

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CITY CODE CHAPTER 94-VI PARKING TO REGULATE ON-STREET PARKING IN RESIDENTIAL AREAS AND APPENDIX A ZONING CODE ARTICLE 501 OFF-STREET PARKING AND LOADING TO REGULATE OFF-STREET PARKING IN RESIDENTIAL AREAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, city officials have documented numerous cases of vehicles, particularly large commercial vehicles and recreational vehicles, parked continuously in residential areas;

**WHEREAS**, such on-street parking of larger vehicles can reduce travel safety, impact response times for public safety, and effect the appearance and value of residential neighborhoods;

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

Section 1 – Amendment: That Bentonville Municipal Code, Chapter 94 and Appendix A Zoning Code shall be and are hereby amended with *Attachment A: Parking Amendments*, an electronic copy and hard copy of which is on file with the City Clerk and is hereby adopted by references as though it were copied herein fully.

Section 2 – Deletion: That City Code, Chapter 94-156 shall be and is hereby deleted from Ch. 94, pursuant to Section 1 above including the regulations from Chapter 94-156 in Sec. 501.12.

Section 3 – Deletion: That Zoning Code, Sec. 601.09 Commercial Vehicles in Residential Zones should be and the same is hereby deleted, pursuant to Section 1 above including the regulations from Sec. 601.09 in Sec. 501.12.

Section 4- Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 5 - Repeal of Conflicting Provisions: All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

Section 6 - Effective Date: This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

**PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

**APPROVED:**

\_\_\_\_\_  
**Stephanie Orman, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Kirby Romines, City Clerk**

## ATTACHMENT A PARKING AMENDMENTS

*Underline text to be added and strikethrough text to be deleted.*

### Chapter 94-149 Definitions Amendment

Commercial Vehicle - a self-propelled or towed vehicle to transport passengers or property used primarily for business or commercial purposes, or, if the vehicle-- (1) Has a gross vehicle weight rating or gross vehicle weight of at least 12,001 pounds, whichever is greater; (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

Recreational Vehicle (“RV”) - a vehicular-type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth wheel trailers, folding camping trailers, truck campers, motor homes, and non-freight trailers used to transport other leisure equipment, such as a boat, horse, motorcycle, show car, race car, snowmobile or bicycle.

### Chapter 94-VI Parking Amendment

#### 94-163 On-street parking.

1. Length of time. It shall be unlawful for any person to park a vehicle in public right-of-way for more than a consecutive period of 72 hours.
2. Inoperable Vehicles. It shall be unlawful for any person to park, keep or store any vehicle that is inoperable and/or has been damaged, wrecked or is in a state of disrepair within any public right-of-way.
3. Display and repairs. It shall be unlawful for any person to park a vehicle or trailer within any public right-of-way for the purpose of displaying a vehicle for sale or for washing/repairing vehicles or trailers, except in an emergency.
4. Commercial Vehicles. It shall be unlawful for any person to park or store commercial vehicles, as defined herein, within any public right-of-way in a residential zone or within a public right-of-way abutting a residential zone between 10 pm and 7 am.
5. Recreational Vehicles. It shall be unlawful to park a recreational vehicle, all-terrain vehicle, boat, utility trailer, or trailer of any kind, within a public right-of-way, except when it is actually being loaded, readied for use, or unloaded, but in no event longer than 24 hours.

### Zoning Code, Chapter 201 Definitions

Driveway, Residential – a continuous and unobstructed path of travel between the public street to the garage or carport or vehicle entrance to the residential structure.

**ATTACHMENT A  
PARKING AMENDMENTS**

**App. A Zoning Code, Sec. 501.12 Parking and Storage of Certain Vehicles Amendment**

**Sec. 501.12 Parking and Storage of Certain Vehicles**

~~Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in complete enclosed buildings or carport.~~

- (a) **Owner Consent.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.
- (b) **Recreational Vehicles.**

  - (1) **Number allowed.** It shall be unlawful to park more than two (2) recreational vehicles or trailers on any residential property, excluding those parked in an enclosed garage or placed in the side or rear yard, if said yard is enclosed by a minimum of a six foot (6') tall opaque fence.
  - (2) **Residential driveway.** Only one (1) recreational vehicle or trailer may be parked or stored between the paved edge of any street and a dwelling or garage (whichever is closer to the paved edge of the street) and shall be parked or left on a garage driveway or other approved parking area which is immediately adjacent to and an expansion of the garage driveway, not to exceed 50% of the size of the existing driveway, and is the same material as the existing driveway or approved parking surface.
  - (3) **Dwelling or Lodging Use.** It shall be unlawful to use a recreational vehicle, trailer or any other vehicle for temporary or permanent on-premises dwelling or lodging purposes for more than seven days total in any continuous 12-month period.

- (c) **Commercial Vehicles.** A private garage located in a Residential Zoning District (including MF and RMH Zones) shall not be used for storage of more than one commercial vehicle that does not exceed one and one-half (1½) tons rated capacity per family living on the premises.