

ORDINANCE NO. 2022-175

**AN ORDINANCE AMENDING THE BENTONVILLE MUNICIPAL  
CODE APPENDIX A ZONING CODE AND APPENDIX B LAND  
DEVELOPMENT CODE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Bentonville periodically reviews the Zoning Code and Land Development 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 the Bentonville Municipal Code, *Appendix A Zoning Code* should be and the same is hereby amended with the following *Attachment A: Zoning Code Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, is hereby referred to, adopted, and made a part hereof as though it were copied herein fully;

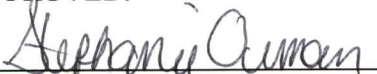
Section 2: That the Bentonville Municipal Code, *Appendix B Land Development Code* should be and the same is hereby amended with the following *Attachment B: Land Development Code Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, is hereby referred to, adopted, and made a part hereof as though it were copied herein fully;

Section 3 - Severability Provision: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid; and


Section 4 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, Orders, or partsthereof, which are in conflict herewith, are hereby repealed.

PASSED and APPROVED this 13 day of SEPTEMBER, 2022.

APPROVED:

  
Stephanie Orman, Mayor

ATTEST:

  
Kirby Romines, City Clerk



**Attachment A**  
**Zoning Code Amendments**

*Underline text to be added, strikethrough text to be deleted.*

**Sec. 201.02 Definitions**

*Automobile Repair:* Any building, structure or improvements to land used for the repair and maintenance of automobiles, motorcycles, trucks, buses or similar vehicles including, but not limited to, body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire services and sales, and towing services.

*Low Impact Development:* The term low impact development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, use of water by plants, or use of stormwater in order to protect water quality and associated aquatic habitat.

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**Sec. 401.04(h) Encroachments in Setbacks**

*Setback encroachments.* Driveways, walkways, on-grade patios, plants, pergolas, arbors, and other landscape features may be located within any required setback. The following table lists specific features that may be located within any required setback subject to the encroachments standards. Unless otherwise exempted by the city, none of the specific features listed below shall encroach into any right-of-way or easement.

~~Awnings may extend into a required front setback up to six (6) feet but shall be no closer than two (2) feet, measured in horizontal distance, from the curb of any street or property line.~~

<u>Feature that may encroach into a setback</u>	<u>Encroachment Standards</u>
<u>Eave, sill, cornice, or ornamental feature</u>	<u>May project up to 18 inches into any required setback.</u>
<u>Bay windows, chimneys, and similar features projecting from the primary building</u>	<u>May encroach up to 2 feet into any required setback for the property, but no closer than 3 feet to the side or rear property line.</u>
<u>Open porches, balconies, breezeways, and similar features (may be roofed but not enclosed except with screenwire mesh); raised patios, decks, and similar features (with a finished floor of 30 inches or less above the lowest adjacent grade measured at base)</u>	<u>May encroach into a required setback for the property, but no closer than 12 feet to the front property line and no closer than 5 feet to the side or rear property line.</u>
<u>Steps (with a finished floor of 30 inches or less above the lowest adjacent grade measured at base)</u>	<u>May encroach into a required setback for the property up to 2 feet into any required setback for the property, but no closer than 3 feet to the side or rear property line.</u>
<u>Fences, walls</u>	<u>May be constructed up to the property line, subject to the provisions of 1100.06 of the Land Development Code regarding fences and walls.</u>
<u>Awnings</u>	<u>May extend into a required setback up to six (6) feet but shall be no closer than two (2) feet, measured in horizontal distance, from the curb of any street or property line.</u>
<u>In ground pools</u>	<u>May encroach into setbacks, but shall not be located in an easement.</u>

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*Clearance.* Awnings and canopy structures shall maintain a clearance of ~~eight (8)~~seven (7) feet above a public right-of-way, sidewalk or front yard. If located within 10' of a public utility, minimum clearance shall be (fifteen)15'.

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**Sec. 401.07(b)(3) Width of Corner Lots**

The minimum width for corner lots shall be ~~20% larger than interior lots, 75 feet at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 feet at the building line.~~

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**Sec. 601.01 Accessory Structures**

- (1) *Applicability.* The regulations in this section apply in all zoning districts to all accessory structures as defined in Article 201~~that are detached from the principal building.~~
- (2) *Size.* The total square footage of an individual accessory structures may not exceed 50% of the total square footage of the primary structure on the lot. Except, that accessory structures on lots greater than two acres in size are exempt from this size requirement.
- (3) *Lot coverage.* The cumulative lot coverage of all buildings and structures on the lot shall not exceed the maximum lot coverage ~~required~~allowed by the zoning district in which it is located.
- (4) *Setbacks.*
  - (a) *Standards.* The table below establishes the minimum setback standards for accessory structures.

Front setback	As required by zoning district in which it is located <u>and shall not extend beyond the front building line of the primary structure on the lot. In no instance shall the accessory structure be located in front of the primary structure on the lot.</u>
Side setback if building footprint is less than or equal to 720 sq. ft.	7'
Side setback if building footprint is greater than 720 sq. ft.	Side setback as required by zoning district in which it is located.
Rear setback if building footprint is less than or equal to 720 sq. ft.	7'
Rear setback if building footprint is greater than 720 sq. ft.	Rear setback as required by zoning district in which it is located.

- (b) *Corner lots.* In the case of a corner lot, accessory structure shall not project beyond the building line of the primary structure or existing primary structure on the adjacent lot.
- (c) *Accessory garage setback.* An accessory garage that accesses from a rear alley and the garage door faces the alley shall have a minimum setback of 20' between the alley right-of-way and the garage door.
- (d) *Distance from primary structure.* Any accessory structure in excess of 200 square feet shall be located a minimum of 12' from the primary structure.

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- (e) *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 (7') and shall meet the front setback as required by the zoning district.
- (5) *Height.* Accessory structures shall not exceed the maximum height as allowed by the zoning district in which it is located and shall not exceed the height of the primary structure on the lot.
- (6) *Architectural design.* In residential districts, the façade of accessory structures larger than 200 sq. ft. shall have a similar architecture to that of the ~~main~~ primary structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.
- (7) *Easements.* 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.

601.02 Accessory dwelling units (ADUs) ~~additional requirements.~~

- (a) *Applicability.* The regulations in this section shall apply in all zoning districts to all accessory dwelling units, as defined in Article 201.
- (b) *Occupancy.*
  - 1. *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 or other payment for use of ~~for~~ the owner-occupied unit.
  - 2. *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.
- (c) *ADUs per lot.* Only one ADU shall be allowed per lot, whether attached or detached.
- (d) *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.
- (e) *Entrances and stairs.* Only one entrance to the ~~detached~~ ADU ~~shall~~ may be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the on which the primary structure is addressed. Exterior stairways shall not be constructed on the front of the ~~principal dwelling unit~~ primary structure.
- (f) *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.
- (g) *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.
- (h) *Sewer and water connections.* The ADU shall be served by the existing primary ~~dwelling's structure's~~ sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the ADU.
- (i) *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~~ primary structure or the land on which the ~~principal dwelling unit~~ primary structure is located.

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- (j) Detached ADUs. In addition to the regulations of this section, all detached accessory dwelling units are considered accessory structures and shall comply with the regulations set forth in Art. 601.01 Accessory Structures.
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**Sec. 601.25 Temporary Uses and Structures**

*(c)(2)a. Zoning districts allowed.* Long-term temporary uses and/or structures shall be allowed only in a non-residential zoning district and shall have no facilities located nearer to a residential district than 200 feet, unless otherwise approved by planning commission.

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**Sec. 801.15 Signs Allowed with a Sign Permit**

(c) *Freestanding signs.*

- (1) *Monument style.* Freestanding signs shall be designed to meet the definition of a monument sign, with the exception of signs adjacent to I-49 as regulated in this Section. No air space shall be visible within or between any portion of the sign display area and sign structure. Edges of sign shall extend in a manner that is along a continuous plane, so the upper portion does not extend beyond the base, unless otherwise approved by the Director or his/her designee.

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**Sec. 200.01 Definitions**

*Low Impact Development:* The term low impact development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, use of water by plants, or use of stormwater in order to protect water quality and associated aquatic habitat.

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**Sec. 300.02 Enforcement**

(a) *Building permits.* The Building Inspector shall not issue building permits for any structure on any lot ~~in a subdivision~~ for which the plat or plan has not been approved and recorded in the manner prescribed herein. Unplatted A-1 zoned properties shall be exempt from this requirement.

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**Sec. 600.01 Applicability of Incidental Subdivision Regulations**

(f) All lots created by such split or readjustment shall ~~have access on a public street~~ meet the requirements and standards of Sec. 1100.10 Lot Standards.

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**Sec. 600.05 Recording of Incidental Subdivisions**

(a) *Owner/developer responsibility.* Upon approval of the incidental subdivision, the owner/developer shall submit ~~ten (10) copies~~ one (1) copy, notarized and signed, to the planning department prior to the approval expiration date in accordance with Section 600.06 below.

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**Sec. 700.04 Review and Approval of Large Scale Developments**

- (a) *Administrative approval.*
- (2) *Staff action.* Within ten (10) days of receipt of the complete development, landscape, and construction plans, ~~by the Director, he~~ shall approve, disapprove, or approve with conditions said plans, after all reviewing departments have approved the plans.

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**Sec. 900.03 Certificates**

(a) *Final plats.*

(1) *Certificate of ownership*

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: \_\_\_\_\_

Signed: \_\_\_\_\_

Name and Address: \_\_\_\_\_

Print Name: \_\_\_\_\_

~~Source of Title: D.R.~~ \_\_\_\_\_

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(2) *Certificate of surveying accuracy.*

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the ~~Arkansas Minimum Standards for Land Surveyors~~ Arkansas Minimum Standards for Property Boundary Surveys and Plans have been met.

**Sec. 1100.02 Access Management Standards**

(a) *Curb Cuts.*

(3) *Distance from intersections.* ~~Curb cuts or access points shall be no closer than one hundred (100) feet measured from the right-of-way of intersecting collector streets to the center line of the drive, and no closer than two hundred fifty (250) feet measured from the right-of-way of an intersection involving a major or minor arterial to the center line of the drive. The chart below establishes the minimum distance between a curb cut and an intersection depending on the street classification that the proposed curb cut is located on and the street classification of the intersecting street. Whenever possible, curb cuts must be located off of the lower intensity street classification. Distance should be measured from the right-of-way of the intersecting street and the center line of the drive. Single-family and two-family homes shall be specifically exempt from this requirement.~~

<u>Street where curb cut is proposed</u>	<u>Street that intersects with proposed curb cut street</u>			
	<u>Local</u>	<u>Collector</u>	<u>Arterial</u>	
<u>Local</u>	<u>50'</u>	<u>50'</u>	<u>100'</u>	
<u>Collector</u>	<u>100'</u>	<u>100'</u>	<u>250'</u>	
<u>Arterial</u>	<u>250'</u>	<u>250'</u>	<u>250'</u>	

**Sec. 1400.09 Screening Requirements**

(d) *Screen type B:*

