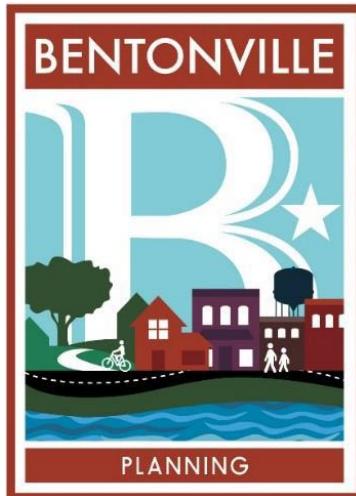


# City of Bentonville Planning Department

## Schedules & Submittal Guidelines



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**ALL SUBMITTALS ARE DUE BY 12:00 PM ON DEADLINE DAYS. LATE SUBMITTALS WILL NOT BE ACCEPTED.**

**All items must be submitted and incomplete submittals will not be accepted. Please refer to the Application Submittal Checklists worksheet.**

**All meetings will be held in the Community Development Building, Planning Commission Chambers, 305 SW A St as well as over Zoom Webinar. A webinar registration link is available via the meeting agenda, posted online the Friday before each meeting. For questions regarding Zoom webinar registration, please contact the Planning Department at (479)-271-3122 or [PLANNING@BENTONVILLEAR.COM](mailto:PLANNING@BENTONVILLEAR.COM).**

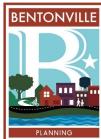
#### **PLANNING COMMISSION GUIDELINES**

- Planning Commission Technical Review:** Tech Review meetings start at 4:00 PM on the same day of the related Planning Commission meeting.
- Planning Commission:** Planning Commission meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of every month and start at 5:00 PM.
- THE PLANNING COMMISSION DATE ASSOCIATED WITH THE 1<sup>ST</sup> SUBMITTAL DEADLINE IS THE EARLIESTAN ITEM CAN BE HEARD BY PLANNING COMMISSION IF STAFF DETERMINES THAT ALL COMMENTS HAVE BEEN ADDRESSED. APPLICATIONS ARE NOT GUARANTEED PLACEMENT ON THE FIRST PLANNING COMMISSION MEETING AVAILABLE.**
- ALL LARGE SCALE DEVELOPMENTS AND PRELIMINARY PLATS REQUIRE A CONCEPTUAL MEETING ANDA PRE-APPLICATION CONFERENCE PRIOR TO SUBMITTING AN APPLICATION. TO SCHEDULE A MEETING, PLEASE EMAIL PLANNING AT [PLANNING@BENTONVILLEAR.COM](mailto:PLANNING@BENTONVILLEAR.COM).**
- Please note: Staff reserves the right to table or remove items from the agenda if there is no representation at Planning Commission or Planning Commission Technical Review or if the revision deadlines are not met and comments are not addressed.

**\*\*WAIVER APPLICATIONS ARE DUE BY 12:00PM ON THE 2<sup>ND</sup> SUBMITTAL DEADLINE DATE.**

#### **BOARD OF ADJUSTMENT GUIDELINES**

- Meetings are held the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of every month
- Meetings start at 4:00 PM.
- Please note - items may be voted on if there is no representation at Board of Adjustment



# City of Bentonville - 2023

## Planning Commission Schedule

### \*IMPORTANT NOTES\*

- All submittals are due by 12:00 pm on the day of the submittal. Late submittals will NOT be accepted. Please plan accordingly.
- All Large-Scale Development and Preliminary Plat projects require a Pre-Application Conference before applying. To schedule, email [planning@bentonvillelear.com](mailto:planning@bentonvillelear.com) or call 479-271-3122.
- **\*The Planning Commission date associated with the 1<sup>st</sup> submittal deadline is the earliest an item can be heard by Planning Commission if staff determines that all comments have been addressed. Applications are not guaranteed placement on the first Planning Commission meeting available.**
- All meetings are held in the Planning Commission Chambers located at 305 SW A Street as well as over Zoom Webinar. A webinar registration link is available via the meeting agenda, posted online the Friday before each meeting. For questions regarding Zoom webinar registration, please contact the Planning Department at (479)-271-3122 or [PLANNING@BENTONVILLELEAR.COM](mailto:PLANNING@BENTONVILLELEAR.COM).
- **\*The Planning Commission shall hold an annual administrative meeting on the 2<sup>nd</sup> Tuesday of December. No development items will be heard at this meeting.**
- **1<sup>st</sup> Submittals for waivers are the same as the 2<sup>nd</sup> submittal deadline for all other projects.**
- **\*mm/dd/yyy\*** indicates a date has been altered for a holiday

Friday	Mondays					Wednesday	Tuesday
1st Submittal deadline @ 4:30	1st Comments back to applicant	2nd Submittal due by noon	2nd comments back to applicant	3rd Submittal due by noon	3rd comments back to applicant	Final Agenda Prepared @ noon	Tech Review /Planning Commission
Nov 25, 22	Dec 05, 22	Dec 12, 22	Dec 19, 22	Dec 26, 22	Jan 03, 23	Dec 28, 22	Jan 03, 23
Dec 09, 22	Dec 19, 22	Dec 26, 22	Jan 02, 23	Jan 09, 23	Jan 17, 23	Jan 11, 23	Jan 17, 23
Dec 30, 22	Jan 09, 23	Jan 16, 23	Jan 23, 23	Jan 30, 23	Feb 07, 23	Feb 01, 23	Feb 07, 23
Jan 13, 23	Jan 23, 23	Jan 30, 23	Feb 06, 23	Feb 13, 23	Feb 21, 23	Feb 15, 23	Feb 21, 23
Jan 27, 23	Feb 06, 23	Feb 13, 23	Feb 20, 23	Feb 27, 23	Mar 07, 23	Mar 01, 23	Mar 07, 23
Feb 10, 23	Feb 20, 23	Feb 27, 23	Mar 06, 23	Mar 13, 23	Mar 21, 23	Mar 15, 23	Mar 21, 23
Feb 24, 23	Mar 06, 23	Mar 13, 23	Mar 20, 23	Mar 27, 23	Apr 04, 23	Mar 29, 23	Apr 04, 23
Mar 10, 23	Mar 20, 23	Mar 27, 23	Apr 03, 23	Apr 10, 23	Apr 18, 23	Apr 12, 23	Apr 18, 23
Mar 24, 23	Apr 03, 23	Apr 10, 23	Apr 17, 23	Apr 24, 23	May 02, 23	Apr 26, 23	May 02, 23
Apr 07, 23	Apr 17, 23	Apr 24, 23	May 01, 23	May 08, 23	May 16, 23	May 10, 23	May 16, 23
Apr 28, 23	May 08, 23	May 15, 23	May 22, 23	May 29, 23	Jun 06, 23	May 31, 23	Jun 06, 23
May 12, 23	May 22, 23	May 29, 23	Jun 05, 23	Jun 12, 23	Jun 20, 23	Jun 14, 23	Jun 20, 23
May 27, 23	Jun 06, 23	Jun 13, 23	Jun 20, 23	Jun 27, 23	Jul 05, 23	Jun 29, 23	Jul 05, 23
Jun 09, 23	Jun 19, 23	Jun 26, 23	Jul 03, 23	Jul 10, 23	Jul 18, 23	Jul 12, 23	Jul 18, 23
Jun 23, 23	Jul 03, 23	Jul 10, 23	Jul 17, 23	Jul 24, 23	Aug 01, 23	Jul 26, 23	Aug 01, 23
Jul 07, 23	Jul 17, 23	Jul 24, 23	Jul 31, 23	Aug 07, 23	Aug 15, 23	Aug 09, 23	Aug 15, 23
Jul 28, 23	Aug 07, 23	Aug 14, 23	Aug 21, 23	Aug 28, 23	Sep 05, 23	Aug 30, 23	Sep 05, 23
Aug 11, 23	Aug 21, 23	Aug 28, 23	Sep 04, 23	Sep 11, 23	Sep 19, 23	Sep 13, 23	Sep 19, 23
Aug 25, 23	Sep 05, 23	Sep 11, 23	Sep 18, 23	Sep 25, 23	Oct 03, 23	Sep 27, 23	Oct 03, 23
Sep 08, 23	Sep 18, 23	Sep 25, 23	Oct 02, 23	Oct 09, 23	Oct 17, 23	Oct 11, 23	Oct 17, 23
Sep 29, 23	Oct 09, 23	Oct 16, 23	Oct 23, 23	Oct 30, 23	Nov 07, 23	Nov 01, 23	Nov 07, 23
Oct 13, 23	Oct 23, 23	Oct 30, 23	Nov 06, 23	Nov 13, 23	Nov 21, 23	Nov 15, 23	Nov 21, 23
Oct 27, 23	Nov 06, 23	Nov 13, 23	Nov 20, 23	Nov 27, 23	Dec 05, 23	Nov 29, 23	Dec 05, 23
Nov 10, 23	Nov 20, 23	Nov 27, 23	Dec 04, 23	Dec 11, 23	Dec 19, 23	Dec 13, 23	Dec 19, 23
Nov 24, 23	Dec 04, 23	Dec 11, 23	Dec 18, 23	Dec 25, 23	Jan 02, 24	Dec 27, 23	Jan 02, 24
Dec 08, 23	Dec 18, 23	Dec 25, 23	Jan 01, 24	Jan 08, 24	Jan 16, 24	Jan 10, 24	Jan 16, 24
Dec 29, 23	Jan 08, 24	Jan 15, 24	Jan 22, 24	Jan 29, 24	Feb 06, 24	Jan 31, 24	Feb 06, 24
Jan 12, 24	Jan 22, 24	Jan 29, 24	Feb 05, 24	Feb 12, 24	Feb 20, 24	Feb 14, 24	Feb 20, 24



## City of Bentonville - 2023

### Board of Adjustments Schedule

#### \*IMPORTANT NOTES\*

**\*ALL SUBMITTALS ARE DUE BY 12:00 PM ON DEADLINE DAYS\***

Board of Adjustment Meetings are held the 2nd and 4th Wednesdays of every month

Day mm/dd/yyyy \*Indicates date altered for holiday

#### Meeting Time Location:

Bentonville City Hall, Planning Commission Chambers 305 SW A Street, 4:00 p.m.

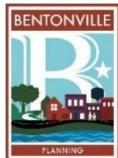
**\*Please Note - Items may be voted on if there is no representation at Board of Adjustment**

Friday	Wednesday
Submittal Deadlines	BOA Meetings
<b>Nov 23, 22</b>	<b>Dec 14, 22</b>
<b>Dec 09, 22</b>	<b>Dec 28, 22</b>
<b>Dec 22, 22</b>	<b>Jan 11, 23</b>
<b>Jan 06, 23</b>	<b>Jan 25, 23</b>
<b>Jan 20, 23</b>	<b>Feb 08, 23</b>
<b>Feb 02, 23</b>	<b>Feb 22, 23</b>
<b>Feb 17, 23</b>	<b>Mar 08, 23</b>
<b>Mar 03, 23</b>	<b>Mar 22, 23</b>
<b>Mar 24, 23</b>	<b>Apr 12, 23</b>
<b>Apr 07, 23</b>	<b>Apr 26, 23</b>
<b>Apr 21, 23</b>	<b>May 10, 23</b>
<b>May 05, 23</b>	<b>May 24, 23</b>
<b>May 26, 23</b>	<b>Jun 14, 23</b>
<b>Jun 09, 23</b>	<b>Jun 28, 23</b>
<b>Jun 23, 23</b>	<b>Jul 12, 23</b>
<b>Jul 07, 23</b>	<b>Jul 26, 23</b>
<b>Jul 21, 23</b>	<b>Aug 09, 23</b>
<b>Aug 04, 23</b>	<b>Aug 23, 23</b>
<b>Aug 25, 23</b>	<b>Sep 13, 23</b>
<b>Sep 08, 23</b>	<b>Sep 27, 23</b>
<b>Sep 22, 23</b>	<b>Oct 11, 23</b>
<b>Oct 06, 23</b>	<b>Oct 25, 23</b>
<b>Oct 20, 23</b>	<b>Nov 08, 23</b>
<b>Nov 03, 23</b>	<b>Nov 22, 23</b>
<b>Nov 22, 23</b>	<b>Dec 13, 22</b>
<b>Dec 08, 23</b>	<b>Dec 27, 23</b>
<b>Dec 21, 23</b>	<b>Jan 10, 24</b>
<b>Jan 05, 24</b>	<b>Jan 24, 24</b>
<b>Jan 26, 24</b>	<b>Feb 14, 24</b>
<b>Feb 09, 24</b>	<b>Feb 28, 24</b>

# City of Bentonville Planning Department

## Application Checklists, Procedures, Specifications

\*\*All items must be uploaded AT TIME OF SUBMITTAL no later than noon on the deadline day (unless otherwise noted). If not, the project will be DENIED and will be pushed back until all requirements have been met.



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# Rezoning Checklist

1. **Application Packet.** All below items must be submitted in one PDF in the order listed below.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. If one property has multiple owners, a separate form is required for each property owner.
  - **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 2711017.
  - **Narrative.** A typed statement addressing each of the following:
    - State the current zoning designation and proposed zoning designation. Explanation of the proposed zoning change including current owner information and any proposed sales.
    - Reason (need) for requesting the zoning change.
    - Statement of how the property will relate to surrounding properties.
    - Use.
    - Traffic.
    - Signage.
    - Appearance.
  - Availability of water and sewer (state size of lines). If direct water and / or sewer is not available, state how lines will be accessed and connected. This information is available from the Water Department at (479) 271-3140 or off of the City of Bentonville's GIS site: <http://geo.bentonvillear.com>.
2. **Legal Description.** An accurate legal description describing lot and block or metes and bounds of the property to be rezoned must be submitted in an electronic Word format AT TIME OF SUBMITTAL. The Planning staff will email the applicant to verify that the submitted legal description is correct. An email confirmation from the applicant is required before staff will advertise the request in the newspaper.
3. **Notification Packet.** \*If the notification process is not completed per the steps listed below, this item will be REMOVED from the agenda and the item must be RESUBMITTED. NO EXCEPTIONS.
  - The following must be submitted to the Planning Department no later than 14 days after the date of submittal. They must be in one PDF in the order listed below.
    - Certified List of property owners within 200 feet signed by the authenticator
    - Certified mail receipts
    - Copy of sent public notice form (Intent to Rezone Letter) and attached vicinity map
  - Required Steps – Applicant Responsibility
    1. The applicant shall provide a certified list of all the property owners within 200 feet of the subject property. This information may be obtained from a title company of your choice, which is listed in the yellow pages under *Title Companies* or it may be individually researched and certified by the applicant.
    2. The GIS Department will provide you with a vicinity map after the date of application submittal.

3. Complete the public Notice of Intent to Rezone letter provided and attach a vicinity map. **Do not send public notices without a vicinity map.**
  
4. The public notices and attached vicinity map must be sent to all property owners within 200 feet by certified mail, return receipt requested.

**Other Information – City Responsibility**

1. The Planning Department staff will advertise this rezoning request and notice of a public hearing in the *Arkansas Democrat Gazette* no later than 15 days prior to the Planning Commission date.
  
2. The Planning Department staff will post a public hearing sign on the subject property no later than 15 days prior to the Planning Commission date.

**Procedure to Withdraw a Rezoning Request**

A rezoning request may be withdrawn by two methods:

- The owner(s) may make the request in writing and submit that request to the Planning Department one week before the Planning Commission meeting at which the public hearing will be held.
  
- The owner(s) may appear at the public hearing and request that the zoning be withdrawn.

\* \* The applicant will not receive a refund if the item is removed from the agenda. \* \*

## Conditional Use Checklist

Depending on the nature and proposed use of the Conditional Use permit, additional information may be requested by the Planning Department staff and the Planning Commissioners.

**1. Application Packet.** All items must be submitted in one PDF in the order listed below.

- **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
- **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
- **Legal Description.** An accurate legal description describing lot and block or metes and bounds of the property to be rezoned must be submitted in an electronic Word format AT TIME OF SUBMITTAL. The Planning staff will email the applicant to verify that the submitted legal description is correct. An email confirmation from the applicant is required before staff will advertise the request in the newspaper.
- **Narrative.** A typed narrative addressing each of the following items:
  - Proposed use and reason for the proposed use;
  - Site plan drawn to scale designating the property lines, existing structure(s), proposed structure(s), and indoor and outdoor areas to be utilized;
  - Hours of operation, including days of the week;
  - Indoor and outdoor areas to be utilized;
  - Planned indoor and outdoor structural changes;
  - Parking needs required for the proposed use including existing and proposed- provide sketch of traffic flow and parking pattern (if applicable);
  - Planned outdoor lighting changes
  - Anticipated patrons, clients, deliveries, and/or customers (average per day);
  - Proposed number of employees; and,
  - Photographs of the property
- **Protective Covenants.** A copy of the Protective Covenants (if applicable) for your subdivision to confirm that the proposed use is allowed in your subdivision.

## Conditional Use-Residential Childcare Checklist

Depending on the nature and proposed use of the Conditional Use permit, additional information may be requested by the Planning Department staff and the Planning Commissioners.

Small and large residential child cares can only be located within residential zoning districts and must be issued a Home Occupation by either Planning staff (small residential child cares) or a Conditional Use permit by Planning Commission (large residential child cares). Conditional Use permits and a Certificate of Home Occupation Compliance are required in order to operate a small or large residential child care due to the potential conflicting nature of a commercial use, such as a child care, may create within a residential neighborhood. For this reason, it requires careful review of its locations, design, configuration, and spatial impact to determine the desirability of allowing it on a particular site.

All residential child care facilities must comply with the provisions set forth in the Zoning Regulations.

**Small Residential Child Care – 4 children or less (Staff Approval): no more than four (4) children at any given time including the number of children under the age of 10 that reside in the home**

1. Warranty deed. A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
2. Written consent of property owner (if residence is leased or rented)
3. Home Occupation Residential Child Care **Type A Form**. This must be signed and notarized.

**Large Residential Child Care – 5 to 10 children (Planning Commission Approval): no more than ten (10) children at any given time including the number of children under the age of 10 that reside in the home**

1. Warranty deed. A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
2. Written description of proposed residential child care including the following items:
  - Number of children per day
  - Hours of operation
  - Proposed signage
  - Areas to be utilized indoor and outdoor
  - Any planned structural changes
  - Any additional parking requirements
  - Any planned outdoor lighting changes
3. Home Occupation Residential Child Care **Type B Form**. This must be signed and notarized.

4. Plot plan of your property showing the total square footage of your lot and usable outdoor play space.
5. Floor plan showing the square footage of each room in your residence
6. Written consent of property owner (if residence is leased or rented)
7. Verification of a Fire Department inspection.

# Planned Unit Development/Planned Residential Development Checklist

A PUD/PRD application should only be used if the proposed development is requesting flexibility in zoning requirements in order to achieve a mixed-use or mixed-housing type development that incorporates the concepts of Smart Growth and Traditional Neighborhood Development.

## 1. Application Packet. All items must be submitted in one PDF in the order listed below.

- **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
- **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 2711017.
- **Narrative.** A written description to include [\(refer to Section 401.10 of the Zoning Code\)](#):
  - Justification of compliance with the intent of the PRD District.
  - Description of proposed residential land uses, zoning, and percentage of land area devoted to each.
  - Description of structural design.
  - Description of compliance with PRD development criteria. If phasing is proposed, a schedule of construction. If development is to be completed in phases, the development plan shall coordinate improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total PRD.

## 2. Plan Set. All items must be submitted in one PDF in the order listed below.

- **Master Site Plan.** A master site plan drawn in AutoCAD or similar digital format to 1"=100' scale (blue lines for review may be presented at 1"=20' or 1"=50') of all required information. Include a listing of all layers, symbols, and line types with a description of each.
- **Architectural Elevation Renderings.** These must be provided at the time of application submittal as part of the Master Site Plan. The elevations may be digitally or hand drawn and shall include the following:

### ○ Residential Dwellings:

- Front, rear, and side elevations for each type of residential structure and architectural design
- Exterior/façade building materials list
- Public Gathering Places:
- Ariel view of all public gathering places depicted on the Master Site Plan
- Building materials list

## 3. Legal Description. An accurate legal description describing lot and block or metes and bounds of the property to be rezoned must be submitted in an electronic Word format AT TIME OF SUBMITTAL. The

Planning staff will email the applicant to verify that the submitted legal description is correct. An email confirmation from the applicant is required before staff will advertise the request in the newspaper.

**4. Notification Packet.** \*If the notification process is not completed per the steps listed below, this item will be REMOVED from the agenda and the item must be RESUBMITTED. NO EXCEPTIONS.

- The following must be submitted to the Planning Department no later than 3 days after the date of submittal. They must be in one PDF in the order listed below.
- Certified List of property owners within 200 feet signed by the authenticator
- Certified mail receipts
- Copy of sent public notice form (Intent to Rezone Letter) and attached vicinity map

• **Required Steps – Applicant Responsibility**

5. The applicant shall provide a certified list of all the property owners within 200 feet of the subject property. This information may be obtained from a title company of your choice, which is listed in the yellow pages under *Title Companies* or it may be individually researched and certified by the applicant.
6. The applicant shall provide an 8.5" X 11" vicinity map from the GIS Department or create your own. The GIS Department can provide you with a vicinity map per your request two days after the date of application submittal. To request a map from the GIS Department, please email Jim Wheeless ([jwheeless@bentonvillear.com](mailto:jwheeless@bentonvillear.com)) or Toni Foerster ([tfoerster@bentonvillear.com](mailto:tfoerster@bentonvillear.com)).
7. Complete the public Notice of Intent to Rezone letter provided and attach a vicinity map. **Do not send public notices without a vicinity map.**
8. The public notices and attached vicinity map must be sent to all property owners within 200 feet by certified mail.

**Other Information – City Responsibility**

3. The Planning Department staff will advertise this rezoning request and notice of a public hearing in the *Arkansas Democrat Gazette* no later than 15 days prior to the Planning Commission date.
4. The Planning Department staff will post a public hearing sign on the subject property no later than 15 days prior to the Planning Commission date.

# PUD/PRD Master Site Plan Specifications

The following information shall appear on the Master Site Plan.

## General Information:

1. Names, addresses, telephone numbers, and fax numbers, of all parties involved in the project. Include registration and license number.
2. North arrow, scale, date of preparation, zoning classification, and proposed use.
3. Title Block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, and revisions, and atlas page.
4. Complete and accurate legend.
5. Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.
6. Boundary survey of the property shown on the plat/plan or separate sheet. The Surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
7. Written legal descriptions including area in square feet or acres that read clockwise. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
8. Point-of-beginning from a permanent well-defined reference point. This P.O.B shall be clearly labeled on the drawing.
9. Show 100 yr. Floodplain and/or Floodway and base flood elevations. Reference the FIRM panel number and effective date.
10. A general vicinity map of the project with a radius of 1 mile from the project.
11. The location of all existing structures.

## Proposed and Existing Streets and Easements:

12. The location and widths of all existing and proposed streets, alleys, paths, sidewalks and other rights-of-way, whether public or private, within and adjacent to the project; and private easements within and adjacent to the project.
13. A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the master street plan, aerial photos, and the City Atlas Books located in the Planning Office.

**Proposed Subdivision and Use of Land:**

14. The proposed lot layout, size and building setbacks. The total number of lots shall be indicated on the plan along with a note regarding proposed residential density.
15. The designation of all "out lots" and anticipated uses, if known.
16. For phased development, a plat showing all phases is required.
17. Residential housing types with density (units per acre) for each type;
18. Location of the central gathering area(s) such as a public plaza or courtyard;
19. Proposed location of all structures;
20. Heights of all buildings and other structures;
21. All parking spaces including off-street and on-street;
22. Traffic circulation pattern;
23. Location of proposed signage.

**Common Useable Open Space:**

24. The boundaries, acreage, and the use of existing and proposed common open space in and adjacent to the project. See PRD regulations regarding what can be counted toward the required open space. Indicate whether land is to be offered for dedication for park and recreation purposes or if it is to be commonly held to be maintained by a property owner's association.
25. Location of buffer strips, fences or screen walls, where required (check with Community Development Director and Zoning Ordinance.)
26. Location of wetlands and water bodies, active detention ponds, landscape areas, trails, and public recreation facilities that are being counted toward the common open space requirement.

**Other Requirements:**

27. Draft of covenants, conditions, and restrictions, if any.
28. Any other data or reports as deemed necessary by the City Planner and City Engineer as described below.
29. Front, real and side elevations of all structures, including residential, commercial and public facilities.
30. Exterior building materials list.

## Variance for Board of Adjustment Checklist

Depending on the nature and proposed use of the Variance request, additional information may be requested by the Planning Department staff and the Board of Adjustment members.

**1. Application Packet.** All items must be submitted in one PDF in the order listed below.

- **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
- **Warranty Deed or Survey.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
- **Narrative.** Written explanation of the appeal demonstrating each of the following criteria:
  - That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land structures or buildings in the same district.
  - That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - That the special conditions and circumstances do not result from the actions of the applicant.

**2. Plan Set.** Submit a copy of the site plan drawn to scale showing all existing and proposed structures dimensioned from the structure to the property line. Existing setbacks and required setbacks must also be shown on the site plan.

Please note: no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered ground for the issuance of a variance.

**If there is no representation at the Board of Adjustment meeting, the Board members reserve the right to table or deny the item per their discretion.**

## General Plan Amendment Checklist

### 1. Application Packet. All items must be submitted in one PDF in the order listed below.

- **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
- **Narrative.** Written narrative that addresses the following questions:
  - Reasons for initiation of this proposal. Has information become available that was not available at the time of adoption of the Future Land Use Map? Or, since its adoption, has land use in the area changed?
    - How will this change impact the land use and character of the property in question and surrounding areas?
    - How is the property more suitable for the proposed land use designation than for the current land use classification presented on the Future Land Use Map?
    - Would the uses permitted by the proposed change be detrimental in any way to the surrounding property?
    - What are the alternative courses of action if the proposed land use change is not approved?
    - What are your plans for the property if the proposed land use change is approved? ○ What alternatives other than changing the land use designation have been discussed?
    - Is there any other additional information that is pertinent to support this request?

### 4. Legal Description. An accurate legal description describing lot and block or metes and bounds of the property to be rezoned must be submitted in an electronic Word format AT TIME OF SUBMITTAL. The Planning staff will email the applicant to verify that the submitted legal description is correct. An email confirmation from the applicant is required before staff will advertise the request in the newspaper.

# Large Scale Development

**Please note: if the application is delayed more than 2 cycles due to applicant requests, the project will be withdrawn and will need to be resubmitted.**

1. **Conceptual Meeting.** The Conceptual Meeting is the first step in the development review process. The applicant will present their development plan and the Planning staff will review such items as zoning and land use, will summarize the development review process and provide the Pre-Application Checklist to the applicant. Please email [planning@bentonvillear.com](mailto:planning@bentonvillear.com) or call 479-271-3122 ext. 2 to schedule this meeting.
2. **Pre-Application Checklist.** Using this checklist, the applicant will lay out the site showing all applicable items. The applicant will also schedule with each department, if necessary, to meet and discuss any possible issues that may arise.
3. **Pre-Application Conference.** At the Pre-Application Conference, the applicant and city departments will look at and discuss any conflicts or concerns that may have arisen during the design process. At the meeting, each department must sign-off on the Authorization to Apply stating that the project is ready for official review and an application can be submitted. Please email [planning@bentonvillear.com](mailto:planning@bentonvillear.com) to schedule this meeting. A set of plans that are meet the Checklist requirements must be sent prior to scheduling the meeting.
4. **Application Packet.** All items must be submitted in one PDF in the order listed below.
  - **Authorization to Apply.** The form (provided at the mandatory Pre-Application Conference) must show all signatures from each department. If this is not provided, the application will be denied.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
  - **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 2711017.
  - **Lighting Cut Sheet.** The type of lighting fixture utilized must be a “cut-off” fixture.
5. **Plan Set.** All items must be submitted in one PDF in the order listed below.  **Cover Sheet.**
  - **Site Plan.**
  - **Grading Plan.**
  - **Erosion Control Plan.**
  - **Utility Plan and Profile.** Provide a utility plan and profile plotted to color and layer according to the as-built requirements.
  - **Landscape Plan.** Please refer to the Landscaping Ordinance in accordance with [Article 1400, Landscaping and Screening.](#)
  - **City Detail Sheets.**
  - **Project Detail Sheets.**

- **Detailed Architectural Elevations.** Submit a colored rendering showing each side of the structure to be in compliance with the Commercial Design Standards, identifying architectural details. This should include a description of proposed materials and colors. Dimensions should be provided.

6. **Drainage Report.** One (1) drainage report, grading and soil erosion plan.
7. **DWG of Site Plan.** A DWG must be submitted for the electrical department design.
8. **Sample Material.** If the exterior materials are uncommon or unique, a sample of the exterior materials to be used for the proposed structure that indicates texture, color, and material type may be submitted to the Planning Office, 305 SW A Street.

## Preliminary Plat Checklist

**Please note: if the application is delayed more than 2 cycles due to applicant requests, the project will be withdrawn and will need to be resubmitted.**

- 1. Conceptual Meeting.** The Conceptual Meeting is the first step in the development review process. The applicant will present their development plan and the Planning staff will review such items as zoning and land use, will summarize the development review process and provide the Pre-Application Checklist to the applicant. Please email [planning@bentonvillear.com](mailto:planning@bentonvillear.com) or call 479-271-3122 ext. 2 to schedule this meeting.
- 2. Pre-Application Checklist.** Using this checklist, the applicant will lay out the site showing all applicable items. The applicant will also schedule with each department, if necessary, to meet and discuss any possible issues that may arise.
- 3. Pre-Application Conference.** At the Pre-Application Conference, the applicant and city departments will look at and discuss any conflicts or concerns that may have arisen during the design process. At the meeting, each department must sign-off on the Authorization to Apply stating that the project is ready for official review and an application can be submitted. Please email [planning@bentonvillear.com](mailto:planning@bentonvillear.com) to schedule this meeting. A set of plans that meet the Checklist requirements must be sent prior to scheduling the meeting.
- 4. Application Packet.** All items must be submitted in **one PDF in the order listed below.**
  - **Authorization to Apply.** The form (provided at the mandatory Pre-Application Conference) must show all signatures from each department. If this is not provided, the application will be denied.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
  - **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 2711017.
  - **Lighting Cut Sheet.** The type of lighting fixture utilized must be a “cut-off” fixture.
- 5. Plan Set.** All items must be submitted in **one PDF in the order listed below.**
  - **Cover Sheet.**
  - **Site Plan.**
  - **Grading Plan.**
  - **Erosion Control Plan.**
  - **Utility Plan and Profile.** Provide a utility plan and profile plotted to color and layer according to the as-built requirements.
  - **Landscape Plan.** Please refer to the Landscaping Ordinance in accordance with [Article 1400, Landscaping and Screening.](#)
  - **City Detail Sheets.**
  - **Project Detail Sheets.**

- **Detailed Architectural Elevations.** Submit a colored rendering showing each side of the structure to be in compliance with the Commercial Design Standards, identifying architectural details. This should include a description of proposed materials and colors. Dimensions should be provided.

6. **Drainage Report.** One (1) drainage report, grading and soil erosion plan.
7. **DWG of Site Plan.** A DWG must be submitted for the electrical department design.

# Large Scale Development & Preliminary Plat Specifications

The following information shall appear on the plat or plan.

## General Information:

31. Property lines of all property owners adjacent to the exterior boundaries of the project shall be located on the plat.
32. Names, addresses, telephone numbers, and fax numbers - if available, of all parties involved in project. Include registration and license number.
33. North arrow, scale, date of preparation, zoning classification, and proposed use.
34. Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date, revisions, and atlas page.
35. Provide a complete and accurate legend.
36. Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.
37. Boundary survey of the property shown on the plat/plan or separate sheet. The Surveyor shall seal, sign, and date the survey. The survey shall be tied to state plane coordinates.
38. Written legal descriptions including area in square feet or acres that read clockwise. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.
39. Point-of-beginning from a permanent well-defined reference point. This P.O.B shall be clearly labeled.
40. Curve data for any street, which forms a project boundary. Curve data shall include radius and arc distance.
41. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and centerlines should be dimensioned.
42. Show 100 yr. Floodplain and/or Floodway and base flood elevations. Reference the FIRM panel number and effective date.

43. Provide a benchmark (IF WITHIN 1/2 MILE) - clearly defined with an Accuracy of 1/100'. This Benchmark must be tied to USGS Datum.
44. Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.
45. A general vicinity map of the project with a radius of 1 mile from the project.
46. Existing and proposed topographic information with source of the information noted. Show:
  - Two foot contour interval for ground slope between level and ten percent.
  - Five foot contour interval for ground slope exceeding ten percent.
  - Contours of adjacent land within 100 feet of the project shall also be shown.
47. The location of all existing structures. On large scale developments, show the location of proposed buildings and square feet, ICC construction type. Dimension building and setbacks from the building side to property lines.
48. Revision blocks.

**Existing Utilities:**

49. Please show all known on-site and off -site existing utilities and easements (dimensioned) and provide the structures locations, types, and condition and note them as "existing" on the plat.
50. Existing easements shall show the name of the easement holder and purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.

**Proposed Utilities:**

51. Regarding all proposed storm sewer structures and drainage structures:
  - Provide structure locations and types.
  - Provide pipe types and sizes.

52. Regarding all proposed sanitary sewer systems (If you should have system design questions, please contact the Water Department before submittal):

- Provide pipe locations, sizes and types
- Manhole locations of rim and invert elevations
- Profiles including slope in percentage and existing and proposed utilities when crossing or parallel in vicinity.
- Provide plan and route for access to all manholes.
- If lift-station is proposed, submit plan to Wastewater Treatment Plant supervisor.  Show off-site plans (if applicable) for gravity sewer and force mains.

53. Note the occurrence of any previous overflow problems on-site or in the proximity of the site. (Contact Water Superintendent at 271-3140).

54. If a septic system is proposed, note it on the plat or plan. Show proposed location of septic tank and lateral fields including detail of leachate pipes and drain fill material.

55. Regarding all proposed water systems, on or near the site.

- Provide pipe locations, types and sizes
- Note the static pressure and flow of the nearest hydrant.
- Show location of proposed fire hydrants, meters, valves, backflow preventers and related appurtenances.
- Design water and sewer utilities in a manner to minimize conflict with other underground utilities.

56. Regarding all proposed underground or surface utility transmission lines: (Note: This category includes, but is not limited to telephone, electrical, natural gas, and TV cable).

- Locations of all related structures (pedestals, poles, etc.)
- Locations of all lines (note whether the line is below or above ground).
- A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in grade for the proposed street.

57. The width, approximate locations, and purposes of all proposed easements or rights of way for utilities, drainage, sewers, floor control, ingress/egress or other public purposes within and adjacent to the project.

**Standard Electric Requirements:**

58. All developments shall meet the City of Bentonville Developer Guidelines. A copy may be obtained from the city website ([www.bentonvillear.com](http://www.bentonvillear.com)) under the Electric Department page.

59. Meter location shall be shown on utility plan.
60. Conduit placement and streetlight foundation locations shall be installed per BEUD's electrical design layout.
61. Any landscaping must maintain proper distances away from buried power lines, electric devices, or overhead power lines.
62. For any primary power that crosses the property to serve a pad mounted transformer, a minimum 15' wide public utility easement must be granted for our wire.
63. For preliminary plans, show phase lines.
64. Provide BEUD with current billing address.

**Proposed and Existing Streets, Rights-Of-Way, and Easements:**

65. The location, widths, grades, and names (avoid using first names of people for new streets) of all existing and proposed streets, alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Curve/arc of streets should include radius and arc distance data on survey or plat. Private streets shall be clearly indicated and named. **\*Street names must clearly be indicated with quadrant prefix.** Names are subject to change.
66. A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the master street plan, aerial photos, and the City Atlas Books located in the Planning Office.

**Easement Plan - (LSD Only):**

67. A preliminary easement plat may be required by Planning Staff depending on the number and location of easements. After construction of the approved large scale development, a final easement plat must be submitted to the Planning Office (seven (7) blue line copies).

**Subdivision of Land:**

68. The lot layout, the dimensions of each lot, number of each lot, total area in square footage or acreage to the nearest one-hundredth (1/100th) acre of each lot, and the approximate finish grade where pads are proposed for building sites. \*Lots shall be numbered consecutively for all phases. These numbers shall be associated with each phase of subdivision. Avoid using blocks. The total number of lots shall be indicated on the plat.
69. The designation of all "out lots" and anticipated uses, if known.

70. For phased development, a plat showing ALL phases is required.

**Site Specific Information:**

71. Provide a note of any known existing erosion problems on-site or within 100' downstream of the property.
72. The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project.
73. The location of known existing or proposed ground leases or access agreements. (e.g. shared parking lots, drives, areas of land that will be leased).
74. The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.)
75. The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes, it shall be designated.
76. For large scale residential development, indicate the use and list in a table the number of units.
77. For non-residential use, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use (Large Scale Developments only).
78. The location and size of existing and proposed signs, if any.
79. Location and width of curb cuts and driveways. Dimensions all driveways and curb cuts from side property line and surrounding intersections.
80. Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces. (Large Scale Developments only).
51. Location of buffer strips, fences or screen walls, where required (check with Community Development Director and Zoning Ordinance.)
52. Indicate location of garbage service, which must have screening on three sides (Large Scale Developments only).
53. A description of commonly held areas, if applicable.

54. Draft covenants, conditions, and restrictions, if any.
55. A written description of requested waivers from any city requirement.
56. Show required building setbacks in the form of a table for Large Scale Developments. Provide a note on the plat of the current setback requirements for the subdivision. A variance is necessary from the Board of Adjustment for proposed setbacks less than those set forth in the zoning district.
57. Preliminary drainage plan as required in the City Engineer's Office.
58. Location of proposed and existing light fixtures. Description of each illuminating device, fixture, lamp support and shield. The description shall include, but is not limited to, manufacturer's catalog cuts, illustrations and initial lumen outputs. If required, documentation of compliance with cutoff requirement shall be provided.

## Final Plat Checklist

1. **Application Packet.** All items must be submitted in one PDF in the order listed below.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
  - **Donated Assets.** Approved estimate of donated assets, broken down by improvement type (streets, water, electric, sewer, drainage, and sidewalks) as prepared by the engineer-of-record.
  - **Copy of Street Sign Payment Receipt.** Street signs must be paid in full prior to application submittal.
2. **DWG of Site Plan.** A DWG must be submitted for the electrical department design.
3. **Plans.** Plan set must be submitted in a PDF.

## Final Plat Policies & Procedures

- **Prior to applying for Final Plat Approval.** An application for Final Plat approval may be submitted for Planning Commission approval when one of the following requirements are met:
  - **Improvements Complete.** An application may be submitted when all of the improvements, as shown on the approved Preliminary Plat with the following documents/actions:
    - **Certificate of Completion.** The owner/developer's engineer-of-record submits a statement certifying that all improvement and installations to the subdivision required for its approval have been made, added, or installed in accordance with city specifications.
    - **Final Inspection.** The City Engineer conducts and certifies a final inspection.

# Incidental Subdivision Checklist

## Lot Split, Property Line Adjustment, Informal Plat, Correction Plat

- 1. Application Packet.** All below items must be submitted in one PDF in the order listed below.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
  - **Warranty Deed.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 2711017.
- 2. Survey.** Survey of the property signed and sealed by a registered land surveyor with the State of Arkansas showing the following information:
  - Lot configuration, including bearings and distances, and size for each existing lot
  - Lot configuration, including bearings and distances, and size for each proposed lot
  - Legal description of parent tract and proposed tracts on plat
  - Dimension of right-of-way from centerline
  - All easements-present and proposed
  - Atlas page
  - Legend (sidewalks, hydrants, building setbacks, etc.)
  - Zoning of property  Floodplain note
  - Vicinity map (One (1) mile radius indicating several north/south streets and east/west streets), as well as a north arrow
- 3. Plat.** When approved, ten (10) paper copies with signatures must be rolled and submitted to the Planning Office. Plats must be signed by the owners and notarized prior to acceptance by the Planning Department.

## Incidental Subdivision Policies & Procedures

- **After Incidental Subdivision Approval:**
  - **Owner/Developer Responsibility.** Upon approval of the Incidental Subdivision and acceptance of the public dedications by City Council, the owner/developer shall submit ten (10) paper copies to the Planning Department.
  - **Planning Department Responsibility.** The Planning Department will record the Incidental Subdivision in the Office of the Benton County Recorder **within thirty (30) days** from the date of submittal of the required documentation by the owner/developer.
- **After Recording:** ○ Building permits may be issued after proof of the recording of the Incidental Subdivision has been provided to the appropriate city department.

## **Incidental Subdivision Specifications**

**The following information shall appear on the plat or survey.**

**General:**

1. Property lines of all property owners adjacent to the exterior boundaries of the project shall be located on the plat at the location of their property.
2. Names, addresses, telephone number and fax numbers, if available, of all parties involved in the project. Include registration and license number.
3. North arrow, scale, dates of preparation, all adjacent zoning classification and proposed use.
4. Provide a complete and accurate legend.
5. Boundary survey of the property shown on the plat/plan or separate sheet. The surveyor shall seal, sign and date the survey. The survey shall be tied to State Plane Coordinates on two controlling corners of the property.
6. Written legal descriptions, including area in square feet or acres that read clockwise. (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be provided.)
7. Curve data for any street, which forms a project boundary. Curve data shall include radius and arc distance.
8. Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and centerlines should be shown and dimensioned.
9. Show 100 yr. floodplain and/or floodway and base flood elevations. Reference the FIRM panel number and effective date.
10. A general vicinity map of the project with a radius of 1 mile from the project.
11. The location of all existing structures. Dimension building and setbacks from the building side to property lines. Do not show setback line, only dimensions.

**Easements:**

12. Show all known on-site and off-site existing utilities and easements (dimensioned) and provide all structure locations, types and condition and note them as "existing".
13. Existing easements shall show the name of the easement holder and purpose of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.
14. The width, approximate locations, and purposes of all proposed easements or rights-of-way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.
15. Identify and dimension all access easements, including egress and ingress.

**Subdivision of Land:**

16. The lot layout, the dimensions of each lot, number of each lot, total area in square feet or acreage to the nearest one-hundredth (1/100<sup>th</sup>) acre of each lot, and the approximate finish grade where pads are proposed for building sites. Lots shall be numbered consecutively for all phases. These numbers shall be associated with each phase of the subdivision. Avoid using blocks. The total number of lots shall be indicated on the plat.

# **Lot Split & Property Line Adjustment General Questions**

## **1. What is a Lot Split?**

- A lot split divides one piece of property, regardless of size, into 2 pieces of property. Technically, a lot split is a waiver of preliminary plat requirements, final plat requirements, and subdivision requirements.

## **2. What is a Property Line Adjustment?**

- A property line adjustment is any adjustment of property lines that does not create a new lot. The Planning Office handles property line adjustments or informal plats administratively. You must submit a survey of all lots involved, showing the existing property lines and the proposed ones. You cannot alter a lot in such a way that would create an illegal situation in terms of setbacks, required lot width, required lot size, or buildable area.

## **3. Who has to approve a lot split?**

- The City Planning Office or Planning Commission, depending on the size of the requested splits. Both the City and County must approve splits of the property located outside the city limits but within the growth area or planning area.
- Subdivision covenants may restrict further splitting of your property. Please check your Property Owners Associated before filing an application.

## **4. How much will a lot split or property line adjustment cost?**

- The application fee for a lot split or property line adjustment is \$125.00. You will probably incur other costs too, such as the cost of a survey and the cost of having a new abstract prepared.
- In addition to these costs, the Planning Commission may make the lot split contingent on other improvements, such as sidewalks, extensions of city water and sewer lines, and street improvements. Dedication of easements and rights-of-way are also required in most cases.

## **5. Do the lots have to be a certain size?**

- It is important to note that all lots still must meet zoning district requirements. For examples, in an A-1, Agricultural zone, you must have a minimum width of 300' and a minimum lot size of 5 acres. In an R-1, Single Family Residential zone, the lot size requirements are 60' minimum width and 6,000 square feet minimum area.

## **6. Does the city approve lot splits outside the city limits?**

- Yes, if the land is outside Bentonville City Limits but within the planning area. A map of the planning area is available at the City Planning Office.

# Outdoor Vendor Permit Checklist

All items marked with \* are required at every renewal. All Outdoor Vendor Permits expire December 31<sup>st</sup> the year they are issued and must be renewed yearly.

1. **Application Packet.** All items must be submitted in one PDF in the order listed below.
  - \* **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. If one property has multiple owners, then a separate form is required for each property owner.
  - **Photo.** A full-face photograph of the applicant not less than a 2" square or more than a 3" square.
  - \***Conveyance Illustration.** Detailed drawing or photo of conveyance showing dimensions and location of any proposed signs.
  - **Signage/Lighting.** Any signage displayed outside the vending area must be approved with a sign permit.
2. \***Site Plan.** A scaled site plan showing the location and dimension of the proposed conveyance and the specific area dedicated for vending activities, including seating and trash receptacles. If any of the following items are nearby, show the dimensions from the proposed location of the conveyance to the item.
  - Street intersection
  - Crosswalk
  - Driveway
  - Bus stop sign
  - Fire hydrant
  - Fire escape
  - Disabled parking space
  - Disabled ramp
  - Building entrance
  - Hospital, college, or university
  - Loading zone
  - Driveway of police or fire station
  - Elementary, middle, junior, or high school
  - Entrance to food service business not owned by the vendor
3. \***Notification of Adjacent Property Owner(s).** Letter from the adjacent property owner(s) or copy of certified mail receipt notifying adjacent property owner(s), only if location is adjacent to a residential zoning district.
4. \***A&P Tax.** Proof of registration to pay A&P Tax. To register contact: **(at renewal you will be required to provide a letter from A&P Commission stating you are in good standing)**
  - Bentonville Advertising & Promotion Commission

104 East Central Avenue, Bentonville, AR 72712

479-271-9153 Toll-free: 1-800-410-2535

[www.visitbentonville.com/community/advertising-and-promotion-commission/tac-forms-and-information/](http://www.visitbentonville.com/community/advertising-and-promotion-commission/tac-forms-and-information/)

5. \***Health Department Approval.** If selling food, a copy of a permit/approval from the Benton County Health Department.
6. \***Mobile Food Vendor Wastewater Disposal Verification Form.** Please see the form on page 37. For questions, please contact the Wastewater Department at 479-271-3161.
7. \***Arkansas Department of Health Service Approval Form.** Please see the form on page 38. For questions, please call contact the Wastewater Department at 479-271-3161.

**In addition to the above, mobile vendors must also provide the following:**

8. **Driver's License.** Proof of driver's license for all drivers.

**9. Background Check.** An Arkansas State Police background check.

**10. License History.** Driver's license history report for all driver.

## Outdoor Vendor Regulations

- Outdoor vending on public right-of-way and public property is permitted only in special outdoor vendor districts.
- Vending is not permitted on vacant lots, undeveloped property, or grass.
- Vending is not permitted in public parking spaces, in a public parking lot, or public park.
- There must be a minimum of 4 feet of clear passageway on a public sidewalk at all times.
- The area occupied by a vendor shall not exceed 900 square feet and must be located on a hard surface. □ Minimum distance from the conveyance:

	Street intersection	Pedestrian crosswalk	Loading zone
<b>10 ft.</b>	Fire escape	Fire hydrant	Driveway
	Disabled parking space or ramp		
<b>15 ft.</b>	Building entrance		
<b>25 ft.</b>	Bus stop sign		
<b>50 ft.</b>	Driveway of police or fire station		
	Entrance of food services business not owned by vendor		
<b>100 ft.</b>	Hospital	College / University	Elementary, middle, junior or high school

### Town Square Vendor District

- If you are approved for a permanent vendor permit in the Town Square Vendor District, and a special event is scheduled in the Town Square District, the permit is invalid during the time of the event. Should you want to vend during the event, you would need to be approved by the agency organizing the event.
- A vendor is permitted only one permit in this district.
- Only vending stands are permitted.
- All conveyances must be self-contained and should not receive electricity or water for adjoining buildings by means of wires, hoses, or other connections. Any cooking, heating, or warming units must be an integral part of the conveyance.

# Mobile Vendor Regulations

## Equipment:

- Convex mirror mounted on the front of the vehicle such that the driver in his normal seating position can see the area in front of the truck obscured by the hood.
- “SLOW CHILDREN CROSSING” sign printed in six-inch black letters on yellow background on both the front and back of the vehicle.
- Passenger side mirror.
- Business name, address and phone number printed in 2” letters on each side of the vehicle. □ Trash receptacle.

## General Regulations:

- “Slow” signal arm shall be deployed when vehicle is stopped for vending purposes.
- The vehicle shall not be stopped for vending purposes when no customers are present.
- Vending shall take place from the right side of the vehicle.
- Vending shall not occur with a customer standing within the roadway.
- Vending shall only include prepackaged products.
- Vehicles shall not be operated in reverse to accommodate a customer.
- Mobile food vending shall only take place on streets where on-street parking is allowed.
- No vending within 500 feet of a school while school is in session and one hour before and after school is in session.
- Mobile food vendors shall be allowed to engage in the business of vending only between 10 am and 30 minutes before sunset.
- “Slow” signal arm that can be extended horizontally from the left side of the truck. This arm shall be yellow with six inch black lettering and two alternating flashing amber lights three to five inches in diameter. The bottom of the signal arm shall be approximately 42” above the roadway or street.
- The vehicle shall be lawfully parked or stopped before vending can take place.
- Outdoor vending on public right-of-way and public property is permitted only in special outdoor vendor districts.
- Vending is not permitted on vacant lots, undeveloped property, or grass.
- Vending is not permitted in public parking spaces, in a public parking lot, or public park.
- There must be a minimum of 4 feet of clear passageway on a public sidewalk at all times.
- The area occupied by a vendor shall not exceed 900 square feet and must be located on a hard surface.

# Waiver of Subdivision Code Checklist

- 1. Application Packet.** All items must be submitted in one PDF in the order listed below.
  - **Property Owner Consent Form.** A signed Property Owner Consent Form is required. This form must be signed by the property owner. **If one property has multiple owners, then a separate form is required for each property owner.**
  - **Warranty Deed or Survey.** A copy of the warranty deed showing the current ownership of the property. A survey may be required if the deed cannot be accurately drawn to meet the Arkansas minimum survey accuracy standards. If you do not have a warranty deed, a copy may be obtained from the Benton County Deeds / Mortgages Department located in the Benton County Administration building at 215 E. Central Avenue, second floor, room number 202. Phone number: (479) 271-1017.
  - **Narrative.** Written explanation of the waiver demonstrating each of the following criteria:
    - That there are special conditions and circumstances affecting the land involved that the strict application of the provisions of these regulations would deprive the applicant of the reasonable use of this land.
    - That the waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant.
    - That the granting of the waiver will not be detrimental to the public health, safety and welfare or injurious to other property in the area.
    - That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accord with the provision of these regulations.
- 2. Plan Set.** Submit a PDF copy of the site plan drawn to scale showing all existing and proposed structures dimensioned from the structure to the property line. Existing setbacks and required setbacks must also be shown on the site plan.

Please note:

1. The findings of the Planning Commission together with the specific facts upon which findings are based shall be incorporated into the official minutes of the Planning Commission meetings at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of [Section 300.04, Waivers, of the Land Development Code.](#)
2. Depending on the nature of the waiver request, additional information may include, but is not limited to: photographs or an architect's drawing renderings or a proposed building plan as deemed necessary by the Planning Department staff and/or the Planning Commission.
3. **If there is no representation at the Planning Commission Technical Review meeting or the Planning Commission meeting, the commissioners reserve the right to table or deny this item at their discretion.**

## Sign Permit Checklist

**\*\*Please note that permit applications expire after 60 days of inactivity.**

### Required for all signs:

1. **Scaled Drawing.** A scaled drawing of the sign showing the design and dimensions of the sign height, area, design, content, and dimensions of any measures used to support the sign or used to affix the sign to a wall, window, or ground.
2. **Scaled Site Plan.** A scaled site plan showing the location of the sign on the property or building and showing street right-of-way and property lines. For wall signs, provide dimensions of walls.

### Additionally required for permanent signs:

1. **Narrative.** Provide a brief narrative for the scope of work to be completed.
2. **Code Compliance Application.** Please contact Nancy Jackson in Building Inspections for specific Code Compliance questions. She can be reached at 479-271-3125 ext. 1 or [njackson@bentonvillear.com](mailto:njackson@bentonvillear.com). The application can also be filled out on eTrakit.
3. **Public Utility Locations.** Public utility locations must be shown and verified by a certified survey or asbuilt drawing. Provide a copy of the survey or as-built drawing. For freestanding signs only.
4. **Landscape Plan.** For freestanding signs only.

See [Article 801, Signs on Private Property](#), and [Article 802, Signs on Public Property](#), of the Zoning Code for regulations regarding all sign types.

# Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712 479-271-3122

I, \_\_\_\_\_ am the legal owner of the  
*(Owner's name, printed)*

property located at \_\_\_\_\_, identified as  
Parcel  
*(Address or Street Name)*

Identification Number \_\_\_\_\_, located in  
*(Parcel ID)*

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

\_\_\_\_\_  
*(Property Owner Signature)*

\_\_\_\_\_  
*(Date)*

**\*\*If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

## NOTICE OF INTENT TO REZONE

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

The legal description of the property is as follows:

The common description of the property is: \_\_\_\_\_

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

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

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

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

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

I / we have no objections to the rezoning.  I / we object to the rezoning because:

### Signature and Physical Address

### Signature and Physical Address

## ACKNOWLEDGMENT

STATE OF ARKANSAS )  
 ) §  
COUNTY OF BENTON )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned notary public in and for said County and State, personally appeared \_\_\_\_\_ to me personally known, who, being by me duly sworn, did say that he/she executed the foregoing document for the reasons stated therein.

WITNESS MY HAND and seal subscribed and affixed in said County and State the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

---

NOTARY PUBLIC

My Commission Expires:

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## **CERTIFICATION OF HOME OCCUPATION COMPLIANCE**

### **RESIDENTIAL CHILD CARE, TYPE B**

I \_\_\_\_\_, of \_\_\_\_\_, hereby state and certify that my home occupation complies with the City of Bentonville Zoning Code Article 601.J Home Occupations, Type B as set forth herein, specifically including all of the following requirements:

**1. Type B.** Type B home occupations are those occupations that do not meet one or more of the requirements of a Type A home occupation and/or by their nature, have characteristics that may not be suitable for a residential structure or area. Type B home occupations must be approved by the Planning Commission through the conditional use procedure. However, Type B home occupations must meet the following requirements to be considered for a conditional use permit.

- a. The home occupation is located completely within the principal dwelling unit.
- b. The home occupation is solely operated by the owner(s) and occupant(s) of the dwelling. No non-resident persons are employed.
- c. The home occupation is not primarily a retail sales operation. (Incidental sales, i.e. shampoo, cosmetics, are permitted.)
- d. The home occupation does not occupy more than 25 percent of the gross habitable ground floor area of the principal dwelling unit.
- e. The home occupation does not display merchandise or have outside storage of equipment or materials.
- f. The home occupation does not alter the external appearance of the principal dwelling unit.
- g. The home occupation does not create noise, vibration, glare, fumes, electromagnetic interference, odors, or air pollution outside the principal dwelling unit.
- h. The home occupation has no more than one non-illuminated business identification sign mounted flush to the dwelling unit and not more than two square feet in area.
- i. The home occupation does not involve the storage of hazardous materials, other than substances of a type and quantity customarily associated with a home or hobby.
- j. The home occupation will not cause more than one customer vehicle to be parking in the vicinity of the principal dwelling unit at a time.
- k. The home occupation does not involve the external or visible manufacturing of goods on site.

I hereby affirm or swear under penalty of perjury that this information is true and correct. I further affirm or swear that I will operate my home occupation in accordance with the City of Bentonville Municipal Code.

IN WITNESS WHEREOF, the said Releasor has hereunto set hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Signature of Affiant

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
 ) §  
COUNTY OF BENTON )

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned notary public in and for said County and State, personally appeared \_\_\_\_\_ to me personally known, who, being by me duly sworn, did say that he/she executed the foregoing document for the reasons stated therein.

WITNESS MY HAND and seal subscribed and affixed in said County and State the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Parklet Application Checklist**

Prior to applying for a Parklet Encroachment Agreement, see the Use Regulations in the [Zoning Code, Sec.601.33 Parklet](#)

- Application. Completed application form submitted to the Planning Department via etrakit. Visit [www.bentonvillear.com/1008/using-etrakit](http://www.bentonvillear.com/1008/using-etrakit) for more information about this online application process.
- Fee. Payment of the \$125.00 application fee.
- Site Plan. The application shall include a site plan showing the location and design of the parklet, meeting the Minimum Design Standards in [601.33\(e\)](#) and shall identify the location of all public utilities including associated rights-of-way/easements.
- Letter of Support. Applicants must submit letters of support, in a format provided by the city, from adjacent property owners indicating that the use of the encroached premises will not negatively impact use of their property.
- Property Owner Consent Form. A signed Property Owner Consent Form is required. This form must be signed by the property owner. If one property has multiple owners, a separate form is required for each property owner.
- Encroachment Agreement. Applicant must meet the requirement within the attached encroachment agreement. This must be signed and submitted with the application.

Once application is approved, applicant will be sent and asked to sign and return the encroachment agreement and pay the annual \$1,000 fee per space.

## **Parklet Letter of Support**

To whom it may concern, I am writing to express my support for a parklet to be constructed in front of \_\_\_\_\_ located at \_\_\_\_\_. I understand that the parklet would take the place of \_\_\_\_\_ parking spots. This parklet will be a great asset to the neighborhood in addition to being a space for patrons of the \_\_\_\_\_ businesses to congregate without blocking the sidewalk or venturing into the street.

Sincerely,

---

(Signature)

---

Name (printed)

---

Contact (phone or email)

---

Address

---

Date

## **City of Bentonville Encroachment Agreement**

**1. Description.** The Encroachment Agreement is established via Ordinance #0-2020-130 and #0-2021-084 (agreement expiration extension) in accordance with Governor Hutchinson's authority and guidelines for establishments to reopen. The ordinance approves the placement of tables, chairs and other items on City of Bentonville public on-street parking spaces adjacent to downtown business establishments and will consist of:

**a. Written Request.** Downtown business establishments may submit a written request to the Bentonville Planning Department at [planning@bentonvillear.com](mailto:planning@bentonvillear.com) for an Encroachment Agreement to designate parking spaces adjacent to their establishment, hereinafter referred to as the "encroached premises," for the placement of tables, chairs and other items. The written request will indicate if the establishment is using the encroached premises for:

Outdoor  seating  
Curbside  pickup  
Other  purposes: \_\_\_\_\_

**b. Site Plan.** A site plan showing the location of the establishment, parking space(s) to be utilized, and information outlined below in section h. Minimum Design Standards.

**c. Condition of Encroached Premises.** The Applicant agrees to inspect and report to the Street Department at (479) 271-3130 in a timely manner any defects in the encroached premises. The Applicant is responsible for the cleanliness (including cleaning methods recommended by the CDC in response to the COVID-19 pandemic) maintenance, and upkeep of their encroached premises.

**d. Insurance.** The Applicant agrees that, at its sole expense, will maintain comprehensive general liability insurance, protecting against all claims for personal injury, death or property damage occurring upon, in or about the encroached premises resulting from the use or occupancy thereof, with a minimum of \$1,000,000 (one million dollars) in coverage and limits acceptable to the city for the entire term of this Agreement insurance rated and any extension thereof. The city must be named in this policy as an additional insured entity. Further, if the establishment serves alcohol, then the establishment must have liquor liability insurance with a minimum of \$1,000,000 (one million dollars). The city must also be named in this policy as an additional insured entity. The Applicant will include copies of all policies of insurance with evidence of the payment of the premiums thereon with his, her or its application. The Applicant will deliver to the city at least ten (10) days prior to the expiration of such policy, evidence that it has been renewed. All policies of insurance carried hereunder will provide that they cannot be canceled without giving at least ten (10) days prior written notice to the city and be written by insurance companies licensed by the State of Arkansas and reasonably satisfactory to the city. Any insurance carried by an

establishment on his, her or its own property or for his, her or its own benefit in connection with this section will contain a clause waiving any claim by the insurance company for subrogation against the city.

- e. **Smoking.** The Applicant agrees to designate that the encroached premises will be nonsmoking, due to the premises being an extension of the establishment.
- f. **Alcohol.** The Applicant agrees that alcoholic beverages may only be served or consumed in the encroached premises if the establishment is in compliance with their ABC liquor state and local licenses as approved by the state Department of Alcoholic Beverage Control or otherwise allowed by law.
- g. **Hours of Operation.** The Applicant agrees to not operate in the encroached premises earlier than 7:00 a.m. and all establishment operations in the encroached premises must cease and be vacated by the close of operation hours or up to 1:00 a.m., whichever occurs first.
- h. **Minimum Design Standards.** Applicant agrees that the encroached premises, at the sole expense of the establishment, must be effectively blocked off and visibly marked in order to ensure safety of patrons from vehicles in the area. If table, chairs or other seating is being provided, the encroached premises will meet the following minimum requirements. Additional elements may be allowed in the encroached premises if the design meets the guidelines of parklet design as established by the National Association of City Transportation Officials (NACTO).
  - (1) **Size**
    - a. **Length:** The maximum length of a parklet is limited to the length of the responsible business's frontage. If a business wishes to exceed this requirement, they must include a letter of support from adjacent business owners. This letter of support must expressly grant permission to occupy the parking spaces in front of their business.
    - b. **Width:** The maximum width of a parklet is the area between the curb and travel lane of the parking space it replaces.
  - (2) **Location**
    - a. A parklet may not intrude into travel lanes. Parklet elements should provide a minimum 1-foot buffer between the travel lane and the parklet.
    - b. To allow for clear visibility at intersections, a parklet may not be located within 20-feet of an intersection, measured from the right-of-way of the intersection to the edge of the parklet.
    - c. Parklets must be buffered a minimum of 4-feet on each end from adjacent parking stalls. Wheel stops are required to clearly delineate the buffer zone.
    - d. Parklets will not block critical curbside or street infrastructure. These include, but are not limited to: fire apparatus, utility meters or manholes, and handicap-accessible parking spaces.
  - (3) **Minimum Safety Standards**
    - a. Parklets may not interfere with the sightlines of traffic and pedestrians. Parklets will conform to the American Association of State Highway and Transportation Officials (AASHTO) sight visibility requirements.
    - b. To clearly delineate between the parklet and the travel way, a parklet must have a continuous barrier along the travel lane. The barrier may be composed of railings, barricades, planters, and/or a seat wall. The barrier may be a maximum of 42-inches in height. Parklets are encouraged to incorporate seating and plantings in their design.
    - c. Parklets must meet the requirements of the Americans with Disabilities Act. The seating area must accommodate a 60-inch turning circle for a wheelchair and the entrance to the parklet must be a minimum of 60-inches in width. The parklet must be designed to be flush with the adjacent curb. A steel transition plate can ensure a flush transition.
  - (4) **Design Requirements**

- a. Parklets should be temporary in nature. The parklet must be designed to be removable; wood frame, steel frame, or pedestal support systems are encouraged.
- b. Applicants are encouraged to utilize high quality, weather-resistant materials that fit within the context of downtown. The surface of the parklet should be slip and weather resistant to ensure safety and accessibility.
- c. The design of the parklet should not inhibit the adequate drainage of stormwater.

**2. Indemnification and Hold Harmless.** For purposes of this Agreement, the Applicant agrees to indemnify, defend and hold harmless the city, its officers, appointees, employees, and agents from any and all loss, damage, liability or expense, of any nature whatsoever caused or incurred as a result of the negligence or other actionable fault of the establishment, its affiliates, subsidiaries, employees, agents, assignees, and subcontractors and their respective employees and agents. Applicant 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.

**3. Damages.** The Applicant hereby releases the city, its officers, agents, representatives and employees and waives any and all rights to any and all claims for damages, or otherwise, that he/she may have with regard to lost, stolen and/or damaged property and/or related materials, equipment and/or any other items associated and/or used in conjunction with the Agreement.

**4. Entire Agreement.** This Agreement including all documents and exhibits 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.

**5. Compliance with Laws.** Applicant will abide by all applicable federal, state and local laws, ordinances and regulations applicable at the time the services are rendered.

**6. Applicable Law, Jurisdiction, Venue.** 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 District Court of Benton County, Arkansas.

**7. Severability.** If any provision of this Agreement is determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) will be null and void; provided, however, that the remaining provisions of this Agreement will be unaffected and will continue to be valid and enforceable.

**8. Ambiguity.** If any ambiguity, inconsistency or conflict arises in the interpretation of this Agreement, the same will be resolved by reference to the terms and conditions of this Agreement.

**9. Revocation.** This agreement may be revoked by the city upon a finding by the Planning Director that the establishment has violated any terms of the agreement; or that the encroachment causes a health/safety risk; or that a city ordinance or state or federal law has been violated; or the establishment or an employee of the establishment has been convicted of serving alcohol to a minor. The establishment may appeal this revocation to the City Council within fourteen (14) days of the notice of revocation.

**10. Agreement Term.** This agreement expires at 11:00 p.m. on December 31, 2022.

**11. JOINT APPLICATION BY PROPERTY AND BUSINESS OWNERS.** This program to allow encroachment in parking spaces owned by the City is conditioned on application by both the owner of the

property adjoining any area to be encroached and, if different, the owner of any business operating from the property.

**12. City Utilities.** To the extent existing utility lines are within or adjacent to the encroachment being allowed by the City memorialized by this City of Bentonville Encroachment Agreement, the need to maintain those utility lines takes precedence over this Encroachment Agreement, and the City and/or other public utility providers shall continue to have the same right to access the area allowed to be encroached under this Encroachment Agreement, without regard to the Applicant's(s') desires or investment in the area permitted to be encroached under this Encroachment Agreement, and shall have no liability with regard to damages to any property of the Applicant(s) or investment made in the encroached area.

**13. Non-Permanency.** The Applicant(s) acknowledges that the encroachment being allowed by the City memorialized by this City of Bentonville Encroachment Agreement originated during and based on the effects of the COVID-19 Pandemic. The Applicant(s) acknowledges that City may eliminate the encroachments at the conclusion of the Agreement Term provided for herein and return the area allowed to be encroached to parking or other City purposes without regard to the Applicant's(s') desires, investments or otherwise, and specifically acknowledges that any investment made in the encroached area is done at Applicant(s) sole risk.

**Initials of Applicant(s) confirming they have read and understand paragraph 13.**

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**SIGNATURE PAGE (Note – initials of Applicant(s) required under paragraph 13.)**

The Parties hereto have caused this Agreement to be executed this \_\_\_\_\_ of \_\_\_\_\_, 2021.

CITY OF BENTONVILLE, ARKANSAS

By: \_\_\_\_\_

Name and Title: Ellen Norvell, Planning Director  
Address: 305 SW A Street, Bentonville, AR 72712  
Email: [ENorvell@bentonvillear.com](mailto:ENorvell@bentonvillear.com)

Phone: (479) 271-3122

**(Note – initials of Applicant(s) required under paragraph 13.)**

APPLICANT (Property Owner)

By: \_\_\_\_\_

Name and Title:

Establishment Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

APPLICANT (Business Owner – if different from Property Owner)

By: \_\_\_\_\_ Name and Title:

Establishment Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_