Planning Commission
Meeting Agenda
February 17, 2026
Bentonville City Hall
Tech Review: 4:30 PM
Public Hearing: 5:00 PM

Registration Link: https://us02web.zoom.us/j/87460564729

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. **February 3rd Meeting Minutes** — **Approval of Meeting Minutes**

III. Consent Agenda

1. **Vosberg Subdivision, Lot 1** — **Property Line Adjustment**
   507 SE Hendrix St. (PLA25-0036)
2. **Kerelaw Castle Subdivision, Lots 181-184** — **Lot Split**
   5012 and 5104 Town Vu Road (LS26-0001)
3. **Lots 5 & 6, Hunt Bennett Addition** — **Property Line Adjustment**
   3 Oak Valley Lane (PLA26-0002)
4. **Deming's 2nd Addition, Lot 6 & West 1/2 of Lot 5, Block 18** — **Property Line Adjustment**
   409 Northwest 7th Street (PLA26-0004)
5. **The Reserve Subdivision, Lots 4, 8 & 9, Creating Lots 10, 11 and 12** — **Correction Plat**
   North of Regional Airport Blvd, between Shell Road and Greenhouse (PLA26-0006)
6. **Skylight Subdivision, Lot 1** — **Property Line Adjustment**
   1906 Southwest 14th Street (LS23-0035)
7. **Lots 8 & 9, Tiarks Addition** — **Lot Split**
   1101 McColumn Road (LS25-0039)

IV. New Business

1. **V3 Construction & Development LLC** **Waiver**
   Garage Waiver
   420 Southwest Glover Street (WAV26-0002)
   Waiver from Dev Code 1100.22(d)(1) prohibiting front-facing garages

Advertised Public Hearings

1. **Faciszewski** **Rezoning***
   401 North Main Street (RZ25-0051)
   Rezoning: R-1, Low Density Single Family Residential to DN-4, Downtown Mixed-Use Residential **(Standard Review)**
2. **AP RE and Development, LLC** **Rezoning***
   409 Northwest 7th Street (RZ26-0001)
   Rezoning: R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential **(Standard Review)**
3. **Laurel Canyon LLC** **Planned Unit Development***
   902, 904, 906, 908, and 1002 Southeast 3rd Street (PUD25-0002)
4. **Bentonville Community Code** **Ordinance***
   Public Hearing only, no vote requested.
5. **Bentonville Zoning Map** **Ordinance***
   Public Hearing only, no vote requested.
6. **Downtown Center Overlay District Map** **Ordinance***
   Public Hearing only, no vote requested.
7. **Downtown Neighborhood Overlay District Map** **Ordinance***
   Public Hearing only, no vote requested.

V. Other New Business

VI. Old Business

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

VII. Other Business

1. **Sidewalk Discussion** **Discussion**
   Sidewalk requirements, potential waiver criteria and fee-in-lieu in the context of the new code

VIII. Adjournment

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

Meeting Recording: https://bentonvillear.portal.civicclerk.com/event/2053/media

Commissioners Present: Reggie Wright, Elaine Kerr, Danny Bennett, Doug Bryant, Ifeoma Ibekwe, Eric Hipp
Commissioners Absent: Dana Davis (Chairman)
Staff Present: Tyler Overstreet, Tom Adler, Dan Weese, Bonnie Bridges, Casey Hackler, Claire Wise

I. Call to Order

- Vice Chairman Bennett calls the meeting to order at 5:00 pm.

II. Approval of Minutes

1. **January 20th Meeting Minutes** — **Approval of Meeting Minutes**
   - Motion to approve by Wright, second by Ibekwe.
   - Minutes are approved unanimously on a voice vote 6-0.

III. Consent Agenda

1. **Mauck-Block Addition, Lot 26** — **Property Line Adjustment**
   540 Southeast A Street (PLA25-0035)

2. **Azalea Place Subdivision, Phase 1** — **Final Plat**
   3999 Ginn Road (FP25-0014)

3. **RV PS Subdivision Phasing Plan** — **Preliminary Plat**
   3820 Ginn Road (PP24-0003)

- Mr. Adler provides an overview of the items on the Consent Agenda.
- Consent Agenda is approved 6-0.

IV. New Business

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

- During tech review the Transportation director suggested having an arborist look at the tree to determine if it's healthy and if sidewalk installation could cause damage.
- Mr. Adler provides an overview of the staff report and states that the applicant requested to table the item.
- Motion by Wright to table the waiver, second by Ibekwe.
- Waiver is tabled 6-0.

Advertised Public Hearings

V. Other New Business

VI. Old Business

VII. Other Business

1. **Plan Bentonville Update** **Informational**

   Draft Bentonville Community Code

   - Mr. Overstreet provided an update during tech review that the BCC will be discussed at the February 17th Planning Commission meeting but will not be voted on at that time.

VIII. Adjournment

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

	Vosberg Subdivision, Lot 1
	507 SE Hendrix St.
	PC Date: 2/3/2026

Staff Report Details

Project Number	PLA25-0036
Applicant / Current Owner	Natural State Engineering / Steven Michael & Brandi Vosberg
Site Area	+/- .55 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	N/A
Current Future Land Use Map Designation	Suburban Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residential
Related projects	

Property Description

Project Details

Property Line Adjustment: Lot 48 Phase 7 and Lot 33 Phase 8 of College Place Subdivision, Creating Lot 1 of Vosberb Subdivision. 507 SE Hendrix St, PLA25-0036.

A Property Line Adjustment of Lot 48 Phase 7 and Lot 33 Phase 8 of College Place Subdivision, Creating Lot 1 of Vosberb Subdivision. 507 SE Hendrix St, PLA25-0036.

Relationship to the Community Plan

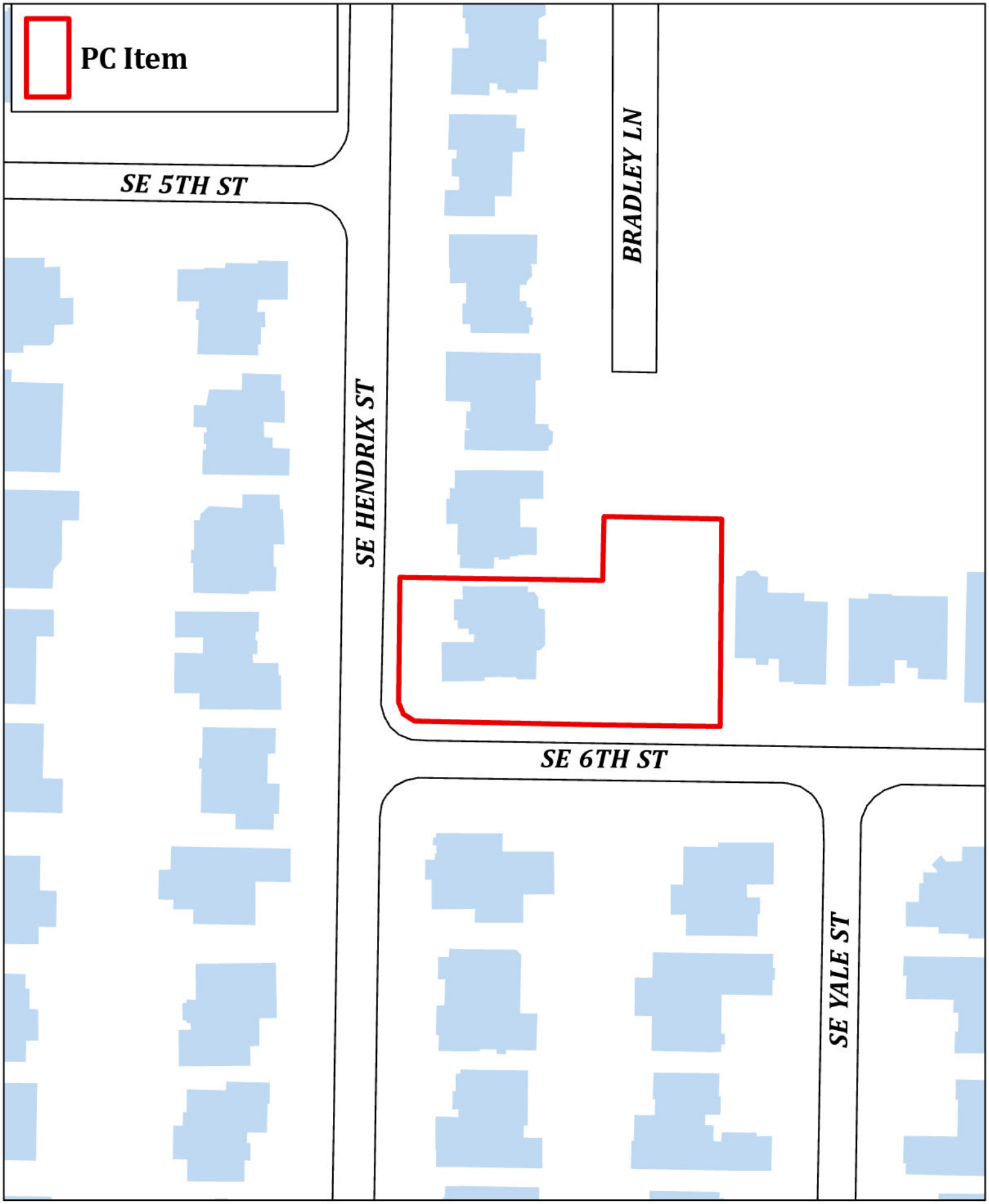
Public Comment

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

Analysis / Waivers

Conclusion

Additional Details



PLA25-0036
Creating Lot 1 Vosberg
507 SE HENDRIX ST

FLOOD CERTIFICATION:
I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0260K (EFFECTIVE DATE 06/05/2012) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

NOTES:

1. OWNER/DEVELOPER: VOSBERG, STEVEN MICHAEL & BRANDI, (504) 913-6797
2. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
3. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
4. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
5. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
6. SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE VISIT WWW.BENTONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT AT (479) 271-3122.
7. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE . THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
8. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED THE SURVEYOR. NO ABSTRACT OF TITLE OR TITLE COMMITMENT WERE FURNISHED THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.
9. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD,ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
10. THIS SURVEY DOES NOT PROVIDE SURVEY CONTROL FOR FUTURE CONSTRUCTION.
11. FLOOD ZONES SHOWN BY GRAPHIC PLOTTING ONLY.
12. ALL STRUCTURES MUST MAINTAIN A MINIMUM OF 20' CLEARANCE FROM ALL ELECTRIC LINES
13. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.
14. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO COORDINATE WITH THE NEW SERVICE COORDINATOR @ 479-271-3139 TO DETERMINE IF EQUIPMENT IS IN CONFLICT.
15. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH MOVING OF EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE.
16. 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.
17. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT THE TIME OF BUILDING PERMIT ISSUANCE.
18. APPROVAL OF THIS PLAT DOES NOT GUARANTEE ARKANSAS HEALTH DEPARTMENT APPROVAL.
19. ALL UTILITY LOCATIONS SHOWN HAVE BEEN FIELD VERIFIED.
20. THERE ARE NO WAIVERS, VARIANCES, AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT OR PLAN.
21. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS PROPERTY LINE ADJUSTMENT PURSUANT TO MUNICIPAL CODE SECTION 401.12 AND 401.13.
22. 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.
23. 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.
24. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER,SEWER, AND ELECTRIC SERVICE.
25. ALL SIDEWALKS SHALL BE INSTALLED BY THE TIME FRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS
26. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
27. 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/ OR CALL THE PLANNING DEPARTMENT @ 479-271-3122.
28. VACATION OF EASEMENT ALONG REAR OF PARCEL 01-15349-000 PER 2008-58 (BOOK 2008 PAGE 29450)

UTILITY CONTACT INFORMATION:
Black Hill Energy: Josh Knight, 1301 Federal Way, PO Box 2129, Lowell, AR 72745, (479) 721-4543, Joshua.knight@blackhillscorp. com
AT&T: Brent Baldwin, 1133 E. Harold St., Fayetteville, AR 72701,(479) 200-9022 or (479) 571-6609, bb6585@att.com
Cox Communications: Timothy Goss, 4901 S. 48th Street, Springdale, AR 72762, (479) 651-5583 timothy.goss@cox.com
Fire Dept.: City of Bentonville, Justin Scantlin, Fire Chief, 800 SW A Street, Bentonville, AR 72712, (479) 271-5927 or (479) 685-1096
Street Dept.: City of Bentonville, Tony Davis, 3200 SW Municipal Drtve, Bentonville, AR 72712, (479) 271 3130
Water Dept.: City of Bentonville, Beau Thompson, 3200 SW Municipal Drive, Bentonville, AR 72712, (479) 271-3140
Electric Dept.: City of Bentonville, 3200 SW Municipal Drive, Bentonville, AR 72712, (479)271-3135 ext. 2
Wastewater Dept.: City of Bentonville, Chris Earl, 1901 NE A Street, Bentonville, AR 72712, (479) 271-3161
Planning Dept.: City of Bentonville, Tyler Overstreet, 305 SW A Street, Bentonville, AR, (479) 271-3122
Building and Fire Safety: City of Bentonville, Brad Arnold, 305 SW A Street, Bentonville, AR, (479) 271-3108
City Engineer: City of Bentonville, Ellen Norvell, 3200 SW Municipal Drive, Bentonville, AR, (479) 271-5993
Stormwater: City of Bentonville, Alison West, 3200 SW Municipal Drive, Bentonville, AR, (479) 271-6719, jwest@bentonvillear. com

DESCRIPTION OF NEW LOT 1:

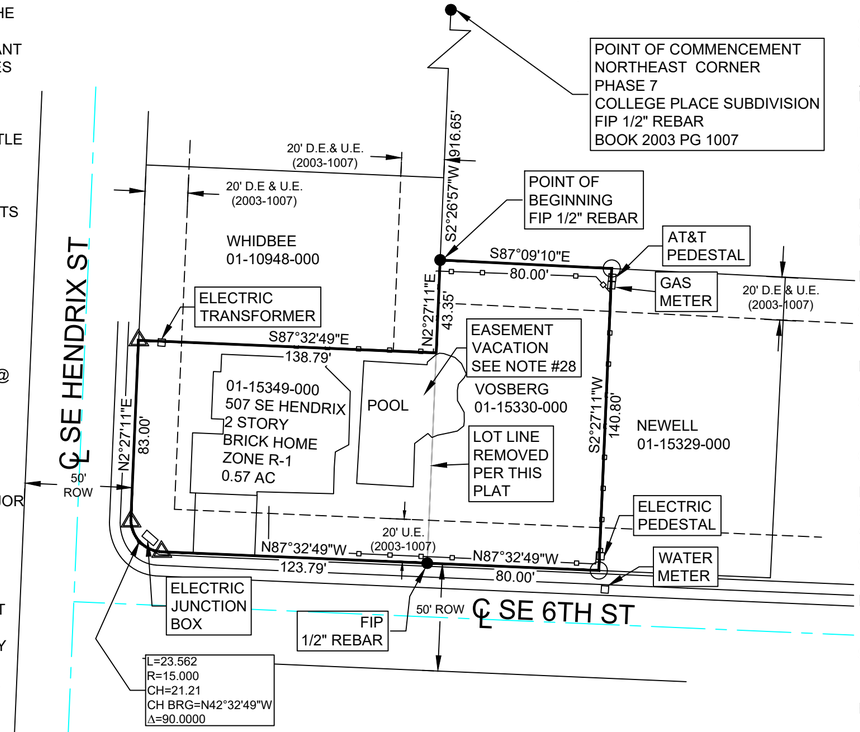
LOT 33 OF THE COLLEGE PLACE SUBDIVISION PHASE 8 AND LOT 48 OF THE COLLEGE PLACE SUBDIVISION PHASE 7 IN BENTONVILLE, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF PHASE 7 OF COLLEGE PLACE SUBDIVISION TO THE CITY OF BENTOONVILLE, THENCE S02°26'57"W 873.10' TO THE POINT OF BEGINNING; THENCE S87°09'10"E 80.00' TO A POINT; THENCE S02°27'11"W140.80' TO A POINT; THENCE N87°32'49"W 203.79' TO A POINT; THENCE ALONG A CURVE WITH A RADIUS OF 15.00', A CHORD LENGTH OF 21.21', A CHORD BEARING N42°32'49"W, AN ARC LENGTH OF 23.56' TO A POINT; THENCE N02°27'11"E 83.00' TO A POINT; THENCE S87°32'49"E 138.79' TO A POINT; THENCE N02°27'11"E 43.35' TO THE POINT OF BEGINNING; CONTAINING SOME 0.57 AC (=/-) AND SUBJECT TO ALL EASMENTS OF RECORD AND RIGHTS-OF-WAY OF SE 6TH STREET AND SE HENDRIX STREET.

DESCRIPTION OF PARENT PARCEL 01-15349-000:

LOT 48 OF THE COLLEGE PLACE SUBDIVISION PHASE 7 IN BENTONVILLE, ARKANSAS.

DESCRIPTION OF PARENT PARCEL 01-15330-000:

LOT 33 OF THE COLLEGE PLACE SUBDIVISION PHASE 8 IN BENTONVILLE, ARKANSAS.



CERTIFICATE OF OWNERSHIP AND DEDICATION:

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:_____

PRINT NAME: _____ PRINT NAME: _____
SIGNATURE: _____ SIGNATURE: _____

STATE OF ARKANSAS, COUNTY OF BENTON, SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 2025

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

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: _____
PLANNING COMMISSION CHAIRPERSON

DATE OF EXECUTION: _____

SIGNED: _____ SIGNED: _____
CITY CLERK, CITY OF BENTONVILLE MAYOR, CITY OF BENTONVILLE

CERTIFICATE OF SURVEYING ACCURACY.

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

DATE OF EXECUTION: _____

SIGNED: _____

REGISTERED LAND SURVEYOR NO. _____

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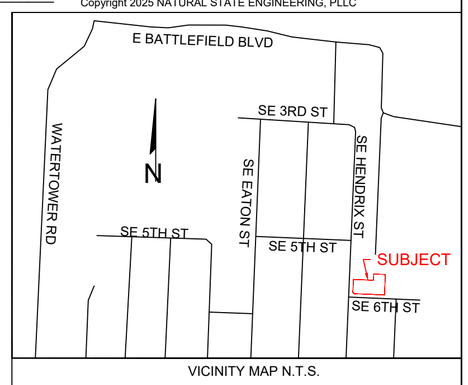


LEGEND

- SET IRON PIN
- FOUND IRON PIN
- CALCULATED POINT
- UTILITY POLE
- UTILITY APPURTENANCE (AS LABELED)
- CENTERLINE OF DRIVE
- PROPERTY BOUNDARY LINE
- DRAINAGE/UTILITY EASEMENT
- FENCELINE

N
GRID NORTH
BASED ON GPS OBSERVATION

0 25 50 100
SCALE IN FEET
1 in = 50 ft

PLA25-0036

PROPERTY LINE ADJUSTMENT
LOT 48 PHASE 7, AND LOT 33 PHASE 8
OF COLLEGE PLACE SUBDIVISION
CREATING LOT 1 VOSBERG SUBDIVISION

VOSBERG
COLLEGE PLACE SUBDIVISION
BENTONVILLE, ARKANSAS

NATURAL STATE ENGINEERING
118 W NORTH DRIVE
ROGERS, AR 72756
(479) 391-9225

DRAWN BY: TM	CHECKED BY: CM
SCALE: 1" = 50'	FILE:VOSBERGSURVEY
DATE: 24NOV25	DWG REF.VOSBERG.DWG
CLIENT NAME: VOSBERG	
JOB NO. 25-044	SHEET 1 / 1
500-20N-30W-0-34-420-04-1303	

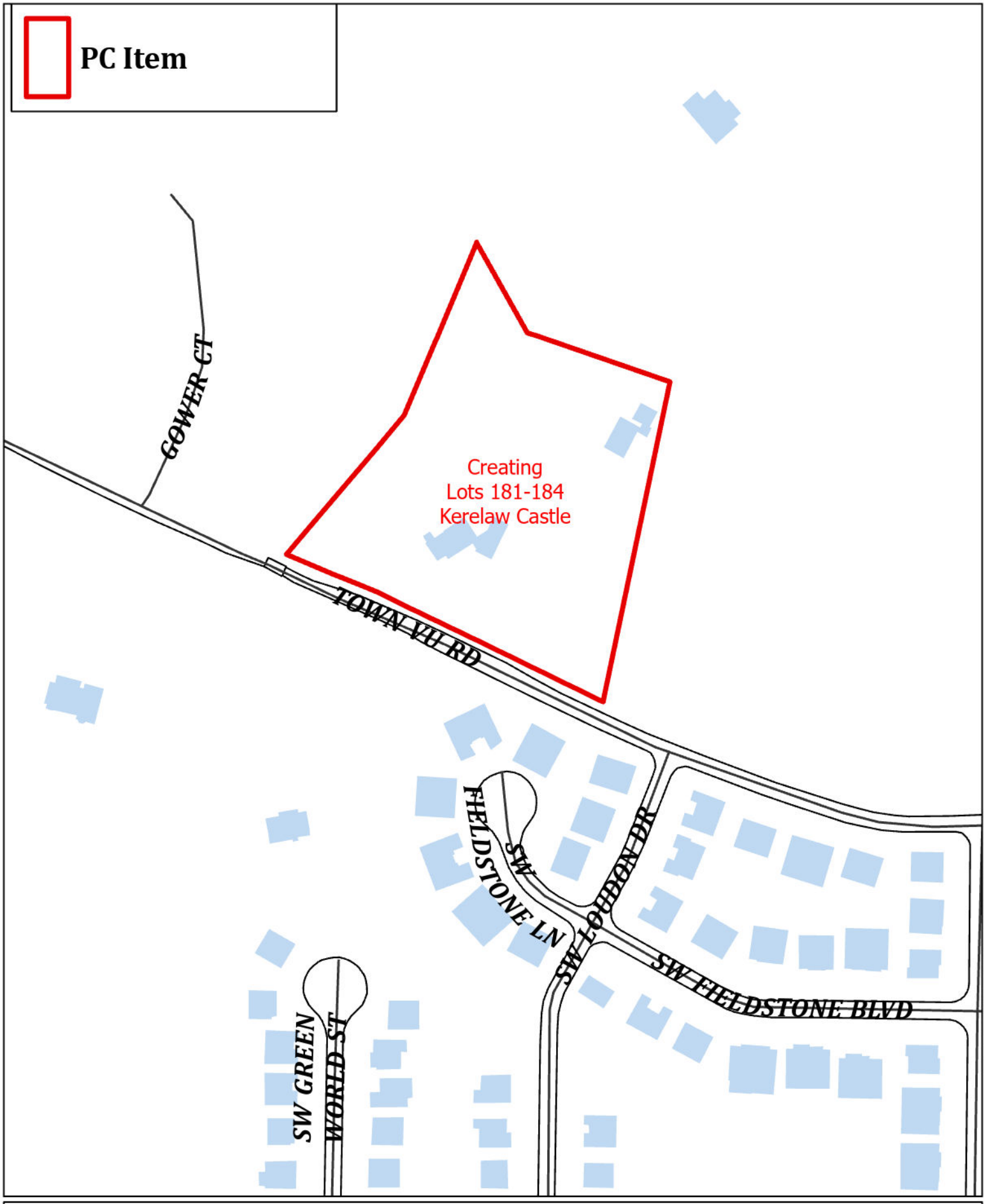
Consent Agenda Item LS26-0001

For the Planning Commission meeting on February 17, 2026

Details

Lot Split: Lots 155-157 of Kerelaw Castle Subdivision, Creating Lots 181-184 of Kerelaw Castle Subdivision. 5012 and 5104 Town Vu Road, LS26-0001.

A Lot Split Of Lots 155-157 Of Kerelaw Castle Subdivision, Creating Lots 181-184 Of Kerelaw Castle Subdivision. The land is zoned R-1 and the plat is dedicating a total of .09 acres of ROW along Town Vu Rd, a 20ft utility easement along Town Vu Rd, and a 20ft utility easement around an existing overhead electric line. The lot is also creating 2 non-buildable lots (new lots 181 and 184), both having access to Town Vu Rd.



N
W E
S

LS26-0001
Creating Lots 181-184 Kerelaw Castle
5104 TOWN VU RD

CITY NOTES:

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

2. BEUD'S STANDARD PRACTICE IS TO PLACE UNDERGROUND EQUIPMENT (TRANSFORMERS, SECONDARY PEDESTALS, JUNCTION BOXES, ETC) ON THE LOT LINE OF A DEVELOPMENT. ANY ADJUSTMENTS TO THE PROPERTY LINE THAT RESULT IN OUR EQUIPMENT NOT BEING ON THE LOT LINE WILL REQUIRE THE DEVELOPER TO PAY FOR THE COST OF BEUD TO RELOCATE THE EQUIPMENT TO THE LOT LINE.

3. OWNER TO CONTACT NEW SERVICE COORDINATOR (271-3139) TO DISCUSS ELECTRIC SERVICE PRIOR TO BEGINNING ANY CONSTRUCTION. FAILURE TO CONTACT BEUD PRIOR TO CONSTRUCTION WILL RESULT IN DELAYS TO GET ELECTRIC SERVICE.

4. 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.

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

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

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

8. IT IS THE RESPONSIBILITY OF THE DEVELOPER TO PAY FOR ANY COSTS ASSOCIATED WITH MOVING OF EQUIPMENT. THIS INCLUDES BUT IS NOT LIMITED TO ANY COSTS ASSOCIATED WITH LOSS OF EQUIPMENT (WIRE AND ELBOWS) AND LABOR AND MATERIAL TO MOVE THE EQUIPMENT TO THE NEW LOT LINE.

9. 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. THE ALLEY SHALL BE RECIPROCAL TO EACH OF THE NEW LOTS CREATED.

10. ALL SIDEWALKS SHALL BE INSTALLED BY THE TIME FRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS.

11. NO BEUD ELECTRICAL EQUIPMENT MAY BE LOCATED BEHIND A FENCE.

12. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS LOT SPLIT PURSUANT TO MUNICIPAL CODE SECTION 401.12.

13. THERE ARE NO WAIVERS, VARIANCES AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT OR PLAN.

14. A PORTION OF THIS PROPERTY IS SUBJECT TO WETLANDS. THE WETLANDS AREA SHOWN ON THE PLAT WAS DERIVED FROM THE BENTONVILLE GIS MAP. NO DETERMINATION HAS BEEN MADE BY THE U.S. ARMY CORPS OF ENGINEERS REGARDING THE PRESENCE OR EXTENT OF WETLANDS ON THE PROPERTY.

CERTIFICATE OF APPROVAL

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

DATE OF EXECUTION: _____

SIGNED_____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED_____
BENTONVILLE MAYOR

SIGNED_____
BENTONVILLE MAYOR'S ASSISTANT

CERTIFICATE OF OWNERSHIP

I 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. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS LOT SPLIT PURSUANT TO MUNICIPAL CODE SECTION 401.12.

DATE OF EXECUTION: _____

SIGNED: _____

MICHAEL DAVID SMITH

CERTIFICATE OF SURVEYING ACCURACY

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

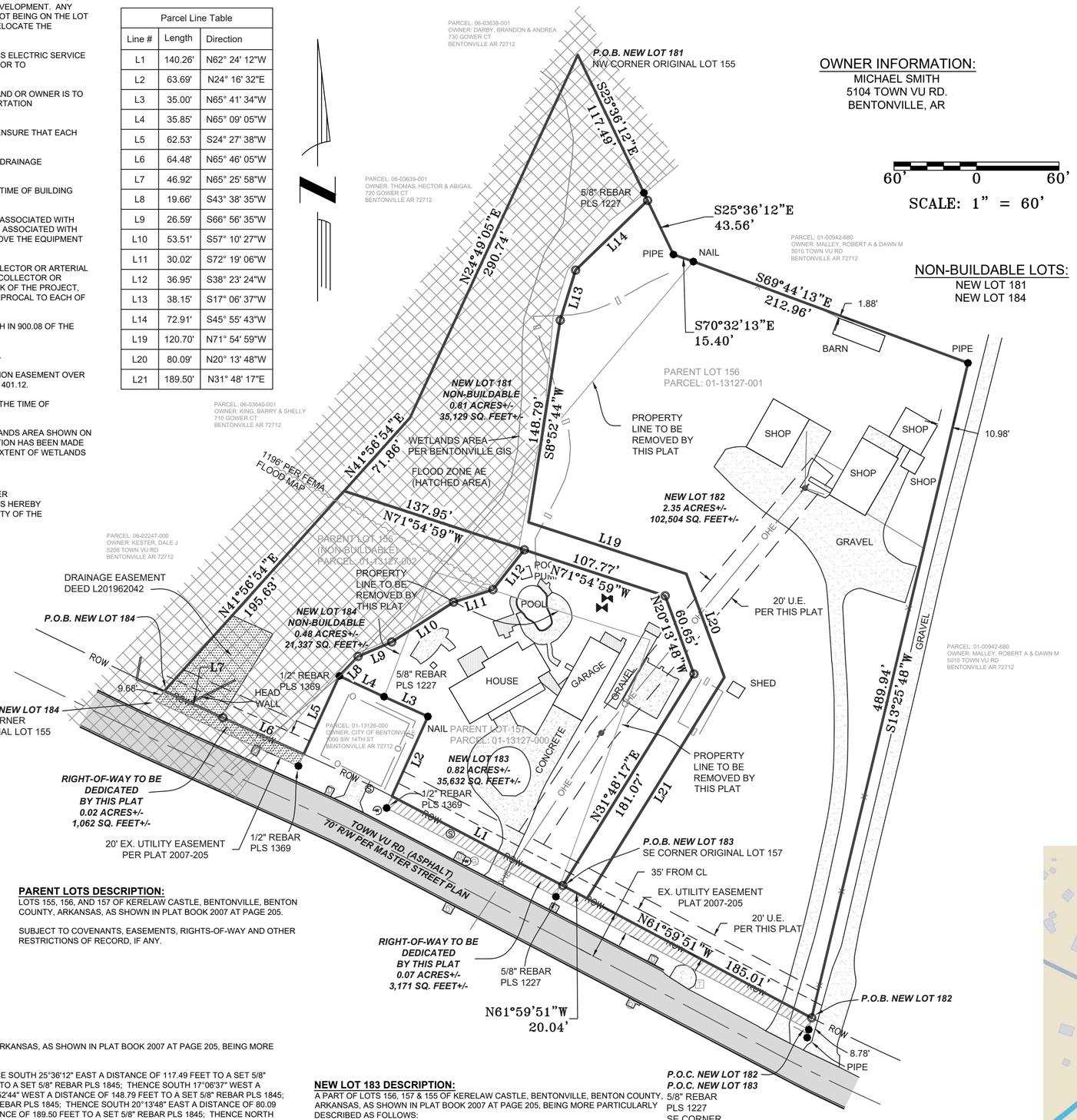
DATE OF EXECUTION: _____

SIGNED: _____

REGISTERED LAND SURVEYOR

NO. 1845

Parcel Line Table		
Line #	Length	Direction
L1	140.26'	N62° 24' 12"W
L2	63.69'	N24° 16' 32"E
L3	35.00'	N65° 41' 34"W
L4	35.85'	N65° 09' 05"W
L5	62.53'	S24° 27' 38"W
L6	64.48'	N65° 46' 05"W
L7	46.92'	N65° 25' 58"W
L8	19.66'	S43° 38' 35"W
L9	26.59'	S66° 56' 35"W
L10	53.51'	S57° 10' 27"W
L11	30.02'	S72° 19' 06"W
L12	36.95'	S38° 23' 24"W
L13	38.15'	S17° 06' 37"W
L14	72.91'	S45° 55' 43"W
L19	120.70'	N71° 54' 59"W
L20	80.09'	N20° 13' 48"W
L21	189.50'	N31° 48' 17"E



OWNER INFORMATION:
MICHAEL SMITH
5104 TOWN VU RD.
BENTONVILLE, AR

60' 0 60'
SCALE: 1" = 60'

NON-BUILDABLE LOTS:
NEW LOT 181
NEW LOT 184

Notes:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.

2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.

3. This plat represents a boundary survey of the parcel recorded in Deed Records, Book L202278154 at the Office of the Circuit Clerk Benton County, Arkansas.

4. Basis of Bearings: Arkansas State Plane System North Zone (NAD83).

5. This survey is valid only if the drawing includes the seal and signature of the surveyor.

6. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats."

7. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may exist other documents of record which would affect this parcel.

8. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.

9. For the the latest zoning/building setback information please check with the City of Bentonville Planning Department.

10. No attempt was made to show building setback lines graphically on the survey.

11. Subsurface and environmental conditions were not examined nor considered a part of this survey.

12. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.

13. (BY GRAPHICAL PLOTTING ONLY)
    A part of this property is located within a presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0235K. Revised date 7/16/2018.

NEW LOT 184 (NON-BUILDABLE) DESCRIPTION:
A PART OF LOTS 155 & 157 OF KERELAW CASTLE, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGE 205, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SOUTHWEST (SW) CORNER OF THE ORIGINAL LOT 155; THENCE NORTH 41°56'54" EAST A DISTANCE OF 9.68 FEET; THENCE SOUTH 65°25'58" EAST A DISTANCE OF 20.96 FEET TO THE POINT OF BEGINNING; THENCE NORTH 41°56'54" EAST A DISTANCE OF 198.21 FEET; THENCE SOUTH 71°54'59" EAST A DISTANCE OF 116.08 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 38°23'24" WEST A DISTANCE OF 36.95 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 72°19'06" WEST A DISTANCE OF 30.02 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 57°10'27" WEST A DISTANCE OF 53.51 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 66°56'35" WEST A DISTANCE OF 26.59 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 43°38'35" WEST A DISTANCE OF 19.66 FEET TO A FOUND 1/2" REBAR PLS 1369; THENCE SOUTH 24°27'38" WEST A DISTANCE OF 62.53 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 65°46'05" WEST A DISTANCE OF 64.48 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 65°25'58" WEST A DISTANCE OF 25.96 FEET TO THE POINT OF BEGINNING, CONTAINING 0.40 ACRES OR 17,399 SQUARE FEET MORE OR LESS.

SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS OF RECORD, IF ANY.

PARENT LOTS DESCRIPTION:
LOTS 155, 156, AND 157 OF KERELAW CASTLE, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGE 205.

SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS OF RECORD, IF ANY.

NEW LOT 181 (NON-BUILDABLE) DESCRIPTION:
A PART OF LOT 155 OF KERELAW CASTLE, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGE 205, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHWEST (NW) CORNER OF THE ORIGINAL LOT 155; THENCE SOUTH 25°36'12" EAST A DISTANCE OF 117.49 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 45°55'43" WEST A DISTANCE OF 72.91 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 17°06'37" WEST A DISTANCE OF 38.15 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 08°52'44" WEST A DISTANCE OF 148.79 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 71°54'59" WEST AD DISTANCE OF 120.70 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 20°13'48" EAST A DISTANCE OF 80.09 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 31°48'17" WEST A DISTANCE OF 189.50 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 61°59'51" WEST A DISTANCE OF 20.04 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 31°48'17" EAST A DISTANCE OF 181.07 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 20°13'48" WEST A DISTANCE OF 60.65 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 71°54'59" WEST A DISTANCE OF 107.77 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 71°54'59" WEST A DISTANCE OF 137.95 FEET; THENCE NORTH 41°56'54" EAST A DISTANCE OF 71.86 FEET; THENCE NORTH 24°49'05" EAST A DISTANCE OF 290.74 FEET TO THE POINT OF BEGINNING, CONTAINING 0.73 ACRES OR 31,669 SQUARE FEET MORE OR LESS.

SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS OF RECORD, IF ANY.

NEW LOT 182 DESCRIPTION:
A PART OF LOTS 156 & 155 OF KERELAW CASTLE, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGE 205, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

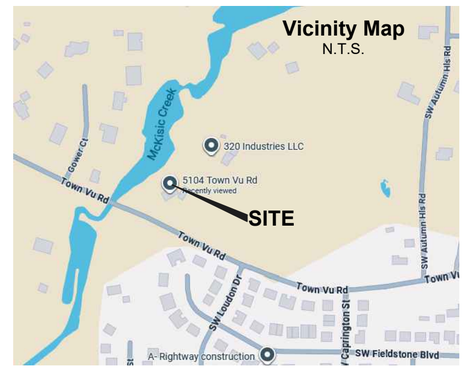
COMMENCING AT A 5/8" REBAR PLS 1227 BEING THE SOUTHEAST (SE) CORNER OF THE ORIGINAL LOT 156; THENCE NORTH 13°25'48" EAST A DISTANCE OF 8.78 FEET TO A SET 5/8" REBAR PLS 1845 BEING THE POINT OF BEGINNING; THENCE NORTH 61°59'51" WEST A DISTANCE OF 185.01 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 31°48'17" EAST A DSITANCE OF 189.50 TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 20°13'48" WEST A DISTANCE OF 80.09 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 71°54'59"WEST A DISTANCE OF 12.70 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 17°06'37" EAST A DISTANCE OF 38.15 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 45°55'43" EAST A DISTANCE OF 72.91 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 25°36'12" EAST A DISTANCE OF 43.56 FEET TO A FOUND PIPE; THENCE SOUTH 70°32'13" EAST A DISTANCE OF 15.40 FEET TO A FOUND NAIL; THENCE SOUTH 69°44'13" EAST A DISTANCE OF 212.96 FEET TO A FOUND PIPE; THENCE SOUTH 13°25'48" WEST A DISTANCE OF 489.94 FEET TO THE POINT OF BEGINNING, CONTAINING 2.35 ACRES OR 102,504 SQUARE FEET MORE OR LESS.

SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS OF RECORD, IF ANY.

NEW LOT 183 DESCRIPTION:
A PART OF LOTS 156, 157 & 155 OF KERELAW CASTLE, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2007 AT PAGE 205, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" REBAR PLS 1227 BEING THE SOUTHEAST (SE) CORNER OF THE ORIGINAL LOT 156; THENCE NORTH 13°25'48" EAST A DISTANCE OF 8.78 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 61°59'51" WEST A DISTANCE OF 205.05 FEET TO A SET 5/8" REBAR PLS 1845 BEING THE POINT OF BEGINNING; THENCE NORTH 62°24'12" WEST A DISTANCE OF 140.26 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 24°16'32" EAST A DISTANCE OF 63.69 FEET TO FOUND NAIL; THENCE NORTH 65°41'34" WEST A DISTANCE OF 35.00 FEET TO A FOUND 5/8" REBAR PLS 1227; THENCE NORTH 65°09'05" WEST A DISTANCE OF 35.85 FEET TO A FOUND 1/2" REBAR PLS 1369; THENCE NORTH 43°38'35" EAST A DISTANCE OF 19.66 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 66°56'35" EAST A DISTANCE OF 26.59 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 57°10'27" EAST A DISTANCE OF 53.51 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 72°19'06" EAST A DISTANCE OF 30.02 FEET TO A SET 5/8" REBAR PLS 1845; THENCE NORTH 38°23'24" EAST A DISTANCE OF 36.95 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 71°54'59" EAST A DISTANCE OF 107.77 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 20°13'48" EAST A DISTANCE OF 60.65 FEET TO A SET 5/8" REBAR PLS 1845; THENCE SOUTH 31°48'17" WEST A DISTANCE OF 181.07 FEET TO THE POINT OF BEGINNING, CONTAINING 0.82 ACRES OR 35,632 SQUARE FEET MORE OR LESS.

SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY AND OTHER RESTRICTIONS OF RECORD, IF ANY.



State Filing Code:
500-20N-31W-0-34-420-04-1845

CITY PROJECT: #LS26-0001

CERTIFICATE OF AUTHORIZATION
JAMES LAYOUT SERVICES, LLC
NO. 2389
ARKANSAS SURVEYOR

Lot Split of Lots 155-157
Creating Lots 181-184 of Kerelaw Castle

JLS

James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com

REGISTERED
STATE OF ARKANSAS
NO. 1845
SIGNATURE
MATTHEW D. JAMES
PROFESSIONAL LAND SURVEYOR

Recording Information

Job Number: 25-283
Field Work: A.S.
Drawn By: N.R.
Checked By: M.J.
Certificate of Authorization Arkansas Land Surveyor No. 2389
Date: 12/29/2025
Scale: 1"=60'
Basis of Bearings:(NAD83) Arkansas State Plane North Zone

GAS LINE
TELEVISION CABLE
PROPERTY LINES
BUILDING SETBACK
UTILITY POLE (WITH GUY WIRE)
TREE LINE
WOOD FENCE
CHAIN LINK FENCE
WIRE FENCE
PAINTED STRIPE
TELEPHONE LINE
EXISTING WATER LINE
OVERHEAD ELECTRIC LINE
UNDERGROUND ELECTRIC LINE
(XXX.XX') RECORD DISTANCE
(XX°XX'XX") RECORD BEARING
SANITARY SEWER MANHOLE
DECIDUOUS TREE
EVERGREEN TREE
CABLE RISER
TRAFFIC SIGNAL
SIGN
WATER METER
WATER VALVE
FIRE HYDRANT
WATER SPIGOT
GAS METER
DRAINAGE MANHOLE

LEGEND
MONUMENT FOUND (AS NOTED)
MONUMENT SET (AS NOTED)
AHTD R-O-W MONUMENT
BENCHMARK
GUARD POST
UTILITY POLE
TELEPHONE RISER
FIBER OPTIC TELEPHONE RISER
ELECTRICAL RISER

SHEET NO.
1 OF 1

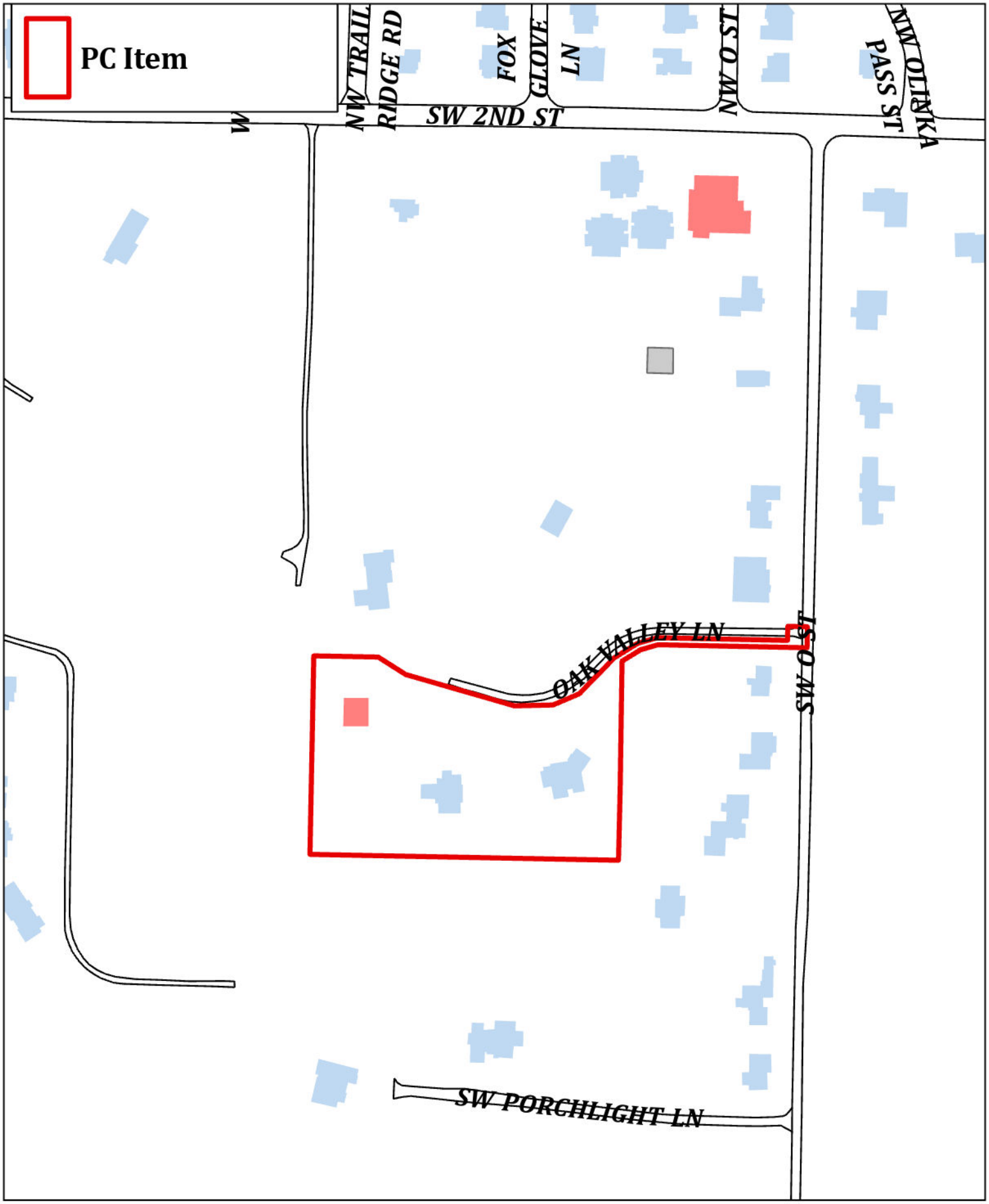
Consent Agenda Item PLA26-0002

For the Planning Commission meeting on February 17, 2026

Details

Property Line Adjustment: Lots 3 and 4 of the Hunt Bennett Addition, Creating Lots 5 and 6 of the Hunt Bennett Addition. 3 Oak Valley Lane, PLA26-0002.

A Property Line Adjustment of Lots 3 and 4 of the Hunt Bennett Addition, Creating Lots 5 and 6 of the Hunt Bennett Addition. The plat moves the joint property line between two property owners 60' to the west. The plat is dedicating a 10-foot-wide utility easement along a portion of the west property line of Lot 5. The plat is also dedicating a 20-foot-wide utility easement along Southwest O Street and a 10-foot-wide utility easement within the flag-lot portion of Lot 6.



PLA26-0002
Creating Lots 5 and 6
3 Oak Valley Ln

PROPERTY LINE ADJUSTMENT PLAT

FLOOD NOTE

THE HEREON DESCRIBED PROPERTY IS LOCATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS DETERMINED BY SCALING FROM THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. MAP NUMBER: 05007C0255 K. MAP REVISED DATE: JUNE 5, 2012.

LOT 3 DESCRIPTION (TAKEN FROM DEED L2022-33722)

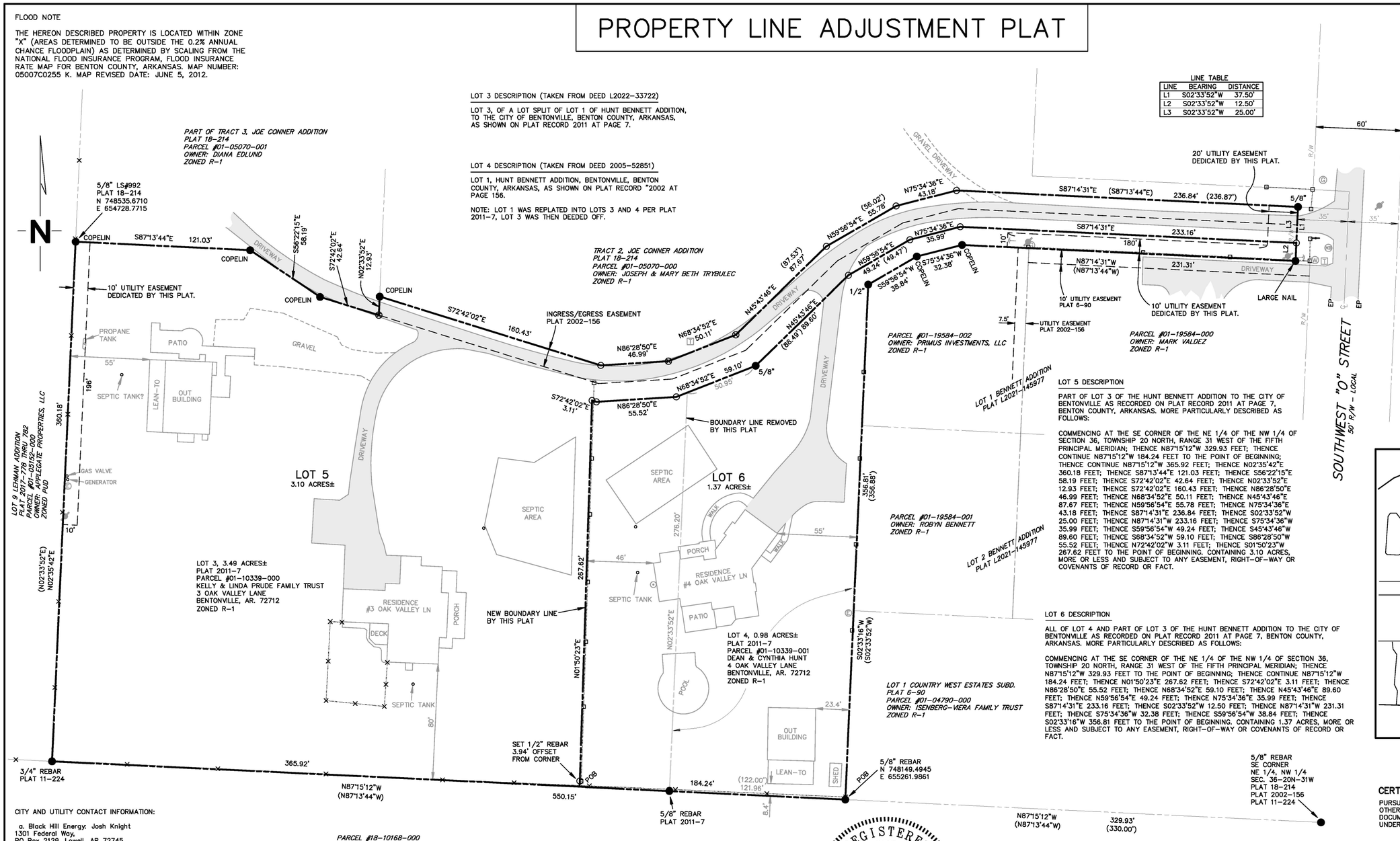
LOT 3, OF A LOT SPLIT OF LOT 1 OF HUNT BENNETT ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 2011 AT PAGE 7.

LOT 4 DESCRIPTION (TAKEN FROM DEED 2005-52851)

LOT 1, HUNT BENNETT ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "2002 AT PAGE 156.

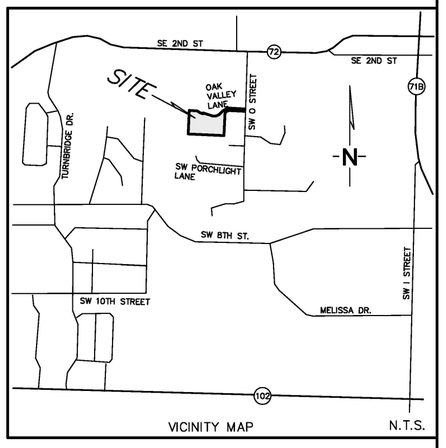
NOTE: LOT 1 WAS REPLATED INTO LOTS 3 AND 4 PER PLAT 2011-7, LOT 3 WAS THEN DEEDED OFF.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S02°33'52"W	37.50'
L2	S02°33'52"W	12.50'
L3	S02°33'52"W	25.00'



LEGEND

● COPELIN	FOUND 5/8" REBAR LS#944 PLAT 18-214
●	FOUND 1/2" REBAR OR AS NOTED
○	SET 1/2" REBAR W/CAP
⊗	SET MAG-NAIL
	PROPERTY LINE
	EASEMENT LINE
	CENTERLINE PAVEMENT
-x-x-	WIRE/METAL FENCE
-□-□-	WOOD FENCE
(W)	WATER METER
(G)	GAS METER
	UTILITY POLE
(T)	SANITARY MANHOLE
℄	CENTERLINE
EP	EDGE OF PAVEMENT
(WV)	WATER VALVE
	STREET STOP SIGN
(E)	ELETRIC METER
	PVC RISER
	UTILITY POLE W/GUY ANCHOR



CITY AND UTILITY CONTACT INFORMATION:

a. Black Hill Energy: Josh Knight
1301 Federal Way,
PO Box 2129, Lowell, AR 72745
(479) 721-4543
Joshua.knight@blackhillscorp.com
b. AT&T: Brent Baldwin
1133 E. Harold St.,
Fayetteville, AR 72701,
(479) 200-9022 or (479) 571-6609
bb6585@att.com
c. Cox Communications: Timothy Goss
4901 S. 48th Street,
Springdale, AR 72762
(479) 651-5583
timothy.goss@cox.com
d. Fire Dept.: City of Bentonville, Justin Scantlin
800 SW A Street
Bentonville, AR 72712
(479) 271-5927 or (479) 685-1096
e. Street Dept.: City of Bentonville, Tony Davis
3200 SW Municipal Drive,
Bentonville, AR 72712
(479) 271-3130
f. Water Dept.: City of Bentonville, Beau Tompson
3200 SW Municipal Drive,
Bentonville, AR 72712
(479) 271-3140
g. Electric Dept.: City of Bentonville
3200 SW Municipal Drive,
Bentonville, AR 72712
(479) 271-3135 ext. 2
h. Wastewater Dept.: City of Bentonville, Chris Earl
1901 NE A Street
Bentonville, AR 72712
Re: Review Complete for PLA25-0019
3 of 4 7/15/25, 5:56 AM
(479) 271-3161
i. Planning Dept.: City of Bentonville, Tyler Overstreet
305 SW A Street
Bentonville, AR 72712
(479) 271-3122
j. Building and Fire Safety: City of Bentonville, Brad Arnold
305 SW A Street
Bentonville, AR 72712
(479) 271-3108
k. City Engineer.: City of Bentonville, Ellen Norvell
3200 SW Municipal Drive
Bentonville, AR 72712
(479) 271-5993
l. Stormwater: City of Bentonville, Alison West
3200 SW Municipal Drive
Bentonville, AR, 72712
(479) 271-6719

NOTES:

ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, TITLE EVIDENCE, ZONING RESTRICTIONS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THERE MAY EXIST EASEMENTS, RIGHTS-OF-WAY OR COVENANTS NOT SHOWN OR NOTED HEREON.

DECLARATION IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY AND IS NOT TRANSFERABLE.

BASIS OF BEARINGS: ARKANSAS STATE PLANE GRID, NAD-83, NORTH ZONE, AS DETERMINED BY GPS OBSERVATION.

COUNTY JUDGMENT/COURT RECORDS WERE NOT EXAMINED AS A PART OF THIS SURVEY.

ONLY ABOVE GROUND VISIBLE UTILITIES WERE LOCATED. UNDERGROUND UTILITY LOCATIONS SHOWN HEREON ARE BASED ON ABOVE GROUND IMPROVEMENTS, CITY GIS UTILITY LOCATIONS OR PAINT MARKINGS ON THE GROUND. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. OTHER UNDERGROUND UTILITIES MAY EXIST NOT SHOWN HEREON.

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

ALL SIDEWALKS SHALL BE INSTALLED BY THE TIME FRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS

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

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

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

NO BED ELECTRICAL EQUIPMENT MAY BE LOCATED BEHIND A FENCE.

THIS PLAT ALTERS THE LOCATION OF THE BOUNDARY LINE BETWEEN TWO PARCELS.

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.

SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER AT TIME OF BUILDING PERMIT ISSUANCE. ALL SIDEWALKS SHALL BE INSTALLED BY THE TIMEFRAMES SET FORTH IN 900.08 OF THE STREET SPECIFICATIONS.

THERE ARE NO WAIVERS, VARIANCES AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT OR PLAN.

REGISTERED STATE OF ARKANSAS NO.1286 SIGNATURE THOMAS E. COSTELLO PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF SURVEYING ACCURACY

I, THOMAS COSTELLO , 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: 02/04/2026

REGISTERED LAND SURVEYOR, NO, 1286
STATE OF ARKANSAS

CERTIFICATE OF APPROVAL

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

DATE OF EXECUTION _____

_____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

_____
MAYOR CITY OF BENTONVILLE

_____
CITY CLERK, CITY OF BENTONVILLE

PARCEL #01-10339-000
KELLY & LINDA PRUDE FAMILY TRUST
3 OAK VALLEY LANE
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 & NOTED ON SAID PLAT. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS PROPERTY LINE ADJUSTMENT PURSUANT TO MUNICIPAL CODE SECTION 401.12 AND 401.13.

DATE OF EXECUTION _____

_____ _____
PRINTED NAME SIGNED

_____ _____
PRINTED NAME SIGNED

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2026.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

PARCEL #01-10339-001
DEAN & CYNTHIA HUNT
4 OAK VALLEY LANE
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 & NOTED ON SAID PLAT. WE HEREBY GRANT TO THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS PROPERTY LINE ADJUSTMENT PURSUANT TO MUNICIPAL CODE SECTION 401.12 AND 401.13.

DATE OF EXECUTION _____

_____ _____
PRINTED NAME SIGNED

_____ _____
PRINTED NAME SIGNED

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____, 2026.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

0 25 50 100
GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

500-20N-31W-0-36-410-04-1286

PROPERTY LINE ADJUSTMENT PLAT

LOTS 3 & 4, HUNT BENNETT ADDITION
– CREATING –
LOTS 5 & 6, HUNT BENNETT ADDITION

Costello Land Surveying
4342 E. STATE HIGHWAY 90
PINEVILLE, MO. 64856
(417) 226-4524

SHEET 1 OF 1	DRAWING: DEAN	FIELD DATE: 11-26-25	JOB NO. 25124
ATLAS PAGE # 402		CITY PROJECT # PLA26-0002	

Deming's 2nd Addition, Lot 6 & West 1/2 of Lot 5, Block 18

409 Northwest 7th Street

PC Date: 2/17/2026

Staff Report Details

Project Number	PLA26-0004
Applicant / Current Owner	AP RE & Development LLC
Site Area	0.25 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Traditional Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	Single Family Residential
Related projects	RZ26-0001

Property Description

Property Line Adjustment: Lot 6 & West Half of Lot 5, Block 18, Creating New Lot 36, Block 18 of Deming's 2nd Addition. 409 Northwest 7th Street. PLA26-0004.

A Property Line Adjustment of Lot 6 and west half of Lot 5, Block 18, creating new lot 36, Block 18 of Deming's 2nd Addition. The plat is dedicated a 15-foot utility easement along the north property line.

Project Details

Relationship to the Community Plan

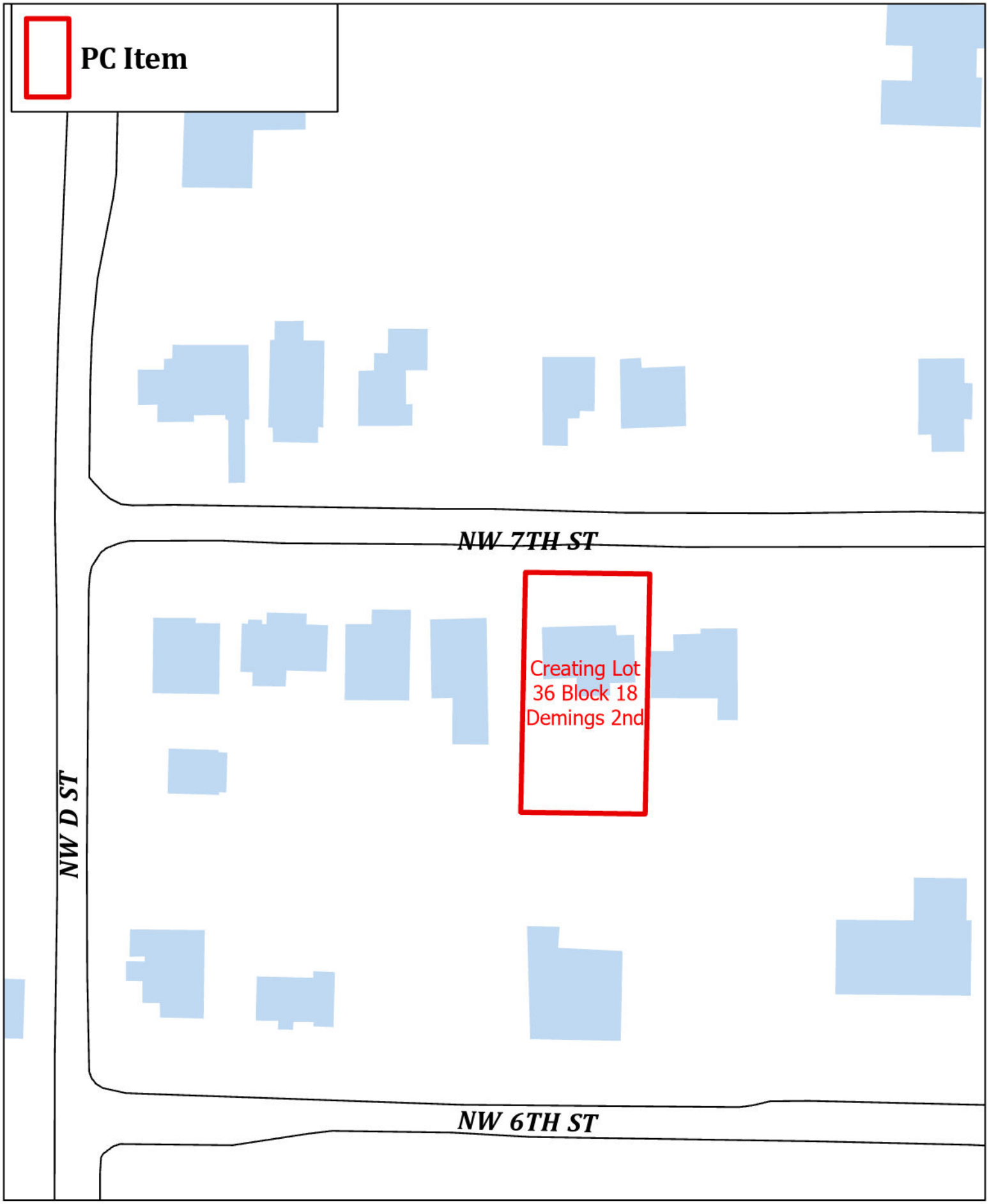
Public Comment

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

Analysis / Waivers

Conclusion

Additional Details



N
W E
S

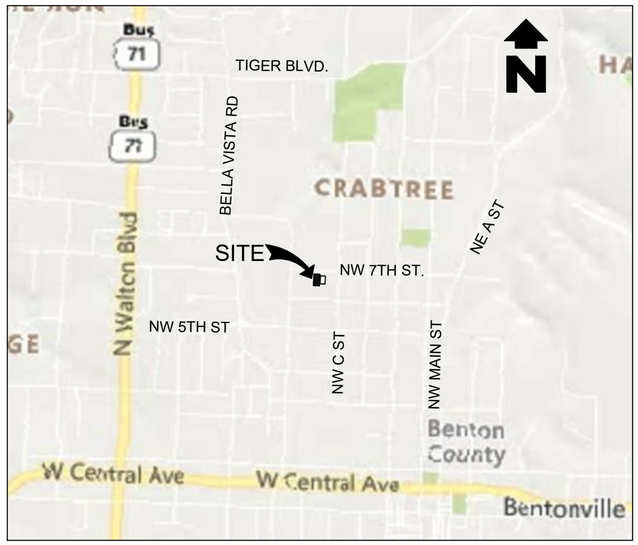
PLA26-0004
Creating Lot 36 Block 18 Demings 2nd
409 NW 7TH ST

PROPERTY LINE ADJUSTMENT
LOT 6 & WEST HALF OF LOT 5, BLOCK 18
CREATING NEW LOT 36, BLOCK 18 OF DEMING'S 2ND ADD.
BENTONVILLE, ARKANSAS

OWNER/DEVELOPER:
AP RE Development
Allan Pinkerton
P.O. Box 2591 Bentonville, AR. 72712
(417) 644-8136
pinkertonallan@yahool.com

SURVEY NOTES:

1. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor.
2. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:
   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
3. This plat represents a boundary survey of the parcel recorded in Deed Records, Instruments #L202321262 in the records of the Circuit Clerk at the courthouse in Benton County, Arkansas.
4. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
5. Basis of Bearings: NAD83, State Plane Grid Coordinates, Arkansas North Zone (301) referencing Bentonville City Control Monument Number 38.
6. Basis of Elevation: NAVD88, referencing Bentonville City Control Monument Number 38.
7. Bearings and distances shown are per Deed Instrument No. L202321262, Plat L202559331 and Black & Veatch Plat dated 1926 (Reference Plat B-24) unless noted otherwise.
8. This survey is valid only if the drawing includes the seal and signature of the surveyor.
9. No abstract of title, nor title commitment, nor results of title searches were furnished the surveyor. There may exist other documents of record which would affect this parcel.
10. Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.
11. This property is zoned R1 (Low Density Single Family Residential). Setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. For more info visit www.bentonvilleplanning.com or call the Planning Department @ 479-271-3122.
12. No attempt was made to show building setback lines graphically on the survey. Setback dimensions are based on the orientation of the building(s) to be constructed.
13. Subsurface and environmental conditions were not examined nor considered a part of this survey.
14. The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.
15. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.
16. Sidewalks shall be the responsibility of the builder/owner at the time of building permit issuance.
17. 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.
18. Owner/Developer shall coordinate with all local utilities to ensure that each lot has water, sewer and electric service.
19. Owner to contact New Service Coordinator (271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
20. All structures must maintain a minimum of 20' clearances from all electric lines and no BEUD Electrical Equipment may be located behind a fence.
21. BEUD's standard practice is to place underground equipment (transformers, secondary pedestals, junction boxes, etc) on the lot line of a development. Any adjustments to the property line that results in our equipment not being on the lot line will require the developer to pay for the cost of BEUD to relocate the equipment to the lot line.
22. It is the responsibility of the developer to coordinate with the New Service Coordinator @479-271-3139 to determine if equipment is in conflict.
23. It is the responsibility of the developer to pay any costs associated with moving of equipment. This includes but is not limited to any costs associated with loss of equipment (wire and elbows) and labor and materials to move the equipment to the new lot line.
24. There may not be any fences or any other structures built in any drainage easement.



VICINITY MAP
NTS
ATLAS PAGE # 361

DEED DESCRIPTION L202321262:

All of Lot 6 and the West Half of Lot 5, Block 18, in Deming's 2nd Addition, to the City of Bentonville, Benton County, Arkansas, as shown on plat record "B" at page 24.
Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.
Subject to all prior mineral reservations and oil and gas leases.

SURVEY DESCRIPTION:

Lot 6 and the West Half of Lot 5, Block 18, Deming's 2nd Addition to the City of Bentonville, County of Benton, Arkansas, as shown on Pat Record "B" at Page 24 and being more particularly described by metes and bounds as follows:

COMMENCING at a Found ½" Open-Top Pipe on the South Right-of-Way of NW 7th St. and being the NE Corner of Lot 26 (Plat L202439816), the (NE Corner of Lot 22, Plat L202311740), and the (NE Corner of Lot 1 Plat B-24); Thence along said South Right-of-Way N87°38'38"W 225.99 feet to a Found ½" Open Top Pipe for the Point of Beginning:

Thence leaving said South Right-of-Way S02°43'49"W 144.24 feet to a Found ⅝" Rebar w/Cap (AR1636) on the North Line of an East-West 14' Alley per Black & Veatch Plat Dated 1926 and Plat B-24; Thence along said North Line of a 14' Alley N87°35'00"W 74.78 feet to a Found ⅝" Rebar w/Cap (AR1636) at the intersection of said North Line of a 14' Alley and the East Line of a North-South 13.5' Alley per Black & Veatch Plat Dated 1926 and B-24; Thence leaving said North Line of a 14' Alley and along said East Line of a 13.5' Alley N02°44'04"E 144.16 feet to a Set ⅝" Rebar w/Cap (AR1636) at the intersection of said East Line of a 13.5' Alley and the before mentioned South Right-of-Way of NW 7th St.; Thence leaving said East Line of a 13.5' Alley and along said South Right-of-Way of NW 7th St. S87°38'38"E 74.77' to the Point of Beginning, containing 10,781 Square Feet or 0.24 Acres, more or less.

Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.
Subject to all prior mineral reservations and oil and gas leases.

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:_____
Community Development Director

Signed:_____
City Clerk

Signed:_____
Mayor, City of Bentonville

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: _____ Signed:_____

Print Name and Address:_____

State of Arkansas
County of Benton
Subscribed and sworn before me this _____ day of _____, 2026.

My commission expires:_____

REVISIONS

NO.	DATE	DESCRIPTION
1	01-21-2026	INITIAL SUBMITTAL
2	02-04-2026	SECOND SUBMITTAL

PROJECT NOTES:

There are no waivers, variances, and/or conditional uses at the time of preparing this plat or plan.

We hereby grant to the City of Bentonville a blanket Avigation Easement over the entirety of this Lot Split pursuant to Municipal Code Section 401.12.

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.

All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications

SURVEYOR
Sand Creek Engineering and Surveying
1610 NW 12th St
Bentonville, AR. 72712
(479) 464-9282

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9282

CERTIFICATE OF AUTHORIZATION
SAND CREEK ENGINEERING AND LANDSCAPE ARCHITECTURE, INC.
No.385
ARKANSAS – ENGINEER

REGISTERED
STATE OF ARKANSAS
NO. 1636
GRANT E. NEVILL
PROFESSIONAL LAND SURVEYOR
PRELIMINARY

SURVEYOR'S CERTIFICATE:

I, Grant E. Nevill, 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 Property Boundary Surveys and Plans have been met.

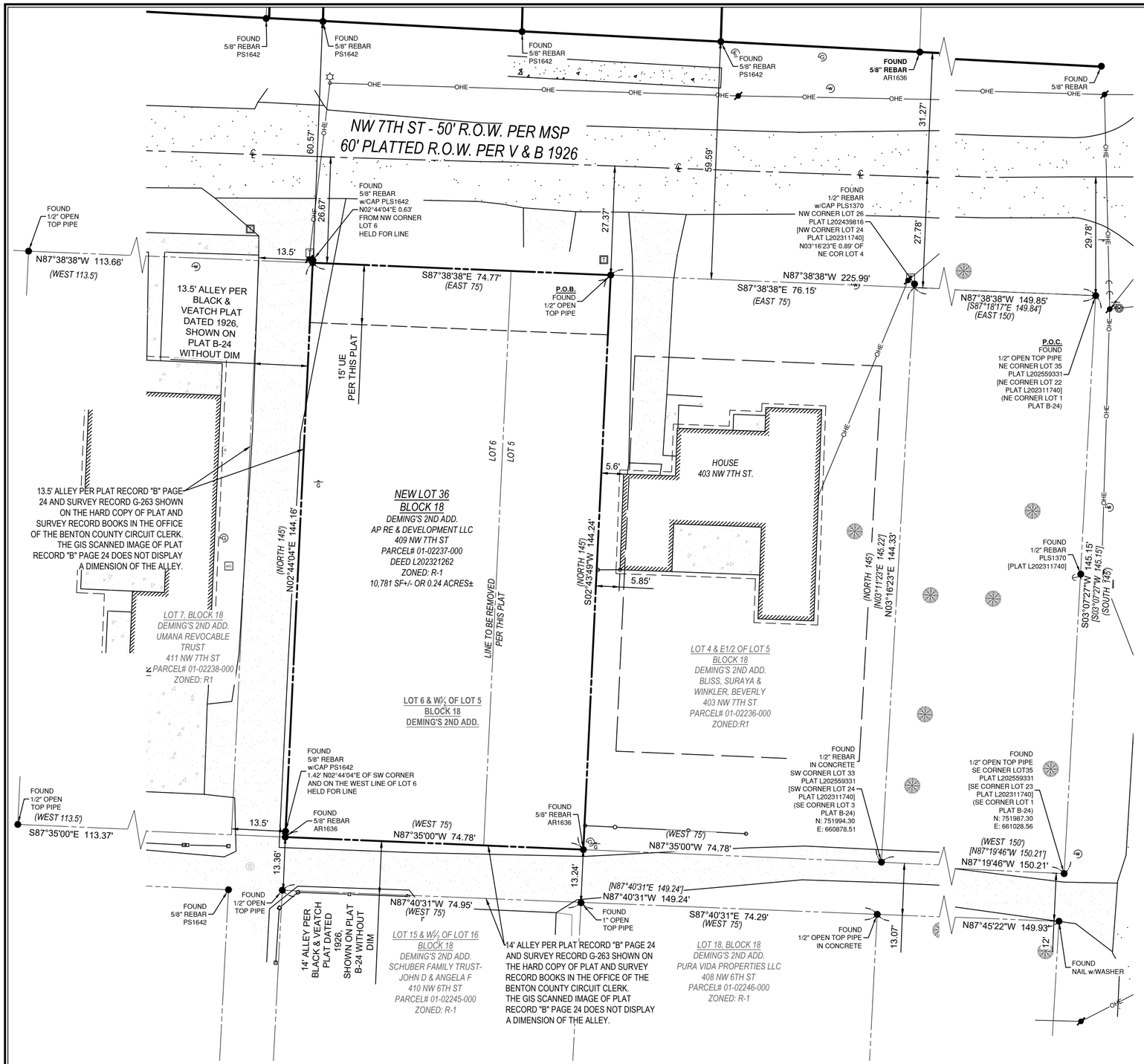
Date of Execution: _____

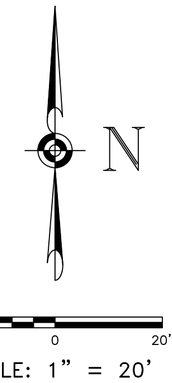
_____
Grant E. Nevill
Registered Land Surveyor
State of Arkansas
Registration No. 1636

SCE PROJECT #: 24071
DATE: 01-21-2026
SHEET: 1 OF 2

City of Bentonville Project No.:
PLA26-0004

State Filing Code:
500-20N-30W-0-30-130-04-1636





SITE LEGEND

- MONUMENT FOUND (AS NOTED)
- MONUMENT SET (5/8" REBAR W/CAP AR 1002)
- UTILITY POLE
- UTILITY POLE W/LIGHT
- GUY WIRE
- SIGN
- WATER METER
- ELECTRIC METER
- GAS METER
- GAS VALVE
- GAS SIGN
- SANITARY MANHOLE
- CLEANOUT
- ELECTRICAL RISER
- TELEPHONE VAULT
- TELEPHONE RISER
- DECIDUOUS TREE
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- RIGHT-OF-WAY LINE
- FENCE (CHAINLINK)
- FENCE (WOOD)
- OVERHEAD ELECTRIC LINE
- CONCRETE
- GRAVEL
- ASPHALT

(XXX°XX'XX"X XX.XX) RECORD DISTANCES PER BLACK AND VEATCH PLAT DATED 1926 (V & B 1926) REFERENCE PLAT B-24 LAYOUT

[XXX°XX'XX"X XX.XX] RECORD BEARING AND DISTANCES PER PLAT L202439816

FLOOD STATEMENT:

(BY GRAPHICAL PLOTTING ONLY)
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0090J. Revised date September 27, 2007.

CERTIFICATE OF AUTHORIZATION
SAND CREEK ENGINEERING AND LANDSCAPE ARCHITECTURE, INC.
No.385
ARKANSAS – ENGINEER

OWNER/DEVELOPER:
AP RE Development
Allan Pinkerton
P.O. Box 2591 Bentonville, AR. 72712
(417) 644-8136
pinkertonallan@yahool.com

SHEET:

PROPERTY LINE ADJUSTMENT
LOT 6 AND WEST HALF OF LOT 5 TO BECOME LOT 36, BLOCK 18 BLOCK 18, DEMING'S 2ND ADDITION BENTONVILLE, ARKANSAS

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO.
JRE
PRELIMINARY
NT NEVILL
NAL LAND SURVEYOR

SAND CREEK
Engineering and Land Surveying
Bentonville, Arkansas (479) 464-9282

SURVEYOR
Sand Creek Engineering and Surveying
1610 NW 12th St
Bentonville, AR. 72712
(479) 464-9282

City of Bentonville Project No.:
PLA26-0004

State Filing Code:
500-20N-30W-0-30-130-04-1636

PLS:	GEN
CAD:	MJH
FIELD:	MS/MJH
SCE PROJECT #:	24071
DATE:	02/04/2026
SHEET:	2 OF 2

	The Reserve Subdivision, Lots 4, 8 & 9, Creating Lots 10, 11 and 12
	North of Regional Airport Blvd, between Shell Road and Greenhouse
	PC Date: 2/17/2026

Staff Report Details

Project Number	(PLA26-0006)
Applicant / Current Owner	OFI CHITO / Grenhouse-Highway 12 LLC
Site Area	8 Acres
Current Zoning	Western portion of Lot 12, C-1, Neighborhood Commercial. All other portions of property, C-2, General Commerical
Requested Zoning	
Current Future Land Use Map Designation	Walkable Corridor
Requested Future Land Use Map Designation	
Development Type / Use	Commercial
Related projects	LSD25-0011

Property Description

Project Details

Correction Plat: Lots 4, 8 and 9 of The Reserve Subdivision, Creating Lots 10, 11 & 12. 01-19682-003. PLA26-0006.

A Correct Plan of Lots 4, 8, and 9 of The Reserve Subdivision, Creating Lots 10, 11 & 12. The Previous plat, PLA25-0022, created title gaps. The owner hired a second surveyor to replat and set all pins.

Relationship to the Community Plan

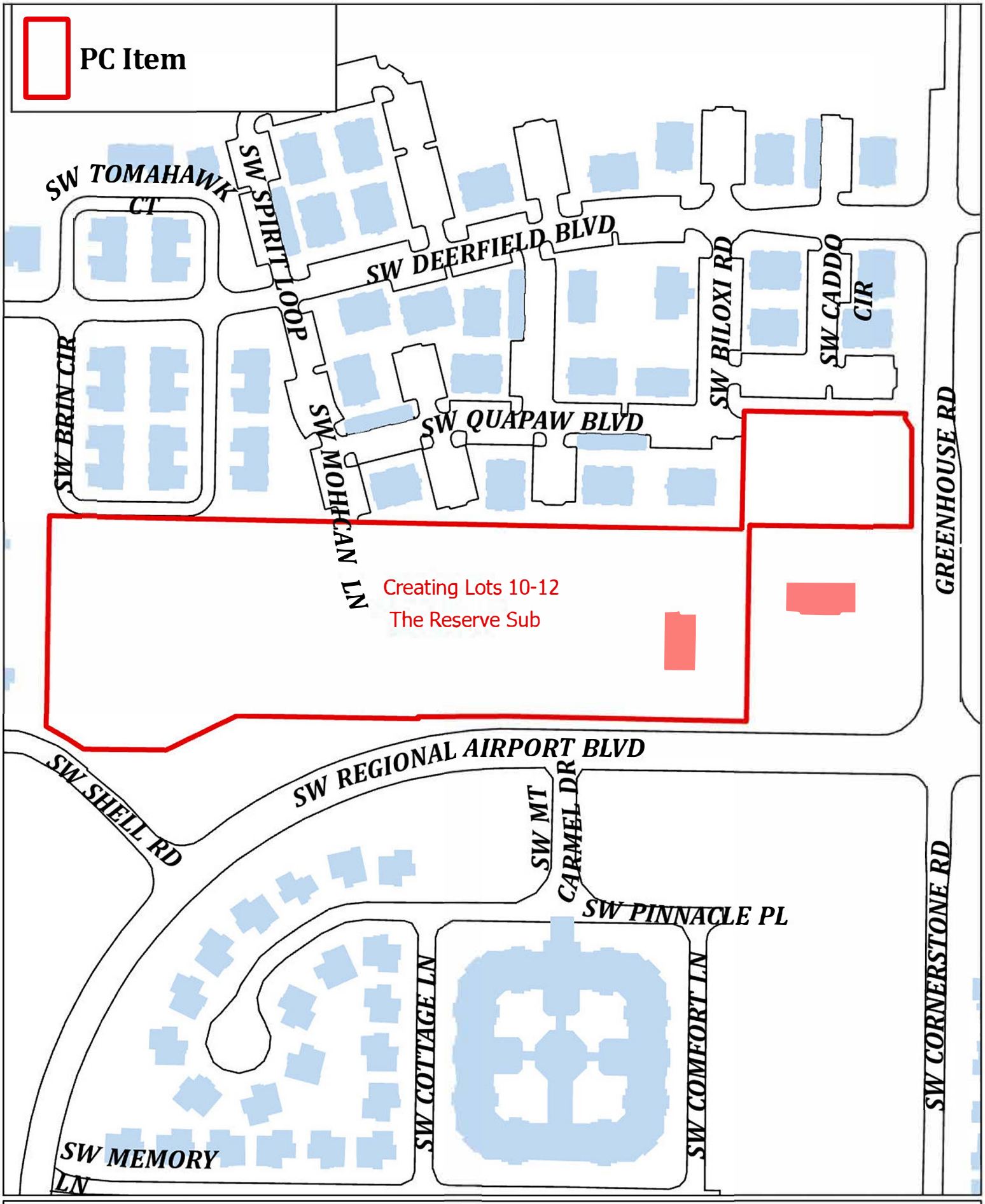
Public Comment

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

Analysis / Waivers

Conclusion

Additional Details



PLA26-0006

Creating Lots 10-12 The Reserve Sub

CORRECTION PLAT - PROPERTY LINE ADJUSTMENT

OF LOT 4, LOT 8, and LOT 9, THE RESERVE SUBDIVISION CREATING LOT 10, LOT 11, and LOT 12, THE RESERVE SUBDIVISION, AN ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

PARENT TRACT SURVEY DESCRIPTION:

Part of Lot 1, The Reserve Subdivision, record Lot Split, Instrument No. L202161297 filed August 17, 2021, Lot 4, The Reserve Subdivision, record Instrument No. L202519209 filed April 10, 2025, and Lots 8 and 9 of the Property Line Adjustment of Lots 6 & 7, The Reserve Subdivision. record Instrument No. L202549495 filed September 4, 2025, the perimeter boundary line of the combined Lots being more particularly described as follows:

COMMENCING at an existing MAG Nail marking the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 11; thence by bearing and distance (basis of bearings, Grid North), North 02°23'38" East a distance of 32.76 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road and the true POINT OF BEGINNING; thence along and coincident with the west line of Lot 1, The Reserve Subdivision, North 02°23'38" East a distance of 311.33 feet to a one-half inch (1/2") rebar with PS No. 1156 cap marking the southwest corner of Lot 2, The Reserve Subdivision; thence along and coincident with the south line of said Lot 2 the following courses (bearings and distances), South 87°14'20" East a distance of 1019.73 feet to a five-eighths inch (5/8") rebar, North 02°45'40" East a distance of 175.00 feet to a five-eighths inch (5/8") rebar with PS No. 1156 cap, South 87°14'20" East a distance of 238.94 feet to a one-half inch (1/2") rebar with PS No. 1507 cap marking the southeast corner of said Lot 2; thence along and coincident with the west right-of-way line of Greenhouse Road, as that currently exists, the following courses (bearings and distances), South 13°07'02" West a distance of 7.62 feet to a one-half inch rebar with PS No. 1507 cap, South 31°52'58" East a distance of 18.03 feet to a five-eighths inch (5/8") rebar with PS No. 1374 cap, South 01°48'26" West a distance of 144.24 feet to a one-half inch (1/2") rebar with PS No. 1507 cap at the intersection of the north line of Lot 5, The Reserve Subdivision, with said west right-of-way line of Greenhouse Road; thence leaving said west right-of-way line, North 87°31'07" West a distance of 238.70 feet to a one-half inch (1/2") rebar with PS No. 1374 cap marking the northwest corner of said Lot 5; thence South 02°28'53" West a distance of 290.30 feet to a one-half inch (1/2") rebar with PS No. 1374 cap marking the southwest corner of said Lot 5; thence along and coincident with the north right-of-way line of Arkansas Highway No. 12 (SW Regional Airport Blvd) the following courses (bearings and distances), North 87°10'35" West a distance of 349.47 feet to a two-inch (2") aluminum AHTD Monument, North 88°40'59" West a distance of 134.79 feet o a two-inch (2") aluminum AHTD Monument, South 09°11'47" East a distance of 2.98 feet to a one-half inch (1/2") rebar with PS No. 1507 cap, North 87°28'06" West a distance of 267.25 feet to a one-half inch (1/2") rebar, South 65°42'51" West a distance of 115.33 feet to a one-half inch (1/2") rebar; thence leaving said south right-of-way line, North 87°46'01" West a distance of 121.35 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road; thence 28.14 feet along and coincident with said north right-of-way line and the arc of a non-tangent curve to the left, said curve having a radius of 239.94 feet and being subtended by a chord bearing and distance of North 55°18'16" West 28.12 feet to a one-half inch rebar with PS No. 1507 cap; thence continuing along said north right-of-way line, North 58°39'51" West a distance of 36.32 feet to the Point of Beginning and containing 8.00 acres, more or less.

LOT 10 SURVEY DESCRIPTION:

Part of Lot 1, The Reserve Subdivision, record Lot Split, Instrument No. L202161297 filed August 17, 2021, and Lot 4, The Reserve Subdivision, record Instrument No. L202519209 filed April 10, 2025, and being more particularly described as follows:

COMMENCING at an existing MAG Nail marking the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 11; thence by bearing and distance (basis of bearings, Grid North), North 02°23'38" East a distance of 32.76 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road; thence along and coincident with the west line of Lot 1, The Reserve Subdivision, North 02°23'38" East a distance of 311.33 feet to a one-half inch (1/2") rebar with PS No. 1156 cap marking the southwest corner of Lot 2, The Reserve Subdivision; thence along and coincident with the south line of said Lot 2, South 87°14'20" East a distance of 1019.73 feet to a five-eighths inch (5/8") rebar and the true POINT OF BEGINNING; thence continuing along the southerly lines of said Lot 2, North 02°45'40" East a distance of 175.00 feet to a five-eighths inch (5/8") rebar with PS No. 1156 cap, South 87°14'20" East a distance of 238.94 feet to a one-half inch (1/2") rebar with PS No. 1507 cap marking the southeast corner of said Lot 2; thence along and coincident with the west right-of-way line of Greenhouse Road, as that currently exists, the following courses (bearings and distances), South 13°07'02" West a distance of 7.62 feet to a one-half inch rebar with PS No. 1507 cap, South 31°52'58" East a distance of 18.03 feet to a five-eighths inch (5/8") rebar with PS No. 1374 cap, South 01°48'26" West a distance of 144.24 feet to a one-half inch (1/2") rebar with PS No. 1507 cap at the intersection of the north line of Lot 5, The Reserve Subdivision, with said west right-of-way line of Greenhouse Road; thence leaving said west right-of-way line, North 87°31'07" West a distance of 238.70 feet to a one-half inch (1/2") rebar with PS No. 1374 cap marking the northwest corner of said Lot 5; thence South 02°28'53" West a distance of 7.29 feet to a one-half inch (1/2") rebar with PS No. 1507 cap; thence North 87°14'20" West a distance of 11.56 feet to the Point of Beginning, and containing 0.95 acres, more or less.

LOT 11 SURVEY DESCRIPTION:

Part of Lot 1, The Reserve Subdivision, record Lot Split, Instrument No. L202161297 filed August 17, 2021, and Lot 8 of the Property Line Adjustment of Lots 6 & 7, The Reserve Subdivision. record Instrument No. L202549495 filed September 4, 2025, and being more particularly described as follows:

COMMENCING at an existing MAG Nail marking the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 11; thence by bearing and distance (basis of bearings, Grid North), North 02°23'38" East a distance of 32.76 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road; thence along and coincident with the west line of Lot 1, The Reserve Subdivision, North 02°23'38" East a distance of 311.33 feet to a one-half inch (1/2") rebar with PS No. 1156 cap marking the southwest corner of Lot 2, The Reserve Subdivision; thence along and coincident with the south line of said Lot 2, South 87°14'20" East a distance of 849.93 feet to a one-half inch (1/2") rebar with PS No. 1507 cap and the true POINT OF BEGINNING; thence South 87°14'20" East and continuing along said south line a distance of 169.80 feet to a five-eighths inch (5/8") rebar, in all a distance 181.36 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the west line of Lot 5, The Reserve Subdivision; thence South 02°28'53" West a distance of 283.02 feet to a one-half inch (1/2") rebar with PS No. 1374 cap marking the southwest corner of said Lot 5 and the north right-of-way line of Arkansas Highway No. 12 (SW Regional Airport Blvd); thence along and coincident with said north right-of-way line, North 87°10'35" West a distance of 181.36 feet to a one-half inch (1/2") rebar with PS No. 1507 cap; thence leaving said north right-of-way line, North 02°28'53" East a distance of 282.82 feet to the Point of Beginning, and containing 1.18 acres, more or less.

LOT 12 SURVEY DESCRIPTION:

Part of Lot 1, The Reserve Subdivision, record Lot Split, Instrument No. L202161297 filed August 17, 2021, and Lot 9 of the Property Line Adjustment of Lots 6 & 7, The Reserve Subdivision. record Instrument No. L202549495 filed September 4, 2025, and being more particularly described as follows:

COMMENCING at an existing MAG Nail marking the southwest corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 11; thence by bearing and distance (basis of bearings, Grid North), North 02°23'38" East a distance of 32.76 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road and the true POINT OF BEGINNING; thence along and coincident with the west line of Lot 1, The Reserve Subdivision, North 02°23'38" East a distance of 311.33 feet to a one-half inch (1/2") rebar with PS No. 1156 cap marking the southwest corner of Lot 2, The Reserve Subdivision; thence along and coincident with the south line of said Lot 2, South 87°14'20" East a distance of 849.93 feet to a one-half inch (1/2") rebar with PS No. 1507 cap; thence leaving said south line, South 02°28'53" West a distance of 282.82 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Arkansas Highway No. 12 (SW Regional Airport Blvd); thence along and coincident with said north right-of-way line the following courses (bearings and distances), North 87°10'35" West a distance of 168.11 feet to a two-inch (2") aluminum AHTD Monument, North 88°40'59" West a distance of 134.79 feet o a two-inch (2") aluminum AHTD Monument, South 09°11'47" East a distance of 2.98 feet to a one-half inch (1/2") rebar with PS No. 1507 cap, North 87°28'06" West a distance of 267.25 feet to a one-half inch (1/2") rebar, South 65°42'51" West a distance of 115.33 feet to a one-half inch (1/2") rebar; thence leaving said north right-of-way line, North 87°46'01" West a distance of 121.35 feet to a one-half inch (1/2") rebar with PS No. 1507 cap on the north right-of-way line of Shell Road; thence 28.14 feet along and coincident with said north right-of-way line and the arc of a non-tangent curve to the left, said curve having a radius of 239.94 feet and being subtended by a chord bearing and distance of North 55°18'16" West 28.12 feet to a one-half inch rebar with PS No. 1507 cap; thence continuing along said north right-of-way line, North 58°39'51" West a distance of 36.32 feet to the Point of Beginning and containing 5.86 acres, more or less.

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: _____

Signed: _____
Sadiq Ali, Manager
Greenhouse-Highway 12, LLC
PO Box 56260
Little Rock, AR 72215

ACKNOWLEDGEMENT:

Subscribed and sworn before me this ____ day of _____, 2026.

My Commission Expires: _____

_____
Notary Public

Source of Title: Warranty Deed, L202309785
Lot Split, The Reserve Subdivision, Lots 1, 2, and 3, L202161297

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: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor, City of Bentonville

Signed: _____
City Clerk, City of Bentonville

CERTIFICATE OF SURVEY AND ACCURACY

I, Keith A. Sikes, Arkansas PS No. 1507, hereby certify that this plat correctly represents a boundary survey made by me or under my direct supervision, and that 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 Standards of Practice for Property Boundary Surveys and Plats have been met.

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
NO. 1507
SIGNATURE
KEITH A. SIKES

Digitally Signed by K. Sikes
2026.02.10 15:20:16-06'00'

_____
Keith A. Sikes, AR PS 1507
Olsson, AR COA 1010
ksikes@olsson.com

CERTIFICATE OF AUTHORIZATION
Olsson Inc.
No.1010
ARKANSAS ENGINEER

OWNER:

Greenhouse-Highway 12, LLC
PO Box 56260
Little Rock, AR 72215
Phone: 870-830-9148

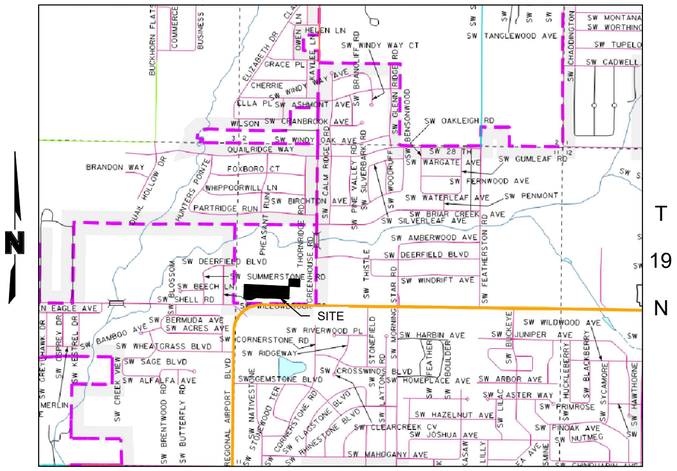
PREPARED FOR:

McDonald's
110 N. Carpenter Street
Chicago, IL 60607
Phone: 316-706-2253

PREPARED BY:

Olsson, Inc.
3537 N. Steele Blvd, Suite 310
Fayetteville, AR 72703
Phone: 479-443-3404

LOCATION MAP
(NOT TO SCALE)



CITY OF BENTONVILLE DEVELOPMENT NOTES

1. 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.
2. Owner/Developer shall coordinate with all local utilities to ensure that each lot has water, sewer, and electric service.
3. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
4. All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications.
5. There may not be fences or any other structures built in any drainage easements.
6. 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.
7. We, the Owners, hereby grant to the City of Bentonville a Blanket Avigation Easement over the entirety of the Subdivision persuant to the Municipal Code, Section 401.12.

FLOOD CERTIFICATION

Based on the Flood Insurance Rate Map (FIRM) from the Federal Emergency Management Agency (FEMA), Map No. 05007C0235K, Map Revised 06/05/2012, and by graphic plotting only; The subject property lies within Other Areas, Zone X; Areas determined to be outside the 0.2% annual chance floodplain. This flood statement does not address or cover the possibility of localized flooding . Any potential flood hazards or risks associated with or that may be determined from a future FEMA Risk Rating 2.0 are unknown.

SURVEYOR'S NOTES

1. The purpose of the Correction Plat is to correct and replat Lots 4, 6, 7, 8, and 9, The Reserve Subdivision, formerly created by record plats L202519209 and L202549495. Several existing and original corner monuments were not found, depicted, and utilized, nor were any lot or other corner monuments set in conjunction with the surveys and filing of these two 2025 plats. This Correction Plat places an accurate survey on the record depicting all corner monuments found and set, as well as being an intentional retracement survey of record Lot 1, the south line of record Lot 2, and the rights-of-way of Greenhouse Road and Arkansas Highway 12 (SW Regional Airport Blvd) as those existed prior to the two plats L202519209 and L202549495.
2. Easements that were dedicated by former record plats L202519209 and L202549495, were retraced and are depicted hereon, as those were platted. The common corner used for easement placement was the northwest corner of Lot 5, rather than utilizing the easement metes descriptions commencing at the southwest corner of the SW1/4 NW1/4. The intent and purpose of any easement dedication hereon, is to bridge and close the gaps created by those easements that were dedicated by those former two record plats L202519209 and L202549495, and to establish continuity to other existing record easements, or to lot lines being platted hereon.
3. Lot 5, The Reserve Subdivision, is being excluded from this replat due to title of that lot having been conveyed prior to the filing of this Correction Plat.
4. Measured bearings and distances are equivalent to the record dimensions of Lot Split, The Reserve Subdivision, L202161297, except along the north and west lines of Lot 5, where measured and record are annotated hereon.

GENERAL NOTES:

1. Basis of Bearings: Grid North, State Plane Coordinate System, Arkansas North Zone, NAD83 (2011)(Epoch:2010.0000), based on GNSS observations from the ArDOT VRS Network. The measured Grid North bearing along the west line of the SW1/4 of the NW1/4 = North 02°23'38" East
2. Every record document reviewed and considered as a part of this survey is noted hereon. Surveyor has not made a thorough investigation or independent search for any easements or other encumbrances or facts that an accurate, complete and current title search and/or title commitment would disclose. Other documents of record, rights, or facts may exist and affect the subject property.
3. Subsurface or environmental conditions were not examined or considered as part of this survey.
4. The locations of existing utilities are representational only and are in no way intended to show their exact locations, nor is this information to be construed as a complete inventory of all utilities at the location. Olsson and the Surveyor did not make any excavations and did not use equipment to locate the actual utilities. Olsson personnel only located markings created by others. Lacking excavation, the exact locations of underground utilities and features cannot be accurately, completely, and reliably depicted.
5. Last Date of Field Survey: January 21, 2026

UTILITY NOTES FROM THE RESERVE SUBDIVISION, LOTS 1, 2, & 3 - L202161297

1. All structures must maintain a minimum of 20 feet clearances from all electric lines.
2. All exterior Lot lines have a 20' U.E. and all interior Lot lines have a 15' U.E. centered on the Lot line. (SURVEYOR'S NOTE: The 20' U.E. dedication along all exterior lot lines and the 15' U. E. dedication along and centered on all interior lot lines was only applicable with that L202161297 platting and is not being carried forward to apply and dedicate any additional utility easements to Lots 10, 11, and 12 created hereon.)

BENTONVILLE ATLAS PAGE: 483

STATE PLAT CODE: 500-19N-31W-0-11-430-04-1507

olsson
3537 North Steele Boulevard, Suite 310
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340

REVISIONS

REV. NO.	DATE	DESCRIPTION
1.	01.29.26	City of Bentonville Comments Addressed
2.	02.10.26	City of Bentonville Comments Addressed
3.		
4.		
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CORRECTION PLAT - PROPERTY LINE ADJUSTMENT
City of Bentonville Project No. PLA26-0006

CREATING LOT 10, LOT 11, AND LOT 12,
THE RESERVE SUBDIVISION

BENTONVILLE, BENTON COUNTY, ARKANSAS

2026

drawn by: SBR
checked by: KAS
project no.: 024-02080
date: 02.10.2026

SHEET
1 of 3

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DATE: Feb 10, 2026 3:10pm USER: sroper2

CORRECTION PLAT - PROPERTY LINE ADJUSTMENT

OF LOT 4, LOT 8, and LOT 9, THE RESERVE SUBDIVISION
CREATING LOT 10, LOT 11, and LOT 12,
THE RESERVE SUBDIVISION,
AN ADDITION TO THE CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS

0' 20' 40' 80'
SCALE IN FEET
ONE INCH = 40 FEET

CURVE TABLE					
#	Radius	Length	Delta	Chord	Ch. Bearing
C1	239.94'	28.14'	6°43'09"	28.12'	N55°18'16"W

LINE TABLE		
#	Direction	Length
L1	N02°23'38"E	32.76'
L2	S13°07'02"W	7.62'
L3	S31°52'58"E	18.03'
L4	S09°11'47"E	2.98'
L5	N58°39'51"W	36.32'
L6	S02°28'53"W	7.29'
L7	N87°14'20"W	11.56'

LEGEND

- Found Monument (As Noted)
- Set Monument (As Noted)
- EV Electric Vault
- Power Pole
- Sign (As Noted)
- D Storm Manhole
- TEV Telephone Vault
- Traffic Signal Pole
- Water Valve
- Fire Hydrant
- S Sanitary Manhole
- U.E. Utility Easement
- POC Point of Commencement
- POB Point of Beginning
- TDM Truncated Dome Mat
- (R2) Record Dimension Per Plat L202519209
- MTL PP Metal Transmission Line Power Pole
- P-OH Overhead Electric
- FO Fiber Optic Line
- SD Storm Sewer Line
- W Water Line
- X Barbed Wire Fence
- Wood Fence
- Boundary & Lot Line
- Lot Line
- Easement Line
- Centerline
- Concrete Pavement
- Gravel Pavement
- Water/Pond

LOT 2
THE RESERVE SUBDIVISION,
DOCUMENT NO. L202161297
PARCEL 01-19683-001

LOT 9, WILLOWBROOK FARMS
SUBDIVISION, PHASE 1, LOTS 5-51
BOOK 2013, PAGE 278,
PARCEL 01-16784-000
OWNER: DEBORAH A MITCHELL

FOUND 1/2" REBAR
W/ CAP "DAVIS 1156"
N: 737044.75
E: 647145.11

20' U.E.
DOC NO. L202161297

7.5' U.E.
DOC NO. L202161297

S87°14'20"E 1019.73'

S87°14'20"E 849.93'

MATCHLINE SHEET 2

MATCHLINE SHEET 3

LOT 8, WILLOWBROOK FARMS
SUBDIVISION, PHASE 1, LOTS 5-51
BOOK 2013, PAGE 278,
PARCEL 01-16783-000
OWNER: CHASE WHITE

TOP OF POND BANK

POND

7.5' U.E.
DOC NO. L202161297

LOT 12:
5.86 ACRES±

29' CROSS ACCESS EASEMENT
DOC NO. L202161297

10.50' TEMPORARY CONSTRUCTION
EASEMENT, DOC. NO. L202102568

LOT 7, WILLOWBROOK FARMS
SUBDIVISION, PHASE 1, LOTS 5-51
BOOK 2013, PAGE 278,
PARCEL 01-16782-000
OWNER: MICHAEL & TONI LINDSEY

10.50' TEMPORARY CONSTRUCTION
EASEMENT, DOC. NO. L202102568

N02°23'38"E 311.33'

20' U.E.
DOC NO. L202161297

LOT 6, WILLOWBROOK FARMS
SUBDIVISION, PHASE 1, LOTS 5-51
BOOK 2013, PAGE 278,
PARCEL 01-16781-000
OWNER: SUBRAMANI, SRINATH
PARAMESHWARAN & DEEPTHI
SANKARA NARAYANAN

25' UTILITY EASEMENT,
DOC NO. L202102283

30' ELECTRIC EASEMENT,
DOC. NO. 2001115196

OVERHEAD TRANSMISSION
POWER LINE

15' U.E.,
DOC NO. 200011523
DOC NO. 200011526
DOC NO. 200011529

LOT 5, WILLOWBROOK FARMS
SUBDIVISION, PHASE 1, LOTS 5-51
BOOK 2013, PAGE 278,
PARCEL 01-16780-000
OWNER: BRIAN KEITH
& AMELIA JACKSON

"BURIED FIBER
LINE" SIGN

20' GENERAL U.E.
DOC NO. L202519209

20' U.E.
DOC NO. L202161297

10' U.E.
DOC NO. 20010115220

18" MTL PP

18" MTL PP

VARIABLE WIDTH U.E.
BOOK 2014, PAGE 5634

12' PEDESTRIAN ESMT
DOC. NO.L202519209

POB: PARENT TRACT & LOT 12
SET 1/2" REBAR W/ CAP "1507"

GAS MARKER

CONCRETE
CURB & GUTTER

33.7'

N87°19'56"W 229.21'

SET 1/2" REBAR
W/ CAP "1507"

L5

L1

C1

20' GENERAL U.E.
DOC NO. L202519209

N87°46'01"W 121.35'

S65°42'51"W 115.33'

FOUND 1/2" REBAR

N87°28'06"W 267.25'

FOUND AHTD
ALUM. MON "1392"

L4

N88°40'59"W
134.79'

PARCEL 01-07937-010
OWNER: ARKANSAS STATE HIGHWAY COMM

POC: PARENT TRACT, LOTS 10, 11 & 12
FOUND MAG NAIL
SW CORNER, SW1/4 NW 1/4,
SECTION 11, T-19-N, R-31-W
N: 736700.96
E: 647130.73
References:
S76°15'E, 115.6', Ctr FO Dome Mrk Post
N52°24'W, 67.3', Ctr Gas, Dome Mkr Post

35.3'

"BURIED FIBER
LINE" SIGN

FOUND 1/2" REBAR

5' SIDEWALK

DEPRESSED CURB &
56' DRIVEWAY

CONCRETE
CURB & GUTTER

SHELL ROAD

PARCEL 01-07937-001
OWNER: ARKANSAS STATE HIGHWAY COMM

ARKANSAS HIGHWAY 12
SW REGIONAL AIRPORT BLVD

MATCHLINE SHEET 2

MATCHLINE SHEET 3

BENTONVILLE ATLAS PAGE: 483

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
NO. 1507
SIGNATURE
KEITH A. SIKES
02.10.2026

olsson
3537 North Steele Boulevard, Suite 310
Fayetteville, AR 72703
olsson.com
TEL 479.443.3404
FAX 479.443.4340

REVISIONS

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1.	01.29.26	City of Bentonville Comments Addressed
2.	02.10.26	City of Bentonville Comments Addressed
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CORRECTION PLAT - PROPERTY LINE ADJUSTMENT
City of Bentonville Project No. PLA26-0006

CREATING LOT 10, LOT 11, AND LOT 12,
THE RESERVE SUBDIVISION

BENTONVILLE, BENTON COUNTY, ARKANSAS

2026

drawn by: SBR
checked by: KAS
project no.: 024-02080
date: 02.10.2026

SHEET
2 of 3

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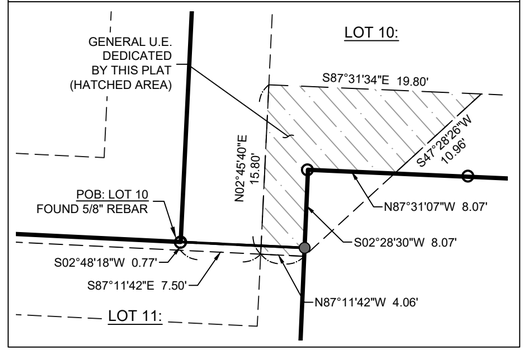
DATE: Feb 10, 2026 3:10pm USER: sroper2

CORRECTION PLAT - PROPERTY LINE ADJUSTMENT

OF LOT 4, LOT 8, and LOT 9, THE RESERVE SUBDIVISION
CREATING LOT 10, LOT 11, and LOT 12,
THE RESERVE SUBDIVISION,
AN ADDITION TO THE CITY OF BENTONVILLE,
BENTON COUNTY, ARKANSAS

0' 20' 40' 80'
SCALE IN FEET
ONE INCH = 40 FEET
(SEE SHEET 2 OF 3 FOR LEGEND)
(SEE SHEET 2 OF 3 FOR LINE TABLE)

DETAIL "A"
(NOT TO SCALE)



LOT 10:
0.95 ACRES±

LOT 11:
1.18 ACRES±

LOT 12:
5.86 ACRES±

LOT 2
THE RESERVE SUBDIVISION,
DOCUMENT NO. L202161297
PARCEL 01-19683-000

(NOT A PART)
LOT 5, THE RESERVE SUBDIVISION,
PARCEL NO. 01-19682-001
WD L202600992

MATCHLINE SHEET 2
MATCHLINE SHEET 3

FOUND 5/8" REBAR W/ CAP "1156"
S87°14'20"E 238.94'
SET 1/2" REBAR W/ CAP "1507"
N: 737158.91
E: 648410.74
S87°15'47"E 20.11'
53.5'
N00°08'33"W 1.65'
9.99'
37.83'
S02°47'14"W 1.69'
L2
L3
SET 1/2" REBAR W/ CAP "1507"
N87°07'10"W 20.02'
FOUND 5/8" REBAR W/ CAP "1392"
UTILITY EASEMENT, BOOK 2014, PAGE 5634
N02°45'40"E 175.00'
VARIABLE WIDTH GENERAL U.E. DOC. NO. L202519209
5' SIDEWALK
20' GENERAL U.E. DOC. NO. L202519209
S01°48'26"W 144.24'
DRIVEWAY APRON
SEE DETAIL "A"
POB: LOT 10 FOUND 5/8" REBAR
FOUND 1/2" REBAR W/ CAP "1374"
FOUND 1/2" REBAR W/ CAP "1507"
44.9'
POB: LOT 11 SET 1/2" REBAR W/ CAP "1507"
S87°14'20"E 181.36'
L7
L6
FOUND 1/2" REBAR W/ CAP "1507"
12.41'
2.28'
20' GENERAL U.E. DOC. NO. L202549495
20' GENERAL U.E. DOC. NO. L202519209
7.5' U.E. DOC NO. L202161297
SET 1/2" REBAR W/ CAP "1507"
N87°31'07"W 238.70'
S87°31'34"E 238.65'(R2)
S01°48'26"W 55.76'
CONCRETE CURB & GUTTER
N88°11'34"W 5.00'
FOUND 5/8" REBAR W/ CAP "1392"
20' U.E. DOC NO. L202161297
EX. VARIABLE WIDTH CROSS ACCESS EASEMENT L202519209
S02°28'53"W 170.01'
GREENHOUSE ROAD
S02°28'53"W 282.82'
N02°28'53"E 282.82'
S02°28'53"W 283.02'
S02°28'53"W 290.30'
N02°28'30"E 282.39(R2)
VARIABLE WIDTH CROSS ACCESS EASEMENT L202519209
30' ELECTRIC EASEMENT DOC. NO. 2001115196
0.10'x24' ACCESS ESMT (DEDICATED BY THIS PLAT)
24' CROSS ACCESS EASEMENT DOC. NO. L202549495
24.0'
100.38'
20' U.E. DOC NO. L202161297
UTILITY EASEMENT, BOOK 2014, PAGE 5634
44" MTL PP ON 6' CONCRETE BASE
51.9'
DEPRESSED CURB & 56' DRIVEWAY
12' PEDESTRIAN ESMT DOC. NO. L202519209
55.0'
FOUND 1/2" REBAR W/ CAP "1374"
FOUND AHTD ALUM MON "1392"
18" MTL PP
N87°10'35"W 168.11'
42.68'
N87°10'35"W 181.36'
N87°10'35"W 1.97'
N88°52'35"W 200.06'
S30°36'29"W 67.96'
TDM
N87°10'35"W 349.47'
47.0'
46.0'
45.1'
50.0'
FOUND AHTD ALUM. MON "1392"
SET 1/2" REBAR W/ CAP "1507"
TRAFFIC SIGN
CONCRETE CURB & GUTTER
5' SIDEWALK
TBM - MAG NAIL & WASHER IN NW CORNER OF DRIVE ELEV = 1254.64
FOUND 1/2" REBAR W/ CAP "1507"
FOUND AHTD ALUM. MON "1392"
OVERHEAD TRANSMISSION POWER LINE
DEPRESSED CURB & 56' DRIVEWAY
FOUND AHTD ALUM MON "1392"
ARKANSAS HIGHWAY 12
SW REGIONAL AIRPORT BLVD

olsson
3537 North Steele Boulevard, Suite 310
Fayetteville, AR 72703
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CORRECTION PLAT - PROPERTY LINE ADJUSTMENT
City of Bentonville Project No. PLA26-0006

CREATING LOT 10, LOT 11, AND LOT 12,
THE RESERVE SUBDIVISION

BENTONVILLE, BENTON COUNTY, ARKANSAS

2026

drawn by: SBR
checked by: KAS
project no.: 024-02080
date: 02.10.2026

LICENSED PROFESSIONAL SURVEYOR
STATE OF ARKANSAS
NO. 1507
KEITH A. SIKES
SIGNATURE
02.10.2026

SHEET
3 of 3

BENTONVILLE ATLAS PAGE: 483

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DATE: Feb 10, 2026 3:10pm USER: sroper2

Skylight Subdivision, Lot 1

1906 Southwest 14th Street

PC Date: 2/17/2026

Staff Report Details

Project Number	LS23-0035
Applicant / Current Owner	Development Consultants Inc. / Bapuji Vakkalagadda
Site Area	+/- 1.37 Acres
Current Zoning	C-2, General Commercial
Requested Zoning	N/A
Current Future Land Use Map Designation	Suburban Corridor
Requested Future Land Use Map Designation	N/A
Development Type / Use	Multi-Family
Related projects	LSD25-0030

Property Description

Project Details

Property Line Adjustment: Parcel Number 01-00934-000, Creating Lot 1 of Skylight Subdivision. 1906 Southwest 14th Street, LS23-0035.

A Property Line Adjustment of Parcel Number 01-00934-000, Creating Lot 1 of Skylight Subdivision. 1906 Southwest 14th Street, LS23-0035.

Relationship to the Community Plan

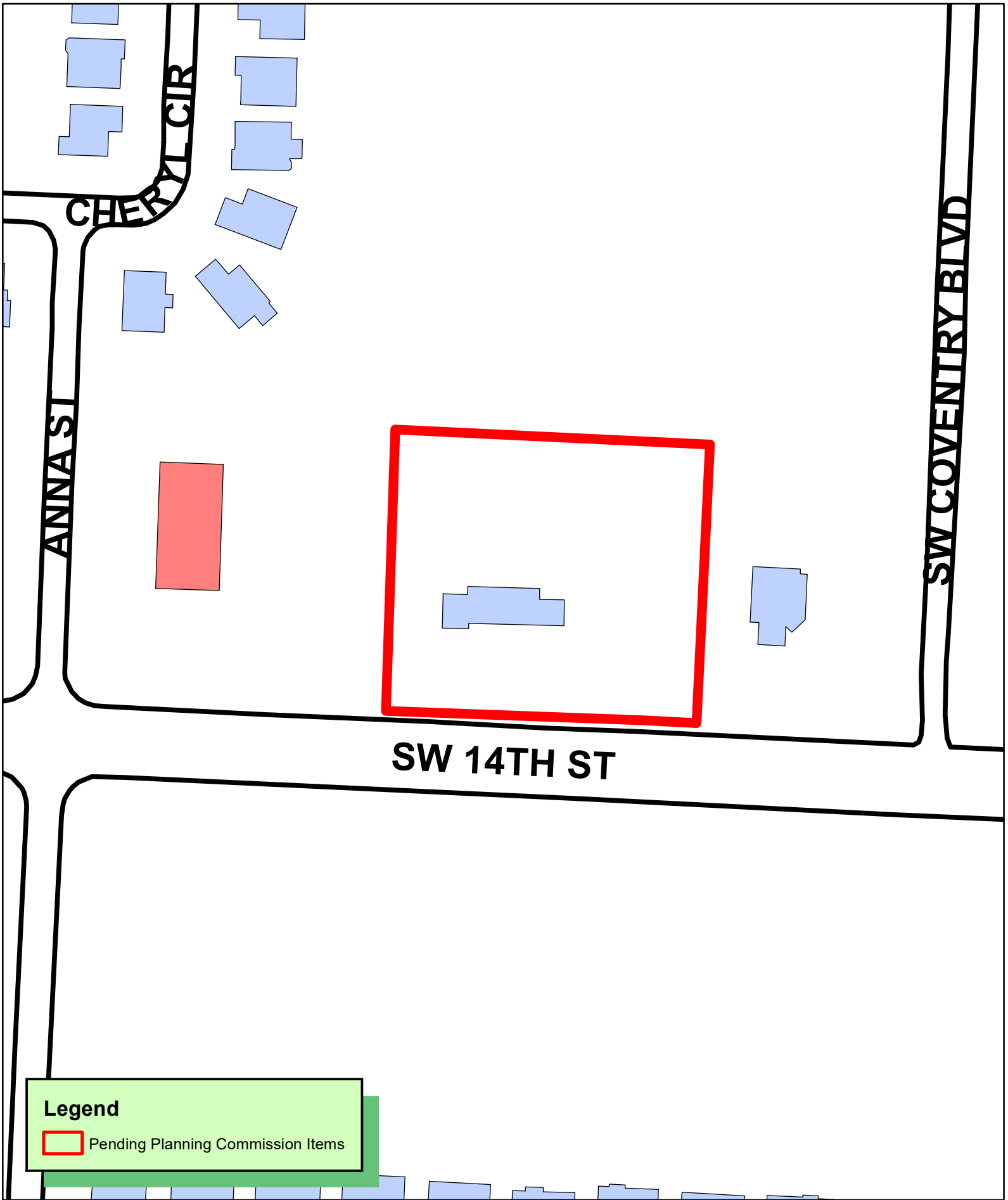
Public Comment

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

Analysis / Waivers

Conclusion

Additional Details



LS23-0035
LOT SPLIT
SKYLIGHT SUBDIVISION
LOT 1

PROPERTY LINE ADJUSTMENT FOR PARCEL 01-00934-000 CREATING SKYLIGHT SUBDIVISION LOT 1

PROPERTY LINE ADJUSTMENT IN PART OF THE $SW\frac{1}{4}$ $SW\frac{1}{4}$ OF SECTION 36, T-20-N, R-31-W, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS.

Parent Tract Property Description: (TRACT 7 OF W.D.: 2016-38498)

PART OF THE SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 39.56 FEET NORTH AND NORTH 89°41'40" WEST 220.98 FEET FROM THE SE CORNER OF SAID SW $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ ON THE NORTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY #102; THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 89°41'40" WEST 255.55 FEET; THENCE LEAVING NORTH RIGHT-OF-WAY NORTH 00°28'21" WEST 250 FEET; THENCE SOUTH 89°41'40" EAST 259.19 FEET; THENCE SOUTH 00°21'43" WEST 249.98 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT BEING USED AS THE WEST $\frac{1}{16}$ CORNER OF SECTION 36; THENCE NORTH 02°28'23" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 45.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 102 AS ESTABLISHED BY AHTD JOB 9482; THENCE NORTH 87°16'27" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 220.82 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°16'27" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 255.59 FEET TO A POINT; THENCE NORTH 01°58'15" EAST A DISTANCE OF 18.54 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 102 AS ESTABLISHED BY AHTD JOB 090179; THENCE SOUTH 87°52'52" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 210.85 FEET TO A POINT; THENCE SOUTH 02°44'28" WEST A DISTANCE OF 20.60 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.12 ACRES OR 5,073 SQUARE FEET MORE OR LESS AS SHOWN ON PLANS PREPARED BY THE AHTD REFERENCED AS JOB 090179.

ALSO LESS AND EXCEPT

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 20 NORTH, RANGE 31 WEST, BENTON, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT BEGIN USED AS THE WEST $\frac{1}{16}$ CORNER OF SECTION 36, THENCE NORTH 02°28' 23" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36 A DISTANCE OF 45.77 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 102 AS ESTABLISHED BY AHTD JOB 9482; THENCE NORTH 87°15'27" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 476.41 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°15'27" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 3.10 FEET TO A POINT; THENCE NORTH 02°40'58" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 18.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ARKANSAS STATE HIGHWAY 102 AS ESTABLISHED BY AHTD JOB 090179; THENCE SOUTH 87°52'52" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 2.87 FEET TO A POINT; THENCE SOUTH 01°58'15" WEST A DISTANCE OF 18.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 55 SQUARE FEET MORE OR LESS AS SHOWN ON PLANS PREPARED BY THE AHTD REFERENCED AS JOB 090179.

Notes:

Based on scaled map location and graphic plotting only, the subject property is in Flood Zone X, which is an area determined to be outside the 0.2% Annual Chance Floodplain, according to Flood Insurance Rate Map, Benton County, Arkansas, Map Number 05007C0255K, map revised June 5, 2012.

Bearings are based on Arkansas State Plane Coordinates - North Zone, NAD83 (NSRS2011), per GPS observation.

Rights of way and Easements are shown hereon as per documents provided to the surveyor. Additional Rights of way and Easements recorded or not a part of the public record, may or may not exist that affect the subject property.

The locations of utilities as shown hereon are based on aboveground structures and record documents. Locations of underground utilities may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of the survey to locate buried utilities/structures.

Before any work in the Right-of-Way commences, Contractor and/or owner is to contact the City of Bentonville Engineering and Transportation Departments and notify said departments on the intent and type of the work that will take place within the Right-of-Way. Work in Right-of-Way may require a separate permit.

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.

There may not be fences or any other structures built in any drainage easements.

There are no waivers, variances and/or conditional uses at the time of preparing this Plat.

We hereby grant to the City of Bentonville a blanket Avigation Easement over the entirety of this Property Line Adjustment pursuant to Municipal Code Section 401.12

All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications.

TITLE POLICY

This survey references First National Title Company and First American Title Insurance Company File No. BEN01-010-12, Commitment Date: February 28, 2012, 08:18 am.

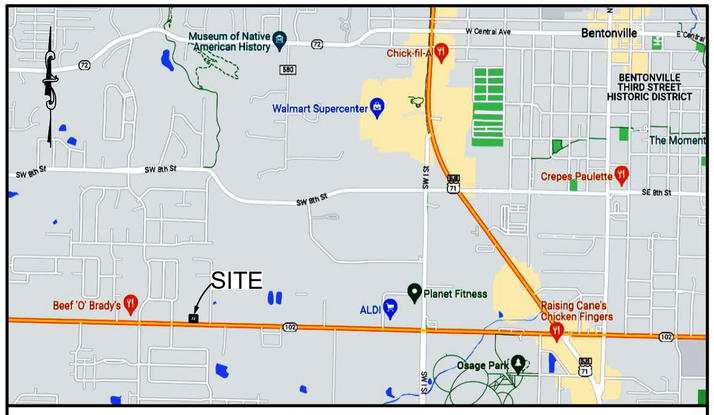
TITLE POLICY EXCEPTIONS: (File No. BEN01-010-12)

Right of Way grant in favor of Arkansas Western Gas Company, filed for record August 20, 1985 as Deed Book 639 at page 494, records of Benton County, Arkansas. Does affect as shown on survey.

Utility Deed Easement in favor of the City of Bentonville, Arkansas, filed for record February 24, 1995 as Instrument No. 95-11540, records of Benton County, Arkansas. Easement extinguished with new Arkansas Highway 102 right of way.

Right of Way Grant in favor of Arkansas Western Gaas Company, filed for record March 29, 2007 as Deed Book 2007 at page 12769, records of Benton County, Arkansas. Does affect, as shown on survey.

Utility Easement in favor of the City of Bentonville, Arkansas, filed for record March 30, 2007 as Deed Book 2007 at page 12886, records of Benton County, Arkansas. Does affect, as shown on survey.



VICINITY MAP

LOT 1 - Property Description:

Part of the $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Section 36, T-20-N, R-31-W, City of Bentonville, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Southeast corner of the said $SW\frac{1}{4}$ $SW\frac{1}{4}$; Thence N 02°27'31" E, a distance of 45.77 feet; Thence N 87°18'00" W, a distance of 220.82 feet; Thence N 02°43'17" E, a distance of 20.64 feet to a found $\frac{5}{8}$" rebar (PLS #1227) lying on the Northerly right of way line of Arkansas Highway 102 (AHTD #090179) and the Point of Beginning; Thence N 86°48'45" W along the Northerly right of way line of said Arkansas Highway 102, a distance of 45.02 feet to a found ARDOT monument; Thence N 87°56'59" W along the Northerly right of way line of said Arkansas Highway 102, a distance of 210.72 feet to a found $\frac{5}{8}$" rebar (PLS #1181); Thence N 01°53'55" E, a distance of 231.56 feet to a found $\frac{5}{8}$" rebar; Thence S 87°15'31" E, a distance of 259.11 feet to a found $\frac{1}{2}$" rebar; Thence S 02°44'22" W, a distance of 229.34 feet to the Point of Beginning, containing 1.36 Acres more or less.

Representative:
Allen "Jay" Young
Development Consultants Inc.
1 E Center ST
Fayetteville, AR 72701
(479) 263-3893

Owner/Developer:

Ultra Homes LLC
Bapuji Vakkalagadda
1801 SW Regional Airport
Boulevard #5
Bentonville AR 72712

Phone: (479) 366-6166

BUILDING SETBACKS:

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

Bentonville Atlas page 402.

LS23-0035

Certificate of Approval

Pursuant to the Bentonville Subdivision Regulations and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed_____ Bentonville Planning Commission Chairman

Signed_____ Mayor City of Bentonville

Signed_____ City Clerk, City of Bentonville

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: _____

Signed:_____
Name & Address

Signed:_____
Name & Address

Source of Title: Warranty Deed: No. L202243973,

Certificate of Surveying Accuracy

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

Date of Execution: _____

Signed:_____
Registered Land Surveyor
No. 1441
State of Arkansas

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1441
SIGNATURE
ALLEN J. YOUNG

CERTIFICATE OF AUTHORIZATION
DEVELOPMENT CONSULTANTS INC.
No.128
ARKANSAS-ENGINEER

DCI DEVELOPMENT CONSULTANTS INCORPORATED
1 EAST CENTER ST. SUITE 200 FAYETTEVILLE, AR 72701

COPYRIGHT: 2023

DATE: 06-01-2023

REVISIONS
2026.01.30 - ADDRESSED CITY COMMENTS AND UPDATED SITE PLAN
2026.02.09 - REVISED PER CITY COMMENTS

DEVELOPMENT CONSULTANTS INCORPORATED

PROJECT TITLE: PROPERTY LINE ADJUSTMENT FOR PARCEL 01-00934-000 CREATING SKYLIGHT SUBDIVISION LOT 1
BENTONVILLE, ARKANSAS

SHEET TITLE: INCIDENTAL SUBDIVISION

PROJECT NO: 23-130

SHEET NO: LS-1
1 OF 2

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LEGEND

- FOUND MONUMENT
- COMPUTED POINT
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- GUY WIRE
- SIGN
- PROPERTY LINE
- OHE — OHE

EASEMENT LEGEND

- ACCESS EASEMENT
- DRAINAGE EASEMENT
- UTILITY EASEMENT

Owner/Developer:

Ultra Homes LLC
Bapuji Vakkalagadda
1801 SW Regional Airport
Boulevard #5
Bentonville AR 72712

Phone: (479) 366-6166

20 10 0 20 40
GRAPHIC SCALE 1" = 20'

FOUND ½" REBAR
S 02°52'44" W 28.51'
N:744556.59
E:653628.85
FOUND ½" REBAR
43.61'
8" CONC. WALL
DUMPSTER
S 89°41'40" E 259.19' (R)
S 87°15'31" E 259.11' (M)
WILL-MOORE SUBDIVISION PH 2
(PLAT #2007-966)
LOT 9
CONWAY REVOCABLE TRUST,
CHRISTOPHER E
PARCEL ID: 01-04652-001
ZONED: A-1
FOUND ½" REBAR
S 02°24'45" W 34.99'
FOUND ½" REBAR
N:744544.20
E:653887.67
WILL-MOORE SUBDIVISION PH 2
(PLAT #2007-966)
PT LOT 10
CONWAY REVOCABLE TRUST,
CHRISTOPHER E
PARCEL ID: 01-04652-111
ZONED: C-1
OHE
10.0'
U.E.
145.55'
20.0'
U.E.
DRAINAGE ESMT.
DEDICATED PER THIS PLAT
S 02°02'40" W 145.03'
LOT 1
± 1.36 ACRES
TRACT 7 OF W.D.: 2016-38498
PT SW¼ SW¼
SECTION 36, T-20-N, R-31-W
Q.D.: BK 2016, PG 38496
ULTRA HOMES LLC
PARCEL ID: 01-00934-000
± 1.36 ACRES
ZONED: C-1
WILL-MOORE SUBDIVISION PH 2
(PLAT #2005-692)
LOT 7
HUDGINS, GENE & BERTHA
TRUSTEES
PARCEL ID: 01-04652-007
ZONED: C-2
N 00°28'21" E 250' [R]
N 00°21'43" E 231.46' (R)
N 01°53'55" E 231.56' (M)
UTILITY ESMT.
DEDICATED PER THIS PLAT
UTILITY ESMT.
DEDICATED PER THIS PLAT
S 00°21'43" W 249.98' [R]
S 00°21'43" W 229.38' (R)
S 02°44'22" W 229.34' (M)
WILL-MOORE SUBDIVISION PH 2
(PLAT #2007-966)
PT LOT 10
CONWAY REVOCABLE TRUST,
CHRISTOPHER E
PARCEL ID: 01-04652-112
ZONED: C-1
N 87°56'59" W 43.22'
S 87°56'59" E 151.69'
26.00'
26.0'
A.E.
ACCESS ESMT.
DEDICATED PER THIS PLAT
C3
UTILITY EASEMENT L202437677
N 87°56'59" W 43.12'
N 87°56'59" W 151.62'
S 87°56'59" E 57.29'
UTILITY ESMT.
DEDICATED PER THIS PLAT
20.0'
U.E.
NORTHERLY RIGHT OF WAY
LINE PER AHTD #090179.
C2
26.00'
20' UTILITY EASEMENT (2005-692)
20.0'
S 87°52'52" E 2.87'(R)
S 87°44'58" E 2.87'(M)
GAS REGULATOR
GAS SIGN
39.50'
6.3'
15.0'
15' GAS EASEMENT (2007-12769)
20' UTILITY EASEMENT (2007-12887)
20.0'
L1
C1
4.4'
21.07'
P.O.B.
LOT 1
FOUND
½" REBAR
(PLS #1227)
15' GAS EASEMENT (2007-7570)
FOUND ½" REBAR
(PLS #1181)
GAS EASEMENT (639-494)
N 87°52'52" W 210.85' (R)
N 87°56'59" W 210.72' (M)
19.20'
8.87'
FOUND
ARDOT
MONUMENT
N 87°03'05" W 45.00' (R)
N 86°48'45" W 45.02' (M)
N 02°40'58" E 18.51'(R)
N 02°36'58" E 18.42'(M)
CONC. WALK
S 01°58'15" W 18.54'(R)
S 01°53'55" W 18.44'(M)
LESS & EXCEPT
± 0.12 ACRES
N 02°44'28" E 20.60' (R)
N 02°43'17" E 20.64' (M)
CONC.
CONC. WALK
CONC. WALK
N 89°41'40" W 220.98' [R]
N 87°16'27" W 220.82' (R)
N 87°18'00" W 220.82' (M)
N 87°15'27" W 3.10'(R)
N 87°15'25" W 3.10'(M)
LESS & EXCEPT
± 54.99 Sq. Ft.
N 89°41'40" W 255.55'(R)
N 87°15'25" W 255.45'(M)
48.5'
49.9'
P.O.B.
PARENT TRACT
NORTH 39.56' [R]
N 02°28'23" E 45.77' (R)
N 02°27'31" E 45.77' (M)
POC
SE CORNER
SW¼ SW ¼,
(W⅛ CORNER)
SECTION 36,
T-20-N, R-31-W
SW 14TH STREET – AR HWY 102
R.O.W. VARIES - ARDOT #090179 & 9482
M.S.P. ARTERIAL R.O.W. = 90'
ASPHALT
ASPHALT
ASPHALT

LINE	BEARING	DISTANCE
L1	N 87°56'59" W	9.46'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	36.23'	28.00'	74°08'41"	S 54°58'41" W	33.76'
C2	62.31'	40.04'	89°09'37"	N 43°18'27" W	56.21'
C3	51.02'	66.00'	44°17'29"	S 65°48'14" E	49.76'

Bentonville Atlas page 402.

LS23-0035

DCI DEVELOPMENT CONSULTANTS INCORPORATED
1 HART CENTER RD.
SUITE 200
FAYETTEVILLE, AR 72701

COPYRIGHT: 2023
SCALE: 1" = 20'
DATE: 06-01-2023

REVISIONS
2006.01.30 - ADDRESSED CITY COMMENTS AND UPDATED SITE PLAN
2006.02.08 - REVISED PER CITY COMMENTS

PROJECT TITLE: PROPERTY LINE ADJUSTMENT FOR PARCEL 01-00934-000 CREATING SKYLIGHT SUBDIVISION
BENTONVILLE, ARKANSAS
SHEET TITLE: INCIDENTAL SUBDIVISION

PROJECT NO.: 23-130
SHEET NO.: LS-2 2 OF 2

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	Lots 8 & 9, Tiarks Addition
	1101 McColumn Road
	PC Date: 2/17/2026

Staff Report Details

Project Number	(LS25-0039)
Applicant / Current Owner	McClelland Consulting Engineers / Church of Jesus Christ Latter Day Saints
Site Area	+/- 18.6 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	
Current Future Land Use Map Designation	
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	LSD24-0044

Property Description

Lot Split: Lot 7 of the Tiarks Addition, Creating Lots 8 and 9 of the Tiarks Addition. 1101 McCollum Road, LS25-0039.

A Lot Split of Lot 7 of the Tiarks Addition, Creating Lots 8 and 9 of the Tiarks Addition. The plat is dedicating a variable width utility easement near the south side of Lots 8 and 9.

Project Details

Relationship to the Community Plan

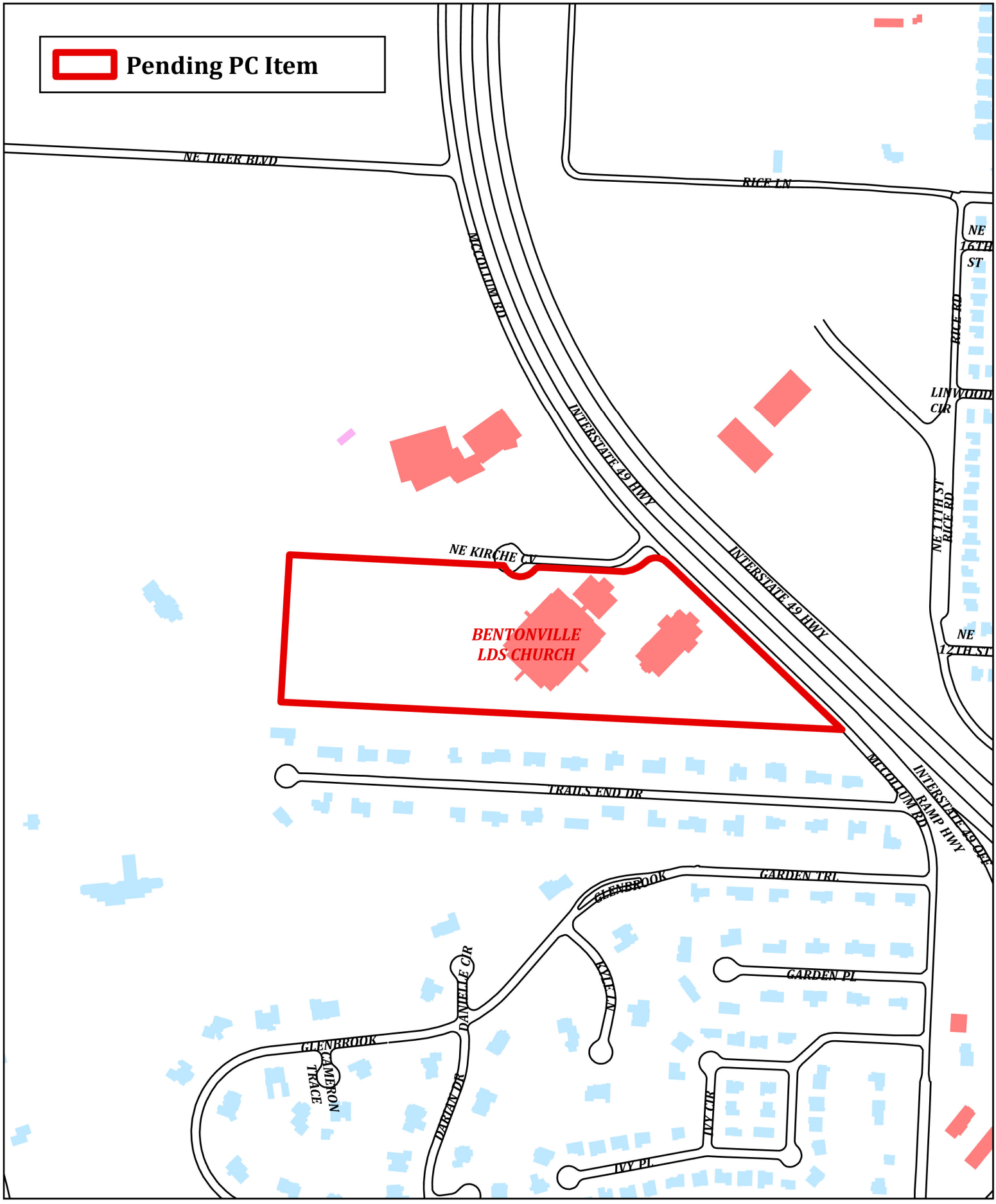
Public Comment

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

Analysis / Waivers

Conclusion

Additional Details



N
W E
S

LS25-0039
Creating Lot 8-9 Tiarks Addition
1105 McCollum Rd

LOT SPLIT OF LOT 7, TIARKS ADDITION, CREATING LOTS 8 AND 9 OF TIARKS ADDITION FOR THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

Church of Jesus Christ of Latter Day Saints
Contact Information:

Roy B. McDaniel
Project Manager
Church of Jesus Christ of La,er-Day Saints
50 E North Temple Room 225
Salt Lake City, UT. 84150-0022
801 718-6777 (cell)
email: mcdanielrb@churcho>esuschrist.org

PARENT PARCEL DESCRIPTION:
Lot 7, being formerly known as Lot 4 of the Property Line Adjustment of Lots 5, 6 and 7 (1, 2, and 4) of Tiarks Addition (P4-76) to the City of Bentonville, Benton County, Arkansas as shown on Plat Record 2005 at page 695, in the records of Benton County, Arkansas.

LOT 8 DESCRIPTION:
LOT 8, said Lot being a part of Lot 7, being formerly known as Lot 4 of the Property Line Adjustment of Lots 5, 6 and 7 (1, 2, and 4) of Tiarks Addition (P4-76) to the City of Bentonville, Benton County, Arkansas as shown on Plat Record 2005 at page 695, in the records of Benton County, Arkansas, and said part being more particularly described as follows: Beginning (POINT OF BEGINNING OF LOT 8 {P.O.B. LOT 8}) at a found iron pin, said pin accepted and used as the northwest corner of said Lot 7, thence along the north line of said Lot 7 the following 8 calls:

South 86 degrees 57 minutes 52 seconds East a distance of 724.86 feet to a point of curvature; thence along a curve to the left, an arc distance of 127.11 feet to a point of curvature, said curve having a radius of 60.00 feet and a chord bearing and distance of
South 82 degrees 27 minutes 59 seconds East, 104.64 feet;
thence leaving said curve, along another curve, an arc distance of 18.15 feet, said curve having a radius of 18.50 feet and a chord bearing and distance of
North 64 degrees 56 minutes 39 seconds East 17.43 feet;
thence leaving said curve South 86 degrees 57 minutes 52 seconds East a distance of 81.25 feet; thence South 86 degrees 57 minutes 38 seconds East a distance of 168.65 feet to a point of curvature; thence along a curve to the left, an arc distance of 100.56 feet to a point of curvature, said curve having a radius of 125.00 feet and a chord bearing and distance of North 69 degrees 59 minutes 32 seconds East 97.87 feet; thence leaving said curve and said north line, along a curve to the right an arc distance of 75.83 feet to the west right of way line of McCollum Road, said curve having a radius of 50.00 feet and a chord bearing and distance of South 89 degrees 36 minutes 52 seconds East 68.77 feet; thence leaving said curve, along said west right of way line South 46 degrees 10 minutes 00 seconds East a distance of 106.98 feet; thence leaving said west right of way line, South 43 degrees 46 minutes 35 seconds West a distance of 343.78 feet;
thence South 46 degrees 03 minutes 54 seconds East a distance of 51.14 feet;
thence South 43 degrees 46 minutes 35 seconds West a distance of 126.19 feet;
thence South 46 degrees 10 minutes 41 seconds East a distance of 43.76 feet;
thence South 43 degrees 49 minutes 19 seconds West a distance of 10.28 feet;
thence South 02 degrees 41 minutes 01 seconds West a distance of 46.38 feet to the south line of said Lot 7; thence along said south line the following 3 courses:
North 87 degrees 18 minutes 59 seconds West a distance of 275.94 feet;
North 87 degrees 21 minutes 58 seconds West a distance of 304.97 feet;
North 87 degrees 08 minutes 27 seconds West a distance of 534.51 feet to the southwest corner of said Lot 7; thence leaving said south line, to and along the west line of said Lot 7,
North 03 degrees 31 minutes 48 seconds East a distance of 506.24 feet to the POINT OF BEGINNING OF LOT 8 (P.O.B. LOT 8), containing 606,065 square feet, 13.91 acres, as surveyed. And being subject to any easements, rights of way, covenants and restrictions of record.

LOT 9 DESCRIPTION:
LOT 9, said Lot being a part of Lot 7, being formerly known as Lot 4 of the Property Line Adjustment of Lots 5, 6 and 7 (1, 2, and 4) of Tiarks Addition (P4-76) to the City of Bentonville, Benton County, Arkansas as shown on Plat Record 2005 at page 695, in the records of Benton County, Arkansas, and said part being more particularly described as follows: Commencing (POINT OF COMMENCEMENT OF LOT 9 {P.O.C. OF LOT 9}) at a found iron pin, said pin accepted and used as the northwest corner of said Lot 7,
thence along the west line of said Lot 7
South 03 degrees 31 minutes 48 seconds West a distance of 506.24 feet
to the southwest corner of said Lot 7; thence leaving said west line, to and along the south line of said Lot 7 the following 3 courses:
South 87 degrees 08 minutes 27 seconds East a distance of 534.51 feet;
South 87 degrees 21 minutes 58 seconds East a distance of 304.97 feet;
South 87 degrees 18 minutes 59 seconds East a distance of 275.94 feet to the
POINT OF BEGINNING OF LOT 9 (P.O.B. LOT 9);
thence leaving said south line
North 02 degrees 41 minutes 01 seconds East a distance of 46.38 feet;
thence North 43 degrees 49 minutes 19 seconds East a distance of 10.28 feet;
thence North 46 degrees 10 minutes 41 seconds West a distance of 43.76 feet;
thence North 43 degrees 46 minutes 35 seconds East a distance of 126.19 feet;
thence North 46 degrees 03 minutes 54 seconds West a distance of 51.14 feet;
thence North 43 degrees 46 minutes 35 seconds East a distance of 343.78 feet
to the west right of way line of McCollum Road;
thence along said west right of way the following 2 courses:
South 46 degrees 10 minutes 00 seconds East a distance of 618.35 feet;
South 42 degrees 57 minutes 54 seconds East a distance of 91.46 feet to the southeast corner of said Lot 7; thence leaving said west right of way line, to and along the south line of said Lot 7
North 87 degrees 18 minutes 59 seconds West a distance of 775.26 feet to the
POINT OF BEGINNING OF LOT 9 (P.O.B. LOT 9), containing 205,111 square feet, 4.71 acres, as surveyed. And being subject to any easements, rights of way, covenants and restrictions of record.

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: _____

SIGNED : _____
Authorized Representative of
The Church of Jesus Christ of Latter Day Saints.

SOURCE OF TITLE: BENTON COUNTY DOCUMENT 2002-21568

ACKNOWLEDGEMENT:

STATE OF ARKANSAS COUNTY OF _____

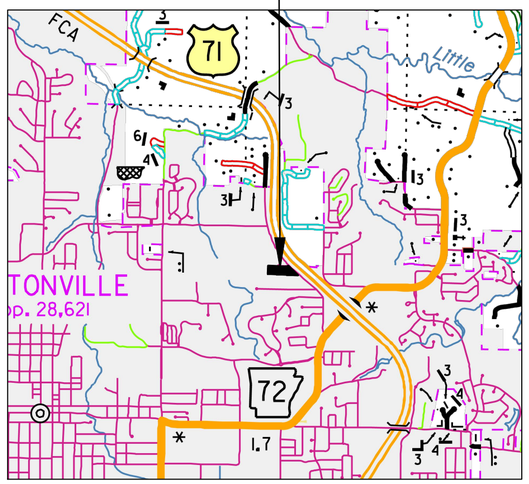
BE IT REMEMBERED THAT ON THIS DAY COME BEFORE ME, A NOTARY PUBLIC, WITHIN AND FOR SAID COUNTY AND STATE, _____, KNOWN TO ME TO BE THE PERSON(S) WHOSE NAME(S) IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE HAD EXECUTED THE SAME AS HIS/HER FREE AND VOLUNTARY ACT AND DEED FOR THE PURPOSES AND CONSIDERATIONS THEREIN MENTIONED AND WAS DULY AUTHORIZED TO DO SO BY RESOLUTION OF THE BOARD OF DIRECTORS OF SAID CORPORATION.

WITNESS MY HAND AND SEAL AS SUCH NOTARY PUBLIC THIS _____ DAY OF _____ _____.

MY COMMISSION EXPIRES:

_____
NOTARY PUBLIC

PROJECT LOCATION



VICINITY MAP (NOT TO SCALE)

ADJOINER TABLE

ADJOINER 1
BENTON COUNTY TAX PARCEL – 01-09837-000
OWNER: GRACE POINT CHURCH OF NORTHWEST ARKANSAS
OWNER ADDRESS: 1201 MCCOLLUM RD
BENTONVILLE, AR 72712-9187
LOT 5, TIARKS ADDITION, PLAT P4-76
LOT 5, TIARKS ADDITION, PLAT 2005-695
ZONE A-1

ADJOINER 2
BENTON COUNTY TAX PARCEL – 18-07552-000
OWNER: ARKANSAS STATE HIGH COMMISSION
OWNER ADDRESS: P.O. BOX 2261,
LITTLE ROCK, AR. 72203-2261

ADJOINER 3
BENTON COUNTY TAX PARCEL 18-07673-000
OWNER: ARKANSAS STATE HIGH COMMISSION
OWNER ADDRESS: P.O. BOX 2261,
LITTLE ROCK, AR. 72203-2261

ADJOINER 4
BENTON COUNTY TAX PARCEL 01-04458-000
OWNER: COOKSEY, BRITTANY
OWNER ADDRESS: 2705 TRAILS END DR
BENTONVILLE, AR 72712-3813
PT. LOT 30, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 5
BENTON COUNTY TAX PARCEL 01-04457-000
OWNER: SANFORD, JEFFREY & RACHELLE
OWNER ADDRESS: 2703 NE TRAILS END DR
BENTONVILLE, AR 72712-3813
PT. LOT 29, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 6
BENTON COUNTY TAX PARCEL 01-04456-000
OWNER: PERKINS, TONY L & CYNTHIA R
OWNER ADDRESS: 2701 TRAILS END DRIVE
BENTONVILLE, AR 72712-3813
PT. LOT 28, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 7
BENTON COUNTY TAX PARCEL 01-04455-000
OWNER: HOLLIDAY, JAMES A & CONNIE
OWNER ADDRESS: 2603 TRAILS END DR
BENTONVILLE, AR 72712-3812
PT. LOT 27, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 8
BENTON COUNTY TAX PARCEL 01-04454-000
OWNER: BEVER, KURT A & JANE E
OWNER ADDRESS: 2601 TRAILS END DR
BENTONVILLE, AR 72712-3812
PT. LOT 26, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 9
BENTON COUNTY TAX PARCEL 01-04453-000
OWNER: HUTCHESON LIVING TRUST, BRENDA KAY
OWNER ADDRESS: 2505 TRAILS END DR
BENTONVILLE, AR 72712-3811
PT. LOT 25, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 10
BENTON COUNTY TAX PARCEL 01-04452-000
OWNER: LANDOWSKI, NICK A & VICKIE L
OWNER ADDRESS: 2503 TRAILS END DR
BENTONVILLE, AR 72712-3811
PT. LOT 24, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 11
BENTON COUNTY TAX PARCEL 01-04451-000
OWNER: WEGNER, ERIC VON & HEATHER
OWNES: ELIZABETH
OWNER ADDRESS: 2501 TRAILS END DR
BENTONVILLE, AR 72712-3811
PT. LOT 23, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 12
BENTON COUNTY TAX PARCEL 01-04450-000
OWNER: POWER, MICHAEL & JENNIFER L
OWNER ADDRESS: 2403 TRAILS END DR
BENTONVILLE, AR 72712-3810
PT. LOT 22, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 13
BENTON COUNTY TAX PARCEL 01-04449-000
OWNER: CRAIG, BENJAMIN
OWNER ADDRESS: 2401 TRAIL ENDS DR
BENTONVILLE, AR 72712-3810
PT. LOT 21, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 14
BENTON COUNTY TAX PARCEL 01-04448-000
OWNER: JOHNSON, GARRET T & ERIN C
OWNER ADDRESS: 2303 TRAILS END DR
BENTONVILLE, AR 72712-3809
PT. LOT 20, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 15
BENTON COUNTY TAX PARCEL 01-04447-000
OWNER: JONES, SARA K.
OWNER ADDRESS: 2301 TRAILS END DR
BENTONVILLE, AR 72712-3809
PT. LOT 19, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 16
BENTON COUNTY TAX PARCEL 01-04446-000
OWNER: BELL, OWEN T & AMY
OWNER ADDRESS: 2205 TRAILS END DR
BENTONVILLE, AR 72712-3808
PT. LOT 18, TOWN AND COUNTRY ESTATES,
PLAT O-58
ZONE R-1

ADJOINER 17
BENTON COUNTY TAX PARCEL 01-04445-000
OWNER: SHIPMAN, L ALAN & KIMBERLY D
OWNER ADDRESS: 2203 TRAILS END DR
BENTONVILLE, AR 72712-3808
PT. LOT 34, TOWN AND COUNTRY ESTATES,
PLAT P4-230
ZONE R-1

ADJOINER 18
BENTON COUNTY TAX PARCEL 01-09838-000
OWNER: REDFIELD FAMILY TRUST, CHARLES R & SUSAN K
OWNER ADDRESS: 2400 NE KIRCHE COVE
BENTONVILLE, AR 72712-4274
PT LOT 6, TIARKS ADDITION, PLAT P4-76,
PT LOT 6, TIARKS ADDITION, PLAT 2005-695
ZONE R-1

ADJOINER 19
BENTON COUNTY TAX PARCEL 01-09838-001
OWNER: REDFIELD FAMILY TRUST, CHARLES R & SUSAN K
OWNER ADDRESS: 2400 NE KIRCHE COVE
BENTONVILLE, AR 72712-4274
PT LOT 6, TIARKS ADDITION, PLAT P4-76,
PT LOT 6, TIARKS ADDITION, PLAT 2005-695
ZONE R-1

NOTES:

1) PROPERTY OWNER: CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
50 E NORTH TEMPLE ROOM 225
SALT LAKE CITY, UT. 84150-0022
2) PROPERTY ADDRESSES: MEETING HOUSE: 1101 MCCOLLUM ROAD,
BENTONVILLE, AR. 72712
TEMPLE: 1105 MCCOLLUM ROAD,
BENTONVILLE, AR. 72712
3) WARRANTY DEED REFERENCE FOR THIS PROPERTY: WARRANTY DEED DOCUMENT 2002-31568
4) BASIS OF BEARING: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
COORDINATES ARE SHOWN AT SPECIFIC CORNERS.
FOUND IRON PIN AS SOUTHWEST CORNER OF TRACT 7:
N= 753633.195'
E = 668874.135'
CONVERGENCE ANGLE: -1°16'19.29"
5) THIS PROPERTY IS NOT WITHIN FLOOD ZONE A OR AE AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) #05007C0095K.
6) ACREAGE SUMMARY: 18.62 ACRES.
7) THIS PROPERTY IS CURRENTLY ZONED: R-1 SINGLE FAMILY RESIDENTIAL
8) SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE. FOR MORE INFORMATION VISIT HTTP://WWW.BENTVONVILLEPLANNING.COM OR CALL THE PLANNING DEPARTMENT 479-271-3122.
9) ADJOINING LANDOWNER INFORMATION OBTAINED FROM AVAILABLE ON-LINE RECORDS AT THE BENTON COUNTY TAX ASSESSOR OFFICE.
10) AS OF THE DATE OF THIS SURVEY NO EARTH MOVING EQUIPMENT, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
11) AS OF THE DATE OF THIS SURVEY, THE SURVEYOR IS NOT AWARE OF ANY CHANGES OR PROPOSED CHANGES IN THE STREET RIGHT OF WAY LINES.
12) ALL EASEMENTS SHOWN ON THIS SURVEY WERE SUPPLIED BY THE TITLE COMPANY.
13) THE FOLLOWING SURVEY PLATS WERE REVIEWED AS PART OF THIS SURVEY: PLAT DOCUMENT P4-76, PLAT DOCUMENT 2002-562, PLAT DOCUMENT 2005-695, PLAT DOCUMENT P4-230, PLAT RECORD BOOK O PAGE 58 (TOWN AND COUNTY ESTATES).
14) ORANGE PLASTIC CAPS EMBOSSED "PLS 1214" WERE PLACED ON ALL SET IRON PINS.
15) THERE ARE NO WAIVERS, VARIANCES, AND/OR CONDITIONAL USES AT THE TIME OF PREPARING THIS PLAT.
16) WE HEREBY GRANT THE CITY OF BENTONVILLE A BLANKET AVIGATION EASEMENT OVER THE ENTIRETY OF THIS LOT SPLIT PURSUANT TO MUNICIPAL CODE SECTION 401.12.
17) 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.
18) BEFORE ANY WORK IN THE RIGHT OF WAY COMMENCES , CONTRACTOR AND/OR OWNER IS TO OBTAIN A RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
19) OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO ENSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
20) SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT THE TIME OF BUILDING PERMIT ISSUANCE.
21) ALL SIDEWALKS SHALL BE INSTALLED BY THE TIMEFRAMES SET FORTH IN 900.08 OF STREET SPECIFICATIONS.
22) THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
23) ACCORDING TO THE UNITED STATES FISH AND WILDLIFE SERVICE HTTPS://FWSPRIMARY.WIM.USGS.GOV/WETLANDS/APPS/WETLANDS-MAPPER A PORTION OF LOT 8 AND LOT 9 IS WITHIN THE NATIONAL WETLANDS INVENTORY AS PUBHX, (FRESHWATER POND).
NOTE: (A REVIEW OF HISTORIC, (FEB. 2001) GOOGLE EARTH SHOWS AN APPARENT POND SOUTH OF THE CURRENT INTERSECTION OF MCCOLLUM DRIVE AND NE KIRCHE COVE.)

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: _____
BENTONVILLE PLANNING COMMISSION CHAIRMAN

SIGNED: _____
MAYOR CITY OF BENTONVILLE

SIGNED: _____
CITY CLERK, CITY OF BENTONVILLE

CERTIFICATE OF SURVEYING ACCURACY

I, Paul Walla, hereby certify that this plat correctly represents a boundary survey made by me and the boundary markers and lot corners shown hereon actually exist and their locations, type and materials are correctly shown an all requirements for standard of practice for land surveyors have been met.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1214
SIGNATURE
2-09-2026
PAUL J. WALLA

_____ February 09, 2026
Paul Walla
ARK PS # 1214

STATE PLAT CODE: 500-20N-30W-0-28-400-04-1214

MCE McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
1101 AND 1105 MCCOLLUM ROAD
BENTONVILLE, ARKANSAS

©2026

REVISIONS		
REV	DATE	DESCRIPTION
1	1/2/2026	ADDRESSED CITY OF BENTONVILLE PROJECT REVIEW COMMENTS
2	2/6/2026	ADDRESSED CITY OF BENTONVILLE PROJECT REVIEW COMMENTS

LOT SPLIT SURVEY

PROJ. MANAGER:	DRAWN BY:
PW	CD
DATE:	REVISION:
2-2026	2
SCALE:	PROJ. NUMBER:
AS NOTED	252722

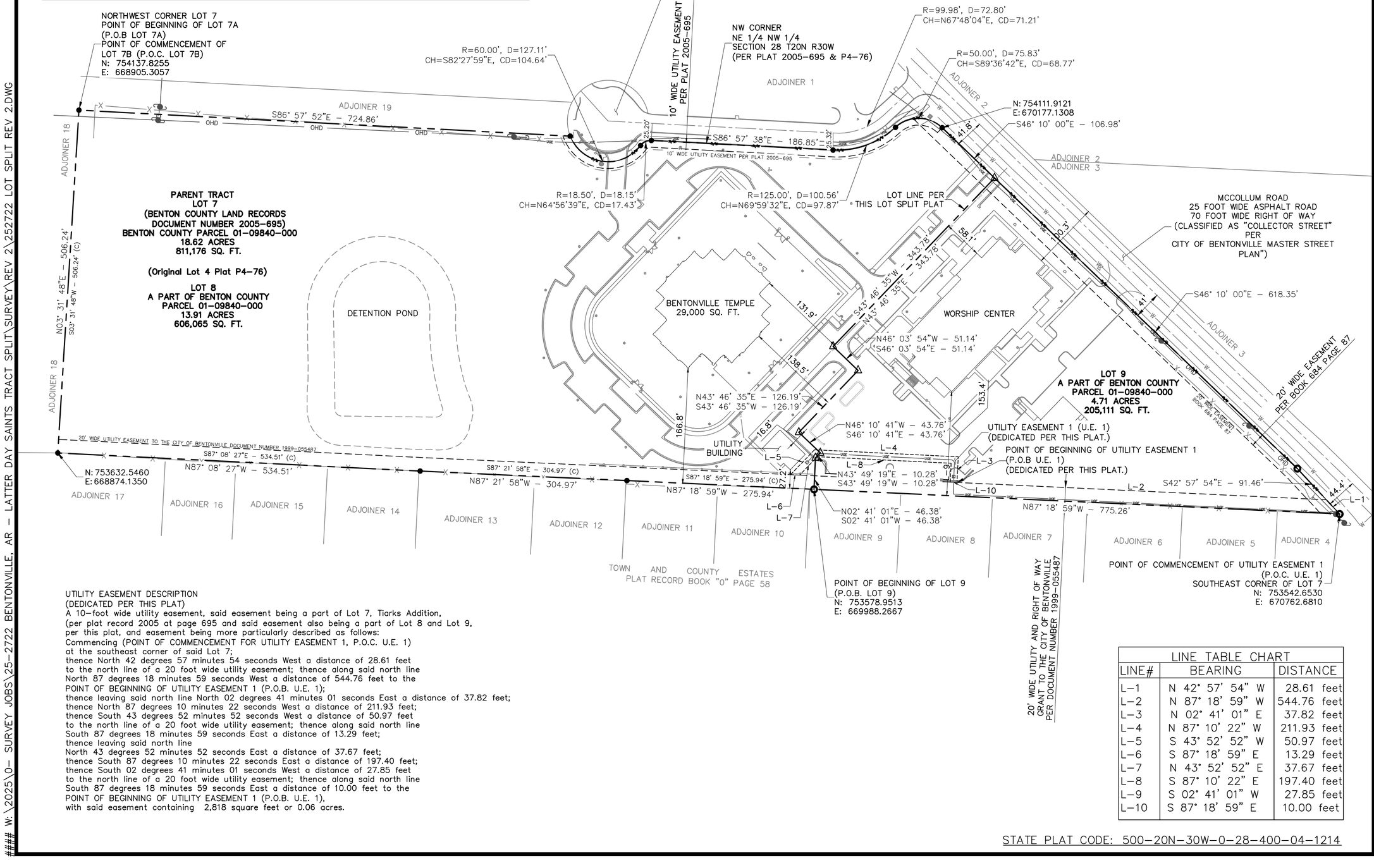
LS25-0039

W:\2025\0- SURVEY JOBS\25-2722 BENTONVILLE, AR - LATTER DAY SAINTS TRACT SPLIT\SURVEY\REV 2\252722 LOT SPLIT REV 2.DWG

LEGEND

PROPERTY LINE	POWER POLE
EASEMENT LINE	GUY WIRE WITH ANCHOR
UNDERGROUND ELEC.	GAS METER
WATER LINE	STREET LIGHT POLE
UNDERGROUND CABLE	TELEPHONE PEDESTAL
OVERHEAD ELECTRIC	POST (AS NOTED)
FENCE	BENCHMARK
ROAD CENTERLINE	FOUND IRON PIN (AS NOTED)
DITCH FLOWLINE	SET 1/2" DIAMETER IRON PIN
RIGHT OF WAY LINE	SET MAGNETIC NAIL/PK NAIL
	TREE
	(C) COMMENCEMENT BEARING
	WATER VALVE
	WATER FAUCET
	FIRE HYDRANT
	WATER METER
	WATER VALVE

50 0 100 200
SCALE 1" = 100'



UTILITY EASEMENT DESCRIPTION
(DEDICATED PER THIS PLAT)
A 10-foot wide utility easement, said easement being a part of Lot 7, Tiarks Addition,
(per plat record 2005 at page 695 and said easement also being a part of Lot 8 and Lot 9,
per this plat, and easement being more particularly described as follows:
Commencing (POINT OF COMMENCEMENT FOR UTILITY EASEMENT 1, P.O.C. U.E. 1)
at the southeast corner of said Lot 7;
thence North 42 degrees 57 minutes 54 seconds West a distance of 28.61 feet
to the north line of a 20 foot wide utility easement; thence along said north line
North 87 degrees 18 minutes 59 seconds West a distance of 544.76 feet to the
POINT OF BEGINNING OF UTILITY EASEMENT 1 (P.O.B. U.E. 1);
thence leaving said north line North 02 degrees 41 minutes 01 seconds East a distance of 37.82 feet;
thence North 87 degrees 10 minutes 22 seconds West a distance of 211.93 feet;
thence South 43 degrees 52 minutes 52 seconds West a distance of 50.97 feet
to the north line of a 20 foot wide utility easement; thence along said north line
South 87 degrees 18 minutes 59 seconds East a distance of 13.29 feet;
thence leaving said north line
North 43 degrees 52 minutes 52 seconds East a distance of 37.67 feet;
thence South 87 degrees 10 minutes 22 seconds East a distance of 197.40 feet;
thence South 02 degrees 41 minutes 01 seconds West a distance of 27.85 feet
to the north line of a 20 foot wide utility easement; thence along said north line
South 87 degrees 18 minutes 59 seconds East a distance of 10.00 feet to the
POINT OF BEGINNING OF UTILITY EASEMENT 1 (P.O.B. U.E. 1),
with said easement containing 2,818 square feet or 0.06 acres.

LINE TABLE CHART		
LINE#	BEARING	DISTANCE
L-1	N 42° 57' 54" W	28.61 feet
L-2	N 87° 18' 59" W	544.76 feet
L-3	N 02° 41' 01" E	37.82 feet
L-4	N 87° 10' 22" W	211.93 feet
L-5	S 43° 52' 52" W	50.97 feet
L-6	S 87° 18' 59" E	13.29 feet
L-7	N 43° 52' 52" E	37.67 feet
L-8	S 87° 10' 22" E	197.40 feet
L-9	S 02° 41' 01" W	27.85 feet
L-10	S 87° 18' 59" E	10.00 feet

STATE PLAT CODE: 500-20N-30W-0-28-400-04-1214

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE
1580 E. STEARNS ST.
FAYETTEVILLE, AR 72703
(479) 443-2377
HTTP://WWW.MCE.US.COM

CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS
1101 AND 1105 MCCOLLUM ROAD
BENTONVILLE, ARKANSAS

©2026

REVISIONS			
REV	DATE	DESCRIPTION	
1	1/2/2026	ADDRESSED CITY OF BENTONVILLE PROJECT REVIEW COMMENTS	
2	2/6/2026	ADDRESSED CITY OF BENTONVILLE PROJECT REVIEW COMMENTS	

LOT SPLIT SURVEY

PROJ. MANAGER: PW	DRAWN BY: CD
DATE: 2-2026	REVISION: 2
SCALE: AS NOTED	PROJ. NUMBER: 252722

LS25-0039

W:\2025\0- SURVEY JOBS\25-2722 BENTONVILLE, AR - LATTER DAY SAINTS TRACT SPLIT\SURVEY\REV 2\252722 LOT SPLIT REV 2.DWG

	V3 Construction & Development LLC Garage Waiver
	420 Southwest Glover Street
	PC Date: 2/17/2026

Staff Report Details

Project Number	(WAV26-0002)
Applicant / Current Owner	V3 Construction & Development LLC
Site Area	0.16 Acres
Current Zoning	DN-2, Downtown Medium Density Residential
Requested Zoning	
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	Single-Family Residential
Related projects	RES26-0019

Property Description

Project Details

Applicant requests a waiver for the construction of a street-facing garage pursuant to:
Section 1100.22 (d) (1) prohibiting front facing garages

Relationship to the Community Plan

Public Comment

Public Comment

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

Analysis / Waivers

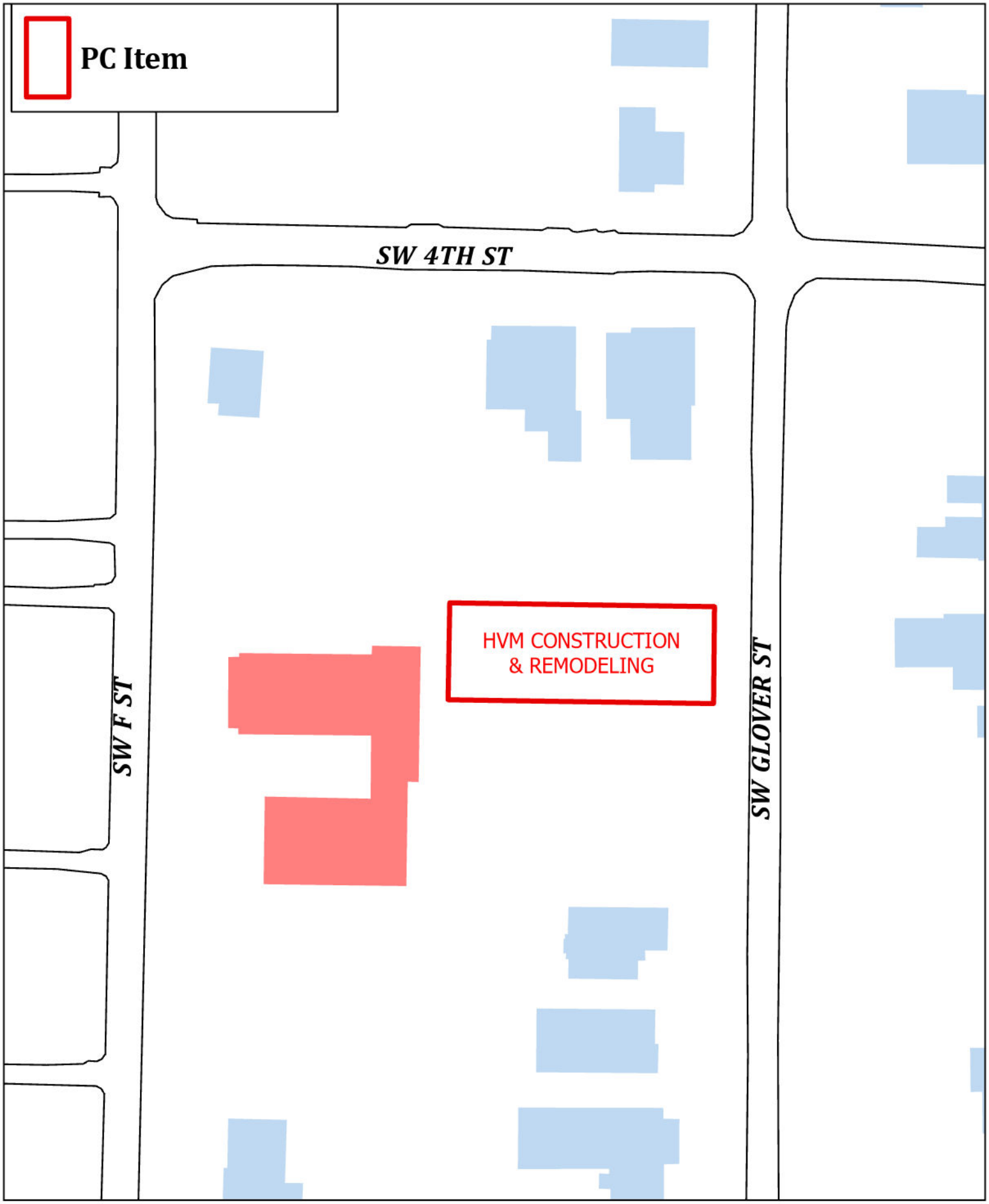
The subject property was one of four parcels created with LS20-0065 in 2021; at the time there was no platted alley between the applicant's property, Lot 24, and the property to the north, Lot 23. A shared access easement was platted between lots 25 and 26. In their narrative, the applicant states that they will lose approximately 27% of their lot square footage if required to build a driveway to a side or rear-loading garage. The applicant also states that at the time of the re-plat, no covenants or additional restrictions were placed on Lots 24 and 23 that required shared access or maintenance of a shared access. The applicant is requesting a front-facing garage, setback 20 feet off of SW Glover Street.

Please see the attached narrative and LS20-0065 for Lots 23-26.

There was a similar waiver approved by the Commission on 10/4/22 for the lot just north of the waiver request, (beginning on page 123 of this link):
https://bentonvillear.portal.civicclerk.com/event/906/files/agenda/1392

Conclusion

Additional Details



N
W E
S

WAV26-0002
HVM CONSTRUCTION & REMODELING
420 SW GLOVER ST

Narrative

That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land structures or buildings in the same district.

DN-2 zoning, according to the Bentonville city website, applies to land areas of small lot width where: alleys and infrastructure support such development. Unfortunately, our property at 420 SW Glover St has neither an alley nor alternative infrastructure.

The plat that created the lot in September 2021 did not allow for a rear alley access which would have accommodated a rear-facing garage, nor did it create a shared access easement along the shared lot line with Lot 23.

There were no covenants or additional restrictions placed on Lots 24 and 23 that require shared access or the maintenance of a shared access.

The zoning on Glover Street is not a consistent residential zone, as there are multiple zoning types on the same street. In addition, all of the existing houses on SW Glover St and SW E St, between SW 4th and SW 5th Streets, have street-facing garages (see images attached). The one exception is the house at 402 SW E St. Also, several of the homes on SW E St are newer constructions (Example: 406, 408, and 410 SW E St). All this to say that brand new homes have been developed with Glover St-facing garages. This said, it is not expected that new houses adhering to current zoning requirements will eliminate Glover St-facing garages, so it would be punitive to disallow our projects street facing garage.

That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Since neither a rear alley, nor shared access easement was platted, the owner will lose approximately 27% of their lot square footage to allow for the construction of a driveway to the rear of their property.

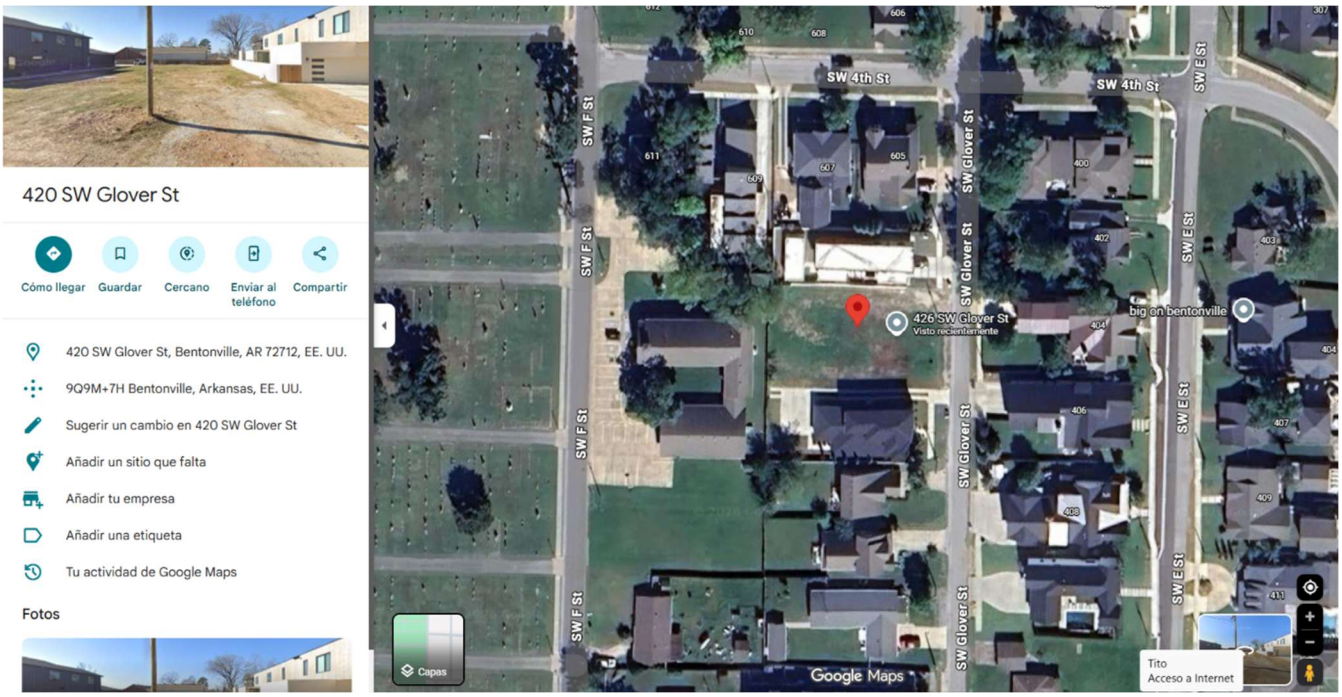
Other properties are zoned differently, but should be considered within the same district. These properties were not subject to the same restrictions, and do allow street-facing garages. Just as all the houses within this city block enjoy the rights to a garage overlooking Glover-St, so should our lot.

That the special conditions and circumstances do not result from the actions of the applicant.

We purchased the property as platted. We had no input or control over the lot boundaries or conditions.

Property Overview 420 SW Glover St:

Location:



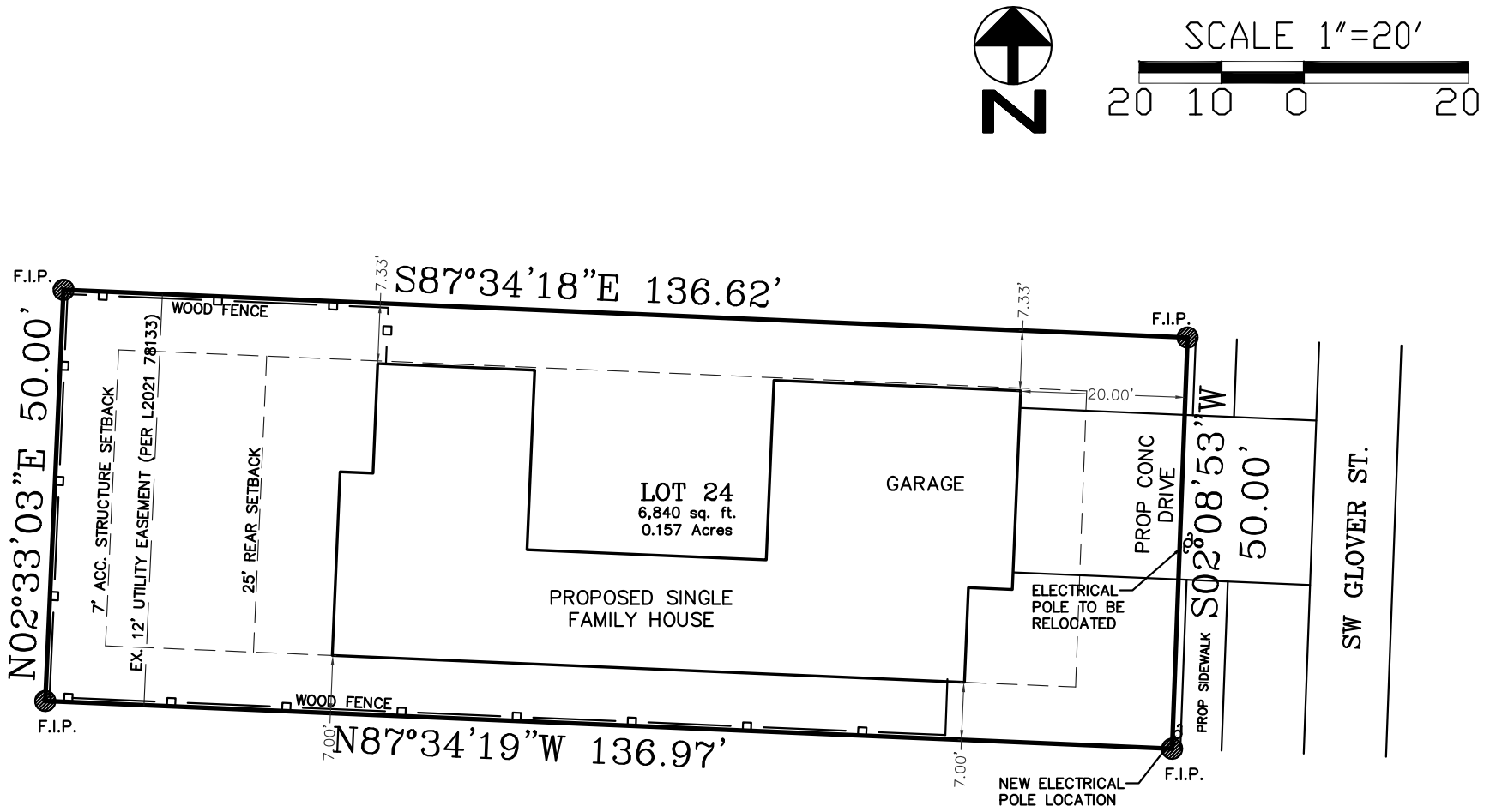
Lot Images:

Properties with Front Garage at Glover St and E St

100% of homes on SW Glover St (between SW 4th and SW 5th streets) have street-facing garages.
100% of homes on SW E St (between SW 4th and SW 5th streets) have their rears facing Glover St (most are garages).

SW Glover St.: Street-facing Garage Homes:

SW E St.: Rear-Facing Garage Homes on SW Glover St.:



LEGEND

F.I.P. ● FOUND IRON PIN

– – – – – BUILDING SETBACK

— —— — UTILITY EASEMENT

LOT 24
FAIRCLOE BLOCK ADDITION
BENTONVILLE, AR

BUILDING SETBACKS-DN 2

SINGLE FAMILY	
FRONT	12' MIN
SIDE	7'
REAR	25'
ACCESSORY STRUCTURE	
SIDE	7'
REAR	7'

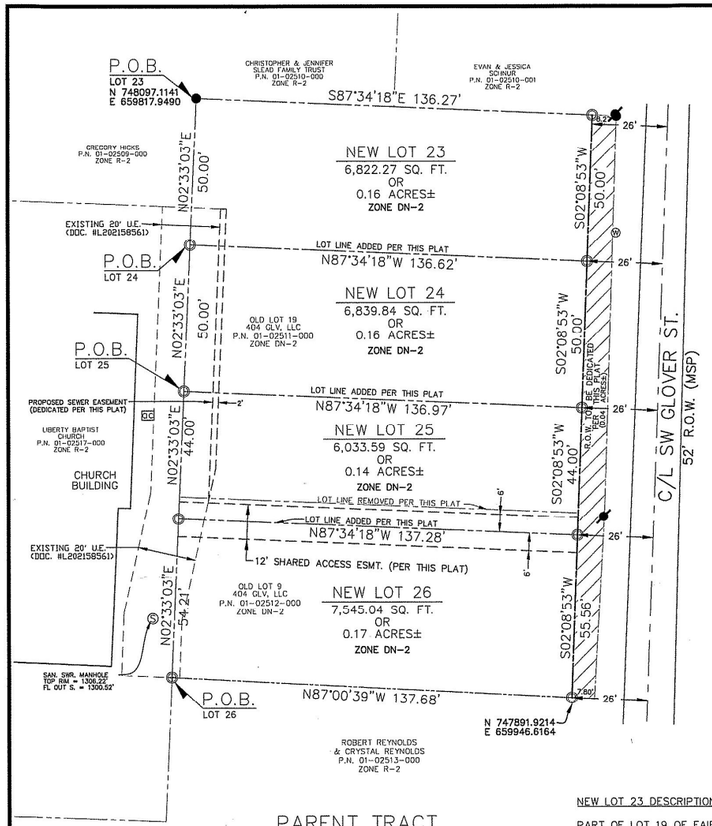
420 SW GLOVER STREET

BUILDER:
HUMBERTO REYNOSA

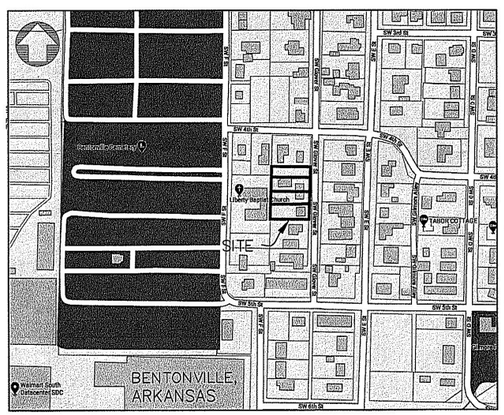
PLOT PLAN

SCALE	DATE	JOB	SHEET
1"=20'	6/17/22	2022390	1

L202178433
BENTON CO. AR FEE $15.00
PRESENTED & E-RECORDED
10/19/2021 12:09:02 PM
BRENDA DESHIELDS
Circuit Clerk & Recorder



PARENT TRACT
(ORIGINAL LOTS 9 & 19)
0.63 ACRES±
P.N. 01-02511-000
& P.N. 01-02512-000
ZONE DN-2



VICINITY MAP
(N.T.S.)

NOTES:

1. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

2. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

3. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.

5. SETBACKS SHALL BE PER THE CURRENT ZONING DISTRICT AS STATED IN THE MOST RECENT CITY OF BENTONVILLE ZONING CODE.

6. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

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

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

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

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

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

PARENT TRACT:

LOT 19 OF FAIRCLOE BLOCK ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 8, PAGE 104, AND LOT 9 OF FAIRLCOE BLOCK ADDITION, AS RECORDED IN THE BENTON COUNTY RECORDS.

NEW LOT 23 DESCRIPTION:

PART OF LOT 19 OF FAIRCLOE BLOCK ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 8, PAGE 104 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NW CORNER OF SAID LOT 19; THENCE S87°34'18"E 136.27 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW GLOVER STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°08'53"W 50.00 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°34'18"W 136.62 FEET; THENCE N02°33'03"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,822.27 SQUARE FEET OR 0.16 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 24 DESCRIPTION:

PART OF LOT 19 OF FAIRCLOE BLOCK ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 8, PAGE 104 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF SAID LOT 19; THENCE S02°33'03"W 50.00 FEET TO THE POINT OF BEGINNING; THENCE S87°34'18"E 136.62 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW GLOVER STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°08'53"W 50.00 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°52'20"W 136.97 FEET; THENCE N02°33'03"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,839.84 SQUARE FEET OR 0.16 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0255K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

NEW LOT 25 DESCRIPTION:

PART OF LOT 19 OF FAIRCLOE BLOCK ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 8, PAGE 104, AND PART OF LOT 9 OF FAIRCLOE BLOCK ADDITION OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF SAID LOT 19; THENCE S02°33'03"W 100.00 FEET TO THE POINT OF BEGINNING; THENCE S87°34'18"E 136.97 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW GLOVER STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°08'53"W 44.00 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°34'18"W 137.28 FEET; THENCE N02°33'03"E 44.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,033.59 SQUARE FEET OR 0.14 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NEW LOT 26 DESCRIPTION:

PART OF LOT 19 OF FAIRCLOE BLOCK ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 8, PAGE 104, AND PART OF LOT 9 OF FAIRCLOE BLOCK ADDITION OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SW CORNER OF SAID LOT 9; THENCE N02°33'03"E 54.21 FEET; THENCE S87°34'18"E 137.28 FEET TO THE WEST RIGHT-OF-WAY LINE OF SW GLOVER STREET; THENCE ALONG SAID WEST RIGHT-OF-WAY LINE S02°08'53"W 55.56 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°00'39"W 137.68 FEET TO THE POINT OF BEGINNING, CONTAINING 7,545.04 SQUARE FEET OR 0.17 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

CERTIFICATE OF SURVEY ACCURACY:

I, ROBERT J. CASTER 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, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION 10-6-21

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1370
STATE OF ARKANSAS

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

0 30 60
SCALE 1" = 30 FEET

LEGEND

- FOUND REBAR
- SET 1/2" REBAR W/CAP, LS 1370
- UTILITY POLE
- WATER METER
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE

ALAN SCOTT DUNCAN
NOTARY PUBLIC
MY COMMISSION # 12375149
EXPIRES: February 17, 2030
Benton County

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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: October 6, 2021
PRINT NAME: William H. Butler, Jr.
SIGNATURE: William H. Butler Jr.

STATE OF ARKANSAS, COUNTY OF BENTON, SUBSCRIBED AND SWORN BEFORE ME THIS 6 DAY OF October, 2021
Alan Scott Duncan
NOTARY PUBLIC
MY COMMISSION EXPIRES: 2/17/30

CERTIFICATE OF APPROVAL:

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

DATE OF EXECUTION: _____
SIGNED _____
PLANNING COMMISSION CHAIRPERSON

DATE OF EXECUTION: _____
SIGNED _____
MAYOR, CITY OF BENTONVILLE

SIGNED _____
CITY CLERK, CITY OF BENTONVILLE

BENTONVILLE PROJECT #LS20-0065

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suite 5
Bentonville, AR 72712
Telephone 479-268-4464

REGISTERED
STATE OF ARKANSAS
NO. 1370
SIGNATURE
ROBERT J. CASTER
PROFESSIONAL LAND SURVEYOR

SCALE: 1" = 30' | DATE: 9-24-21

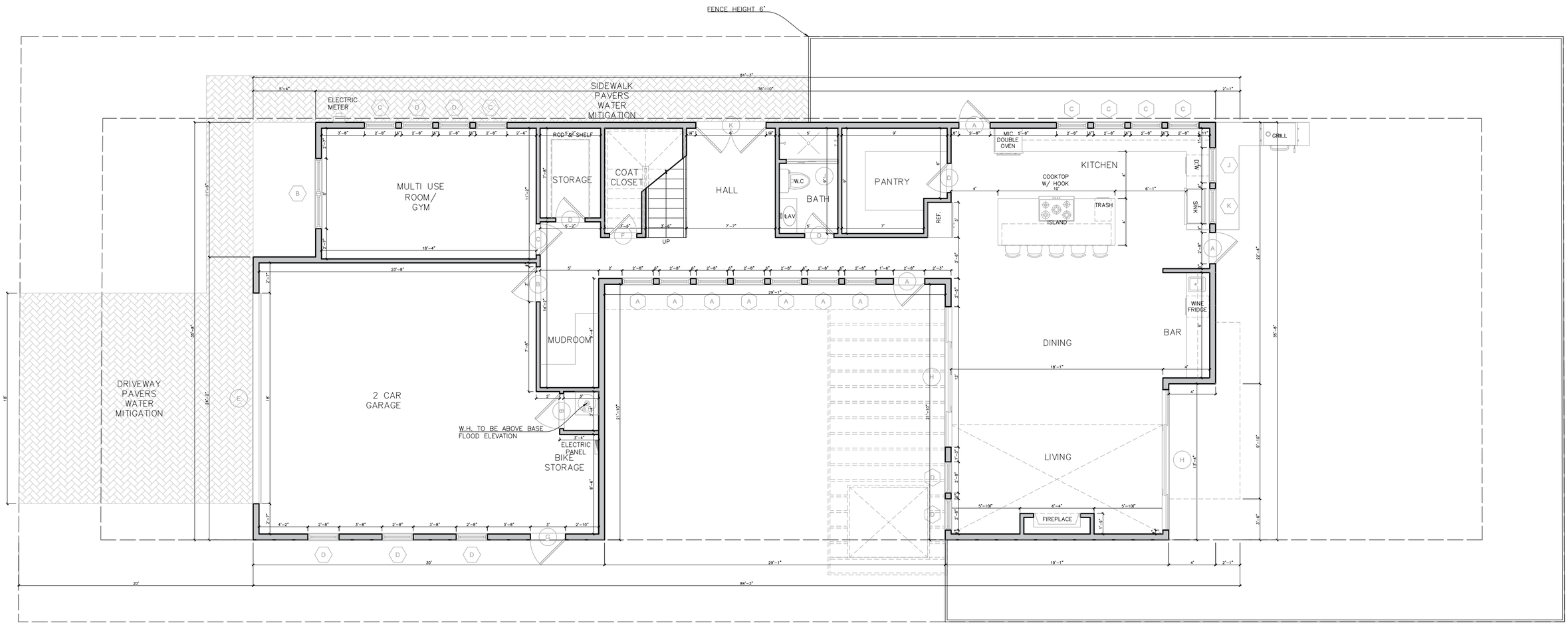
LOT SPLIT OF LOTS 9 & 19
FAIRCLOE BLOCK ADDITION
CREATING LOTS 23, 24, 25 & 26

404 & 406 SW GLOVER STREET
BENTONVILLE, BENTON COUNTY,
ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
20-194LS	ASD	RJC	1 OF 1

FLOOR AREA

FLOOR	HEATED	UNHEATED	GARAGE
FIRST FLOOR	1520.51 SQ FT	623.22 SQ FT	660.47 SQ FT
SECOND FLOOR	1864.71 SQ FT	254.93 SQ FT	-
TOTAL	3385.22 SQ FT	1538.61SQ FT	



CONTRACTOR:
HVM CONSTRUCTION
Centerton, AR
E-mail: hvmconstruction@gmail.com

PROJECT NAME:
420 SW Glover St

SHEET TITLE:
FIRST FLOOR PLAN
Date: 08-11-2025

CHECK SET
NOT FOR CONSTRUCTION

DRAWINGS PROVIDED BY:
HVM Construction Inc.
CENTERTON, AR. 479-876-9077
hvmconstruction@gmail.com

HVM CONSTRUCTION INC.

WHILE EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF THIS PLAN TO PROVIDE ACCURATE DESIGNS AND MISTAKES, THE DESIGNERS CAN NOT GUARANTEE AGAINST HUMAN ERROR. THE DESIGNERS CANNOT BE RESPONSIBLE FOR SAME. THE CONTRACTOR/OWNER SHALL BE FOR HUMAN ERROR AFTER CONSTRUCTION. REFER TO ARCHITECTURAL NOTES AND SPECIFICATIONS AND BE RESPONSIBLE FOR SAME. THE CONTRACTOR/OWNER SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AND BE RESPONSIBLE FOR SAME. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CONSTRUCTION WORK DONE PRIOR TO CONSTRUCTION DRAWINGS BEING APPROVED BY ALL AUTHORITIES HAVING JURISDICTION. REFER TO ARCHITECTURAL NOTES AND SPEC. FOR CODES.

Scale: AS SHOWN
Drawn By: HVM

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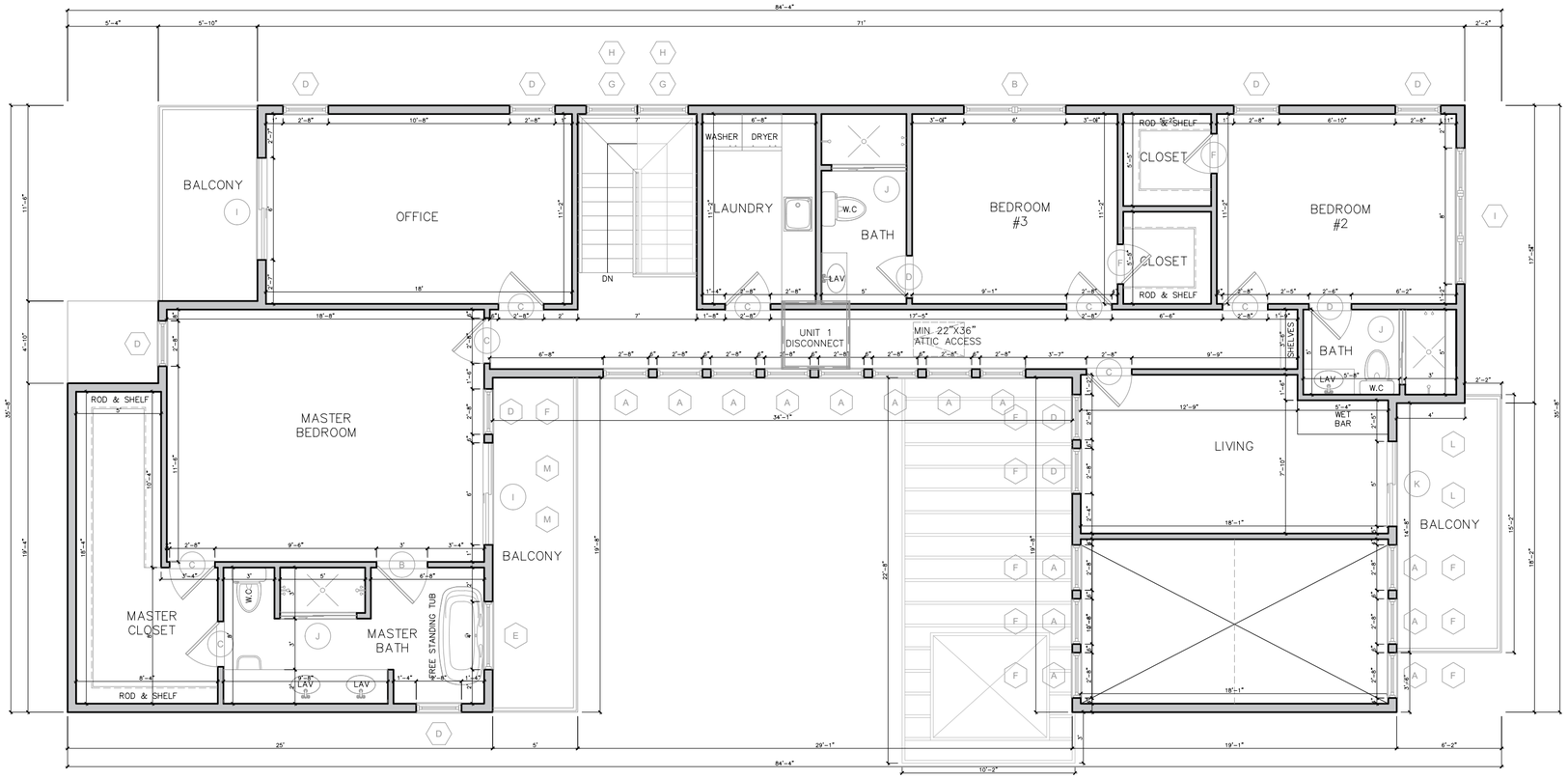
SHEET
A1



CONTRACTOR:
HVM CONSTRUCTION
Centerton, AR
E-mail: hvmconstruction@gmail.com

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CHECK SET
NOT FOR CONSTRUCTION

SHEET TITLE:
FIRST FLOOR PLAN
Date: 08-11-2025

PROJECT NAME:
420 SW Glover St

Scale:	AS SHOWN
Drawn By:	HVM

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SHEET
A2

Faciszewski

401 North Main Street

PC Date: 2/17/2026

Staff Report Details

Project Number	(RZ25-0051)
Applicant / Current Owner	Sonia & Jared Faciszewski
Site Area	0.32 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-4, Downtown Mixed-Use Residential
Current Future Land Use Map Designation	Urban Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	None at this time
Related projects	RDEMO22-0090

Property Description

The subject property is located at 401 North Main. The property is presently zoned R-1, Low Density Single Family Residential with a future land use map designation of Urban Neighborhood.The property has direct access to North Main, a Downtown Collector per the Master Street Plan. Surrounding districts include R-1, Low Density Single Family Residential, and D-E, Downtown Edge. The land use designations of the properties that directly surround the subject property include Urban Neighborhood, Outdoor Recreation and Entertainment, and Walkable Neighborhood.

Project Details

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential to DN-4, Downtown Mixed-Use Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. The neighbors directly south of the subject property recently redeveloped their property to a commercial use; because the applicant's property is currently zoned residential, this requires the southern neighbors to provide a Type A screen type per Section 1400.09 of the Land Development Code. The applicant writes that they are seeking to rezone so that their neighbors do not have to incur additional development costs. The applicant states that changing their zoning will save them development expenses.

Relationship to the Community Plan

The subject property is designated as Urban Neighborhood on the Future Land Use Map and is surrounded by Urban Neighborhood and the property directly east is Outdoor Recreation and Entertainment, Compton Gardens. Rezoning the property to DN-4 would bring this property into alignment with the Future Land Use Map under standard review. The Community Plan defines Urban Neighborhood as being made up of multi-family buildings and townhomes but with some single-family and smaller commercial uses mixed in. A rezone to DN-4 would support the goals of the Urban Neighborhood place type which includes providing considerable housing in a relatively small footprint and support walking and biking as viable transportation alternatives.

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential to DN-4, Downtown Mixed-Use Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. The neighbors directly south of the subject property recently redeveloped their property to a commercial use; because the applicant's property is currently zoned residential, this requires the southern neighbors to provide a Type A screen type per Section 1400.09 of the Land Development Code. The applicant writes that they are seeking to rezone so that their neighbors do not have to incur additional development costs. The applicant states that changing their zoning will save them development expenses.

The surrounding properties are designated as Urban Neighborhood and Outdoor Recreation and Entertainment under the Future Land Use Map and have zoning classifications of R-1, Low Density Single Family Residential and D-E, Downtown Edge.

Consistency

The proposed DN-4 zoning district and is consistent with the adopted Future Land Use Map under **Standard Review** and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, a DN-4 zone would translate to T5.1 in the Urban Neighborhood place type. A T5.1 zone would also be consistent with the future land use plan as it is meant for walkable areas with a mix of shops, restaurants, and other non-residential uses, along with multi-family housing and townhomes based on the most recent draft from 1/31)

Impact

The impact of this rezone on the community, if developed under the proposed DN-4 zone, is the opportunity to develop this property for housing, commercial, or mixed-use while enriching the surrounding area.

Compatibility

Surrounding properties are designated as Urban Neighborhood and Outdoor Recreation and Entertainment under the Future Land Use Map and have zoning classifications of R-1, Low Density Single Family Residential and D-E, Downtown Edge. This would not be the first rezone in this area. Some of the rezones include properties directly east and north of the subject property, which were rezoned from R-1, Low Density Single Family Residential to DN-4, Downtown Mixed-Use Residential, DN-3, Downtown High Density Residential, and DN-2, Downtown Medium Density Residential. The subject property is less than

Analysis / Waivers

200 feet from a Downtown Collector

Intensity
The subject property is located within the Urban Neighborhood place type, which includes the city's higher intensity zoning types. A DN-4 zoning district allows for single-family, two-family, townhouses, multi-family, and mixed-use structures.

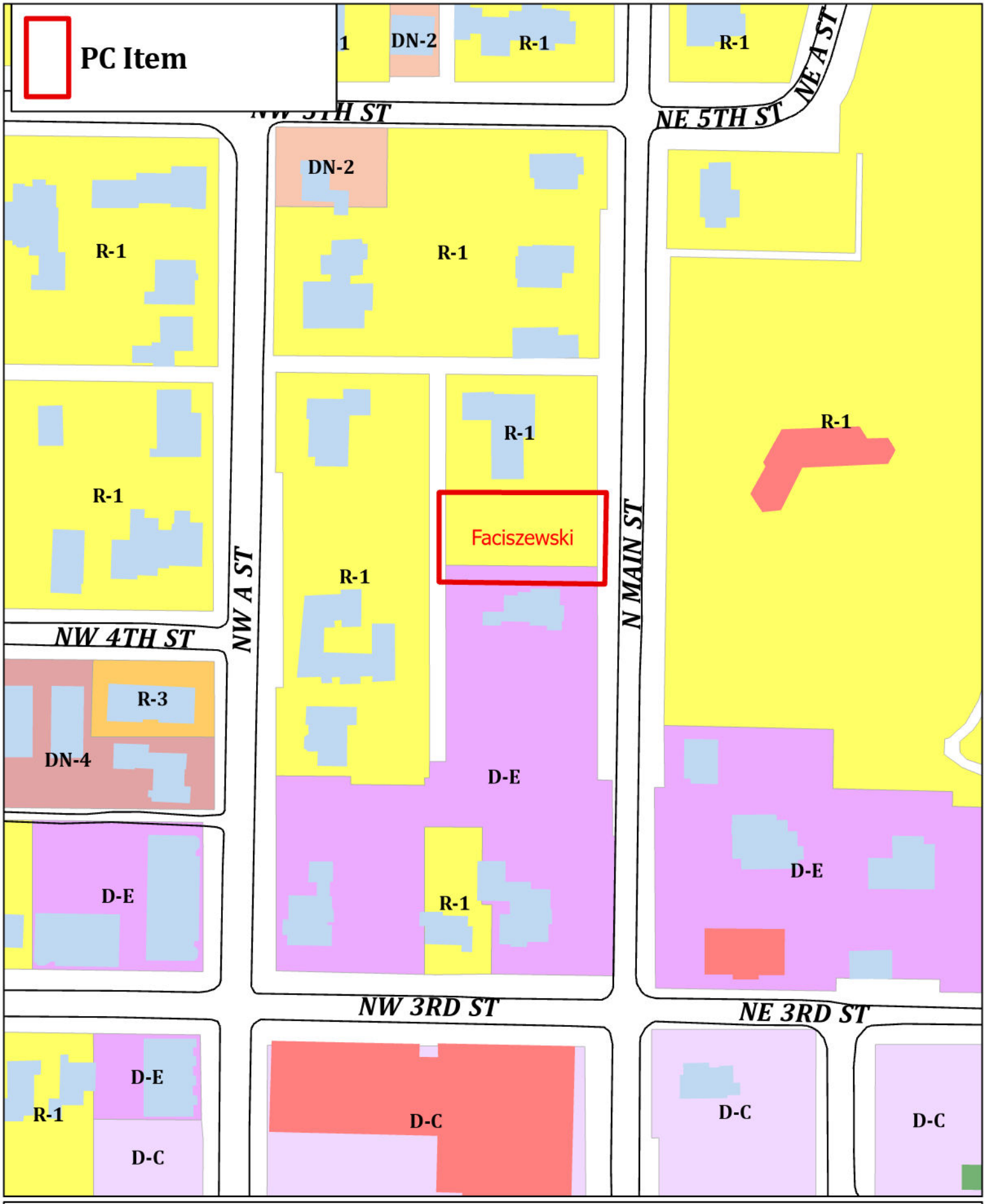
Orderly Transition
This rezone request supports an orderly transition of land use by creating a buffer between our Downtown Edge district and Low Density Single Family Residential district. It allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Conclusion

Staff recommends approval as the application is consistent with the goals of the community plan and alignment policy.

Additional Details

Sewer / Water Department Comments: *Rezone matches the 2025 Future Land Use Map for a standard review. Please note that any future development will need to look at downstream sewer capacity before anything will be approved.*



RZ25-0051
Faciszewski
401 N MAIN ST

Narrative - Rezoning

Address: 401 N Main Street, Bentonville, Arkansas 72712

Parcel Number: 01-02095-000

Currently Zoned: R-1

Proposed New Zoning: DN-4

The home that was on this lot was demolished in 2022. City Water and Sewer available on property already.

We are rezoning at the request of our neighbors who have chosen a commercial use which will require them to incur additional development costs with our current zoning. Changing our zoning will save them development expense.

NOTICE OF INTENT TO REZONE

Sonia Facieszewski has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Low Density Single-Family Residential to DN-4, Downtown Mixed-Use Residential

The legal description of the property is as follows:
See attached description

The common description of the property is: 401 N Main St, Bentonville, AR 72712

The public hearing will be held February 17th, 20 26 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

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

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

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

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

☒ I/We have no objections to the rezoning.

☐ I/We object to the rezoning because:

Deborah Matteri 602 N. Main St Bentonville
Signature and Physical Address

602 N Main
Signature and Physical Address

AP RE and Development, LLC

409 Northwest 7th Street

PC Date: 2/17/2026

Staff Report Details

Project Number	(RZ26-0001)
Applicant / Current Owner	AP RE and Development, LLC
Site Area	0.25 Acres
Current Zoning	R-1, Low Density Single Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Traditional Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	Residential
Related projects	PLA26-0004

Property Description

The subject property is located at 409 NW 7th St. The property is presently zoned R-1, Low Density Single Family Residential with a Future Land Use Map designation of Traditional Neighborhood.

Project Details

The applicant has requested a rezoning of the property from a R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential. The applicant states that the purpose of this request is to make best use of the property with DN-1 setbacks. With unvacated alleys directly abutting the south and west property lines, the buildable area is greatly reduced. The applicant states that the DN-1 setbacks will enable the construction of a new home to be comparable to surrounding homes on the street and maximize buildable area. The applicant states that they do not intend on splitting the lot at any point in the future. The applicant also states that the development intent of the property is to construct one single-family home. The applicant further states that they intend to build a home that is comparable in size and the same character as other homes on NW 7th.

Relationship to the Community Plan

Relationship to the Community Plan

The Community Plan calls for Traditional Neighborhoods to serve as a bridge between denser and more mixed-use Walkable Neighborhoods, while having features that differ from Suburban Neighborhoods. The zoning request support the goals of the Bentonville Community Plan in having different scales of single-family housing options throughout the Traditional Neighborhood place type.

Public Comment

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

Analysis / Waivers

The applicant states in their narrative that they are requesting the rezoning based on their desire to construct a single-family home that is comparable in size and character to surrounding homes; the applicant believes that DN-1 setbacks will enable them to do so. Properties surrounding the subject property also have the Traditional Neighborhood place type.

Consistency
The proposed DN-1, Downtown Low Density Residential zoning is consistent with the adopted Future Land Use Map under **Standard Review** and is consistent with the Community Plan's guiding principle of thoughtful growth.

Impact
The impact of this rezone, if developed under the proposed DN-1 zone, is the addition of a single-family home within the Traditional Neighborhood place type that is similar in size and character of the neighborhood as a whole. The applicant states that DN-1 setbacks will enable the construction of a single-family home that is cohesive with surrounding homes.

Compatibility
This would not be the first rezone on NW 7th Street in this neighborhood. Some of the rezones include properties north, south, east, and west of the subject property, which were rezoned from R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential, and DN-2, Downtown Medium Density Residential. The subject property is less than a quarter-mile from a Downtown Collector, NW A St, less than a half-mile from the greenway trail system, and less than a mile from the Downtown Square.

Intensity
The parcel is located within the Traditional Neighborhood place type, which includes some of the city's lower intensity neighborhoods. A DN-1 zoning district allows for single-family home construction with smaller setbacks than an R-1, Low Density Single Family Residential district.

Orderly Transition
This rezone request supports an orderly transition of land use by bridging the gap between higher-intensity zoning districts wihtin the downtown area and the adjacent low-density residential neighborhoods. It allows for thoughtful development that aligns with the Cit's growth while maintaining visual and social cohesion.

Conclusion

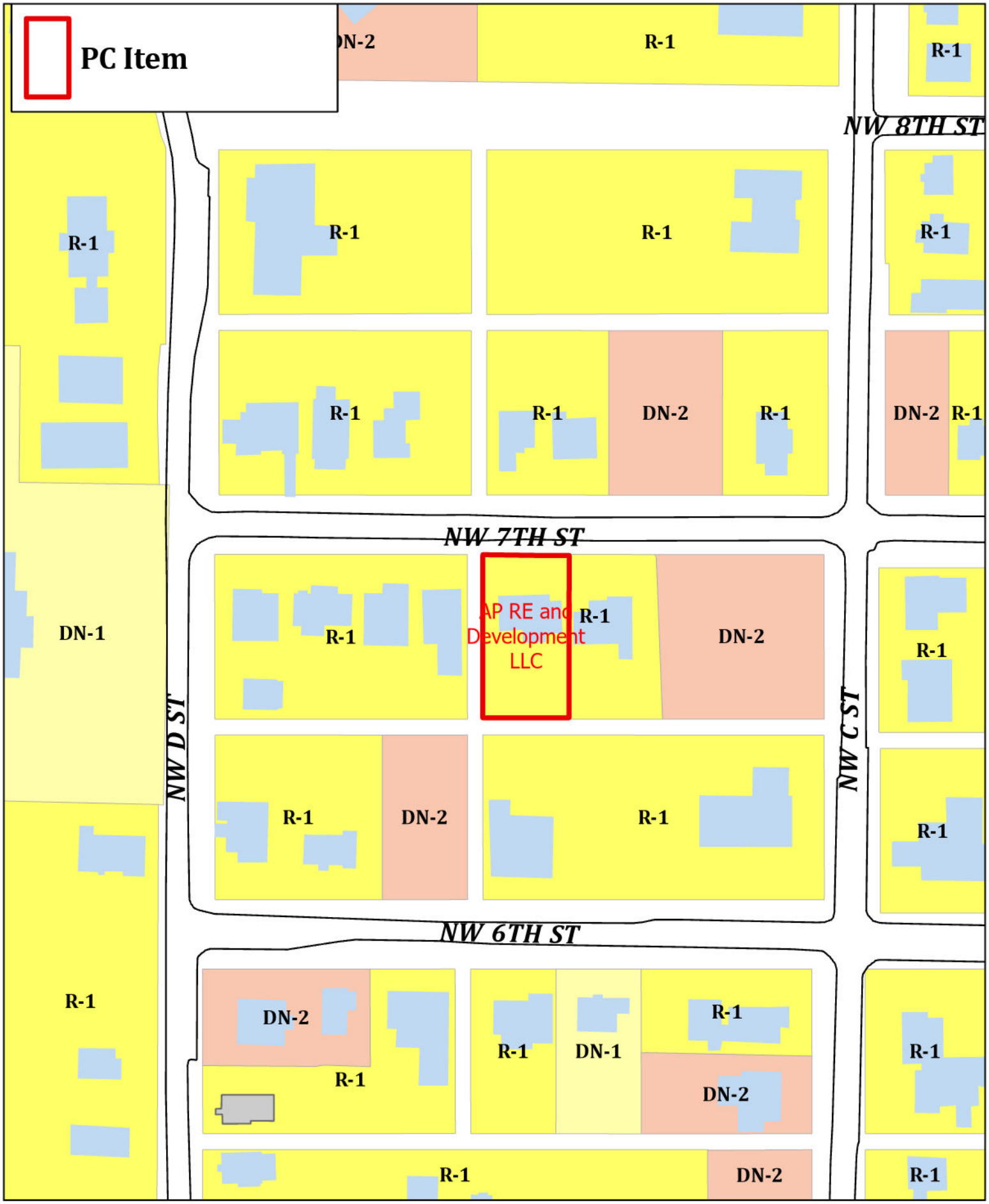
Staff recommends approval as the application is consistent with the goals of the community plan, the

Conclusion

alignment policy and built environment in the area.

Additional Details

Water / Sewer Department Comments: Meets 2-25 Land Use Plan. Any increase in sewer flows could result in downstream studies.



RZ26-0001
AP RE and Development LLC
409 NW 7TH ST

Rezoning Narrative

Address: 409 NW 7th Street, Bentonville Arkansas

Current Zoning: R-1

Proposed Zoning: DN-1

Reason Statement: We are proposing rezoning 409 NW 7th in Bentonville, Arkansas from R-1 to DN-1 to make best use of the property. Rezoning to DN-1 will enable the setbacks to be comparable to other houses on the street maximizing the buildable space. We will NOT be splitting the lot. After the lot is rezoned we plan to build one single family home on the property that will be comparable in size and finishes to other houses on the street (ex. 400 and 402 NW 7th). There will be no impact on traffic, signage, etc.

Water/Sewer Access: The home that previously existed on the property was demoed in 2024 (Permit #RDEM024-0092). Per the City there is a 8" sewer line to the south of the property. There is a 12" sewer line to the west. There is a 6" water line to the north.

Laurel Canyon LLC

902, 904, 906, 908, and 1002 Southeast 3rd Street

PC Date: 2/17/2026

Staff Report Details

Project Number	(PUD25-0002)
Applicant / Current Owner	Modus Studio/Laurel Canyon LLC
Site Area	+/- **[1.66]** Acres
Current Zoning	R-1, Low Density Single Family Residential, DN-3, Downtown Medium Density Residential, DN-4, Downtown Mixed-Use Residential
Requested Zoning	PUD, Planned Unit Development
Current Future Land Use Map Designation	Urban Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	Mixed-Use Mutlifamily Residential
Related projects	

Property Description

The project, "Laurel Canyon", is located on Southeast 3rd Street, between Southeast J Street and Southeast F Street. The subject property is currently zoned R-1, Low Density Single Family Residential, DN-3, Downtown Medium Density Residential, and DN-4, Downtown Mixed-Use Residential with a **Future Land Use designation of Urban Neighborhood**. Adjacent properties are zoned DN-4, Downtown Mixed-Uses Residential (west), DN-3, Downtown Medium Density Residential (south and northwest), PUD, Planned Unit Development (north and southeast), and R-1, Low Density Single Family Residential (east). The property has direct access to Southeast 3rd Street and an alley to the south as part of the Lanterns on 4th PUD.

Project Details

The PUD proposes a single structure of four stories of residential over one level of parking, totaling 156 units: 20% studio, 50% 1-bedroom, and 30% 2-bedroom. There is a neighborhood commercial and tenant leasing space at the ground level of 1,700 sf, limited to office, retail, food & beverage, and other general commercial uses including the packaged sale of beer, light wine, and/or spirits. Ground-level green space and elevated courtyards are provided to meet the 20% open space requirements, and the applicant states

Project Details

that these will be accessible to tenants and customers 24/7.

The applicant is proposing 160 parking spaces at a ratio of 1.03 parking spaces per unit. Parking will be provided both on-street (20 angled, 5 parallel, and 3 ADA angled) and below the structure within the one-level podium (71 compact, 58 standard, and 3 ADA). In addition, one secured bicycle parking space will be provided per unit.

The building is proposed to be 64 feet high to the top of the parapet, which is typically 4' high. Setbacks are proposed at 0' front, 10' side, and 10' rear.

The structure is proposed to consist of 4 stories of wood framed structure for the housing units built on top of one level of concrete podium that will contain screened parking, an entry lobby, and two commercial spaces. The principal materials included in the planset include brick, glass, wood rainscreen, architectural metal panel, and architectural concrete. The applicant states that materials will be designed to meet all standards as set forth by the City for Large Scale Developments at the time of Large Scale approval. Screening is proposed along the parking garage, and a 12-foot-wide pedestrian easement is proposed along southeast 3rd street.

Relationship to the Community Plan

The Future Land Use Map depicts this area as Urban Neighborhood, which has an anticipated building height of three to five stories. The proposed PUD is a mixed-use development that would provide neighborhood level housing and commercial opportunities. The property is within a 1/4 mile of a major job center, as well as a 1/4 mile of the Town Branch Trail. This type of development promotes alternative transportation choices and locates residential as close as possible to jobs, supporting a goal of compact development, with less demand on the roadway network. Finally, the project will also contribute to the installation of needed regional sewer infrastructure before building permits are issued.

Public Comment

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

Analysis / Waivers

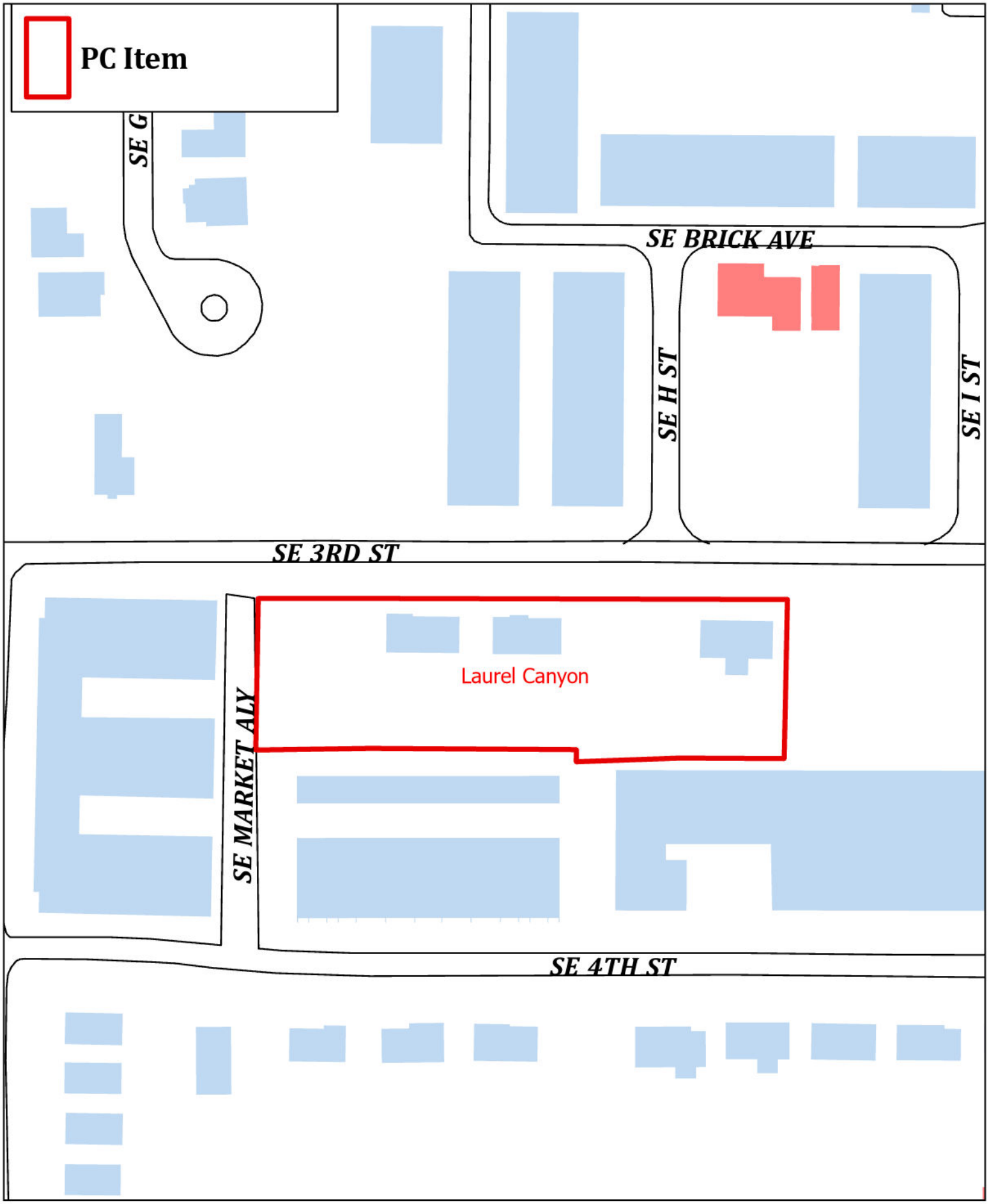
The proposed PUD, if it came in after the adoption of the proposed Bentonville Community code, and was able to be rezoned to T5.1 under an enhanced review, would meet the height requirement of 60' of the zone but not the maximum story height of 4 stories. The neighboring context is 3 and four stories to the north with Brick Ave Lofts. The Town Branch PUD to the west has a max height of 68' with some buildings being 5 stories over 1 parking level. To the south, the same developer built the Haven (3 stories) and is currently constructing a 5 story multi-family project (Lanterns). Looking a little further north, the recently approved Apple Jack PRD on Central has a max height of 45' (3 stories). There are three properties on SW 3rd to the east that have applied for a T5.1 designation with the batch rezone just east of J St.
Some of the open space areas identified in the PUD are marginal but meet the 20% PUD standard. If the project had been submitted at a PRD (the non-residential areas being ancillary), the requirement is only 15%. Other areas of concern are the lack of glass and entry doors at the ground level. These are areas that the new code would address.

Conclusion

The Urban Neighborhood place type of the adopted Future Land Use plan anticipates 5 story buildings but the unadopted code only allows 4 story structures within the most intense zone as specified in Table 2.1. The proposed PUD would fit within the existing alignment policy as a C-3 zone, with enhanced review, i.e multi-family residential with a 60' maximum. The project is located extremely close to downtown, jobs and trails. If the Planning Commission believes that a 5 story project is the right fit for this location, planning staff recommends approval. All building materials will be considered by the Planning Commission at the time of Large Scale approval.

Additional Details

Recommended condition of approval:
Developer shall prepare a Traffic Impact Study that includes analysis of average daily trips (ADT) for the surrounding streets, to the satisfaction of the City Engineer, prior to Large Scale Approval.



PUD25-0002
Laurel Canyon
904 SE 3RD ST

RANDALL HINTON
REAL ESTATE WITH PURPOSE NWA · CO · CA + modus studio

PUD SUBMISSION #3

January 16, 2026
PUD25-0002

Developer:
Randall Hinton Development
Bill Butler bill@randallhintondev.com

Architect:
modus studio
Chris Baribeau, AIA chris@modusstudio.com
Kiara Gilmore, AIA kiara@modusstudio.com
Taylor Deason, AIA taylor@modusstudio.com

Civil Engineer + Landscape Architect:
Ecological Design Group
Brahm Driver, PE bdriver@ecologicaldg.com
Katelynn Hopkins khopkins@ecologicaldg.com

NARRATIVE

1
Planned Unit Development Intent.

This project seeks to address the ongoing housing crisis in Northwest Arkansas by occupying a formerly suburban, but increasingly urban infill site in a swiftly transitioning neighborhood near the new Walmart Headquarters. The Planned Unit Development approach allows stakeholders to understand the intent, qualities, and merits of the proposed project.

The PUD encompasses a 1.66 acre site that is bound by SE 3th Street along the northern edge. There has been ample transition along this corridor into appropriate housing typologies for increased density in a very walkable and bikable area of Bentonville. This will be the fourth development within this city block by Randall Hinton Development with G at Market, Downtown Haven, and Lanterns on 4th beginning constuction next year.

The amenities are burgeoning and people need quality housing to call home. This project will provide new options within the context of Bentonville and the greater Northwest Arkansas community.

2
Description of Land Uses.

This PUD includes the following mixed-use allocations:

Neighborhood Commercial.
Approximately 1,700 square feet located along SE 3rd Street will be allocated for office, retail, food + beverage or other general commercial uses including the packaged sale of beer, light wine and/or spirits. We envision a coffee shop with a bar or a neighborhood bodega in this space.

Housing.
Approximately **156** units of new multifamily housing, with the following proposed mix*:

studio units: **20%**
1 bedroom units: **50%**
2 bedroom units: **30%**

**This mix of unit types may alter over the natural course of design development and changing market conditions, including some percentage of units may transition to for-sale condominiums. Other criteria will follow suit.*

Parking.
The project will be properly parked with a combination of street parking and structured parking within a one-level podium. Angled street parking will be provided for shared commercial and residential uses. Ample covered parking and secured storage for bicycles will also be provided for both customers and tenants within this highly walkable and bikable area. One covered and secured bike storage space will be provided per unit.

Elevated Courtyards.
Elevated courtyards will be provided to meet or exceed minimum open space requirements. Secure 24 hour keycard access will be provided for customers and tenants. Elevated courtyards will be ADA accessible and will meet all applicable code requirements.

3
Structural Design.

This project will consist of 4 stories of wood framed structure for the housing units built on top one level of concrete podium that will contain the screened parking, entry lobby, and the neighborhood commercial space.

4
Development Criteria.

The proposed project seeks to adhere to all materiality and articulation requirements of the city design and approval process and will be confirmed through the LSD process.

The entire project will be constructed in one phase.

A preliminary Traffic Scoping Memo determines that no further traffic study is required. See attached traffic memo.

An initial sewer capacity study was conducted in February 2025 for 200 units (which is more than current proposed units). This has been reviewed by BWU.

The underlying use in the newly adopted Future Land Use map is ***Urban Neighborhood***. Refer to the Place Type diagram on the following page.

Urban Planning considerations understand that not all acreage is developed to the same intensity as indicated on the Place Type diagram. The gross acreage is inclusive of all open space, roadways, developable land, etc. Please refer to the capacity diagram.

The infrastructural *small pipes* for sewer capacity are the burden of the development project.

Within the larger macro area of the city's sewer infrastructure, the new sewer fees that will be paid by the development are self-mitigating.

Please refer to the RHD memo attached addresssing the overall development and capacity.

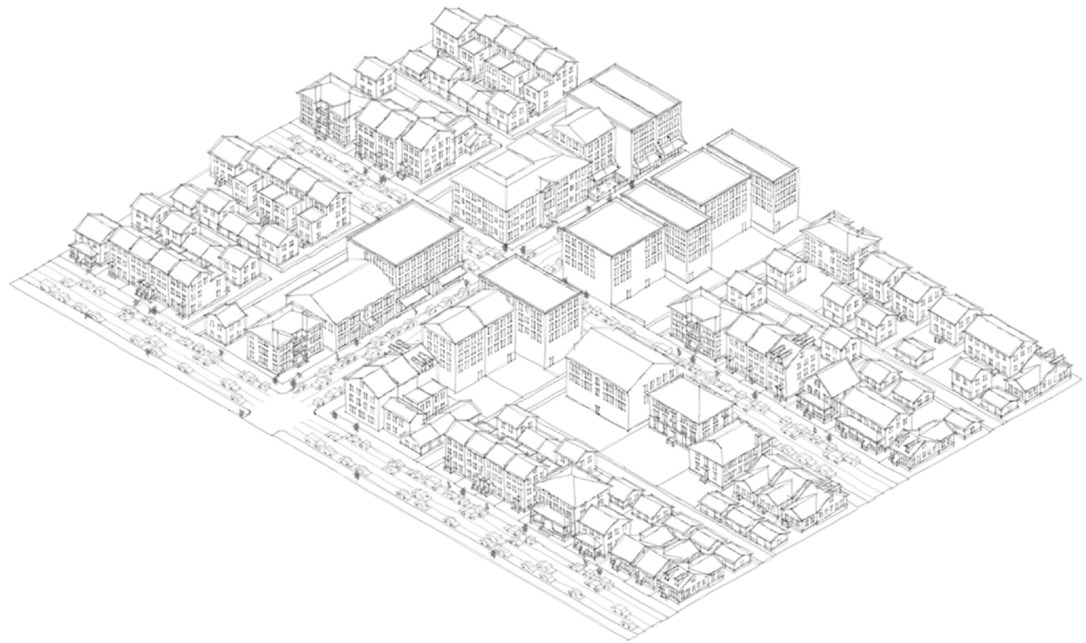
NARRATIVE

place type diagram

URBAN NEIGHBORHOOD

Anticipated building height: 3-5 stories

Urban Neighborhoods are the city's highest intensity neighborhoods, defined primarily by multi-family buildings and townhomes but with some single family and smaller commercial uses mixed in. Catering to those seeking more flexible, lower maintenance lifestyles, they provide considerable housing in a relatively small footprint and support walking and biking as viable transportation alternatives. Financially, Urban Neighborhoods are net positive and significantly reduce the amount of land needed for growth.



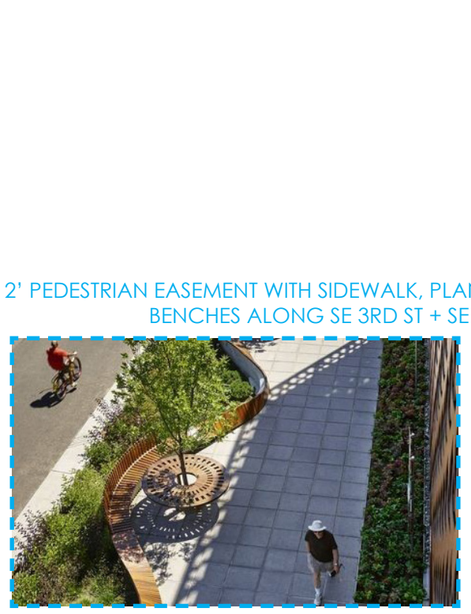
RANDALL HINTON
REAL ESTATE WITH PURPOSE NWA · CO · CA + modus studio

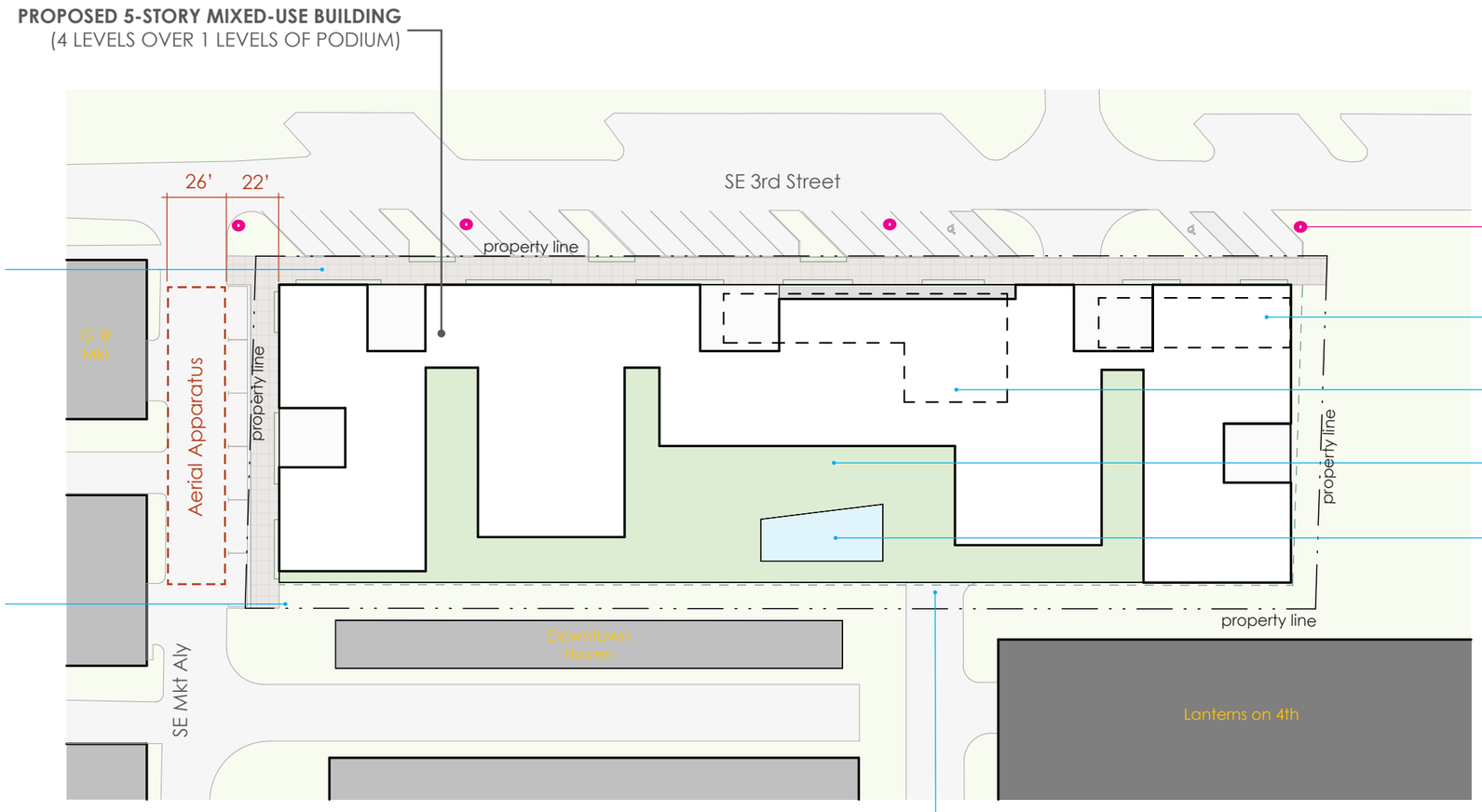
PLAN SET

concept plan

PUD Summary.

SITE.		**BUILDING.**	
Site Area:	1.66 acres	Building Height:	5 stories
Open Space Required:	.33 acres | 20%	Neighborhood Commercial:	1,700 SF +/-
Open Space Provided:	**.41 acres | 25%**	Amenities + Housing:	154, 432 SF +/-
Setbacks:		Units:	**156**
Front:	0'	Density:	89
Side:	10'		
Rear:	10'	Parking:	44,487 SF +/-
		Total Spaces:	**160**
		Parking Ratio:	1.03



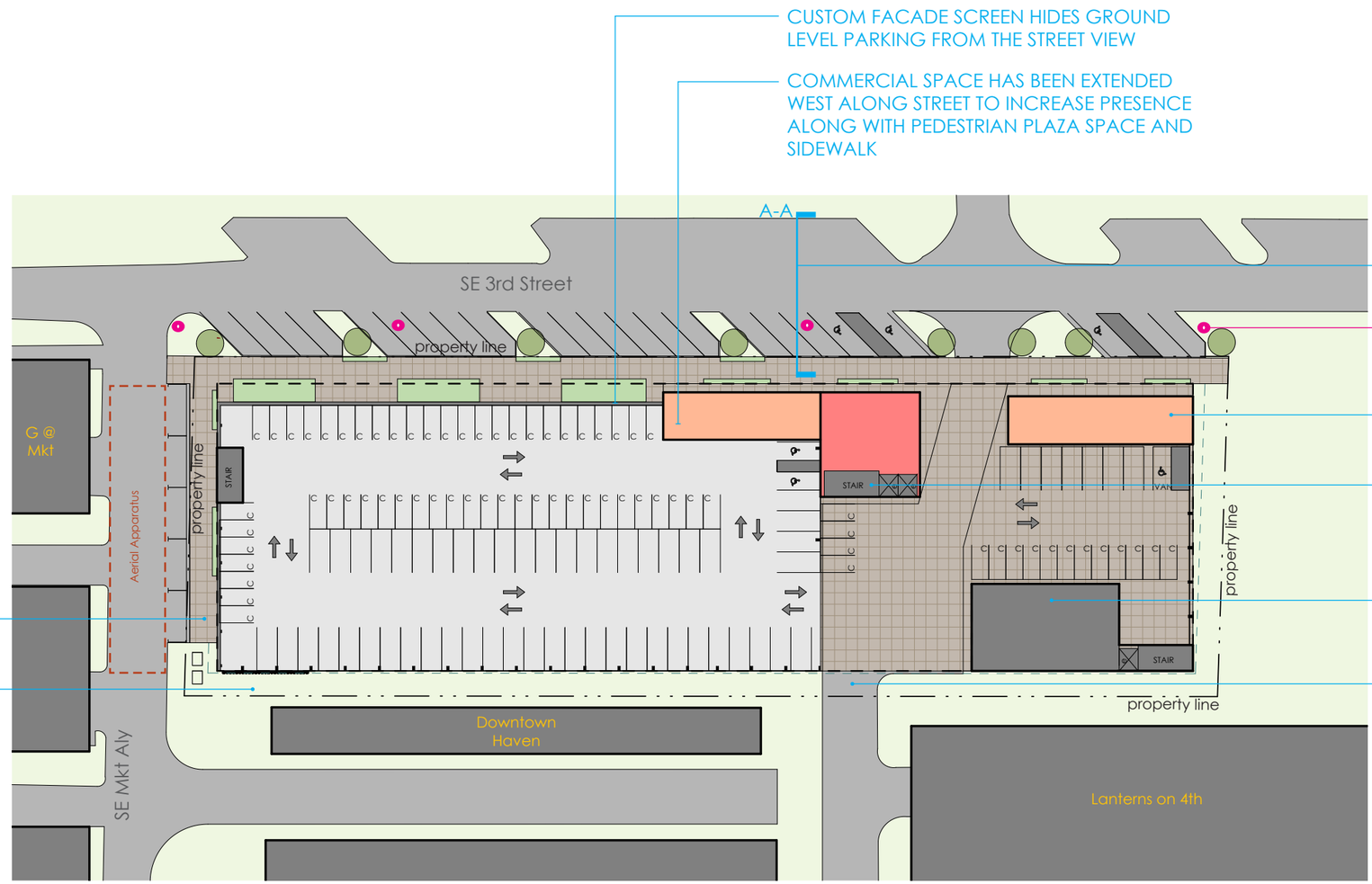


RANDALL HINTON
REAL ESTATE WITH PURPOSE NWA · CO · CA + modus studio

PLAN SET

concept plan : ground level parking/podium

covered podium parking:	**132 spaces**
standard:	59 spaces
compact:	71 spaces
ADA	3 spaces
street parking:	**28 spaces**
angled	21 spaces
paralle	5 spaces
ADA	3 spaces
total parking:	**160 spaces**
parking ratio:	**1.03**



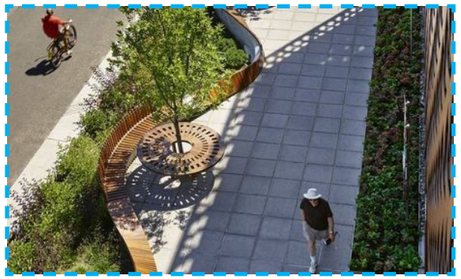
RANDALL HINTON
REAL ESTATE WITH PURPOSE NWA · CO · CA + modus studio

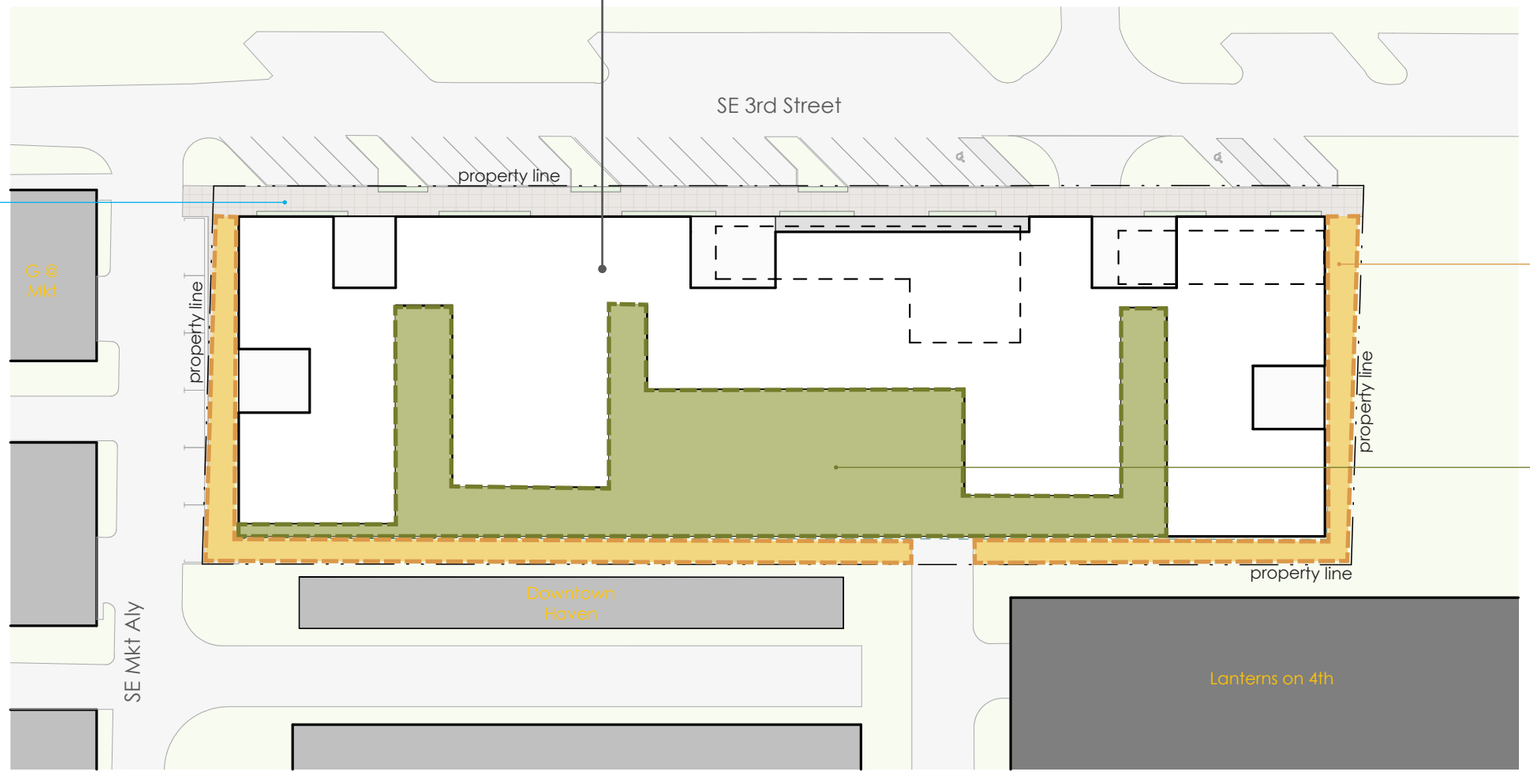
PLAN SET

concept plan : open space diagram

Site Area:	1.66 acres
Open Space Required:	.33 acres | 20%
Open Space Provided:	**.41 acres | 25%**

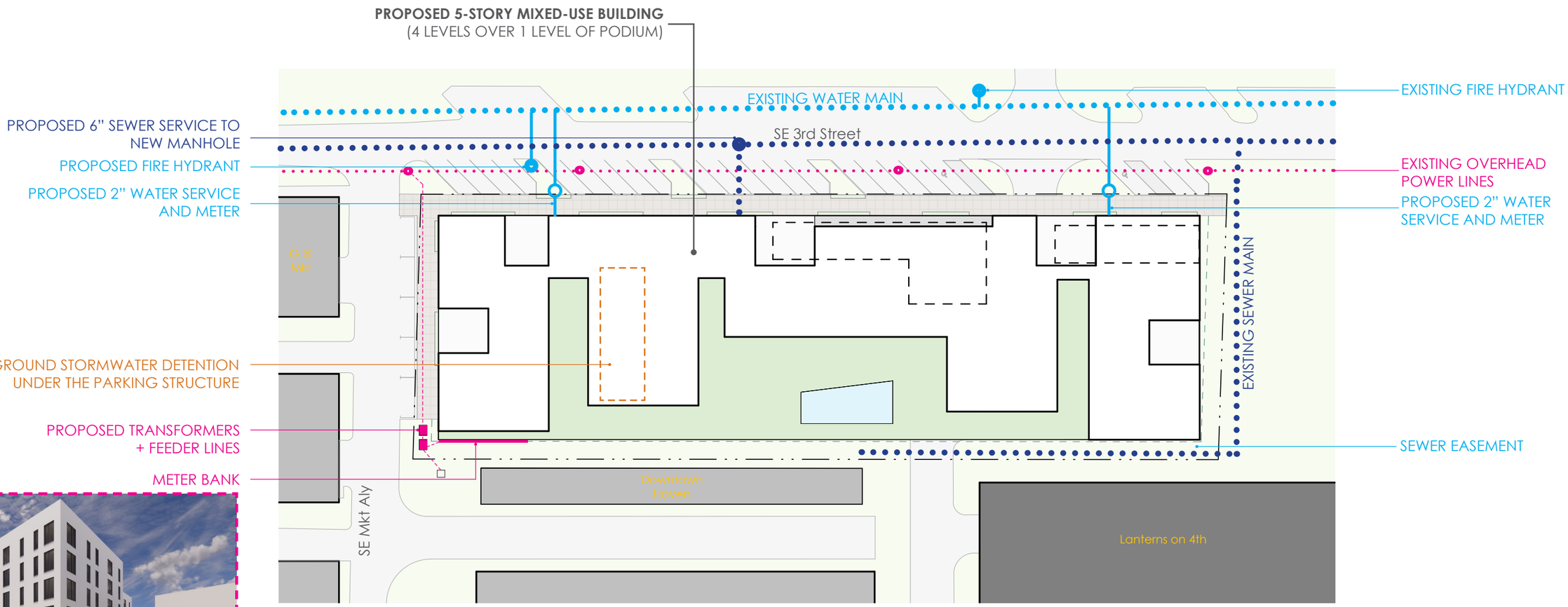
12' PEDESTRIAN EASEMENT WITH PLANTINGS
+ BENCHES ALONG SE 3RD ST + SE MKT ALY





PLAN SET

concept plan : utility diagram



CONCEPT RENDERING OF SW UTILITY CORNER. BUILDING CONSTRUCTION WILL CONFORM WITH ALL UTILITY CODE REQUIREMENTS.

N

PLAN SET

block plan : capacity diagram

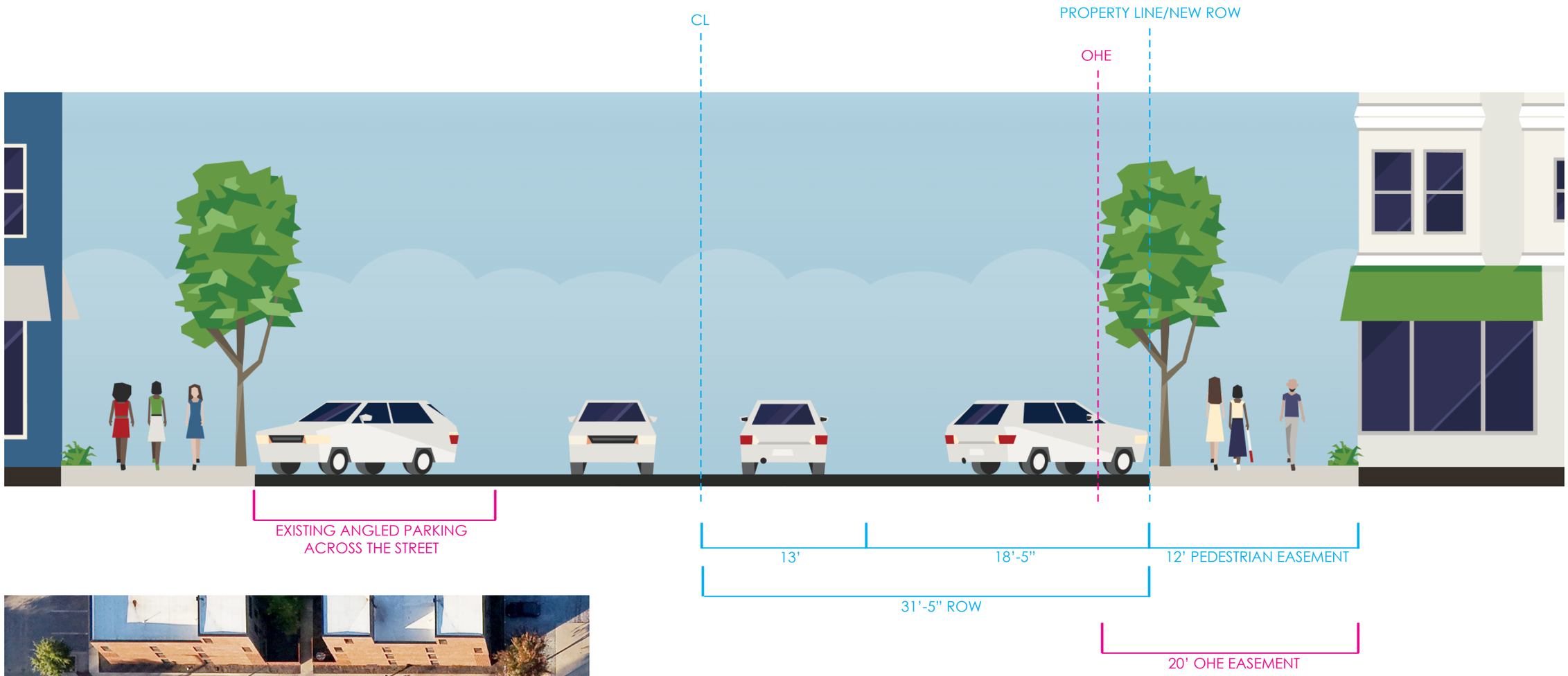
This block is currently planned for ***Urban Neighborhood***.

Prior to the capacity study performed by BWU and DPZ, the block already had 273 units constructed and/or approved for construction. This is a density of 74 units per acre on the parcels indicated above. This suggests that the capacity planning missed the density proportionality by a factor of 600% or it is understood that projects can be proposed and approved to garner the capacity and highest and best use of the land as they are concieved.

N

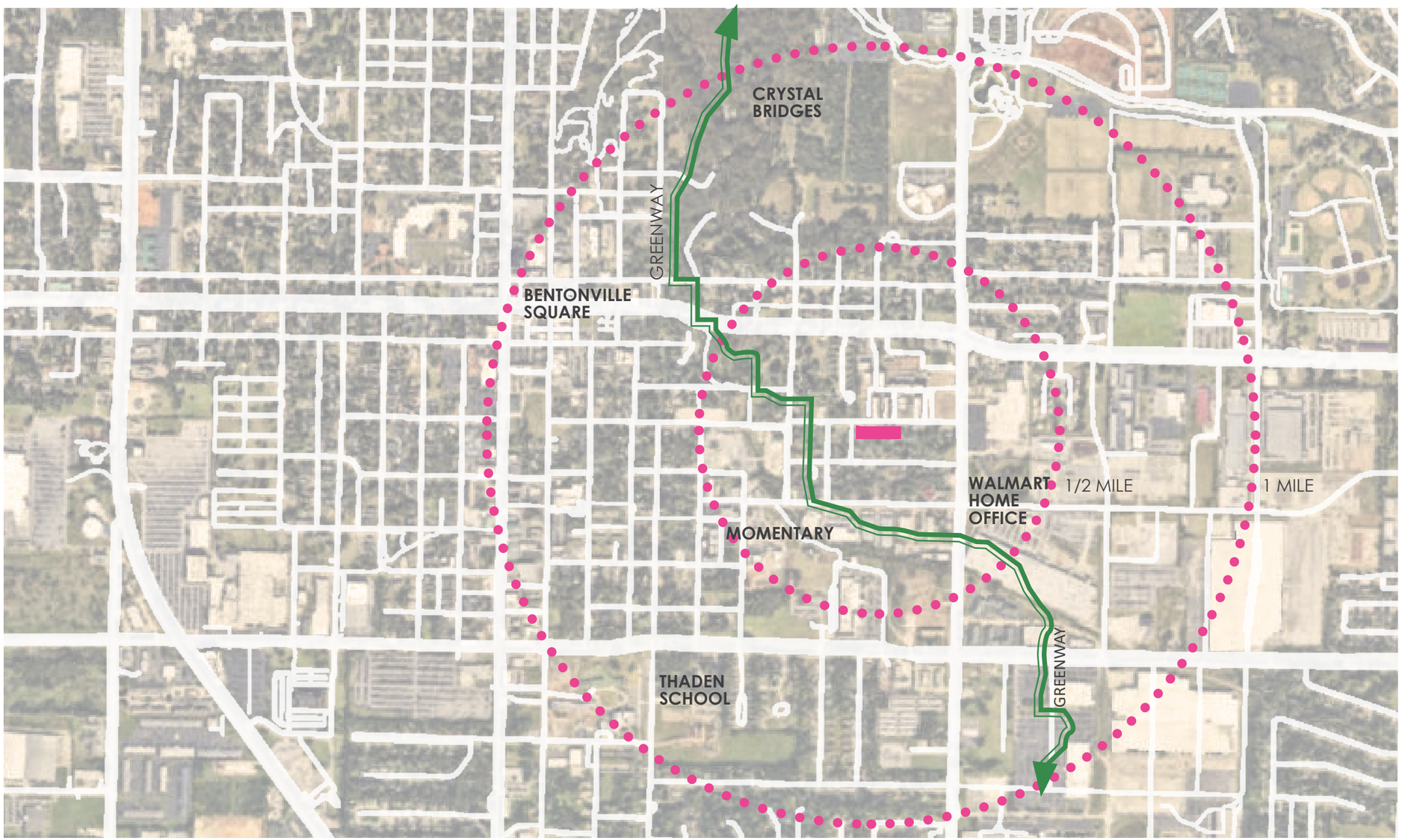
PLAN SET

proposed street section A-A



PLAN SET

context diagram

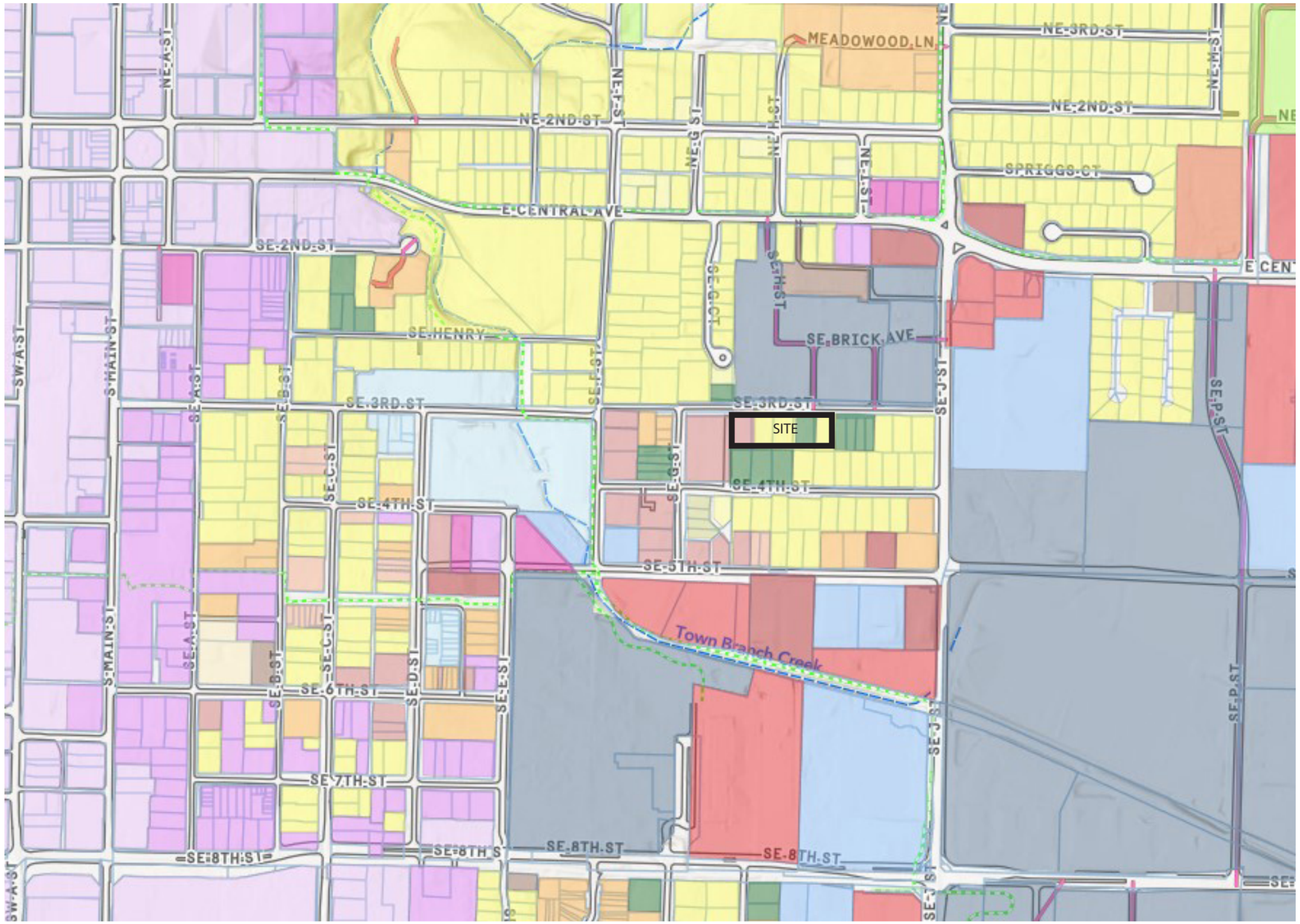


Context.

The proposed mixed-use project is located on SE 3rd street in a swiftly transitioning neighborhood near the new Walmart Headquarters. The site is located within walking distance of The Momentary, 8th St. Market and the Downtown Square.

PLAN SET

current zoning



Zoning Intent.

The PUD encompasses a +/-1.66 acre site that is bound by SE 3th Street along the northern edge. There has been ample transition along this corridor into appropriate housing typologies for increased density in a very walkable and bikable area of Bentonville. This will be the fourth development along this block by Randall Hinton Development with G at Market and Downtown Haven completed within the past 2 years and Lanterns on 4th about to begin construction.

- A-1 Agricultural District
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Central Commercial
- D-C Downtown Core
- D-E Downtown Edge
- DN-1 Downtown Neighborhood 1
- DN-2 Downtown Neighborhood 2
- DN-3
- DN-4 Downtown Neighborhood 4
- I-1 Light Industrial
- I-2 Heavy Industrial
- PRD
- PUD
- R-1 Single Family Residential
- R-2 Duplex & Patio Home
- R-3 Medium Density Residential
- R-4 High Density Residential
- R-E Residential Estate
- R-MHP Manufactured Home Residential
- R-O Residential Office
- R-ZL Zero Lot Line Residential
- RC-2 Central Residential - Moderate
- RC-3 Central Residential - High Density

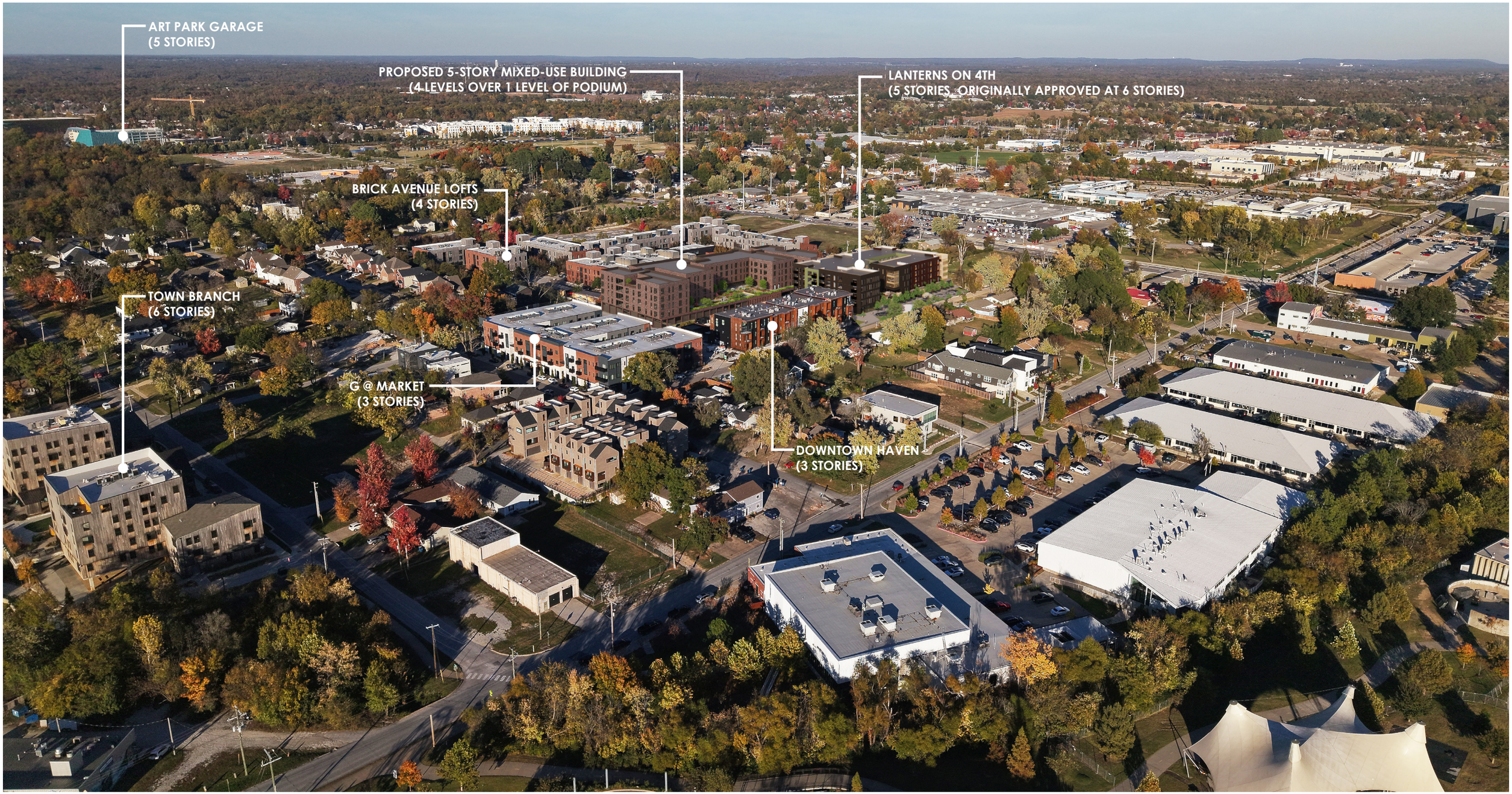
PLAN SET

context aerial - view looking northeast

*final materials to be selected as a part of the large scale development process.

PLAN SET

context aerial - view looking northeast



*final materials to be selected as a part of the large scale development process.

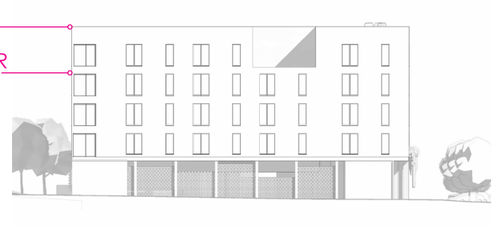
PLAN SET

street elevations

North Elevation

East Elevation

South Elevation



West Elevation

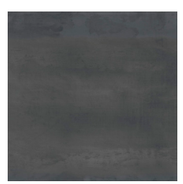
PERCENTAGES OF PRIMARY MATERIALS + SPECIAL USE MATERIALS WILL BE DESIGNED TO MEET ALL STANDARDS SET FORTH BY THE CITY OF BENTONVILLE AND REVIEWED AT LARGE SCALE DEVELOPMENT.

Primary Materials

masonry (brick / brick screen)
glass
other code permitted materials

Special Use Materials

wood rainscreen (vertical / horizontal)



architectural metal panel

architectural concrete

MEMORANDUM

January 8, 2026

TO: Chris Baribeau, AIA
Modus Studio

FROM: Nathan Becknell, P.E., PTOE, PTP
Traffic Engineering Consultants, Inc.

SUBJECT: Laurel Canyon
TIA Scoping Meeting

LOCATION: Bentonville, AR
SE 3rd Street and SE J Street

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13621
NATHAN LEE BECKNELL

Digitally signed by Nathan Becknell
Date: 2026.01.08 15:20:52-06'00'

PURPOSE

Traffic Engineering Consultants, Inc. (TEC) was retained to prepare a Traffic Impact Analysis (TIA) for a mixed-use development in Bentonville, Arkansas. The purpose of this memo is to document base assumptions for discussion with the City during a scoping meeting.

A. PREVIOUS TIS PREPARED FOR SITE

TEC is not aware that any previous studies have been prepared for this site.

B. SITE LOCATION

The site is located south of SE 3rd Street between SE G Street and SE J Street in the Market District of Downtown Bentonville, as shown in **Figure 1**.

C. PROPOSED ACCESS

Access to the new development, as shown in **Figure 2**, is proposed via one full access driveway along SE 3rd Street. Angled on-street parking will also be provided along SE 3rd Street.

D. TRIP GENERATION AND DISTRIBUTION

The latest edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers, was used to determine the amount of traffic the development is expected to generate. The report is a nationally accepted reference which provides trip rates for determining the traffic expected to be generated by different land use types.

Available information was utilized regarding the anticipated land use to determine the site generated traffic. The *Mid-Rise Residential with Ground-Floor Commercial* category was selected to determine the trip generation for the proposed site. The resulting traffic volumes projected to be generated by the proposed site once fully constructed and occupied are indicated in **Table 1**.

Memo was generated with original concept plan. Project now proposes even less units

TABLE 1

Projected Site Generated Trips

Land Use Type	ITE Land Use Code	Approximate Gross Floor Area or Other	Average Weekday Vehicle Trips			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Trips (vph)		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Trips (vph)	
			Per Day	Per Peak Hour of Adjacent Street Traffic									
				One Hour Between 7am & 9am	One Hour Between 4pm & 6pm								
			(vpd)	(vph)	(vph)	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Trip Rate*		(Dwelling Units)	N/A	0.34	0.40								
Mid-Rise Residential with Ground-Floor Commercial	231	179	--	61	72	30%	70%	18	43	70%	30%	50	22
Total Trips			--	61	72			18	43			50	22

* Trip Rates from "TRIP GENERATION MANUAL", 12th Ed., Institute of Transportation Engineers.

The distribution of the proposed site traffic was based on engineering judgement. The directional distribution of the site generated traffic entering and exiting the proposed development is expected to be:

- 35% to/from SE J Street north of the site
- 35% to/from SE J Street south of the site
- 10% to/from SE 3rd Street west of the site
- 10% to/from SE F Street north of the site
- 5% to/from SE F Street south of the site
- 5% to/from SE G Street south of the site

The traffic expected to be generated from the proposed site is summarized in **Figure 3**. These assumptions may be adjusted after further data is obtained. ARDOT AADT traffic count volumes along roadways in the study area are summarized in **Figure 4.**

The proposed development would be expected to generate 61 trips occurring during the a.m. peak hour and 72 trips occurring during the p.m. peak hour. The following increases are anticipated on the surrounding streets.

- Arterial and Collector – threshold: 300 trips per hour or 5% increase in ADT
  - SE J Street – arterial
    - 21 a.m. trips/25 p.m. trips
    - 1.5% increase in ADT (~720*35%/17,000)
  - SE 3rd Street – collector downtown
    - 61 a.m. trips/72 p.m. trips
    - ADT unknown
- Local - threshold: 100 trips per hour
  - SE F Street – local downtown
    - 7 a.m. trips/8 p.m. trips
    - ADT unknown

- SE G Street – local downtown
  - 3 a.m. trips/3 p.m. trips
  - ADT unknown
- SE H Street – local
  - 0 a.m. trips/0 p.m. trips
  - ADT unknown

The proposed development would be expected to generate less than the minimum recommendation for ADT and peak hour trips on neighboring arterials and collectors. The threshold for ADT is stringent compared to industry standards and unlikely to result in required off-site improvements upon further study; therefore, a full study is not recommended.

E. BUILDOUT YEAR

The proposed site is expected to be completed in the year 2027.

F. ADJUSTMENT FACTORS

No adjustment factors are proposed for use in the TIA.

G. APPROVED AND PROPOSED DEVELOPMENTS

TEC is aware of two approved or proposed developments within the study area that may impact the TIA and traffic volumes projected at the SE J Street and SE 3rd Street intersection:

1. Indoor Music Venue – proposed on the northeast corner of SE 8th Street and SE E Street
   a. To be completed in 2027
2. Mixed-Use Development – proposed east of SE J Street and south of SE 14th Street
   a. To be completed in 2028

H. ROADWAY IMPROVEMENTS

There are no anticipated improvements to be provided by the applicant. Improvements may be recommended based on the results of the TIA.

I. PHASING PLAN

The project is expected to be constructed in a single phase.

J. BICYCLE AND PEDESTRIAN CONNECTIONS

Master Street Plan improvements and connections are planned as part of this project. There are no dedicated bicycle facilities in the study area. Existing pedestrian facilities include sidewalks along both sides of SE J Street, along the north side of SE 3rd Street between SE G Street and SE J Street, and along portions of SE F Street and SE G Street. There are marked crosswalks across SE 3rd Street at SE J Street and at SE F Street. Additional sidewalks are planned along the site frontage on the south side of SE 3rd Street as part of the project.

K. SPECIAL ANALYSIS NEEDS

There are no special analysis needs anticipated as part of the TIA.

FIGURE 1. Site Location Map
Laurel Canyon
Bentonville, Arkansas

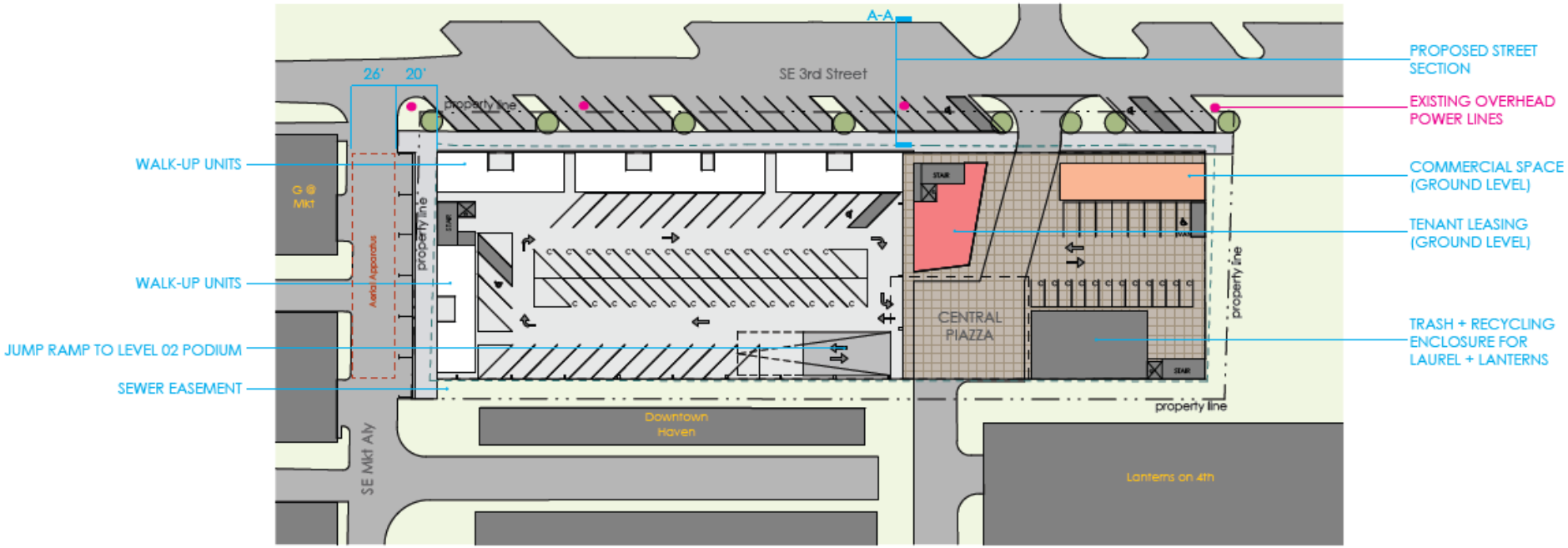
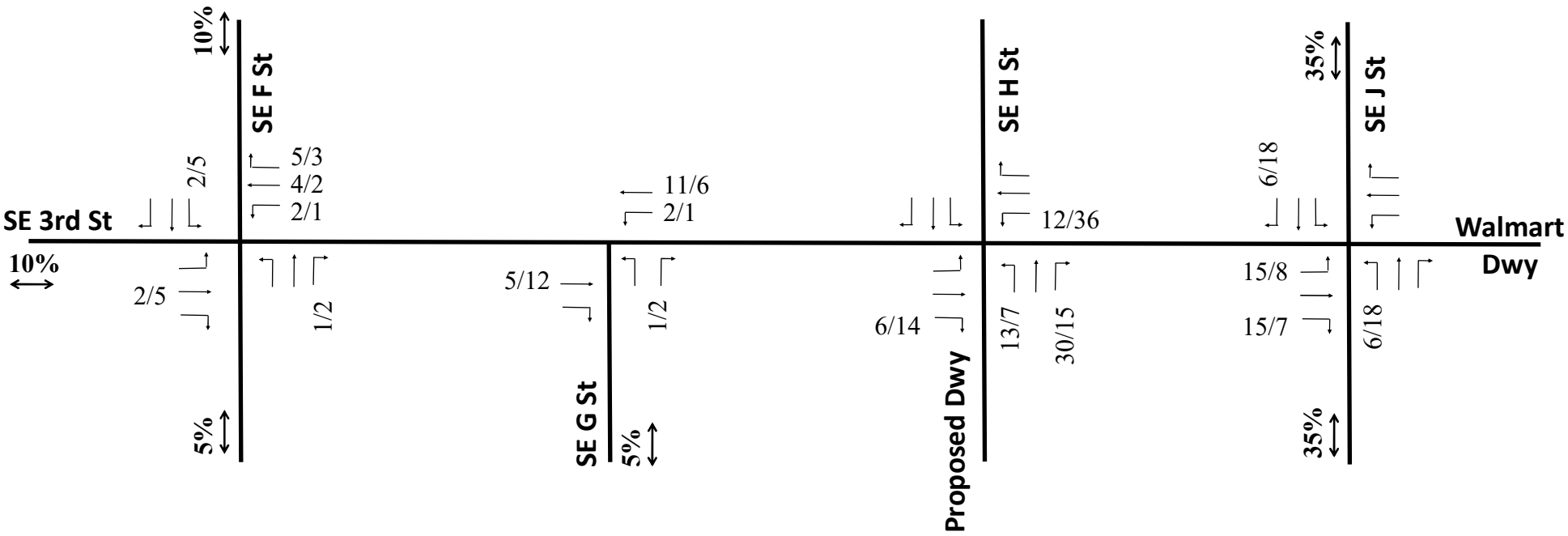


FIGURE 2. Proposed Site Plan
Laurel Canyon
Bentonville, Arkansas

Site Generated Trips
A.M. Entering = 18 vph A.M. Exiting = 43 vph P.M. Entering = 50 vph P.M. Exiting = 22 vph



LEGEND
XX = Pre-Event Peak Hour

FIGURE 3. Proposed Site Trips
Laurel Canyon
Bentonville, Arkansas

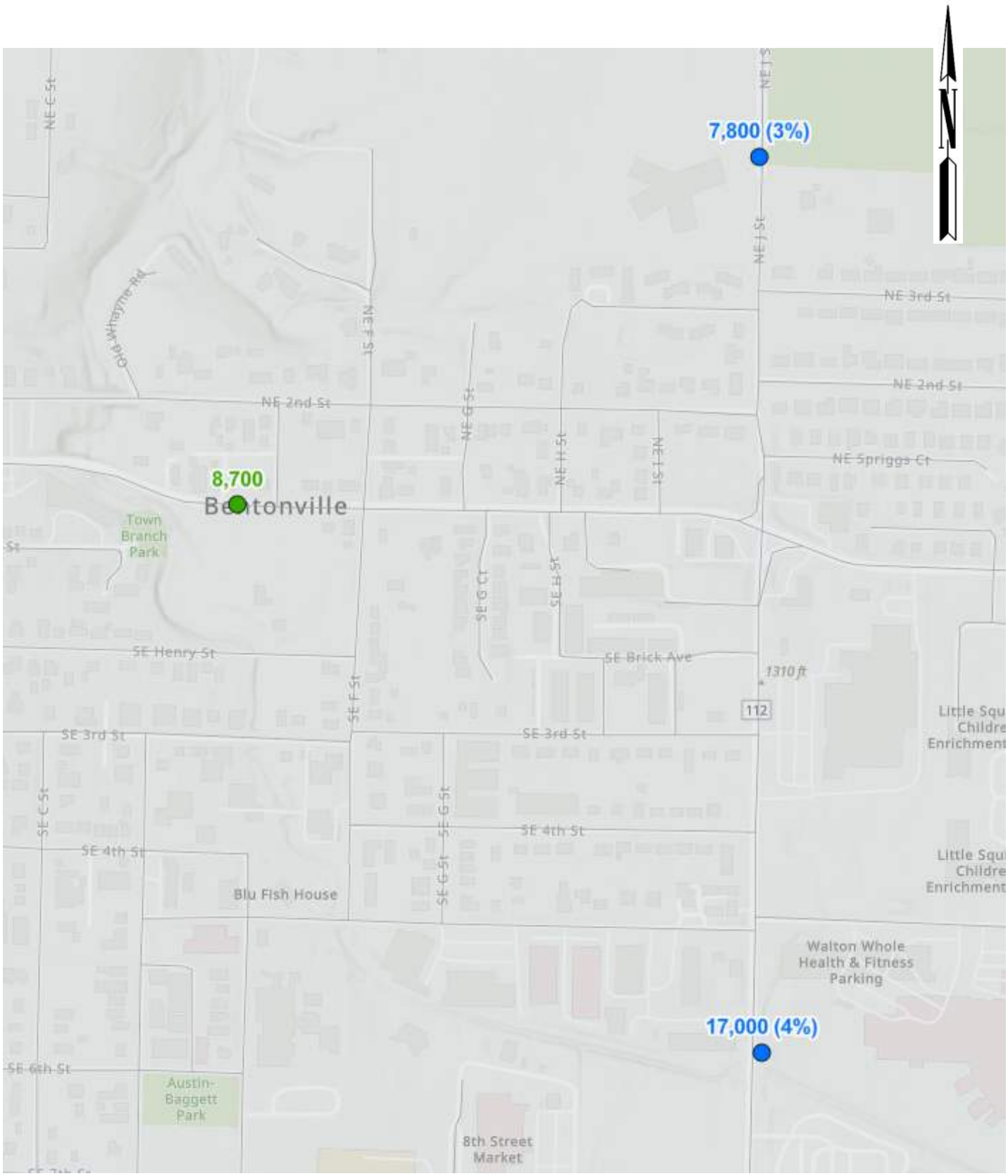


FIGURE 4. Study Area ADT
Laurel Canyon
Bentonville, Arkansas

	Bentonville Community Code
	PC Date: 2/17/2026

Staff Report Details

Property Description

The Bentonville Community Code is the City's unified framework for guiding growth and development, designed to protect public health, safety, and welfare while ensuring that new development reflects the community's vision. At its core, the Code safeguards the character of established neighborhoods, historic districts, and natural areas, while advancing the goals of the Future Land Use Plan. It emphasizes compact, mixed-use centers and neighborhoods that are accessible to pedestrians, cyclists, and drivers alike, supported by reliable infrastructure, interconnected streets, diverse housing choices, and parks and civic spaces within walking or biking distance. At the block and building scale, it ensures that design prioritizes safety, walkability, and neighborhood character, reinforcing Bentonville's commitment to creating places that are both functional and welcoming.

Organized into nine articles, the Code brings together most of the City's development rules in one document. Noted elements are bulleted below:

Article 50-1 General Provisions implements Bentonville's Community Plan by establishing the legal foundation, authority, and structure of the Bentonville Community Code.

Article 50-2 Future Land Use Plan establishes the relationship between the Bentonville Community Code, the Bentonville Community Plan, and the City's adopted Future Land Use Map.

- **Table 2.1** - Identifies Zones allowed within each place type (the alignment policy)

Article 50-3 Land Development guides the development of subdivisions and large sites to ensure orderly growth and land use, regardless of differences in development type, process, and timing.

- 302 **References other specifications** not included within the BCC, such as the SWPPP Ordinance, Street Specification, Storm Water Manual and the municipal code for other sections such as the Flood Damage Prevention Code.
- 302 **Exemptions**- the following project types on a single platted lot, not needing off-site improvements, are exempt from the Land Development section of the code, but must still adhere to the building code and the zoning and design standards set forth in Articles 50-4 and 50-5:
    - Residential developments of four dwelling units or less;
    - Non-residential developments with less than 10k sf disturbance;
    - Accessory structures and agricultural buildings

Property Description

- 302 **Development paths** are established
    - **Site developments**, no subdivision of lands (Section 303)
        - **Small Scale** - if less than 1 acre of disturbance and there are no off-site public improvements
        - **Large Scale** - required if there are off-site public improvements or exceeding 1 disturbed acre.
        - **Sites 3 acres or less** - in addition to cross access requirements, must add a circulation connection through the site for widths over 400' and situate buildings appropriately along a major driveway. Parking aisles must connect to a driveway.
        - **Sites between 3 and 6 acres** - Circulation requirements scale with the "future lot" requirement, releases big box developments of the "built to" line in the General Commercial zone.
        - **Sites over 6 acres** - in addition to all the requirements of the smaller sites, now there is a required Civic Space and future lots must be organized into future blocks.
        - **Future lots** - The intent of future lots, which are unrecorded and not subdivided, is to ensure that sites not formally subdivided at this time have the ability to create a grid of circulation.
        - **Future blocks** - The intent of future blocks is to ensure that larger sites, not formally subdivided at this time, have the ability to divide the site to provide external and internal circulation, equivalent to streets and trails in subdivisions. Future blocks are non-binding.
    - **Minor Subdivisions:** Lot splits, property line adjustments, and lot combinations (Section 304)
        - Must be 7 lots or less.
        - Must not propose any off-site utilities.
    - **Major Subdivisions** - The Preliminary Plat / Final Plat Process with opportunities for early build agreements.
        - Subdivisions larger than 20 acres must have two zones, subdivisions over 60 acres requires 3 zones.
        - Zoning districts are to be similar across the street from each other.
        - Additional requirements for the Neighborhood Center Place Type: T5 is limited to within 660' of an arterial or collector and all properties along a collector or arterial must be T4 or T5
    - **Phase Developments** - Phasing, if approved by the Planning Commission, requires all off-site public improvements with the first phase. Both subdivision and site phasing requirements are outlined.
    - **Campus Plans** - A Campus Development Plan is an option for sites anchored by a corporate or institutional use and larger than 8 acres to provide flexible development standards and support cohesive master planning, shared infrastructure, and long-term phasing that would not be possible under conventional development regulations while still adhering to the goals of the BCC (grid connectivity and building orientations) as specified in the Campus Development Standards of Section 50-507.

Property Description

Article 50-4 Zoning 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. Any deviations proposed from this section, beyond those identified in Table 7.2, are processed by the Board of Adjustments as a variance (see Section 703).

Table 4.1 Sets fort the Zone standards for each of the following districts:

T2.1 **Rural**	T5.1 **Town Center Low**
T2.2 **Rural Node**	T5.2 **Town Center High**
R-1 **Suburban Single-Family**	T6 **Urban Center**
T3.1 **Neighborhood Edge**	GC **General Commercial**
T3.2 **Neighborhood Transition**	MH **Manufactured Home**
T4.1 **Neighborhood General**	LI **Light Industrial**
T4.2 **Neighborhood Node**	LFI **Large Format Industrial**

Table 4.3 sets forth the **uses for each zone**, with any specific use restrictions outlined in the table.

- **Accessory dwellings units** are allowed in R-1, and zones T2-T3. ADU's may be attached, detached or interior to the principal dwelling, one per lot and not larger than 1k sf, per the new state law. Setbacks are the same setbacks as the principal dwelling.
- Generally, **non-residential uses** are located in zones T5 and higher, with provisions for live/work in zones T4 and higher [406 (18)(c)]
- **Duplexes and single family attached (townhomes)** are allowed with restrictions in T3.2;
- T6 does not allow townhomes; Duplexes are not allowed in zones T5.2 and higher (Table 4.3)
- The **missing middle housing types**: 3-4 dwelling units per building and 5-12 dwelling units per building show up in zones T4.1 and T4.2 respectively. (Table 4.3)
- There are both **maximum stories and maximum heights** established for each zone.
- Both a **maximum building footprint and a maximum impervious footprint** (pavement and sidewalks) are identified.
- **Minimum glass / storefront percentages** for ground floors and other stories are identified with the T4.1 and higher zones.
- **Maximum distances between entry doors** (60' commercial, 100' other) are outlined for the more intense zones:T5.1-T6.1
- **Parking structures** have maximum heights identified for zones T5.1 through GC.
- **Setbacks for parking** (garages) are established for all zones

Article 50-5 Design Standards sets the design rules for development at all scales and sizes, including subdivisions, streets, 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.

- 501(e)(1) **Civic Space Required**: none for sites under 6 acres, 5% of the project over 6 acres with separate civic space required for every 30 acres. Civic Spaces are an open space intended for active of passive recreational use and gathering that complies with specific design requirements.
- 502 **Land Development**
- 503 **Site Design**
- 504(e) **Parking Structures vertically stacked with other uses** in T5, T6 and GC may count multiple levels of parking as one story but cannot exceed the maximum overall building height in feet as specified in the zone.

Property Description

- 504(f)(3) **Building Materials:**Primary Materials required:
  - Brick, natural stone, cast stone
  - Natural or architectural concrete;
  - High-quality architectural metals (aluminum composite, copper, bronze, marble, granite); and
  - Fiber cement board and wood siding with a minimum 25-year warranty, (only permitted in T2, R-1, T3, and T4 zoning districts)
- 504(f)(4) **Active Uses:** ground floor buildings in T5 and T6 must have active uses 12' into the building: Entrances, lobbies, or reception areas; Shared spaces in multi-tenant buildings; Merchandise or product display areas; Dining areas or food preparation areas; Manufacturing production or preparation areas; Spaces for performances or events; Meeting rooms or gathering areas; Spaces for art galleries or art exhibitions; Any other space intended for regular use and frequent occupancy.
- 505 **Zone Transitions**
  - T5.1, T5.2 and T6.1 are limited to 36' height for a distance of 50' from the property line when adjacent to R-1.
  - T5.2 is limited to the max height of the adjacent zone plus 1 story (the story not to exceed 15') for a distance of 50' from the property line when adjacent to T3 and T4.
  - T6 is limited to 2 additional stories (not to exceed 30' for the two stories) above the adjacent zone for a distance of 50' to 100' from the property line.
- 506 **Overlay Districts** regulations codified
- 508 **Sign Standards** codified
- 509 **Tree Preservation**
- 510 **Landscaping screening and buffering** / Table 5.30 Screening requirements
- 511 **Natural Resource Protection**

Article 50-6 Streets Trails and Utilitiessets the rules for street and trail design and the location of utilities, in coordination with the surrounding built environment.

- Table 6.2 sets forth the **street types** for each zoning district.
- Figure 6.3 Identifies **typical utility locations**.
- 605 References the **BEUD and BWUD specifications**

Article 50-7 Administration establishes the procedures for review and approval of development activities, protects the public interest through consistent and thorough review of development proposals, and provides clear and predictable review processes that comply with state law.

- Table 7.1 sets for the **approval authority**for each project type.
  - **City Council** to approve vacations, rezones, Future Land Use Amendments and annexations, after Planning Commission recommendation.
  - **Planning Commission** to approve Large Scale Developments and subdivisions, accepting rights of way and easement dedications.
  - **Departments** to approve construction documents.
- Table 7.2 codifies the **administrative adjustment criteria**.
- 721 Various **permits are codified** for encroachments, fences, grading, land disturbance, outdoor vendor, right of way, signs, and temporary uses.

Article 50-8 Nonconformities establishes the 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 the Bentonville Community Code.

Property Description

Article 50-9 Terminology provides clear and consistent definitions for all technical and regulatory terms used throughout the Bentonville Community Code.

Project Details

Relationship to the Community Plan

Public Comment

Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

Conclusion

Additional Details

PLAN BENTONVILLE

DRAFT

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.

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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.

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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.

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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.

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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;

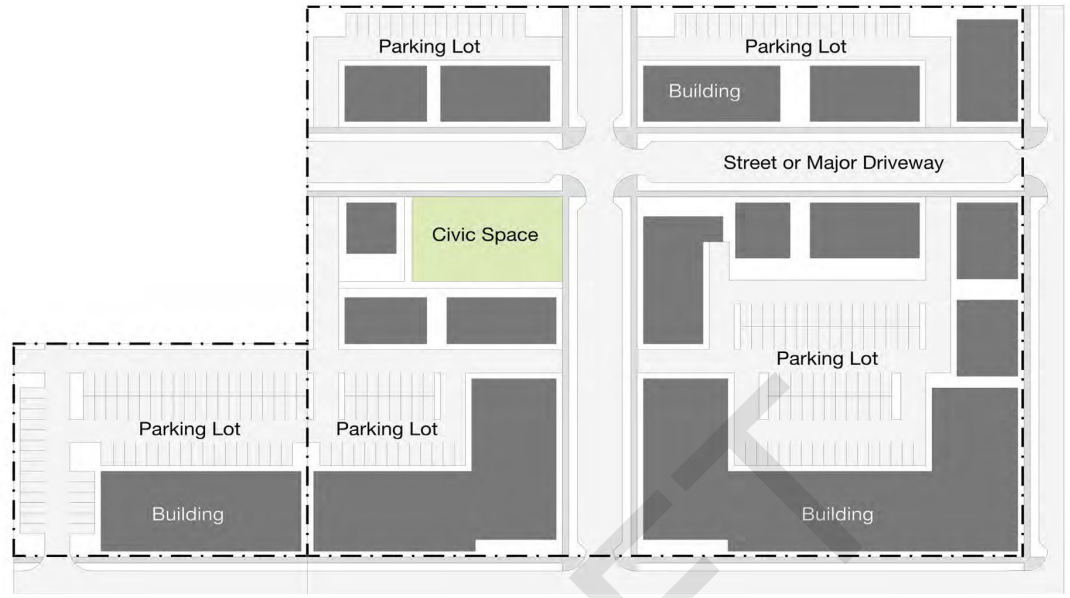
d. Streets and alleys must follow Sec. 50-602. Street design;

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

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

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(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:

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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

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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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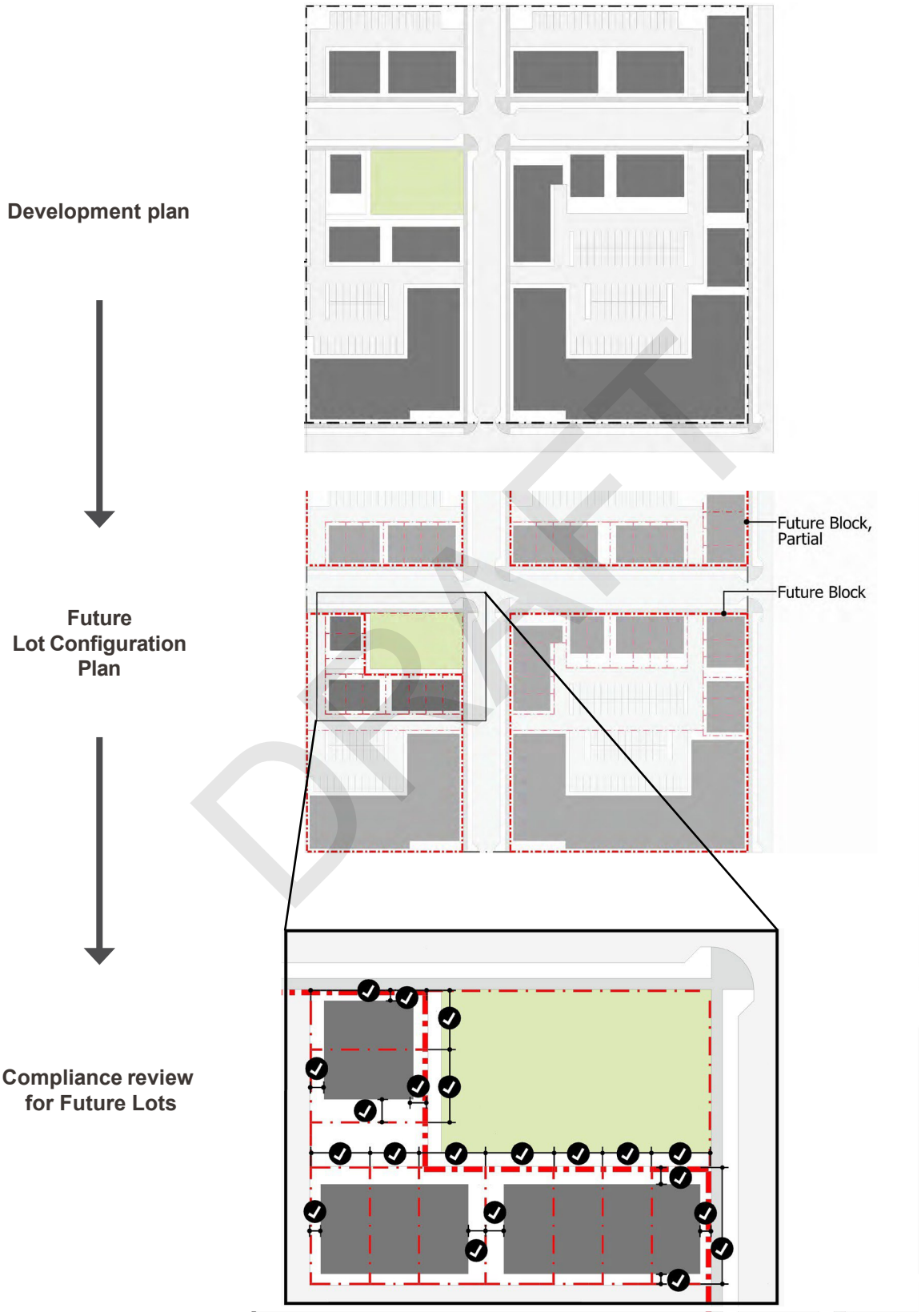
FIGURE 3.2 FUTURE BLOCKS AND LOTS



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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

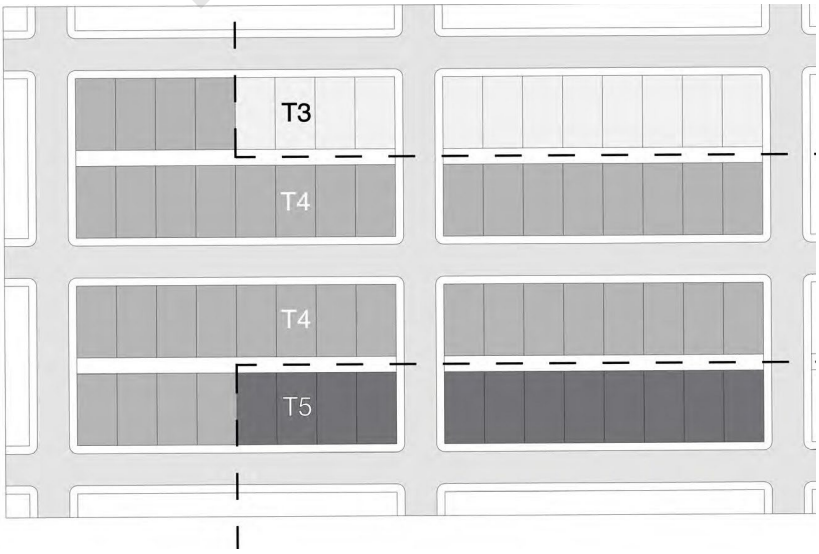

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FIGURE 3.4 ZONE TRANSITIONS FOR NEIGHBORHOOD CENTER PLACE TYPES

T3 T3 Zone T4 T4 Zone T5 T5 Zone

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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.		E		
Neighborhood						20% max.	50% max.	60% max.					
Neighborhoods													
Urban	E		ER		20% max.	40% max.	60% max.	ER					
Walkable				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.

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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.

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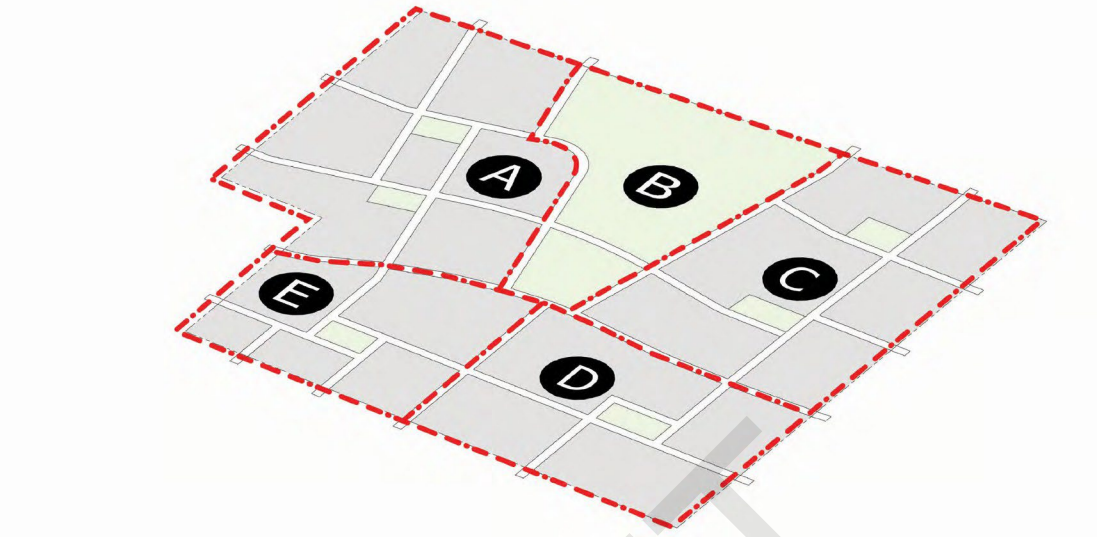
FIGURE 3.6 PHASING ILLUSTRATION



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, an 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

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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.

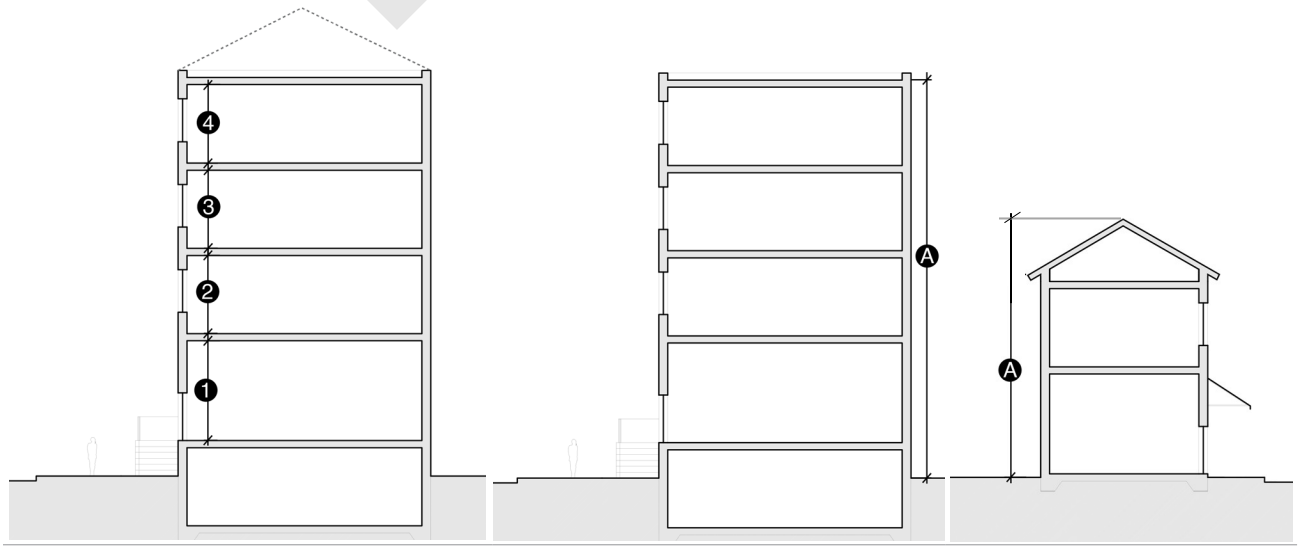
c. Height measured by feet:

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



Height measurement in stories Height measurement in feet

(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.

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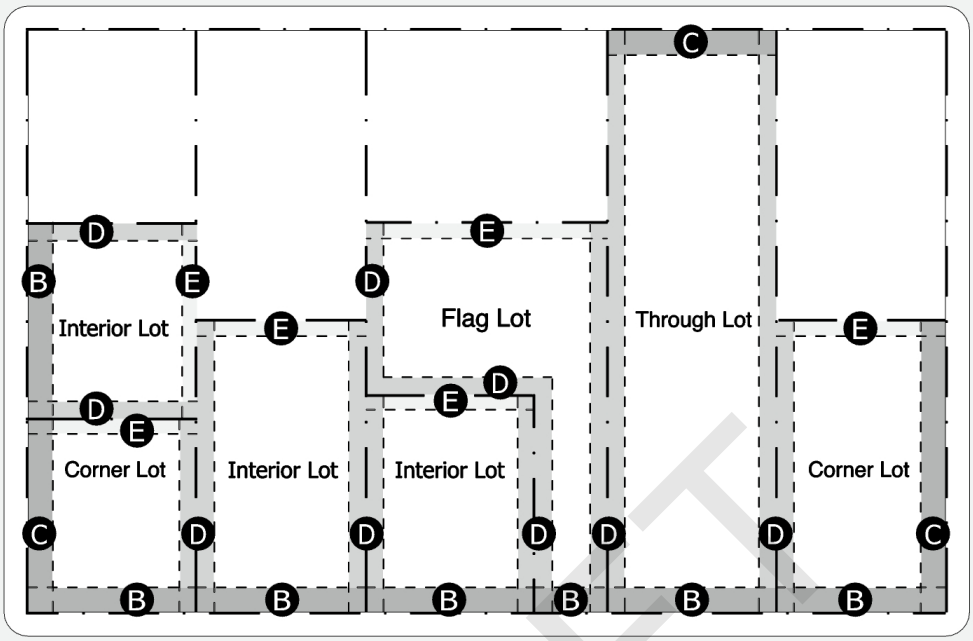
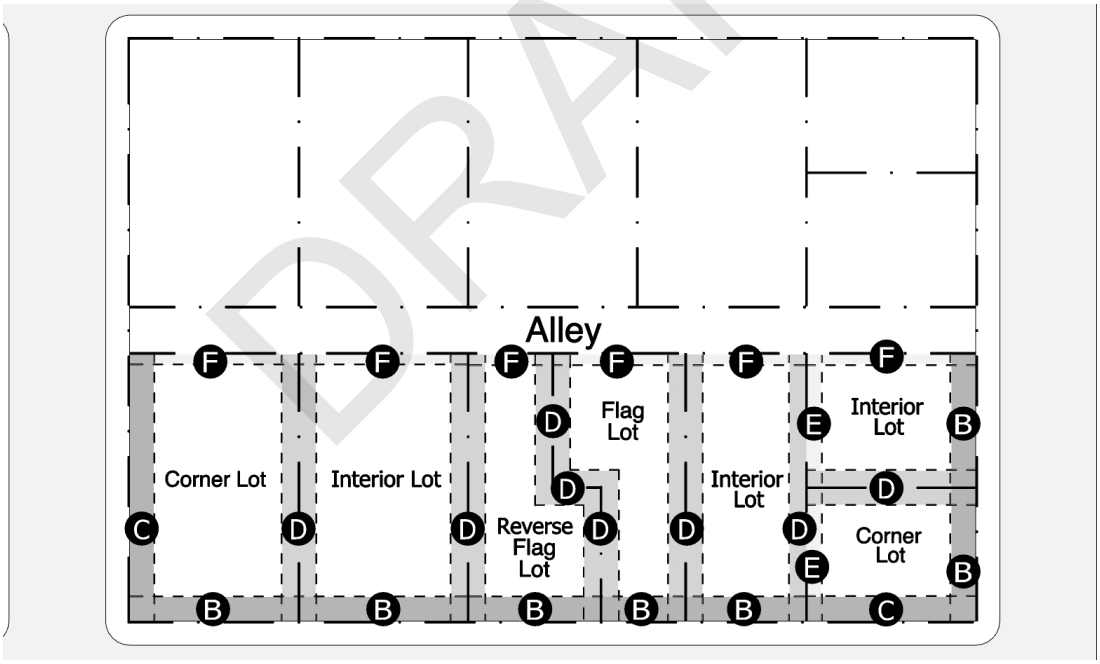
FIGURE 4.2 SETBACKS FOR TYPICAL LOT CONDITIONS



Setbacks for common lot conditions without an alley



Setbacks for common lot conditions with an alley

A	Buildable Area (white)	D	Side Setback (interior)*
B	Front Setback*	E	Rear Setback*
C	Side Street Setback*	F	Alley Setback*

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

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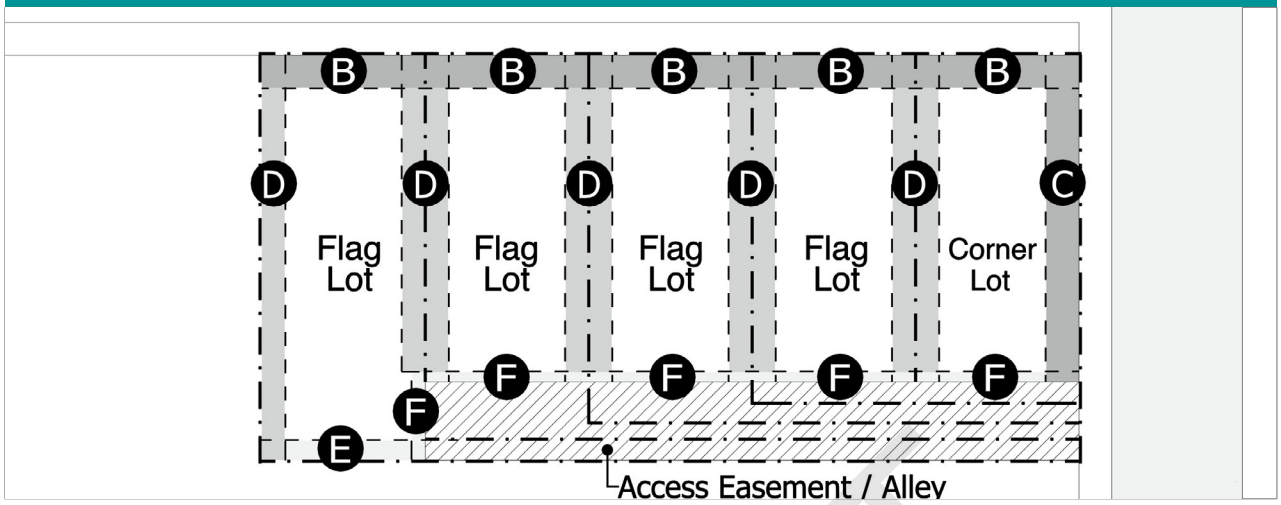
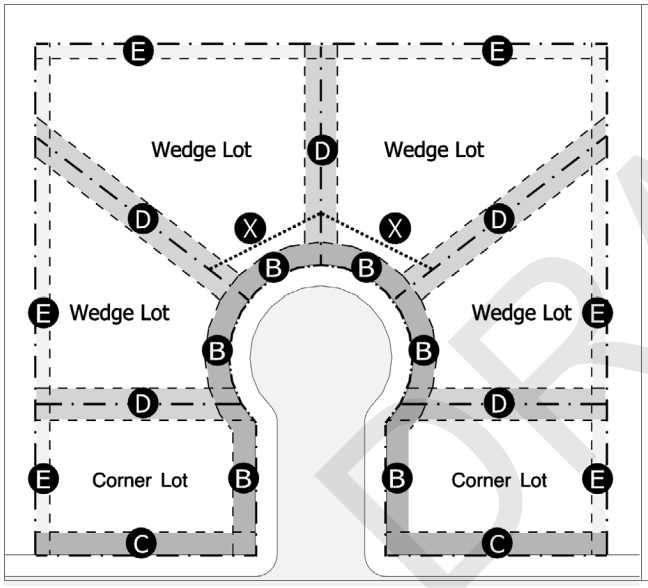
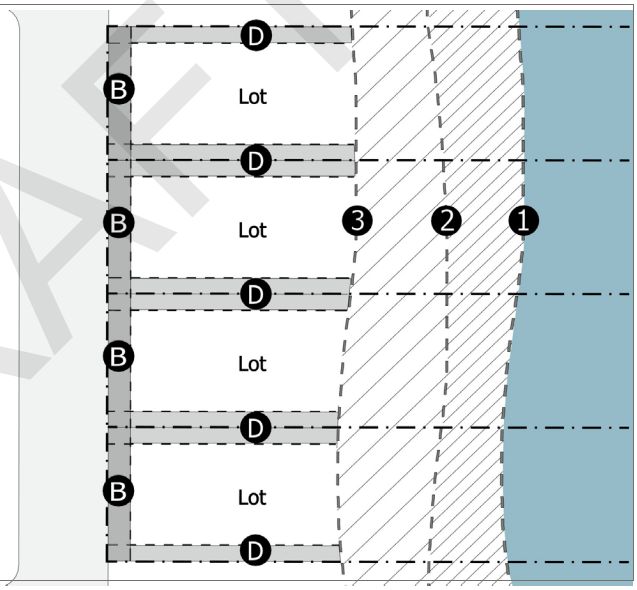
FIGURE 4.3 SETBACKS FOR SPECIAL LOT CONDITIONS



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.

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(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.

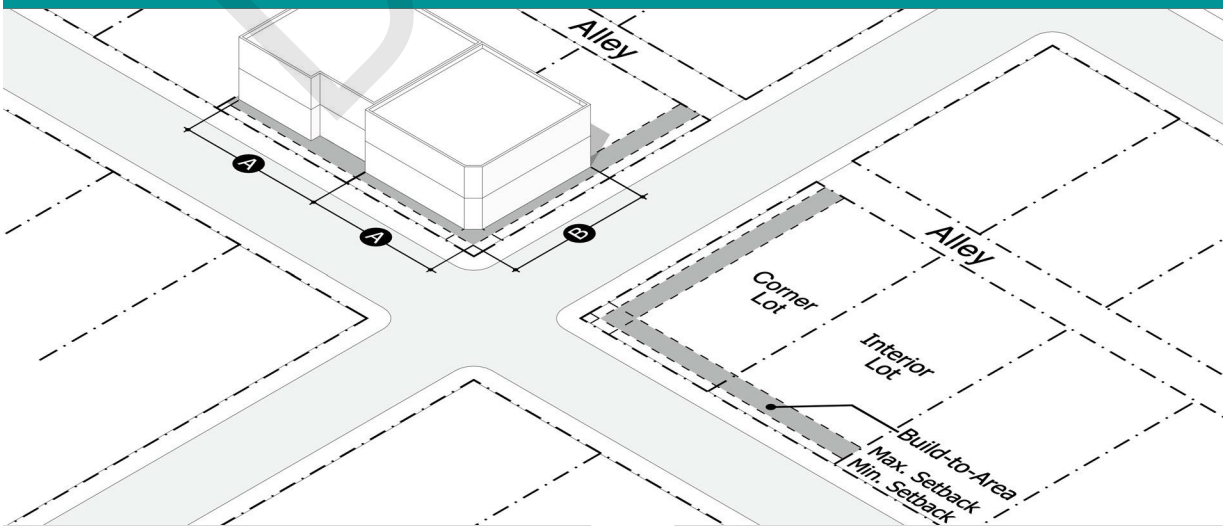
d. If a utility or access easements is deeper than the maximum setback, the setback is adjusted to be 2 feet behind the edge of the easement.

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



A Building within the Front build-to area

B Building within the Side Street build-to area

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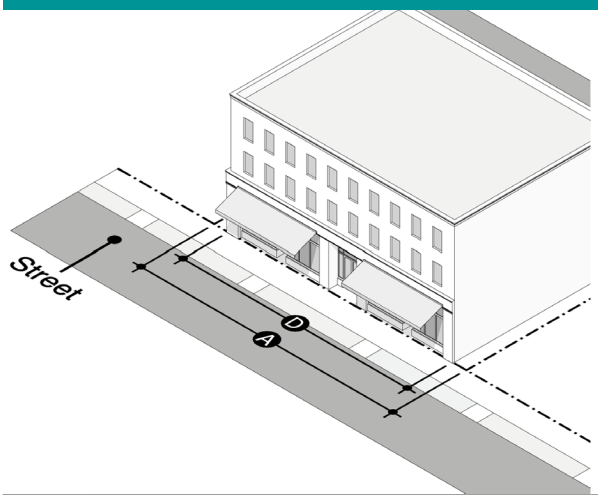
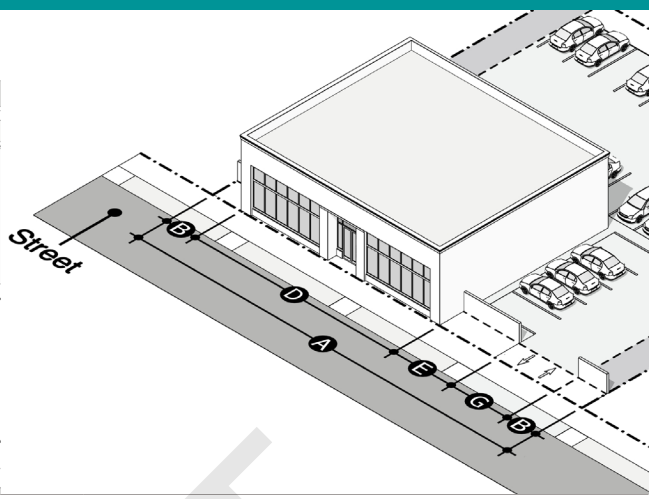
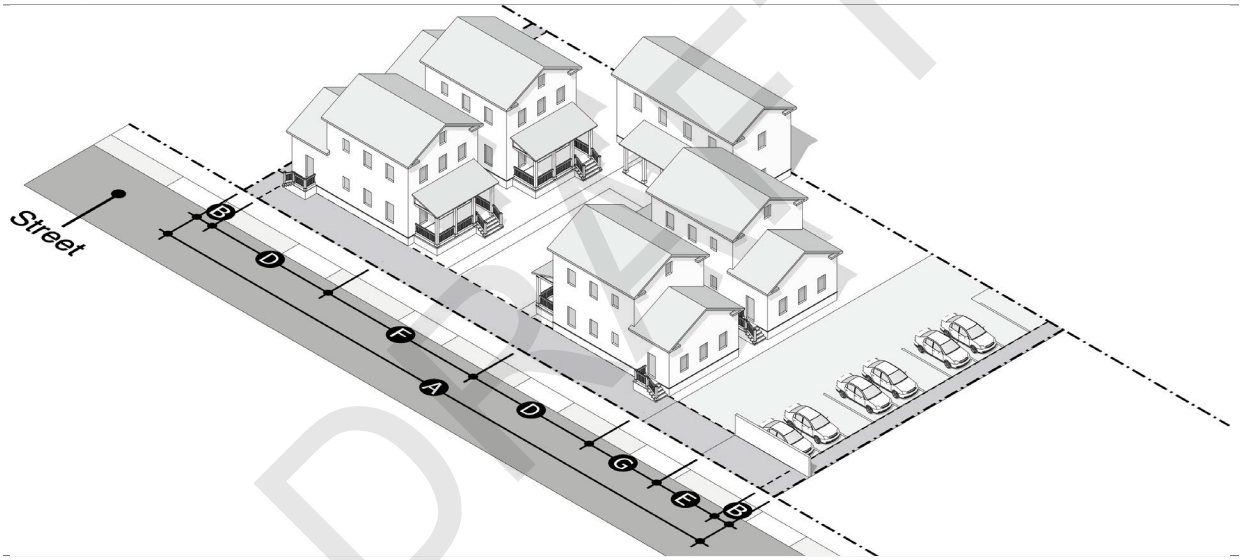
FIGURE 4.5 BUILD-TO AREA OCCUPATION



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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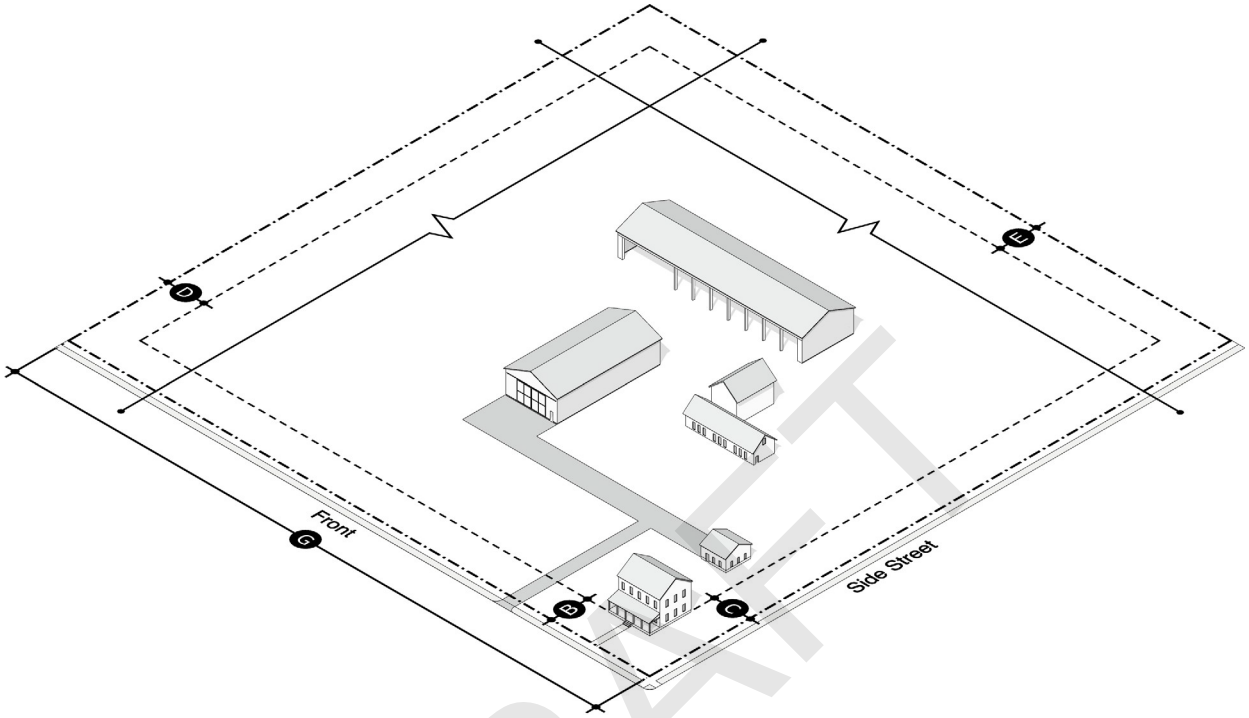
TABLE 4.1 ZONE STANDARDS

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	3 stories max. not to exceed 40', farm buildings exempt
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		

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T2.1: RURAL

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	N/A
Required Active Uses		Upper Floor	N/A
N/A			

Site Design

Lot Size		Parking Location	
G Lot Area	5 acres min.	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.		

Uses

See Sec. 50-406. Use standards

Notes

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

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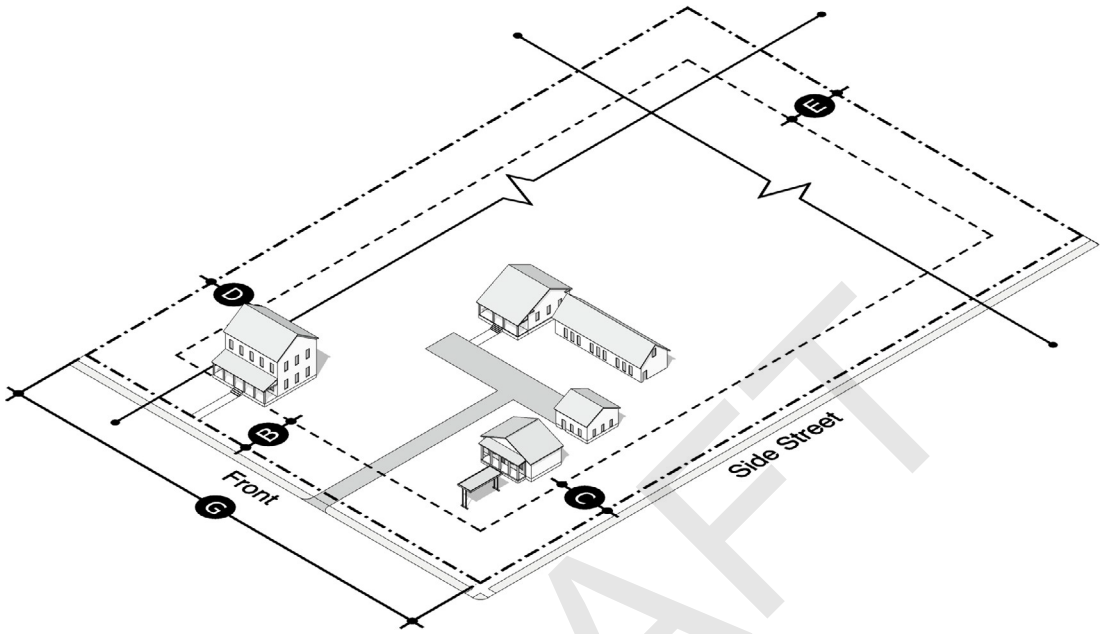
T2.2: RURAL NODE



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*	
A Building Footprint	30% max.
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

Height	
Buildings	3 stories max. not to exceed 40', farm buildings exempt

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T2.2: RURAL NODE

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	N/A
Required Active Uses		Upper Floor	N/A
N/A			

Site Design

Lot Size		Parking Location	
G Lot Area	1 acre min.	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.		

Uses

See Sec. 50-406. Use standards

Notes

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

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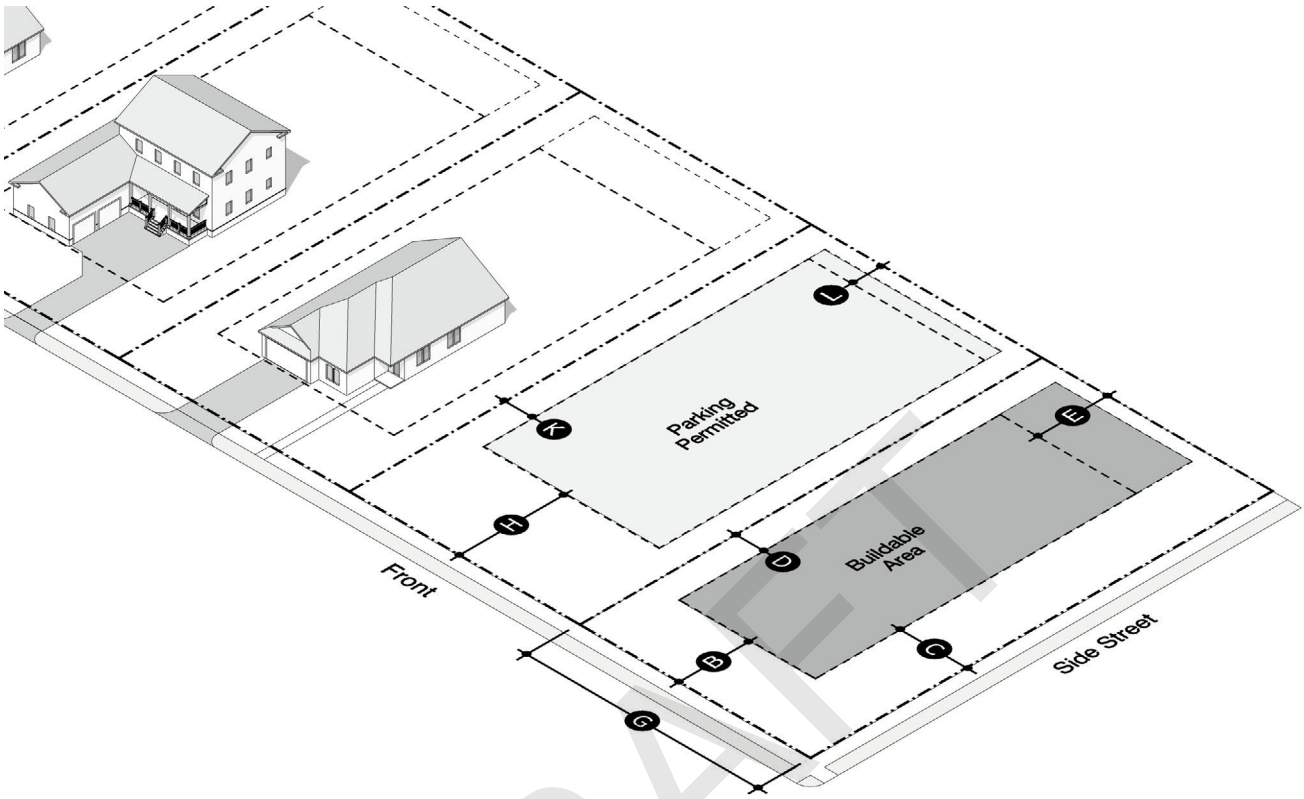
R-1: SUBURBAN SINGLE-FAMILY



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		

DRAFT

R-1: SUBURBAN SINGLE-FAMILY

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	N/A
Required Active Uses		Upper Floor	N/A
N/A			

Site Design

Lot Size		Parking Location	
G Lot Width	60 ft. min.	H Front Setback	20 ft. min.
Lot Area	6,000 sq. ft.	J Side Street Setback	20 ft. min.
Fencing and Walls		K Side Setback	7 ft. min.
See Sec. 50-510 (e) Fences and walls		L Rear Setback	12 ft. min.
impervious Areas		M Alley Setback	0 ft. min.
Impervious Area	75% max.		

Uses

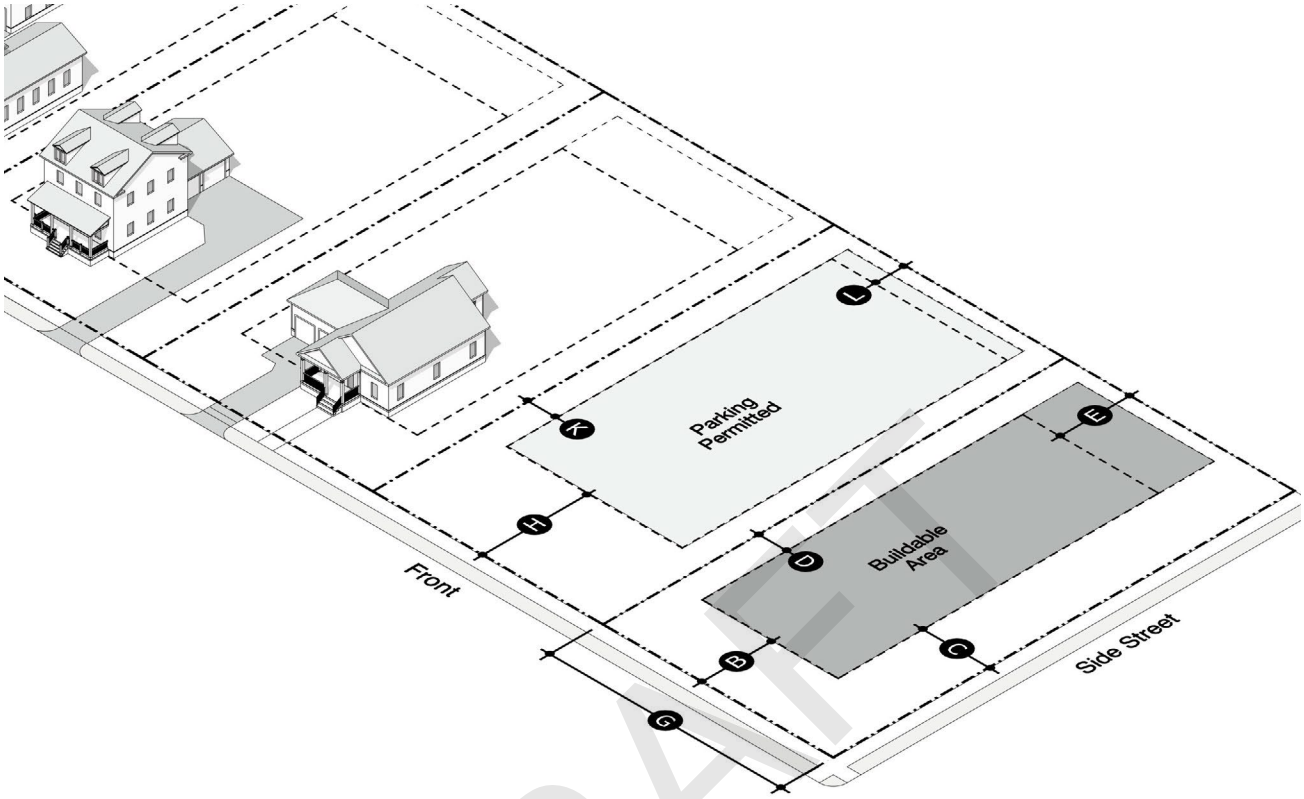
See Sec. 50-406. Use standards

Notes

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

DRAFT

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.

DRAFT

Buildings

Location*

A	Building Footprint	50% 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

Height

Buildings	36 ft. max.

T3.1: NEIGHBORHOOD EDGE

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

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

Fencing and Walls

See 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

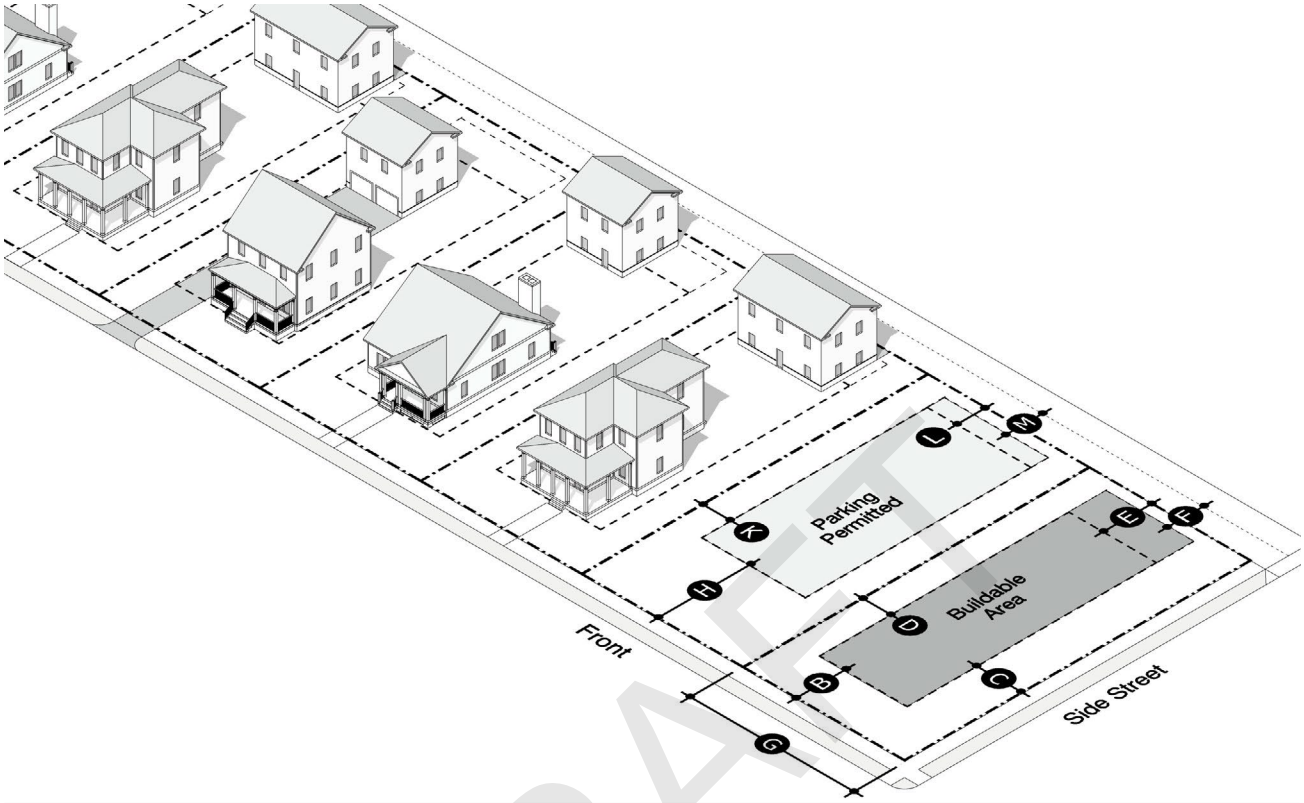
See Sec. 50-406. Use standards

Notes

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

DRAFT

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.

DRAFT

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 Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

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

Fencing and Walls

See 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.

Uses

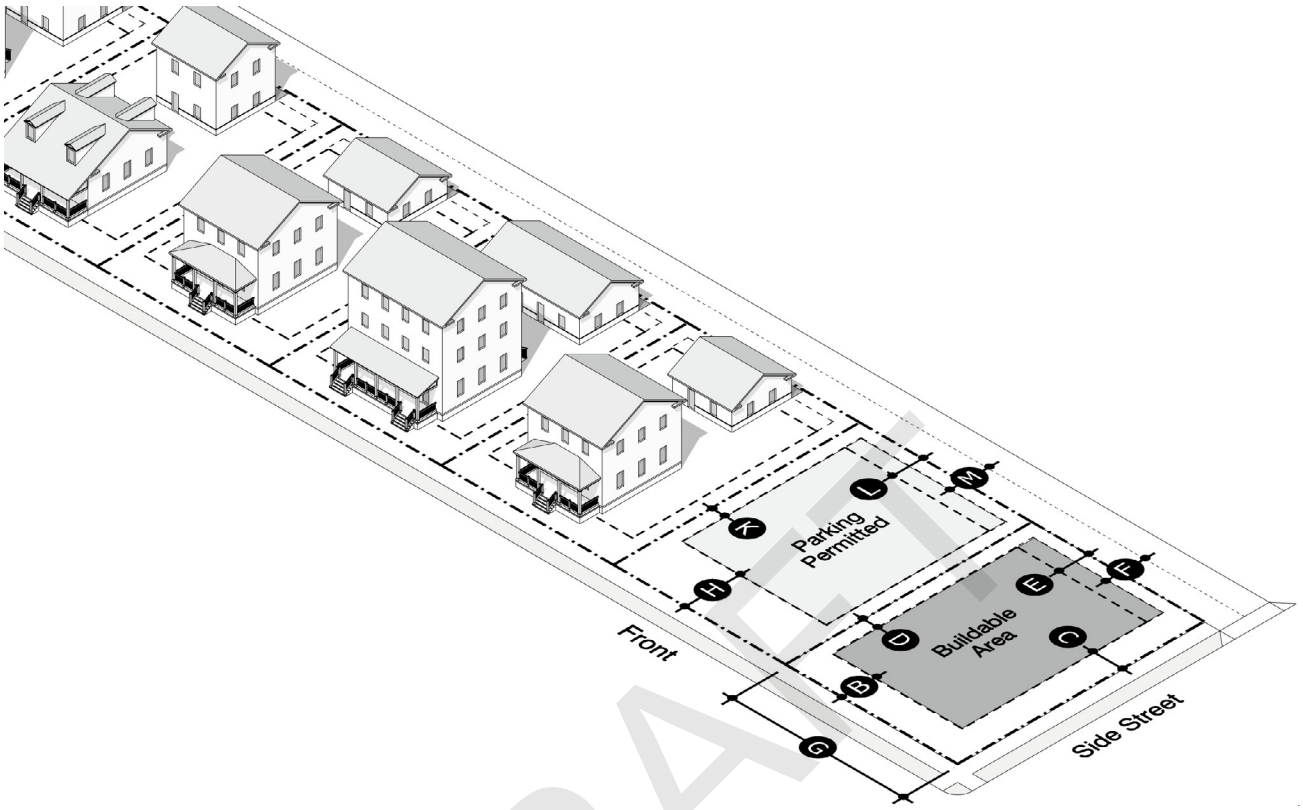
See Sec. 50-406. Use standards

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 sideyard use easement for detached buildings, however walls set back from the property line must be set back at least 5 feet.

DRAFT

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.

DRAFT

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

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas

Impervious Area	85% max.

Parking Location

H	Front Setback	20 ft. behind front setback
J	Side Street Setback	12 ft. min.
K	Side Setback	5 ft. min.
L	Rear Setback	6 ft. min.
M	Alley Setback	0 ft. min.

Uses

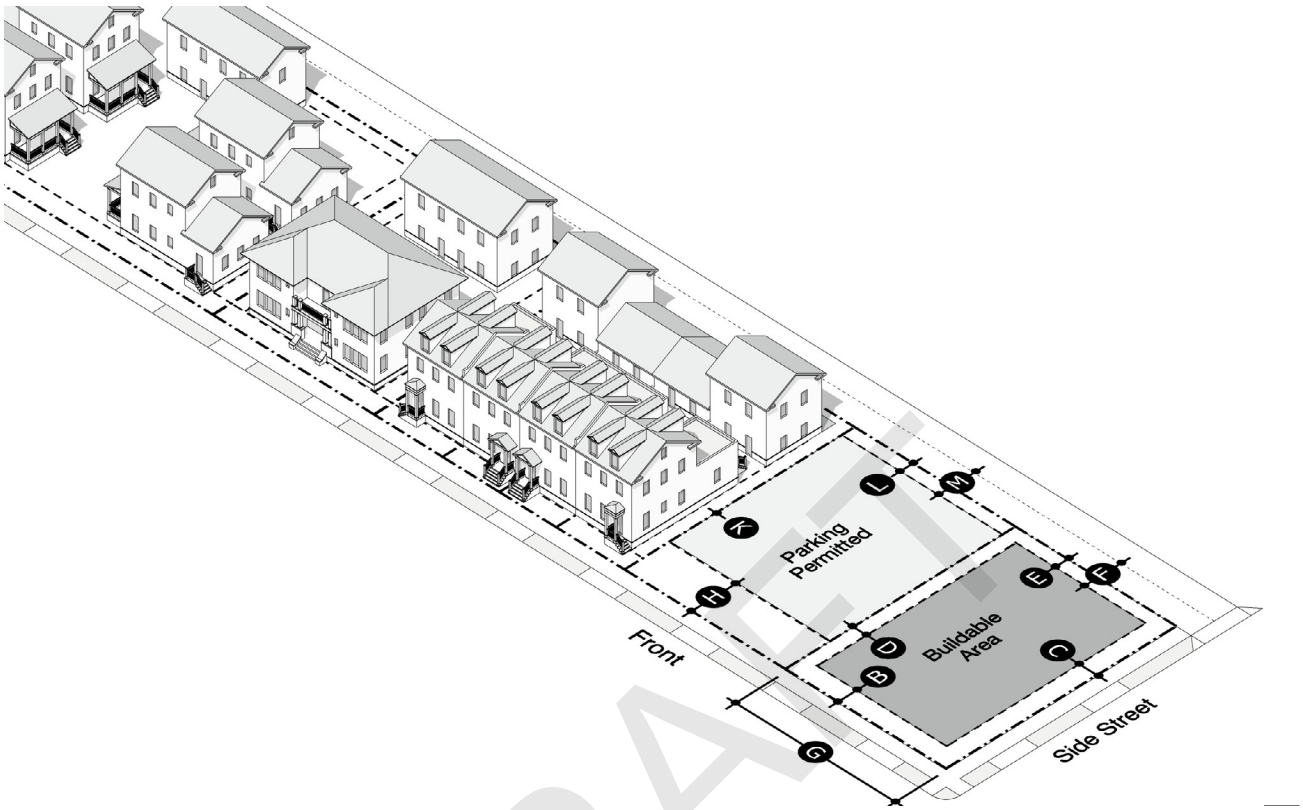
See Sec. 50-406. Use standards

Notes

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

DRAFT

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.

DRAFT

Buildings

Location*

A	Building Footprint	75% max.
B	Front Setback	0 ft. min., 16 ft. max.
C	Side Street Setback	8 ft. min.
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

Height

Buildings	4 stories max. not to exceed 50’
Parking Structures	N/A
Ground Floor Height	N/A

T4 .2: NEIGHBORHOOD NODE

Building Elevations

Required Entries	
Entry Frequency	N/A

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

Required Active Uses

N/A

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
J Side Street Setback	8 ft. min.
K Side Setback	2 ft. min.
L Rear Setback	6 ft. min.
M Alley Setback	15 ft. from the alley centerline

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas	
Impervious Area	90% max.

Uses

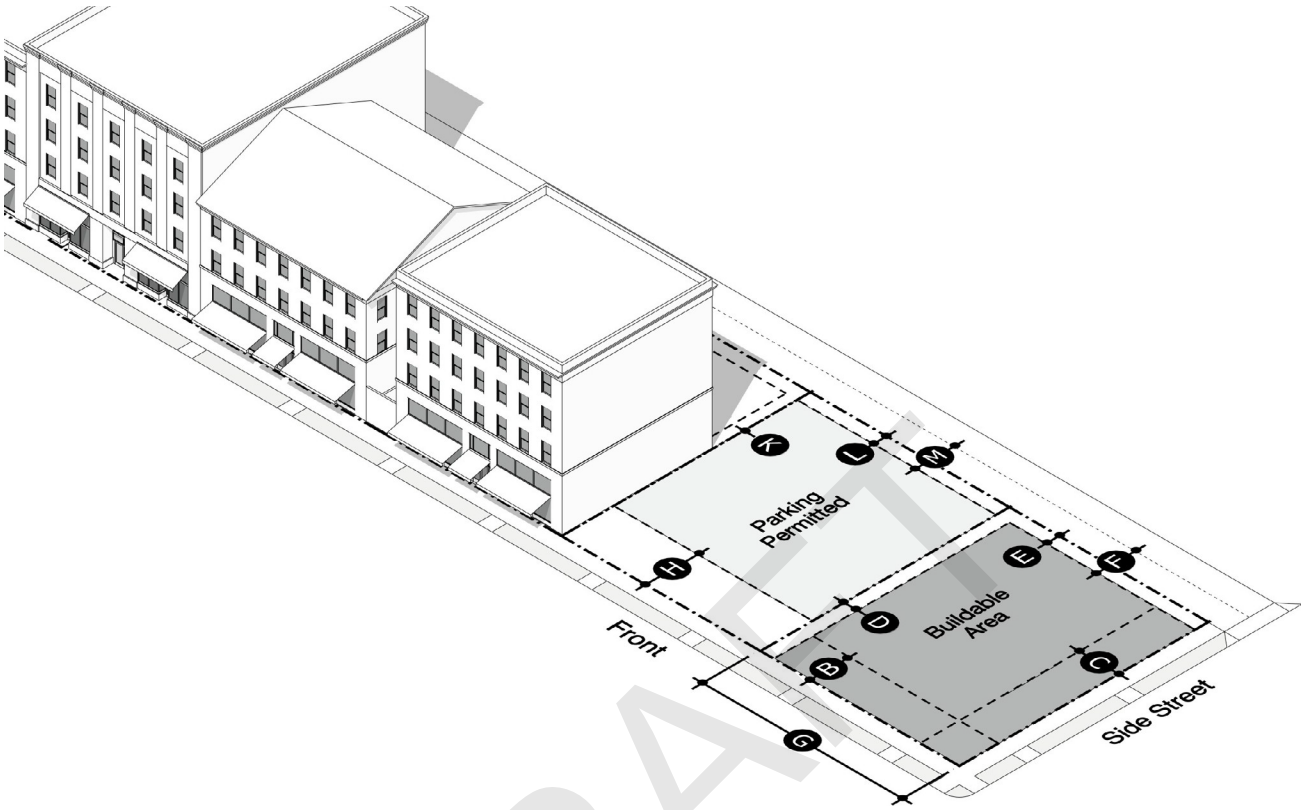
See Sec. 50-406. Use standards

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.

DRAFT

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.

DRAFT

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
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	5 ft. min.
M Alley Setback	0 ft. min.

Uses

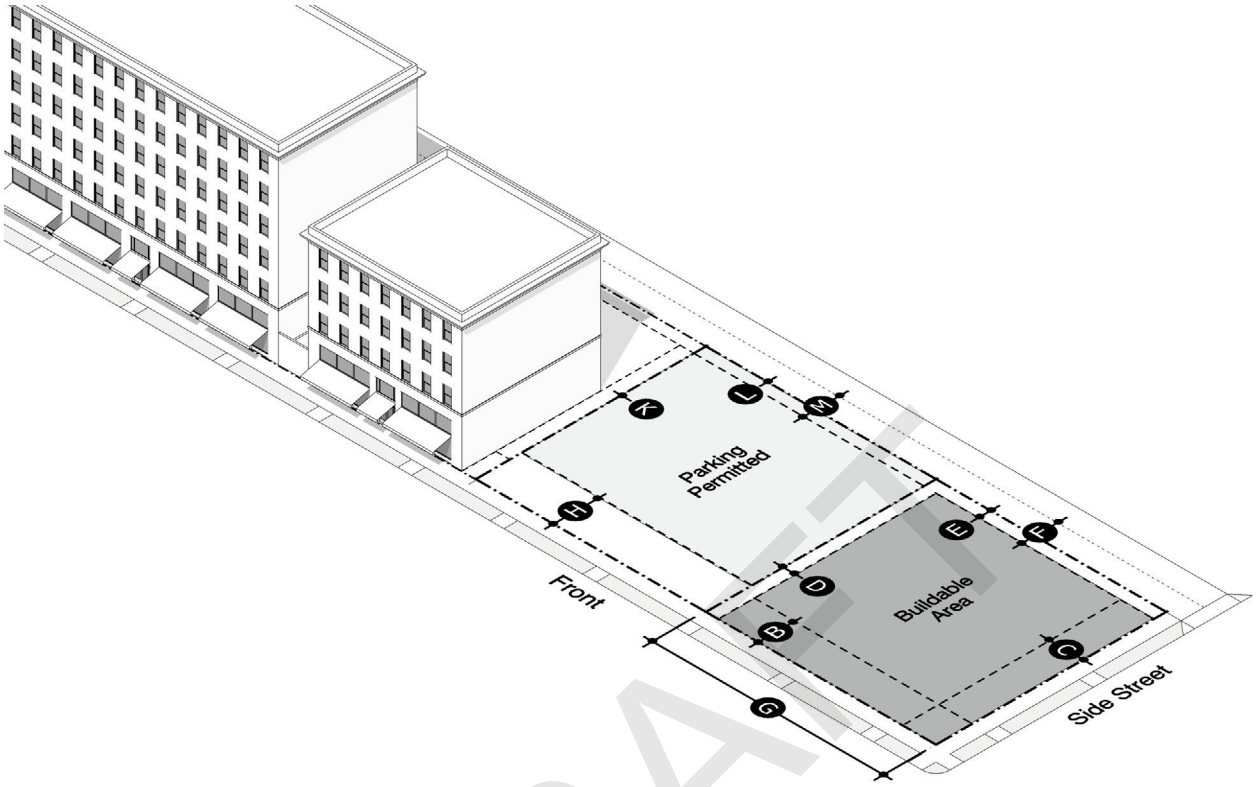
See Sec. 50-406. Use standards

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.

DRAFT

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		

DRAFT

T5.2: TOWN CENTER HIGH

Building Elevations

Required Entries	
Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses

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

Required Active Uses

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

Uses

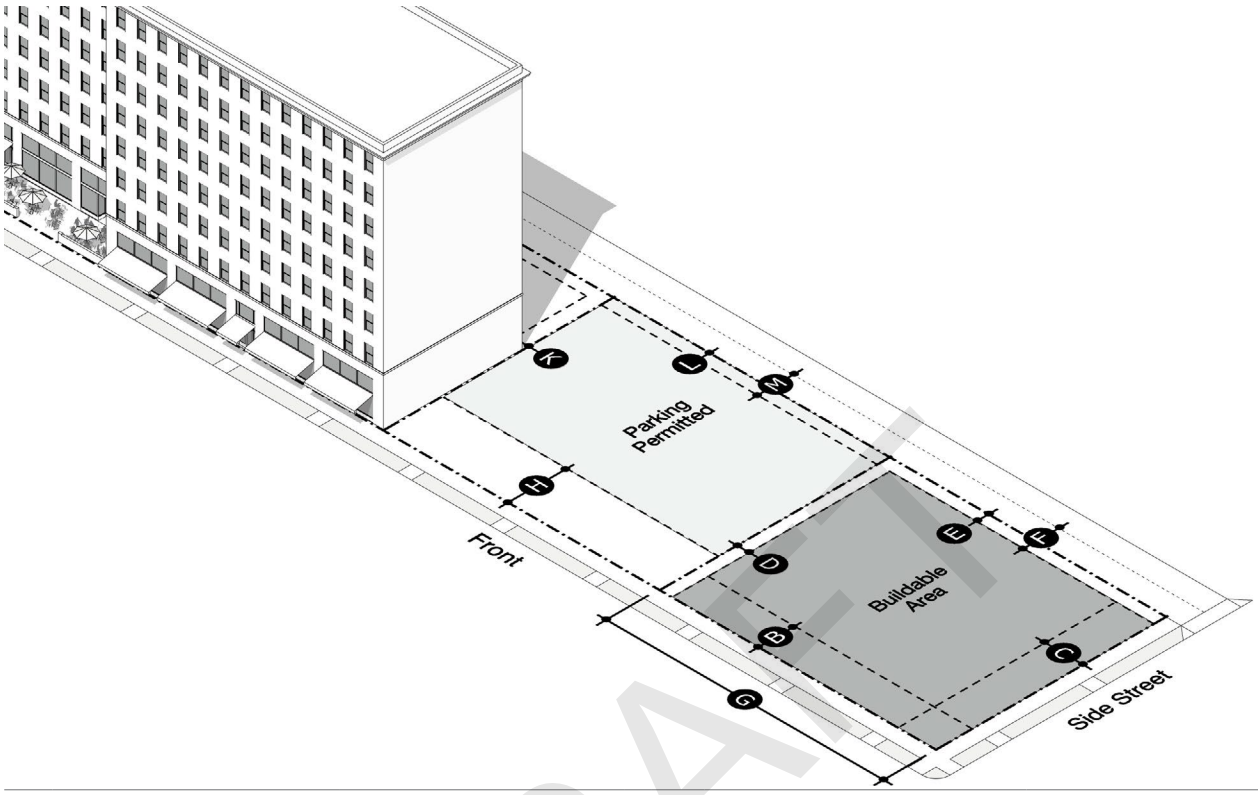
See Sec. 50-406. Use standards

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.

DRAFT

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		

DRAFT

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

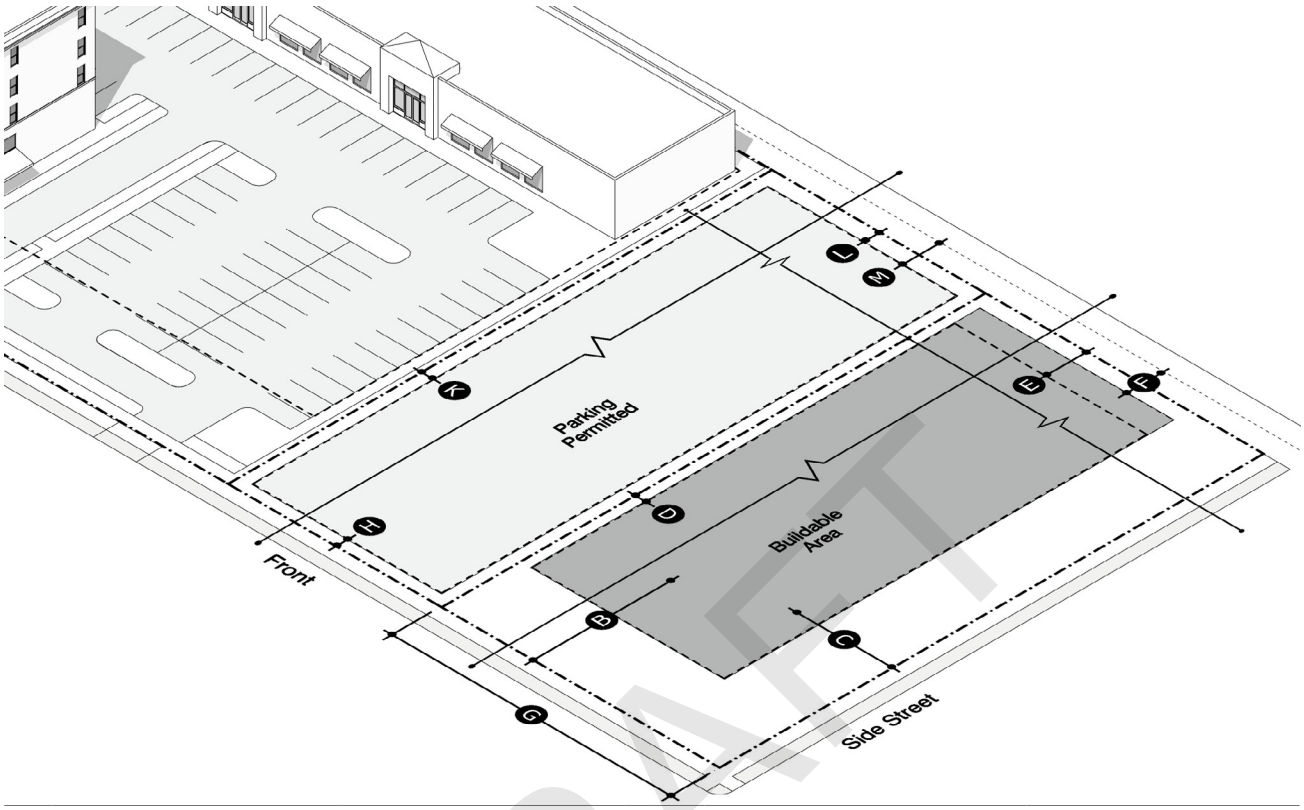
See Sec. 50-406. Use standards

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.

DRAFT

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		

DRAFT

GC: GENERAL COMMERCIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	25% min.
Upper Floor	15% min.

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	50 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

Impervious Areas

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

Parking Location	
H Front Setback	5 ft. min.
J Side Street Setback	12 ft. min./8 ft. min.**
K Side Setback	7 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

Uses

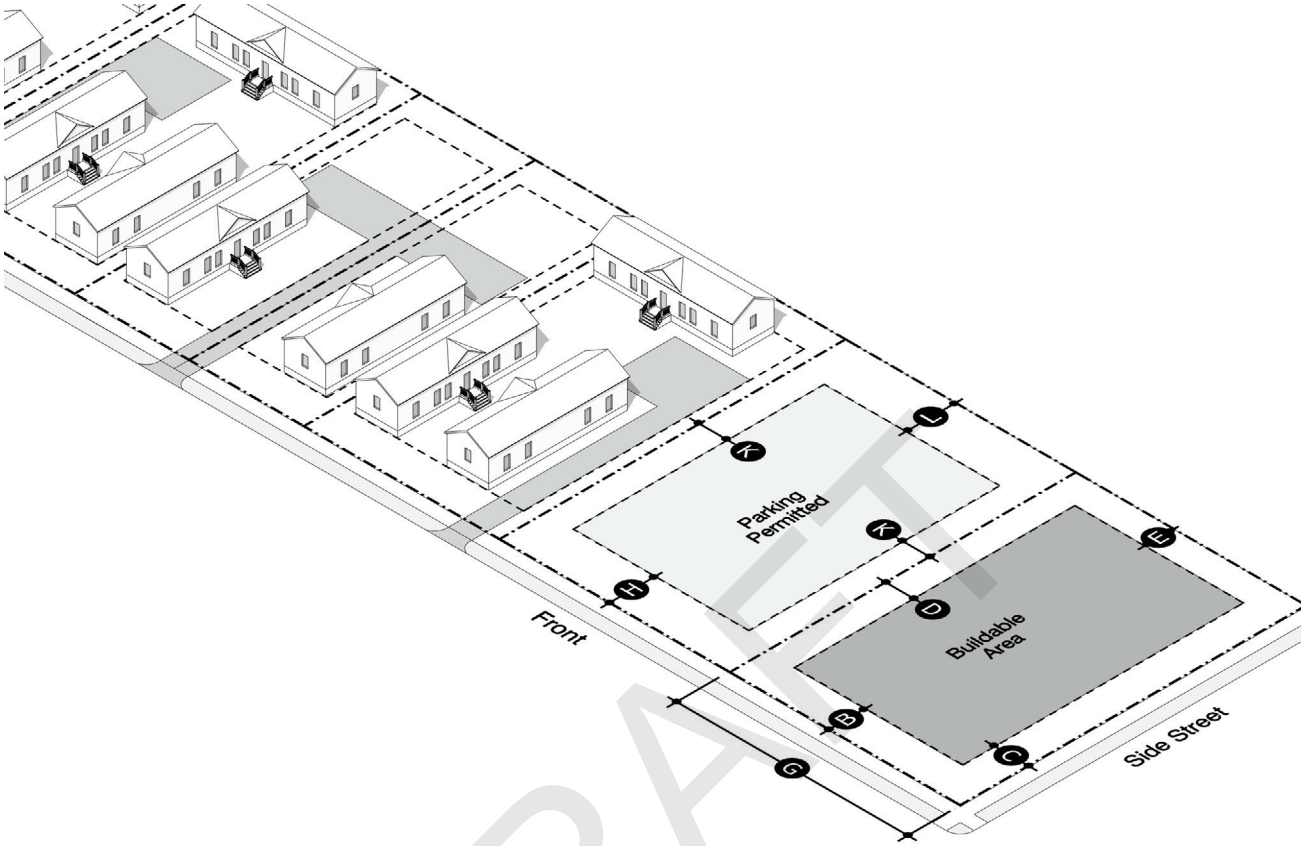
See Sec. 50-406. Use standards

Notes

* Utility easements and fire access standards may increase or otherwise modify setbacks.
* Sec 50-505 Zone Transitions may modify setbacks and heights.
** 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.

DRAFT

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		

DRAFT

MH: MANUFACTURED HOME

Building Elevations

Required Entries		Required Glass	
Entry Frequency	N/A	Ground Floor	10% min.
Required Active Uses		Upper Floor	10% min.
N/A			

Site Design

Lot Size		Parking Location	
G Lot Width	36 ft. min.	H Front Setback	20 ft. min.
Fencing and Walls		J Side Street Setback	16 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	75% max.	M Alley Setback	0 ft. min.

Uses

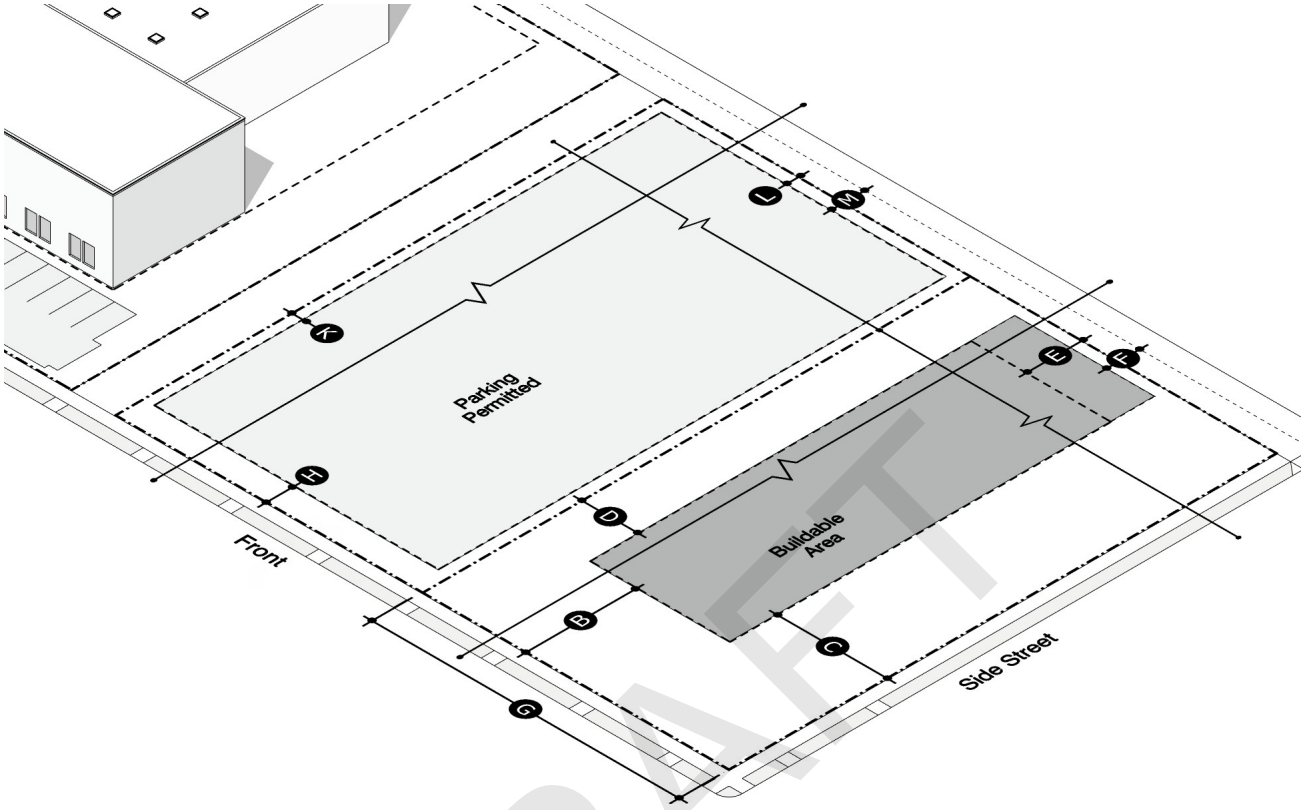
See Sec. 50-406. Use standards

Notes

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

DRAFT

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.

DRAFT

Buildings

Location*		
A	Building Footprint	50% max. / 80% max.**
B	Front Setback	30 ft. min. / 8 ft. min.**
C	Side Street Setback	30 ft. min. / 8 ft. min.**
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

Height	
Buildings	60 ft. max.
Parking Structures	N/A
Ground Floor Height	N/A

LI: LIGHT INDUSTRIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A / 25% min.*
Upper Floor	N/A / 25% min.*

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	50 ft. min.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	30 ft. min. / 8 ft. min.**
K Side Setback	5 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

Fencing and Walls

See Sec. 50-510 (e) Fences and walls

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

Uses

See Sec. 50-406. Use standards

Notes

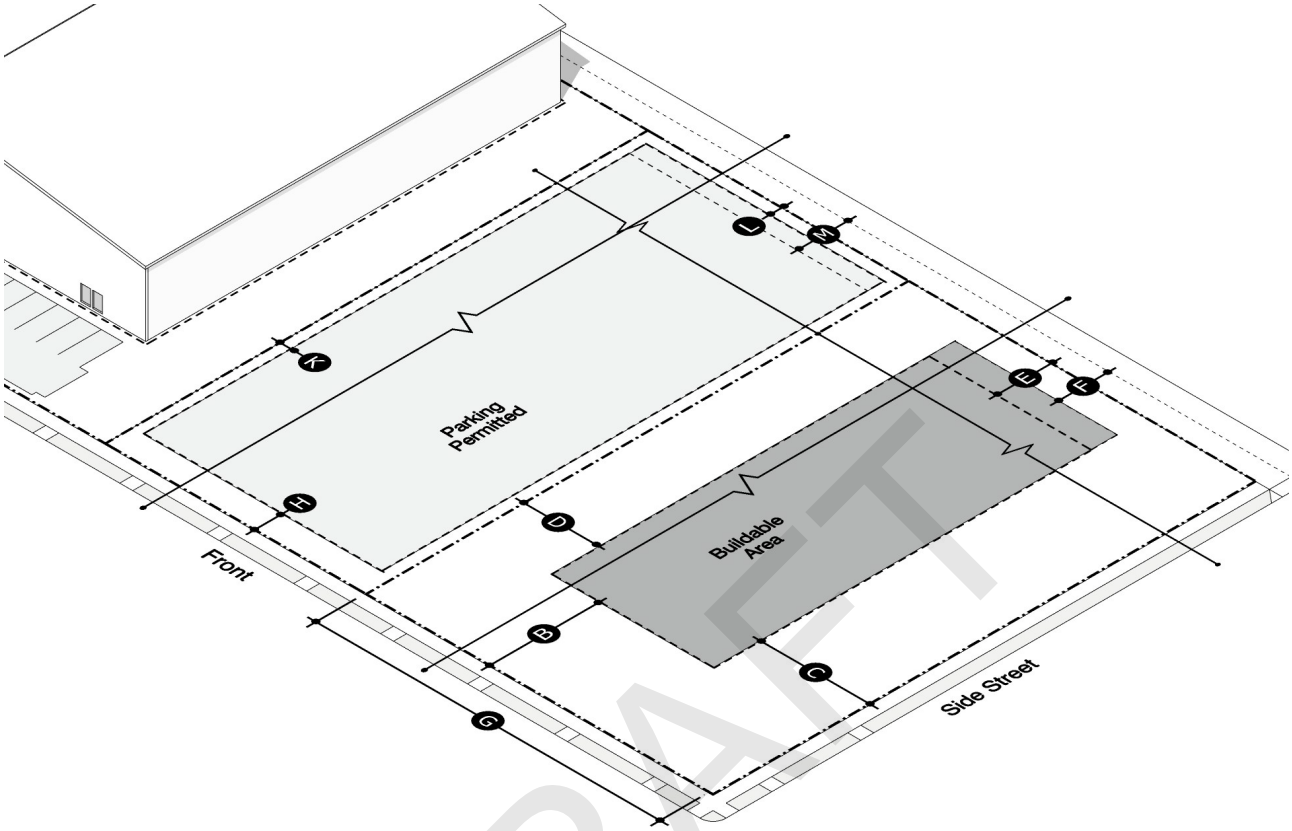
* Utility easements and fire access standards may increase or otherwise modify setbacks.

* 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.

DRAFT

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*		
A	Building Footprint	50% max.
B	Front Setback	30 ft. min.
C	Side Street Setback	30 ft. min.
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

Height	
Buildings	60 ft. max.
Parking Structures	N/A
Ground Floor Height	N/A

DRAFT

LFI: LARGE FORMAT INDUSTRIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Glass	
Ground Floor	N/A
Upper Floor	N/A

Required Active Uses

N/A

Site Design

Lot Size	
G Lot Width	100 ft. min.

Fencing and Walls

See 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	30 ft. min.
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.
* Sec 50-505 Zone Transitions may modify setbacks and heights.

DRAFT

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.

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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

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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 entertainment facility	(c) (19)		■					R	■	■	■		■	■	■
Outdoor entertainment facility	(c) (26)		■							R	R		■	■	■
Industrial (specific use restrictions are listed by this section title, not for each use)															
Electric substation														■	■
Ground transportation 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

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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

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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

a. 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.

b. An ADU may be attached, detached, or interior to the principal dwelling.

c. 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.

d. 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.

e. 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.

f. 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.

g. No portion of the ADU is allowed within any easement.

(3) Adult oriented businesses

a. This subsection applies to adult retail, adult service, adult entertainment, and other sexually oriented business specified in Arkansas Code § 14-1-301 et seq.

b. Adult oriented businesses must be separated from protected uses at least:

1. 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. 2,500 feet from another adult oriented business.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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(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.

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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.

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(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.

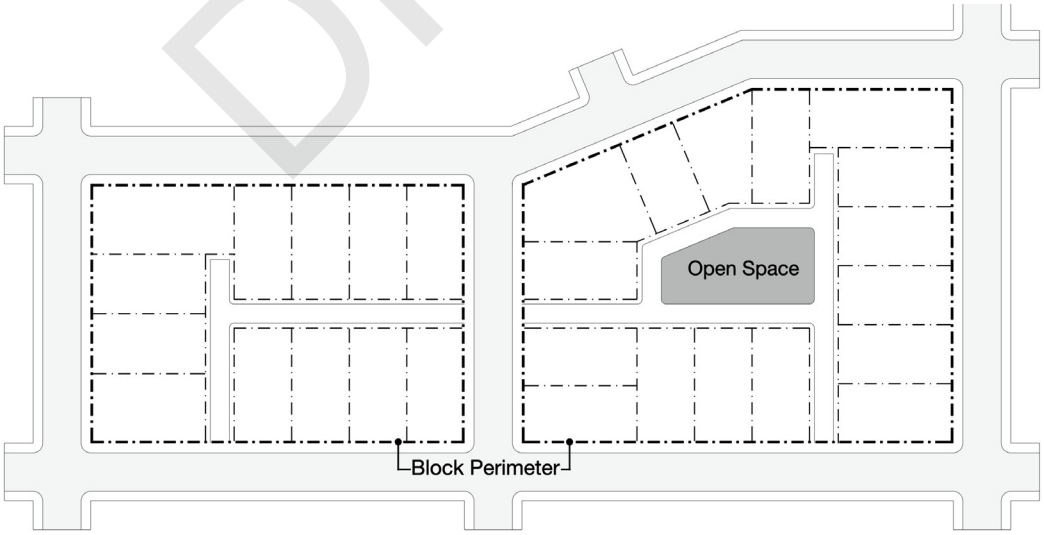
d. Mid-block trails must meet the design standards in Sec. 50-604. Trails and bikeways. The minimum width of the easement, tract, or right-of-way may be reduced if adherence to other design standards is demonstrated.

(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

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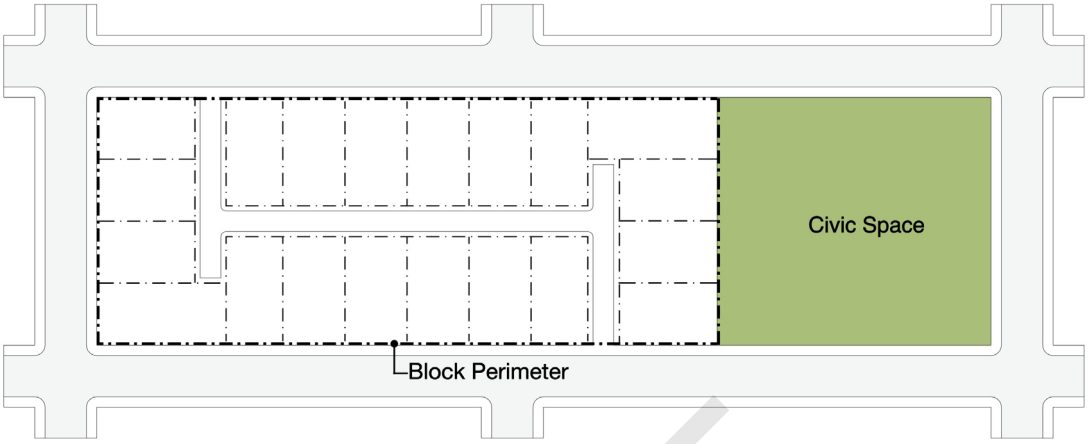
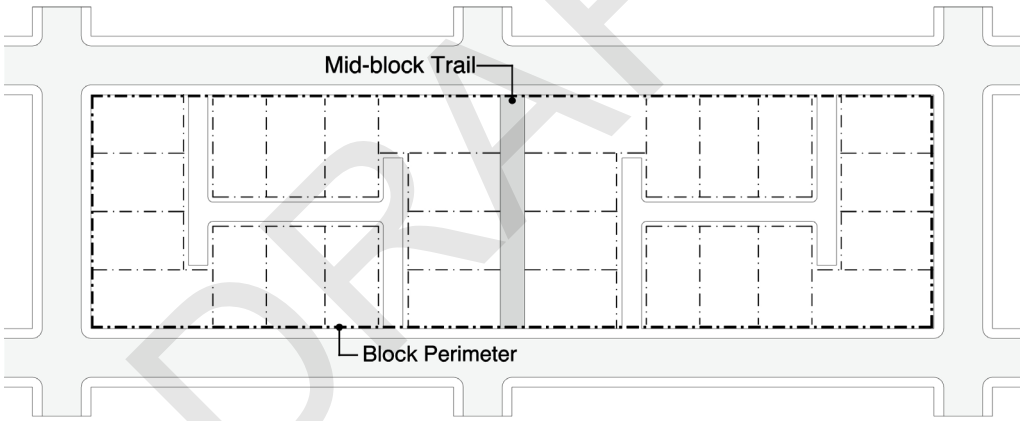
FIGURE 5.1 BLOCK SIZE

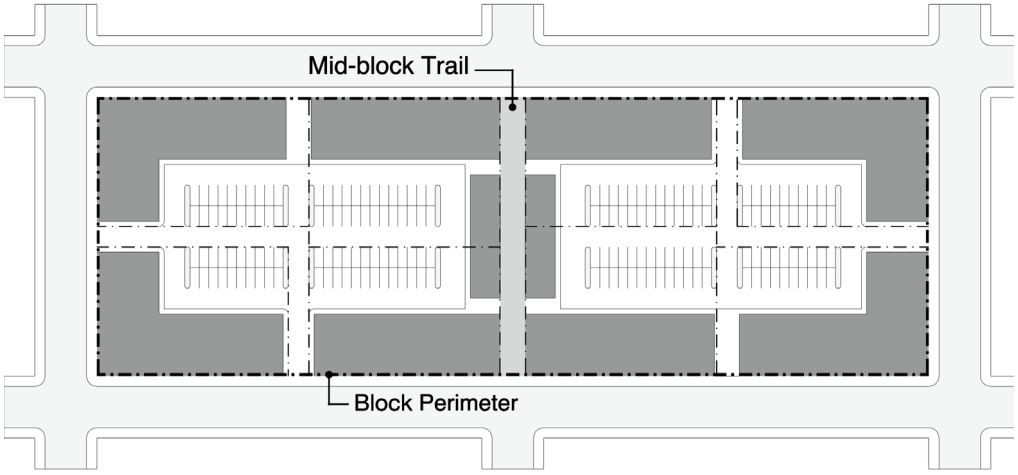


Block Size: Blocks Including Civic Space

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.

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(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 ether 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.

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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;

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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.

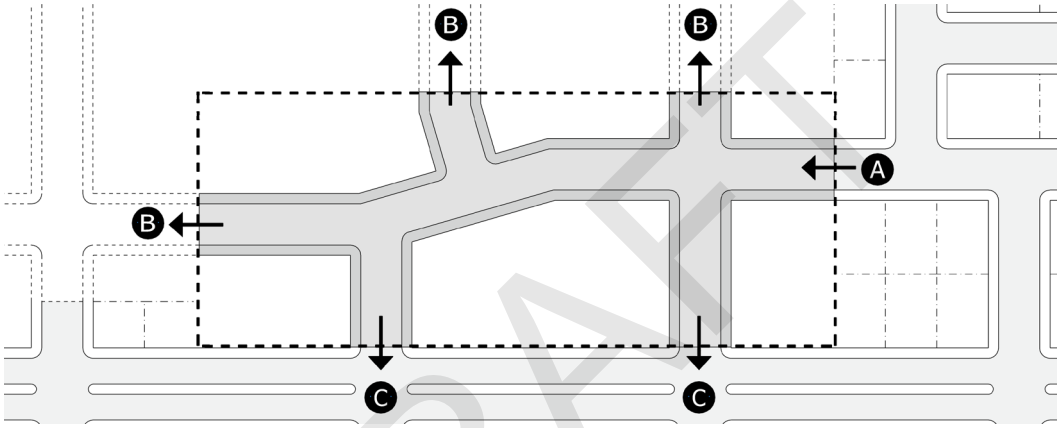
d. Trails can make up no more than 50% of the required external connections.

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

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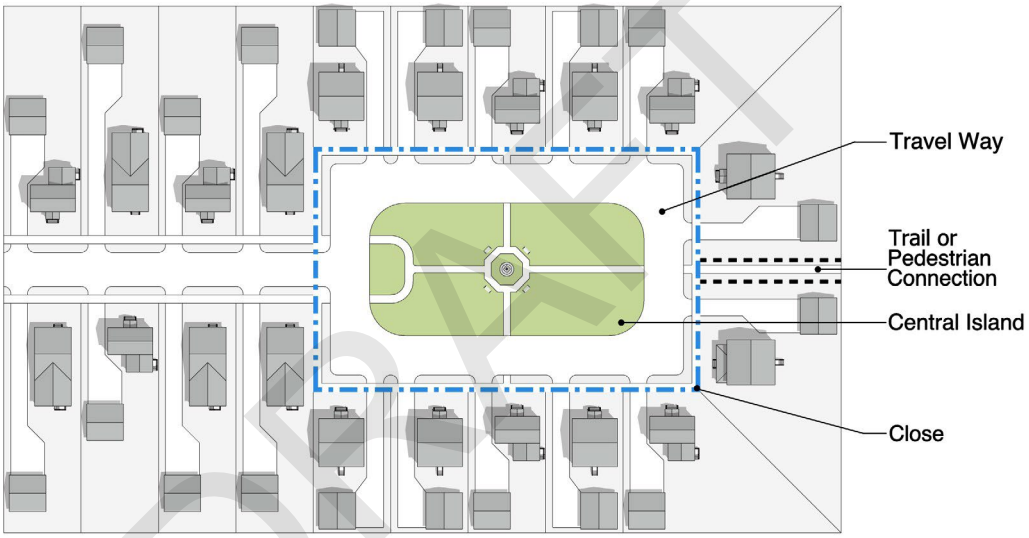
4. A trail or pedestrian walkway that continues the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.
5. A close may provide civic space in alignment with Table 5.7 Pocket Park requirements.

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



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(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

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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.

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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

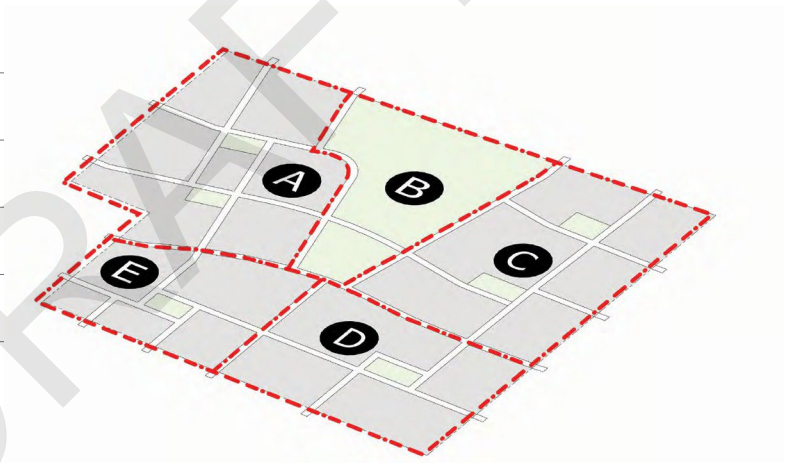
A Site A (Requires 2 civic spaces)

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.

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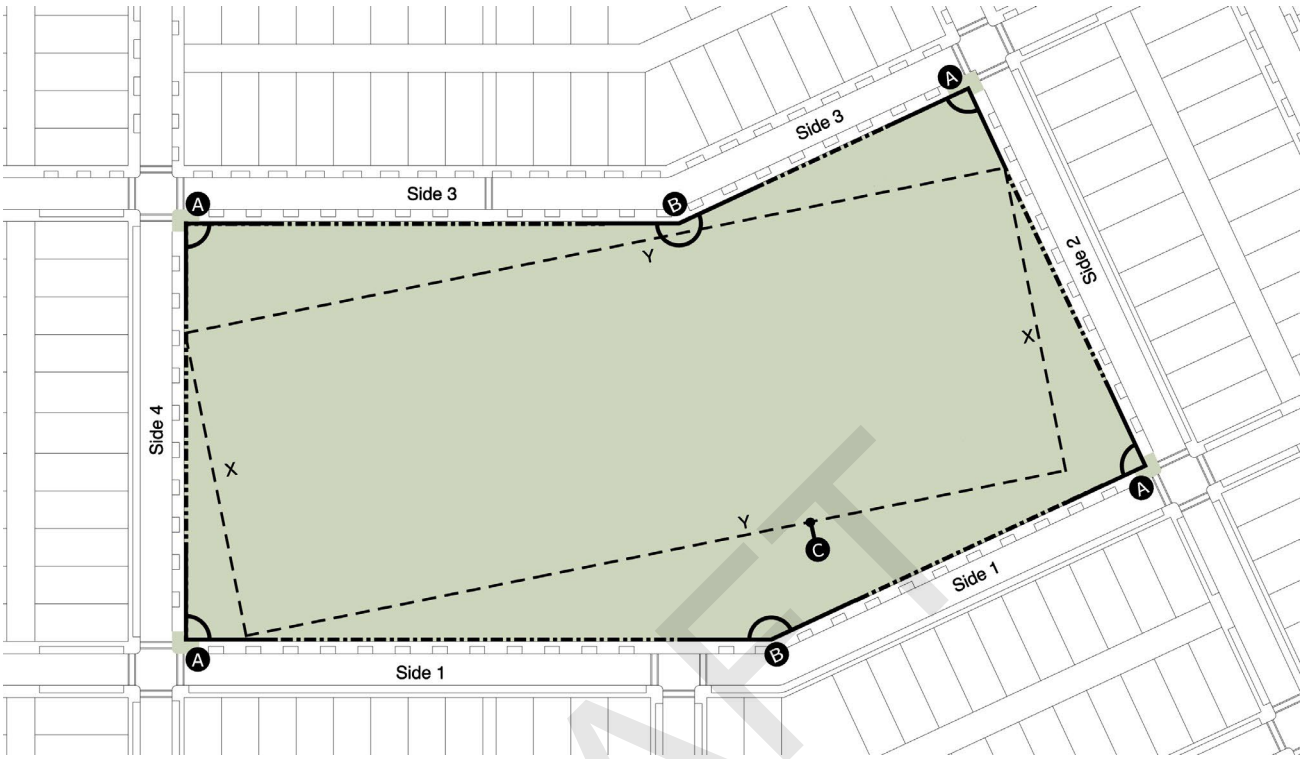
FIGURE 5.6 IRREGULAR CIVIC SPACE SIDES AND PROPORTION



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		

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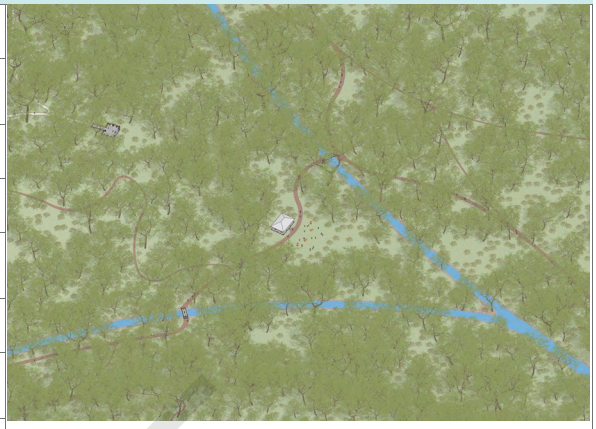
TABLE 5.7 CIVIC SPACE TYPES

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.

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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.

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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:

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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.

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(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 minium 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

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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;

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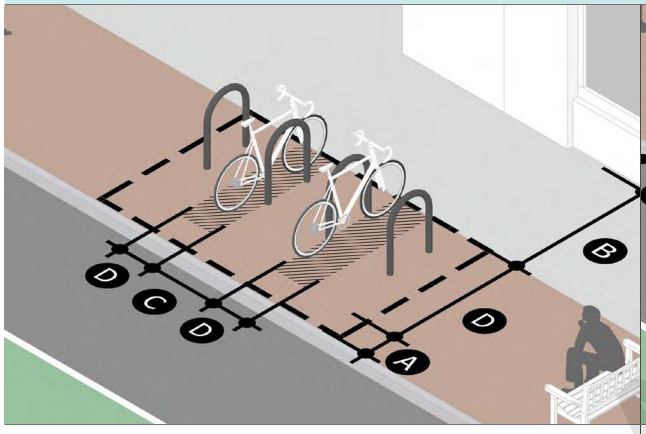
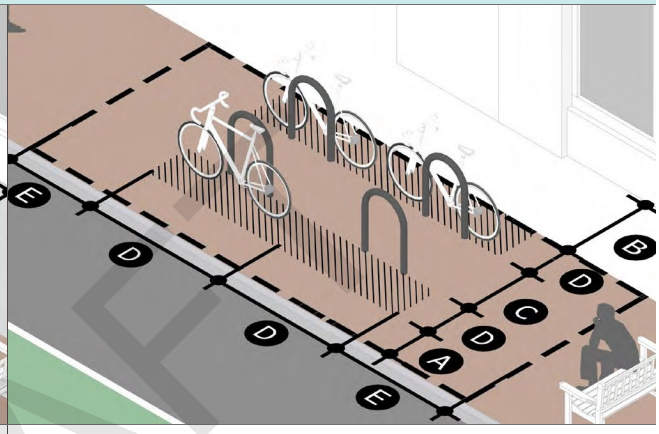
iii. Must support a bicycle frame at 2 points above the wheel hubs to allow the frame and at least 1 wheel of the bicycle to be locked to the rack without lifting the bicycle onto the device;

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

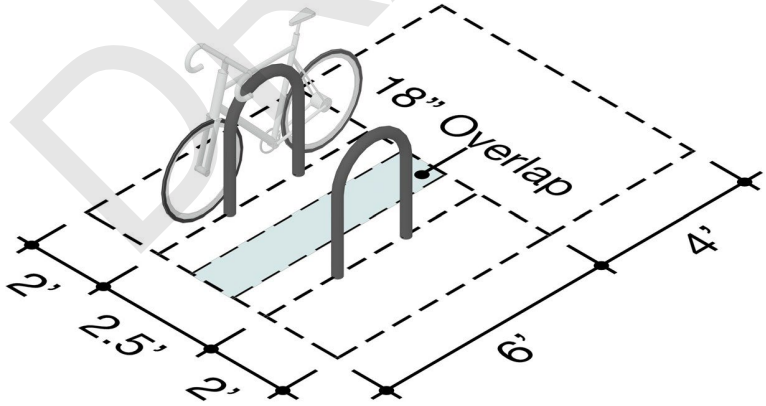


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TABLE 5 .9 REQUIRED BICYCLE PARKING

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.	

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(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.

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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		
		Local	Collector	Arterial
Street The Driveway Connects To	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.

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(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.

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(5) Drive-throughs

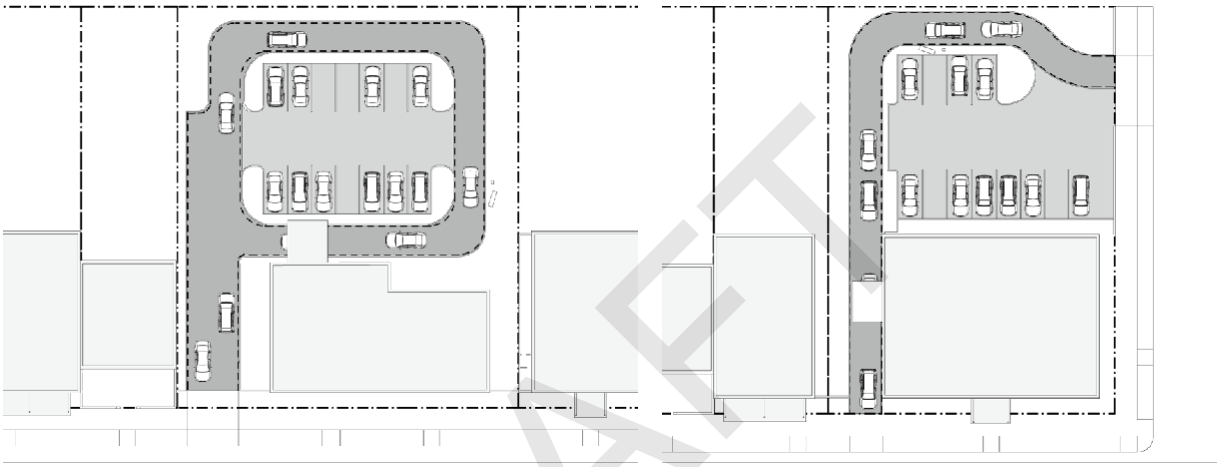
a. Drive-throughs are only allowed for commercial uses in T5, GC, LI, and LFI.

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



Example of a compliant mid-block drive-through

Example of a compliant corner drive-through

(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.

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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		4	Lesser of 4 or 25% occupancy	3		4 or 25% of maximum occupancy			
Religious assembly										
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.

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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

a. The required number of car parking spaces may be reduced in several ways. These reductions can be combined when more than one applies.

b. State-licensed assisted living and senior independent living facilities parking requirements are reduced by 50%.

c. Sites near the Northwest Arkansas Razorback Greenway or the loop trail described in the Connecting Bentonville Master Plan may reduce parking based on distance:

1. ⅛ of a mile: Parking requirements are reduced by 20%; and
2. ¼ of a mile: Parking requirements are reduced by 10%.

d. Sites near a 15-minute cycle time transit stop may reduce parking based on distance:

1. ⅛ of a mile: No parking is required;
2. ¼ of a mile: Parking requirements are reduced by 50%; and
3. ½ of a mile: Parking requirements are reduced by 25%.

e. 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.

f. 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.

g. Parking requirements may be reduced when two or more uses share the same parking area:

1. The shared parking must serve uses on the same site or in the same shared facility;
2. Shared parking must follow the Urban Land Institute's Shared Parking Handbook which accounts for different peak hours of use; and

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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 be 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

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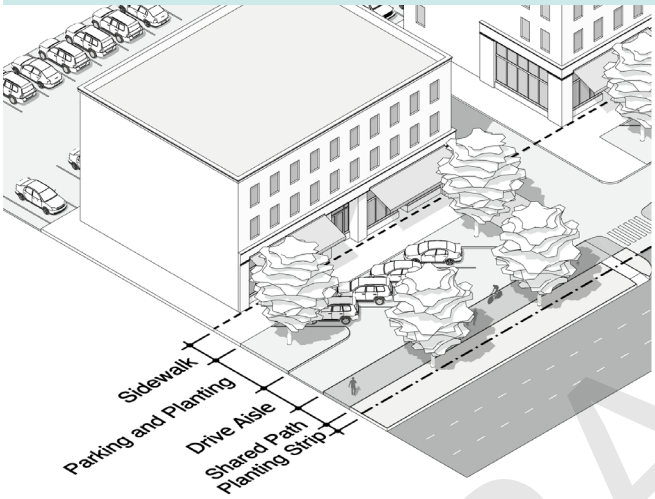
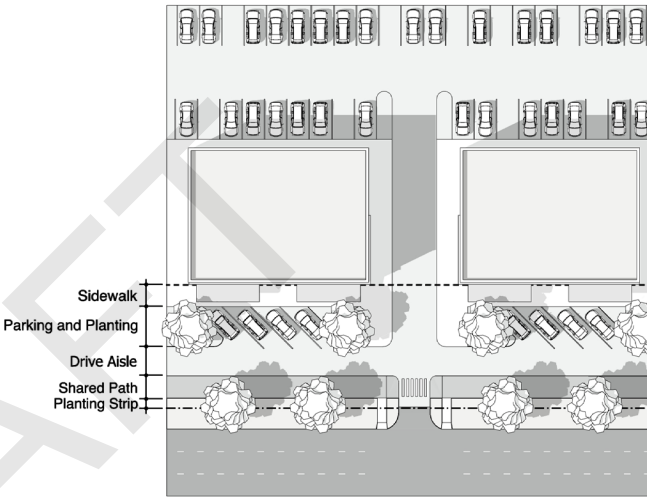
iv. A border with a planting strip and sidewalk, following Sec. 50-602. Street design. Planting may be placed between angled parking instead of in a separate strip.

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.

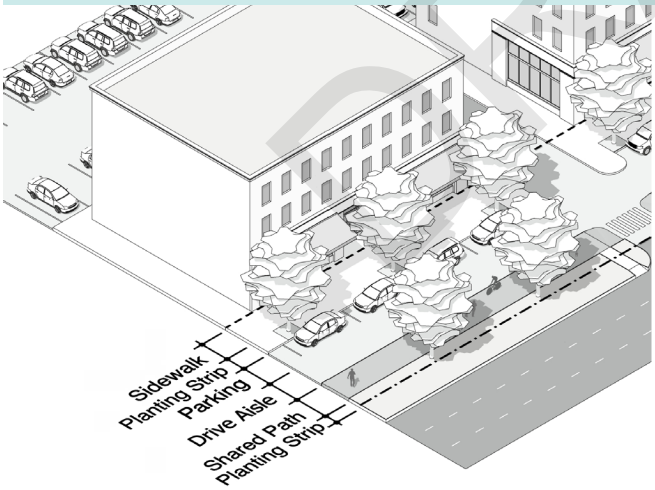
FIGURE 5.17 FRONT PARKING LANE LAYOUT

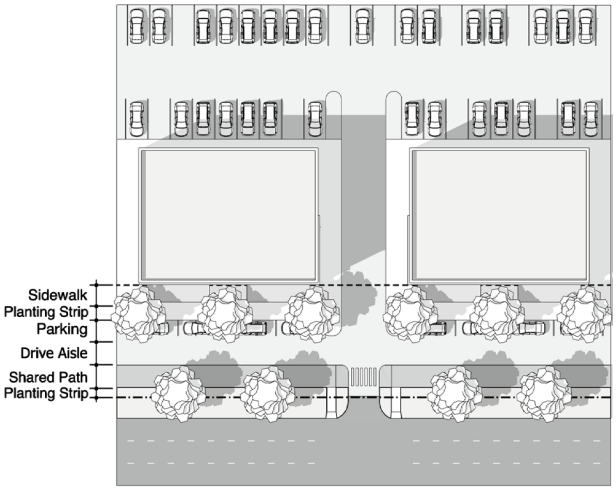
Front parking lane with angled parking





Front parking lane with parallel parking





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(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.

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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. Ground cover and continuous hedge, at least 6 ft. high at maturity	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		
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

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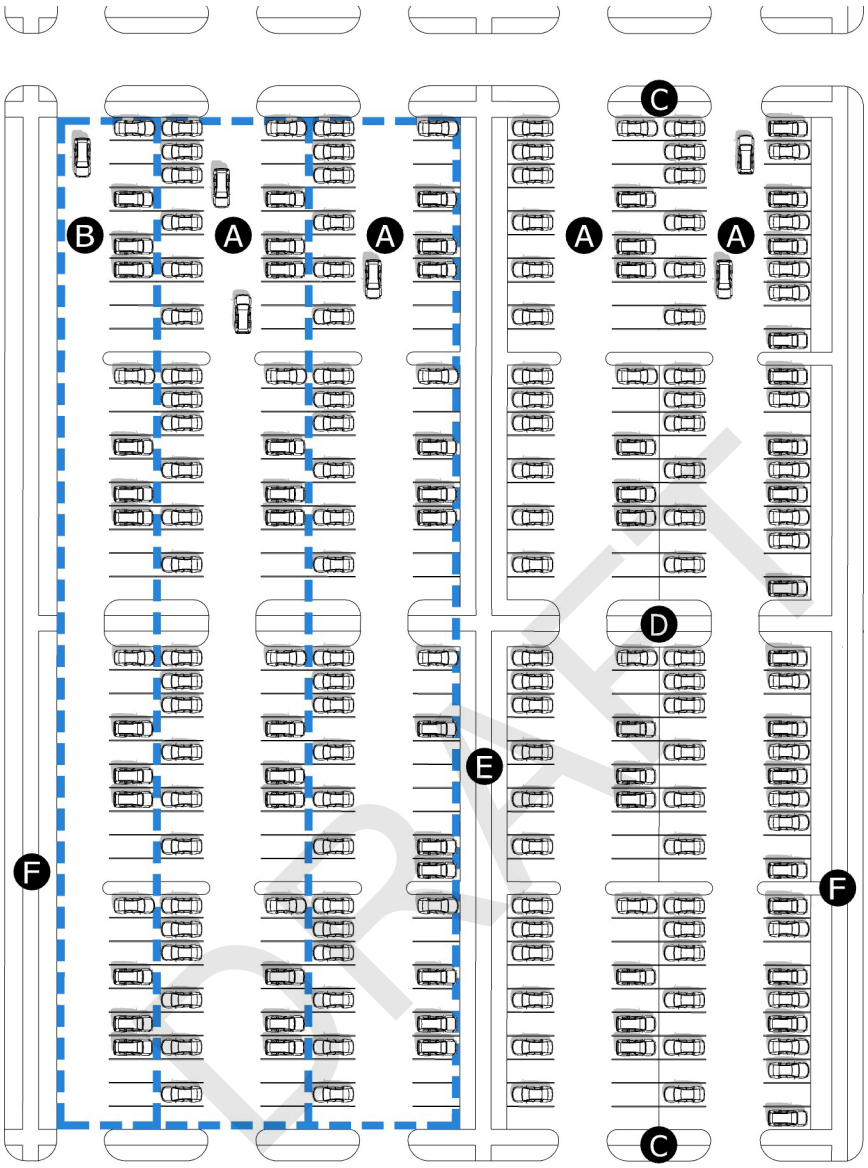
FIGURE 5.20 ILLUSTRATED WALKWAYS AND PLANTING IN PARKING LOTS



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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.

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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:

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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.

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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.

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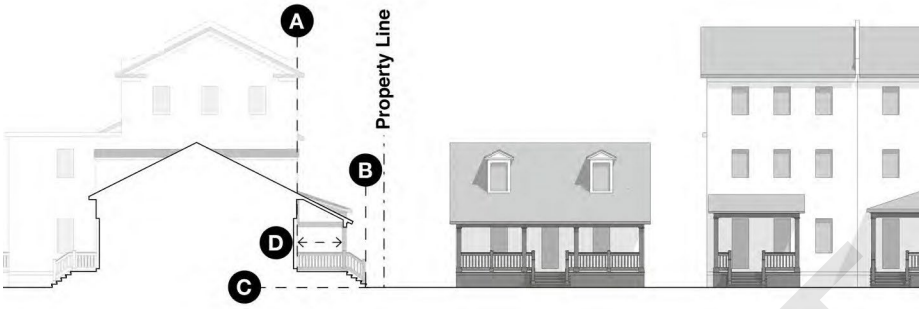
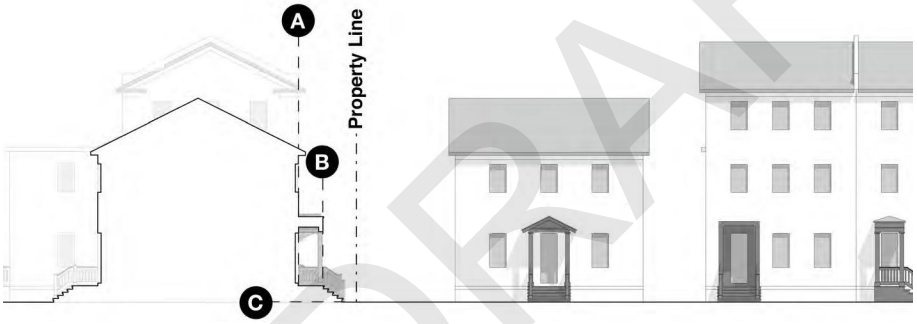
TABLE 5.21 ENCROACHMENT EXAMPLES

Porch Encroachment into the Front Setback



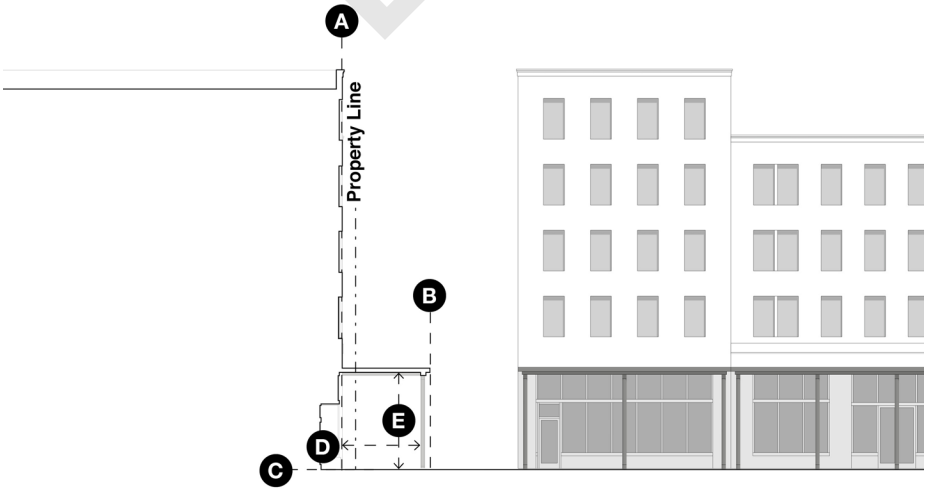
- A Minimum setback
- B Encroachment of porch
- C Sidewalk grade
- D Minimum depth required for porches that encroach into a setback.

Stoop Encroachment into the Front Setback



- A Minimum setback
- B Encroachment of stoop
- C Sidewalk grade

Gallery Encroachment into the Right-of-Way



- A Building setback, within the build-to area
- B Gallery encroachment into the right-of-way
- C Sidewalk grade
- D Minimum gallery depth
- E Minimum clearance above sidewalks

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(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.

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(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;

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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.

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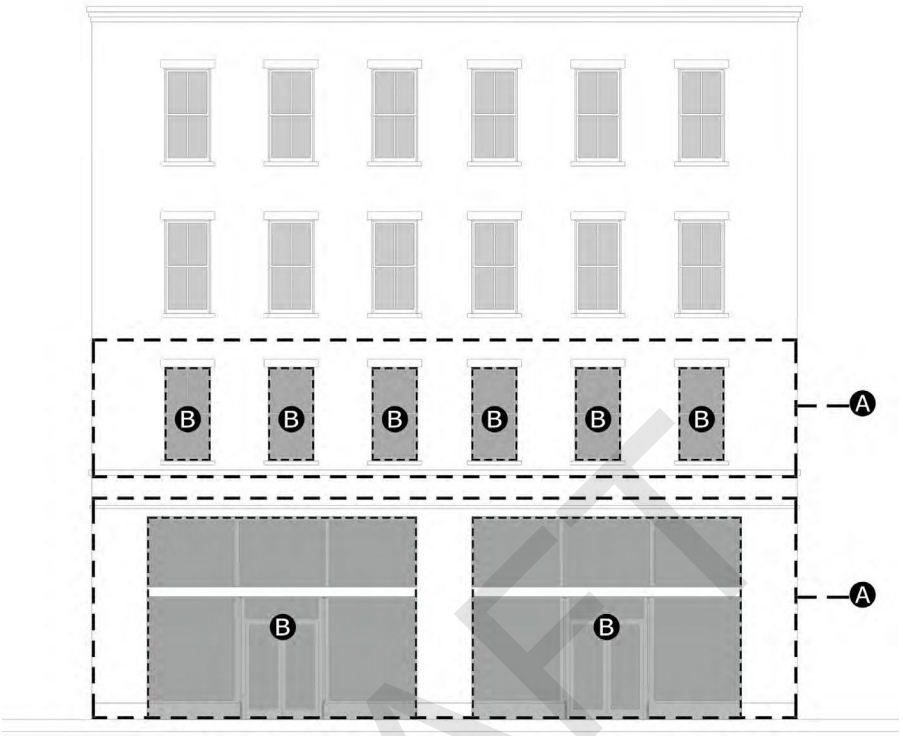
FIGURE 5.22 GLASS AREA CALCULATIONS



A	Area of elevation
B	Area of glass

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

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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

<table>
<tr><th></th><th colspan="3">Subject Lot</th></tr>
<tr><th>Abutting Lot</th><th>T5.1, GC</th><th>T5.2</th><th>T6</th></tr>
<tr><td>R-1</td><td colspan="2">Limited to R-1 maximum height within 50 feet</td><td rowspan="3">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.</td></tr>
<tr><td>T3</td><td rowspan="2">No limitation</td><td rowspan="2">Limited to the maximum height of the abutting lot plus 1 story, not to exceed 15 additional feet, within 50 feet</td></tr>
<tr><td>T4</td></tr>
</table>

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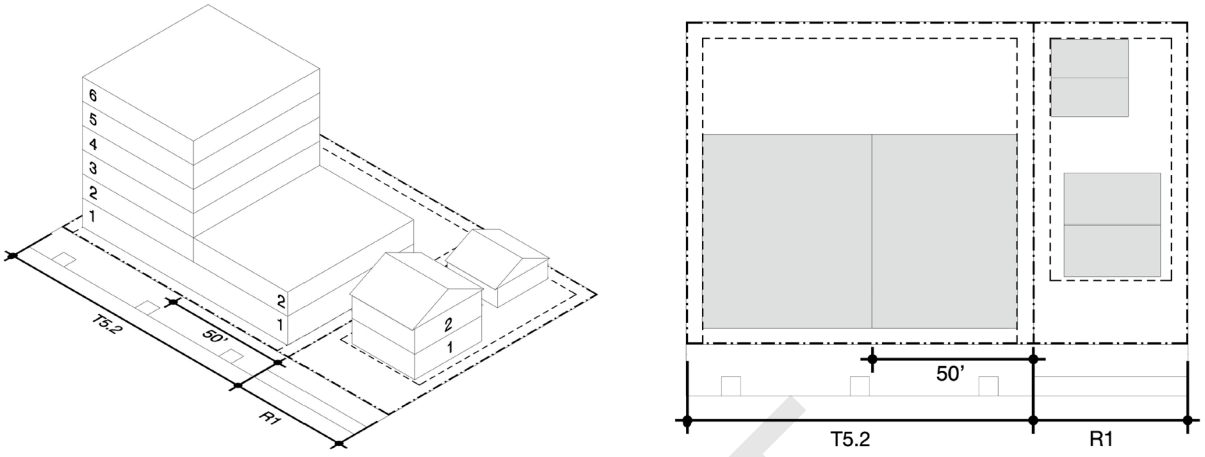
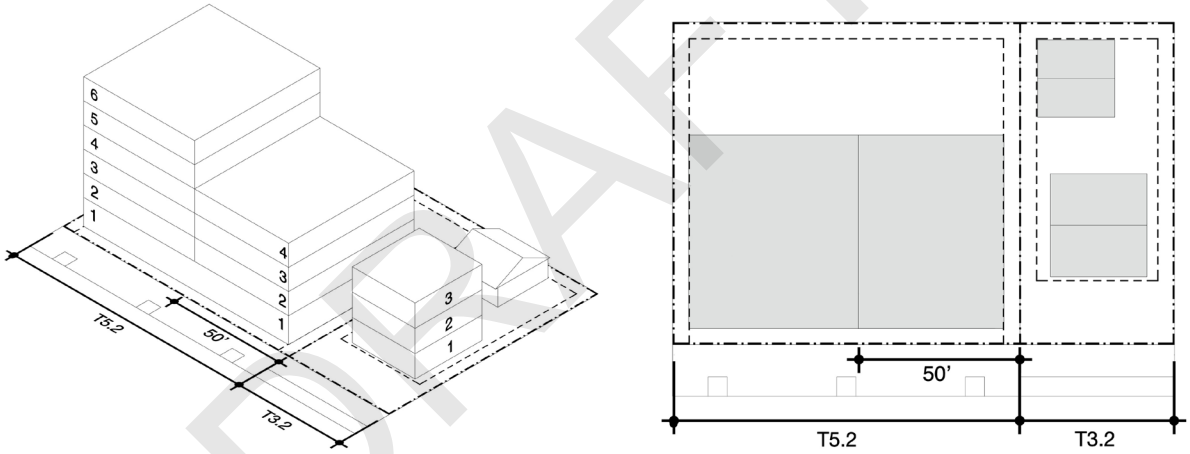
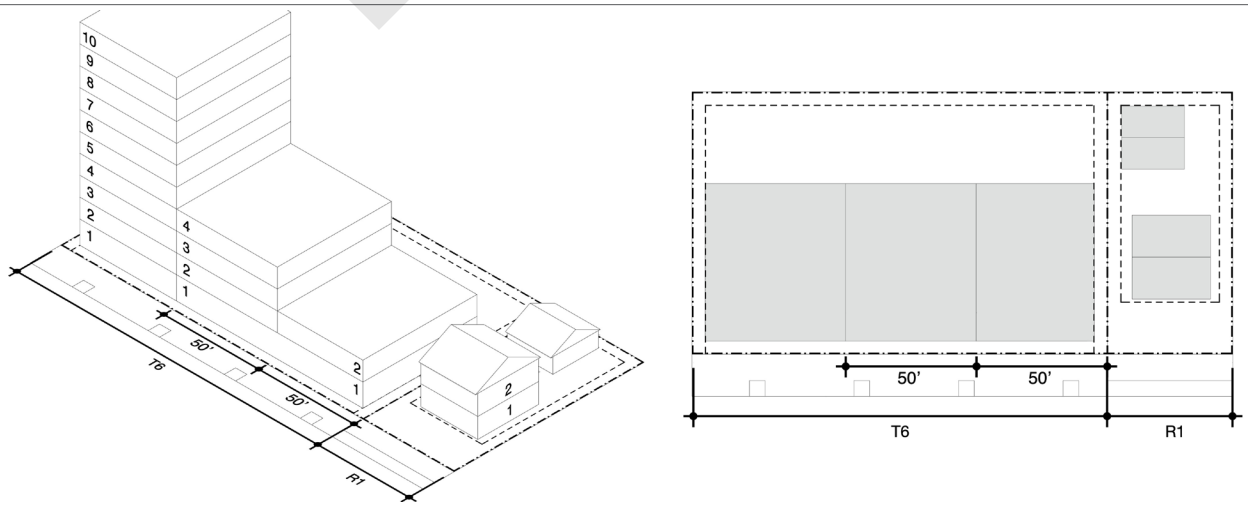
FIGURE 5.24 HEIGHT TRANSITION EXAMPLES



Example of T5.2 abutting R-1



Example of T5.2 abutting T3



Example of T6 abutting R-1

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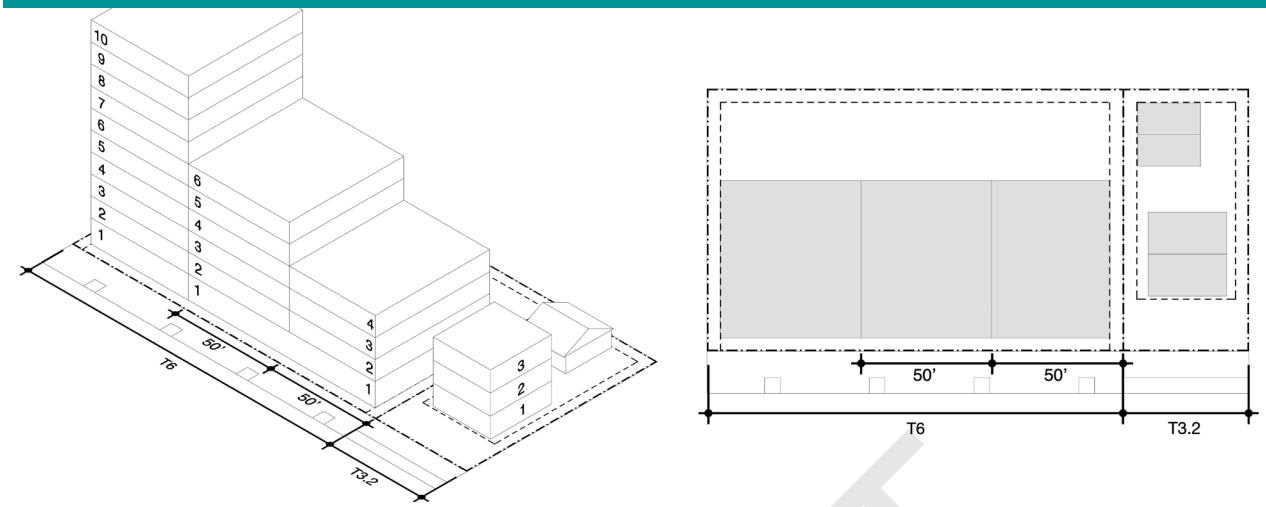
FIGURE 5.24 HEIGHT TRANSITION EXAMPLES



Example of T6 abutting T3

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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.

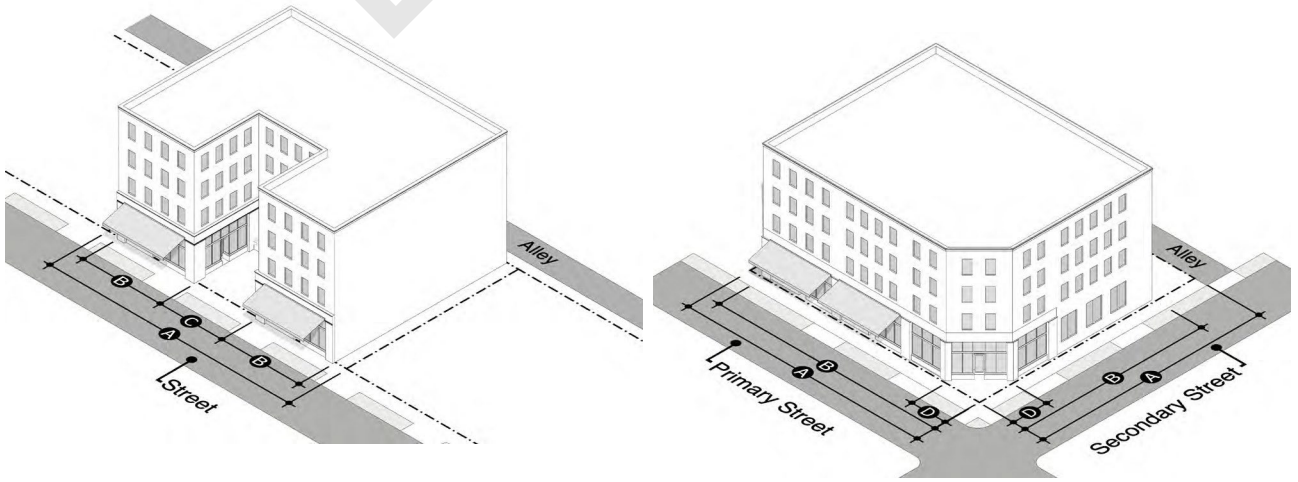
c. All other zoning districts heights shall be per Table 4.1 Zone Standards.

(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
B Facade build-out
C Forecourt width does not contribute to 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.

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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.

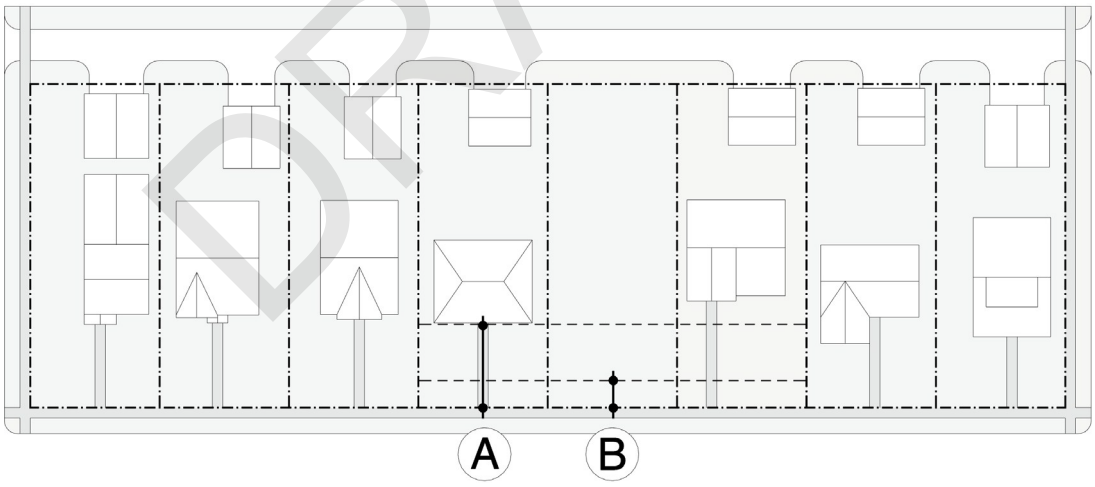
b. Building height is limited to the lower of:

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. Rezonings 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

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(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 avigation 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.

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(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.

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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 avigation 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.

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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.

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(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.

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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.

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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.

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(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 contains 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 appliqués must be individual letters or images, without solid backgrounds, not exceeding 40% of the window area.

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(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.

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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.

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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.

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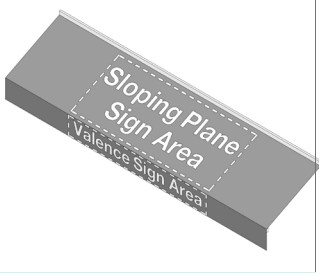
TABLE 5.27 SIGN STANDARDS

Permanent Signs

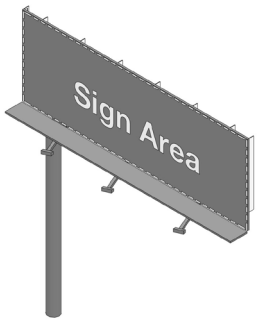
Awning

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	



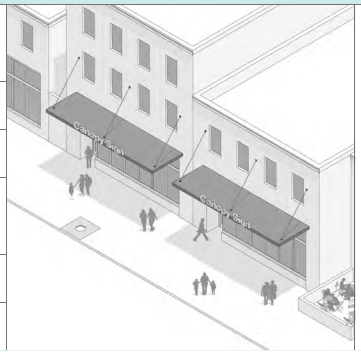
Billboard

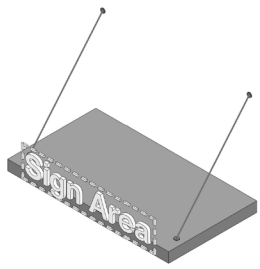
Zoning District	Restricted in: T6, GC, I
Height (max.)	45 ft.
Number (max.)	See (3) Billboards
Area (max.)	480 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(3)



Canopy

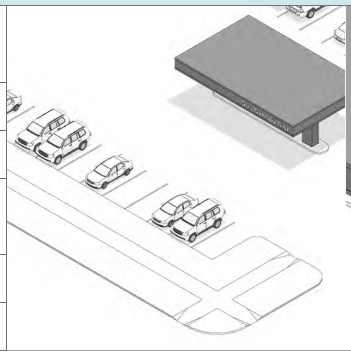
Zoning District	T5, T6, GC, I
Height (max.)	N/A
Number (max.)	1 per entry
Area (max.)	2 sq. ft. per linear ft. and 12 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	





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	



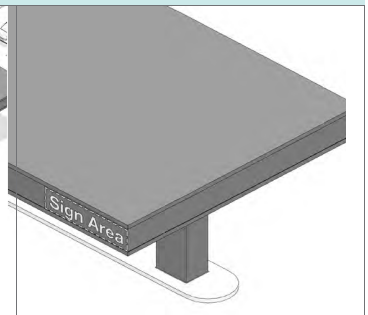


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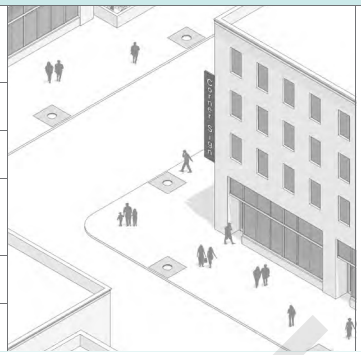
TABLE 5.27 SIGN STANDARDS

Permanent Signs

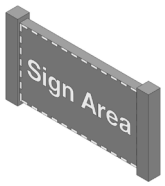
Corner

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)



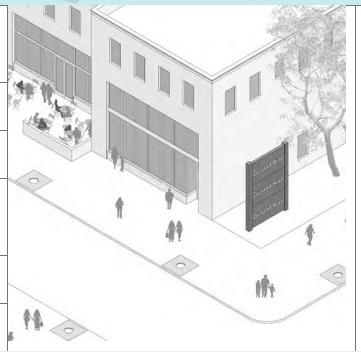
Ground – single tenant

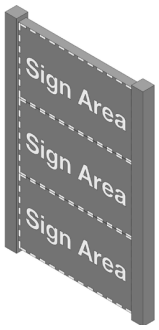
Zoning District	T5, T6, GC, I Restricted in: T2, R1, T3, T4
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	60 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)



Ground – multi-tenant

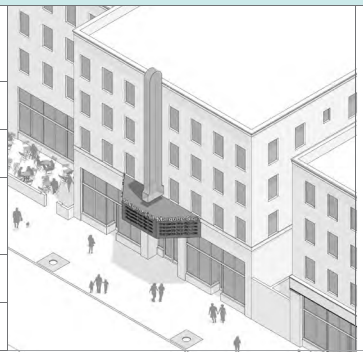
Zoning District	T5, T6, GC, I
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	120 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)





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)



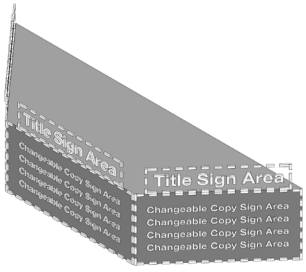


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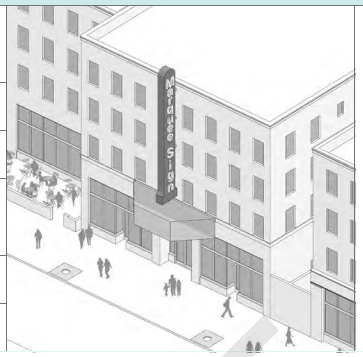
TABLE 5 .27 SIGN STANDARDS

Permanent Signs

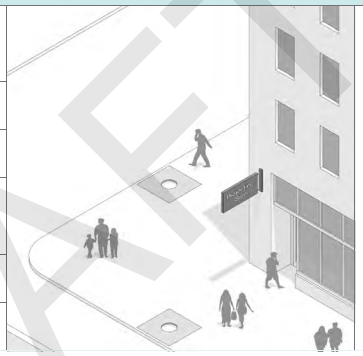
Marquee (vertical)

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)



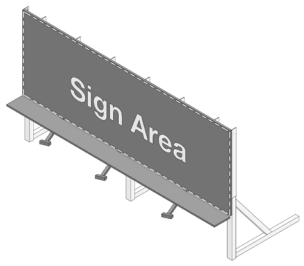
Projecting

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)

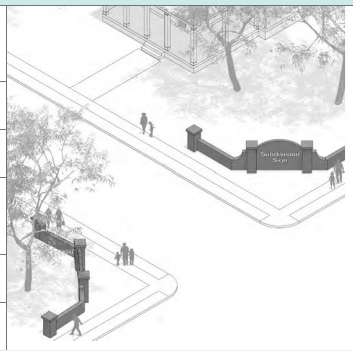


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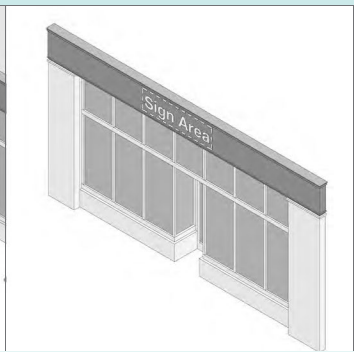
TABLE 5.27 SIGN STANDARDS

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)

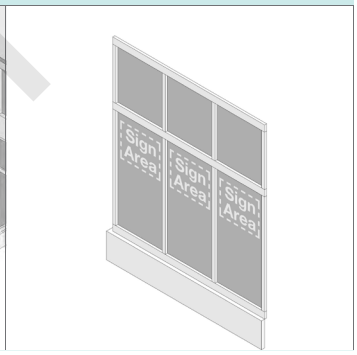


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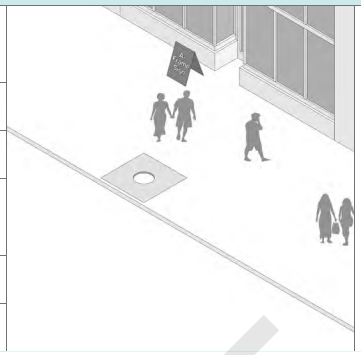
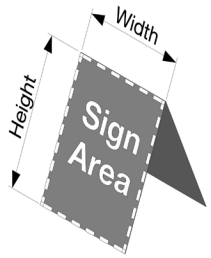
TABLE 5.27 SIGN STANDARDS

Temporary Signs

A-frame

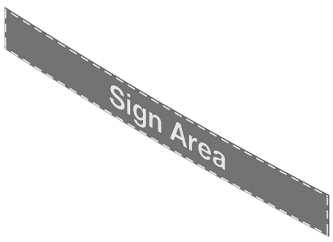
Zoning District	T4, T5, T6,
Height (max.)	42 in.
Number (max.)	1 per ground floor tenant
Area (max.)	30 in. wide and 42 in. high
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(3)





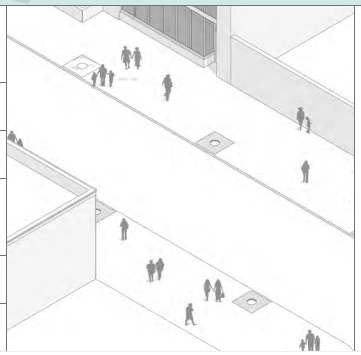
Banner

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)



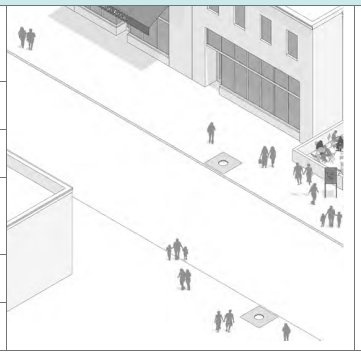
Construction

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)



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(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 residentialy 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.

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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

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(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.

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(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.

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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.

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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-mounted 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	

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(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	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	

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(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

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(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.

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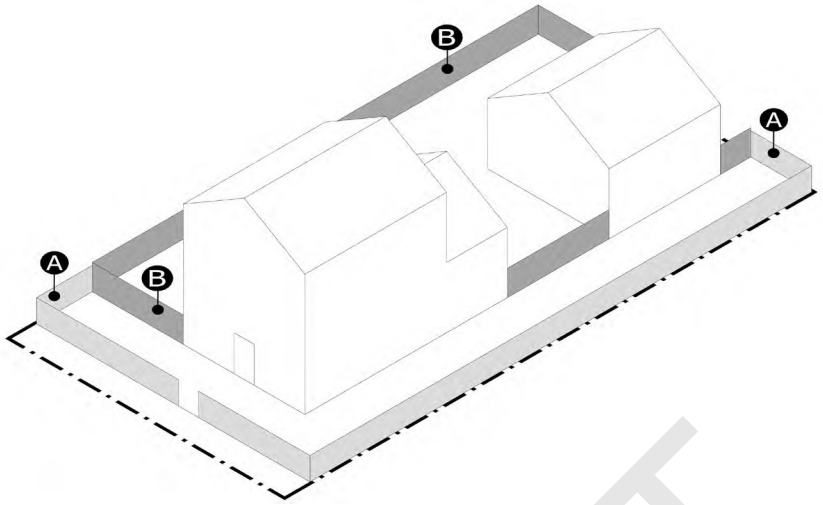
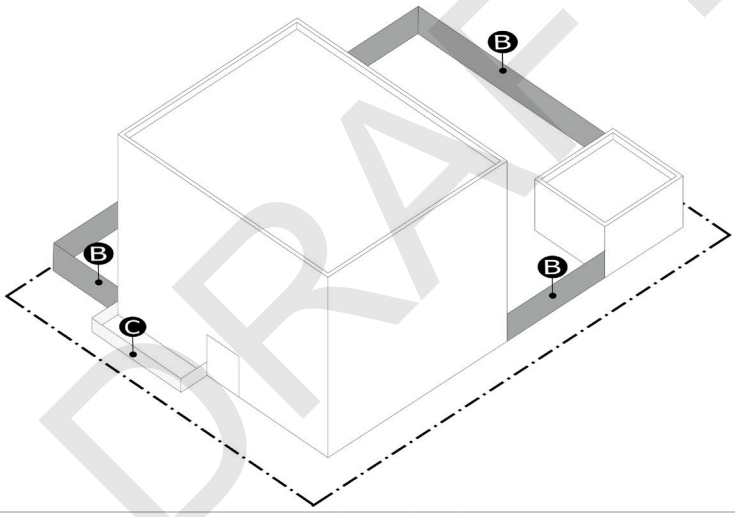
FIGURE 5.33 FENCE AND WALL LOCATIONS



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

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(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 **T3**	Front and side street setbacks	Must be landscaped; and Must include at least 2 trees for every 50 feet; no less than 2 trees.
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 **T6**	Front and side street setbacks	If landscaped, must include at least 1 tree for every 60 feet.
	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.

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(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.

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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						
Common Name	Scientific Name	Usage	Height	T2-4, R1	T5-6, GC, LI, LFI	Under Utilities	Plaza & Hardscape	Greens & Greenways	Median & Parking Lot	Riparian Buffers
American Beech	Fagus grandirolia	Shade Tree	L					■		
American Elm	Ulmus americana	Shade Tree	L	■	■			■		■
American Holly	Ilex opaca	Ornamental, Screening	M			■	■	■	■	
American Horn-beam / ironwood	Carpinus caroliniana	Ornamental	S	□	□	■	■	■	■	
American Smoketree	Corinus obovatus	Ornamental	M	□	■	■	■	■	■	
Autumn Brilliance Serviceberry	Amelanchier x grandiflora	Ornamental	S			■	■	■	■	■
Bald Cypress	Taxodium distichum	Ornamental, Wet Sites	L	■	■		■	■		■
Black Cherry	Prunus serotina	Wildlife	L					■		
Black Gum / Tupelo	Nyssa sylvatica	Shade Tree	L	■	■		■	■		■
Black Walnut	Juglans nigra	Shade Tree	L					■		
Black Willow	Salix nigra	Wet Sites, Erosion	M			■		■		■
Blackhaw Viburnum	Viburnum prunifolium	Ornamental, Screening	S		□	■				
Blackjack Oak	Quercus marilandica	Shade Tree, Poor Soils	M				■			
Bur Oak	Quercus macrocarpa	Shade Tree	L		■			■		
Carolina Buckthorn	Rhamnus caroliniana	Ornamental, Screening	S	□	□	■		■	■	
Carolina Willow	Salix caroliniana	Wet Sites, Erosion	S			■				■
Chinquapin Oak	Quercus muehlenbergii	Shade Tree	L	■	■			■		
Common Witchhazel	Hamamelis virginiana	Ornamental	S			■		■		
Downy Serviceberry	Amelanchier arborea	Ornamental	S	□	□	■			■	
Eastern redbud	Cercis canadensis	Ornamental	M	□	■	■		■	■	■
Flowering Dogwood	Cornus florida	Ornamental	S	□	□	■		■	■	
Fringe Tree	Chionanthus virginicus	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.

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TABLE 5.36 APPrOVED TrEE SPECiES				Streets						
Common Name	Scientific Name	Usage	Height	T2-4, R1	T5-6, GC, LI, LFI	Under Utilities	Plaza & Hardscape	Greens & Greenways	Median & Parking Lot	Riparian Buffers
Green Hawthorn	Crataegus viridis	Ornamental, Screening	M					■	■	
Hop hornbeam	Ostrya virginiana	Ornamental	M	■			■	■	■	
Kentucky Coffeetree	Gymnocladus dioicus	Shade Tree	L					■	■	
Littlehop/Pasture Hawthorn	Crataegus spathulata	Ornamental, Screening						■	■	
Missouri Willow	Salix eriocephala	Wet Sites, Wildfire				■		■		■
Nigra American Arborvitae	Thuja occidentalis	Ornamental, Screening	M				■	■		
Northern red Oak	Quercus rubra	Shade Tree	L	■				■		
Overcup Oak	Quercus lyrata	Shade Tree, Wet Sites	M	■				■		■
Pawpaw	Asimina triloba	Ornamental, Fruit Tree	S			■	■	■		
Pecan	Carya illinoinensis	Shade Tree, Nut Tree	L					■		
Persimmon	Diospyros virginiana	Shade Tree, Fruit Tree	M					■		■
Pignut hickory	Carya glabra	Shade Tree	L	■	■			■		
Pin oak	Quercus palustris	Shade Tree	L	■	■		■	■	■	■
Possumhaw	Ilex decidua	Ornamental, Wildfire	S	□		■	■	■	■	
Red Chokeberry	Aronia arbutifolia	Ornamental, Screening	S		□	■				
Red Buckeye	Aesculus pavia	Ornamental, Wildlife	S				■	■		
Red Maple	Acer rubrum	Shade Tree	L	■				■	■	■
River Birch	Betula nigra	Ornamental. Erosion Control	M				■	■		■
Sassafras	Sassafras albidum	Ornamental, Wildfire	M					■		
Shagbark Hickory	Carya ovata	Shade Tree	L					■	■	
Shortleaf Pine	Pinus echinata	Wildlife	L					■		
Shumard Oak	Quercus shumardii	Shade Tree	L	■	■			■		
Silky Dogwood	Cornus obliqua	Ornamental, Screening	S			■				■
Southern Red Oak	Quercus falcata	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.

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TABLE 5.36 APPROVED TREE SPECIES				Streets							
Common Name	Scientific Name	Usage	Height	T2-4, R1	T5-6, GC, LI, LFI	Under Utilities	Plaza & Hardscape	Greens & Greenways	Median & Parking Lot	Riparian Buffers
Swamp Chestnut Oak	Quercus michauxii	Shade Tree	L	■				■		■
Swamp White Oak	Quercus bicolor	Shade Tree, Floodplains	L	■				■		■
Sweetgum, fruitless	Liquidambar styraciflua 'Rotundiloba'	Shade Tree	L	■	■		■	■	■	■
Sycamore	Platanus occidentalis	Shade Tree, Floodplains	L					■		■
Texas redbud "Oklahoma"	Cercis canadensis texensis	Ornamental	S		□	■		■		
Thornless Honeylocust	Gleditsia triancanthose	Shade Tree	L	■	■		■	■		
Trident Maple	Acer buergerianum	Shade Tree	L	■	■		■	■	■	
Tulip Poplar	Liriodendron tulipifera	Shade Tree	L					■		
Umbrella Magnolia	Magnolia tripetala	Ornamental	M		□	■		■		
Water Tupelo	Nyssa aquatica	Wet Sites, Wildfire	L					■		■
White Oak	Quercus alba	Shade Tree	L	■	■		■	■		
Yellowwood	Cladrastis kentuckea	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	Robinia pseudoacacia
Bradford pear	Pyrus calleryana
Callery pear	Pyrus calleryana
Chinese privet	Ligustrum sinense
Glossy privet	Ligustrum lucidum
Kudzu	Pueraria montana
Mimosa	Albizia julibrissin
Multiflora rose	Rosa multiflora
Russian olive	Elaeagnus angustifolia
Siberian elm	Ulmus pumila
Silver maple	Acer saccharinum
Tree-of-heaven	Ailanthus altissima

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(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.

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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.”

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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,

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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 constrains;

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.

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(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.

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FIGURE 6.1 ELEMENTS OF A STREET

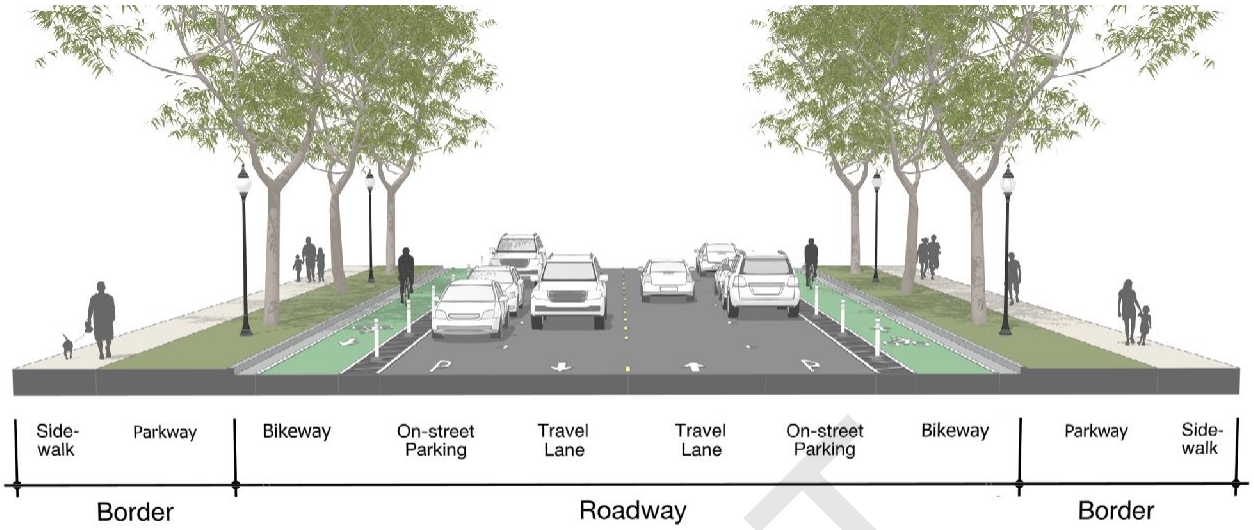

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TABLE 6.2 STREET STANDARDS

Walkable Avenue

Context	
Place Type	All
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 90 T5, T6: 100
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, GC: 8 T5, T6: 12
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Turning Lane (feet, maximum)	12; Within the median
Median (feet, minimum)	14
On-street Parking	Parallel or angled, both sides
On-street Bikeways	Buffered lane required
Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	40
Special Requirements	
Angled parking requires Transportation Director approval	

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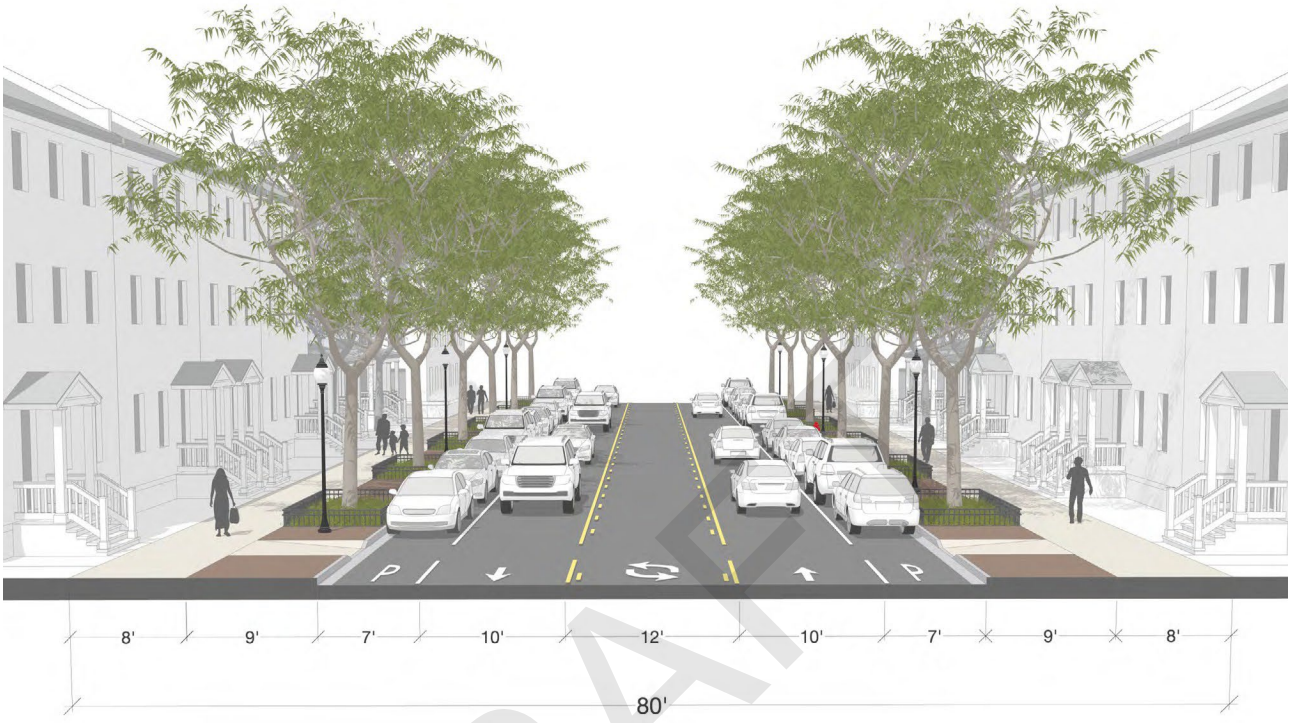
TABLE 6.2 STREET STANDARDS

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	

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TABLE 6.2 STREET STANDARDS

Mixed-use Street

Context	
Place Type	Centers, Corridors
Zoning District	T4, T5, T6, GC
Right-of-Way (feet, minimum)	T4, GC: 65 T5, T6: 70
Design Speed (mph, maximum)	20-25
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides T4: 8 T5, T6: 10 GC: 6
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10; 11 for transit and curb-adjacent lanes
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel or angled, both sides
On-street Bikeways	Optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	
Angled parking requires Transportation Director approval	

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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	

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TABLE 6.2 STREET STANDARDS

Neighborhood Street

Context	
Place Type	Neighborhoods
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC: 60 T5, T6: 65
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4, GC: 6 T5: 8 T6: 10
Off-street Bikeways	Optional

Roadway	
Travel Lanes	2
Travel Lane Width (feet, maximum)	10
Turning Lane (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one or both sides
On-street Bikeways	Optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

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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	

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TABLE 6.2 STREET STANDARDS

Neighborhood Drive

Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4, T5
Right-of-Way (feet, minimum)	45
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	One side 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, 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	
The side without a sidewalk must be along civic space, open space, R1, or T3.1	

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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	

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(d) Roadway

(1) Design Speed

a. The design speed for streets in 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.

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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;

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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 liner 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.

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(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) Parkways

(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.

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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

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(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.

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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.

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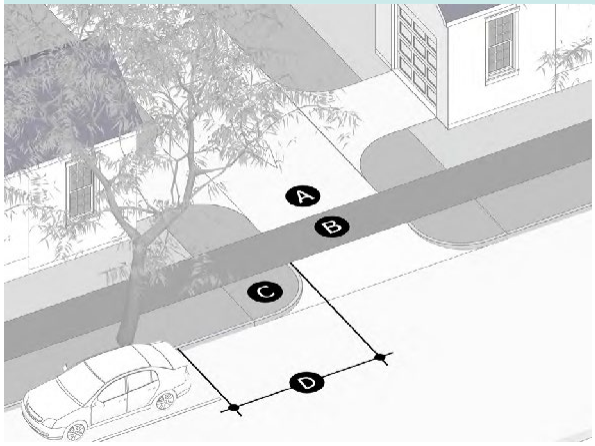
TABLE 6.4 ALLEY APRON

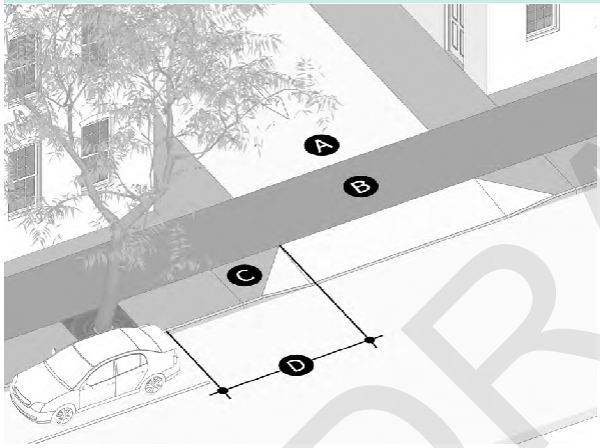
Neighborhood Alley



- 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

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(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

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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.

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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.

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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, complaint 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.

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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.

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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							
Shared Lane	All	Local	20	2,000	10, max.			Lane width on yield streets may exceed the maximum
Advisory Lane	All	Local	25	3,000	7			
Conventional Lane	T2, T3, T4	Local	30	5,000	5			
	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		

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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:

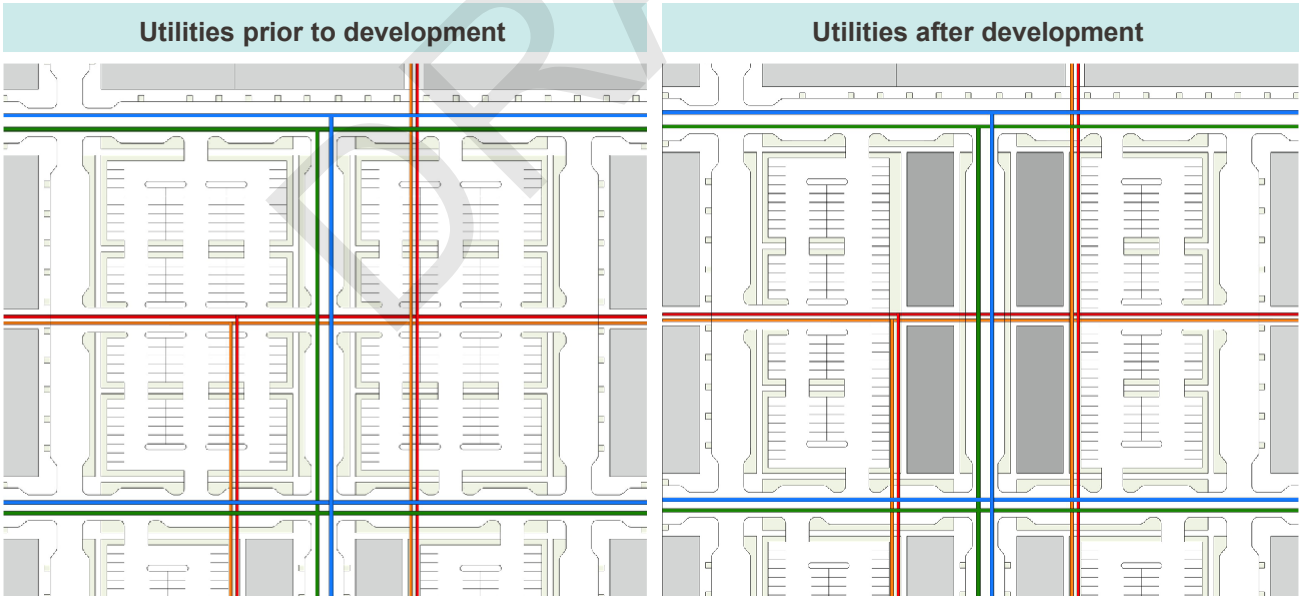
1. Ensure safe, reliable utility access and long-term maintenance;

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;

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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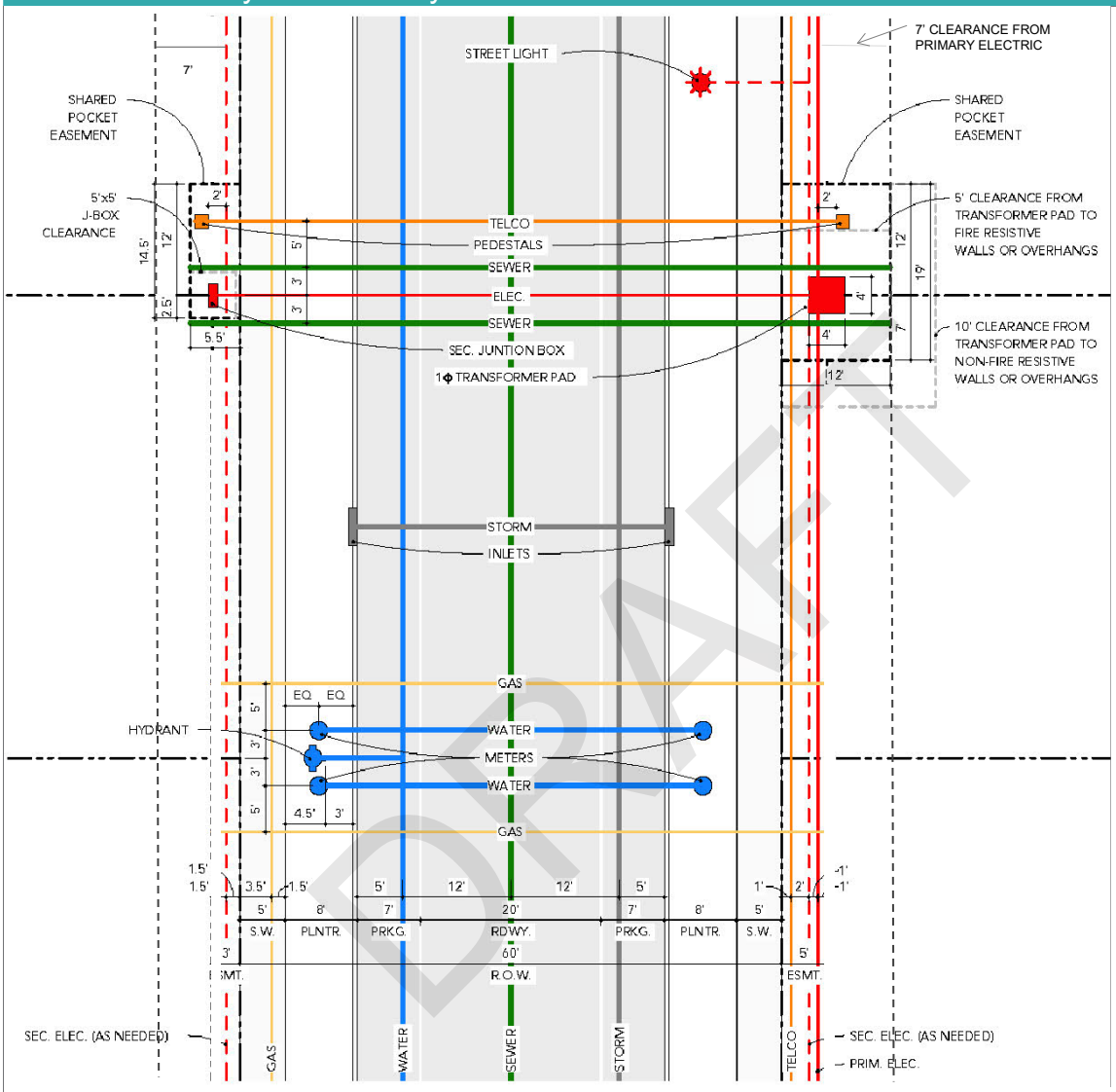
FIGURE 6.3 TYPICAL UTILITY LOCATIONS

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

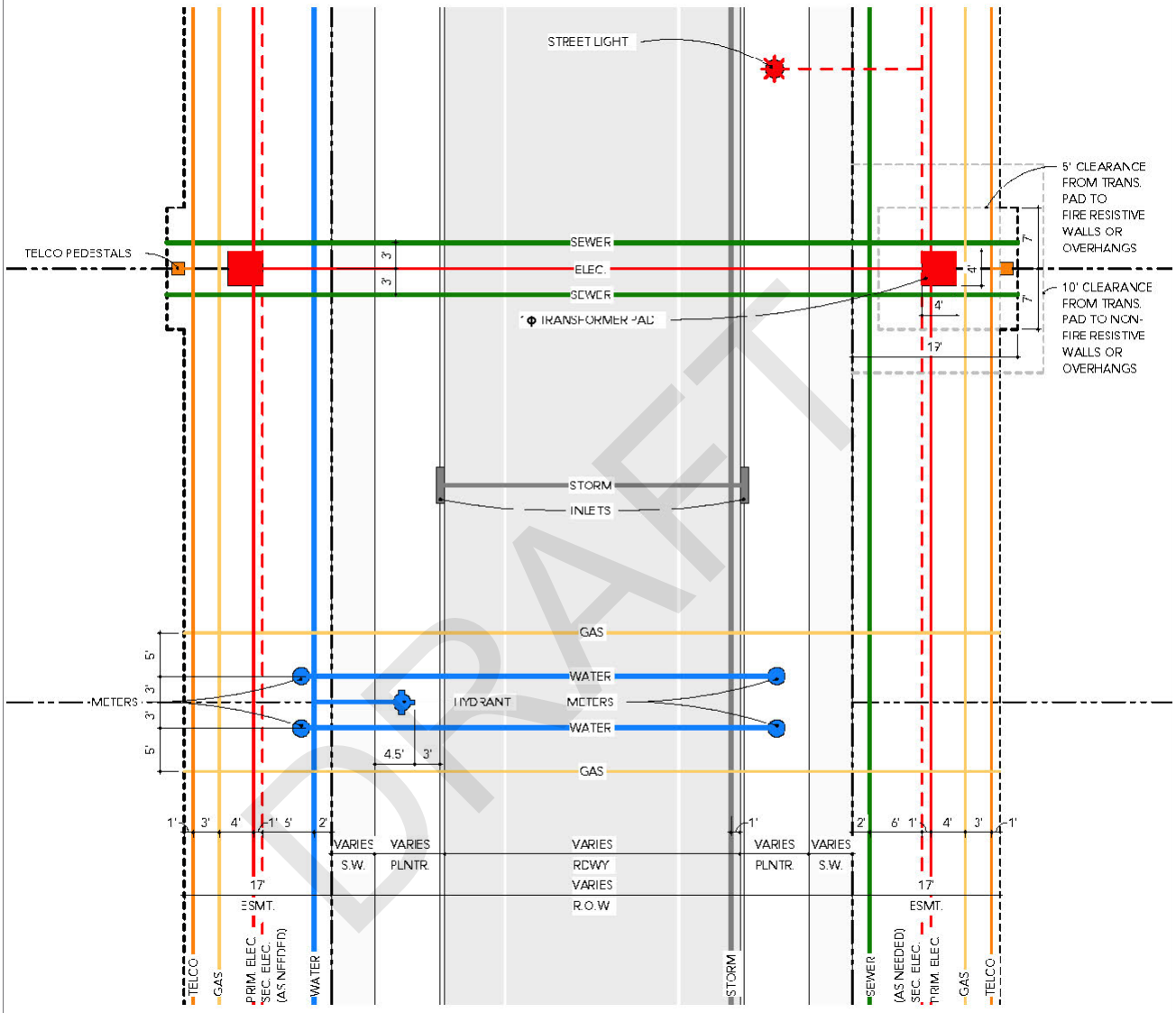
1. 34ft Roadway without Alley



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



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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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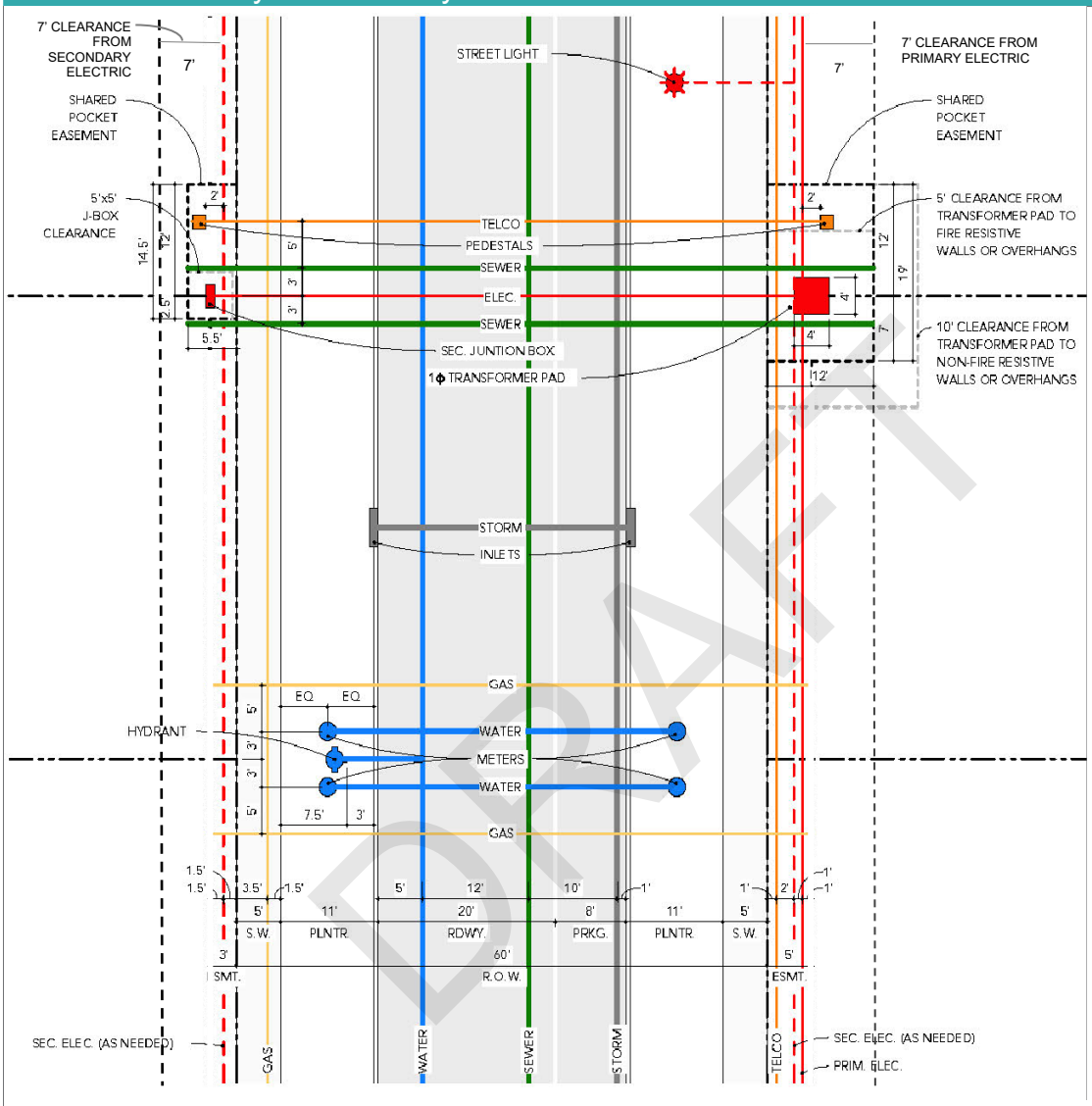
FIGURE 6.3 TYPICAL UTILITY LOCATIONS

3. 28 ft Roadway without Alley

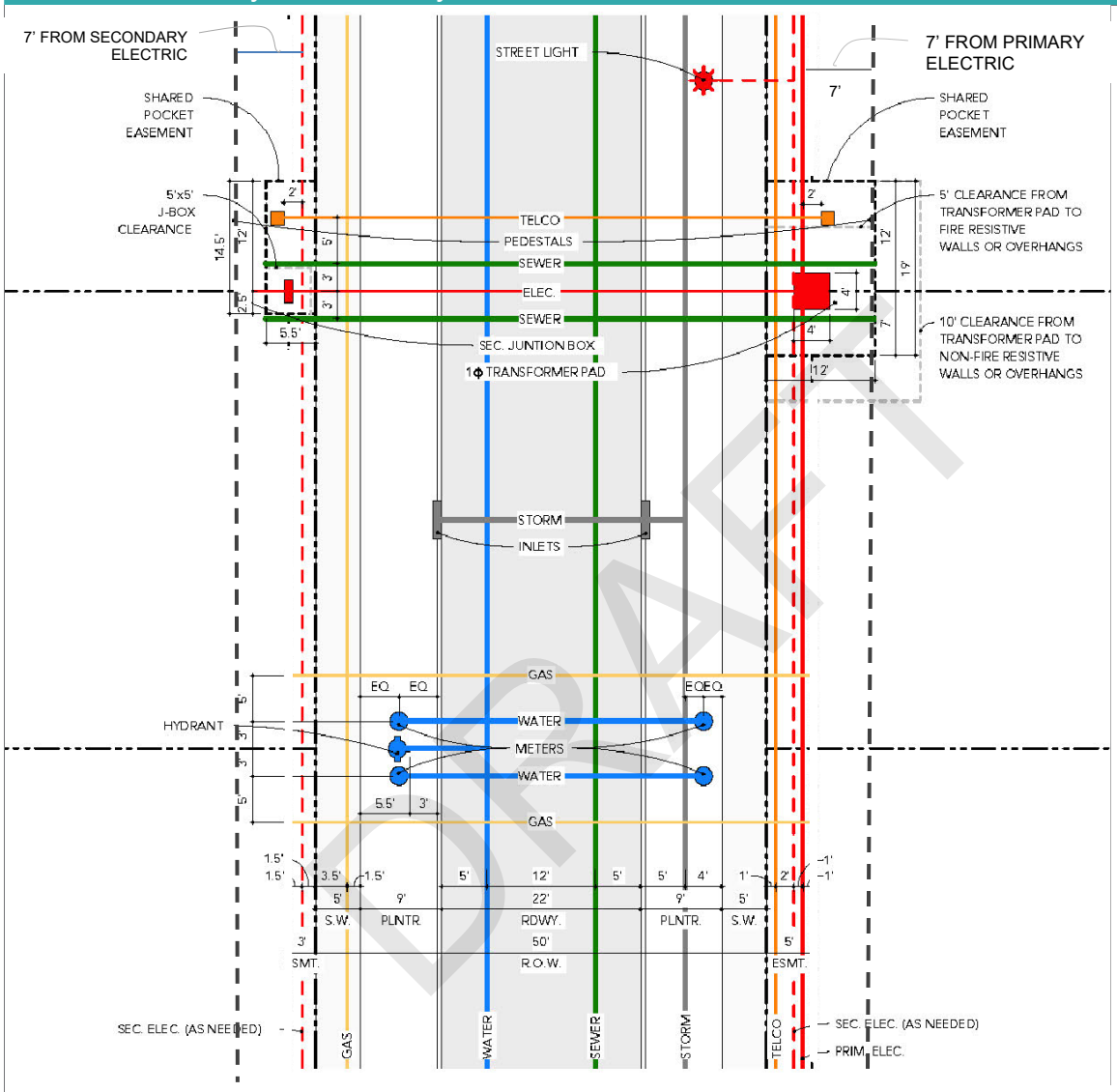


Notes

- 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.

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(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.

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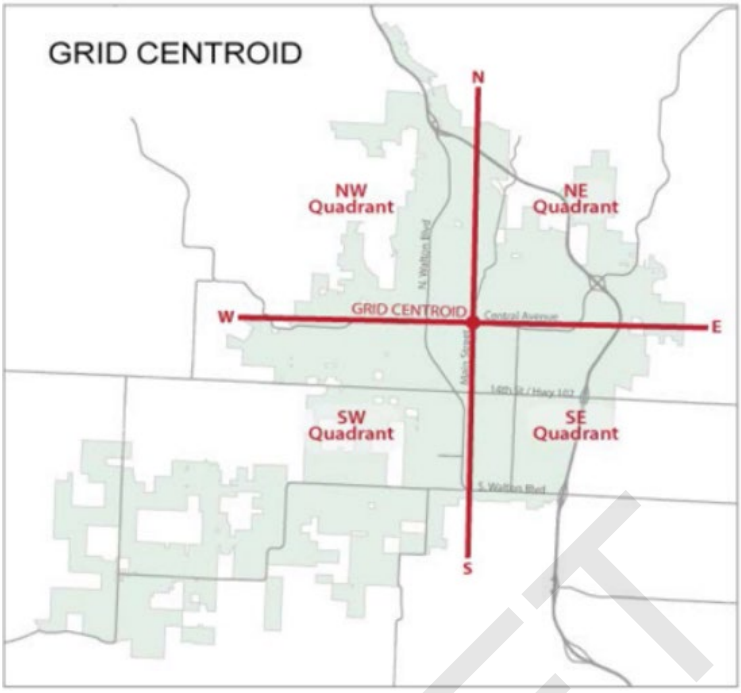

(c) Authority

(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’.

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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.

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(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.

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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. Rezonings ;
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

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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 form 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;buil
   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.

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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		Approve
Waivers		Review			

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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-cale 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.

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(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.

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(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

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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 is 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.

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(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

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

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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

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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.

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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

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(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.

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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.

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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

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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

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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

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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.

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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.

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SEC . 50-718 . APPEALS

(a) Applicability

(1) This section governs appeals of any final administrative or quasi-judicia 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.

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(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 issues 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

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(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.

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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;

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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

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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);

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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:

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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,

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:

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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

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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'	■

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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				■				■

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(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

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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.

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(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

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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.

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(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.

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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.

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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 satisfactorily 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.

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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.

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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.

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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.

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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.

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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 mans 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.

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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.

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(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.

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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.

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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;

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e. 5 to 8 dwellings per building;

f. 9 to 12 dwellings per building; and

g. 13 or more dwellings per building.

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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.

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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 of 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 posseses their individual unit (such as an apartment, townhouse, or commercial space) and shares possesion 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.

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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 marks a boundary or encloses 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.

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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.

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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.

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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

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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.

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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.

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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.

Sidepath 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

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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.

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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.

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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.

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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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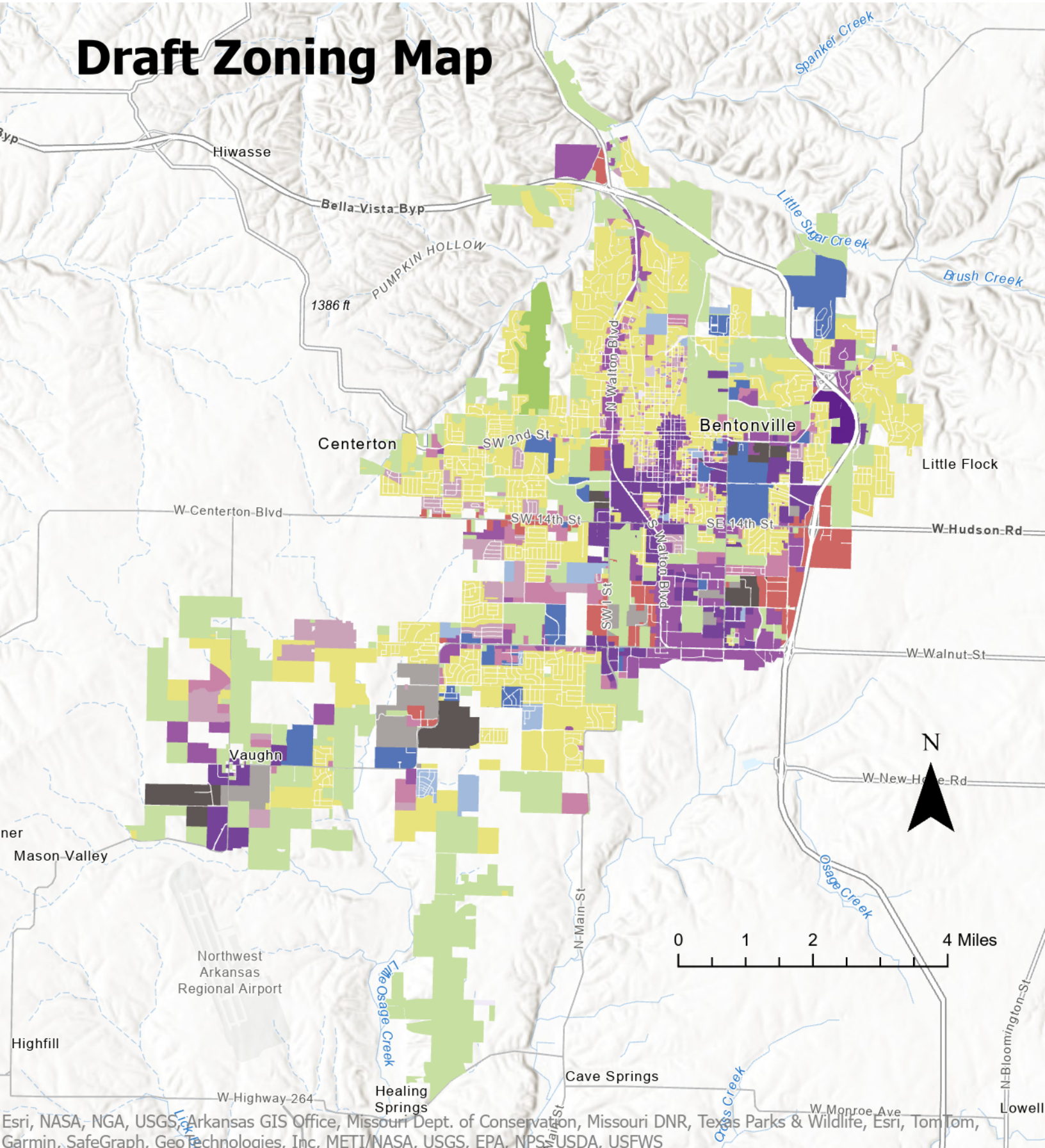
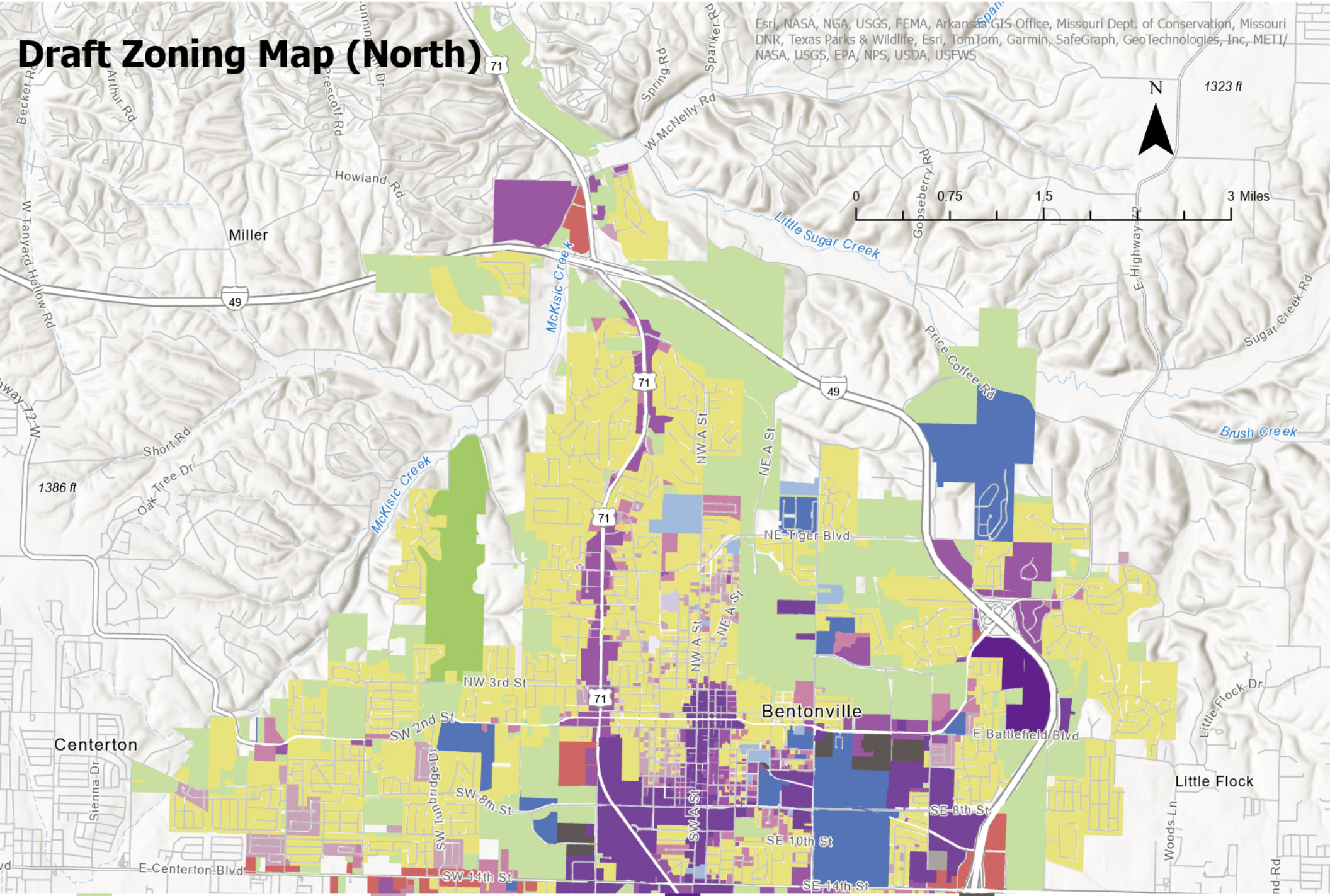
Draft Zoning Map



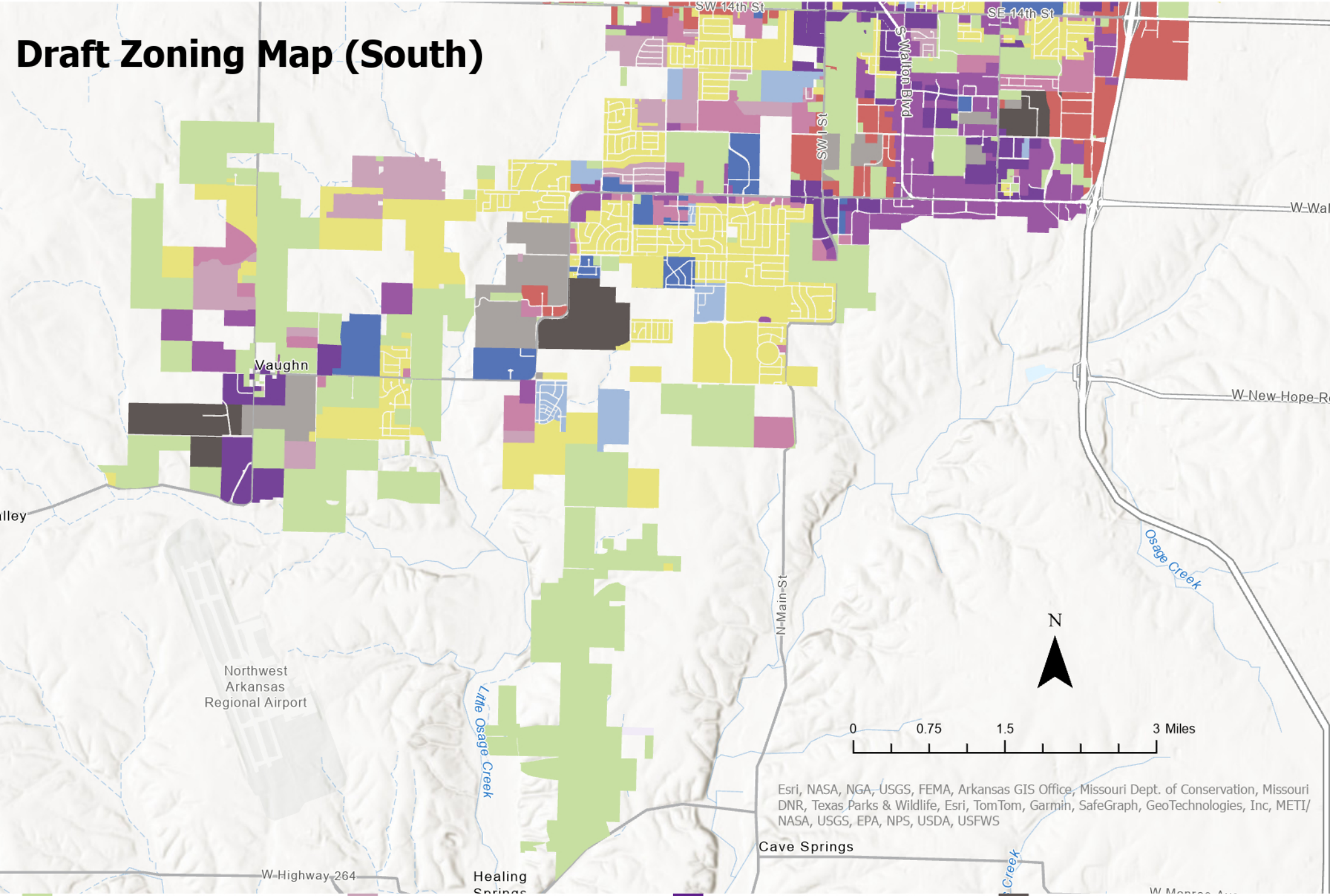
- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

Draft Zoning Map (North)



- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

Draft Zoning Map (South)



- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- LFI - Large Format Industrial
- PRD - Planned Residential Development
- PUD - Planned Unit Development
- MH - Manufactured Home

	Regional Center	City Center	Neighborhood Center	Urban Neighborhood	Walkable Neighborhood	Traditional Neighborhood	Suburban Neighborhood	Urban Corridor	Walkable Corridor	Suburban Corridor	Industrial & Technology	Rural & Estates
A1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1
RE	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1
R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1	R1
R2		T4.2	T4.1		T4.1		T4.1		T4.2		T5.1	T4.1
R3	T5.1		T4.2	T4.2	T4.2	T4.2	T4.2	T5.1	T4.2	T5.1	T5.1	T4.2
R4	T5.2			T5.1	Review on map		T4.2	T5.2				
DN1				T3.2	T3.2	T3.1	T3.1					
DN2				T4.1	T4.1	T3.2						
DN3				T4.2	T4.2							
DN4	T5.1	T5.1	T5.1	T5.1	Review on map							
DE	T5.1	T5.1	T5.1	T5.1	T5.1	T5.1		T5.1	T5.1			
DC	T5.2	T5.2		T5.2	T5.2			T5.2				
C1	T5.2		T5.1	T5.1	T5.1				T5.1	Review on map	GC	
C2	T5.2		T5.1	T5.1	T5.1			T5.1	T5.1	GC	GC	GC
C3	T5.2	T5.2	T5.1	T5.1	T5.1			T5.2			GC	
I1	LI							LI	LI		LI	
I2	LFI			LFI					LFI		LFI	
RO			T4.2	T4.2	T4.2	T4.2	T4.2	T5.1	T4.2	T5.1		
RZL				T4.1	T4.1	T4.1	T4.1					
RC2				T4.1	T4.1							
RC3		T5.1										

	Downtown Center Overlay District Map
	PC Date: 2/17/2026

Staff Report Details

Project Number	2026-307
Applicant / Current Owner	
Site Area	+/- **[Site_Area]** Acres
Current Zoning	
Requested Zoning	
Current Future Land Use Map Designation	
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description

The Downtown Overlay district proposes additional requirements for those properties within the downtown area (within the boundary of the map) to ensure new buildings maintain the quality of exterior materials reflected in historic downtown buildings, and to ensure ground floor commercial opportunities and design standards for shopfronts maintain compatibility with historic downtown buildings:

- **Heights** are limited in T5.2 to 80' and T5.1 to 50' (outside the overlay they are 96' and 60' respectively).
- **Chamfered corners** are allowed when less than 20' on the diagonal.
- **Forecourts** are permitted to be set back from the "build to" line.
- **Materials:** street and trail facing facades must be of brick, stone or plaster with one primary material; secondary materials are limited to architectural detail elements.
- **Ground floors** must be 12' and designed to accommodate retail or other active uses.
- **Doors, windows and shop fronts**: must be recessed 2.25 inches with 4" separations, sills projecting downwards; 60% of the width of the tenae space must be glass / shopfront.
- **Awnings (fabric) and canopies (metal):** If proposed, must project 6' and 4' from the exterior wall respectively and be 8' above the sidewalk. (Shop fronts must be of a unified design, incorporating doors, transoms, signage, awnings or canopies)

Project Details

Relationship to the Community Plan

Public Comment

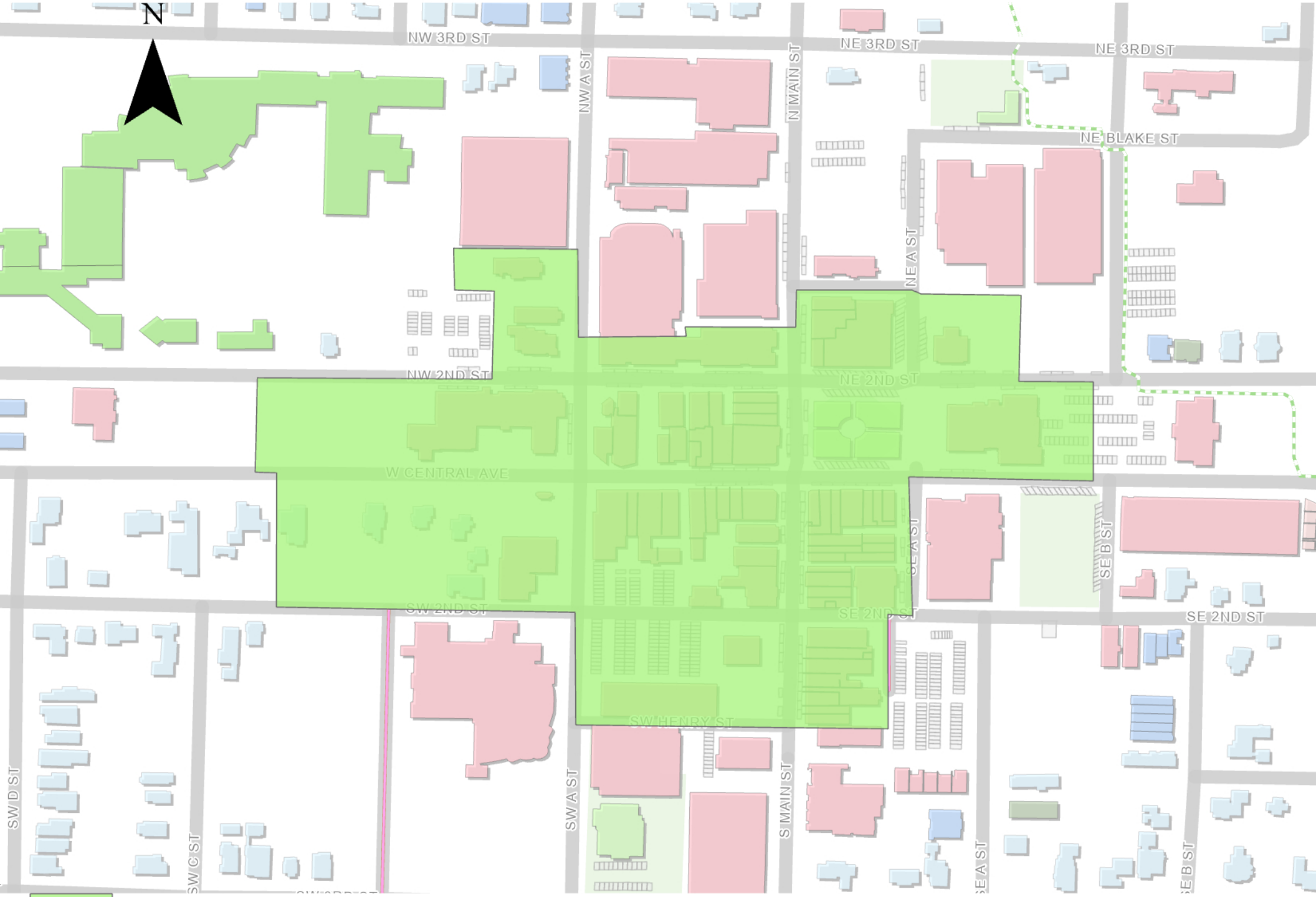
Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

Conclusion

Additional Details

Exhibit A: Downtown Center Overlay District



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.

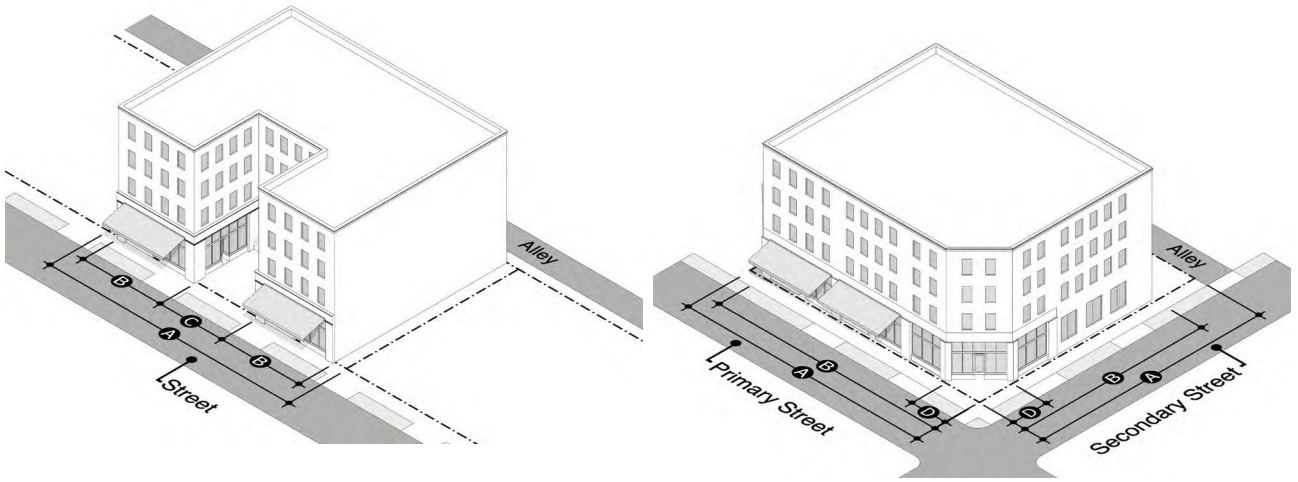
Proposed

(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

B Facade build-out

C Forecourt width does not contribute to 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

Proposed

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:

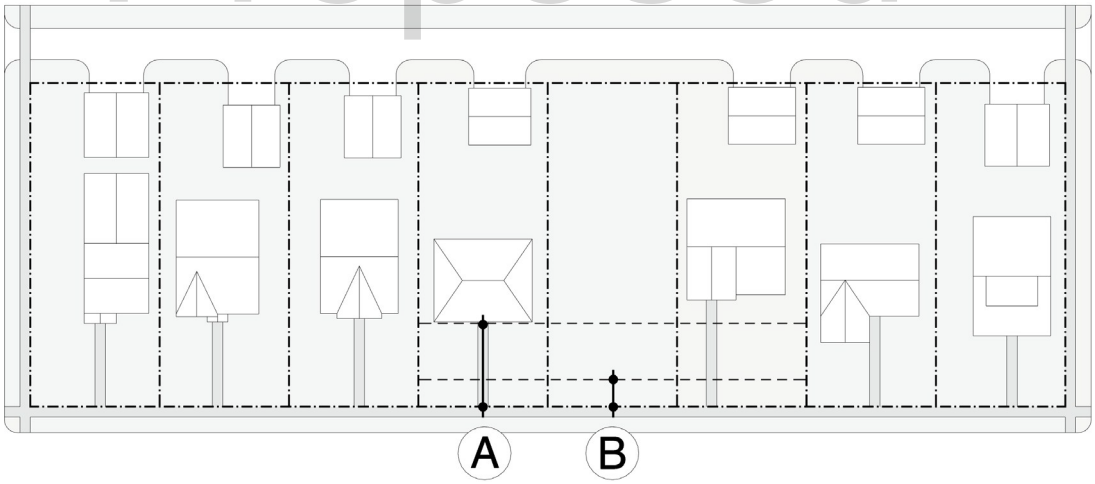
1. One story higher than the average height of buildings built before 1950 on the same block; and
2. The base zone height limit.

c. Lot combinations are limited to no more than 2 original platted lots, unless otherwise approved by the Planning Commission.

d. Rezonings above T3.2 will not be considered.

Proposed

FIGURE 5.26 DOWNTOWN NEIGHBORHOOD SETBACKS



A Adjusted setback, to match existing buildings

B Minimum setback for the base zoning district

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.

(3) Flood hazard areas

a. New enclosed buildings must follow the requirements of the Flood Damage Prevention requirements.

(4) Building footprint limits

a. 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.

(5) Building projections

a. 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:

1. 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;
2. Up to 2 feet: Roof overhangs, cornices, trim around doors and windows, and decorative elements on the façade;
3. Up to 4 feet: Balconies, bay windows, and awnings over residential windows;
4. Up to 6 feet: Stoops and ground-floor display windows in non-residential buildings;
5. Up to 10 feet: Porches, as long as the porch is at least 5 feet deep; and
6. Up to the lot line:
    i. Steps attached to stoops or porches; and
    ii. 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.

(6) 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:

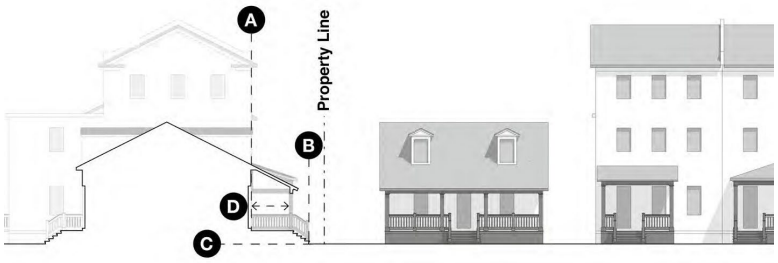
1. Minimum vertical clearance of 8 feet above sidewalks;
2. Minimum vertical clearance of 10 feet above trails;
3. Minimum horizontal setback of 2 feet from trails;
4. Minimum depth of 8 feet for galleries and 6 feet for awnings;
5. A clear ADA path is maintained within the right-of-way; and

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.

Proposed

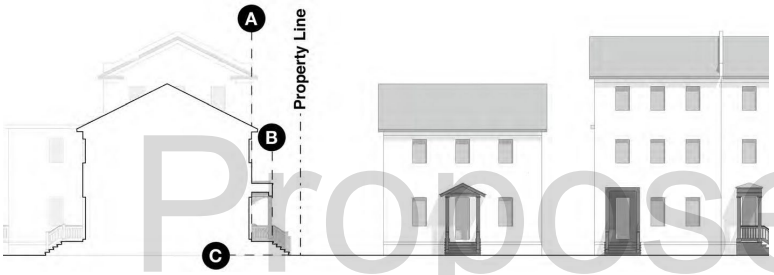
TABLE 5.21 ENCROACHMENT EXAMPLES

Porch Encroachment into the Front Setback



- A Minimum setback
- B Encroachment of porch
- C Sidewalk grade
- D Minimum depth required for porches that encroach into a setback.

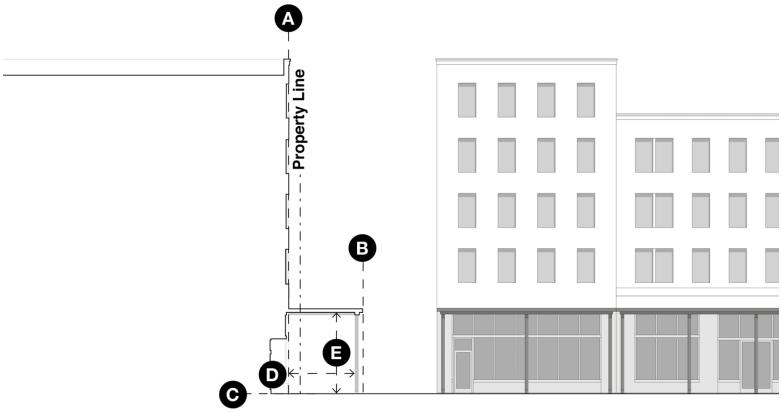
Stoop Encroachment into the Front Setback



- A Minimum setback
- B Encroachment of stoop
- C Sidewalk grade

Proposed

Gallery Encroachment into the Right-of-Way



- A Building setback, within the build-to area
- B Gallery encroachment into the right-of-way
- C Sidewalk grade
- D Minimum gallery depth
- E Minimum clearance above sidewalks

BENTONVILLE PLANNING DEVELOPMENT SERVICES | COMPREHENSIVE PLANNING	**Downtown Neighborhood Overlay District Map**
	PC Date: 2/17/2026

Staff Report Details

Property Description

The Downtown Neighborhood Overlay is proposed to ensure the new housing near the downtown center is compatible with the surrounding neighborhood pattern in terms of building size, orientation, and spacing.

- **Setbacks:** Front and side setbacks must mirror the existing setbacks of the existing structures on the block
- **Height:** New construction is limited to *the lower of* 1-story higher than the average height of buildings built prior to 1950 or the zoning height limit.
- **Lot combinations** are limited to no more than 2 original platted lots (unless otherwise approved by the Commission).
- **Rezone requests** above T3.2 are not considered.

Project Details

Relationship to the Community Plan

Public Comment

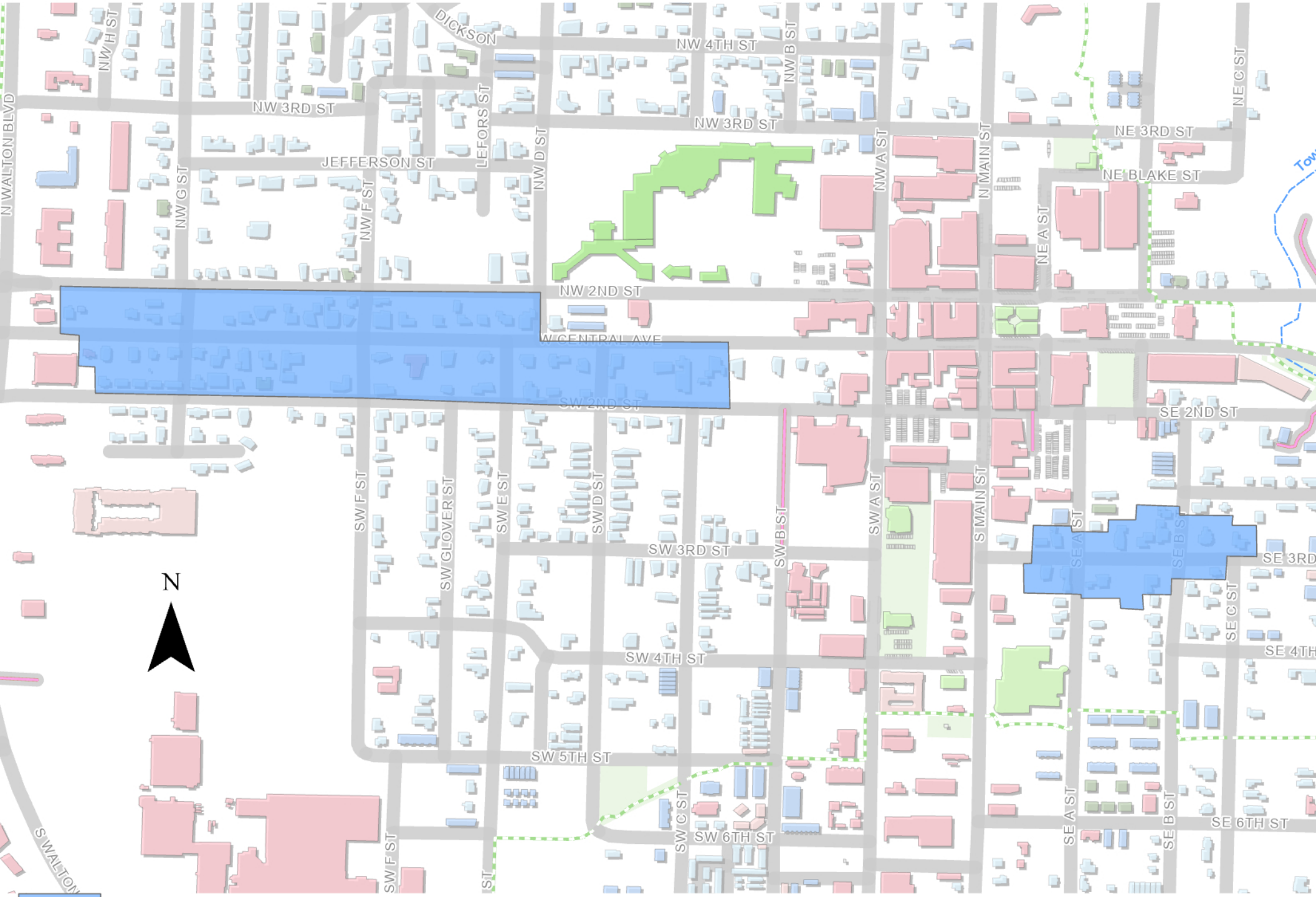
Has Staff received Public Comment at the time of this report? : **Yes**

Analysis / Waivers

Conclusion

Additional Details

Exhibit A: Downtown Neighborhood Overlay District



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:

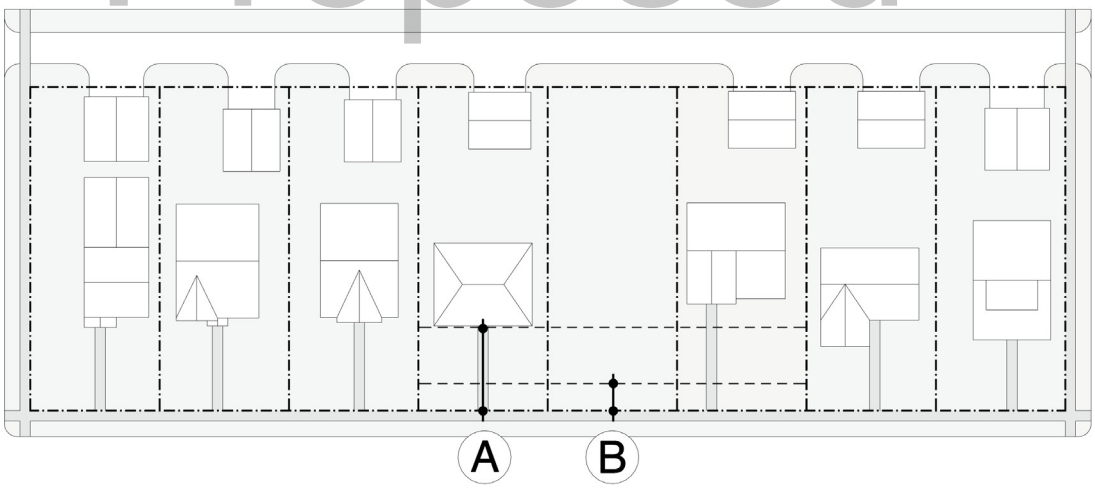
1. One story higher than the average height of buildings built before 1950 on the same block; and
2. The base zone height limit.

c. Lot combinations are limited to no more than 2 original platted lots, unless otherwise approved by the Planning Commission.

d. Rezonings above T3.2 will not be considered.

Proposed

FIGURE 5.26 DOWNTOWN NEIGHBORHOOD SETBACKS



A Adjusted setback, to match existing buildings

B Minimum setback for the base zoning district

	Clark Sidewalk Waiver
	340 Crestview Drive
	PC Date: 2/17/2026

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

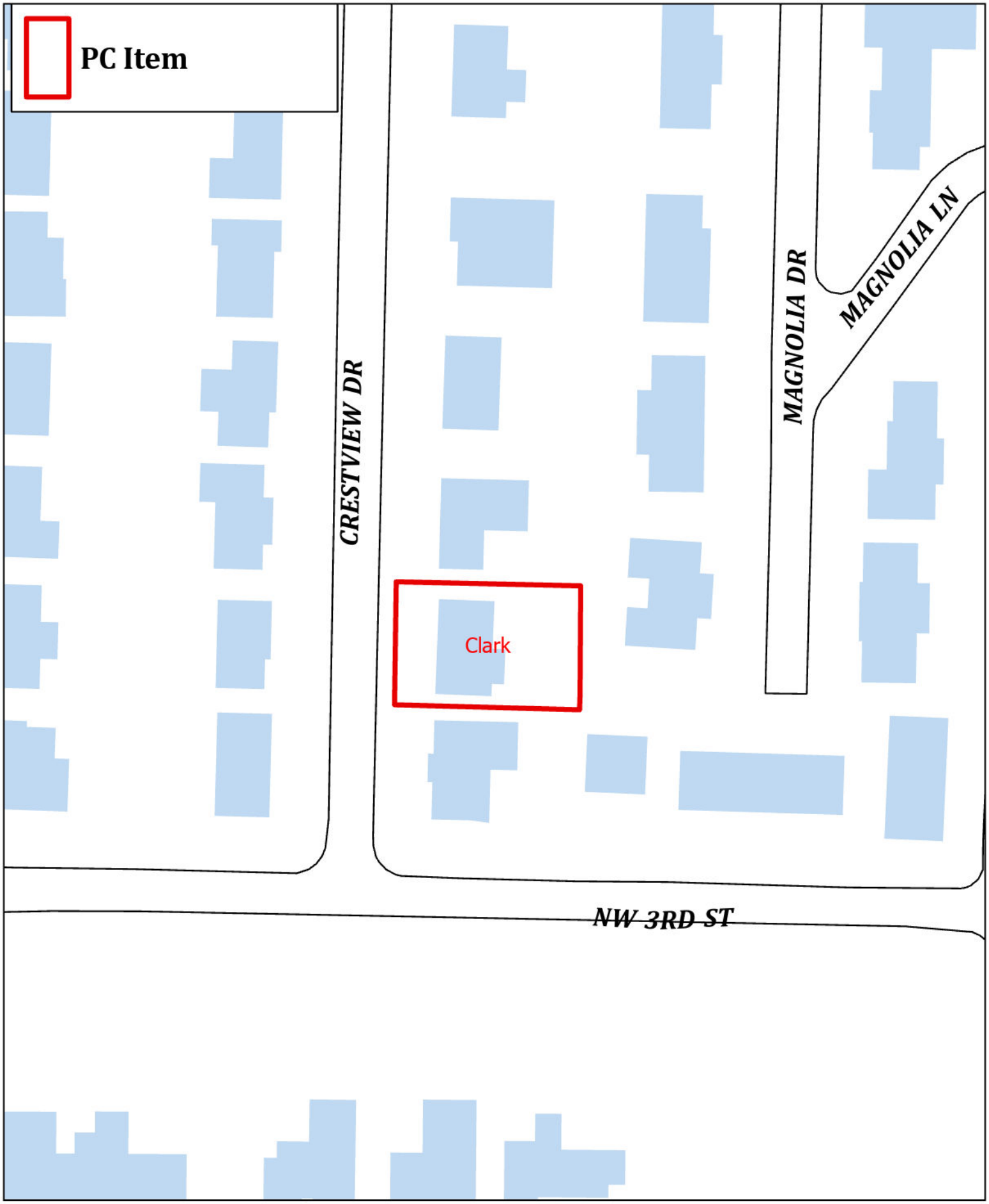
- **Proposed land use:** The proposed land use for this property is Walkable Neighborhood.
- **Location of property in an urban or suburban setting.** The property is located in the downtown area within a pocket of single-family homes. However, commercial properties are located nearby (west on NW 3rd 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 in 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

The City's certified arborist determined that due to storm damage and extensive pruning the tree looks to be on the decline. He thinks that sidewalk installation may expedite the tree's decline as well.



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

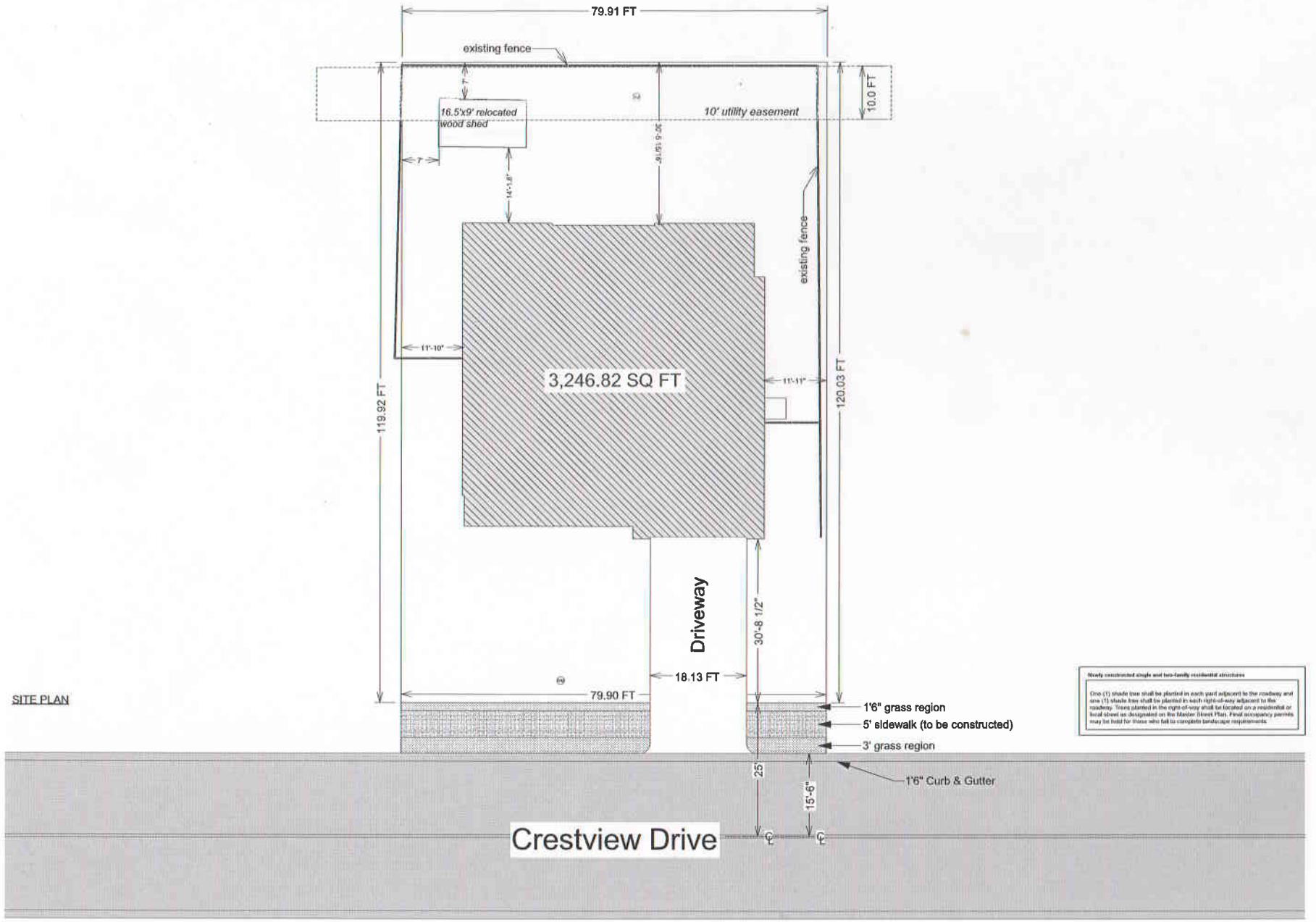
The granting of this waiver will not impede the orderly subdivision or development of land in this area. The neighborhood is fully developed, with established parcels and infrastructure that do not support or anticipate sidewalk expansion. Given that our property would be the only one with a sidewalk, 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,

Daniel & Larah Clark



PARAGON HOME PLANS

SHEET: S1

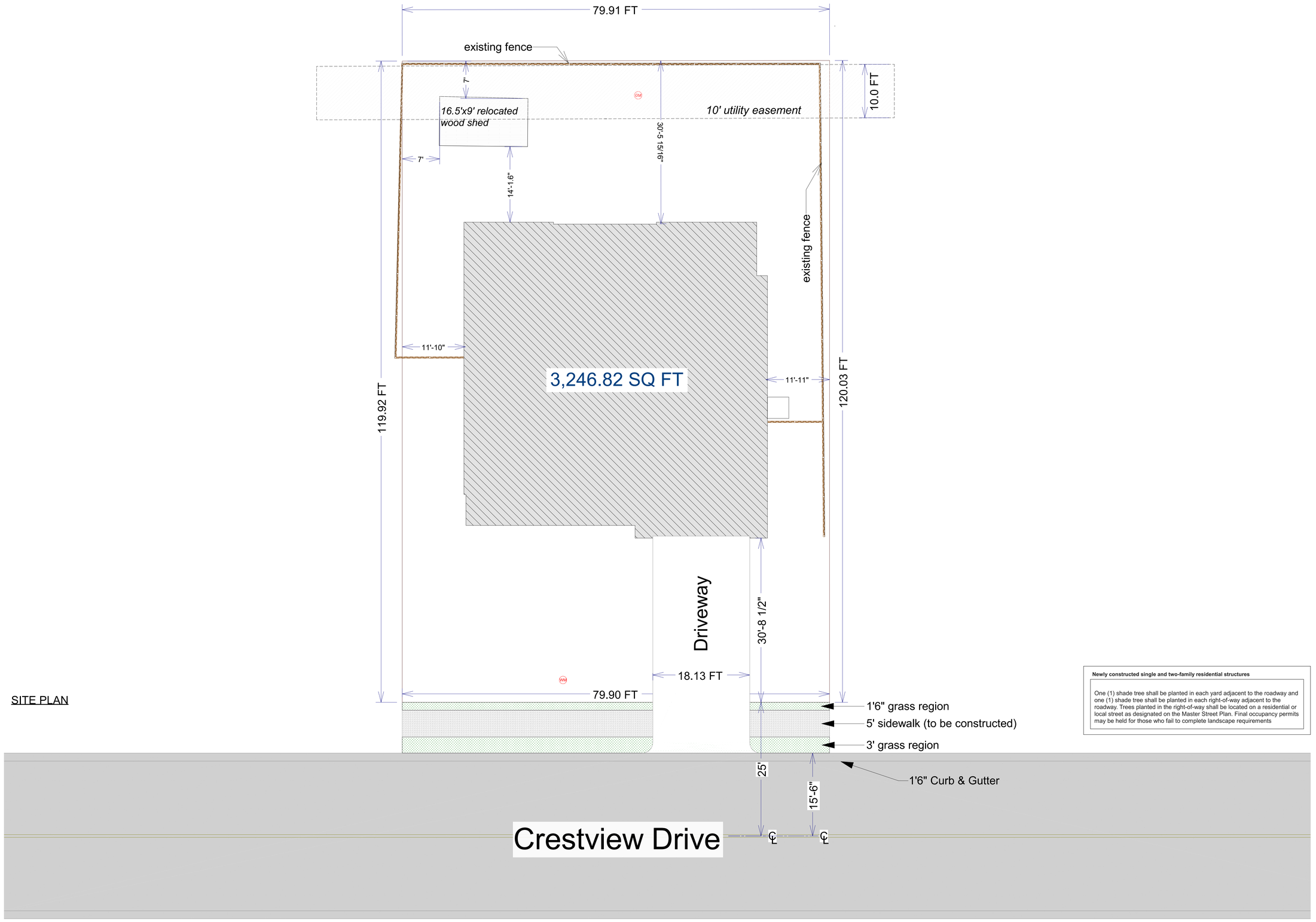
SCALE: 1/8"

DRAWING ID:

Client: Dan & Larah Clark
Contact:
Project Address:
Drawing Dated: 4/15/2025

Clark Project
Custom House Plans
Designer: Wade Campbell

PARAGON HOME PLANS



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

PARAGON HOME PLANS

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

PARAGON HOME PLANS

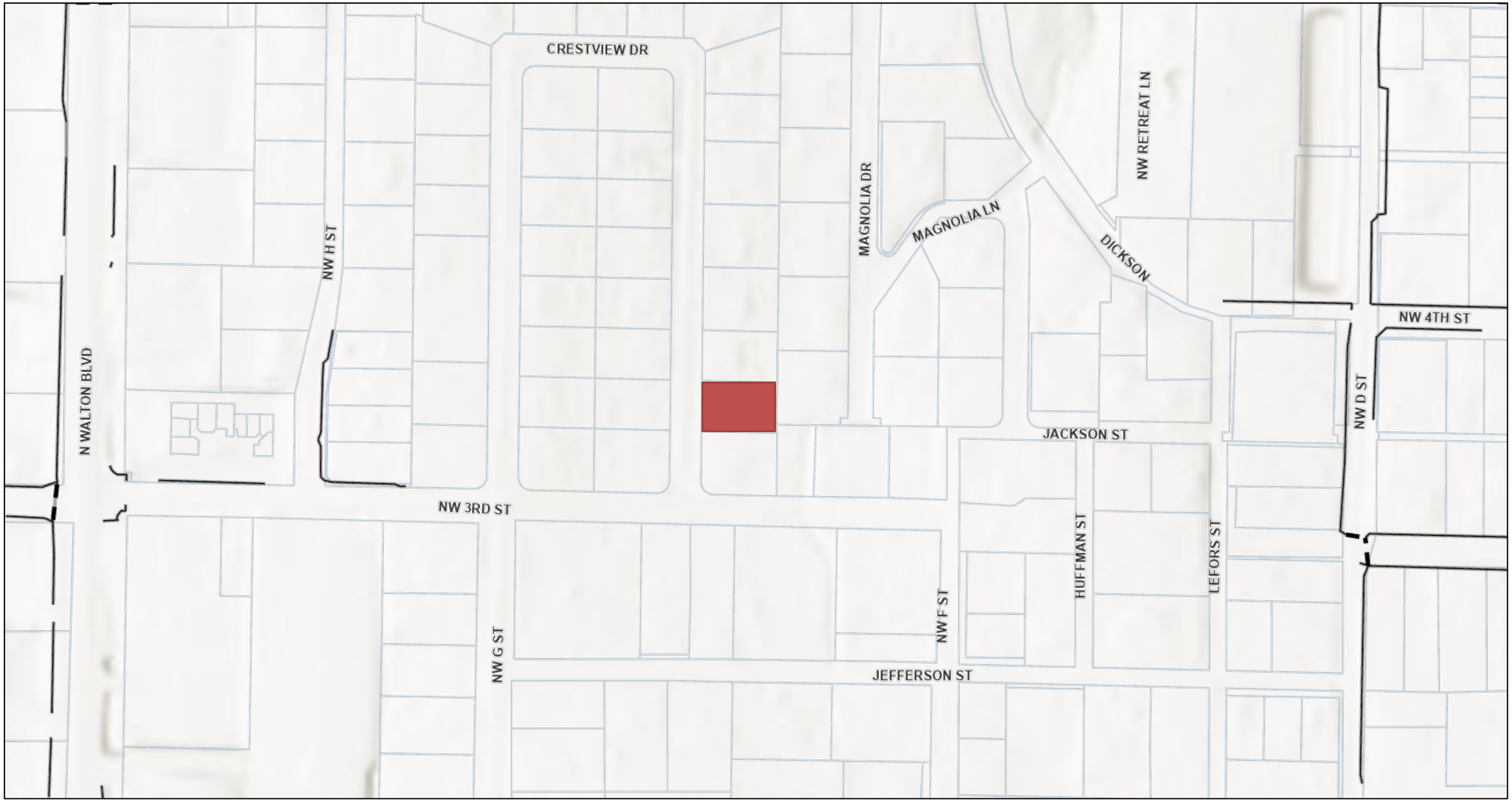
Clark Sidewalk Waiver
340 Crestview

Cost estimate

W	L	$/SF	Total
8	80	12.56	8038

Contingency	1.25
	10,048
say	$10k

Existing sidewalks are shown as black lines



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

1:2,257

0 0.02 0.04 0.09 mi

0 0.04 0.07 0.14 km

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

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