Combined
Committee of the Whole
& City Council
Meeting Agenda
March 31, 2026
6:00 PM
Bentonville City Hall

About the Committee of the Whole and City Council Meeting:

- This meeting begins with the Committee of the Whole, which is used for information sharing and Council discussion. No votes are taken and public comment is not accepted during this meeting. After the Committee of the Whole meeting is adjourned, the City Council meeting begins. This is where the Council will hear public comment and take official action, such as voting on agenda items.

How to Watch Online:

- Residents may watch the meeting live without registering via the City of Bentonville's YouTube channel. Watching online allows viewers to observe the meeting but does not include the ability to provide public comment.
- A recording of the meeting will be posted on the City's website after the meeting concludes.
- https://www.youtube.com/@cityofbentonvillearkansasg5096

Public Participation:

- Residents may provide public comment during the City Council portion of the meeting. Public comment is limited to three minutes per speaker.
- To help ensure an orderly meeting, registration is required for residents who wish to speak, whether attending in person or virtually.
- In-person speakers must register in advance using this link: Registration Link
- Virtual speakers must register in advance by 12:00 p.m. on March 31, 2026, using the following link: Registration Link.

Council Questions/Discussion Concerning the Business Meeting

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: March 10, 2026

I. Committee of the Whole

1. **Consent Agenda Discussion** **Informational**

II. New Business - Public Comment to be Heard with Agenda Item

1. **Resolution Entering into an Agreement with Heartland Business Systems for Cisco EA Agreement** — **Resolution**

   A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems, renewing a 3-year Cisco Enterprise Agreement for security software, for city departments. No budget adjustment is needed.

2. **Resolution Awarding Bid IFB-26-02 Creekside Park Mowing to Empire Group Property Management** — **Resolution**

   A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Empire Group Property Management, in the amount of $67,053.00, for mowing services of Creekside Park and other properties. No budget adjustment is needed.

3. **Resolution Entering into an Agreement with Musco Sports Lighting, LLC** — **Resolution**

   A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Musco Sports Lighting, LLC, in the amount of $551,800.00, for sports lighting upgrades at Memorial Park Baseball and Softball Complex. No budget adjustment is needed.

4. **Ordinance Accepting Henderson Annexation** — **Ordinance***

   Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. No budget adjustment is needed.

5. **Public Hearing and Ordinance Vacating Utility/Drainage Easement (VAC26-0010)** — **Ordinance***

   Public Hearing and approval of an Ordinance vacating a Utility/Drainage Easement Vacation located at Lot 1, Block 9 of Dogwood Place Subdivision (VAC26-0010).

6. **Resolution Setting a Public Hearing for an Alley Right of Way Vacation (VAC26-0004)** — **Resolution**

   Approve Resolution to set Public Hearing for April 14, 2026 for an Alley Right of Way Vacation located between Lot 76 and Lot 174 of the Original Town of Bentonville Subdivision (VAC26-0004).

7. **Resolution Authorizing the Development of a Razorback Greenway Corridor Key Place Plan** — **Resolution**

   A Resolution authorizing the Mayor and City staff to collaborate with the NWARPC and Field Operations to pursue grant funding opportunities and the development of a Razorback Greenway Corridor Key Place Plan for the City of Bentonville. No budget adjustment is needed.

8. **Resolution Supporting a Grant Application for Greenhouse Road Construction Phase** — **Resolution**

   A resolution supporting the application to NWARPC for FFY2027 STBGP-A to receive funds for the construction phase of the project. The request is for $9,296,000.00 with a match of

$2,324,000.00. The City of Centerton will fund $1,045,800.00 (45%) and the City of Bentonville will fund $1,278,200.00 (55%). No budget adjustment is needed at this time.

9. **Resolution Supporting a Grant Application for Hwys. 12/279/Vaughn Rd Intersection Improvements** — **Resolution**

A resolution supporting the application to NWARPC for FFY2027 STBGP-A to receive funds for the construction phase of the project. The request is for $4,411,236.00 with a match of $1,102,809.00 from City for a total of $5,514,045.00. No budget adjustment is needed at this time.

III. Utility Board

1. **Resolution to Purchase a Heavy Duty Forklift from Wiese using Sourcewell Co-op** — **Resolution**

A resolution to purchase a heavy duty forklift from Wiese through participation in the Sourcewell Cooperative (Co-Op) contract 053024 for $99,340.00 plus taxes and estimated freight ($9,500). Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of 053024, determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy. Utility Board approved 5-0. No budget adjustment is needed.

2. **Resolution to Declare Certain Material as Surplus** — **Resolution**

Resolution to declare certain water pipe surplus for disposal due to age and condition of the pipe. Total cost of surplussed items is $1,426.48. Utility Board approved 5-0. No budget adjustment is needed.

3. **Resolution Authorizing an Agreement with Olsson, Inc. for 2026 Sewer Model Expansion** — **Resolution**

Staff is requesting approval of a resolution authorizing the Mayor and the City Clerk to enter into an Agreement with Olsson, Inc. in the amount of $165,000.00. The agreement is required for professional services associated with expanding and enhancing the sewer model, which will further support informed decision-making and future planning efforts. Olsson was selected following state procurement requirements (SOQ-25-86). Utility Board approved 5-0. No budget adjustment is needed.

IV. Planning

1. **Final Plat - Lot 1 of Walmart Campus Subdivision, Phase 15 - 809 SE J Street (FP25-0002)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Final Plat Of Lot 1 Of Walmart Campus Subdivision, Phase 15 To The City Of Bentonville, Arkansas; And For Other Purposes.

2. **Final Plat - Lot 1 of Walmart Campus Subdivision, Phase 16 - 805 Respect Drive (FP25-0003)** — **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Final Plat Of Lot 1 Of Walmart Campus Subdivision, Phase 16 To The City Of Bentonville, Arkansas; And For Other Purposes.

3. **Lot Split - Lot 13, Block 4 of Deming's Addition - 206 NW 4th Street (LS26-0003)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Lot Split Of Lots 5 And 6, Block 4 Of Deming's Addition Creating New Lot 13, Block 4 Of Deming's Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

4. **Rezoning - Vetti Group Realty LLC / Sriram - A-1, Agriculture to R-2, Medium Density Two Family and Townhome Residential - 3720 North Rainbow Farm Road (RZ26-0007)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, Agricultural To R-2, Medium Density Two Family and Townhome Residential; And For Other Purposes.

5. **Planned Unit Development Amendment - Crystal Bridges Museum of American Art Inc. - 507 SE E St (PUD20-0001 / PUD26-0001)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Amending Ord 2020-43; And For Other Purposes.

6. **Rezoning - Joe Conway / Busbam LLC - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 815 NW A Street (RZ26-0004)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-2, Downtown Medium-Density Residential; And For Other Purposes.

7. **Rezoning - Joe Conway / Busbam LLC - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 817 NW A Street (RZ26-0005)** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To DN-2, Downtown Medium-Density Residential; And For Other Purposes.

8. **An Ordinance Adopting the Bentonville Community Code** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

A Ordinance Adopting The Bentonville Community Code Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

9. **An Ordinance Adopting the Bentonville Zoning Map** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

A Ordinance Adopting The Bentonville Zoning Map Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

10. **An Ordinance Adopting the Downtown Center Overlay District Map** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

A Ordinance Adopting The Downtown Center Overlay District Map And Regulations Pursuant To Arkansas Code Annotated §14-56-301; And For Other Purposes

V. Other Business/Announcements/Comments

Adjournment

Public Comments Concerning Matters of City Related Business

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Dennis Hayes
Phone:	479-271-3127	**For Department(s):**	All Departments
Email:	dhayes@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Entering into an Agreement with Heartland Business Systems for Cisco EA Agreement
Action Recommendation & Justification:	A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems, renewing a 3-year Cisco Enterprise Agreement for security software, for city departments. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	Funding for this first year of Agreement is included in 2026 budget through (Accounts 43310) Payments would be made annually: Year 1 ($111,460.53), Year 2 ($111,460.53), and Year 3 ($111,460.53). Use of a State Contract is allowed pursuant to Arkansas State Statute 19-11-249 and City purchasing policy. NASPO Contract #AR377.(Participating Addendum #4600048977).
Amount for Approval:	**$** 334,381.59

Budget Impact

Is this Item Budgeted? ☑ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☑ General Fund ☑ Utility Fund ☑ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

No Budget adjustment required

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: March 2, 2026

SUBJECT: City Wide CISCO Agreement

The Purchasing and Compliance Department has reviewed the documentation provided by the Information Technology Department for Cisco Enterprise Agreement for security software through NASPO Contract # AR377 (State Contract Participating Addendum Agreement #4600048977). In the amount of 334,381.59 (3-year term).

Based on the review of contract documentation, pricing verification, and cooperative purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.6, for Cooperative Purchases Meeting or Exceeding the Council Threshold and is allowed pursuant to Arkansas State Statute 19-61-802.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

HEARTLAND BUSINESS SYSTEMS

Cisco EA Budgetary Quote

Quote #384548 v4

Prepared For:

Bentonville, City of
Dennis Hayes
1000 SW 14th Street
Bentonville, AR 72712

P: (479) 271-3127
E: dhayes@bentonvillear.com

Prepared by:

Fayetteville, AR Office
Sam Karnatz
3775 N Mall Ave
Suite 4
Fayetteville, AR 72703

P: 4793326952
E: skarnatz@hbs.net

Date Issued:
02.26.2026
Expires:
04.24.2026

NASPO

Cisco - NVP #AR3227 (Participating Addendum #4600048977) - AR

Cisco EA - Year 1		Price	Qty	Ext. Price
Total Contract 36.00 Months. Year 1 From 03-Apr-2026 to 02-Apr-2027 Billing Frequency : Annual Billing				
E3S-SFW-FPR1140-TM	**SECURITY EA 3.0 FPR1140 THREATD THREATDEFENSE THREAT AND MALWARE LI** $354.12 Credit has been applied for prior purchase of subscription residual - Firepower 1140	$1,645.39	4	$6,581.56
E3S-SFW-FPR3105T	**SECURITY EA 3.0 FPR3105 THREAT DEFENSE THREAT MALWAREURL**	$7,858.43	2	$15,716.86
E3S-DUO-PRE	**SECURITY EA3.0-DUO PREMIER EDITION FORMERLY BEYOND**	$83.50	700	$58,450.00
E3S-AC-APEX	**ANYCONNECT APEX LICENSE ANYCONNECT APEX LICENSE**	$7.01	25	$175.25
E3S-SA-DNSESS	**SECURITY EA 3.0 CISCO SECURE ACCESS DNS ESSENTIALS**	$16.90	600	$10,140.00
E3-CX-DNESPE-T2SC1	**SVCS PORTFOLIO: T2 SEC ACCESS DNS ESS + SPA ESS ENH SW SUPP**	$3,463.86	1	$3,463.86
E3S-SA-SPAESS	**SECURITY EA 3.0 CISCO SECURE PRIVATE ACCESS ESSENTIALS** $4,836.72 Credit has been applied for Secure Private Access Essentials	$0.00	100	$0.00
E3S-UMB-DNSE	**UMBRELLA DNS ESSENTIALS** $9,504.00 Credit has been applied for Secure Access EA3 Elevate 3Year RAMP Offer - 36 months - Ramp Plan 1	$0.00	600	$0.00
E3-CX-UMBE-T2SWE	**SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD** $2,137.68 Credit has been applied for SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD	$0.00	1	$0.00
E3S-EP-ESS	**Cisco Advanced Malware Protection for Endpoints Essentials - License - 1 License**	$15.36	800	$12,288.00
E3-CX-EPESS-ESWC	**Cisco Support Enhanced SW Support for EP ESS**	$4,645.00	1	$4,645.00
			Subtotal:	**$111,460.53**

Cisco EA - Year 2	Price	Qty	Ext. Price
Total Contract 36.00 Months. Year 2 From 03-Apr-2027 to 02-Apr-2028 Billing Frequency : Annual Billing			

Cisco EA - Year 2		Price	Qty	Ext. Price
E3S-SFW-FPR1140-TM	**SECURITY EA 3.0 FPR1140 THREATD THREATDEFENSE THREAT AND MALWARE LI** $354.12 Credit has been applied for prior purchase of subscription residual - Firepower 1140	$1,645.39	4	$6,581.56
E3S-SFW-FPR3105T	**SECURITY EA 3.0 FPR3105 THREAT DEFENSE THREAT MALWAREURL**	$7,858.43	2	$15,716.86
E3S-DUO-PRE	**SECURITY EA3.0-DUO PREMIER EDITION FORMERLY BEYOND**	$83.50	700	$58,450.00
E3S-AC-APEX	**ANYCONNECT APEX LICENSE ANYCONNECT APEX LICENSE**	$7.01	25	$175.25
E3S-SA-DNSESS	**SECURITY EA 3.0 CISCO SECURE ACCESS DNS ESSENTIALS**	$16.90	600	$10,140.00
E3-CX-DNESPE-T2SC1	**SVCS PORTFOLIO: T2 SEC ACCESS DNS ESS + SPA ESS ENH SW SUPP**	$3,463.86	1	$3,463.86
E3S-SA-SPAESS	**SECURITY EA 3.0 CISCO SECURE PRIVATE ACCESS ESSENTIALS** $4,836.72 Credit has been applied for Secure Private Access Essentials	$0.00	100	$0.00
E3S-UMB-DNSE	**UMBRELLA DNS ESSENTIALS** $9,504.00 Credit has been applied for Secure Access EA3 Elevate 3Year RAMP Offer - 36 months - Ramp Plan 1	$0.00	600	$0.00
E3-CX-UMBE-T2SWE	**SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD** $2,137.68 Credit has been applied for SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD	$0.00	1	$0.00
E3S-EP-ESS	**Cisco Advanced Malware Protection for Endpoints Essentials - License - 1 License**	$15.36	800	$12,288.00
E3-CX-EPESS-ESWC	**Cisco Support Enhanced SW Support for EP ESS**	$4,645.00	1	$4,645.00
			Subtotal:	**$111,460.53**

Cisco EA - Year 3		Price	Qty	Ext. Price
Total Contract 36.00 Months. Year 3 From 03-Apr-2028 to 02-Apr-2029 Billing Frequency : Annual Billing				
E3S-SFW-FPR1140-TM	**SECURITY EA 3.0 FPR1140 THREATD THREATDEFENSE THREAT AND MALWARE LI** $354.12 Credit has been applied for prior purchase of subscription residual - Firepower 1140	$1,645.39	4	$6,581.56
E3S-SFW-FPR3105T	**SECURITY EA 3.0 FPR3105 THREAT DEFENSE THREAT MALWAREURL**	$7,858.43	2	$15,716.86
E3S-DUO-PRE	**SECURITY EA3.0-DUO PREMIER EDITION FORMERLY BEYOND**	$83.50	700	$58,450.00
E3S-AC-APEX	**ANYCONNECT APEX LICENSE ANYCONNECT APEX LICENSE**	$7.01	25	$175.25
E3S-SA-DNSESS	**SECURITY EA 3.0 CISCO SECURE ACCESS DNS ESSENTIALS**	$16.90	600	$10,140.00
E3-CX-DNESPE-T2SC1	**SVCS PORTFOLIO: T2 SEC ACCESS DNS ESS + SPA ESS ENH SW SUPP**	$3,463.86	1	$3,463.86
E3S-SA-SPAESS	**SECURITY EA 3.0 CISCO SECURE PRIVATE ACCESS ESSENTIALS** $4,836.72 Credit has been applied for Secure Private Access Essentials	$0.00	100	$0.00

Cisco EA - Year 3		Price	Qty	Ext. Price
E3S-UMB-DNSE	**UMBRELLA DNS ESSENTIALS** $9,504.00 Credit has been applied for Secure Access EA3 Elevate 3Year RAMP Offer - 36 months - Ramp Plan 1	$0.00	600	$0.00
E3-CX-UMBE-T2SWE	**SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD** $2,137.68 Credit has been applied for SVCS PORTFOLIO T2 UMBRELLA DNS ESS SWSS E SW SUP- CLOUD	$0.00	1	$0.00
E3S-EP-ESS	**Cisco Advanced Malware Protection for Endpoints Essentials - License - 1 License**	$15.36	800	$12,288.00
E3-CX-EPESS-ESWC	**Cisco Support Enhanced SW Support for EP ESS**	$4,645.00	1	$4,645.00
			Subtotal:	**$111,460.53**

Non-Returnable/Non-Refundable Language

Cisco/Meraki Note:

All new Cisco and Meraki orders submitted for hardware, and any attached software, will be non-cancellable and cannot be modified starting 45 days prior to the current estimated ship date. Meraki license-only orders are not impacted by this policy change. Non-cancellable orders are not eligible for RMA credit and are not eligible for an RMA exception.

Quote Summary	Amount
Cisco EA - Year 1	$111,460.53
Cisco EA - Year 2	$111,460.53
Cisco EA - Year 3	$111,460.53
Total:	**$334,381.59**

This quote does not include any federal or state prevailing wage rates, unless specifically noted. If this project requires compliance with any federal or state prevailing wage laws, the customer must immediately notify Heartland in writing prior to acceptance so that Heartland can provide an updated Quote. Any modifications made after the project commencement will result in additional charges and delays.

This quote may not include applicable sales tax, shipping, handling and/or delivery charges. Final applicable sales tax, shipping, handling and/or delivery charges are calculated and applied at invoice. The above prices are for hardware/software only, and do not include delivery, setup or installation by Heartland ("HBS") unless otherwise noted. Installation by HBS is available at our regular hourly rates, or pursuant to a prepaid HBSFlex Agreement. This configuration is presented for convenience only. HBS is not responsible for typographical or other errors/omissions regarding prices or other information. Prices and configurations are subject to change without notice. HBS may modify or cancel this quote if the pricing is impacted by a tariff. A 20% restocking fee will be charged on any returned part. Customer is responsible for all costs associated with return of product and a $25.00 processing fee. No returns, cancellations or order changes are accepted by HBS without prior written approval. This quote and any attached agreement are not subject to termination without cause or for convenience. This quote expressly limits acceptance to the terms of this quote, and HBS disclaims any additional terms. Customer may issue a purchase order for administrative purposes only. By providing your "E-Signature," you acknowledge that your electronic signature is the legal equivalent of your manual signature, and you warrant that you have express authority to execute this agreement and legally bind your organization to this proposal and all attached documents. Any purchase that the customer makes from HBS is governed by HBS' Standard Terms and Conditions ("ST&Cs") located at http://www.hbs.net/standard-terms-and-conditions, which are incorporated herein by reference. The ST&Cs are subject to change. When a new order is placed, the ST&Cs on the above-stated website at that time shall apply. If customer has signed HBS' ST&Cs version 2021.v1.0 or later, or the parties have executed a current master services agreement, the signed agreement shall control over any conflicting terms in the version on the website. If a current master services agreement does not cover the purchase of products, the ST&Cs located on the website shall govern the purchase of products. Certain purchases also require customer to be bound by end user terms and conditions. A list of end user terms and conditions related to various manufacturers and vendors is set forth at https://www.hbs.net/End-User-Agreements. Any purchase that customer makes is also governed by the applicable end user terms and conditions, which are incorporated herein by reference. If customer has questions about whether end user terms and conditions apply to a purchase, customer shall contact HBS. Any order(s) that exceeds the credit limit assigned by HBS shall require upfront payment from customer in an amount determined by HBS. HBS shall make this determination at the time of the order, unless customer has previously submitted the required onboarding paperwork. In such event, HBS shall make this determination at the time of quoting. Customer shall ensure that all invoices are timely paid as stated in Section 2 of the ST&Cs, regardless of whether Customer has a financing or leasing company or other third-party issue the purchase order. In the event that a third-party issues the purchase order, Customer shall be required to sign this Quote for purposes of approving the order. QT.2024.v2.0

HEARTLAND BUSINESS SYSTEMS

Acceptance

Fayetteville, AR Office	**Bentonville, City of**
[redacted]	
Sam Karnatz	Dennis Hayes
Signature / Name	Signature / Name Initials
02/26/2026	
Date	Date

NOTE: SKU Finder may not work with Version of Excel prior to 2013.
Step 1: Paste or type **SKU**/ list of SKUs into **Column A**.
• The "Contract Approved SKU" will appear in **Column D** and the "Contract Approved List Price" will appear in **Column E**. "Not Found" will appear if the SKU is not listed on the PL. *Double check spelling, contract carve-outs and US Global Price List to ensure SKU is listed* if "Not Found"
Step 2: Paste or Type Product/ Service **List Price** into **Column B**
• A green or red result will return in **Column G**, "Variance from List Price" | Green = no variance from list price, Red = Variance exists and is listed
Step 3: Filter and Sort by "Not Found" in **Column D** to have each "Not Found" descend one after the other
"Per Quote" Contract Unit List Prices are a placeholder amount with the actual MSRP calculated per the specific customer quoted configuration (# of users, term, quantity, prepaid term, etc…).
$0.01 (green highlight) Contract Unit List Prices are a placeholder amount with the actual MSRP calculated per the external rate table and usage amounts, if applicable.

California State Agencies are restricted from purchasing Cloud Solutions under CA # 7-20-70-47-01
New Jersey State Agencies must use the NVP AR3227 New Jersey State Agency Contract Price List (linked here)
Delaware Customers must use the NVP AR3227 Delaware Contract Price List

Product/Service SKU (CCW/Disti)	Product/Service Unit List Price (CCW/Disti)	SKU Location	Contract Approved SKU	Contract Approved Unit List Price (MSRP)	Contract Minimum Discount	Variance from Approved Unit List Price (MSRP)	Contract Unit Net (Not to Exceed) Price
E3S-SFW-FPR1140-TM		Cisco HW & SW Pricelist Row 26911	E3S-SFW-FPR1140-TM	$3,176.00	35%	$3,176.00	$2,064.40
E3S-SFW-FPR3105T		Cisco HW & SW Pricelist Row 26954	E3S-SFW-FPR3105T	$14,229.00	35%	$14,229.00	$9,248.85
E3S-DUO-PRE		Cloud Services Row 5643	E3S-DUO-PRE	$108.00	10%	$108.00	$97.20
E3S-AC-APEX		Cisco HW & SW Pricelist Row 27037	E3S-AC-APEX	$11.41	35%	$11.41	$7.42
E3S-SA-DNSESS		Cloud Services Row 6947	E3S-SA-DNSESS	$48.60	10%	$48.60	$43.74
E3-CX-DNESPE-T2SC1		Service Packages Row 508088	E3-CX-DNESPE-T2SC1	Per Quote	10%		Per Quote
E3S-SA-SPAESS		Cloud Services Row 6971	E3S-SA-SPAESS	$115.48	10%	$115.48	$103.93
E3S-UMB-DNSE		Cloud Services Row 9195	E3S-UMB-DNSE	$55.89	10%	$55.89	$50.30
E3-CX-UMBE-T2SWE		Service Packages Row 508997	E3-CX-UMBE-T2SWE	Per Quote	10%		Per Quote
E3S-EP-ESS		Cloud Services Row 224	E3S-EP-ESS	$93.51	10%	$93.51	$84.16
E3-CX-EPESS-ESWC		Service Packages Row 508318	E3-CX-EPESS-ESWC	Per Quote	10%		Per Quote

SP-SSSNT-ASR901DS		Service Packages Row 52	SP-SSSNT-ASR901DS	$1,275.00	10%	$1,275.00	$1,147.50
SP-SSSNT-A9KMPA8X		Service Packages Row 49	SP-SSSNT-A9KMPA8X	$7,168.36	10%	$7,168.36	$6,451.52
SP-SSSNT-ASR99042		Service Packages Row 53	SP-SSSNT-ASR99042	$1,303.06	10%	$1,303.06	$1,172.75
SP-SSSNT-A9KSP8TR		Service Packages Row 51	SP-SSSNT-A9KSP8TR	$4,449.00	10%	$4,449.00	$4,004.10
SP-SSSNT-A9KOD4RT		Service Packages Row 50	SP-SSSNT-A9KOD4RT	$13,145.00	10%	$13,145.00	$11,830.50
SP-SSSNT-A9KMPA2E		Service Packages Row 48	SP-SSSNT-A9KMPA2E	$13,693.00	10%	$13,693.00	$12,323.70
SP-AR1-NCS2K4GL		Service Packages Row 41	SP-AR1-NCS2K4GL	$4,936.00	10%	$4,936.00	$4,442.40

PARTICIPATING ADDENDUM
NASPO VALUEPOINT COOPERATIVE PURCHASING PROGRAM
DATA COMMUNICATIONS PRODUCTS AND SERVICES
Administered by the State of Utah
(hereinafter "Lead State")
MASTER AGREEMENT
Master Agreement No: AR3227
CISCO Systems, Inc.
(hereinafter "Contractor" or "Contract Vendor")
and
State of Arkansas
Contract No: 4600048977; SP-20-0051
(hereinafter "Participating State/Entity")

1. **Scope:** This Participating Addendum ("PA") covers the NASPO ValuePoint Data Communications Master Agreement led by the State of Utah (Master Agreement No: AR3227) for use by state agencies and other entities, as provided in the Master Agreement, and as more specifically detailed in Paragraph 2, "Participation," below. The following products and services are included in this contract portfolio:

    A. Data Communications:

    - Unified Communications
    - Networking
    - Routers, Switches, Security, and Storage Networking
    - Wireless
    - Facility Management, Monitoring, and Control.

    B. Value Added Services:

    - Maintenance Services
    - Professional Services
    - Partner Services
    - Training

2. **Participation:** All eligible purchasers ("Purchasing Entity" or "Participating Entity") within the State of Arkansas, including State agencies, K-12 educational institutions, and local public procurement units (cities, counties, municipalities), are authorized to purchase products and services under the terms and conditions of this Agreement.

3. **Access to Cloud Products and Services Requires State CIO Approval.** Unless otherwise stipulated in this Participating Addendum, services accessed through the NASPO ValuePoint cooperative Master Agreements for Cloud Products and Services by State executive branch agencies are subject to the authority and prior approval of the State Chief Information Officer's Office. The State Chief Information Officer means the individual designated by the State Governor within the Executive Branch with enterprise-wide responsibilities for leadership and management of information technology resources of a State.

4. **Cloud Products and Services.** All State Content Data associated with the Arkansas instance of the Contractor provided Cloud Products and Services **must** reside in (i.e., be stored at rest in) the continental United States. Contractor **shall** perform all work on the State Content Data contained or processed in Cloud Products and Services from within the continental United States of America provided, however, that the State explicitly consents to the global delivery of Cisco Technical Assistance Center ("TAC") support at the locations listed in https://trustportal.cisco.com/c/r/ctp/trust-portal.html#/1552559092863136 via Arkansas Department of Transformation and Shared Services Division of Information Systems monitored and controlled access. For purposes of this agreement, "State Content Data" is defined as text, audio, video or image files, provided by the State to

Contractor in connection with the State's use of Contractor solutions, and any data developed by or at State's specific request related to a statement of work or contract.

5. Order of Precedence:

A. Arkansas's Participating Addendum (PA); Arkansas's Participating Addendum **shall not** diminish, change, or impact the rights of the Lead State with regard to the Lead State's contractual relationship with the Contractor under the Terms of the Lead State's Master Agreement.

B. Lead State's Master Agreement (includes negotiated Terms & Conditions)

C. A Service Level Agreement (SLA) issued against the Participating Addendum

D. The Solicitation including all Addendums;

E. Contractor's response to the solicitation.

These documents **shall** be read to be consistent and complementary. Any conflict among these documents **shall** be resolved by giving priority to these documents in the order listed above. Contractor terms and conditions that apply to the Master Agreement are only those that are expressly accepted by the Lead State and **must** be in writing and attached to the Master Agreement as an Exhibit or Attachment. Notwithstanding the foregoing, ordering documents (purchase orders) may contain transaction-specific terms and each ordering document that is accepted by the Contractor **shall** become a part of this Agreement as to the products and services listed on the ordering document only. No other terms and conditions **shall** apply, including terms and conditions listed in the Contractor's response to the Solicitation, or terms listed or references on the Contractor's website, in the Contractor's quotation/sales order or in similar documents subsequently provided by the Contractor (unless such terms are referenced in the Master Agreement).

6. Participating State Modifications or Additions to Master Agreement:
These modifications or additions apply only to actions and relationships with the Participating Entity.

A. **Reporting.** Contractor **must** submit annual reports to the Arkansas Office of State Procurement via email to OSP.ITContracts@dfa.arkansas.gov. Reports **shall** be due sixty (60) days following the end of the calendar year. Contractor **shall** provide reporting outlined in this section at other times of the year upon request from the State. The contractor **shall** provide an electronic usage report in Excel format which lists, but is not limited to, the following:

1) Vendor Contract Number
2) State
3) Customer Type (State, Education, Local Government)
4) Bill to Name
5) Customer PO Number
6) Customer Number
7) Order Date
8) Product/Service Description
9) Retail Price
10) Discount Applied
11) Discount Unit Price
12) Quantity
13) Total Price

B. **Payments.** Payments will be submitted to the Contractor at the address shown on the invoice. Payments should be tendered to the contractor within thirty (30) days of the date of invoice. After the sixtieth (60) day from the date of invoice, unless mutually agreed to, interest may be paid on

the unpaid balance due to the Contractor at the rate of one half (1/2) of one (1) percent per month in accordance with Arkansas Code Annotated §19-11-224. The Purchasing Entity will make a good-faith effort to pay within thirty (30) days after the date of invoice. The State **shall** have the right to dispute billed goods or services and withhold payment for those goods or services that are in dispute. Interest **shall** not be charged on disputed amounts while in dispute.

C. **Records.** Financial and accounting records relevant to State of Arkansas transactions under this Addendum **shall** be subject to examination by appropriate Arkansas government authorities for a period of five (5) years from the expiration date and final payment under this Addendum or extension thereof, provided, however, that such government authorities will provide thirty (30) days written notice to the Contractor of its intent to conduct such examination contemplated by this section.

D. **Governing Law.** The laws of the State of Arkansas **shall** govern this Agreement. Nothing under this Agreement or the Master Agreement **shall** be deemed or construed as a waiver of the State's right of sovereign immunity.

E. **Venue**: Venue for any claim, dispute, or action concerning an order placed against the contract **shall** be Pulaski County, Arkansas. Any claims against the State, whether sounding in tort or in contract, **shall** be brought before the Arkansas State Claims Commission as provided by Arkansas law, and **shall** be governed accordingly.

F. **Indemnification; Limitation of Liability.** The following indemnification clause replaces in its entirety the Indemnification/Limitation of Liability clause, specifically Section 40 of the Master Agreement:

1. **General Indemnity**. The Contractor **shall** defend, indemnify and hold harmless the Purchasing Entity party, along with their officers and employees, from and against third-party claims, damages or causes of action including reasonable attorneys' fees and related costs for any death, bodily injury, or damage to tangible personal property (not including lost or damaged data) arising from negligent or willful misconduct act(s), error(s), or omission(s) of the indemnifying party, its employees or subcontractors or volunteers, relating to its performance under the Master Agreement.

   The foregoing indemnification obligations are conditioned upon the indemnified party promptly notifying the indemnifying party in writing of the claim, suit, or proceeding for which the indemnifying party is obligated under this Subsection, cooperating with, assisting, and providing information to, the indemnifying party as reasonably required, and granting the indemnifying party the exclusive right to defend or settle such claim, suit, or proceeding; provided that any such settlement or compromise includes a release of the indemnified party from all liability arising out of such claim, suit or proceeding.

2. **Indemnification- Intellectual Property.** The Contractor **shall** defend any claim against NASPO, NASPO Cooperative Purchasing Organization LLC (doing business as NASPO ValuePoint), the Lead State, Participating Entities, or Purchasing Entities, along with their officers and employees ("Indemnified Party"), from and against claims by third parties that Contractor's Products provided under this Agreement, infringes patents, copyrights or trademarks ("Intellectual Property Claim") of another person or entity.

   The Contractor's obligations under this section **shall not** extend to the extent any Intellectual Property Claim is based on:

   a. Compliance with any designs, specifications, requirements, or instructions by any Indemnified Party or a third party on Indemnified Party's behalf; or

b. The modification of the Contractor's Product by anyone other than Contractor; or

c. The amount or duration of use made of Contractor's Product, or services offered by Indemnified Party to external or internal Purchasing Entity, or revenue earned by the Indemnified Party; or

d. The combination of the operation or use of a Contractor's Product with third party products, software, or business processes.

3. The Indemnified Party **shall** notify the Contractor promptly after receiving notice of an Intellectual Property Claim. If Indemnified Party fails to notify Contractor promptly of the Intellectual Property Claim, and that failure prejudices Contractor's ability to defend, settle or respond to the Intellectual Property Claim, then Contractor's obligation to defend or indemnify Indemnified Party with respect to that Intellectual Property Claim will be reduced to the extent Contractor has been prejudiced. In addition, such failure to provide prompt notification **shall** relieve Contractor of any obligation to reimburse for Indemnified Party's attorneys' fees incurred prior to notification. If the Contractor defends any Intellectual Property Claim, it **shall** have control over the defense and settlement of the Intellectual Property Claim. However, the Indemnified Party must consent in writing for any money damages or obligations for which it may be responsible. The Indemnified Party **shall** furnish, at the Contractor's reasonable request, information and assistance necessary for such defense.

4. If an Intellectual Property Claim is made or appears likely, Indemnified Party **shall** permit Contractor to procure for Indemnified Party the right to continue using Contractor's Product, or to replace or modify the Contractor's Product with one that is at least functionally equivalent. If Contractor determines that none of those alternatives is reasonably available, then Indemnified Party will return and/or cease using Contractor's Product and Contractor will refund to Indemnified Party the remaining net book value of the Contractor's Product calculated according to generally accepted accounting principles.

5. This Section is Contractor's entire obligation. Language in this Agreement **shall** not be construed or deemed as the State's waiver of its right of sovereign immunity. The parties agree that any claim against the State, whether sounding in tort or in contract, **shall** be brought before the Arkansas State Claims Commission as provided by Ark. Code Ann. §§ 19-10-201–223, 21-5-701–708, 6-82-501–507, and **shall** be governed accordingly.

6. **Limitation of Liability.** Except for Contractor's obligations under Section F.1 (General Indemnity) and Section F.2 (Indemnification – Intellectual Property) notwithstanding anything else herein, all liability of Contractor and its suppliers to any Participating Entity (and any Purchasing Entity under the Participating Entity) for claims arising under this Agreement, the applicable Participating Addendum, or otherwise **shall** be limited to the greater of (i) three million dollars ($3,000,000.00) or (ii) the money paid to Contractor by the Participating Entity under this Master Agreement in the twelve (12) month period prior to the event or circumstances that first gave rise to such liability. This limitation of liability is cumulative and not per incident.

7. **Waiver of Consequential Damages.** In no event **shall** Contractor or its suppliers be liable for any (i) special, exemplary, incidental, indirect or consequential damages, or loss of or damage to data (except for a loss of Purchaser data caused by Contractor's negligence), (ii) loss of: profits, revenue, business, anticipated savings, use of any product or service, opportunity, goodwill or reputation, or (iii) wasted expenditure (other than any expenditure necessarily incurred to discharge the innocent party's duty or to mitigate its losses).

G. **Software Terms and Conditions:** Purchasing Entities that acquire software **shall** be subject to the license agreements distributed with such software; however, in the event of a conflict in language between Contractor's End User License Agreement (EULA) and the Participating Addendum or Master Agreement, the language in the Participating Addendum or Master Agreement will supersede and control. In addition, any language in a EULA which violates a Purchasing Entity's constitution, statute or other applicable law will be deemed void, and of no force or effect, as applied to the Purchasing Entity.

H. **Travel Expenses**. Expenses for travel **shall not** be reimbursed unless specifically permitted under the duties of the Contractor. All travel **must** be approved in advance by the State. Approved expenditures made by the contractor for travel will be reimbursed at the current rate paid by the State and in accordance with Arkansas Travel Guidelines and Procedures.

I. **Cancellation.**

1. **For Convenience.** The State may cancel this Agreement for any reason by giving the Contractor written notice of such cancellation sixty (60) days prior to the date of cancellation.

2. **For Cause.** The State may cancel this Agreement for cause when the Contractor fails to perform its obligations under it by giving the Contractor written notice of such cancellation at least thirty (30) days prior to the date of proposed cancellation. In any written notice of cancellation for cause, the State will advise the Contractor in writing of the reasons why the State is considering cancelling the Agreement, and provide the Contractor with an opportunity to avoid cancellation for cause by curing any deficiencies identified in the notice of cancellation for cause prior to the date of proposed cancellation which shall be no less than thirty (30) days. The parties may endeavor to agree to reasonable modifications in the Agreement to accommodate the causes of the cancellation for cause and avoid the cancellation, to the extent permitted by law, and at the discretion of each party individually.

3. If upon cancellation the Contractor has provided products and services which the State has accepted, and there are no funds legally available to pay for the products and services, the Contractor may file a claim with the Arkansas Claims Commission under the laws and regulations governing the filing of such claims.

J. **Confidential Information**. Under Arkansas law, the release of public records is governed by The Arkansas Freedom of Information Act found at Section 25-19-101 et. seq. of the Arkansas Statutes.

K. **Contingent Fee.** The Contractor guarantees that Contractor has not retained a person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies maintained by the Contractor for the purpose of securing business.

L. **Disclosure.** Under Arkansas law, the Office of State Procurement (OSP) is required to have a copy of EO 98-04 Disclosure Form on file for the Contractor. Contractor must submit the disclosure form prior to entering into this Addendum. Failure to make any disclosure required by Governor's Executive Order 98-04, or any violation of any rule, regulation, or policy adopted pursuant to that order, **shall** be a material breach of the terms of this Addendum. Any contractor, whether an individual or entity, who fails to make the required disclosure or who violates any rule, regulation, or policy **shall** be subject to all legal remedies available to the State.

M. **Restriction of Boycott of Israel.** Pursuant to Arkansas Code Annotated § 25-1-503, a public entity **shall not** enter into a contract with a company unless the contract includes a written

certification that the person or company is not currently engaged in and agrees for the duration of the contract not to engage in, a boycott of Israel.

By signing this Participating Addendum, a Prospective Contractor agrees and certifies that they do not, and will not for the duration of the contract, boycott Israel.

N. **Vendor Registration**. In order to receive payment, Contract Vendor must register online at https://www.ark.org/vendor/index.html

O. **Technology Access.** When procuring a technology product or when soliciting the development of such a product, the State of Arkansas is required to comply with the provisions of Arkansas Code Annotated § 25-26-201 et seq., as amended by Act 308 of 2013, which expresses the policy of the State to provide individuals who are blind or visually impaired with access to information technology purchased in whole or in part with state funds. The Vendor expressly acknowledges and agrees that state funds may not be expended in connection with the purchase of information technology unless that technology meets the statutory Requirements found in 36 C.F.R. § 1194.21, as it existed on January 1, 2013 (software applications and operating ICSs) and 36 C.F.R. § 1194.22, as it existed on January 1, 2013 (web-based intranet and internet information and applications), in accordance with the State of Arkansas technology policy standards relating to accessibility by persons with visual impairments.

ACCORDINGLY, THE VENDOR EXPRESSLY REPRESENTS AND WARRANTS to the State of Arkansas through the procurement process by submission of a Voluntary Product Accessibility Template (VPAT) for 36 C.F.R. § 1194.21, as it existed on January 1, 2013 (software applications and operating ICSs) and 36 C.F.R. § 1194.22, that the technology provided to the State for purchase is capable, either by virtue of features included within the technology, or because it is readily adaptable by use with other technology, of:

1. Providing, to the extent required by Arkansas Code Annotated § 25-26-201 et seq., as amended by Act 308 of 2013, equivalent access for effective use by both visual and non-visual means.

2. Presenting information, including prompts used for interactive communications, in formats intended for non-visual use.

3. After being made accessible, integrating into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired.

4. Providing effective, interactive control and use of the technology, including without limitation the operating system, software applications, and format of the data presented is readily achievable by nonvisual means.

5. Being compatible with information technology used by other individuals with whom the blind or visually impaired individuals interact.

6. Integrating into networks used to share communications among employees, program participants, and the public.

7. Providing the capability of equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired.

State agencies cannot claim a product as a whole is not reasonably available because no product in the marketplace meets all the standards. Agencies must evaluate products to determine which

product best meets the standards. If an agency purchases a product that does not best meet the standards, the agency must provide written documentation supporting the selection of a different product, including any required reasonable accommodations.

For purposes of this section, the phrase "equivalent access" means a substantially similar ability to communicate with, or make use of, the technology, either directly, by features incorporated within the technology, or by other reasonable means such as assistive devices or services which would constitute reasonable accommodations under the Americans with Disabilities Act or similar state and federal laws. Examples of methods by which equivalent access may be provided include, but are not limited to, keyboard alternatives to mouse commands or other means of navigating graphical displays, and customizable display appearance. As provided in Arkansas Code Annotated § 25-26-201 et seq., as amended by Act 308 of 2013, if equivalent access is not reasonably available, then individuals who are blind or visually impaired **shall** be provided a reasonable accommodation as defined in 42 U.S.C. § 12111(9), as it existed on January 1, 2013.

If the information manipulated or presented by the product is inherently visual in nature, so that its meaning cannot be conveyed non-visually, these specifications do not prohibit the purchase or use of an information technology product that does not meet these standards.

P. **Shared Technical Architecture.** Solutions **must** comply with the State's shared Technical Architecture Program which is a set of policies and standards that can be viewed at: https://www.transform.ar.gov/information-systems/polices-standards/ and https://www.transform.ar.gov/information-systems/polices-standards/standards/ Only those standards which are fully promulgated or have been approved by the Governor's Office apply to this solution

Q. **For Services Only:**

1. **Equal Opportunity Policy.** In compliance with Arkansas Code Annotated § 19-11-104, if a state agency is purchasing services, the Office of State Procurement (OSP) is required to have a copy of the Contractor's *Equal Opportunity (EO) Policy* prior to entering into this Addendum. *EO Policies* may be submitted in electronic format to the following email address: eeopolicy.osp@dfa.arkansas.gov or Contractor may submit a hard copy with this Addendum. The submission of an *EO Policy* to OSP is a one-time requirement. Contractor is responsible for providing updates or changes to its policy upon written request from the State, and for supplying *EO Policies* upon request to other State agencies that must also comply with this statute. If Contractor is not required by law to have an *EO Policy*, Contractor must submit a written statement to that effect.

2. **Prohibition of Employment of Illegal Immigrants.** Pursuant to Arkansas Code Annotated § 19-11-105, if a state agency is purchasing services, the Office of State Procurement (OSP) is required to have a certification on file from the Contractor stating that the Contractor does not employ or contract with illegal immigrants.

   By signing this Participating Addendum, the Contractor agrees and certifies that they do not employ or contract with illegal immigrants and that they will not employ or contract with illegal immigrants during the aggregate term of the contract.

3. **Performance Standards** Under Arkansas law, all state agencies, boards, commissions, and institutions of higher education **must** include performance standards when purchasing services. Performance standards **shall** be mutually agreed upon by the parties hereto for any services purchased.

R. **Leasing and Alternative Financing.** Leasing and alternative financing services by State Agencies **shall not** be authorized under this Participating Addendum. Political Subdivisions and other authorized purchasing entities should follow their own laws, rules, policies, and/or guidelines, etc. in regard to leasing and alternative financing services.

S. **Value Added Services**. The Contractor **shall not** propose or provide value-added services unless it meets one (1) or more of the following criteria:

- It is of no cost to the purchasing entity;
- Services are linked to items the entity has purchased through a current or past transaction.

7. CONVENIENCE FEE:

A. Convenience Fee

Contractor **shall** remit a convenience fee in the amount of one percent (1%) of all Contract Sales made to State, State Departments, and to local entities as defined in Arkansas Code Annotated § 19-11-206 (i.e. local governments, cities, counties, school districts, water districts, and other participants, collectively "State"). The convenience fee is based on Contractor invoice date and is effective upon the date of execution of this addendum. Contract Sales is defined as gross sale amounts less credits, taxes, regulatory fees and separately stated shipping charges not included in the unit prices. The State, at its sole discretion, may expand the applicability of this fee after providing notice to Contractors.

Unit prices are inclusive of the convenience fee and Contractor is not to charge the fee directly to the State in the form of a separate line item. Contracts **shall not** have separate or different prices for State Agency customers and local entities as defined in Arkansas Code Annotated § 19-11-206 participants.

B. Quarterly Reporting and Fee Remittance

Contractor **shall** submit a Sales Report documenting all contract sales, made to State and such submission, including any supplemental information submitted, is deemed public record.

The Sales Report **shall** be submitted no later than forty-five (45) calendar days after the end of each calendar quarter, and the related convenience fee **shall** be remitted no later than forty-five (45) calendar days after the end of each calendar quarter. The calendar quarters will end March 31, June 30, September 30, and December 31. The Sales Report **must** contain the following information:

a. Complete and accurate details of all sales, credits, returns, refunds, and the like for the reporting quarter
b. Purchasing entity
c. Total of Convenience Fee amount due
d. Such other information as the State may reasonably request
e. If no Sales were made to State during the reporting quarter, then a report shall be submitted showing zero sales and zero convenience fees due.

C. Payment of Convenience Fee

The Contractor **shall** timely remit Convenience Fee via Automated Clearing House (ACH) transactions, unless otherwise directed by State, to the bank account directed by the State. Failure to remit convenience fees timely and accurately in accordance with State requirements may result in Contractor's goods and services being made ineligible for purchase by State or any other recourse available, including contract cancellation, or as further provided for by law.

D. Retention and Inspection of Records
The Contractor **shall** keep records of Sales to State in sufficient detail to enable the State to determine the Convenience Fee payable by the Contractor. State may examine and audit, at its own expense, Contractor's sales records and Sales Reports for completeness and accuracy. In the event that such examination reveals underpayment of the Convenience Fee, the Contractor **shall** immediately pay to the State the amount of deficiency. If the examination reveals an underpayment of 5% or more, then the Contractor **shall** reimburse the State for the cost of the audit.

8. Purchase Order Instructions:
All purchase orders issued by Purchasing Entities within the jurisdiction of this participating addendum should include the following:

A. NASPO ValuePoint/State of Utah Master Agreement number **AR3227**
B. State contract number [**SP-20-0051 4600048977]**
C. Agency Name, Address, Contact, and Phone-Number
D. Applicable approvals
E. Orders will be made out to the Contractor or Reseller

The Purchasing Entities **shall not** be required, by the Contractor or its subcontractors, to sign any additional terms and conditions when utilizing this Agreement.

9. Subcontractors:
All dealers, fulfillment partners and resellers authorized in the State of Arkansas, as shown on the dedicated Contractor (cooperative contract) website, and approved by the State of Arkansas, are approved to provide sales and service support to participants in the NASPO ValuePoint Master Agreement. The Contractor's dealer participation will be in accordance with the terms and conditions set forth in the aforementioned Master Agreement. The Contractor will be responsible for any agreements with the subcontractors. The Participating State/Entity is not agreeing to and is not responsible for any terms and conditions with a subcontractor.

Contractor **shall** submit a request to the State requesting the addition of any subcontractor to perform under this Participating Addendum. Contractor **shall** also provide the following subcontractor documentation to the State:

- W9 and remittance address (if applicable)
- 98-04 Contract and Grant Disclosure Form
- Equal Opportunity Policy—Required if subcontractor employs more than 25 employees. If subcontractor employs less than 25 employees and is not required by law to have an EO Policy, a statement to that effect is required
- Illegal Immigrant Certification— https://www.ark.org/dfa/immigrant/index.php/user/welcome
- Israel Boycott Restriction Certification
- Subcontractor's primary contact information

Subcontractor	Contact Name	Email	Phone
To be provided			

Subcontractors may be updated by mutual agreement without the requirement of an amendment.

10. **Individual Customer:**
Each State agency and political subdivision, as a Participating Entity, that purchases products/services **shall** be treated as if they were Individual Customers. Except to the extent modified by a Participating Addendum, each agency and political subdivision **shall** be responsible to follow the terms and conditions of the Master Agreement; and they **shall** have the same rights and responsibilities for their purchases as the Lead State has in the Master Agreement. Each agency and political subdivision **shall** be responsible for their own charges, fees, and liabilities. Each agency and political subdivision **shall** have the same rights to any indemnity or to recover any costs allowed in the contract for their purchases. The Contractor **shall** apply the charges to each Participating Entity individually.

11. **Orders:**
Any Order placed by a Participating Entity or Purchasing Entity for a Product and/or Service available from this Master Agreement **shall** be considered a sale under (and governed by the prices and other terms and conditions) of the Master Agreement unless another contract is referenced on the Order. .If multiple contracts are available to a Purchasing Entity, Contractor may seek clarification to which contract an Order is in reference to if no contract is not specified on Purchasing Entity's Order.

12. **Terms**:
The Participating State/Entity is agreeing to the terms of the Master Agreement only to the extent the terms are not in conflict with Arkansas law or this Participating Addendum.

13. **Primary Contacts:**
The primary contact individuals for this Participating Addendum are as follows (or their named successors):

Lead State	Name	Chris Jennings
	Address	
	Telephone	801-538-3157
	E-mail	ctjennings@utah.gov
Contractor	Name	Gigi Feril
	Address	170 W. Tasman Drive, San Jose, CA 95134
	Telephone	408-424-0712
	E-mail	nvp-help@cisco.com
Participating Entity	Name	Shane Phillips
	Address	501 Woodlane Street, Suite 220, Little Rock, Arkansas 72201
	Telephone	501-324-9322
	E-mail	Jordan.Phillips@arkansas.gov

The contacts listed above can be changed by the parties from time to time in writing. Such updates do not require an amendment to this Addendum.

14. **Entire Agreement.** This Participating Addendum and the Master Agreement number AR3227 (administered by the State of Utah) together with its exhibits (including any terms referenced in the Master Agreement), set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Addendum and the Master Agreement, together with its exhibits, **shall not** be added to or incorporated into this Addendum or the Master Agreement and its exhibits, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Addendum and the Master Agreement

and its exhibits **shall** prevail and govern in the case of any such inconsistent or additional terms within the Participating State.

IN WITNESS WHEREOF, the parties have executed this Addendum as of the date of execution by both parties below.

Participating State:	**Contractor:**
By [redacted]	By: [redacted]
Name: Edward Armstrong	Name: Jenn Pate
Title: State Procurement Director	Title: Authorized Signatory
Date: 06/02/2021	Date: May 28, 2021

APPROVED BY LEGAL

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A THREE (3) YEAR AGREEMENT WITH HEARTLAND BUSINESS SYSTEMS, IN THE TOTAL AMOUNT OF THREE HUNDRED THIRTY-FOUR THOUSAND THREE HUNDRED EIGHTY-ONE DOLLARS AND FIFTY-NINE CENTS ($334,381.59), FOR SECURITY SOFTWARE; AND FOR OTHER PURPOSES.

WHEREAS, Heartland Business Systems was selected from a cooperative purchasing agreement through NASPO, Contract No. AR377;

WHEREAS, this complies with the City's Purchasing Policy; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into a three (3) year agreement with Heartland Business Systems, in the amount of three hundred thirty-four thousand three hundred eighty-one dollars and fifty-nine cents ($334,381.59), for security software for various City departments;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, MAYOR

ATTEST:

_____
Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Creek Wenger
Phone:	479-253-5715	**For Department(s):**	Parks and Recreation
Email:	cwenger@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☑ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Awarding Bid IFB-26-02 Creekside Park Mowing to Empire Group Property Management
Action Recommendation & Justification:	A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Empire Group Property Management, in the amount of $67,053.00, for mowing services of Creekside Park and other properties. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This is included in the 2026 budget. Empire Group Property Management was the lowest responsible and responsive bidder and was selected following the city solicitation process for bids. This price is based on 30 mows per year at the bid rate of $2235.10 per mow.
Amount for Approval:	**$** 67,053.00

Budget Impact

Is this Item Budgeted? ☑ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

Memo

To: City Council, Mayor Orman

Thru: David Wright, Parks and Recreation Director

From: Creek Wenger, Parks Maintenance Manager

Date: March 6, 2026

Re: Council approval of Bid Award IFB 26-02 to Empire Group Property Management, in the amount of $67,053, for the mowing services of Creekside Park and other properties. This price is based on 30 mows per year at the bid rate of $2235.10 per mow. This item is included in the 2026 Budget.

Council approval of Bid Award IFB 26-02 to Empire Group Property Management, in the amount of $67,053, for the mowing services of Creekside Park and other properties. This price is based on 30 mows per year at the bid rate of $2235.10 per mow. This item is included in the 2026 Budget.

It is important to note that this is a 2026 budgeted item. The agreement with Empire Group Property Management for Creekside Park is a critical step in ensuring the park is maintained to a high standard throughout the growing season. Contracted mowing services will provide the necessary consistency, equipment, and expertise to properly care for the turf areas, helping to preserve the park's appearance, safety, and overall usability for the community.

By securing these services in advance, we can ensure uninterrupted maintenance, reduce strain on internal staff and equipment resources, and maintain a well-kept environment that supports both current recreational use and long-term sustainability of the park grounds.

For any questions, please contact Creek Wenger at cwenger@bentonvillear.com.

IFB-26-02

Creekside Mowing Bid Tabulation

				Bidders	Hercules Landscaping, LLC.	Empire Group Property Management	M & W Outdoors	Martel's Landscaping	Titan Lawn and Landscape, LLC.	Brightview Landscape Services, Inc
Item #	Location Name	Unit	QTY (Estimated)		Price Per Mow Cycle (UNIT PRICE)	Price Per Mow Cycle (UNIT PRICE)	Price Per Mow Cycle (UNIT PRICE)	Price Per Mow Cycle (UNIT PRICE)	Price Per Mow Cycle (UNIT PRICE)	Price Per Mow Cycle (UNIT PRICE)
1	**Creekside Creekside Park** Excluding cricket grounds, Bright Road, and Little Osage Creek TrailPark	AC	23		$ 1,610.00	$ 1,610.00	$ 2,190.00	$ 1,637.00	$ 1,463.47	$ 1,509.14
2	**Creekside Park** Cricket Grounds	AC	3		$ 228.00	$ 210.00	$ 164.25	$ 213.53	$ 325.22	$ 227.94
3	**Creekside Park** Little Osage Trail Including green spaces	AC	2.6		$ 182.00	$ 182.00	$ 164.25	$ 213.53	$ 325.22	$ 348.13
4	**Creekside Park** Bright Road Sidewalk and greenspace	AC	0.2		$ 20.00	$ 14.00	$ 438.00	$ 71.18	$ 325.22	$ 328.71
5	**Morningstar Property** 3199 SW Regional Airport Road (currently under construction estimated completion September 2026)	AC	3.13		$ 306.74	$ 219.10	$ 93.08	$ 249.17	$ 325.22	$ 319.83
				Total Bid Price	$ 2,346.74	$2,235.10	$ 3,049.58	$ 2,384.41	$ 2,764.35	$ 2,733.75

purchasing@bentonvillear.com

TABULATION VERIFICATION

[redacted]

[redacted]

Purchasing Agent, Purchasing & Compliance

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH EMPIRE GROUP PROPERTY MANAGEMENT, IN THE AMOUNT OF SIXTY-SEVEN THOUSAND FIFTY-THREE DOLLARS ($67,053.00), FOR MOWING AT CREEKSIDE PARK; AND FOR OTHER PURPOSES.

WHEREAS, Empire Group Property Management was the lowest bid for IFB-26-02 for mowing at Creekside Park; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Empire Group Property Management, in the amount of sixty-seven thousand fifty-three dollars ($67,053.00), for mowing at Creekside Park;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Josh Stacey
Phone:	479-418-8653	**For Department(s):**	Parks and Recreation
Email:	jstacey@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Entering into an Agreement with Musco Sports Lighting, LLC
Action Recommendation & Justification:	A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Musco Sports Lighting, LLC, in the amount of $551,800.00, for sports lighting upgrades at Memorial Park Baseball and Softball Complex. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This purchase is being made via Sourcewell Contract number 041123-MSL which is compliant with the City's Purchasing Policy. This is a 2026 operational budget item.
Amount for Approval:	**$** 551,800.00

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

Memo

To: City Council, Mayor Orman

From: Josh Stacey, Parks and Recreation Deputy Director

CC: David Wright, Parks and Recreation Director

Date: March 11, 2026

Re: Council approval of a Resolution authorizing the Mayor and City Clerk to enter into an agreement with Musco Sports Lighting, LLC in the amount of $551,800 for sports lighting upgrades at Memorial Park Baseball and Softball Complex.

Parks and Recreation staff is requesting City Council's approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Musco Sports Lighting, LLC in the amount of $551,800 for sports lighting upgrades at Memorial Park Baseball and Softball Complex.

Following the May 2024 tornadoes, one of the existing light poles on Field 9 was damaged and had to be removed. As part of the repair, new LED sports lights were installed on Field 9. This request would upgrade Fields 5, 6, 7, and 8 to the same LED lighting system.

Upgrading these fields will create a more consistent appearance across the complex and reduce electrical costs through improved energy efficiency. This project also supports the department's goal of replacing all remaining older sports lights at the complex by 2028.

This is a budgeted purchase in the 2026 Capital Budget.

If you have any questions regarding this item, please contact Josh Stacey at jstacey@bentonvillear.com or call 418.8653.

Attachments:
Musco Quote

1. SELLER NAME AND ADDRESS: Musco Sports Lighting, LLC (“Musco”) 211 2nd Avenue West – PO Box 808 Oskaloosa, IA 52577 Attn: Alex Coca Email: Alex.Coca@musco.com Telephone: 641-673-0411 800-825-6020 Ext 4774	**2. BUYER NAME AND ADDRESS:** City of Bentonville (the “Buyer”) 401 East Moberly Bentonville, AR 72712 Attn: Josh Stacey Email: jstacey@bentonvillear.com Telephone: 479-464-7275 ext. 3
3. OWNER NAME AND ADDRESS: City of Bentonville 401 East Moberly Bentonville, AR 72712 Attn: Josh Stacey Email: jstacey@bentonvillear.com Telephone: 479-464-7275 ext. 3	**4. SHIPPING NAME AND ADDRESS:** Memorial Park 99 Dayne Lane Bentonville, AR 72712 Attn: James Ward Email: 479-445-2238 Telephone: jward@hillark.com
5. WARRANTY CONTACT: City of Bentonville 401 East Moberly Bentonville, AR 72712 Attn: Josh Stacey Email: jstacey@bentonvillear.com Telephone: 479-464-7275 ext. 3	**6. FACILITY NAME AND ADDRESS:** Memorial Park 99 Dayne Lane Bentonville, AR 72712
7. INVOICES: Please remit invoices to: ☒_____ ☒_____ ☒_____ Attn: ☒_____ Email: ☒_____ Telephone: ☒_____	

8. **EQUIPMENT DESCRIPTION** – Musco shall sell, transfer, and deliver to Buyer, and Buyer will purchase, accept, and pay for the following goods (the "Equipment") in accordance with the "Total Price" paragraph of this Agreement:

Light-Structure System™ Foundation-to-Poletop Lighting System

- 14 – Total Light Control® TLC-BT-575 BallTracker® factory-aimed and assembled luminaires
- 20 – Total Light Control® TLC-LED-1200 factory-aimed and assembled luminaires
- 10 – Total Light Control® TLC-LED-900 factory-aimed and assembled luminaires
- 20 – Total Light Control® TLC-LED-1500 factory-aimed and assembled luminaires
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- 4 - 60 ft galvanized steel poles
- 8 - 70 ft galvanized steel poles
- 12 Pre-cast concrete bases with integrated lighting grounding

Light-Structure System™ Retrofit - TLC for LED® Upgrade

- Poletop luminaire assemblies with:
- 2 – Total Light Control® TLC-BT-575 BallTracker® factory-aimed and assembled luminaires
- 4 – Total Light Control® TLC-LED-1200 factory-aimed and assembled luminaires
- 2 – Total Light Control® TLC-LED-900 factory-aimed and assembled luminaires
- Pole length factory assembled wire harnesses
- Factory wired and tested remote electrical component enclosures
- Mounting hardware for poletop luminaire assemblies and electrical components enclosures
- Disconnects

With Controls

- Control-Link® control and monitoring system to provide remote on/off and dimming (high/medium/low) control and performance monitoring with 24/7 customer support

Built to the following specifications:

- Driver input voltage: ☒_____
- Phase to pole: ☒_____ phase
- Structural integrity: based upon IBC, 2021, 110 mph, Exposure C
- Light level(s): 50 footcandles infield, 30 footcandles outfield

9. **RESPONSIBILITIES OF THE BUYER AND/OR THIRD PARTY** – Buyer/Third Party agrees to:
Refer to responsibilities listed in the Installation Scope of Work in Exhibit A.

10. **MUSCO CONTROL-LINK® CONTROL SYSTEM –** Musco agrees to provide design and layout for the control system.

Control-Link Central™ customer support services: commission the system; monitor and report system alarms; provide automated facility management reports; provide on-off schedules via Control-Link Central app or website, email, phone call or fax; and provide technical support 24 hours a day, seven days a week.

11. **MUSCO SERVICES –** Musco agrees to provide, itself or through its subcontractors, design, layout, testing and commissioning for the Equipment and the following (collectively, the "Services"):

Installation – refer to the Installation Scope of Work in Exhibit A.

12. **CONSTANT 25™ WARRANTY – CONTROL AND MONITORING PROGRAM (the "Warranty")** (Field 5) **–** Musco shall provide parts, labor, and services as outlined in the Musco Constant 25 Warranty Agreement to maintain operation of lighting equipment for a period of 25 years on the following terms:

    - **Warranty service begins:** on the date of product shipment
    - **Expiration date:** 25 years from date of shipment
    - **Services:** control, monitoring, and maintenance
    - **Light levels:** as specified in Musco design documents
    - **Spill light control:** as specified in Musco design documents
    - **Energy consumption:** as specified in Musco design documents

12. **CONSTANT 25™ WARRANTY – MAINTENANCE PROGRAM (the "Warranty")** (Fields 6, 7, and 8) **–** Musco shall provide parts, labor and services as outlined in the Musco Constant 25 Warranty Agreement to maintain operation of lighting equipment for a period of 25 years on the following terms:

    - **Warranty service begins:** on the date of product shipment
    - **Expiration date:** 25 years from date of shipment
    - **Services:** maintenance
    - **Light levels:** as specified in Musco design documents
    - **Spill light control:** as specified in Musco design documents
    - **Energy consumption:** as specified in Musco design documents

13. **TOTAL PRICE** – Buyer will pay for the above-described Equipment and, if applicable, Services. The Total Price of $551,800.00 plus applicable taxes is payable as follows.

    - $551,800.00 within 30 days from invoice date

    A copy of the payment and performance bond (if applicable) is required prior to shipment.

    Monthly progress invoicing and payments will apply.

    Final payment shall not be withheld by Buyer on account of delays beyond the control of Musco.

    Project is being purchased through the following cooperative purchasing agreement:

    Sourcewell (contract number 041123-MSL)

    Price includes delivery, unloading, and installation to the address indicated in item #4 of this Agreement. Price does not include sales tax.

    Payments not paid when due are subject to a carrying charge for each month past due or will be pro-rated for the portion of the month there is an unpaid balance. Carrying charges shall accrue in the amount of one- and one-half percent (1.5%) per month of any overdue unpaid balance, or the maximum rate permitted by law, whichever is less.

    Source of Funds: Buyer agrees that Buyer's payment to Musco is not contingent upon Buyer getting paid by the Owner/End User.

    Buyer may not hold back or set off any amounts owed to Musco in satisfaction of any claims asserted by Buyer against Musco. No partial payment by Buyer shall constitute satisfaction of the entire outstanding balance of any invoice of Musco, notwithstanding any notation or statement accompanying that payment.

    The Total Price was calculated utilizing parameters outlined in the project specifications. In the event soil conditions vary from those relied upon, or if the soil cannot be readily excavated, Buyer shall be responsible for Musco's additional associated costs, including but not limited to the cost of design, alternate foundations, additional materials, and labor.

14. TAXES – Buyer shall pay all applicable state and local sales taxes, use or any similar tax invoiced appropriately by Musco.

☐ Taxable ☒ Non-Taxable (Copy of resale or exemption certificate must be attached. Note: Just holding a sales tax permit does not, in and of itself, qualify for a non-taxable sale.)

15. PAYMENT/PERFORMANCE BONDING – Is there a bond on this project? ☐ Yes ☐ No

Principal Bond Holder:	
Bonding Company Name:	
Bonding Company Address:	
Bonding Company Address	
Phone Number:	
Bond Number:	

DELIVERY – Normal delivery to the shipping address indicated above is 8 to 12 weeks after submittal approval or release of order, if later. If the Equipment is shipped in multiple lots, Musco shall prepare a separate invoice for the price of the Equipment shipped at the time of each shipment. Buyer shall pay the amount of each such invoice upon the same terms as set out in the "Total Price" paragraph of this Agreement. All deliveries shall be made by means of a common carrier or some other reasonable means chosen by Musco. All risk of loss to Equipment sold shall pass to Buyer upon Musco's substantial completion of the Services

Delivery is subject to Buyer maintaining credit satisfactory to Musco. Musco may suspend or delay performance or delivery at any time pending receipt of assurances, including full or partial prepayment or payment of any outstanding amounts owed adequate to Musco in its discretion, of Buyer's ability to pay. Failure to provide such assurances shall entitle Musco to cancel this contract without further liability or obligation to Buyer.

16. **NO RETAINAGE/WARRANTY** – Buyer acknowledges payment in full is required within the agreed terms. Warranty claims and back charges shall not be deducted from contract payments without prior approval of Musco's Warranty Department (877-347-3319). Musco's Equipment and its performance are sold subject to Musco's written warranty. The Warranty provided by Musco shall be in lieu of all other representations, warranties and conditions of any kind, in respect of the Equipment or the Services and Musco disclaims any other representation, warranty or condition whatsoever, whether written or oral, express or implied, statutory or otherwise, including, but not limited to, the implied warranties and conditions of merchantability and fitness for a particular purpose.

    Buyer acknowledges that any warranty and/or maintenance guarantee contained within payment/performance bonds issued on Musco's behalf pursuant to this Agreement and the corresponding liability on behalf of the issuing surety shall apply only to the first 12 months of any warranty and/or maintenance obligation of Musco specified in the written Warranty to be delivered to Buyer. The balance of any warranty and/or maintenance obligation greater than 12 months shall be the sole responsibility of Musco and shall not be guaranteed by a third party.

17. **EXCLUSION OF SPECIAL DAMAGES** – In no event shall Musco be liable for incidental, special or consequential damages, including without limitation lost revenues and profits, in respect of this Agreement or the Equipment and, if applicable, Services provided hereunder.

18. **LIMITATIONS PERIOD** – Unless otherwise specified in the Warranty to be delivered to Buyer, any action or proceeding against Musco arising out of or relating to the Equipment or Services will be forever barred unless commenced within the earlier of: (a) one (1) year after delivery of the Equipment or if applicable, completion of the Services; or (b) the period prescribed by the applicable statute of limitation or repose.

19. **SECURITY AGREEMENT** – In consideration of the promises contained herein, Buyer hereby grants and conveys to Musco, to secure payment and performance of all obligations in full, a purchase money security interest in the Equipment, including all repairs, replacements and accessions thereto and proceeds thereof (collectively referred to as the "Secured Property"). Buyer hereby irrevocably authorizes Musco at any time to register in any registration office in any province (including personal property registries and if applicable, land titles or real property registries) any initial financing statements, financing change statements, notices of security interest or other documents relating to this security interest or this transaction. Buyer further agrees to promptly furnish any information requested by Musco to effectuate the terms of this Agreement. Buyer further agrees to execute any document reasonably required by Musco to perfect the security interest granted herein and to assure the preservation, priority, and enforcement of such security interest. Buyer agrees that value has been given for this security interest and that the parties have not agreed to postpone the time for attachment of the security interest.

20. **DEFAULT** – Each of the following shall constitute a default ("Default") under this Agreement: a) failure to pay, in full, any payment when due hereunder; b) Buyer becomes the subject of a bankruptcy, receivership or insolvency proceeding; c) any warranty, representation or statement made or furnished to Musco by or on behalf of the Buyer proved to have been false in any material respect when made or furnished; d) loss, theft, damage, destruction or encumbrance to, or of, the Secured Property or the making of any levee, seizure or attachment thereof or thereon prior to payment in full; or e) the occurrence or non-occurrence of any event or events which causes Musco, in good faith, to deem itself insecure for any reason whatsoever.

21. **REMEDIES UPON DEFAULT** – In the event of Default, Musco may, at its option, and without notice or demand: a) declare the entire unpaid balance owing hereunder due and payable at once; b) proceed to recover judgment for the entire unpaid balance due; c) exercise all rights provided to Musco under this Agreement, any applicable personal property security act (or similar legislation), at law or in equity including but not limited to entering the Buyer's premises and taking possession of the Secured Property. All the remedies described herein are cumulative and may be exercised in any order by Musco.

22. **FORCE MAJEURE** – Musco shall not be liable for delays or failure to perform in respect of the Equipment or the Services due, directly or indirectly, to (i) causes beyond Musco's reasonable control, or (ii) acts of God or nature, acts (including failure to act) of any governmental authority, wars (declared or undeclared), strikes or other labor disputes, fires, and natural calamities (such as floods, earthquakes, storms, epidemics).

23. **EEO COMPLIANCE – When applicable, Musco and Subcontractor shall comply with the EEO Clause in Section 202 of Executive Order 11246, as amended, which is incorporated herein by specific reference.**

    When applicable, Musco and Subcontractor shall abide by the requirements of 41 CFR 60-741.5(a) and 41 CFR 60-300.5(a). These regulations prohibit discrimination against qualified individuals on the basis of disability and against qualified protected veterans and require affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities and qualified protected veterans.

24. **CONDITIONS OF AGREEMENT**

    a. **APPLICABLE LAW** – This Agreement shall be governed by the laws, including the Uniform Commercial Code, adopted in the State of Arkansas as effective and in force on the date of this Agreement.

    b. **EXPENSES/REMEDIES** –It is further understood that if Buyer does not make a payment as due, Musco has the right to forward appropriate notices or claims on jobs with owners, bonding companies, general contractors, or the like, as deemed appropriate by Musco.

    c. **ENTIRE AGREEMENT** – This Agreement, the written Warranty to be delivered to Buyer, and any invoice issued by Musco pursuant to this Agreement constitute the entire agreement between the parties and supersede all prior statements of any kind made by the parties or their representatives. No representative or employee of Musco has any authority to bind Musco to any term, representation, or warranty other than those specifically included in this written Agreement or the written Warranty to be delivered to Buyer in connection with this Agreement. This Agreement may not be amended or supplemented except by written agreement executed by Musco and Buyer.

    d. **ACCEPTANCE –** This Agreement is subject to the approval of Musco's Credit Department and the written acceptance of this Order by Musco.

CITY OF BENTONVILLE	**MUSCO SPORTS LIGHTING, LLC**
Acceptance	Acceptance
Date	Date
_____	_____
Signature	*Signature*
_____	_____
Name and Title	Name and Title

Please remember to return all pages of this agreement.

EXHIBIT A.

Memorial Park Softball

Bentonville, AR
Turnkey Scope of Work

Customer / End User Responsibilities:

1. Complete access to the site for construction utilizing standard 2-wheel drive rubber tire equipment.
2. Locate existing underground utilities not covered by your local utilities (i.e. water lines, electrical lines, irrigation systems, and sprinkler heads). Musco or Subcontractor will not be responsible for repairs to unmarked utilities.
3. Locate and mark field reference points per Musco supplied layout (i.e. home plate, center of FB field).
4. Pay for extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.) or soils not defined in geo-technical report. Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
5. Pay any power company fees and requirements.
6. Pay all permitting fees and obtain the required electrical permitting.
7. Provide area on site for disposal of spoils from foundation excavation.
8. Provide area on site for dumpsters.
9. Provide sealed Electrical Plans (if required).

Musco Responsibilities:

1. Provide required foundations, poles, electrical enclosures, luminaires, wire harnesses, and control cabinets.
2. Provide layout of pole locations and aiming diagram.
3. Provide Contract Management as required.
4. Provide stamped foundation designs based on soils that meet or exceed those of a Class 5 material as defined by 2018 IBC Table 1806.2.
5. Assist our installing subcontractor and ensure our responsibilities are satisfied.

Musco Subcontractor Responsibilities

General:

1. Obtain any required permitting.
2. Contact 811 for locating underground public utilities and then confirm they have been clearly marked.
3. Contact the facility owner/manager to confirm the existing private underground utilities and irrigation systems have been located and are clearly marked to avoid damage from construction equipment. Notify owner and repair damage to marked utilities. Notify owner and Musco regarding damage which occurred to unmarked utilities.
4. Provide labor, equipment, and materials to offload equipment at jobsite per scheduled delivery.
5. Provide storage containers for material (including electrical components enclosures), as needed.
6. Provide necessary waste disposal and daily cleanup.
7. Provide adequate security to protect Musco delivered products from theft, vandalism or damage during the installation.
8. Keep all heavy equipment off playing fields when possible. Repair damage to grounds which exceeds that which would be expected. Indentations caused by heavy equipment traveling over dry ground would be an example of expected damage. Ruts and sod damage caused by equipment traveling over wet grounds would be an example of damage requiring repair.
9. Provide startup and aiming as required to provide complete and operating sports lighting system.
10. Installation to commence upon delivery and proceed without interruption until complete. Notify Musco immediately of any breaks in schedule or delays.

Demolition:

1. Remove and dispose of the existing lighting poles, fixtures, and electrical enclosures. This will include the recycling of lamps, aluminum reflectors, ballast, and steel, as necessary.
2. Demolish existing foundations to 2 ft (0.6 m) below grade.
3. Leave existing power feed in place for connection to new pole locations.

Foundations, Poles, and Luminaires:

1. Mark and confirm pole locations per the aiming diagram provided. If there are any issues, immediately notify your Musco Project Manager.
2. Provide labor, materials, and equipment to install 12 LSS foundations as specified on Layout and per the stamped foundation drawings, if applicable.
3. Remove spoils to owner designated location at jobsite.
4. Provide labor, materials, and equipment to assemble Musco TLC-LED luminaires, electrical component enclosures, poles, and pole harnesses.
5. Provide labor, equipment, and materials to erect 12 dressed LSS Poles and aim utilizing the pole alignment beam.

Electrical:

1. Provide labor, materials, and equipment to reuse existing electrical service panels as required.
2. Provide labor, materials, and equipment to install all wiring, pull boxes etc. and terminate wiring as required. Relocate existing conduit to new pole locations.
3. Complete electrical installation per Musco Control System Summary and Musco Best Practices: Supply Wiring Installation document. If there are any discrepancies between Musco documents and electrical plans (if present), notify your Musco contact.
4. Complete required insulation resistance (Megger) tests on all current-carrying conductors per ANSI/NETA ATS-2021. Use the instructions and forms provided by Musco to provide test results to your Musco contact. Note conduits must be full of water prior to testing. Any conductors with resistance values less than (<) 100MOhms — phase to ground — must be repaired or replaced to meet the standard.
5. Underground splices are strongly discouraged. If underground splicing is required per the electrical plans,
   use only listed connector systems, rated for wet locations.
6. Provide as-built drawings upon completion of installation (if required).

Control-Link® Control and Monitoring:

1. Provide labor, equipment, and materials to install 1 Musco control and monitoring cabinet and terminate all necessary wiring.
2. Provide a dedicated 120 V 20 A controls circuit or a step-down transformer for 120 V control circuit if not available.
3. Check all zones to make sure they work in both auto and manual mode.
4. Commission Control-Link by contacting Control-Link Central™ at 877-347-3319.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH MUSCO SPORTS LIGHTING, LLC, IN THE AMOUNT OF FIVE HUNDRED FIFTY-ONE THOUSAND EIGHT HUNDRED DOLLARS ($551,800.00), FOR SPORTS LIGHTING AT MEMORIAL PARK; AND FOR OTHER PURPOSES.

WHEREAS, Musco Sports Lighting, LLC was selected from a cooperative purchasing agreement through Sourcewell, Contract No. 041123-MSL;

WHEREAS, this complies with the City's Purchasing Policy; and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Musco Sports Lighting, LLC, in the amount of five hundred fifty-one thousand eight hundred dollars ($551,800.00), for sports lighting at Memorial Park;

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, MAYOR

ATTEST:

_____
Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Casey Hackler
Phone:	(479) 271-6867	**For Department(s):**	Planning
Email:	casandra.hackler@bentonville.ar.gov		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☑ Ordinance ☐ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Ordinance Accepting Henderson Annexation
Action Recommendation & Justification:	Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☑ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

ORDINANCE NO._____

AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF BENTONVILLE, ARKANSAS; MAKING THE SAME A PART OF THE CITY OF BENTONVILLE; ASSIGNING THE SAME TO WARDS; AND FOR OTHER PURPOSES.

WHEREAS, a petition was filed with the County Clerk of Benton County, Arkansas by - all of the owners of the hereinafter described territory, said owners being listed in Exhibit "A" to this Ordinance, praying that said territory be annexed to, and made a part of the City of Bentonville, Arkansas;

WHEREAS, on the 23rd day of February, 2026, the County Court of Benton County, Arkansas, entered an order authorizing annexation pursuant to § 14-40-609 of the Arkansas Code Annotated, finding that the petition met the requirements for annexation under that provision and directed the Clerk to forward the order to the Mayor of the City of Bentonville; and

WHEREAS, the order entered by the County Judge provides that in order to accept the annexation proposed by the petitioners, the City of Bentonville is also required to accept as part of the territory to be annexed certain dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, the legal descriptions for which are included as an attachment to the County Court's order.

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

Section 1: That the land described on the attached Exhibit "B," which includes both the territory sought to be annexed by the petitioners and the dedicated public roads and rights of way abutting or traversing the property proposed to be annexed, is territory contiguous to and adjoining the City of Bentonville, Arkansas, and the petition to annex that property is hereby granted and the property described in Exhibit "B" is hereby accepted as part of, and annexed to, and made a part of the City of Bentonville;

Section 2: That the above described territory shall be annexed to and made a part of Ward 3 of the City of Bentonville, and the same shall henceforth be a part of said ward as fully as existing parts of said ward;

Section 3: That the above described territory shall be zoned A-1 to be used in accordance with City zoning laws and the laws of the State of Arkansas;

Section 4 – Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed;

Section 5 – Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this ordinance are repealed to the extent of such conflict; and

Section 6: That this Ordinance shall become effective 30 days from its passage and approval.

PASSED AND APPROVED THIS 31st DAY OF MARCH, 2026.

APPROVED: _____
HON. STEPHANIE ORMAN, Mayor

ATTEST: _____
HON. MALORIE MARRS, City Clerk

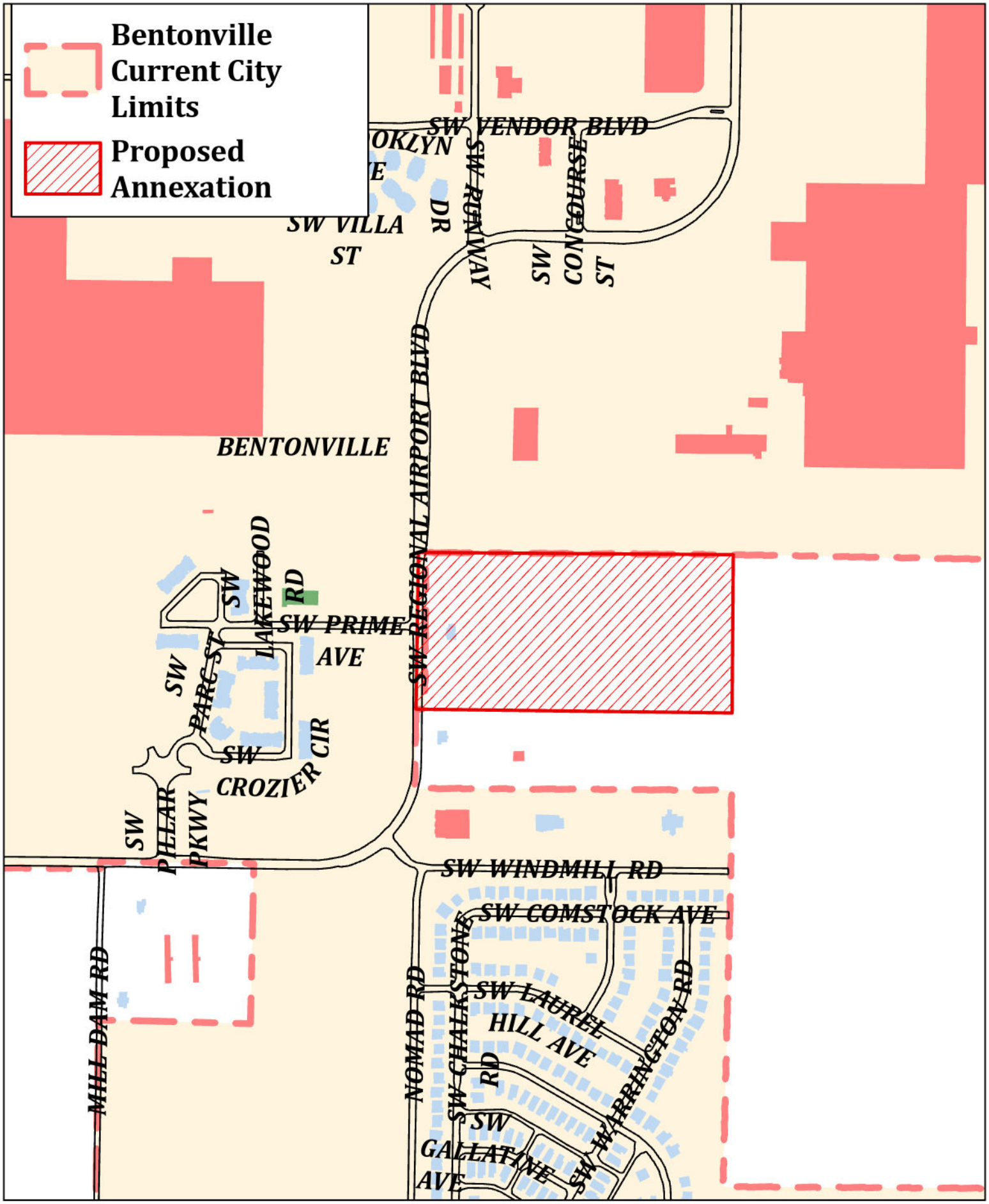
EXHIBIT "A"
Henderson ANNEXATION

Henderson, Robert A. 18-08979-000

Henderson Annexation
EXHIBIT 'B'

The North Half of the SE 1/4 of the SE 1/4 of Section 15, Township 19 North of Range 31 West.

Containing 19.66 acres more or less.



ANX25-0005
Henderson Annexation
5951 SW REGIONAL AIRPORT BLVD

FILED
2026 FEB -4 AM 11: 19
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

IN THE COUNTY COURT OF BENTON COUNTY
STATE OF ARKANSAS

CC 2026-03

IN THE MATTER OF ANNEXING TO THE CITY OF BENTONVILLE, ARKANSAS CERTAIN LANDS CONTIGUOUS TO SAID CITY

STERLING CREST, LLC, PETITIONERS

PETITION FOR ANNEXATION

Come now the undersigned petitioners, and state as follows:

1. That we, owning 100% of the property in the following described area, do hereby petition, pursuant to A.C.A. 14-40-609, the City Council of Bentonville, Arkansas, to annex the following lands to the City of Bentonville, Arkansas.

2. An accurate description and map of the property is attached hereto as Exhibit A.

3. A letter from Lenders Title Company, Inc. verifying that the petitioner is the sole owner of record of the relevant property is attached hereto as Exhibit "B".

4. A letter from Jason Ingalls, a certified professional engineer within the State of Arkansas, verifying that the Property is contiguous with the City of Bentonville, and that no enclaves will be created if the Property is accepted by the City is attached hereto as Exhibit "C".

FILED
2026 FEB -4 AM 11:19
BETSY HARBELL
CO & PROBATE CLERK
BENTON COUNTY, AR

5. A schedule of services the Petitioner proposed be extended to the area by the City within three years after the date the annexation becomes final is attached hereto as Exhibit "D".

6. A letter from the Arkansas Geographic Information Systems Office confirming coordination with that office is attached hereto as Exhibit "E".

7. Petitioners request that the Benton County Assessor and the Benton County Clerk complete the verifications required by law; that upon the completion of the verifications, that this Petition be presented to the Benton County Judge for issuance of an Order, and that the Benton County Judge forward this Petition and the Judge's Order to the City of Bentonville.

WHEREFORE, Petitioners request that the lands described herein be annexes to the City of Bentonville, Arkansas; that the Court enter an Order containing the findings by law; and that the Petition and Order then be forwarded to the City Council of the City of Bentonville.

PETITIONERS

[redacted]
Sterling Crest, LLC

FILED

2026 FEB -4 AM 11: 19

BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ATTESTATION

STATE OF ARKANSAS)
COUNTY OF BENTON)

Sterling Crest, LLC, of lawful age attests that they have read the above and foregoing document; that the statements therein made are true to the best of their knowledge and belief; and that they desire to annex the property described therein to the City of Bentonville, Arkansas.

[redacted]

Sterling Crest, LLC

SANDRA GONZALEZ CUENCA
MY COMMISSION EXPIRES
11-15-2028
NOTARY PUBLIC
COMM. # 12706151
BENTON COUNTY - ARKANSAS

Subscribed and sworn to before me this 3rd day of February, 2026.

[redacted]

NOTARY PUBLIC

EXHIBIT 'A'

FILED
2026 FEB -4 AM 11: 19
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ANNEXATION DESCRIPTION:

THE NORTH HALF OF SE1/4 OF THE SE1/4 OF SECTION 15, TOWNSHIP 19 NORTH OF RANGE 31 WEST, BENTON COUNTY, ARKANSAS AND TO INCLUDE HGIHWAY 12, ALSO KNOWN AS SOUTHWEST REGIONAL AIRPORT BOULEVARD, AND ITS ADJOINING RIGHT-OF-WAY.

FILED

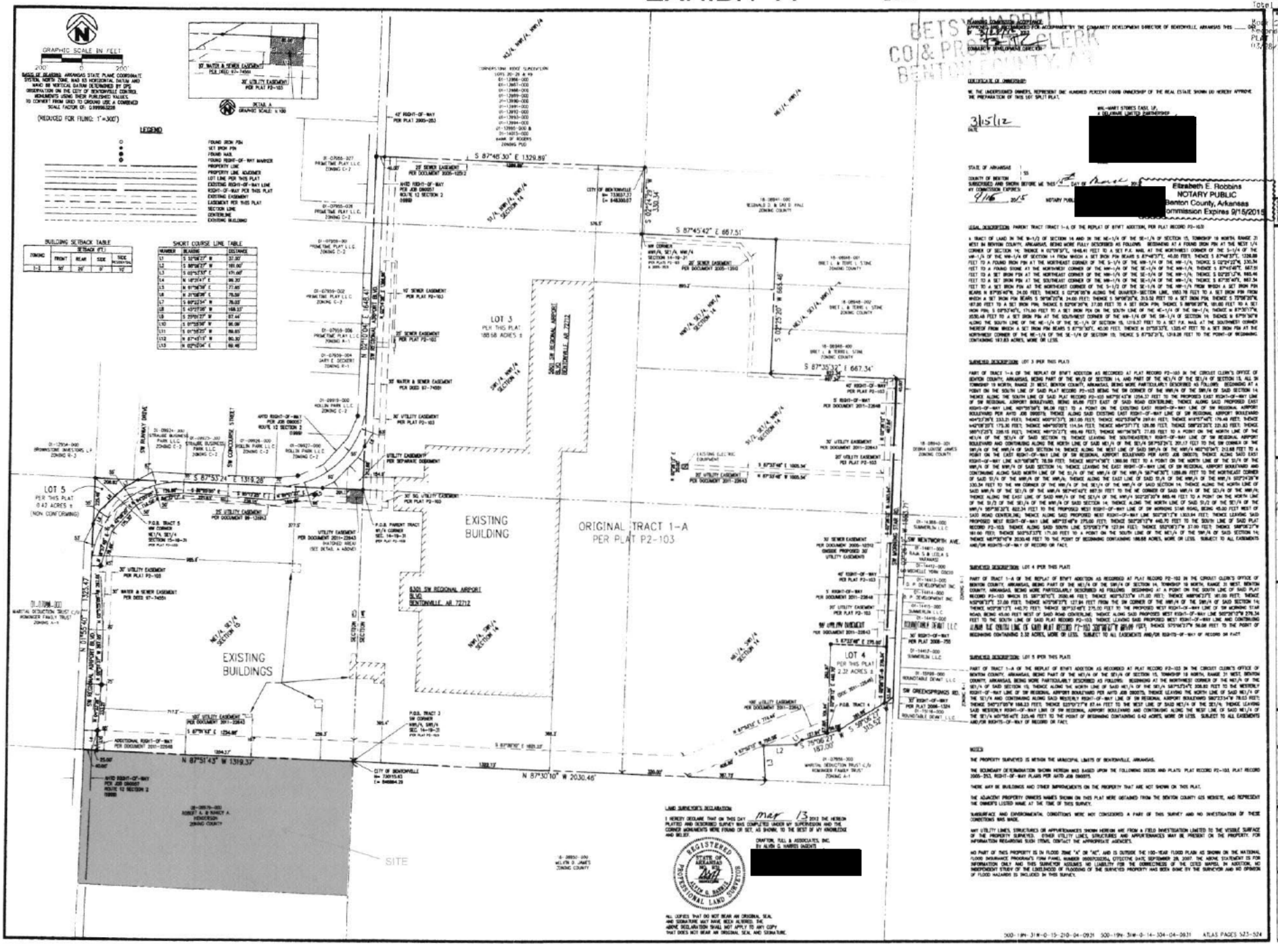
EXHIBIT 'A'

2026 FEB -4 AM 11:19

BETSY LADELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Pg: 2012/121
Term/Cashier: CASH2/Teresa Baker
03/28/2012 8:15AM
Trn#: 185674
Total Fees: $15.00

RECORD INFORMATION
Book 2012 Page 121
Recorded in the Above
Book & Page
03/28/2012



CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED OWNERS, REPRESENT ONE HUNDRED PERCENT (100%) OWNERSHIP OF THE REAL ESTATE SHOWN DO HEREBY APPROVE THE PREPARATION OF THIS LOT SPLIT PLAT.

3/15/12
DATE

WAL-MART STORES EAST, LP,
A DELAWARE LIMITED PARTNERSHIP

[redacted]

STATE OF ARKANSAS)
) SS
COUNTY OF BENTON)

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF March 20 12
MY COMMISSION EXPIRES:
9/16 20 15

[redacted]
NOTARY PUBLIC

Elizabeth E. Robbins
NOTARY PUBLIC
Benton County, Arkansas
My Commission Expires 9/15/2015

LEGAL DESCRIPTION: PARENT TRACT (TRACT 1-A OF THE REPLAT OF BTWFT ADDITION, PER PLAT RECORD P2-103)

A TRACT OF LAND IN THE N½ OF SECTION 14 AND IN THE NE¼ OF THE SE¼ OF SECTION 15, TOWNSHIP 19 NORTH, RANGE 31 WEST IN BENTON COUNTY, ARKANSAS, BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND IRON PIN AT THE WEST 1/4 CORNER OF SECTION 14; THENCE N 01°39'52"E, 1648.41 FEET TO A SET P.K. NAIL AT THE NORTHWEST CORNER OF THE S½ OF THE NW¼ OF SECTION 14 FROM WHICH A SET IRON PIN BEARS S 87°44'37"E, 40.00 FEET; THENCE S 87°44'37"E, 1328.88 FEET TO A FOUND IRON PIN AT THE NORTHEAST CORNER OF THE S½ OF THE NW¼ OF SECTION 14; THENCE S 02°01'27"W, 330.54 FEET TO A FOUND IRON PIN AT THE NORTHWEST CORNER OF THE NW¼ OF THE SE¼ OF THE NW¼; THENCE S 87°45'42"E, 667.51 FEET TO A SET IRON PIN AT THE NORTHEAST CORNER OF THE NW¼ OF THE SE¼ OF THE NW¼; THENCE S 02°01'27"W, 985.46 FEET TO A SET IRON PIN AT THE NORTHEAST CORNER OF THE NW¼ OF THE SW¼ OF THE NW¼; THENCE S 87°36'40"E, 667.34 FEET TO A SET IRON PIN AT THE NORTHEAST CORNER OF THE S½ OF THE SE¼ OF THE NW¼ FROM WHICH A SET IRON PIN BEARS N 87°55'40"E, 24.00 FEET; THENCE S 02°08'38"W ALONG THE QUARTER-SECTION LINE, 1983.78 FEET TO A SET IRON PIN FROM WHICH A SET IRON PIN BEARS S 59°06'20"E, 24.00 FEET; THENCE S 59°06'20"E, 313.52 FEET TO A SET IRON PIN; THENCE S 72°39'20"E, 87.80 FEET TO A SET IRON PIN; THENCE S 82°08'30"E, 37.80 FEET TO A SET IRON PIN; THENCE S 89°06'26"E, 181.60 FEET TO A SET IRON PIN; THENCE S 87°53'24"E, 171.90 FEET TO A SET IRON PIN ON THE SOUTH LINE OF THE NE¼ OF THE SW¼ OF THE NW¼; THENCE N 87°30'10"E, 1330.47 FEET TO A SET IRON PIN AT THE SOUTHWEST CORNER OF THE NW¼ OF THE SW¼ OF THE NE¼ OF THE SW¼ OF SECTION 14; THENCE N 87°30'10"E, 653.46 FEET TO A SET IRON PIN AT THE SOUTHWEST CORNER OF THE NW¼ OF THE SW¼ OF THE SW¼ OF THE NE¼ OF SECTION 14; THENCE N 87°30'10"E ALONG THE SOUTH LINE OF THE NE¼ OF THE SE¼ OF SECTION 15, 1319.20 FEET TO A SET P.K. NAIL AT THE SOUTHWEST CORNER THEREOF FROM WHICH A SET IRON PIN BEARS S 87°30'10"E, 40.00 FEET; THENCE N 01°58'32"E, 1325.47 FEET TO A SET IRON PIN AT THE NORTHWEST CORNER OF THE NE¼ OF THE SE¼ OF SECTION 15; THENCE S 87°53'21"E, 1316.28 FEET TO THE POINT OF BEGINNING CONTAINING 167.83 ACRES, MORE OR LESS.

SURVEYED DESCRIPTION: LOT 3 (PER THIS PLAT)

PART OF TRACT 1-A OF THE REPLAT OF BTWFT ADDITION AS RECORDED AT PLAT RECORD P2-103 IN THE CIRCUIT CLERK'S OFFICE OF BENTON COUNTY, ARKANSAS, BEING PART OF THE W½ OF SECTION 14, AND PART OF THE NE¼ OF THE SE¼ OF SECTION 15, ALL IN TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID PLAT RECORD P2-103 BEING THE SW CORNER OF THE NW¼N OF THE SW¼ OF SAID SECTION 14; THENCE ALONG THE SOUTH LINE OF SAID PLAT RECORD P2-103 N87°30'10"E 1294.37 FEET TO THE PROPOSED EAST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD, BEING 85.00 FEET EAST OF SAID ROAD CENTERLINE; THENCE ALONG SAID PROPOSED EAST RIGHT-OF-WAY LINE, N07°35'30"E, 98.06 FEET TO A POINT ON THE EXISTING EAST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD PER AVED JOB 080057; THENCE ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD N04°23'26"E 233.21 FEET; THENCE N00°57'37"E, 267.05 FEET; THENCE N02°57'06"W 297.61 FEET; THENCE N19°57'44"E 179.48 FEET; THENCE N42°08'25"E 173.30 FEET; THENCE N84°50'55"E 114.54 FEET; THENCE N84°57'17"E 128.88 FEET; THENCE S89°22'26"E 221.82 FEET; THENCE N85°12'27"E 208.15 FEET; THENCE N84°46'37"E 127.84 FEET; THENCE N87°36'40"E 27.65 FEET TO A POINT ON THE NORTH LINE OF THE NE¼N OF THE SE¼N OF SAID SECTION 15; THENCE LEAVING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD AND CONTINUING ALONG THE NORTH LINE OF SAID NE¼ N OF THE SE¼N S87°36'40"E 1330.94 FEET TO A POINT ON THE WEST LINE OF THE NW¼N OF SAID SECTION 14; THENCE LEAVING THE NORTH LINE OF SAID NE¼N OF THE SE¼N N87°36'40"E 210.68 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD PER AVED JOB 080057; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S07°35'30"W 58.59 FEET; THENCE N82°14'30"E 1350.00 FEET TO A POINT ON THE NORTH LINE OF THE SE¼N OF THE NW¼N OF SAID SECTION 14; THENCE LEAVING THE EAST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD AND CONTINUING ALONG SAID NORTH LINE OF THE SE¼N OF THE NW¼N N87°46'30"E 1286.86 FEET TO THE NORTHEAST CORNER OF SAID SE¼N OF THE NW¼N OF THE NW¼N; THENCE ALONG THE EAST LINE OF SAID SE¼N OF THE NW¼N S02°24'29"W 330.54 FEET TO THE NW CORNER OF THE NW¼N OF THE SE¼N OF THE NW¼N OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SAID NW¼N OF THE SE¼N OF THE NW¼N N87°46'42"E 667.51 FEET TO THE NE CORNER OF SAID NW¼N OF THE SE¼N OF THE NW¼N; THENCE ALONG THE EAST LINE OF SAID NW¼N OF THE SE¼N OF THE NW¼N S02°01'27"W 985.46 FEET TO THE NE CORNER OF SAID NW¼N OF THE SW¼N OF THE NW¼N OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF THE S½ OF THE NW¼N OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SAID S½ OF THE NW¼N OF THE SW¼N OF THE NW¼N S87°36'40"E 667.34 FEET TO THE NE CORNER OF SAID S½ OF THE NW¼N OF THE SW¼N OF THE NW¼N; THENCE ALONG THE EAST LINE OF SAID S½ OF THE NW¼N OF THE SW¼N OF THE NW¼N S02°08'38"W 1983.78 FEET TO A POINT ON THE NORTH LINE OF THE S½ OF THE NE¼N OF THE SW¼N OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF SAID S½ OF THE NE¼N OF THE SW¼N S87°36'22"E 332.39 FEET TO THE PROPOSED WEST RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD BEING 45.00 FEET WEST OF SAID ROAD CENTERLINE; THENCE ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE S02°08'38"W 1303.84 FEET; THENCE LEAVING SAID PROPOSED WEST RIGHT-OF-WAY LINE N87°51'48"E 440.70 FEET TO THE SOUTH LINE OF SAID PLAT RECORD P2-103; THENCE ALONG SAID SOUTH LINE S75°06'27"W 727.84 FEET; THENCE S82°08'30"W 37.80 FEET; THENCE S89°06'26"W 181.60 FEET; THENCE S87°53'23"E 171.90 FEET TO A POINT ON THE SOUTH LINE OF THE NE¼N OF THE SW¼N OF SAID SECTION 14; THENCE N87°30'10"E 2030.46 FEET TO THE POINT OF BEGINNING CONTAINING 19.68 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD OR FACT.

SURVEYED DESCRIPTION: LOT 4 (PER THIS PLAT)

PART OF TRACT 1-A OF THE REPLAT OF BTWFT ADDITION AS RECORDED AT PLAT RECORD P2-103 IN THE CIRCUIT CLERK'S OFFICE OF BENTON COUNTY, ARKANSAS, BEING PART OF THE NE¼N OF THE SW¼N OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID PLAT RECORD P2-103 WHICH IS S87°30'10"E 2030.46 FEET; THENCE N02°53'23"W 171.00 FEET; THENCE N89°06'26"E 181.60 FEET; THENCE N82°08'30"E 37.80 FEET; THENCE N72°39'20"W 87.80 FEET; THENCE S75°06'27"W 440.70 FEET; THENCE S01°58'32"E 275.00 FEET TO THE PROPOSED WEST RIGHT-OF-WAY LINE OF SW WORMSOM STAR ROAD, BEING 45.00 FEET WEST OF SAID ROAD CENTERLINE; THENCE ALONG SAID PROPOSED WEST RIGHT-OF-WAY LINE S69°57'12"W 279.34 FEET TO THE SOUTH LINE OF SAID PLAT RECORD P2-103; THENCE LEAVING SAID PROPOSED WEST RIGHT-OF-WAY LINE AND CONTINUING ALONG SAID SOUTH LINE S75°06'27"W 727.84 FEET TO THE POINT OF BEGINNING CONTAINING 2.32 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD OR FACT.

SURVEYED DESCRIPTION: LOT 5 (PER THIS PLAT)

PART OF TRACT 1-A OF THE REPLAT OF BTWFT ADDITION AS RECORDED AT PLAT RECORD P2-103 IN THE CIRCUIT CLERK'S OFFICE OF BENTON COUNTY, ARKANSAS, BEING PART OF THE NE¼N OF THE SE¼N OF SECTION 15, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NE¼N OF THE SE¼N OF SAID SECTION 15; THENCE ALONG THE NORTH LINE OF SAID NE¼N OF THE SE¼N S87°53'21"E 1316.28 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD PER AVED JOB 080057; THENCE LEAVING THE NORTH LINE OF SAID NE¼N OF THE SE¼N AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD S07°35'30"W 78.03 FEET; THENCE S40°10'09"W 186.23 FEET; THENCE S25°07'27"W 87.44 FEET TO THE WEST LINE OF SAID NE¼N OF THE SE¼N; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE OF SW REGIONAL AIRPORT BOULEVARD AND CONTINUING ALONG THE WEST LINE OF SAID NE¼N OF THE SE¼N N01°58'32"E 325.46 FEET TO THE POINT OF BEGINNING CONTAINING 0.42 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD OR FACT.

NOTES

THE PROPERTY SURVEYED IS WITHIN THE MUNICIPAL LIMITS OF BENTONVILLE, ARKANSAS.

THE BOUNDARY DETERMINATION SHOWN HEREON WAS BASED UPON THE FOLLOWING DEEDS AND PLATS: PLAT RECORD P2-103, PLAT RECORD 2005-253, RIGHT-OF-WAY PLANS PER AVED JOB 080057.

THERE MAY BE BUILDINGS AND OTHER IMPROVEMENTS ON THE PROPERTY THAT ARE NOT SHOWN ON THIS PLAT.

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

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

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

NO PART OF THIS PROPERTY IS IN FLOOD ZONE "A" OR "AE", AND IS OUTSIDE THE 100-YEAR FLOOD PLAIN AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM'S FIRM PANEL NUMBER 0005C0031G, EFFECTIVE DATE SEPTEMBER 28, 2007. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE SAID MAPPING. IN ADDITION, NO INDEPENDENT STUDY OF THE LIKELIHOOD OF FLOODING OF THE SURVEYED PROPERTY HAS BEEN DONE BY THE SURVEYOR AND NO OPINION OF FLOOD HAZARD IS INCLUDED IN THIS SURVEY.

LOT SPLIT
TRACT 1-A
BTWFT ADDITION
PREPARED FOR
CITY OF BENTONVILLE
BENTONVILLE ARKANSAS

VICINITY MAP

DELTA	DESCRIPTION	DATE
1.	REPLACED 5' UE WITH 30' UE	07/06/2008
2.	ADDED TRACT 5 GRAPHICS & DESC.	02/19/2009
3.	ADDED DOCUMENT NO. TO 25' UTILITY EASEMENT	03/02/2010
4.	ADDED 80' UTILITY EASEMENT TO NE¼ SE¼	11/29/2010
5.	ADDED EASEMENT WIDTH BY SEPARATE DOCUMENT AND OWNER'S CERTIFICATE	04/26/2011
6.	ADDED ESMT & R/W RECORDING DATA	03/15/2011
7.	REVISED OWNER'S CERT. & SURVEYOR'S CERT.	03/19/2012
8.	ADDED ESMT NOTE & LOT NUMBERS	03/26/2012

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

701 N. 47th St., Suite 200
Rogers, Arkansas 72756
Crafton Tull
architecture | engineering | surveying
479.636.4888 | 479.631.4224
www.craftontull.com

CERTIFICATE OF AUTHORIZATION
CRAFTON, TULL & ASSOCIATES, INC.
NO. 109

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PROJECT NO.: 081344-30
ISSUE DATE: 11/24/2010
DRAWN BY: ALVIN/MRS
CHECKED BY: ADH
SHEET NO.:

1 OF 1

FILED
2026 FEB -4 AM 11:19
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

EXHIBIT 'B'

LTC
LENDERS TITLE COMPANY

3761 N Mall Avenue, Suite 1

Fayetteville, AR 72703

Phone: 479-444-3333 Fax: 479-443-4256

Date: February 3, 2026

Prepare for: Jason Ingalls/Expedient Civil Engineering, PLLC

Lenders Title Company hereby certifies that the records of the Circuit Clerk of Benton County, Arkansas have been examined as to parcel number **18-08979-000**, also known as:

The North half of the SE1/4 of the SE1/4 of Section 15, Township 19 North, of Range 31 West, Benton County, Arkansas.

Subject to the right of way per Highway 12 right of way agreement filed in Book 279, Page 626.

Based on our review, we find that Sterling Crest, LLC, an Arkansas limited liability company is the vested owner of said parcel as listed above.

Sincerely,

[redacted]

By: Melissa A Pruss (17376072/23101)

Lenders Title Company

EXHIBIT 'C'

FILED
2026 FEB -4 AM 11: 19
BETSY HARRELL
CO & P RECORDER/ CLERK

Expedient Civil Engineering, PLLC
P.O. Box 5484
Bella Vista, AR 72714
Phone: (479) 364-0028
Email: jason@ece-pllc.com

February 3, 2026

Sterling Crest, LLC
P.O. Box
Rogers, AR 72757

SUBJECT: Annexation of Tax Parcel #18-08979-000

I have reviewed the city limits maps for Bentonville, Arkansas and hereby certify that the tract of land per Book L202563430 of the Benton County, Arkansas Records is contiguous with the current city limits. The annexation of this property will create no enclaves if it is accepted for annexation by the city of Bentonville.

Let me know if you need any other information at this time.

Best Regards,
EXPEDIENT CIVIL ENGINEERING, PLLC

[redacted]

Jason E. Ingalls, P.E.
Owner/Senior Project Manager

Cc: File

FILED
2026 FEB -4 AM 11:19
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

EXHIBIT 'D'

Schedule of Services

1. Police Protection
2. Fire Protection
3. Water Service
4. Sanitary Sewer Service
5. Electrical Service

FILED
2026 FEB -4 AM 11:19
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

Department of Shared Administrative Services
Governor Sarah Huckabee Sanders
Secretary Leslie Fisken

EXHIBIT 'E'

January 28, 2026

Honorable Mayor Stephanie Orman
305 SW A St.,
Bentonville, AR 72712

RE: City of Bentonville Annexation Coordination Requirement

Mayor Orman,

Thank you for coordinating with our office as you seek to annex property into the City of Bentonville, located in Section 15, Township 19 North, Range 31 West, Benton County, Arkansas. This letter represents confirmation that you have coordinated with our office (Arkansas GIS Office) as specified in *§ 14-40-101* (Act 914 of 2015) of the 90th General Assembly.

Our office will wait for the completion of additional steps necessary for the proposed boundary change, which normally comes from the Arkansas Secretary of State Elections Division after the appropriate filing by your County Clerk.

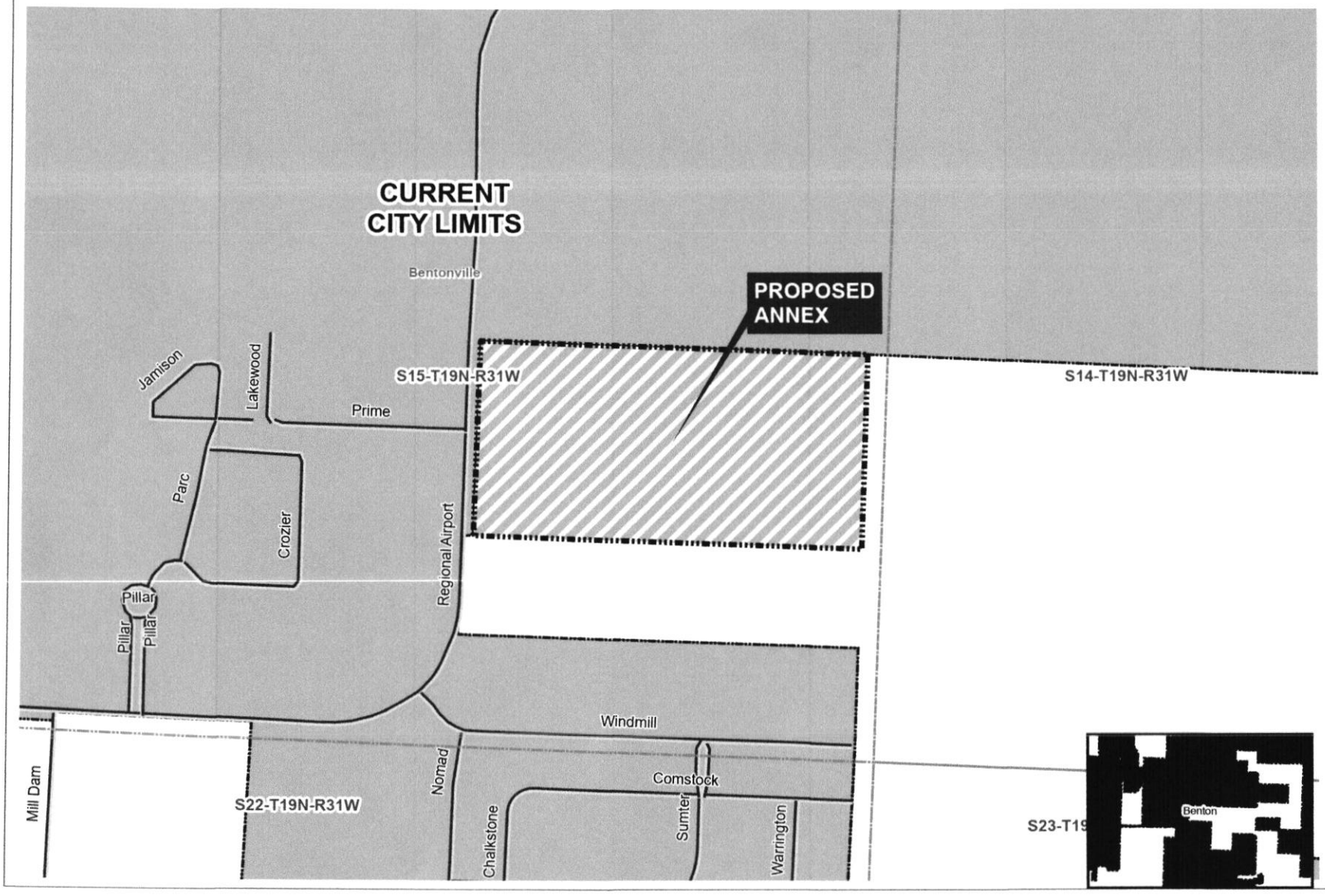
Si[redacted]

Niki Bittle, GIS Analyst
Attachments:
GIS Office Map of Proposed Annexation
Legal Description
Secretary of State Municipal Change Checklist

H:\City_Annexations\Cities\Bentonville\20260128\Doc\20260128_Bentonville_Annexation_Coordination_Letter.docx

Proposed Annex: City of Bentonville
January 2026

City: Bentonville
Mayor: Stephanie Orman



Arkansas Code 14-40-101.

Before an entity undertakes an annexation, consolidation, or detachment proceeding under this chapter, the entity shall coordinate with the Arkansas Geographic Information Systems Office for preparation of legal descriptions and digital mapping for the relevant annexation, consolidation, and detachment areas.

The map contained herein, is evidence, the entity has met requirements of Act 914 of 2015

- Proposed Annex
- Township-Range
- Sections
- Minor Road
- Neighboring City
- Existing Cities

0 0.02 0.04 0.08
Miles

ARKANSAS GIS OFFICE

H:\City_Annexations\Cities\Bentonville\20260128\

2026 FEB -4 AM 11:19
BETSY HARRELL
CIRCUIT & PROBATE CLERK
BENTON COUNTY, AR

FILED
2026 FEB -4 AM 11:20
BETSY HARRELL
CO & PROBATE CLERK
BENTON COUNTY, AR

ANNEXATION DESCRIPTION:

THE NORTH HALF OF SE1/4 OF THE SE1/4 OF SECTION 15, TOWNSHIP 19 NORTH OF RANGE 31 WEST, BENTON COUNTY, ARKANSAS.

AND ALSO TO INCLUDE HIGHWAY 12, ALSO KNOWN AS SOUTHWEST REGIONAL AIRPORT BOULEVARD, AND ITS ADJOINING RIGHT-OF-WAY.

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☑ Ordinance ☐ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance vacating Utility/Drainage Easement (VAC26-0010)
Action Recommendation & Justification:	Hold Public Hearing and approval of Ordinance vacating a Utility/DrainageEasement Vacation located at Lot 1, Block 9 of Dogwood Place Subdivision (VAC26-0010).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

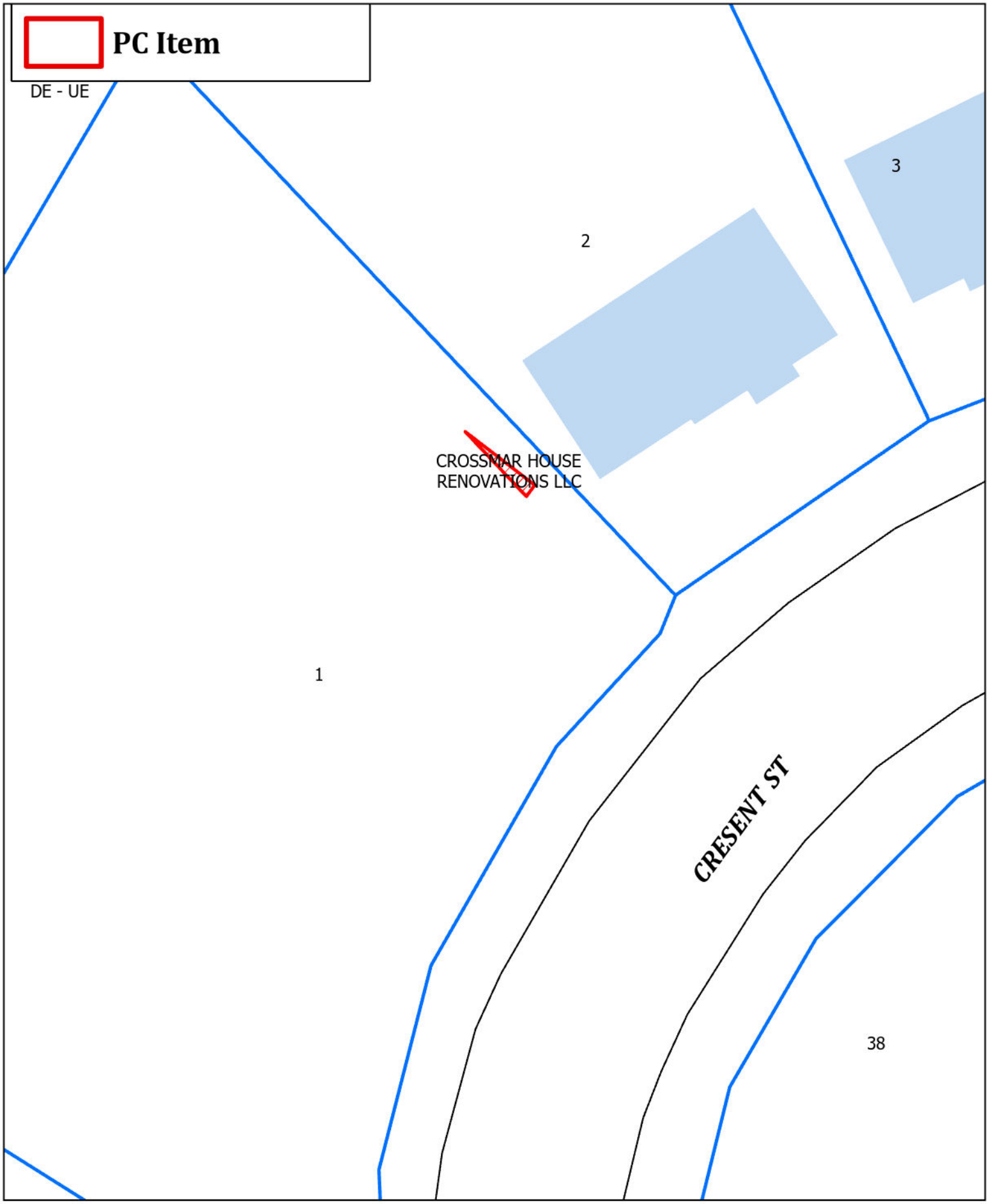
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



N
W E
S

VAC26-0010
CROSSMAR HOUSE RENOVATIONS LLC
1401 CRESENT ST

ORDINANCE NO_____

AN ORDINANCE VACATING UTILITY/DRAINAGE EASEMENT LOCATED AT LOT 1, BLOCK 9 OF DOGWOOD PLACE SUBDIVISION OF THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS (VAC26-0010).

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by Crossmar House Renovations, LLC asking the City Council to vacate a utility/drainage easement located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

EASEMENT VACATION AREA "A" - DESCRIPTION:
A PART OF A UTILITY AND DRAINAGE EASEMENT, LYING IN LOT 1, BLOCK 9, DOGWOOD PLACE SUBDIVISION, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "P-2" AT PAGE 70 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE S 42°02'05" E A DISTANCE OF 79.09 FEET; THENCE S 47°57'55" W A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; THENCE S 50°54'42" E A DISTANCE OF 13.59 FEET; THENCE S 37O50'51" W A DISTANCE OF 2.13 FEET; THENCE N 42°02'05" W A DISTANCE OF 13.80 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 14.47 SQUARE FEET, MORE OR LESS..

WHEREAS, after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the easement to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described utility/drainage easement.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bentonville, Arkansas:

Section 1: The City of Bentonville Arkansas releases, vacates, and abandons all of its rights together with the rights of the public generally, in and to the utility/drainage easement designated as follows:

EASEMENT VACATION AREA "A" - DESCRIPTION:
A PART OF A UTILITY AND DRAINAGE EASEMENT, LYING IN LOT 1, BLOCK 9, DOGWOOD PLACE SUBDIVISION, IN THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "P-2" AT PAGE 70 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE S 42°02'05" E A DISTANCE OF 79.09 FEET; THENCE S 47°57'55" W A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING; THENCE S 50°54'42" E A DISTANCE OF 13.59 FEET; THENCE S 37O50'51" W A DISTANCE OF 2.13 FEET; THENCE N 42°02'05" W A DISTANCE OF 13.80 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 14.47 SQUARE FEET, MORE OR LESS.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

The above and foregoing ordinance was passed, approved, and adopted the _____ day of _____, 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Tracy Billings
Phone:	479-696-0229	**For Department(s):**	Planning
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Setting a Public Hearing for an Alley Right of Way Vacation (VAC26-0004)
Action Recommendation & Justification:	Approve Resolution to set Public Hearing for April 14, 2026 for an Alley Right of Way Vacation located between Lot 76 and Lot 174 of the Original Town of Bentonville Subdivision (VAC26-0004).
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

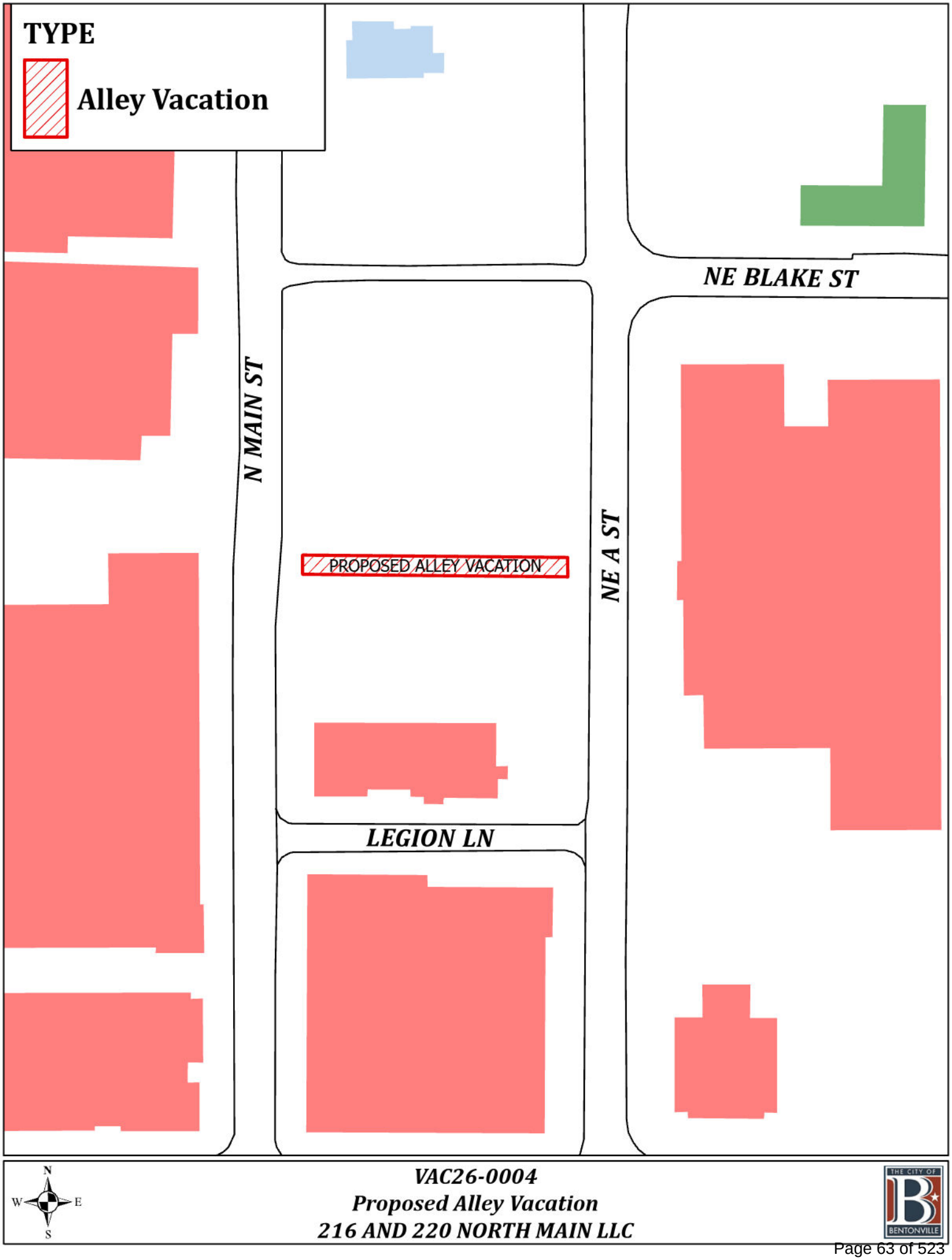
Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):



VAC26-0004
Proposed Alley Vacation
216 AND 220 NORTH MAIN LLC

RESOLUTION NO._____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

WHEREAS, a petition was filed with the City Council of Bentonville, Arkansas by 216 and 220 North Main LLC requesting a utility easement vacation (VAC26-0004) within the City of Bentonville, Arkansas be vacated, which said alley right of way easement is described as follows:

BOOK 2008 PAGE 335 NORTH ALLEY VACATION
A tract of land located in Section 30, Township 20 North, Range 30 West, also being the alley depicted South of the subject tract in Plat Book 2008 Page 335 in the public records of Benton County, Arkansas, and being described by metes and bounds as follows:

COMMENCING at a mag nail set at the Northwest Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, South 87°50'51" East, 1.63 feet to the POINT OF BEGINNING;
THENCE along the East Right-of-Way of North Main Street, North 01°29'22" East, 12.00 feet to the Southwest Corner of the Right-of-Way dedication conveyed in Plat Book 4 Page 247;
THENCE South 87°52'31" East, 163.48 feet to a 1/2-inch rebar found at the Southeast Corner of the West half of Lot 76 of the Bentonville Original Subdivision;
THENCE along the West Right-of-Way of Northeast A. Street, South 01°01'54" West, 12.08 feet to the Northeast Corner of Lot 174 of the Bentonville Original Subdivision per Plat Book 2008 Page 335;
THENCE along the North Line of said Lot 174, North 87°50'51" West, 163.57 feet to the POINT OF BEGINNING, containing 1,969 square feet or 0.05 acres, more or less.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing April 14, 2026 at 6:00 p.m. in the City Council Chambers of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved, and adopted the _____ day of _____ 2026 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

_____
Malorie Marrs, City Clerk
Bentonville, Arkansas

_____
Stephanie Orman, Mayor
City of Bentonville, Arkansas

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Tyler Overstreet
Phone:	(479) 271-3144	**For Department(s):**	Planning
Email:	tyler.overstreet@bentonville.ar.gov		

Item Type (Check all that apply)

☑ **Informational** ☐ **Bid Award** ☐ **Enter into an Agreement** ☐ **Change Order**
☐ **Recognizing Funds** ☐ **Budget Adjustment** ☐ **Waiver of Bid** ☐ **Emergency Clause**
☐ **Ordinance** ☑ **Resolution** ☐ **Informational**

Title, Recommendation & Justification

Title:	Resolution Authorizing the Development of a Razorback Greenway Corridor Key Place Plan
Action Recommendation & Justification:	A Resolution authorizing the Mayor and City staff to collaborate with the NWARPC and Field Operations to pursue grant funding opportunities and the development of a Razorback Greenway Corridor Key Place Plan for the City of Bentonville. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	$ 0

Budget Impact

Is this Item Budgeted? ☐ **YES** ☐ **NO** ☑ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

To: Bentonville City Council
From: Tyler Overstreet, Planning Director
Date: March 12, 2026
Subject: Resolution Authorizing Collaboration on Razorback Greenway Corridor Key Place Plan

Recommendation

Staff recommends approval of a resolution authorizing the Mayor and City staff to collaborate with the Northwest Arkansas Regional Planning Commission (NWARPC) and the consulting team led by Field Operations to pursue grant funding opportunities and advance the development of a Razorback Greenway Corridor Key Place Plan for Bentonville.

Background

The Razorback Greenway is a regional trail system that connects seven cities across Northwest Arkansas and has become one of the region's most significant pieces of active transportation and recreation infrastructure. In 2025, the Northwest Arkansas Regional Planning Commission worked with the corridor cities to develop a regional framework that establishes a shared vision and guiding principles for the future of the Greenway corridor.

As part of that regional effort, several locations along the Greenway were identified as "key places" where more detailed planning could help guide future public investment, strengthen connections to surrounding neighborhoods, and support high-quality development patterns along the Greenway.

Proposed Next Steps

The proposed resolution authorizes Bentonville to participate in the next phase of the regional planning effort by working with NWARPC and the project consultant to prepare a Key Place Plan for a portion of the Greenway corridor within the city (see attached Exhibit). This effort will build on the previously adopted regional framework and focus on identifying opportunities to:

- Strengthen trail connectivity and public spaces along the corridor
- Support walkable, mixed-use development patterns near the Greenway
- Enhance environmental and green infrastructure elements
- Identify potential implementation strategies and funding opportunities
- Support Bentonville's broader goals related to economic development, placemaking, and active transportation.

Building on the work of Plan Bentonville, the plan will provide a high-level vision and implementation framework that can guide future public and private investment in the area. Trail-oriented development in the potential project area already aligns with the vision of the City's Future Land Use Map and the Bentonville Community Code.

Funding

The regional framework phase of the project was funded through grant support coordinated by NWARPC at no cost to the City.

Approval of this resolution does not commit the City to any direct financial participation at this time. Instead, it authorizes staff to collaborate with regional partners and pursue potential grant funding sources that could support the development of the Bentonville Key Place Plan.

Conclusion

Participation in this effort allows Bentonville to help shape the long-term vision for an important segment of the Razorback Greenway corridor while leveraging regional partnerships and potential external funding sources. The resulting plan would provide a strategic framework to guide future infrastructure investments, public spaces, and development along the Greenway.

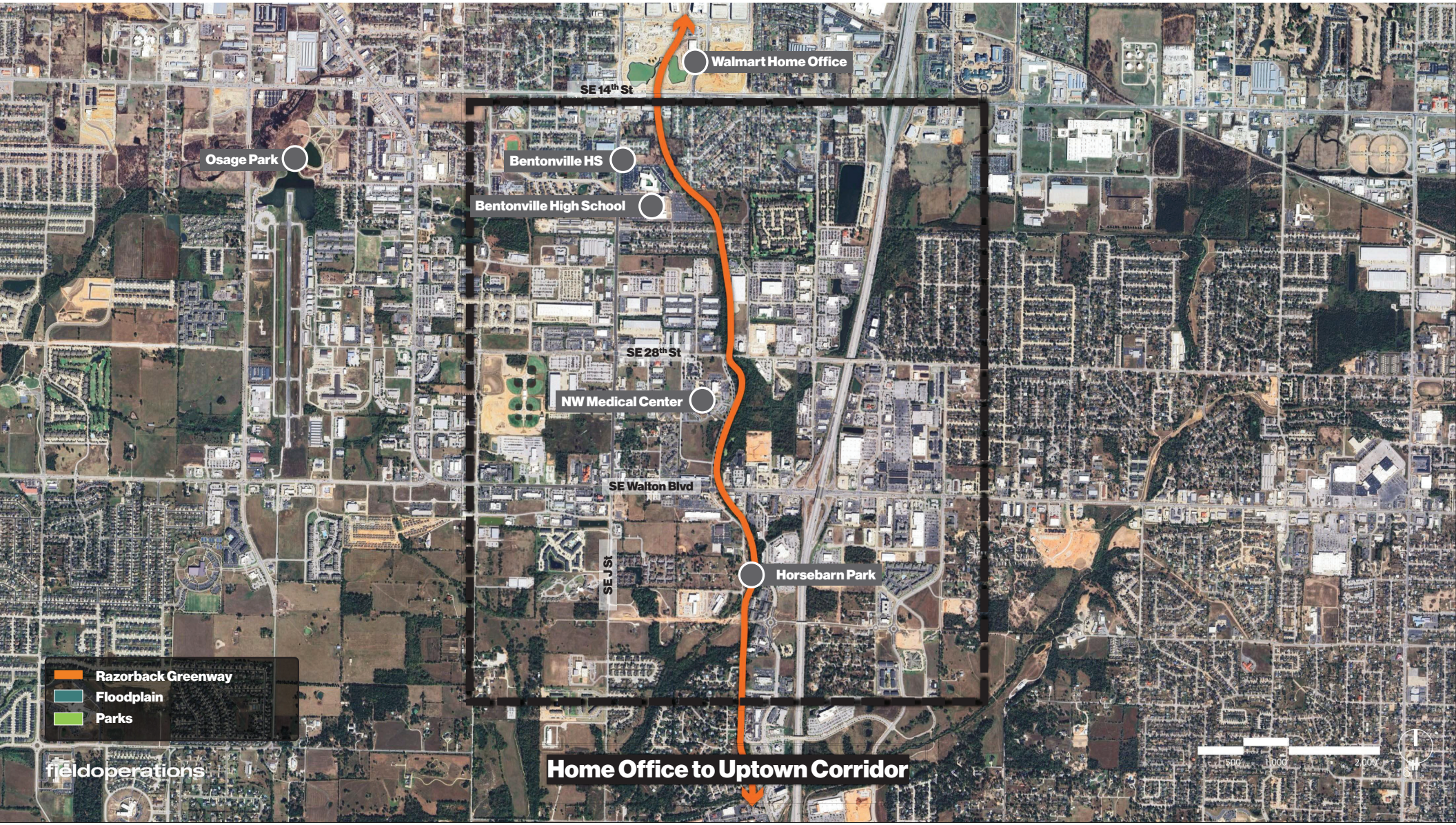
Staff recommends approval of the resolution. Please do not hesitate to reach out with any questions.

Respectfully,

Tyler Overstreet, AICP
Bentonville Planning

Bentonville Key Place Goals

1. Create vision for open space, housing, mixed-use development, and new public destinations within approximately a half mile of the Razorback Greenway, between Walmart Home Office and Uptown Rogers.
2. Create strategies that support ongoing economic development and residential / commercial affordability.
3. Create vision for new park space integrated into a regional stormwater management strategy. Enhance creek access and restoration efforts.
4. Support and facilitate the latest Bentonville FLUM and zoning vision.
5. Strengthen east-west pedestrian and bicycle connections to adjacent neighborhoods.


Walmart Home Office
SE 14th St
Osage Park
Bentonville HS
Bentonville High School
SE 28th St
NW Medical Center
SE Walton Blvd
SE J St
Horsebarn Park
Razorback Greenway
Floodplain
Parks
fieldoperations
Home Office to Uptown Corridor
500'
1,000'
2,000'

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE DEVELOPMENT OF A RAZORBACK GREENWAY CORRIDOR KEY PLACE PLAN FOR THE CITY OF BENTONVILLE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville partnered with the Northwest Arkansas Regional Planning Commission (NWARPC) and the other six (6) cities the Razorback Greenway passes through to develop a Regional Framework for a Razorback Greenway Corridor Plan;

WHEREAS, the Regional Framework produced a shared vision for the Razorback Greenway, and was developed through public input, collaboration between the seven (7) cities, and studying best practices of trail corridor development;

WHEREAS, an area in Bentonville along the Greenway was identified, during the development of the Regional Framework, as a place that warrants further detailed planning work;

WHEREAS, the NWARPC was awarded a grant to fund, at no cost to the City of Bentonville, the development of the Regional Framework; and

WHEREAS, the consulting firm, Field Operations, was selected by NWARPC to lead the development of the Razorback Greenway Corridor Plan.

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

Section 1: That the City Council authorizes the Mayor and City staff to collaborate with the NWARPC and Field Operations to pursue grant funding opportunities and the development of a Razorback Greenway Corridor Key Place Plan for the City of Bentonville for the area identified in Exhibit "A";

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED AND APPROVED ON THIS _____ DAY OF _____ 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Walmart Home Office
SE 14th St
Osage Park
Bentonville HS
Bentonville High School
SE 28th St
NW Medical Center
SE Walton Blvd
SE 5th St
Horsebarn Park
Razorback Greenway
Floodplain
Parks
fieldoperations
Home Office to Uptown Corridor

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Dan Weese
Phone:	479-426-2050	**For Department(s):**	Transportation
Email:	dweese@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Supporting a Grant Application for Greenhouse Road Construction Phase
Action Recommendation & Justification:	A resolution supporting the application to NWARPC for FFY2027 STBGP-A to receive funds for the construction phase of the project. The request is for $9,296,000.00 with a match of $2,324,000.00. The City of Centerton will fund $1,045,800.00 (45%) and the City of Bentonville will fund $1,278,200.00 (55%). No budget adjustment is needed at this time.
Additional Comments for Consideration (Optional):	This is a partnering project with the City of Centerton.
Amount for Approval:	**$** $1,278,200.00

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

NORTHWEST ARKANSAS
REGIONAL PLANNING COMMISSION (NWARPC)

Surface Transportation Block Grant Program – Attributable (STBGP-A)
FFY 2027 *Existing Project* Additional Funding Request

NWARPC DISCLAIMER: This notice is in accordance with the NWARPC 2045 Metropolitan Transportation Plan, the Infrastructure Investment and Jobs Act (IIJA) in cooperation with local agencies, the Arkansas Department of Transportation, the Missouri Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Documents are funded in part through grant(s) from the FHWA, FTA, and/or the U.S. Department of Transportation. The views and opinions of the NWARPC expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP) PUBLIC PARTICIPATION PROCESS FOR PROGRAM OF PROJECTS (POP): The public participation procedures outlined in the NWARPC Public Participation Plan (PPP) with respect to TIP development serve as the public participation process required for the development of transit projects as per FTA Circular 9030.1E. Specifically, the public participation procedures outlined in the PPP will serve to satisfy the Program of Projects (POP) requirements of the Section 5307, Urbanized Area Formula Grant Program for the University of Arkansas/Razorback Transit and Ozark Regional Transit. The NARTS and any and all public transit operators will address the POP requirements as per FTA Circular 9030.1E. Additionally, any and all public transit operator's capital projects and operational costs are included in the NARTS TIP which is developed through a cooperative and collaborative process with interested parties and other private and public transportation providers.

NWARPC NOTICE OF NONDISCRIMINATION POLICY: The NWARPC complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the NWARPC does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in NWARPC's programs and activities, as well as the NWARPC's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the NWARPC's nondiscrimination policies may be directed to Nicole Gibbs, AICP, Regional Planner – EEO/DBE (ADA/504/Title VI Coordinator), 1311 Clayton, Springdale, AR 72762, (479) 751-7125, (Voice/TTY 711 or 1-800-285-1131) or ngibbs@nwarpc.org; Para llamadas en espanol, marques el 866-656-1842; para llamadas en ingles, marques el 711 o directamente al 800-285-1131 o ngibbs@nwarpc.org. This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. If information is needed in another language, contact NWARPC. Si se necesita información en otro idioma, comuníquese con NWARPC.

FFY 2027 STBGP-A Project Application Timeline:

Call for Projects: Sunday, January 4, 2026
Project Application Deadline: Thursday, April 2, 2026 at 11:59 PM, CT
Project Sponsor Presentation to TAC Committee: Thursday, April 16, 2026
Selection Committee Projects Tour (*Save the Date*): Wednesday, April 29, 2026

FFY 2027 STBGP-A Funding Estimated: approx. $11.963 million
Estimate based on FFY 2025 apportionment and 100% obligation authority; availability of FFY 2027 and subsequent years funds are subject to Congressional reauthorization.

STBGP-A Funding Background:
In 2012, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) designated the Fayetteville-Springdale-Rogers, AR-MO urbanized area as a Transportation Management Area (TMA). This TMA designation provides Surface Transportation Block Grant Program – Attributable (STBGP-A) funds to the Northwest Arkansas Regional Planning Commission (NWARPC) based on the 2020 Census Urbanized Area population of 373,662. The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021) provides federal apportioned suballocated funding to the Fayetteville-Springdale-Rogers AR-MO Urbanized area. Under current BIL, STBGP-A funds can be utilized for all eligible transportation projects at the discretion of the Metropolitan Planning Organization (MPO), which is the Northwest Arkansas Regional Planning Commission/Policy Committee (NWARPC).

The STBGP-A is a federally funded, 80% Federal/20% local, reimbursable program and projects must meet and follow the ARDOT Local Public Agency (LPA) federal-aid process for reimbursement. Funds must be used for eligible projects that are submitted by eligible entities and chosen through a competitive process. The LPA Manual can be found at: www.ardot.gov/divisions/local-programs/local-public-agency-project-manual/.

Guidelines:
The MPO will use the following guidelines to allocate STBGP-A funds:

1.1 **Staffing.** Up to $200,000 may be utilized for MPO staffing purposes.

1.2 **Project Types.** (https://www.fhwa.dot.gov/bipartisan-infrastructure-law/stbg.cfm)

1.2.1 **Projects of Regional Significance**. From the remaining funds after staffing, STBGP-A funds will be utilized for Projects of Regional Significance. Regional Significance is defined as an improvement to major routes such as north/south corridors and the east/west corridors and frontage roads that improve access, reduce crash rates, and/or to relieve congestion to the north/south routes. Plans and Studies may be included as regional projects.

1.2.2 **Other Projects.** From the remaining funds after staffing, up to 20% may be utilized for other eligible projects that increase capacity.

1.2.3 **In the case of emergency** for full expenditure of funds, the Policy Committee can authorize funding for any eligible projects.

1.3 **Project Selection and Scoring**. All projects will be scored utilizing the same criteria. Project selection will be based on the overall number of projects submitted, availability of funding, and demonstrated need.

1.4 **Minimum Project Size.** The proposed project shall be a minimum of $125,000 for engineering design projects and $1,250,000 for construction projects. An exception may be made to these minimum amounts to ensure obligation of funds.

1.5 **Maximum Amount Per Project Sponsor.** A goal is to allocate no more than 50% of the Regionally Significant funds to a single project sponsor in one year. There is the understanding that Regionally Significant funding should be equitably distributed within the Urbanized Area over time.

1.6 **Funding of Phased Projects.** When the first year of project funding includes engineering funding (design, engineering and environmental), there will typically be at least a one-year gap before receiving funding for ROW, utilities, and construction. Once a project has been selected for NWARPC STBGP-A funding, it will be reviewed again when resubmitted for funding of subsequent phases.

1.7 **Application and Deadline Requirement.** All project sponsors must submit a request for funding and meet the required deadline, as noted above.

1.8 **Obligation of Funds.** All projects awarded must meet the **obligation deadline of September 30, 2026.** (Note: The project will need to be through the ARDOT process and submitted to FHWA by the end of August to obligate funds before the September deadline).

1.9 **Project Selection Criteria.** Projects will be evaluated and scored based on the following categories:

- Congestion Management
- Regional Significance/Connectivity
- Safety
- Overall Improvement to the Transportation System
- Project Design
- Project Continuation, Partnership, Cost-Sharing

1.10 **Federal-Aid Project Requirements**. Projects are required to be designed to AASHTO and Federal Standards/Guidelines - PE/Environmental, Engineering/Design, ROW, and Utility Relocation

1.11 **Other Considerations.** Projects will be evaluated in consideration of Board-adopted regional plans, policies, and initiatives. Applications are encouraged to demonstrate implementation of regional plans [e.g. Metropolitan Transportation Plan (MTP); Comprehensive Safety Action Plan (CSAP) and Vision Zero Policy; Congestion Management Process; Intelligent Transportation System (ITS) Architecture; Transportation Systems Management and Operations (TSMO); NWA Bicycle Pedestrian Master Plan; Connect NWA Transit Development Plan; NWA Transportation Alternatives Analysis; NWA Energy & Environment Innovation (EEI) Plan; NWA Open Space Plan; and Cave Springs Area Karst Resource Conservation Study].

1.12 **Application Submittal.** Submit paper applications to NWARPC, 1311 Clayton St., Springdale, AR 72762 or submit electronic applications to ngibbs@nwarpc.org. For more information on this program or questions related to the application process, please contact Nicole Gibbs, Transportation Programs Manager/Regional Planner, (479) 751-7125 x105, or visit www.nwarpc.org/funding-programs/.

1.13 **Resolution**. A signed resolution from the Applicant's governing body is **required to be submitted with the application**. See sample resolution at the end of this document.

NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A)
FFY2027 *Existing Project* Funding Request

Project Sponsor Data:

Sponsor Jurisdiction: City of Bentonville Phone Number: 479-418-8675

Primary Contact: Jarrod Brightwell E-mail: jbrightwell@bentonvillear.com

Partners: City of Centerton

General Project Data:

Project Title: Greenhouse Road Safety Improvements ArDOT Job No. 090628

Project Funding and Future Needs:

Total NWARPC Federal Funds Awarded to Project to Date $ 7,262,448.00

Updated Total Project Cost Estimate $ 49,740,751.83

FFY 2027 Funding Request: Phase Construction Federal (80%) Amount $ 9,296,000

FFY 2028 Anticipated Need: Phase Construction Federal (80%) Amount $ 8,941,539

FFY 2029 Anticipated Need: Phase Construction Federal (80%) Amount $ 8,941,539

Federal Fiscal Year (Oct. to Sept. 30)

	FFY 2026				FFY 2027				FFY 2028				FFY 2029			
	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept
Design																
Environment																
Utilities			X	X	X	X	X									
Right-of-Way	X	X	X	X												
Construction						X	X	X	X	X	X	X	X	X		

Note: Place X in each period for the duration of each phase

Project Authorization: Verify the current request is supported by the original resolution submitted for the existing project (e.g. funding amount, local match, and funding source) – attach a copy.

AUTHORIZED SIGNATURE: _____ DATE: _____

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTONVILLE TO UTILIZE THE FEDERAL- AID SURFACE TRANSPORTATION BLOCK GRANT PROGRAM-ATTRIBUTABLE (STBGP-A) (FFY 2027) GRANT FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION (NWARPC) FOR CONSTRUCTION ACTIVITIES TO IMPROVE GREENHOUSE ROAD

WHEREAS, The City of Bentonville understands Federal-aid Surface Transportation Block Grant Program-Attributable (STBGP-A)(FFY 2027) funds are available at 80 % federal participation and 20% local match to complete construction work for the improvement of Greenhouse Road; and

WHEREAS, The City of Bentonville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant; and

WHEREAS, the City of Bentonville intends to partner with the City of Centerton and apply for STBGP-A funding for this project; and

WHEREAS, the current application requests Nine Million Two-Hundred Ninety Six Thousand Dollars ($9,296,000.00) to be put toward construction work; and

WHEREAS, the total match required for this amount would total 20% of the associated project cost which is Two Million Three-Hundred Twenty-Four Thousand Dollars ($2,324,000.00); and

WHEREAS, the local match would be split between the City of Bentonville and the City of Centerton based on the following; and

WHEREAS, the City of Bentonville will be responsible for approximately 55% of the construction work and the City of Centerton will be responsible for approximately 45% of the construction work.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENTONVILLE, ARKANSAS;

Section 1. The City of Bentonville will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2. The City of Bentonville Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction work of the above state project.

Section 3. The City of Bentonville pledges its full support and hereby authorizes the City of Bentonville to cooperate with the Northwest Arkansas Regional Planning Commission to initiate action to implement this project.

Section 4. The City of Bentonville will commit the required matching funds for the construction work to improve Greenhouse Road, these funds are hereby committed out of the street bond account pending approval of the application.

PASSED this _____day of _____2026.

APPROVED:

ATTEST:

_____

Stephanie Orman, MAYOR

_____

Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Dan Weese
Phone:	479-426-2050	**For Department(s):**	Transportation
Email:	dweese@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Supporting a Grant Application for Hwys. 12/279/Vaughn Rd Intersection Improvements
Action Recommendation & Justification:	A resolution supporting the application to NWARPC for FFY2027 STBGP-A to receive funds for the construction phase of the project. The request is for $4,411,236.00 with a match of $1,102,809.00 from City for a total of $5,514,045.00. No budget adjustment is needed at this time.
Additional Comments for Consideration (Optional):	
Amount for Approval:	**$** $1,102,809.00

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

NORTHWEST ARKANSAS
REGIONAL PLANNING COMMISSION (NWARPC)

Surface Transportation Block Grant Program – Attributable (STBGP-A)
FFY 2027 *Existing Project* Additional Funding Request

NWARPC DISCLAIMER: This notice is in accordance with the NWARPC 2045 Metropolitan Transportation Plan, the Infrastructure Investment and Jobs Act (IIJA) in cooperation with local agencies, the Arkansas Department of Transportation, the Missouri Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Documents are funded in part through grant(s) from the FHWA, FTA, and/or the U.S. Department of Transportation. The views and opinions of the NWARPC expressed herein do not necessarily state or reflect those of the U.S. Department of Transportation.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP) PUBLIC PARTICIPATION PROCESS FOR PROGRAM OF PROJECTS (POP): The public participation procedures outlined in the NWARPC Public Participation Plan (PPP) with respect to TIP development serve as the public participation process required for the development of transit projects as per FTA Circular 9030.1E. Specifically, the public participation procedures outlined in the PPP will serve to satisfy the Program of Projects (POP) requirements of the Section 5307, Urbanized Area Formula Grant Program for the University of Arkansas/Razorback Transit and Ozark Regional Transit. The NARTS and any and all public transit operators will address the POP requirements as per FTA Circular 9030.1E. Additionally, any and all public transit operator's capital projects and operational costs are included in the NARTS TIP which is developed through a cooperative and collaborative process with interested parties and other private and public transportation providers.

NWARPC NOTICE OF NONDISCRIMINATION POLICY: The NWARPC complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the NWARPC does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in NWARPC's programs and activities, as well as the NWARPC's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the NWARPC's nondiscrimination policies may be directed to Nicole Gibbs, AICP, Regional Planner – EEO/DBE (ADA/504/Title VI Coordinator), 1311 Clayton, Springdale, AR 72762, (479) 751-7125, (Voice/TTY 711 or 1-800-285-1131) or ngibbs@nwarpc.org; Para llamadas en espanol, marques el 866-656-1842; para llamadas en ingles, marques el 711 o directamente al 800-285-1131 o ngibbs@nwarpc.org. This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille. If information is needed in another language, contact NWARPC. Si se necesita información en otro idioma, comuníquese con NWARPC.

FFY 2027 STBGP-A Project Application Timeline:

Call for Projects: Sunday, January 4, 2026
Project Application Deadline: Thursday, April 2, 2026 at 11:59 PM, CT
Project Sponsor Presentation to TAC Committee: Thursday, April 16, 2026
Selection Committee Projects Tour (*Save the Date*): Wednesday, April 29, 2026

FFY 2027 STBGP-A Funding Estimated: approx. $11.963 million
Estimate based on FFY 2025 apportionment and 100% obligation authority; availability of FFY 2027 and subsequent years funds are subject to Congressional reauthorization.

STBGP-A Funding Background:
In 2012, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) designated the Fayetteville-Springdale-Rogers, AR-MO urbanized area as a Transportation Management Area (TMA). This TMA designation provides Surface Transportation Block Grant Program – Attributable (STBGP-A) funds to the Northwest Arkansas Regional Planning Commission (NWARPC) based on the 2020 Census Urbanized Area population of 373,662. The Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act, Pub. L. 117-58 (Nov. 15, 2021) provides federal apportioned suballocated funding to the Fayetteville-Springdale-Rogers AR-MO Urbanized area. Under current BIL, STBGP-A funds can be utilized for all eligible transportation projects at the discretion of the Metropolitan Planning Organization (MPO), which is the Northwest Arkansas Regional Planning Commission/Policy Committee (NWARPC).

The STBGP-A is a federally funded, 80% Federal/20% local, reimbursable program and projects must meet and follow the ARDOT Local Public Agency (LPA) federal-aid process for reimbursement. Funds must be used for eligible projects that are submitted by eligible entities and chosen through a competitive process. The LPA Manual can be found at: www.ardot.gov/divisions/local-programs/local-public-agency-project-manual/.

Guidelines:
The MPO will use the following guidelines to allocate STBGP-A funds:

1.1 **Staffing.** Up to $200,000 may be utilized for MPO staffing purposes.

1.2 **Project Types.** (https://www.fhwa.dot.gov/bipartisan-infrastructure-law/stbg.cfm)

1.2.1 **Projects of Regional Significance**. From the remaining funds after staffing, STBGP-A funds will be utilized for Projects of Regional Significance. Regional Significance is defined as an improvement to major routes such as north/south corridors and the east/west corridors and frontage roads that improve access, reduce crash rates, and/or to relieve congestion to the north/south routes. Plans and Studies may be included as regional projects.

1.2.2 **Other Projects.** From the remaining funds after staffing, up to 20% may be utilized for other eligible projects that increase capacity.

1.2.3 **In the case of emergency** for full expenditure of funds, the Policy Committee can authorize funding for any eligible projects.

1.3 **Project Selection and Scoring**. All projects will be scored utilizing the same criteria. Project selection will be based on the overall number of projects submitted, availability of funding, and demonstrated need.

1.4 **Minimum Project Size.** The proposed project shall be a minimum of $125,000 for engineering design projects and $1,250,000 for construction projects. An exception may be made to these minimum amounts to ensure obligation of funds.

1.5 **Maximum Amount Per Project Sponsor.** A goal is to allocate no more than 50% of the Regionally Significant funds to a single project sponsor in one year. There is the understanding that Regionally Significant funding should be equitably distributed within the Urbanized Area over time.

1.6 **Funding of Phased Projects.** When the first year of project funding includes engineering funding (design, engineering and environmental), there will typically be at least a one-year gap before receiving funding for ROW, utilities, and construction. Once a project has been selected for NWARPC STBGP-A funding, it will be reviewed again when resubmitted for funding of subsequent phases.

1.7 **Application and Deadline Requirement.** All project sponsors must submit a request for funding and meet the required deadline, as noted above.

1.8 **Obligation of Funds.** All projects awarded must meet the **obligation deadline of September 30, 2026.** (Note: The project will need to be through the ARDOT process and submitted to FHWA by the end of August to obligate funds before the September deadline).

1.9 **Project Selection Criteria.** Projects will be evaluated and scored based on the following categories:

- Congestion Management
- Regional Significance/Connectivity
- Safety
- Overall Improvement to the Transportation System
- Project Design
- Project Continuation, Partnership, Cost-Sharing

1.10 **Federal-Aid Project Requirements**. Projects are required to be designed to AASHTO and Federal Standards/Guidelines - PE/Environmental, Engineering/Design, ROW, and Utility Relocation

1.11 **Other Considerations.** Projects will be evaluated in consideration of Board-adopted regional plans, policies, and initiatives. Applications are encouraged to demonstrate implementation of regional plans [e.g. Metropolitan Transportation Plan (MTP); Comprehensive Safety Action Plan (CSAP) and Vision Zero Policy; Congestion Management Process; Intelligent Transportation System (ITS) Architecture; Transportation Systems Management and Operations (TSMO); NWA Bicycle Pedestrian Master Plan; Connect NWA Transit Development Plan; NWA Transportation Alternatives Analysis; NWA Energy & Environment Innovation (EEI) Plan; NWA Open Space Plan; and Cave Springs Area Karst Resource Conservation Study].

1.12 **Application Submittal.** Submit paper applications to NWARPC, 1311 Clayton St., Springdale, AR 72762 or submit electronic applications to ngibbs@nwarpc.org. For more information on this program or questions related to the application process, please contact Nicole Gibbs, Transportation Programs Manager/Regional Planner, (479) 751-7125 x105, or visit www.nwarpc.org/funding-programs/.

1.13 **Resolution**. A signed resolution from the Applicant's governing body is **required to be submitted with the application**. See sample resolution at the end of this document.

NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A)
FFY2027 *Existing Project* Funding Request

Project Sponsor Data:

Sponsor Jurisdiction: City of Bentonville Phone Number: 479-418-8675

Primary Contact: Jarrod Brightwell E-mail: jbrightwell@bentonvillear.com

Partners: _____

General Project Data:

Project Title: Hwys. 12/279 Intersection Improvements ArDOT Job No. 090613

Project Funding and Future Needs:

Total NWARPC Federal Funds Awarded to Project to Date $ 2,555,000

Updated Total Project Cost Estimate $ 13,571,503.75

FFY 2027 Funding Request: Phase Construction Federal (80%) Amount $ 4,411,236

FFY 2028 Anticipated Need: Phase Construction Federal (80%) Amount $ 4,411,236

FFY 2029 Anticipated Need: Phase _____ Federal (80%) Amount $ _____

Federal Fiscal Year (Oct. to Sept. 30)

	FFY 2026				FFY 2027				FFY 2028				FFY 2029			
	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept	Oct-Dec	Jan-Mar	Apr-June	July-Sept
Design																
Environment																
Utilities					X	X										
Right-of-Way			X	X	X											
Construction						X	X	X	X	X						

Note: Place X in each period for the duration of each phase

Project Authorization: Verify the current request is supported by the original resolution submitted for the existing project (e.g. funding amount, local match, and funding source) – attach a copy.

AUTHORIZED SIGNATURE: _____ DATE: _____

RESOLUTION NO. _____

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF BENTONVILLE TO UTILIZE THE FEDERAL- AID SURFACE TRANSPORTATION BLOCK GRANT PROGRAM-ATTRIBUTABLE (STBGP-A) (FFY 2027) GRANT FUNDS ADMINISTERED BY THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION (NWARPC) FOR CONSTRUCTION ACTIVITIES TO IMPROVE SOUTHWEST REGIONAL AIRPORT BOULEVARD / S. VAUGHN ROAD INTERSECTION IMPROVEMENT

WHEREAS, The City of Bentonville understands Federal-aid Surface Transportation Block Grant Program-Attributable (STBGP-A)(FFY 2027) funds are available at 80 % federal participation and 20% local match to complete construction work for the improvement of Southwest Regional Airport Boulevard/South Vaughn Road Intersection; and

WHEREAS, The City of Bentonville understands that Federal-aid Funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the applicant; and

WHEREAS, the current application requests Four Million Four-Hundred Eleven Thousand Two-Hundred Thirty Six Dollars ($4,411,236.00) to be put toward construction work; and

WHEREAS, the total match required for this amount would total 20% of the associated project cost which is One Million One-Hundred Two Thousand Eight-Hundred Nine Dollars ($1,102,809.00); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BENTONVILLE, ARKANSAS;

Section 1. The City of Bentonville will participate in accordance with its designated responsibility, including maintenance of this project.

Section 2. The City of Bentonville Mayor is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction work of the above state project.

Section 3. The City of Bentonville pledges its full support and hereby authorizes the City of Bentonville to cooperate with the Northwest Arkansas Regional Planning Commission to initiate action to implement this project.

Section 4. The City of Bentonville will commit the required matching funds for the construction work to improve Vaughn Road, these funds are hereby committed out of the street bond account pending approval of the application.

PASSED this _____day of _____2026.

APPROVED:

_____

Stephanie Orman, MAYOR

ATTEST:

_____

Malorie Marrs, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/24/2026	**Submitted By:**	Travis Matlock
Phone:	479-271-5941	**For Department(s):**	Electric
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution to Purchase a Heavy Duty Forklift from Wiese using Sourcewell Co-op
Action Recommendation & Justification:	A resolution to purchase a heavy duty forklift from Wiese through participation in the Sourcewell Cooperative (Co-Op) contract 053024 for $99,340.00 plus taxes and estimated freight ($9,500). Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of 053024, determining that the solicitation was in line with both Arkansas State Statute and the City's Purchasing Policy. Utility Board approved 5-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	This is a 2026 budgeted item.
Amount for Approval:	**$** $108,840.00

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

MEMORANDUM

PURCHASING AND COMPLIANCE DEPARTMENT

TO: ADMINISTRATION

FROM: Tanya Moore, Purchasing Agent, Purchasing and Compliance Department

DATE: March 12, 2026

SUBJECT: Caterpillar DP70P2 Forklift Sourcewell Cooperative

The Purchasing and Compliance Department has reviewed the documentation provided by the Electric Utilities Department for the purchase of 1 Caterpillar DP70P2 Forklift in the amount of $99,340.00 under Sourcewell Contract 053024-MCF.

Based on the review of contract documentation, pricing verification, and cooperative purchasing compliance, the Purchasing and Compliance Department confirms that the request complies with the City of Bentonville's Purchasing Policy, Section 4.6, for Cooperative Purchases Meeting or Exceeding the Council Threshold and is allowed pursuant to Arkansas State Statute 19-61-802.

Please feel free to contact me with any questions.

Tanya Moore
Purchasing Agent
(479) 271-3115
Tmoore@bentonvillear.com

QUOTATION PREPARED FOR	
Customer:	City of Bentonville
Contact:	Amy Smith
Address:	501 SW 28th St Bentonville, AR 72712
Phone:	479-271-3145
Quote#:	Q-36631-T6W6F

PREPARED BY	
Date:	Friday, March 6, 2026
Sales Rep:	Jay Boston
Address:	4773 N Thompson St Springdale, AR 72764
Direct Phone:	479-751-1102
Mobile:	479-225-3833
Fax:	479-751-0218

CATERPILLAR MODEL: DP70P2 SOURCEWELL PRICING

QTY	CATEGORY	DESCRIPTION
1	**CHASSIS**	15,500 lb Capacity ICP Diesel - DP70P (w/ Kubota V3800 55 KW)
1	**MAST**	118''MFH/94.4''OALH/8.1''Simplex. .
1	**FORKS**	Fork L: 60'' x 6'' x 2.75''
1	**RATINGS & STANDARDS**	UL Approved
1	**POWERTRAIN**	Two Speed Powershift Transmission
1	**POWERTRAIN**	Kubota V3800 4-Cylinder Diesel Engine
1	**SIDESHIFTER**	Integral Side shifter -Hook on type for VM Mast
1	**DRIVE WHEELS / TIRES**	Dual Solid Pneumatic Tires - Front
1	**WARRANTY**	Standard Warranty - 12 Months, 2000 Hours Full Coverage; 24 Months; 4000 Hours Powertrain
1	**STEER WHEELS / TIRES**	Solid Pneumatic Tires - Rear
1	**LOAD BACKREST**	Load Backrest for Standard Carriage, H:1000mm [STD]
1	**HYDRAULIC ACTIVATION**	3 Spool Valve [STD]
1	**OVERHEAD GUARD**	Standard Overhead Guard
1	**SPECIAL APPLICATIONS**	Presence Detection System
1	**SPECIAL APPLICATIONS**	CCV Heater [STD]
1	**SPECIAL APPLICATIONS**	Hydraulic Oil Cooler
1	**SPECIAL APPLICATIONS**	Large Capacity Battery [STD]
1	**WARNING / LIGHT**	Backup Alarm [STD]
1	**WARNING / LIGHT**	LED Lamps - Rear Combination and Back-Up
1	**WARNING / LIGHT**	Headlamp LED [STD]
1	**SEAT**	Full Suspension Vinyl Seat
1	**ACCESSORIES**	Rear view mirror - Large Size

SUMMARY FOR CATERPILLAR MODEL: DP70P2

UNITS:	1
PRICE PER UNIT:	$99,340
TOTAL:	$99,340

FREIGHT: FOB FACTORY (FREIGHT ESTIMATE $9,500)

PROPOSAL SUMMARY

EQUIPMENT DESCRIPTION	UNITS	PER UNIT	TOTAL
Caterpillar DP70P2 - 15,500 lb Capacity ICP Diesel - DP70P (w/ Kubota V3800 55 KW)	1	$99,340	$99,340
TOTAL INVESTMENT:	**1**		**$99,340**

Agency Information:

City of Bentonville

Sourcewell Member ID: 93163

Manufacturer Sourcewell Contract number: 053024-MCF

BY SIGNING THIS PROPOSAL ("ORDER"), UNDERSIGNED AGREES TO PAY FOR AND AUTHORIZES WIESE TO PROCEED WITH THE SALE OF PRODUCTS AND SERVICES DESCRIBED IN THIS PROPOSAL, IN ACCORDANCE WITH THE ATTACHED TERMS AND CONDITIONS

Order Approved and Accepted by:
City of Bentonville
AUTHORIZED SIGNER

AUTHORIZED SIGNATURE	TITLE
PRINTED NAME	DATE ACCEPTED
	PURCHASE ORDER NUMBER

WIESE TERMS AND CONDITIONS

PROPOSAL VALIDITY PERIOD: Unless otherwise indicated on the proposal, written proposals by Wiese USA, Inc. shall expire automatically seven (7) days after the date appearing on the proposal unless Wiese USA, Inc. receives and accepts Customer's order within that period.
STANDARD TERMS: Net 10 days, subject to credit approval. Lease rates are subject to credit approval/documentation. Freight, surcharges, and applicable taxes may apply. Wiese Terms and Conditions are subject to change.
CANCELLATION OR CHANGES : Customer agrees to pay costs and expenses, up to 100% of the order value, incurred as a result of any cancellation or change.
WARRANTY: To the extent permitted, Wiese will pass to Customer any applicable manufacturer's warranty of the Products, and makes no other warranties express or implied. Used Equipment is sold "as is" unless noted otherwise in this proposal.
MISCELLANEOUS: Customer represents that it shall possess and will maintain all applicable and required permits, licenses, approvals, registrations, consents and certificates.
ENTIRE AGREEMENT: This Order constitutes the entire agreement between the parties . Any modification must be made in writing and approved by both parties. Any service work to be performed by Wiese is subject to separate terms and conditions.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH WIESE FOR THE PURCHASE OF A HEAVY DUTY FORKLIFT IN THE AMOUNT OF ONE-HUNDRED EIGHT THOUSAND EIGHT-HUNDRED FORTY DOLLARS ($108,840.00); AND FOR OTHER PURPOSES.

WHEREAS, the need has arisen for the City of Bentonville to enter into a contract with Wiese for the purchase of a heavy duty forklift.

WHEREAS, this purchase is being made through participation in the Sourcewell Cooperative Contract 053024 which is in line with Arkansas State Statutes and the City Purchasing Policy.

WHEREAS, no budget adjustment is necessary.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Wiese for the purchase of a heavy duty forklift in the amount of One-Hundred Eight Thousand Eight-Hundred Forty Dollars ($108,840.00).

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/24/2026	**Submitted By:**	Travis Matlock
Phone:	479-271-5941	**For Department(s):**	Inventory
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☐ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution to Declare Certain Material as Surplus
Action Recommendation & Justification:	Resolution to declare certain water pipe surplus for disposal due to age and condition of the pipe. Total cost of surplussed items is $1,426.48. Utility Board approved 5-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER:_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		
		$ Expense	$ Revenue
Account Number (ORG-OBJECT)	Account Description		

Fund(s) Impacted (check all that apply) ☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s):_____

Budget Impact Notes for Consideration (Optional):

City of Bentonville Surplus Form

ALL ITEMS WITH AN ORIGINAL COST OF $4,500.00 OR MORE MUST HAVE A SERIAL NUMBER OR ASSET ID LISTED

(PLEASE DO NOT SEND YOUR COMPLETED COPY AS A .PDF)

	Department	Contact Person	Description	Item Age	Year	Manufacturer	Model	Measurements	Miles/Hours	Current Location	Condition (known issues, missing parts, won't start, etc.)	Asset ID, S/N, VIN (if any)
1	Warehouse	Amy Smith	PIPE 4" C900 WATER PIPE (COB #4415)	20+	2004	Jet Stream	NA	140'	NA	Warehouse	NOT USABLE - BRITTLE	$1.4573/FT $204.02
2			PIPE 18" C905 WATER PIPE (COB #4410)	20+	2004	Jet Stream	NA	60'	NA	Warehouse	NOT USABLE - BRITTLE	$38.61/FT $231.66
3			PIPE 18" SDR-26 SEWER PIPE (COB #4411)	20+	2004	Jet Stream	NA	28'	NA	Warehouse	NOT USABLE - BRITTLE	$18.15/FT $508.20
4			PIPE 24" C905 WATER PIPE (COB #4413)	20+	2004	Jet Stream	NA	20'	NA	Warehouse	NOT USABLE - BRITTLE	$24.13/FT $482.60
5												
6												$1426.48 TOTAL
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												

AFFIDAVIT OF LANDFILL DISPOSAL OF CERTAIN PROPERTY OF THE CITY OF BENTONVILLE UTILITIES WHICH HAS BEEN RENDERED WORTHLESS.

I, Travis Matlock, Director of the City Of Bentonville Electric Utilities, do hereby certify that the following property of the City Of Bentonville Inventory has been rendered worthless by damage or prolonged use, is no longer of value, and it is now appropriate to dispose of said property in a landfill as specified under Ark. Code Ann. 14-54-302(e)(2)(A). I hereby certify that I will be responsible for overseeing that the property is removed for disposal. The records listed below contain description of the property to be disposed of by landfill.

TYPE OF PROPERTY:

	Description:	Count:
1.	C900 Water 4" pipe	(140')
2.	C905 Water 18' pipe	(60')
3.	SDR-26 Sewer 18" pipe	(28')
4.	C905 Water 24" pipe	(20')

[redacted]

TRAVIS MATLOCK
DIRECTOR OF BEUD

SUBSCRIBED AND SWORN TO before me this 17th day of March, 2026.

[redacted]

Notary Public

My commission expires: 6/8/2033

NOTARY PUBLIC
Expires
6/8/2033
Sally Krepps Boydston
Benton COUNTY
My Commission #
12724499
STATE OF ARKANSAS

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY OF BENTONVILLE TO DISPOSE OF CERTAIN PROPERTY IN THE LANDFILL; RECOGNIZING THAT THE PROPERTY IS RENDERED WORTHLESS; ACKNOWLEDGING THE OVERSIGHT FOR DISPOSAL; AND FOR OTHER PURPOSES.

WHEREAS, the Director of the City Of Bentonville Electric Utility has certified that the items listed in the attached **Exhibit A** have been rendered worthless by damage or prolonged use;

WHEREAS, the property no longer meets the needs of the City Of Bentonville Inventory is now obsolete;

WHEREAS, the Director of the City Of Bentonville Electric Utility additionally certifies that disposal of said property in the landfill is proper and will be overseen to ensure compliance with Ark. Code Ann. §14-54-302(e)(2)(A); and

WHEREAS, the City Council of the City of Bentonville approves the Director's affidavit of certification attached as **Exhibit A** and deems that disposal in the landfill is appropriate.

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

Section 1: The Director of the City Of Bentonville Electric Utility may dispose of the items identified in the attached **Exhibit A** in the landfill used by the City pursuant to Ark. Code Ann. §14-54-302 (e)(2)(A);

Section 2: The City Of Bentonville shall maintain a record of all items that are sent to the landfill in accordance with this Resolution;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ **day of _____, 2026.**

APPROVED:

_____

STEPHANIE ORMAN, MAYOR

ATTEST:

_____

MALORIE MARRS, CITY CLERK

City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	3/31/2026	**Submitted By:**	Beau Thompson
Phone:	479-271-3140	**For Department(s):**	Water Utilities - Sewer Rehab
Email:	bthompson@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational ☐ Bid Award ☑ Enter into an Agreement ☐ Change Order
☐ Recognizing Funds ☐ Budget Adjustment ☐ Waiver of Bid ☐ Emergency Clause
☐ Ordinance ☑ Resolution ☐ Informational

Title, Recommendation & Justification

Title:	Resolution Authorizing an Agreement with Olsson, Inc. for 2026 Sewer Model Expansion
Action Recommendation & Justification:	Approval of a resolution authorizing the Mayor and the City Clerk to enter into an Agreement with Olsson, Inc. in the amount of $165,000..00. The agreement is required for professional services associated with expanding and enhancing the sewer model, which will further support informed decision-making and future planning efforts. Olsson was selected following state procurement requirements (SOQ-25-86). Utility Board approved 5-0. No budget adjustment is needed.
Additional Comments for Consideration (Optional):	The proposed scope of work includes the addition of Shell Basin to the model, and expansion of the current Town Branch Basin and McKisic 10 and 12 sub-basins to include all gravity pipes. Inclusion of the additional infrastructure and enhanced level of detail will enable staff to evaluate the impacts of proposed developments with greater precision and reliability. Expanding the model in these basins will reduce the developer's extent of design and capacity analysis. This is a budgeted item.
Amount for Approval:	**$** $165,000.00

Budget Impact

Is this Item Budgeted? ☑ **YES** ☐ **NO** ☐ **ITEM HAS NO COST** ☐ **OTHER:**_____

Budget Adjustment *(to be completed by Finance when applicable)*

		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		$	$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted (check all that apply) ☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):**_____

Budget Impact Notes for Consideration (Optional):

$165,000 budgeted in account no. 503040-43410

PROFESSIONAL SERVICES AGREEMENT

PROJECT NAME: SOQ-25-86 2026 Sewer Modeling Expansion ("PROJECT")

THIS AGREEMENT ("AGREEMENT") is made in Benton County, Arkansas, by and between the City of Bentonville, Arkansas, hereinafter referred to as "CITY", and Olsson, Inc. hereinafter referred to as "PROFESSIONAL CONSULTANT" (collectively, the "PARTIES").

The PARTIES have caused this AGREEMENT to be effective this _____ ("EFFECTIVE DATE").

RECITALS:

A. WHEREAS, the CITY has a need to perform capital improvement projects for the City of Bentonville, Arkansas; and

B. WHEREAS, The CITY has selected the PROFESSIONAL CONSULTANT and negotiated this AGREEMENT using the procedures as set forth in Ark. Code Ann. § 19-11-801; and

C. WHEREAS, the CITY wishes to contract for Professional Services; and

D. WHEREAS, The PROFESSIONAL CONSULTANT has the skill, experience, ability, background, certifications and knowledge to provide these services; and

E. WHEREAS, The PROFESSIONAL CONSULTANT wishes to perform such professional services under this AGREEMENT with the CITY.

NOW, THEREFORE, in consideration of the terms in this AGREEMENT, the CITY and PROFESSIONAL CONSULTANT agree to the following:

ARTICLE I - PROJECT DESCRIPTION

The PROJECT shall be as described in APPENDIX A. “Project Description”, attached hereto and incorporated herein by reference.

ARTICLE II - SCOPE OF SERVICE

Upon issuance of a written Notice to Proceed by the CITY, PROFESSIONAL CONSULTANT agrees to provide the CITY the necessary professional services related to the PROJECT, as set forth in APPENDIX B, “Scope of Services” (“SCOPE”), attached hereto and incorporated herein by reference.

ARTICLE III - STANDARD OF CARE

PROFESSIONAL CONSULTANT shall at all times material hereto adhere to the generally accepted standard of care typically exhibited by similarly situated professionals performing similar scope(s) of service on projects of like size, scope, nature, cost, schedule, and complexity, at the same time and in the same general regional locale (“Standard of Care”).

ARTICLE IV - ADDITIONAL SERVICES

A. Any service outside of the work described herein or included by reference hereto must be pre-approved by the CITY and executed as an AMENDMENT to this AGREEMENT by the Parties prior to any such work being completed; any such AMENDMENT shall be in accordance with the CITY’S purchasing laws and guidelines and may require approval from the Bentonville City Council.

B. PROFESSIONAL CONSULTANT shall make no claims for additional services or changes in the services until an AMENDMENT has been fully executed by the Parties.

ARTICLE V - SCHEDULE OF FEES, TERM, SERVICES AND PAYMENT

A. The term of this AGREEMENT shall commence on the EFFECTIVE DATE and shall proceed in accordance with APPENDIX C, “Schedule of Fees”, attached hereto and incorporated herein by reference.

B. CONTRACT TERM. The term for this Contract shall be a one (1) year term.

C. The cost of this AGREEMENT shall be in accordance with APPENDIX C.

D. CITY agrees to pay PROFESSIONAL CONSULTANT for all services authorized by inclusion in this AGREEMENT which have been properly performed by PROFESSIONAL CONSULTANT in accordance with this AGREEMENT.

E. All fees paid to PROFESSIONAL CONSULTANT shall be based on invoices submitted by PROFESSIONAL CONSULTANT for work performed under this AGREEMENT, less any previous payments. PROFESSIONAL CONSULTANT shall submit invoices for services related to this AGREEMENT on a monthly basis.

F. CITY reserves the right to delay, without penalty, any partial payment when, in the opinion of the CITY, PROFESSIONAL CONSULTANT has not made satisfactory progress on the Project based on the SCOPE. If CITY objects to any portion of an invoice, the CITY shall notify PROFESSIONAL CONSULTANT and shall pay all other portions of the invoice which are not in dispute. In the event of dispute, CITY and PROFESSIONAL CONSULTANT shall immediately make every effort to settle the disputed portion of the invoice.

G. In the event that the CITY becomes credibly informed that any representations of PROFESSIONAL CONSULTANT provided in its invoicing are wholly or partially inaccurate, CITY may withhold payment of sums then, or in the future, otherwise due to PROFESSIONAL CONSULTANT until the inaccuracy and the cause thereof is corrected to the CITY's reasonable satisfaction.

ARTICLE VI - INSURANCE

A. PROFESSIONAL CONSULTANT shall during the term hereof maintain in full force and effect the following insurance:

1. A comprehensive general liability policy of insurance for bodily injury, death and property damage insuring against all claims, demands or actions relating to the PROFESSIONAL CONSULTANT's performance of services pursuant to this AGREEMENT with a combined single limit of not less than $1,000,000.00 per occurrence and $2,000,000 in the aggregate for injury to persons (including death), and for property damage;

2. A policy of automobile liability insurance covering any vehicles owned and/or operated by PROFESSIONAL CONSULTANT, its officers, agents, and employees, and used in the performance of this AGREEMENT with policy limits of not less than $1,000,000.00 combined single limit and aggregate for bodily injury and property damage;

3. Statutory Worker's Compensation Insurance at the statutory limits and Employers Liability covering all of PROFESSIONAL CONSULTANT's employees involved in the provision of services under this AGREEMENT with policy limit of not less than $1,000,000.00; and

4. Professional Liability/Errors and Omissions coverage covering negligent acts, errors and omissions in the performance of professional services with policy limit of not less than $1,000,000.00.

B. All insurance and certificate(s) of insurance shall contain the following provisions:

1. Include CITY as additional insured as to all applicable coverage with the exception of Workers Compensation Insurance and Professional Liability/Errors and Omissions coverage; and

2. provide for at least thirty (30) days prior written notice to CITY for cancellation or non-renewal of the insurance;

3. provide for a waiver of subrogation against CITY for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance, except for Professional Liability/Errors and Omissions coverage.

C. PROFESSIONAL CONSULTANT shall provide 30 day written notice to CITY of any material change of or to the insurance required herein.

D. All insurance companies providing the required insurance shall be authorized to transact business in Arkansas and rated at least "A" by AM Best or other equivalent rating service. A certificate of insurance evidencing the required insurance and all endorsements required by this Agreement shall be submitted prior to commencement of services.

E. In the event that additional or greater insurance requirements are warranted, these requirements shall be included as an Appendix, which will be attached hereto and incorporated by reference.

ARTICLE VII - RIGHT OF ACCESS

A. CITY will obtain and/or furnish right-of-access for PROFESSIONAL CONSULTANT to perform any required studies, surveys, tests or other necessary investigations in relation to the PROJECT.

B. PROFESSIONAL CONSULTANT will take reasonable precautions to minimize damage to the personal or real property in the performance of such surveys, tests, studies and investigations.

C. CITY recognizes that PROFESSIONAL CONSULTANT's operations and use of equipment may unavoidably alter existing conditions or affect the environment at the PROJECT site. The cost of repairing such damage shall be the responsibility of PROFESSIONAL CONSULTANT, at no additional cost to the CITY. In the event that PROFESSIONAL CONSULTANT fails to correct such damages, CITY is entitled to utilize CITY forces or other labor to repair the damage; any costs incurred by CITY for such work shall be deducted from the monies due to PROFESSIONAL CONSULTANT.

ARTICLE VIII - RECORDS AND RETENTION

A. All surveys, studies, proposals, applications, drawings, plans, specifications and other documents, including those in electronic form, prepared by PROFESSIONAL CONSULTANT and its PROFESSIONAL CONSULTANTS, subcontractors, agents, representatives, and/or employees in connection with this AGREEMENT ("PROJECT DOCUMENTS") are intended for the use and benefit of CITY. PROFESSIONAL CONSULTANT and its PROFESSIONAL CONSULTANTs, subcontractors, agents, representatives, and/or employees shall be deemed the authors of their respective part of the PROJECT DOCUMENTS. Notwithstanding anything to the contrary, CITY shall own, have, and retain all rights, title and interest in and to all PROJECT DOCUMENTS, whether in draft form or final form, which are produced at CITY's request or otherwise produced from PROFESSIONAL CONSULTANT's performance of the work described herein for CITY. The CITY's ownership of PROJECT DOCUMENTS shall not apply to PROFESSIONAL CONSULTANT's proprietary standard details that were developed by the PROFESSIONAL CONSULTANT prior to the commencement of this PROJECT.

B. CITY shall have full authority to reuse, reproduce, publish, disclose and distribute PROJECT DOCUMENTS, as needed, according to Arkansas State Law.

C. PROFESSIONAL CONSULTANT shall, upon completion of the services and full payment for the PROFESSIONAL CONSULTANT'S services by the CITY, or earlier termination and appropriate compensation as provided by this AGREEMENT, provide the CITY with all PROJECT DOCUMENTS prepared by PROFESSIONAL CONSULTANT pursuant to this AGREEMENT in formats requested by the CITY.

D. All instruments of service (including plans, specifications, drawings, reports, designs, computations, computer programs, estimates, surveys, other data or work items, etc.) prepared under this AGREEMENT shall be submitted for approval to the CITY. All instruments of service shall be professionally sealed in accordance to applicable laws or at CITY's request.

E. Acceptance and approval of the PROJECT DOCUMENTS by the CITY shall not constitute nor be deemed a release of the responsibility and liability of PROFESSIONAL CONSULTANT, its employees, associates, agents and PROFESSIONAL CONSULTANTs for the accuracy or competency of their designs, working drawings and specifications, or other documents and work; nor shall such approval be deemed to be an assumption of such responsibility by the CITY for any defect in the designs, working drawings and specifications, or other documents prepared by PROFESSIONAL CONSULTANT, its employees, contractor, agents and PROFESSIONAL CONSULTANTs.

F. PROFESSIONAL CONSULTANT will retain the PROJECT DOCUMENTS for a period of three years following project completion. During this three year period, any requests for document recovery and reproduction will be assessed a fee in accordance with PROFESSIONAL CONSULTANT's FEES.

ARTICLE IX - SAFETY

A. CITY agrees to inform PROFESSIONAL CONSULTANT of any applicable site safety procedures and regulations known to CITY as well as any special safety concerns or dangerous conditions at the site of which the CITY is aware, which PROFESSIONAL CONSULTANT shall communicate to its employees. PROFESSIONAL CONSULTANT and its employees shall adhere to such procedures and regulations once notice has been given by the CITY.

B. Unless specifically provided in the SCOPE, PROFESSIONAL CONSULTANT shall not have any responsibility for overall job safety at the site. If in the PROFESSIONAL CONSULTANT's opinion, its field personnel are unable to access required locations or perform required services in conformance with applicable safety standards, PROFESSIONAL CONSULTANT may immediately suspend performance until such safety standards can be attained.

C. PROFESSIONAL CONSULTANT agrees to indemnify and hold harmless the CITY for any safety conditions that may arise out of PROFESSIONAL CONSULTANT's performance of this AGREEMENT.

ARTICLE X - TERMINATION

A. CITY may suspend or terminate this AGREEMENT for cause or without cause at any time by giving written notice to PROFESSIONAL CONSULTANT. In the event suspension or termination is without cause, payment to PROFESSIONAL CONSULTANT, in accordance with the terms of this AGREEMENT, will be made on the basis of services reasonably determined by the CITY to be satisfactorily performed to the date of suspension or termination. Such payment will be due upon delivery of all instruments of service to CITY.

B. Should the CITY require a modification of this AGREEMENT with the PROFESSIONAL CONSULTANT, and in the event the CITY and PROFESSIONAL CONSULTANT fail to agree upon a modification to this AGREEMENT, the CITY shall have the option of terminating this AGREEMENT and the PROFESSIONAL CONSULTANT's services hereunder at no additional cost other than the payment to PROFESSIONAL CONSULTANT, in accordance with the terms of this AGREEMENT, for the services reasonably determined by the CITY to be properly performed by PROFESSIONAL CONSULTANT prior to such termination date.

C. If, for whatever adequate funding is not made available by CITY to support or justify continuation of the level of services to be provided by PROFESSIONAL CONSULTANT under this AGREEMENT, CITY may terminate or reduce the amount of services to be provided by PROFESSIONAL CONSULTANT under this AGREEMENT. In such event, CITY will notify PROFESSIONAL CONSULTANT in writing at least thirty (30) days in advance of such termination or reduction of services for lack of funds.

D. In no event shall the CITY pay to PROFESSIONAL CONSULTANT fees for termination outside of payment for services reasonably determined by the City to be properly performed prior to termination.

ARTICLE XI - INDEMNIFICATION

A. For purposes of this AGREEMENT, PROFESSIONAL CONSULTANT agrees to indemnify, hold harmless the CITY, its officers and employees from any loss, damage, liability or expense, of any nature whatsoever to the extent caused by the negligence, willful misconduct, or other actionable fault of PROFESSIONAL CONSULTANT, its affiliates, subsidiaries, employees, agents, assignees, and subcontractors and their

respective employees and agents. PROFESSIONAL CONSULTANT is not required hereunder to defend the CITY, its officers, appointees, employees, or agents from assertions that they were negligent, nor to indemnify and hold them harmless from liability based on the CITY's negligence

B. Nothing contained herein shall waive any governmental immunity CITY may be entitled to by law.

C. This provision shall survive the termination of this AGREEMENT.

ARTICLE XII - CONTINGENCY CLAUSE

A. The CITY may add a contingency amount to the contract to cover additional services as described in APPENDIX B. Any use of such contingency funds for additional services shall be executed as an AMENDMENT to this AGREEMENT.

B. The Contingency shall in no manner substitute for an official AMENDMENT.

ARTICLE XIII - RELATIONSHIP OF THE PARTIES

It is understood and agreed by and between the parties that the PROFESSIONAL CONSULTANT, in satisfying the conditions of this AGREEMENT, is acting independently, and that the CITY assumes no responsibility or liabilities to any third party in connection with PROFESSIONAL CONSULTANT's actions. All services to be performed by the PROFESSIONAL CONSULTANT pursuant to this AGREEMENT shall be in the capacity of an Independent Contractor, and not as an agent or employee of CITY. The PROFESSIONAL CONSULTANT shall supervise the performance of its services and shall be entitled to control the manner and means by which its services are to be performed, subject to the terms of this AGREEMENT. There is no intended third party beneficiary to the AGREEMENT and nothing contained herein shall create a contractual relationship with, or any rights in favor of, any third party.

ARTICLE XIV - DISPUTE RESOLUTION

A. CITY and PROFESSIONAL CONSULTANT agree that disputes relative to the services will first be addressed by negotiations between the Parties. If direct negotiations fail to resolve the dispute, the Party initiating the claim that is the basis for dispute may take such steps as it deems necessary to protect its interests; provided, however, that notwithstanding any such dispute, PROFESSIONAL CONSULTANT will proceed with the services as per this AGREEMENT as if no dispute existed, and CITY will continue to make payment for PROFESSIONAL CONSULTANT's completed services; and provided further that no dispute will be submitted to arbitration without both Parties' express written consent.

ARTICLE XV - OPINIONS OF PROBABLE COST

A. Since the PROFESSIONAL CONSULTANT has no control over the cost of labor, materials, equipment or services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions, the PROFESSIONAL CONSULTANT's estimates of PROJECT costs and construction costs provided for herein are to be made on the basis of the PROFESSIONAL CONSULTANT's experience and qualifications and represent the PROFESSIONAL CONSULTANT's judgement in accordance with the "Standard of Care". The PROFESSIONAL CONSULTANT cannot and does not guarantee that proposals, bids or actual PROJECT or construction costs will not vary from estimates prepared by the PROFESSIONAL CONSULTANT.

B. The CITY understands that the construction cost estimates developed by the PROFESSIONAL CONSULTANT do not establish a limit for construction contract amount. If the actual amount of the low construction bid exceeds the construction budget established by the CITY, the PROFESSIONAL CONSULTANT will not be required to re-design the PROJECT or any part thereof without additional compensation.

ARTICLE XVI - APPLICABLE LAWS

PROFESSIONAL CONSULTANT shall comply with all Federal, State, Local laws, ordinances, resolutions, specifications, regulations and all other laws or regulations relating or applicable to service to be performed under this AGREEMENT. Interpretation of this AGREEMENT and disputes arising out of or related to this AGREEMENT will be subject to and governed by the laws of the State of Arkansas. Jurisdiction and venue for any suit arising out of or related to this AGREEMENT will be in the Benton County Circuit Court of Benton County, Arkansas,

ARTICLE XVII - PRECEDENCE

This AGREEMENT shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice to proceed, or any other like document regarding the PROJECT or PROFESSIONAL CONSULTANT's services.

ARTICLE XVIII - SEVERABILITY

A. In the event that one or more provisions contained herein shall, for any reason, be deemed invalid, illegal, void or unenforceable, in whole or in part, the remaining provisions hereof shall remain in full force and effect.

B. In the event that any provision hereof is in conflict with any statutory provision of the State of Arkansas, said provision, which may be in conflict therewith, shall be deemed inoperative, null and void insofar as it may be in conflict therewith, and shall be deemed modified to conform to such statutory provisions; provided, however, that the remaining provisions of this AGREEMENT will be unaffected and will continue to be valid and enforceable.

ARTICLE XIX - SURVIVAL OF OBLIGATIONS

The obligations of the Parties contained in this AGREEMENT, which by their nature survive after the term of the AGREEMENT, shall survive the termination or expiration of this AGREEMENT and continue indefinitely or as otherwise provided by this AGREEMENT.

ARTICLE XX – ENTIRE AGREEMENT

This AGREEMENT, including all documents and Appendices included by reference herein, constitutes the entire agreement between the PARTIES and supersedes all prior agreements, whether oral or written, covering the same subject matter. This AGREEMENT may not be modified or amended except in writing, mutually agreed upon and accepted by both PARTIES to this AGREEMENT.

The cost of this AGREEMENT including all reimbursable expenses as described in the FEES AND SCHEDULE, **shall not exceed** one hundred sixty-five thousand dollars and zero cents ($165,000.00), unless otherwise approved by the CITY through an official AMENDMENT agreed and executed by CITY and PROFESSIONAL CONSULTANT.

IN WITNESS THEREOF, the CITY and PROFESSIONAL CONSULTANT have executed this AGREEMENT, the EFFECTIVE DATE of which is indicated on page 1 of this AGREEMENT.

CITY OF BENTONVILLE	
CITY	PROFESSIONAL CONSULTANT
BY	BY
MAYOR	
TITLE	TITLE
DATE SIGNED	DATE SIGNED

PROFESSIONAL CONSULTANT

BY

TITLE

DATE SIGNED

APPENDIX A
PROJECT DESCRIPTION

BASIC PROJECT INFORMATION:

Bentonville Water Utilities is expanding its existing hydraulic sewer model to incorporate an additional sewer basin, Shell Basin, and expand Town Branch Basin and McKisic 10 and 12 Sub-basins to include all gravity pipes, expanding and enhancing model capabilities...

Modeling efforts will begin following council approval of the agreement, anticipated March 31, 2026, and are expected to be complete in October 2026.

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APPENDIX B

SCOPE OF SERVICES

SERVICES BY THE CITY

- Furnish required information and approvals and perform responsibilities and activities in a timely manner to facilitate orderly progress of the work.
- Provide criteria and information as to the requirements for the PROJECT, including design objectives and constraints, capacity and performance requirements, and any budgetary limitations.
- Assist the PROFESSIONAL CONSULTANT by placing at their disposal all available information pertinent to the PROJECT, including previous reports and other data relative to design or construction of the PROJECT.
- Arrange for access to public and private property as required for the PROJECT.
- Obtain the necessary lands, easements and rights-of-way for the PROJECT.
- Reimburse all plan review, advertising costs, permits and approvals in connection with the PROJECT.
- Pay the PROFESSIONAL CONSULTANT in accordance with the terms of the AGREEMENT.

If the CITY observes or otherwise becomes aware of any fault or defect in the PROJECT, the CITY shall give prompt written notice thereof to the PROFESSIONAL CONSULTANT.

- Subcontracting of services by the PROFESSIONAL CONSULTANT shall have prior approval of the CITY.

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SCOPE OF SERVICES

This exhibit is hereby attached to and made a part of the Letter Agreement for Professional Services dated _____ between City of Bentonville ("Client") and Olsson, Inc. ("Olsson") providing for professional services. Olsson's Scope of Services for the Agreement is indicated below.

PROJECT DESCRIPTION AND LOCATION

Project Description:

Bentonville Water Utilities (BWU) is expanding its existing hydraulic sewer model to incorporate an additional sewer basin, Shell Basin, and expand Town Branch Basin and McKisic 10 and 12 Sub-basins to include all gravity pipes, expanding and enhancing model capabilities. This work utilizes TREKK data, Olsson survey data, BWU GIS, and previous modeling completed under the Peak Flow Management Program.

SCOPE OF SERVICES

Olsson shall provide the following services (Scope of Services) to Client for the Project:

Phase 100 – Project Management

1. Provide ongoing project management services throughout the duration of the project. This includes managing and monitoring the scope, schedule, and budget to ensure successful delivery of all project objectives. Olsson will process invoices, coordinate project activities, and maintain documentation to support effective project execution.
2. Conduct a project initiation meeting with stakeholders to refine project scope, review the project site, identify specific goals, determine survey area, establish schedule for completion, and establish channels of communication. Olsson will prepare and distribute minutes of the meeting.
3. Schedule and facilitate up to ten (10) virtual progress meetings with project stakeholders to review status, address any issues, and ensure alignment with project goals and timelines. Olsson will prepare and distribute meeting agendas and minutes for each progress meeting.
4. Assumption: progress meetings are assumed to be up to 60 minutes each; additional time or additional meetings beyond ten (10) are Optional Additional Services.

Phase 200 – Data Collection

1. Collect Geographic Information System (GIS) data from the City as required for incorporation into the sanitary sewer model. Review and process the received GIS data to ensure it is suitable for model integration. This task will focus on data acquisition, basic review, and preparation for use in the model; advanced GIS processing or manipulation of the data is specifically excluded from this scope.

2. For clarity, “advanced GIS processing” includes topology repair, parcel fabric creation, enterprise geodatabase administration, schema redesign, or field verification beyond the survey described herein.

Phase 301 – Hydraulic Modeling – Town Branch Basin and McKisic 10 and 12

Hydraulic sewer modeling efforts for Phase 301 shall focus on improving the existing model in the sub-basins described from a trunk model (main interceptors) to a more comprehensive model that includes all publicly owned pipes within the specified areas. By incorporating these additional details, the model will become more accurate and robust, enabling the city to evaluate the impacts of proposed developments with greater precision and reliability. This enhanced level of detail will support more informed decision-making and future planning efforts.

1. Add all gravity pipes and manholes in high priority Sub-Basins using data previously collected by TREKK in Part II. The high priority basins include Town Branch sub-basins TB2, TB3, TB4, TB5, TB6 and McKisic sub-basins MK10, MK12. Task shall include data QC, GIS processing, model importation, and model updates to provide a functional and calibrated InfoWorks ICM hydraulic model. The high priority areas are depicted in red in the included Exhibit 1, City of Bentonville Sanitary Sewer Sub-Basin Map.
    i. TB 3 - Omit sewer at the existing Walmart office. Stop at MH 403-254
2. Add all gravity pipes and manholes in Town Branch Sub-Basins TB1 and TB7 using survey data to be collected by Olsson. These areas are depicted in the included Exhibit 1, City of Bentonville Sanitary Sewer Sub-Basin Map.
    i. For TB 1 and TB 7 - BWU will provide as-builts for new sewer along south side of Wal Mart Campus, a total of 28 manholes (404-7925 to 404-7868)
3. Adding additional existing lift stations to the areas in Town Branch and McKisic sewer basins is excluded.
4. The Wal-Mart Lift Station has been added to the model by BWU. Olsson shall review the input of the lift station and may request data to confirm simulation represents operation.
5. Redistribute previously established dry weather and wet weather flow parameters from grouped sub-catchments to individual parcel sub-catchments for all scenarios.
6. Dry weather flow redistribution for existing scenarios will be evenly spread across residential and commercial parcels, weighted by residential to commercial water use ratio and unit counts.
7. Dry weather flow distribution for future scenarios will be based on Bentonville Future Land Use Map as previously analyzed in Part II of Peak Flow Management study.
8. Wet weather flow scenarios will redistribute RDII parameters previously developed to revised parcel sub-catchments based on area.
9. Mass balance: redistribution of dry-weather flows and RDII parameters will preserve total basin flows for each scenario unless revisions are required due to validated data corrections; any such revisions will be documented in the Technical Memorandum.

Phase 302 – Hydraulic Modeling Expansion – Shell Basin

Hydraulic modeling efforts for Phase 302 shall focus on expanding the existing model to include the identified Shell basin. The model expansion shall include main interceptors, generally pipes 12-inch and larger, to provide the city with capacity calculations on existing sewer infrastructure in developing areas. Existing conditions will be calibrated using flow data provided by the city, ensuring the model accurately represents real-world system performance. Additionally, a future conditions scenario will be developed using the City of Bentonville's Future Land Use Map (FLUM) to evaluate capacity needs. This approach will help ensure that the model accurately reflects current and anticipated flow conditions, supporting effective planning and decision-making for future development in the area. By prioritizing the inclusion of larger pipes, the city can better assess system performance and identify potential upgrades needed to accommodate growth.

1. Include all pipes 12-inches in diameter and larger, and associated manholes, within the Shell Basin in the hydraulic model.
2. Incorporate the Thornbrook lift station into the modeled network; exclude all other lift stations unless specifically authorized. Data for Thorn Brook Lift Station will be provided by the City. Minimum data requirements include plans of record and installed pump curves. Additional information such as draw down testing and/or force main flow metering will improve model accuracy and should be provided by the City if available.
3. A combination of city provided GIS DATA and Plans of Record shall be used as the source for inputting manhole and pipe attributes (e.g., location, size, material, invert elevations). Missing data may be collected by Olsson Survey team for up to allocated amount of manholes listed in Phase 500.
4. Develop an existing conditions scenario using flow and rainfall monitoring data at up to 4 locations within the Shell Basin.
5. After 90 days, Flow and Rain Monitoring data shall be reviewed by City and Olsson to decide if sufficient wet weather and dry weather has been observed and quality data has been captured. If data is insufficient for modeling purposes, additional monitoring shall be conducted and project schedule will be adjusted.
6. Analyze monitoring data to establish and assign dry and wet weather flow parameters for the modeled sub-catchments.
7. Calibrate the hydraulic model to observed flow data for both dry and wet weather events. Calibration criteria established in peak flow management study part II will be used.
8. Perform quality control (QC) reviews of model setup, calibration, and scenario results, documenting assumptions and data sources.
9. Map the existing sewer system conditions, including pipe alignments, manhole locations, and identified system constraints based on model results.
10. Develop a future conditions scenario using the City of Bentonville's Future Land Use Map (FLUM) to project and assign anticipated flows for capacity analysis.
11. Recommend pipe sizing for future system needs based on existing pipe alignment and slope, as determined by model capacity analysis; alternative alignment analysis and cost estimating are excluded from this scope.

Phase 400 – Technical Memorandum

1. Olsson will prepare a technical memorandum intended for city staff and project stakeholders, providing a record of the analyses conducted. The memo shall include:
    - Description of modeling activities undertaken.
    - Identification of revisions to system attributes and incorporation of new data sources.
    - Clear identification of updates and added elements to the hydraulic model for transparency.
    - Reference modeling methods and methodologies consistent with the previous peak flow management study.
    - Describe and provide rationale for any new methods or methodologies used, with explanation and justification for each approach.
    - Recommendations for capital improvements based on future scenario and recommendations for rainfall dependent I/I based on flow monitoring data analysis.
    - Maps illustrating the capacity of the existing sewer system for all analyzed areas.
    - Maps showing recommended improvements for the Shell Basin to support future planning and decision-making.
2. Deliverables:

    - Technical Memorandum (PDF).
    - Updated model package including InfoWorks ICM database/export and supporting GIS layers used for model build.
    - Map figures showing model results in PDF format.

Phase 500 – Survey Services

Olsson will collect existing Sanitary Sewer structure data as part of an ongoing sanitary sewer analysis for the City of Bentonville (“Client”). This scope includes 139 identified manholes, excluding pipe networks as shown in Exhibit 2 and 3. An additional 31 manholes, with locations yet to be determined, are also include in this scope. The total maximum number of manholes included in this scope is 170.

Olsson will collect horizontal and vertical data for sanitary sewer structure rim elevation and invert elevations of connecting pipes, along with pipe size and material, manhole structure condition, and direction of flow, if discernible by reasonable above rim observation. No entry into confined spaces will be performed. Limited alignment data of connecting pipes to and from structures surveyed will be gathered where feasible Survey does not include topographic data of surrounding areas.

Elevations will be tied to City of Bentonville monumentation and further based on NAVD 1988 vertical datum, and horizontal data will follow NAD83 State Plane Coordinates, Arkansas North Zone.

Deliverables

Olsson will provide sanitary sewer structure data upon completion of fieldwork and office calculations.

Deliverables will include:

- A CAD file containing all surveyed sanitary sewer structures, including rim elevations, invert elevations, and pipe connection information.
- Digital photographs collected during fieldwork.
- 3D Point Cloud scan data (if attainable).
- Standardized structure data sheets for each structure summarizing: structure ID and location, Rim elevation, Invert elevations for all attainable connecting pipes, pipe sizes and materials, and observed conditions, Direction of flow for each connecting pipe, Notes on accessibility or obstructions encountered.

Schedule of Survey Services:

- Kickoff meeting - Upon notice to proceed, Olsson will conduct a meeting with the City of Bentonville to discuss project area, standardized data collection form, timelines, etc.
- Fieldwork - Olsson anticipates beginning field work on May 1, 2026, for the initial set of 139 manholes, and a time to be determined, for the remaining 31 manholes. The fieldwork duration for each phase is expected to be approximately four (4) weeks, depending on weather conditions and the accessibility of the sites and structures.
- Project Updates - Olsson to provide weekly updates to the Client on field work and office calculations.
- Deliverable - Anticipated to be completed approximately four (4) weeks after the conclusion of fieldwork for each phase.

Phase 600 – Subconsultant QC / Workshop

Olsson shall retain the services of subconsultant M3 to provide peer review of the sanitary sewer model creation. M3 will conduct two QC peer reviews of the updated model to ensure accuracy and consistency with project objectives. Additionally, M3 will participate in a workshop to align methods and methodologies for converting the trunk sewer model to an all-pipe model, as described in Phase 301.

The peer review process provides significant benefits to the Client by ensuring that all methodologies and recommendations are thoroughly evaluated for accuracy, reliability, and consistency with industry best practices. By incorporating independent expertise and fresh perspectives, the Client gains increased confidence in the validity of the study's findings and proposed solutions. This collaborative approach not only enhances the quality of data and analyses, but also helps to identify potential issues early, leading to better-informed capital improvement decisions and more effective long-term planning for the sewer system.

Client Responsibilities

- BWU will provide available GIS, FLUM, Plans of Record, and prior model files/data necessary for the work; provide or arrange access/right-of-entry to facilities; provide flow and rainfall monitoring datasets; and designate a point of contact for timely reviews and decisions. Delays in BWU-provided inputs may affect schedule.
- Client is responsible for coordination and site access to non-public properties prior to survey commencement.
- Client to provide assistance for access to sanitary sewer manhole structures where standard field practices are ineffective (e.g., inaccessible, welded, or bolted manholes that will not open with standard effort).
- If invert elevations, pipe sizes, pipe materials are not attainable due to volume, blockages, or obstructions, Olsson shall request assistance from City of Bentonville. Olsson is not responsible for maintenance or bypass pumping required to obtain survey information.

Exclusions

- Survey beyond scoped 170 manholes are excluded; re-visits due to access restrictions, buried structures, or unsafe conditions.
- Traffic control beyond standard short-duration procedures; lane closures; flagging; railroad coordination; and permit fees.
- Structure locations to be surveyed will be based on City GIS data and field observations. Olsson is not responsible for unknown, inaccessible, or obscured structures.
- Confined space entry, manhole cleaning, bypass pumping, dewatering, or vacuum truck services.
- Boundary survey and construction staking are excluded.
- Additional survey services may be offered upon client approval and may affect cost and schedule.
- Flow meter installation, maintenance, troubleshooting, retrieval, and replacement; field investigation of faulty meters.
- CCTV inspection, smoke testing, dye testing, I/I source tracing, SSES tasks, or rehabilitation design.
- Modeling of private sewer systems, laterals, or appurtenances not in BWU ownership; field verification of private connections.
- Hydraulic/transient analysis of force mains; pump station modeling beyond Thornbrook unless authorized; electrical/controls evaluation.
- Stormwater modeling, cross-connection investigations, or combined system analysis (if any).
- Detailed GIS database cleanup (topology repair, schema redesign, enterprise geodatabase administration), and creation of new authoritative GIS datasets.
- Engineering design (plans/specs), permitting, cost estimating beyond planning-level screening, bid/award support, and construction administration.

- Alternative alignments, route studies, easement acquisition support, property negotiations, or appraisals.
- Opinion of probable cost for recommended improvements.
- Presentation of findings to utility board and city council.
- Public meetings, stakeholder outreach, or responses to third-party/developer inquiries beyond normal coordination meetings.
- Legal review, expert testimony, and services related to litigation or claims.
- Accelerated schedules or overtime work unless separately authorized in writing.

Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

EXHIBIT 1
City of Bentonville Sanitary Sewer Sub-Basin Map

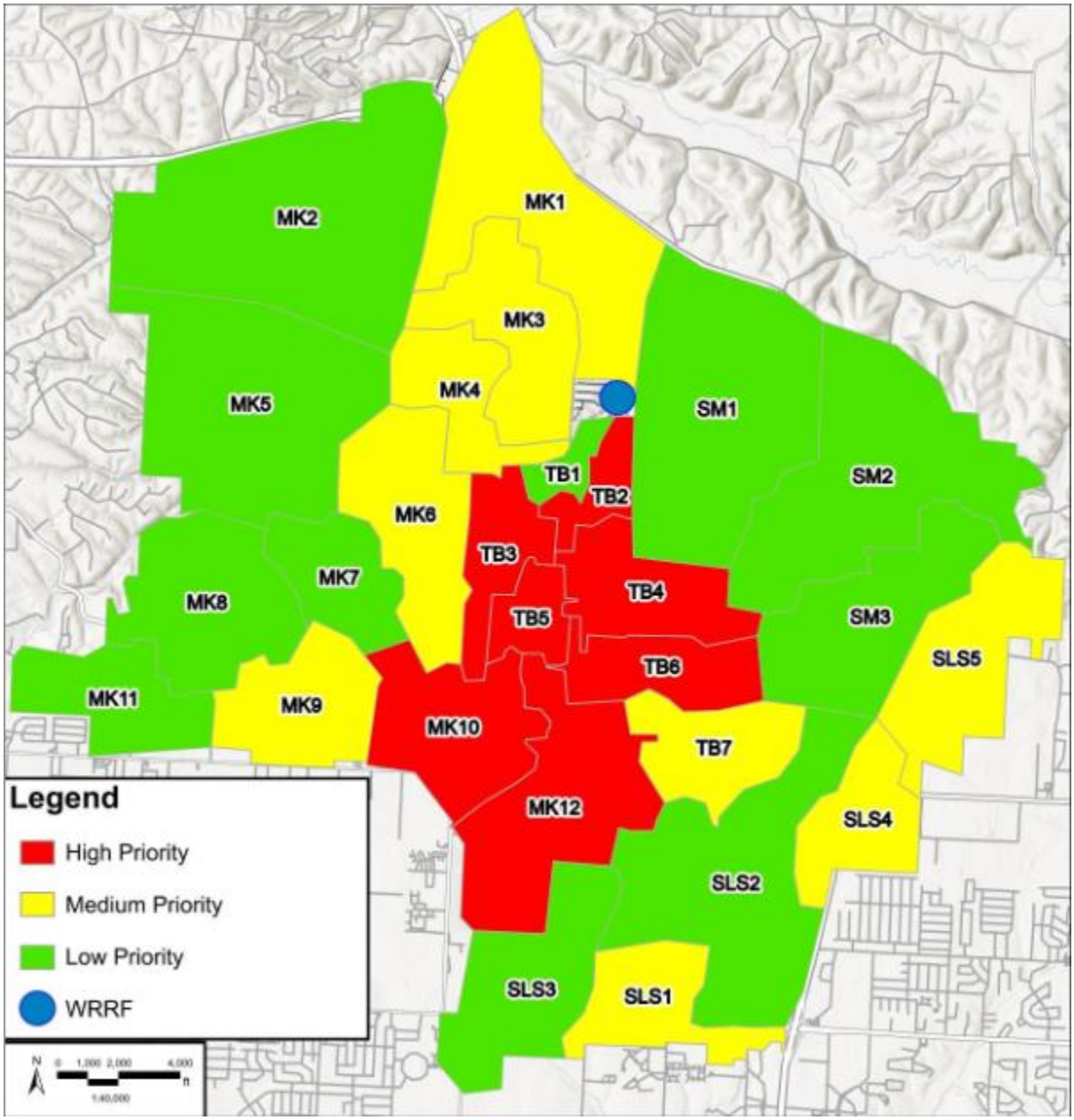


EXHIBIT 2
Sanitary Sewer Structure Sub-Basin Town Branch 1(TB1) Data Collection Area

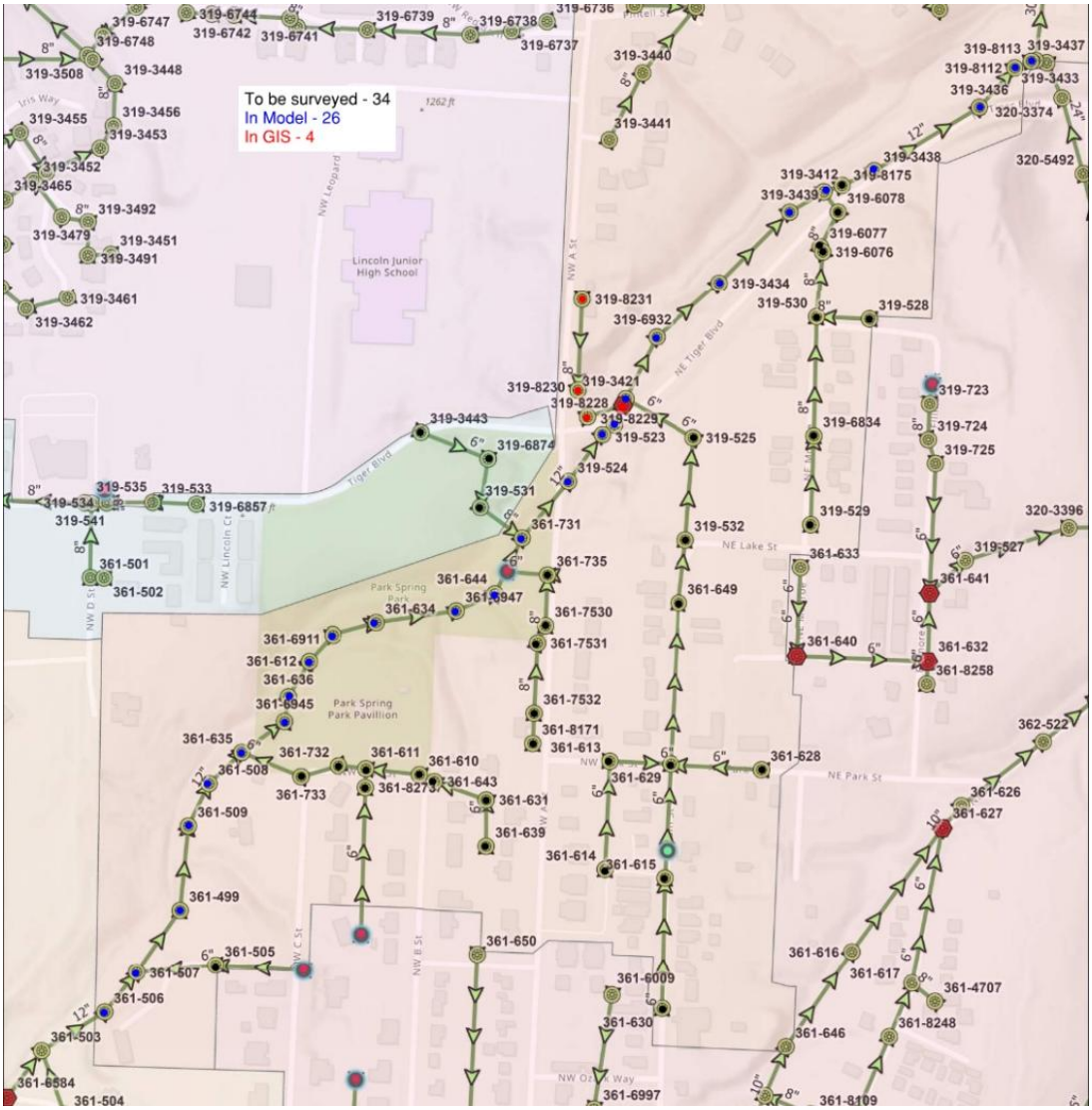


EXHIBIT 3
Sanitary Sewer Structure Sub-Basin Town Branch 7 (TB7) Data Collection Area

APPENDIX C
SCHEDULE OF FEES

FEE SCHEDULE FOLLOWS

Date: 3/10/2026
Job: BWU Sewer Modeling - Town Branch and McKisic revisions and Shell B

Phase/ Task	Description of Work	TOTALS Total Man-Days	Total Labor Fee	Total Expense Fee	Total Fee	Phase Total
100	**Project Management**	-	$ -			
100001	General Project Management	3.00	$ 5,242.62	$ 140.00	$ 5,382.62	$ 14,459.21
100002	Project Kickoff Meeting	0.88	$ 1,124.34	$ -	$ 1,124.34	
100003	Progress Meetings (10x)	5.63	$ 7,952.24	$ -	$ 7,952.24	
		-	$ -	$ -	$ -	
200	**Data Collection**	-	$ -	$ -	$ -	$ 3,533.70
200001	Reviewing SSES Data	2.00	$ 1,766.85	$ -	$ 1,766.85	
200002	Reviewing and Cleaning Manhole Survey Data	2.00	$ 1,766.85	$ -	$ 1,766.85	
		-	$ -	$ -	$ -	
		-	$ -	$ -	$ -	
301	**Hydraulic Modeling - Town Branch Basin and Mckisic 10 & 12**	-	$ -	$ -	$ -	$ 36,218.18
301001	Updating Model with SSES and Survey Data	7.63	$ 7,283.78	$ -	$ 7,283.78	
301002	Updating Model Subcatchments	15.00	$ 13,481.86	$ -	$ 13,481.86	
301003	Model DWF Calibration	3.13	$ 4,081.92	$ -	$ 4,081.92	
301004	Model WW Calibration	5.25	$ 6,648.58	$ -	$ 6,648.58	
301005	QA/QC	0.75	$ 1,397.76	$ -	$ 1,397.76	
301005	Analysis/Compare to previous study	2.63	$ 3,324.29	$ -	$ 3,324.29	
		-	$ -	$ -	$ -	
302	**Hydraulic Modeling - Shell Basin**	-	$ -	$ -	$ -	$ 32,605.99
302001	Create Model from as-built and additional data.	7.64	$ 8,213.86	$ -	$ 8,213.86	
302002	SSOAP Analysis (4 flow monitors)	4.50	$ 4,805.25	$ -	$ 4,805.25	
302003	Model DWF Calibration	1.25	$ 1,349.34	$ -	$ 1,349.34	
302004	Model WW Calibration	3.50	$ 3,865.54	$ -	$ 3,865.54	
302005	Existing conditions analysis	2.00	$ 2,682.11	$ -	$ 2,682.11	
302006	Build Future Scenario (Based on FLUM)	4.25	$ 4,283.04	$ -	$ 4,283.04	
302007	Analysis - Recommendations for current alignment upsizing	1.88	$ 2,536.26	$ -	$ 2,536.26	
302008	QA/QC	0.75	$ 1,397.76	$ -	$ 1,397.76	
302009	Workshop CIP	2.00	$ 3,472.83	$ -	$ 3,472.83	
		-	$ -	$ -	$ -	
		-	$ -	$ -	$ -	
400	**Technical Memorandum**	-	$ -	$ -	$ -	$ 24,730.43
400001	Develop Technical Memo	15.00	$ 13,635.52	$ -	$ 13,635.52	
400002	TM QA/QC	2.00	$ 4,295.68	$ -	$ 4,295.68	
400003	Finalizing Draft TM	2.00	$ 2,333.70	$ -	$ 2,333.70	
400006	Reviewing Client Comments and Updating TM	4.50	$ 4,465.54	$ -	$ 4,465.54	
		-	$ -	$ -	$ -	
		-	$ -	$ -	$ -	
500	**Manhole Survey**	-	$ -	$ -	$ -	$ 35,000.00
500001	Manhole Surverying (up to 170 manholes)	-	$ 35,000.00	$ -	$ 35,000.00	
		-	$ -	$ -	$ -	
600	**Subconsultant QC/Workshops**	-	$ -	$ -	$ -	
600001	M3 Consulting - QC	-	$ 18,452.50	$ -	$ 18,452.50	$ 18,452.50
		-	$ -	$ -	$ -	
		-	$ -	$ -	$ -	
GRAND TOTAL		99.2	164860.0	140.0	$ 165,000.00	$ 165,000.00

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH OLSSON, INC. IN THE AMOUNT OF ONE-HUNDRED SIXTY-FIVE THOUSAND DOLLARS ($165,000.00); AND FOR OTHER PURPOSES.

WHEREAS, the need has arisen for the City of Bentonville to enter into a contract with Olsson, Inc. for 2026 Sewer Model Expansion.

WHEREAS, this is a budgeted item, and no budget adjustment is necessary.

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

Section 1: The Mayor and City Clerk are authorized to enter into an agreement with Olsson, Inc. for 2026 Sewer Model Expansion in the amount of One-Hundred Sixty-Five Thousand Dollars ($165,000.00).

Section 2 - Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2026.

APPROVED:

_____
STEPHANIE ORMAN, MAYOR

ATTEST:

_____
MALORIE MARRS, CITY CLERK

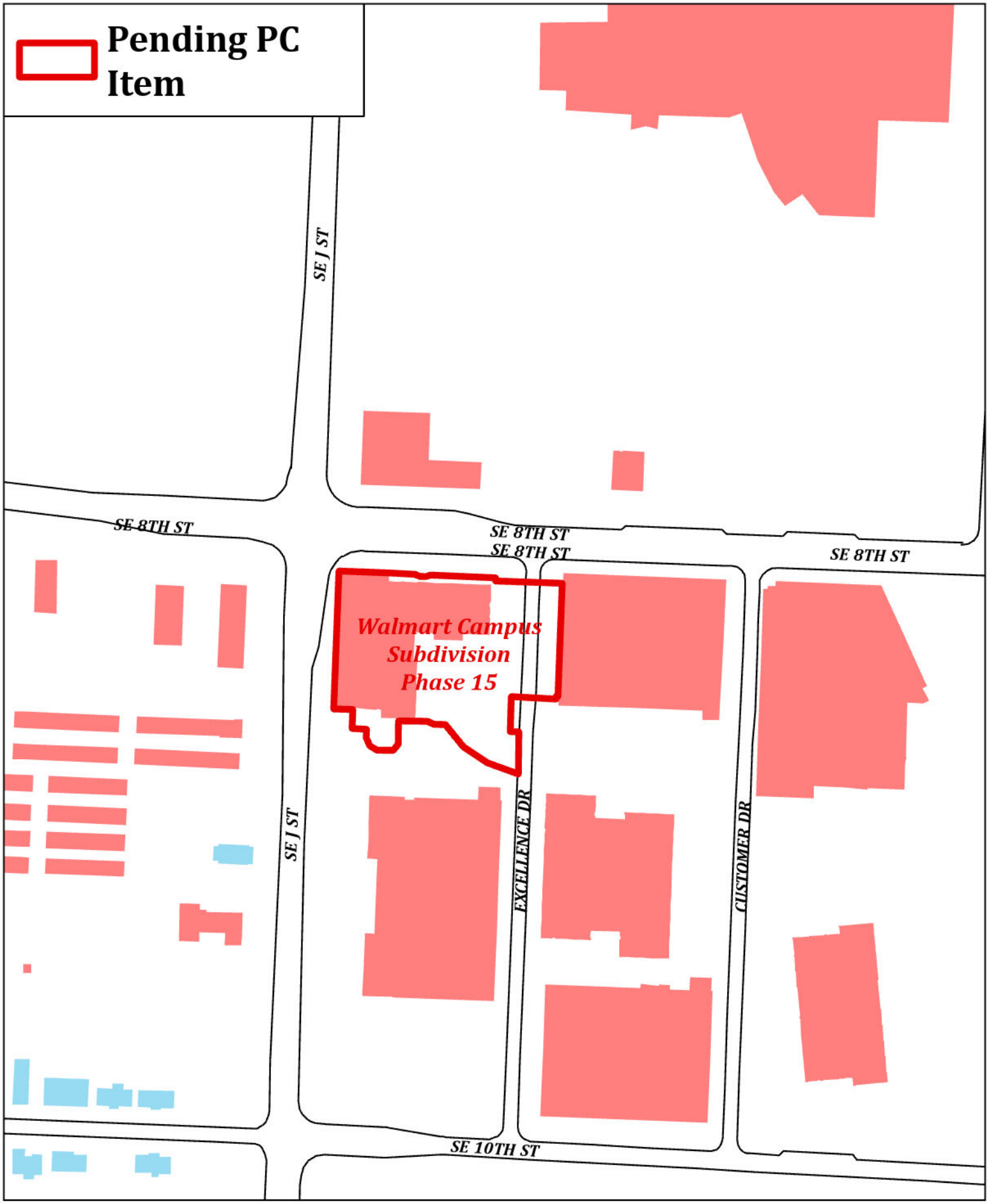
Consent Agenda Item

For the City Council meeting on March 31, 2026

Details

Final Plat of Lot 1, Walmart Campus Subdivision, Phase 15, FP25-0002.

A final plat of Walmart Campus Subdivision, Phase 15. Right-of-way along Southeast 8th Street and Southeast J Street is being dedicated (0.61 acres). This includes the area of Office Building number 11.



FP25-0002
Walmart Campus Subdivision Phase 15
809 SE J St

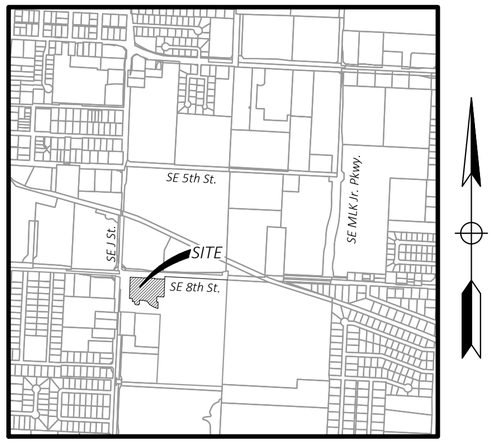
Final Plat of Lot 1, Walmart Campus Subdivision, Phase 15 Walmart Campus

SE MARTIN LUTHER KING JR Pkwy

Bentonville, Benton County, Arkansas

GENERAL NOTES:

1. This plat represents a Final Plat of Part of Lots 10-13 & 15, Shady Grove Subdivision per Plat Book 2005, Page 959 and the parcel described at Deed Book 2015, Page 3566 in the public records of Benton County, Arkansas.
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. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of this transaction only and is not transferable to any additional or subsequent owners.
4. Basis of Bearings: All bearings shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone, as established by a Static observation processed through OPUS.
5. This survey is valid only if the drawing includes the seal and signature of the surveyor.
6. This survey meets the current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
7. The locations of underground utilities as shown hereon are based on 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.
8. The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contract all non-members as well as the One-Call System.
9. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
10. By scale map location and graphical plotting only. This property is located n shaded Zone "X" which are areas of 0.2% annual flood chance; areas of 1% annual flood with average depths of less that 1 foot or with drainage areas less that 1 square mile; and area protected by levees from 1% annual chance flood as determined by the National Flood Insurance, Flood Insurance Rate Map forBenton County,Arkansas.
    Map Number: 05007C0255K
    Map Revised: June 5, 2012
11. No attempt was made to show the zoned building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
12. No current zoning report or letter regarding zoning classification was provided to the Surveyor. Setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. For more info visit www.bentonvillepanning.com or call the Planning Department @ 479-271-3122.
13. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance. All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications
14. There may not be fences or any other structures built in any drainage easements.
15. 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.
16. Owner is to contact New Service coordinator (479-271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
17. All structures must maintain minimum of 20' clearance from all electric lines.
18. 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 require the developer to pay for the cost of BEUD to relocate the equipment to the lot line.
19. It is the responsibility of the developer to pay for any cost 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.
20. Relocation of any existing electrical facilities shall be at the owner's expense.
21. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.
22. Subject areas are subject to public utility, drainage, and emergency access easements as shown at Deed Instrument #L202110326.
23. No residential lot shall be permitted direct access to a collector, minor, or major arterial street. All residential subdivision development contiguous to a collector, minor, or major arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.
24. There are no waivers, variances and/or conditional uses at the time of preparing this plat.
25. The buildings contained in the area of this final plat fall within Zone C of the Municipal Airport Overlay District pursuant to Bentonville Municipal Code Section 401.12.
26. The platted area falls within Zone 4, Phase 4 of the Walmart Campus PUD at the time of submittal.
27. 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.



VICINITY MAP

NOT TO SCALE

Latitude: 36°21'49"N
Longitude: 94°11'45"W

Owner:
Parcel #'s 01-00747-000 & 01-04108-000 Wal-Mart Stores Inc. PO BOX 8050 MS 0555 BENTONVILLE AR 72712-8050 Contact: Joe Allbright, (479) 273-4000

Owner:
Parcel #01-04106-000 North Arkansas Wholesale Co. Inc. WAL MART PROPERTY TAX DEPT PO BOX 8050 MS 0555 BENTONVILLE AR 72712-8050 Contact: Joe Allbright, (479) 273-4000

Surveyors:
CEI Engineering Associates, Inc. 2600 NE 11th ST, Suite 300 Bentonville, AR 72712 Phone: (479) 273-9472 Fax:(479) 271-0536 Surveyor: Dustin Riley, Arkansas PLS#1618

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: Wal-Mart Stores Inc. _____

_____

Print Name: _____

Source of Title: D.R. 1996, Page 68430 & D.R. 2014, Page 65023

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____

Notary Public My Commission Expires

Name & Address: North Arkansas Wholesale Co. Inc. _____

_____

Print Name: _____

Source of Title: D.R. 2005, Page 42358

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____

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 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 AUTHORIZATION — CEI Engineering Associates, Inc. No. 118 — ARKANSAS ENGINEER

CERTIFICATE OF SURVEYING ACCURACY:

I, Dustin Riley, 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.1618
State of Arkansas

REVISION

NO.	DESCRIPTION	DATE
1	1st Sub. Comments	04/22/2025
2	R/W Update	04/30/2025
3	2nd Sub. Comments	05/19/2025

ATLAS PAGE: 404

City of Bentonville Project # FP25-0002

State Survey Code: 500-20N-30W-0-32-130-04-1618

CIVIL ENGINEERING ▪ LANDSCAPE ARCHITECTURE ▪ LAND SURVEYING ▪ PLANNING

BENTONVILLE | DALLAS | FRESNO | HOUSTON | JACKSONVILLE | MINNEAPOLIS | PHILADELPHIA | PHOENIX

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 15
Walmart Campus
SE MARTIN LUTHER KING JR Pkwy
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	2/26/2026
REVISION	REV-3

Cover Sheet

SHEET TITLE

SHEET NUMBER

1 OF 2

DRAWING LOCATION - \\PANZURA.CEILB.COM\SURVEY\31000\31470\DRAWINGS SURVEY\SURVEY\31470FP OFFICE 11.DWG -- SAVED BY - CHENDERSON

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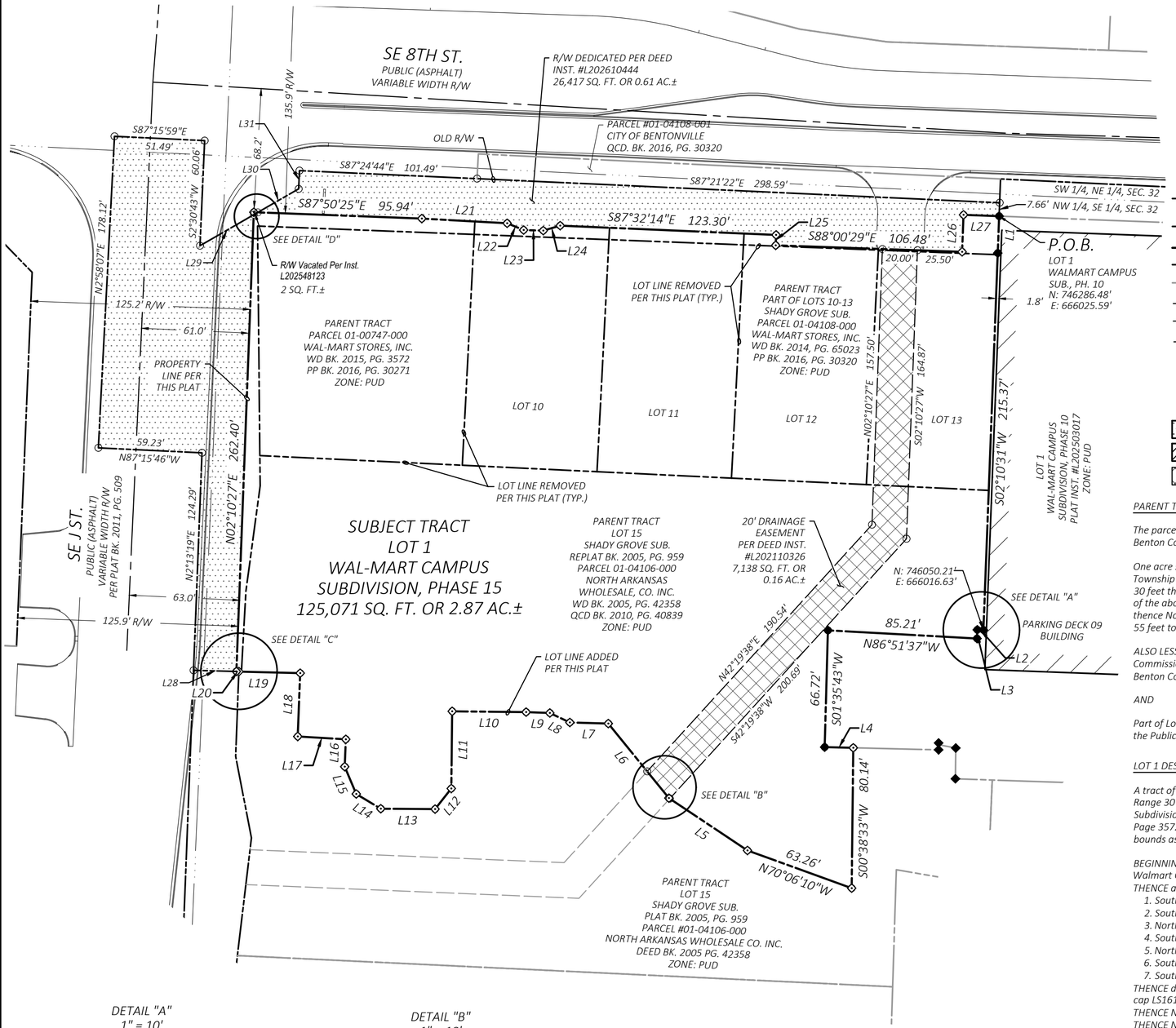

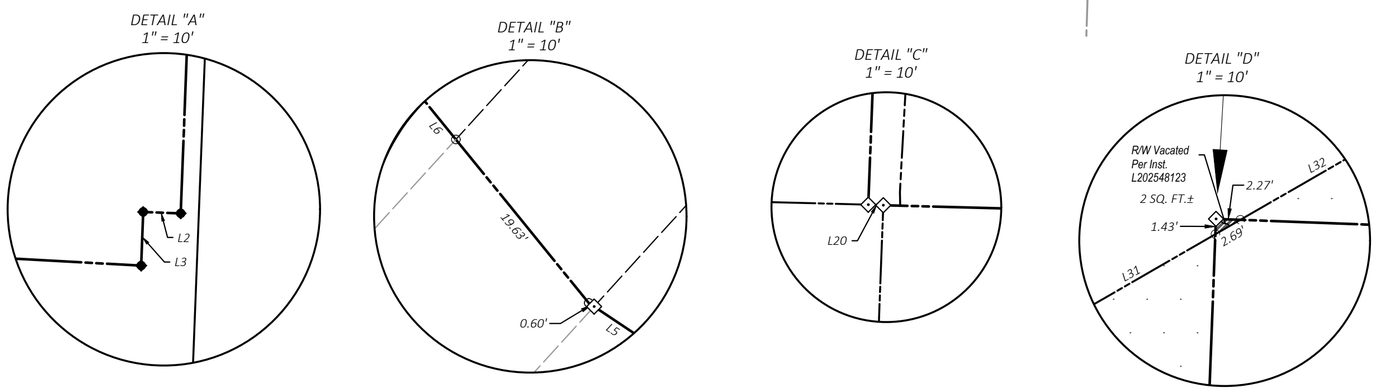

0 50' 75' 100'

SCALE IN FEET

Legend

- Boundary Line
- Lot Line Removed per this Plat
- Adjoining Boundary Line
- Easement Line
- Centerline
- Section Line
- Found 5/8" Rebar "LS#1618" (unless otherwise noted)
- Set 5/8" Rebar "LS#1618"
- R/W — Right-of-Way
- Dedicated Right-Of-Way (R/W)
- Vacated Right-Of-Way (R/W)
- Drainage Easement (DE) per Deed Inst. #L202110326

Property Line Table		
Line #	Direction	Length
L1	S02°07'59"W	21.08'
L2	N87°49'48"W	3.50'
L3	S02°10'12"W	5.00'
L4	S88°38'41"E	16.33'
L5	N56°19'07"W	53.91'
L6	N39°05'41"W	54.82'
L7	N88°20'07"W	21.97'
L8	N64°41'56"W	12.64'
L9	N87°52'46"W	13.55'
L10	N89°22'44"W	42.19'
L11	S00°40'16"W	44.09'
L12	S38°15'25"W	14.95'
L13	N89°37'04"W	31.00'
L14	N58°51'07"W	16.33'
L15	N22°59'08"W	16.91'
L16	N02°15'38"E	15.65'
L17	N86°39'46"W	27.49'
L18	N02°13'47"E	36.18'
L19	N88°30'33"W	35.01'
L20	N87°49'33"W	1.40'
L21	S86°50'46"E	48.77'
L22	S67°38'48"E	10.18'
L23	S88°21'28"E	11.21'
L24	N73°42'21"E	10.09'
L25	S02°00'44"W	5.95'
L26	N02°10'39"E	21.14'
L27	S87°49'33"E	20.35'

Right-of-Way Table		
Line #	Direction	Length
L28	N88°28'59"W	24.46'
L29	N60°02'17"E	35.41'
L30	N60°02'17"E	26.89'
L31	N02°33'30"E	10.43'

PARENT TRACT DESCRIPTIONS:

The parcel described at Deed Book 2015, Page 3566 in the public records of Benton County, Arkansas being described by metes and bounds as follows:

One acre squarely out of the NW corner of the W 1/2 of the SE 1/4 of Section 32, Township 20 North, Range 30 West, Benton County, Arkansas, EXCEPT the North 30 feet thereof AND EXCEPT beginning at a point 30 feet South of the NW corner of the above described one acre tract, thence South 30 feet, thence East 25 feet, thence Northeast to a point 55 feet East of the point of beginning, thence West 55 feet to the place of beginning.

ALSO LESS AND EXCEPT that portion deeded to the Arkansas State Highway Commission, filed August 28, 2006 in Deed Book/Page 2006 42565, records of Benton County, Arkansas.

AND

Part of Lots 10-13 & 15, Shady Grove Subdivision per Plat Book 2005, Page 959 in the Public Records of Benton County, Arkansas.

LOT 1 DESCRIPTION:

A tract of land situated in the Southeast Quarter (SE1/4) of Section 32, Township 20 North, Range 30 West, Benton County, Arkansas, also being Portions of Lots 10-15, Shady Grove Subdivision per Plat Book 2005, Page 959 and part of the parcel described at Deed Book 2015, Page 3572 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar with cap LS1618 found at the Northwest Corner of Lot 1, Walmart Campus Subdivision, Phase 10 per Plat Instrument #L202503017;
THENCE along the West Line of said Lot 1, Phase 10 the following seven (7) courses:
1. *South 02°07'59" West, 21.08 feet to a 5/8-inch rebar with cap LS1618;*
2. *South 02°10'31" West, 215.37 feet to a 5/8-inch rebar with cap LS1618;*
3. *North 87°49'48" West, 3.50 feet to a 5/8-inch rebar with cap LS1618;*
4. *South 02°10'12" West, 5.00 feet to a 5/8-inch rebar with cap LS1618;*
5. *North 86°51'37" West, 85.21 feet to a 5/8-inch rebar with cap LS1618;*
6. *South 01°35'43" West, 66.72 feet to a 5/8-inch rebar with cap LS1618;*
7. *South 88°38'41" East, 16.33 feet to a 5/8-inch rebar with cap LS1618;*

THENCE departing said West Line, South 00°38'33" West, 80.14 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 70°06'10" West, 63.26 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 56°19'07" West, 53.91 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 39°05'41" West, 54.82 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 88°20'07" West, 21.97 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 64°41'56" West, 12.64 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 87°52'46" West, 13.55 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 89°22'44" West, 42.19 feet to a 5/8-inch rebar with cap LS1618;
THENCE South 00°40'16" West, 44.09 feet to a 5/8-inch rebar with cap LS1618;
THENCE South 38°15'25" West, 14.95 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 89°37'04" West, 31.00 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 58°51'07" West, 16.33 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 22°59'08" West, 16.91 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 02°15'38" East, 15.65 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 86°39'46" West, 27.49 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 02°13'47" East, 36.18 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 88°30'33" West, 35.01 feet to a 5/8-inch rebar with cap LS1618;
THENCE North 87°49'33" West, 1.40 feet to a 5/8-inch rebar with cap LS1618 set on the East Right-of-Way of SE J Street;
THENCE along said East Right-of-Way, North 02°10'27" East, 262.40 feet to a 5/8-inch rebar with cap LS1618 set on the South Right-of-Way of SE 8th Street;
THENCE along said South Right-of-Way the following
1. *South 87°50'25" East, 95.94 feet to a 5/8-inch rebar with cap LS1618;*
2. *South 86°50'46" East, 48.77 feet to a 5/8-inch rebar with cap LS1618;*
3. *South 67°38'48" East, 10.18 feet to a 5/8-inch rebar with cap LS1618;*
4. *South 88°21'28" East, 11.21 feet to a 5/8-inch rebar with cap LS1618;*
5. *North 73°42'21" East, 10.09 feet to a 5/8-inch rebar with cap LS1618;*
6. *South 87°32'14" East, 123.30 feet to a 5/8-inch rebar with cap LS1618;*
7. *South 02°00'44" West, 5.95 feet to a 5/8-inch rebar with cap LS1618;*
8. *South 88°00'29" East, 106.48 feet to a 5/8-inch rebar with cap LS1618;*
9. *North 02°10'39" East, 21.14 feet to a 5/8-inch rebar with cap LS1618;*
10. *South 87°49'33" East, 20.35 feet to the POINT OF BEGINNING containing 125,071 square feet or 2.87 acres, more or less.*

ATLAS PAGE: 404

City of Bentonville Project # FP25-0002

State Survey Code: 500-20N-30W-0-32-130-04-1618

CEI Solutions for Land and Life

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 15 Walmart Campus

SE MARTIN LUTHER KING JR Pkwy
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

CERTIFICATE OF AUTHORIZATION
CEI Engineering Associates, Inc. No. 118
ARKANSAS ENGINEER

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	2/26/2026
REVISION	REV-3

Final Plat
SHEET TITLE

SHEET NUMBER
2 OF 2

DRAWING LOCATION - \\PANZURA.CEILB.COM\SURVEY\31000\31470\DRAWINGS SURVEY\SURVEY\31470FP OFFICE 11.DWG -- SAVED BY - CHENDERSON

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ORDINANCE NO._____

AN ORDINANCE ACCEPTING A FINAL PLAT OF LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 15 TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: FP25-0002)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 15 to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on March 17, 2026;

WHEREAS, said final plat is attached hereto as Exhibit "A";

WHEREAS, the Bentonville Planning Commission considered said final plat on the date stated, and at other times, and voted to recommend the approval of said final plat to the City Council; and

WHEREAS, the final plat of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said final plat should be approved.

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

Section 1: That the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 15 to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said final plat by certifying said acceptance on the approved final plat;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

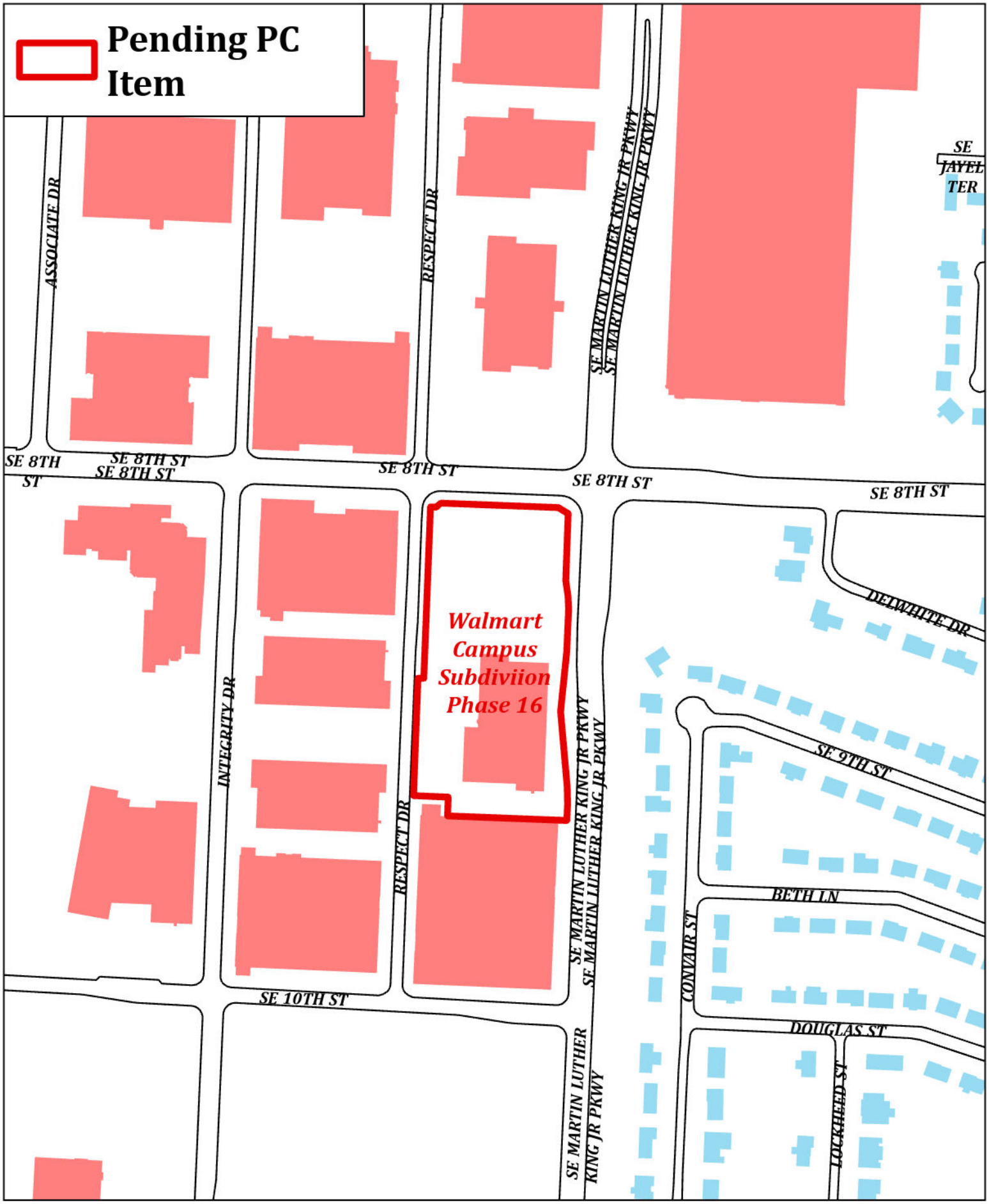
Consent Agenda Item

For the City Council meeting on March 31, 2026

Details

Final Plat of Lot 1, Walmart Campus Subdivision, Phase 16, FP25-0003.

A final plat of Walmart Campus Subdivision, Phase 16. No dedications are being made per this plat. This includes the area of Office Building number 6 and Surface Lot number 3.



FP25-0003
Walmart Campus Subdivision Phase 16
805 RESPECT DR

Final Plat of Lot 1, Walmart Campus Subdivision, Phase 16 Walmart Campus

1106 SE 5TH St

Bentonville, Benton County, Arkansas

Surveyors:

CEI Engineering Associates, Inc.
2600 NE 11th ST, Suite 300
Bentonville, AR 72712
Phone: (479) 273-9472
Fax:(479) 271-0536
Surveyor: Dustin Riley, Arkansas PLS#1618

Owner:

Parcel # 01-09123-000
North Arkansas Wholesale Co. Inc.
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
Contact: Joe Allbright, (479) 273-4000

Owner:

Parcel #'s 01-02077-000 & 01-02078-000
CKP Investors LLC
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
Contact: Joe Allbright, (479) 273-4000

Owner:

Parcel #'s 01-02078-001 & 01-02078-002
Wal-Mart Stores Inc.
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
Contact: Joe Allbright, (479) 273-4000

Owner:

Parcel #'s 01-02076-000 & 01-00749-005
Wal-Mart Inc.
PO BOX 8050 MS 0555
BENTONVILLE AR 72712-8050
Contact: Joe Allbright, (479) 273-4000

VICINITY MAP

NOT TO SCALE
Latitude: 36°21'46"N
Longitude: 94°11'18"W

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 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, Dustin Riley, 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.1618
State of Arkansas

CERTIFICATE OF AUTHORIZATION
CEI Engineering Associates, Inc. No. 118
ARKANSAS ENGINEER

SHEET INDEX:

1. *Cover Sheet*
2. *Certifications*
3. *Final Plat*

REVISION

NO.	DESCRIPTION	DATE
1	1st Sub. Comments	04/22/2025

ATLAS PAGE: 404

City of Bentonville Project # FP25-0003

State Survey Code: 500-20N-30W-0-32-130-04-1618

CIVIL ENGINEERING ▪ LANDSCAPE ARCHITECTURE ▪ LAND SURVEYING ▪ PLANNING

BENTONVILLE | DALLAS | FRESNO | HOUSTON | JACKSONVILLE | MINNEAPOLIS | PHILADELPHIA | PHOENIX

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 16
Walmart Campus
1106 SE 5TH St
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	2/26/2026
REVISION	REV-1

Cover Sheet
SHEET TITLE

SHEET NUMBER
1 OF 3

DRAWING LOCATION - S:\31000\31470\DRAWINGS SURVEY\SURVEY\31470FP OF06.DWG -- SAVED BY - CHENDERSON

© 2026 CEI ENGINEERING ASSOCIATES, INC.

GENERAL NOTES:

1. This plat represents a Final Plat of Lot 2, and a vacated street of Wal-Mart East Subdivision Number 1 per Plat Book P2, Page 691, Lots 3 & 4, Delwhite 2nd Subdivision per Plat Book V, Page 182 & Lots 5A-7, Delwhite 2nd Subdivision per a lot split recorded on January 18, 1990, in the public records of Benton County, Arkansas.
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. Declaration is made to the original purchaser of the survey and those listed in the certification for the use of this transaction only and is not transferable to any additional or subsequent owners.
4. Basis of Bearings: All bearings shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone, as established by a Static observation processed through OPUS.
5. This survey is valid only if the drawing includes the seal and signature of the surveyor.
6. This survey meets the current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
7. The locations of underground utilities as shown hereon are based on 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.
8. The contractor is advised to contract the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contract all non-members as well as the One-Call System.
9. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
10. By scaled map location and graphical plotting only. This property is located unshaded Zone "X" which are areas determined to be outside the 0.2% annual chance floodplain determined by the National Flood Insurance Program, Flood Insurance Rate Map for Benton County, Arkansas.
    Map Number: 05007C0255K
    Map Revised: June 5, 2012
11. No attempt was made to show the zoned building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
12. No current zoning report or letter regarding zoning classification was provided to the Surveyor. Setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. For more info visit www.bentonville planning.com or call the Planning Department @ 479-271-3122.
13. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance. All sidewalks shall be installed by the timeframes set forth in 900.08 of the Street Specifications
14. There may not be fences or any other structures built in any drainage easements.
15. 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.
16. Owner is to contact New Service coordinator (479-271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
17. All structures must maintain minimum of 20' clearance from all electric lines.
18. 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 require the developer to pay for the cost of BEUD to relocate the equipment to the lot line.
19. It is the responsibility of the developer to pay for any cost 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.
20. Relocation of any existing electrical facilities shall be at the owner's expense.
21. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.
22. Subject areas are subject to public utility, drainage, and emergency access easements as shown at Deed Instrument #L202110326.
23. No residential lot shall be permitted direct access to a collector, minor, or major arterial street. All residential subdivision development contiguous to a collector, minor, or major arterial street shall orient frontage to a local street, and back of the project, without access to the said major streets.
24. There are no waivers, variances and/or conditional uses at the time of preparing this plat.
25. The buildings contained in the area of this final plat fall within Zone C of the Municipal Airport Overlay District pursuant to Bentonville Municipal Code Section 401.12
26. The platted area falls within Zone 3, Phase 7 of the Walmart Campus PUD at the time of submittal.

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: North Arkansas Wholesale Co. Inc.

_____

Print Name: _____

Source of Title: D.R. 2006, Page 2826

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____
Notary Public My Commission Expires

Name & Address: Wal-Mart Stores Inc.

_____

Print Name: _____

Source of Title: D.R. 2016, Page, 43675

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____
Notary Public My Commission Expires

Name & Address: Wal-Mart Inc.

_____

Print Name: _____

Source of Title: Deed Instrument #L20194456 and Deed Instrument #L202062198

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____
Notary Public My Commission Expires

Name & Address: CKP Investors LLC

_____

Print Name: _____

Source of Title: D.R. 2017, Page, 57631 & D.R. 2017, Page 60874

Subscribed and sworn before me, this _____ day of _____, 20_____.

_____ _____
Notary Public My Commission Expires

SURVEY DESCRIPTION:

A 5.10-acre tract of land situated in the Southeast Quarter (SE1/4) of Section 32, Township 20 North, Range 30 West, Benton County, Arkansas, being part of a tract of land conveyed to Wal-Mart Stores East, Inc. recorded in Deed Book 2006, Page 2826 Public Records of Benton County, Arkansas and being described by metes and bounds as follows:

BEGINNING at a 5/8-inch rebar found at the Northeast Corner of Lot 1, Wal-Mart Campus Subdivision, Phase 5, per Plat Instrument #L202502207;
THENCE along the south right-of-way of SE 8th Street the following four (4) courses:
1. South 87°51'27" East, 12.90 feet;
2. North 48°40'04" East, 13.69 feet;
3. South 87°49'33" East, 263.44 feet;
4. South 58°47'05" East, 25.97 feet to the west right-of-way of Martin Luther King Blvd.;

THENCE along said west right-of-way the following nine (9) courses:
1. South 02°01'31" West, 150.46 feet;
2. South 08°10'48" East, 35.39 feet;
3. South 02°44'46" East, 28.22 feet;
4. South 02°32'32" West, 96.40 feet;
5. South 05°52'22" West, 134.72 feet;
6. South 05°05'42" East, 48.88 feet;
7. South 05°00'27" East, 120.64 feet;
8. South 01°14'51" East, 37.89 feet;
9. South 02°32'13" West, 37.24 feet;

THENCE departing said west right-of-way, North 87°47'44" West, 267.64 feet;
THENCE North 02°00'48" East, 42.09 feet;
THENCE North 87°31'55" West, 77.88 feet;
THENCE North 02°10'28" East, 151.98 feet to a 5/8-inch rebar with cap LS1618 found at the Southeast Corner of said Lot 1;
THENCE along the East Line of said Lot 1 the following three (3) courses:
1. North 02°10'28" East, 111.55 feet;
2. South 87°55'41" East, 13.06 feet;
3. North 02°13'44" East, 384.48 feet to the POINT OF BEGINNING containing 222,173 square feet or 5.10 acres, more or less.

PARENT TRACT DESCRIPTIONS:

A part of Lot 2, and a vacated street of Wal-Mart East Subdivision Number 1 per Plat Book P2, Page 691 in the public records of Benton County, Arkansas.

AND

Lots 5A-7, Delwhite 2nd Subdivision per a lot split recorded on January 18, 1990, in the public records of Benton County, Arkansas.

AND

Lots 3 & 4, Delwhite 2nd Subdivision per Plat Book V, Page 182 in the public records of Benton County, Arkansas.

Part of the SE1/4 of the NE1/4 and NE1/4 of the SE1/4 in Section 32, Township 20 North, Range 30 West also being the parcel of land described at Deed Instrument #L202062198 in the public records of Benton County, Arkansas

CERTIFICATE OF AUTHORIZATION
CEI Engineering Associates, Inc. No. 118
ARKANSAS ENGINEER

ATLAS PAGE: 404

City of Bentonville Project # FP25-0003

State Survey Code: 500-20N-30W-0-32-130-04-1618

CEI Solutions for Land and Life

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
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3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 16 Walmart Campus

1106 SE 5TH St
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	2/26/2026
REVISION	REV-1

Certifications

SHEET TITLE

SHEET NUMBER

2 OF 3

DRAWING LOCATION - S:\31000\31470\DRAWINGS SURVEY\SURVEY\31470FP OF06.DWG -- SAVED BY - CHENDERSON

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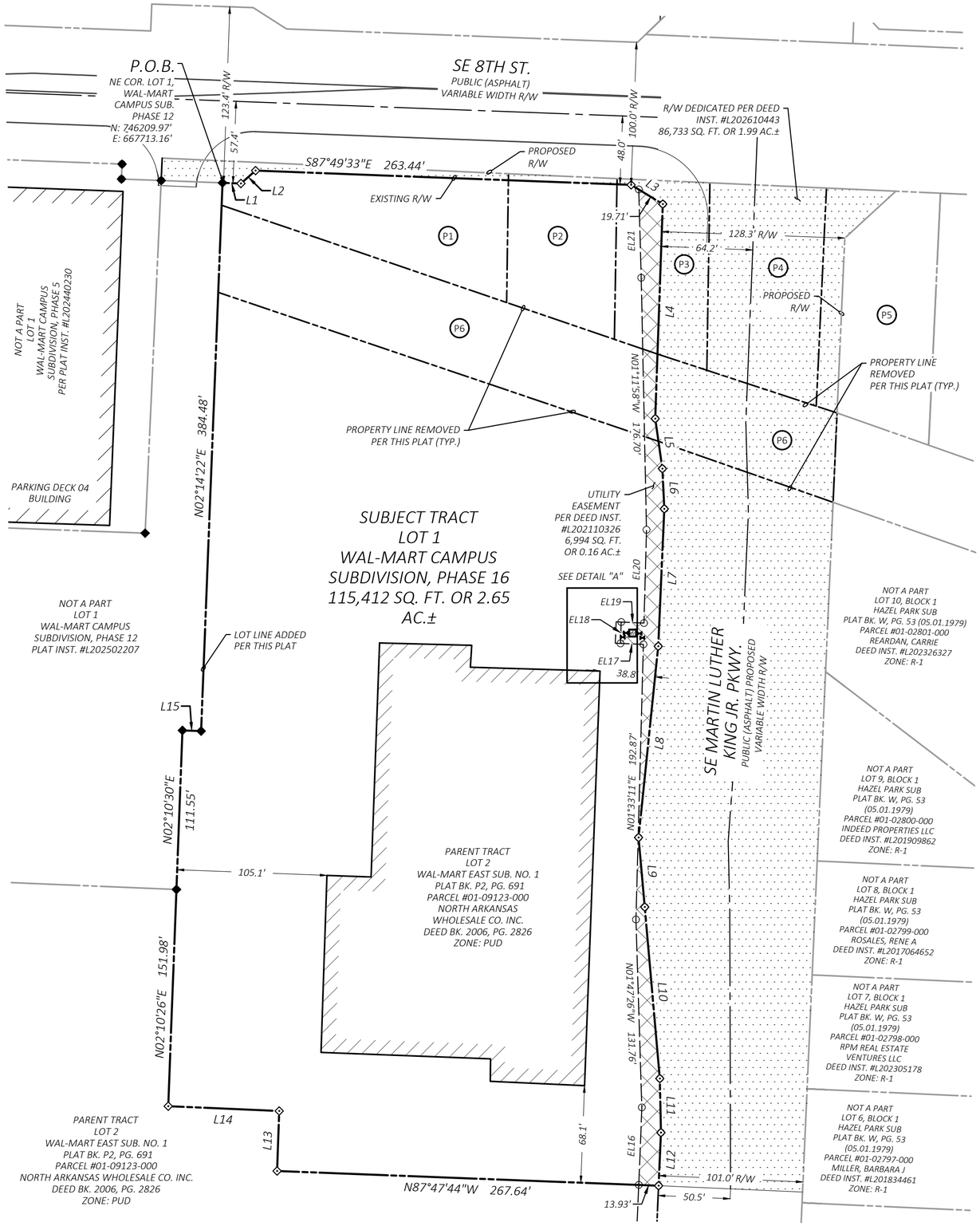


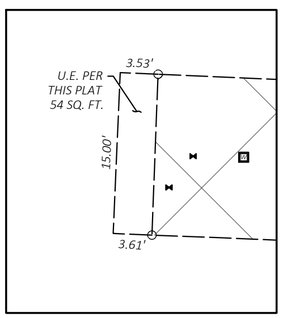
Legend

- Boundary Line
- Lot Line Removed per this Plat
- Adjoining Boundary Line
- Centerline
- Found 5/8" Rebar "LS#1618"
- Set 5/8" Rebar "LS#1618"
- Water Vault
- Water Valve
- R/W — Right-of-way
- Dedicated Right-Of-Way (R/W)
- Utility Easement (UE) per Deed Inst. #L202110326

Easement Line Table		
LINE	BEARING	DISTANCE
EL16	N02°15'48"E	54.35'
EL17	N87°39'58"W	16.13'
EL18	N02°10'17"E	15.00'
EL19	S87°30'27"E	15.97'
EL20	N01°33'11"E	65.34'
EL21	N01°36'06"W	61.85'

PARENT TRACT INFORMATION	
P1	P4
PARENT TRACT LOT 7 DELWHITE 2ND. SUB. LOT SPLIT, RECORDED JAN. 18, 1990 PARCEL #01-02078-002 WAL-MART STORES INC. DEED BK. 2016, PG. 43675 ZONE: PUD	PARENT TRACT LOT 4 DELWHITE 2ND. SUB. LOT SPLIT, RECORDED JAN. 18, 1990 PARCEL #01-02077-000 CKP INVESTORS LLC DEED BK. 2017, PG. 60874 ZONE: PUD
P2	P5
PARENT TRACT LOT 6 DELWHITE 2ND. SUB. LOT SPLIT, RECORDED JAN. 18, 1990 PARCEL #01-02078-001 WAL-MART STORES INC. DEED BK. 2016, PG. 43675 ZONE: PUD	LOT 3 DELWHITE 2ND. SUB. LOT SPLIT, RECORDED JAN. 18, 1990 PARCEL #01-02076-000 WAL-MART INC. DEED INST. #L201924456 ZONE: PUD
P3	P6
PARENT TRACT LOT 5A DELWHITE 2ND. SUB. LOT SPLIT, RECORDED JAN. 18, 1990 PARCEL #01-02078-000 CKP INVESTORS LLC DEED BK. 2017, PG. 57631 ZONE: PUD	PARENT TRACT PARCEL #01-00749-005 WAL-MART INC. DEED INST. #L202062198 ZONE:PUD

DETAIL "A"
1" = 10'



Property Line Table		
Line #	Direction	Length
L1	S87°51'27"E	12.90'
L2	N48°40'04"E	13.69'
L3	S58°47'05"E	25.97'
L4	S02°01'31"W	150.46'
L5	S08°10'48"E	35.39'

Property Line Table		
Line #	Direction	Length
L6	S02°44'46"E	28.22'
L7	S02°32'32"W	96.40'
L8	S05°52'22"W	134.72'
L9	S05°05'42"E	48.88'
L10	S05°00'27"E	120.64'

Property Line Table		
Line #	Direction	Length
L11	S01°14'51"E	37.89'
L12	S02°32'13"W	37.24'
L13	N02°00'48"E	42.09'
L14	N87°31'55"W	77.88'
L15	S87°55'41"E	13.06'

CERTIFICATE OF AUTHORIZATION
CEI Engineering Associates, Inc. No. 118
ARKANSAS ENGINEER

ATLAS PAGE: 404

City of Bentonville Project # FP25-0003

State Survey Code: 500-20N-30W-0-32-130-04-1618

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Final Plat of Lot 1, Phase 16 Walmart Campus

1106 SE 5TH St
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	WAP
FIELD WORK	CSS
CEI PROJECT NUMBER	31470
DATE	2/26/2026
REVISION	REV-1

Final Plat

SHEET TITLE

SHEET NUMBER

3 OF 3

DRAWING LOCATION - S:\31000\31470\DRAWINGS SURVEY\SURVEY\31470FP OF06.DWG -- SAVED BY - CHENDERSON

© 2026 CEI ENGINEERING ASSOCIATES, INC.

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A FINAL PLAT OF LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 16 TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: FP25-0003)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 16 to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on March 17, 2026;

WHEREAS, said final plat is attached hereto as Exhibit "A";

WHEREAS, the Bentonville Planning Commission considered said final plat on the date stated, and at other times, and voted to recommend the approval of said final plat to the City Council; and

WHEREAS, the final plat of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said final plat should be approved.

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

Section 1: That the final plat of LOT 1 OF WALMART CAMPUS SUBDIVISION, PHASE 16 to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said final plat by certifying said acceptance on the approved final plat;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____

Stephanie Orman, Mayor

ATTEST:

_____

Malorie Marrs, City Clerk

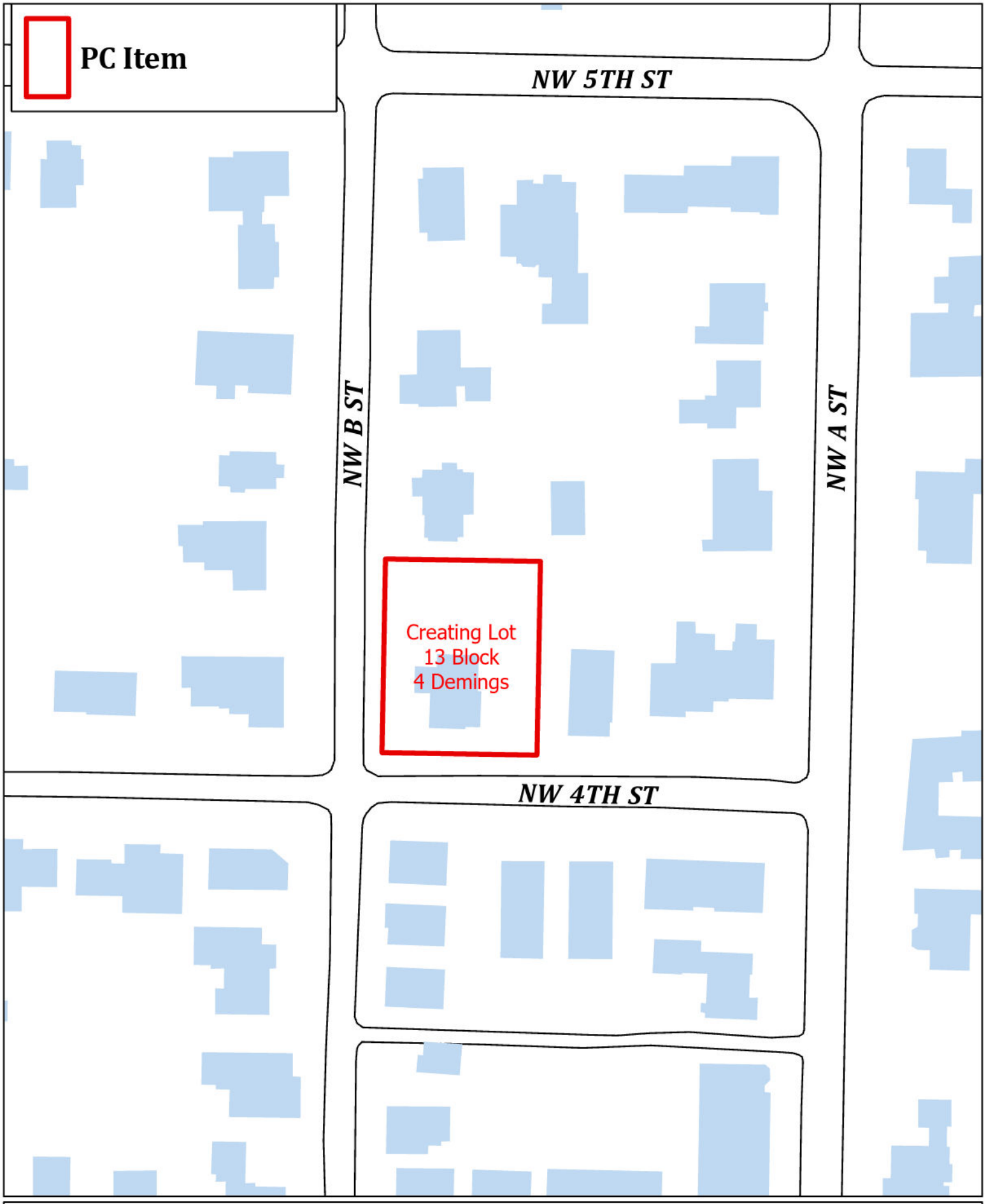
Consent Agenda Item

For the City Council meeting on March 31, 2026

Details

Lot Split: Part of Lot 5 & Lot 6, Block 4 of Deming's Addition, Creating Lot 13, Block 4 of Deming's Addition. 206 Northwest 4th Street, LS26-0003.

A Lot Split of Part of Lot 5 & Lot 6, Block 4 of Deming's Addition, Creating Lot 13, Block 4 of Deming's Addition. The parcel is zoned R-1 and is dedicating a 15-foot utility easement along NW 4th Street, a 15-foot utility easement along NW B Street, and 1.67' of right-of-way along NW 4th street.



LS26-0003
Creating Lot 13 Block 4 Demings Addition
206 NW 4TH ST

LOT SPLIT OF PART OF LOT 5 & LOT 6, BLOCK 4, CREATING LOT 13, BLOCK 4 OF DEMING'S ADD. BENTONVILLE, ARKANSAS

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 Record Book 653, Page 387 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. Record bearings and distances shown are per Surveyor's Record "G" Page 163 (Note: no bearings shown on Deming's Addition Plat) and Plat 10-26 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 R-1 (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.
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.
25. No BEUD Electrical Equipment may be located behind a fence.

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

CERTIFICATE OF OWNERSHIP:

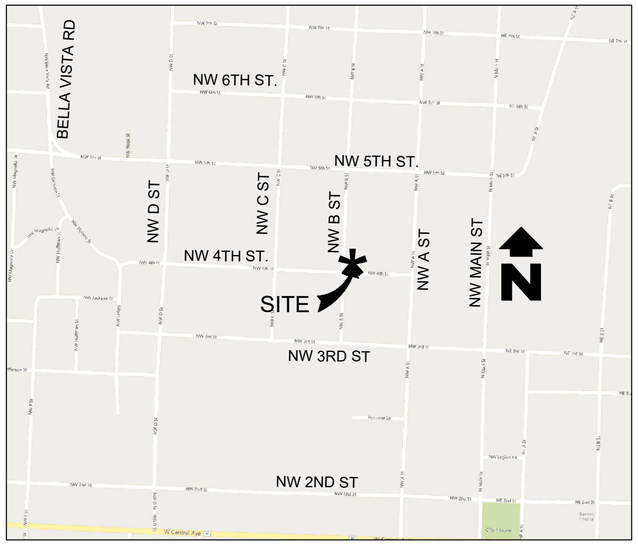
We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives easements, 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 _____, 2025.

My commission expires:_____



VICINITY MAP
N.T.S.

ATLAS PAGE # 361

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

Surveyor:
Sand Creek Engineering and Land 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

LICENSED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO.1954
SIGNATURE
WILLIAM PEREIRA ALVERIO

OWNER / CLIENT:
Rodney M Anderson
206 NW 4th St., Bentonville AR 72712
(479) 621-3537
bstreet5@yahoo.com

PARENT DESCRIPTION:
Deed Book 653, Page 387, Parcel 01-02111-000

The South 145 feet of the following described tract: Lot 5 and the W1/2 of Lot 6, Block 4, Demings Addition to Bentonville.

LOT 13 DESCRIPTION BY THIS PLAT (R-1 ZONING):

Part of Lot 5 and part of the W1/2 of Lot 6, Block 4, Demings Addition to the city of Bentonville, Benton County, Arkansas as shown on Plat Record "G", Page 163 and being more particularly described as follows:

Commencing at a Found 5/8" Rebar at the Southwest Corner of said Lot 5 on the East Right-of-Way of NW B Street and the North Right-of-Way of NW 4th Street; thence leaving said North Right-of-Way of NW 4th along said East Right-of-Way of NW B Street N02°38'14"E 1.74 feet to a set rebar with cap PS 1954 to the Point of Beginning; thence along said East Right-of-Way N02°38'14"E 143.39 feet to a found 5/8" rebar; thence leaving said East Right-of-Way S87°30'42"E 114.75 feet to a set rebar with cap PS 1954; thence S02°38'13"W 143.43 feet to a set rebar with cap PS 1954; thence N87°29'23"W to the Point of Beginning and containing 16,456 Sq. Ft. or 0.38 Acres more or less and subject to all Rights-of-Way, Easements and Restrictive Covenants of record of fact.

SURVEYOR'S CERTIFICATE:

I, William Pereira Alverio, 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: _____

_____
William Pereira Alverio
Registered Land Surveyor
State of Arkansas
Registration No. 1954

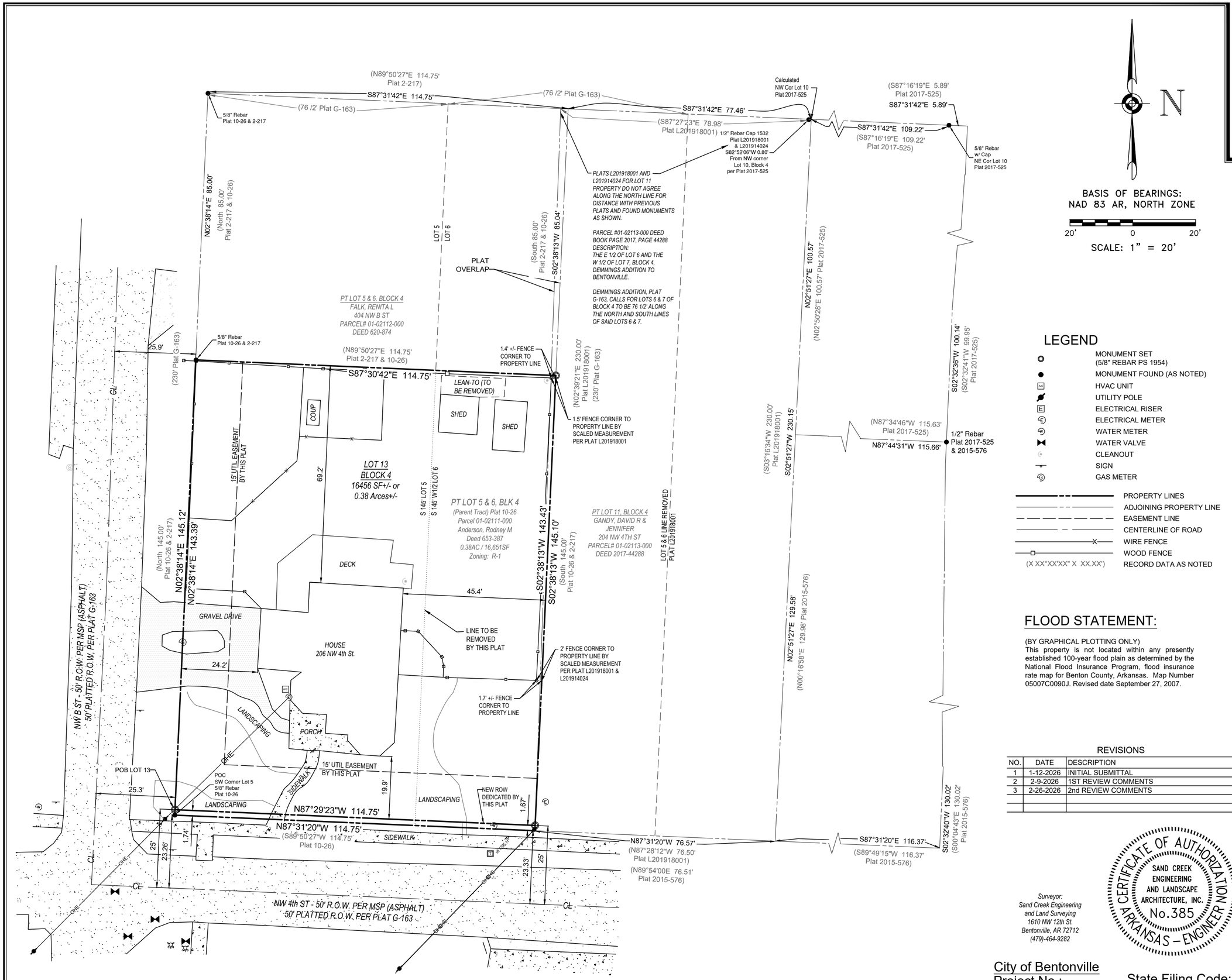
REVISIONS

NO.	DATE	DESCRIPTION
1	1-12-2026	INITIAL SUBMITTAL
2	2-9-2026	1st REVIEW COMMENTS
3	2-26-2026	2nd REVIEW COMMENTS

City of Bentonville Project No.:
LS26-0003

DATE: 1/12/2026
SCE PROJECT #: 25051
SHEET: 1 OF 2

State Filing Code:
500-30N-20W-0-30-240-04-1954



LEGEND

- MONUMENT SET (5/8" REBAR PS 1954)
- MONUMENT FOUND (AS NOTED)
- HVAC UNIT
- UTILITY POLE
- ELECTRICAL RISER
- ELECTRICAL METER
- WATER METER
- WATER VALVE
- CLEANOUT
- SIGN
- GAS METER
- PROPERTY LINES
- ADJOINING PROPERTY LINE
- EASEMENT LINE
- CENTERLINE OF ROAD
- WIRE FENCE
- WOOD FENCE
- (X XX°XX'XX" X XX.XX') RECORD DATA AS NOTED

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.

REVISIONS

NO.	DATE	DESCRIPTION
1	1-12-2026	INITIAL SUBMITTAL
2	2-9-2026	1ST REVIEW COMMENTS
3	2-26-2026	2nd REVIEW COMMENTS

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

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

City of Bentonville
Project No.:
LS26-0003

State Filing Code:
500-30N-20W-0-30-240-04-1954

OWNER / CLIENT:
Rodney M Anderson
206 NW 4th St., Bentonville AR 72712
(479) 621-3537
bstreet5@yahoo.com

LOT SPLIT
OF PART OF LOT 5 & 6, BLOCK 4 CREATING NEW LOT 13, BLOCK 4 OF DEMMINGS ADDITION BENTONVILLE, ARKANSAS

SHEET:

LICENSED PROFESSIONAL LAND SURVEYOR
WILLIAM RAY PEREIRA ALVERIO
STATE OF ARKANSAS
NO. 1954
SIGNATURE

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

PLS:	WP
CAD:	GN
FIELD:	MS
SCE PROJECT #:	25051
DATE:	12/20/2025
SHEET:	2 OF 2

ORDINANCE NO._____

AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 5 AND 6, BLOCK 4 OF DEMING'S ADDITION CREATING NEW LOT 13, BLOCK 4 OF DEMING'S ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS; AND FOR OTHER PURPOSES.

(PROJECT NUMBER: LS26-0003)

WHEREAS, pursuant to the provisions of the Land Development Code of the Bentonville Municipal Code, the lot split of LOTS 5 AND 6, BLOCK 4 OF DEMING'S ADDITION creating new LOT 13, BLOCK 4 OF DEMING'S ADDITION to the City of Bentonville, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on March 17, 2026;

WHEREAS, said lot split is attached hereto as Exhibit "A";

WHEREAS, the Bentonville Planning Commission considered said lot split on the date stated, and at other times, and voted to recommend the approval of said lot split to the City Council; and

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City of Bentonville and, after consideration and deliberation, said Council is of the opinion that said lot split should be approved.

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

Section 1: That the lot split of LOTS 5 AND 6, BLOCK 4 OF DEMING'S ADDITION creating new LOT 13, BLOCK 4 OF DEMING'S ADDITION to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes;

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said lot split by certifying said acceptance on the approved lot split;

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

	Rezoning - Vetti Group Realty LLC / Sriram - A-1, Agriculture to R-2, Medium Density Two Family and Townhome Residential
	3720 North Rainbow Farm Road
	PC Date: 3/17/2026

Staff Report Details

Project Number	(RZ26-0007)
Applicant / Current Owner	Vetti Group Realty LLC / Thilak Sriram / CEI
Site Area	+/- **[10.07]** Acres
Current Zoning	A-1, Agriculture & R-E, Residential Estate
Requested Zoning	R-2, Medium Density Two-Family and Townhome Residential
Current Future Land Use Map Designation	None for the westerly portion & Suburban Neighborhood
Requested Future Land Use Map Designation	
Development Type / Use	
Related projects	

Property Description

The subject property is located at 3720 North Rainbow Farm Road. The westerly portion of the was recently annexed in 2024, is zoned A-1 and has no Future Land Use Map designation. The Future Land Use Map Place Type of the easterly portion is Suburban Neighborhood and it is currently zoned R-E Residential Estate. The subject property has street frontage along the Collector, North Rainbow Farm Road. A Collector is also shown on the Master Street Plan along the north portion of the property. Surrounding districts are R-2, Medium Density Two-Family and Townhome Residential (west), R-1 Low Density Single Family Residential (south), and Residential Estate (east). The surrounding land use designation is Suburban Neighborhood to the west and south, and Neighborhood Center to the north east.

Project Details

The applicant has requested a rezoning of the property from A-1 Agriculture and R-E Residential Estate to R-2, Medium Density Two-Family and Townhome Residential. The portion of the subject property that does have a designation on the Future Land Use Map has a Place Type of Suburban Neighborhood. With a place type of Suburban Neighborhood, a rezone request of R-2 Medium Density Two-Family and Townhome Residential is under enhanced review.

Relationship to the Community Plan

The applicant is requesting that the property be rezoned to R-2, Medium Density Two-Family and Townhome Residential, which is an enhanced review rezone request under the Suburban Neighborhood Place Type. There is a Neighborhood Center Place Type directly to the north east of the the property at the intersection of Rainbow Farm Road and Shell Road where goods and services may ultimately be located to serve residents in the area. This proposal would provide a transition from the Neighborhood Center place type to the single family detached neighborhoods to the south with a mild increase in density, consistent with the Community Plan recommendation of locating higher intensity zones (i.e. R-2, the highest allowed zone in Suburban Neighborhood Place Type) next to the more intense Place Type, the Neighborhood Center to the north east.

Public Comment

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

Analysis / Waivers

The subject property has street frontage along North Rainbow Farm Road, which is a Collector road according to the Master Street Plan, and there is also a Proposed Collector along the northern part of the subject property. Surrounding properties are designated as Suburban Neighborhood to the west and south and designated as Neighborhood Center to the north east. The properties to the west are zoned R-2, to the south are zoned R-1, and to the east zoned R-E.

Consistency
The proposed R-2 zoning district is consistent with the adopted Future Land Use Map under Enhanced Review for the portion of the subject property that has a designated Place Type and is consistent with the Community Plan's guiding principle of thoughtful growth. (If the new code is adopted, an R-2 zone would translate to a T4.1 in both the Suburban Neighborhood and Neighborhood Center place types).

Impact
The impact of this rezone on the community, if developed under the proposed R-2 zone, would be a mild increase in density, compatible with the surrounding area.

Compatibility
The properties to the south are zoned R-1, and consist of a fully developed subdivision of single-family homes. The properties to the north are single family detached and located in Centerton. Further west along the proposed collector, across Little Osage Creek is Mountainbrook R-2 subdivision.

Intensity
The most intense zone allowed with a Standard Review on the property to the east (Neighborhood Center Place Type) is C-1, Neighborhood Commercial. The most intense zone allowed with a Standard Review on the properties to the west and south (Suburban Neighborhood Place Type) is R-1, Low Density Single Family Residential. R-1 is one of the lowest intensity zones on the Intensity Scale, while C-1 is one of the highest. Therefore, a zone of R-2 could provide a reasonable transition between the Place Types.

Orderly Transition
A portion of the subject property is located within the Suburban Neighborhood place type, with the property directly to east being a Neighborhood Center place type. According to the Community Plan, where a subject property is within a Neighborhood place type, higher intensity zones should be located at the edges of the place type when the property lies adjacent to a Center place type. The highest intensity zone

Analysis / Waivers

allowed in a Suburban Neighborhood Place Type is R-2, Medium Density Two Family and Townhome Residential, while the lowest intensity zone allowed in a Neighborhood Center Place Type is DN-4, Downtown Mixed-Use Residential.

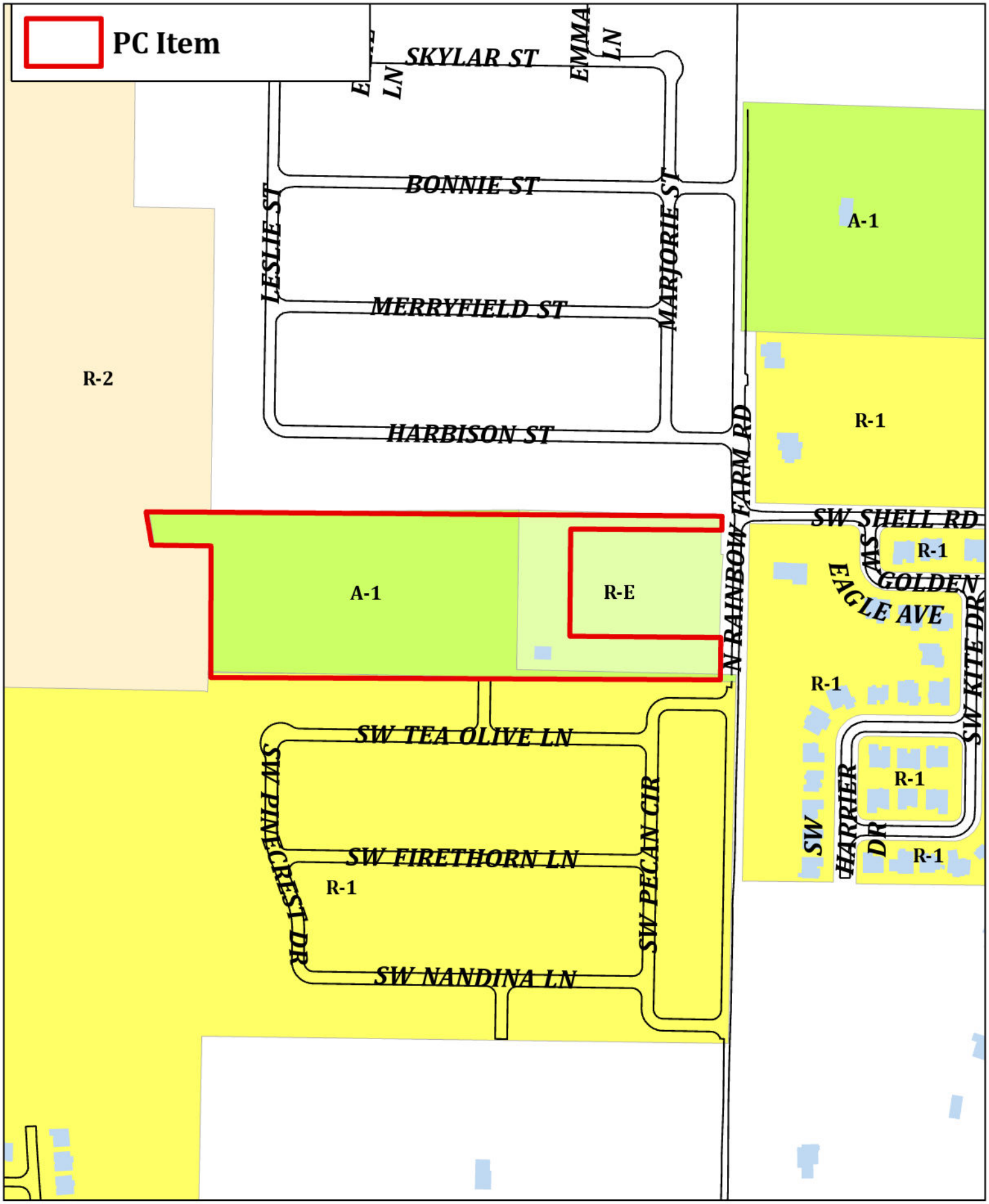
Enhanced Review Criteria
The property is on the boundary of a place type, so the zoning request is for the highest allowable zoning district in a Suburban Neighborhood place type, since the adjacent property to the east has a place type of Neighborhood Center, whose lowest allowable zoning district is DN-4. Additionally, the property is within half a mile from a proposed multi-use path, proposed to cross SW Shell Road on the Master Trails Plan. The property is within a mile of the job center at the Walmart Distribution Center, which could allow for future alternative modes of transportation for commutes.

Conclusion

Staff recommends approval of the rezone application for the reasons stated above.

Additional Details

Sewer / Water Department Comments*: The 3810 parcel was not included in the adopted FLUM. It is BWU's intrepretation that if it were included, it would follow the same land use as the adjacent properties which are Suburban Neighborhood. R2 is listed as an approved use under the enhanced review. As currently configured, these properties do not have direct access to public sewer. It is likely that the sewer will need to be extended from the south along Sweetgum Drive. Depending on the proposed density of future development plans, the project may be subject to a sewer study which will determine if there is adequate downstream capacity.*



RZ26-0007
Thilak Sriram
N. Rainbow Farm Rd

Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

2600 NE 11th Street, 3rd Floor
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

February 12, 2026
City of Bentonville
Attn: Planning Department
305 SW A Street
Bentonville, AR 72712
RE: Vetti Group Realty, LLC Rezoning & FLUM Amendment

Zoning and FLUM Change Narrative

Parcel: 01-18726-001, 01-18725-000, 01-07928-032, 01-00828-555, 01-00828-553
Location: Bentonville, Arkansas
Requested Zoning: R-2 – Medium Density Two-Family and Townhome Residential

---

Request Summary

Dear Planning Commissioners,

The applicant, Vetti Group Realty, LLC requests approval of a zoning map amendment to rezone Parcels 01-18726-001, 01-18725-000, 01-07928-032, 01-00828-555, 01-00828-553 to R-2 – Medium Density Two-Faily and Townhome Residential. The parcels are contiguous and combined they total +/-10.08 acres. This request is consistent with the intent of Section 301.8 of the Bentonville Zoning Code and is evaluated in accordance with the City of Bentonville's Future Land Use Map and Zoning Districts Alignment Policy (January 2025).

While the subject properties do not currently carry a Future Land Use Place Type designation, City staff has indicated this condition is procedural in nature and related to annexation timing relative to adoption of the 2025 Future Land Use Map (FLUM). The requested R-2 zoning is consistent with the residential development patterns envisioned for the area and is intended to implement the City's long-range planning goals during the interim period prior to adoption of the new zoning and development code.

In conjunction with this rezoning request, the applicant respectfully requests that the subject parcels be assigned a Future Land Use Map Place Type designation of *Suburban Neighborhood* as part of the City's upcoming FLUM review. The Suburban Neighborhood Place Type reflects the existing and anticipated development character of the area and aligns with the requested R-2 zoning district.

Based on staff guidance, the requested R-2 zoning is anticipated to correspond to the T4.1 place type under the forthcoming development code, reinforcing its appropriateness within the City's evolving planning framework and its consistency with the Suburban Neighborhood designation.

Future Land Use and Zoning Alignment

Future Land Use Place Types establish policy guidance for appropriate development form, scale, and intensity, while zoning districts implement these policies through enforceable development standards. The City's Alignment Policy provides criteria for evaluating rezoning requests in cases where a Place Type is not clearly established or where additional review is warranted.

The requested R-2 zoning is consistent with the intent and development form typically associated with the **Suburban Neighborhood Place Type**, which generally supports low- to moderate-density residential development, including detached and attached housing forms, in a neighborhood-oriented setting.

In this case, R-2 zoning is appropriate for the requested Suburban Neighborhood designation and is therefore evaluated under the Enhanced Review (ER) criteria set forth in Section D.3 of the Alignment Policy.

Consistency with Criteria Applicable to All Rezoning Requests (Sec. D.1)

a. Consistency with the Community Plan

The requested R-2 zoning and Suburban Neighborhood Place Type designation support the vision and policies of the Bentonville Community Plan by promoting a range of housing types, encouraging efficient use of land and infrastructure, and maintaining compatibility with surrounding residential development.

b. Impact on Surrounding Area

The rezoning and corresponding Suburban Neighborhood designation will not introduce incompatible land uses or development intensity. R-2 zoning allows residential forms that are consistent with the existing and planned residential character of the surrounding area and is not expected to result in adverse impacts related to traffic, public services, or infrastructure.

c. Compatibility with Recent Development

Residential development in the vicinity reflects low- to moderate-density housing types, characteristic of suburban neighborhood form. The requested zoning and Place Type designation align with recent and ongoing residential development patterns and support a compatible continuation of neighborhood-scale growth.

d. Intensity

The proposed R-2 district represents a modest and appropriate level of residential intensity consistent with the Suburban Neighborhood Place Type. The request does not exceed the intensity of nearby residential zoning districts and maintains appropriate transitions between residential uses.

e. Orderly Transition

The requested zoning and corresponding Place Type designation provide an orderly transition of residential intensity consistent with neighborhood-scale development. The R-2 district serves as an appropriate intermediate residential classification that avoids abrupt changes in density or building scale.

Standard Review Criteria Applicability (Sec. D.2)

Although evaluated under Enhanced Review, the request satisfies the Standard Review considerations:

- **Implementation of Place Type Intent:** The requested R-2 zoning implements the intent of the Suburban Neighborhood Place Type by supporting duplex or townhouse-scale residential development in a neighborhood-oriented context.
- **Compatibility with Nearby Place Types:** Development under R-2 standards will be compatible in form, scale, and intensity with nearby residential properties.
- **Infrastructure Capacity:** Existing public infrastructure and services are available or planned to adequately serve development permitted under the R-2 district.

Enhanced Review Criteria Evaluation (Sec. D.3)

The applicability of the Enhanced Review criteria, considered in totality, supports approval of the requested zoning and assignment of the Suburban Neighborhood Place Type:

a. Boundary of a Place Type

The subject properties are located within an area characterized by residential development and anticipated to carry a residential place type designation. Assigning the Suburban Neighborhood Place Type establishes consistency with adjacent residential zoning classifications and supports continuity in neighborhood character.

b. Mobility and Infrastructure Access

The properties are served by existing roadway infrastructure capable of accommodating residential traffic associated with R-2 development. Any additional mobility demand can be absorbed by the existing transportation network without requiring extraordinary improvements.

c. Proximity to Employment Centers

The property is located within reasonable proximity to employment areas within Bentonville, supporting residential development that allows for shorter commute distances and potential use of alternative transportation options.

d. Relationship to Adjacent Vacant or Developable Land

Where adjacent or nearby properties remain undeveloped, the requested zoning and Suburban Neighborhood designation establish a cohesive development pattern that supports compatible residential buildout.

e. Consistency with Development Pattern

The requested rezoning and Place Type designation are consistent with the prevailing residential development pattern in the area and support incremental residential density without introducing incompatible uses or forms.

f. Advancement of Comprehensive Plan Goals

Approval of the R-2 zoning and assignment of the Suburban Neighborhood Place Type advance Comprehensive Plan goals related to housing diversity, efficient land use, neighborhood compatibility, and long-term fiscal and environmental sustainability.

Highest and Best Use

Given the property's location, surrounding land uses, available infrastructure, and alignment with City planning objectives, R-2 zoning and assignment of the Suburban Neighborhood Place Type represent the highest and best use of Parcels. This designation:

- Implements adopted planning policies during the interim alignment period
- Supports assignment of the Suburban Neighborhood Future Land Use designation
- Provides housing diversity while maintaining neighborhood compatibility
- Promotes orderly and sustainable residential growth

Lower-density zoning would underutilize the property relative to City objectives, while higher-intensity zoning would be inconsistent with the surrounding residential context.

Conclusion

The requested rezoning of Parcels **01-18726-001, 01-18725-000, 01-07928-032, 01-00828-555, 01-00828-553** to R-2, together with the requested assignment of the Suburban Neighborhood Future Land Use Map Place Type, satisfies the Enhanced Review criteria of the City's Future Land Use Map and Zoning Districts Alignment Policy, is consistent with the Bentonville Community Plan and Zoning Code, and advances the City's long-term planning vision.

Approval of this request represents a reasonable, policy-supported zoning and land use decision during the interim period prior to adoption of the new zoning and development regulations.

Thank you for your review and consideration.

Sincerely

[redacted]

Jon Stanley
Assistant Project Manager
CEI Engineering Associates, Inc.

NOTICE OF INTENT TO REZONE

Vetti Group Realty, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from A-1, Agricultural and R-E Residential Estate to R-2, Medium Density Two Family and Townhome Residential

The legal description of the property is as follows:

Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 9 and pa

The common description of the property is: 3810 RAINBOW FARM RD, 3720 N RAINBOW FARM RD

The public hearing will be held March 17, 2026 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.
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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:

lowering property value, too much traffic and not enough roads and crime due to rented property. Has the drainage been evaluated? When there is heavy rain my backyard floods, what will that do to me?

[redacted]
5880 S.W. Teakwood Lane
Bentonville, AR 72713

Signature and Physical Address

Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☑ I / we object to the rezoning because:

I object because the increased density of townhomes + duplexes is inconsistent w/ the surrounding neighborhoods low density residential + agricultural character. This change may increase traffic on Rainbow Farm →

[redacted]

Signature and Physical Address

3802 SW Pinecrest Dr.
Bentonville, AR 72713

Signature and Physical Address

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☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

- R2 not consist with surrounding properties.
- Roads can't handle additional traffic. Shell Road is too narrow - cars drive off into our ditch breaking the asphalt.
- No sidewalks on portions of Shell Road & Rainbow FARM Road
- Need stop signs at the corner of Shell Road and the north and south bound lanes of Rainbow Farm Road.
- Rental properties may lower property values
- Issues with water pressure after Snyder Meadows subdivision put in.
- Unknown development, no specific plans or the number of proposed townhouses.

[redacted]
Signature and Physical Address
5297 SW Shell Rd
Bentonville, AR 72713

[redacted]
Signature and Physical Address
5297 SW Shell Rd
Bentonville, AR 72713

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☐ I / we object to the rezoning because:

_____

_____

_____

City of Centerton Planning Director

[redacted] Address

Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☒ I / we object to the rezoning because:

R-2 IS INCONSISTENT W/ NEIGHBORING DEVELOPMENTS AND A MORE INTENSE USE THEN ADJACENT PROPERTIES
THERE IS NO INFORMATION ON WHAT STUDIES WERE DONE TO SUPPORT THIS REZONING OR A PLAN PROVIDING PROPOSED IMPROVEMENTS

[redacted]
Signature and Physical Address

BEN HUNTER
5506 SW TEA OLIVE LN
BENTONVILLE AR 72713

Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☑ I / we object to the rezoning because:

- R2 Re-zoning is not at all consistent with any nearby Sub-divisions.
- Road connectivity and Traffic Impact on the N Rainbow & Shell road is more if it's R2 Re-zoning
- Privacy to our sub-divisions houses will be impacted

[redacted] [redacted]

Signature and Physical Address

Kishore Kumar M
5301 SW Tea Olive Ln
Bentonville AR 72713

Signature and Physical Address

5301 SW Tea Olive Ln
Bentonville AR 72713

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☐ I / we have no objections to the rezoning.
☒ I / we object to the rezoning because:

Density and Overall Community Impact, storm water management and Drainage, sidewalks and pedestrian connectivity and Traffic Impact and Site access

[redacted]

Signature and Physical Address

5205 SW TEA OLIVE LANE
BENTONVILLE, AR 72713

[redacted]

Signature and Physical Address

5205 SW TEA OLIVE LANE
BENTONVILLE, AR 72713

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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:

I'm okay with R1 zone only but not R2 zone because of traffic constraints, Road connectivity to sub division

Signature and Physical Address
[redacted]
5303, SW TEA OLIVE LN, BENTONVILLE, AR, 72713

Signature and Physical Address
[redacted]
5303 SW TEA OLIVE LN, BENTONVILLE, AR, 72713

Rezone Legal Description

Part of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 9 and part of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 10 both in Township 19 North, Range 31 West, also part of Lot 3, Stagecoach Subdivision per Plat Instrument #L202254232, and all of the parcels recorded at Deed Instrument #L202188993, #L202317672, & #L202189051 in the public records of Benton County, Arkansas and being described by metes and bounds as follows:

BEGINNING at a Stone found at the Northwest Corner of said NW 1/4 SW 1/4;
THENCE along the North Line of said NW 1/4 SW 1/4, South 87°28'27" East, 1,277.88 feet to a 5/8-inch rebar found on the West Right-of-Way Line of Rainbow Farm Road per Instrument #L201913950;
THENCE along said West Right-of-Way Line, South 02°33'29" West, 35.00 feet to a 5/8-inch rebar with cap LS1618 found at the Northeast Corner of Lot 4, Stagecoach Subdivision per Plat Instrument #L202254232;
THENCE along the North Line of said Lot 4, North 87°28'27" West, 378.19 feet to a 5/8-inch rebar with cap LS1618;
THENCE along the West Line of said Lot 4, South 02°33'16" West, 268.02 feet to a 5/8-inch rebar with cap LS1618;
THENCE along the South Line of said Lot 4, South 87°24'57" East, 377.77 feet to a 5/8-inch rebar with cap LS1618 found on the West Right-of-Way Line of Rainbow Farm Road per Instrument #L201913950;
THENCE along said West Right-of-Way Line, South 02°36'50" West, passing through a 5/8-inch rebar found at the Southeast Corner of said Lot 3, Stagecoach Subdivision at a distance of 92.00 feet and continuing for at total distance of 105.78 feet to a point at the intersection of said West Right-of-Way Line and the South Line of a parcel for Vetti Group Realty, LLC recorded at Deed Instrument #L202188993;
THENCE along said South Line, North 87°39'04" West, 1,274.61 feet to a magnail found at the Southwest Corner of said parcel;
THENCE along the West Line of said parcel, North 02°13'18" East, 328.79 feet to a 5/8-inch rebar found at the Southeast Corner of a parcel for Vetti Group Realty, LLC recorded at Deed Instrument #L202189051;
THENCE along the South Line of said parcel, North 87°09'06" West, passing through a 5/8-inch rebar at a distance of 113.19 feet and continuing for a total distance of 148.19 feet;
THENCE along the West Line and continuing along the West Line of the parcel for Vetti Group Realty, LLC North 07°40'34" West, 84.36 feet;
THENCE along the North Line of said parcel, South 87°38'42" East, 162.34 feet to the **POINT OF BEGINNING** containing 436,300 square feet or 10.02 acres, more or less.

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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:

it is not compatible with the existing low-density residential character of the surrounding neighborhood. It would allow a materially higher-density development pattern directly behind and create an abrupt transition that is out of scale with the area. SW Shell road already experience congestion and difficult ingress/egress during peak hours which would only make it worse. Also, it would result in impacts on neighborhood privacy, traffic circulation, overall quality of life.

[redacted], 5204 SW Tea Olive Lane, Bentonville
Signature and Physical Address

[redacted] 5204 SW Tea Olive Lane, Bentonville
Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☑ I / we object to the rezoning because:

I want to object this project because of the traffic safety (proposed rezoning will increase traffic volume), road capacity (surrounding roads were designed for low density residential use), neighborhood character (the surrounding consists of primarily large-lot houses), environmental impact (negatively impact green space).

Signature and Physical Address

[redacted]

5206 SW TEA OLIVE LN,
BENTONVILLE, AR 72713

Signature and Physical Address

[redacted]

5206 SW TEA OLIVE LN,
BENTONVILLE - 72713.

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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:

1. Traffic Concerns
2. Drainage & Detention,
3. Townhomes affect the backyard PRIVACY

[redacted]

Signature and Physical Address

Revanth Chakilam,
5302 S.W. Tea Olive Ln,
Bentonville, AR, 72713

Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☑ I / we object to the rezoning because:

- Okay with R1 but not with R2.
- Traffic congestion.

[redacted] 5300 SW TEA OLIVE LN
Signature and Physical Address

Signature and Physical Address

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☐ I / we have no objections to the rezoning.
☑ I / we object to the rezoning because:

- Traffic objections
- Consistency with sub division

[redacted] (5403 SW TEA OLIVE LN)

Signature and Physical Address

Signature and Physical Address

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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:

There is not sufficient detail from either the owner or Planning Commission as the infrastructure needs required or the extent of development. The area has seen significant increase in residential density and some controls are needed.

[redacted]
3710 N Rainbow Farm Rd
Bentonville
Signature and Physical Address

[redacted]
3710 N Rainbow Farm Rd
Bentonville
Signature and Physical Address

Objecting R2 - Rezoning

Snyder Meadows Homeowners Statement Regarding Proposed Rezoning

Expression of Community Concerns and Preference for a Compatible Development Option

Jurisdiction: City of Bentonville, Arkansas
Governing Body: Bentonville Planning Commission / City Council
Property Location: Adjacent to Snyder Meadows Subdivision, currently zoned RE
Proposed Change: Rezoning from RE to R-2 (Medium Density Residential)
Public Hearing Date: **03/17/2026**

Statement from Snyder Meadows Homeowners

We, the undersigned homeowners of the Snyder Meadows subdivision, respectfully submit our comments regarding the proposed rezoning of the adjacent property from RE (Residential Estate) to R-2 (Medium Density Residential).

We want to emphasize that our community is not opposed to responsible development of this property. We recognize Bentonville's continued growth and support development that is well planned and compatible with existing neighborhoods.

Based on our current understanding, many homeowners feel that a lower-density option such as R-1 (Single-Family Residential) would be more consistent with the character of surrounding subdivisions. However, rather than opposing development outright, our primary goal is to ensure that any rezoning fully addresses the concerns outlined below and protects long-term neighborhood stability.

Key Questions and Concerns Regarding R-2 Zoning

1. Traffic Impact and Site Access

Information provided to date suggests the possibility of a limited number of access points for the proposed development. Residents are concerned that additional traffic may be directed toward or through existing neighborhood streets.

1. a.: Currently, traffic volumes during peak morning hours (approximately 7:00 AM to 8:30 AM) already create delays when merging onto Airport Boulevard from Shell Road, particularly for residents commuting to schools and workplaces. Adding medium-density housing on approximately 10 acres could significantly increase vehicle trips during these peak periods, potentially worsening congestion, increasing wait times, and raising safety concerns.

1. b.: Based on the proposed road planning information and the City's Master Street Plan, the rezoned property may ultimately be served by a future collector roadway. However, the construction timeline for such infrastructure is uncertain and may take several years to complete.

In the interim, it is likely that development traffic would rely on existing local roads, including N. Rainbow Road, which currently has limited capacity and narrower geometry. Residents are concerned that accommodating both construction traffic and daily residential traffic from

a medium-density development could lead to congestion, operational challenges, and safety concerns until planned roadway improvements are completed.

Residents respectfully request a comprehensive traffic impact analysis that evaluates peak-hour conditions, intersection capacity, interim access plans, roadway improvements, and safe access design before any higher-density rezoning is approved.

2. Sidewalks and Pedestrian Connectivity
Clarification is requested regarding planned sidewalks, pedestrian pathways, and safe connections to surrounding streets. Increased traffic without appropriate pedestrian infrastructure could pose safety concerns, particularly for children and families.

3. Stormwater Management and Drainage
Development of approximately 10 acres will significantly increase impervious surfaces such as roofs, driveways, and streets. Homeowners seek assurance that existing detention facilities and downstream drainage systems have sufficient capacity and that nearby properties will not be adversely affected by increased runoff.

4. Buffering, Setbacks, and Privacy Protections
Given the proximity to existing homes, homeowners request clear standards regarding setbacks, fencing, landscaping, and tree buffers between developments. Adequate buffering is important to preserve privacy, reduce noise, and maintain neighborhood character.

5. Construction Management
Construction activity can significantly affect adjacent neighborhoods. Residents seek information on construction traffic routing, protection of existing roads, and measures to control mud, debris, dust, and noise during the build phase.

6. Density and Overall Community Impact
R-2 zoning on approximately 10 acres could potentially allow approximately 60–80 homes, depending on design. This level of density represents a substantial increase compared to surrounding subdivisions and may influence traffic flow, infrastructure demand, and neighborhood dynamics.

A lower-density development, such as R-1, would be more consistent with existing residential patterns in nearby Bentonville communities and may better align with current infrastructure capacity.

Community Perspective

Our intention as a community is not to restrict growth but to ensure that development adjacent to Snyder Meadows occurs in a manner that is safe, sustainable, and compatible with existing residential areas.

Based on the considerations outlined above, many homeowners believe that R-1 (Single-Family Residential) zoning represents a balanced and appropriate option, allowing development while maintaining consistency with surrounding neighborhoods. At the same time, we respectfully request that the City carefully evaluate the potential impacts of higher-density zoning before making a final decision.

Request to the Planning Commission and City Council

We respectfully ask the City of Bentonville to:

- Thoroughly evaluate traffic, drainage, infrastructure, and compatibility impacts associated with the proposed rezoning
- Provide clarity on mitigation measures and development standards
- Assess interim access conditions prior to construction of future collector roads
- Consider a lower-density alternative such as R-1 if it better aligns with surrounding land use and infrastructure capacity
- Ensure that any approved development protects the safety, quality of life of existing residents

We appreciate the City's consideration and its commitment to thoughtful planning that balances growth with neighborhood stability.

Name	Address	Signature	Date
Jaya Prakash Kaluva	5505 SW Firethorn	[redacted]	3/16/2026
PRUSH SOHANEY	5305 SW Tea Olive Ln	[redacted]	3/16/2026
RAJESH JHA	5503 SW TEA OLIVE LN	[redacted]	03/16/2026
ASOK PALVGULLA	5502 SW Tea Olive Ln	[redacted]	3/16/2026
Adarsh Anapalli	5403 SW TEA OLIVE LN	[redacted]	3/16/2026
UDAY KUMAR PALLAE	5505 SW TEA OLIVE LN	[redacted]	3/16/2026
Kishore Kumar M	5301 SW Tea Olive Ln	[redacted]	3/16/2026

Submitted by:
Snyder Meadows Homeowners
Bentonville, Arkansas

Also, attaching an online opinion poll with in our Sub-division - Snyder Meadows (Next Page)

Opinion poll on Re-zoning the adjacent property

Select one or more

- ○ I don't support Re-zoning 12
- ○ I support Re-zoning to R2 (Duplex/Townhomes) 0
- ✓ I support only R1 (Single Family homes) 34
- ○ No Preference 1

15:58 ✓

View votes

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF A-1, AGRICULTURAL TO R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0007)

WHEREAS, Vetti Group Realty LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 9 AND PART OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 10 BOTH IN TOWNSHIP 19 NORTH, RANGE 31 WEST, ALSO PART OF LOT 3, STAGECOACH SUBDIVISION PER PLAT INSTRUMENT #L202254232, AND ALL OF THE PARCELS RECORDED AT DEED INSTRUMENT #L202188993, #L202317672, & #L202189051 IN THE PUBLIC RECORDS OF BENTON COUNTY, ARKANSAS AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A STONE FOUND AT THE NORTHWEST CORNER OF SAID NW 1/4 SW 1/4;THENCE ALONG THE NORTH LINE OF SAID NW 1/4 SW 1/4, SOUTH 87°28'27" EAST, 1,277.88 FEET TO A 5/8-INCH REBAR FOUND ON THE WEST RIGHT-OF-WAY LINE OF RAINBOW FARM ROAD PER INSTRUMENT #L201913950;THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 02°33'29" WEST, 35.00 FEET TO A 5/8-INCH REBAR WITH CAP LS1618 FOUND AT THE NORTHEAST CORNER OF LOT 4, STAGECOACH SUBDIVISION PER PLAT INSTRUMENT #L202254232;THENCE ALONG THE NORTH LINE OF SAID LOT 4, NORTH 87°28'27" WEST, 378.19 FEET TO A 5/8-INCH REBAR WITH CAP LS1618;THENCE ALONG THE WEST LINE OF SAID LOT 4, SOUTH 02°33'16" WEST, 268.02 FEET TO A 5/8-INCH REBAR WITH CAP LS1618;THENCE ALONG THE SOUTH LINE OF SAID LOT 4, SOUTH 87°24'57" EAST, 377.77 FEET TO A 5/8-INCH REBAR WITH CAP LS1618 FOUND ON THE WEST RIGHT-OF-WAY LINE OF RAINBOW FARM ROAD PER INSTRUMENT #L201913950;THENCE ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 02°36'50" WEST, PASSING THROUGH A 5/8-INCH REBAR FOUND AT THE SOUTHEAST CORNER OF SAID LOT 3, STAGECOACH SUBDIVISION AT A DISTANCE OF 92.00 FEET AND CONTINUING FOR AT TOTAL DISTANCE OF 105.78 FEET TO A POINT AT THE INTERSECTION OF SAID WEST RIGHT-OF-WAY LINE AND THE SOUTH LINE OF A PARCEL FOR VETTI GROUP REALTY, LLC RECORDED AT DEED INSTRUMENT #L202188993;THENCE ALONG SAID SOUTH LINE, NORTH 87°39'04" WEST, 1,274.61 FEET TO A MAGNAIL FOUND AT THE SOUTHWEST CORNER OF SAID

PARCEL;THENCE ALONG THE WEST LINE OF SAID PARCEL, NORTH 02°13'18" EAST, 328.79 FEET TO A 5/8-INCH REBAR FOUND AT THE SOUTHEAST CORNER OF A PARCEL FOR VETTI GROUP REALTY, LLC RECORDED AT DEED INSTRUMENT #L202189051;THENCE ALONG THE SOUTH LINE OF SAID PARCEL, NORTH 87°09'06" WEST, PASSING THROUGH A 5/8-INCH REBAR AT A DISTANCE OF 113.19 FEET AND CONTINUING FOR A TOTAL DISTANCE OF 148.19 FEET;THENCE ALONG THE WEST LINE AND CONTINUING ALONG THE WEST LINE OF THE PARCEL FOR VETTI GROUP REALTY, LLC NORTH 07°40'34" WEST, 84.36 FEET;THENCE ALONG THE NORTH LINE OF SAID PARCEL, SOUTH 87°38'42" EAST, 162.34 FEET TO THE POINT OF BEGINNING CONTAINING 436,300 SQUARE FEET OR 10.02 ACRES, MORE OR LESS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 17, 2026 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

	Planned Unit Development Amendment - Crystal Bridges Museum of American Art Inc.
	507 SE E St
	PC Date: 3/17/2026

Staff Report Details

Project Number	(PUD20-0001 / PUD26-0001)
Applicant / Current Owner	Ecological Design Group / Crystal Bridges Museum of American Art Inc.
Site Area	+/- **17.88** Acres
Current Zoning	PUD
Requested Zoning	PUD (Amended)
Current Future Land Use Map Designation	Regional Center
Requested Future Land Use Map Designation	N/A
Development Type / Use	Event Venue
Related projects	

Property Description

This PUD was originally approved by the Planning Commission under city number PUD20-0001 on February 18th, 2020 (page 14 of this document):
https://bentonvillear.portal.civicclerk.com/event/784/files/agenda/1262

The applicant seeks to amend a "future phase" identified in the *South of Momentary* PUD ("SOMO"). Phase 1 included a parking garage to service the Momentary and has been completed. Under the proposed amendment Phase 2 includes an event venue. Future potential phases continue to include multi-family housing, mixed-use development, and a Momentary expansion. As phasing and design details materialize, this PUD shall be amended accordingly. Major amendments to the PUD shall require additional Planning Commission review and approval. The property is fronted by SE E Street to the west, SE 5th Street to the north, SE G Street to the east, and SE 8th Street to the south. Surrounding properties include zoning districts DC, Downtown Core, DE, Downtown Edge, R3, Medium-High Density Multifamily Residential, C1, Neighborhood Commercial, C3, Mixed-Use Commercial, and I2, Heavy Industrial.

Project Details

Project Details

The purpose of the PUD amendment is to propose a 2,500-seat music venue in what was originally titled "future phases". The music venue will be subject to large-scale development standards at the time of construction. Along with the event venue, other modifications include revised setbacks, updated parking space provisions, phase updates, change in applicant/representative, revised land use language, and ownership information.

Revised Setbacks are as follows:

Street Frontage	Originally Approved	Amendment Proposed
E Street	16'	8'
8th Street	50' minimum from OHE	0'
G Street	7'	7'
5th Street	20'	20'
Side & Rear	0'	0'

Parking:

Type	Originally Approved	Amendment Proposed
Garage Structure	400	550
On Street	6	11

The approved original PUD states "Commercial" as the only land use, but based on recommendation from staff, the applicant has revised to include "Mixed-Use", and "Multi-family", anticipating future phases of the PUD.

Phasing has been revised to include the music venue specifically, and future phases have been denoted as colors rather than sequential phasing.

The music venue building structure proposed is approximately 32,000 square feet, with the public entrance facing north, and loading area facing south. Material proposed is Cor-ten steel which would be considered a special use primary material. The architect has included a narrative of justification for the material choice.
There is a proposed screen for the truck bays that will be better detailed with the large scale development.

Relationship to the Community Plan

The Community Plan identifies arts, entertainment, and recreation as part of Bentonvilles identity and economic strategy, noting that cultural and recreational assets and world-class amenities are central to attracting and retaining talent within the community.

Public Comment

Public Comment

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

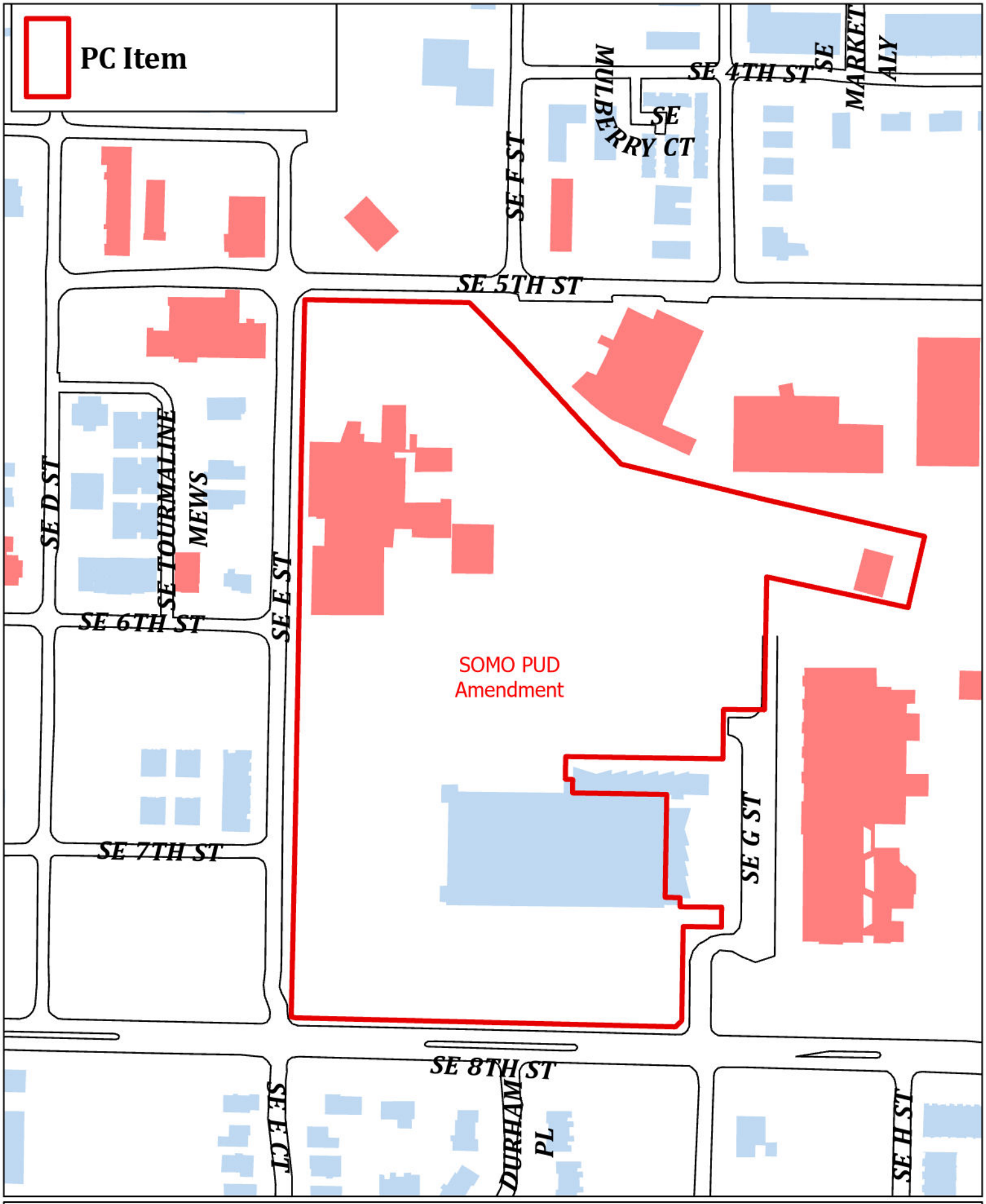
Analysis / Waivers

The cross-section along SE E St illustrates the height relationship to the neighboring townhomes. The north and south elevations of the music venue are broken up and provide regular articulation. In an effort to break up the monolithic westerly facade, staff worked with the applicant to add articulation and lighting along SE E Street to keep interest at the pedestrian scale. Renderings are included for reference and evaluation.

Conclusion

Staff recommend approval.

Additional Details



PUD26-001
SOMO PUD Amendment
507 SE E ST

wkarch

REF. AMENDMENT

REF. AMENDMENT

REF. AMENDMENT

Wheeler Kearns Architects
343 South Dearborn Street
Suite 200
Chicago IL 60604
312.939.7787
wkarch.com

REF. AMENDMENT

SOMO (South of Momentary)

1. Planned Unit Development Intent

The Momentary and Crystal Bridges Museum of American Art (CBMAA) propose this project as a new Planned Unit Development (PUD) to the City of Bentonville. Wheeler Kearns Architects, CEI, and Howell & Vancuren are pleased to submit this proposal.

Reason for requesting zoning change:
The Momentary project adapted the decommissioned Kraft Foods plant into a facility dedicated to the exploration of the visual and performing arts. Now, the Momentary plans to expand towards the south in a series of phases that will incorporate parking facilities, multi-family housing, Momentary program expansion, and mixed-use facilities. There is no current zoning designation that would allow this mix of programs on a single site.

According to the Bentonville Zoning Code notes that the purpose of the PUD district is to "establish a mechanism for a person to propose a commercial, industrial or residential mixed use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning." We believe that the Momentary expansion is a perfect candidate for a PUD given the unusual nature of the site, the variety of program and uses that are being planned, and the location of the property within the city's strategically-planned Market District development area.

The intent of the project is to provide an environment of stable character in harmony with the surrounding development, and a creative approach to the use of land and related physical development. The Momentary expansion provides common open space for recreational activities for the neighboring residential areas.

How the property will relate to surrounding properties:
The developed property will better relate to and strengthen Bentonville's emerging Market District. This project is an expansion of the concept of the Momentary and the neighboring Eighth Street Market projects. The Momentary has already extended the Razorback Greenway bike trail into it's property, and this expansion will continue to include pedestrian and cyclist circulation paths that weave into the existing community infrastructure. The Momentary Expansion will further enhance the city's strategically-planned Market District development.

2. Description of Land Uses

The Momentary Expansion (including the existing Momentary property) consist of18.76 acres. The property extends from 8th Street to 5th Street and Town Branch Creek, and from E street to G Street and Eighth Street Market. The project is designed with a series of fire lanes that provide fire truck access to all buildings.

Existing / In Progress: The Momentary was permitted under a museum use.

PUD Phase 1: Phase 1 construction will include a parking facility that will serve the existing Momentary building and site, as well as the future multi-family housing and mixed use projects planned in future phases.

REF. AMENDMENT

REF. AMENDMENT

Owner

Crystal Bridges Museum of
American Art,
Rod Bigelow
Executive Director, Chief Diversity Officer
600 Museum Way
Bentonville, AR 72712
Rod.Bigelow@crystalbridges.org
479-418-5700

Property Information

Address:
507 SE E Street

Parcels:
01-03600-000, 01-03605-001, 01-03606-000, 01-17772-000, 01-17771-000, 01-03604-000, 01-00694-001, 01-03605-000, 01-03603-000, 01-03601-000, 01-03608-001

Acreage:
TOTAL: 817,375 SF or 18.76 ACRES.

Project Information

Current Zoning:
C-2 General Commerical
DN-4

Proposed Zoning:
PUD

REF. AMENDMENT

Proposed Land Use:
Commercial

Applicant/Representative

CEI Engineering Associates
Nate Bachelor, PE
Direct: 479-254-1591
Email: nbachelor@ceieng.com

REF. AMENDMENT

REF. AMENDMENT

CEI howell&vancuren

wkarch

REF. AMENDMENT

Wheeler Kearns Architects
343 South Dearborn Street
Suite 200
Chicago IL 60604
312.939.7787
wkarch.com

REF. AMENDMENT

SOMO

PUD Phase 2: Phase 2 will include a multi-family housing development.

Future Phases: Future Phases include multi-family housing, mixed use development, and Momentary expansion(s) museum/assembly use.

REF. AMENDMENT

3. Description of Compliance with PUD Criteria

SEC 101.10-A-3 Minimum District Area: The Momentary Expansion (including the existing Momentary property) consist of 18.76 acres. This meets the required minimum of 10 acres.

SEC 401.10-A-4 Zoning and Master Site Plan: A detailed site plan will be provided for approval. Site plans will be modified at each phase of development.

SEC 401.10-B Permitted Use: Phase 1 use will be a parking garage. Future Phases will include multi-family housing, museum/assembly use, and mixed-use development.

SEC 401.10-C Modification of Development Standards: Written Description is provided.

SEC 401.10-C-11 Modifications Permitted: The PUD district may allow the following zoning and development standards to be modified: density, building setbacks, height of building or structure, lot size, lot width, lot depth, landscaping, required off-street parking spaces in instances of mixed residential / commercial uses; and street widths.

SEC 401.10-C-2 Modifications Prohibited: The PUD district shall not allow the following development standards to be modified: sign requirements, grading and drainage, access management, outdoor lighting, screening, residential and commercial street light standards; and, flood damage protection.

SEC 401.10-D-1-a Development Criteria Open Space:

- The Momentary has dedicated over 20% of the total project area to common open space.
- The open space is distributed throughout the PUD district.
- The open space is open to tenants and customers within the PUD and by the general public.

SEC 401.10-D-2 Parking and Off Street Loading: Phase 1 of the project includes a parking garage that will satisfy parking requirements for the project.

Wheeler Kearns Architects
343 South Dearborn Street
Suite 200
Chicago IL 60604
312.939.7787
wkarch.com

REF. AMENDMENT

4. Written Description of PUD

Total Acreage:	18.76 Acres
Density:	Detail to be provided during future phases
Building Height Max:	85' (height of existing Momentary building)

Overall Site Setbacks:

E Street	16'
8th Street	50' minimum from OHE
G Street	7'
5th Street	20'
Side & Rear	0'

**Where easements exceed the setback, the easement becomes the setback.*

REF. AMENDMENT

Parking:

Garage:	400 spaces provided
Out of Garage:	6 spaces provided
Total:	406 spaces provided

REF. AMENDMENT

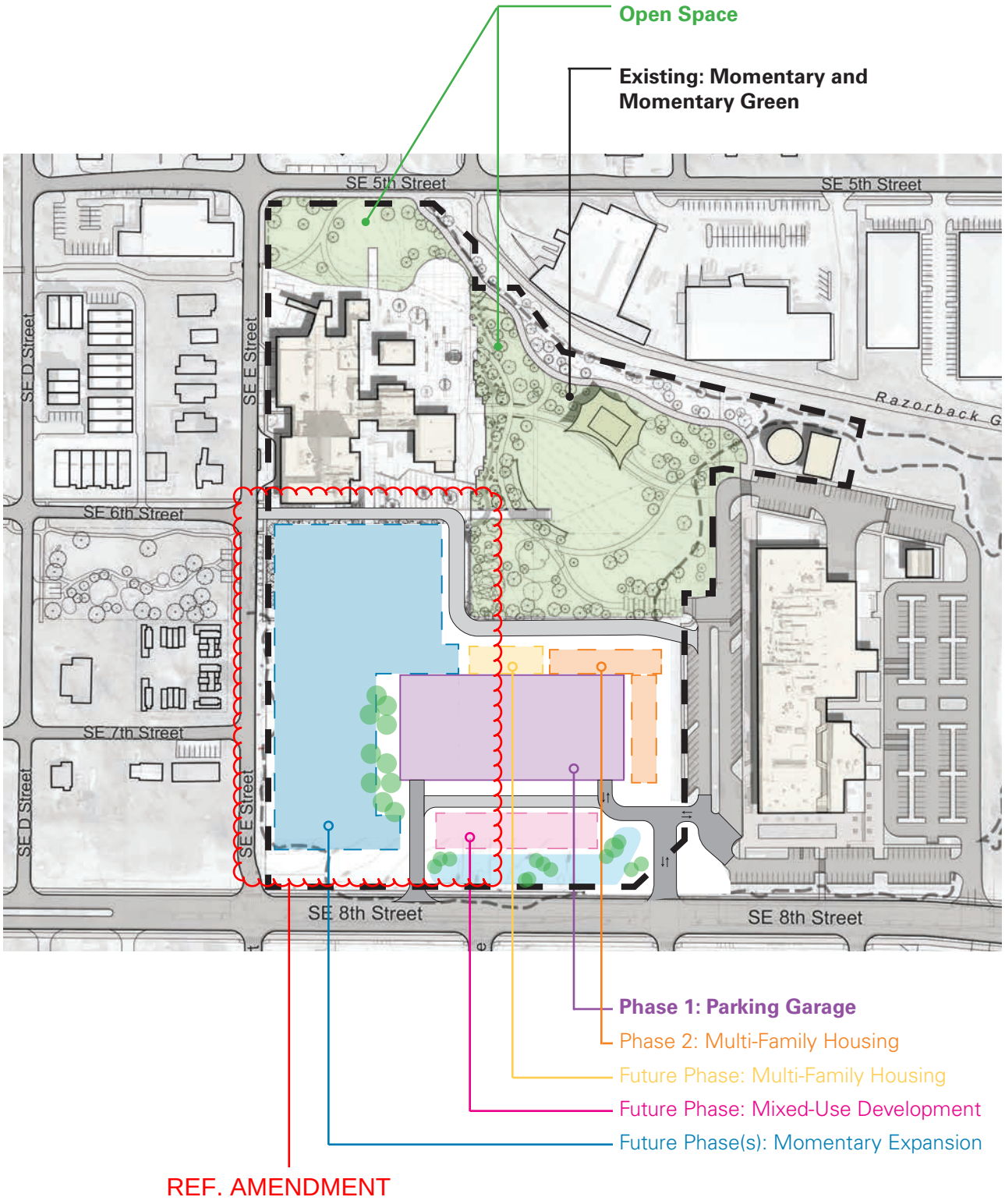
Open Space:	5.5 Acres (29%)
Lot Coverage:	Detail to be provided during future phases
Phasing:	Phase 1 to include a 400 space parking garage, utility infrastructure, paving, stormwater management, and grading. Future phases by individual permit as needed.

REF. AMENDMENT

PUD Extents

Blu Fish House
Greater Bentonville Area Chamber of Commerce
Airship Coffee
The Momentary
Austin-Baggett Park
8th Street Market
SE 8th St
Rodden Landscape
Extents of Planned Unit Development

Master Site Plan and Phasing



wkarch CEI howell&vancuren

PHASE 1
COMPLETE

Phase 1 Design

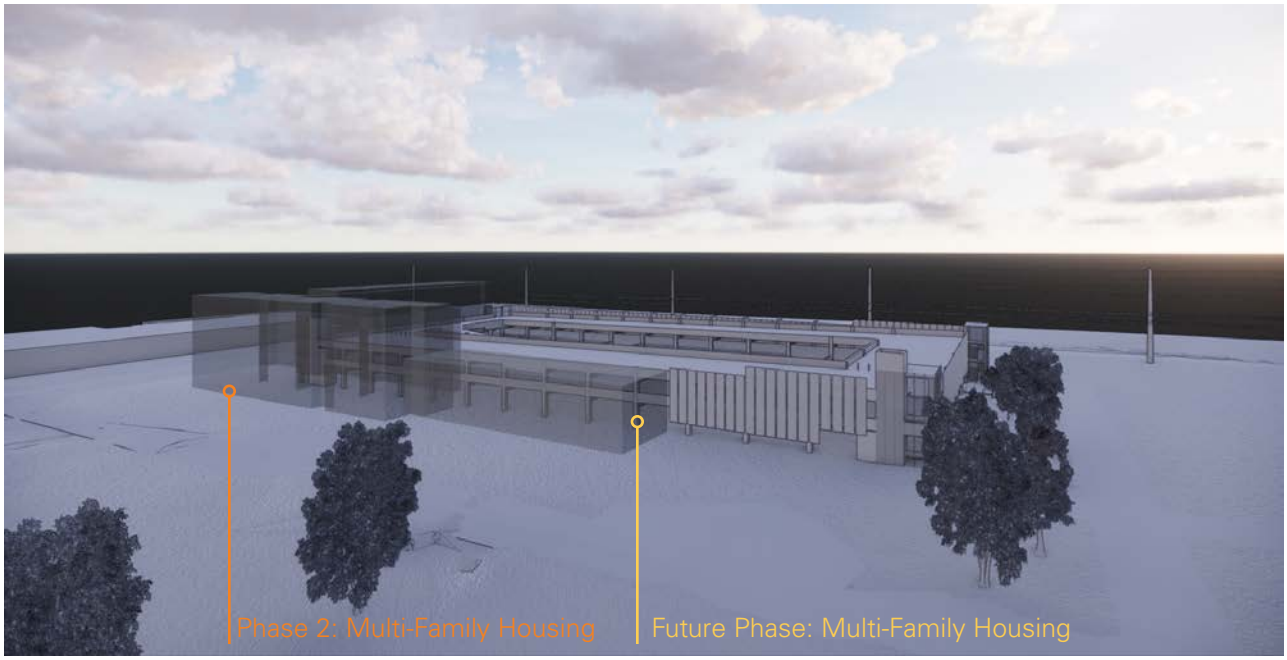
South Facade Sketch

The design of the parking garage will complement the existing Market District neighborhood developments, including the Momentary which shares a site with the parking garage. Potential materials include concrete, metal (24-gauge minimum), brick masonry, and glass.

West Facade Sketch

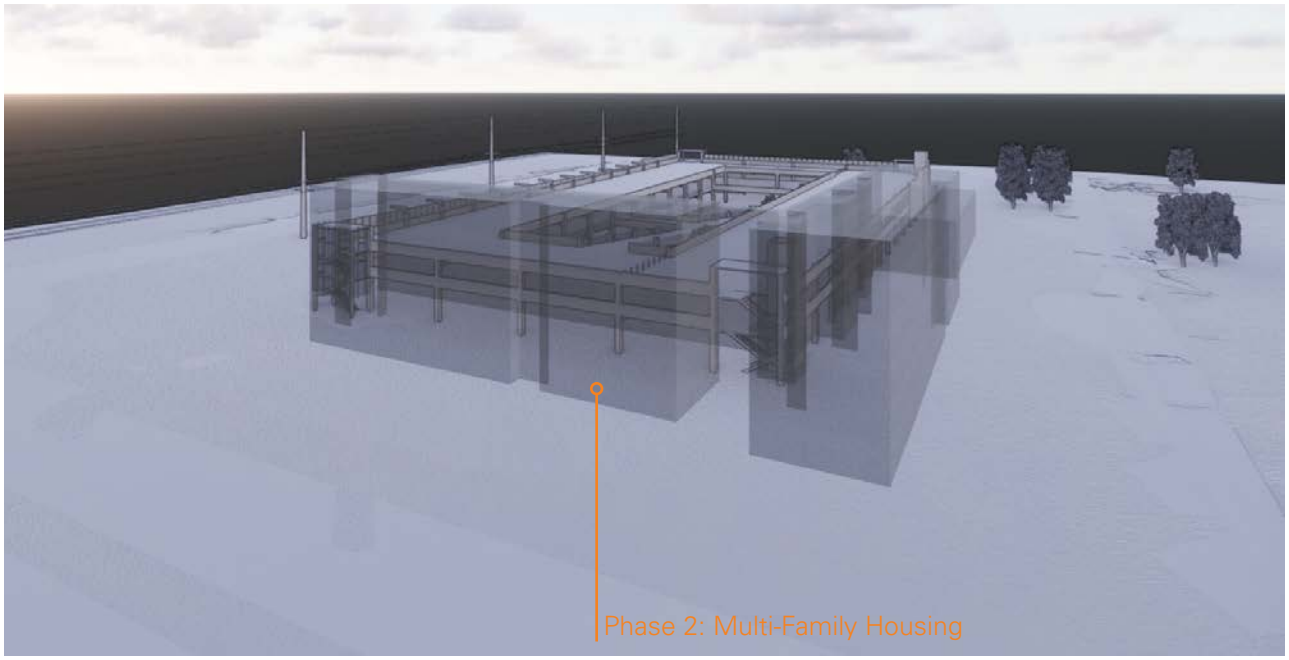
PHASE 1
COMPLETE

Phase 1 Design



North Facade Sketch

Phase 2 of the PUD will include a multifamily housing development. The garage is designed so that the housing development will be sited directly adjacent to the north and east sides of the garage, essentially 'wrapping' the garage structure and concealing it from view.



East Facade Sketch

PUD Is in Downtown Study Area and must adhere to Commercial Design Standards Sec. 1100.23

1. PLANNED UNIT DEVELOPMENT AMENDMENT

The Momentary proposes this project as a Planned Unit Development Amendment to the City of Bentonville. BIG, Polk Stanley Wilcox, and EDG are pleased to submit this proposal.

Current PUD Reason for Zone Change:
The Current SOMO PUD was proposed by The Momentary and Crystal Bridges Museum of American Art (CBMMA), Wheeler Kearns Architects, CEI, and Howell & Vancuren, and Approved by Planning Commission on February 18th 2020.

The Momentary project adapted the decommissioned Kraft Foods plant into a facility dedicated to the exploration of the visual and performing arts. Now, the Momentary plans to expand towards the south in a series of phases that will incorporate parking facilities, multi-family housing, Momentary program expansion, and mixed-use facilities. There is no current zoning designation that would allow this mix of programs on a single site.

According to the Bentonville Zoning Code, the purpose of the PUD district is to "establish a mechanism for a person to propose a commercial, industrial or residential mixed use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning." We believe that the Momentary expansion is a perfect candidate for a PUD given the unusual nature of the site, the variety of program and uses that are being planned, and the location of the property within the city's strategically-planned Market District development area.

The intent of the project is to provide an environment of stable character in harmony with the surrounding development, and a creative approach to the use of land and related physical development. The Momentary expansion provides common open space for recreational activities for the neighbouring residential areas.

How the property will relate to surrounding properties:
The developed property will better relate to and strengthen Bentonville's emerging Market District. This project is an expansion of the concept of the Momentary and the neighboring Eighth Street Market projects. The Momentary has already extended the Razorback Greenway bike trail into it's property, and this expansion will continue to include pedestrian and cyclist circulation paths that weave into the existing community infrastructure. The Momentary Expansion will further enhance the city's strategically-planned Market District development.

Request for Amendment
The Reason for amending this PUD is to include more detail relating to what were formerly "future phases" and accurately represent current plans for planned developments within the PUD. This Amendment will also respond to recently completed 8th street improvements.

Owner

Crystal Bridges Museum of American Art Inc
600 Museum Way
Bentonville AR, 72712

Property Information

Address:
507 SE E ST
72712

Parcel ID:
01-03600-000, 01-03605-001, 01-03606-000,
01-17772-000, 01-17771-000, 01-03604-000, 01-00694-001, 01-03605-000, 01-03603-000, 01-03601-000, 01-03608-001

Total Acreage:
TOTAL: 817,375 SF or 18.76 ACRES.

Project Information

Current Zoning:
PUD

Proposed Zoning:
PUD

Current Land Use:
Commercial

Proposed Land Use:
Commercial, Mixed Use, Multi-Family

Applicant/Representative

Ecological Design Group, LLC. (EDG)
Brahm Driver
501.944.3090
bdriver@ecologicaldg.com

E | D | G

Ecological Design Group
216 W Birch Street
Rogers, AR 72756

COB project number PUD20-0001

2. DESCRIPTION OF LAND USES

The Momentary Expansion (including the existing Momentary property) consist of 18.76 acres. The Future land use Map designates this property as Regional Center. The property extends from 8th Street to 5th Street and Town Branch Creek, and from E street to G Street and Eighth Street Market. The project is designed with a series of fire lanes that provide fire truck access to all buildings.

Existing: The Momentary was permitted under a museum use.

PUD Phase Purple: Phase 1 construction will include a parking facility that will serve the existing Momentary building and site, as well as the future multi-family housing and mixed use projects planned in future phases.

PUD Phase Blue: Phase 2 construction will include a 2,500 seat Music Venue.

Future Phases: Future Phases will include multifamily housing and mixed use developments.

DESCRIPTION OF COMPLIANCE WITH PUD CRITERIA

SEC 101.10-A-3:

Minimum District Area:
The Momentary Expansion (including the existing Momentary property) consist of 18.76 acres. This meets the required minimum of 10 acres.

SEC 401.10-A-4:

Zoning and Master Site Plan:
A detailed site plan will be provided for approval. Site plans will be modified at each phase of development.

E | D | G
Ecological Design Group
216 W Birch Street
Rogers, AR 72756
COB project number PUD20-0001

DESCRIPTION OF COMPLIANCE WITH PUD CRITERIA

SEC 401.10-B:

Permitted Use:
Phase 1 use will be a parking garage. Future Phases will include multi-family housing, museum/assembly use, and mixed-use development.

SEC 401.10-C:

Modification of Development Standards:
Written Description is provided.

SEC 401.10-C-11:

Modifications Permitted:
The PUD district may allow the following zoning and development standards to be modified: density, building setbacks, height of building or structure, lot size, lot width, lot depth, landscaping, required off-street parking spaces in instances of mixed residential/commercial uses; and street widths.

SEC 401.10-C-2:

Modifications Prohibited:
The PUD district shall not allow the following development standards to be modified: sign requirements, grading and drainage, access management, outdoor lighting, screening, residential and commercial street light standards; and, flood damage protection.

SEC 401.10-D-1-a:

Development Criteria Open Space:
• The Momentary has dedicated over 20% of the total project area to common open space.
• The open space is distributed throughout the PUD district.
• The open space is open to tenants and customers within the PUD and by the general public.

SEC 401.10-D-2:

Parking and Off Street Loading:
Phase 1 of the project includes a parking garage that will satisfy parking requirements for the project.

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COB project number PUD20-0001

PUD DEVELOPMENT STANDARDS PROVIDED

Area

Total Acreage: 18.76 Acres

Common Open Space:

Min. 20 % of Total Project Area (29% provided)

Land Area Per Dwelling Unit:

Detail to be provided during future phases

Lot and Area Standards:

Building Setbacks:

E Street:	Min: 8'
8th Street:	Min: 0'
G Street:	Min: 7'
5th Street:	Min: 20'
Side and Rear:	Min: 0'

Where an easement exceeds the setback, the easement becomes the setback

Building Height:	Min: TBD	Max: 85' (existing height) (Momentary Building)

Lot Coverage: Detail to be provided in future phases

Parking and Off-Street Loading:

Garage Structure:	550 spaces provided
On Street Spaces Provided:	11 spaces provided
Total:	561 spaces provided

There are a number of nearby lots and garages located within 0.25 miles from the venue. If concurrent events on campus present an operational need for additional satellite parking, ownership will coordinate with the Planning Department to manage as-needed.

Phasing:

Phase Purple Included a 550 space parking garage, utility infrastructure, paving, storm water management, and grading. Future phases by individual permit as needed (Phase Purple has been completed).

Phase Blue to include a 2,500 seat music venue, on street parking (E Street), loading dock, and pedestrian plaza.

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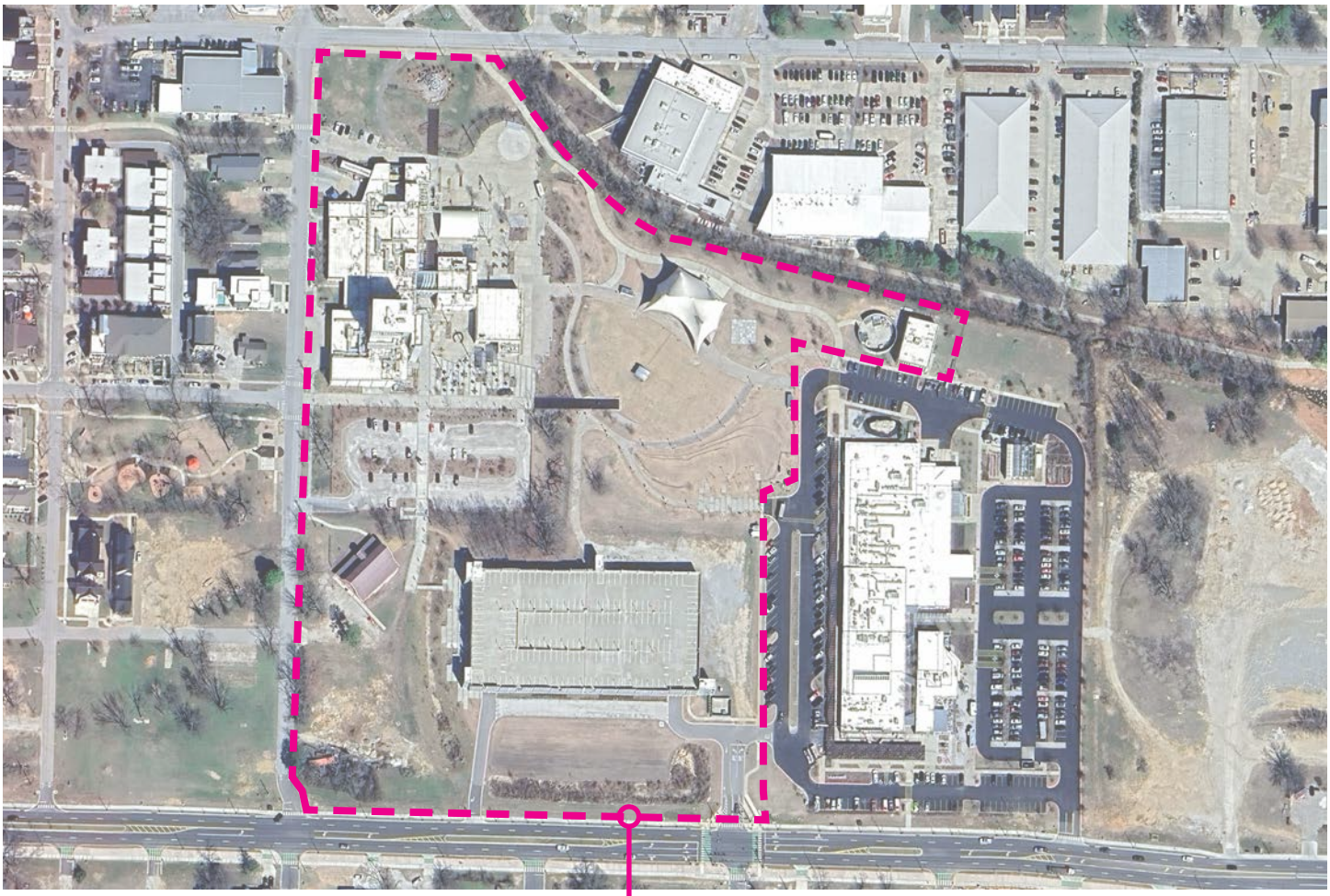
PUD EXTENTS



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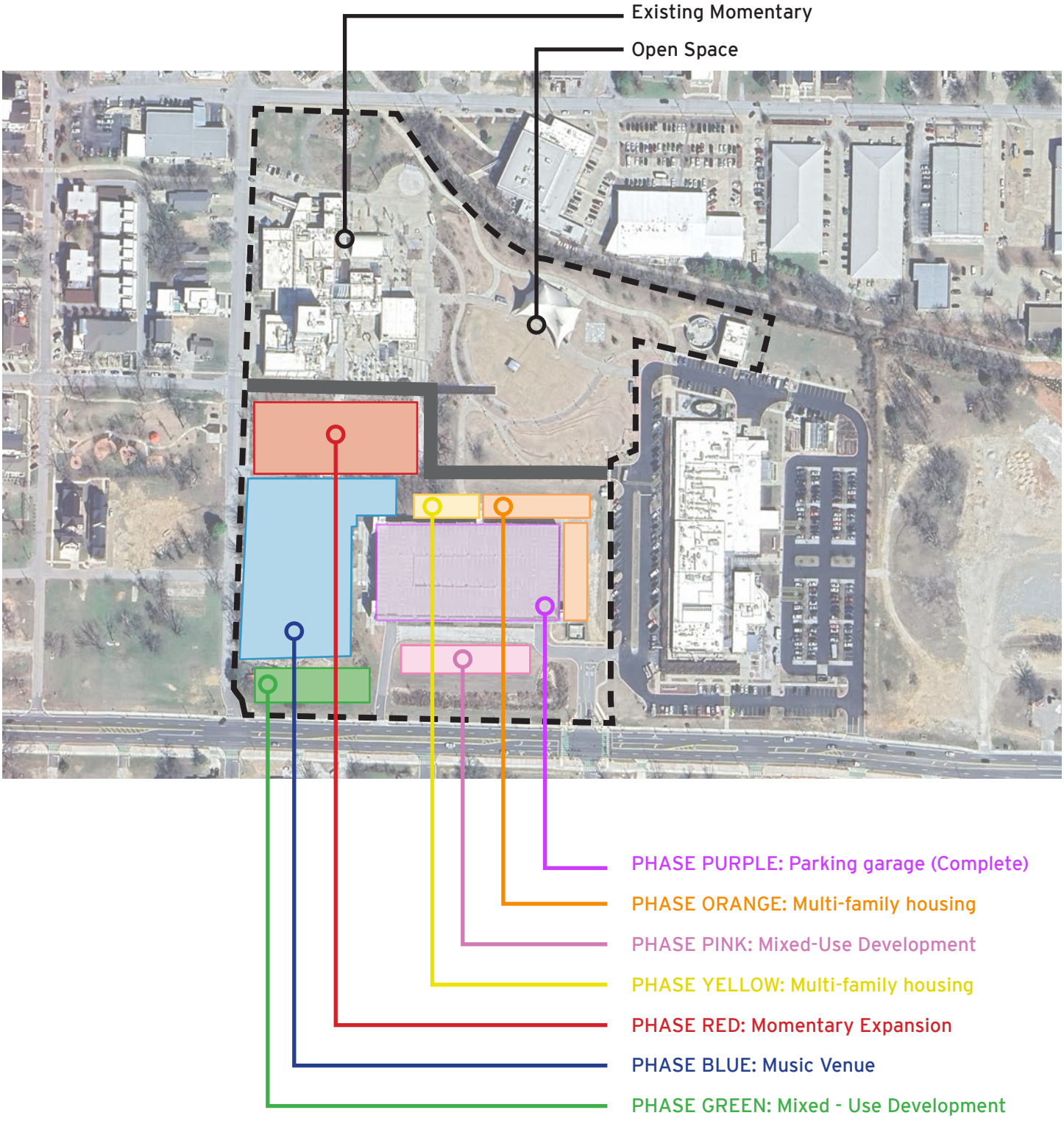
Master Plan Phasing



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PHASE II SITE PLAN

LEGEND

1. Paver Plaza
2. Existing Bio-Swale
3. Street Trees
4. On-Street Parking
5. Loading Dock + Dumpsters
6. 7' -6" Fence

1" = 80'

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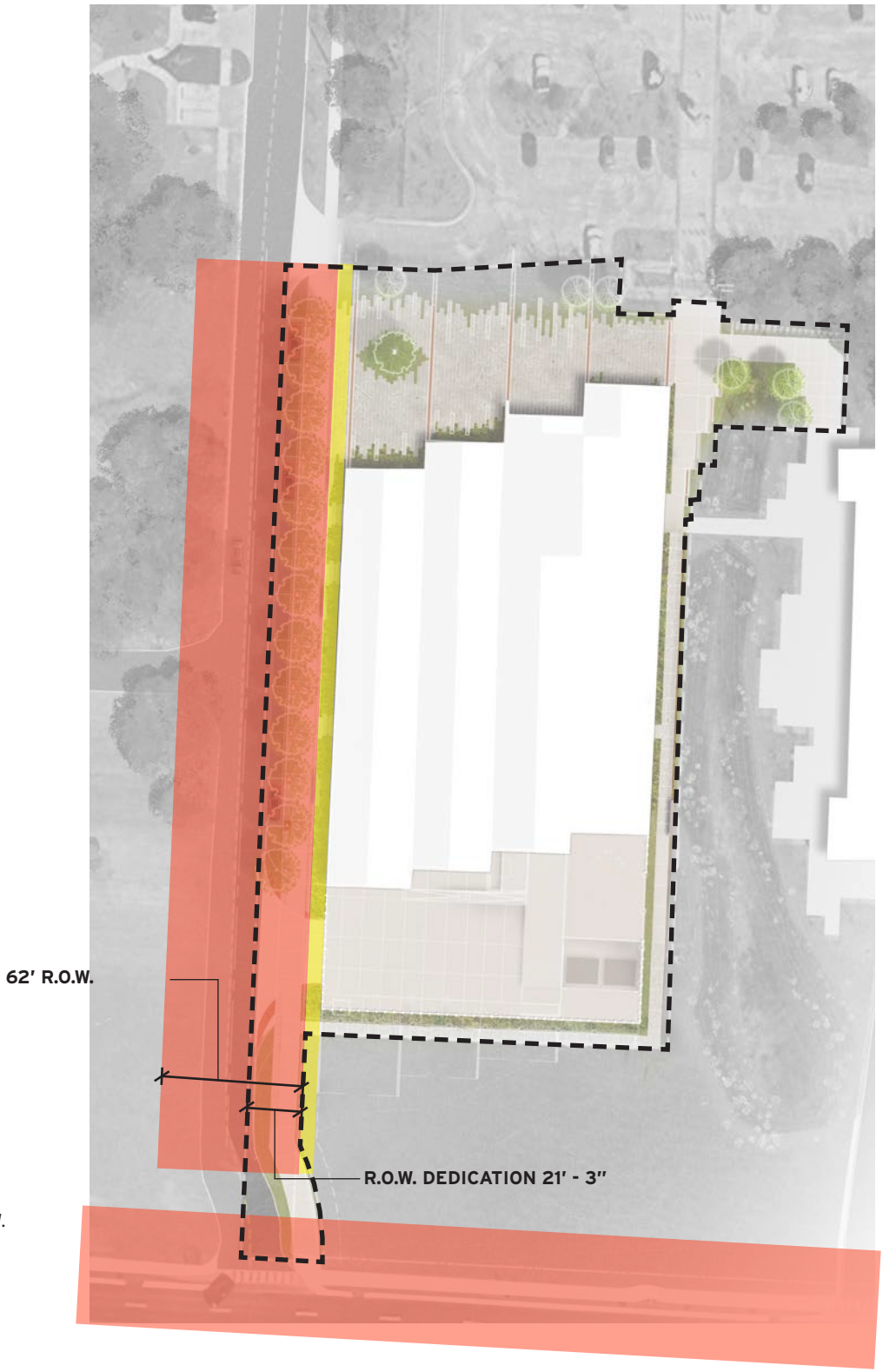
SETBACKS AND CLEARANCES



LEGEND

- LIMITS OF DISTURBANCE
- 8' SETBACK ALONG E STREET
- UTILITY EASEMENT AND R.O.W.

1" = 80'

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PARKING STUDY

LEGEND

- PRIVATE TRUCK PARKING
- GATE
- ON-STREET PARKING

PARKING DATA

ON STREET PARKING:	11 SPACES
PRIVATE TRUCK PARKING:	2 SPACES
EXISTING PARKING GARAGE:	550 SPACES

1" = 80'

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PEDESTRIAN NETWORK

LEGEND

- PUBLIC SIDEWALK
- CROSSWALKS
- PEDESTRIAN ONLY
- PEDESTRIAN PLAZA

1" = 80'

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FIRE ACCESS

LEGEND

- PROPOSED FIRE HYDRANT LOCATION
- EXISTING FIRE HYDRANT LOCATION
- FIRE TRUCK CIRCULATION PATH

1" = 80'

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POST DEVELOPMENT DRAINAGE

GRADING & DRAINAGE
PLAN LEGEND

- EXISTING BIO-SWALE
- STORM SEWER PIPE (RCP)
- STORM SEWER PIPE (HDPE)
- FLOW ARROW

1" = 80'

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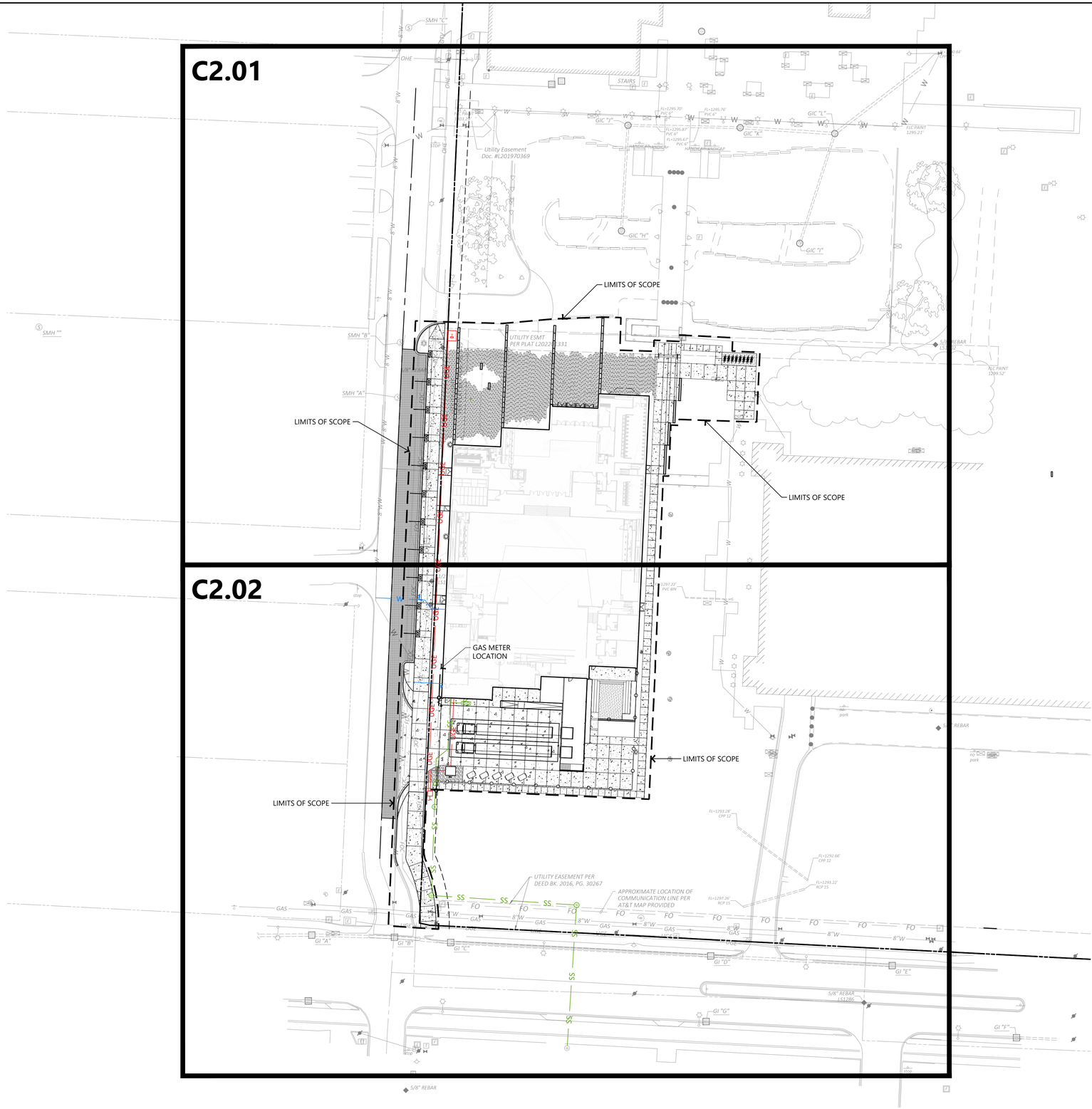

1 OVERALL UTILITY PLAN

SCALE: 1" = 40'-0"

NORTH

0' 40' 80' 160'

CLIENT

ADDRESS
ADDRESS
T +1 000 000 0000

ARCHITECT

BIG

BJARKE INGELS GROUP
45 MAIN STREET, SUITE 900
BROOKLYN, NY 11201, USA
T +1 347.568.4141

CONSULTANT DISCIPLINE	CONSULTANT NAME	ADDRESS / ADDRESS / T +1 000 000 0000
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DATE	ISSUE
1/23/2026	DESIGN DEVELOPMENT

SEAL

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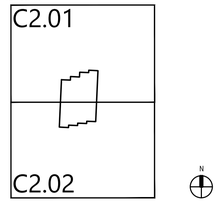
NOT FOR CONSTRUCTION

KEY PLAN (NTS)



SHEET NAME

OVERALL UTILITY PLAN

PROJECT NUMBER | SHEET NUMBER

DOB NUMBER

SCALE

FORMAT
ARCH D

C2.00

1 UTILITY PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 40' 80'

CLIENT

ADDRESS
ADDRESS
T +1 000 000 0000

ARCHITECT

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BJARKE INGELS GROUP
45 MAIN STREET, SUITE 900
BROOKLYN, NY 11201, USA
T +1 347 568 6141

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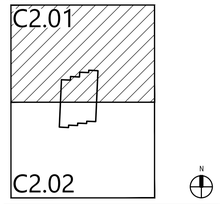

SHEET NAME

UTILITY PLAN

PROJECT NUMBER | SHEET NUMBER

DOB NUMBER

SCALE

C2.01

FORMAT
ARCH D

MATCHLINE C2.01

SUBJECT TRACT
LOT 1
MOMENTARY ADDITION PHASE 2
PARCEL #01-20438-000
PLAT INST. L202201331
CRYSTAL BRIDGES MUSEUM OF AMERICAN ART INC
ZONE: PUD

SE 7TH STREET

PROPOSED HYDRANT
8" GATE VALVE (LOCKING LID, PAINTED RED)
8" FIRE LINE TO BUILDING
GAS METER LOCATION
WALL MOUNTED FDC
PROPOSED 2" DOMESTIC METER FOR BUILDING
GREASE TRAP (HEAVY DUTY LID) (REF. MEP)
88 LF OF 6" SS PVC
LIMITS OF SCOPE
TRANSFORMER
ELECTRIC METER
JUNCTION BOX
ELECTRIC LINE STUB OUT
LIMITS OF SCOPE
65 LF OF 8" SEWER MAIN
113 LF OF 8" SEWER MAIN
UTILITY EASEMENT PER DEED BK. 2016, PG. 30267
PROPOSED MANHOLE (TYP.)
APPROXIMATE LOCATION OF COMMUNICATION LINE PER AT&T MAP PROVIDED
~115 LF OF 8" SEWER MAIN

PARCEL #01-03596-000
CROWHOW, LLC
ZONE: D-E

PARCEL #01-03599-002
CITY OF BENTONVILLE
ZONE: D-E

SE E STREET
PUBLIC (ASPHALT) R/W

SE 8TH STREET
PUBLIC (ASPHALT) R/W

FL=1297.22'
PVC 8IN

FL=1293.28'
CPP 12

FL=1292.66'
CPP 12

FL=1293.22'
RCP 15

FL=1297.26'
RCP 15

5/8" REBAR
LS1286

5/8" RE

GI "A"
GI "B"
GI "C"
GI "D"
GI "E"
GI "G"

CONCRETE
ASPHALT
GRAVEL
no park
stop
OHE
GAS
FO
UGE
SS
8"W

1 UTILITY PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 40' 80'

CLIENT
ADDRESS
ADDRESS
T +1 000 000 0000

ARCHITECT
BIG
BJARKE INGELS GROUP
45 MAIN STREET, SUITE 900
BROOKLYN, NY 11201, USA
T +1 347 568 6141

CONSULTANT DISCIPLINE
CONSULTANT NAME
ADDRESS
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DATE	ISSUE
1/23/2026	DESIGN DEVELOPMENT

SEAL

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KEY PLAN (NTS)

C2.01
C2.02

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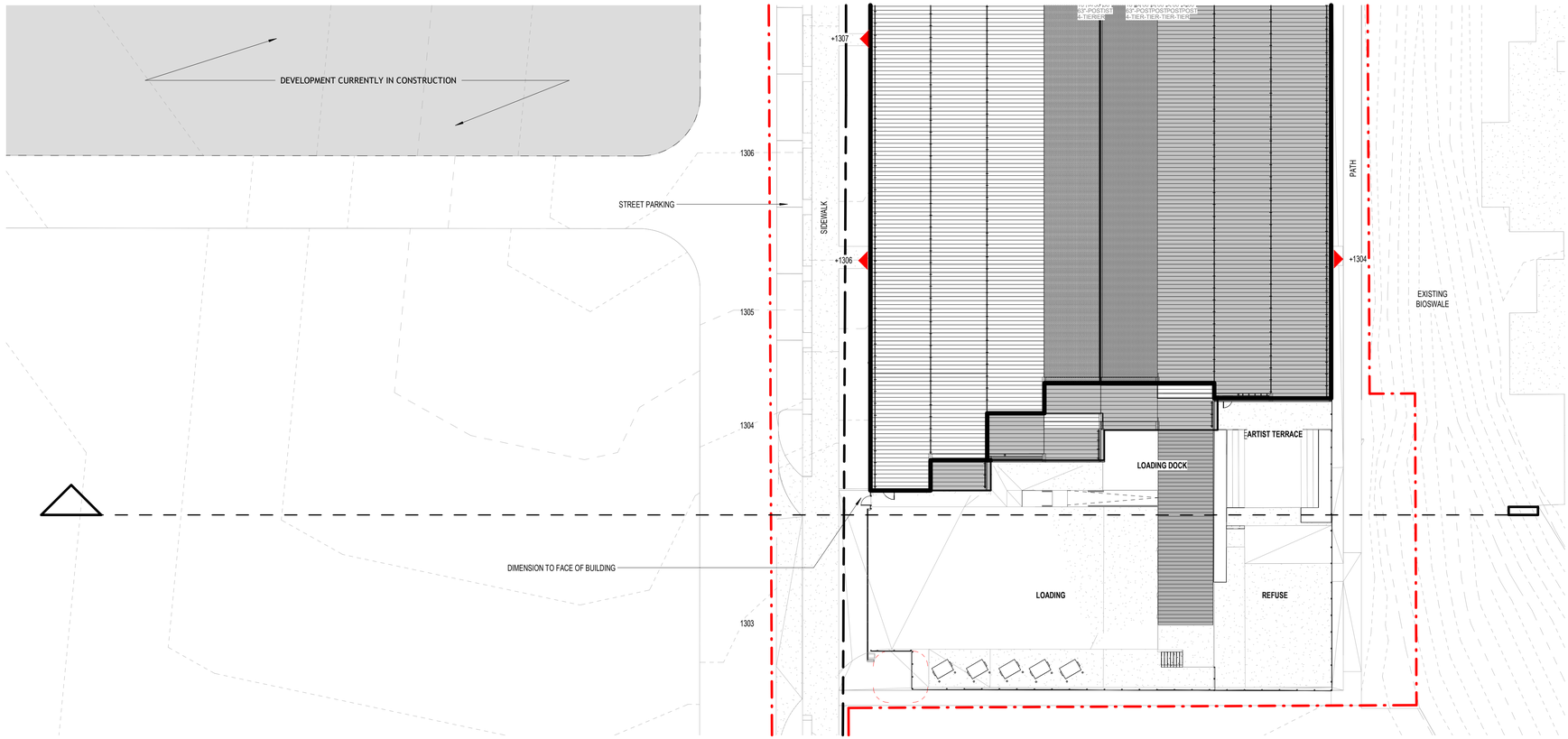
SHEET NAME

UTILITY PLAN

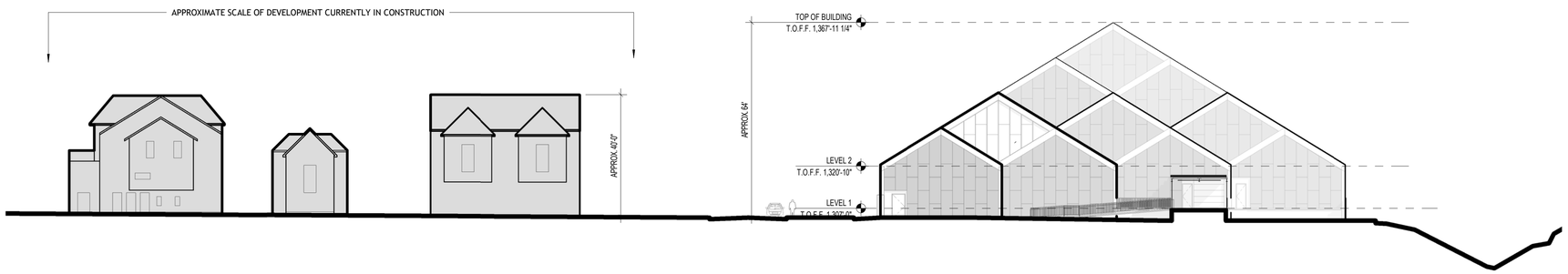
PROJECT NUMBER
DOB NUMBER
SCALE
FORMAT
ARCH D

SHEET NUMBER
C2.02



1 PARTIAL SITE PLAN

3/64" = 1'-0"



2 CROSS SECTION DIAGRAM

3/64" = 1'-0"

2/2/2026 12:05:30 PM

BENTONVILLE BALLROOM

607 SE E STREET
BENTONVILLE, AR
72712

CLIENT
LIVE NATION
325 N. MAPLE DRIVE
BEVERLY HILLS, CA
90210

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ARCHITECT OF RECORD
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FAYETTEVILLE, AR 72701
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MEP/FP ENGINEER
HENDERSON ENGINEERS
805 SOUTH WALTON BLVD., SUITE 100
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STRUCTURAL ENGINEER
MARTIN MARTIN
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CIVIL ENGINEER & LANDSCAPE ARCHITECT
ECOLOGICAL DESIGN GROUP
216 WEST BIRCH ST.
ROGGERS, AR 72756
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LIGHTING DESIGN
VISUAL TERRAIN
25213 AVENUE TIBBITTS
SANTA CARITA, CA 91355
T +1 661 775 7758

LIGHTING CONTROLS & PRODUCTION
BANDIT LITES
2233 SYCAMORE DR
KNOXVILLE, TN 37921
T +1 865 971 3071

ACOUSTICS
SALAS O'BRIEN
106 DECKER DRIVE, SUITE 200
IRVING, TX 75062
T +1 972 812 1270

ACOUSTICS
METROPOLITAN ACOUSTICS
1628 JFK BLVD., 8 PENN CENTER, SUITE 1902
PHILADELPHIA, PA 19103
T +1 215 248 4302

FOOD SERVICE
TRIMARK
210 COMMERCE
IRVING, CA 92602
T +1 888 662 6935

ACOUSTICS
METROPOLITAN ACOUSTICS
1628 JFK BLVD., 8 PENN CENTER, SUITE 1902
PHILADELPHIA, PA 19103
T +1 215 248 4302

DATE	ISSUE

SEAL

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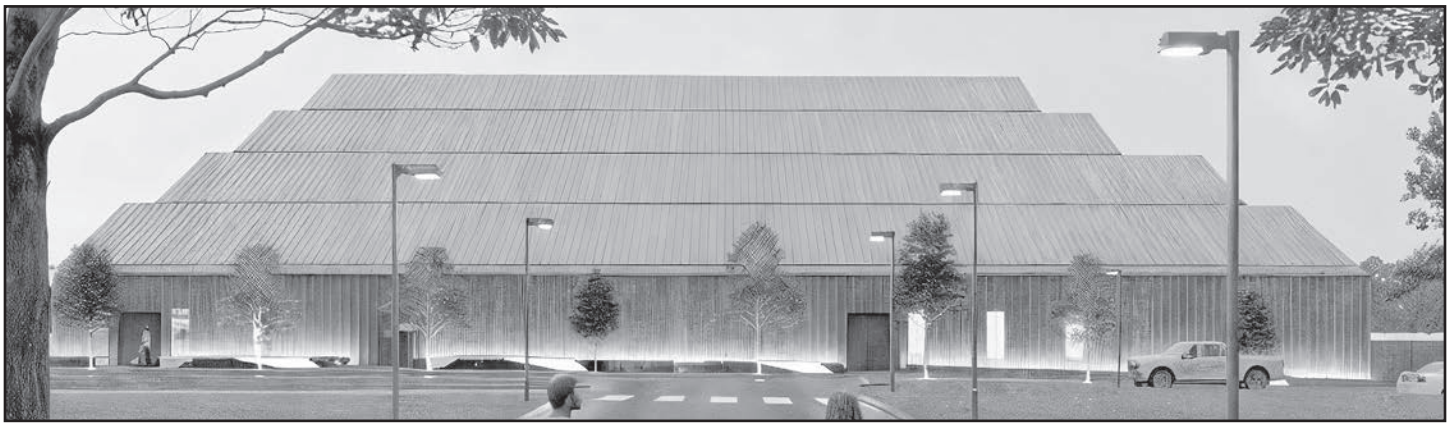
KEY PLAN (NTS)

SHEET NAME

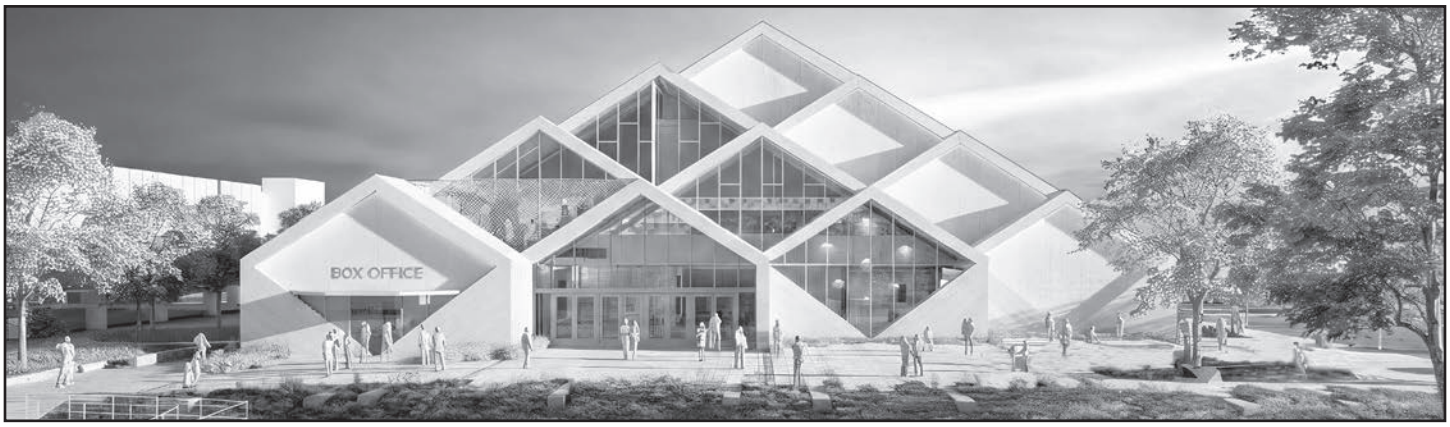
SITE SECTION DIAGRAM

PROJECT NUMBER: **1108A**
DOB NUMBER: **5050**
SCALE: **3/64" = 1'-0"**
FORMAT: **ARCH D**
SHEET NUMBER: **PS 100**

ARCHITECTURAL ELEVATIONS

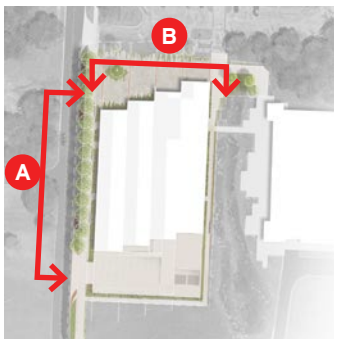


A - WEST



B - NORTH

ELEVATION KEY



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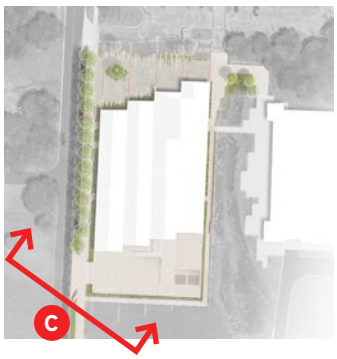
ARCHITECTURAL ELEVATIONS

C - SOUTH

ELEVATION KEY



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ARCHITECTURAL MATERIALS

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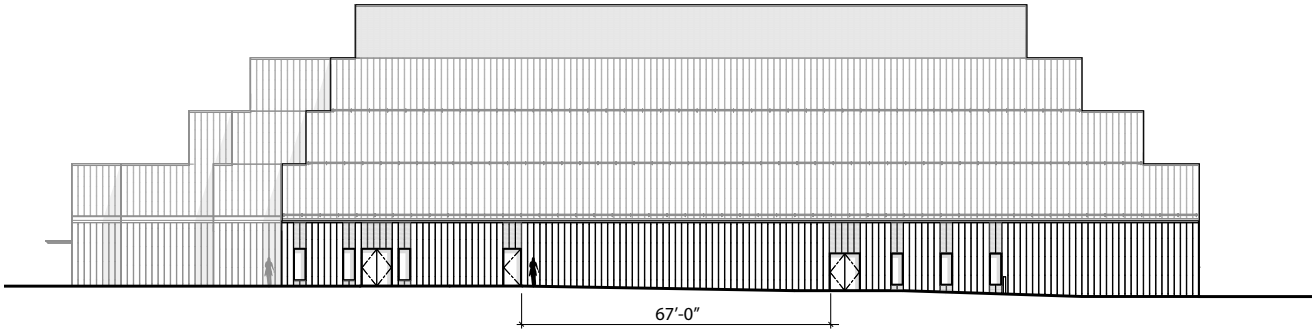
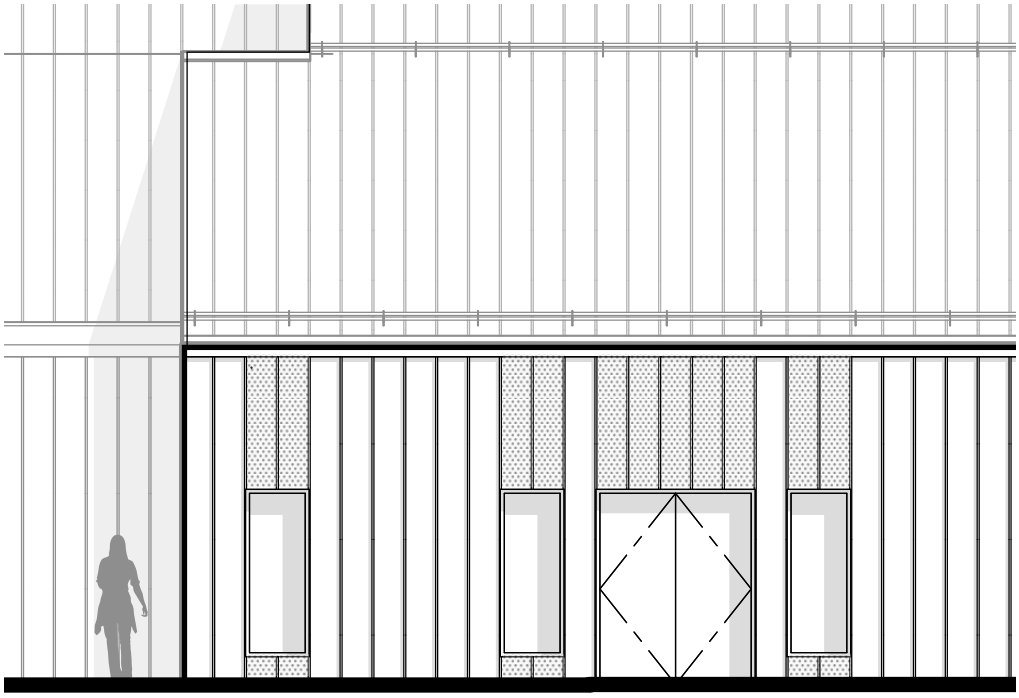
ARCHITECTURAL MATERIALS



WEST ELEVATION



ENLARGED WEST ELEVATION

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COB project number PUD20-0001

ARCHITECTURAL MATERIALS

WEST ELEVATION - RENDERED

ENLARGED WEST ELEVATION - RENDERED

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Rogers, AR 72756
COB project number PUD20-0001

ARCHITECTURAL MATERIALS

NARRATIVE

The proposed design for Bentonville Ballroom utilizes weathering steel as the primary exterior cladding material. This selection is intended to meet—and exceed—the quality standards established for Planned Unit Developments in Bentonville. While the current code explicitly lists aluminum composite panels, copper, and bronze, we assert that weathering steel is a "similar quality metal" that fulfills the architectural intent of the requirement through its durability, natural patination, and high-quality finish.

Material Quality and Longevity Weathering steel is a high-strength, low-alloy steel that develops a protective oxide layer when exposed to the elements. Unlike standard steel, which requires paint or coatings to prevent structural failure, the "oxidation" on weathering steel is a dense, adherent layer that acts as a permanent barrier against further corrosion. This puts it on par with copper and bronze in terms of its "everlasting" lifecycle, requiring virtually zero maintenance over several decades.

Copper and bronze are "living materials"—they evolve with the local environment. Weathering steel functions in an identical manner:

During the initial phase weathering steel will oxidize to a deep orange-brown that mirrors the warmth of raw copper.

During the maturing phase the weathering steel transitions into a rich, textured dark brown/purplish hue, closely resembling aged bronze. By selecting weathering steel, the project honors the spirit of the code by providing a facade that gains character and depth over time, rather than degrading like lower-quality synthetic materials.

Bentonville's architectural identity is defined by a blend of industrial heritage and modern innovation. Weathering steel provides an organic, earthy palette that complements the natural Ozark landscape while maintaining the crisp, clean lines associated with high-end metal panel systems. It offers the same level of sophistication as the listed metals but provides a more grounded, contextual connection to the region's materiality.

Given its structural integrity, maintenance-free longevity, and aesthetic similarity to copper and bronze, weathering steel meets the "similar quality" standard of the PUD requirements. It ensures a premium, durable exterior that will contribute positively to the built environment of Bentonville for years to come.

The design utilizes weathering steel in a standing seam profile for both the vertical facade and the sloped roofing surfaces. This intentional "wrap" creates a unified building form that transitions between wall and roof by utilizing a single high-quality metal for the entire building envelope. The project achieves a level of architectural cohesion and sculptural integrity that exceeds standard multi-material assemblies.

The use of a standing seam system—traditionally a high-performance roofing application—on the vertical walls provides a superior moisture barrier and concealed fastener system. This ensures that the premium aesthetic of the weathering steel is not interrupted by visible screws or gaskets, maintaining the high-quality "hand crafted and metal-smith" finish.

To provide visual interest and break down the massing of the building, the standing seam panels are specified at a 16" on-center module. The verticality of the seams emphasizes the building's height and provides a crisp, clean aesthetic.
The 1.5" to 2" raised ribs create a dynamic play of light and shadow that changes throughout the day. This articulation ensures that the large metal surfaces feel textured and tactile rather than flat or industrial.
Furthermore, because weathering steel patinas based on its exposure to moisture and sun, the 16" modules will develop subtle, organic variations in tone.

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216 W Birch Street
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ARCHITECTURAL MATERIALS

NARRATIVE

To ensure the building contributes to a welcoming and approachable streetscape, the massing has been carefully calibrated at the public interface. Along the street frontage, the building's height is minimized by locating the eave of the gabled roof at a lower horizontal datum. This strategy effectively brings the roofline down to the pedestrian level, grounding the structure and replacing a towering vertical presence with a more intimate, human-scale gable. This orientation respects the scale of the sidewalk and creates a comfortable sense of enclosure for passersby.

The facade is further animated through a series of intentional intervention and recesses. Building articulation is achieved by inserting and recessing poster boxes, windows, and doorways into the 16" on-center module. These recesses create a layered facade that avoids the monotony of a flat wall. By pushing elements back from the primary building plane, we create physical depth and shadows that highlight the craftsmanship of the metalwork.

To emphasize these moments of articulation, the project introduces perforated standing seam panels located strategically above and below the openings. This variation in the weathering steel serves two primary purposes. The transition from solid to perforated metal creates a "veiled" effect, adding a layer of transparency and lightness to the otherwise robust steel facade. It allows the eye to perceive depth beyond the surface, further breaking down the building's mass.
Lastly, These perforated zones provide unique opportunities for integrated backlighting. At night, the metal "glows" from within, transforming the building into a lantern that provides soft, ambient light for the sidewalk. This use of light as an architectural material enhances safety and aesthetic appeal, ensuring the building remains a high-quality contributor to the Bentonville nightscape.

ARCHITECTURAL MATERIALS

NARRATIVE

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ARCHITECTURAL MATERIALS

NARRATIVE

To ensure the building contributes to a welcoming and approachable streetscape, the massing has been carefully calibrated at the public interface. Along the street frontage, the building's height is minimized by locating the eave of the gabled roof at a lower horizontal datum. This strategy effectively brings the roofline down to the pedestrian level, grounding the structure and replacing a towering vertical presence with a more intimate, human-scale gable. This orientation respects the scale of the sidewalk and creates a comfortable sense of enclosure for passersby.

The facade is further animated through a series of intentional intervention and recesses. Building articulation is achieved by inserting and recessing poster boxes, windows, and doorways into the 16" on-center module. These recesses create a layered facade that avoids the monotony of a flat wall. By pushing elements back from the primary building plane, we create physical depth and shadows that highlight the craftsmanship of the metalwork.

To emphasize these moments of articulation, the project introduces perforated standing seam panels located strategically above and below the openings. This variation in the weathering steel serves two primary purposes. The transition from solid to perforated metal creates a "veiled" effect, adding a layer of transparency and lightness to the otherwise robust steel facade. It allows the eye to perceive depth beyond the surface, further breaking down the building's mass.
Lastly, These perforated zones provide unique opportunities for integrated backlighting. At night, the metal "glows" from within, transforming the building into a lantern that provides soft, ambient light for the sidewalk. This use of light as an architectural material enhances safety and aesthetic appeal, ensuring the building remains a high-quality contributor to the Bentonville nightscape.

E | D | G
Ecological Design Group
216 W Birch Street
Rogers, AR 72756

PART 1 - GENERAL

1.01 SECTION INCLUDES:

A. Solid metal panel components.
   1. Rainscreen system: Drained/ back ventilated rainscreen based system.

1.02 REFERENCE STANDARDS

A. ASTM G101, Standard Guide for Estimating the Atmospheric Corrosion Resistance of Low-Alloy Steels.
C. AAMA 509 - Voluntary Test and Classification Method for Drained and Back Ventilated Rain Screen Wall Cladding Systems 2014.
D. ASCE 7 - Minimum Design Loads and Associated Criteria for Buildings and Other Structures Most Recent Edition Cited by Referring Code or Reference Standard.
E. ASTM C920 - Standard Specification for Elastomeric Joint Sealants 2018.
F. ASTM E330/E330M - Standard Test Method for Structural Performance of Exterior Windows, Doors, Skylights and Curtain Walls by Uniform Static Air Pressure Difference 2014.
G. NAAMM AMP 500-06 - Metal Finishes Manual 2006.
H. NFPA 285 - Standard Fire Test Method for Evaluation of Fire Propagation Characteristics of Exterior Non-Load-Bearing Wall Assemblies Containing Combustible Components 2019.

1.03 PRE-INSTALLATION MEETINGS

A. Pre-Installation Meeting: Schedule and conduct a pre-installation meeting two weeks before starting work of this section. Attendees shall include, but are not limited to:
   1. Construction Manager
   2. Contractor performing the work in this section.
   3. Weather Barrier Installation Superintendent.
   3. Wall Sheathing Installation Superintendent.
   4. Wall Cavity Insulation Installation Superintendent.
   5. Manufacturer's representative for products in this section.
   6. Architect.
   7. Owner's representative.
   8. Other subcontractors of adjacent work.
B. Review procedures for coordinated installation of all wall assembly components by multiple installers and to maintain proper weather barrier and panel substrate performance requirements.
C. Review schedule.
D. Review details, installation and temporary protection procedures.

1.04 SUBMITTALS

A. See Section 01 3000 - Administrative Requirements for submittal procedures.
B. Product Data - Wall System and sunshades: Manufacturer's data sheets on each product to be used, including:
   1. Physical characteristics of components shown on shop drawings.
   2. Storage and handling requirements and recommendations.
   3. Installation instructions and recommendations.
C. Shop Drawings: Indicate dimensions, layout, joints, construction details, support clips, engineering or cladding anchorage and methods of anchorage. Submit load calculations for attachment and anchorage of panels to building stamped by an Engineer licensed in the state of Arkansas.
D. Samples: Submit two samples of wall panel and soffit panel, 12 inch by 12 inch in size illustrating finish color, sheen, and texture.

1. In addition to small sample, provide full size samples for installation in mock-up. Mock-up to include sunshade.

E. Coordination Drawings: Submit exterior elevations, soffit plans and coping plans drawn to scale showing and coordinating the following items:
   1. All panels and attachments.
   2. Girts or zees.
   3. All wall-mounted and soffit-mounted items including doors, windows, louvers, dryer vents, light fixtures and other elements as indicated on the drawings.
   4. Penetrations of wall by pipes and utilities.

F. Maintenance Data: Manufacturer's instructions for care and cleaning.

G. Source Quality Control Submittals.

H. Field Quality Control Submittals.

I. Manufacturer's Qualification Statement.

J. Installer's Qualification Statement.

K. Warranty Documentation: Submit manufacturer warranty and ensure that forms have been completed in Owner's name and registered with manufacturer.

1.05 QUALITY ASSURANCE

A. Verification and Coordination:
   1. Verify actual locations of walls and other construction contiguous with the work of this Section using field measurements before fabrication. Indicate measurements on Shop Drawings.
   2. Embedded Anchor Plates and Structural Connections: Coordinate support sizes and locations.

B. Engineering:
   1. Wall panel, soffit panels and soffit systems to be engineered by manufacturer for standard loading criteria and geometry layout.
   2. Custom Systems: Structural design to be performed by the manufacturer or a Registered Structural Engineer licensed in Arkansas.
   3. Engineering for assembly will be provided by manufacturer.
   4. Structural attachment or connections to the building to be by the manufacturer with load calculations stamped by an Engineer licensed in the state of Arkansas.

C. Installer Qualifications: Company specializing in installation of panel systems with a minimum of five (5) years of documented experience and certified or approved by manufacturer.

D. Manufacturer Qualifications: Company specializing in manufacturing products specified in this section with not less than ten (10) years of documented experience.

E. Fabricator Qualifications: Company specializing in fabrication of products of the type specified in this Section with a minimum of eight (8) years of documented experience and sufficient production capacity to produce the required units within the Project schedule.

F. Testing Agency Qualifications: Independent firm specializing in performing testing and inspections of the type specified in this section.

1.06 MOCK-UP

A. Construct mock-up as indicated on drawings.
   1. Vertical and horizontal panel systems and copings.
   2. Attachments to building frame.
   3. Associated weather barrier materials.
   4. Drainage system including weeps.
   5. Sealants.
   6. Seals.
   7. Related continuous insulation.

B. Locate mock-up on site as approved by the Owner and Architect.

C. Approval of mockups does not constitute approval of deviation from Contract Documents within mockups unless these deviations are approved by Architect in writing.

D. Subject to compliance with requirements, approved mockups may not become part of completed Work if undisturbed upon Date of Substantial Completion.

1.07 DELIVERY, STORAGE, AND HANDLING

A. Protect panels from accelerated weathering by removing or venting sheet plastic shipping wrap.

B. Deliver materials in manufacturer's original protective coverings and packaging with corresponding labels and identifying information.

C. Protect materials against damage during transit, delivery, storage, and installation at site. Protect against bending, warping, twisting or surface damage.

D. Inspect materials upon delivery for damage. Repair damage to be indistinguishable from undamaged areas; if damage cannot be repaired to be indistinguishable from undamaged parts and finishes, replace damaged items.

E. Store in accordance with manufacturers written instructions. Do not stack panels. Store prefinished material off ground and protected from weather; prevent twisting, bending, or abrasion, and provide ventilation to stored materials; slope metal sheets to ensure drainage. Provide protection between panels.

F. Prevent contact with materials that may cause discoloration or staining of products.

1.08 WARRANTY

A. Warranty: Manufacturer's standard five (5) year warranty against defects in materials, fabrication, and installation commencing on date of Substantial Completion.

PART 2 - PRODUCTS

2.01 ROOF AND WALL PANELS

A. Standing Seam Metal Panel [MTL-08]: Weathering steel panels. ASTM A606 Type 4, smooth, interlocking fit at long edges, as follows:

1. Basis of Design: M.G. McGrath
2. Type: Standing Seam
3. Metal: Weathering Steel
4. Width: 16 inches
5. Thickness: 22ga

B. Perforated Standing Seam Metal Panel [MTL-09]: Weathering steel panels. ASTM A606 Type 4, smooth, interlocking fit at long edges, as follows:

1. Basis of Design: M.G. McGrath
2. Type: Standing Seam.
3. Metal: Weathering Steel, Perforated Metal with greater than 50% plus free-air.
4. Width: 16 inches
5. Thickness: 22ga

C. Flush Seam Metal Panel [MTL-10]: Weathering steel panels. ASTM A606 Type 4, smooth, interlocking fit at long edges, as follows:

1. Basis of Design: M.G. McGrath
2. Type: F-Seam
3. Metal Panel: Weathering Steel
4. Thickness: 16ga

D. Expanded Metal Panel [MTL-11]: Weathering steel panels. ASTM A606 Type 4, as follows:

1. Basis of Design: Amico Architectural Metals.
2. Type: APEX-03
3. Metal Panel: Weathering Steel.
4. Thickness: TBD

E. Flat Lock Metal Panel [MTL-12]: Weathering steel panels. ASTM A606 Type 4, smooth, interlocking fit at long edges, as follows:

5. Basis of Design: M.G. McGrath
6. Type: S-Slip
7. Metal Panel: Weathering Steel
8. Thickness: 16ga

F. Flashing and Trim: Provide panel system with closures, copings, corners, edge and joint covers, sill members, and similar items as required for complete installation. Fabricate of material and finish to match adjacent metal panels.

2.02 DESIGN CRITERIA

A. Metal Wall Panels System: Factory fabricated metal panel system; site assembled.
   1. Type of Wall Panel System: Drained and Back-Ventilated Rain Screen (D/BV) in compliance with AAMA 509.
   2. Provide design for exterior wall panels, soffit panels, copings, sub girt/ zee framing assembly and associated work.
   3. Design and size components to support assembly dead loads, and to withstand live loads caused by positive and negative wind pressure acting normal to plane of wall.
   4. Design Pressure: In accordance with applicable codes.
   5. Design Pressure:
      a. Positive Design Pressure: 35 PSF
      B. Negative Design Pressure: 35 PSF
   6. Wind Load Testing: By calculation or in compliance with ASTM E330/E330M to obtain the following results:
      a. Maximum Allowable Deflection of Non-Exposed Panels: L/60 for length(L) of span or 3/4-inch under structural design loads (ASD); no permanent deformation of panel system is allowed.
   7. Fire Performance: Include as part of an assembly tested in accordance with, and complying with acceptance criteria of NFPA 285.
   8. Intermediate Panel Stiffeners: Provide as required by design loads applied to panels and secured to rear face of panel with silicone-based adhesive and of size and strength to maintain panel flatness; stiffener material is compatible with silicone.
   9. Movement: Accommodate movement within system without damage to components or deterioration of seals, movement between system and perimeter components when subject to Northwest Arkansas seasonal temperature cycling; dynamic loading and release of loads; and deflection of structural support framing.
   10. Drainage: Provide drainage to exterior for moisture entering or condensation occurring within panel system.
   11. Fabrication: Formed true to shape, accurate in size, square, and free from distortion or defects; pieces of longest practical lengths.
   12. Corners: Mitered
   13. Provide continuity of weather barrier at wall panel substrate and/or wall sheathing in coordination with materials specified in those sections.

2.03 MANUFACTURED METAL PANELS

A. Solid Metal Wall and Soffit Panels:
   1. Orientation: Refer to Drawings.

2. Joint Layout: As indicated on Drawings.
3. Material: hot rolled weathering steel, unfinished/ weather in place.
4. Panel Width: Varies – refer to Drawings.

B. Flashings: 24 ga minimum in material to match adjacent panel.

C. Copings: 16 ga hot rolled weathering steel or 16 ga. blackened steel as indicated on Drawings.
1. Vertical face and back leg length as indicated on Drawings.
2. Concealed, internal splice plates with matching finish for outside continuity.
3. Coping cleat: 20 gauge galvanized steel anchor cleat, 12" w x 5'-0" o.c. mechanically fastened.
4. Fasteners: Stainless steel screw type with minimum pull-out resistance of 240# per substrate application. No exposed fasteners will be allowed.

D. Sub girts/ zees: Hot dip G90 galvanized steel zees (per ASTM A36 and ASTM A 123/ A 123M) in depths indicated on drawings with thermal break ??? or GreenGirt by Advanced Architectural Products meeting the sizes and requirements of the Drawings.
1. Provide gauge and spcaing required to meet structural requirments of the project.

E. Fasteners: Stainless Steel fasteners.

2.04 MATERIALS

A. Metal Surfaces: Provide materials with smooth surfaces, without seam marks, roller marks, rolled trade names, stains, discolorations or blemishes, unless allowed for specific metal types and

B. Solid Corten Steel Sheet: ASTM A242/A242M, 0.0598" (1.52 mm) thick.

C. Concealed Structural Supports: Stainless steel or steel coated for corrosion resistance and dissimilar metal isolation.

D. Fasteners: ASTM F593 stainless steel or ASTM A307 carbon steel. All fasteners are to be concealed.

E. Stainless Steel Tensioning Tubes: ASTM A276/A276M.

F. Stainless Steel Plate: Alloy Type 304, in compliance with ASTM A666.
1. Finish: No. 4 - Brushed in compliance with NAAMM AMP 500-06.
2. Surface Texture: Smooth.

2.05 FINISHES GENERAL

A. Comply with NAAMM's MFM for recommendations for applying and designating finishes.
1. Variations in appearance of abutting or adjacent pieces are acceptable if they are within one-half of the range of approved samples.
2. Variations in appearance of other components are acceptable if they are within the range of approved samples and are assembled or installed to minimize contrast.

B. Finishes for Steel: Per paragraph 2.03.A above.

2.06 FABRICATION

A. Fabricate assemblies to comply with requirements indicated for design, dimensions, member sizes and spacing, details, finish and anchorage, but not less than required to support structural loads.

B. Fabricate in accordance with approved shop drawings and manufacturers written instructions. Form work true to line and level with accurate angles and surfaces.

C. Assemble in the shop to greatest extent possible to minimize field splicing and assembly.

D. Cut, drill and laser cut metals cleanly and accurately. Remove burrs and ease edges, unless allowed for specific metal types and finishes. Remove sharp or rough areas on exposed surfaces.

E. Cut, reinforce, drill and tap as indicated to receive finish hardware, screws and similar items.

F. Use grommets, bushings and washers or methods as recommended by the manufacturer for separation of dissimilar metals.

2.07 ACCESSORIES

A. Gaskets: Manufacturer's standard type suitable for use with system; ultraviolet and ozone resistant.

B. Sealants: Comply with ASTM C920 and refer to Section 07 9000 for additional requirements.
   1. Exposed Sealant: Elastomeric; silicone, polyurethane, or silyl-terminated polyether/polyurethane.
   2. Concealed Sealant: Non-curing butyl sealant or tape sealant.
   3. Seam Sealant: Factory-applied, non-skinning, non-drying type.

C. Universal Bracket:
   1. Stainless steel 2-part bracket. System installed per manufacturer's instructions.
   2. Finish: Powder coat.
   3. Color: As selected by Architect from manufacturers standard range.

D. Anchors and Fasteners:
   1. Fasteners: Stainless Steel
   2. Select fasteners of type, grade and class required to achieve connections for anchoring metal panels to other types of construction indicated and capable of withstanding design loads.
   3. Provide anchors and other materials as required to attach to structure, made of same materials as railing components unless otherwise indicated; where exposed fasteners are unavoidable provide flush countersunk fasteners.
   4. Do not use metals that are corrosive or non-compatible with materials joined. Avoid fastening dissimilar materials and separate with isolating hardware where necessary.
      a. For anchorage to concrete, provide inserts to be cast into concrete for bolt anchors.
      b. For anchorage to masonry, provide brackets to be embedded in masonry for bolt anchors.
      c. For anchorage to stud walls, provide backing plates for bolt anchors.
   5. Carbon Steel Bolts and Nuts: ASTM A307.
   6. Welding Fittings: Factory- or shop-welded from matching pipe or tube; joints and seams ground smooth.
   7. Shop and Touch-Up Primer: SSPC-Paint 15, complying with VOC limitations of authorities having jurisdiction.
   8. Carbon Steel Bolts and Nuts: ASTM A307.
   9. Hydraulic Expansion Cement: ASTM C1107/C1107M.
   10. Touch-Up Primer for Galvanized Surfaces: SSPC-Paint 20 Type I - Inorganic, complying with VOC limitations of authorities having jurisdiction.
   11. Bituminous Coating: Cold-applied asphalt mastic, noncorrosive compound free of asbestos, sulfur, and other deleterious impurities; 0.015 inch (0.4 mm) dry film thickness per coat complying with ASTM D1187.

E. Provide custom fabricated dryer vent covers and similar components out of the same material as the wall panels per Drawings.

2.08 SOURCE QUALITY CONTROL

A. Testing of Drained and Back Ventilated (D/BV) Rain Screen Panel System: Submit results in compliance with AAMA 509 test methods for D/BV metal wall panel system similar to system specified.

PART 3 - EXECUTION

3.01 EXAMINATION

A. Verify that substrate framing members are ready to receive panels.
   1. Verify that weather barrier has been properly installed over substrate, refer to Section 07 1250 for additional information.
   2. Examine substrates and site area for conditions that might prevent satisfactory installation.
   3. Verify that dimensions of supporting structure are within plus/minus 1/8 inch (3.175 mm) of dimensions indicated on shop drawings.
   4. Verify that all adjacent painting, roofing, masonry work, and other work that might damage finish has been completed prior to installation of panels.
   5. Do not proceed with installation until all conditions are satisfactory.

6. Notify Architect immediately of conditions that would prevent satisfactory installation.
7. Do not proceed with work until detrimental conditions have been corrected.
8. Examine rough-in and coordinate penetration locations.
9. Furnish components to be installed in other work to installer of that other work, including but not limited to blocking, sleeves, inserts, anchor bolts, embedded plates, and supports for attachment of anchors.

3.02 PREPARATION

A. Install sub girts/ zees in accordance with layout shown on the approved shop drawings, securely fastened to substrates, shimmed and leveled to uniform plane, and spaced at intervals indicated.

B. Confirm that all sub-framing fasteners penetrate directly into wall primary framing members.

3.03 INSTALLATION

A. Install panels on walls, soffits and copings in accordance with manufacturer's instructions and approved shop drawings.

B. Install wall panels in accordance with manufacturer's written installation instructions including pressure equalized rainscreen installation method and installation guidelines.
   1. Wall panels consist of single sheets of metal formed with interlocking gutter and drainage system integral to the panel with single horizontal attachment for dry-joint rainscreen assembly.

C. Use of secondary drainage channels, brackets, support pins, joint sealants or gaskets to manage the drainage of wall panel system is not permitted.

D. Attach panels using progressive interlocking method, engaging bottom of panel in top of previous panel working bottom up and left to right.

E. Install wall panels with single top attachment in pre-punched holes to allow individual panels to move due to thermal expansion.

F. Do not compromise internal gutter.
   1. Install wall panels with proper anchorage and other components as specified above for this Work securely in place.

G. Install wall panels with provisions for thermal and structural movement as specified above.

H. Install weather tight seals at perimeter of panel openings.

I. Test for proper adhesion of sealant on small unexposed area of solid surfacing prior to sealant installation.

J. Flashing and Trim: Comply with performance requirements, manufacturer's written installation instructions, and SMACNA - Architectural Sheet Metal Manual.
   1. Provide concealed fasteners where possible, and set units true to line and level as indicated.
   2. Install work with laps, joints, and seams to be watertight and weather resistant.
   3. Install flashing and trim as panel work proceeds.

K. Install weather tight escutcheons for pipe and conduit penetrating exterior walls.

L. Metal Protection: Where dissimilar metals will contact each other or corrosive substrates, protect against galvanic action as recommended by wall panel manufacturer.

M. Install attachment system to support panels including provisions to provide a complete weather tight wall system such as sub girts, extrusions, flashings and trim.
   1. Include attachment to supports and trims at locations using dissimilar materials.
   2. Install starter extrusion at base course and at cut panel locations.

N. Install accessories with anchorage to building, weather tight mounting, provisions for thermal expansion and coordinate installation with flashings and other components.

O. Install components required for a complete wall panel assembly including trim, copings, flashings and other accessory items.

P. Protect surfaces in contact with cementitious materials and dissimilar metals with bituminous paint; allow time to properly dry prior to wall panel installation.

Q. Fasten panels to substrate structural supports; aligned, level, and plumb.

R. Locate joints over supports and lap panel ends minimum 1 inch (25 mm). Confirm requirements with Architect prior to installation.
S. Provide expansion and control joints where indicated on Drawings.
T. Use concealed fasteners unless otherwise indicated and approved by Architect.
U. Universal Bracket: Install per manufacturers printed instructions.
V. Seal and place gaskets to prevent weather penetration; maintain neat appearance.
W. Weld connections that cannot be shop welded due to size limitations.
    1. Weld in accordance with AWS D1.1/D1.1M.
    2. Match shop welding and bolting.
    3. Clean welds, bolted connections, and abraded areas.
    4. Touch up shop primer and factory-applied finishes.
    5. Repair galvanizing with galvanizing repair paint per ASTM A780/A780M.
X. Isolate dissimilar materials with bituminous coating, bushings, grommets, or washers to prevent electrolytic corrosion.
Y. Touch-up damaged finish coating using material provided by manufacturer to match original coating.
Z. Fit exposed connections together to form tight, hairline joints per manufacturers recommendation for seismic movement or thermal expansion and contraction

3.04 TOLERANCES

A. Maximum Offset from True Alignment Between Adjacent Members Butting or In Line: 1/16 inch (1.6 mm).
B. Maximum Variation from Plane or Location Indicated on Drawings: 1/8 inch (6.4 mm).

3.05 FIELD QUALITY CONTROL

A. Field Services: Provide the services of the manufacturer for field observation of installation.
B. Barrier Wall Water-Spray Test: Test assembled area as directed by Architect for water penetration in accordance with AAMA 501.2.
C. Do not cover installed weather barriers until required inspections have been completed.
D. Obtain approval of installation procedures by barrier manufacturer based on a mock- up installed in place, prior to proceeding with remainder of installation.
E. Take digital photographs of each portion of installation prior to covering up.

3.06 CLEANING

A. Remove site cuttings from finish surfaces.
B. Remove protective material from wall panel surfaces.

3.07 PROTECTION

A. Protect installed products from damage until date of Substantial Completion.

END OF SECTION

MG McGrath
ARCHITECTURAL SURFACES

WORKMANSHIP WARRANTY

OWNER:	Breck School
ADDRESS:	123 Ottawa Ave N Golden Valley, MN 55422
PROJECT CONTRACT NUMBER:	CN23-579E
PROJECT ADDRESS:	Breck Admission Suite Renovation & Expansion 123 Ottawa Ave N Golden Valley, MN 55422
DATE OF WARRANTY: (Date of Substantial Completion	December 22, 2023
SUBCONTRACTOR:	M. G. McGrath, Inc.
ADDRESS:	1387 East Cope Avenue Maplewood, MN 55109
PHONE NO:	(651) 704-0300
CONTRACTOR:	M.A. Mortenson

M. G. McGrath, Inc. ("MGM") hereby warrants the workmanship of its Work at the above project for a period not exceeding one (1) year from the Date of Warranty. It is understood that reasonable variances and tolerances not impairing the usefulness thereof shall be allowed.

For this warranty to be valid, MGM must be paid in full under the contract, notified in writing within thirty (30) days after discovery of any alleged defect, and allowed to access the property for an inspection. MGM will inspect within a reasonable time to determine if any components failed due to the workmanship described above. If after inspection, MGM has determined that a warranted condition has occurred, MGM will provide the components and/or labor to either repair or replace the condition at MGM's sole option. All corrections will be made on a prorated basis during a regular work week, at a time mutually agreeable to MGM and Owner.

No other warranty, expressed or implied, shall exist with respect to MGM. This warranty does not include labor or material replacement due to the failure of materials manufactured by others. Owner retains the exclusive obligation to report any warranty issues to the product manufacturer in accordance with the manufacturer's warranty. This warranty excludes, and MGM disclaims all liability or responsibility for components which have been subject to abuse, alteration, modification, addition, neglect, abnormal use, accident, vandalism, fire, war, flood, acts of God, forces of nature, or to which parts not supplied by MGM have been added, or to defects caused by normal depreciation or normal wear. This warranty also excludes any and all actual or alleged weathertight or airtight issues; any and all actual or alleged weathering issues; any and all actual or alleged water penetration; any and all actual or alleged leakage of water or air; damage to components caused by acts or omissions of the Owner; fire, lightning, windstorm exceeding 72 miles per hour, hailstorm, or other unusual phenomenon of the elements; movement or failure of the supporting building structure; or vapor condensation beneath the roof or wall. This warranty further excludes any actual or alleged damages to the building contents.

MGM SHALL NOT BE LIABLE FOR CONSEQUENTIAL OR SPECIAL DAMAGES.

M. G. McGr

SIGNED: [redacted]
Holly Ward - CFO

Outlook

Fw: Quick note ahead of tonight's vote – Momentary venue / Live Nation

From Tyler Overstreet <tyler.overstreet@bentonville.ar.gov>
Date Tue 3/17/2026 7:32 PM
To Casandra Hackler <casandra.hackler@bentonville.ar.gov>

Can you make sure this is included in the Council packet? It was received today.

Get Outlook for iOS

From: Justin McCarthy [redacted]>
Sent: Tuesday, March 17, 2026 11:47:20 AM
To: Stephanie Orman <SOrman@bentonvillear.com>
Cc: Tyler Overstreet <tyler.overstreet@bentonville.ar.gov>
Subject: Quick note ahead of tonight's vote – Momentary venue / Live Nation

You don't often get email from jmccarthy@skyfireai.com. Learn why this is important

Mayor Orman,

Hope you're doing well. As a Bentonville resident who has worked with the city previously around the J Street / I-49 expansion and its impact on the Chapel Hill neighborhood, I wanted to share a quick thought ahead of tonight's planning discussion regarding the proposed concert venue at the Momentary.

First, I think the continued investment in arts and music in Bentonville is fantastic. The city has built something really special around culture and outdoor life, and a 2,300-capacity venue could be a great addition.

My only concern relates to the potential involvement of Live Nation and the Ticketmaster ecosystem, and what that may mean for local access to tickets for a venue sitting in the center of our community.

Across the country there has been increasing scrutiny of the concert ticketing system. Ticketmaster currently controls roughly 80% of primary ticketing for major U.S. venues, which has raised antitrust and consumer protection concerns at the federal level.

Federal regulators have also alleged that brokers have been able to bypass purchase limits and acquire large blocks of tickets, generating an estimated $3.7 billion in resale fees between 2019 and 2024 through secondary marketplaces.

At the same time, bots and automated purchasing software remain a major challenge. Research suggests that about 40% of traffic to ticketing sites can be automated bots, and individual bots can purchase thousands of tickets in seconds, which then appear on resale sites at significant markups.

Even Ticketmaster itself reports blocking around 200 million bot attempts per day during ticket sales.

We've seen a version of this dynamic locally with the Walmart AMP since the move into the Live Nation ecosystem—many shows sell out quickly and then reappear immediately on secondary markets at higher prices. Beyond the frustration for residents, it also means a portion of the economic activity tied to those resale transactions often flows to out-of-state marketplaces rather than remaining local.

My request is simply that the city ensure full transparency around the operating and ticketing model before moving forward. Even if the venue is public-private or privately funded, it would be helpful for the community to understand how the project ensures this remains a true local music venue rather than just another stop in the national touring circuit.

For example, cities and venues have explored things like:
• Local presales or ticket allocations for residents
• Strict resale policies or caps on markups
• Protections against broker activity or bulk purchasing

I fully support the growth of arts and music in Bentonville and appreciate the leadership the city has shown in building a vibrant cultural community. I just hope we can ensure that a venue in the heart of town remains accessible to the local community first, especially if the city is playing any role in the project.

Appreciate you considering this perspective ahead of tonight's discussion.

Justin

Justin McCarthy
VP Corp Comms & Partnerships
www.SkyfireAI.com | [redacted]
M: 816.885.0326 | Huntsville, AL
Link to my calendar: here

SKYFIRE | AI

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORD 2020-43; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: PUD20-0001/ PUD26-0001)

WHEREAS, on February 18, 2020 City Council approved Ordinance 2020-43 creating PUD20-0001 for South of Momentary ("SOMO");

WHEREAS, the SOMO PUD set forth future phases for development;

WHEREAS, Crystal Bridges Museum of American Art Inc. has filed a petition to amend a future phase of PUD20-0001 to add a music venue as described in the amended PUD26-0001;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 17, 2026 in the Council Chambers of the City of Bentonville;

WHEREAS, the amendments include phasing changes, setback revisions, updated parking space provisions, revised land use, and changes in applicant and ownership information; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said PUD be amended as shown on the attached "SOMO Planned Unit Development Amendment."

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

Section 1: That the above described PUD is hereby amended in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

ATTEST: **Stephanie Orman, Mayor**

_____
Malorie Marrs, City Clerk

Rezoning - Joe Conway / Busbam LLC - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential

815 NW A Street

PC Date: 3/17/2026

Staff Report Details

Project Number	(RZ26-0004)
Applicant / Current Owner	Joe Conway / Busbam LLC
Site Area	0.25 Acres
Current Zoning	R-1, Low Density Single-Family Residential
Requested Zoning	DN-2, Downtown Medium Density Residential
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	None at this time
Related projects	

Property Description

The subject property is located at 815 Northwest A Street. The property is presently zoned R-1, Low Density Single Family Residential with a future land use map designation of Walkable Neighborhood. The property has direct access to NW A St, a Downtown Collector, and a platted alley at the rear of the property accessible from NW 9th St, a Downtown Local. Surrounding districts include DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential. The land use designation of the properties that directly surround the subject property is Walkable Neighborhood.

Project Details

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. In recent years, eight properties within a quarter-mile of the subject property have been rezoned from R-1, Low Density Single Family Residential to denser zoning districts. In their narrative, the applicant states that they are requesting this rezone so that any redevelopment in the future may utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The applicant further states the R-1 zoning places

Project Details

limitations on the property that underutilize the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. The applicant states that the reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

Relationship to the Community Plan

The subject property is designated as Walkable Neighborhood on the Future Land Use Map and is surrounded by Walkable Neighborhood. Rezoning the property to DN-2 would bring this property into alignment with the Future Land Use Map under standard review. The Community Plan defines Walkable Neighborhood as being made up of compatibly-scaled single family homes, townhomes, and apartment buildings. A rezone to DN-2 would support the goals of the Walkable Neighborhood place type which includes promoting housing diversity and reduce the amount of land needed for growth and use diversification.

Public Comment

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

Analysis / Waivers

The applicant has request a rezoning from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. In their narrative, the applicant states that they are requesting this rezone so that any redevelopment in the future may utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The applicant further states the R-1 zoning places limitations on the property that underutilize the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. The applicant states that the reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

The surrounding properties are designated as Walkable Neighborhood under the Future Land Use Map and have zoning classifications of DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential.

Consistency

The proposed DN-2 zoning district is consistent with the adopted Future Land Use Map under **Standard Review** and is consistent with the Community Plan's guiding principal of thoughtful growth. (If the new code is adopted, a DN-2 zone would translate to T4.1 in the Walkable Neighborhood place type. A T4.1 zone would also be consistent with the future land use plan as it is meant medium-intensity neighborhoods with blended density, including townhomes and small-scaled lodging based on the most recent draft from 2/27)

Impact

The impact of this rezone on the community, if developed under the proposed DN-2 zone (T4.1 in the new code), would be the further diversification of housing types while enriching the surrounding area.

Analysis / Waivers

Compatibility
Surrounding properties are designated as Walkable Neighborhood and have zoning classifications of DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential. This would not be the first rezone in this area. Some of the nearby rezones were rezoned from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential. The subject property is less than 200 feet from a Downtown Collector.

Intensity
The subject property is located within the Walkable Neighborhood place type, which includes some of the city's higher intensity zoning types. A DN-2 zoning district allows for single-family, two-family and block-end townhomes.

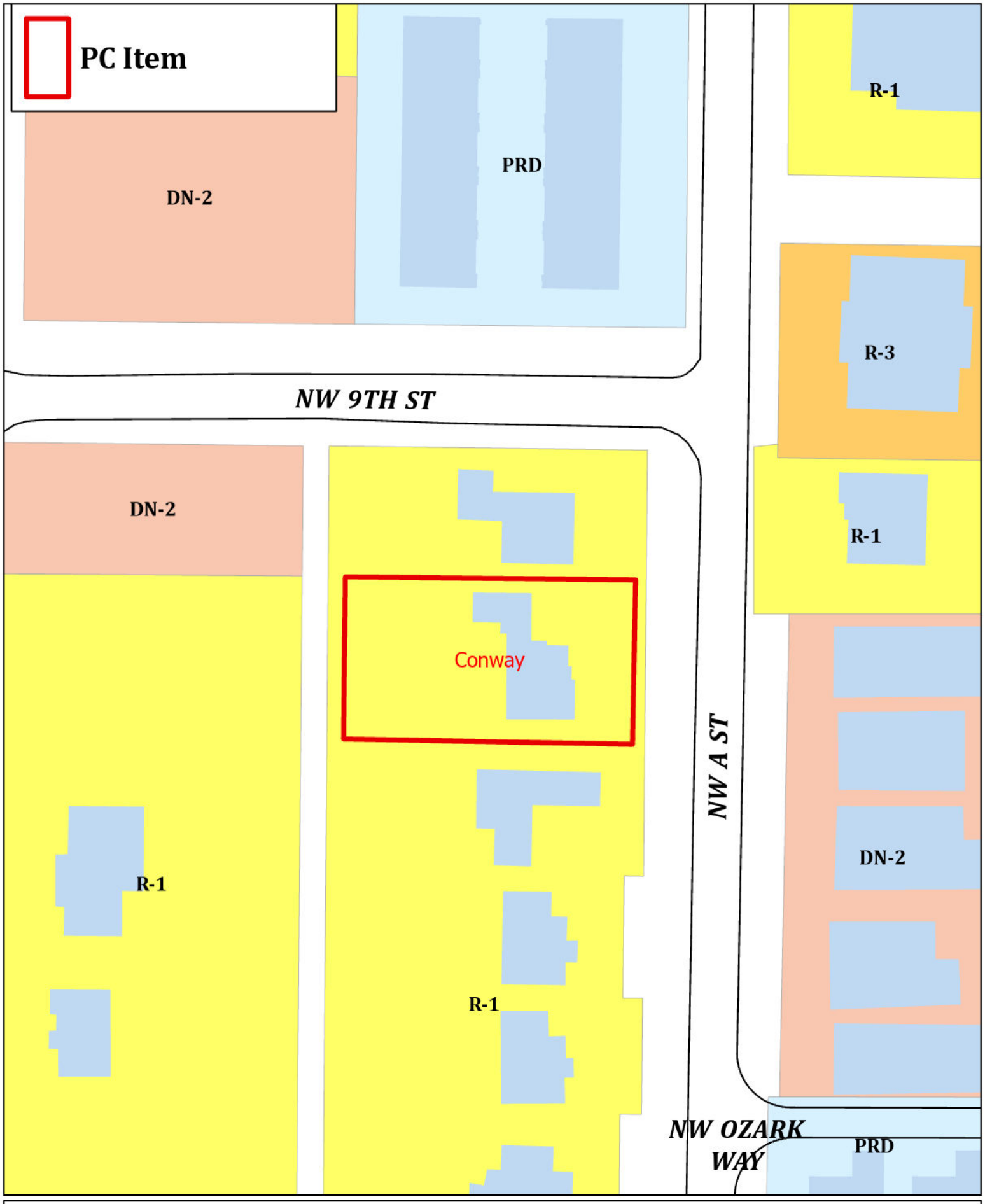
Orderly Transition
This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Conclusion

Staff recommend 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.



RZ26-0004
Conway
815 NW A ST

Rezoning Narrative for 815 NW A St, Bentonville, AR 72712

Owner/Applicant: Busbam LLC, Joe Conway

Parcel Number: 01-019000-000

Current Zoning: R-1 (Single Family Residential)

Proposed Zoning: DN-2 (Downtown Medium Density Residential)

The intent of this rezoning request is to align the property's zoning designation with the evolving land use goals of the City of Bentonville and the character of its surrounding neighborhood. The request to rezone from R-1 to DN-2 is based on the to utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The current R-1 zoning limits the property to single-family use, which underutilizes the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. Reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

There is currently a single-family home on this property. Any redevelopment will obtain proper approval from the Bentonville Water Department to ensure there is capacity,

Notice of Intent to Rezone

Project #: RZ26-0004

Busbam LLC 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-2, Downtown Medium Density Residential

The legal description of the property is:
See attached description

The common description of the property is: 815 NW A St

The Public Hearing will be held on March 17th, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St.
Bentonville, AR 72712

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. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at City Hall.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☐ I have no objections to the rezoning
☒ I object to the rezoning because:

This rezoning, if approved, will change the residential character of our neighborhood. Neighborhood infrastructure isn't set-up for more densely packed homes + the accompanying traffic. The reason given for this new zoning was to make housing more affordable for families. These homes will not be more affordable.

[redacted], 901 NW B St.

Sig[redacted]ical Address 901 NW B St.

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0004)

WHEREAS, BusBam LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 4, AND 25 FEET OF EQUAL WIDTH OFF THE NORTH SIDE OF LOT 5 IN CRABTREE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 17, 2026 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Rezoning - Joe Conway / Busbam LLC - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential

817 NW A Street

PC Date: 3/17/2026

Staff Report Details

Project Number	(RZ26-0005)
Applicant / Current Owner	Joe Conway / Busbam LLC
Site Area	0.20 Acres
Current Zoning	R-1, Low Density Single-Family Residential
Requested Zoning	DN-2, Downtown Medium Density Residential
Current Future Land Use Map Designation	Walkable Neighborhood
Requested Future Land Use Map Designation	N/A
Development Type / Use	None of this time
Related projects	

Property Description

The subject property is located at 817 Northwest A Street. The property is presently zoned R-1, Low Density Single Family Residential with a future land use map designation of Walkable Neighborhood. The property has direct access to NW A St, a Downtown Collector, and a platted alley at the rear of the property accessible from NW 9th St, a Downtown Local. Surrounding districts include DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential. The land use designation of the properties that directly surround the subject property is Walkable Neighborhood.

Project Details

The applicant has requested a rezoning of the property from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. In recent years, eight properties within a quarter-mile of the subject property have been rezoned from R-1, Low Density Single Family Residential to denser zoning districts. In their narrative, the applicant states that they are requesting this rezone so that any redevelopment in the future may utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The applicant further states the R-1 zoning places

Project Details

limitations on the property that underutilize the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. The applicant states that the reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

Relationship to the Community Plan

The subject property is designated as Walkable Neighborhood on the Future Land Use Map and is surrounded by Walkable Neighborhood. Rezoning the property to DN-2 would bring this property into alignment with the Future Land Use Map under standard review. The Community Plan defines Walkable Neighborhood as being made up of compatibly-scaled single family homes, townhomes, and apartment buildings. A rezone to DN-2 would support the goals of the Walkable Neighborhood place type which includes promoting housing diversity and reduce the amount of land needed for growth and use diversification.

Public Comment

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

Analysis / Waivers

The applicant has request a rezoning from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential, which keeps the property in compliance with the Zoning Alignment Policy under standard review. In their narrative, the applicant states that they are requesting this rezone so that any redevelopment in the future may utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The applicant further states the R-1 zoning places limitations on the property that underutilize the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. The applicant states that the reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

The surrounding properties are designated as Walkable Neighborhood under the Future Land Use Map and have zoning classifications of DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential.

Consistency

The proposed DN-2 zoning district is consistent with the adopted Future Land Use Map under Standard Review and is consistent with the Community Plan's guiding principal of thoughtful growth. (If the new code is adopted, a DN-2 zone would translate to T4.1 in the Walkable Neighborhood place type. A T4.1 zone would also be consistent with the future land use plan as it is meant medium-intensity neighborhoods with blended density, including townhomes and small-scaled lodging based on the most recent draft from 2/27)

Impact

The impact of this rezone on the community, if developed under the proposed DN-2 zone (T4.1 in the new code), would be the further diversification of housing types while enriching the surrounding area.

Analysis / Waivers

Compatibility
Surrounding properties are designated as Walkable Neighborhood and have zoning classifications of DN-2, Downtown Medium Density Residential, R-1, Low Density Single Family Residential, PRD, Planned Residential Development, and R-3, Medium-High Density Multifamily Residential. This would not be the first rezone in this area. Some of the nearby rezones were rezoned from R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential. The subject property is less than 200 feet from a Downtown Collector.

Intensity
The subject property is located within the Walkable Neighborhood place type, which includes some of the city's higher intensity zoning types. A DN-2 zoning district allows for single-family, two-family and block-end townhomes.

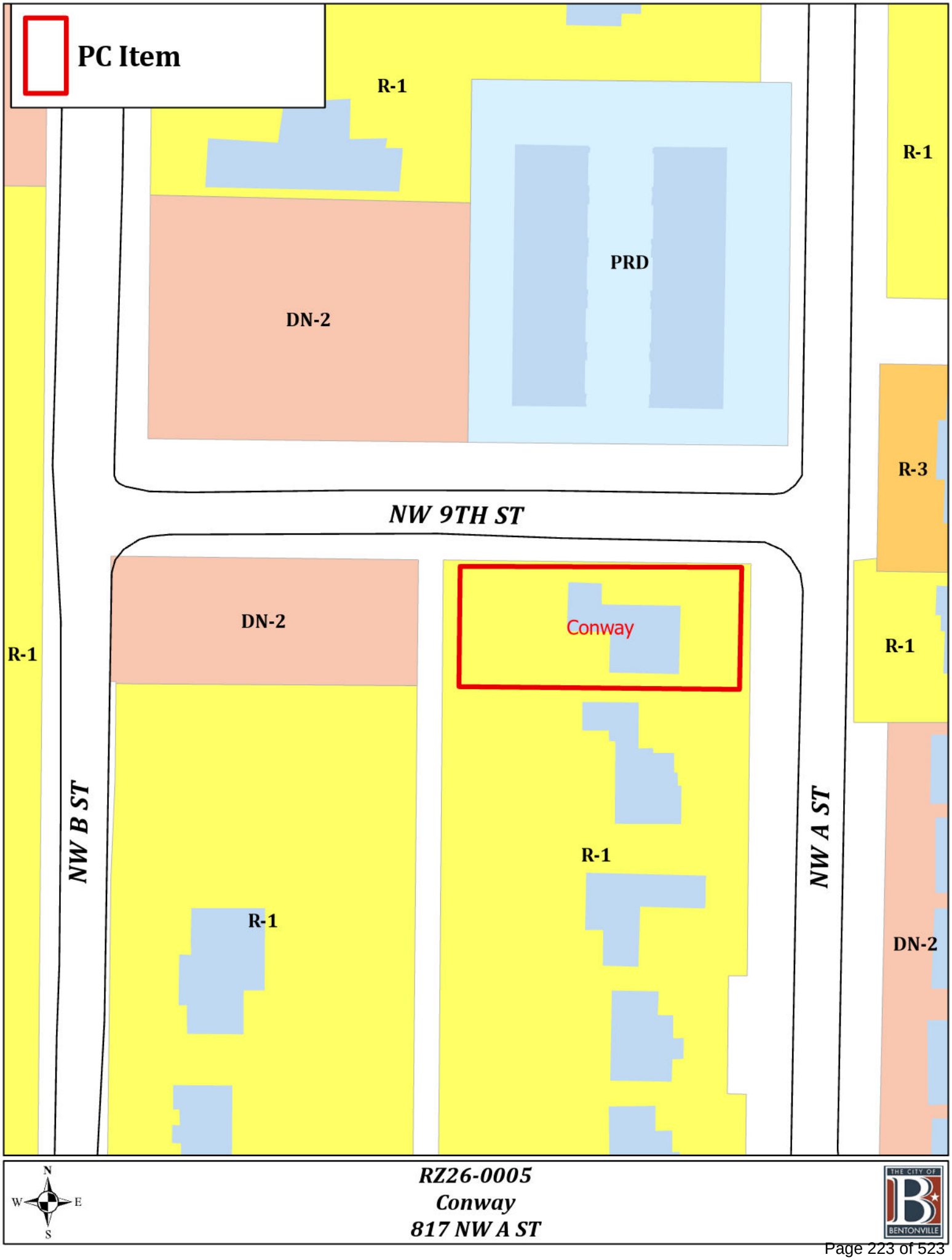
Orderly Transition
This rezone request supports an orderly transition of land use and allows for thoughtful development that aligns with the City's growth while maintaining visual and social cohesion.

Conclusion

Staff recommend 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.



RZ26-0005
Conway
817 NW A ST

Rezoning Narrative for 817 NW A St, Bentonville, AR 72712

Owner/Applicant: Busbam LLC, Joe Conway

Parcel Number: 01-01897-000

Current Zoning: R-1 (Single Family Residential)

Proposed Zoning: DN-2 (Downtown Medium Density Residential)

The intent of this rezoning request is to align the property's zoning designation with the evolving land use goals of the City of Bentonville and the character of its surrounding neighborhood. The request to rezone from R-1 to DN-2 is based on the to utilize the lot more efficiently and in a manner that better supports the City's long-range vision for the downtown area. The current R-1 zoning limits the property to single-family use, which underutilizes the parcel's proximity to the downtown core, public amenities, and multimodal transportation options. Reclassification to DN-2 will enable development that better aligns with the Future Land Use Map (FLUM) and Downtown Bentonville's goals for compact, walkable neighborhoods that encourage diverse housing options and support the vitality of the downtown district.

There is currently a single-family home on this property. Any redevelopment will obtain proper approval from the Bentonville Water Department to ensure there is capacity.

Notice of Intent to Rezone

Project #: RZ26-0005

Busbam LLC 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-2, Downtown Medium Density Residential

The legal description of the property is:

See attached description

The common description of the property is: 817 NW A St

The Public Hearing will be held on March 17th, 2026, at 5:00 pm, at:

Bentonville City Hall
305 SW A St.
Bentonville, AR 72712

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. You can attend online by going to bentonvillear.com/592/Agendas-Minutes
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department located at City Hall.
3. Use the bottom of this form to express our opinion by checking the appropriate box. This may also be mailed or delivered to the Bentonville City Hall.

For more information, call the Bentonville Planning Department at (479) 271-3122 or email at planning@bentonvillear.com.

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

☐ I have no objections to the rezoning
☒ I object to the rezoning because:

Yet again, this rezoning proposal will changes the character of our neighborhood, if approved. The infrastructure of the neighborhood is not set up for more densely packed homes & accompanying traffic. The denser housing does not contribute to more affordable housing for families.

[redacted] 901 NW B St.
Signature & Physical Address

[redacted] 901 NW B St.
Signature & Physical Address

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING CLASSIFICATION OF R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL TO DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ26-0005)

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LOT 1 CRABTREE'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD A AT PAGE 109;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held March 17, 2026 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED AND APPROVED this_____ day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Consent Agenda Item

For the City Council meeting on March 31, 2026

Details

Changes since the March 3, 2026 Planning Commission Meeting:

- ***401*** *- Added provisions for* ***height measurements*** *for those lots with significant grades.*
- ***Table 4.1*** *20' Lot widths allowed for alley-loaded Single Family Attached dwellings in T3.2.*
- ***Table 5.12*** *Additional* ***zoning transition height limitations*** *are outlined:*
  - *T5.2 now has two tiers, a max height of 36' within 50' of R-1; a max height of 66' between 50' and 100' of R-1.*
  - *In addition to the previous limits adjacent to R-1, T6 is now limited to a max height of 96' within 50' of T3 and T4 and a max height of 126' within 50' and 100' of T3 and T4*
- ***503 - Mechanical equipment*** *must be screened from all sidewalks and all surrounding residential zones.*
- ***504*** *-* ***Building materials*** *now required for all elevations, not just those visible from the right of way.*
- ***509 - Tree Preservation*** *specifies that trees required by the code shall not be later removed with penalties of 2:1 replacement standards specified.*
- ***510*** *-****Retaining wall r****equirements are further articulated: permits defined, terraced walls defined, adverse drainage effects from retaining walls prohibited, and all walls over 8' must have planning commission approval.*
- ***510 - Street tree*** *maintenance obligations of adjacent property owners outlined and Table 5.21 typologies defined*
- ***506 -*** *Downtown Neighborhood Overlay map amended at the south-easterly portion.*
- ***Batch rezones*** *requests modified per the Commission's comments.*

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

Details

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
- **302 Development paths** are established
- **303 Site developments**, no subdivision of lands
    - **(b) Small Scale** - if less than 1 acre of disturbance and there are no off-site public improvements
    - **(c) Large Scale** - required if there are off-site public improvements or exceeding 1 disturbed acre.
    - **(d) 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.
    - **(e) 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.
    - **(f) 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.
    - **(g) 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.
    - **(h) 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.
- **304 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.
- **305 Major Subdivisions** - The Preliminary Plat / Final Plat Process with opportunities for early build agreements.
    - Subdivisions larger than 20 acres are required to have two zones, subdivisions over 40 acres must have 3 zones and follow the zoning mix requirements of Table 3.1 unless within the Surburban Neighborhood place type in which case only 2 zones are required.
    - 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
- **306 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

Details

outlined.

- **307 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.
- **308 Off-Site Infrastructure** - Standards are established

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 717).

- **405 Standards for Zoning Districts** - Details provided for height, setback, and built to lines.

Table 4.1 Sets forth the Zone standards for each of the following districts (stories and max height identified below):

T2.1 **Rural** - 3 stories (40')	T5.1 **Town Center Low** - 4 stories (60')
T2.2 **Rural Node** - 3 stories (40')	T5.2 **Town Center High** - 6 stories (96')
R-1 **Suburban Single-Family** (36')	T6 **Urban Center** - 10 stories (150')
T3.1 **Neighborhood Edge** (36')	GC **General Commercial** - 4 stories (60')
T3.2 **Neighborhood Transition** (36')	MH **Manufactured Home** (36')
T4.1 **Neighborhood General** - 3 stories (40')	LI **Light Industrial** (60')
T4.2 **Neighborhood Node** - 3 stories (50')	LFI **Large Format Industrial** (60')

Table 4.2 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 4.2)
- 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 4.2)
- 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. (Figure 5.11 describes how to calculate glass areas)
- **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

Details

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.

- **502 Land Development**
  - **502 (b) Block requirements** for 6 acre sites and larger: block perimeter must be less than 2,000' and mid-block trails are required for a block side length over 500'.
  - **502 (d) Lot Layout:** minimum lot depths are 40' and frontages less than 40' must be rear loaded.
  - **502 (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.
  - **Table 5.1 Identifies Civic Space Types**
- **503 Site Design**- pedestrian, bike and trail facilities; landscaping requirements, drive-thru standards, public art and drainage provisions; car and bike parking standards established
  - **503(g) Bicycle Parking** - Table 5.3 specifies minimum bike parking spaces.
  - **503(h) Car Parking / Driveway locations -** Table 5.9 specifies minimum car parking spaces.
  - **503(j) Dumpsters and mechanical equipment** - must be 25' from all R-1 and T-3 property.
- **504 Vertical Construction**
  - **504(e)Parking Structuresvertically 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.
  - **504(f)(3)Building Materials:** Primary materials identified:
    - 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).
    - Prohibited materials are listed: Vinyl, masonite, non-architectural CMU, EFIS, plywood, T1-11, faux stone with exposed edges and metal panel thinner than 24 gauge.
    - Bright and saturated colors ar permitted only as an accent.
    - Provisions are outlined for alternative materials to be requested if performance standards meet or exceed the durability of the primary materials
  - **504(f)(4) Active Uses:** ground floor buildings in T5 and T6 must have active uses 12' into the building such as: 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.
  - **504(f)(5) Garage Door Locations** - New buildings are not allowed to orient garage doors toward a front or side street
- **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.

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  - 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.
  - A variance is required for any proposed modification per section 717.
- **506 Overlay Districts** regulations are codified, and a variance is required for any proposed modification per section 717.
- **507 Campus Development Standards** are established for parking, access management, building orientation and entry, connectivity, landscaping and lighting.
- **508 Sign Standards** regulations are codified, and a variance is required for any proposed modification per section 717.
- **509 Tree Preservation -** applicable to all preliminary plats, development plans and public projects.
  - **A tree preservation plan** is required for a site containing "significant trees": those required per this code after adoption, any species on the US Fish and Wildlife endangered list, and those within natural resource protection areas (Section 511) meeting the size standards outlined in Table 5.14.
- **510 Landscaping screening and buffering**
  - Table 5.16 provides **screening requirements**.
  - 510(e) specifies **fence standards by zoning district.**
  - Table 5.19 outlines the **site landscape requirements by zoning district.**
- **511 Natural Resource Protection** - governs development in sensitive areas and provides incentives for conserving areas 1/2 acre and larger.

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

- **601 (h) Sidewalk Construction** - required with new residential, commercial or industrial building permits (all other development types, such as preliminary plats, large and scale also require sidewalk construction). ADU's are exempted per state law. Internal alterations and frontages larger than 150' only seeking building permits for single-family and two-family dwellings are also exempted. Fee-in-lieu criteria are established.
- **601 (m) Alleys** - construction requirements and minimum paved widths established, with provisions for not dedicating additional alley right of way beyond the widths of existing alleys, unless the project is a subdivision.
- **602 References the Master Street Plan,** the Drainage Manual and the Street Specifications
- Table 6.1 sets forth the **street types** for each zoning district. Table 6.4 established Trail Design Standards and Table 6.5 identifies **Bikeway Design Standards** (width of paved bikeway by bikeway type).
- 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 out 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, Campus Plans, waivers, subdivisions, accepting rights of way and easement dedications.
  - **Departments** to approve small scale developments and construction documents.
- **704 Small Scale** Development Process

Details

- **705 Large Scale** Development Process
- **706 Minor Subdivision** Process
- **707 Major Subdivision** Process **-** Preliminary Plats, Final Plats and Early Build process. 707(f) specifies the concurrent review process where both preliminary plant and large / small scale processes are in play: the large / small scale construction cannot begin until the preliminary plat site work is completed and the final plat is recorded.
- **708 Campus** Development Plan Process
- **709 Rezoning** Process **-** Standard and Enhanced review process outlined
- **710 Code Amendment** Process
- **711 Future Land Use Map** Amendment Process
- **712 Annexation** Process
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- **714 Pre-Application** Process
- **715 Pre-Construction** Process
- **716 Administrative** Adjustments and Planning Commission **Waivers**
- **Table 7.2** codifies the administrative **adjustment criteria**.
- **717 Variances**
- **718 Appeals**
- **719 Project Review Procedures**
- **720 Public Hearings**
- **721** Various **permits are codified** for encroachments, fences, grading, land disturbance, outdoor vendor, right of way, signs, and temporary uses.
- **723 Expiration and amendment** provisions outlined
- **724 Public Improvement and Dedication** - Construction timing, fee-in-lieu, and acceptance provisions specified for public infrastructure.

Article 50-8 Nonconformities establishes the rules for the continued use, maintenance, modification, or replacement of structures, uses, PUD's PRD's and sites that were legally established but no longer conform to the standards of the Bentonville Community Code.

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

PLAN
BENTONVILLE

Bentonville, Arkansas

Community Code

03/6/2026

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ARTICLE 50-1 GENERAL PROVISIONS

SEC . 50-101 . TITLE

(a) The title of this Chapter is the “Bentonville Community Code of the City of Bentonville, Arkansas” (BCC).

(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

(a) 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.

SEC . 50-103 . APPLICABILITY

(a) This Chapter applies to all land and structures within the city limits of Bentonville, Arkansas (City), 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. Tables, which may include text, diagrams, and illustrations, are regulatory.

e. Figures are examples only and not regulatory.

(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.

(5) Abbreviated terms are expanded in Sec 50-903 Abbreviations.

(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 should be directed to the Planning Department.

c. Any land annexed into the City 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.

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 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, cyclists, and automobiles;

c. To limit the amount and scale of districts focused on single uses;

d. To encourage a variety of 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 all users;

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.

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 FLUM 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, subject to Sec. 50-709(e)(2) Enhanced review criteria.

(e) Blank cells in Table 2.1 Place Type Correlation with Zoning Districts mean a zoning district is nonconforming will not create the intended place type and will not be considered for rezoning.

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 Center							SR	SR	SR	SR	ER	ER		
City Center							SR	SR	ER					
Neighborhood Center						SR	SR	ER						
Neighborhoods														
Urban Neighborhood					SR	SR	SR	ER						
Walkable Neighborhood				SR	SR	SR	ER							
Traditional Neighborhood			SR	SR	SR									
Suburban Neighborhood			SR	SR	ER									ER
Corridors														
Urban Corridor							SR	SR	SR	ER	ER			
Walkable Corridor							SR	SR	ER		ER			
Suburban Corridor								SR			SR	ER		ER
Recreation														
Outdoor Entertainment	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Parks and Public Spaces	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER
Specialized														
Rural and Estates	SR	ER		ER										ER
Industry and Technology											SR	SR	ER	
Civic and Institutional	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER	ER

SR: Standard review applies in accordance with Sec. 50-709(e) Review criteria. Zoning district is appropriate for place type.

ER: Enhanced review applies in accordance with Sec 50-709(e) 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 will not be considered for rezoning.

ARTICLE 50-3 LAND DEVELOPMENT

SEC. 50-301. PURPOSE AND INTENT

(a) This Article guides the development of minor subdivisions, major subdivisions, and large sites to ensure orderly growth and land use, despite differences in development type, process, and timing, by applying the design standards in Sec. 50-502. Land Development according to the site size and development approach.

(b) The intent of this Article is to:

(1) Implement the Community Plan;

(2) Apply rules to subdivisions, non-subdivided development, and sites of different sizes to result in similar built outcomes, all of which achieve the intent of Sec. 50-502. Land Development;

(3) Rely on the rules in Article 50-4 Zoning to direct building and site design, ensuring consistency in zoning districts across the City;

(4) Allow phased development to adjust over time while upholding these goals; and

(5) Ensure that these goals cannot be circumvented through multiple land divisions.

SEC. 50-302. APPLICABILITY

(a) General requirements

(1) All subdivisions and land divisions must comply with this Article. These rules apply to any action that creates, modifies, or reconfigures lots, blocks, streets, or public improvements.

(2) All proposed uses of the site must comply with the zoning standards in Article 50-4 Zoning and the design standards in Article 50-5 Design Standards.

(3) All development must comply with applicable engineering, stormwater, and erosion control requirements in the City of Bentonville Stormwater Pollution Prevention and Erosion Control Ordinance, City of Bentonville Street Specification, Stormwater Management and Drainage Manual, and all other requirements of the Bentonville Municipal Code.

(4) All development must comply with Sec. 50-511. Natural Resource Protection.

(5) Development must follow one of the paths listed in subsection (c) Development types, based on project type and the functional outcome of the proposal, including whether the development creates, enables, or relies upon multiple legal lots or public streets intended to serve future lots.

(6) Any development proposal intended to create, or reasonably expected to result in, multiple legal lots, tracts, or parcels shall comply with the subdivision procedures of this Article, regardless of whether development plan approval is also required.

(b) Exemptions

(1) The following are exempt from this Article, but remain subject to Article 50-4 Zoning and Article 50-5 Design Standards:

a. Residential development of no more than four (4) 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 ten thousand (10,000) square feet of cumulative land disturbance that do not require subdivision or new buildings;

e. Projects eligible for review solely through permit-level review under Sec. 50-721. Permits; or

f. Projects that are otherwise exempt under this Code.

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

(c) Development types

(1) Development must follow one of the following sections, based on the scope and type of work proposed:

a. Sites not being subdivided that are not exempt under subsection (b) Exemptions must follow Sec. 50-303. Development Plans;

b. Lot splits, property line adjustments, and lot combinations must follow Sec. 50-304. Minor Subdivisions;

c. Sites being subdivided must follow Sec. 50-305. Major Subdivisions;

d. Sites involving phased development must follow Sec. 50-306. Phasing; or

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 :

a. The following subsections explain how Sec. 50-502. Land Development applies to organize 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;

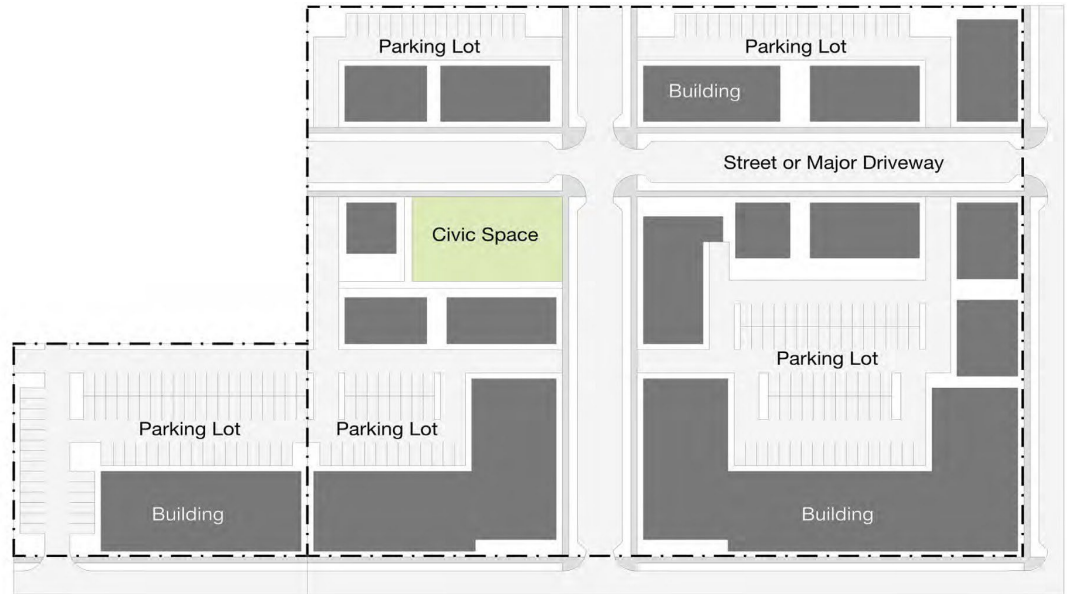
c. Sec. 50-506. Overlay Districts applies when a site is located within an overlay district;

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 less than 3 acres See (d) Sites 3 acres or less	Site 3 to 6 acres See (e) Sites over 3 and under 6 acres

(b) Small-scale development

(1) Small-scale development is used for any development that meets all of the following:

a. One (1) 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) See Sec. 50-704 Small-Scale Development Process for development review procedures.

(c) Large-scale development

(1) 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 (1) acre; or

b. Requires off-site public improvements.

(2) See Sec. 50-705. Large-Scale Development Process 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: One (1) mid-block trail or major driveway;
3. 600 feet or wider: at least one (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:

1. At least one (1) major driveway is required;
2. A mid-block trail is required if the distance between the major driveway and property lines exceeds five hundred (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 Process.

(3) Future lots do not establish legal lots, do not imply subdivision approval, and shall not be recorded. Legal subdivision of land shown as future lots shall require approval and recording of a plat in accordance with this Article.

(4) A future lot layout must be provided, as shown in Figure 3.2 Future Blocks and Lots.

(5) The future lot layout must meet the requirements specified in Sec. 50-502 (d) Lot layout.

(6) Site design and vertical construction must comply with Article 50-4 Zoning standards using future lot lines shown on the future lot layout as though they are actual lot lines.

(h) Future blocks

(1) The intent of future blocks is to ensure that sites not formally subdivided provide similar circulation networks as sites that are subdivided, by applying design standards consistently.

(2) Future blocks divide the site to provide external and internal circulation, equivalent to streets and trails in subdivisions, as shown in Figure 3.2 Future Blocks and Lots.

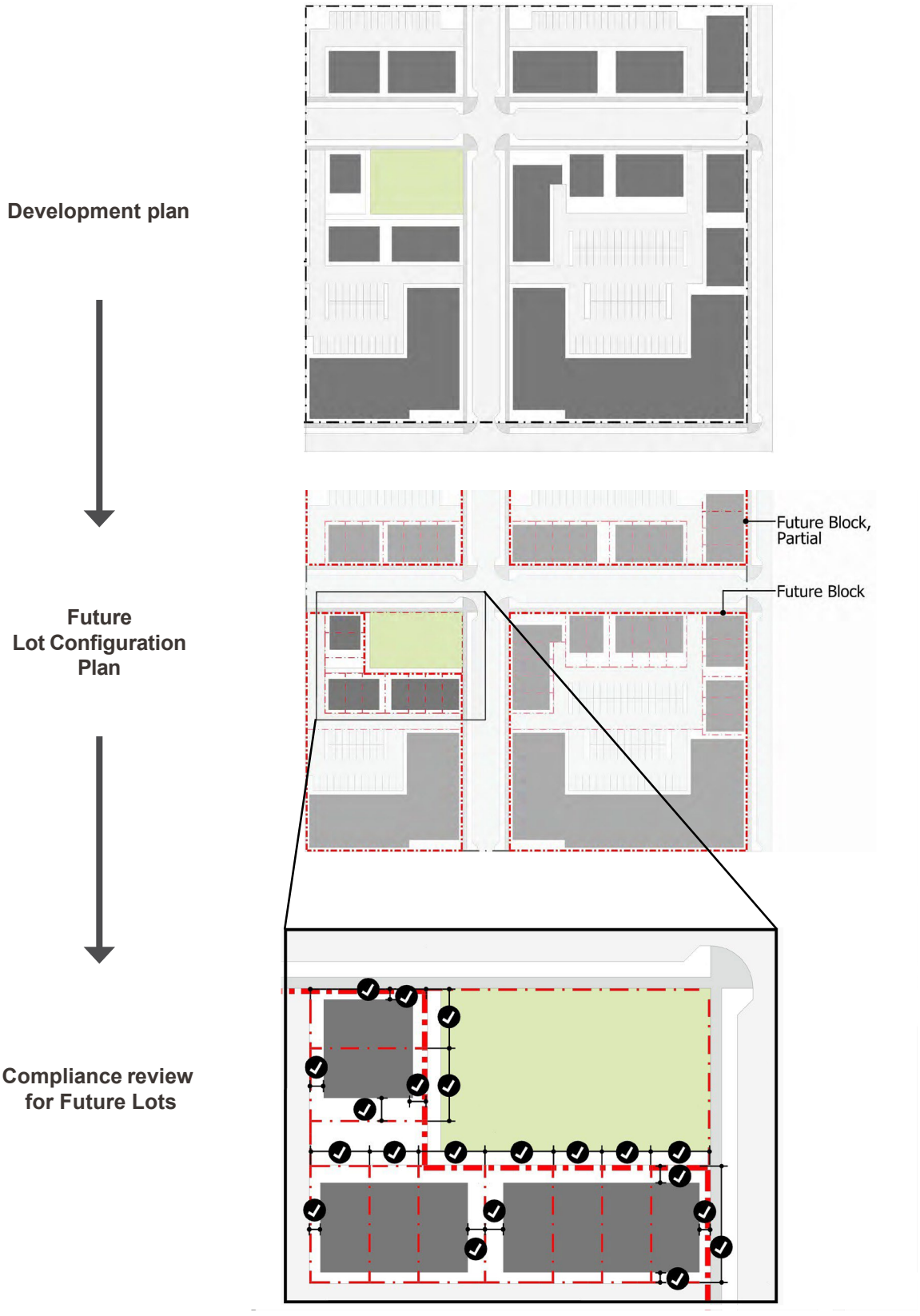
(3) Future blocks are not binding for future ownership or legal subdivision.

(4) All development must be within future blocks, other than development allowed in civic spaces.

(5) Future blocks must follow the standards for blocks in Sec. 50-502 (b) Blocks.

(6) The Director may exempt a site from providing future blocks in accordance with Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

FIGURE 3.2 FUTURE BLOCKS AND LOTS



SEC . 50-304 . MINOR SUBDIVISIONS

(a) Applicability

(1) Minor subdivisions include lot splits, property line adjustments, and lot combinations that create no more than seven (7) 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 Process for development review procedures.

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

(1) Lot splits cannot be used to avoid subdivision regulations.

(2) A parcel may only be split into a maximum of seven (7) lots or tracts in a five (5)-year period.

a. Parcels that have been split in the maximum amount according to the above restriction, 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 utility easements, eligible for vacation, 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.

(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. 50-707 (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 subsection (b) Subdivision zoning.

(3) The Director is responsible for determining whether a subdivision requires public improvements according to Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications. That determination governs whether a preliminary plat and construction documents are required.

(4) See Sec. 50-707. Major Subdivision Process for development review procedures.

(c) Subdivision zoning

(1) Major subdivisions may require multiple zones, by size:

a. Less than twenty (20) acres: May choose to rezone to one (1) or multiple zones;

b. Between twenty (20) and forty (40) acres: Must include two (2) or more zones; and

c. Between forty (40) and one hundred sixty (160) acres: Must include three (3) or more zones, except in Urban Corridor, Walkable Corridor, Suburban Corridor, Regional Center, and Suburban Neighborhood place types which only require two (2) zones.

(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 (1) zone;

b. All lots must be assigned zones consistent with the FLUM 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 one (1) main category (like T3 to T4);

f. Sites over forty (40) acres must follow the zoning mix requirements in Table 3.1 Zoning Mix for Subdivisions over 40 Acres; and

g. Within Neighborhood Center place type, 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 six hundred sixty (660) feet of an arterial or collector intersection; and

2. T5 or T4 must be assigned to all lots abutting existing arterials or collectors.

FIGURE 3.3 ZONE TRANSITIONS

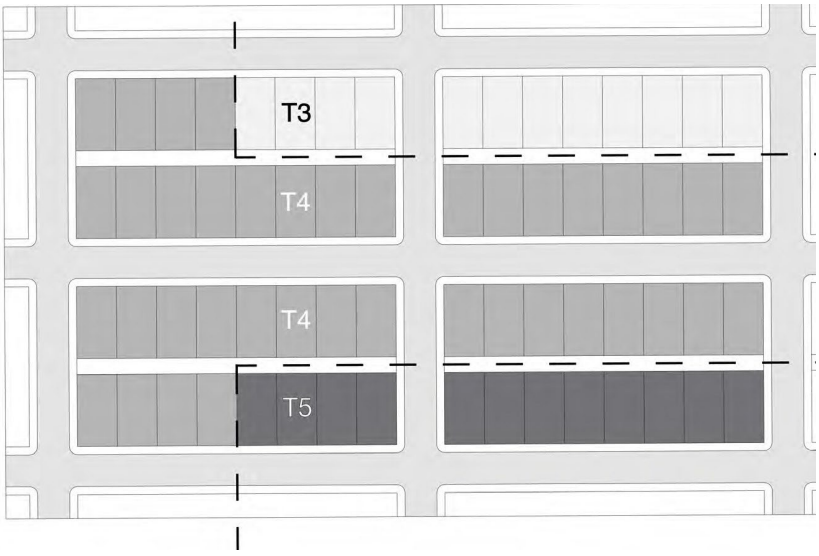
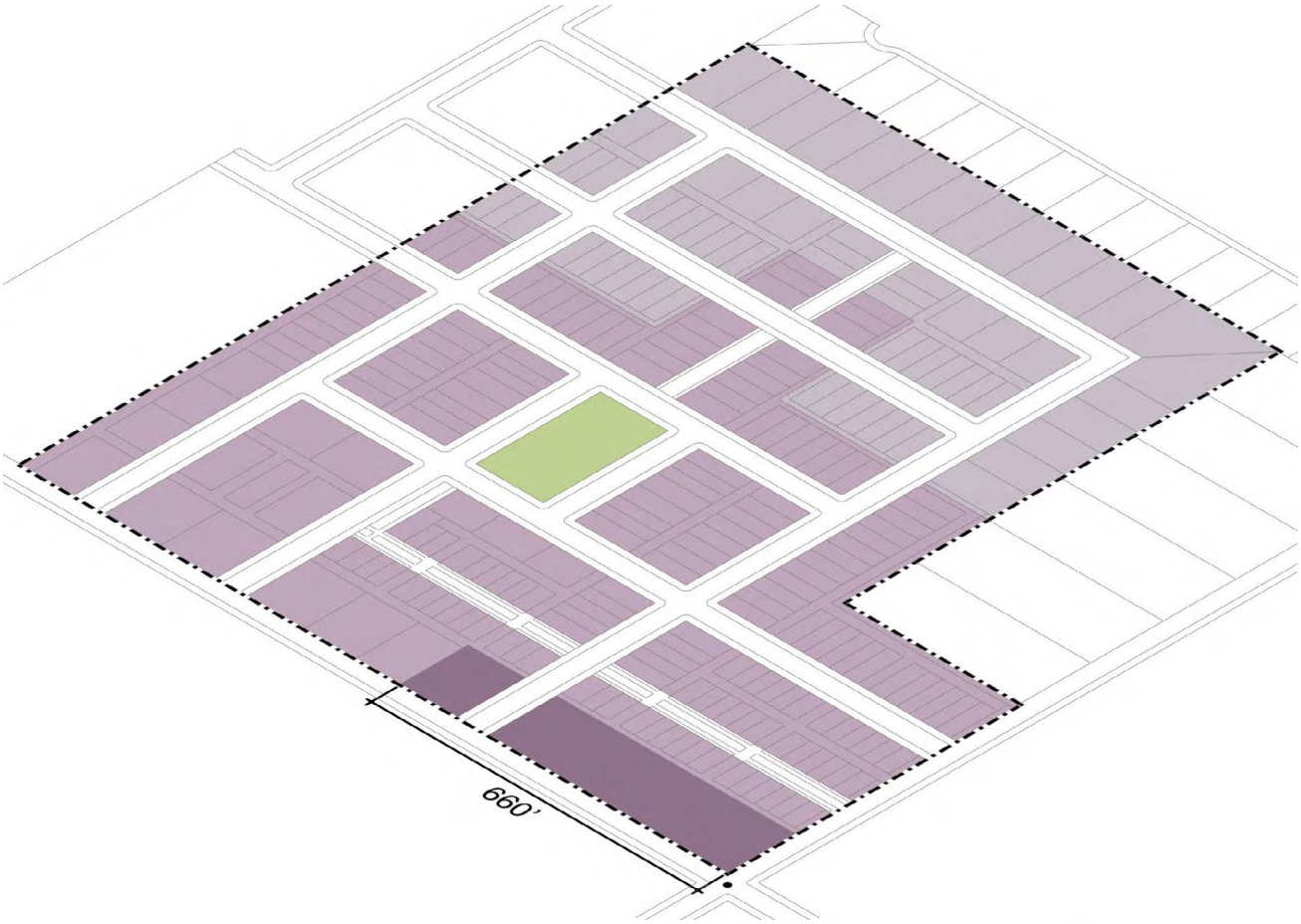


FIGURE 3.4 ZONE TRANSITIONS FOR NEIGHBORHOOD CENTER PLACE TYPES



T3 T3 Zone T4 T4 Zone T5 T5 Zone

TABLE 3.1 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 Center	E							20% max.	60% max.	60% max.	ER	ER	
City Center							40% max.	No max.	50% max.		E		
Neighborhood Center						20% max.	50% max.	60% max.					
Neighborhoods													
Urban Neighborhood	E				20% max.	40% max.	60% max.	ER					
Walkable Neighborhood			ER	20% max.	40% max.	60% max.	ER						
Traditional Neighborhood			40% max.	60% max.	60% max.								
Suburban Neighborhood			40% max.	No max.	40% max.								
Corridors													
Urban Corridor	E						40% max.	No max.	No max.		ER		
Walkable Corridor							60% max.		ER				
Suburban Corridor									No max.		No max.	20% max.	
Recreation													
Outdoor Entertainment	ER												
Parks & Public Spaces													
Specialized													
Rural and Estates	No max.		20% max.	E	SR								
Industry and Technology	E										No max.	No max.	No max.
Civic and Institutional	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.
E: Zone only applies to existing lots, not available for rezoning.

SEC . 50-306 . Phasing

(a) General

(1) Development may be phased to coordinate construction over time.

(2) Any development or subdivision proposed to be constructed in phases shall include a phasing plan at the time of development plan or preliminary plat application.

(3) Phasing plans are approved by the Planning Commission concurrently with development plan or preliminary plat approval.

(4) Submittal of a phasing plan after development plan or preliminary plat approval is considered a major revision and requires approval by the Planning Commission following Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(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 may 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;

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.

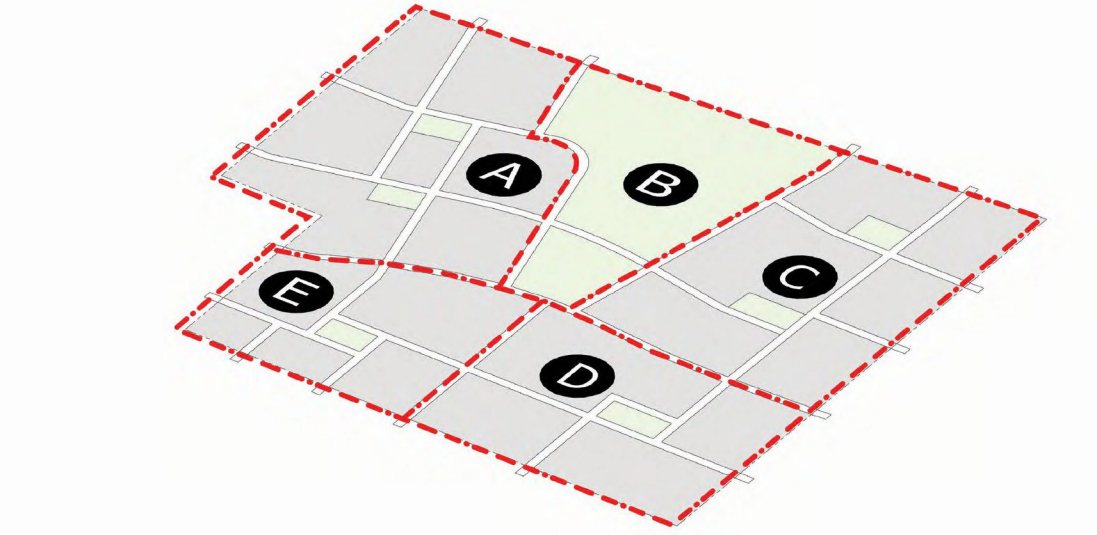
(3) Phasing plan modifications require approval by the Director.

(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 shall be processed as amendments to approved plans in accordance with Sec. 50-723 Duration, Expiration and Amendment of Approvals.

FIGURE 3.5 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, Expiration, and Amendment 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.

SEC. 50-308 OFF-SITE INFRASTRUCTURE IMPROVEMENTS

(a) On-site versus off-site improvements

(1) 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 this Code.

(2) 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 are required where they are roughly proportional and bear a rational nexus to the impacts of the proposed 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 and is roughly proportional to the impacts of the development.

(d) Proportionate share for off-site improvements

(1) At the time of development approval, the approval body will determine whether the proposed development creates or contributes to the need for off-site improvements and whether there is an essential nexus and rough proportionality between the impacts of the development and the off-site improvements required.

(2) In determining that portion of the cost of off-site improvements which is the developer's responsibility, the approval body may consider:

a. The relative demand generated by the proposed development as compared to the total anticipated demand on the improvement at build-out;

b. Acreage within the development as a percentage of the acreage reasonably expected to benefit from the improvement;

c. Trip generation, utility demand, drainage contribution, frontage, or other industry-recognized methodologies appropriate to the type of improvement; or

d. Any combination of the above, supported by competent evidence as documented in the applicant's submitted analysis.

(3) The applicant shall provide a written analysis demonstrating:

a. The nature and extent of the development's impact on the off-site improvement;

b. The methodology used to calculate the development's proportionate share; and

c. Supporting data, studies, or industry-recognized standards upon which the calculation is based.

(4) The approval body shall review the applicant's submitted analysis and any other required studies and shall make written findings to determine whether the proposed proportionate share reasonably reflects the impacts of the development. If the approval body determines that the submitted methodology does not reasonably reflect the impacts of the development, it may require revision of the analysis prior to approval.

(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 (20) feet.

b. Street widening, intersection improvements, and/or new street construction off-site may be required to address traffic impacts identified in a traffic impact analysis based on the rough proportionality and rational nexus of the impacts of the project.

(2) Drainage

a. Off-site drainage improvements are required where a proposed development creates or contributes to the need for such improvements.

(3) Curbs and gutters.

a. Curbs and gutters off-site may be required to address drainage and/or stormwater impacts based on the rough proportionality and rational nexus to impacts of the project. Curbs and gutters according to existing City standards and specifications as adopted by the City Council.

(4) Utilities

a. 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.

(5) Sidewalks

a. 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) Alleys

a. Alleys may be required to be extended off-site to connect to an existing public street within the same block to provide access, service circulation, or block connectivity, based on the rough proportionality and rational nexus of the impacts of the development.

(7) Other infrastructure improvements

a. Other infrastructure improvements may be required where the need for such improvements is created by the proposed development as determined by the Planning Commission, based on an essential nexus and rough proportionality to the impacts of the development.

(f) Delayed Improvements

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

(g) Waiver

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

(h) Performance Guarantee

(1) 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.

(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 (2) overlays for the downtown area and two (2) 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 its 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.

(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 uses are appropriately located and follow rules to fit in with the surrounding context.

SEC . 50-402 . TRANSECT DISTRICTS

(a) The City 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). They apply as follows:

(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;

(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; and

(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 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) Bentonville Municipal Airport Overlay; and

(2) Northwest Arkansas National Airport Overlay.

SEC . 50-405 . STANDARDS FOR ZONING DISTRICTS

(a) General

(1) All development must follow these sections in Article 50-5 Design Standards:

a. Sec. 50-503. Site Design related to driveways, walkways, parking, and similar site specifics;

b. Sec. 50-504. Vertical Construction related to building and fence design and placement;

c. Sec. 50-505. Zone Transitions specifying transition rules between different districts;

d. Sec. 50-506. Overlay Districts specifying rules for overlay districts;

e. Sec. 50-508. Signs;

f. Sec. 50-509. Tree Preservation and Sec. 50-510. Landscape, Screening, and Buffering for landscape requirements, materials, and installation; and

g. Sec. 50-511. Natural Resource Protection specifying rules for natural resources and hazards.

(2) Table 4.1 Zone Standards provides a summary of the basic rules for each zoning district.

(3) Rules for the use of properties and buildings are found in Sec. 50-406. Use Standards.

(4) Lot splits and other land subdivisions must follow the rules of Article 50-3 Land Development.

(5) Sites one (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

a. 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 four (4) feet above the roof ridge or parapet;

2. Rooftop equipment on flat roofs, up to six (6) feet above the parapet, if:

i. It is set back at least ten (10) feet from the edge; and

ii. It is screened from view along public sidewalks.

3. Parapets, up to four (4) feet above a flat roof or above the eave of a sloped roof;

4. Elevator overruns and bulkheads necessary to house mechanical equipment;

5. Stair enclosures providing roof access, up to ten (10) feet above the flat roof; and

6. 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 (1) additional level of habitable space is permitted above the primary roof plane;

ii. The rooftop level shall not exceed twelve (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 four hundred (400) square feet; and

iv. The rooftop level shall be set back a minimum of ten (10) feet from all roof edges.

v. The rooftop level shall be designed to minimize visibility from public streets through setbacks, roof form, and architectural integration with the primary structure.

7. 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.

(2) Height measurement

a. Height is measured:

1. From the average sidewalk grade along the building frontage for buildings located within a build-to area.
2. From the average existing grade plane surrounding the building for buildings located outside a build-to area.
3. At each street frontage for buildings on corner lots or through-lots.
4. For the purposes of this Section, the grade plane shall be calculated as the average of the existing ground elevation adjoining the building at all exterior walls.
5. Building height may be evaluated using multiple grade plane calculations when requested by the applicant or required by staff for sites where the difference in existing grade across a building footprint exceeds ten (10) feet or buildings greater than one hundred (100) feet in length.

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 forty (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 four (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 thirty (30) percent of the floor area below; and
   ii. The space does not exceed the maximum overall height in feet.

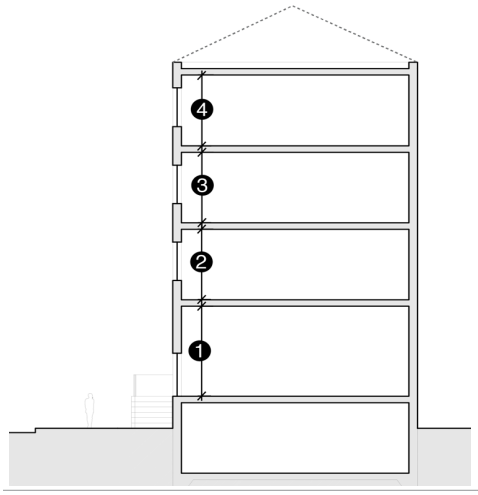
c. Height measured by feet:

1. Overall building height is measured to the highest point of the roof structure, as illustrated in Figure 4.1, Height Measurement.
2. 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.

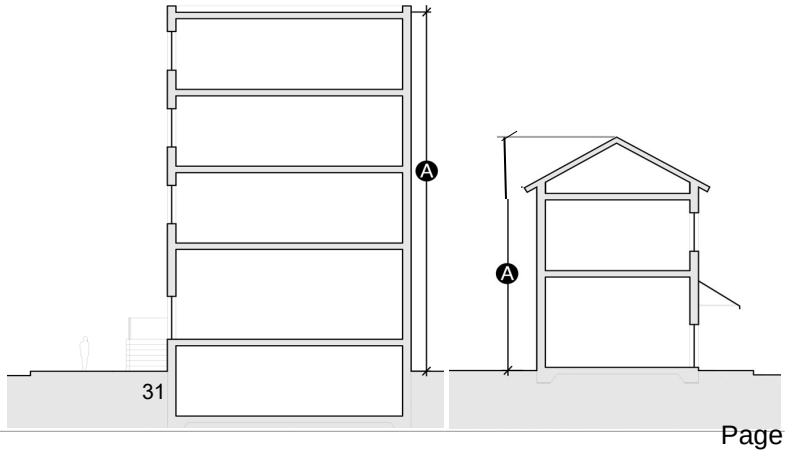
d. A minimum ground floor height applies where specified in Table 4.1 Zone Standards.

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 (e) 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, as 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 zero (0) feet or another number (e.g., zero (0) ft. or six (6) ft. min.), you may:

(i) Use zero (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 zero (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.

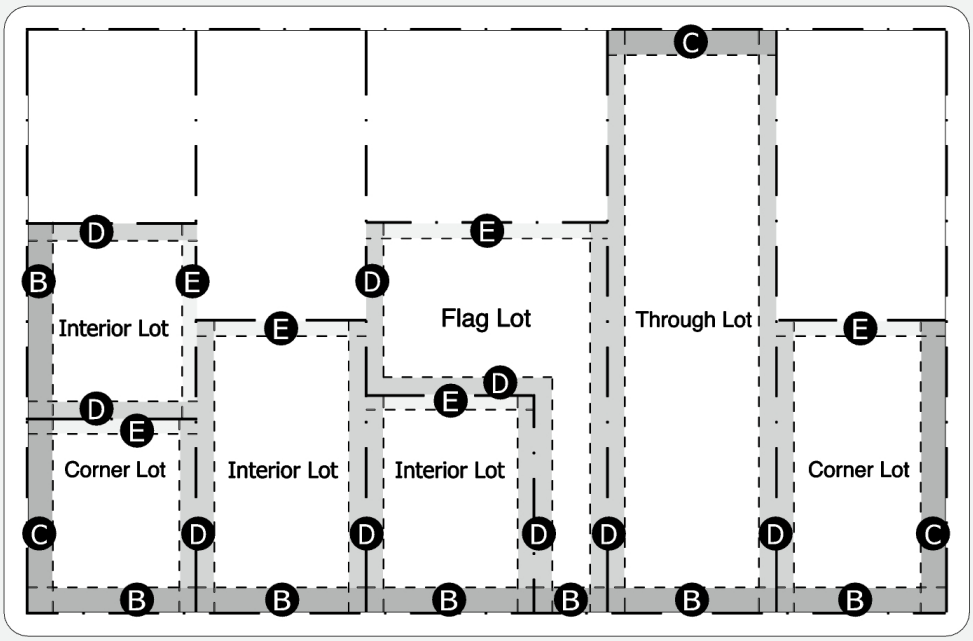
f. Setbacks are measured from lot lines to the foundation, wall finishes, eaves, and other projections are not allowed within easements.

g. Setbacks as required by Table 4.1 Zone Standards may be reduced from the minimum setback if approved as an administrative adjustment according to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

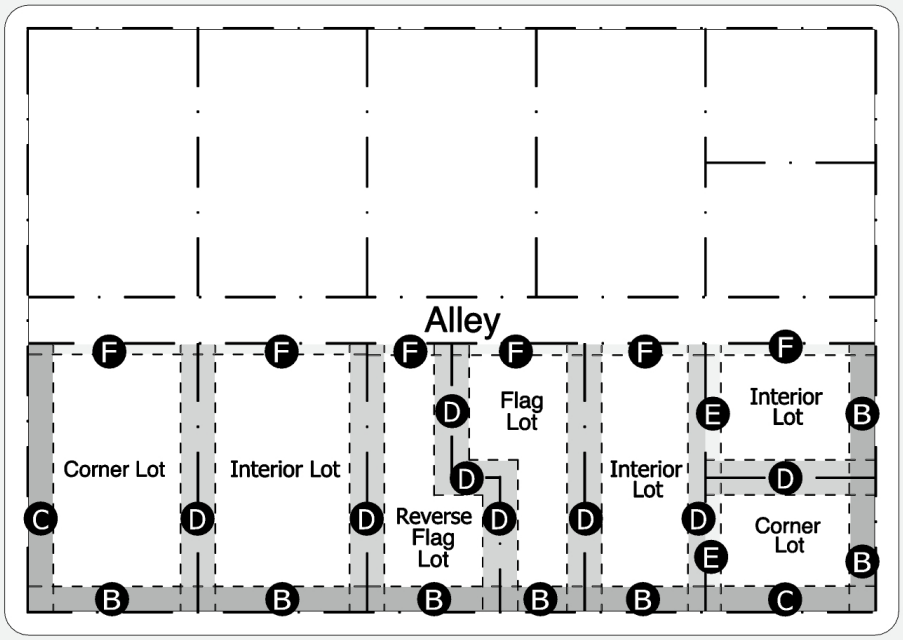
(2) Pools, Patios, Decks, and Accessory Structures

a. Minimum setbacks are as listed in Table 4.1 Zone Standards.

FIGURE 4.2 SETBACKS FOR TYPICAL LOT CONDITIONS



Setbacks for common lot conditions without an alley

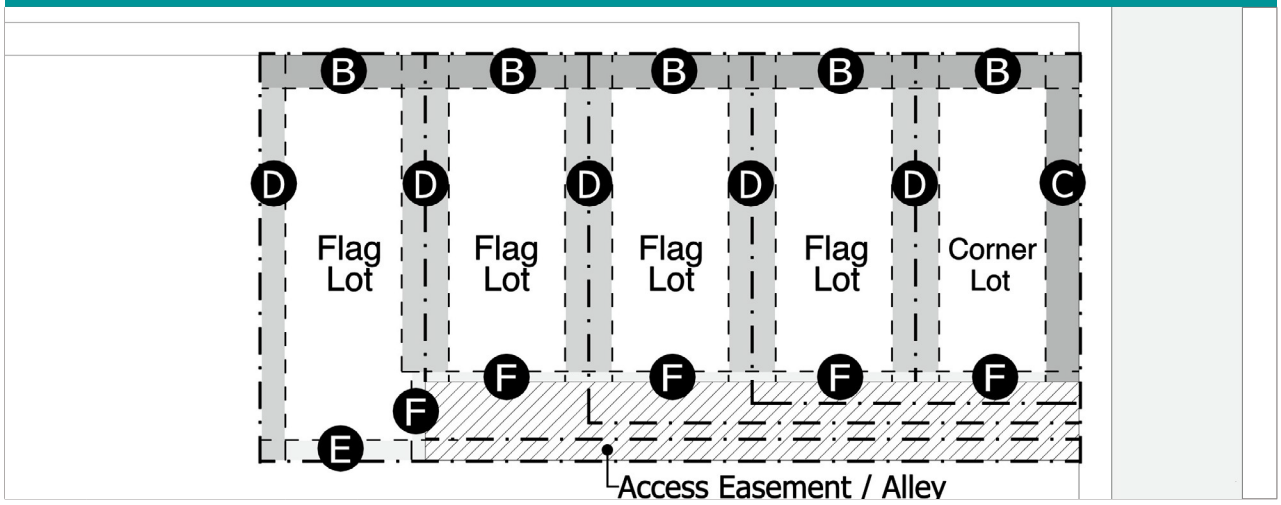


Setbacks for common lot conditions with an alley

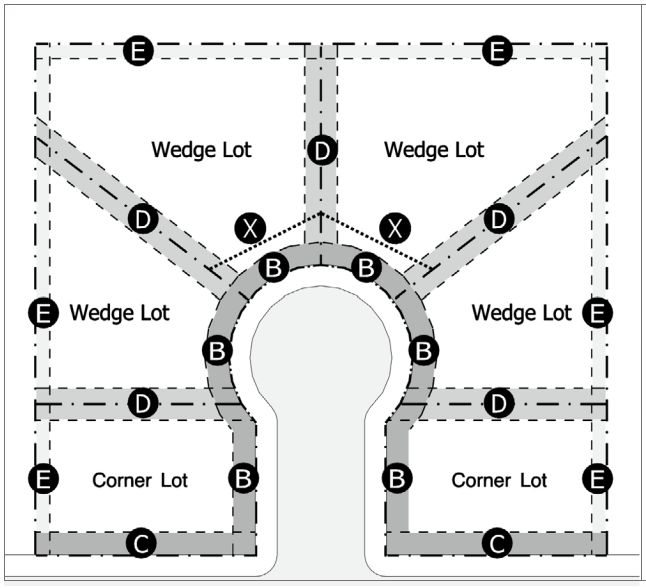
A	Buildable Area (white)	D	Side Setback (interior) [1]
B	Front Setback [1]	E	Rear Setback [1]
C	Side Street Setback [1]	F	Alley Setback [1]

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

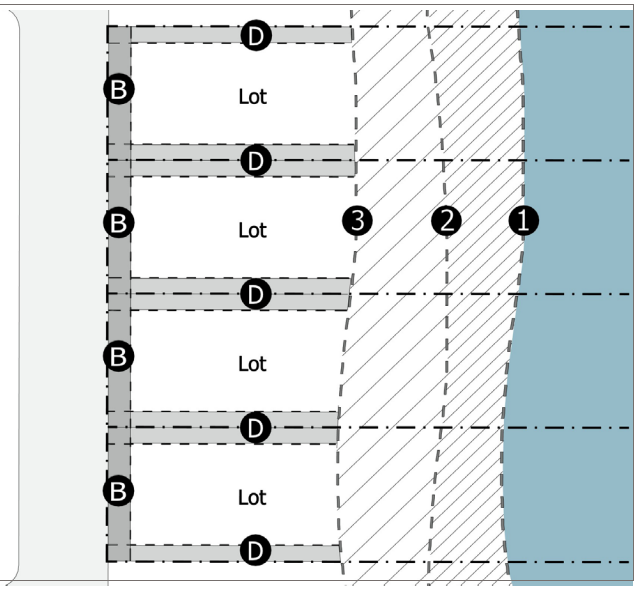
FIGURE 4.3 SETBACKS FOR SPECIAL LOT CONDITIONS



Setbacks for trail fronting lots with utility access flag lots



Setbacks from cul-de-sac



Setbacks from water bodies7

A	Buildable Area (white)	D	Side Setback (interior) [1]
B	Front Setback [1]	E	Rear Setback [1]
C	Side Street Setback [1]	F	Alley Setback [1]
X	Wedge setback is the greater of B or where the lot is fifty (50) feet wide tangent to the wedge (X). [1]		
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.

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

(3) Maximum Setbacks

a. If a maximum front or side street setback is listed in Table 4.1 Zone Standards, it establishes a build-to area between the minimum and maximum, as shown in Figure 4.4 Build-to Area.

b. In T5 and T6 zoning districts, buildings must occupy at least seventy percent (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 one thousand eight hundred (1,800) square feet in T5 and T6;
2. The forecourt area is no larger than three thousand two hundred (3,200) square feet in T4;
3. The forecourt width is no more than forty percent (40%) of the lot width;
4. Corner forecourts have buildings along two (2) sides;
5. Interior forecourts have building along three (3) sides;
6. Any building sides that face the forecourt must meet minimum entry, glazing, and active use requirements; and
7. At least sixty percent (60%) of the forecourt surface must be paved.

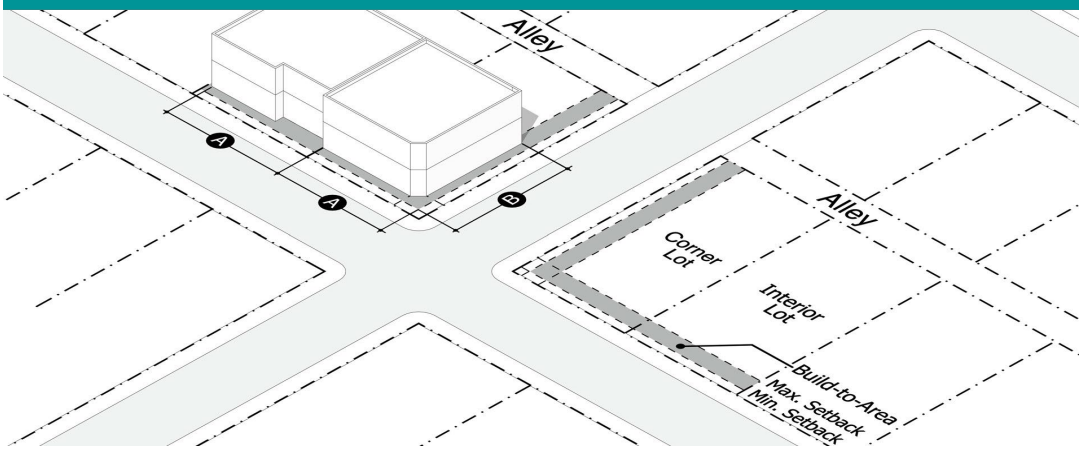
d. If an utility or access easement is deeper than the maximum setback, the setback is adjusted to be two (2) feet behind the edge of the easement.

e. Where front parking is allowed under Sec. 50-503 (h) Car parking and circulation, the maximum setback is measured as two (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 sixty (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.

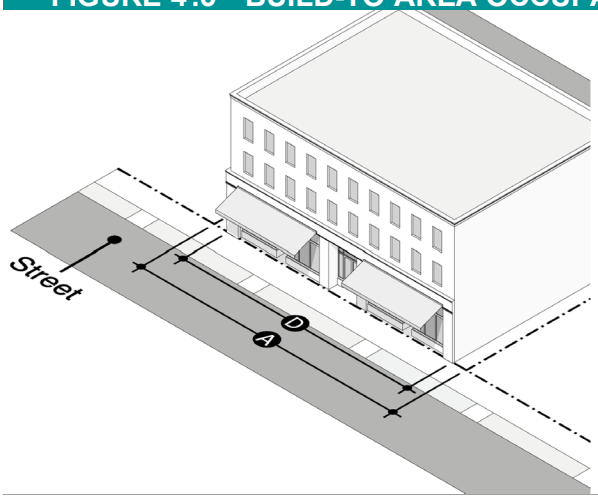
FIGURE 4.4 BUILD-TO AREA



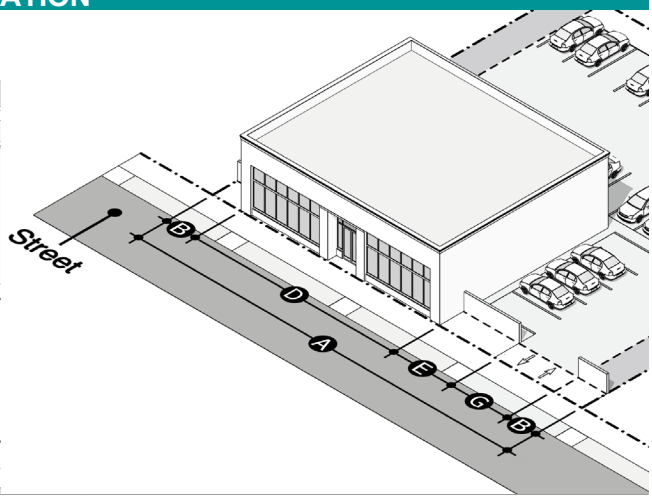
A Building within the Front build-to area

B Building within the Side Street build-to area

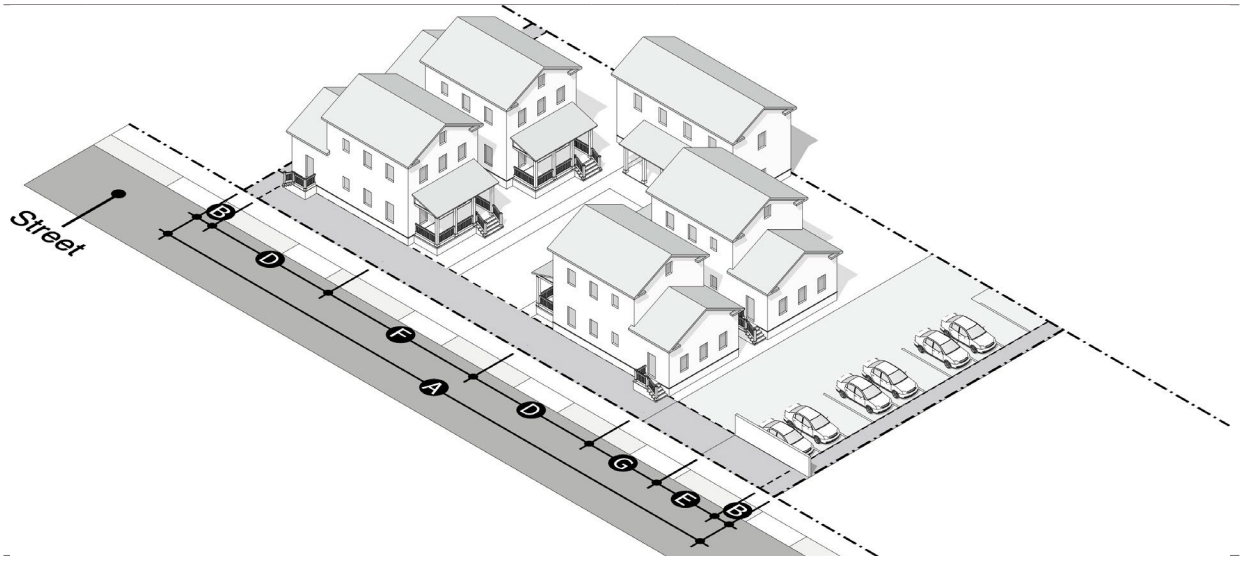
FIGURE 4.5 BUILD-TO AREA OCCUPATION



Example with Alley
(approximately ninety percent [90%])



Example with Driveway
(approximately eighty-five percent [85%])

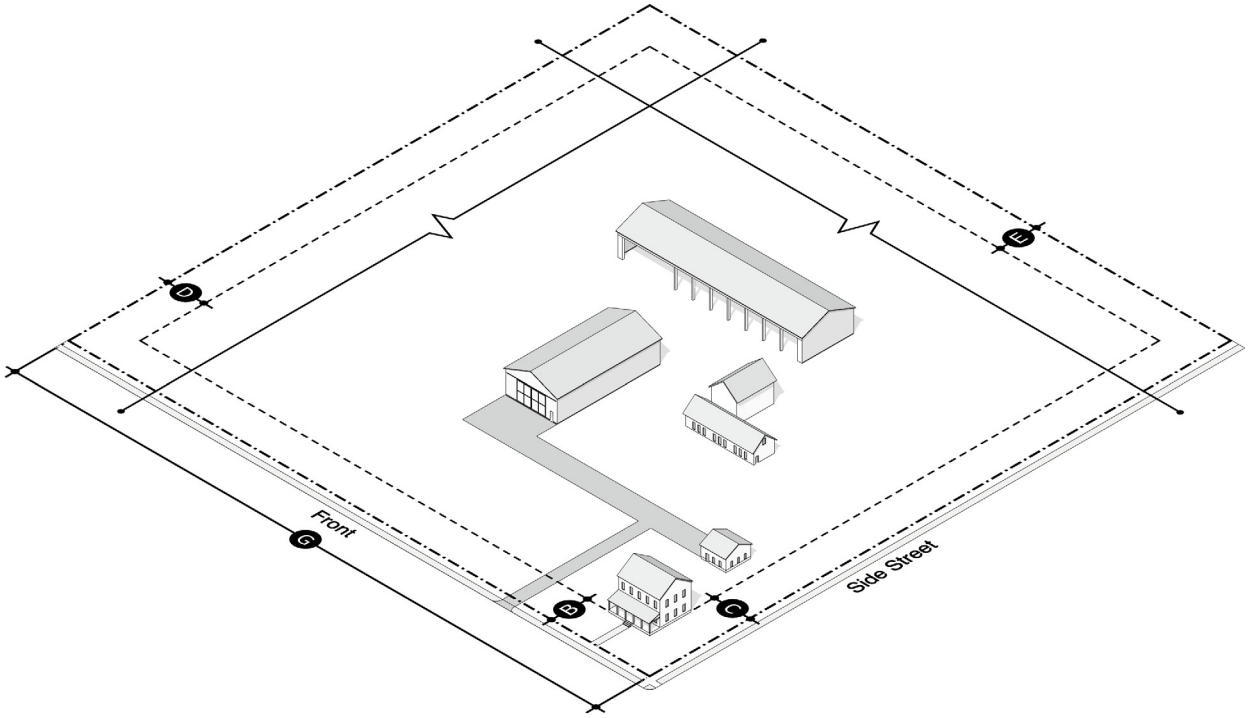


Interior Forecourt Example with Driveway (approximately ninety percent [90%])

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)	

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 ft., farm buildings exempt
B	Front Setback [1]	30 ft. min.		
C	Side Street Setback [1]	30 ft. min.		
D	Side Setback [1]	30 ft. min.		
E	Rear Setback [1]	30 ft. min.		
	Accessory Structures and Pools	Not allowed within setbacks		

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.		

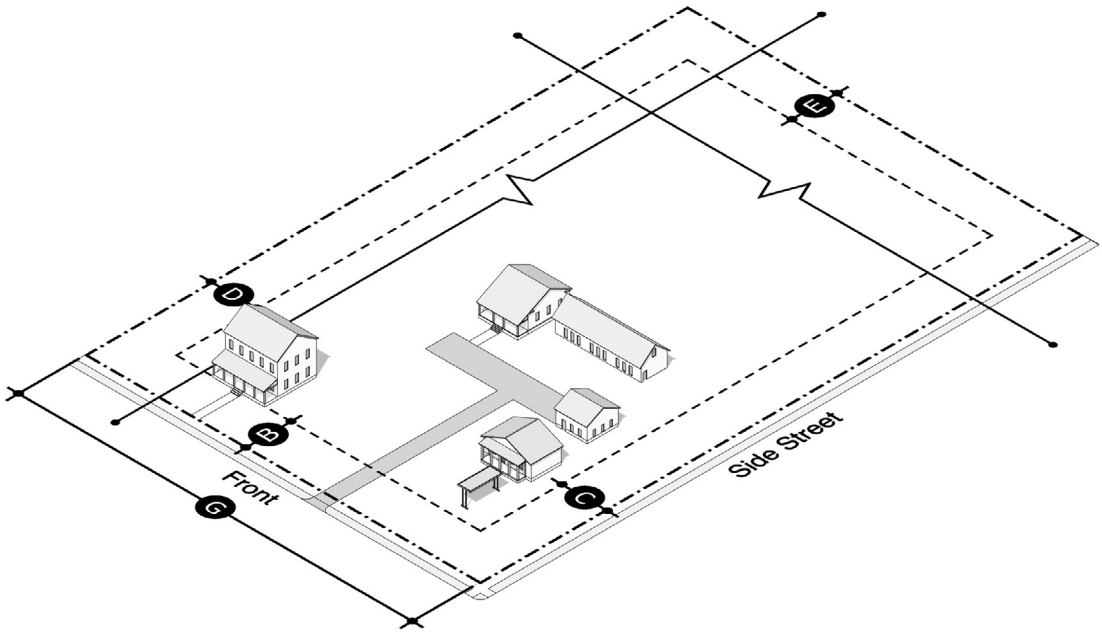
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T2.2: RURAL NODE



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

Buildings

Location*	
A Building Footprint	30% max.
B Front Setback [1]	15 ft. min.
C Side Street Setback [1]	15 ft. min.
D Side Setback [1]	15 ft. min.
E Rear Setback [1]	25 ft. min.
Accessory Structures and Pools	Not allowed within setbacks

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

T2.2: RURAL NODE

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 Area	1 acre min.

Fencing and Walls

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

impervious Areas

	Impervious Area	45% max.

Parking Location		
H	Front Setback	30 ft. min.
J	Side Street Setback	15 ft. min.
K	Side Setback	15 ft. min.
L	Rear Setback	15 ft. min.

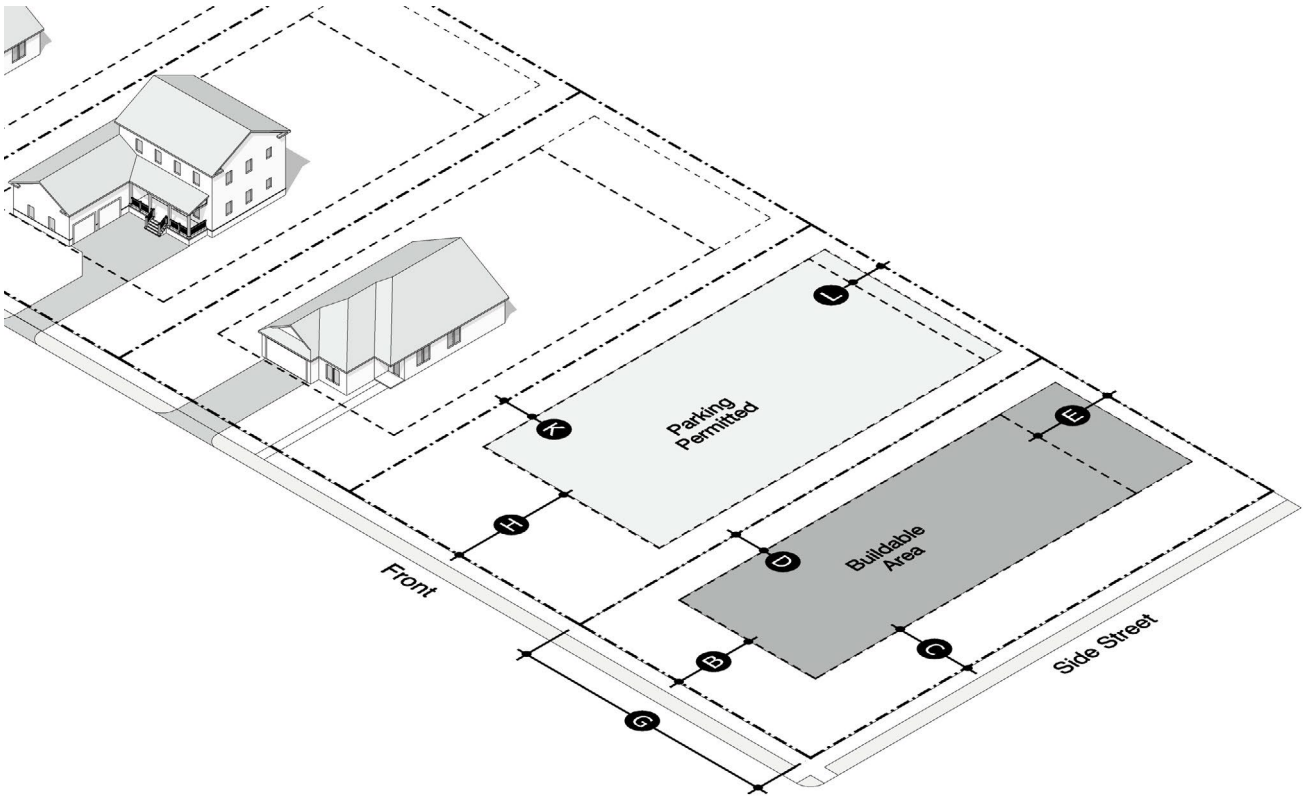
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

R-1: SUBURBAN SINGLE-FAMILY



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

Buildings

Location*

A	Building Footprint	40% max. / 45% max. corner lot
B	Front Setback [1]	20 ft. min.
C	Side Street Setback [1]	20 ft. min.
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	25 ft. min.
F	Alley Setback [1]	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	36 ft. max.

R-1: SUBURBAN SINGLE-FAMILY

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.
Lot Area	6,000 sq. ft.

Fencing and Walls

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

impervious Areas

Impervious Area	75% max.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	20 ft. min.
K Side Setback	7 ft. min.
L Rear Setback	12 ft. min.
M Alley Setback	0 ft. min.

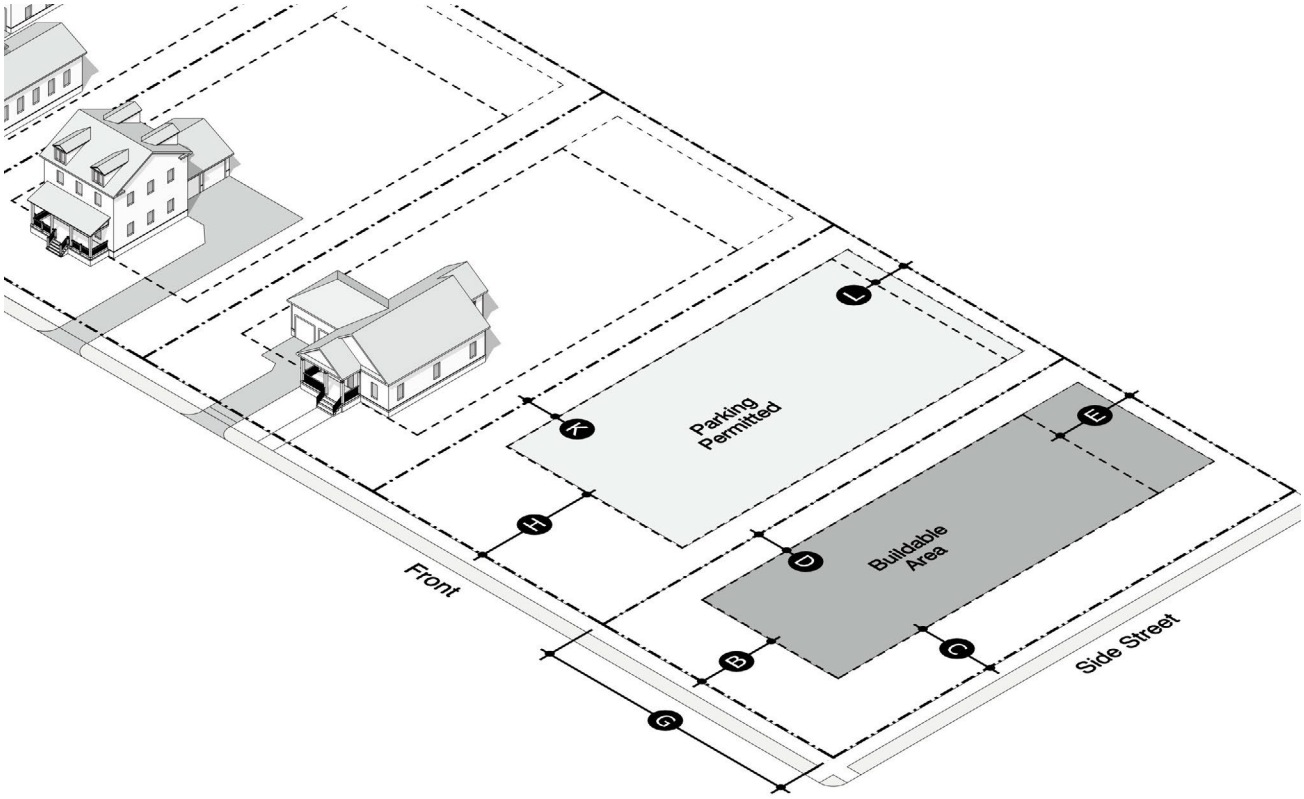
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T3.1: NEIGHBORHOOD EDGE



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

Buildings

Location*

A	Building Footprint	50% max.
B	Front Setback [1]	15 ft. min.
C	Side Street Setback [1]	12 ft. min.
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	25 ft. min.
F	Alley Setback [1]	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.

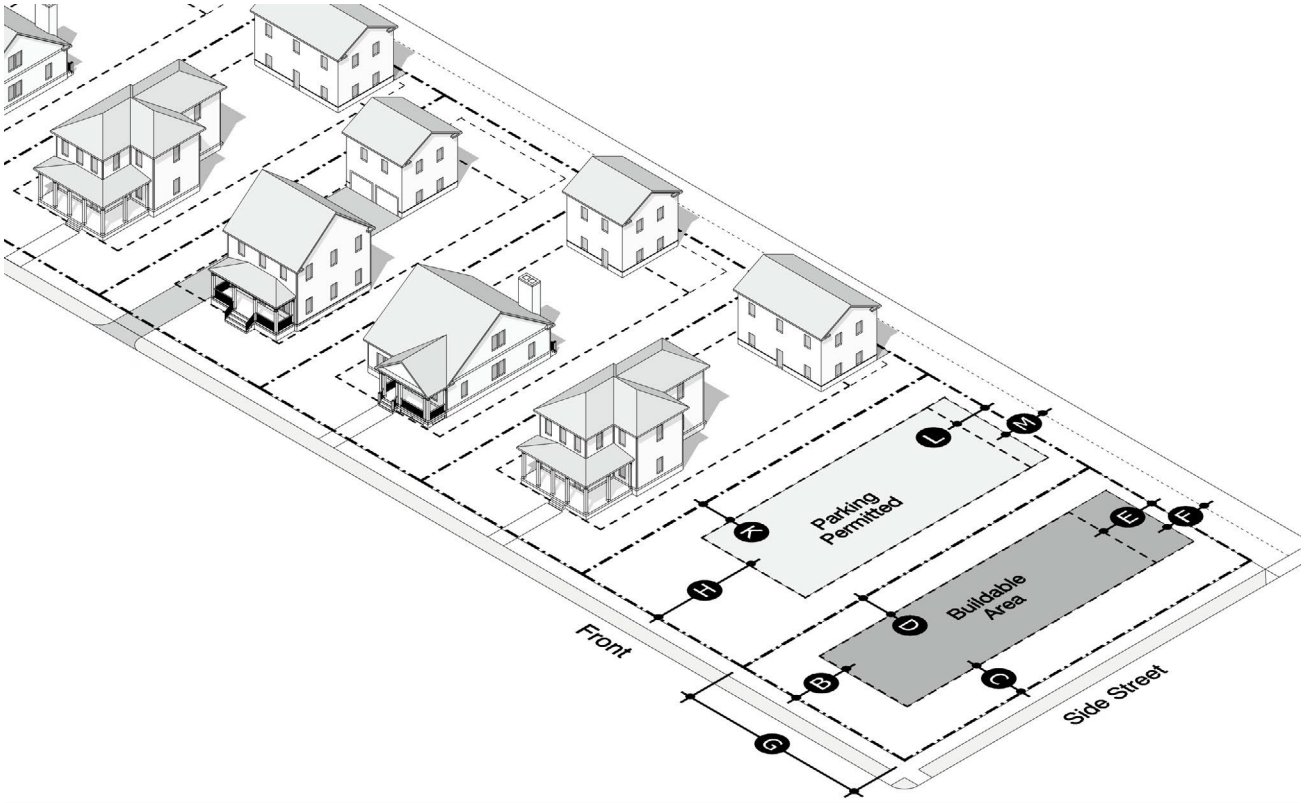
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

T3 .2: NEIGHBORHOOD TRANSITION



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

Buildings

Location*

A	Building Footprint	55% max.
B	Front Setback [1]	15 ft. min., 25 ft. max.
C	Side Street Setback [1]	12 ft. min.
D	Side Setback [1, 2]	0 ft. or 7 ft. min.
E	Rear Setback [1]	15 ft. min.
F	Alley Setback [1]	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.
Parking Structures	N/A
Ground Floor Height	N/A

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 [3]	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	7 ft. min.
L Rear Setback	12 ft. min.
M Alley Setback	0 ft. min.

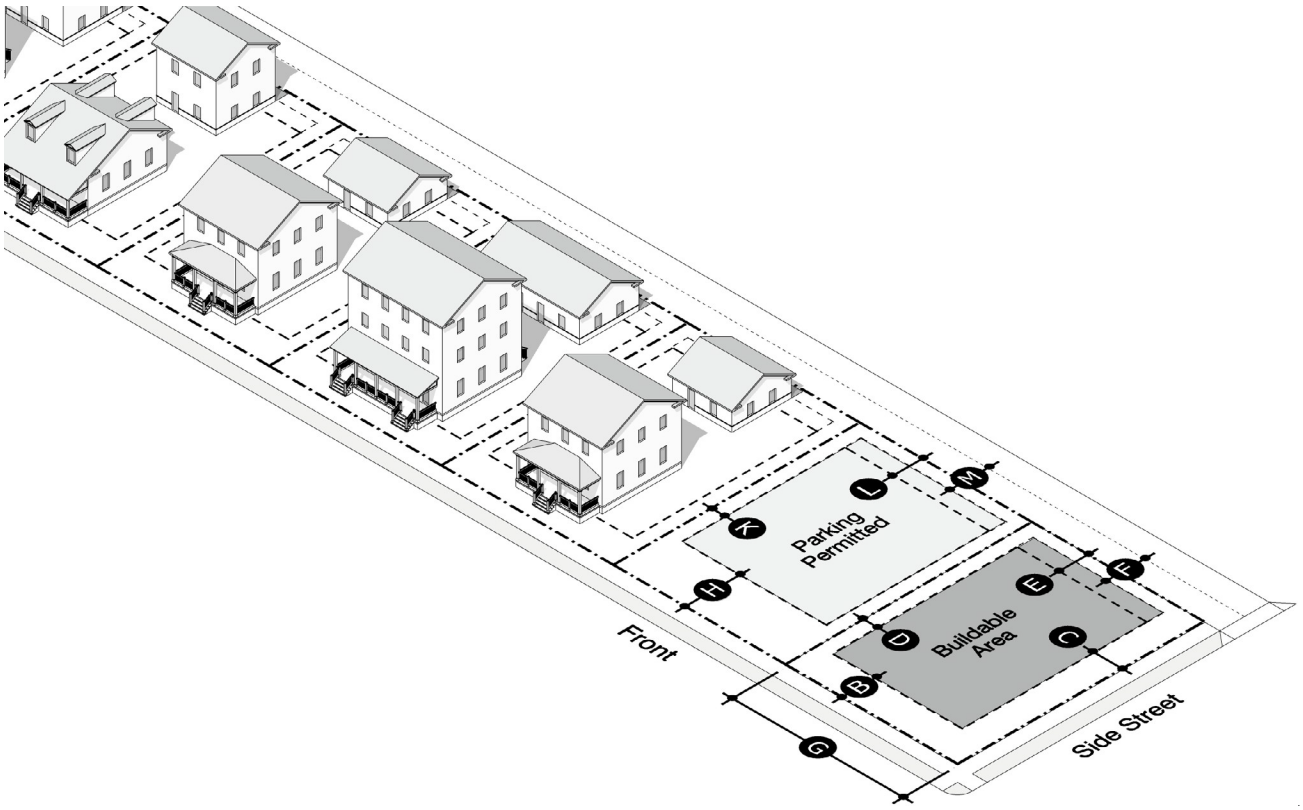
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] 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 seven (7) feet.
[3] Lot width of a single unit of an attached single-family structure (townhome) on a lot with an alley may be twenty (20) ft. min.

T4.1: NEIGHBORHOOD GENERAL



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

Buildings

Location*

A	Building Footprint [1]	65% max.
B	Front Setback [1]	12 ft. min., 20 ft. max.
C	Side Street Setback [1]	12 ft. min.
D	Side Setback [1, 2]	0 ft. or 7 ft. min.
E	Rear Setback [1]	15 ft. min.
F	Alley Setback [1]	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	3 stories max. not to exceed 40 ft.
Parking Structures	N/A
Ground Floor Height	N/A

T4.1: NEIGHBORHOOD GENERAL

Building Elevations

Required Entries	
Entry Frequency	N/A

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

Required Active Uses

N/A

Site Design

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

Parking Location		
H	Front Setback	20 ft. behind front setback
J	Side Street Setback	12 ft. min.
K	Side Setback	7 ft. min.
L	Rear Setback	6 ft. min.
M	Alley Setback	0 ft. min.

Fencing and Walls

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

Impervious Areas	
Impervious Area	85% max.

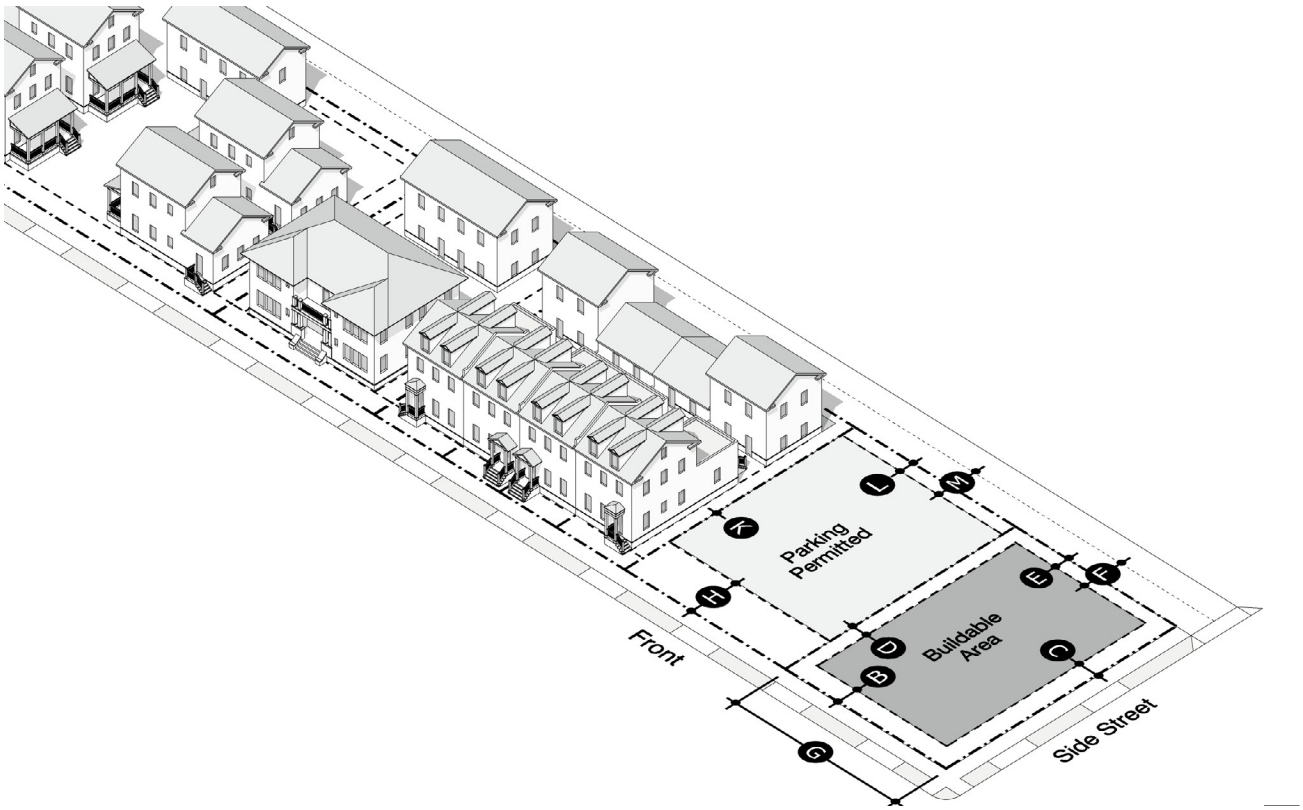
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] 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 seven (7) feet.

T4 .2: NEIGHBORHOOD NODE



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

Buildings

Location*

A	Building Footprint	75% max.
B	Front Setback [1]	0 ft. min., 16 ft. max.
C	Side Street Setback [1]	8 ft. min.
D	Side Setback [1, 2]	0 ft. or 7 ft. min.
E	Rear Setback [1]	15 ft. min.
F	Alley Setback [1]	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 ft.
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	0 ft. min.

Fencing and Walls

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

Impervious Areas	
Impervious Area	90% max.

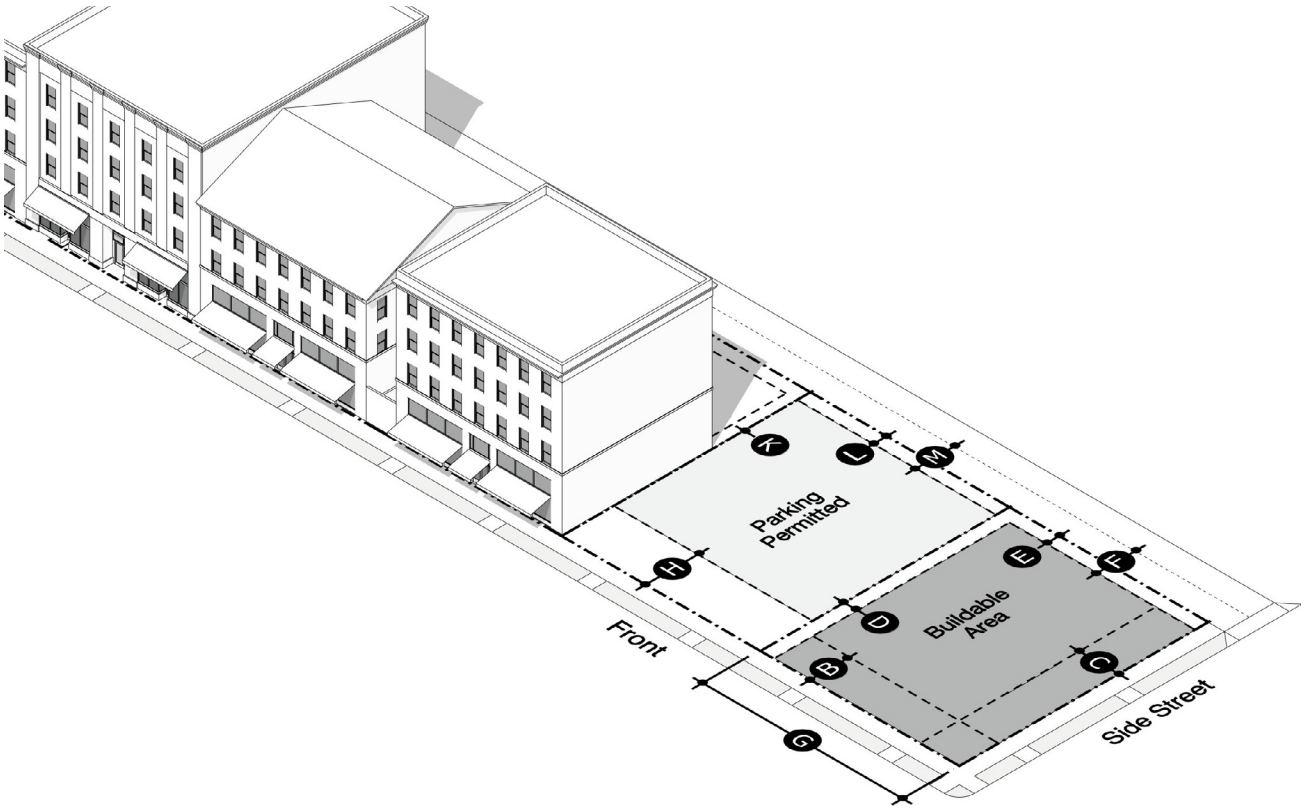
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] 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 seven (7) feet.

T5.1: TOWN CENTER LOW



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

Buildings

Location*		Height	
A Building Footprint	85% max.	Buildings	4 stories max. not to exceed 60 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	35 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	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 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	5 ft. min.
M Alley Setback	0 ft. min.

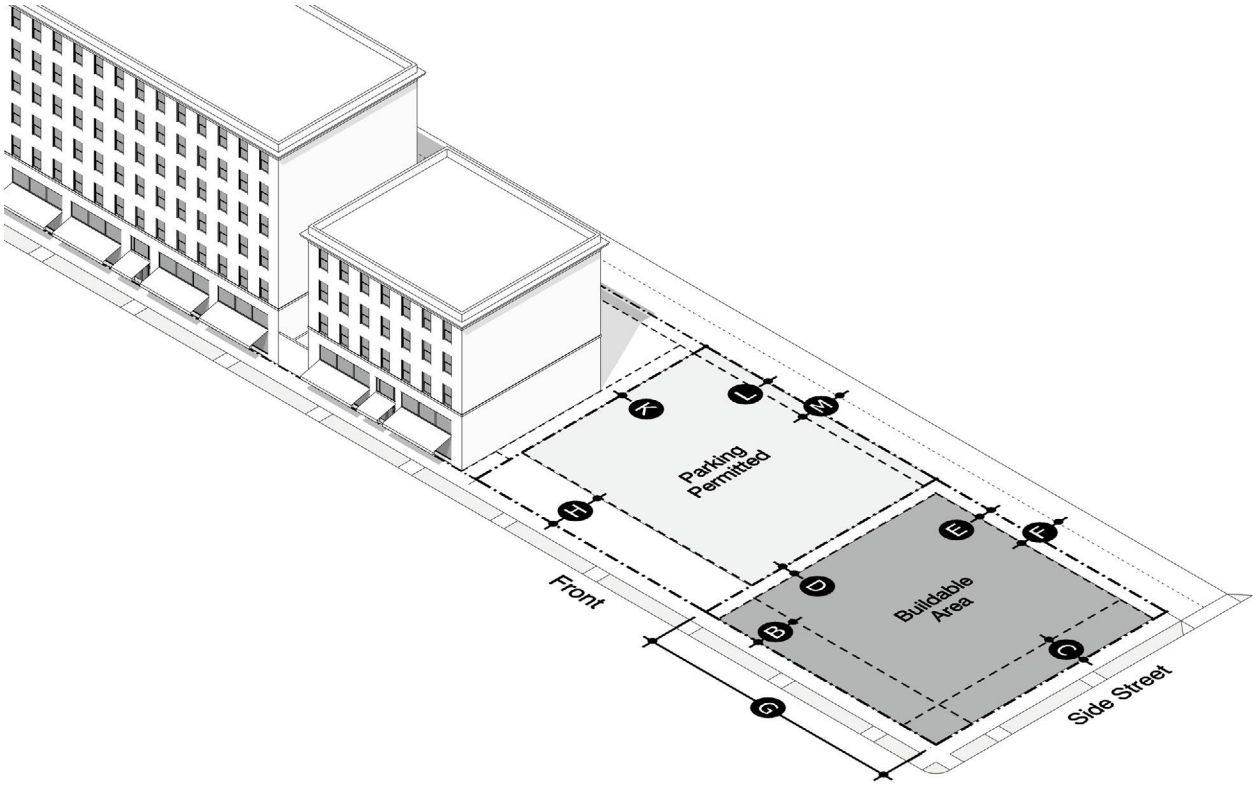
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Sec 50-505 Zone Transitions may modify setbacks and heights.
[3] 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 seven (7) feet.

T5.2: TOWN CENTER HIGH



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

Buildings

Location*		Height	
A Building Footprint	90% max.	Buildings	6 stories max. not to exceed 96 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	50 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Ceiling Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within minimum setbacks		

T5.2: TOWN CENTER HIGH

Building Elevations

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

Required 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

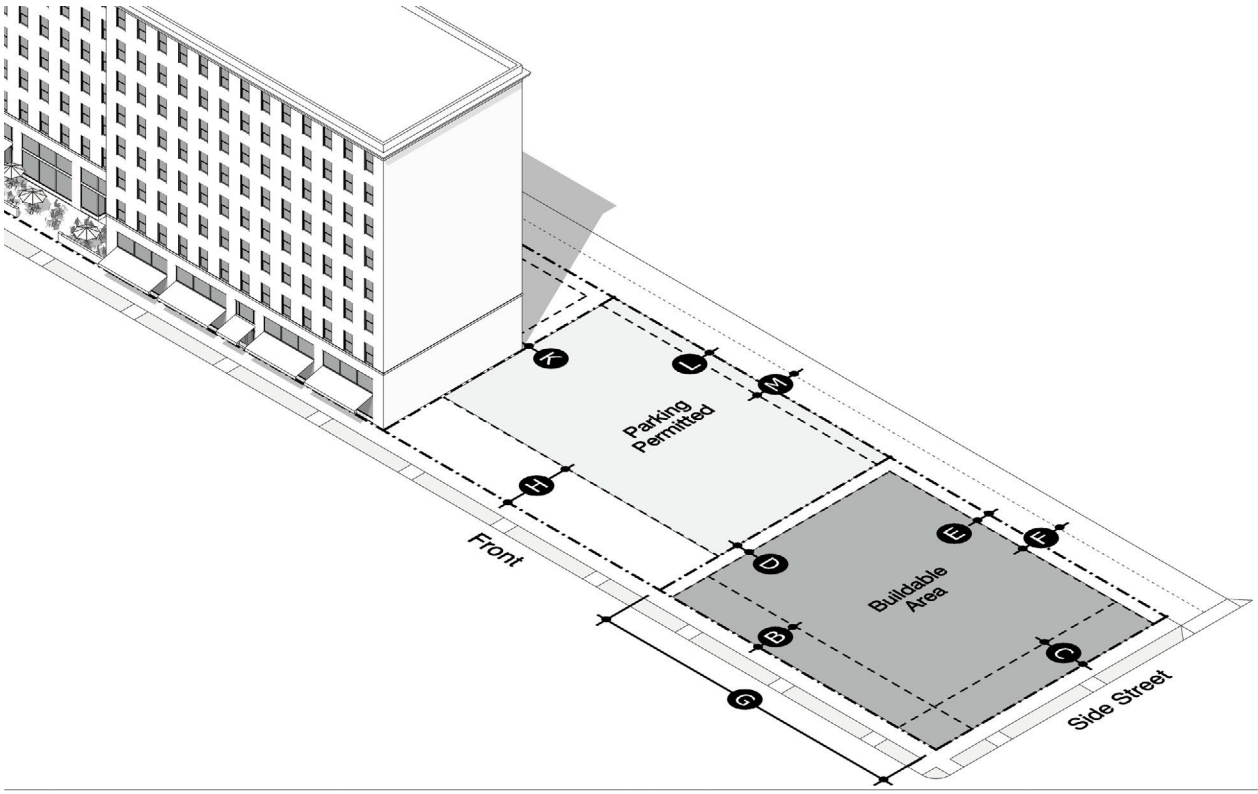
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

[3] 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 seven (7) feet.

T6: URBAN CENTER



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

Buildings

Location*		Height	
A Building Footprint	100% max.	Buildings	10 stories max. not to exceed 160 ft.
B Front Setback [1, 2]	12 ft. max.	Parking Structures	70 ft. max.
C Side Street Setback [1, 2]	12 ft. max.	Ground Floor Height	12 ft. to 25 ft.
D Side Setback [1, 2, 3]	0 ft. or 7 ft. min.**		
E Rear Setback [1, 2]	5 ft. min.		
F Alley Setback [1, 2]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within minimum setbacks		

T6: URBAN CENTER

Building Elevations

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

Required 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. 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.

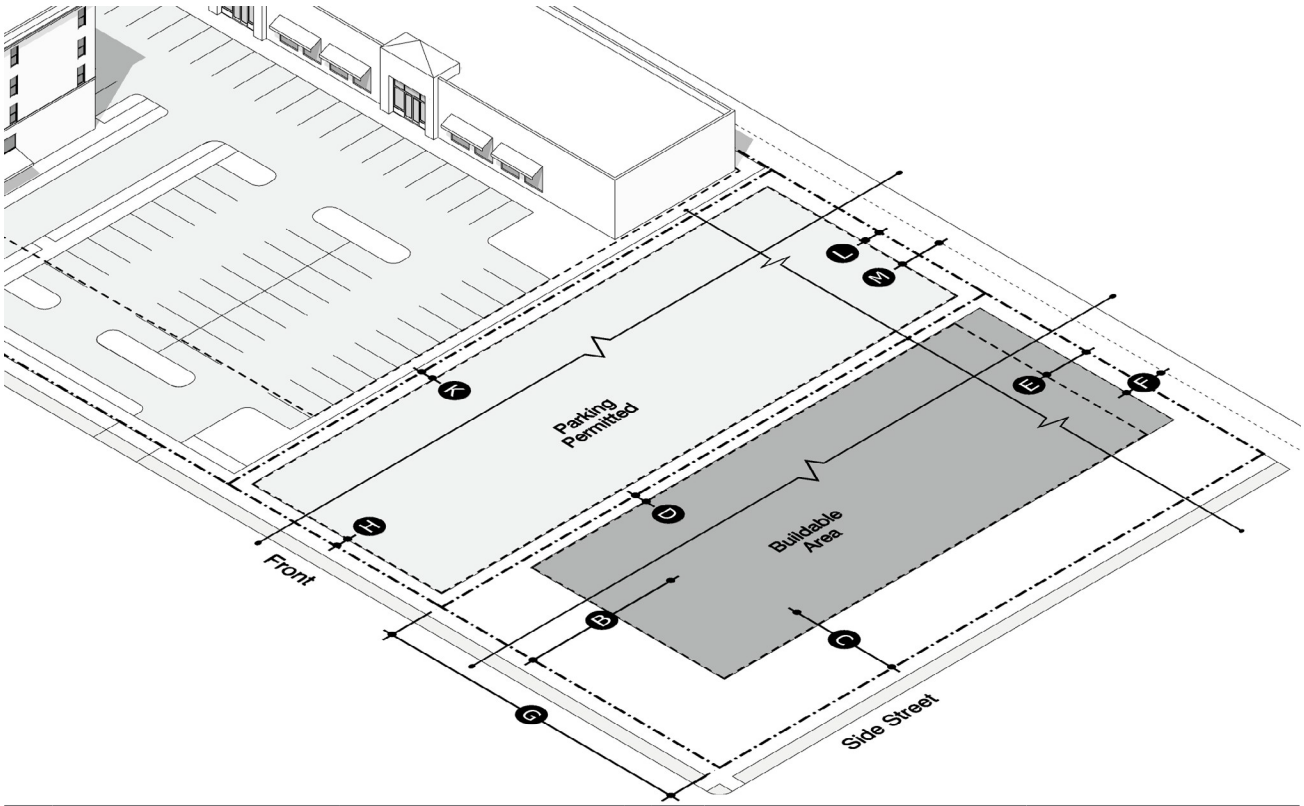
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.
[2] Sec 50-505 Zone Transitions may modify setbacks and heights.
[3] 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 seven (7) feet.

GC: GENERAL COMMERCIAL



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

Buildings

Location*

A	Building Footprint [3]	60% max./80% max.**
B	Front Setback [1, 3]	12 ft. min./8 ft. min.**
C	Side Street Setback [1, 3]	12 ft. min./8 ft. min.**
D	Side Setback [1]	7 ft. min.
E	Rear Setback [1]	20 ft. min.
F	Alley Setback [1]	15 ft. from the alley centerline
	Accessory Structures and Pools	Not allowed within setbacks

Height

Buildings	4 stories max. not to exceed 60 ft.
Parking Structures	50 ft. max.
Ground Floor Height	N/A

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 [3]	90% max./100% max.

Parking Location	
H Front Setback	5 ft. min.
J Side Street Setback [2]	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

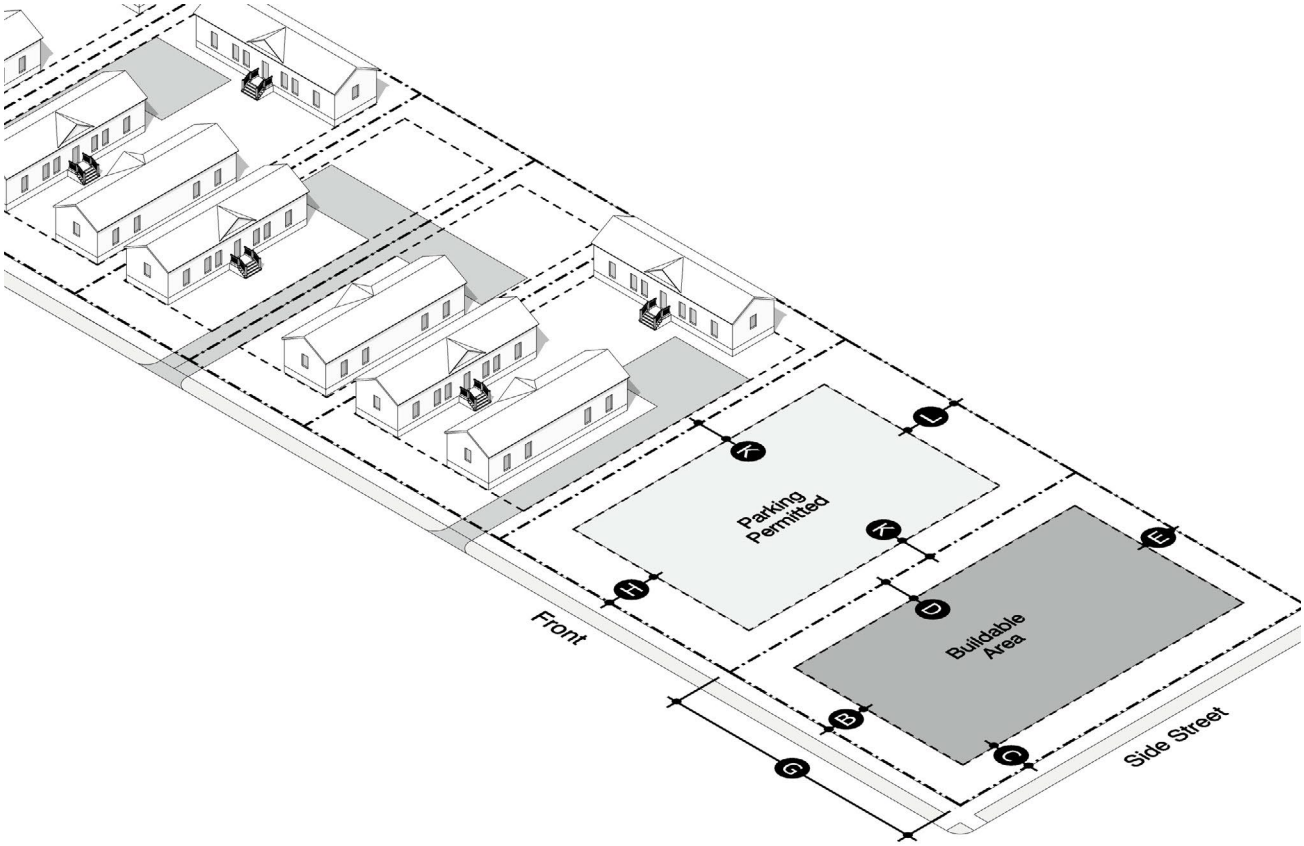
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

[3] 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 ten percent (10%) impervious surface is allowed for uses other than Commercial.

MH: MANUFACTURED HOME



MH allows medium-density residential development with manufactured homes. It supports both individual lots and manufactured home parks, which may permit up to three (3) homes per lot based on setbacks and lot coverage.

Buildings

Location*		Height	
A Building Footprint	40% max.	Buildings	36 ft.
B Front Setback [1]	16 ft. min.	Parking Structures	N/A
C Side Street Setback [1]	16 ft. min.	Ground Floor Height	N/A
D Side Setback [1]	7 ft. min.		
E Rear Setback [1]	12 ft. min.		
F Alley Setback [1]	15 ft. from the alley centerline		
Accessory Structures and Pools	Not allowed within setbacks		

MH: MANUFACTURED HOME

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Active Uses

N/A

Required Glass	
Ground Floor	10% min.
Upper Floor	10% min.

Site Design

Lot Size	
G Lot Width	36 ft. min.

Fencing and Walls

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

Impervious Areas

Impervious Area	75% max.

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	16 ft. min.
K Side Setback	20 ft. min.
L Rear Setback	20 ft. min.
M Alley Setback	0 ft. min.

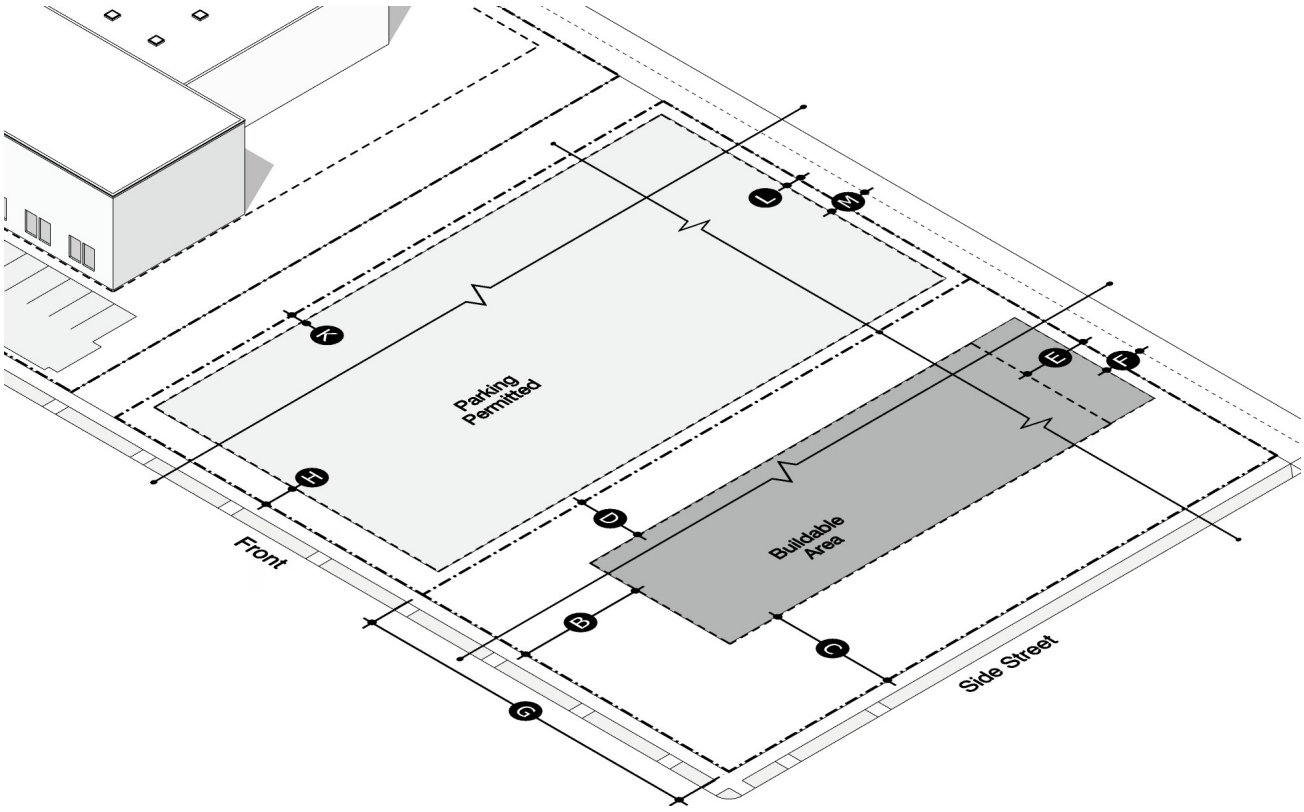
Uses

See Sec. 50-406. Use standards

Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

LI: LIGHT INDUSTRIAL



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

Buildings

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

LI: LIGHT INDUSTRIAL

Building Elevations

Required Entries	
Entry Frequency	N/A

Required Active Uses
N/A

Required Glass	
Ground Floor	N/A / 25% min.[3]
Upper Floor	N/A / 25% min.[3]

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	80% max. / 100% max.**

Parking Location	
H Front Setback	20 ft. min.
J Side Street Setback	30 ft. min. / 8 ft. min.[2]
K Side Setback	5 ft. min.
L Rear Setback	5 ft. min.
M Alley Setback	0 ft. min.

Uses

See Sec. 50-406. Use standards

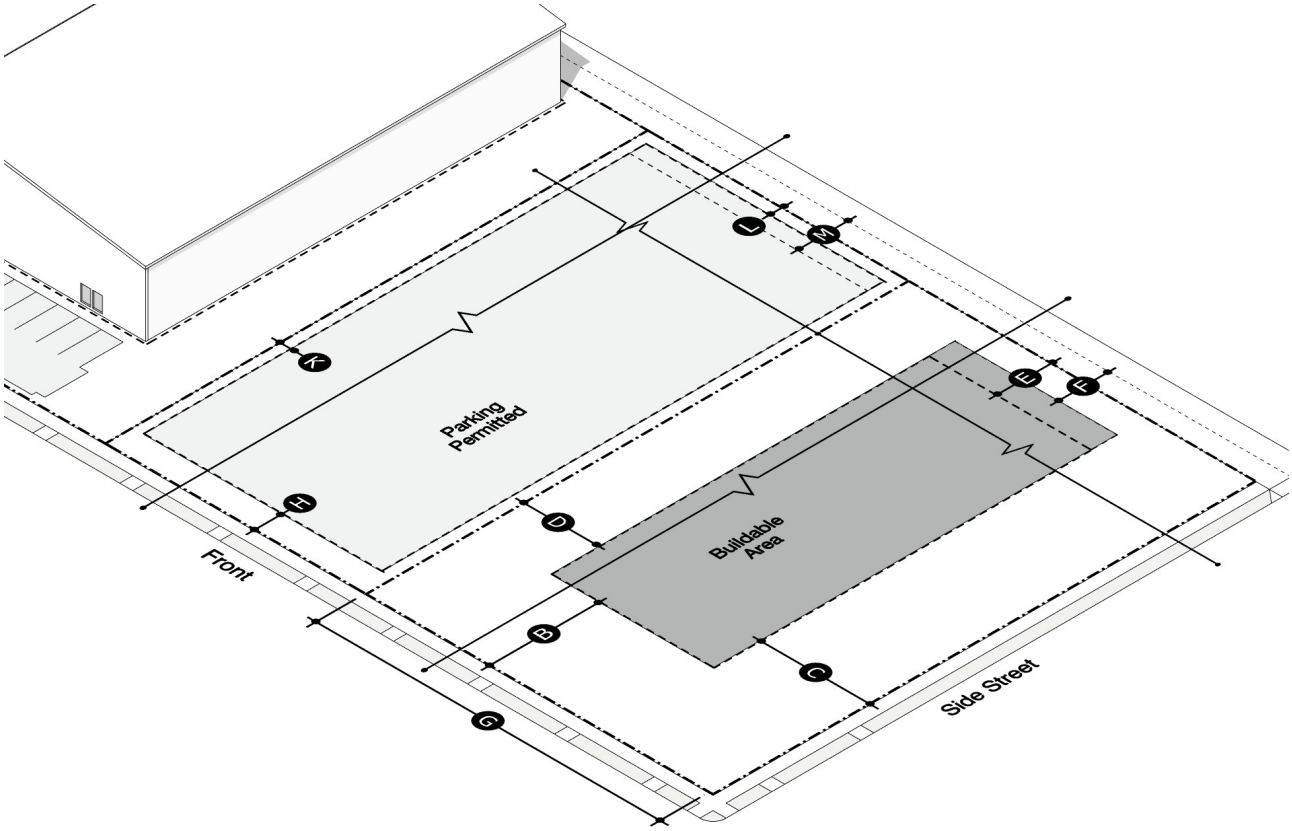
Notes

[1] Utility easements and fire access standards may increase or otherwise modify setbacks.

[2] Sec 50-505 Zone Transitions may modify setbacks and heights.

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

LFI: LARGE FORMAT INDUSTRIAL



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

Buildings

Location*

A	Building Footprint	50% max.
B	Front Setback [1, 2]	30 ft. min.
C	Side Street Setback [1, 2]	30 ft. min.
D	Side Setback [1, 2]	50 ft. min.
E	Rear Setback [1, 2]	50 ft. min.
F	Alley Setback [1, 2]	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

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

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

SEC . 50-406 . USE STANDARDS

(a) Public use exception

(1) Purpose. To recognize that certain public facilities and services are essential for community health, safety, and welfare, and may be located where needed to serve the public interest.

(2) Applicability.

a. Public uses and infrastructure, including utilities, streets, stormwater facilities, and similar systems, are permitted in all zoning districts when determined necessary for the benefit of the community as a whole.

b. Such uses must comply with applicable design standards in Article 50-5 Design Standards and any technical or construction requirements adopted by the City.

(b) Uses

(1) Uses are listed in Table 4.2 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 prohibited by local, state, or federal 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.

TABLE 4.2 DISTRICT USE MATRIX

Use	Use reg. Sec. 50-406	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			■						■	■	■		■	■	■
Animal shelter or kennel	(d)	■	■										R	■	■
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		■	■	■

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

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Commercial (continued)															
Hospital									■	■	■		■	■	■
Medical housing: assisted, extended, or rehabilitation								■	■	■	■		■	■	
Medical marijuana dispensary	(c) (22)		R					R	R	R	R		R	R	R
Medical services: out-patient care										■	■		■	■	
Medical services: substance abuse treatment													■	■	
Office	(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

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
Industrial (continued)															
Solar energy system	(c) (34)	R	R	R	R	R	R	R	R	R	R	R	R	R	R
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)	■		■	■	■	■	■	■	■	■	■		■	■	
Emergency services								■	■	■	■		■	■	■
Government facilities								■	■	■	■		■	■	■
Religious assembly		■	■	■	■	■	■	■	■	■	■	■	■	■	
School: K-12		■	■	■	■	■	■	■	■	■	■		■	■	
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		■	■									■			
Cottage court	(c) (9)				R	R	R	R							

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

Use	Use reg. Sec. 50-406	T2.1	T2.2	R-1	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6	MH	GC	LI	LFI
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 4.2 District Use Matrix.

(2) Accessory dwelling

a. One (1) 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 one thousand (1,000) square feet or seventy-five percent (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 (1) 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. An ADU must meet the front and side street setbacks of the zoning district. An ADU must meet all other setback requirements or be setback a minimum of seven (7) feet, whichever is less.

h. 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 by at least:

1. One thousand five hundred (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. Two thousand five hundred (2,500) feet from another adult oriented business.

c. If a protected use locates closer to an adult-oriented business than the required separation distance, the adult-oriented business is not required to relocate.

d. Adult oriented businesses must not display adult material or merchandise where it can be seen from outside.

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

a. Subject to performance standards, see subsection (d) Performance standards.

(5) Automobile sales

a. In T5:

1. Outdoor storage and sales of vehicles are not allowed between front and side street property lines and the nearest building; and

2. Outdoor storage and sales of vehicles must be set back from lot lines according to the rules for parking areas according to Sec. 50-503 (h) Car parking and circulation.

b. In T6:

1. Outdoor storage and sales of vehicles is not allowed.

(6) Automobile service and car wash

a. Outdoor storage of vehicles is not allowed between front and side street property lines and the nearest building. See Table 4.1 Zone Standards 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. Garage bays must comply with the location standards in Sec. 50-504(f)(5) Garage door location.

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 front and side street. Property line

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, et, seq.

1. Capacity.

i. Registered homes may care for up to five (5) children total.

ii. Licensed homes may care for up to sixteen (16) 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; and

iii. The home must meet all building, fire, health, and sanitation codes.

3. Traffic safety
    i. Homes on four-lane streets must add one (1) 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 three thousand (3,000) sq. ft.

(9) Cottage courts

a. Lot and building standards

1. A cottage court lot must be a minimum area of ten thousand (10,000) sq. ft. in T3.1.
2. A cottage court must contain no more than twelve (12) dwellings per site or four (4) dwellings per site in - 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 ten (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 four hundred (400) square feet per dwelling, with no dimension less than twenty (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 two hundred fifty (250) square feet with no dimension less than ten (10) feet.
4. Fencing in private open space must not exceed six (6) feet in height.

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 (f) (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 , see subsection (d) Performance standards.
b. The square footage is limited to two thousand (2,000) sq. ft..

(12) Event venue

a. Limited to a maximum assembly space of three thousand (3,000) sq. ft. in T2.2 and T4.2.
b. Subject to subsection (d) Performance standards.

(13) Feedlots and stockyards

a. Subject to subsection (d) Performance standards.

(14) Food and beverage

a. Tenant space is limited to one thousand six hundred (1,600) sq. ft. maximum.

(15) Funeral home

a. Subject to performance standards, see subsection (d) Performance standards.
b. Parking areas are limited to thirty (30) parking spaces, maximum.

(16) Gas station

a. Pumps and canopies are not allowed between buildings and the front and side street property lines.
b. Canopy clearance is limited to fourteen (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 (8) unrelated residents, plus necessary live-in staff, is allowed wherever detached dwellings are allowed.
b. Residents must function as a single housekeeping unit.
c. Individuals whose tenancy would pose a direct threat to the health or safety of others, or cause substantial physical damage to the property of others, are not allowed.
d. Group homes must be located with reasonable access to public or shared transportation and support services such as social service providers, employment agencies, and medical care.

e. Parking must meet the requirements for detached dwellings and include any additional spaces needed for staff and visitors.

f. The Fire Department must approve the use of the structure as a group home prior to occupancy.

g. Group homes must comply with all applicable state and federal requirements.

(18) Home occupations

a. Home occupations are divided into two (2) categories:

1. Standard home occupations involve only the residents of the household and no more than one (1) 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 twenty-five percent (25%) of the dwelling;
2. No more than one customer may visit the home at a time;
3. No non-resident employees; 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 (excluding alcohol sales)
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 forty-nine percent (49%) of the floor area of the primary structure or one thousand (1,000) square feet, whichever is less.
7. A maximum of five (5) individuals not residing on the premises, whether customers or employees, may be present at a 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. Outdoor work, storage, or display of goods is prohibited.
11. Business signage is limited to one non-illuminated sign, not exceeding nine (9) square feet in area.
12. 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; or
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 three thousand (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 fifteen percent (15%) of the associated building area.

(21) Reserved

(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 six thousand (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 (1) per lot, maximum.

(25) One dwelling, attached

a. In T3.2 buildings are limited to one (1) per lot and a total of two (2) dwellings, maximum.

b. In T4.1 buildings are limited to four (4) dwellings per lot, maximum.

(26) Outdoor entertainment facility

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

b. A noise impact assessment must be completed by a professional acoustic engineer. The assessment must identify noise levels prior to, after construction, and identify sound attenuation measures that ensure the venue will comply with Art. 58-V Noise.

c. Installation of sound attenuation measures as recommended in the noise impact assessment.

d. Subject to subsection (d) Performance standards.

(27) Outdoor and mobile food vendors

a. Permits are required as specified in Sec. 50-718 (f) 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 (1) outdoor vendor is allowed per lot. More than one (1) 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 nine hundred (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 Process and Sec. 50-705. Large-Scale Development Process.
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, in parks as authorized by the Parks and Recreation Director, or other city property as authorized by the Mayor.
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 (8) feet long, four (4) feet wide, and six (6) feet high, on a paved surface.
4. No more than one (1) 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 ten (10) feet of a street intersection, crosswalk, driveway, bus stop, fire hydrant, or fire escape;
2. Within fifteen (15) feet of a building entrance;
3. Within fifty (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 (4)-foot clear passageway must be maintained at all times.

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 five hundred (500) feet of a school during school hours and one (1) hour before or after.
3. Mobile food vendors may operate only between 10:00 AM and thirty (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. Parklets are allowed in T5 zones where the establishment abuts a public street with on-street parking.

b. Permits are required as specified in Sec. 50-718 (b) Encroachment permit.

c. Conditions.

1. No signs or advertising are allowed on the parklet.
2. The establishment must release and indemnify the City from any liability for injury or property damage related to use of the parklet.
3. The establishment must inspect and report defects, keep the area clean, and maintain the parklet in good condition.
4. The establishment must maintain general liability insurance with a minimum of one million dollars ($1,000,000.00) 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 (10) days' prior written notice to the City.
5. Parklets must be designated non-smoking.
6. Alcoholic beverages may only be served or consumed in the parklet if fully compliant with ABC licensing.
7. 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. The establishment must keep all parklet elements in good condition and promptly repair or replace worn or damaged elements.
9. The City may conduct periodic inspections for compliance.
10. The establishment must comply with the minimum design standards in subsection e. Minimum design standards.
11. The parklet must comply with all applicable Building and Fire Codes.

d. 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 (1)-foot buffer from travel lanes.

ii. Must not be within twenty (20) feet of an intersection.

iii. Must maintain at least a four (4)-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 forty-two (42) inches high.

iii. Must use durable, weather-resistant, and slip-resistant materials.

iv. Must be ADA compliant with a flush transition, sixty (60)-inch turning space, and sixty (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 (7) feet of clearance above the sidewalk.

vi. Must not block stormwater drainage.

e. 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; or
6. The City initiates an infrastructure project requiring removal of the parklet.
7. The establishment may appeal to the City Council within fourteen (14) days of notice of revocation.

(29) Retail

a. Building area is limited to three thousand (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 two hundred (200) feet of a residential zoning district.

b. Site suitability.

1. The site must be suitable for temporary occupancy and may not contain conditions related to soil, drainage, topography, or surrounding land uses that create hazards to occupants or adjacent properties.

c. Density.

1. The maximum density is fifteen (15) 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 (10) feet. No recreational vehicle may be located closer than five (5) feet to an internal site boundary.

e. Access.

1. The site must have vehicular access from an improved public street. Parks with more than twenty-five (25) sites must provide at least two (2) vehicular access points. Parks with more than one hundred (100) sites must provide at least three (3) 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 five percent (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 (3) months within any twelve (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 and garage doors must meet the requirements of Sec. 50-504(f)(5) Garage door location 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 buildings must be set back from front and side street property lines a minimum of one hundred (100) feet .

d. Multi-story self-storage buildings must have must have

an active use on the ground floor, such as the rental office, at the main pedestrian entry, no less than five hundred (500) sq. ft. in area.

(33) Service

a. Tenant area is limited to two thousand (2,000) sq. ft., maximum .

b. Outdoor storage of materials is not allowed.

(34) Solar energy systems

a. Roof-mounted systems:

1. May extend up to five (5) feet above sloped roofs, measured along the slope;
2. May extend up to ten (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 fifteen (15) feet above ground; and
4. Must not exceed ten percent (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 one hundred (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 six (6) months of discontinuation of use. A decommissioning plan and financial assurance may be required as a condition of approval.

e. Downtown Bentonville

1. Only rooftop solar panels are allowed in Downtown.
2. Rooftop solar panels are subject to the following compatibility standards:

i. Roof-mounted systems must be placed on roof slopes not visible from the primary street, or set back so they are not visible from the public sidewalk;

ii. Panels must be parallel to the roof surface and use mounting hardware that minimizes visual bulk;

iii. For flat roofs, equipment must be screened by the parapet or otherwise not visible from surrounding streets;

iv. Visible components such as inverters or conduit must be painted to match the building surface and be located away from street-facing façades; and

v. Solar systems must not obstruct or alter historic architectural features such as cornices, chimneys, or window openings.

(35) Solid waste disposal

a. Facilities must be located at least one thousand (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 (1) per lot, maximum.

(37) Warehouse and distribution

a. Buildings must be located a minimum of one hundred (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 subsection (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 eighty (80) feet in non-residential districts and fifty (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, 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 two hundred percent (200%) of the tower height from any residential zoning district or existing dwelling.

2. Collocation on existing towers, utility poles, or buildings is required if available. A new tower must demonstrate that no existing facility can accommodate the equipment. Approval of the appropriate utility director is required.

3. Towers must be designed to accommodate at least three (3) 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 six (6) months 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.

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.

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) Make parking areas safe, pleasant, and supportive of good street design;

(10) Encourage lasting, high-quality development that benefits the community and public health; and

(11) 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 six (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 two hundred (200) feet of abutting properties.

b. Each block must meet the size requirements in subsection (3) Block size.

c. Block perimeters must follow existing streets.

d. See subsection (c) Circulation network for additional rules for street and trail connections that affect block size and arrangement.

(3) Block size

a. Streets, civic spaces, and trails, 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 two thousand (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 five hundred (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 one hundred fifty (150) feet or greater in any direction.

f. Blocks must be deep enough to accommodate two (2) lots.

g. Rear lot lines may not face the edge of a block.

(4) Mid-block trails

a. Mid-block trails provide walking and biking access through long blocks. They must divide the block along its longest dimension, as shown in Figure 5.2 Mid-Block Trails.

b. In GC, this rule may be satisfied with a pedestrian walkway through parking areas.

c. Mid-block trails are not required in T2, R-1, T3.1, LI, and LFI.

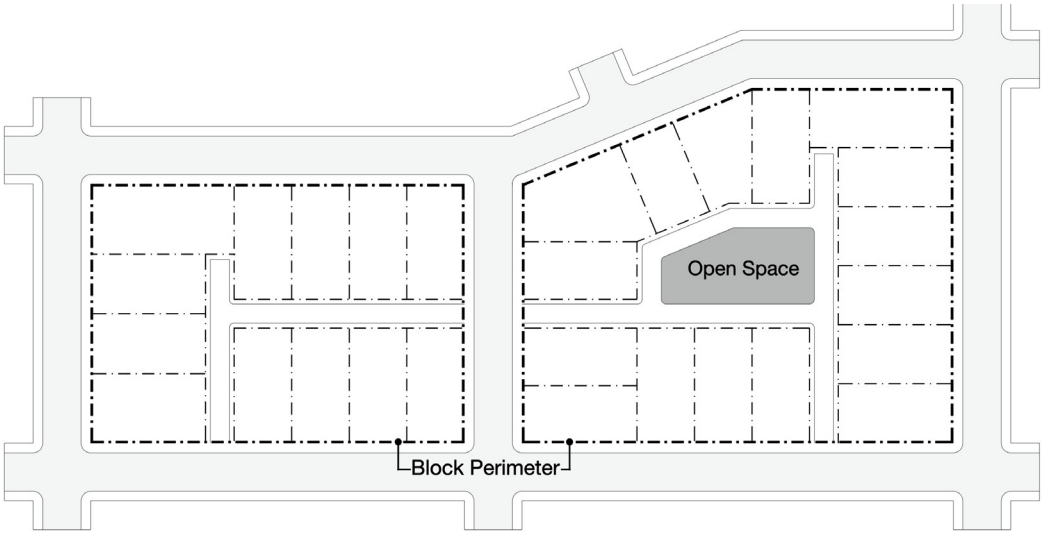
d. Mid-block trails must meet the design standards in Sec. 50-604. Trails and Bikeways. The minimum width of the easement, tract, or right-of-way may be reduced if adherence to other design standards is demonstrated.

(5) Alleys

a. Alleys are required where specified in subsection (d) Lot layout.

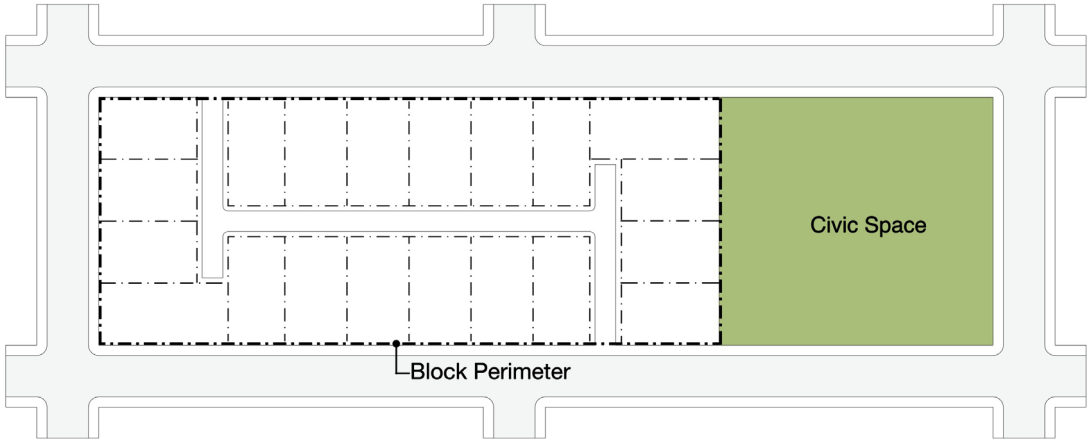
b. Alleys must follow the rules in Sec. 50-602 (m) Alleys.

FIGURE 5.1 BLOCK SIZE



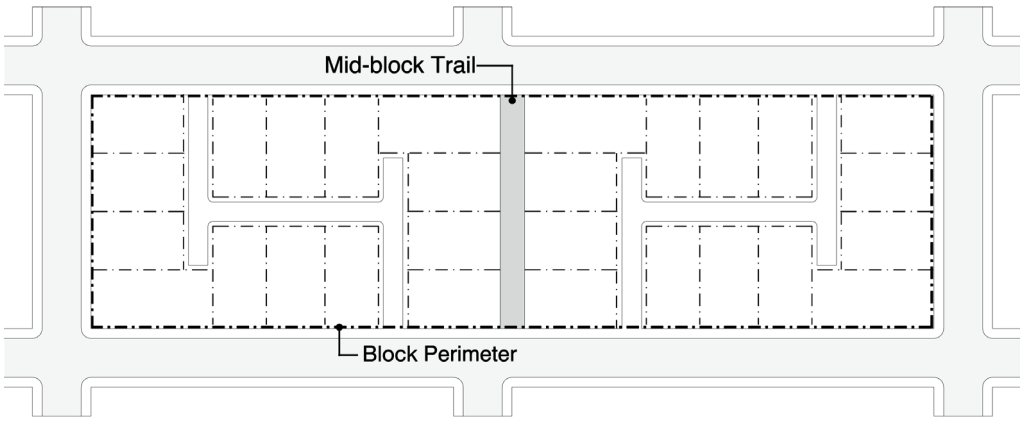
Block Size: Typical Blocks

FIGURE 5.1 BLOCK SIZE

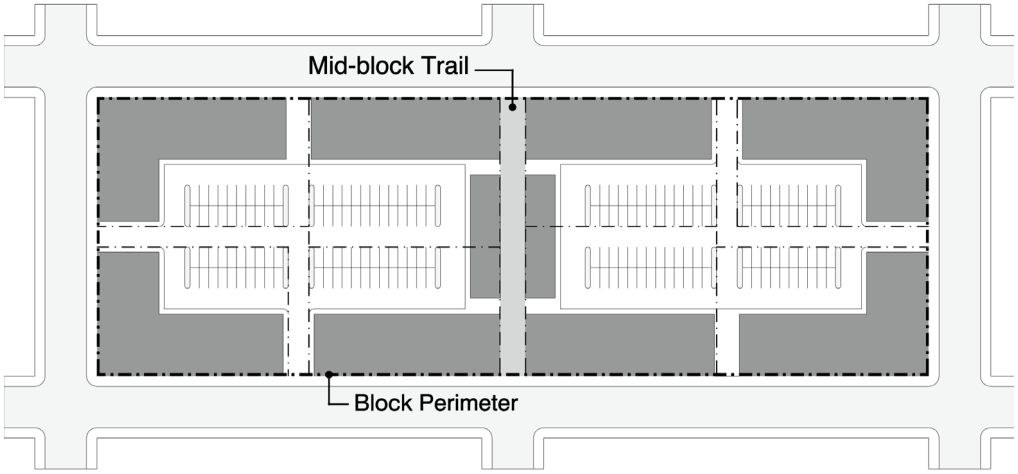


Block Size: Blocks Including Civic Space

FIGURE 5.2 MID-BLOCK TRAILS



Mid-block trail through a typical residential block.



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

(c) Circulation network

(1) General

a. All development must include a connected circulation network for walking, biking, and driving throughout the site.

b. The circulation network must connect with existing streets, walkways, and trails, and connect to neighboring undeveloped properties.

c. The circulation network must be located between blocks and may include:

1. Streets, which must make up at least fifty percent (50%) of the circulation network (by center line length);
2. Special streets, such as shared streets, festival streets, and green streets, for up to fifty percent (50%); and
3. Trails, for up to fifty percent (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) Cul-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 fifteen (15)-degrees of perpendicular, except:

1. Streets may meet at Y-intersections as long as no angle is less than ninety (90)-degrees.

j. Street and commercial driveway intersections must:

1. Line up across from each other; or
2. Be offset by at least one hundred fifty (150) feet, measured from center line to center line; except where a permanent median separates the connections.

k. Only one (1) offset intersection is allowed for every six (6) blocks along a street unless an exception applies as defined in Table 7.2 Administrative Adjustment Criteria.

(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 six (6) acres):

i. No additional bicycle facilities are required.

e. Large sites (six (6) acres and larger):

i. Sites with through streets must provide at least one (1) through bicycle facility for every four (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 one (1) bicycle facility for every one thousand three hundred twenty (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 6.3 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 six hundred sixty (660) feet.

c. External connections include:

1. Streets or major driveways, compliant with Sec. 50-602. Street Design;
2. Front parking lanes following Sec. 50-503 (h) (9) Car parking location; and
3. Trails, following Sec. 50-502 (b) (4) Mid-block trails.

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

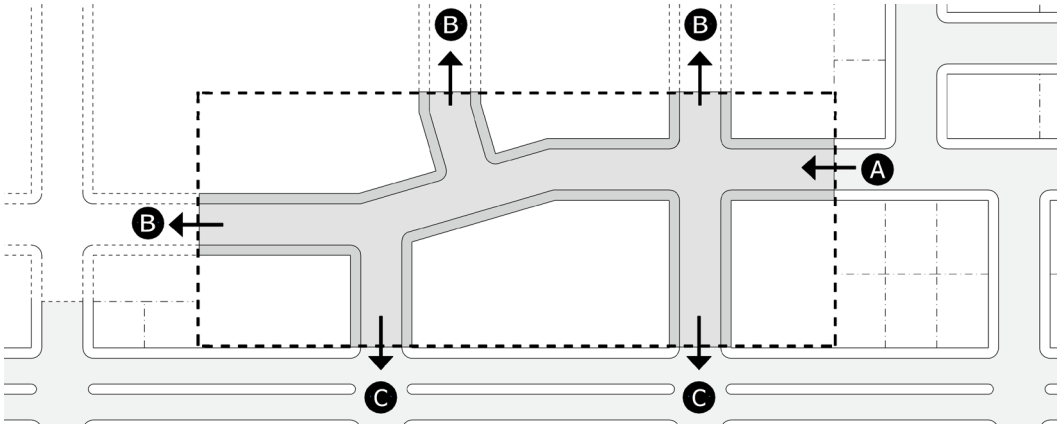
e. Required external connections may be modified based on a written determination by the Planning Commission that strict compliance is infeasible based on one or more of the following criteria:

1. The required connection is infeasible due to location within a mapped floodway, slopes exceeding twenty percent (20%) across the required connection area, or other documented physical barriers that make construction impracticable;
2. A traffic impact analysis demonstrates that the required connection would result in a significant increase in traffic volumes on adjacent, residential streets beyond their functional classification capacity and such increase cannot be mitigated through traffic calming, street design modifications, or operational controls;
3. An existing principal building occupies the full width of the required connection;
4. The adjacent parcel is fully developed in a manner that prevents logical extension or connection;
5. The parcel width or depth is insufficient to accommodate a compliant block and required connection; or
6. The site is zoned T2, LI, or LFI, and the operational characteristics of the use make through-connections impracticable.

f. Where vehicular connection is exempted under (e), the Planning Commission may still require a pedestrian or bicycle connection or an emergency access connection.

g. An access easement must be granted to the City and 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) Cul-de-sacs

a. Cul-de-sacs 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.

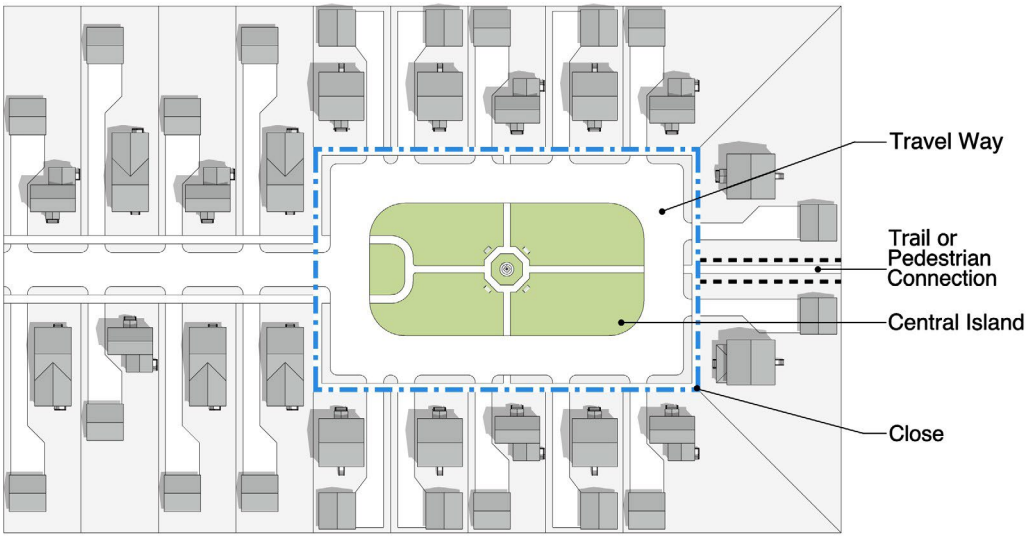
b. Urban districts. In the T4, T5, and T6 districts, any allowed cul-de-sac must follow a close layout, as shown in Figure 5.4 Cul-de-Sacs, and meet the following standards:

1. At least one hundred (100) feet between property lines in all directions;
2. The street border must continue around the cul-de-sac, including street trees;
3. A landscaped central island must be provided with trees, benches, walkways, or other usable features that serve as an amenity to nearby homes; and
4. A trail or pedestrian walkway that continues the sidewalk or trail network beyond the cul-de-sac, connecting to abutting streets, properties, or trails, wherever feasible.
5. The cul-de-sac may provide civic space in alignment with pocket park requirements in Table 5.1 Civic Space Types.

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. Cul-de-sacs must be no longer than six hundred sixty (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 ninety-six (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 CUL-DE-SACS



(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 forty (40) feet deep;

d. Have at least one (1) 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 forty (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) Blocks 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 (1) 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 six (6) acres: No civic space is required;

2. Site over six (6) acres: Must include at least five percent (5%) civic space;

3. Sites over thirty (30) acres: Must include at least one (1) separate civic space for every thirty (30) acres; and

4. Distribution: When more than one (1) civic space is required, they must be spaced out so that every lot is within two thousand six hundred forty (2,640) feet of one (1), as shown in Figure 5.5 Civic Space Distribution.

5. Sites less than ten (10) acres within 1/2 mile of a public park may have civic space requirements removed by the Director.

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 5.1 Civic Space Types and the landscape requirements of Table 5.20 Civic Space Landscaping.

b. The Director may approve other types of civic space if they meet the purpose and function of

another civic space type.

c. Civic space landscaping must follow the requirements of Sec. 50-510 (h) Civic space landscape.

d. Civic space proportion and minimum dimension are measured as follows:

1. Rectangular in shape: the proportion is the ratio of width to length and the minimum dimension is the lesser of the width and length;
2. Triangular in shape: the proportion is the ratio of the base to the altitude and the minimum dimension is the altitude; and
3. Irregular in shape: the proportion is measured with an inscribed rectangle, as shown in Figure 5.6 Irregular Civic Space Sides and Proportion, and the minimum dimension is the shortest side.

e. Sides of a civic space are separated by corners with an angle of one hundred thirty-five (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 City.

(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 if they meet all of the following:

1. Include at least twenty-five percent (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 two thousand (2,000) square feet, with a minimum of fifty percent (50%) of that area providing unobstructed access for people to sit, walk, or gather.

c. Land dedicated for a public school may count toward the civic space requirement if the site is publicly accessible outside of school hours and provides outdoor gathering or recreation areas.

(4) Stormwater in civic spaces

a. Stormwater storage and treatment is limited within civic space by the ranges specified in Table 5.7 Civic Space Types and as follows:

1. Maximum storm water area is calculated as a percentage of the area of the surrounding civic space.
2. Open water is measured as the mean water level.

b. The design of storage and treatment areas must follow these rules:

1. Areas not continually under water must be shared-use for recreation when dry;
2. All furnishings must be anchored;
3. Stormwater areas must be accessible and may not be enclosed by fences or walls;
4. Stormwater areas must be located within a drainage easement;
5. Subject to maintenance by a POA; and

6. Tree canopy coverage requirements exclude stormwater areas.

c. Integrated green roof and stormwater systems may count toward both civic space and stormwater requirements if they meet all of the following:

1. Retain at least one inch of rainfall from a twenty-four (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. Fifty percent (50%) of pocket park area; and
2. Twenty percent (20%) of all other civic spaces.

c. Must include a water supply.

d. Must have at least seventy-five (75%) noon-time solar exposure.

FIGURE 5.5 CIVIC SPACE DISTRIBUTION

A Site A (Requires 2 civic spaces)

B Public park (outside of sites)

C Site C (Requires 2 civic spaces)

D Site D (Requires 1 civic space)

E Site E (Requires 1 civic space)

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

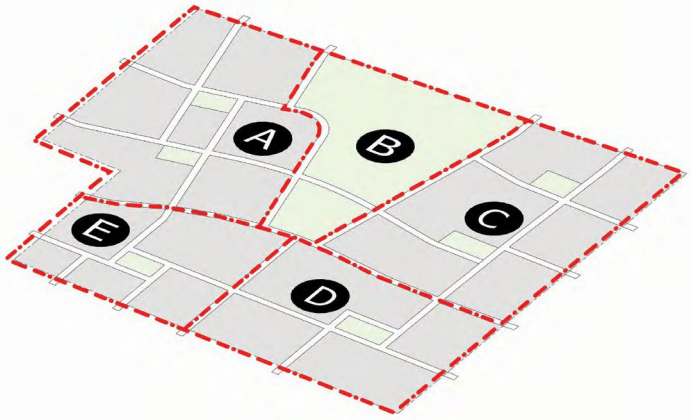
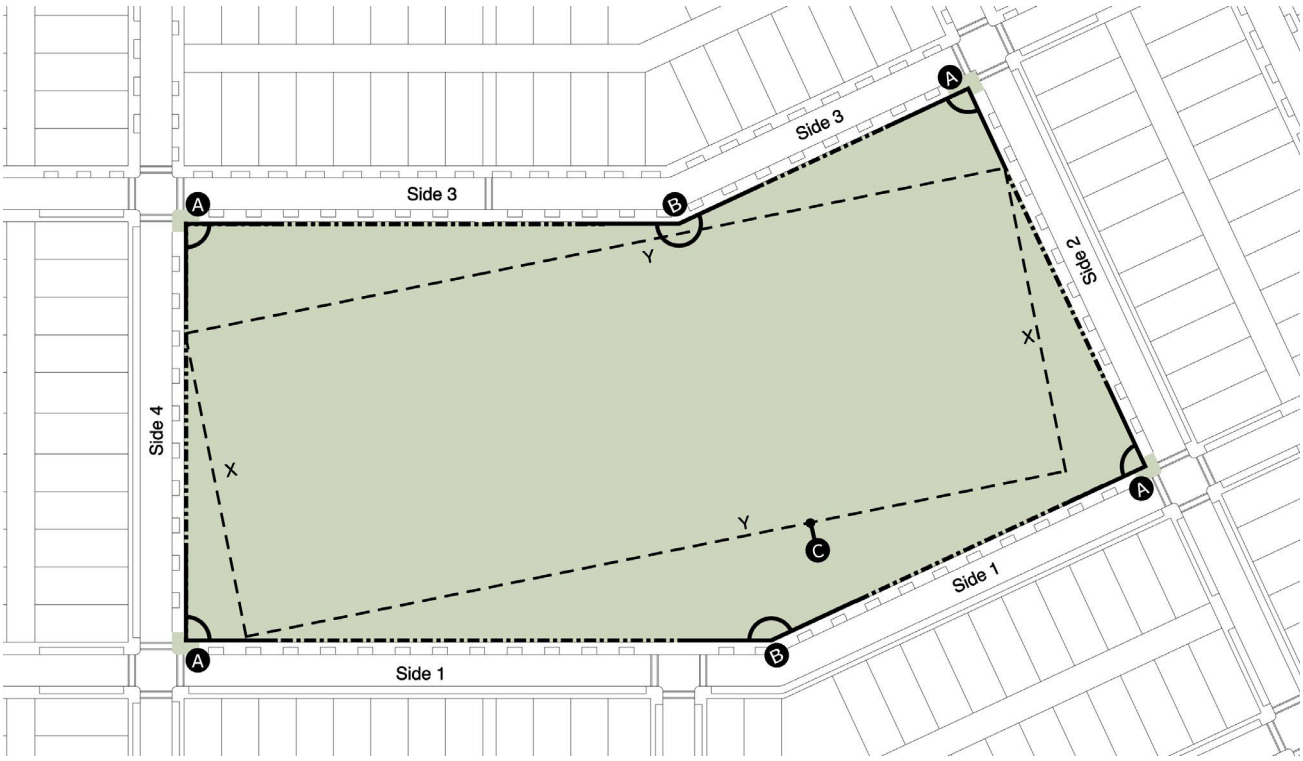


FIGURE 5.6 IRREGULAR CIVIC SPACE SIDES AND PROPORTION



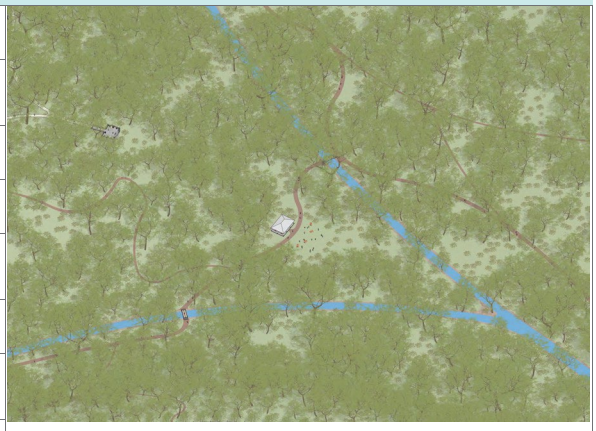
Sides of a civic space are between corners that meet at an angle less than one hundred thirty-five (135)-degrees. Civic space proportion is the ratio of rectangle inscribed in the civic space in the form of X:Y (e.g. 1:4)

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

TABLE 5.1 CIVIC SPACE TYPES

Conservation Park

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



Green

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

Square

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

TABLE 5.1 CIVIC SPACE TYPES

Plaza

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

Greenway

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

Pocket Park

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

SEC . 50-503 . SITE DESIGN

(a) Impervious surfaces

(1) Impervious surface is the percentage of the lot that is covered by buildings, paving, and any other surfaces that are not permeable to water.

(2) Impervious surface is limited as follows:

a. For each lot: By the amounts specified in Table 4.1 Zone Standards;

b. Within flood hazard areas: Following Sec. 50-511. Natural Resource Protection and the City's Flood Damage Prevention Code;

c. Within civic spaces: By the amounts specified in Table 5.1 Civic Space Types;

d. Within open spaces (other than civic spaces): Ten percent (10%), maximum; and

e. Sites larger than one (1) acre in T5 and T6: Ninety percent (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 (1) of the following incentives:

i. A reduction of up to ten percent (10%) in the minimum required off-street parking spaces, rounded down to the nearest whole number;

ii. A five percent (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 (1) 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 five thousand (5,000) square feet or more;

ii. Multi-building commercial or mixed-use sites greater than one (1) 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 one-half percent (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 five (5) feet wide;

c. Walkways must be constructed of concrete or unit pavers; and

d. Alternative materials may be allowed as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers, subject to the following:

1. Asphalt walkways in LI and LFI districts; or

2. Gravel or pervious walkways if they meet ADA compliance standards.

(f) Trails and bicycle facilities

(1) If The Bike & Pedestrian Master Plan shows a trail or pathway through the site, it must be provided as specified in the plan.

(2) Additional trails and bicycle facilities are optional. If provided, they must follow Sec. 50-604. Trails and Bikeways.

(g) Bicycle parking

(1) Required bicycle parking

a. Bicycle parking must be provided following Table 5.3 Required Bicycle Parking, but must always provide a minimum of four (4) spaces for the uses listed in Table 5.3.

b. Required bicycle spaces must follow the rules in subsection (2) Bicycle parking location.

(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 fifty (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 fifty percent (50%) may be within two hundred (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 two hundred (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 fifty (50) feet of a pedestrian entrance to the parking structure or stairwell, with access to a ground floor pedestrian entrance; and

2. Must be located on the ground floor, except where building entrances, accessible to the intended users, are located on a different floor of the parking structure.

e. Entertainment and Institutional uses:

1. Alternative locations for required short-term and long-term bicycle parking may be approved as an administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2.

(3) Bicycle parking design

a. Bicycle parking installation must provide:

1. A paved surface, including pavers, with a slope no more than three percent (3%);
2. Access to a sidewalk, trail, or common area within a building;
3. At least six (6) feet of vertical clearance;
4. Bicycle space size and spacing as follows, and as shown in Table 5.2 Bicycle Parking Dimensions:

i. Each space must provide a clear area six (6) feet long by two (2) feet wide;

ii. Racks must be spaced at least thirty (30) inches apart along the width of parking spaces, overlapping the parking spaces up to eighteen (18) inches; and

iii. Lengthwise, one side of the parking space must have at least four (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 five (5) feet from fire hydrants;

ii. At least four (4) feet from loading zones, bus stop signs, or shelters;

iii. At least three (3) feet from driveways, manholes, benches, trash receptacles, and buildings;

iv. At least two (2) feet from utility meters, landscaped areas; and

v. At least one (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 twenty percent (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 thirty-six (36) inches;
5. Must comply with the Association of Pedestrian & Bicycle Professionals (APBP) bicycle parking guidelines, including:

i. Must accept multiple bicycle frame sizes and styles;

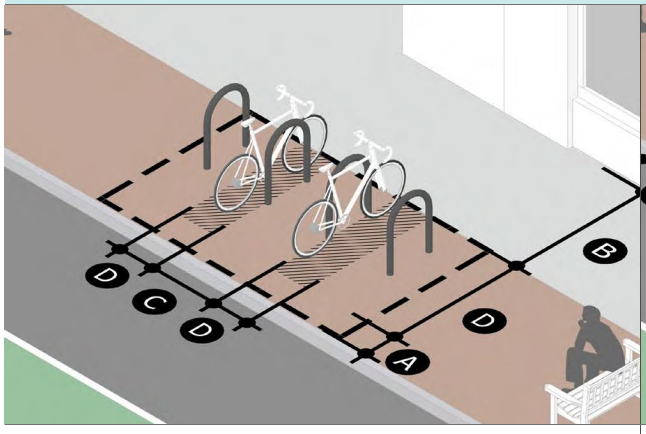
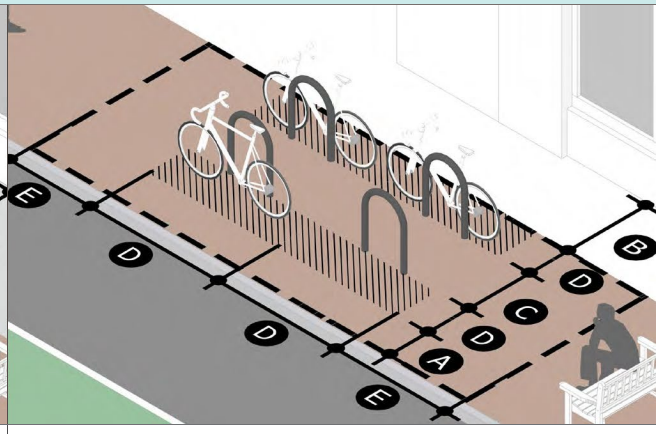
ii. Must accommodate the use of cable and U-type locks;

iii. Must support a bicycle frame at two (2) points above the wheel hubs to allow the frame and at least one (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 (2)-tier racks may be approved by the Director for long-term spaces. Two (2)-tier racks must include lift assist for upper-tier spaces.

TABLE 5.2 BICYCLE PARKING DIMENSIONS

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

Minimum Bicycle Space Dimensions

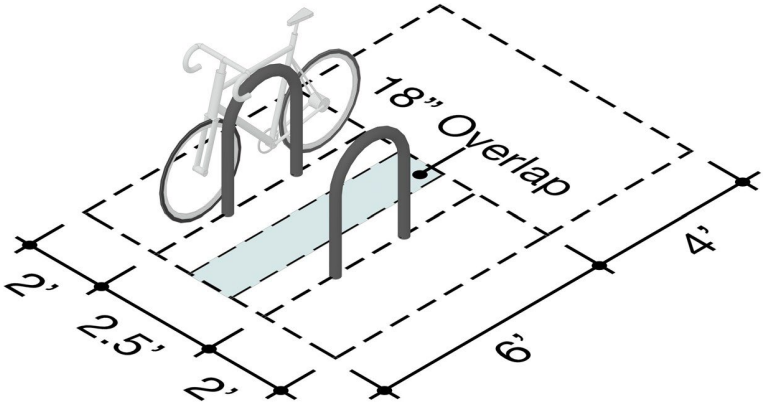


TABLE 5.3 REQUIRED BICYCLE PARKING

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

(h) Car parking and circulation

(1) Single-site development

a. Major driveways must follow Sec. 50-502 (c) Circulation network and are treated like streets for the purpose of this Section.

b. Only major driveways are allowed to connect to public streets, not individual driveways for future lots, except for sites where major driveways are not required.

(2) Driveway location

a. Driveways providing access for cars to the lot must be located following Table 5.4 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 four hundred (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 one hundred fifty (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 5.5 Driveway Spacing from Intersections;
6. Driveway centerlines must be separated from other driveways as specified in Table 5.6 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 5.7 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 that:

1. Provides cross access for all abutting properties; and
2. Defines 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 two hundred (200) feet 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 (2)-unit, and three (3)-unit dwellings.

f. Individual residential driveways are not allowed along collectors or arterials, except along new collectors approved for new subdivisions.

TABLE 5.4 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 5.5 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 5.6 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 5.7 MAXIMUM DRIVEWAYS ALONG A LOT LINE

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

(3) Driveway curb cuts

a. All driveway curb cuts require a right-of-way permit from Engineering, except as otherwise approved as part of a development plan or subdivision.

b. Curb cut radius:

1. Major driveways follow Sec. 50-602. Street Design.
2. Where intersecting with local streets and within Downtown, follow alley apron standards in Table 6.3 Alley Apron.
3. Where intersecting with collector or arterial streets, a fifteen (15) foot curb return radius is required.
4. Increased radii may be approved by administrative adjustment under Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

(4) Driveway width

a. Driveway width is limited, following Table 5.8 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 5.8 DRIVEWAY WIDTH

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

(5) Drive-throughs

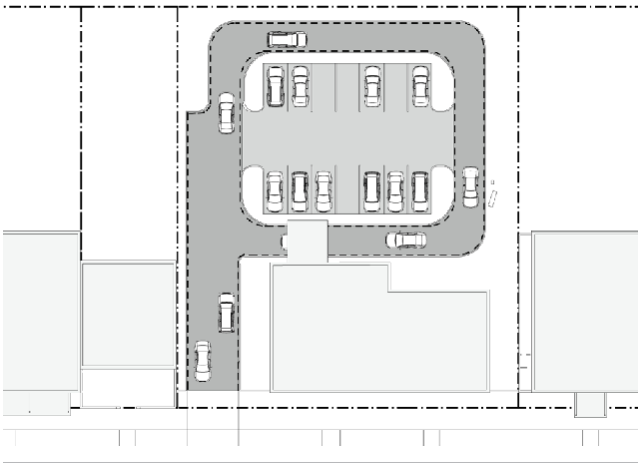
a. Drive-throughs are only allowed for commercial uses in T5, GC, LI, and LFI.

b. Drive-through lanes, windows, and equipment are not allowed between the building and the front or side street property line, as illustrated in Figure 5.7 Drive-Through Layout.

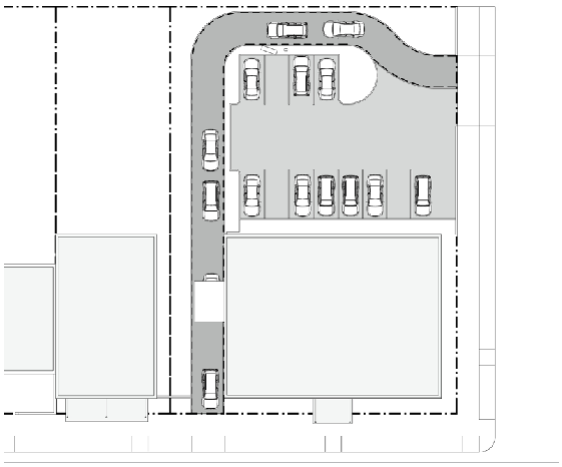
c. Drive-through lanes must not block sidewalks or other pedestrian walkways.

d. Any drive-through structure - such as canopies, windows, or other equipment - must be set back at least twenty (20) feet from the front of the building.

FIGURE 5.7 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 5.9 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 FLUM require two (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. Applicants may opt to submit a parking study, prepared by a licensed professional, subject to the approval of the Planning Commission, in lieu of the required parking minimums.

g. Sites within parking management districts must follow parking management district rules and are exempt from required car parking in this section.

TABLE 5.9 MINIMUM CAR PARKING

Use	T2	R-1	T3	T4	T5	T6	GC	LI	LFI	MH
Commercial [1]										
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 [1]										
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 [1]										
Manufacturing							1.75			
Warehouse and distribution							0.5			
Institutional [1]										
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			

TABLE 5.9 MINIMUM CAR PARKING

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

[1] **Non-residential uses**: spaces for every one thousand (1,000) square feet of net building area.
[2] **Lodging uses**: spaces for each guest room, with restaurants and meeting rooms counted separately.
[3] **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 fifty percent (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 twenty percent (20%); and
2. ¼ of a mile: Parking requirements are reduced by ten percent (10%).

d. Sites near a premium 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 fifty percent (50%); and
3. ½ of a mile: Parking requirements are reduced by twenty-five (25%).

e. Parking may be reduced by up to ten percent (10%) for providing bike parking above minimum requirements at a rate of one (1) car parking space for every four (4) short term bike parking spaces or 1 car parking space for every 2 long term bike parking spaces.

f. Parking may be reduced by up to ten percent (10%) for the purposes of tree preservation, subject to the requirements of Sec. 50-509. Tree Preservation.

g. Parking requirements may be reduced when two (2) or more uses share the same parking area when:

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

3. A shared use contract between the two (2) 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:

1. T2, T3, R-1, LFI: n/a; and
2. T4, T5, T6, GC, LI: One hundred fifty percent (150%) for buildings up to sixty thousand (60,000) square feet and one hundred twenty-five percent (125%) for buildings greater than sixty thousand (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 established, built out parking lanes along the edges of the site;
3. Off-street parking within six hundred sixty (660) feet of the site. A shared parking agreement must be executed and approved by the Staff Attorney and 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.

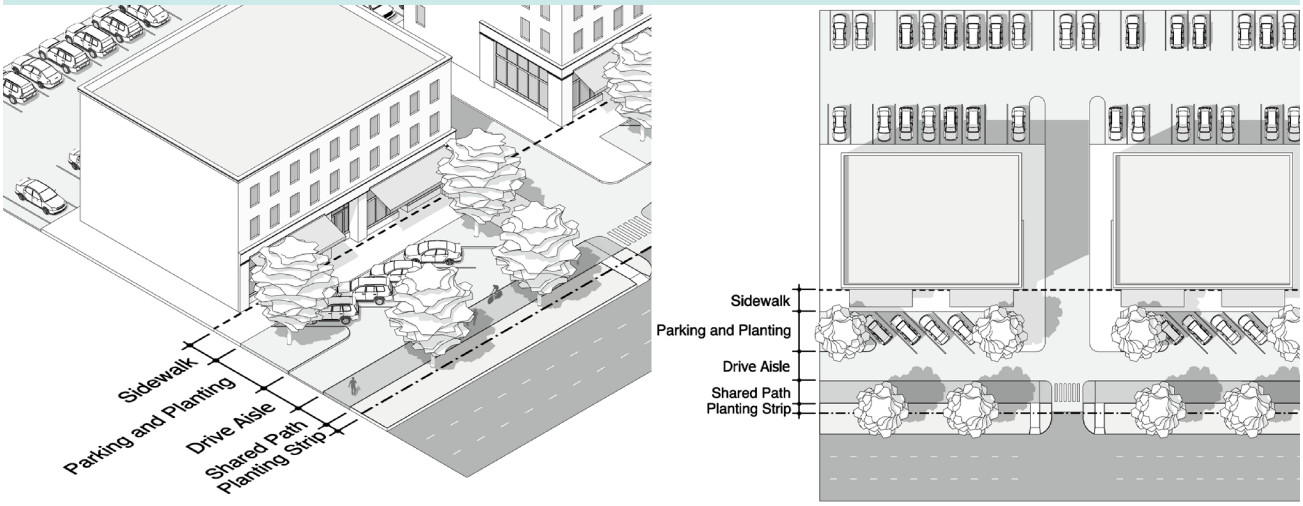
f. If a front parking area is allowed, it must follow these rules:

1. Parking may be located between buildings and the street, as shown in Figure 5.8 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 six (6) to twelve (12) feet from the right-of-way. This setback must be landscaped and include street trees no more than fifty (50) feet apart;
3. The front parking area cannot be more than sixty (60) feet deep and must include:
   i. A shared path for bikes and pedestrians, at least ten (10) feet wide;
   ii. A drive aisle;
   iii. One (1) row of parallel or angled parking; and
   iv. A border with a planting strip and sidewalk, following Sec. 50-602. Street design. Planting may be placed between angled parking instead of in a separate strip.

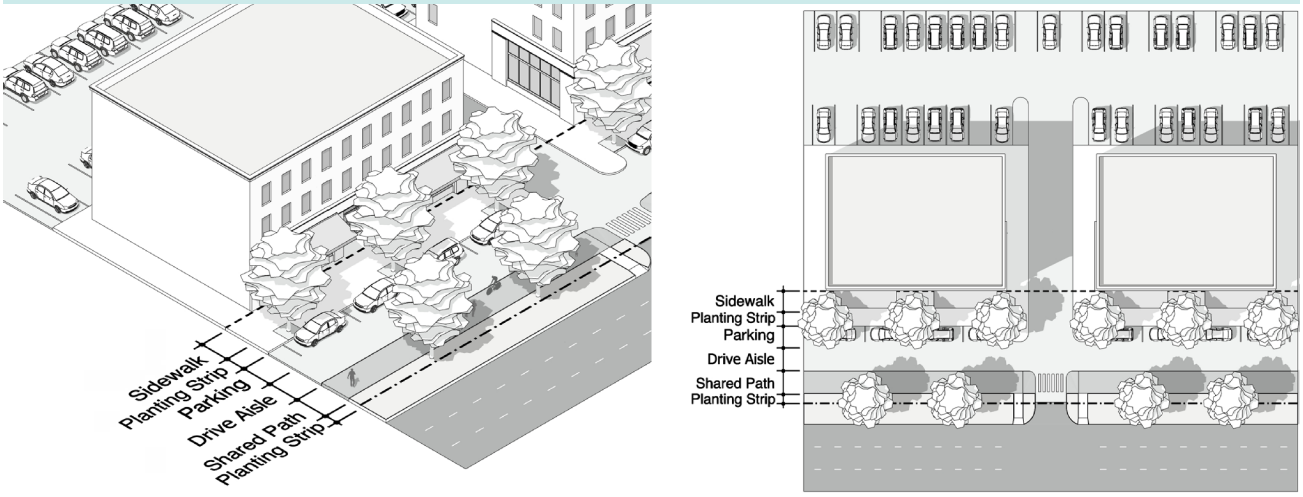
4. Parking spaces and drive aisles must follow Table 5.10 Parking Space and Aisle Dimensions; and
5. A sidewalk and planting strip must be provided between the front parking area and buildings. These must comply with the rules in Sec. 50-602. Street design.

FIGURE 5.8 FRONT PARKING LANE LAYOUT

Front parking lane with angled parking



Front parking lane with parallel parking



(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 5.10 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 5.10 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.		

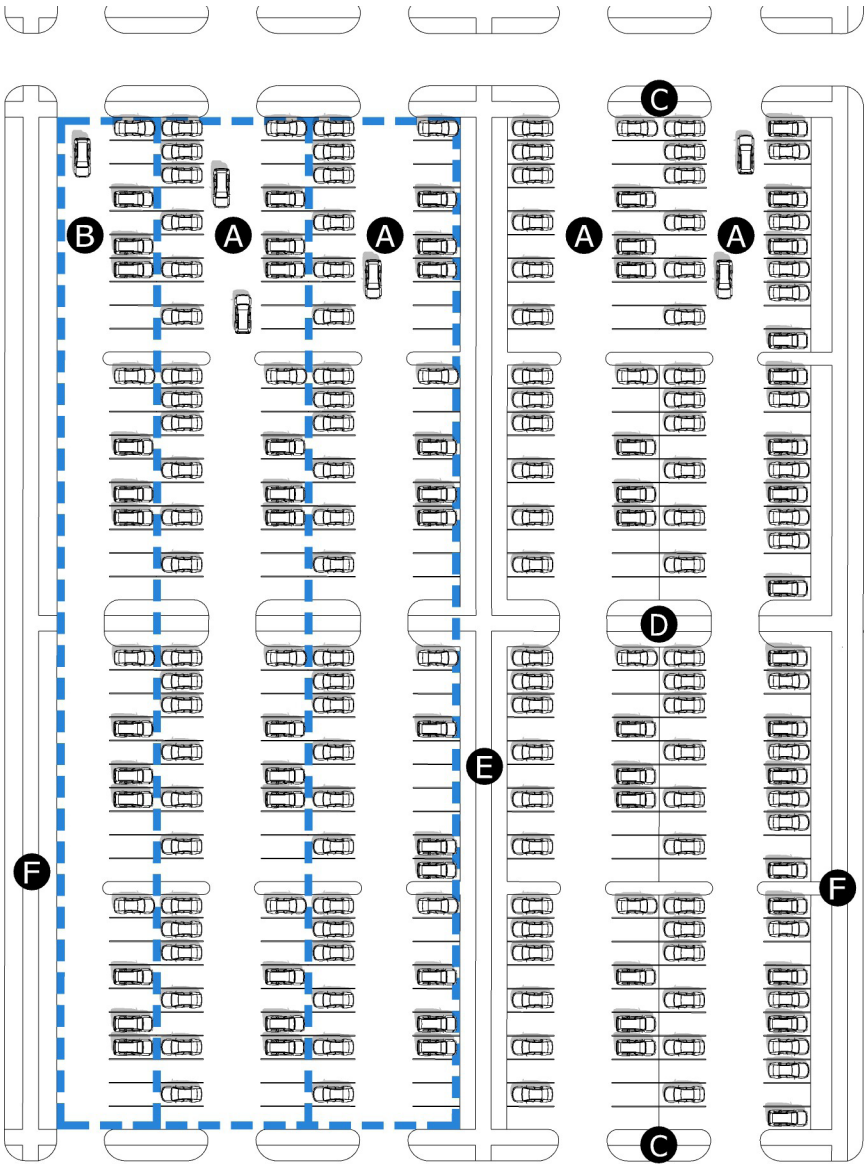
b. Parking lots with more than twenty (20) spaces:

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 three hundred (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 5.11 Required Walkways and Planting in Parking Lots; and
   ii. As shown in Figure 5.9 Illustrated Walkways and Planting in Parking Lots.
4. In T3 and T4 zones, the total number of required parking lot trees is increased by twenty-five percent (25%).
5. Landscape areas within parking lots must be designed to accept stormwater runoff unless otherwise approved by the Transportation Director.

TABLE 5.11 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 landscape area

FIGURE 5.9 ILLUSTRATED WALKWAYS AND PLANTING IN PARKING LOTS



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

(11) Loading location

a. Sites in the T2 zoning district are exempt from these loading rules.

b. Loading areas on private property must follow these rules:

1. Must be placed behind the building, away from the front lot line;
2. Must be set back at least twenty (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 thirty (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 (1)- and two (2)-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 one thousand six hundred (1,600) lumens when controlled by a motion sensor that turns the light off no later than twelve (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 one thousand one hundred (1,100) lumens must include cutoff or full cutoff shielding, as defined by IESNA.

f. The source of illumination must not be visible from beyond the property line.

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

(3) Outdoor recreation

a. This subsection applies to lighting of outdoor play and performance areas.

b. Cutoff is not required; however, it is encouraged.

c. Glare control packages, such as louvers and shields, are required to direct light onto play, performance, and seating areas only.

d. Lighting must be turned off no later than one (1) hour after the conclusion of the last event or upon park closure, whichever occurs later.

(4) Accent lighting

a. Landscape accent lighting:

1. Accent lighting directed onto landscaping is allowed;
2. All non-cutoff luminaires must be shielded and directed so that light is only focused on the landscaped area; and
3. Luminaires must not be visible from any pedestrian or vehicular egress.

b. Building mounted accent lighting:

1. Accent lighting attached to building facades, structures, or architectural elements is allowed;
2. All non-cutoff luminaires must be shielded and directed toward only the area being illuminated; and
3. Fixtures may be used to illuminate vertical building surfaces if the bulb is shielded with an opaque surface that prevents horizontal light emissions.

c. Ground mounted accent lighting:

1. Ground-mounted lighting for buildings must be directed only onto the building surface;
2. Direct light emissions must not be visible above the roof line or beyond the edge of the building;
3. Upward-aimed fixtures must be:
   i. Fully shielded;
   ii. Confined by eaves, roofs, or overhangs; and
   iii. Located as close to the illuminated building as possible.
4. Spotlight bulbs or lamps must not be visible from a pedestrian or vehicular egress.

d. Pole mounted accent lighting:

1. Pole-mounted accent lighting for the purpose of illuminating buildings is not allowed.

e. Pedestrian walkway accent lighting:

1. Allowed when mounted no more than forty-two (42) inches above the walkway grade.

f. Neon and light emitting diode (LED) lighting:

1. Neon or LED lighting used in signs is subject to Sec. 50-508. Signs and is exempt from this subsection; and
2. Neon or LED accent lighting is allowed to highlight architectural elements of nonresidential structures, subject to the following:
   i. Fixtures must be mounted on or affixed to non-reflective surfaces;
   ii. All direct illumination must remain within the boundaries of the property; and

iii. Total accent lighting is limited to:

(i) One (1) linear foot of lighting per linear foot of illuminated façade; and

(ii) A maximum of seventy-five percent (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;

b. Within 25 feet of R-1 and T3 properties; or

c. 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 and from T2, R-1, T3, and T4 properties.

(4) Exhaust vents and waste rooms within buildings are not allowed along front lot lines.

SEC . 50-504 . VERTICAL CONSTRUCTION

(a) Building placement

(1) Minimum and maximum setbacks are specified in Sec. 50-405. Standards for Zoning Districts.

(2) Building height is limited as specified in Sec. 50-405. Standards for Zoning Districts.

(b) Flood hazard areas

(1) New enclosed buildings must follow the requirements of the Flood Damage Prevention requirements.

(c) Building footprint limits

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

(d) Building projections

(1) Certain building features may extend (or project) into minimum setbacks and build-to areas as shown in Table 5.21 Encroachment Examples, and as follows:

a. Projections are measured outward from the face of the building, and the allowed depth may be partially or entirely within the setback or build-to area;

b. Up to two (2) feet: Roof overhangs, cornices, trim around doors and windows, and decorative elements on the façade;

c. Up to four (4) feet: Balconies, bay windows, and awnings over residential windows;

d. Up to six (6) feet: Stoops and ground-floor display windows in non-residential buildings;

e. Up to ten (10) feet: Porches, as long as the porch is at least five (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, if they are at least six (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.

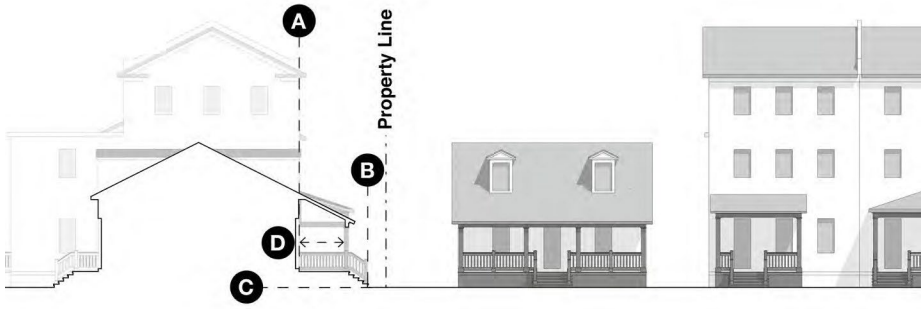
b. Galleries and awnings may extend into the right-of-way if they meet the following:

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

c. Balconies may encroach up to four (4) feet into the right-of-way if there is a minimum vertical clearance of thirteen (13) feet above the sidewalk.

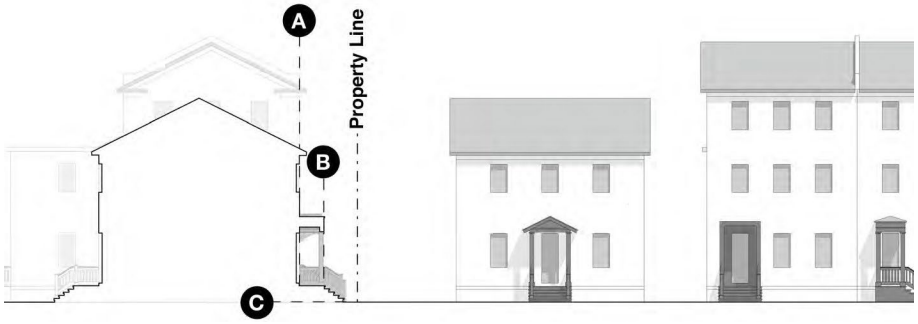
FIGURE 5.10 ENCROACHMENT EXAMPLES

Porch Encroachment into the Front Setback



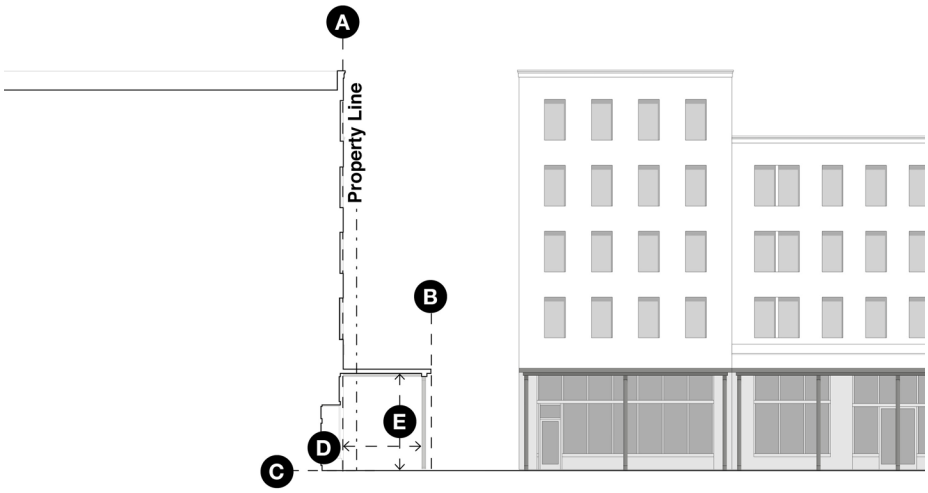
- A Minimum setback
- B Encroachment of porch
- C Sidewalk grade
- D Minimum depth required for porches that encroach into a setback.

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

(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: forty (40) feet;
   2. T4 zones: thirty (30) feet; and
   3. All other zones: ten (10) feet.

c. Parking structures may be located within the build-to area if they meet the following:
   1. At least eighty percent (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 fifty percent (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 seventy percent (70%) of the width of the front build-to area;
   2. Screen the structure for at least fifty percent (50%) of the width of the side street build-to area; and
   3. Include active uses as specified in Sec. 50-504 (c) (4) Required active uses.

(2) Height

a. Freestanding parking structures must comply with the maximum height in feet listed in Table 4.1 Zone Standards for the zoning district in which they are located.

b. Parking structures that are fully lined by other uses or screened by buildings along the build-to area may have a height equal to
   1. The maximum height for parking structures in Table 4.1 Zone Standards, or
   2. The eave height (sloped roof) or parapet height (flat roof) of the lowest liner use or screening building, whichever is greater.

c. Parking structures that are vertically stacked with other uses must comply with the following:
   1. The maximum overall building height in feet permitted for the zoning district; and
   2. The maximum number of building stories permitted for the zoning district.
   3. In T5.2, T6, and GC, all parking levels combined may count as a single building story for the purpose of determining compliance with subsection (c)(2). In all other zoning districts, each level of parking stacked with other uses shall count as a building story.

d. Under no circumstance may parking be used to increase the permitted number of stories or exceed the maximum overall building height in feet.

(3) Screening

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

(f) Building elevations

(1) Required entrances

a. Buildings located within thirty (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 seventy-five (75) feet; and

2. Required entrances are provided along the front lot line.

(2) Required glass

a. Building walls (elevations) located within thirty (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 5.11 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 seventy-five percent (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 sixty percent (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 forty (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 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)

iv. Marble and granite; and

v. Fiber cement board and wood siding with a minimum twenty-five (25)-year warranty, but are only permitted in T2, R-1, T3, and T4 zoning districts.

3. No more than two (2) primary materials may be used on any one (1) façade.
4. Materials must return at least twenty-four (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 prohibited
      i. Masonite;
      ii. Vinyl siding;
      iii. Non-architectural CMU;
      iv. T-111 or similar sheet siding;
      v. Plywood;
      vi. Metal panel thinner than 24 gauge;
      vii. Exterior Insulation Finish System (EIFS); or
      viii. 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;
   2. Does not introduce any prohibited materials or colors; and
   3. Meets the purpose and intent of this Article.

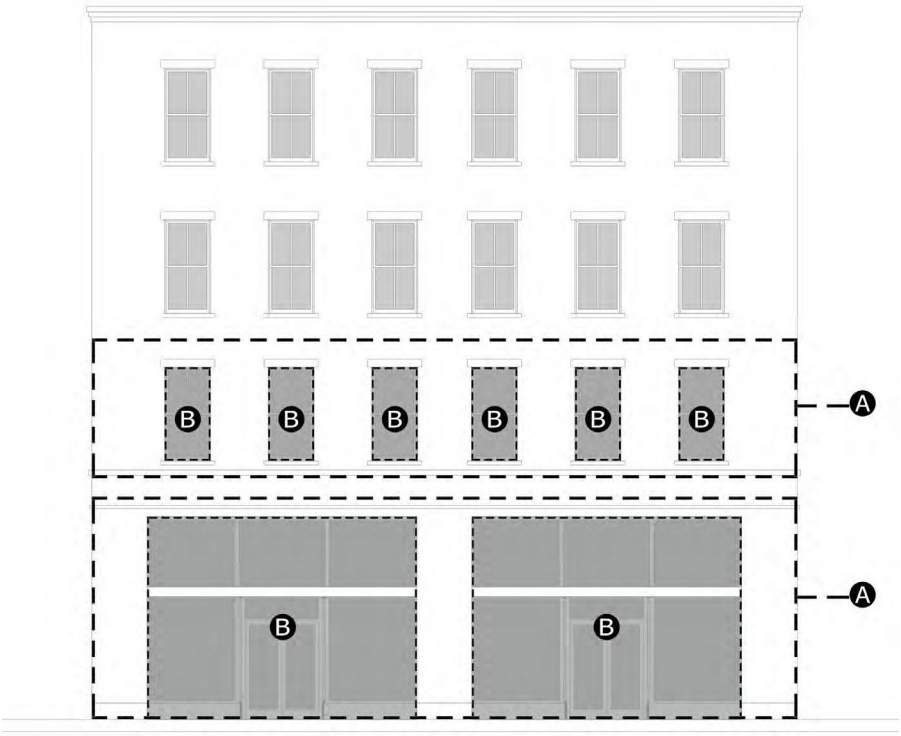
e. All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface.

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 twelve (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; or
   9. Any other space intended for regular use and frequent occupancy.

FIGURE 5.11 GLASS AREA CALCULATIONS



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

(5) Garage door location

a. New buildings are not allowed to orient garage doors or bays toward a front or side street property line. This restriction does not apply to existing buildings where garage bays are repurposed for non-automotive functions.

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 5.18 Buffer Requirement by Adjacency.

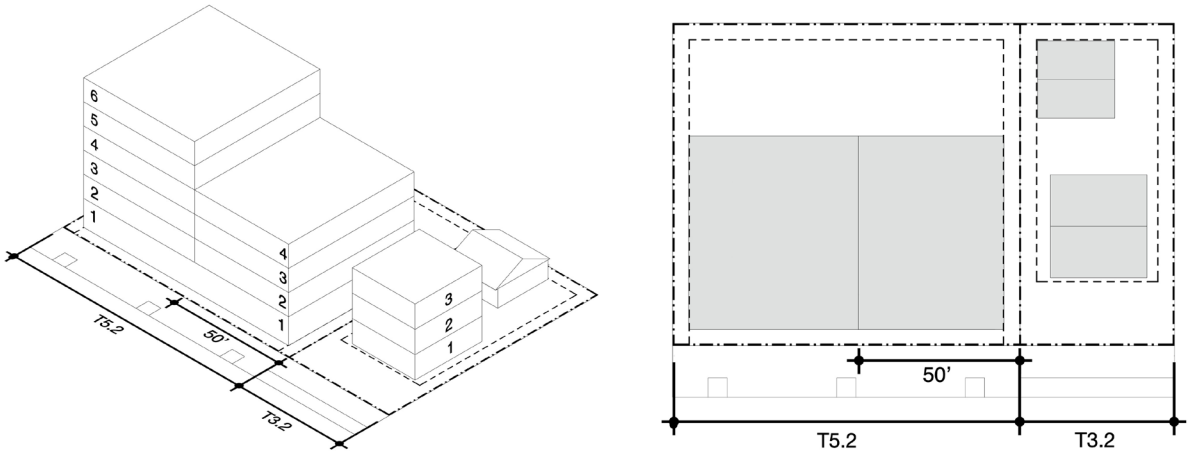
(d) Transition in height

(1) Height transitions are required as illustrated in Figure 5.12 Height Transition Examples and specified in Table 5.12 Height Transitions.

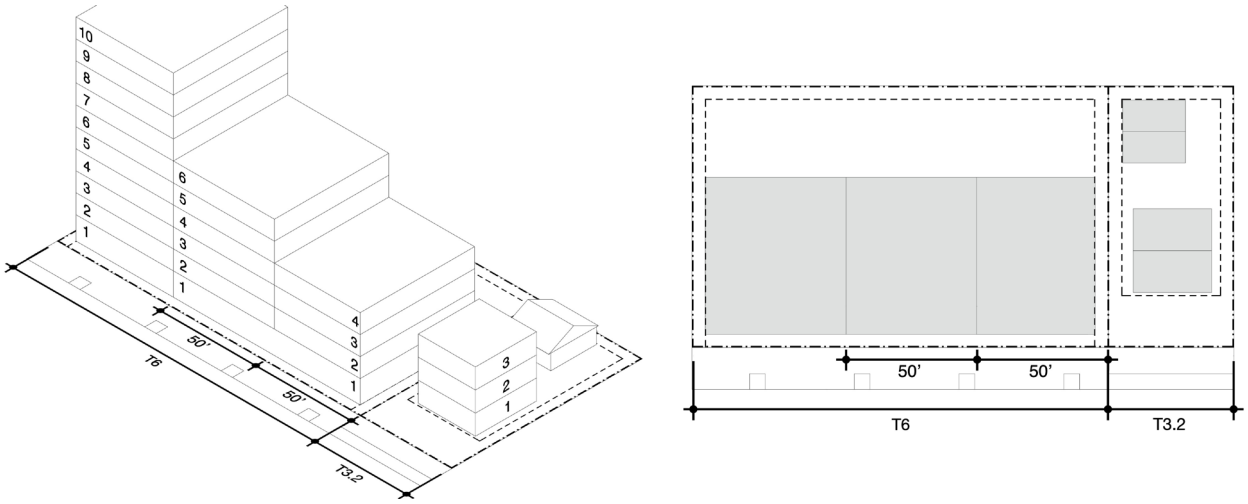
TABLE 5.12 HEIGHT TRANSITIONS

<table>
<tr><th colspan="4">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>Limited to R-1 maximum height within fifty (50) feet</td><td colspan="2">Limited to R-1 maximum height within fifty (50) feet. Between fifty (50) and one hundred (100) feet, two additional stories, not to exceed thirty (30) additional feet are allowed above the R-1 height maximum height.</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 one (1) story, not to exceed fifteen (15) additional feet, within fifty (50) feet</td><td rowspan="2">The T5.2 limitation applies within fifty (50) feet. Between fifty (50) and one hundred (100) feet, two (2) additional stories, not to exceed thirty (30) additional feet, are allowed above the T5.2 limitation.</td></tr>
<tr><td>T4</td></tr>
</table>

FIGURE 5.12 HEIGHT TRANSITION EXAMPLES



Example of T5.2 abutting T3



Example of T6 abutting T3

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 Code if they conflict.

(b) 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 fifty (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 thirty (30) decibels;
2. Plans must include documentation showing how the sound reduction will be achieved;
3. An avigation easement given to the city and 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.

(c) Northwest Arkansas National Airport Overlay (XNAO)

(1) Purpose and intent

a. To protect the XNAO 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 XNAO: the Runway Protection Zone, Inner Safety and Turning Zone, Outer Safety Zone, and Traffic Pattern Zone.

b. The Official XNAO Zones Map is adopted by reference and maintained in the City's GIS.

c. When a property lies within more than one (1) 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 sixty (60)-degree wedge extending approximately five thousand (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;

x. Storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; or

xi. Wireless communication facilities.

c. Zone 3: Outer Safety Zone (OSZ)

1. This zone extends approximately five thousand (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 six thousand (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, or 3.

f. All noise-sensitive uses, including housing, schools, hospitals, and places of worship, must be soundproofed to reduce indoor noise by at least thirty (30) decibels.

g. An avigation easement must be granted to the appropriate parties and recorded prior to permit approval. Plat notices must also disclose potential airport impacts.

(5) Height limitations

a. All structures must comply with the FAA Height Hazard Zoning Ordinance prepared by the Northwest Arkansas Regional Airport Authority.

b. A height certificate issued by the FAA must be submitted with development applications within the overlay.

SEC . 50-507 . CAMPUS DEVELOPMENT STANDARDS

(a) Purpose and intent

(1) To provide flexible development standards for large-scale institutional or corporate campuses.

(2) To support cohesive master planning, shared infrastructure, and long-term phasing that would not be possible under conventional development regulations.

(3) To enable walkable, functional, and coordinated campuses that serve as employment or institutional anchors.

(4) To create well-shaped public and semi-public spaces, maintain essential connectivity, and provide alternatives to conventional platting and circulation patterns.

(b) Applicability

(1) The standards in this section apply only to developments approved through the campus development plan process described in Article 50-7 Administration. To qualify, a development must meet all of the following criteria:

a. The site must be at least eight (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 subsection may be modified or replaced as part of a campus development plan approved by the Planning Commission.

(2) Connectivity

a. Required pedestrian, bicycle, and emergency access routes must be maintained throughout the site.

b. A connected internal street network must be provided even if public street standards are not used.

(3) Street design

a. Internal streets are subject to the general standards of Article 50-5 Design Standards.

b. Streets may be privately owned and may use custom cross-sections if they provide appropriate access for all users and connect to the public street network.

(4) Lot and frontage standards

a. Lots within the campus are not required to front a public street.

b. Lot lines may follow utility, leasing, or operational boundaries and are not subject to minimum lot size or setback requirements if the overall development meets the intent of this section.

(5) Building orientation and entry

a. Buildings must face streets, internal open spaces, courtyards, or pedestrian pathways.

b. Primary entrances are not required to face a public street but must be clearly identifiable from the internal circulation network.

(6) Parking and transportation

a. Minimum parking requirements do not apply, but a parking management plan is required.

b. Parking location and layout must not dominate pedestrian circulation or detract from shared open spaces.

(7) Access management

a. Driveway spacing, internal access design, and service vehicle routing may vary from standard requirements.

b. A coordinated access plan must be approved as part of the campus development plan.

(8) Lighting

a. Lighting standards may be met through a site-wide plan that addresses:

1. Intensity;
2. Cut-off; and
3. Uniformity across campus areas, including pedestrian paths and parking facilities.

(9) Phasing

a. Campus development may be phased over time.

b. Public improvements and open space may be delivered in phases according to thresholds or triggers established in the approved plan.

(10) Design

a. Campus development plans must demonstrate:

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

SEC . 50-508 . SIGNS

(a) Purpose and intent

(1) To limit the size, number, location, and appearance of signs for pedestrian and traffic safety, and preserve community character.

(2) To set rules about how signs are built, where they go, and how big they are.

(b) Applicability

(1) This Section applies to all signs on private property, public property, and in the right-of-way, unless clearly exempted.

(2) All signs require a permit, except as specified in subsection (d) Signs allowed without a permit.

(3) Sign permit requirements are specified in Sec. 50-721 (h) 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.

c. Signs located within previously approved and zoned Planned Residential Developments (PRDs) shall be regulated in accordance with the standards applicable to the T4 zoning district.

d. Signs located within previously approved and zoned Planned Unit Developments (PUDs) shall be regulated in accordance with the standards applicable to the T5 zoning district.

(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 (1) face is counted if the two (2) faces are identical and separated by no more than twenty-four (24) inches.

(4) Location

a. Signs must be entirely within private property, unless stated otherwise.

b. Signs must be at least five (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 () 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 two (2) feet from curbs, ramps, driveways, light poles, street signs, transit stops, trails, and shared-use paths.

d. Signs must not:

1. Block doors, windows, or fire escapes;
2. Interfere with traffic control devices, pedestrian movement, or visibility at intersections, driveways, or crosswalks;
3. Project into a sight triangle, as defined by the Arkansas Department of Transportation;
4. Impair visibility for pedestrians, cyclists, or drivers; or
5. Attach to fences, utility poles, light poles, street furniture, or landscaping.

e. Sign location must meet these minimum vertical clearances:

1. Eight (8) feet above pedestrian walkways;
2. Ten (10) feet above bicycle routes; and
3. Thirteen and a half (13.5) feet above driveways.

(5) Reserved

(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. Sign must remain structurally safe and sound.
g. Electrical signs must function as designed, with no exposed wiring or broken illumination.
h. 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) Enforcement

a. Once installed, a sign that is not compliance with subsection (6) Construction and maintenance must be repaired or removed within ten (10) business days of written notice from the City.
b. If the responsible party fails to act within ten (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 ninety (90) days of abandonment.

(8) Illegal signs

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

(9) Artwork exemption

a. Displays are not considered signs if they meet the definition of artwork in Sec. 2-550 of the Bentonville Municipal Code; and

(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 one (1) square foot in area and not lit.

b. Signs integrated into building design, projecting up to one (1) inch, and not independently lit.

c. Signs on vending machines, fuel pumps, ATMs, or other similar fixtures, up to six (6) square feet and contained within the fixture.

(3) Temporary signs not requiring a permit

a. Posters or printed boards up to fifteen (15) square feet and five (5 feet) tall.

b. Worksite signs required by OSHA or state agencies.

c. Yard signs displayed no more than seven (7) consecutive days, up to eight (8) square feet and five (5) feet tall.

d. Construction signs up to thirty-two (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 five (5) ft. min. These are 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 forty percent (40%) of windows; and
5. The vehicle is not parked in the same location for more than two (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 forty percent (40%) of the window area.

(7) Maintenance work

a. Repainting, repairing, changing copy, or fixing signs without changing their size, structure, or electrical.

b. Replacing damaged parts with identical materials.

c. Covering signs temporarily during repairs. Covers may not include new sign content.

(e) Signs that are not allowed

(1) Signs that visually simulate or could be confused with official government 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 displaying a commercial message.

(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 twenty-five (25) watts, metal halide lighting over seventy-five (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 5.13 Sign Standards and in this subsection.

(2) Temporary signs

a. Posters or printed boards more than fifteen (15) square feet or five (5) feet tall.

b. Banners for temporary events, displayed for up to fourteen (14) days before and two (2) days after. Signs for on-site events, holidays, or sales, displayed up to fourteen (14) days before and two (2) days after.

c. Up to four (4) temporary signs are allowed each calendar year for each tenant or property.

(3) Billboards

a. Location

1. Billboards are only allowed within seventy-five (75) feet of the Interstate 49 right-of-way between Exit 85 (southbound entrance ramp) and Exit 86 (southbound exit ramp).

2. Billboards must be outside of required building setbacks.

3. Billboards are not allowed on rooftops or within railroad rights-of-way.

4. Billboards must be freestanding.

b. Spacing

1. Billboards must be spaced at least two thousand six hundred forty (2,640) feet from any other billboard.
2. Billboards must not be within two hundred fifty (250) feet of properties zoned R-1, T3, or T4.
3. Billboard must be at least one hundred fifty (150) feet from a signalized intersection.

c. Size and Height

1. Maximum height is forty-five (45) feet above finished grade.
2. Maximum sign area is four hundred eighty (480) square feet per sign face.
3. Up to two (2) faces are allowed per sign, visible from the same direction.
4. Back-to-back billboard signs must:
    i. Be no more than four (4) feet apart on average and three (3) feet at the closest point; and
    ii. Form an angle no greater than forty-five (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 one (1) square foot of new digital sign, at least two and a half (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 (2) 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 (2) building walls meet, and each wall faces a public street.

b. May project up to four (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 two (2) feet of the sidewalk grade.

b. Signs adjacent to I-49, between Exit 85 and Exit 86, may be up to seventy (70) feet tall and one hundred (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 5.13 Sign Standards.

(7) Projecting sign

a. Must be attached to the wall of a building.

b. May extend up to four (4) feet from the wall.

1. If extending into the right-of-way proof of an encroachment permit per Sec. 50-718 (c) Encroachment permit is required.

(8) Roof sign

a. Only allowed on buildings over three (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 one hundred (100) square feet plus twenty-five (25) square feet for each floor above three (3) stories.

(9) Subdivision sign

a. Can be ground signs or attached to entry walls.

b. An encroachment permit per Sec. 50-718 (c) 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 twelve (12) inches from the wall, unless on a sloped canopy roof.

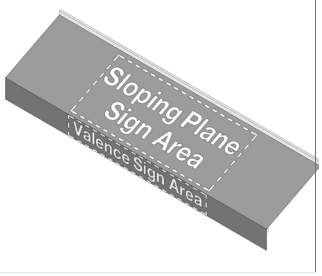
b. Must be at least six (6) inches from building corners, except where signs on two (2) building walls connect.

TABLE 5.13 SIGN STANDARDS

Permanent Signs

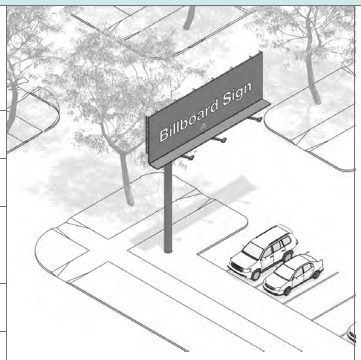
Awning

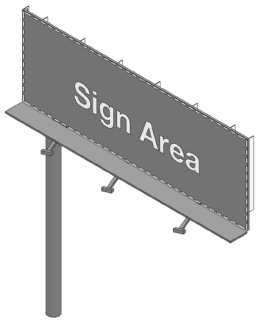
Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per awning face
Area (max.)	32 sq. ft.
Copy Height (max.)	10 in.
Sign regulation	



Billboard

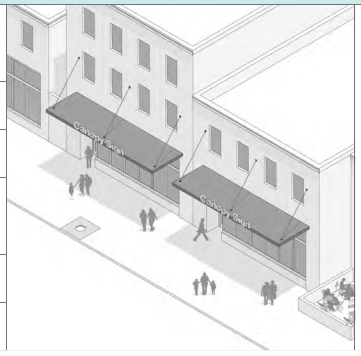
Zoning District	Restricted in: T6, GC, LI, LFI
Height (max.)	45 ft.
Number (max.)	See (3) Billboards
Area (max.)	480 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(3)

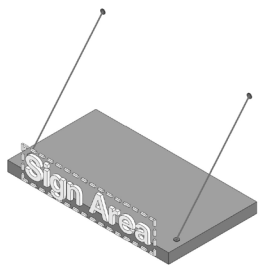




Canopy

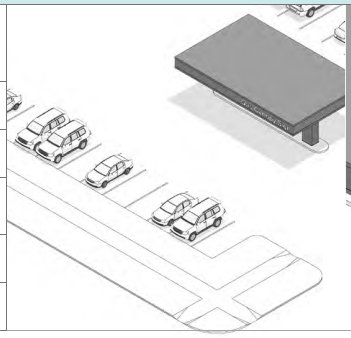
Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per entry
Area (max.)	2 sq. ft. per linear ft. and 12 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	





Canopy for Gas Station

Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per face
Area (max.)	25 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	



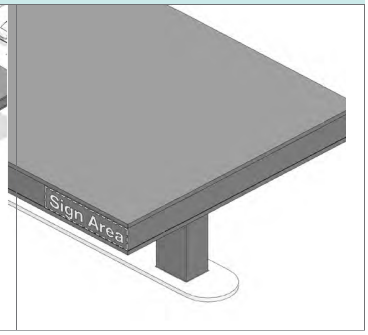
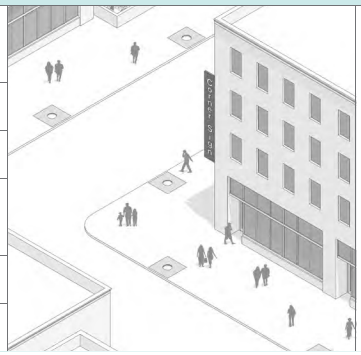


TABLE 5.13 SIGN STANDARDS

Permanent Signs

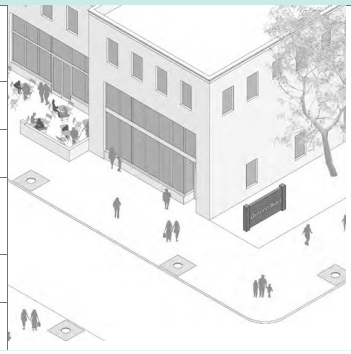
Corner

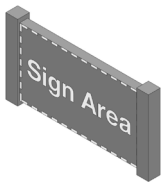
Zoning District	T5, T6, GC, I, LI, LFI
Height (max.)	6 ft. above eave or parapet
Number (max.)	1 per building
Area (max.)	40 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(4)



Ground – single tenant

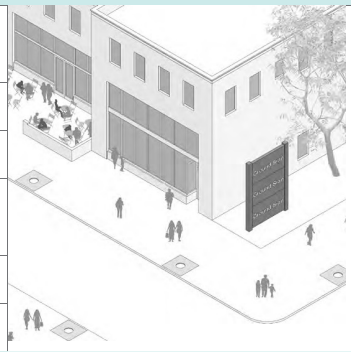
Zoning District	T5, T6, GC, , LI, LFI Restricted in: T2, R1, T3, T4
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	60 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)

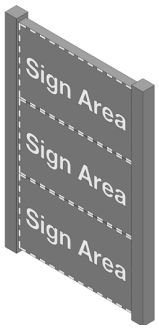




Ground – multi-tenant

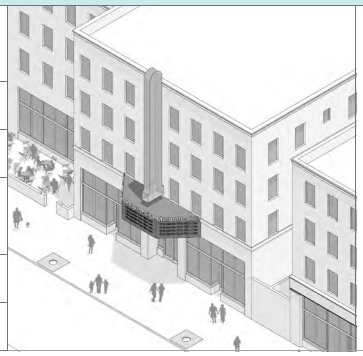
Zoning District	T5, T6, GC, LI, LFI
Height (max.)	12 ft.
Number (max.)	1 per frontage
Area (max.)	120 sq. ft.
Copy Height (max.)	30 in.
Sign regulation	Sec. 50-508(f)(5)





Marquee (canopy)

Zoning District	T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per building
Area (max.)	120% of face
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(6)



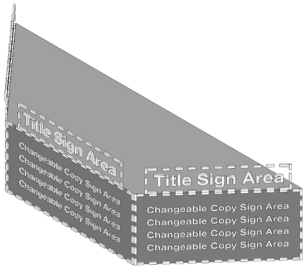


TABLE 5.13 SIGN STANDARDS

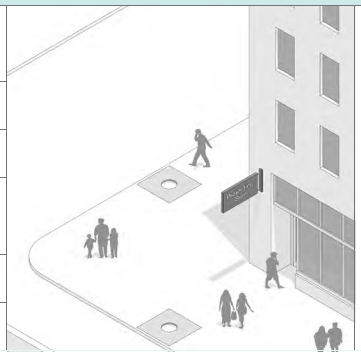
Permanent Signs

Marquee (vertical)

Zoning District	T5, T6, GC, LI, LFI
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)

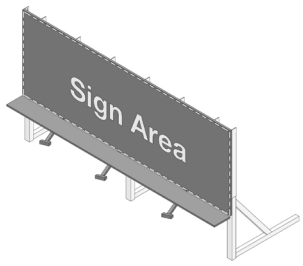
Projecting

Zoning District	T4, T5, T6, GC, LI, LFI
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, LI, LFI Restricted in: T5
Height (max.)	15 ft.
Number (max.)	1 per parcel
Area (max.)	200 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(8)



Subdivision

Zoning District	R1, T3, T4, LI, LFI
Height (max.)	Ground or wall sign
Number (max.)	1 per subdivision
Area (max.)	24 sq. ft.
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(9)

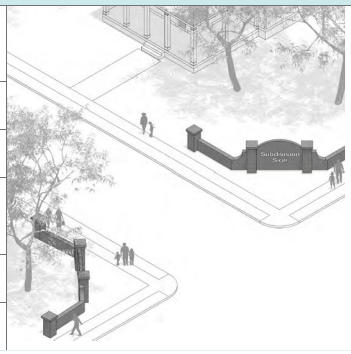
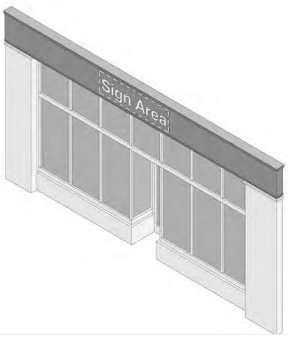


TABLE 5.13 SIGN STANDARDS

Permanent Signs

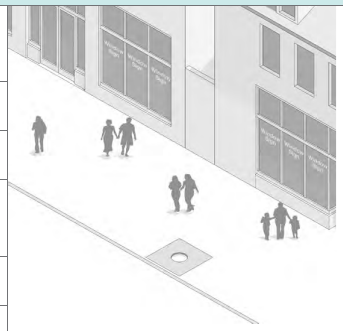
Wall

Zoning District	All Districts
Height (max.)	N/A
Number (max.)	1 per tenant and 1 per frontage
Area (max.)	15% of wall area for the building, or suite
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(f)(10)



Window

Zoning District	T4, T5, T6, GC, LI, LFI
Height (max.)	N/A
Number (max.)	1 per window
Area (max.)	40% of window area
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(6)



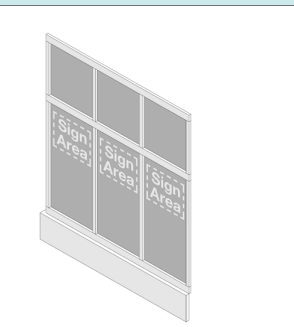
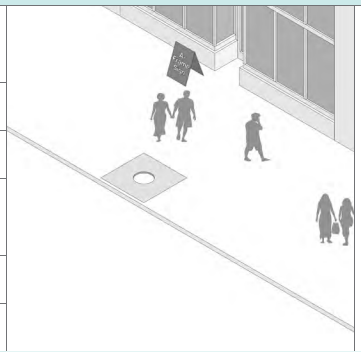


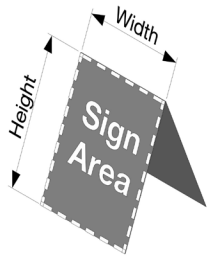
TABLE 5.13 SIGN STANDARDS

Temporary Signs

A-frame

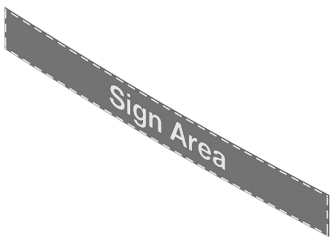
Zoning District	T4, T5, T6,
Height (max.)	42 in.
Number (max.)	1 per ground floor tenant
Area (max.)	30 in. wide and 42 in. high
Copy Height (max.)	N/A
Sign regulation	Sec. 50-508(d)(3)





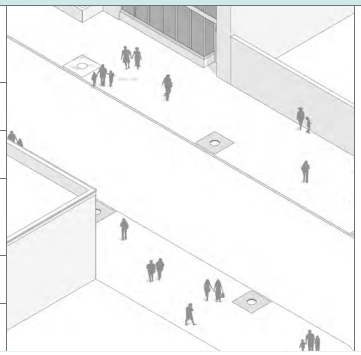
Banner

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



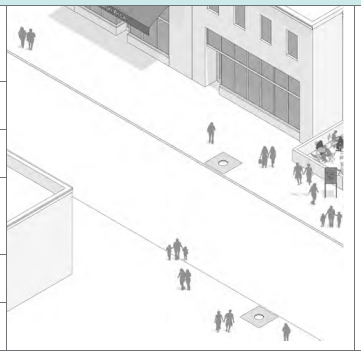
Construction

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



Event ground sign

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



(g) Lighting

(1) Lighting must not cause glare or interfere with traffic control devices, street lighting, or pedestrian visibility.

(2) Externally lit signs must use top-mounted, fully shielded lighting aimed only at the sign face.

(3) Internal lighting is only allowed for window signs, wall signs, and digital billboard signs.

(4) Internally lit signs must have an opaque background and translucent copy.

(5) Neon is only allowed for window and marquee signs.

(6) Lighting must not blink, flash, pulsate, rotate, or strobe.

(7) Exposed bulbs must not exceed three hundred (300) lumens, except metal halide bulbs in marquee signs which may be up to four hundred (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 two hundred fifty (250) feet from any residentially property.

d. Must be at least one hundred fifty (150) feet from signalized intersections.

e. Must be:

1. Two thousand five hundred (2,500) feet from another EMC on the same side of the street; and
2. One thousand (1,000) feet from another EMC on the opposite side of the street.

(2) Size and design

a. Only one (1) EMC is allowed per sign.

b. Must be less than fifty percent (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 eight (8) seconds.

b. Transitions between messages must be instant, without animation, motion, flashing, or fading.

c. Backgrounds may only change when the message changes.

d. Must turn off or display a solid black screen in case of failure.

e. Chasing messages are not allowed on EMC billboards.

f. Must include ambient light sensors and be set to automatically dim.

(i) Nonconforming signs

(1) See Sec. 50-808 Nonconforming Signs.

SEC . 50-509 . TREE PRESERVATION

(a) Purpose and intent

(1) To preserve and protect Bentonville's existing tree canopy.

(2) To reduce erosion, mitigate heat island effects, provide wildlife habitat, increase property values, and contribute to the community's identity and character.

(3) To retain existing trees where feasible during development.

(4) To ensure tree preservation is considered early in the site design process.

(5) To recognize that limited utility-related trimming may be necessary for public safety and service continuity, while ensuring such activity respects the goals of long-term canopy health.

(6) This section works along with Sec. 50-510. Landscape, Screening, and Buffering to promote a healthy and diverse urban forest.

(b) Applicability

(1) This section applies to all preliminary plats and development plans, including public and private projects.

(2) This section does not apply to individual single-family and two-family dwellings on existing lots.

(c) Tree preservation plan required

(1) A Tree Preservation Plan must be submitted concurrently with any required Landscape Plan when the site contains Significant Trees as defined in subsection (d) Significant trees.

(2) The Tree Preservation Plan must include:

a. Identification of location, species and DBH of trees proposed for preservation, removal, and trees impacted by grading or utility installation;

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. Any existing tree meeting the size thresholds in Table 5.14, except species listed in Table 5.22 Plant Species Not Allowed;

b. Tree species endangered or threatened as identified by the U.S. Fish and Wildlife Service; and

c. Trees within areas described in Sec. 50-511. Natural Resource Protection.

TABLE 5.14 SIGNIFICANT TREE SIZE THRESHOLDS

Type	Significant Size
Large and medium-height species	eight (8) inches DBH or greater
Short-height species	four (4) inches DBH or greater

(e) Tree removal

(1) Significant trees must not be removed from the site without approval by the Director, and requires one of the following findings:

a. The tree poses a risk to public safety or property;

b. The tree interferes with utilities, grading, or structural improvements within buildable areas and cannot reasonably be accommodated through alternative site design, grading modification, or utility relocation;

c. The tree is a prohibited species listed in Table 5.22 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 removed significant trees following the rules in subsection (i) Tree mitigation and replacement except when removal is necessary for public safety, prohibited species removal, or trees that are dead, dying, or fatally diseased.

(f) Tree preservation credit

(1) Preserved trees may be credited toward required trees in Sec. 50-510. Landscape, Screening, and Buffering according to Table 5.15 Tree Preservation Credits.

(2) Credits are only available for healthy, approved species protected in accordance with this section.

TABLE 5.15 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 one (1) ft. radius for each one (1) inch of trunk diameter (DBH).

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 clearly 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.

(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 six (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 5.15 Tree Preservation Credits.

(2) Replacement trees must comply with the species and planting standards in Sec. 50-510. Landscape, Screening, and Buffering.

(3) The Director may authorize off-site planting, or the Planning Commission may accept a fee in lieu, in accordance with Section 50-724(f) Fee-in-lieu of construction, 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 ten thousand (10,000) square feet that lacks sufficient unpaved surface to accommodate the required trees or landscaping; or

c. Slope conditions exceeding twenty percent (20%) where planting would compromise soil stability or drainage.

SEC . 50-510 . LANDSCAPE, SCREENING, AND BUFFERING

(a) Purpose and intent

(1) To protect and enhance the visual, environmental, and functional quality of development by requiring the thoughtful placement of trees, shrubs, and ground cover throughout each site.

(2) To support stormwater management, reduce urban heat, provide shade, buffer incompatible uses, and improve the overall appearance of the City.

(3) To reinforce the character of different zoning districts by regulating landscape design in a context-sensitive manner.

(4) To integrate landscape with parking, pedestrian areas, and buildings to support walkability and reduce impacts on neighboring properties.

(5) To preserve existing trees by providing credit toward planting requirements.

(b) Applicability

(1) This section applies to all public and private development, including new construction, redevelopment, and improvements within rights-of-way.

(2) The Director may waive or adjust some or all requirements for renovations, additions, or modifications according to Sec. 50-716. Administrative Adjustments and Waivers and Table 7.2 Administrative Adjustment Criteria.

(c) Existing landscape

(1) Native vegetation must be preserved where feasible and may reduce required planting where it meets or exceeds the functional intent of this section.

(2) Landscape plans must identify all existing trees and significant vegetation.

(3) Preservation of existing trees and removal of significant trees are subject to Sec. 50-509. Tree Preservation.

(d) Screening and buffering

(1) Screening and buffering is required to inhibit view and noise from streets and neighboring properties as specified in Table 5.16 Screening Requirements.

(2) Screen and buffer types are specified in Table 5.16 Screening Requirements.

(3) Street screens are required elsewhere in the Code, following the standards in this section, and:

a. Vehicular openings are limited to a maximum width of thirty (30) feet;

b. Trail openings are limited to a maximum width of sixteen (16) feet; and

c. Pedestrian openings are limited to a maximum width of eighty (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 sixty (60) feet along the buffer.

TABLE 5.16 SCREENING REQUIREMENTS

Use	Location or Application	Type	Additional Standards
Street Screens	Screening parking areas	C	Fencing may be within three (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 sixty (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 twenty (20) feet of a front or side street lot line.
	Side and rear lot lines	B	Only where located within twenty (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.
Open Storage Areas	All lot lines	D	Only where located within forty (40) feet of a lot line and not behind buildings. Fencing must be opaque and aligned with the building setback.
Dumpster and Refuse Areas	All lot lines	D	Must be fully enclosed with a masonry wall on three sides, and an opaque gate on the fourth

TABLE 5.17 SCREEN AND BUFFER TYPES

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

(6) Zone transition landscape buffers.

a. Buffers must meet the configuration standards in Table 5.17 Screen and Buffer Types.

1. Buffer widths and trees are required as listed.
2. Other elements listed in Table 5.17 are not cumulative.
3. A buffer must include any one (1) 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 twenty (20) feet of buffer width; and
3. Include ground cover to cover all exposed soil.

c. 2 other trees may substitute one (1) canopy tree, up to fifty percent (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 twenty (20) feet wide and provides at least eighty percent (80%) of the required visual screening.

TABLE 5.18 BUFFER REQUIREMENT BY ADJACENCY

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

(e) Fences and walls

(1) General

a. This Section applies to all fences, walls, gates, and related structures on private property.

b. Fence permitting, variances, and administrative relief procedures are addressed in Article 50-7 Administration.

c. Fences and walls must not:

1. Block drainage or alter the flow of stormwater;
2. Block access to utility equipment; or
3. Be placed closer than five (5) feet from current or proposed right-of-way. An administrative waiver to three (3) 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 5.15 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 four (4) feet in height within forty (40) feet of any lot line and twelve (12) feet elsewhere.
2. Barbed wire and electrified fences are not allowed within forty (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 four (4) feet high.
2. Privacy and security fences and walls are allowed up to six (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 four (4) feet high; and

(ii) Building or tenant entrances must remain accessible.

ii. Forecourts:

(i) Fences or walls are allowed up to eight (8) feet high enclosing forecourts;

(ii) At least twenty-five percent (25%) transparency is required above four (4) feet;

(iii) An opening is required, providing pedestrian access; and

(iv) Gates must be at least fifty percent (50%) transparent.

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

d. LFI

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

(4) Retaining walls and landscape walls

a. Height:

1. Retaining and landscape walls are allowed up to four (4) feet in height anywhere within a lot, measured from the adjacent finished grade on the lower side of the wall, and do not require a retaining wall permit.

2. Retaining walls greater than four (4) feet in height shall be designed by a Professional Engineer licensed in the State of Arkansas, and require a retaining wall permit in accordance with Sec. 50-721(j) Retaining wall permit.

3. Retaining walls along street frontages shall not exceed four (4) feet in height unless terraced or incorporated into building design.

b. Location:

1. Retaining walls shall not obstruct required sight triangles at intersections or driveways.

2. Retaining walls shall not impede the normal flow of stormwater.

3. Retaining walls located within utility or drainage easements require approval from the applicable department.

c. Retaining walls shall be designed and constructed to prevent instability, erosion, or drainage impacts on adjacent property. The property owner constructing the wall is responsible for maintaining the wall and preventing damage to neighboring property.

d. Retaining walls greater than eight (8) feet in height require a waiver from Planning Commission in accordance with Sec. 50-716. Administrative Adjustments and Waivers.

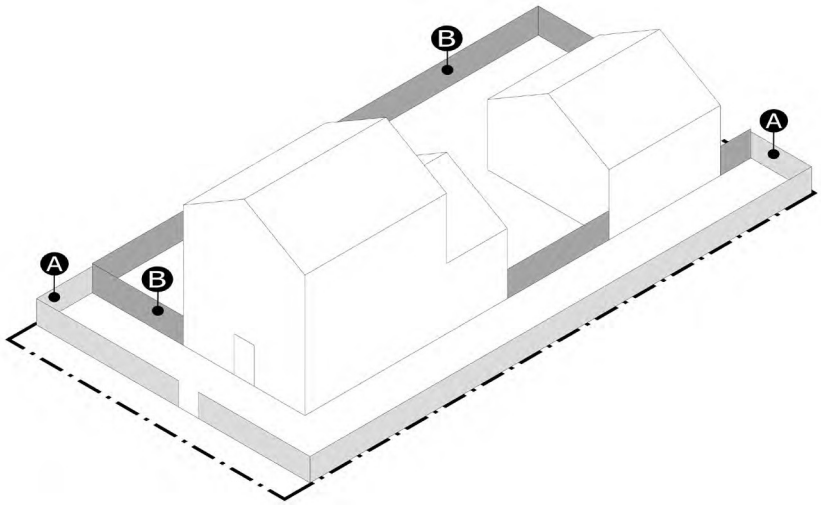
e. Terraced retaining walls:

1. Terraced retaining walls may be used to achieve greater grade changes and are encouraged where feasible to reduce visual mass.

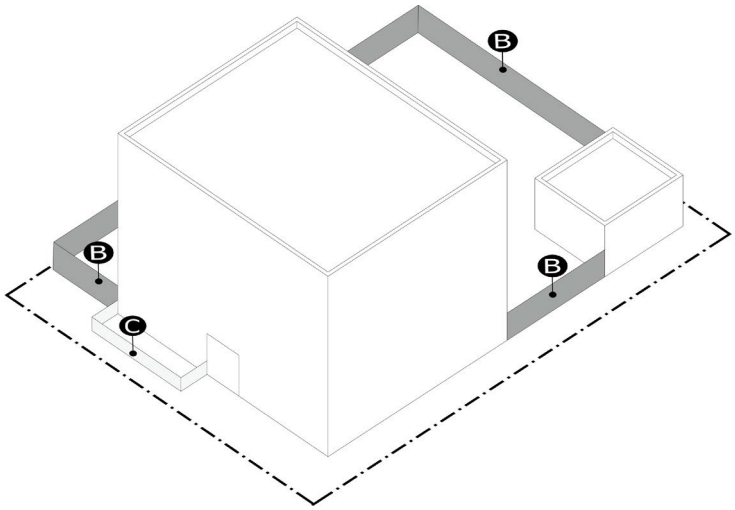
2. Where terraced walls are used, each wall must be separated by a minimum horizontal distance equal to the height of the lower wall.

3. Multiple retaining walls that do not meet this separation requirement will be considered a single retaining wall for the purposes of height measurement.

FIGURE 5.15 FENCE AND WALL LOCATIONS



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



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

A Frontage Fencing

B Privacy and Security Fencing

C Fencing for Dining or other Outdoor Uses

(f) Site landscape

(1) Landscaping must be provided following Table 5.19 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 5.19 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 twenty (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 5.11 Required Walkways and Planting in Parking Lots and as shown in Figure 5.9 Illustrated Walkways and Planting in Parking Lots.

(h) Civic space landscape

(1) All civic spaces must meet the landscape standards of this section and the applicable requirements of Table 5.20 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 5.20 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 5.21 Approved Tree Species.
b. The Fire Marshall may restrict mature tree height to a maximum of twenty-five (25) feet, including street trees, where aerial access is required.

(2) Plants not allowed

a. Species in Table 5.22 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 two (2) feet of front and side street facing property lines.

(3) Size at time of planting

a. Shade trees must be at least two and a half (2.5)-inch caliper and six (6) feet tall.
b. Ornamental trees must be at least two (2)-inch caliper and six (6) feet tall.
c. Evergreen trees must be at least eight (8) feet tall.
d. Shrubs must be at least three (3)-gallon container size and eighteen (18) inches tall.

(4) Tree diversity

a. No more than fifty percent (50%) of new trees may be of the same species.
b. No more than twenty-five percent (25%) of new trees may be ornamental trees.
c. At least ten percent (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 four (4) foot diameter ring around trees and to a depth of three (3) to four (4) inches.
b. Mulch must not be mounded around tree trunks.
c. Artificial turf and gravel are not allowed within required landscape areas.
d. Rock used as ground cover is limited to twenty-five percent (25%) of required landscape areas.

TABLE 5.21 APPROVED TREE SPECIES			Zones		Location					
Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
American Basswood	Tilia Americana	Shade Tree	L				■	■	■	
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	■	■		■	■		■
Bitternut Hickory	Carya cordiformis	Shade Tree	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		□	■				
Black Hickory	Carya texana	Shade Tree	M					■		
Black Oak	Quercus velutina	Shade Tree	L	■	■		■	■	■	
Blackjack Oak	Quercus marilandica	Shade Tree, Poor Soils	M				■			
Bur Oak	Quercus macrocarpa	Shade Tree	L		■			■		
Carolina Buckthorn	Rhamnus caroliniana	Ornamental, Screening	S	□	□	■		■	■	

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

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
Carolina Willow	Salix caroliniana	Wet Sites, Erosion	S			■				■
Chinquapin Oak	Quercus muehlenbergii	Shade Tree	L	■	■			■		
Common Witchhazel	Hamamelis virginiana	Ornamental	S			■		■		
Cucumber Magnolia	Magnolia acuminata	Shade Tree	L					■		
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	□	□	■	■			
Green Hawthorn	Crataegus viridis	Ornamental, Screening	M					■	■	
Hop Hornbeam	Ostrya virginiana	Ornamental	M	■			■	■	■	
Kentucky Coffeetree	Gymnocladus dioicus	Shade Tree	L					■	■	
Littlehip/Pasture Hawthorn	Crataegus spathulata	Ornamental, Screening	S					■	■	
London Planetree	Platanus x acerifolia	Shade Tree	L	■	■		■	■	■	■
Missouri Willow	Salix eriocephala	Wet Sites, Wildfire	S			■		■		■
Mockernut Hickory	Carya tomentosa	Shade Tree	L					■		
Nigra American Arborvitae	Thuja occidentalis	Ornamental, Screening	M				■	■		
Northern Catalpa	Catalpa speciosa	Shade Tree	M				■	■	■	
Northern Red Oak	Quercus rubra	Shade Tree	L	■				■		
Ohio Buckeye	Aesculus glabra	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.

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
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	■	■		■	■	■	■
Pondcypress	Taxodium ascendens	Shade Tree	L	■	■		■	■	■	■
Possumhaw	Ilex decidua	Ornamental, Wildfire	S	□		■	■	■	■	
Post Oak	Quercus stellata	Shade Tree, Drought	L				■	■	■	
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					■		
Scarlet Oak	Quercus coccinea	Shade Tree	L				■	■	■	
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			■				■
Smooth Alder	Alnus serrulata	Screening, Wet Sites	S					■		■
Soapberry	Sapindus saponaria var. drummondii	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.

Common Name	Scientific Name	Usage	Height	T2 - 4, R1 R1	T5-6, GC,	Under Utilities	Plazas & Hardscapes	Greens & Greenways	Medians & Parking Lots	Riparian Buffers
Southern Catalpa	Catalpa bignonioides	Shade Tree	M				■	■	■	
Southern Magnolia	Magnolia grandiflora	Shade Tree	L				■	■	■	
Southern Red Oak	Quercus falcata	Shade Tree, Drought	L	■	■			■		
Southern Sugar Maple	Acer floridanum	Shade Tree	M	■			■	■	■	
Swamp Chestnut Oak	Quercus michauxii	Shade Tree	L	■				■		■
Swamp White Oak	Quercus bicolor	Shade Tree, Floodplains	L	■				■		■
Sweet-Bay Magnolia	Magnolia virginiana	Ornamental, Screening	S	■	■	■				
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 5.22 PLANT SPECIES NOT ALLOWED

Common Name	Scientific Name
Asian Wisteria	Wisteria sinensis/ floribunda
Bamboo	Phyllostachys spp.
Bigleaf Periwinkle	Vinca major
Black locust	Robinia pseudoacacia
Bradford pear	Pyrus calleryana
Burning Bush	Euonymus alatus
Bush Honeysuckle	Lonicera maackii
Callery pear	Pyrus calleryana
Chinese privet	Ligustrum sinense
English Ivy	Hedera helix
Glossy privet	Ligustrum lucidum
Japanese Honeysuckle	Lonicera japonica
Kudzu	Pueraria montana
Littleleaf Periwinkle	Vinca minor
Mimosa	Albizia julibrissin
Multiflora rose	Rosa multiflora
Princess Tree	*Paulownia tomentosa*
Russian olive	Elaeagnus angustifolia
Siberian elm	Ulmus pumila
Silver maple	Acer saccharinum
Tree-of-heaven	Ailanthus altissima
Winter Creeper, Creeping Euonymus	Euonymus fortune

(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 BWUD 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 Department and verified for compliance prior to planting.

d. The Director may authorize off-site planting, or the Planning Commission may accept a fee-in-lieu, in accordance with Section 50-724(f) Fee-in-lieu of construction, where on-site planting is not physically feasible due to:

1. Existing buildings, utilities, drainage facilities, or easements that occupy or restrict the required planting area;
2. A site area of less than ten thousand (10,000) square feet that lacks sufficient unpaved surface to accommodate the required trees or landscaping; or
3. Slope conditions exceeding twenty percent (20%) where planting would compromise soil stability or drainage.

(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 three (3) feet and backfilled with sandy loam topsoil.

b. Where water does not drain at a minimum rate of six (6) inches within twenty-four (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 twenty percent (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 twenty percent (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 three (3) feet of a fire hydrant;
2. Within five (5) feet of underground utilities; or
3. Within ten (10) feet of doors to above-ground utility equipment, or within three (3) feet of equipment walls.

e. Street trees may be staked only when necessary to ensure upright growth. Stakes must be removed within twelve (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 four (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 one hundred (100) feet of all landscape areas, except where a permanent irrigation system is provided.

(7) Landscape maintenance

a. All required on-site trees and landscaping must be maintained by the property owner in a healthy and weed-free living condition.

b. Maintenance of street trees shall be the responsibility of the adjacent property owner, unless:

1. The street trees are located within the City's published Street Tree Maintenance Area;
2. The street trees are located within a median on arterial or collector streets;
3. There is emergency tree work required on arterial or collector streets;
4. BEUD or BWUD assesses the need for utility line clearance, tree maintenance, or removal; or
5. The owner has provided an alternate maintenance agreement acceptable to the Director and Staff Attorney.

c. Removal of trees required by this Chapter requires a tree removal permit in accordance with Sec. 50-721(e) Land disturbance permit and replacement in accordance with subsection (d).

d. Replacement of required trees:

1. Trees required by this chapter that are removed through an approved tree removal permit must be replaced at a ratio of one (1) replacement tree for each tree removed.
2. Trees removed without prior tree removal permit approval must be replaced at a ratio of two (2) replacement trees for each tree removed.
3. Replacement trees must comply with the species and planting size requirements of subsection (i) Plant materials.
4. Replacement must occur within sixty (60) days of notification by the City, except when this timing falls during winter, in which case planting must occur before the end of April.

e. Street trees must be pruned to maintain a minimum vertical clearance of eight (8) feet above sidewalks and trails and fourteen (14) feet above streets. Pruning must preserve natural tree structure and avoid damage to the tree leader, trunk, or major limbs.

f. Landscaping that dies or becomes diseased or damaged must be removed and replaced with equivalent species within sixty (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.

g. 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”.

h. Rope, wire, signs, posters, handbills, or other items must not be attached to any tree, except rope lights or temporary support used to stabilize a young or damaged tree or limb.

i. A note must be included on all landscape plans stating the following:

1. “All plant material must be maintained in a healthy living condition. Any plant material that dies must be replaced.”
2. “Tree topping is not allowed. Trees must be pruned in accordance with ANSI A300 Standards for Tree Care.”
3. “Healthy trees must not be removed except where approved by the Director. Trees must be maintained using approved pruning methods as described in ANSI A300.”

SEC . 50-511 . NATURAL RESOURCE PROTECTION

(a) Purpose and intent

(1) To ensure that natural features are documented, protected, and incorporated into site design where feasible.

(2) To reduce environmental degradation, stormwater impacts, and off-site disturbance by requiring context-sensitive development practices at all scales.

(b) Special flood hazard areas and base level engineering

(1) Any new development or substantial redevelopment in Special Flood Hazard Areas and additional areas identified in the Base Level Engineering data requires a land disturbance permit, which functions as the floodplain development permit, in accordance with Sec. 50-721(e) Land disturbance 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 thirty percent (30%) are considered unbuildable. They must be designated as open space or included within new lots.

(2) New lots containing steep grades must include enough buildable land outside those areas to accommodate a habitable structure that complies with the setback and zoning requirements of Article 50-4 Zoning.

(e) Natural resource areas

(1) Identification and evaluation

a. Areas of contiguous forest, woodland, or natural landscape located within a development site must be identified and evaluated as part of the site analysis for potential eligibility under subsection (f) Conservation development.

b. Natural resource areas include:

1. Contiguous areas at least ½ acre in size.
2. Forests and woodlands:
   i. Include naturally occurring tree canopy and understory vegetation; and
   ii. Have not been substantially altered by development, grading, or clear-cutting.
3. Natural landscapes:
   i. Are free from noxious weeds;
   ii. Composed of native or non-invasive plants of any origin; and
   iii. May include natural lawns, pollinator gardens, rain gardens, meadow vegetation, prairie gardens, native planting, and other managed ecological landscapes.

(2) Preservation and protection

a. Development that avoids disturbance of identified natural resource areas may qualify for incentives under subsection (f) Conservation development.

b. To qualify for incentives, the preserved area must be:

1. Retained in its natural state with minimal disturbance, allowing only selective thinning for health or safety; and
2. Protected by a conservation easement, deed restriction, or other binding instrument recorded with the property.

(3) Petition for new areas

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

(4) Mitigation of disturbance

a. If preservation of a natural resource area is not feasible, the applicant must submit a mitigation plan that demonstrates how development will:

1. Limit grading and soil disturbance;
2. Minimize canopy or vegetation fragmentation; and
3. Provide replacement planting or habitat restoration equal to the area disturbed.

(f) Conservation development

(1) Purpose

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

(2) Eligibility

a. Development that avoids disturbance of areas defined in this section may qualify for incentives if the area is:

1. At least one-half (1/2) 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 one hundred percent (100%) of the site's required civic space, using the Conservation Park civic space type under Table 5.1 Civic Space Types.

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 and developments 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 subsection (n) 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 in accordance with the purpose and intent of this section:

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.

(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.

(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 (2) 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 (2) 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 sixteen and a half (16.5) feet of vertical clearance must be maintained above the roadway of all streets. Clearance may be higher at intersections with ARDOT right-of-ways.

(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: subsection (d) Roadway;

2. Travel lanes: subsection (e) Travel lanes;

3. On-street Parking: subsection (g) On-street parking;

4. On-street bikeways: Sec. 50-604. Trails and Bikeways;

5. Medians: subsection (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 its intended uses and not overlap.

b. Border

1. Parkway: subsections (k) Parkways, (9) Shared-use paths must follow the rules in Sec. 50-604. Trails and Bikeways., and (j) Lighting;

2. Sidewalk: subsection (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 6.1 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 6.1 Street Standards.

FIGURE 6.1 ELEMENTS OF A STREET

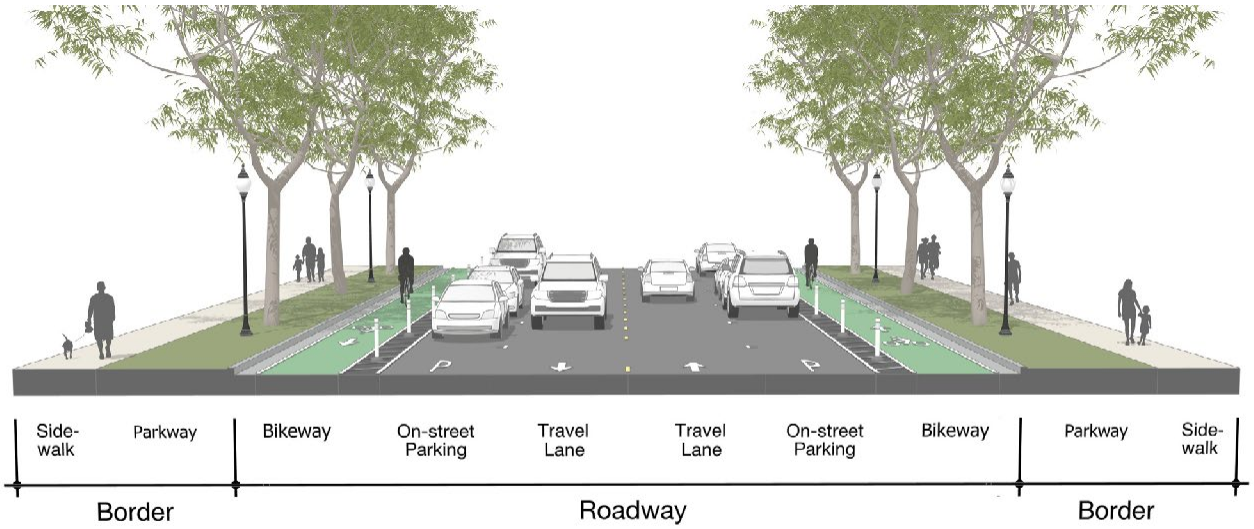
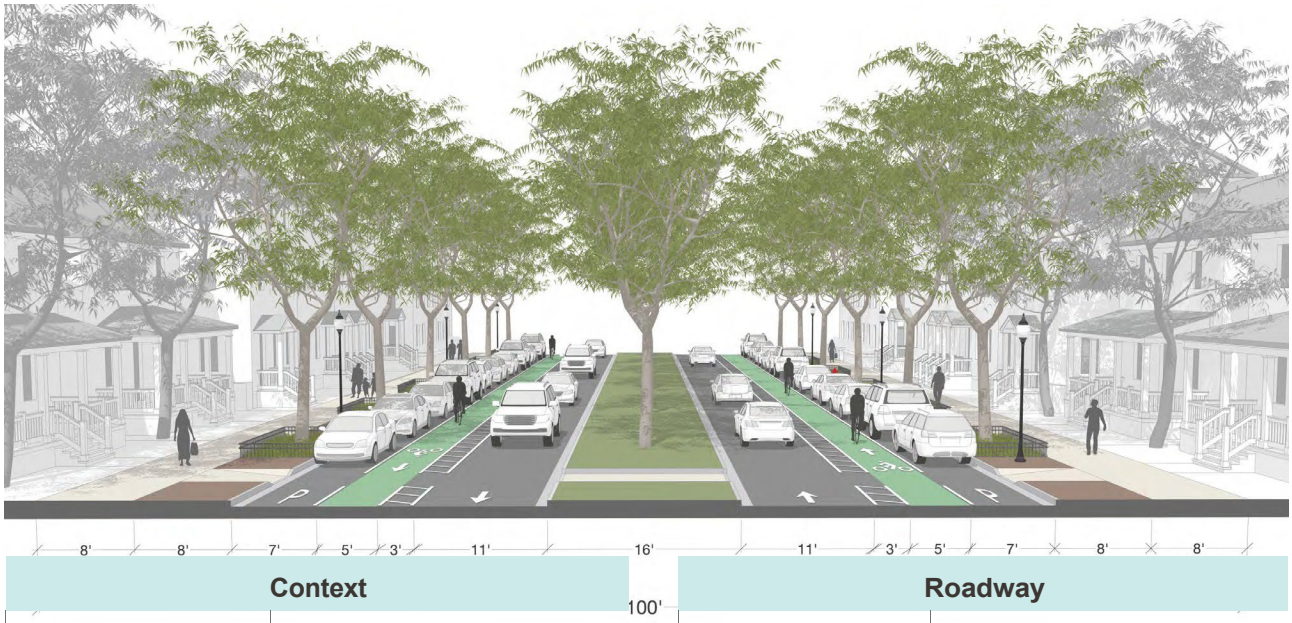


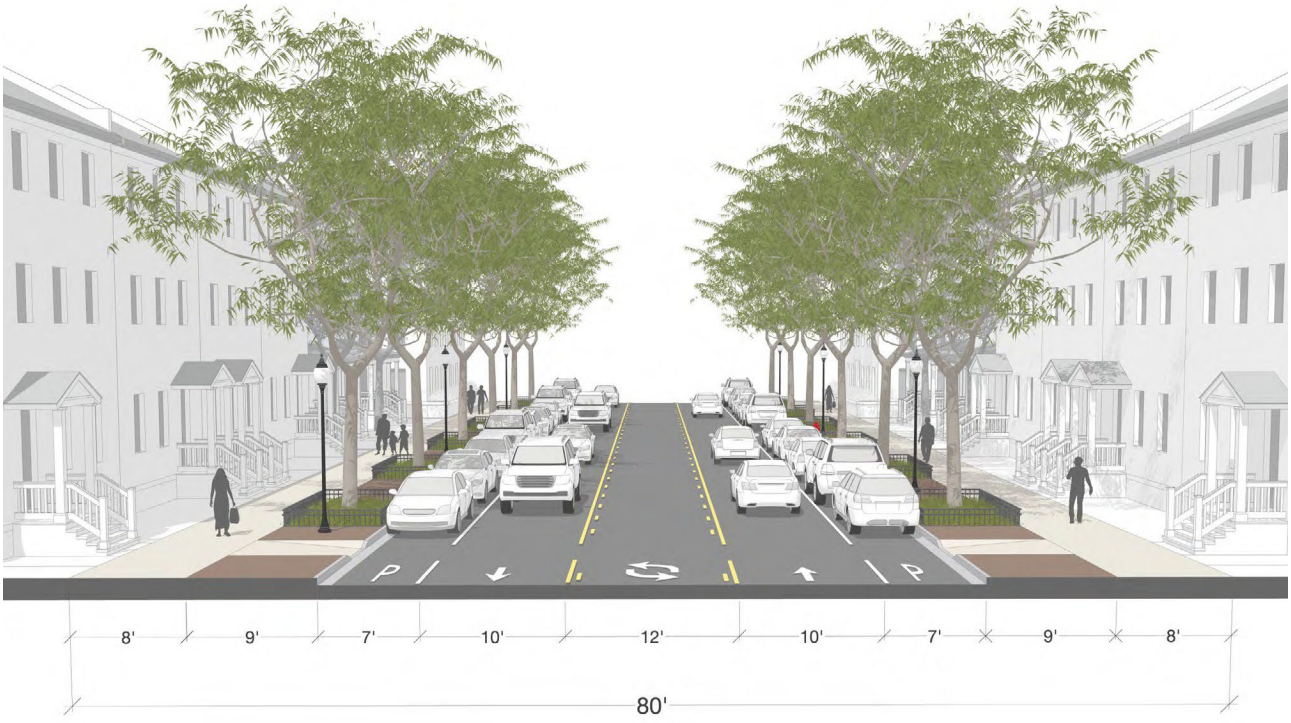
TABLE 6.1 STREET STANDARDS: Walkable Avenue



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	

TABLE 6.1 STREET STANDARDS: Walkable Connector



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

Turning Lane (feet, maximum)	12; May be within the median
Median (feet, minimum)	14; Optional
On-street Parking	Parallel, both sides
On-street Bikeways	Optional; parallel route required if on-street is not provided
Centerline radius (feet minimum)	333 (2% cross-slope) 353 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	35
Special Requirements	

TABLE 6.1 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	

TABLE 6.1 STREET STANDARDS: Neighborhood Bikeway

Context	
Place Type	Centers, Corridors, Neighborhoods
Zoning District	All
Right-of-Way (feet, minimum)	R1, T3, T4, GC, LI, LFI: 75 T5, T6: 80
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3, LI, LFI: 6 T4, GC: 8 T5, T6: 10
Off-street Bikeways	On or off-street required

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

TABLE 6.1 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	

TABLE 6.1 STREET STANDARDS: Small Neighborhood Street

Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4, T5
Right-of-Way (feet, minimum)	R1, T3, T4: 55 T5: 60
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6 T5: 8
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel, one side only
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

TABLE 6.1 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	

TABLE 6.1 STREET STANDARDS: Neighborhood Side Street

Context	
Place Type	Neighborhoods
Zoning District	R1, T3, T4
Right-of-Way (feet, minimum)	45
Design Speed (mph, maximum)	20
Border	
Parkway	6 ft. min., see (k) Parkways
Sidewalk (feet, minimum)	Both sides R1, T3: 5 T4: 6
Off-street Bikeways	Optional

Roadway	
Vehicle Lanes	2
Travel Lanes	10; 11 for curb-adjacent lanes
Travel Lane Width (feet, maximum)	None
Median (feet, minimum)	None
On-street Parking	Parallel optional
On-street Bikeways	Shared lane optional
Centerline radius (feet minimum)	107 (2% cross-slope) 111 (3% cross-slope)
Curb Type	Vertical
Effective radius (feet minimum)	25
Special Requirements	

(d) Roadway

(1) Design Speed

a. The design speed for streets as specified in Table 6.1 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 one hundred fifty (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 6.1 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 eleven (11) feet, measured to the vertical curb; and

c. At least twenty (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 Technical Advisory Committee 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 6.1 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 6.1 Street Standards.

(2) On-street parking must be set back from the approach or departure of:

1. Controlled intersections: Thirty (30) feet;
2. Crosswalks (marked or unmarked): Twenty (20) feet; and
3. Mid-block crossings: Twenty (20) feet or five (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: Seven (7) feet, except:

1. T6, GC, and LFI zones: parking lanes may be eight (8) feet wide;

b. Stall length: between twenty-two (22) and twenty-six (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: Thirty (30)-degree or forty-five (45)-degree;

b. Stall width: Eight and a half (8.5) feet;

c. Stall length: Nineteen (19) feet; and

(6) Accessible spaces must follow ADA.

(7) Curbs along on-street parking are limited to six (6) inches high.

(h) Sidewalks, shared-use paths, and crosswalks

(1) Applicability.

a. Sidewalk construction is required for any of the following:

1. New residential, commercial or industrial construction;

2. Small-scale or large-scale development;

3. All exterior roadways and common or non-buildable lots for preliminary plats ;

4. The expansion of an existing building or site that totals fifty (50%) or more of the gross area of the existing building or site; or

5. The creation of new dwelling units.

(2) Exemptions.

a. This subsection does not apply to:

1. Interior alterations that do not add dwellings;

2. T2.1 zoned lots

3. Accessory dwelling unit construction;

4. Parcels with greater than one hundred fifty (150) linear feet of street frontage used as single-family or two-family; or

5. 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 and right-of-way dedicated per the Master Street Plan.

b. Sidewalks must connect to existing or planned sidewalk networks where feasible.

(4) Sidewalk widths must meet the greater of the required sidewalk width of the Master Street Plan or the following minimums:

a. T6: Ten (10) feet;

b. T5 and GC: Eight (8) feet;

c. T4 and LI: Six (6) feet; and

d. T3, R-1, T2, and LFI: Five (5) feet.

(5) Property owners may request to pay a fee-in-lieu of sidewalk construction in accordance with Sec. 50-721(f) Fee-in-lieu and subject to the criteria below:

a. Construction of the sidewalk is not physically feasible due to site constraints, such as topography, floodway or drainage facilities, existing mature trees or natural features

identified for preservation, or other constraints not created by the applicant;

b. The sidewalk would not connect to an existing public sidewalk network within 1/4 mile along the same block face or corridor, and construction would not create a functional pedestrian route;

c. The proposed sidewalk would be further than 1/2 mile walking distance from pedestrian sidewalk generators such as parks, schools, trail access points, civic facilities, transit stops, or commercial uses; or

d. The sidewalk segment is planned to be constructed as part of an adopted City capital improvement project.

(6) At driveways and alleys, sidewalks must:

a. Maintain a continuous pedestrian surface across all driveway and alley aprons;

b. Remain consistent in width, elevation, and surface material across the full width of the alley or driveway crossing; and

c. Where alley grades require a slope transition, vertical alignment must be ramped outside the pedestrian path or integrated into a detectable warning zone.

(7) Crosswalks must be provided at all controlled intersection quadrants.

(8) Where two streets intersect at an offset of less than two hundred (200) feet, a single set of crosswalks must serve the combined quadrants.

(9) Crosswalks must be clearly marked and constructed with high-visibility materials, as specified in the Bentonville Street Specifications.

(10) 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 subsection (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 (1) bench or other fixed seating element per two hundred (200) liner feet of street;

2. One (1) trash and recycling receptacle for each intersection; and

3. Bicycle racks must be provided as required in subsection (g) Bicycle parking.

c. The following are allowed but not required:

1. Planters;

2. Information kiosks; and

3. Wayfinding elements.

(j) Lighting

(1) The purpose of this section is to ensure pedestrian-scale lighting that supports safety, visibility, walkability, and neighborhood character while maintaining consistency with the standards and specifications of the Bentonville Electric Utilities Department (BEUD).

(2) Pedestrian lighting must be provided at the following minimum frequencies:

a. In T2, R-1, T3, T4, and GC, at intersections mid-block locations, and additional locations where specified by BEUD to meet the intent of this subsection; and

b. In LI and LFI at intersections and additional locations where specified by BEUD to meet the intent of this subsection

c. In T5 and T6: no more than sixty (60) feet between fixtures, located on both sides of the street.

(3) Light poles must comply with the following maximum heights:

a. T2, R-1, T3, and T4: Twelve (12) feet;

b. T5, T6, GC, LI, and LFI: Sixteen (16) feet; or

c. Alternative heights may be approved by BEUD where necessary due to utility, safety, constructability, or standard equipment specifications, provided the intent of this subsection is met.

(4) 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 three thousand (3,000) kelvin.

(5) Pedestrian lighting is required along all sidewalks, shared-use paths, and pedestrian walkways, including those not located in the right-of-way.

(6) All lighting must be coordinated with BEUD subject to the following:

a. BEUD shall provide the location and placement of fixtures and related infrastructure within the right-of-way.

b. Luminaires, poles, foundations, conduit, and installation specifications shall comply with BEUD standards and specifications, as amended.

c. The cost and availability of luminaires, poles, and related materials are subject to change.

(7) Alternative lighting materials, technologies, or installations 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 Planning Director if utilities or design constraints exist.

(2) Street trees must be provided within the parkway at a maximum spacing of fifty (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 6.2 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 5.21 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 in accordance with Sec. 50-721(f) Fee-in-lieu.

TABLE 6.2 PARKWAY REQUIREMENTS

Standard Tree Well	
Zoning District	T6, T5, GC
Tree Well Width	5.5 ft. min.
Tree Well Length	5.5 ft. min.
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement
Surface: Tree Planter	Rubberized mulch or expandable grate

Long Tree Well	
Zoning District	T6, T5, T4, GC
Tree Well Width	5.5 ft. min.
Tree Well Length	12-20 ft.
Surface: Between Tree Planters	Hardscaped: Matching the sidewalk, using unit pavers, or using pervious pavement
Surface: Tree Planter	Landscaped, ground cover with tree guards, or rain gardens and LID treatments.

Continuous Planter	
Zoning District	T2, R-1, T3, T4, GC, LI, LFI
Planter Width	5.5 ft. min.
Planter Length	Continuous
Surface: Between Tree Planters	Landscaped; Intermittent rain gardens and LID treatments are allowed

(l) Use of right-of-ways

(1) Use of the public right-of-way requires an encroachment permit in accordance with Sec. 50-721(c) 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 five (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. Twenty-eight (28) feet; or

2. Twenty (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 twenty (20) feet;

2. Where aerial fire access is required: at least twenty-six (26) feet;

3. T2, R1, T3, T4: at least twelve (12) feet;

4. T5, T6: at least sixteen (16) feet; and

5. All others: at least sixteen (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 fifteen (15) feet; and

2. Fire, solid waste, and utility access: at least thirty-five (35) feet.

d. Alley design speed is 5-10 mph.

e. Drainage may be provided:

1. All zones: using a V-shaped section, sloping towards the middle of the alley, with a two percent (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 four (4) abutting lots;
2. At least thirty (30) feet wide; and
3. Paved at least six (6) feet wider than the required minimum but no more than thirty (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 5.10 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 fifteen (15) degrees of perpendicular.

b. Alley design at intersections must follow Table 6.3 Alley Apron.

c. All alleys must include a paved apron.

d. Parking accessed from an alley must be set back at least twenty (20) feet from the alley apron.

(3) Existing Alleys

a. Where a development abuts an existing, legally established alley that is less than the required right-of-way or pavement width, the developer shall:

1. Improve the portion of the alley abutting the site to the maximum feasible width within existing right-of-way or easement; and
2. Construct pavement meeting the minimum width of this Section to the extent physically possible without acquisition of off-site property.

b. A developer shall not be required to dedicate additional right-of-way or acquire off-site property to widen an existing alley unless such widening is required through subdivision or development plan approval in accordance with Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

c. Improvements shall not preclude future widening to the full standard if adjacent properties redevelop.

(4) Mid-block Alleys

a. Where a development abuts an alley that does not connect to a public street within the same block, the developer shall:

1. Construct the full required pavement width along the portion of the alley abutting the site;
2. Install a compliant alley apron; and
3. Extend the required pavement width at least twenty (20) feet beyond the alley apron into the corridor.

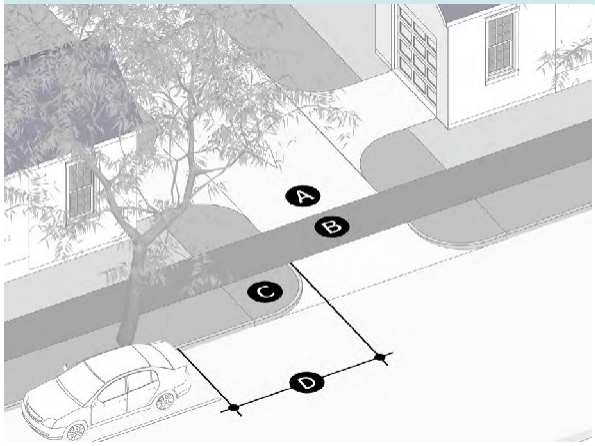
b. The developer shall not be required to construct the alley beyond their property frontage nor acquire off-site property unless:

1. The extension would directly connect the alley to a public street within the same block; and
2. The extension is reasonably proportional to the impact of the development as determined under Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

c. Nothing in this subsection shall require off-site property acquisition except where required as part of a subdivision or development plan approval.

TABLE 6.3 ALLEY APRON

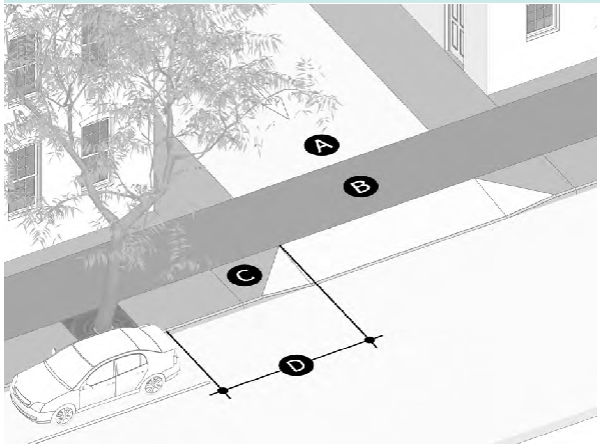
Neighborhood Alley



- **A** Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.
- **B** Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.
- **C** The apron must have a 10 to 15 ft. curb return radius.
- **D** Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T2, T3, T4

Mixed-Use and Non-residential Alley



- **A** Alley pavement must be 20 ft. min. at the alley apron and extend at that width for at least 20 ft. into the alley.
- **B** Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.
- **C** The alley apron may have a 5 ft. taper or a 5 ft. curb return radius.
- **D** Parking must be set back a minimum of 20 ft. from the alley pavement at the alley apron.

Allowed Zones: T5, T6, GC, LI, LFI

(n) Major driveway allowances and modifications

(1) 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 (TAC), 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 6.1 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 ten (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 5.10 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 5.10.
b. Travel lane widths within the major driveway may be adjusted to the required parking aisle widths in Table 5.10.

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 thirty [30]-degree or forty-five [45]-degree; or
c. Perpendicular parking ninety [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
    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 TAC review.
9. Prohibited Uses of Allowances. Allowances under this section shall not be used to:
    i. Eliminate required connectivity;
    ii. Reduce emergency access below minimum safety standards;
    iii. Circumvent subdivision, public improvement, or dedication requirements; or
    iv. Avoid future dedication obligations where dedication is expressly required by this Code.
10. Relationship to Public Streets and Dedication
    i. Approval of a major driveway under this section does not constitute:
        a. Acceptance of a public street;
        b. A commitment to future dedication; or
        c. A finding that the facility meets all public street standards.
    ii. Any future request for dedication shall require compliance with the standards in effect at the time of dedication.
    iii. Major driveways required by this Code for access and circulation require the dedication.

SEC . 50-603 . PUBLIC STREET IMPROVEMENTS

(a) Purpose

(1) To establish consistent rules for public street improvements required along the frontage of development sites.

(2) To ensure that all new development contributes to a complete and connected public street network, consistent with the adopted Master Street Plan and street design standards.

(3) To support safe, multi-modal access for vehicles, pedestrians, and cyclists.

(b) Applicability

(1) This section applies to all development sites along an existing or proposed public street.

(2) This section does not apply to streets within subdivisions or major driveways.

(3) All public street improvements are subject to Streets to be dedicated to the city are subject to Sec. 50-724. Public Improvement and Dedication.

(c) Required frontage improvements

(1) Development along public streets must include street improvements from the street centerline to the edge of the property line, along the entire property.

(2) The Planning Commission may require the developer to construct the full street and any off-site improvements if needed for safety, circulation, or access in accordance with Sec. 50-308 Off-Site Infrastructure Improvements and Sec. 50-724 Public Improvements and Dedications.

(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 or 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 place type and zoning district.

(6) 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 Planning Commission.

(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 City legal department.

SEC . 50-604 . TRAILS AND BIKEWAYS

(a) Trail design standards

(1) If a trail is identified in the Bike & Pedestrian Master Plan:

a. Trail design must follow the standards specified in the plan, including the trail, landscaping, intersection crossings, lighting, and wayfinding; and

b. Trail signage and construction must follow the Bentonville Street Specifications.

(2) All other trails and shared-use paths must meet the following design standards:

a. Design elements listed in Table 6.4 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 TAC 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 6.4 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	All	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.
Lighting	All	At every intersection between the trail and another right-of-way. Additional lights are required at a spacing determined by BEUD.

(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 6.5 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 TAC.

(5) The TAC may require a specific bikeway type or alignment within the site to ensure integration with the citywide bicycle network.

(6) Bikeways must be constructed of smooth, durable paving, clearly demarcated, and designed to minimize conflicts with pedestrians and vehicles.

(7) Curb-adjacent bicycle facility width is measured to the vertical curb.

(8) Manholes, drains, and other obstructions should not be located in bikeways.

TABLE 6.5 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, TAC, 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		

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 right-of-ways, 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 dedicated to the City. 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 right-of-ways, 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 Infrastructure coordination conference in accordance with Article 50-7 Administration.

2. The Director is responsible for coordinating and convening the Infrastructure coordination

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.

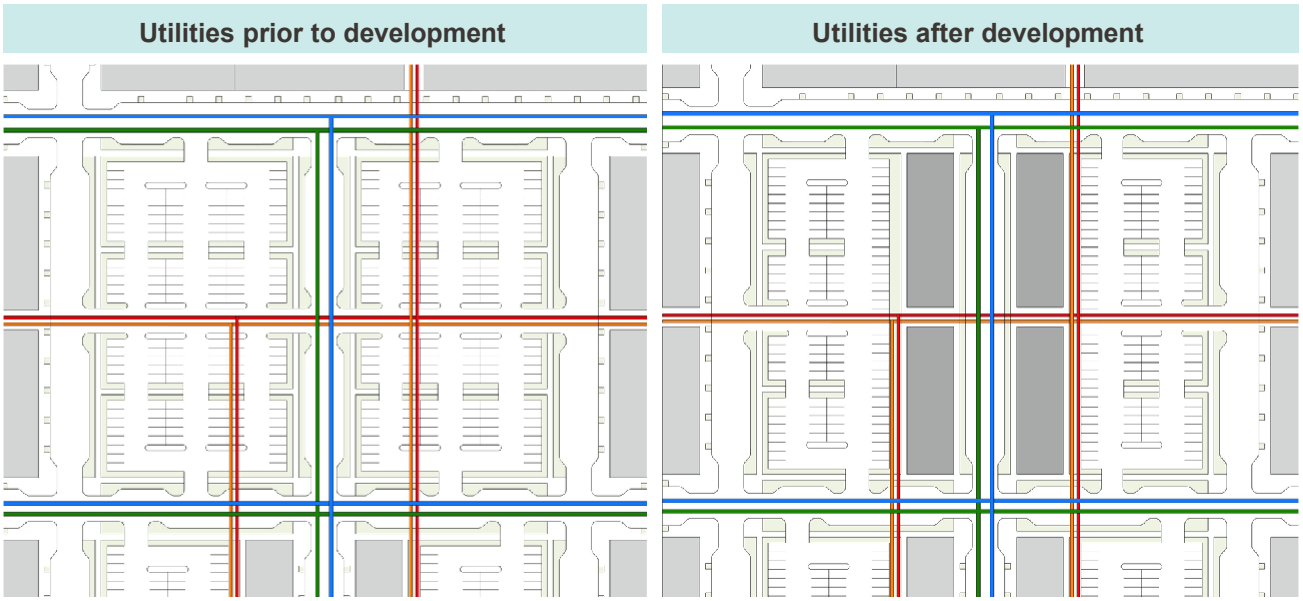
(3) Developments using major driveways and future lots

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 Infrastructure coordination 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;
3. Installing tree protection fencing, implementing soil compaction prevention, and applying root pruning methods consistent with approved preservation practices; and

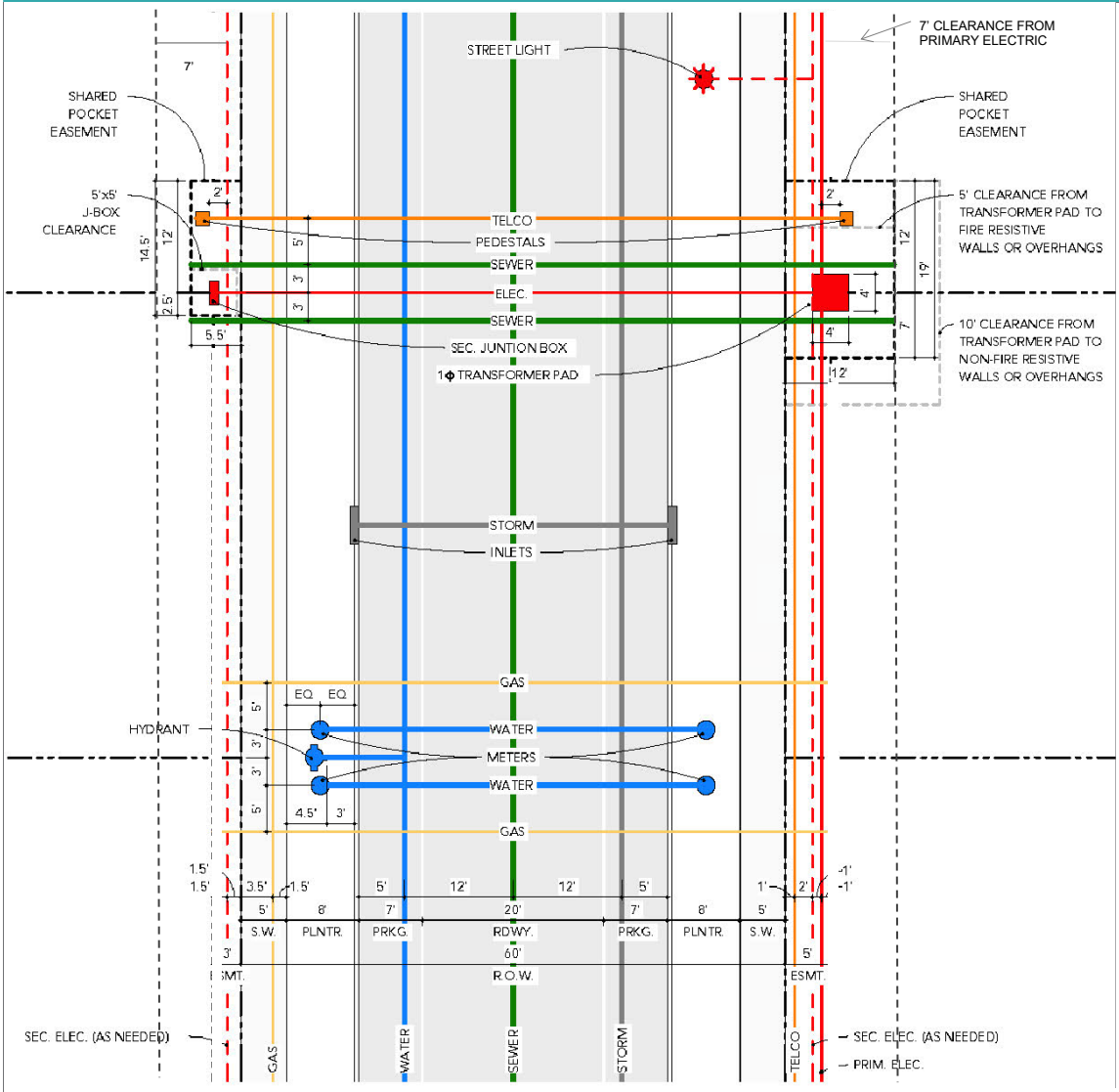
4. A modified tree protection strategy, subject to the approval of the Director, BEUD Director, and BWUD Director, to minimize harm and preserve long-term health of the tree to the greatest extent practicable.

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.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

1. 34ft Roadway without Alley

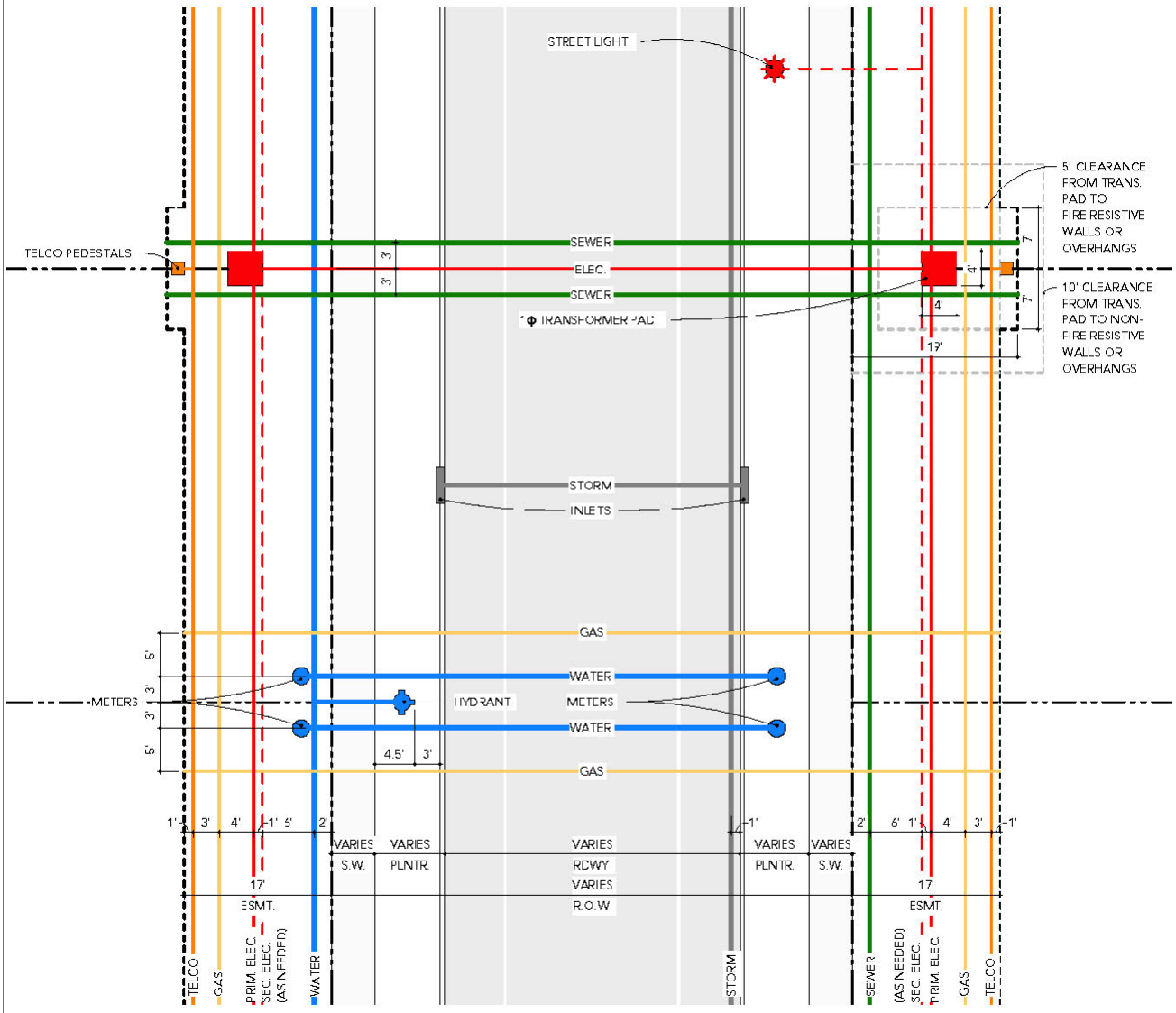


Notes

- 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 seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

2. Roadway without Alley, Water & Sewer in Easement

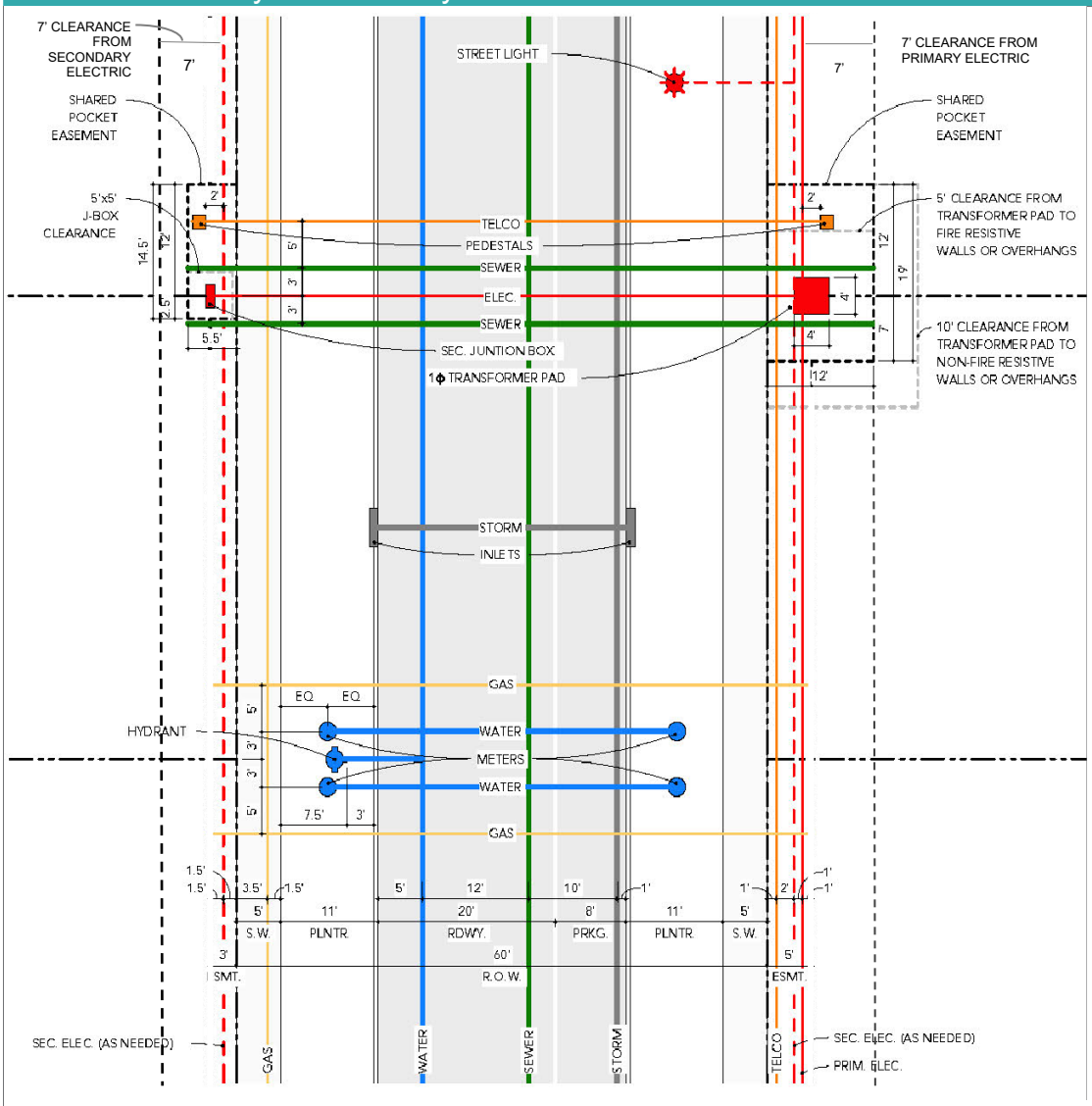


Notes

- 60 ft right-of-way depicted with 34 ft vertical curb-to-curb with on-street parking both sides. Right-of-way width and roadway width may vary.
- Fire access accommodated from street, aerial access may require an alternative layout.
- Stripe parking lane to disallow parking in proximity to fire hydrants.
- All utilities are located within easements on private property, except fire hydrants.
- Additional pocket easement depicted for telecom pedestals, confirm easement dimension and construction type.
- Coordinate street tree requirements with utility locations and minimum setbacks.
- Site conditions, load conditions, and existing or planned utilities may require additional easements.
- Foundations required to be set back seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

FIGURE 6.3 TYPICAL UTILITY LOCATIONS

3. 28 ft Roadway without Alley

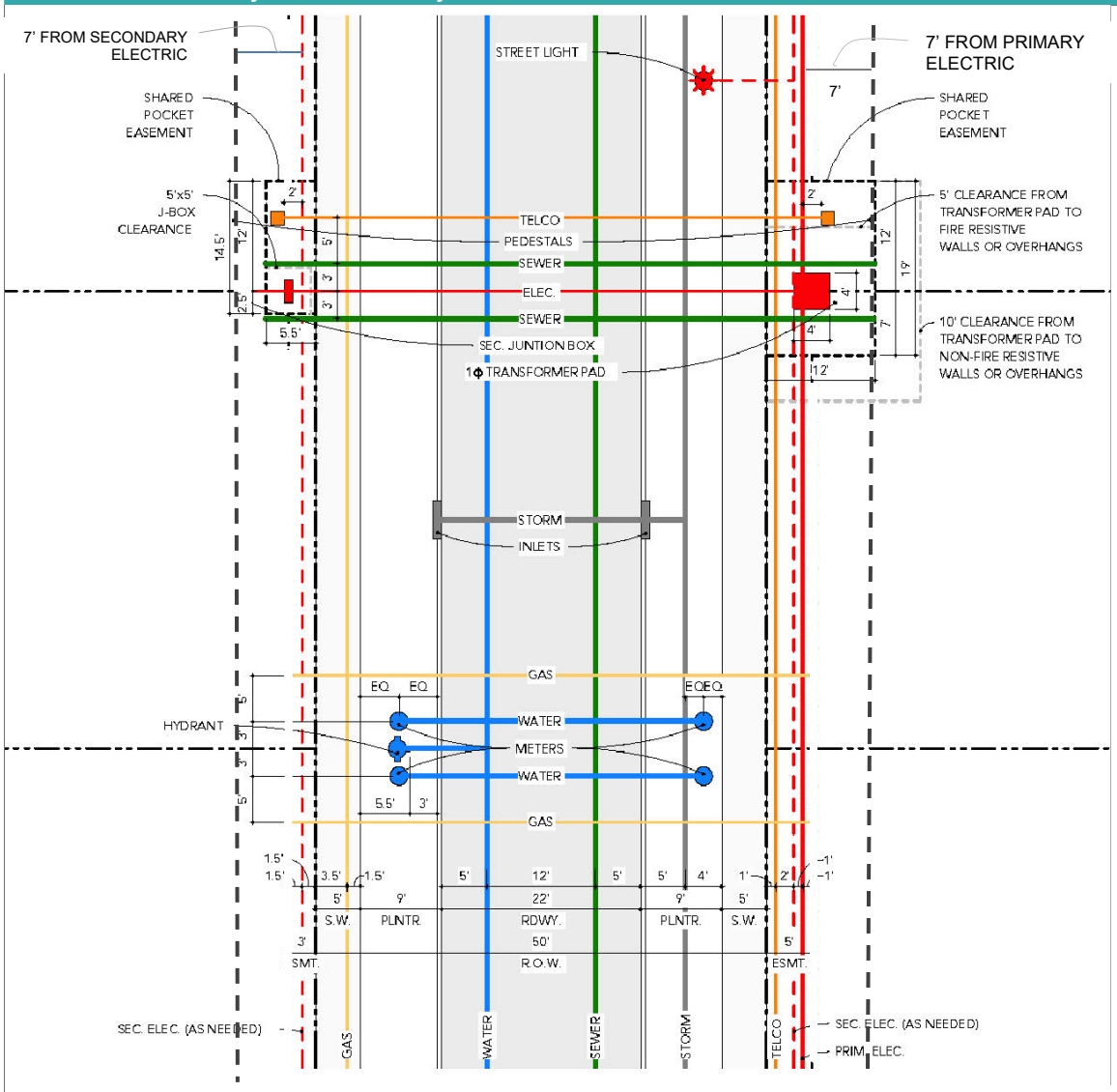


Notes

- 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 seven (7) feet 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 seven (7) feet minimum from primary electric lines.
- Final utility alignment must be approved by BEUD and BWUD.

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 (1) 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 must be met.

(c) Lighting

(1) Towers must be illuminated only when required by the FAA 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 right-of-ways.

(d) Stealth and camouflage

(1) Towers and antennas must be designed using stealth techniques or camouflage to reduce visibility and integrate with their surroundings.

(2) Towers must:

a. Be finished with galvanized steel, wood laminate, or a neutral paint color; and

b. Comply with any FAA standards related to marking or lighting.

(3) All buildings, shelters, and ground-mounted equipment associated with telecommunications facilities must be designed to blend with surrounding structures or vegetation, using materials, colors, and architectural detailing consistent with adjacent development.

(4) If an antenna is mounted on a structure other than a tower, including a building or utility structure, the antenna and all visible support equipment must:

a. Match or closely complement the color of the supporting structure; and

b. Be mounted in a manner that minimizes visual prominence and avoids silhouette against the sky.

(e) Maintenance and removal

(1) All communications equipment must be maintained in a clean, structurally sound, and operational condition.

(2) Any facility that is damaged or no longer in use must be repaired, replaced, or removed within ninety (90) days of notification by the City.

(3) If a tower or antenna is unused or abandoned for a continuous period of twelve (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.

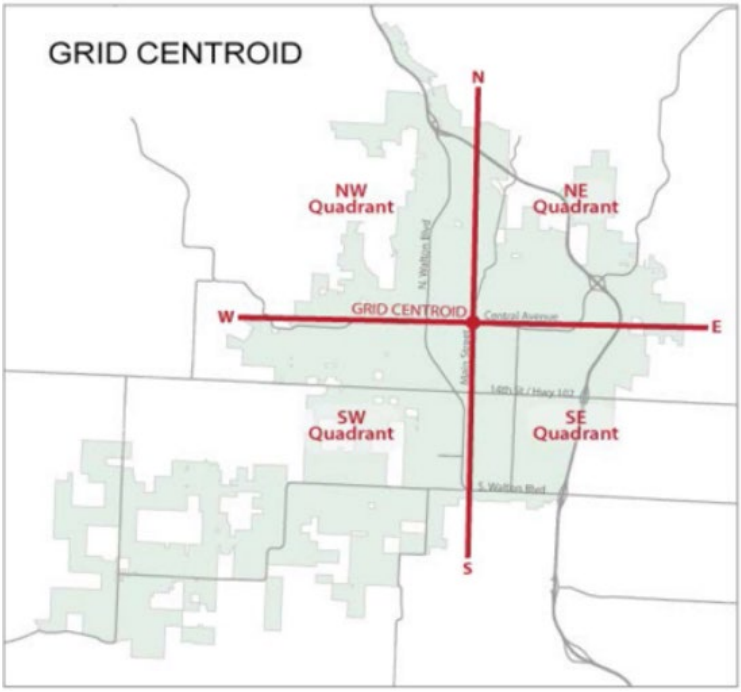
(2) All street address numbering begins at this centroid, increasing outward in all directions, with each block ranging from 100–199 and continuing sequentially to the City limits.

(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.

FIGURE 6.4 GRID CENTROID



(c) Authority

(1) The GIS Coordinator, or 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 pursuant to this Code.

c. Duplicate or phonetically similar names are not allowed.

d. Street names may not include directional or type confusion (such as Northglen Drive).

e. Streets that align with existing named streets must use the same name.

f. Loop streets must include an appropriate suffix such as “Loop,” “Circle,” or “Court.” At the discretion of the assigned designee, this requirement may be waived when it is determined that the loop should retain the name of the street from which it originates or with which it is primarily aligned.

g. Street names honoring individuals require a proclamation by City Council.

h. Alleys must be named and addressed in accordance with these standards and must use the suffix 'Alley'.

i. Full street names, including the suffix and directional (prefix) are limited to a maximum of seventeen (17) characters in length.

j. Numeric street names must use the appropriate numeric suffix (e.g., 1st, 2nd, 3rd, 4th).

k. Streets that are also designated state or federal highways may be identified by a local street name in conjunction with the highway designation on the Official Street Address Map.

(3) Street name components

a. All streets must have directional prefixes that follow the approved abbreviations:

1. North: N
2. South: S
3. East: E
4. West: W
5. Northeast: NE
6. Northwest: NW
7. Southeast: SE
8. Southwest: SW

b. Suffixes must match the direction of the street:

1. East–West streets: Avenue or Boulevard
2. North–South streets: Road or Street

(4) Renaming

a. Renaming may be initiated by the City Council, Planning Commission, Mayor, GIS Department, or the public following the below process.

b. Requests must include:

1. A completed application; and
2. Signatures from one hundred percent (100%) of abutting property owners, with at least eighty percent (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 (1) address based on the location of the front door.

(2) Labels

a. Labels are assigned as follows:
   1. Main address (M)
   2. Suite (STE)
   3. Apartment (APT)

(3) Commercial Addressing

a. Suites in commercial buildings are numbered from 1 to 99, or by floor using 100-level ranges.
b. Suite numbers are assigned based on building parity and layout.
c. In a suite split, the next available number is used, regardless of odd–even pattern.
d. Address spacing must allow for future splits or tenant changes.

(4) Multifamily addressing

a. Multifamily buildings must be assigned a main address and unit numbers.
b. Units must be numbered sequentially, increasing from the centroid.
c. When floors are stacked, unit numbers must correspond to the floor:
   1. First floor: 100–199; and
   2. Second floor: 200–299, and so on.
d. Duplexes must be assigned one (1) main address with numbered units.
e. Townhomes must receive separate street addresses, not unit numbers.
f. The official address for apartments or condominiums is the main address plus the unit number.

(5) Readdressing

(1) When renumbering is necessary, it must follow the same standards.
(2) Corner lots must receive one address based on the location of the front door.

(g) Address display

(1) Addresses must be posted on all buildings as required by the Fire Code.
(2) If not visible from the street, a secondary sign must be installed at the point of access.

(h) Enforcement

(1) Inspectors will confirm address compliance at final inspection. A certificate of occupancy or compliance will not be issued unless the correct address is posted and matches City records.

ARTICLE 50-7 ADMINISTRATION

SEC. 50-701. PURPOSE AND INTENT

(a) To establish the procedures for review and approval of development activities and enforce the rules in this Code.

(b) To protect the public interest through consistent and thorough review of development proposals.

(c) To provide clear and predictable review processes that comply with Arkansas State Statutes and other laws.

(d) To establish the responsibility and authority of decision-making bodies and city staff.

SEC. 50-702. APPLICABILITY

(a) Any development activity regulated by this Code, or any change affecting features of the development site subject to its standards, may require review and approval as specified in this article.

SEC. 50-703. APPROVAL BODIES

(a) Review responsibilities

(1) Each application is subject to the review responsibilities identified in Table 7.1 Approval Authority.

(2) The roles of City Council, Planning Commission, and Board of Adjustment in this section and Table 7.1 Approval Authority apply only to decisions and recommendations required by this Code.

(3) Nothing in this section changes, limits, or expands the duties of these bodies under state law or other provisions of City code.

(4) Applications are routed to the appropriate departments, staff reviewers, or approval bodies based on the type of request and applicable technical requirements.

(5) The Director is responsible for determining application completeness and assigning routing based on this section and the approval bodies schedules.

(6) When an application includes multiple components requiring different approvals, review bodies may consider them concurrently or consecutively, as determined by the Director.

(b) 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, infrastructure coordination conferences, and pre-construction conferences;
3. Reviewing and approving construction documents as authorized by this Code;
4. Reviewing and approving minor subdivisions as authorized by this Code; and
5. Providing written technical findings, comments, and recommendations for applications requiring Planning Commission or City Council action.

(3) Composition

a. The TAC consists of representatives from the following City departments and utilities:
   1. Planning;
   2. Transportation;
   3. Building and Fire Safety;
   4. Bentonville Electric Utility Department (BEUD); and
   5. Bentonville Water Utility Department (BWUD).

b. Each department or utility shall designate one (1) 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 priorities;
   3. Coordinating interdepartmental review;
   4. Requesting participation by additional departments when appropriate; and
   5. Documenting and consolidating staff comments and recommendations.

b. TAC meetings shall be held in accordance with the published TAC schedule and submission deadlines.

(c) Planning Director

(1) The Director is responsible for administering 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; and
   e. Providing staff support to the Planning Commission and Board of Adjustment.

(2) The Director may refer an application to a higher approval body where authorized by this Code or where necessary to ensure compliance with applicable standards.

(3) The Director may require consolidated review where multiple applications or permits are proposed in a manner that would circumvent the intent of this Article.

TABLE 7.1 APPROVAL AUTHORITY

Application or Action	Applicable Department Director	Technical Advisory Committee	Planning Commission	City Council	Board of Adjustment
Administrative Actions					
Permits	Approve				Appeal
Plans					
Small-scale Development	Review	Approve	Appeal		
Large-scale Development		Review	Approve	Appeal	
Campus Development Plan		Review	Approve	Appeal	
Construction Documents		Approve			
Subdivision of Land					
Minor Subdivisions		Review	Approve	Appeal	
Preliminary Plat		Review	Approve	Appeal	
Final Plat		Review	Approve and Accept Dedications	Appeal	
Construction Documents		Approve			
Amendments					
Rezoning		Review	Recommend	Adopt	
BCC Amendment		Review	Recommend	Adopt	
FLUM Amendment		Review	Recommend	Adopt	
Land Actions					
Annexation		Review	Recommend	Adopt	
Independent Dedications		Review		Accept	
Vacation		Review	Recommend	Adopt	
Relief and Exceptions					
Administrative Adjustment	Approve		Appeal		
Variance		Review			Approve
Waivers		Review	Approve	Appeal	

SEC . 50-704 . SMALL-SCALE DEVELOPMENT PROCESS

(a) Purpose and applicability

(1) Small-scale development review applies to development plans classified as small-scale development pursuant to Sec. 50-303(b) Small-scale development.

(2) The purpose of small-scale development review is to evaluate site-specific development proposals that do not establish a new street or block framework and that are limited in scale, intensity, or complexity.

(b) Pre-application review

(1) Pre-application review is required prior to submitting a small-scale development plan and shall be conducted in accordance with Sec. 50-714 Pre-Application Review.

(2) Infill development shall comply with the infrastructure coordination conference 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, small-scale development application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) If the scope of work is limited, the Director may allow a reduced set of plans showing only the affected features.

(3) At a minimum, the small-scale development plan must demonstrate meeting the review criteria is subsection (f).

(d) Plan Review

(1) The TAC shall review complete small-scale development applications for compliance with this Code, according to subsection (f) Review criteria.

(e) Administrative Action

(1) The 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 subsection (i) Appeals.

(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 submission:

a. Meets all applicable rules in this Code;

b. Complies with zoning, access, and site design standards in Articles 50-4 Zoning and 50-5 Design Standards;

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;

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 eighteen (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 pre-construction review according to Sec. 50-715. Pre-construction 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 PROCESS

(a) Purpose and applicability

(1) Large-scale development review applies to development plans classified as large-scale development pursuant to Sec. 50-303(c) 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 infrastructure coordination conference required by Sec. 50-714 Pre-Application Review 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, large-scale development application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) At a minimum, a large-scale development plan shall demonstrate compliance with applicable standards and review criteria in subsection (f) Review criteria.

(d) Plan Review

(1) The TAC will review complete large-scale development applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (f) Review criteria.

(2) The TAC shall provide written comments and a recommendation to the Planning Commission for consideration as part of its review and approval.

(3) TAC review does not constitute approval of a large-scale development plan.

(e) Planning Commission Action

(1) The Planning Commission will review the application based on subsection (f) Review criteria and take action in accordance with state law and adopted Planning Commission bylaws..

(f) Review criteria

(1) A development plan may be approved upon finding that:

a. The plan complies 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 Code;
d. Street connections are consistent with this Code 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 the standards of this Code;
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.

(2) All requests must follow the limits, criteria, and process in Sec. 50-716 Administrative Adjustments.

(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 Pre-construction 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 Pre-construction 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 Amendment of Approvals.

(5) Approval is subject to the duration, expiration, and extension provisions of Sec. 50-723 Duration, Expiration and Amendment of Approvals.

(i) 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 PROCESS

(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, minor subdivision application fee, and plan shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

(2) At a minimum, the minor subdivision shall demonstrate meeting the review criteria is subsection (e) Review criteria.

(c) Plan review

(1) The TAC shall review complete minor subdivision applications for compliance with this Code, according to subsection (e) Review criteria.

(d) Administrative action

(1) The TAC may approve, approve with conditions, or deny a minor subdivision.

(2) The Director may refer a minor subdivision application to the Planning Commission for review and decision where the Director determines that the proposal:
a. Raises policy considerations;
b. Requires interpretation of Code standards;

d. Requires waivers, or

e. Is otherwise appropriate for Planning Commission review.

(e) Review criteria

(1) A minor subdivision may be approved upon finding that the plan:

a. Meets all applicable rules in this Code;

b. Complies with zoning, access, and site design standards in Articles 4 and 5;

c. Keeps public infrastructure demands within existing capacity;

d. Protects trees and landscaping as required;

e. Meets all applicable utility and engineering specifications;

f. Keeps or improves pedestrian and vehicle circulation; and

g. Meets utility spacing and alignment rules.

(f) Administrative adjustments

a. Applicants may request an administrative adjustment under Sec. 50-716. Administrative Adjustments if the site cannot meet all regulations due to physical constraints.

b. All requests must follow the limits, criteria, and process in Sec. 50-716 Administrative Adjustments.

(g) Effect of Approval

a. Approval authorizes the applicant to proceed to pre-construction review in accordance with Sec. 50-715 Pre-construction 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 Amendment 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.

(i) Recording

a. No minor subdivision 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 minor subdivisions must be submitted to the City for recording within thirty (30) days of approval.

SEC 50-707 MAJOR SUBDIVISION PROCESS

(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 preliminary plat 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 subsection (c) Preliminary plats;

b. Public improvement plans in accordance with Sec. 50-724. Public Improvement and Dedication; or

c. A final plat in accordance with subsection (e) Final plats.

(c) Preliminary plat

(1) Plan submittal

a. The preliminary plat application, preliminary plat application fee, and plans shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

b. At a minimum, the preliminary plat shall demonstrate meeting the review criteria is subsection (c)(4) Review criteria.

(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. The 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 preliminary plat.

(3) Planning Commission Action

a. The Planning Commission will review the application based on the criteria in subsection (c)(4) Review criteria and take action in accordance with state law and Planning Commission bylaws .

(4) Review criteria

a. A preliminary plat may be approved upon finding that it:

1. Conforms to the requirements of this Code;
2. Complies 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 Code and authorizes application for construction document approval according to Sec. 50-715. Pre-construction 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 eighty-six thousand (86,000) pounds;
3. Meet applicable City specifications and the Arkansas Fire Prevention Code; and
4. Be constructed within 0.10 feet of approved grading and thickness values.

b. The Stormwater Pollution Prevention Plan is implemented and maintained.

c. The following infrastructure systems and any crossings are installed, inspected, and approved:

1. Sanitary sewer;
2. Stormwater;
3. Water;
4. Contractor-installed electrical infrastructure; and
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 plat application, final plat application fee, and plans shall be submitted in accordance with the requirements in the city's published Development and Submittal Guide .

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. The 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 final plat.

(3) Planning Commission action

a. The Planning Commission will review the application based on the criteria in subsection (e)(4) Review criteria and take action according to state law and Planning Commission bylaws .

(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 Code;
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 right-of-ways 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 right-of-ways. 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 submitted to the City for recording within thirty (30) days of approval

(f) Concurrent review of subdivision and development applications

(1) Purpose and intent

a. The purpose of this subsection is to allow coordinated review of subdivision and development applications where efficiency can be achieved without altering required approval sequencing, infrastructure obligations, or construction authorization thresholds.

(2) Applicability

a. 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 TAC, 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 Pre-construction 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 Duration, Expiration and Amendment of Approvals.

(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 PROCESS

(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:

a. Concurrently with a large-scale development application or preliminary plat; or

b. Prior to submission of a large-scale development application or preliminary plat.

(3) 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 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, campus plan application fee, and plan shall be submitted in accordance the requirements in the City's published Development and Submittal Guide .

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 plan demonstrating which standards are proposed to be modified in accordance with Sec. 50-507. Campus development standards.

(2) The plan must demonstrate it meets the review criteria in subsection (f) Review criteria.

(d) Plan Review

(1) The TAC will review complete campus development plan applications for technical compliance with this Code and applicable engineering, utility, and infrastructure standards, based on the criteria in subsection (f) Review criteria.

(2) The 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 campus development plan.

(e) Planning Commission Action

(1) The Planning Commission will review the application based on the criteria in subsection (f) Review criteria and take action in accordance with state law and Planning Commission bylaws .

(f) 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. 50-502 (e) Civic space standards;

c. Phasing is coordinated and supported by the timely extension of infrastructure;

d. The proposal meets the intent of Sec. 50-507. Campus development standards and is consistent with the Future Land Use Plan.

(g) 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.

(h) 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 Approved 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.

(i) Appeal

(1) Any person aggrieved by the final action of a campus development plan may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-709 . REZONING

(a) Applicability

(1) A rezoning application may be filed by:

a. A property owner or authorized representative;

b. The Director,

c. The Planning Commission; or

d. The City Council.

(b) Application submittal

(1) A rezoning application and rezoning application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide .

(c) Relationship with future land use map

(1) The Future Land Use Map identifies adopted place types across the City.

(2) Rezonings 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.

(d) 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.

(2) The Future Land Use Map must be amended before a rezoning 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. 50-720. Public Hearings.

(e) Review criteria

(1) Standard Review Criteria (SR).

a. For districts labeled "SR" in Table 2.1 Place Type Correlation with Zoning Districts, the proposed district must:

1. In the case of Transect Districts:

i. Establish an orderly transition of intensity from the center to the edge of the place type; and

ii. Be within one (1) transect degree of the zoning of adjacent properties, except where:

- Significant natural barriers separate properties;
- A street classified as an arterial separates the sites; or
- The subject property is less than six hundred (600) feet deep, abuts an arterial, and is proposed for T5.1 or T5.2.

2. In the case of Special Purpose Districts:

i. Be supported by adequate infrastructure; and

ii. Demonstrate that the current zoning is unlikely to result in appropriate development.

b. If the request applies to a site larger than forty (40) acres, the proposed zoning mix must comply with Table 3.1 Zoning Mix for Subdivisions over 40 Acres.

(2) Enhanced Review Criteria (ER).

a. For districts labeled "ER" in Table 2.1 Place Type Correlation with Zoning Districts, the proposed district must:

1. Meet the review criteria in subsection (e)(1) Standard Review Criteria; and

2. Review must consider the following, in total, to determine the appropriateness of the requested zoning district:

i. The proposed zone will not result in exceeding existing or planned utility capacity for the place type.

ii. The property lies on a place type boundary and the requested district matches a district applied on either side of that boundary.

iii. The property is within one quarter (1/4) mile of transit, a four (4)-lane road, or a shared use trail, and additional travel demand can be served by existing infrastructure.

iv. The property is within one (1) mile of a job center that supports alternatives to

driving.

v. The property is adjacent to vacant land and the requested district sets a clear pattern for compatible future development.

vi. The request is consistent with the surrounding development pattern.

vii. The request advances the goals of the Comprehensive Plan.

(f) 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 .

(g) Planning Commission action

(1) Following the public hearing, the Planning Commission will review the application based on the criteria in Subsection (e) Review criteria and make a recommendation to City Council in accordance with state law and Planning Commission bylaws.

(h) City Council action

(1) Following the public hearing, City Council will review the application based on the criteria in subsection (e) Review criteria and take action in accordance with state law.

(j) Appeal

(1) Any person aggrieved by the final action of a Zoning Map Amendment request may file an appeal in accordance with Sec. 50-718 Appeals.

SEC . 50-710 . BENTONVILLE COMMUNITY CODE AMENDMENTS

(a) Applicability

(1) An amendment to this Code may be initiated 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. 50-720 Public Hearings.

(3) Courtesy notice may be provided by the Director, as described in Sec. 50-720. Public Hearings.

(d) Planning Commission action

(1) Following a public hearing, the Planning Commission will make a recommendation to City Council in accordance with state law and Planning Commission bylaws

(e) City Council action

a. If the Planning Commission recommends approval with modifications, the City Council must consider the modifications .

b. After deliberation, City Council will take action in accordance with state law...

SEC . 50-711 . FUTURE LAND USE PLAN AMENDMENTS

(a) Applicability

(1) A review of the Future Land Use Plan may be initiated by:

a. The Director;

b. The Planning Commission; or

c. The City Council.

(a) 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.

(b) 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.

(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. 50-720 Public Hearings.

(3) Courtesy notice may be provided by the Director, as described in Sec. 50-720. Public Hearings.

(d) Planning Commission action

(1) After the public hearing, the Planning Commission will review in accordance with (c) Review criteria and take action in accordance with state law and Planning Commission bylaws

(e) City Council action

(1) If the Planning Commission recommends approval with modifications, the City Council must consider the modifications.

(2) After deliberation, City Council will take action in accordance with state law.

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) Application submittal

(1) The annexation application and annexation application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide and as required by state law.

(d) Public hearing

(1) A public hearing may be held in accordance with A.C.A. §§ 14-40-101 — 14-40-2202, when required by state law.

(e) 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.

(f) Technical Advisory Committee review

(1) The TAC will review the application for completeness and provide findings related to:

a. Public service provision;
b. Utility capacity;
c. Street network connectivity; and
d. Service delivery timing.

(g) Planning Commission action

(1) The Planning Commission will review the application in accordance with subsection (e) Review criteria and will make a recommendation to City Council in accordance with state law and Planning Commission bylaws.

(h) City Council action

(1) After deliberation, City Council will take action in accordance with state law.

(i) 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 retains exclusive control over its public right-of-ways and may vacate or abandon them only by ordinance.

(3) No vacation or abandonment is valid unless:

a. A recommendation is provided by the Planning Commission; and

b. An ordinance is adopted by the City Council.

c. When a vacation alters property boundaries or changes the configuration of platted lots, the applicant submits a Property Line Adjustment (PLA) application consistent with Sec. 50-304. Minor Subdivisions.

(b) Authority to file

(1) An application for a vacation may be filed by:

a. The owner of property abutting the right-of-way to be vacated;

b. The Director on behalf of the City; or

c. The Planning Commission.

(c) Application submittal

(1) A vacation application and vacation application fee shall be submitted in accordance with the requirements in the City's published Development and Submittal Guide.

(2) If the applicant is a private property owner, written consent from all owners of properties abutting the right-of-way must be submitted with the application.

(3) The 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 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 Commission will make a recommendation to the City Council in accordance with state law and Planning Commission bylaws.

(f) City Council action

(1) The City Council will hold a public hearing in accordance with A.C.A § 14-301-302.

(2) The City Council must consider the recommendation of the Planning Commission and will take action in accordance with state law.

(3) The City may condition approval on the reservation of easements or infrastructure access.

SEC. 50-714 PRE-APPLICATION REVIEW

(a) Purpose and intent

(1) The purpose of pre-application review is to provide applicants with early, informal guidance regarding applicable plans, policies, and regulations prior to formal application submittal.

(2) Pre-application review is intended to:
a. Identify known site constraints and regulatory issues early in the process;
b. Reduce unnecessary costs, redesign, and delays; and
c. Clarify the applicable development review process and approval path.

(3) Pre-application review occurs prior to entitlement review and does not include review of construction-ready drawings.

(b) Types of pre-application review

Pre-application review may include one (1) 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) **Infrastructure coordination conference**

a. The purpose of the infrastructure coordination 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. A infrastructure coordination 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 infrastructure coordination conference occurs after a conceptual meeting, if required, and prior to a pre-application conference.
2. Completion of a required infrastructure coordination conference is a prerequisite to scheduling a pre-application conference.
3. The conference does not constitute an application, approval, denial, or vested right.

d. Procedure

1. The infrastructure coordination conference is conducted by the 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 infrastructure coordination 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 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. Infrastructure coordination 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.

SEC . 50-715 . PRE-CONSTRUCTION REVIEW

(a) Applicability

(1) Pre-construction 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 Process, a large-scale development under Sec. 50-705 Large-Scale Development Process , or a preliminary plat under Sec. 50 706 Subdivision Process, 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 City's published Development and Submittal Guide.

(2) An applicable development or subdivision approval is required prior to construction plan submittal.

(d) Review process

(1) Pre-construction 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.

(e) Pre-construction conference

(1) A pre-construction conference is required prior to commencement of grading, site work, or construction unless waived by the Director.

(2) The pre-construction 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.

(f) Effect of pre-construction review

(1) At the conclusion of the pre-construction 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.

(g) Phase-specific pre-construction review

(1) Where a development is approved with an adopted phasing plan, construction plans shall be submitted, reviewed, and approved on a phase-by-phase basis unless the applicant elects, at their option, to submit a consolidated construction plan set covering multiple phases.

(2) Each phase submitted for construction shall be assigned a separate project number and shall include all construction documents necessary to fully construct that phase in accordance with the approved development framework and phasing plan.

(3) Where a consolidated construction plan set is approved, construction activity shall remain limited to the phase or phases authorized to proceed, and inspection and enforcement shall be based on the approved phase boundaries.

(4) Construction of any phase shall be limited to the plans approved for that phase.

SEC . 50-716 . ADMINISTRATIVE ADJUSTMENTS AND WAIVERS

(a) Purpose

(1) The purpose is to provide a clear and consistent process for limited modifications to the standards of this Code where strict application would create unintended hardship or prevent reasonable design solutions.

(2) This section distinguishes between:

a. Administrative adjustments, reviewed and decided by technical staff; and

b. Planning Commission waivers, reviewed and decided by the Planning Commission.

(3) Neither administrative adjustments nor waivers change the allowed uses of land or the required process for development review.

(b) Intent

(1) To allow flexibility where strict application of a standard would produce outcomes that conflict with the goals of this Code.

(2) This section is intended to:

a. Address physical or regulatory site constraints;

b. Accommodate established engineering or design practices;

c. Preserve natural features or existing infrastructure;

d. Support coordinated streetscape or utility design; and

e. Maintain consistency with the Future Land Use Plan and the purpose of the zoning district.

(3) This section does not 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 identified in:

a. Art. 50-3 Land Development;

b. Art. 50-5 Design Standards except Sec. 50-505 Zone Transitions, Sec. 50-506 Overlay Districts or Sec. 50-508 Signs which are variances approved by the Board of Adjustment; or

c. Art. 50-6 Streets, Trails and Utilities.

(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 approvals.

(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.

b. The adjustment is consistent with the intent of the applicable standard and the purpose of the zoning district.

c. The adjustment does not create adverse impacts on surrounding properties, infrastructure, or the public realm.

d. The adjustment does not reduce pedestrian access, frontage conditions, or emergency access, unless expressly allowed by Table 7.2 Administrative Adjustment Criteria.

e. The adjustment complies with all numeric limits and conditions in Table 7.2 Administrative Adjustment Criteria.

f. The adjustment will not adversely affect public health, safety, or welfare, or such impacts have been mitigated.

g. The request demonstrates compliance with all criteria in this subsection and all limits and conditions in Table 7.2 Administrative Adjustment Criteria.

h. The review authority may require documentation or technical studies to demonstrate compliance with these criteria.

(2) Authority and procedure

a. The Director or the TAC as listed in Table 7.2 Administrative Adjustment Criteria serves as the review authority.

1. Requests are reviewed concurrently with the underlying development or subdivision application.

2. Decisions are final unless appealed under Sec. 50-718. Appeals.

(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) Approval criteria

a. The waiver is the minimum modification necessary to accommodate a physical constraint or achieve a coordinated design outcome;

b. Strict application of the standard would create undue hardship or practical difficulty not caused by the applicant:

c. The waiver is consistent with the intent of the applicable section and the overall purpose of this Code;

d. The waiver does not create adverse impacts on surrounding properties, infrastructure, or the public realm;

e. The waiver does not reduce public safety, access, or environmental protection; and

f. Any impacts are fully mitigated through design, conditions, or equivalent improvements.

(2) Procedure

a. Requests must be submitted in accordance with the City's published Development and Submittal Guide;

b. Requests may be reviewed concurrently with the underlying development or subdivision application, or as separate project applications.

(3) Effect of approval

a. A granted waiver remains valid 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 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)(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 to maintain alignment with existing structures along the block frontage
Table 4.1	Side setback	Up to 2 ft.	Planning Director	Allowed if all exterior walls, eaves, and overhangs that project into 5 ft. fire separation distance are rated per latest adopted building and fire safety codes.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Table 4.1	Lot width	10 ft.	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
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)	Cul-de-sac layout	50% lot width reduction	TAC	Allowed if topography prevents wider lots
Sec. 50-502(c)(2)k	Offset intersections	Elimination	Planning Director	Only allowed where the design speed or posted speed limit of the roadway is 25 mph or less
Sec. 50-502(c)(4)	Pedestrian network	Full block sidewalk	Planning Director	May be required if project exceeds 30% of the block length
Sec. 50-503(e)(5)	Walkway materials	Substitution	Planning Director	Allowed as asphalt walkways in LI and LFI Districts or in all other districts where ADA-compliant gravel/pervious materials are used
Sec. 50-503(g)(2)e	Entertainment and institutional bicycle parking location	Alternative	Planning Director	Allowed in alternate location if it supports secure and sheltered storage for the duration and frequency of events.
Sec. 50-503(h)(2)	Driveway maximum number	No fixed limit	TAC	Requires a traffic study that demonstrates separate ingress and egress are necessary
Sec. 50-503(h)(3)	Curb cut radius	Up to 100% increase	TAC	Requires turning templates for large design vehicles.
Sec. 50-503(h)(4)	Driveway width	Up to 20% wider	TAC	Requires a traffic study that demonstrates the need to accommodate high traffic volumes or large design vehicles.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
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; 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 (2) feet	TAC	Allowed if no existing or planned utility corridor exists.
Sec. 50-510(e)	Fence height	Two (2) feet	Planning Director	Allowed when topographical, utility, or other contextual constraints or conditions exist
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	TAC	Must provide sufficient access for emergency services; and increase roadway safety.
Sec. 50-602(i)(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)(7)	Lighting materials or technology	Substitution	TAC	Only if standard materials are unavailable
Sec. 50-602(m)(1)a	Alley ROW width	Minimum 20 feet	TAC	Only if emergency access, utility access, fire service, and solid waste service are not limited by the narrower width.

BCC SECTION	STANDARD	MAXIMUM ADJUSTMENT	APPROVAL AUTHORITY	ADDITIONAL CONDITIONS
Sec. 50-602(m)(1)b	Alley pavement width	Reduction to 12 feet	TAC	Only if emergency access, utility access, fire service, solid waste service, and property access are not limited by the narrower width.
Sec. 50-602(m)(1)e	Alley drainage	Crown section and LID features permitted	TAC	Only if the change maintains compliance with stormwater requirements or improves current stormwater capacity
Sec. 50-604(a)(2)c	Pervious materials	Alternative material	TAC	Only if the material complies with ADA standards and can support service vehicles requiring access.

SEC . 50-717 . VARIANCES

(a) The Board of Adjustment (BOA) may grant a variances from Article 50-4 Zoning, Sec. 50-505 Zone Transitions, Sec. 50-506 Overlay Districts, or Sec. 50-508 Signs. .

(b) The BOA may not grant a variance to:

(1) Allow a use not allowed in a zoning district; or

(2) Override conditions of approval or requirements imposed by another decision-making body; or

(c) Decision-Making Criteria

(1) The BOA must find that:

a. Strict application of this Code would create undue hardship due to unique physical circumstances of the property;

b. The hardship is not self-imposed;

c. The variance is the minimum relief necessary;

d. No reasonable alternatives exist to avoid the need for a variance; and

e. The variance is consistent with the purpose and intent of this Code.

(d) Board of Adjustment action

(1) Following a public hearing held in accordance with Sec. 50-720. Public Hearings, the BOA will take action in accordance with state law and adopted BOA bylaws.

SEC . 50-718 . APPEALS

(a) Applicability

(1) This section governs appeals of any final administrative or quasi-judicial decision made under this Code, including interpretations by the Director, other Directors, site-plan determinations, variances, and subdivision decisions.

(b) Submittal

(1) Appeals must be submitted in writing with the Director within fifteen (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.

(d) Judicial review

(1) Any person aggrieved by a final decision of the 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 in the city's published Development and Submittal Guide. 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 thirty (30) days or the application will be considered withdrawn.

(b) Resubmittals and review priority

(1) The Director may 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 pursuant to this Code.

(2) Applications involving multiple actions may be reviewed concurrently or consecutively, as determined by the Director.

(3) Applications may be paused 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) 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) No permit authorizing site or vertical construction shall be issued unless the property is lawfully eligible under one (1) 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. A land disturbance permit may be issued only after one (1) 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. 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. 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. Approved construction plans are required prior to installation of public improvements or civil site work beyond authorized land disturbance.

b. 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 prior to completion.

(5) Building permits

a. Building permits may be issued only when one (1) of the following applies:

1. The structure is located on a lot created by a recorded plat;

2. The structure is part of an approved development plan on a single, unsubdivided site with no subdivision proposed;

3. The structure is part of an approved development plan that proposes seven (7) or fewer lots, provided that:

1. Construction plans have been approved;

2. An application for Minor Subdivision has been submitted; and

3. No Certificate of Occupancy shall be issued until the Minor Subdivision has been approved and recorded.

(6) Certificate of occupancy.

a. A Certificate of Occupancy shall not be issued unless:

1. Required public improvements have been fully constructed, inspected, and accepted, unless deferred in accordance with Sec. 50-724 Public Improvements and Dedications; and

2. Any required subdivision plat has been approved and recorded.

(7) *Director authority*.

a. The Director is authorized to determine:

1. Whether a subdivision is required, proposed, or pending;

2. Whether proposed sequencing complies with the concurrency provisions expressly permitted in this Section; and

3. Whether proposed sequencing complies with this Article and Sec. 50-724 Public Improvements and Dedications.

b. Such determinations shall not be used to circumvent subdivision, public improvement, or dedication requirements.

SEC 50-720 PUBLIC HEARINGS

(a) Notice required

(1) Notice is required for all public hearings before the Planning Commission, Board of Adjustment, or City Council and will 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 fifteen (15) business days prior to the hearing; and

(3) Must include the case number, applicant name, subject location, 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 two hundred (200) 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 fifteen (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 fifteen (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, hearing date, and time; and

(4) The number, size, and location of signs will be sufficient to fulfill these requirements as determined 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 cancel or refuse to schedule a hearing if notice requirements are not met.

(f) Responsible Party

(5) In all zoning or land-development applications requiring a public hearing, notice responsibilities are according to Table 7.3 Notification Responsibility.

TABLE 7.3 NOTIFICATION RESPONSIBILITY

HEARING TYPE	NOTICE METHOD	CITY RESPONSIBILITY	APPLICANT RESPONSIBILITY
Rezoning	Certified mail to property owners within 200 ft.	Review mail receipts, document compliance	Applicant mails and 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 mails and 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 (billed via application process)
Variance	Newspaper advertisement	Staff places ad at least 7 days before hearing, reviews format and timing	Applicant pays advertisement cost (billed via application process)
	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 (billed via application process)

(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 Arkansas Law.

(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.

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 (6) months of issuance or completed within one (1) year, unless extended by the Director in accordance with Sec. 50-723 Duration, Expiration, and Amendment of Approvals.

(5) Payment of all applicable fees is required when the application is received.

(b) Building and Demolition permits

(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.

(2) A demolition permit is required according to the requirements of the adopted Building Codes and the current policies and procedures of the Building and Fire Safety Division.

(c) 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 Sec. 50-407(c)(28) Parklets.

(4) General standards

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. Parklets must meet the requirements of Sec. 50-406(c)(28) Parklets.

(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 (1) year from the date of approval.

b. Renewal

1. The permit may be renewed annually if the permit holder remains in compliance with all requirements.

2. Renewal applications must be submitted before the current permit expires.

c. Revocation

1. The City may revoke an encroachment permit if the encroachment becomes unsafe, fails to comply with permit conditions, interferes with public use or maintenance, or otherwise

violates this Code or any other law;

2. Upon revocation, the permit holder must remove the encroachment and restore the area to the satisfaction of the Transportation Director.
3. A decision to revoke may be appealed under Sec. 50-718. Appeals.

(d) 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.

(e) Land disturbance permit

(1) **Purpose and Intent.**

a. 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 ten thousand (10,000) square feet of land area;

b. Disturbs land within a drainage easement, stormwater facility, floodplain, or public right-of-way;

c. Removes required trees in accordance with Sec. 50-510(j) Landscape installation;

d. Alters, obstructs, regrades, or redirects drainage conveyance serving public infrastructure or adjacent property; or

e. Requires erosion or sediment control measures under the City's Stormwater Pollution 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; or
5. Tree removal permit.

b. Each permit type is subject to the requirements of this section unless expressly stated otherwise.

(4) **Default Classification**.

a. Any land disturbance activity not associated with an approved development plan, preliminary plat, or other specific land disturbance permit type shall be classified as Full Grading.

b. Limited Grading may be approved in accordance with subsection (7).

(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 (2) 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 or preliminary plat;

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 only authorizes grading, excavation, filling, and related earthwork activities, subject to approved plans and conditions. A full grading permit does not authorize 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, but is not limited to:

2. A grading and drainage plan prepared by a licensed professional (Civil Engineer, Architect, Landscape Architect, or similar professional);

i. Required erosion and sediment control plans; and

ii. Applicable state or federal stormwater permits;

(7) **Limited grading permit**

a. *Purpose.* A limited grading permit allows restricted land disturbance after Planning Commission approval and prior to final development or subdivision 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 one (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) **Tree removal permit**

a. *Applicability.* A tree removal permit is required prior to the removal of any tree required or credited under Sec. 50-510 Landscape, Screening, and Buffering when such removal is not part of an approved development plan, preliminary plat, or land disturbance permit.

b. *Scope.* A tree removal permit authorizes the removal of specific trees identified in the permit application and approved by the Director.

c. *Approval criteria.* The Director may approve a tree removal permit when the removal will not reduce required landscaping below the minimum standard of Sec. 50-510 Landscape, Screening, and Buffering.

d. *Replacement.* Removal authorized under this permit is subject to the replacement requirements in Sec. 50-510(j)(7)(d).

e. *Exemptions.* A tree removal permit is not required for:

1. Emergency removal necessary to address an immediate threat to life or property; or
2. Utility maintenance or clearance authorized by BEUD or BWUD.

(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.

(f) Outdoor vendor permit

(1) An outdoor vendor 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 (c) Encroachment permit.

(2) An outdoor vendor permit is not required for:

a. Sidewalk sales lasting three (3) or fewer consecutive days and keeping four (4) feet clear for pedestrian passage.

b. Temporary nonprofit fundraisers lasting five (5) 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.

(3) An application for an outdoor vendor 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.

(4) Duration and Renewal

a. A permanent outdoor vendor permit expires each year on December 31.

b. A temporary outdoor vendor 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.

(g) 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.

(h) 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, location, construction and maintenance standards in Sec. 50-508. Signs.

b. Signs located within a public right-of-way require an encroachment permit in accordance with Sec. 50-721(c) Encroachment permit in addition to a sign permit.

(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 per Sec. 50-721(c) Encroachment permit.

(i) 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 Code; or

b. Uses that are integral to an active, valid building permit, and do not involve a separate structure or off-site impact.

(3) Applications must include:

a. A description of the proposed temporary use, including duration, hours of operation, and anticipated activities;

b. A site plan showing the location of any structures, parking areas, signage, fencing, or utility connections;

c. A statement describing measures to minimize impacts on surrounding uses, traffic, drainage, and pedestrian circulation;

d. Evidence of any required state or county health permits, if applicable.

(4) Standards for Approval

a. The temporary use must be compatible with surrounding land uses and not create traffic, noise, lighting, or safety problems;

b. Adequate parking and access must be provided;

c. The site must be restored to its original condition or better at the end of the temporary use period;

d. All structures and equipment must comply with applicable building, fire, and health codes.

(5) Duration

a. Temporary use permits are valid for up to six (6) months unless otherwise specified in the permit;

b. One (1) extension may be approved by the Director for up to six (6) 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, nuisance, or violates permit conditions.

(j) Retaining wall permit

(1) A retaining wall permit is required for the construction, replacement, or extension of any retaining wall greater than four (4) feet in height, measured from the finished grade on the lower side of the wall to the top of the wall.

(2) Retaining walls greater than four (4) feet in height shall be designed and certified by a Professional Engineer licensed in the State of Arkansas.

(3) Applications for a retaining wall permit shall include:

a. A site plan showing the location of the retaining wall relative to property lines, structures, easements, and rights-of-way;

b. The height and length of the proposed wall;

c. Construction details, including cross-sections and footing design;

d. Existing and proposed grades above and below the wall;

e. Engineered, certified drawings that demonstrate structural stability and proper drainage; and

f. Any additional information determined necessary by the City Engineer or Chief Building Official.

(4) Retaining walls requiring a permit shall be subject to inspection by the City to verify compliance with the approved permit and applicable construction standards.

(5) Retaining walls shall be constructed in accordance with:

a. The approved permit documents;

b. The requirements of Sec. 50-510(e) Fences and walls

c. Applicable building and engineering codes; and

d. City engineering specifications.

SEC . 50-723 . DURATION, EXPIRATION, AND AMENDMENT 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 and subdivision applications approved under this Chapter.

(2) When a specific approval type in this Chapter sets a shorter duration, the shorter 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 twelve (12) months from the date of final action by the approving authority.

(2) The approval expires automatically at the end of that period if:

a. A pre-construction meeting has not been scheduled and held when required;

b. Construction or authorized site work has not begun; or

c. Any required permits, signatures, or recording actions have not been completed.

(3) Upon expiration, the applicant must submit a new application under the standards and procedures in effect at the time of new submittal.

(d) Extensions

(1) Eligibility. An applicant may request an extension before the expiration date of an approval.

(2) Administrative approvals. The Director may grant one (1) extension of up to six (6) additional months upon a written request showing good cause for the delay.

(3) Approvals by the Planning Commission. The Planning Commission may grant one (1) extension of up to twelve (12) additional months upon a written request showing substantial progress on required improvements or other good cause.

(4) Limitation. Only one (1) 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) Recording.

(2) Recording after expiration requires full resubmittal and review under current standards.

(g) Amendments to Approved Plans

(1) Approved plans may be modified through amendments in accordance with this subsection, provided the underlying approval remains valid under this section.

(2) Amendments are intended to allow reasonable flexibility during implementation while preserving the development framework, infrastructure assumptions, and public improvements relied upon during approval.

(3) *Classification of Amendments.* Amendments shall be classified as Minor Amendments or Major Amendments based on their scope, impact, and consistency with the approved development framework.

(4) *Minor Amendments.* Minor Amendments are changes that do not materially alter the approved development framework or the assumptions relied upon during discretionary approval.

a. Examples include, but are not limited to: Minor adjustments to building footprints or architectural elements; minor utility alignment refinements that remain within approved corridors; revisions to grading or drainage that do not affect overall system capacity, flow paths, or downstream impacts; changes to construction details that do not affect public infrastructure, access, or safety; and phase-specific adjustments that do not affect shared infrastructure or future phases.

b. The Director may approve Minor Amendments administratively.

c. Approval of a Minor Amendment does not reset or extend the duration of the underlying approval.

(5) *Major Amendments.* Major Amendments are changes that materially alter the approved development framework, infrastructure assumptions, or conditions of approval.

a. Examples include, but are not limited to: changes to street layouts, block structure, or access points; modifications affecting the capacity, location, or sequencing of public improvements; changes to stormwater systems that affect detention, conveyance, or downstream impacts; changes that alter approved phasing in a manner affecting infrastructure delivery or timing; increases in intensity or land use not contemplated during approval; or revisions that would have required additional findings during the original discretionary review.

b. Major Amendments require approval by the same body that approved the original application, unless otherwise specified by this Code.

c. Approval of a Major Amendment may reset the duration of the approval, as determined by the approving authority at the time of action.

(6) *Construction Plan Revisions.* Approved construction plans represent the technical implementation of an approved development framework. Construction plan revisions shall be evaluated for consistency with the underlying approval.

a. The Director has the authority to classify construction plan revisions as Minor or Major Amendments.

b. Construction plan revisions shall not be used to circumvent required platting, development approval, or public improvement requirements. Revisions that alter the development framework shall be processed as Major Amendments.

(7) *Relationship to expiration.*

a. Submission of a complete application for a Major Amendment prior to expiration shall suspend expiration of the original approval until the amendment is acted upon.

b. Minor Amendments do not suspend or extend expiration deadlines.

c. Upon expiration of an approval, no further amendments may be approved unless expressly authorized by this Code.

SEC . 50-724 . PUBLIC IMPROVEMENT AND DEDICATION

(a) Applicability

(1) This section applies to any development or subdivision for which the City requires on-site or off-site public improvements pursuant to this code, including but not limited to:

a. Streets, alleys, sidewalks, and related facilities;

b. Water, sewer, and storm drainage facilities;

c. Street lighting, street trees, and planting strips;

d. Utility easements and public access easements; and

e. 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 TAC, 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 TAC, 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.

(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:

1. Minor or cosmetic construction items;
2. Adjustment of appurtenances to final grade;
3. Weather-delayed landscaping;
4. Minor corrective work to existing infrastructure;
5. Submission of approved as-built drawings and record documentation; and
6. Other limited items that, from a technical and operational standpoint, do not impair the safe, functional, or lawful operation of the development, as determined by the applicable Department Head.

b. *Ineligible Items.* Completion guarantees shall not be accepted in lieu of construction for improvements necessary for safe access, utility service, drainage, emergency response, or legal occupancy.

(f) Fee-in-Lieu of Construction.

(1) *Authorization.* Where construction of a required public improvement is authorized to be delayed pursuant to Article 3 and this section, the Planning Commission may approve the payment of a fee-in-lieu of constructing the improvement.

(2) *Approval Authority and Findings*. Approval of a fee-in-lieu is discretionary and requires action by the Planning Commission. In approving a fee-in-lieu, the Planning Commission shall make written findings that:

a. Construction of the required improvement is impracticable, premature, or not in the public interest at the time of development; and

b. 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, is consistent with adopted capital improvement plans, and is expended within seven (7) years of the date of collection, unless otherwise agreed.

(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 City Legal Department.

b. The amount shall be not less than 150 percent (150%) 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 City Legal Department.

a. The amount shall be not less than 150 percent (150%) 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.

b. The completion guarantee shall have an initial term of sixty (60) days.

c. The Director, in consultation with the applicable Department Head, may approve one (1) extension not to exceed sixty (60) additional days upon a showing of good cause.

d. Funds may be deposited with the City and held until completion.

e. If the applicant fails to complete the guaranteed items within the approved term, the City may use the funds to complete the work.

f. 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 TAC.

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 (3) years.

(2) A minimum survival rate of ninety percent (90%) is required at the end of the maintenance period.

(3) The City may require a separate tree or landscape bond or deposit to ensure compliance.

SEC . 50-725 . ENFORCEMENT AND PENALTIES

(a) Authority

(1) The Director is authorized to enforce the provisions of this Code and to initiate corrective action for any violation.

(2) City departments, including Building Safety, Engineering, Code Enforcement, and Legal, may support enforcement efforts as coordinated by the Director.

(3) Nothing in this section limits the City's authority to enforce other applicable laws or to pursue civil or criminal penalties as provided by law.

(b) Violations

(1) A violation of this Code includes, but is not limited to:

a. Initiating construction, land disturbance, or site modifications without required approvals;

b. Installing signage, landscaping, utilities, or structures not shown on approved plans or not in compliance with BEUD or BWU specifications;

c. Failing to install or maintain required public or private improvements;

d. Removing or damaging protected trees or landscaping without approval;

e. Occupying a site or building in violation of use, parking, or access requirements; or

f. Failing to comply with a condition of approval or decision by the Planning Commission, City Council, Board of Adjustment, TAC, 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 (1) 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 a court of competent jurisdiction 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 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.

(f) Appeals

(1) Any person aggrieved by an enforcement action may appeal the decision in accordance with Sec. 50-718. Appeals.

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 this Code 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 twelve (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 doing so:

(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 fifty percent (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 twelve (12) months of the event.

SEC . 50-806 . NONCONFORMING LOTS

(a) A lot that does not meet the minimum area, width, or depth requirements of its zoning district may be developed if it was lawfully established and was not created through a violation of subdivision or zoning regulations.

(b) Development on a nonconforming lot must meet all other applicable requirements of this Code.

SEC . 50-807 . NONCONFORMING SITES

(a) A site that does not meet current standards for landscaping, screening, parking, access, or lighting may continue in use but must be brought into conformity:

(1) Upon construction of a new building or a building expansion of more than twenty-five percent (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 Sec. 50-508(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 fifty percent (50%) of its replacement value as determined by the average of three commercial estimates;

a. The principal use on the property is discontinued for one hundred eighty (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 sixty (60) days.

(3) A sign is considered abandoned when:

a. The sign structure is deteriorated and structurally unsafe; or

b. The sign is left blank for sixty (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 twelve(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 fifty percent (50%) and not rebuilt within twelve (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 ten percent (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 an amendment to 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:

a. Boundaries of the property;

b. Existing easements and covenants affecting the property;

c. Physical characteristics such as drainage, topography, vegetation, and existing structures;

d. Development characteristics such as surrounding land uses, existing streets, and availability of utilities; and

e. 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; and

6. Phasing schedule, if applicable

f. At a minimum, the amendment shall demonstrate meeting the review criteria in subsection (f) Review Criteria .

(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 five percent (5%);

b. Common open space is not reduced or substantially relocated;

c. Non-residential area is not increased by more than five percent (5%) or substantially relocated; or

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; and

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; and

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; or

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) An approved 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.

(2) If an approved PUD or PRD expires, no further development activity shall occur until the areas proposed for development are rezoned in accordance with this UDC.

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 subject to guidance from the City Legal Department. Final interpretations may be appealed as provided in Sec. 50-718. Appeals.

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.

ARDOT: Arkansas Department of Transportation. A department of the State of Arkansas government.

AR: Arkansas.

ATM: Automated Teller Machine, as commonly defined.

BCC: Bentonville Community Code. This document.

BEUD: Bentonville Electric Utility Department. A department of the City of Bentonville.

BFE: Base Flood Elevation. The elevation to which floodwater is anticipated to rise during the base flood, as established by FEMA and shown on the Flood Insurance Rate Map.

BMAO: Bentonville Municipal Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of the Bentonville municipal airport.

BMP: Best Management Practice. Physical, structural, or operational measures used to reduce the volume, rate, or pollutant load of stormwater runoff and improve water quality.

BWUD: Bentonville Water Utility Department. A department of the City of Bentonville.

CPTED: Crime Prevention Through Environmental Design. An approach that uses the design and management of the built environment to reduce crime and the fear of crime. See the International CPTED Association.

DBH: Diameter at Breast Height. A standard measurement of tree trunk caliper.

DCO: Downtown Center Overlay. An overlay zoning district that applies zoning rules specifically to the central portion of downtown Bentonville.

DNO: Downtown Neighborhood Overlay. An overlay zoning district that applies zoning rules specifically to neighborhood areas adjacent to downtown Bentonville.

EMC: Electronic Message Center. A type of digital sign or digital component of other sign types.

ER: Enhanced Review. A rezoning review process emphasizing the need to consider property context and compatibility, detailed in Sec. 50-708. Zoning Map Amendments.

FAA: Federal Aviation Administration. An agency of the United States Department of Transportation.

FEMA: Federal Emergency Management Administration. An agency of the United States Department of Homeland Security.

FHWA: Federal Highway Administration. A division of the United States Department of Transportation. See the FHWA website.

FLUM: Future Land Use Map. A policy document of the City of Bentonville required by the State of Arkansas.

FT: Foot. A standard unit of measure.

GIS: Geographic Information System. A computer-based tool used for digital mapping and data collection and analysis. The City of Bentonville maintains data such as the zoning map in GIS.

HOA: Home Owners Association. A private, non-profit organization that governs a residential community like a subdivision or condominium building. It may collect 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 may collect dues from members to maintain common areas and enforces community rules.

ROW: Right-of-way. A delineation of property owned by the City of Bentonville most commonly associated with streets and alleys.

RPZ: Runway Protection Zone. An area within the XNAO.

S: Small. A comparative measurement.

SE: Southeast. A compass direction.

SR: Standard Review. A rezoning review process for conditions that are anticipated to be contextually appropriate, detailed in Sec. 50-708. Zoning Map Amendments.

SW: Southwest. A compass direction.

SQ.FT.: Square foot. A standard unit of measure.

TAC: Technical Advisory Committee. A committee established in this code that reviews some development applications.

TIA: Traffic Impact Analysis. A study of the vehicular traffic anticipated from a proposed use and its impact on surrounding and nearby streets and uses.

TMD: Transportation Demand Management. A set of strategies to reduce the amount of driving necessary to reach a destination.

TPZ: Traffic Pattern Zone. An area within the XNAO.

USDA: United States Department of Agriculture. A department of the United States federal government.

ULI: Urban Land Institute. An association of real estate, development, and planning professionals in the United States.

VLT: Visible Light Transmittance. The amount of light that is able to pass through and object.

XNA: Northwest Arkansas National Airport. See the XNA website.

XNAO: Northwest Arkansas National Airport Overlay. An overlay zoning district that applies zoning rules to areas near and within the takeoff and landing approaches of XNA.

SEC . 50-904 . USE CLASSIFICATIONS

(a) All use classifications referenced in this Code are defined in this Article. These include general use categories, specific use types, and those subject to additional standards under Sec. 50-407. Use Standards.

(b) Uses within the agriculture category are defined as follows:

Agriculture means the use of land for farming, dairying, pasturage, apiculture (bees), aquaculture (fish, mussels), horticulture, floriculture, viticulture (grapes), or animal and poultry husbandry; this includes the necessary accessory uses for packing, treating, or storing the products 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 ser-ing multiple farms or producers. It may involve processing, grading, or packaging. Examples include large grain elevators and cooperative storage facilities.

Medical housing means a residential use of long, and short-term occupation, which may be licensed by the Arkansas Department of Health, to provide 24-hour non-acute medical services and supportive care on the premises. Medical housing includes congregate living health facilities, skilled nursing homes, residential mental health facilities, and hospice care. Any floor area used for office workspace accommodating the administration of medical services and supportive care shall be incidental to the residential use. Supportive housing: medical care facilities may include dwelling units, common dining areas, or other community rooms.

Medical marijuana cultivation facility is defined as specified by the Arkansas Medical Marijuana Commission.

Stable means a structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stockyard means an enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Urban farm means publicly or privately owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs for sale within a zoning district other than T2 Rural.

(c) Uses within the commercial category are defined as follows:

Commercial means any activity, trade, or business engaged in for profit. Commercial does not include multi-family residential development, short-term rentals, or home-based businesses.

Adult oriented businesses is as defined by the State of Arkansas.

Aquarium means an establishment where aquatic collections of living organisms are kept and exhibited.

Animal Shelter or Kennel: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time, where more than five (5) or more animals, more than four (4) months of age are kept.

Automobile sales means a retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see “Auto Parts Sales”); manufactured home, recreational vehicle, or watercraft sales (see “Manufactured Home, RV and Boat Sales”); tire recapping establishments (see “Vehicle Services”); businesses dealing exclusively in used parts, (see “Recycling - Scrap and Dismantling Yards”); or “Service Stations,” which are separately defined.

Automobile service means any building, structure, or improvements to land used for the repair and maintenance of automobiles, motorcycles, trucks, buses, or similar vehicles including, but not limited to, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, and towing services.

Car wash means a facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

Child care means a commercial establishment which provides for the care and supervision of six or more children away from their own homes for less than twenty-four (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 and arranging and managing funerals. Definition does not include “crematory” which is separately defined.

Gas station means a facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

Hospital means a facility engaged primarily in providing in-patient diagnostic services and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, abortion clinics as authorized in A.C.A § 12-18-103 and § 20-9-302, accessory retail uses and emergency heliports, and on-site ambulance dispatch facilities.

Medical housing: assisted, extended or rehabilitation means a residential use that provides long-term or short-term dwelling for individuals who require ongoing medical care, medical supervision, or recovery-related support, and where such care is provided on-site or in direct coordination with licensed medical professionals or medical facilities.

Medical marijuana dispensary is defined as specified by the Arkansas Medical Marijuana Commission.

Medical services: outpatient care means a facility other than a hospital where medical, mental health, surgical, and other health services are provided on an outpatient basis. Examples of these uses include:

a. Medical offices with four (4) 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: 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 means a facility for the transaction of general business, including medical offices with three (3) or less licensed practitioners and/or medical specialties, 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 (1) 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:

a. Barber and beauty shops;

b. Dry cleaning pick-up stores with limited equipment;

c. Laundromats (self-service laundries);

d. Locksmiths;

e. Tailors;

f. Day spas; and

g. Tattoo studios.

(d) Uses within the entertainment category are defined as follows:

Entertainment means any activity provided for the amusement, recreation, or pleasure of the public.

Adult entertainment means a theater, nightclub, bar, restaurant, or similar commercial establishment that regularly features:

a. Individuals appearing in a state of nudity;

b. Live performances characterized by exposure of specified anatomical areas or sexual activities; or

c. Films or visual media that depict such areas or activities.

Event venue means a building or site available for hire to individuals or organizations for private events, including, but not limited to, weddings, receptions, parties, banquets, and meetings.

Golf course means a tract of land designed and maintained for the playing of golf, including fairways, greens, tees, and customary accessory features.

Indoor entertainment facility means establishments providing indoor recreational activities for a fee or admission charge, including:

a. Bowling alley;
b. Coin-operated amusement arcade;
c. Night club;
d. Electronic game arcade (video games, pinball);
e. Ice skating and roller skating;
f. Pool and billiard room as primary use;
g. Movie theater; and
h. Live theater.

This use does not include adult entertainment or adult oriented businesses, which are separately defined. Eight or more electronic games or coin-operated amusements in any establishment, or a premises where fifty percent (50%) or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; seven (7) 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 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 (1) or more wind turbines and associated accessory facilities.

Wind energy, small means a wind energy conversion system used primarily to generate power for on-site consumption, 100 kW or less, consisting of a wind turbine, tower, base, and associated control or conversion electronics.

Wireless communications: cell tower means any structure that is designed and constructed for the primary purpose of supporting one (1) 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 (1) or more antennas, despite the fact that such structure may currently, or in the future, actually support one (1) 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 ad-ministrative facilities and interim incarceration facilities. Does not include “governmental service facility” which is separately defined.

Gallery means a building or space where artwork is exhibited and sometimes sold.

Government facilities means land uses that are publicly owned or operated for public benefit. Government facilities include a wide range of uses from police stations to city offices and libraries.

Library means a place in which literary, musical, artistic, or reference materials, such as books, manuscripts, newspapers, recordings, or films, are kept for use but not for sale, and which allows access to members of the public.

Museum means a nonprofit, noncommercial establishment operated as a repository or a collection of natural, historic, scientific, or literary curiosities, or objects of interest or works of art.

Performing arts means forms of art based upon live human performance, such as music, dance, or theater.

Religious assembly means a building or space used for religious worship, including accessory uses such as Sunday school classrooms, social halls, and administrative offices.

School: K-12 means a building where education of children of elementary, middle school, or high school age takes place.

School: post-secondary means institutions of higher education that typically offer a range of educational programs and degrees beyond high school level, including accessory uses like dormitories, sports facilities, and research centers. Examples include colleges and universities, trade schools, and vocational programs.

(g) Uses within the lodging category are defined as follows:

Lodging means a structure containing guest rooms which are used, rented, or hired for sleeping purposes and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, by transient guests. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars, and recreational facilities. Lodging is divided into the following tiers for zoning purposes:

a. Six (6) rooms or less;
b. Seven (7) to twelve (12) rooms; and
c. More than twelve (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 (4) 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. One (1) dwelling detached;
b. One (1) dwelling attached (townhomes);
c. Two (2) dwellings per building;
d. Three (3) to four (4) dwellings per building;
e. Five (5) to eight (8) dwellings per building;
f. Nine (9) to twelve (12) dwellings per building; and
g. Thirteen (13) or more dwellings per building.

SEC . 50-905 . DEFINITIONS

Access means a legal means of entering or existing a property for pedestrians, vehicles, emergency services, or utility service.

Accessory building means a structure located on the same property as a principal structure and used in a way that is incidental to the principal use. Accessory buildings do not contain uses listed in the use table. For example, a storage shed, detached garage without an ADU, or guest suite that does not qualify as an ADU.

Accessory Use means a use that (1) is subordinate in area, extent and purpose to the principal use, (2) contributes to the comfort, convenience or necessity of the principal use, and (3) is located on the same lot and in the same zoning district as the principal use.

Addition means any construction that increases the size or footprint of a building.

Adjacent means nearby but not directly abutting. This includes properties or buildings separated by a right-of-way, easement, another building, or by fewer than four (4) intervening properties.

Adjacent grade means the vertical elevation of a surface within five (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 FAA's requirements of safety and the applicant securing air space utilization from the FAA.

Alley means a service way that provides vehicle access to abutting properties.

Alley apron means the transition area between alley paving and the sidewalk, parkway, curbing, and pavement of a street.

Alteration means any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams, or girders the consummated act of which may be referred to herein as "altered" or "reconstructed".

Appeal means a request for review of a final interpretation or administrative decision made by the Director or other reviewing body, in accordance with the procedures of this Code.

Application means a complete request submitted by a property owner, applicant, or authorized agent for review under the procedures of this Code.

Attached building means a building that shares a continuous wall, roof, floor, or other structural element with an adjacent building.

Awning means an overhead protective structure that projects from a wall or roof structure of the building that is constructed to allow pedestrians or vehicles to pass under or as a decorative embellishment.

Beacon means a stationary or revolving light which flashes or projects illumination (single or multicolored) in any manner that has the effect of attracting or diverting attention, with exceptions for certain required safety lighting.

Bicycle parking, long term means parking for a duration exceeding two (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 two (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 (2) streets that do not share a common center line.

Curb return radius means the curved edge of a street corner that connects the curb lines of intersecting streets, measured either as the actual curb or as the effective path traced by turning vehicles.

Deciduous tree means a woody plant that sheds its leaves seasonally.

Dedication means land or improvements offered to the city, county, or state and accepted by them for public use, ownership, or maintenance.

Detached building means a building that shares no wall, roof, floor, or other structural element with another building.

Defined channel or **bed** means an area that shows clear evidence of the passage of water over time, including a visible path or depression.

Development means the process of:

a. Converting land to a new purpose by constructing buildings or other improvements; or

b. Expanding or altering existing improvements.

Driveway means a travel-way installed, owned, and maintained by a property owner or other private party, not part of the City street system, and intended to provide access to and from a property.

Driveway apron means the transition area between a driveway and the sidewalk, parkway, curbing, and pavement of a street.

Dwelling means any room or group of rooms within a structure forming a single habitable unit with facilities intended for living, sleeping, cooking, and sanitation by one household.

Dwelling unit means a measure of the number of dwellings in a building, on a lot, or within a development.

Easement means a grant by a property owner allowing the public, a utility, or another party to use part of the property for a specific purpose.

Eave means a projecting overhang at the lower border of a roof and extending from a building wall or support.

Encroach means to extend a structural or decorative building element into a required setback, easement, right-of-way, or above a maximum height limit.

Encroachment means any structural element or feature that extends into a setback, easement, right-of-way, or above a height limit.

Erosion control means temporary or permanent practices designed to prevent or reduce soil erosion and sedimentation during or after land disturbance activities.

Façade means the exterior face of a building facing or visible from a frontage line.

Farm building means a structure used for agricultural operations on a rural lot. Farm buildings include barns, equipment sheds, grain storage, livestock shelters, and similar structures used for crop production or animal husbandry. They do not include dwellings or buildings used for commercial processing, retail sales, or industrial activities.

Fence means a structure made of posts, boards, wire, metal, or similar materials that marks a boundary or encloses an area. A fence is mostly open to view and does not retain soil.

Fencing means fences or walls constructed to 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.

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 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 basepoint.

Green (civic space) means a medium-sized public space available for unstructured recreation, circumscribed by building facades or natural areas, its landscape consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.

Green street means a street or right-of-way that integrates green infrastructure (such as street trees, bio retention, permeable paving, swales, or other low-impact stormwater devices) to manage stormwater runoff and enhance environmental performance of the street.

Greenway (civic space) means a linear open space that runs along multiple blocks, typically used for passive recreation and active transportation, often connecting with the bikeway network.

Groundwater means water located below the surface of the ground, including water that percolates into or out of subsurface soils or rock.

Hazardous material means any material, substance, or waste identified or specified as hazardous in Code of Federal Regulations, Title 40, Chapter I.

Hedge means a fence or boundary formed by closely growing bushes or shrubs.

Impervious surface means any surface that does not allow water to infiltrate into the ground, including but not limited to rooftops, asphalt, concrete, and compacted gravel.

Improvements means permanent additions to or enhancements of property that increase its functional or capital value. Improvements include, but are not limited to: streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings.

Infill Development means development, redevelopment, or expansion occurring on property located within an area characterized by existing buildings, streets, utilities, and other urban infrastructure, where the site is surrounded by or adjacent to previously developed land.

Infiltration means the process by which water on the ground surface enters the soil.

Interior lot means a lot which is bounded by abutting properties or alleys alongside 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 the 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 two (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 (1) legal lot by merging two (2) 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 (2) or more legal lots by dividing one existing lot.

Lot width means the horizontal distance between side lot lines, measured at the front building setback line.

Major driveway means a driveway within a private development site, including commercial driveways, that provides vehicular and pedestrian access within the site and connects to public streets and adjacent sites, designed and located to function like a street.

Median means a raised or painted area that separates lanes of traffic moving in opposite directions and may include landscaping, pedestrian refuge areas, or other design elements.

Mid-block means an area, lot, or feature located in the interior portion of a block, away from intersections.

Multi-family dwelling means a structure that contains three (3) or more dwelling units that share common walls or floor/ceilings with one (1) or more units. The land underneath the structure is not divided into separate lots.

Native means any species of plant indigenous to Northwest Arkansas.

New construction means a new building or structure on a vacant site, as well as a major reconstruction or addition to an existing building, the scope of the work to distinguishes new construction from minor repairs or alterations is as specified in Article 50-8 Nonconformities.

Nonconforming sign means a sign that was lawfully established but does not comply with the current signs standards of this Chapter.

Nonconforming structure means a building or structure that was lawfully established but does not comply with current development standards of this Chapter.

Nonconforming use means a use of land, building, or structure that was lawfully established but does not conform to the use regulations of the applicable zoning district.

Nonconformity means a condition, use, structure, or lot that was lawfully established but does not conform to the current requirements of this Chapter.

Nonresidential means a building or use not intended for dwelling purposes.

Obstruction means any object, material, or vegetation that blocks, hinders, or restricts the safe and free use of public areas. The definition can vary slightly depending on the context, such as street and sidewalk access, visibility at intersections, or emergency access for fire and life safety.

Off-street parking means a parking space located outside of the public right-of-way with permanent access to a public street.

Open space means any area of a property dedicated to recreation, preservation of natural features, stormwater management, or pedestrian connectivity. Open space includes civic space but is not limited to only civic space.

Ordinance means a piece of legislation enacted by a municipal authority.

Ornamental tree means a tree planted primarily for qualities such as flowers, fruit, and attractive foliage or shape.

Overlay district means a zoning district that is mapped over one (1) 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.

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 pro-posed development features and how the site responds to physical conditions.

Preliminary plat means an engineering drawing certified by a land surveyor or civil engineer that provides all necessary data to illustrate a proposed subdivision.

Premium transit means public transportation that is either fixed guideway (e.g. light rail), bus rapid transit, or buses with a peak-hour service frequency of 10 (ten) 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.

Property Line Adjustment means a transfer or adjustment of a property line which does not create a separate, new lot.

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 (1) use or area from another by fencing, walls, landscaping, or other architectural or vegetative means.

Shade tree means a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

Shared street means a space that is shared by people using all modes of travel. The design encourages extremely low vehicle speeds and volumes. Shared streets are often curbless, providing pedestrians with

freedom of movement and creating optimal spaces for special events. They can support a variety of land uses, including commercial, entertainment, dining, and residences. Shared Streets should include strategically defined edges and zones, and unique paving materials where feasible.

Shared-use path means a paved path physically separated from vehicular lanes and designed for joint use by pedestrians and cyclists.

Shop front means a private frontage typical for retail use, with substantial ground-floor glazing and a building entrance located at sidewalk grade, aligned close to the frontage line.

Short-term bicycle parking means parking for a duration less than two (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 (2) sign faces hinged at the top or attached back-to-back in a triangular (“A”) shape that is capable of standing on its own without external support.

b. **Awning sign** means a sign mounted to awnings of cloth, canvas, vinyl, or other appropriate materials and are of the same or similar material as the awning.

c. **Banner** means a temporary sign made of cloth, canvas, fabric, or other light pliable material with or without a structural frame that is either mounted to or suspended from a building, pole, or other structure.

d. **Billboard** means a freestanding sign owned by a person, corporation, or other entity that engages in the business of selling or donating the display space on that sign.

e. **Bow flag** means a type of temporary sign composed of lightweight, flexible material mounted on a vertical support pole, designed to wave or flutter in the wind and draw attention to a business, product, service, event, or location.

f. **Canopy sign** means a sign attached to the horizontal face or underside of a canopy. Canopy signs include signs that are painted on, affixed to, or otherwise integrated with the canopy surface and are distinct from wall, projecting, or free-standing signs.

g. **Canopy gas station sign** means a sign face affixed to or integral to a gas station canopy.

h. **Construction sign** means a temporary sign placed on the site of a construction project that identifies the project and the principal parties involved, including owners, contractors, architects, engineers, subcontractors, and material suppliers, where the sign is located on the same property as the construction activity.

i. **Corner sign** means a sign that is installed on the corner of a building and is intended to be viewed from more than one (1) direction. Corner signs are generally oriented at an approximate forty-five (45) degree angle toward the intersection.

j. **Event ground sign** means a temporary, ground-mounted sign placed for the purpose of identifying, directing traffic to, or providing information about a specific event, festival, fair, or community gathering, and displayed on or near the property where the event occurs for a limited period of time.

k. **Feather flag** means A vertical, portable temporary sign composed of lightweight fabric or similar flexible material mounted on a single supporting pole or staff, allowing the fabric to hang or wave in the wind; such signs are often referred to as feather banners, banner flags, or

swooper flags.

l. **Ground sign (multi-tenant)** means a freestanding sign permanently supported by the ground (without attachment to any building or canopy) that identifies or advertises two (2) 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 (1) 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 regarded as temporary.

aa. **Wall sign** means a sign attached to, painted on, or erected against the exterior wall of a building with the display surface parallel to the plane of the wall. Wall signs do not include canopy, projecting, or freestanding signs.

ab. **Window sign** means a sign painted on, applied to, attached to, or placed inside a window or glazed area for the purpose of being viewed from outside the building. Window signs do not include interior displays or merchandise that are not intended primarily as signs.

ac. **Worksite sign** means a temporary sign, stating the names of individuals/firms connected with the project, or any safety information related to the project, placed on the premises where construction/repair/renovation is in progress.

ad. **Yard sign** means a temporary sign supported by the ground independent of any other structure.

Significant tree means a tree that meets the criteria established in Sec. 50-509.

Single-family means a detached dwelling.

Site means the land or water area where any facility or activity is located or proposed to be located.

Special street means a street designed that provides access to a limited selection of users such as pedestrian-only streets, is designed to function both as a normal street for vehicles and as a temporary, flexible public space for special events, or in any other manner that provides intermittent or limited access to one (1) 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.

Sound attenuation means a reduction in sound intensity, strength, or volume as it travels from a source to a receiver. It is the process of using engineering or physical methods to reduce the impact of sound that includes techniques like absorption, reflection, barriers, or dissipation naturally over distance.

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 (2) 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 (2) opposite walls with additional single dwellings.

Transect means a cross-section of the environment that illustrates the range of physical and ecological conditions from rural to urban. In this Code, the rural-to-urban transect is divided into six (6) 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.

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 (1) zoning district from another.

PLAN
BENTONVILLE

ORDINANCE NO. _____

A ORDINANCE ADOPTING THE BENTONVILLE COMMUNITY CODE PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025.

WHEREAS, the city hired DPZ CoDesign to create a unified development code to implement the adopted Future Land Use Map and Community Plan.

WHEREAS, the city has published the Bentonville Community Code for public review, held a public hearing on February 17, 2026, and has provided adequate notice per state statutes.

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

Section 1: That Bentonville Municipal Code Chapter 50 Land Development and Subdivisions is hereby repealed and replaced with the Bentonville Community Code of the City of Bentonville, Arkansas, as attached in *Exhibit A: Bentonville Community Code* which is herein established by the Planning Commission and the City Council pursuant to Ark. Code Ann. §14-56-301, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2: That Bentonville Municipal Code Ch. 106, Appendix A Zoning Code and Appendix B Land Development Code should be and are hereby repealed.

Section 3 - Severability Provision: If any part of this ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

	Consent Agenda Item
	For the City Council meeting on March 31, 2026

Details

ORDINANCE NO. _____

A ORDINANCE ADOPTING THE BENTONVILLE ZONING MAP PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025.

WHEREAS, the city hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan.

WHEREAS, the city has published the Bentonville Zoning Map for public review and has provided adequate notice per state law.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, as attached in *Exhibit A: Bentonville Zoning Map* which is herein established by the Planning Commission and the City Council pursuant to Ark. Code Ann. §14-56-301, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4 – Effective Date: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage. Property owners shall have ninety (90) days from and after the date of passage of this Ordinance to file with the Planning Department a written objection to the zoning district classification assigned to their property.

PASSED and APPROVED this _____day of _____, 2026.

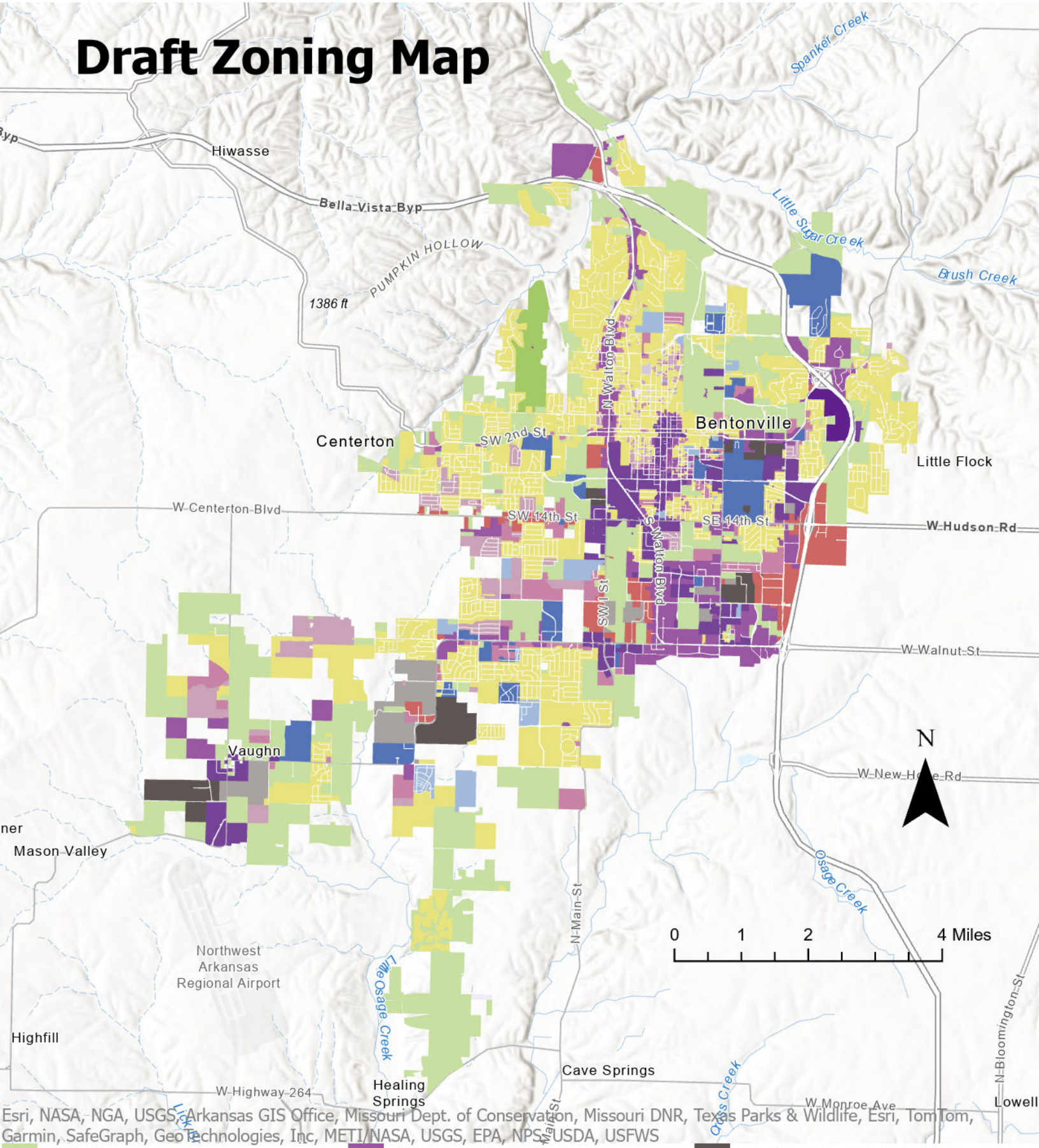
APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

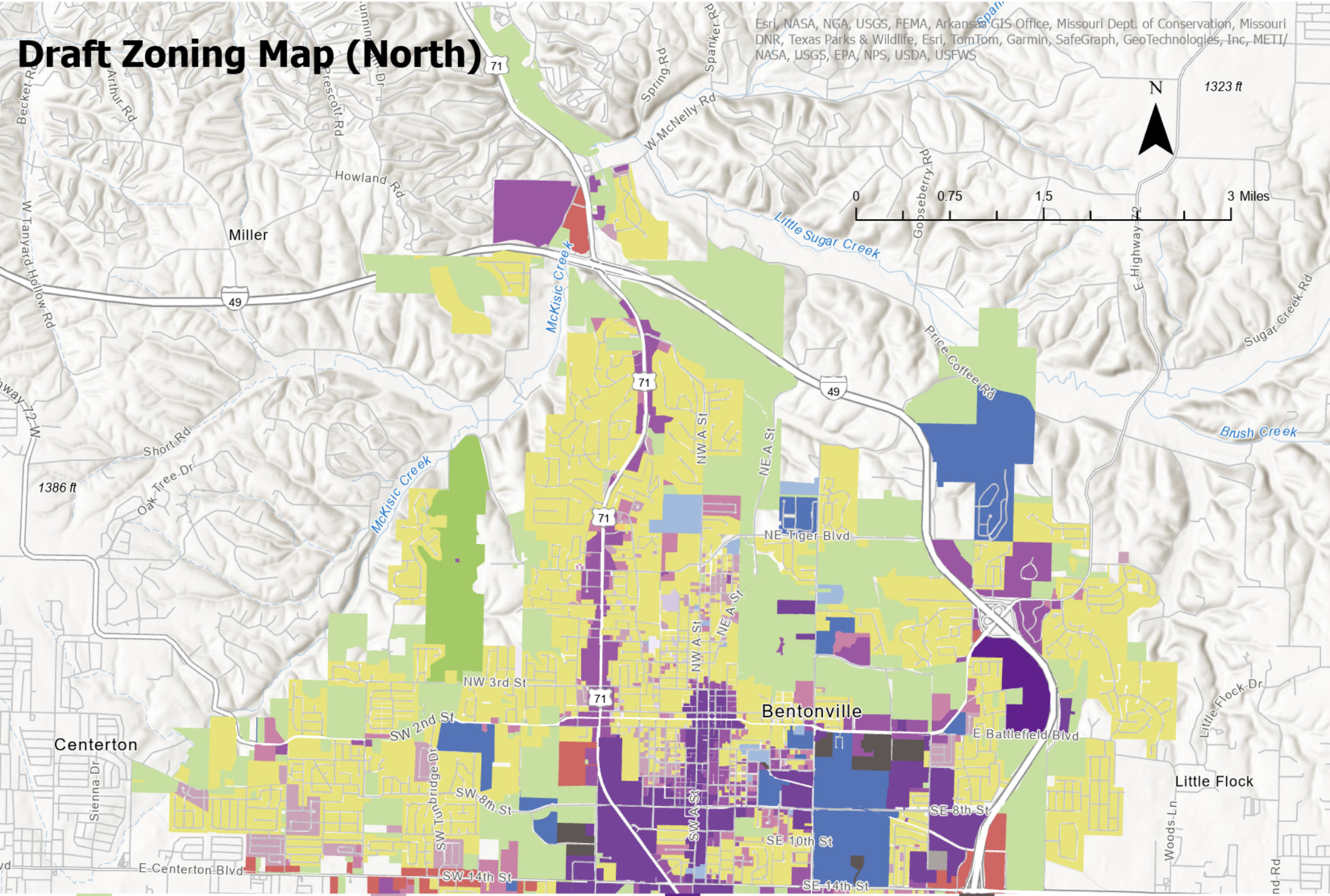
Draft Zoning Map



Esri, NASA, NGA, USGS, Arkansas GIS Office, Missouri Dept. of Conservation, Missouri DNR, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

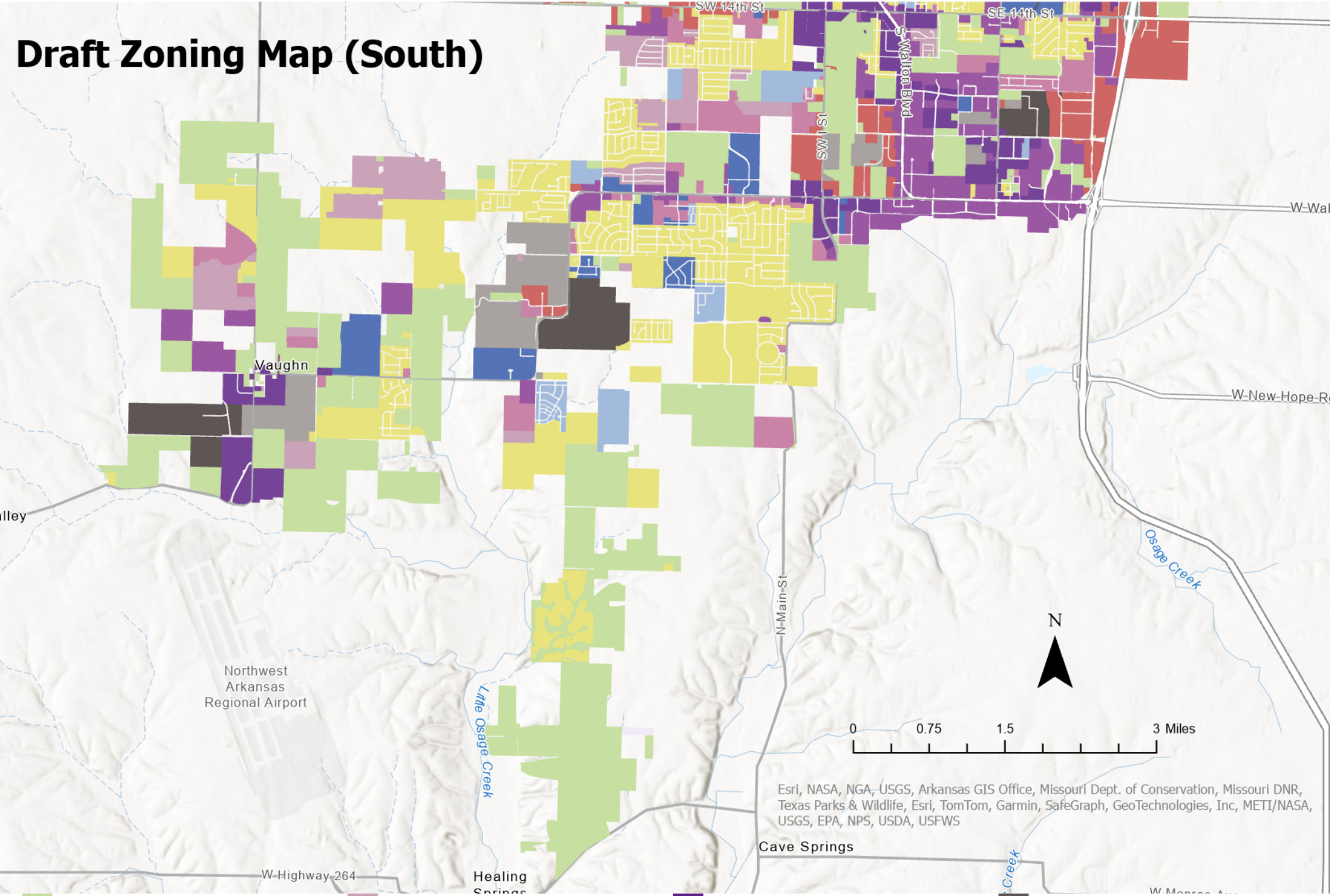
- T2.1 - Rural
- T2.2 - Rural Node
- T3.1 - Neighborhood Edge
- T3.2 - Neighborhood Transition
- T4.1 - Neighborhood General
- T4.2 - Neighborhood Node
- T5.1 - Town Center Low
- T5.2 - Town Center High
- T6.1 - Urban Center
- R1 - Suburban Single Family
- GC - General Commercial
- LI - Light Industrial
- 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
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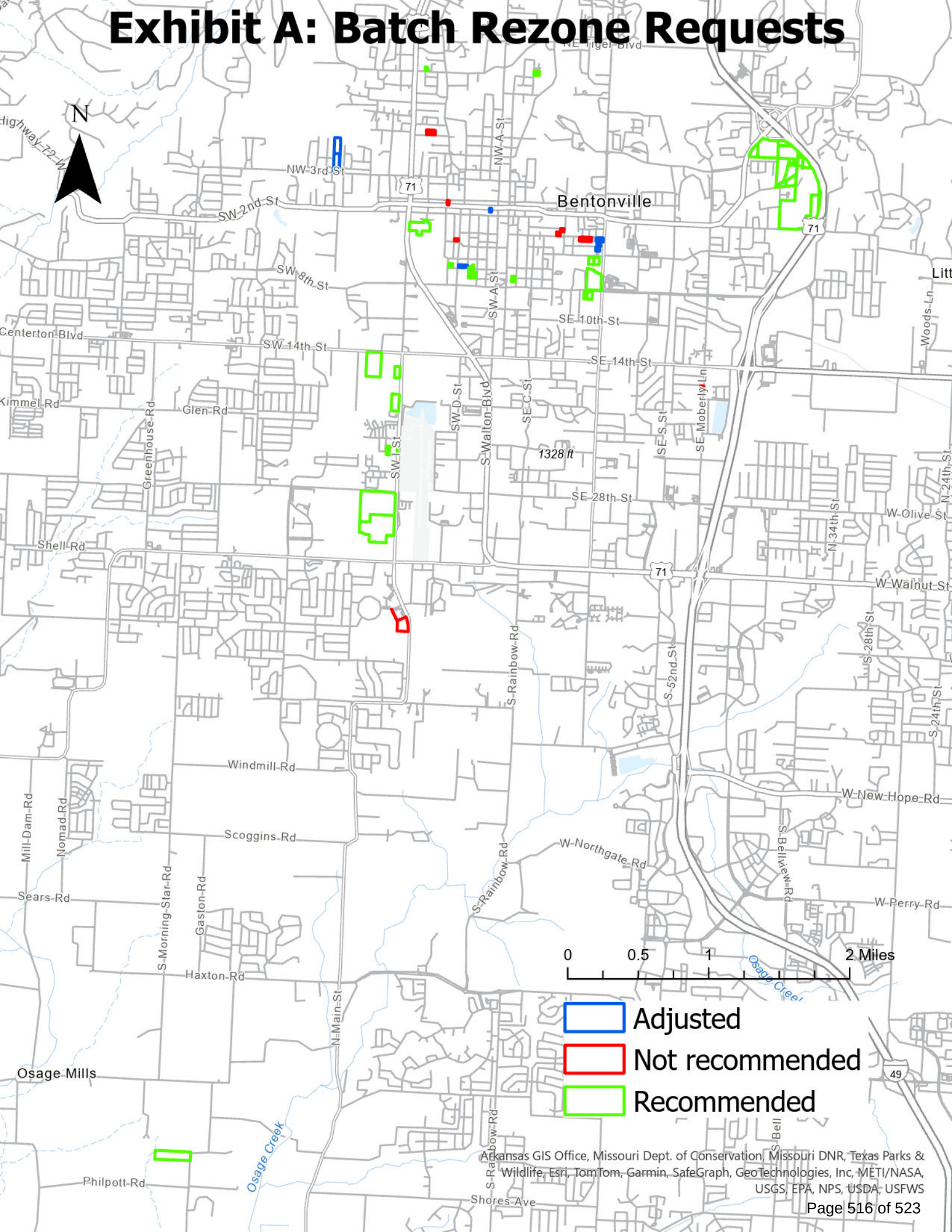
	Regional Center	City Center	Neighborhood Center	Urban Neighborhood	Walkable Neighborhood	Traditional Neighborhood	Suburban Neighborhood	Urban Corridor	Walkable Corridor	Suburban Corridor	Industrial & Technology	Rural & Estates
A1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1	T2.1
RE	T2.1	T2.1	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										

Parcel	Physical Address	Proposed Zone	Requested	Staff Proposal	PC Proposal	Status
01-00248-501	Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00248-540	Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00254-000	I-49	T2.1	T6.1	T6.1	T6.1	Recommended
01-00256-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00260-000	500 Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00262-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00289-001	3401 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00291-000	503 Crooked Rd	R1	T6.1	T6.1	T6.1	Recommended
01-00292-000	301 Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00293-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00295-000	3301 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00296-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00297-000	3203 Blueberry Ln	T2.1	T6.1	T6.1	T6.1	Recommended
01-00298-000	Crooked Rd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00328-000	E Battlefield Blvd	T2.1	T6.1	T6.1	T6.1	Recommended
01-00552-000	608 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00553-000	702 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00554-000	704 SE A St	T5.1	T5.2	T5.2	T5.2	Recommended
01-00703-000	1019 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-00810-000	SW I St	T2.1	T5.2	T5.2	T5.2	Recommended
01-00826-000	2602 SW I St	T2.1	GC	GC	GC	Recommended
01-00826-006	SW I St	T2.1	T4.2	T4.2	T4.2	Recommended
01-01076-000	207 W Central Ave	R1	T5.1	T4.2	T4.2	Adjusted
01-01704-000	308 SW E St	T3.2	T4.2	T3.2	T3.2	Not recommended
01-01890-000	112 SE F St	R1	T5.1	T4.1	R1	Not recommended
01-01892-000	605 SE 3rd St	R1	T5.1	T4.1	R1	Not recommended
01-01893-000	603 SE 3rd St	R1	T5.1	T4.1	R1	Not recommended
01-02333-000	808 Tiger Blvd	T4.2	T5.1	T5.1	T5.1	Recommended
01-02422-001	604 SW C St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02422-002	606 SW C St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02471-000	1008 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02472-000	1010 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02473-000	1012 SE 3rd St	R1	T5.1	T4.2	T4.2	Adjusted
01-02475-000	1011 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02476-000	1009 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02485-000	902 SE 3rd St	T5.1	T5.2	T5.1	T5.1	Not recommended
01-02486-000	904 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02487-000	906 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02487-001	908 SE 3rd St	T4.2	T5.2	T4.2	T4.2	Not recommended
01-02488-000	1002 SE 3rd St	R1	T5.2	R1	R1	Not recommended
01-02715-000	515 SW F St	R1	T4.2	T4.2	T4.2	Recommended
01-02716-000	519 SW F St	R1	T4.2	T4.2	T4.2	Recommended
01-02722-000	SW E St	R1	T5.1	T4.2	T4.2	Adjusted
01-02723-000	528 SW D St	R1	T5.1	T4.2	T4.2	Adjusted
01-02727-000	406 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-000	405 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-001	406 SW 6th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-002	408 SW 7th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02728-003	406 SW 7th St	T5.1	T5.2	T5.2	T5.2	Recommended
01-02744-000	1010 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-02745-000	1008 SE 4th St	R1	T5.1	T4.2	T4.2	Adjusted
01-03218-000	610 W Central Ave	R1	T3.2	R1	R1	Not recommended
01-03324-000	1109 SW 14th St	T2.1	T5.2	T5.2	T5.2	Recommended
01-03377-000	710/712 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended
01-03378-000	804 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended
01-03379-000	806 NW 7th St	T4.1	T4.2	T4.1	T4.1	Not recommended

01-04102-000	1514 SW I St	T2.1	T5.2	T5.2	T5.2	Recommended
01-04280-000	2406 SE 16th St	R1	T5.1	R1	R1	Not recommended
01-04624-000	1202 Fillmore St	R1	T4.1	T4.1	T4.1	Recommended
01-04625-000	1204 Fillmore St	R1	T4.1	T4.1	T4.1	Recommended
01-04866-000	904 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-04867-000	902 SE 8th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05107-001	1004 SE 5th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05107-002	1000 SE 5th St	LFI	T5.2	T5.2	T5.2	Recommended
01-05116-000	2806 E Central Ave	T5.1	T6.1	T6.1	T6.1	Recommended
01-05118-000	2812 E Central Ave	T2.1	T6.1	T6.1	T6.1	Recommended
01-08217-915	11010 Murdock Rd	T2.1	T3.1	T3.1	T3.1	Recommended
01-15865-000	SW Eden Brooke St	T2.1	GC	GC	GC	Recommended
01-15866-000	SW I St	T2.1	GC	GC	GC	Recommended
01-16610-002	SW I St	T4.2	T5.1	T5.1	T4.2	Not recommended
01-18380-000	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18380-001	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18381-000	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-18382-001	1602 NW 3rd St	R1	T3.2	T3.1	T3.1	Adjusted
01-20548-000	307 S Walton Blvd	T4.2	T5.2	T5.2	T5.2	Recommended

Exhibit A: Batch Rezone Requests



ORDINANCE NO. _____

A ORDINANCE ADOPTING THE BENTONVILLE ZONING MAP PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025.

WHEREAS, the city hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan.

WHEREAS, the city has published the Bentonville Zoning Map for public review and has provided adequate notice per state law.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, as attached in *Exhibit A: Bentonville Zoning Map* which is herein established by the Planning Commission and the City Council pursuant to Ark. Code Ann. §14-56-301, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 3 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4 – Effective Date: That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage. Property owners shall have ninety (90) days from and after the date of passage of this Ordinance to file with the Planning Department a written objection to the zoning district classification assigned to their property.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

_____
Stephanie Orman, Mayor

ATTEST:

_____
Malorie Marrs, City Clerk

Consent Agenda Item

For the City Council meeting on March 31, 2026

Details

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 per elevation; 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)

ORDINANCE NO. _____

A ORDINANCE ADOPTING THE DOWNTOWN CENTER OVERLAY DISTRICT MAP AND REGULATIONS PURSUANT TO ARKANSAS CODE ANNOTATED §14-56-301; AND FOR OTHER PURPOSES

WHEREAS, City Council adopted the Future Land Use Map and updates of Chapter 2 and Chapter 4 of the Bentonville Community Plan with Resolution No. 02-11-25M on February 11, 2025.

WHEREAS, the city hired DPZ CoDesign to create a unified development code and zoning map to implement the adopted Future Land Use Map and Community Plan.

WHEREAS, the city has adopted the Bentonville Zoning Map and the Bentonville Community Code.

WHEREAS, the city wishes to provide additional protection for the historic downtown commercial area.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, should be and is hereby amended by adding the Downtown Center Overlay District as shown in the attached *Exhibit A: Downtown Center Overlay District Map*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2: That the Bentonville Community Code should be and is hereby amended as shown in the attached *Exhibit B: Downtown Center Overlay District Regulations*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

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Section 5. That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk

Exhibit A: Downtown Center Overlay District

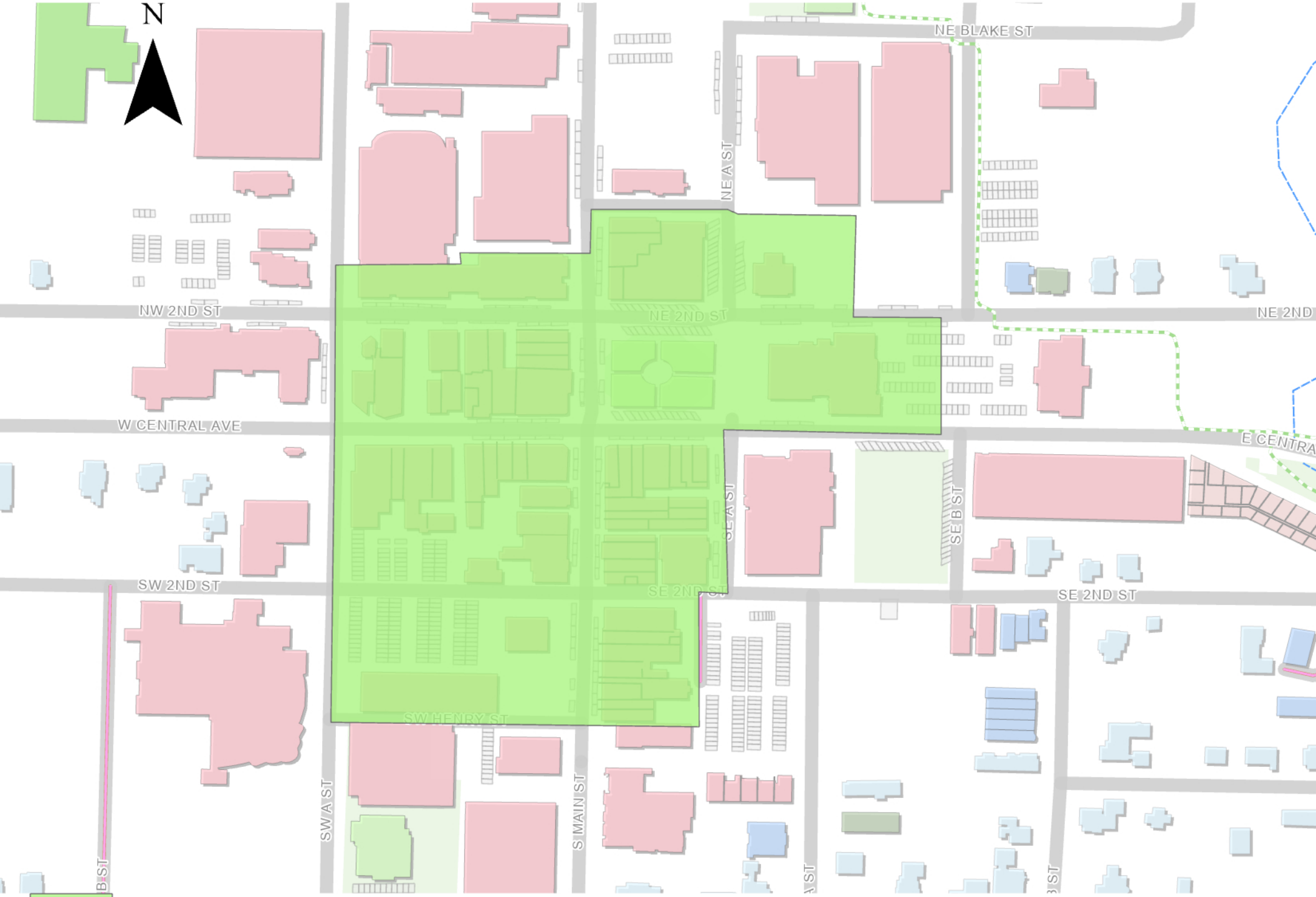


Exhibit B

Downtown Center Overlay District Regulations

To be added to Sec. 50-404 Overlay Districts (d):

(1) Downtown Center Overlay;

To be added to Sec. 50-506 Overlay Districts of the Bentonville Community Code:

(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 eighty (80) feet.

b. The maximum height of T5.1 zoned properties is fifty (50) feet.

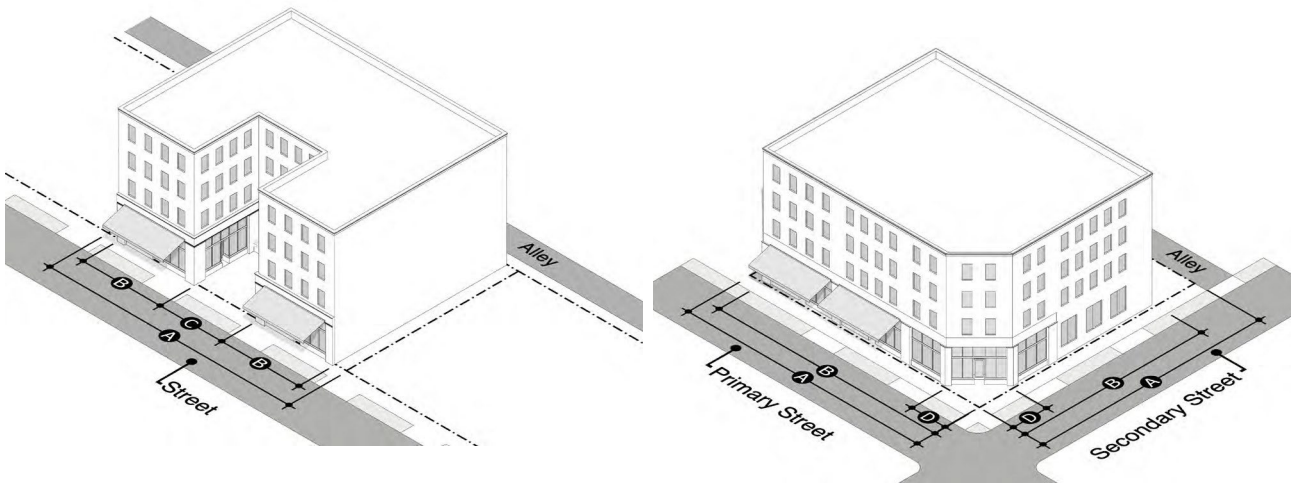
c. All other zoning districts heights shall be per Table 4.1 Zone Standards.

(3) Building placement

a. Forecourts do not contribute to build-to area requirements, see Figure 5.13 Downtown Build-to Conditions.

b. Corner entry chamfers count toward the required build-to area only if they are less than twenty (20) feet wide along both property lines.

FIGURE 5.13 DOWNTOWN BUILD-TO CONDITIONS



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

(4) Materials

a. Exterior walls along streets and mid-block trails must be finished with brick, stone, or plaster.

b. Only one (1) 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 active uses at the ground story along streets, whether such a use is established at the time of construction or not, in accordance with Sec. 50-504(c)(4) Required active uses.

b. The ground level story must be at least twelve (12) feet high.

(6) Windows and doors

a. Windows and doors must be recessed at least two and a quarter (2.25) inches from the exterior surface of the wall.

b. Windows must be separated by a minimum of four (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 twelve (12) and thirty-six (36) inches in height.

c. Shop front glass must comprise at least sixty percent (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 six (6) feet from the exterior wall.

c. Canopies are subject to these rules:

1. Must be made of metal;

2. Must be at least six (6) inches thick; and

3. Must project at least four (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 eight (8) feet above the sidewalk.

f. Awnings and canopies must be set back a minimum of two (2) feet from the curb.

g. Awnings and canopies must span at least eighty (80%) of the width of the tenant space.

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

Section 1: That the Bentonville Zoning Map of the City of Bentonville, Arkansas, should be and is hereby amended by adding the Downtown Center Overlay District as shown in the attached *Exhibit A: Downtown Center Overlay District Map*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2: That the Bentonville Community Code should be and is hereby amended as shown in the attached *Exhibit B: Downtown Center Overlay District Regulations*, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 3 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4 - Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. That this Ordinance shall be in full force and effect thirty (30) days from and after the date of its passage. The provisions of this Ordinance shall apply to all development projects for which a pre-application conference has not occurred prior to the date of passage or within sixty (60) days following date of passage.

PASSED and APPROVED this _____day of _____, 2026.

APPROVED:

ATTEST:

_____
Stephanie Orman, Mayor

_____
Malorie Marrs, City Clerk