

ORDINANCE NO. 2021-95

**AN ORDINANCE AMENDING THE ZONING CODE TO REMOVE THE  
SIDEWALK STANDARDS IN THE DC DOWNTOWN CORE AND DE  
DOWNTOWN EDGE ZONING DISTRICTS.**

**WHEREAS**, Ordinance No. 2009-11 adopted the DC Downtown Core and DE Downtown Edge zoning districts that establish primary and secondary streets within those districts.

**WHEREAS**, on January 21, 2021, City Council adopted the current Master Street Plan that includes street classifications specific to downtown streets; and,

**WHEREAS**, there is no longer a need for the primary and secondary streets in the DC and DE zoning districts.

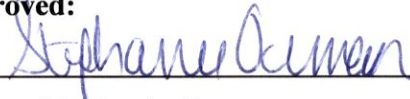
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:**

**Section 1.** That the Bentonville Zoning Code and Land Development Code should be and the same is hereby amended with the following *Attachment A: Downtown Districts Primary and Secondary Streets*, 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 this Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

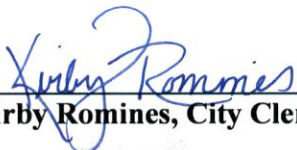
**PASSED and APPROVED this 27 day of APRIL, 2021.**

Approved:



Mayor Stephanie Orman

ATTEST:

  
\_\_\_\_\_  
Kirby Romines, City Clerk



*Attachment A: Downtown Districts Primary and Secondary Streets*

**SECTION 1: AMENDMENT** “Sec 401.8-B Downtown (D) Districts Regulations” of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 401.8-B Downtown (D) Districts Regulations

- (b) ~~*Downtown (D) districts primary and secondary streets. Developments that face primary streets have specific regulations pertaining to the relationship between the building and the street. The designated primary streets in the downtown districts are: Central Ave, SW A St, SW 8th St, and S Main St. All other streets in the downtown districts shall be considered secondary streets.*~~
- (f) *Downtown (D) districts encroachment standards.* The table below establishes the standards for encroachments such as canopies, awnings and balconies. Height clearance is measured from the pavement to the bottom most portion of the encroachment. The setback is measured from back of curb or, if no curb is present, from the edge of street pavement.

DOWNTOWN (D) DISTRICTS ENCROACHMENT STANDARDS			
District	Min. height clearance	Min. setback adjacent to an <del>primary</del> arterial or collector street	Min. setback adjacent to a <del>secondary</del> downtown local street
DC	8'	2'	2'
DE	8'	4'	6'

*Attachment A: Downtown Districts Primary and Secondary Streets*

**SECTION 2:        **AMENDMENT**** “Sec 1100.15 Sidewalk Requirements” of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 1100.15 Sidewalk Requirements

- (d) *Requirement.* The owner of any property abutting a public street or highway for which a sidewalk is required by the city's current Master Street Plan, shall construct a sidewalk according to the Master Street Plan and as set forth in the city's current adopted Standard Specifications for Streets, ~~except as regulated below for downtown sidewalks.~~  
*Downtown Sidewalks.* In the DC, DE and DN-4 districts, roadways identified as primary and secondary street in Sec. 401.8-B(b) Downtown (d) districts primary and secondary streets, shall meet the Downtown Sidewalk Design Standards below. Sidewalks should fill the space between the back-of-curb and the building.

<b>DOWNTOWN SIDEWALK DESIGN STANDARDS</b>			
	<b>Minimum Sidewalk Width</b>	<b>Sidewalk Material</b>	<b>Sidewalk Brick Color</b>
<b>Primary Street</b>	12'	Concrete, brick or a combination	Pine Hall "Red" or Equivalent
<b>Secondary Street</b>	8'	Concrete	No required color

*Attachment A: Downtown Districts Primary and Secondary Streets*

**SECTION 3: AMENDMENT** “Sec 1100.23 Downtown (D) Districts Design Standards” of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 1100.23 Downtown (D) Districts Design Standards

(h) *Corner architecture.* All buildings located at the corner of the intersection between ~~two primary any combination of arterial and collector~~ streets shall incorporate a minimum of one of the following architectural elements, or as approved by planning commission. ~~This standard shall not apply to the intersection of two secondary streets or between a primary and secondary street.~~

- (1) Cupola.
- (2) Turret.
- (3) Pitched roof.

(k) Building placement. ~~The table below establishes the~~ A minimum of 80% percentage of the façade that must be placed along the maximum setback allowed in the Downtown districts.

DOWNTOWN (D) DISTRICTS FACADE PLACEMENT		
Façade built to maximum setback on a primary street	Façade built to maximum setback on a secondary street	
DC	80% min	25% min
DE	80% min	0%
Any section along the maximum setback on an <del>primary</del> arterial or collector street that is not defined by a building up to a 10-foot setback of the maximum setback shall be defined by a 2'6" to 4'6" high fence or wall. The material on the fence or wall shall be consistent and compatible with the adjacent structure and approved by planning commission. The fence or wall may consist of a gate or opening for access.		


(l) *Parking placement.* Off-street parking shall be located behind or to the side of the primary building. On corner lots, parking drive shall not be located on ~~primary~~ arterial or collector streets, unless at the intersection of ~~two primary any combination of arterial and collector~~ streets (~~see DC and DE zoning districts for information on primary and secondary streets.~~) Parking drives are highly discouraged along ~~primary~~ arterial



*Attachment A: Downtown Districts Primary and Secondary Streets*

**SECTION 4: AMENDMENT** “Sec 1400.16 Downtown Zoning Districts Landscaping” of the Bentonville Municipal Code is hereby *amended* as follows:

- (a) *Applicability.* The landscaping requirements in this section shall apply to the D-C, Downtown Core Zoning District and the D-E, Downtown Edge Zoning District, depending on the type of street frontage, as established in the zoning code.
- (b) *Downtown zoning street tree planting requirements.* The table below establishes the minimum requirements, unless otherwise indicated, for tree plantings along ~~primary and secondary~~ streets in the Downtown zoning districts. ~~Primary streets and secondary streets are designated in the Downtown zoning district regulations in Article 401 of the Zoning Code.~~

DOWNTOWN ZONING STREET TREE PLANTING REQUIREMENTS		
	<del>Primary</del> Arterial or Collector street	Secondary Downtown Local street
(1) Requirement	1 tree per 30 linear feet	1 tree per 25 linear feet
(2) Spacing	30 feet maximum on center	25 feet maximum on center
(3) Shade	3-inch caliper	2.5-inch caliper
(4) Ornamental	2-inch caliper	1.5-inch caliper
(5) Planting beds	5 feet by 6 feet minimum	3 feet by 3 feet minimum
(6) Tree grates* 	5 feet by 6 feet minimum	3 feet by 3 feet minimum
*Made of cast iron and placed a minimum of twelve (12) feet from streetlights		