

ORDINANCE NO. 2022-08

CITY OF BELLA VISTA, ARKANSAS

AMENDING CHAPTER 107 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO ADDRESS GRADING PLAN REQUIREMENTS, GRADING AND EROSION CONTROL PERMITS AND LAND ALTERATION REQUIREMENTS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, the Planning Commission has recommended certain changes to Chapter 107 of the Code of Ordinances of the City to address issues related to grading plan requirements, grading and erosion control permits, and land alteration requirements; and

WHEREAS, the Planning Commission has recommended the City Council address these issues immediately and that such changes be effective immediately to protect public peace, health and safety;

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

SECTION 1: Subsection (a)(5) of Section 107-381 Grading Plan Specifications of the Code of Ordinances of the City of Bella Vista is hereby amended so that, after amendment, the Subsection shall read as follows:

“(5) *Design Professional Endorsement.* Seal and dated signature of a registered engineer, architect, or landscape architect certifying that the plan complies with this article. The design professional endorsement shall not be required for proposals as described in Sec. 107-378(a)(3)(a).”

SECTION 2: Subsection (a)(3) of Section 107-378 Permits of the Code of Ordinances of the City of Bella Vista is hereby amended so that, after amendment, the Subsection shall read as follows:

“a. *For single-family residences or duplexes.* Grading and erosion control plans as well as stormwater pollution prevention plans submitted for a permit shall not require the endorsement of a design professional so long as fill is not being proposed or placed on the downhill slope, and the structure’s foundation is being integrated into the natural grade. Proposals involving placement of a foundation or slab over fill shall include a grading and erosion control plan that has been prepared and enforced by a registered engineer, architect, or landscape architect.”

SECTION 3: Section 107-380 Land Alteration Requirements of the Code of Ordinances of the City of Bella Vista is hereby amended by adding a new Subsection (f) to the end of the Section, which shall read as follows:

“(f) *Driveways.*

- (1) Driveways shall have a maximum grade of twelve percent (12%).
- (2) *Administrative variance.* Driveway grade may be varied administratively by the Director of Community Development or his or her designee by up to two percent (2%) (a total grade of fourteen percent (14%)) if he or she finds that there is an undue hardship on the land that otherwise would not allow an access drive to the lot. Financial cost shall not be deemed an undue hardship.
- (3) Any request which exceed item limitation set forth in subsection (2) above shall require the filing of a waiver in accordance with Sec. 107-35.”

SECTION 4: EMERGENCY CLAUSE. The need to provide modifications to Chapter 107 related grading plan specifications, grading and erosion control permits, and land alteration requirements is immediate and necessary to protect the public peace, health and safety. Therefore, an emergency is hereby declared to exist and this Ordinance shall take full force and effect upon its adoption, as provided by law.

Move to approve by Mr. Snow, Second by Mr. Wozniak. Ayes: 5 Nays: 0

ADOPTED THIS 27TH DAY OF JUNE, 2022.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Mayor, Planning Commission
Prepared by: Jason Kelley, Staff Attorney

THIS PUBLICATION WAS PAID FOR BY THE CITY OF BELLA VISTA, OFFICE OF CITY CLERK. THE AMOUNT PAID FOR THE PUBLICATION WAS _____.