

ORDINANCE NO. 2025-77

**AN ORDINANCE AMENDING BENTONVILLE MUNICIPAL CODE
APPENDIX B LAND DEVELOPMENT CODE ARTICLE 400 PRELIMINARY
PLATS AND ARTICLE 500 FINAL PLATS TO ESTABLISH A PROCESS FOR
ISSUING BUILDING PERMITS PRIOR TO FINAL PLAT APPROVAL
(EARLY-BUILDS); AND FOR OTHER PURPOSES.**

WHEREAS, the availability and affordability of housing in Bentonville remains a significant challenge; and

WHEREAS, accelerating the introduction of new homes to the market is an effective strategy to address this issue which can be achieved by allowing construction to start before final plat approval.

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

Section 1: That Bentonville Municipal Code, Appendix B Land Development Code, Article 400 Preliminary Plats shall be and is hereby amended with Attachment A: Early-Build Regulations, an electronic copy and paper copy of which is on file with the City Clerk and is hereby adopted by reference as thought it were copied herein fully;

Section 2: That Bentonville Municipal Code, Appendix B Land Development Code, Article 500 Final Plats shall be and is hereby amended by adding the underlined text:

Sec 500.07 Application For Building Permit

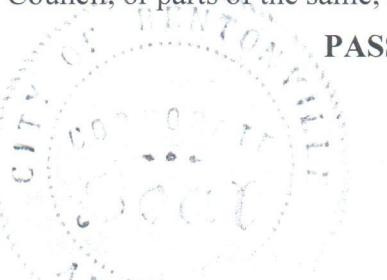
No building permits may be issued until proof of the recording of the approved final plat has been presented to the appropriate City department, with the exception of model homes as provided for in Section 400.08 and early-builds in Section 400.09.

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All Ordinances, Resolutions, Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.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 8 day of April, 2025.

APPROVED:



Stephanie Orman, Mayor

ATTEST:


Malorie Marrs, City Clerk

ATTACHMENT A: Early-Build Regulations

Appendix B Land Development Code Article 400

Preliminary Plats

Sec 400.09 Building Permits Prior to Final Plat

(a) *Allowed.* Building construction prior to final plat, referenced as an early-build, is allowed with a preliminary plat only pursuant to this section. In preliminary plats containing more than one (1) phase, early-builds are allowed only in the first phase. This section does not apply to model homes, which are separately regulated in Section 400.08.

(b) *Restrictions.* Building permits for early-builds shall not be issued until:

- (1) A preliminary plat is approved for the subdivision.
- (2) The developer has executed an Early-Build Development Agreement with the City.
- (3) Vehicle access shall be provided by either a temporary or permanent access road capable of handling emergency, utility, and inspection vehicles per Arkansas fire prevention code and city specifications and designed for an 86,000-pound vehicle. Roads shall pass an inspection by the Engineering Department prior to the issuance of the permit and be maintained to meet the requirements at all times. Grading of the road and material thickness are required to be within 0.10 feet of the design values. The approved Stormwater Pollution Prevention Plan (SWPP) shall be implemented and maintained at all times.
- (4) The following public infrastructure and all proposed crossings shall be installed, inspected, and approved:
 - a. Sanitary Sewer
 - b. Storm Water
 - c. Water
 - d. Contractor-Installed Electrical Infrastructure
- (5) Fire protection is available to the site and any approved early-build permits in accordance with the Arkansas Fire Prevention Code.

- (6) All lots proposed for early-build permits shall be staked by a surveyor prior to the issuance of any permit and shall remain staked until approval of the foundation inspection.
- (7) When the above-referenced items are complete, the owner/developer's engineer-of-record shall request an Early-Build Inspection from the Planning Department. No permit shall be issued until the Early-Build Inspection has been completed and approved.
- (8) Electric and sewer services shall not be connected to any home until the final plat is recorded with the Benton County Recorder's Office. The permanent connection shall be made prior to any yard line inspection.
- (9) No BEUD electric infrastructure will be installed until the final plat is recorded with the Benton County Recorder's Office. All contractor installed infrastructure must be installed prior to final plat approval.

(c) *Right of refusal.* The City of Bentonville reserves the right to refuse a permit for any early-build home based on any one of the following conditions:

- (1) Any of the requirements in Section 400.09 are not met.
- (2) Past performance indicates that a particular developer is non-compliant with this regulation and/or is attempting to abuse this regulation.

(d) *Repair costs.* Cost of repair for any damage to infrastructure shall be the responsibility of the developer/owner of record.

(e) *Certificate of Occupancy.* No Certificate of Occupancy shall be issued for any early-build home until the final plat has been approved and filed for the subdivision.