

ARTICLE 100

GENERAL PROVISIONS

Sec. 100.01 Title.

These regulations shall officially be known, cited and referred to as the Subdivision Code of the City of Bentonville, Arkansas, hereinafter referred to as “these regulations.”

(Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.02 Authority.

These Subdivision Regulations for the subdividing and developing of land within the corporate limits and the planning area boundary of the City of Bentonville are adopted in accordance with the provisions of Arkansas Code Annotated § 14-56-401 through § 14-56-426.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

State law reference – A.C.A. § 14-56-401 through § 14-56-426

Sec. 100.03 Purpose.

These regulations are formulated to promote safety, public health, and the general welfare of the citizens of Bentonville and the planning area. The purpose of these regulations is to provide for the harmonious development of Bentonville and the coordination of streets and other public utility improvements within subdivisions with existing or planned improvements or other features of the General Plan. These regulations and standards for the subdivision and improvement of land for urban use are designed to make provision for adequate air, open space, drainage, transportation, public utilities, and other needs, and to ensure the development and maintenance of a healthy, attractive, and efficient community that provides for the conservation and protection of its human and natural resources. These regulations are intended to set forth the procedures, requirements, and minimum standards governing the subdivision of land within the territorial jurisdiction of the City of Bentonville and should be administered in a manner:

(a) To assist the orderly, efficient, and coordinated land development within the planning area of Bentonville in accord with its adopted General Plan.

(b) To promote the health, safety, and general welfare of the residents of the City.

(c) To ensure conformance of subdivision plans with public improvement plans for the City.

(d) To protect and conserve the value of buildings and improvements and to minimize adverse impact on adjoining or nearby properties.

(e) To establish a beneficial relationship between the uses of land and buildings and the municipal street system to require proper location and design of streets and building lines, to minimize traffic congestion, and to make adequate provision for pedestrian traffic circulation.

(f) To establish reasonable standards of design and procedures for subdivision and re-subdivision to further the orderly development and use of land and to ensure proper legal descriptions and monumenting of subdivided lands.

(g) To encourage the wise use and management of natural resources and to provide adequate and safe recreational areas of natural beauty and topography within the community.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.04 Jurisdiction.

These regulations shall be applicable to all lands within the city and its planning area and, also, to lands either contiguous to or served by Bentonville city water or sewer. The planning area includes those areas depicted on the Planning Area Map, copies of which are on file with the City Clerk and the Benton County Recorder.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.05 Planning area map.

Included as part of this regulation is the map titled "Planning Area Map" which delineates the planning area boundary. Within the planning area the City shall plan and apply subdivision regulations. The map includes the corporate city limits and that area outside the city limits within the territorial jurisdiction. The planning boundary was reviewed by and approved by the Northwest Arkansas Regional Planning Commission, adopted by the Bentonville Planning Commission, ratified by the Bentonville City Council and filed of record with the Benton County Clerks office.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.06 Applicability.

It is hereby declared to be the policy of the City of Bentonville to consider the subdivision of land and the subsequent development of subdivided plat as subject to the control of the City pursuant to the General Plan, primarily the Land Use Plan and Master Street Plan of the City for orderly planning and efficient development of the City and the planning area. These regulations and development standards shall apply to the following forms of land subdivision and development:

(a) *Subdivision.* The division of land into two or more tracts, lots, sites, or parcels;

(b) *Property line adjustments.* A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements;

(c) *Large Scale Developments.* All development required to go through the Large Scale Development process.

(d) *Dedications.* The dedication of any street or alley right-of-way, utility easement, drainage easement, or access easement through any tract of land regardless of the area involved.

(e) *New construction and additions.* All new construction and additions, unless specifically exempt.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003; Ord. No. 2006-24, § 16; Ord. No. 2019-57, § 3, 04-09-2019)

Sec. 100.07 Exemptions.

(a) *Street widening.* These regulations and development standards shall not apply to the public acquisition by purchase or dedication of parcels of land for the widening or opening of streets or for other improvements.

(b) *Horizontal property regime.* These regulations and development standards shall not apply to any horizontal property regime within any lot for which the same documentation as required by state statute to be filed with the county for the establishment of that horizontal property regime shall have been filed with the City of Bentonville and where all buildings within that lot shall have been built to meet the fire separation

requirements of the City of Bentonville between apartments as defined in the Horizontal Property Act of the State of Arkansas.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.08 Approval required.

No subdivider proposing to make or having made a subdivision within the planning area of the City of Bentonville shall proceed with any construction work on the proposed subdivision prior to obtaining a Planning Commission approval, and shall not convey title to any lot or lots before obtaining from the Planning Commission a Certificate of Final Plat Approval and the acceptance and filing of said plat with the County Recorder. Clearing of land shall not be considered construction work for the purposes of this ordinance.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.09 Amendments.

On any proposed amendments to these regulations, the Planning Commission shall hold a public hearing, for which fifteen (15) days advance notice in a local newspaper of general distribution has been published. Following such hearing, the City Council may adopt the amendments or amendments as recommended by the Planning Commission or as determined by a majority vote of the City Council.

(Code 1994; Ord. No. 2003-100, § 1, 06-10-2003)

Sec. 100.10 Conflicting regulations.

All ordinances or parts of ordinances inconsistent or in conflict with this Subdivision Regulation for the City of Bentonville are hereby repealed and amended to comply herewith by virtue of the ordinance adopting this regulation.

Sec. 100.11 Effective date.

This regulation shall take effect upon the date established in adoption by ordinance of the City Council of the City of Bentonville, Arkansas. These regulations shall be printed in booklet form and made available to the general public. No fewer than three (3) copies of the code shall remain on file in the office of the Planning Department for examination by the public. These regulations shall be published as required by law by title only through the City's adoption of the ordinance entitled "Subdivision Regulations".

Sec. 100.12 Severability.

Any clause or provision of this code declared invalid or unconstitutional by the court shall not affect the validity of the regulation as a whole or any other part of the code thereof.

Art. 100 General Provisions