

ORDINANCE NO. 2019-160

**AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE OF THE
BENTONVILLE MUNICIPAL CODE.**

WHEREAS, the City of Bentonville periodically reviews the Zoning Code to identify needs for clarification or updates to meet current conditions.

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

Section 1. That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

Section 2. That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 401.05 Table of uses for zoning districts** shall be and is hereby amended with the following:

(d) Uses allowed as an accessory use. Where the letter “A” appears in the box where the land use row and the district column intersect, the use is allowed as an accessory use to the primary use and shall not be a primary use and is subject to all development standards.

Use Regs.

	A1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	DN-1	DN-2	DN-3	DN-4	C1	C2	C3	DC	DE	I1	I2
community garden	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			•				
<u>urban farm</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	•	•	•	•	•	•	•
home occupation – type A	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			•	•	•		
office – small scale, less than 4,000 sq. ft.											•			C	•	•	•	•	•	•	•	•
medical services – doctor office											•			<u>C</u>	<u>A</u>	•	•	•	•	•		
personal services											C			C	•	•	•	•	•	•		
artisan shop														C	•	•	•	•	•	•		
bakery								P						C	•	•	•	•	•	•		
convenience store that sells beer and/or light wine for off-site consumption														C	•	•	•	•	C			
restaurant								C							<u>P</u>	<u>A</u>	C	•	•	•	C	
restaurant, microbrewery															<u>P</u>	<u>A</u>	C	C		C		C
retail, small scale, less than 4,000 sq. ft.														•	•	•	•	•	•	•		
sidewalk café in public right of way														•	•			•	•	•		
<u>event center</u>	<u>C</u>														<u>C</u>	<u>C</u>	•	<u>C</u>	•	<u>C</u>	•	•

Section 3. That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 401.03 Calculations and measurements** shall be and is hereby amended with the following:

(a) *Measuring lot width.* Lot width is measured from side lot line to side lot line along the front building setback line.

Section 4. That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 501.06 Number of off-street parking spaces required** be amended by adding the following:

(f) *Standards.*

Land Use	Parking Ratio
<u>Event center</u>	<u>1 space for every 4 occupants at the maximum permitted occupancy allowed under the building code and 1 space per 1 employee based on the largest shift.</u>

Section 5. That the following sections of the Bentonville Municipal Code, Chapter 14 Zoning Code, shall be and are hereby amended with the respective attachment, an electronic copy and paper copy of which are on file with the City Clerk, and are hereby adopted by reference as though they were copied herein fully:

- **Sec. 201.02 Definitions** amended with Attachment A: Zoning Definitions;
- **Sec. 401.07 Residential (R) districts regulations** amended with Attachment B: Residential District Standards;
- **Sec. 401.08-B Downtown Neighborhood (DN) districts regulations** amended with Attachment C: DN Districts Standards;
- **Sec. 601.01 Accessory non-residential buildings** and **Sec. 601.02 Accessory dwelling units** amended with Attachment D: Accessory Uses & Structures;
- **Sec. 601.25 Temporary uses and structures** amended with Attachment E: Temporary Uses & Structures; and,
- **Article 801 Sign Ordinance – Private Property** amended with Attachment F: Signs.

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

PASSED and APPROVED this 22nd day of October, 2019.

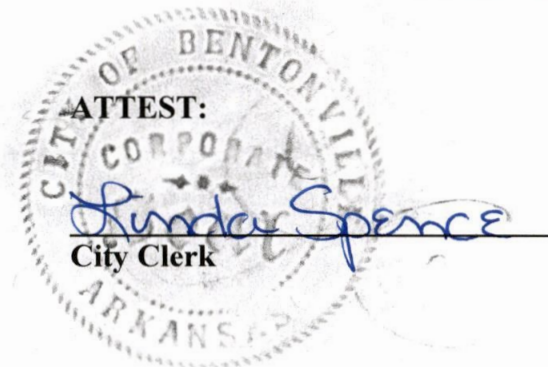
Approved:

Stephanie Orman

Mayor Stephanie Orman

ATTEST:

Linda Spence
City Clerk



ATTACHMENT A

Zoning Definitions

Underlined text to be added and strikethrough text to be deleted.

Sec. 201.02 Definitions

Community garden: ~~A site~~ Publicly or privately owned land used for ~~growing~~ the cultivation of fruits, vegetables, plants, for food, fiber, herbs and/or flowers, which is shared and maintained by community residents. by multiple users, where the primary purpose is to for education and/or to serve as a local food source or recreation for individuals without access to a home garden.

Conference/Convention Center: ~~One or more structures~~ Multipurpose commercial facilities with accommodating multiple assembly, meeting, and or exhibit rooms or spaces and related support facilities, such as full kitchens, offices, and lodging for the primary purpose of hosting business and professional conferences, conventions, meetings, and trade shows.

Dwelling: ~~A house, apartment building or other stationary~~ part of a building designed or primarily used for human habitation containing permanent facilities for living, sleeping, cooking, and sanitation for occupancy by one or more families. This definition does not include a recreational vehicle trailer, hotel, dormitory, hospital or other accommodations for the transient public or group living or sleeping accommodations.

Dwelling unit: A room or group of rooms ~~within a dwelling and forming a single habitable unit~~ complete, independent living unit with permanent facilities for living, sleeping, ~~and cooking,~~ and sanitation.

Dwelling, Condominium: A single dwelling unit in a multi-family structure that is separately owned from the wall in and that may be combined with an undivided interest in the ground, common areas and facilities of the property.

Dwelling, Single-family: A detached ~~residence~~ dwelling primarily designed for or occupied by one family only.

Dwelling, Single-family attached: Two side-by-side single-family dwellings attached by a common wall extending from the ground to the roof, with all exits opening directly to the outside, and each unit located on or capable of being located on a separate lot.

Dwelling, Townhouse unit or Row House: ~~One of a group of no less than three, nor more than twelve, attached dwelling units, each dwelling unit~~ A single dwelling unit in a townhouse structure attached to the adjoining dwelling unit by a common wall extending from the ground to the roof with all exits opening directly to the outside, and -located on, or capable of being located on, a separate lot.

Dwelling, Townhouse structure: A dwelling structure consisting of three or more attached townhouse dwelling units.

Dwelling, Two-family: A ~~residence~~ dwelling structure designed for or occupied by two families only with separate ~~housekeeping~~ living, sleeping, cooking, and sanitation ~~and cooking~~ facilities for each dwelling unit and

ATTACHMENT A

Zoning Definitions

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not located on or capable of being located on a separate lot. This definition shall include a duplex and shall not include “dwelling, accessory” ~~or “single family attached”~~, which ~~is~~ ~~are~~ separately defined.

Event Center: A multi-purpose commercial facility with single or multiple assembly rooms or spaces and related support facilities, such as catering kitchens, indoor/outdoor seating and stage or event area for the primary purpose of hosting special events such as graduations, weddings, anniversaries, holiday gatherings, corporate functions or parties, concert settings, and general get-togethers.

~~Residence: A building or part of a building containing one or more dwelling units or rooming units. However, residences do not include:~~

- ~~A. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or~~
- ~~B. Dormitories, fraternity or sorority houses, monasteries or convents, or similar establishments containing~~
- ~~C. group living or sleeping accommodations; or~~
- ~~D. Nurses’ residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses. See also “Dwelling.”~~

Temporary Uses: Land uses that are not permanent in nature and often include, but are not limited to, carnivals, circus, tent revivals, real estate sales offices, construction facilities, special sales events, community events, private special events, and Christmas tree stands.

Temporary Structure: Structures that are not attached to a permanent foundation, are not connected to water or sewer, and are not permanent in nature, often including, but not limited to tents, other structures with open walls, and shipping containers used for temporary storage.

Urban Farm: Publicly or privately owned land used for the cultivation of fruits, vegetables, plants, flowers, and/or herbs by an individual, organization or business with the primary purpose of growing food for sale located in a zoning district other than A-1, Agricultural.

Shipping Container: A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures placed on private property and used for storage of items.

ATTACHMENT B Residential Districts Standards

Underlined text to be added and strikethrough text to be deleted.

Sec. 401.07 Residential districts regulations.

(c) Residential (R) districts lot and area standards.

(1) The table below establishes minimum residential lot and area standards.

RESIDENTIAL (R) DISTRICTS LOT AND AREA STANDARDS

District	Building type	Min. Lot area (sq. ft.)	Min. Land area / dwelling unit (sq. ft.)	Lot width		Min. lot depth	Max. lot coverage	
				Min. lot width	Max. lot width		Interior lot	Exterior / corner lot
R-E	All	87,120 (2 acres)	-	100'	-	100'	10%	40% <u>15%</u>
R-1	All	6,000	-	60'	-	100'	40%	45%
R-2	<u>Single-family</u>	<u>6,000</u>	-	<u>60'</u>	-	100'	<u>40%</u>	<u>45%</u>
	Two-family	7,000	-	70'	-	100'	50%	55%
	Townhouses - <u>unit</u>	10,000 / dev. 2,000 / lot <u>3,000</u>	3,500 =	14' (interior) 21' (exterior) <u>30'</u>	-	100'	50%	55%
	<u>Townhouse - structure</u>	<u>10,500</u>	<u>3,500</u>	<u>105'</u>	-		<u>65%</u>	<u>70%</u>
	All others	6,000	6,000	60'	-	100'	40%	45%
R-3	Single-family	6,000	-	60'	-		40%	45%
	Two-family	7,000	-	70'	-	100'	50%	55%
	<u>Townhouse - unit</u>	<u>2,500</u>	=	<u>25'</u>	=		<u>50%</u>	<u>55%</u>
	<u>Townhouse - structure</u>	<u>9,000</u>	<u>3,000</u>	<u>90'</u>	=		<u>50%</u>	<u>55%</u>
	All others	6,000	6,000	60'	-	100'	40%	45%
R-4	<u>Single-family</u>	<u>6,000</u>	=	<u>60'</u>	=		<u>40%</u>	<u>45%</u>
	Two-family	7,000	--	65'	-	100'	50%	55%
	<u>Townhouse - unit</u>	<u>2,500</u>	=	<u>25'</u>	=		<u>50%</u>	<u>55%</u>
	<u>Townhouse - structure</u>	<u>9,000</u>	<u>3,000</u>	<u>90'</u>	=		<u>50%</u>	<u>55%</u>
	All others	10,000	--	65'	-	100'	50%	55%
R-MH	Manufactured home lots	4,500	4,500	50'	-	100'	30%	35%
	Manufactured home parks	11,000	3,500	60'	-	100'	30%	35%
	All others	7,000	7,000	65'	-	100'	40%	45%

ATTACHMENT B Residential Districts Standards

Underlined text to be added and strikethrough text to be deleted.

RESIDENTIAL (R) DISTRICTS LOT AND AREA STANDARDS

District	Building type	Min. Lot area (sq. ft.)	Min. Land area / dwelling unit (sq. ft.)	Lot width		Min. lot depth	Max. lot coverage	
				Min. lot width	Max. lot width		Interior lot	Exterior / corner lot
R-ZL	Zero lot line	4,000	--	40'	-	100'	60%	65%
R-O	Single-family	6,000	--	60'	-	100'	40%	45%
	Two-family	7,000	--	70'	-	100'	50%	55%
	All others	6,000	6,000	60'	-	100'	60%	65%

- (2) *Street frontage.* Each lot in R-1, R-2, R-C2 and R-C3 zoning districts shall have a minimum street frontage equal to the minimum lot width required at the building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than ~~35-~~ 20 feet of street frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining residential zoning districts shall have a minimum of ~~thirty five (35)~~ 20 feet of street frontage.

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

Sec. 401.07-B Downtown Neighborhood (DN) districts regulations.

(b) *DN districts building types allowed.*

(1) Standards. For the purposes of the Downtown Neighborhood districts, all structures must be classified as one of the building types below, as defined in Article 201 Definitions.

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS
BUILDING TYPES ALLOWED

	Single-family	Two-family	Townhouse		Multi-family		Mixed-use
			Block-end	Mid-block	Block-end	Mid-block	
DN-1	•						
DN-2	•	•	•				
DN-3	•	•	•	•	•		
DN-4	•	•	•	•	•	•	•

(2) Commercial buildings. Commercial uses allowed in the DN-4 district shall be located within a mixed-use building unless Planning Commission approves a conditional use permit for a single-use commercial building.

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

(c) *DN districts lot and area standards.*

(1) Standards. The table below establishes the lot and area standards for all development in the Downtown Neighborhood districts. Accessory dwelling units (ADUs) are permitted in DN-1 and DN-2 on lots with single-family structures and do not require additional land area per the table below, but are subject to additional standards in *Article 601.02 Accessory dwelling units.*

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS LOT AND AREA STANDARDS

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage (C)	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
DN-1	Single-family	6,000	--	60'	N/A =	40%	40% 45%
	Single-family, alley access	5,000 4,000	--	40'	N/A =	50%	50% 55%
DN-2	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% 55%
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached - structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached - structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 4,000	--	40'	N/A =	50%	50% 55%
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% 55%
	<u>Townhouse - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>60%</u>	<u>65%</u>
	<u>Townhouse cluster - structure</u>	15,000 7,500	2,700 2,500	125' 75'	N/A =	60%	60% 65%

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage C	
				Min. Lot Width B	Max. Lot Width	Interior lot	Exterior /corner lot
DN-3	Single-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 <u>4,000</u>	--	40'	N/A =	50%	50% <u>55%</u>
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Townhouse - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>65%</u>	<u>70%</u>
	Townhouse cluster - structure	15,000 <u>7,500</u>	2,700 <u>2,500</u>	125' <u>75'</u>	N/A =	65%	65% <u>70%</u>
	Multi-family <u>and all others not listed</u>	20,000 <u>10,000</u>	800	125'	N/A =	65%	65% <u>70%</u>
DN-4	Single-family, alley access	5,000 <u>4,000</u>	--	40'	50'	50%	50% <u>55%</u>
	Single-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Single-family attached - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, alley access</u>	<u>4,000</u>	=	<u>40'</u>	=	<u>50%</u>	<u>55%</u>
	<u>Single-family attached – structure, no alley access</u>	<u>5,000</u>	=	<u>50'</u>	=	<u>50%</u>	<u>55%</u>
	Two-family, alley access	5,000 <u>4,000</u>	--	40'	50'	50%	50% <u>55%</u>
	Two-family, no alley access	5,000	--	50'	N/A =	50%	50% <u>55%</u>
	<u>Townhouse - unit</u>	<u>2,000</u>	=	<u>20'</u>	=	<u>65%</u>	<u>70%</u>
	Townhouse cluster - structure	15,000 <u>7,500</u>	2,700 <u>2,500</u>	125' <u>75'</u>	N/A =	65%	65% <u>70%</u>
	Multi-family	20,000 <u>10,000</u>	800	125'	N/A =	75%	75% <u>80%</u>

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage (C)	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
	Mixed-use and all others not listed	10,000	800	75'	N/A =	75%	75% 80%

(2) Street frontage. All lots in the DN districts shall have a minimum street frontage of 20'.

(d) DN districts setback standards. The table below establishes the setback standards for the Downtown Neighborhood districts. ~~The required setback for townhouses applies to townhouse clusters. No setback is required between individual townhouse dwelling units within the same townhouse cluster.~~

DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS MINIMUM SETBACK STANDARDS

District	Building type	Front Yard		Side Yard					Rear Yard (R)
		Min. (F1)	Max. (F2)	Exterior / Corner Side Yard (CS)		Interior Side Yard (S)			
				Min.	Max.	Total Min. (% of lot width)	Detached Yard 1	Attached Yard 2	
DN-1	Single family <u>All</u>	15'	25'	15'	N/A =	25%	10' <u>7'</u>	Remainder of total, but no less than 5' <u>0'</u>	25'
DN-2	<u>Single family and Two-family</u>	<u>12'</u>	<u>25'</u>	<u>12'</u>	<u>25'</u>		<u>7'</u>	<u>0'</u>	<u>25'</u>
	Single family with lot width > 50' & two-family with alley access	15'	25'	12'	N/A	30%	7'	Remainder of total, but no less than 5'	25'
	Single family with lot width > 50' & two-family without alley access	15'	25'	12'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single family with lot width equal to or < 50' & two-family	15'	25'	12'	N/A	25%	7'	Remainder of total, but no less than 5'	25'
	Townhouse cluster: block-end, and all others not listed	15' <u>12'</u>	25'	12'	N/A <u>25'</u>	N/A	10'	10' <u>0'</u>	25'

ATTACHMENT C DN Districts Standards

Underlined text to be added and strikethrough text to be deleted.

District	Building type	Front Yard		Side Yard					Rear Yard (R)
				Exterior / Corner Side Yard (CS)		Interior Side Yard (S)			
		Min. (F1)	Max. (F2)	Min.	Max.	Total Min. (% of lot width)	Detached Yard ¹	Attached Yard ²	
DN-3	<u>Single-family and Two-family</u>	<u>10'</u>	<u>20'</u>	<u>10'</u>	<u>20'</u>		<u>7'</u>	<u>0'</u>	<u>25'</u>
	Single family with lot width > 50' & two-family with alley access	15'	25'	10'	N/A	30%	7'	Remainder of total, but no less than 5'	25'
	Single family with lot width > 50' & two-family without alley access	15'	25'	10'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	Single family with lot width equal to or < 50' & two-family	15'	25'	10'	N/A	25%	7'	Remainder of total, but no less than 5'	25'
	Townhouse cluster	15' <u>10'</u>	25' <u>20'</u>	10'	N/A <u>20'</u>	N/A	10'	10' <u>0'</u>	25'
	Multi-family: block-end, <u>and others not listed</u>	15' <u>10'</u>	25' <u>20'</u>	10'	N/A <u>20'</u>	N/A	12' <u>10'</u>	12' <u>0'</u>	25'
DN-4	Single-family & two-family	10' <u>8'</u>	20' <u>15'</u>	8'	N/A <u>15'</u>	25%	7'	Remainder of total, but no less than 5' <u>0'</u>	25'
	Townhouse cluster	10' <u>8'</u>	20' <u>15'</u>	8'	N/A <u>15'</u>	N/A	10'	10' <u>0'</u>	25'
	Multi-family	10' <u>8'</u>	20' <u>15'</u>	8'	N/A <u>15'</u>	N/A	12' <u>10'</u>	12' <u>0'</u>	25'
	Mixed-use <u>and others not listed</u>	0'	15'	0'	10' <u>15'</u>	N/A	0', 8' <u>12'</u> if adjacent to a non mixed-use building	Same as Yard 1 <u>0'</u>	25'

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

Sec. 601.01 Accessory ~~nonresidential buildings~~ structures.

(a) ~~Attached accessory~~ General. An accessory ~~nonresidential building~~ structure may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.

(b) ~~Size~~. An accessory ~~building~~ shall have a footprint no larger than ~~720 square feet~~.

(1) Standards. The table below establishes the maximum size standards for accessory structures.

	Detached Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Size			
% of livable floor area of primary structure	40%	40% <u>50%</u>	40% <u>50%</u>
Max. footprint	720 sq. ft.	800 sq. ft and no more than 2 bedrooms <u>720 sq. ft.</u>	--
Lot coverage	As required by zoning district	As required by zoning district	As required by zoning district

(2) Total area. Total area cumulative of all accessory ~~nonresidential buildings~~ structures shall not exceed 40% 50% of the total area of the primary structure.

(3) Exception. Except that ADU's ~~Accessory structures~~ in the A-1 and RE districts may be allowed a maximum footprint of up to 1,000 square feet ~~in size~~.

~~A variance to the requirement may be requested in accordance with Article 301 Administration and Enforcement. An accessory building footprint in excess of 720 square feet shall be required to have a building permit and shall conform to required setbacks and shall not be located in any easement.~~

(c) ~~Setbacks~~. No ~~detached accessory nonresidential building~~ with a footprint of ~~720 square feet or less~~ shall be located closer than five (5) feet to any side or rear lot line.

(1) Standards. The table below establishes the minimum setback standards for accessory structures.

	Detached Accessory Nonresidential	Detached Accessory Dwelling	Attached Accessory Dwelling
Front setback	As required by zoning district	As required by zoning district	As required by zoning district
Side setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district
Rear setback	5' <u>7'</u>	As required by zoning district <u>7'</u>	As required by zoning district

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

- (2) Corner lots. In the case of a corner lot, said accessory ~~building~~structure shall not project beyond the building line of the primary structure ~~required~~ or existing primary structure on the adjacent lot. ~~Accessory buildings shall meet the front building setbacks for the zone it is to be located.~~
- (3) Distance from primary structure. Any detached accessory structure in excess of 200 square feet shall be located a minimum of 10' from the primary structure.
- (4) Size variance. An accessory ~~nonresidential building~~ structure footprint in excess of 720 square feet as approved through a variance shall conform to the required setbacks of the zoning district.
- (5) Exception. Any accessory non-residential structure less than 200 square feet and not attached to a permanent foundation, shall have a minimum side and rear yard setback of five feet (5') and shall meet the front setback as required by the zoning district.

(d) Height. Accessory ~~buildings~~ structures shall not exceed the maximum height as allowed by the ~~appropriate table for~~ zoning district in which it is located.

(e) Barns and stables. Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.

(f) Facade Architectural design. The façade of the accessory structure shall have a similar architecture to that of the main structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.

- (g) Location. ~~No permanent accessory structure over 200 square feet shall be located in an easement. Accessory structures under 200 square feet and not attached to a permanent foundation may be located in an easement as long as it can easily be moved out of the easement if necessary.~~

Sec. 601.02 — Accessory dwelling units (ADUs).

(h) Accessory dwelling unit additional requirements.

(1) Occupancy.

- a. A1, RE, R1, DN-1 Districts – owner-occupied. Either the primary or accessory dwelling unit shall be owner-occupied. “Owner-occupied” shall mean a property owner who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means, and at no time receives rent for the owner-occupied unit.
- b. C2, I1 and I2 districts – caretaker only. ADU’s in the C2, I1 or I2 districts shall be used solely for a watchman, caretaker or custodian of the facility or use on the same site. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker. The caretaker shall be employed, whether compensation is direct or indirect, principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site.

(2) ADUs per lot. Only one ADU shall be ~~permitted~~ allowed per lot.

ATTACHMENT D

Accessory Structures and Uses

Underlined text to be added and strikethrough text to be deleted.

- ~~(3) *Lot coverage.* The ADU shall not cause the property to exceed the maximum amount of lot coverage permitted by the zoning district.~~
- (4) *Setbacks.* shall meet the setback requirements of the zoning district in which the property is located.
- (5) *Location.* The ADU shall not be located in the front setback or be located such that the ADU building line is closer to the front property line than the primary structure.
- (6) *Size.* An ADU shall be no larger than 40% of the livable floor area of the primary structure, shall not exceed 800 square feet in size and shall not have more than two bedrooms. Except that ADU's in the A-1 and RE district may be allowed up to 1,000 square feet in size.
- (7) *Architectural design.* The addition of an ADU shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the ADU shall be consistent with the design of the primary structure and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.
- (8) *Entrances and stairs.* Only one entrance to the primary structure and only one entrance to the detached ADU shall be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the address. Exterior stairways shall not be constructed on the front of the principal dwelling unit.
- ~~(9) *Occupancy standards.* The total number of occupants in the ADU shall not exceed four (4).~~
- (10) *Parking.* No additional parking spaces are required. A maximum of one additional off-street parking space may be provided for the ADU and shall be paved.
- (11) *Compliance with applicable codes.* The ADU shall comply with all standards for health and life safety codes, building codes, as well as zoning codes as adopted by the City, except as provided in this chapter.
- (12) *Sewer and water connections.* The ADU shall be served by the existing primary ~~residence's~~ dwelling's sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the ADU.
- (13) *Subdivision.* The accessory dwelling unit, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.
- ~~(14) *Recording.* The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Clerk, providing notice to future owners or long term lessors of the subject lot that the existence of the ADU is predicated upon the occupancy of either the ADU or the principal dwelling by the property owner.~~

ATTACHMENT E
Temporary Uses and Structures

Underlined text to be added and strikethrough text to be deleted.

Sec. 601.25 Temporary uses and structures. ~~Temporary uses, buildings and structures, not used for dwelling purposes, may be placed on a lot or parcel and occupied only under the following conditions:~~

- (a) Purpose. To establish regulations that:
 - (1) Reasonably allow for land use and structures on a temporary basis that are not appropriate on a long-term/permanent basis;
 - (2) Provide for the health, safety and welfare of surrounding properties and the community;
 - (3) Provide predictable outcomes for applicants; and
 - (4) Promote economic development.
- (b) ~~Exemption~~ Short-term temporary uses or structures.
 - (1) Applicability. The regulations for short-term temporary uses or structures shall apply to temporary uses ~~located in~~ and/or temporary structures ~~will not require a conditional use permit if they meet the following requirements: The use and/or structure shall not that do not exceed three (3) days in a 12-month time period~~ per location, no more than two times per calendar year; ~~the temporary structure shall not create a traffic or parking hazard; or the temporary structure or use is an, except~~ outdoor vendors ~~otherwise regulated in this chapter.~~
 - (2) Regulations. Short-term temporary uses and/or structures shall be allowed without obtaining a conditional use permit, however, shall comply with the following:
 - a. Site access. The site shall have access drives so located as to minimize traffic hazards.
 - b. Nuisance control. The property owner shall take adequate measures to prevent odor, dust, noise, lights, trash, debris, and traffic from becoming a nuisance to uses on adjacent properties.
 - c. Fire code. All temporary structures shall meet City of Bentonville Fire Code, as approved by the Fire Marshal.
- (c) Long-term temporary uses or structures ~~Conditional use permit required.~~
 - (1) Applicability. The regulations for long-term ~~A temporary uses~~ and/or structures shall apply to ~~such as a carnival, circus, church tent revival, temporary tent sales, sales using non permanent temporary structures, and outdoor sales/service activity or similar temporary uses that do not meet the exemption requirements shall be permitted~~ temporary uses and/or structures that do not meet the applicability or otherwise meet the regulations for short-term temporary uses or structures. Such temporary uses and structures include manufactured homes as temporary classrooms and shipping containers used for storage purposes.
 - (2) Regulations. Long-term temporary uses and/or structures shall be allowed only with an approved conditional use permit and shall comply with the following and any additional conditions established by the Planning Commission as part of approval of the conditional use permit.

ATTACHMENT E
Temporary Uses and Structures

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- a. Zoning districts allowed. Long-term temporary uses and/or structure shall be allowed only in a non-residential zoning district and shall have no facilities located nearer to a residential district than 200 feet ~~and no nearer a occupied residential structure than 300 feet.~~
- b. *Site access.* The site shall have access drives so located as to minimize traffic hazards.
- c. *Nuisance control.* The applicant shall show, and provide as part of the conditional use permit application, that adequate measures will be taken to prevent odor, dust, noise, lights, trash, debris, and traffic from becoming a nuisance to uses on other adjacent properties.
- d. Fire code. All temporary structures shall meet City of Bentonville Fire Code, as approved by the Fire Marshal.
- e. Time period. Planning Commission shall determine the time period of approval based on the request in the conditional use permit application, the nature of the use or structure, and nearby uses. ~~Each conditional use permit for such an enterprise shall be valid for a period of not more than 15 days and shall not be permitted for more than two (2) such periods for the same location within any one calendar year.~~
- f. *Setbacks.* Long-term temporary structures shall meet the setbacks of the zoning district in which it is located and in no instance placed in front of the primary structure.

~~(d) *Temporary classrooms.* Said classrooms shall meet local codes and ordinances. Said buildings shall be removed within fifteen (15) days after construction of any permanent structure intended for expansion purposes is complete. The temporary classrooms shall not be allowed more than eighteen (18) months, unless expressly authorized by the Planning Commission.~~

ATTACHMENT F

Signs

Underlined text to be added and strikethrough text to be deleted.

801.13 Signs allowed without a sign permit.

- (4) *Temporary signs.*
- a. *Residential uses.* Each legal dwelling unit may have a total display area (cumulative of all temporary signs on the lot) of 24 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
 - b. *Non-residential uses.* Each non-residential establishment may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet at all times. Such signage may be used to display any protected noncommercial message but may not be used for general advertising for hire.
 - c. *Temporary uses.* Any temporary use that meet the requirements of a “short-term temporary use” as regulated in Sec. 601.25 may have a total display area (cumulative of all temporary signs on the lot) of 36 square feet and may use air-activated signs, otherwise prohibited in this article.
- (5) *Window and door signs.* Window and door signs are allowed subject to a maximum area that does not exceed 40% of the window or door area.
- (6) *Outdoor vendor signs.* Signs for outdoor vendors shall be considered part of the approved outdoor vendor permit and shall comply with the following:
- a. *Attached signs:* Signs may be attached to the vending conveyance. The cumulative total of all signs attached to the conveyance shall not exceed 15% of the surface area of the conveyance.
 - b. *Detached signs:* Outdoor vendors are allowed one sandwich sign not to exceed 6 square feet in size and 4 feet in height within the allowed outdoor vending space.

ATTACHMENT F

Signs

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801.15 Signs allowed with a sign permit.

Sign Type	ZONING							Use	No. Allowed	Max. Height	Max. Area (per sign face)
	A1, RE R1, R2, R3, R4, RC-2, RC-3 PRD, <u>DN1</u> , <u>DN2</u>	RO	C1	C2	C3	<u>DC & DE, DN3, DN4</u>	I1 & I2 PUD				
Freestanding	•							<i>Subdivision & Multifamily</i>	2/street entrance	6 ft.	32 sq. ft.
	•							<i>Non-residential</i>	1/street entrance	6 ft.	32 sq. ft.
		•						<i>All</i>	1/lot	6 ft.	32 sq. ft.
			•					<i>All</i>	1/street frontage	6 ft.	32 sq. ft.
				•			• •	<i>Single tenant</i>	1/street frontage	8 ft.	60 sq. ft.
				•			• •	<i>Multiple tenant</i>	1/street frontage	12 ft.	100 sq. ft.
					•			<i>All</i>	1/street frontage	6 ft.	32 sq. ft.
Wall	•	•						<i>Residential</i>	1/building	1 ft. above roof peak	4 sq. ft., non-illuminated
	•	•						<i>Non-residential</i>	1/building	1 ft. above roof peak	25 sq. ft.
			•	•	•	•	• •	<i>All</i>	1/wall OR 1/wall of each suite No maximum number; however, the total area cumulative of all sign faces cannot exceed 15% of the wall area for the building, or suite if applicable.	1 ft. above roof peak	15% of wall area* (includes awning, canopy, projecting and roof signs) 25 sq. ft. min. allowed

ATTACHMENT F

Signs

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801.16 Prohibited signs.

The following signs shall be prohibited, and may neither be erected nor maintained, unless otherwise specifically allowed within this Article.

(a) *Generally prohibited.* The following signs and methods of drawing attention, as defined in this Article, are prohibited:

1. Air-activated graphics, except as allowed for special events in Sec. 801.13(4) Temporary signs;
2. Pole signs;
3. Rotating or revolving signs;
4. Commercial handheld signs,
5. Portable message center signs.
6. Off-site commercial message signs.