

**ORDINANCE NO. 2007-42**

**AN ORDINANCE ESTABLISHING REGULATIONS  
FOR RETAINING WALLS AND REQUIRING A PERMIT**

**WHEREAS**, it is necessary in the interest of the public health, safety and welfare that retaining walls are constructed without adverse impacts;

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

**Section 1.** That Article 200 Definitions of Chapter 15 Subdivision Code should be and the same is hereby amended by adding the following definition:

***Retaining wall.** Retaining walls are defined as a wall resisting the lateral displacement of soil or other materials resulting in a separation of grade.*

**Section 2.** That Sec. 1100.7 Grading and Drainage of Chapter 15 Subdivision Code should be and the same is hereby amended with the following Attachment "A", three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

**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 10th day of April, 2007.**

**APPROVED:**

**Mayor Bob McCaslin**

**ATTEST:**

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**City Clerk**

**Suzanne Grider,  
City Clerk**

# ATTACHMENT “A”

## D. Retaining Walls

1. **Applicability.** The requirements of this section shall apply to the construction, installation, extension and replacement of all retaining walls, as defined in Article 200, of more than four (4) feet in height, measured from the final grade at lower-side of wall to the top of the wall, in all zoning districts, except as exempted in 2. Exemptions below.

2. **Exemptions.** Retaining walls that meet the following requirements shall be exempt from these requirements:

- (a) Retaining walls less than four (4) feet in height.
- (b) Retaining walls designed as part of the primary structure.
- (c) Retaining walls shown on an approved large scale development plan or preliminary plat.
- (d) Retaining walls designed as part of a public capital improvement project.

3. **Permit Required.** A retaining wall permit shall be obtained prior to beginning construction, extension or replacement of all applicable retaining walls.

(a) *Application.* To obtain a retaining wall permit, a completed application form and a plot plan (site plan) must be submitted to the Community Development Office. The plot plan shall show:

- (i) Location of all property lines;
- (ii) Location of all existing and proposed structures;
- (iii) Location of existing retaining walls on or

adjacent to the property that is to remain in place, if applicable;

- (iv) Portions of existing retaining wall that will be replaced, if applicable;
- (v) Location of new retaining wall;
- (vi) Location of utilities and utility easements; drainage easements and drainageways
- (vii) Construction details to include, but not limited to, dimensions, cross-section, and footing design;
- (viii) Elevations above and below the retaining wall;
- (ix) A note indicating the height of the proposed retaining wall and the material;
- (x) Engineer's certification, if required; and
- (xi) Additional information may be requested from staff after initial review.

(b) *Review and Approval.* Once all the required information is submitted, it shall be reviewed by Community Development for compliance. If the application is approved, the applicant shall pay the permit fee and the retaining wall permit will be issued.

(c) *Compliance.* All retaining walls shall be installed in compliance with the retaining wall regulations and with the information shown on the approved plot plan and retaining wall permit application form.

(d) *Inspection Required.* The applicant shall contact Building Inspections to request a final inspection upon completion of the retaining walls. If the building inspector determines that the retaining wall is

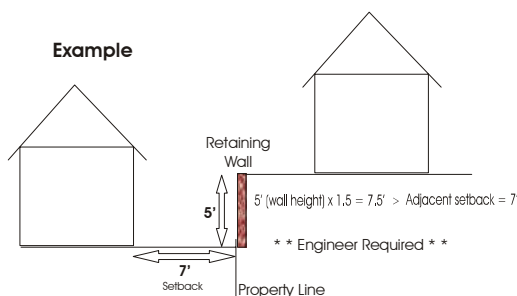
constructed in accordance with the ordinance requirements and the approved retaining wall permit, a Certificate of Compliance will be issued. If the retaining wall does not pass the inspection, the building inspector shall prepare an inspection report detailing the deficiencies.

**4. Engineer Certification Required.**

An engineer's design, certification and construction observation shall be required in the instances listed below. All engineering services shall be performed under the supervision of a Professional Engineer registered in the State of Arkansas.

- (a) Any retaining wall over four (4) feet in height where 1.5 times the height of the wall is either (1) greater than or equal to the building setback of an adjacent lot, or (2) such distance encroaches on any structure.

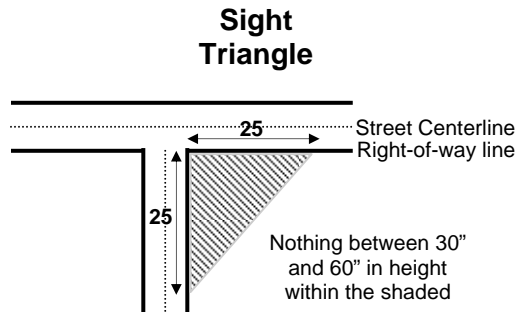
$Height\ of\ wall \times 1.5 \geq Adjacent\ Setback$



- (b) Any retaining walls over four (4) feet in height located adjacent to a public right-of-way.

**5. Private Property.** All retaining walls shall be located on private property and shall be built with the consent of the property owner. The retaining wall installer and/or property owner shall be responsible to correctly locate property boundaries. Retaining walls shall not encroach neighboring property lines.

**6. Sight Triangle.** Retaining walls over 30" constructed near street intersections shall not be located in the "sight distance triangle", shown below, in order to provide a reasonable degree of traffic visibility.

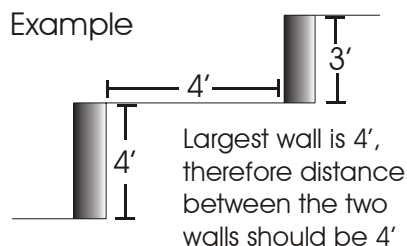


**7. Easements.**

- (a) *Utility Easements.* Retaining walls shall not restrict access to utilities. Retaining walls proposed in a utility easement shall be approved on a case by case basis.
- (b) *Drainage Easements.* Retaining walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Retaining walls proposed in drainage easements shall be approved on a case by case basis.
- (c) *Access Easement.* Retaining walls shall not be constructed over a public or private access easement.

**7. Terraced Retaining Walls.** If walls are terraced, the upper wall shall be located no closer to the lower wall than 1.0 times the height of the tallest wall.

$Height\ of\ largest\ wall \times 1.0 = Distance\ between\ walls$



**E. Slopes.** Slopes of 1:1 or steeper shall be required to comply with the retaining wall regulations above.