend	■	■	■	■	■	■	■	■
Maximum drawing scale	1" = 400'	1" = 50'	1" = 400'	1" = 100'	1" = 400'	1" = 100'	1" = 100'	1" = 100'
Existing Site Conditions								
Topography, max. contour	20 ft.		5 ft.	2 ft.	2 ft.	2 ft.	1 ft.	1 ft.
Dimensioned property lines	■	■	■	■	■	■	■	Including bearings
Street & alley names and widths	Required for all maps, plans, and drawings							
Registered historic places	Required for all maps, plans, and drawings							
Existing structures	Required for all maps, plans, and drawings							
1% floodplain limits	■		■	■	■	■	■	■
Wetlands and water bodies			■	■	■	■	■	■
Natural features to be preserved or removed			■	■	■	■	■	
Bridges, ditches, and all other prominent site features			■	■	■	■	■	■
Adjoining property zoning, owners, and subdivision names	■	■	■	■	■	■	Within 250'	■

TABLE 7.4 APPLICATION REQUIREMENTS

	Rezoning	Small-Scale Development	Pre-Application Plan	Large-Scale Development	Construction Plans	Minor Subdivision	Preliminary Plat	Final Plat
Details								
Zoning district designations	■		■	■	■		■	■
Block perimeter			■	■	■		■	
Street and alley types			Location	Location	Location		Dimensioned	Dimensioned
New lots				Location			Dimensioned	Dimensioned
Civic spaces			Location	Location	Location		Dimensioned	Dimensioned
Utilities and easements per Sec. 50-605. Utility location standards	■		■	■		■	■	■
Utility profiles								
Parking counts, layout, and access drives				■			■	
Conceptual drainage framework			■		■			
Conceptual utility framework			■		■			
Drainage plan and structures				■				
Grading plan, monuments, and erosion control				■				
Sealed civil engineering sheets				■				
Sequencing & erosion control				■				
Landscape plan per Sec. 50-510. Landscape, screening, and buffering and (c) Large-scale development				■				
Tree preservation, if proposed				■				
Public landscape and lighting				■				
Phasing and construction traffic				■			■	
Subdivision name				■				■
Deed restrictions and covenants				■				■

(b) Small-scale development application requirements

- (1) Applications must include the materials listed in [Table 7.4 Application Requirements](#) and the Director's published checklist.
- (2) If the scope of work is limited, the Director may allow a reduced set of plans showing only the affected features.

(c) Large-scale development application requirements

- (1) Scaled development plans required by [Sec. 50-705. Large-scale development review](#) must show the following in addition to the requirements of [Table 7.4 Application Requirements](#):
 - a. Traffic-impact study with necessary street specifications, if required by the Transportation Director;
 - b. Landscape plan that lists:
 1. Location of preserved trees, planting beds, and irrigation sleeves;
 2. Canopy, screening, and parking-lot shade calculations;
 3. Table listing species, caliper, spacing, and total counts that match the requirements of [Sec. 50-510. Landscape, screening, and buffering](#);
 4. Statement of maintenance responsibility;
 5. A future-lot configuration sheet that confirms zoning compliance if subdivision occurs later, if applicable;
 6. Phasing schedule with a table that lists civic-space acreage for each phase, ; and
 7. Building location exhibit for each phase.
 - c. Evidence of compliance with the City [Runoff Mitigation](#) ordinance.

(d) Subdivision application requirements

- (1) Preliminary Plats must contain items in [\(a\) All applications](#) and [Table 7.4 Application Requirements](#) plus:
 1. Transect-mix compliance worksheet when the tract exceeds forty acres as required by [Table 3.5 Zoning Mix for Subdivisions over 40 Acres](#);
- (2) Construction documents must contain items in [\(a\) All applications](#) and [Table 7.4 Application Requirements](#) plus:
 - a. Erosion-control best-management practices according to [Article 34](#) Environment of the Bentonville City Code, and
 - b. Draft dedications of right-of-way and easements.
- (3) Final plats must contain:
 - a. Mylar with monuments, bearings, and distances; and

- b. Owners' certificates with notarized signatures.

(e) Amendments and legislative actions submittal requirements

- (1) Zoning Map Amendment
 - a. Legal description, metes-and-bounds map; and
 - b. Place-type analysis, and compliance table with [Sec. 50-708 \(e\) Review criteria](#)
- (2) Text Amendment
 - a. Marked and clean versions of proposed language
- (3) Future Land Use Plan amendment
 - a. Narrative of changed conditions and updated map graphic
- (4) Annexation or Vacation
 - a. A legal description and survey of the proposed annexation area by an Arkansas professional land surveyor;
 - b. Existing and proposed zoning designations;
 - c. Existing and planned street connections;
 - d. Existing and planned utility extensions including water, sewer, and electric service;
 - e. A description of current land use and any active development;
 - f. A service impact summary evaluating the ability to provide police, fire, utilities, solid waste, and transportation access; and
 - g. Petition signatures or written consent from every property owner of record.

SEC. 50-723. DURATION, EXPIRATION AND AMENDMENTS OF APPROVALS

(a) Purpose

- (1) To establish consistent time limits for all approvals granted under this Article, and to specify when an approval expires, how extensions may be granted, what effect expiration has on subsequent applications, and how amendments to approvals are processed.

(b) Applicability

- (1) This section applies to all development applications approved under this Article, including Preliminary Plats, Final Plats, Development Plans, and incidental subdivisions.
- (2) When a specific approval type in this Article sets a shorter duration, that time period controls.
- (3) Expiration under this section does not apply to rezoning or text amendments approved by the City Council.

(c) General duration

- (1) Unless otherwise stated in this Code, an approval remains valid for 12 months from the date of final action by the approving authority.
- (2) The approval expires automatically at the end of that period if:
 - a. A pre-construction meeting has not been scheduled and held when required;
 - b. Construction or authorized site work has not begun; or
 - c. Any required permits, signatures, or recording actions have not been completed.

- (3) Upon expiration, the applicant must submit a new application under the standards and procedures in effect at the time of new submittal.

(d) Extensions

- (1) Eligibility. An applicant may request an extension before the expiration date of an approval.
- (2) Administrative approvals. The Director may grant one extension of up to six additional months upon a written request showing good cause for the delay.
- (3) Approvals by the Planning Commission. The Planning Commission may grant one extension of up to 12 additional months upon a written request showing substantial progress on required improvements or other good cause.
- (4) Limitation. Only one extension will be granted for any approval.
- (5) Effect of denial. If an extension is denied, the approval expires immediately upon the original expiration date.

(e) Post-expiration effect

- (1) When an approval expires, all associated permits, agreements, or conditions tied to that approval become void.
- (2) Any further development or construction requires a new application.
- (3) The City may rely on any existing public improvements or easements that were completed and accepted prior to expiration.

(f) Recording and minor subdivisions

- (1) For minor subdivisions, approval expires if the minor subdivision is not recorded within the time required by [Sec. 50-707\(e\)\(8\)](#).
- (2) Recording after expiration requires full resubmittal and review under current standards.

(g) Amendments to Approved Plans

- (1) Approved plans may be modified through amendments in accordance with this subsection, provided the underlying approval remains valid under this section.
- (2) Amendments are intended to allow reasonable flexibility during implementation while preserving the development framework, infrastructure assumptions, and public improvements relied upon during approval.
- (3) *Classification of Amendments.* Amendments shall be classified as Minor Amendments or Major Amendments based on their scope, impact, and consistency with the approved development framework.
- (4) *Minor Amendments.* Minor Amendments are changes that do not materially alter the approved development framework or the assumptions relied upon during discretionary approval.
 - a. Examples include, but are not limited to: Minor adjustments to building footprints or architectural elements; minor utility alignment refinements that remain within approved corridors; revisions to grading or drainage that do not affect overall system capacity, flow paths, or downstream impacts; changes to construction details that do not affect public infrastructure, access, or safety; and phase-specific adjustments that do not affect shared infrastructure or future phases.
 - b. The Director may approve Minor Amendments administratively.
 - c. Approval of a Minor Amendment does not reset or extend the duration of the underlying approval.
- (5) *Major Amendments.* Major Amendments are changes that materially alter the approved development framework, infrastructure assumptions, or conditions of approval.
 - a. Examples include, but are not limited to: changes to street layouts, block structure, or access points; modifications affecting the capacity, location, or sequencing of public improvements; changes to stormwater systems that affect detention, conveyance, or downstream impacts; changes that alter approved phasing in a manner affecting infrastructure delivery or timing; increases in intensity or land use not contemplated during approval; or revisions that would have required additional findings during the original discretionary

review.

- b. Major Amendments require approval by the same body that approved the original application, unless otherwise specified by this Code.
 - c. Approval of a Major Amendment may reset the duration of the approval, as determined by the approving authority at the time of action.
- (6) *Construction Plan Revisions.* Approved construction plans represent the technical implementation of an approved development framework. Construction plan revisions shall be evaluated for consistency with the underlying approval.
- a. The Director has the authority to classify construction plan revisions as Minor or Major Amendments.
 - b. Construction plan revisions shall not be used to circumvent required platting, development approval, or public improvement requirements. Revisions that alter the development framework shall be processed as Major Amendments.
- (7) *Relationship to expiration.*
- a. Submission of a complete application for a Major Amendment prior to expiration shall suspend expiration of the original approval until the amendment is acted upon.
 - b. Minor Amendments do not suspend or extend expiration deadlines.
 - c. Upon expiration of an approval, no further amendments may be approved unless expressly authorized by this Code.

SEC. 50-724. PUBLIC IMPROVEMENT AND DEDICATION

(a) Applicability

- (1) This section applies to any development or subdivision for which the City requires on-site or off-site public improvements pursuant to this code, including but not limited to:
 - (1) Streets, alleys, sidewalks, and related facilities;
 - (2) Water, sewer, and storm drainage facilities;
 - (3) Street lighting, street trees, and planting strips;
 - (4) Utility easements and public access easements; and
 - (5) Parks or open space required for public use.

(b) Improvement plans

- (1) *Public improvement plan required.* Where required by the Director, based on the scope and nature of the development and in consultation with the Technical Advisory Committee, a Public Improvement Plan must be submitted and approved prior to construction of any public infrastructure.
- (2) *Coordinated review.* When a Preliminary Plat or Development plan includes public improvements, the Public Improvement Plan must be submitted as part of the same review process, using a coordinated and consistent set of documents.
- (3) *Standards.* All Public Improvement Plans must conform to [Appendix C](#) and all applicable standards and specifications.
- (4) *Revisions.* The Technical Advisory Committee, acting through its member departments, may require revisions to Public Improvement Plans to ensure compliance with applicable standards prior to approval.

(c) Construction and inspection

- (1) All public improvements must be constructed by the developer or applicant in accordance with approved plans.

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- (2) Construction must not begin until the Public Improvement Plan is approved and all necessary permits are issued.
- (3) The City, through applicable departments, will inspect improvements during and after construction to verify compliance. The applicant is responsible for coordinating inspections.

(d) Acceptance and dedication

- (1) No public improvement will be accepted by the City until it has been inspected and approved.
- (2) Dedications of public rights-of-way, easements, utilities, and improvements must be shown on the construction plans and accepted by the City.
- (3) The Planning Commission is authorized to accept dedications on behalf of the City unless City Council approval is required by law.
- (4) Approved as-built drawings and record documentation shall be submitted and approved prior to acceptance of any public improvement, in accordance with departmental specifications.

(e) Timing of improvements

- (1) *General requirement.* Required public improvements shall be fully constructed, inspected, and accepted prior to Final Plat recording, issuance of a Certificate of Occupancy, or final inspection, as applicable, unless deferred in accordance with this section.
- (2) *On-Site and off-site improvements secured by performance surety.* When public improvements required by this Code and located within the public right-of-way or off-site are approved for deferral by the Director, such improvements shall be either:
 - a. Constructed prior to commencement of on-site construction as a separate project or phase; or
 - b. Secured by an approved performance surety prior to the pre-construction meeting.
- (3) *Deferred completion items.* Upon determination by the Director, in consultation with the applicable Department Head, that remaining work is eligible for deferral, limited completion items may be secured through a completion guarantee prior to Final Plat recording, issuance of a Certificate of Occupancy, or final inspection, as applicable.
 - a. *Eligible completion items.* Completion guarantees may be accepted only for limited items where all required systems are otherwise complete, operational, and legally functional, including:
 - Minor or cosmetic construction items;
 - Adjustment of appurtenances to final grade;
 - Weather-delayed landscaping;
 - Minor corrective work to existing infrastructure;
 - Submission of approved as-built drawings and record documentation; and
 - Other limited items that, from a technical and operational standpoint, do not impair the safe, functional, or lawful operation of the development, as determined by the applicable Department Head.
 - b. *Ineligible Items.* Completion guarantees shall not be accepted in lieu of construction for improvements necessary for safe access, utility service, drainage, emergency response, or legal occupancy.

(f) Fee-in-Lieu of Construction.

- (1) *Authorization.* Where construction of a required public improvement is authorized to be delayed pursuant to Article 3 and this section, the Planning Commission may approve the payment of a fee-in-lieu of constructing the improvement.
- (2) *Approval Authority and Findings.* Approval of a fee-in-lieu is discretionary and requires action by the Planning Commission. In approving a fee-in-lieu, the Planning Commission shall make written findings that:
 1. Construction of the required improvement is impracticable, premature, or not in the public interest at the time of development; and
 2. The fee-in-lieu bears a rational nexus and rough proportionality to the impacts of the development.
- (3) *Amount of Fee.* The fee-in-lieu shall equal 125 percent (125%) of the City's estimated cost to complete the improvements, based on an engineer's estimate, reviewed by the City Engineer or applicable Department, and accepted by the Planning Commission. The Planning Commission may approve a lesser amount if they determine a reduced amount is appropriate based on scope or timing.
- (4) *Timing of Payment.* An approved fee-in-lieu shall be paid prior to Final Plat recording, issuance of a Certificate of Occupancy, or commencement of construction, as applicable.
- (5) *Use of Funds.* Fees collected in lieu of construction shall be used for the same general type of public improvement and may be expended at any location within the City, provided the improvement serves the same general public infrastructure system impacted by the development and is consistent with adopted capital improvement plans.
- (6) *Satisfaction of Obligation.* Payment of an approved fee-in-lieu satisfies the applicant's obligation to construct the specific improvement for which the fee was imposed, and no performance or completion guarantee shall be required for that improvement.

(g) Performance and completion guarantees

- (1) *Performance surety for public improvements.* Public improvements located within the public right-of-way or off-site and approved for deferral under subsection (e)(2) shall be secured by a performance surety prior to the pre-construction meeting.
 - a. Acceptable forms include a performance bond, irrevocable letter of credit, cashier's check, or other financial security approved by the Director and the staff Legal Department. escrow agreement in lieu of constructing required public improvements prior to plat recording.
 - b. The amount shall be not less than 125 percent (125%) of the City's estimated cost to complete the improvements, based on an engineer's estimate prepared by the engineer of record, reviewed by the City Engineer, and accepted by the Director.
 - c. A performance surety required under this section is a continuing obligation and shall remain in full force and effect until the guaranteed public improvements have been fully constructed, inspected, and accepted by the City in accordance with this Code.
 - d. The performance surety shall not expire by passage of time and may be released only upon written authorization by the Director following certification of completion by the City Engineer and final acceptance by the City.
- (2) *Completion guarantees.* Deferred completion items approved under subsection (e)(3) shall be secured by a cash or cash-equivalent guarantee, including a cashier's check, irrevocable letter of credit, or other security approved by the Director and the Staff Legal Department.

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- a. The completion guarantee shall have an initial term of sixty (60) days.
- b. The Director(h), in consultation with the applicable Department Head, may approve one extension not to exceed sixty (60) additional days upon a showing of good cause.
- c. Funds may be deposited with the City and held until completion.
- d. If the applicant fails to complete the guaranteed items within the approved term, the City may use the funds to complete the work.
- e. The applicant remains responsible for any costs exceeding the amount of the guarantee.

(3) *Release of Guarantees.*

- a. *Certificate of Completion.* To request release of a performance or completion guarantee, the applicant's engineer of record shall submit a written certification to the Director stating that the required improvements or guaranteed items have been completed in accordance with approved plans and are complete and functional.
- b. *Final Inspection.* Final inspection shall be conducted by the Director and applicable departments, coordinated through the Technical Advisory Committee.
- c. *Release of Guarantee.* Upon certification of completion by the City Engineer and approval of the final inspection, the Director shall authorize release of the performance or completion guarantee and, as applicable, reimbursement or return of the financial security.

(h) **Maintenance Guarantee**

- (1) Upon acceptance of public improvements, the applicant shall provide a maintenance guarantee to ensure proper performance during the maintenance period.
- (2) The maintenance guarantee shall equal twenty-five percent (25%) of the City's estimated replacement cost, as determined by the City Engineer based on an engineer's estimate prepared by the engineer of record.
- (3) The guarantee shall remain in effect for a minimum of one (1) year from the date of acceptance and until released in writing by the Director.
- (4) If deficiencies are not corrected, the City may draw upon the maintenance guarantee to complete necessary repairs.
- (5) A maintenance guarantee is not required for public improvements constructed by the City, under contract with the City, or for public facilities or public uses where the City retains ownership and maintenance responsibility, as determined by the Director.

(i) **Tree and landscape survival**

- (1) Where trees or other landscaping are installed in fulfillment of a public improvement requirement, the applicant must maintain the installed plant material for a minimum of three years.
- (2) A minimum survival rate of 90% is required at the end of the maintenance period.
- (3) The City may require a separate tree or landscape bond or deposit to ensure compliance.

SEC. 50-725. ENFORCEMENT AND PENALTIES**(a) Authority**

- (1) The Director is authorized to enforce the provisions of this Code and to initiate corrective action for any violation.
- (2) City departments, including Building Safety, Engineering, Code Enforcement, and Legal, may support enforcement efforts as coordinated by the Director.
- (3) Nothing in this section limits the City's authority to enforce other applicable laws or to pursue civil or criminal penalties as provided by law.

(b) Violations

- (1) A violation of this Code includes, but is not limited to:
 - a. Initiating construction, land disturbance, or site modifications without required approvals;
 - b. Installing signage, landscaping, utilities, or structures not shown on approved plans or not in compliance with BEUD or BWU specifications;
 - c. Failing to install or maintain required public or private improvements;
 - d. Removing or damaging protected trees or landscaping without approval;
 - e. Occupying a site or building in violation of use, parking, or access requirements; or
 - f. Failing to comply with a condition of approval or decision by the Planning Commission, City Council, Board of Adjustment, or Planning Director.

(c) Notice and correction

- (1) Upon identifying a violation, the Director must provide written notice to the responsible party describing:
 - a. The nature of the violation;
 - b. The Code section(s) violated;
 - c. Required corrective action; and
 - d. A deadline for compliance.
- (2) Notice may be provided in person, by mail, or by posting on the subject property.
- (3) Failure to correct the violation within the specified time frame may result in additional penalties or legal action.

(d) Remedies and penalties

- (1) The City may pursue one or more of the following remedies for any violation of this Code:
 - a. Withholding of permits, approvals, or inspections until the violation is corrected;
 - b. Revocation of permits or approvals granted in error or obtained through misrepresentation;
 - c. Removal or abatement of noncompliant development or improvements at the owner's expense;
 - d. Assessment of civil penalties as authorized by ordinance or state law;
 - e. Filing of legal action in Benton County Circuit Court to compel compliance.
- (2) Each day that a violation continues constitutes a separate offense.

(e) Stop work orders

- (1) The Director or Building Official may issue a stop work order if any regulated activity is occurring in

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violation of this Code.

- (2) The order must specify the violation and the conditions that must be met before work may resume.
- (3) No work may resume until the violation has been resolved and the order is lifted in writing by the Director or designee.

(f) Appeals

- (1) Any person aggrieved by an enforcement action may appeal the decision in accordance with [Sec. 50-716. Appeals and interpretations.](#)

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ARTICLE 50-8 NONCONFORMITIES

SEC . 50-801 . PURPOSE AND INTENT

- (a) The purpose of this Article is to establish rules for the continued use, maintenance, modification, or replacement of structures, uses, and sites that were legally established but no longer conform to the standards of this Chapter.
- (b) The intent is to allow lawful nonconforming conditions to continue under limited circumstances while promoting eventual compliance with current development standards.

SEC . 50-802 . APPLICABILITY

- (a) This Article applies to any use, structure, lot, site, or sign that was lawfully established but no longer conforms to one or more requirements of this Chapter as a result of adoption or amendment of the Chapter or rezoning of the subject property.

SEC . 50-803 . CONTINUATION

- (a) Any nonconforming use, structure, lot, site, or sign that was lawfully established before the effective date of this Code or any amendment remains legal and may continue subject to the standards of this Article.
- (b) Nonconforming status runs with the land and is not affected by a change in ownership, tenancy, or management, provided that the use or structure continues without interruption and is not expanded or modified except as allowed by this Article.

SEC . 50-804 . NONCONFORMING USES

- (a) A nonconforming use may not be expanded, changed to another nonconforming use, or resumed after discontinuance, except as provided in this section.
 - (1) A nonconforming use that is discontinued or ceases for a period of 12 consecutive months loses its nonconforming status and may not be reestablished.
 - (2) A use that is removed or replaced with a conforming use may not revert to nonconforming status.

SEC . 50-805 . NONCONFORMING STRUCTURES

- (a) A nonconforming structure may be maintained or repaired but may not be enlarged, expanded, or moved unless the modification:
 - (1) Does not increase the degree of nonconformity;
 - (2) Increases conformity with this Code; or
 - (3) Is approved by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers](#).
- (b) If a nonconforming structure is damaged or destroyed by more than 50% of its replacement value, it may only be reconstructed if brought into full compliance with this Code. The Director may allow reconstruction to its prior condition if:
 - (1) The damage occurred through no fault of the owner; and
 - (2) Reconstruction begins within 12 months of the event.

SEC . 50-806 . NONCONFORMING LOTS

- (a) A lot that does not meet the minimum area, width, or depth requirements of its zoning district may be developed if it was lawfully established and was not created through a violation of subdivision or zoning regulations.
- (b) Development on a nonconforming lot must meet all other applicable requirements of this Code.

SEC . 50-807 . NONCONFORMING SITES

- (a) A site that does not meet current standards for landscaping, screening, parking, access, or lighting may continue in use but must be brought into conformity:
 - (1) Upon construction of a new building or a building expansion of more than 25% of floor area or lot coverage;
 - (2) Upon a change in use requiring a higher parking ratio or more intense site treatment; or
 - (3) As required through Development Permit.
- (b) The Director may approve phasing of improvements or partial compliance where full compliance is not feasible, based on available space or physical constraints.

SEC . 50-808 . NONCONFORMING SIGNS

- (a) Any sign that was lawfully established before the effective date of this Code and does not conform to current standards may continue subject to [Sec. 50-508. Signs](#).
- (b) **Which signs can remain**
 - (1) A nonconforming sign may remain in place if it is:
 - a. Properly maintained in safe and good condition;
 - b. Not abandoned, altered, or enlarged in a way that increases its nonconformity; and
 - c. Located on property where the associated use remains active.
 - (2) EMC signs that become nonconforming due to changes in brightness or timing standards may remain in use, provided:
 - a. They are equipped with dimming and default-off settings; and
 - b. They do not exceed the illumination limit in [subsection \(h\) Electronic message centers \(EMCs\)](#).
- (c) **What can be done to a sign**
 - (1) Normal maintenance and routine repair are allowed, including repainting, electrical updates, and replacement of sign face panels, only if:
 - a. It is not enlarged or structurally altered; and
 - b. Lighting is not added.
 - b. The sign copy may be changed as long as the sign structure and overall configuration are not changed.
- (d) **When it must be removed**
 - (1) A nonconforming sign must be removed if any of the following occur:
 - (2) The sign is structurally damaged by more than 50% of its replacement value as determined by the average of three commercial estimates;

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- a. The principal use on the property is discontinued for 180 consecutive days;
 - b. The principal use on the property is demolished;
 - c. The sign is moved, altered, or reconstructed in ways that increase its nonconformity; or
 - d. The sign becomes abandoned, in which case it must be removed or the display replaced within 60 days.
- b. A sign is considered abandoned when:
- a. The sign structure is deteriorated and structurally unsafe; or
 - b. The sign is left blank for 60 or more consecutive days.

SEC. 50-809. LOSS OF NONCONFORMING STATUS

- (a) A nonconforming use, structure, or site loses its legal status when:
- (1) It is discontinued or abandoned for 12 or more consecutive months;
 - (2) It is voluntarily removed or replaced with a conforming use or structure;
 - (3) It is damaged or destroyed by more than 50% and not rebuilt within 12 months; or
 - (4) A permit is issued for construction or renovation that brings the condition into compliance.

SEC. 50-810. MODIFICATION OR EXPANSION

- (a) A nonconforming use, structure, or site may not be expanded or modified unless:
- (1) The expansion increases conformance with this Code; or
 - (2) The expansion is minor and approved by Administrative Adjustment under [Sec. 50-716. Administrative adjustments and waivers.](#)
- (b) An variance is required for any expansion of floor area, lot coverage, or impervious surface by more than 10%.

SEC. 50-811 LEGACY PLANNED DEVELOPMENTS (PUD/PRD)**(a) Purpose and Applicability**

- (1) This Article applies solely to properties that received approval as a Planned Unit Development (PUD) or Planned Residential Development (PRD) prior to the effective date of this Code.
- (2) Such approved developments may continue and may be amended only in accordance with this section. No new PUD or PRD zoning districts may be established.
- (3) The provisions of this Article govern amendments, phasing, enforcement, expiration, and revocation of approved PUD and PRD master site plans and associated zoning ordinances.

(b) Pre-application review

- (1) A pre-application meeting is required prior to submittal for a previously approved PRD or PUD and shall be conducted in accordance with [Sec. 50-714 Pre-Application review.](#)
- (2) At this meeting, the following information and data shall be considered:
 - Boundaries of the property;
 - Existing easements and covenants affecting the property;
 - Physical characteristics such as drainage, topography, vegetation and existing structures;
 - Development characteristics such as surrounding land uses, existing streets and availability of utilities; and

- Elements of the proposed layout amendment, including land uses, open spaces, densities, traffic flow, and estimated impacts.

- (3) City staff shall furnish written comments intended to inform preparation of an amendment application.

(c) Plan submittal

- (1) The application shall consist of a request to amend the approved master site plan and associated zoning ordinance that includes:
 - a. Completed application form
 - b. Filing fee
 - c. Copy of Land Deed
 - d. Amended master site plan
 - e. Written description addressing:
 1. Consistency with the intent of the originally approved PUD/PRD
 2. Proposed land uses and land area allocation
 3. Proposed zoning and development standards (as previously approved and as proposed to be amended)
 4. Structural design (if modified)
 5. Consistency with applicable amendment review criteria
 6. Phasing schedule, if applicable
 - b. At a minimum, the amendment shall demonstrate meeting the review criteria in subsection (f).

(d) Plan Review

- (1) The Director shall determine whether proposed amendments constitute a minor or major amendment.
- (2) *Minor Amendments.* Amendments that meet the following conditions are considered minor amendments and may be approved administratively by the TAC:
 - a. Number of dwelling units does not change by more than 5%;
 - b. Common open space is not reduced or substantially relocated;
 - c. Non-residential area is not increased by more than 5% or substantially relocated;
 - d. Minor infrastructure layout changes.
- (3) *Major Amendments.* Amendments that do not meet the conditions for a minor amendment shall be processed as a major amendment must be approved by Planning Commission.

(e) Public Hearing and Notice

- (1) A public hearing shall be held for major amendments to approved PUDs or PRDs.
- (2) The process shall follow that of Zoning Map Amendments in accordance with Sec. 50-708. Zoning Map Amendments.
- (3) Notice must be provided in accordance with Sec. 50-717 Public Hearings.

(f) Review Criteria

- (1) An amendment to a PRD/PUD may be approved upon finding that the amendment:
 - a. Meets the intent and purpose of the originally approved PUD or PRD;
 - b. Maintains harmony with surrounding development;
 - c. Does not adversely affect neighboring properties beyond impacts previously evaluated;
 - d. Keeps infrastructure demands within existing capacity.

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- e. Meets the city's published review criteria for PUD/PRDs.

(g) Action

- (1) The TAC for minor amendments and Planning Commission for major amendments shall review all amendments in accordance with the criteria in [subsection \(f\) Review criteria](#).
- (2) Following approval of the amendment, the applicant may proceed with platting or large-scale development, which shall conform to the approved amended master site plan.
- (3) Development shall follow the master site plan exactly.

(h) Phasing and Development Schedule

- (1) Phasing of an approved PUD or PRD may be permitted.
- (2) All existing phasing provisions remain applicable, including:
 - a. Phasing Boundaries
 - b. Construction Schedules
 - c. Proportional open space delivery
 - d. Enforcement authority of the Community Development Director

(i) Guarantee of Completion

- (1) Before approval of the final development plan, the planning commission shall require a contract with safeguards satisfactory to the commission guaranteeing completion of the development plan for any single phase in a period to be specified by the commission, but which period shall not exceed five (5) years unless extended by the commission.

(j) Revocation

- (1) The Planning Commission may recommend revocation of an approved PUD or PRD under the following circumstances:
 - a. Failure to submit a final development plan
 - b. Failure to secure building permits
 - c. Failure to adhere to approved phasing schedules
 - d. Disproportionate delivery of open space
 - e. Failure to construct common facilities as approved
- (2) Upon revocation, the zoning designation shall be void and a zoning map amendment is required.

(k) Expiration

- (1) If an approved PUD or PRD expires, the zoning designation shall be void and a zoning map amendment is required.
- (2) An approved Planned Unit Development (PUD) or Planned Residential Development (PRD) shall expire if the Planning Director determines that no development activity has occurred within a continuous period of one (1) year following approval or following the most recent development activity.
 - a. Development activity shall include, but is not limited to, the approval of a plat, issuance of a building permit, or commencement of construction consistent with the approved master site plan.

ARTICLE 50-9 TERMINOLOGY

SEC. 50-901. PURPOSE AND INTENT

- (a) The purpose of this Article is to provide clear and consistent definitions for all technical and regulatory terms used throughout the Bentonville Community Code.
- (b) The intent is to ensure consistent application of standards, reduce ambiguity, and support legally sound interpretation and enforcement. When definitions in this Article conflict with those found elsewhere in the Bentonville Code of Ordinances, the definitions in this Article control for the purposes of interpreting the Bentonville Community Code.

SEC. 50-902. GENERAL

- (a) Terms defined by Arkansas state statute, federal law, or other officially adopted documents are incorporated by reference unless otherwise defined in this Article.
- (b) All other technical or regulatory terms used in this Code are defined in this Article to support consistency across administrative processes, development standards, and site design requirements. This includes definitions of roles, submittals, street elements, and compliance-related issues.
- (c) Terms used to define measurements are defined in this Article and control how such measurements are taken. Where a dimensional standard includes modifiers like “minimum,” “maximum,” or “average,” the modifier is enforceable. Unless otherwise stated, measurements are taken to the nearest quarter of a foot.
- (d) If a term is not defined in this Article, it is interpreted as follows:
 - (1) First, by reference to the Bentonville Code of Ordinances;
 - (2) If not defined there, by applicable Arkansas statutes or model development regulations; and
 - (3) If still undefined, by the commonly accepted meaning found in the most recent edition of Merriam-Webster’s Collegiate Dictionary.
- (e) The Planning Director is responsible for determining the interpretation of any undefined or ambiguous term. Final interpretations may be appealed as provided in [Sec. 50-716. Appeals and interpretations.](#)

SEC. 50-903. ABBREVIATIONS

- (a) The following list expands abbreviated terms used throughout this document:

AASHTO: American Association of Highway Transportation Officials. An association comprised of highway and transportation departments of states and territories of the United States. See [the AASHTO website](#).

ADA: Americans with Disabilities Act. A federal law passed by the United States Congress in 1990.

ADEQ: Arkansas Department of Environmental Quality. A department of the State of Arkansas government.

ADT: Average Daily Traffic. A standard measure of daily vehicle traffic on a street.

ADU: Accessory Dwelling Unit. Separately defined under in [Sec. 50-904. Use classifications.](#)

ANSI: American National Standards Institute. An organization that administers and coordinates conformity with many voluntary standards adopted by governments and businesses in the United States. See [the ANSI website](#).

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ArDOT: Arkansas Department of Transportation. A department of the State of Arkansas government.

ARK: Arkansas.

ATM: Automated Teller Machine, as commonly defined.

BCC: Bentonville Community Code. This document.

BEUD: Bentonville Electric Utility Department. A department of the City of Bentonville.

BFE: Base Flood Elevation. The elevation to which floodwater is anticipated to rise during the base flood, as established by FEMA and shown on the Flood Insurance Rate Map.

BMAO: Bentonville Municipal Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of the Bentonville municipal airport.

BMP: Best Management Practice. Physical, structural, or operational measures used to reduce the volume, rate, or pollutant load of stormwater runoff and improve water quality.

BWUD: Bentonville Water Utility Department. A department of the City of Bentonville.

CPTED: Crime Prevention Through Environmental Design. An approach that uses the design and management of the built environment to reduce crime and the fear of crime. See the [International CPTED Association](#).

DBH: Diameter at Breast Height. A standard measurement of tree trunk caliper.

DCO: Downtown Center Overlay. An overlay zoning district that applies zoning rules specifically to the central portion of downtown Bentonville.

DNO: Downtown Neighborhood Overlay. An overlay zoning district that applies zoning rules specifically to neighborhood areas adjacent to downtown Bentonville.

EMC: Electronic Message Center. A type of digital sign or digital component of other sign types.

ER: Enhanced Review. A rezoning review process emphasizing the need to consider property context and compatibility, detailed in [Sec. 50-708. Zoning map amendments](#).

FAA: Federal Aviation Administration. An agency of the United States Department of Transportation.

FEMA: Federal Emergency Management Administration. An agency of the United States Department of Homeland Security.

FHWA: Federal Highway Administration. A division of the United States Department of Transportation. See [the FHWA website](#).

FLUM: Future Land Use Map. A policy document of the City of Bentonville required by the State of Arkansas.

FT: Foot. A standard unit of measure.

GIS: Geographic Information System. A computer-based tool used for digital mapping and data collection and analysis. The City of Bentonville maintains data such as the zoning map in GIS.

HOA: Home Owners Association. A private, non-profit organization that governs a residential community like a subdivision or condominium building. It collects dues from members to maintain common areas and enforces community rules.

IN: Inch. A standard unit of measure.

ISTZ: Inner Safety and Turning Zone. An area within the XNAO.

ITE: Institute of Transportation Engineers. An association comprised of transportation professionals within the United States. See [the ITE website](#).

L: Large. A comparative measurement.

LED: Light Emitting Diode. An electronic component that produces light.

LID: Low-Impact Development. A stormwater management strategy that uses natural processes to assist in stormwater conveyance, storage, and treatment.

M: Medium. A comparative measurement.

MAX: Maximum. The greatest extent of a numeric regulation.

MIN: Minimum. The least extent of a numeric regulation.

MPH: Miles Per Hour. A standard measure of vehicle speed.

MUTCD: Manual on Uniform Traffic Control Devices. A collection of standards for signs, signals, and markings along streets and trails, published by FHWA.

N/A: Not applicable.

NACTO: National Association of City Transportation Officials. An association comprised of city transportation departments in the United States. See [the NACTO website](#).

NE: Northeast. A compass direction.

NW: Northwest. A compass direction.

OSZ: Outer Safety Zone. An area within the XNAO.

POA: Property Owners Association. A private, non-profit organization that governs a residential community like a subdivision or condominium building. It collects dues from members to maintain common areas and enforces community rules.

ROW: Right-of-way. A delineation of property owned by the City of Bentonville most commonly associated with streets and alleys.

RPZ: Runway Protection Zone. An area within the XNAO.

S: Small. A comparative measurement.

SE: Southeast. A compass direction.

SR: Standard Review. A rezoning review process for conditions that are anticipated to be contextually appropriate, detailed in [Sec. 50-708. Zoning map amendments](#).

SW: Southwest. A compass direction.

SQ.FT.: Square foot. A standard unit of measure.

TAC: Technical Advisory Committee. A committee established in this code that reviews some development applications.

TIA: Traffic Impact Analysis. A study of the vehicular traffic anticipated from a proposed use and its impact on surrounding and nearby streets and uses.

TMD: Transportation Demand Management. A set of strategies to reduce the amount of driving necessary to reach a destination.

TPZ: Traffic Pattern Zone. An area within the XNAO.

USDA: United States Department of Agriculture. A department of the United States federal government.

ULI: Urban Land Institute. An association of real estate, development, and planning professionals in the United States.

VLT: Visible Light Transmittance. The amount of light that is able to pass through and object.

XNA: Northwest Arkansas National Airport. See [the XNA website](#).

XNAO: Northwest Arkansas National Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of XNA.

SEC. 50-904. USE CLASSIFICATIONS

- (a) All use classifications referenced in this Code are defined in this Article. These include general use categories, specific use types, and those subject to additional standards under [Sec. 50-407. Use standards](#).

- (b) **Uses within the agriculture category are defined as follows:**

Agriculture means the use of land for farming, dairying, pasturage, apiculture (bees), aquaculture (fish, mussels), horticulture, floriculture, viticulture (grapes), or animal and poultry husbandry; this includes the necessary accessory uses for packing, treating, or storing the produce from these activities.

Agricultural processing, packaging, and warehousing means a facility which involves the operation(s) of processing, preparing or packaging agricultural products which are not grown on the site.

Auction yard means a place in which the public may consign livestock for sale by auction open to public bidding.

Commercial dairy, poultry, and swine production means a farm that raises animals for profit in a rural location and has the potential of causing a nuisance if not properly maintained.

Commercial greenhouse means a building used for the growing of plants, all or part of which are sold at retail or wholesale.

Farming and ranching means a tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals or the sale of products derived from such animals; does not include dairies.

Feedlot means a tract on which the principal use is the raising of, or the concentrated feeding of, livestock, fowl, or any other edible animals, the sale of such animals or the sale of products derived from such animals; does not include dairies.

Grain storage means facilities used to store agricultural products for commercial purposes often serving multiple farms or producers. It may involve processing, grading or packaging. Examples include large grain elevators and cooperative storage facilities.

Medical housing means a residential use of long, and short-term occupation, which may be licensed by the Arkansas Department of Health, to provide 24-hour non-acute medical services and supportive care on the premises. Medical housing includes congregate living health facilities, skilled nursing homes, residential mental health facilities, and hospice care. Any floor area used for office workspace accommodating the administration of medical services and supportive care shall be incidental to the residential use. Supportive housing: medical care facilities may include dwelling units, common dining areas, or other community rooms.

Medical marijuana cultivation facility is defined as specified by the Arkansas Medical Marijuana Commission.

Stable means a structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stockyard means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Urban farm means publicly or privately owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs for sale within a zoning district other than T2 Rural.

(c) **Uses within the commercial category are defined as follows:**

Commercial means any activity, trade, or business engaged in for profit. Commercial does not include multi-family residential development, short-term rentals, or home-based businesses.

Adult oriented businesses is as defined by the State of Arkansas.

Aquarium means an establishment where aquatic collections of living organisms are kept and exhibited. **Automobile sales** means a retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); manufactured home, recreational vehicle, or watercraft sales (see "Manufactured Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Yards"); or "Service Stations," which are separately defined.

Automobile service means any building, structure or improvements to land used for the repair and maintenance of automobiles, motorcycles, trucks, buses or similar vehicles including, but not limited to, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, and towing services.

Car wash means a facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

Child care means a commercial establishment which provides for the care and supervision of six or more children away from their own homes for less than 24 hours per day

Commercial laundry means a place where washing, drying, or ironing of clothes is done other than a self-service laundry.

Crematorium means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Dry cleaners means retail establishments where customers drop off and pick up clothing, using chemical solvents for cleaning

Food and beverage means any and all edible refreshments, including alcoholic beverages and water, when furnished, prepared, or served by a restaurant, hotel, dining room, snack bar, or other like place of business.

Funeral home means establishments engaged in undertaking services such as preparing the dead for burial, arranging and managing funerals. Definition does not include "crematory" which is separately defined.

Gas station means a facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

Hospital means a facility engaged primarily in providing in-patient diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, abortion clinics as authorized in A.C.A § 12-18-103 and § 20-9-302, accessory retail uses and emergency heliports, and on-site ambulance dispatch facilities.

Medical housing: assisted, extended or rehabilitation means a residential use that provides long-term or short-term dwelling for individuals who require ongoing medical care, medical supervision, or recovery-related support, and where such care is provided on-site or in direct coordination with licensed medical professionals or medical facilities.

Medical marijuana dispensary is defined as specified by the Arkansas Medical Marijuana Commission.

Medical services: urgent care means a facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- a. Medical offices with four or more licensed practitioners and/or medical specialties;
- b. Out-patient care facilities;
- c. Urgent care facilities; and
- d. Other allied health services .

Medical services: ambulatory care means a facility designed for the provision of surgical services on a pre-scheduled outpatient basis." It specifies that such a facility "shall not be a clinic, physician's office, or hospital". The emphasis is on non-emergency, outpatient surgical services.

Medical services: substance abuse treatment means a facility where the primary activity is the treatment and care of persons suffering from mental or emotional disorders or substance abuse.

Office, including medical means premises available for the transaction of general business, but excluding retail sales and manufacturing.

Outdoor vendor means any vending stand, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

Outdoor vendor park means a site that contains more than one outdoor vendor on a regular basis as the principal use of the land.

Parking, structured, means a single or multi-level structure intended for the use of vehicular parking, as opposed to an uncovered surface parking lot. This definition includes both stand-alone parking garages and structured parking as incorporated into a building, the primary purpose of which is not parking (i.e., rooftop or basement parking areas).

Pharmacy means an establishment substantially devoted to the compounding and/or sale of prescription medicines and drugs, supplies and equipment. This definition does not include medical marijuana dispensaries or medical marijuana cultivation facilities, which are defined separately and consistent with § 8 of Amendment 98 of the Arkansas Constitution.

Retail means premises available for the commercial sale of merchandise, prepared foods, and pharmacies, but excluding manufacturing.

Self-storage means a storage facility with separate storage units or cubicles that are intended to be leased by the public.

Service (personal or professional) means establishments providing non-medical services to individuals as a primary use. Examples of these uses include:

- e. Barber and beauty shops;
- f. Dry cleaning pick-up stores with limited equipment;
- g. Laundromats (self-service laundries);
- h. Locksmiths;
- i. Tailors;
- j. Day spas; and
- k. Tattoo studios.

(d) **Uses within the entertainment category are defined as follows:**

Entertainment means any activity provided for the amusement, recreation, or pleasure of the public.

Adult entertainment means a theater, nightclub, bar, restaurant, or similar commercial establishment that regularly features:

- a. Individuals appearing in a state of nudity;
- b. Live performances characterized by exposure of specified anatomical areas or sexual activities; or
- c. Films or visual media that depict such areas or activities.

Event venue means a building or site available for hire to individuals or organizations for private events, including, but not limited to, weddings, receptions, parties, banquets, and meetings.

Golf course means a tract of land designed and maintained for the playing of golf, including fairways, greens, tees, and customary accessory features.

Indoor entertainment facility means establishments providing indoor recreational activities for a fee or admission charge, including:

- a. Bowling alley;
- b. Coin-operated amusement arcade;
- c. Night club;
- d. Electronic game arcade (video games, pinball);
- e. Ice skating and roller skating;
- f. Pool and billiard room as primary use;
- g. Movie theater; and
- h. Live theater.

This use does not include adult entertainment or adult oriented businesses, which are separately defined.

Eight or more electronic games or coin-operated amusements in any establishment, or a premises where 50% or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as de-scribed above; seven or fewer machines are not considered a land use separate from the primary use of the site.

Outdoor entertainment facility means a facility for various outdoor recreational activities for a fee or admission charge. Examples include:

- a. Amusement and theme park;
- b. Go-cart track;
- c. Golf driving range;
- d. Miniature golf course;
- e. Water slide;
- f. Drive-in movie theater; and
- g. Live outdoor theater.

May also include commercial facilities customarily associated with the above outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses, which are separately defined.

(e) **Uses within the industrial category are defined as follows:**

Industrial means a facility and surrounding yard designed primarily for the preparation and production of products from raw materials. May include an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations.

Electric substation means a facility used for the transmission and distribution of electric power, or communications, provided that such facilities have no office, business, commercial, maintenance or storage yard operations.

Ground transportation terminal means a facility for the transfer of passengers and goods between vehicles and between modes of transportation, or the receiving, shipping, and temporary storage or housing of vehicles.

Industrial, heavy means means the fabrication of products in a manner not consistent with light manufacturing.

Industrial, light means the fabrication of products within buildings which does not include explosive or highly flammable materials, produce discernible noise or odor outside of buildings, and does not include outdoor storage areas exceeding specified limitations.

Recycling or salvage facility means a facility for receiving, sorting, storing and reconditioning appliances, building materials, and any other salvaged or reclaimed materials.

Sewage treatment facility means a facility designed for the treatment of sewage that is provided and maintained by the county, municipality, or a utility company which a governmental agency has specifically approved as acceptable.

Solar energy system means an energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structure's energy requirements.

Solid waste disposal means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any city, authority, county or any combination thereof, or by any person engaging in such a process as a business. Uses include, but are not limited to, solid waste disposal and garbage or trash: Assembly, incineration or processing.

Warehouse and distribution means a use engaged in indoor storage of manufactured products, supplies and equipment characterized by frequent heavy trucking activities or nuisances such as dust, noise and odors, but not involved in manufacturing or production. This definition does not include the "bulk storage of highly flammable materials", which has its own definition.

Water supply facility means a facility operated by a public utility for the pumping, storage, treatment, and distribution of water to buildings and properties.

Wind energy, large means a wind energy conversion system used primarily to generate power for off-site consumption, more than 100kW, consisting of one or more wind turbines and associated accessory facilities.

Wind energy, small means a wind energy conversion system used primarily to generate power for on-site consumption, 100 kW or less, consisting of a wind turbine, tower, base and associated control or conversion electronics.

Wireless communications: cell tower means any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one or more antennas.

(f) **Uses within the institutional category are defined as follows:**

Institutional use means a facility devoted to serving the public. It is unique in that the primary objective of uses is the provision of services, frequently on a non-profit basis, rather than the sale of goods or services.

Convention or exhibition facilities means multipurpose commercial facilities with multiple assembly, meeting, and/or exhibit rooms or spaces and related support facilities, such as full kitchens, offices, and lodging for the primary purpose of hosting business and professional conferences, conventions, meetings, and trade shows.

Cultural means a permanent facility substantially engaged in the arts or cultural heritage, including museums, art galleries, theaters, performing arts centers, libraries, and historic sites.

Emergency services means facilities operated by public agencies for public safety and emergency services, including fire stations, police and sheriff stations, ambulatory service and including related administrative facilities and interim incarceration facilities. Does not include "governmental service facility" which is separately defined.

Gallery means a building or space where artwork is exhibited and sometimes sold.

Government facilities means land uses that are publicly owned or operated for public benefit. Government facilities include a wide range of uses from police stations to city offices and libraries.

Library means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, and which allows access to members of the public.

Museum means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art.

Performing arts means forms of art based upon live human performance, such as music, dance, or theater.

Religious assembly means a building or space used for religious worship, including accessory uses such as Sunday school classrooms, social halls, and administrative offices.

School: K-12 means a building where education of children of elementary, middle school or high school age takes place.

School: post-secondary means institutions of higher education that typically offer a range of educational programs and degrees beyond high school level, including accessory uses like dormitories, sports facilities, and research centers. Examples include colleges and universities, trade schools, and vocational programs.

(g) **Uses within the lodging category are defined as follows:**

Lodging means a structure containing guest rooms which are used, rented or hired for sleeping purposes and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, by transient guests. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. Lodging is divided into the following tiers for zoning purposes:

- a. 6 rooms or less;
- b. 7 to 12 rooms; and
- c. More than 12 rooms.

Campground or recreational Vehicle (rV) Park means temporary outdoor accommodation, typically in tents, travel trailers, or recreational vehicles. This type of use may include accessory facilities such as a manager's office, restrooms, showers, and laundry facilities.

(h) **Uses within the residential category are defined as follows:**

Residential means the use of a lot or structure for dwelling purposes, which includes related accessory uses like home occupations and private garages.

Home occupation means a business, profession, or trade conducted within a residential building that is incidental to the residential use and does not alter the character of the dwelling or residential character of the site.

Accessory dwelling (ADU) means a self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities, or as defined by the State of Arkansas.

Group home means a residential living arrangement defined and regulated under applicable state or federal law, including the Fair Housing Act and the Americans with Disabilities Act, that provides housing for persons entitled to protection under those laws.

Manufactured home or dwelling means a dwelling unit constructed in a factory in accordance with and meeting the definitions set forth in the Federal Manufactured Home Construction and Safety Standards, 24 C.F.R. pt. 3280, promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et. seq., as it existed on January 1, 1976 and as defined in the Arkansas State Statute Sec. 20-25-102.

Cottage court means four or more detached dwellings arranged around a shared open space, each unit with its own separate entrance oriented towards the shared courtyard.

Dwelling means a building or portion of a building designed or used for human habitation that contains permanent provisions for living, sleeping, cooking, and sanitation.

For zoning purposes, dwellings are regulated in the following categories:

- a. 1 dwelling detached;
- b. 1 dwelling attached (townhomes);
- c. 2 dwellings per building;
- d. 3 -4 dwellings per building;

- e. 5 to 8 dwellings per building;
- f. 9 to 12 dwellings per building; and
- g. 13 or more dwellings per building.

SEC. 50-905. DEFINITIONS

Access means a legal means of entering or existing a property for pedestrians, vehicles, emergency services, or utility service.

Accessory building means a structure located on the same property as a principal structure and used in a way that is incidental to the principal use. Accessory buildings do not contain uses listed in the use table. For example, a storage shed, detached garage without an ADU, or guest suite that does not qualify as an ADU.

Accessory Use means a use that (1) is subordinate in area, extent and purpose to the principal use, (2) contributes to the comfort, convenience or necessity of the principal use, and (3) is located on the same lot and in the same zoning district as the principal use.

Addition means any construction that increases the size or footprint of a building.

Adjacent means nearby but not directly abutting. This includes properties or buildings separated by a right-of-way, easement, another building, or by fewer than four intervening properties.

Adjacent grade means the vertical elevation of a surface within 5 feet of a building or structure.

Administrative adjustment means a practice, design, or dimension that does not meet a standard of this Code but may be approved by the identified city staff when site or application conditions meet the specified criteria.

Aggrieved party means a person with a legal or property interest that is directly and adversely affected by a decision under this Code, in a way that is different from the general public.

Airport facilities means a landing facility for fixed or rotary winged aircraft containing a minimum of sixty (60) acres, subject to the Federal Aviation Agency's requirements of safety and the applicant securing air space utilization from the Federal Aviation Agency.

Alley means a service way that provides vehicle access to abutting properties.

Alley apron means the transition area between alley paving and the sidewalk, parkway, curbing, and pavement of a street.

Alteration means any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders the consummated act of which may be referred to herein as "altered" or "reconstructed."

Appeal means a request for review of a final interpretation or administrative decision made by the Director or other reviewing body, in accordance with the procedures of this Code.

Application means a complete request submitted by a property owner, applicant, or authorized agent for review under the procedures of this Code.

Attached building means a building that shares a continuous wall, roof, floor, or other structural element with an adjacent building.

Awning means an overhead protective structure that projects from a wall or roof structure of the building that is constructed to allow pedestrians or vehicles to pass under or as a decorative embellishment.

Beacon means a stationary or revolving light which flashes or projects illumination (single or multicolored) in any manner that has the effect of attracting or diverting attention, with exceptions for certain required safety lighting.

Bicycle parking, long term means parking for a duration exceeding 2 hours, typically associated with residents or employees, as well as attendees of long-duration special events.

Bicycle parking, short term means parking for a duration less than 2 hours, typically associated with customers of retail or service businesses, residential visitors, and most assembly-use attendees.

Block means a group of properties bounded on all sides by streets, civic space, water bodies, or other physical barriers.

Buffer means a strip of land designed to separate or protect one land use, waterway, or natural feature from another.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Buildable area means the space remaining for construction on a lot after the minimum area requirements (yards, setbacks, lot coverage) have been met.

Building frontage means the facade of a building facing a frontage line, typically including the primary entrance.

Building setback means the area of a property between a lot line and a building facade that must remain clear of permanent structures, except for allowed encroachments.

Canopy means:

- a. A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration, most commonly associated with building entry covering and attached signs;
- b. A permanent freestanding overhead protective structure that is constructed to allow pedestrians and vehicles to pass under, that is supported by columns extending to the ground, most commonly associated with gas stations; and
- c. See tree canopy when associated with trees and landscaping.

Certificate of occupancy means the official certification that a structure complies with the zoning ordinance, building code, and all other adopted regulations, and may be occupied.

Chasing lights means a sequence of lighting effects on a sign or display in which individual light elements are illuminated in time-sequenced succession, creating the illusion of movement or directional light flow (sometimes also referred to as a chaser effect).

Civic space means an open space intended for active or passive recreational use and gathering that complies with specific design requirements.

Commercial waste means any waste produced by commercial, institutional, or industrial operations, excluding domestic sewage.

Compliance means the condition of meeting the requirements, procedures, or conditions established by this Code or by a decision made under its authority.

Conceptual drainage framework means an engineered plan that shows the locations, types and approximate sizes of proposed drainage/conveyance facilities (including bioswales, wetponds, or other water quality facilities).

Conceptual utility framework means a utility map submitted with the preliminary plat, consisting of a schematic drawing (with the subdivision plat as background) showing all water and sanitary sewer lines in the subdivision and connections outside the subdivision.

Condominium means a property arrangement where each owner possesses their individual unit (such as an apartment, townhouse, or commercial space) and shares possession of common areas (like hallways, roofs, parking areas, green space, or utilities) with other owners usually through an association.

Conservation Park (civic space) means an area designated to preserve significant natural open space areas, wildlife habitats, riparian corridors, and unique geological features. Development is restricted to minimal public access improvements such as trails and interpretive signage.

Construction plan means detailed design drawings and specifications used for construction of streets, sidewalks, curbs, utilities, and other site improvements.

Corner lot means a property located at the intersection of two streets that do not share a common center line.

Curb return radius means the curved edge of a street corner that connects the curb lines of intersecting streets, measured either as the actual curb or as the effective path traced by turning vehicles.

Deciduous tree means a woody plant that sheds its leaves seasonally.

Dedication means land or improvements offered to the city, county, or state and accepted by them for public use, ownership, or maintenance.

Detached building means a building that shares no wall, roof, floor, or other structural element with another building.

Defined channel or **bed** means an area that shows clear evidence of the passage of water over time, including a visible path or depression.

Development means the process of:

- a. Converting land to a new purpose by constructing buildings or other improvements; or
- b. Expanding or altering existing improvements.

Driveway means a travel-way installed, owned, and maintained by a property owner or other private party, not part of the City street system, and intended to provide access to and from a property.

Driveway apron means the transition area between a driveway and the sidewalk, parkway, curbing, and pavement of a street.

Dwelling means any room or group of rooms within a structure forming a single habitable unit with facilities intended for living, sleeping, cooking, and sanitation by one household.

Dwelling unit means a measure of the number of dwellings in a building, on a lot, or within a development.

Easement means a grant by a property owner allowing the public, a utility, or another party to use part of the property for a specific purpose.

Eave means a projecting overhang at the lower border of a roof and extending from a building wall or support.

Encroach means to extend a structural or decorative building element into a required setback, easement, right-of-way, or above a maximum height limit.

Encroachment means any structural element or feature that extends into a setback, easement, right-of-way, or above a height limit.

Erosion control means temporary or permanent practices designed to prevent or reduce soil erosion and sedimentation during or after land disturbance activities.

Façade means the exterior face of a building facing or visible from a frontage line.

Farm building means a structure used for agricultural operations on a rural lot. Farm buildings include barns, equipment sheds, grain storage, livestock shelters, and similar structures used for crop production or animal husbandry. They do not include dwellings or buildings used for commercial processing, retail sales, or industrial activities.

Fence means a structure made of posts, boards, wire, metal, or similar materials that marks a boundary or encloses an area. A fence is mostly open to view and does not retain soil.

Fencing means fences or walls constructed to mark a boundary or enclose an area, not used to support a building or enclose interior space.

Festival street means a portion of public right-of-way designated by the City for recurring temporary closure to vehicular traffic for the purpose of hosting pedestrian-oriented public events, festivals, and community activities. Designated festival streets are intended to facilitate frequent special uses of the street without requiring individual special event permits for each occurrence.

Final plat means an engineering drawing, certified for accuracy by a land surveyor or civil engineer, that reflects the final conditions of a subdivision and is submitted for recording.

Flood hazard area means land subject to special flood hazard or other high-risk flooding, including areas adjacent to high-risk flood zones.

Floodplain as defined in Art. 34-V Flood Damage Prevention.

Floodway as defined in Art. 34-V Flood Damage Prevention.

Floor area means the total gross area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies and terraces.

Forecourt means an area along a frontage line where a recessed building or portion of a building creates an outdoor space partially enclosed by building walls. Forecourts are commonly used for entries, outdoor dining, landscaped amenity space, or to provide access to multiple spaces or uses in a single building or collection of buildings.

Front lot line means the property line that runs along the frontage or right-of-way of the street to which the property is addressed.

Frontage means the area between a building facade and street or civic space, inclusive of its varying built and planted components.

Frontage line means the property boundary adjacent to a street or civic space, as distinguished from internal or side property lines.

Future land use map means a land planning policy document adopted by the City of Bentonville and required by the State of Arkansas.

Gallery means an encroachment where the facade is aligned close to the frontage line with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk

Garage means an accessory building, including carports, or part of a primary building used primarily for storage of motor vehicles. Commercial garages may also include service, repair, rental, or sales of motor vehicles, separately regulated for automobile sales and automobile service use categories.

Grade means the vertical elevation of a plane or surface from a given base-point.

Green (civic space) means a medium-sized public space available for unstructured recreation, circumscribed by building facades or natural areas, its landscape consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.

Green street means a street or right-of-way that integrates green infrastructure (such as street trees, bio retention, permeable paving, swales, or other low-impact stormwater devices) to manage stormwater runoff and enhance environmental performance of the street.

Greenway (civic space) means a linear open space that runs along multiple blocks, typically used for passive recreation and active transportation, often connecting with the bikeway network.

Groundwater means water located below the surface of the ground, including water that percolates into or out of subsurface soils or rock.

Hazardous material means any material, substance, or waste identified or specified as hazardous in Code of Federal Regulations, Title 40, Chapter I.

Hedge means a fence or boundary formed by closely growing bushes or shrubs.

Impervious surface means any surface that does not allow water to infiltrate into the ground, including but not limited to rooftops, asphalt, concrete, and compacted gravel.

Improvements means permanent additions to or enhancements of property that increase its functional or capital value. Improvements include, but are not limited to: streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings.

Infill Development means development, redevelopment, or expansion occurring on property located within an area characterized by existing buildings, streets, utilities, and other urban infrastructure, where the site is surrounded by or adjacent to previously developed land.

Infiltration means the process by which water on the ground surface enters the soil.

Interior lot means a lot which is bounded by abutting properties or alleys along side and rear lot lines.

Kiosk means a small structure affixed to a permanent foundation housing an accessory use, not necessarily related to the main use, for giving information, retailing goods, or providing services.

Landscaping means the placement, planting, and maintenance of trees, shrubs, grass, and other plant materials.

Landscape architect means a person who holds a license to practice landscape architecture in this State of Arkansas.

Liner building means a building that lines frontages (e.g. sidewalks and civic spaces) with active ground floor uses and hides other non-active uses (e.g. parking garages, theaters, and storage). Liner buildings are typically shallower in depth than other buildings but may also describe a normal building that shields blank walls and other non-active building areas from frontages.

Loading space means an unobstructed, hard-surfaced area located outside of the public right-of-way, intended for the standing, loading, or unloading of trucks and trailers.

Long-term bicycle parking means parking for a duration exceeding 2 hours, typically associated with residents or employees, as well as attendees of long-duration special events.

Lot means a parcel of land legally described in a recorded deed or plat, with access from a public right-of-way, access easement, or approved private street.

Lot area means the total horizontal area within a legally defined parcel.

Lot combination means the creation of one legal lot by merging two or more existing, contiguous lots.

Lot coverage means the percentage of a parcel's area that is occupied by the footprint of principal and accessory buildings.

Lot line means the boundary line of a parcel of land.

Lot Split means the creation of two or more legal lots by dividing one existing lot.

Lot width means the horizontal distance between side lot lines, measured at the front building setback line.

Major driveway means a driveway within a private development site, including commercial driveways, that provides vehicular and pedestrian access within the site and connects to public streets and adjacent sites, designed and located to function like a street.

Median means a raised or painted area that separates lanes of traffic moving in opposite directions and may include landscaping, pedestrian refuge areas, or other design elements.

Mid-block means an area, lot, or feature located in the interior portion of a block, away from intersections.

Multi-family dwelling means a structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots.

Native means any species of plant indigenous to Northwest Arkansas.

New construction means a new building or structure on a vacant site, as well as a major reconstruction or addition to an existing building, the scope of the work to distinguishes new construction from minor repairs or alterations is as specified in [Article 50-8 Nonconformities](#).

Nonconforming sign means a sign that was lawfully established but does not comply with the current signs standards of this Chapter.

Nonconforming structure means a building or structure that was lawfully established but does not comply with current development standards of this Chapter.

Nonconforming use means a use of land, building, or structure that was lawfully established but does not conform to the use regulations of the applicable zoning district.

Nonconformity means a condition, use, structure, or lot that was lawfully established but does not conform to the current requirements of this Chapter.

Nonresidential means a building or use not intended for dwelling purposes.

Obstruction means any object, material, or vegetation that blocks, hinders, or restricts the safe and free use of public areas. The definition can vary slightly depending on the context, such as street and sidewalk access, visibility at intersections, or emergency access for fire and life safety.

Off-street parking means a parking space located outside of the public right-of-way with permanent access to a public street.

Open space means any area of a property dedicated to recreation, preservation of natural features, stormwater management, or pedestrian connectivity. Open space includes civic space but is not limited to only civic space.

Ordinance means a piece of legislation enacted by a municipal authority.

Ornamental tree means a tree planted primarily for qualities such as flowers, fruit, and attractive foliage or shape

Overlay district means a zoning district that is mapped over one or more underlying zoning districts and that modifies or supplements the regulations of those underlying districts.

Owner means the person or entity holding legal title to a property, or their authorized representative or agent.

Parcel means a tract of land under single ownership, bounded by property lines.

Park means area characterized by open space typically utilized for leisure activities.

Parking lot means any hard-surfaced area designed for vehicular access and parking, including access drives, aisles, and individual parking spaces.

Pedestrian network means the system of sidewalks, paths, trails, and crossings that provides continuous and safe access for people walking or using mobility devices.

Permeable pavement means a paving material designed to allow stormwater to infiltrate through the surface into the soil below.

Permit means written authorization issued by the City allowing a specific use, activity, or improvement in accordance with this Code.

Plan means a fully dimensioned drawing showing all elements of a proposed development.

Plan set means the complete package of documents submitted for review, including drawings, narratives, calculations, exhibits, and submittal forms as required by the Director.

Plat means an engineering drawing certified by a land surveyor or engineer that defines property boundaries and includes details for subdivision and development.

Platted means legally described and recorded on a final plat approved by the City and filed with the Benton County Circuit Clerk.

Play equipment means a manufactured, natural structure, or device that is specifically designed for children's recreational play in parks, civic spaces, schools, and other public or private settings.

Plaza (civic space) means a mostly paved civic space common to higher intensity zones, often used for gathering, outdoor dining, and community events.

POA or HOA means a property owners association (POA) or homeowners association (HOA), which is a private, non-profit organization that governs a residential community like a subdivision or condo building. It collects dues from members to maintain common areas and enforces community rules.

Pocket park (civic space) means a small open space intended to provide active or passive recreation opportunities and act as a gathering space.

Porch means an open air area appended to a building, with floor and roof but no walls facing frontages.

Preliminary plan means a drawing that includes all required information necessary to illustrate proposed development features and how the site responds to physical conditions.

Preliminary plat means an engineering drawing certified by a land surveyor or civil engineer that provides all necessary data to illustrate a proposed subdivision.

Premium transit means public transportation that is either fixed guideway (e.g. light rail), bus rapid transit, or busses with a peak-hour service frequency of 10 minutes or less.

Principal use means the use which fulfills the primary function of an establishment, institution, household or other entity.

Principal building means the building in which the primary use of a property is conducted.

Private street means a travel-way that is privately constructed, owned, and maintained, and not part of the City street system, intended to provide access to and from a property.

Project boundary means the outermost edge of the subject property included in a development or application.

Public improvement means any infrastructure element required by this Code to be constructed and dedicated to the City, including but not limited to streets, sidewalks, water, sewer, drainage, and street trees.

Rain garden means a shallow, vegetated area designed to capture, absorb, and treat stormwater runoff from impervious surfaces.

Retaining wall means a structure that holds back soil or rock from a building/structure/area; prevents downslope movement or erosion; or provides support for vertical or near-vertical grade changes.

Rezone means the process of changing the zoning designation of a parcel.

Right-of-way means the land (and interest in land) dedicated to or acquired by the city or county for public use, including streets, alleys, sidewalks, parkways, drainage, utilities, and related public infrastructure. It includes the area on, above, and below the surface as necessary for public use.

Riparian buffer means a vegetated area located adjacent to a stream, river, lake, or other water body that is intended to protect water quality, stabilize banks, reduce erosion, and preserve natural functions.

Sanitary sewer means a system of pipes, conduits, and other infrastructure that carries domestic sewage and industrial waste from buildings to a sewage treatment plant. Stormwater, surface water, and groundwater are not intentionally admitted to this system.

Screening means a method of visually separating one use or area from another by fencing, walls, landscaping, or other architectural or vegetative means.

Shade tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shared street means a space that is shared by people using all modes of travel. The design encourages extremely low vehicle speeds and volumes. Shared streets are often curbless, providing pedestrians with freedom of movement and creating optimal spaces for special events. They can support a variety of land uses, including commercial, entertainment, dining, and residences. Shared Streets should include strategically defined edges and zones, and unique paving materials where feasible.

Shared-use path means a paved path physically separated from vehicular lanes and designed for joint use by pedestrians and cyclists.

Shop front means a private frontage typical for retail use, with substantial ground-floor glazing and a building entrance located at sidewalk grade, aligned close to the frontage line.

Short-term bicycle parking means parking for a duration less than 2 hours, typically associated with customers of retail or service businesses, residential visitors, and most assembly-use attendees.

Sidewalk means a shared facility for walking and biking located parallel to but physically separated from the street or roadway.

Sidewalk means a walkway improved with approved material located in the public right-of-way generally parallel to abutting property for pedestrian use.

Sign means any object or structure that can be seen from outside and is used to show, advertise, or draw attention to a person, place, product, service, event, or business. This includes words, pictures, symbols, colors, lighting, or similar visual features. Signs include the following permitted types:

- a. **A-frame sign** means a temporary, portable, freestanding sign composed of two sign faces hinged at the top or attached back-to-back in a triangular ("A") shape that is capable of standing on its own without external support.
- b. **Awning sign** means a sign mounted to awnings of cloth, canvas, vinyl or other appropriate materials and are of the same or similar material as the awning.
- c. **Banner** means a temporary sign made of cloth, canvas, fabric, or other light pliable material with or without a structural frame that is either mounted to or suspended from a building, pole, or other structure.
- d. **Billboard** means a freestanding sign owned by a person, corporation or other entity that engages in the business of selling or donating the display space on that sign.
- e. **Bow flag** means a type of temporary sign composed of lightweight, flexible material mounted on a vertical support pole, designed to wave or flutter in the wind and draw attention to a business, product, service, event, or location.
- f. **Canopy sign** means a sign attached to the horizontal face or underside of a canopy. Canopy signs include signs that are painted on, affixed to, or otherwise integrated with the canopy surface and are distinct from wall, projecting, or free-standing signs.
- g. **Canopy gas station sign** means a sign face affixed to or integral to a gas station canopy.
- h. **Construction sign** means a temporary sign placed on the site of a construction project that identifies the project and the principal parties involved, including owners, contractors, architects, engineers, subcontractors, and material suppliers, where the sign is located on the same property as the construction activity.
- i. **Corner sign** means a sign that is installed on the corner of a building and is intended to be viewed from more than one (1) direction. Corner signs are generally oriented at an approximate forty-five (45) degree angle toward the intersection.
- j. **Event ground sign** means a temporary, ground-mounted sign placed for the purpose of identifying, directing traffic to, or providing information about a specific event, festival, fair, or community gathering, and displayed on or near the property where the event occurs for a limited period of time.
- k. **Feather flag** means A vertical, portable temporary sign composed of lightweight fabric or similar flexible material mounted on a single supporting pole or staff, allowing the fabric to hang or wave in the wind; such signs are often referred to as feather banners, banner flags, or

swooper flags.

- l. **Ground sign (multi-tenant)** means a freestanding sign permanently supported by the ground (without attachment to any building or canopy) that identifies or advertises two or more tenants located on the same property where the sign is located.
- m. **Ground sign (single tenant)** means a freestanding sign permanently supported by the ground (without attachment to any building or canopy) that identifies or advertises only a single tenant located on the same property where the sign is located.
- n. **Marquee sign (canopy)** means a sign which is painted on, attached to, or supported by a canopy.
- o. **Marquee sign (vertical)** means a marquee sign that is mounted on the face of a marquee or canopy with its major display dimension oriented vertically (i.e., the height exceeds the width), and attached to or supported by the marquee structure.
- p. **Mobile billboard** means a mobile unit that carries, transports, or displays a sign or advertising message for the primary purpose of advertising, whether attached to a vehicle, trailer, bicycle, or similar mobile device.
- q. **Pennant** means a temporary sign made of flexible material and generally longer than it is wide, often triangular in shape and intended to move in the wind, typically displayed alone or in series on a rope or string.
- r. **Pole sign** mean a permanent sign supported with one or more uprights or braces placed in or upon the ground and detached from any building or structure that does not qualify as a Ground Sign.
- s. **Portable message center sign** means a movable sign that contains changeable copy, where the message can be updated or altered by manual changeable letters, panels, or electronic display, and is not permanently affixed to a building or structure.
- t. **Poster / printed board** means a temporary sign composed of printed or other material that is attached or affixed to a building, signboard, or other permitted structure; information is intended to be displayed for a temporary period and may include notices of events, public meetings, elections, or other short-term messaging.
- u. **Projecting sign** means a sign attached to, painted on, or erected with the display surface perpendicular to the plane of the wall. Projecting signs do not include awning, canopy, marquee or freestanding signs.
- v. **Roof sign** means an identification sign (or portion) located on, or extending over the roof line, supported by the roof or by an independent structural frame.
- w. **Spinner** means a sign or sign-like device composed of lightweight materials and mounted so that it is designed to spin or rotate in the wind, creating motion for the purpose of attracting attention.
- x. **Streamer** means a type of temporary sign composed of lightweight, flexible material (such as fabric, plastic, or similar), suspended from a pole, line, or other support, designed to move or flutter in the wind and attract attention.
- y. **Subdivision sign** means a sign that identifies and enhances perceptual entry points into a particular residential subdivision.
- z. **Temporary sign** means any sign fabricated of paper, plywood, fabric, window whitewash or other light, impermanent materials and intended to be displayed for a limited duration. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign is not be regarded as temporary.
- aa. **Wall sign** means a sign attached to, painted on, or erected against the exterior wall of a building with the display surface parallel to the plane of the wall. Wall signs do not include canopy, projecting, or freestanding signs.

- ab. **Window sign** means a sign painted on, applied to, attached to, or placed inside a window or glazed area for the purpose of being viewed from outside the building. Window signs do not include interior displays or merchandise that are not intended primarily as signs.
- ac. **Worksite sign** means a temporary sign, stating the names of individuals/firms connected with the project, or any safety information related to the project, placed on the premises where construction/repair/renovation is in progress.
- ad. **Yard sign** means a temporary sign supported by the ground independent of any other structure.

Significant tree means a tree that meets the criteria established in [Sec. 50-509](#).

Single-family means a detached dwelling.

Site means the land or water area where any facility or activity is located or proposed to be located.

Special street means a street designed that provides access to a limited selection of users such as pedestrian-only streets, is designed to function both as a normal street for vehicles and as a temporary, flexible public space for special events, or in any other manner that provides intermittent or limited access to one or more user - vehicles, public transit, pedestrians, or bicycles. The A Street Promenade is an example of a special street.

Square (civic space) means an open space that is mostly landscaped, consisting of paths, lawns, and trees, formally arranged.

Stoop means an encroachment where the facade is aligned close to the front lot line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

Storm drainage means all surfaces, structures, and systems that contribute to or convey stormwater.

Stormwater means runoff resulting from precipitation.

Stream means a flow of surface water sufficient to produce a defined channel or bed.

Street means the entire width of public or private right-of-way designed for both vehicular and pedestrian movement and access to properties.

Street screen means a freestanding wall or fence built along the frontage line or aligned with a building façade to visually screen parking or service areas from the street.

Temporary use means land uses that are not permanent in nature and often include, but are not limited to, carnivals, circus, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.

Through lot means a property that has frontage on two streets, other than corner lots.

Topping means the practice of removing large portions of the tree's crown without regard to proper pruning techniques, which can significantly damage the tree's health. Topping is an inappropriate pruning practice that contrasts with acceptable methods like crown reduction or removing safety hazards.

Townhome means a single dwelling within a dedicated entrance that shares one wall with another single dwelling, or two opposite walls with additional single dwellings.

Transect means a cross-section of the environment that illustrates the range of physical and ecological conditions from rural to urban. In this Code, the rural-to-urban transect is divided into six zones, each describing the intended physical form and land use intensity.

Transect district means a zoning district mapped in accordance with this Code that applies the standards of one of the rural-to-urban transect zones.

Tree canopy means the collection of branches, leaves, and sometimes flowers or fruits that form the upper part of a group of trees. When you look up at a group of trees, the branches and leaves that create a sort of roof or covering overhead make up the tree canopy. It provides shade, homes for birds and other animals, and adds beauty to the outdoor environment.

Tree canopy coverage means the area covered by the canopy of trees on a lot, tract, or parcel.

Two-family dwelling means a building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

Understory means vegetation that grows beneath the main tree canopy.

Unit paver means modular, interlocking units (e.g., brick, concrete, or stone) that form a paved surface without continuous poured concrete or asphalt.

Vacation means the act of rescinding (canceling) all or part of a recorded subdivision plat or designation of public right-of-way, including legal descriptions and grants of easements.

Violation means any failure, refusal, or neglect to comply with any provision of this Code.

Wall means one of the sides of a room or building connecting floor and ceiling or foundation and roof. A wall may also be a free-standing feature on a site, erected for privacy, sound deflection, security, aesthetic, or other purpose. A wall which is not part of a building is constructed of masonry and is considered a permanent feature of the site.

Waiver means an official mechanism that allows city staff or legislative bodies to grant exceptions to regulations, fees, or requirements under specific circumstances, often to prevent undue hardship or to serve a broader public purpose.

Wastewater means any water or liquid waste discharged from a facility, excluding uncontaminated stormwater.

Wetland means land that is inundated or saturated by surface or groundwater often enough to support vegetation typically adapted to saturated soil conditions.

Woodland means an area characterized by a more or less dense and extensive tree cover; more particularly, a plant community predominantly of healthy trees and other woody vegetation, well-stocked and growing more or less closely together.

Yard means the portions of a lot not allowed to be built upon due to setbacks (front, side, rear, and alley yards associated with setbacks) or portions of a lot which are not built upon (interior yard), other than fencing, decks, paving, pools, and other elements that may be allowed.

City of Bentonville, Arkansas

Zoning district means a mapped area of the city in which specific land uses and development standards are applied according to this Code.

Zoning district boundary means the mapped line that separates one zoning district from another.

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