

**ORDINANCE NO. 2010-5**

**AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE,  
ARTICLE 601.7 CHILD CARE OF THE SUPPLEMENTAL REGULATIONS  
AND APPENDIX A TABLE OF PERMITTED USES**

**WHEREAS**, the Supplemental Regulations and Table of Permitted uses were updated with the adoption of Ordinance No. 2009-50 on May 26, 2009.

**WHEREAS**, the Child Care, commercial regulations in the supplemental regulations indicates that such use requires a conditional use permit in religious facilities or in multifamily or residential office designations and this is inconsistent with the Table of Permitted Uses; and,

**WHEREAS**, the Table of Permitted Uses does not allow for child care-residential (5-10) in any zoning district and staff has determined this was an oversight in drafting the new regulations;

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

**Section 1.** That *Sec. 601.7 Child Care* be hereby amended with the following. Deleted text is shown as a strike through and new text is highlighted.

- A. **Child Care, Residential: four (4) children or less.** Residential child care, ~~when authorized as a conditional use under Home Occupation Type A~~ shall meet the provisions of **Sec. 601.12 Home Occupations, Subsection A. Type A**, and shall **also** meet the following provisions:
- B. **Child Care, Residential: five (5) to ten (10) children.** Residential child care, ~~when authorized as a conditional use under Home Occupation Type B~~ shall meet the provisions of **Sec. 601.12 Home Occupations, Subsection B. Type B**; shall meet all of the provisions of a small residential child care; and the additional following provisions:
- C. **Child Care, Commercial.** Commercial day care centers, pre-schools, kindergartens, and nurseries ~~must~~ **shall** be operated from structures that are commercial in nature or operated within a religious facility. ~~A conditional use permit is required for all commercial day cares operating within a religious facility or in a multi family or residential office zoning designation.~~ They shall be limited by the requirements of the State of Arkansas in licensing such a facility, and shall otherwise comply with all area regulations established for the district in which such facility is located.

**Section 2.** That Appendix A, Table of Permitted Uses be hereby amended by adding the following permitted and conditional uses to the use “child care – residential (5-10 children)”.

	Supp. Regs.	AG	RES											COMM			IND		Mixed Use	
		A-1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	C1	C2	C3	I1	I2	DC	DE	
child care -residential (5 -10 children)	601.7 B	C	C	C	C	C	C	C	C	C	C	C	P			P				P

**Section 3.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

**PASSED and APPROVED this 12th day of January, 2010.**

**APPROVED:**

**ATTEST:**

**Mayor Bob McCaslin**

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City Clerk

ATTEST:

Suzanne Grider  
City Clerk