

## ARTICLE 200 DEFINITIONS

Definitions not expressly prescribed herein are to be construed in accordance with the customary usage in municipal planning and engineering practices. Whenever used in this regulation, the word "may" is permissive, while the word "shall" is to be interpreted in its mandatory sense. For the purpose of interpreting this regulation, certain words used herein are defined as follows:

### A

**AASHTO:** American Association of State Highway and Transportation Officials.

**Access:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

**Access Connection:** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

**AHTD:** Arkansas Highway and Transportation Department.

**Alley:** A minor public right-of-way used for utility installations and vehicular access to the back or the side of properties abutting a street.

**Alluvial Fan Flooding:** (*Flood Damage Prevention*) Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport and deposition, and unpredictable flow paths.

**Apex:** A point on an alluvial fan or similar landform below which the flow path or the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area of Shallow Flooding:** (*Flood Damage Prevention*) A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard:** The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM (Flood Insurance Rate Map), Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

### B

**Base Flood:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Bill of Assurances:** The document containing the limitations and restrictions placed upon a development by the sub-divider.

**Block:** A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks, drainage channels, or a combination thereof.

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**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

**Building Lines:** The phrase "building line" shall be the line within a property, which defines the minimum horizontal distance between the building and the adjacent property line.

**Bentonville GPS First Generation Monument:** The group of monuments set by tying to the Bentonville GPS Monument Network.

**Bentonville GPS Monument Network:** A group of survey monuments dispersed within the planning jurisdiction of the city for which horizontal and/or vertical positions have been determined and which have been approved by the city for use as ground control for surveying and engineering projects within the planning jurisdiction of the city.

**Berm:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Buffer, Perimeter Landscape:** A continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and reduce the environmental, aesthetic, and other impacts of one type of land use upon another

## C

**Caliper:** The measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

**Canopy Structure:** (Outdoor Lighting) Any overhead protective structure which is constructed in such a manner as to allow pedestrian and vehicles to pass under.

**Certified Arborist:** An expert that is trained and knowledgeable in all aspects of arboriculture

**City:** City of Bentonville, Benton County, Arkansas.

**City Attorney, City Clerk, City Planner, Mayor:** Any office referred to in this Code by title, i.e. City Attorney, City Clerk, City Planner, Mayor, etc., shall be the person so retained by the City or elected to this position, or his duly authorized representative.

**Critical Feature:** (*Flood Damage Prevention*) An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Cul-de-sac:** A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

**Commission:** The word "Commission" or "Planning Commission" shall be the official City Planning Commission of the City of Bentonville, Arkansas.

**Contour interval:** Topographical map lines connecting points of equal elevations.

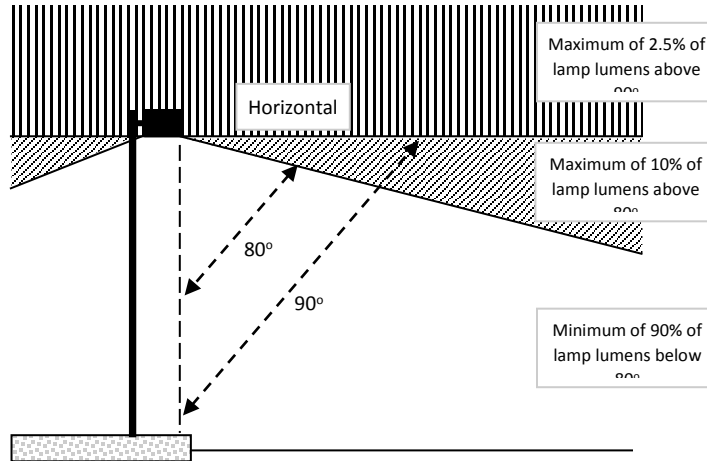
**County Recorder:** The County Recorder of Benton County, Arkansas.

**Cross Access:** A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

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**Cultivated landscape area:** Planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

**Cutoff:** (Outdoor Lighting) A fixture's light distribution where no more than 2.5% of the fixture's total lumens are emitted at a cutoff angle of 90° or greater. Additionally, no more than 10% of the total fixture lumens may be emitted at a cutoff angle greater than 80°. A standard IESNA definition.



**Cutoff Angle:** (Outdoor Lighting) The angle measured up from Nadir, between the vertical axis and the first line of site at which the bare source is not visible and as indicated by the manufacturer's photometric data of lumen distribution.

**D**

**Dangerous traffic condition:** A traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

**Dead End Street:** A street having one end open to traffic and being permanently terminated at the opposite end.

**Deciduous:** A plant with foliage that is shed annually.

**Dedication:** Land and improvements offered to the city and accepted by the city for public use, control and maintenance.

**Deed:** A legal document conveying ownership of real property.

**Development:** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Development plan:** A drawing showing all proposed improvements to a piece of property including streets, parking lots, buildings, drives, signs, utilities, drainage, grading by size and location.

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**Diameter breast height (DBH):** The outside diameter of the trunk of a tree, measured four and a half (4.5) feet above ground level. For trees with co-dominant (forked) stems, the trunk is measured below the fork and above the trunk flare, at the point of the smallest diameter. For multi-stemmed trees, the diameter is considered to be the sum of the diameters of all of the stems that contribute significantly to the crown.

**Drainage way:** An approved means, whether natural or constructed, of removing or providing for the removal of surface water.

**Drip line:** A vertical line extending from the outermost branches of a tree to the ground.

### E

**Easement:** A grant by the property owner of the use, for a specific purpose or purposes, of land by the public, a corporation, or certain persons.

**Ecosystem:** A characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

**Elevated Building:** (*Flood Damage Prevention*) A non-basement building (i) built in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D to have the top of the elevated floor or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the case flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-30, VE or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building” even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3 (e) (5) of the National Flood Insurance Program regulations.

**Engineer:** A person duly authorized under the provisions of the Arkansas Engineering Registration Act to practice the profession of engineering in the State of Arkansas.

**Evergreen:** A plant with foliage that persists and remains green year-round.

**Existing Construction:** (*Flood Damage Prevention*) For the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing Construction” may also be referred to as “existing structures.”

**Existing Manufactured Home Park or Subdivision:** (*Flood Damage Prevention*) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision:** (*Flood Damage Prevention*) The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F

**Federal Emergency Management Agency (FEMA):** (*Flood Damage Prevention*) The independent federal agency that, in addition to carrying out other activities, oversees the administration of the National Flood Insurance Program.

**Fixture:** (Outdoor Lighting) The bulb and the assembly that holds the bulb (or lamp), in a lighting system, including the elements that provide light output controls.

**Flood or Flooding:** (*Flood Damage Prevention*) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** (*Flood Damage Prevention*) An official map of a community on which the Federal Emergency Management Agency has delineated the boundaries of the flood, mudslide, (i.e. mudflow) related erosion areas having special hazards have been designated as Zone A, M and/or E.

**Flood Insurance Rate Map (FIRM):** (*Flood Damage Prevention*) An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** (*Flood Damage Prevention*) The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**Floodplain or Flood-Prone Area:** (*Flood Damage Prevention*) Any land area susceptible to being inundated by water from any source (see definition of Flooding).

**Floodplain Management:** (*Flood Damage Prevention*) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain Management Regulations:** (*Flood Damage Prevention*) Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood Proofing:** (*Flood Damage Prevention*) Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents

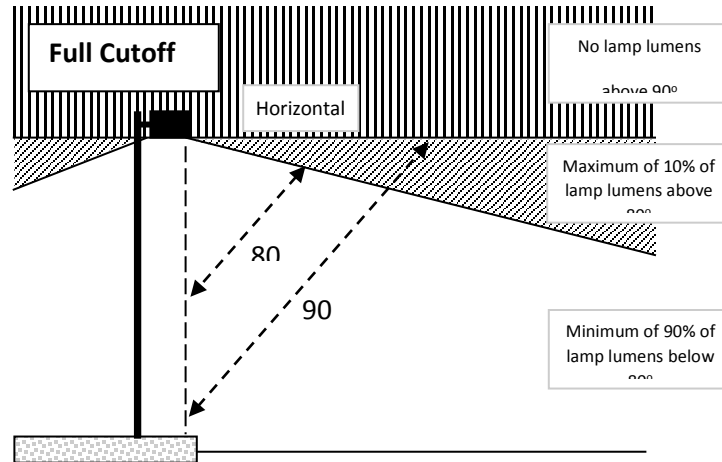
**Flood Protection Systems:** (*Flood Damage Prevention*) Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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**Floodway (Regulatory Floodway):** (*Flood Damage Prevention*) The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Freeboard:** (*Flood Damage Prevention*) A factor of safety usually expressed in feet above a flood level for purposes of flood plain management.

**Full Cutoff:** (Outdoor Lighting) A fixture's light distribution where no light is emitted above the horizontal. A standard IESNA definition.



**Functionally Dependent Use:** (*Flood Damage Prevention*) A use which cannot perform its intended purposes unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

G

**Gated Community:** A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across a publicly or privately maintained right-of-way.

**Ground cover:** Plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

**General Plan:** The adopted City of Bentonville comprehensive plan that provides long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the future land use plan and master street plan.

**Glare:** (Outdoor Lighting) Light emitting from a fixture with an intensity great enough to reduce a viewer's ability to see and in extreme cases, causing momentary blindness.

**Governmental Flag:** (Outdoor Lighting) Any flag which has been officially adopted for use by the government of a nation, or any of its duly constituted internal subdivisions (e.g. state, province, county, parish, city, etc.).

H

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**Health Department:** The Benton County Health Department and/or the Arkansas State Department of Health.

**Hedge:** A landscape barrier consisting of a continuous, dense planting of shrubs.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure:** Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or,
  - (2) Directly by the Secretary of the Interior in states without approved programs.

**Horticulturalist:** An expert in the science of cultivating plants with a minimum four (4) year degree in horticulture whose primary business is that of installing and maintaining landscapes.

**House Side Shield:** (Outdoor Lighting) A shielding device that limits the light distribution on one side of the fixture. Typically, this is a horizontal shield within the fixture, but may also be a vertical shield dropping below the lens.

**I**

**IESNA:** (Outdoor Lighting) The Illuminating Engineering Society of North America (IESNA) is the recognized technical authority on illumination. It is a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

**Improvements:** Any betterment of the existing conditions of the land, such as streets, extension of utilities, grading or excavation, or other actions resulting in permanent changes in the condition of the land.

**Incidental Subdivision:** The subdivision of land that does not require an applicant to go through the complete preliminary and final plat process. Incidental subdivisions include lot splits, informal plats, property line adjustments and correction plats.

**Interior Parking Lot Landscaping:** The planting area within and adjacent to parking areas and adjacent to the structure.

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### J

**Joint Access (or Shared Access):** A driveway connecting two or more contiguous sites to the public street system.

### L

**Landscape Architect:** As defined by the American Society of Landscape Architects; must be registered in the State of Arkansas

**Landscape / Façade Lighting:** (Outdoor Lighting) A fixture designed to illuminate landscaping and façade features, including plants, flowers, shrub, trees, walkways and buildings.

**Landscape Manual (City of Bentonville):** a manual providing information on tree preservation and proper tree management practices.

**Land Surveyor:** A person who is registered in the state of Arkansas to make land surveys.

**Levee:** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**Levee System:** A flood protection system which consists of a levee or levees and associated structures such as closure and drainage devices which are constructed and operated in accordance with sound engineering practices.

**Light Pollution:** (Outdoor Lighting) Man-made light that falls outside the area of intended illumination.

**Light Trespass:** (Outdoor Lighting) The shining of light produced by a light fixture beyond the boundaries of the property on which it is located.

**Lot:** A parcel of land, legally defined in a recorded deed or a recorded plat, fronting on a public dedicated right-of-way or other approved private drive. The lot shall not be divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure. Said lot shall establish one building site and comply with all subdivision rules and regulations of the City.

**Lot frontage:** That dimension of a lot or portion of a lot abutting a public right-of-way, excluding the side dimension of a corner lot.

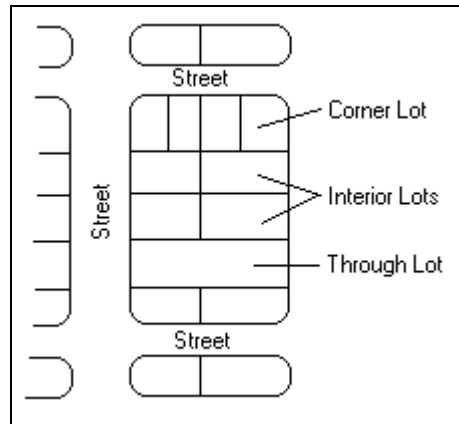
**Lot, Corner:** A lot located at the intersection of and abutting on two or more streets.

**Lot, Double Frontage:** A lot which runs through a block from street to street and having frontage on two non-intersecting streets.

**Lot, Reverse Frontage:** A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.



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**Lowest Floor:** (*Flood Damage Prevention*) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

**Lumen:** (Outdoor Lighting) A unit of measure of the intensity of light produce by a lamp (bulb) as indicated by the manufacturer.

## M

**Manual of Uniform Traffic Control Devices (MUTCD):** A Federal document adopted by the Arkansas Department of Transportation that provides standards for traffic control devices.

**Manufactured Home:** A detached single-family dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code. This Code means the standard for construction, design and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3282, 3283, and 42 USC 5401, ET SEQ, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.

**Manufactured Home Park:** A parcel of land which has been designed or improved or is intended to be utilized for occupancy by one or more mobile homes and which conforms to the provisions of this ordinance.

**Master Street Plan:** The plan made and adopted by the Planning Commission and accepted by the City Council classifying certain streets within the planning area jurisdiction as arterial or collector streets.

**Mean Sea Level:** (*Flood Damage Prevention*) For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Mulch:** Non-living organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

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N

**New Construction:** (*Flood Damage Prevention*) For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision:** (*Flood Damage Prevention*) A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

O

**Opaque:** (Outdoor Lighting) Opaque means that a material does not transmit light from an internal illumination source.

**Open space:** Open space shall be interpreted to mean:

1. All areas of natural plant communities of area replanted with vegetation after construction, such as re-vegetated natural areas;
2. tree, shrub, hedge, or ground cover planting areas; and lawns and other areas allowed to be counted as open space as per the City of Bentonville Subdivision Regulations.

**Outdoor Light Fixtures:** (Outdoor Lighting) An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to lights used for: buildings and structures; recreational areas; parking lot lighting; landscape lighting; architectural lighting; product display area lighting; building overhangs; open canopies; and security lighting.

**Outdoor Lighting:** (Outdoor Lighting) The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

P

**Padmount Switchgear:** The largest of the underground enclosures used by BEUD. These are typically found in commercial locations where the main feeder lines are underground. The underground cables inside this device carry primary power only (12.47/7.2 kV). They are mounted on a concrete vault, and sometimes have a metal access hatch at one end. Typical dimensions of these devices are approximately eighty-four (84) inches wide by fifty-two (52) inches tall by eight-two (82) inches deep. Conduits coming in and out of this device should be buried four (4) feet deep.

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**Padmount Transformer:** Used to transform primary voltage down to the correct service voltage to provide power to the end customer. There are three-phase padmount transformers which are typically used for commercial/large power customers, and single-phase padmount transformers which are typically used for small commercial and residential customers. In a residential setting, the single phase padmount transformers are typically located on the lot line in the front yard. The dimensions of these devices can vary based on the kVA rating of the transformer. Primary conduits coming into this device should be buried four (4) feet deep, and the secondary conduits going to the building or to a secondary junction box should be buried two (2) feet deep.

**Parcel:** A division of land composed of one or more lots in contiguous ownership.

**Parking space:** An area of definite length and width, exclusive of drives, aisles or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

**Parking space, off-street:** A space for the parking of a motor driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space.

**Pavement Width:** The portion of a street available for vehicular traffic; where curbs are laid, it is the distance from back of curb to back of curb.

**Perimeter landscaping:** A planting strip along the rear and side lot lines that includes landscaping and screening, if required.

**Planned Unit Development (PUD):** A comprehensive planned land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density and alternatives to public facility improvements.

**Plat, Correction:** A plat correcting an existing plat that is necessary due to an incorrect legal description or other errors.

**Plat, Final:** Any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder.

**Plat, Informal:** A plat for record of property not requiring dedications, easements or extensive development.

**Plat, Preliminary:** Any plat of any lot, tract or parcel of land that is not to be recorded, but is only a proposed division of land that is presented only for review and study by the City; and to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use.

**Plant community:** A natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

**Plant Species, Prohibited:** Those plant species, which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

**Preserve areas:** Vegetative areas required to be preserved by law.

**Primary Junction Box:** Used in both commercial and residential locations. These enclosures are used by BEUD in order to provide underground power in multiple directions. The underground cables in these devices carry primary power only (12.47/7.2 kV). There are three types of primary junction boxes: a 600A three-phase junction box, a 200A three-phase junction box, and a 200A single-phase junction box.

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**Property Line Adjustment:** A transfer or adjustment of a property line which does not create a separate, new lot. A property line adjustment may or may not dedicate right-of-way or utility easements.

**Protective Covenants:** Property restrictions established by the sub-divider.

**PUD:** See "Planned Unit Development."

**Public grounds:** Areas including street rights-of-way, alleys, parks, medians, substations, treatment plants, plazas, squares, public buildings and any other area designated for public use.

### R

**Recreational Facility:** (Outdoor Lighting) An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

**Recreational Vehicle:** A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are: travel trailers, truck campers, and motor homes that are not larger than 8.5 feet X 40 feet.

**Right-of-Way:** The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, trees or any other use involving maintenance by a public agency or public utility company shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

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

### S

**Screen:** A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**Secondary Junction Box:** Provide secondary power to multiple locations. In a residential setting, these are typically located on the lot line in the front yard.

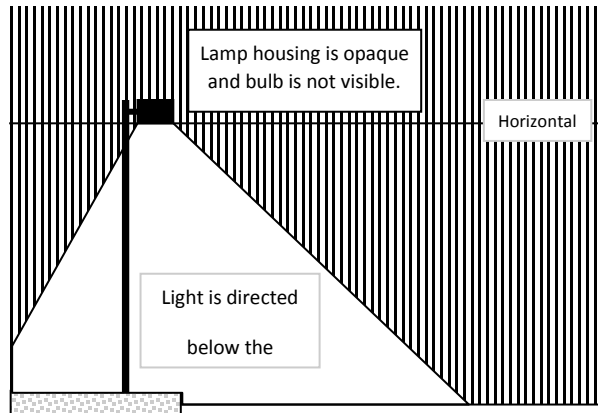
**Separate offense:** In relation to trees, each tree is a separate offense.

**Service Road:** A public or private street or road, auxiliary to and normally located parallel to a controlled access facility that maintains local road continuity and provides access to parcels adjacent to the controlled access facility.

**Setback Line:** A line or lines, established by the Zoning Ordinance, designating the area intended for future right-of-way as established by the Master Street Plan and restricting the placement of buildings therein.

**Shielded:** (Outdoor Lighting) An installed outdoor light fixture that is shielded or constructed with an opaque housing or attachment so that all light emitted is projected below a horizontal plane running through the lowest portion of the fixture.

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**Shrub:** A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at its maturity.

**Sidewalk:** A pedestrian way constructed along public or private right-of-way to provide pedestrian access removed from traffic lanes.

**Significant Change in Trip Generation:** A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

**Start of Construction:** (*Flood Damage Prevention*) For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basements, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Street:** A public right-of-way, however designated, which provides vehicular access to adjacent areas.

**Street, Arterial:** Arterial streets serve to interconnect and support the freeway system. Arterial streets link major commercial, residential, industrial areas. Arterial streets are typically spaced 1 mile apart to assure accessibility and reduce the incidence of traffic using collectors or local streets in lieu of a well placed arterial street. The main function is to carry high volumes of traffic within the community and major activity centers within the region. Each arterial street is designated on the Master Street Plan for the City as either a super, major or minor arterial.

## Art. 200 Definitions

**Street, Collector:** Collector streets provide both access and circulation within residential, commercial, and industrial areas. Collector streets are located along neighborhood borders and collect traffic from residential and commercial areas and channel vehicles to minor and major arterials. Collector streets are designated on the Master Street Plan and/or General Plan for the City.

**Street, Frontage:** A minor street which is generally parallel to and adjacent to a major highway or railroad right-of-way and which provides access to abutting properties and protection from through traffic.

**Street, Local:** Local and residential streets have the sole function of providing access to adjacent land. Residential and local streets serve traffic within neighborhoods and should carry low volumes of traffic at slower speeds.

**Street, Minor Residential:** The term "minor residential" street shall mean a street which has a single entry/exit, serves no more than twenty-four (24) dwelling units and shall be the lowest in the functional classification of streets. The intended purpose of a minor residential street is to serve local non-through traffic in a residential setting.

**Street Frontage Buffer Landscaping:** Planting area parallel to and including the public street right-of-way.

**Street Right-of-Way Width:** The shortest distance between the lines which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

**Structure:** Anything inanimate constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including roof overhangs, carports, garages, porches, and other similar structures.

**Stub-out (Stub-Street):** A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

**Sub-divider or Developer:** Any individual, association, firm, corporation or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms "sub-divider" and "developer" shall be restricted to include only the owner, equitable owner, or authorized agent or such owner or equitable owner, of land to be subdivided. He is sometimes referred to herein as the "applicant".

**Subdivision:** The division of land into two (2) or more lots or blocks for the immediate or future purpose of sale or development. It includes laying out residential, commercial, or industrial lots, or any lots, and streets, alley, or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50 %) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

## Art. 200 Definitions

### T

**Topping:** Also referred to as stubbing, horning, pollarding and heading; it is the severe removal of the tree canopy back to large stubs.

**Tree:** Any self-supporting woody perennial plant which has a DBH of two inches (2”) or more at maturity and normally attains an overall height of at least 15 feet, usually with one main stem or trunk and many branches (some flowering species may be multi-trunked).

**Tree and Landscape Advisory Committee:** An advisory committee appointed by the City Council to assist the City Planning Director with city beautification and the management of its trees.

**Tree Caliper:** The measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. If more than four (4) inches in caliper size, take measurement at twelve (12) inches above ground level.

**Tree Canopy:** Layer of leaves, branches, and stems of trees that cover the ground when viewed from above. In urban areas, the tree canopy provides important stormwater management functions, reduces the urban heat island effect, reduces heating/cooling costs, lowers air temperatures, reduces air pollution, increases property values, provides wildlife habitat, and provides aesthetic and community benefits such as improved quality of life.

**Tree, Rare:** A rare tree is a tree with a trunk diameter of 24” or more for large growing species and 8” or more for small growing species, over 200 years of age, or is representative of an uncommon or endangered species.

**Tree Registry:** A list of trees registered with the City of Bentonville due to documented historic association, rare tree species, or extraordinary value because of their age, size, or type.

**Tree, Hazardous:** A tree or tree parts with high probability of falling or causing injury or property loss; also, a tree harboring insects or a disease that could be detrimental to surrounding trees.

**Tree, Landmark:** A landmark tree is any tree listed with the state or national registry or cited in the city’s tree registry as being historically significant by age, species, or form.

**Tree, Ornamental:** A deciduous tree planted primarily for its ornamental; tends to be smaller at maturity than a shade tree.

**Tree, Shade:** Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

### U

**Understory:** Assemblages of natural low-level woody, herbaceous, and ground cover species, which exist in the area below the canopy of the trees.

### V

**Vacation:** Legal abandonment of a platted street right-of-way or easement.

## Art. 200 Definitions

**Variance:** (*Flood Damage Prevention*) A grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements, See Section 60.3 of the National Flood Insurance Program regulations).

**Vegetation, Native:** Any plant species with a geographic distribution indigenous to all or part of the state of Arkansas. Plant species, which have been introduced by man, are not native vegetation.

**Viable:** When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the planning official, is capable of sustaining its own life processes, unaided by man, for a reasonable period of item.

**Violation:** (*Flood Damage Prevention*) The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b) (5), (c)(4), (c)(10), (d) (3), (e) (2), (e) (4), or (e) (5), is presumed to be in violation until such time as that documentation is provided.

## W

**Waiver:** Permission from the Planning Commission to depart from the requirements of these regulations.

**Water Surface Elevation:** (*Flood Damage Prevention*) The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

**Wireless Communications Facility:** A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. It includes antennas, microwave dishes, horns and other types of monopoles, or similar structures supporting said equipment, equipment buildings, shelters or cabinets, and other accessory development. Wireless communication facility includes personal wireless services as defined in the Federal Telecommunication Act of 1996, and as subsequently amended. Wireless communication facility shall not include the following: federally licensed amateur radio stations and facilities used exclusively for receive-only antennas.

**Woodlands, existing:** Existing trees and shrubs of a number, size and species that accomplish the same general function as new plantings.

## Y

**Yard:** That portion of a lot established by the building lines as minimum open space and intended to be unobstructed and unoccupied by any structure. Such things as fences, poles, posts, fence walls and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height and visibility limitations.

**Yard, Front:** That minimum required open space extending between side lot lines from the front lot line to the nearest point of any building, as set forth in the Zoning Ordinance.

**Yard, Rear:** That minimum required open space extending between side lot lines measured from the rear lot line to the nearest point of any building, as set forth in the Zoning Ordinance.



## Art. 200 Definitions

**Yard, Side:** That minimum required open space extending from the front yard line to the rear lot line on both sides of any lot, measured from the side lot line to the nearest point of any building, as set forth in the Zoning Ordinance.

(Code 1994; Ord. No. 98-90, § 3, 11-10-1998; Ord. No. 98-98, § 3, 12-08-1998; Ord. No. 99-11, § 3, 01-12-1999; Ord. No. 99-26, §2, 02-23-1999; Ord. 2003-100, §1, 06-10-2003; Ord. No. 2004-190, § 1, 09-28-2004; Ord. No. 2005-50, § 1, 03-08-2005; Ord. No. 2007-42, § 1; Ord. No. 2013-87, § 2, 09-10-2013; Ord. No. 2014-46, §2, 04-22-14; Ord. No. 2017-205, § 2, 12-12-2017; Ord. No. 2019-57, § 4, 04-09-2019)

Art. 200 Definitions