

ARTICLE 201 DEFINITIONS

SEC. 201.1 INTERPRETATIONS

When dealing with this Ordinance, the following rules of interpretation shall be applied, except when the context clearly requires otherwise.

- A. Words used in the present tense shall include the future tenses. Words in the singular number include the plural, and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise.
- B. The word “shall” is mandatory and not discretionary. The word “may” is permissive.
- C. The particular shall control the general.
- D. The text of this ordinance shall control, in cases where the text differs in meaning or implication from any chart, graph, illustration, or table.
- E. The words “building” and “structure” are synonymous and include any part thereof.
- F. The word “Person” shall include individuals, firms, corporations, associations and any other similar entities.
- G. The words “parcel” and “tract” may be used interchangeably.
- H. The word “City” means the areas of jurisdiction of the City of Bentonville, Arkansas.
- I. All public officials, bodies and agencies to which reference is made are those of the City of Bentonville, Arkansas.
- J. All yards required by this ordinance shall be open and unobstructed by structures from the lowest level of the lot to the sky, except as specifically regulated herein.
- K. The word “permitted” or words “permitted by right” means permitted without meeting the requirements for a conditional use permit or site plan.

SEC. 201.2 DEFINITIONS OF TERMS AND USES

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Where any words are not defined, the standard dictionary definition shall apply. In addition some definitions listed restrict and define the meaning and intent of permitted uses set forth in this ordinance.

A

Abutting: Having property or district lines in common. Since zoning district lines fall to the center line of a street, alley, or waterway, lots which appear physically separated abut at said district line.

Access: The way or means by which a piece of property is approached or entered.

Accessory Building: See “Building, Accessory.”

Accessory Use: A use that (1) is subordinate in area, extent and purpose to the principal use, (2) contributes to the comfort, convenience or necessity of the principal use, and (3) is located on the same lot and in the same zoning district as the principal use.

Accessory Dwelling: See “Dwelling, Accessory.”

Act: The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996, and shall include any re-amendments thereto.

Addition: Any construction which increases the size of the building such as a porch, attached garage or carport, or a new room or wing.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time and where the images so displayed are

distinguished or characterized by the depicting or describing of "specified sexual activities or "specified anatomical areas."

Adult Bookstore or Adult Video Store: A commercial establishment whose principal business purpose (*more than 5% of sexually oriented material in inventory*) is to offer for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas."

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

1. persons who appear in a state of nudity;
2. live performances which are characterized by the exposing of "specified sexual activities" or "specified anatomical areas; or,
3. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

Adult Day Care: An institution maintained and conducted, certified by the State, under public or private auspices which cares for more than four (4) adults who require such care because of age, affliction or limited capacity and who are apart from their own family or relatives during a part of the day.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize "specified sexual activities."

Adult Theaters: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appearing in a state of nudity

of live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

Agricultural Products Processing: A facility which involves the operation(s) of processing, preparing or packaging agricultural products which are not grown on the site.

Agriculture: The use of land for farming, dairying, pasturage, apiculture (bees), aquaculture (fish, mussels), horticulture, floriculture, viticulture (grapes), or animal and poultry husbandry; this includes the necessary accessory uses for packing, treating, or storing the produce from these activities.

Agriculture-related Business: An establishment engaged in the retail sale of supplies directly related to the day-to-day activities of agricultural production, including the bulk storage of hay, feed, seed, fertilizers and related agrichemicals.

Airport Elevation: (Municipal Airport District) 1,296 feet above mean sea level.

Airport Facilities: A landing facility for fixed or rotary winged aircraft containing a minimum of sixty (60) acres, subject to the Federal Aviation Agency's requirements of safety and the applicant securing air space utilization from the Federal Aviation Agency.

Alley: A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alterations: Any change, addition or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders the consummated act of which may be referred to herein as "altered" or "reconstructed."

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and are built for the express purpose of serving as a tower or for locating antennas.

Animal, Domestic or Household: Any animal customarily kept by humans for companionship, including but not limited to dogs, cats, birds, rabbits, hamsters, mice, and turtles.

Animal, Farm: Any animal that customarily is raised in an agricultural, rather than urban, environment, for profit on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules. This definition does not include “hobby chicken” which is separately defined.

Animal, Exotic: Animals that are not usually found running at large within the natural areas of the State of Arkansas; that do not meet the definition of household/domestic animals or farm animals; that are not usually considered as a food supply or animal of burden in the United States, and which close relative or parentage are usually imported from another country.

Animal, Game: Animals which are normally wild by nature, provide citizens with a portion of food for consumption, and are usually hunted under a permit issued by the State of Arkansas.

Animal, Wild by Nature: Animals which normally fall within the category of scavenger or predator; may instill fear and apprehension in persons of normal sensitivity, when encountered; require extraordinary precautions to prevent escape, and will not usually voluntarily return to the domicile after escape.

Animal Clinic: An establishment for the diagnosis and treatment of pets and other animals including but not limited to dogs, cats, birds and horses. All boarding of animals takes place in an enclosed structure and is incidental to clinic or hospital use.

Animal Shelter or Kennel: A public or private facility including outside runs for enclosure of animals, especially stray or unlicensed pets, or for pets being boarded for short periods of time, where more than five (5) or more animals, more than four (4) months of age are kept.

Antenna: Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave dishes and satellite dishes and omni-directional antennas, such as whips but not including satellite earth stations.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest point of the structure. If the support is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Apartment: See “Dwelling, Multi-family.”

Apiary: means the assembly of one or more colonies of bees at a single location.

Apiculture: Beekeeping, which includes one or more hives or boxes occupied by bees (hives or boxes include colonies), but does not include honey houses, extraction house, warehouses, or appliances.

Applicant: Any person, firm, or corporation applying for permits or other approvals required by this chapter.

Aquarium: An establishment where aquatic collections of living organisms are kept and exhibited.

Area: The amount of land surface in a lot or parcel of land.

Area Requirement: The yard, lot area, width of lot, height of structure, and parking requirements as set forth for a specific zone in this ordinance.

Arena/Auditorium: An enclosed facility used for large public gatherings for viewing sports events, musical programs, public speeches or ceremonies.

Artisan shop: A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, that are small run or one-of-a-kind items, where the store includes an area for the crafting of the items being sold.

Artisan/ Craft Product Manufacturing: Establishments manufacturing and/or assembling small products primarily by hand but in large runs, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products. This definition does not include "artisan shop" which is separately defined.

ATM: An automatic device that performs banking or financial functions at a location remote from the controlling financing institution.

Auction House: A building, area or areas within a building used for the public sale of goods, ware, merchandise, or equipment to the highest bidder. This definition excludes an "auto auction" or "livestock market" which are separately defined.

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Auto or Equipment Auction: A facility for the sale of automobiles and large construction or farm equipment to the highest bidder.

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.

Auto and Vehicle Sales and Rental: A retail or wholesale establishment selling and/or renting automobiles, trucks and vans, trailers, motorcycles, and scooters with internal combustion engines. (Bicycle sales are included under "General Retail"). Vehicles for sale may be displayed outdoors or indoors, as authorized by the required Use Permit. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); mobile home, recreational vehicle, or watercraft sales (see "Mobile Home, RV and Boat Sales"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and

Dismantling Yards"); or "Service Stations," which are separately defined.

B

Bakery: An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may be prepared either on or off site.

Bar, Lounge or Tavern: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine or other liquors, and where food service is secondary to the sale of beer, wine or other liquors. Includes micro-breweries where patrons are served beer produced on the premises for on-site consumption.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Beekeeper: Beekeeper means a person who owns or has charge of one or more colonies of bees.

Beekeeping equipment: means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

Board: The word "Board" shall mean the Board of Zoning Adjustment.

Botanical Garden: A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, or ornamental plants.

Broadcasting Studio: An establishment for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures.

Buffer: A strip of land established to protect one type of land use from another with which it is incompatible. A buffer strip is landscaped and kept in open space. The term buffer zone may be used more broadly to describe any zone that separates two

unlike zones such as a multi-family zone between a single-family zone and a commercial zone.

Buildable Area: The space remaining for construction on a lot after the minimum area requirements (yards, setbacks, coverage) have been met.

Building: Any structure intended for shelter, housing or enclosure of persons, animals, goods or equipment that includes walls and a roof. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

Building, Accessory: A detached building or structure the use of which is subordinate to and customarily found in connection with that of the main building or structure on the same lot, including a private garage, workshop or shed. If the building otherwise qualified as an accessory building is attached to the main building by a common wall or roof, such building shall be considered a part of the main building.

Building, Accessory - Nonresidential: An accessory building, the use of which is of a non residential nature.

Building, Attached: A building which shares a continuous roof with another adjacent building.

Building, Detached: A building having no roof in common with another building.

Building Façade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of ceiling of the top story in the case of a flat roof; to the declivity of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building Line: A line usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the setback or yard line.

Building and Landscape Material Sales: A retail establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials. Including, but not limited to, paint, wallpaper, glass, fixtures. Includes all these stores selling to the general public, even if contractor sales account for a major proportion of total sales.

Building, Principal: A building or structure in which is conducted the principal use of the lot on which it is located. In any residential district, any dwelling shall be deemed to be the principal building on the lot on which same is located.

Bulk Storage of Highly Flammable Materials: A facility for the storage of chemicals, gases or liquids which are subject or could be caused to ignite or explode.

Bus or Truck Storage or Garage: A facility in which currently licensed buses or trucks are stored or repaired.

C

Canopy Roof: A permanent, decorative porch or walkway cover other than an awning which is attached to a building or supported by columns extending to the ground.

Carport: Means a shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

Car Wash: A facility for washing or steam cleaning passenger automobiles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and is installed solely for the purpose of washing and cleaning automobiles.

Cemetery or Mausoleum: A place or ground designated for burial of the dead. A mausoleum is a building with places for entombment of the dead.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the Zoning Ordinance and Building Code and may be used or occupied. Such a certificate may be granted

for new construction or for alteration or additions to existing structures.

Chicken, Hobby: Fowl that are being raised on non-agricultural lots as a hobby instead of as a farming operation. Hobby chickens are used for the production of eggs, garden fertilizer, meat production or as pets for non-commercial purposes.

Child Care, Commercial: Any child care facility is considered commercial in nature when the facility cares for eight (8) or more children under the age of 16 years, and not of common parentage, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation, provided, however, this definition shall not include public or private schools organized, operated or approved under the laws of this state, custody of children fixed by a court of competent jurisdiction, or to children related by blood or marriage within the third degree to the custodial persons. These uses include but are not limited to: commercial day care center, nursery school, pre-school, kindergarten.

Child Care, Residential (4): A single family dwelling that regularly provides care, protection, and supervision of no more than four (4) children, including children under the age of ten that permanently reside in the home, in the permanent residence of the operator's home, for periods of less than twenty-four (24) hours per day, while parents or guardians are away.

Child Care, Residential (5-10): A single family dwelling that regularly provides care, protection, and supervision of between five (5) and ten (10) children, including children under the age of ten that permanently reside in the home, in the permanent residence of the operator's home, for periods of less than twenty-four (24) hours per day, while parents or guardians are away.

City: The City of Bentonville, Arkansas.

Club: An organization of persons for special purposes for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Cold Storage Plant: An establishment where foods or other commodities are stored either in lockers, rented or leased, or

in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Co-Location: Locating wireless communications equipment for more than one provider at a single communications facility.

Colony or Hive: An aggregate of bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.

Commercial Recreation or Entertainment Facility, Indoor: Establishments providing indoor recreational activities for a fee or admission charge, including:

- bowling alley
- coin-operated amusement arcade
- night club
- electronic game arcade (video games, pinball,)
- ice skating and roller skating
- pool and billiard room as primary use
- movie theater
- live theater

This use does not include adult oriented businesses, which are separately defined. Eight or more electronic games or coin-operated amusements in any establishment, or a premises where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above; seven or fewer machines are not considered a land use separate from the primary use of the site.

Commercial Recreation or Entertainment Facility, Outdoor: A facility for various outdoor recreational activities for a fee or admission charge. Examples include:

- amusement and theme park
- go-cart track
- golf driving range
- miniature golf course
- water slide
- drive-in movie theater
- live outdoor theater

May also include commercial facilities customarily associated with the above

outdoor commercial recreational uses, including bars and restaurants, video game arcades, etc. Does not include golf courses, which are separately defined.

Commission: The Bentonville Planning Commission.

Common Usable Open Space: That portion of land or an area of water or a combination of land and water within the site designated for a planned unit development and designed and intended for use and enjoyment of residents and owners of the planned unit development, and easily accessible for all the residents. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the planned unit development, but shall not include areas designed primarily for other than common recreational or open space use.

Community Center: A facility, generally open to the public, where people may carry on cultural, recreational or social activities. These facilities are not operated for profit and neither alcoholic beverages nor meals are normally dispensed or consumed. This definition includes facilities for lodge or fraternal organizations.

Community Garden: A site used for growing plants for food, fiber, herbs and/or flowers, which is shared and maintained by community residents.

Conditional Use: A use permitted in one or more districts as defined by this ordinance upon approval by the Planning Commission, but which use, because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible with other existing or permissible uses in the same district or districts, and to assure that such uses shall not be inimical to the public interest.

Conditional Use Permit: The documented evidence or authority granted by the Planning Commission to locate a conditional use at a particular location.

Conference/Convention Center: One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities (e.g., kitchens, offices, etc.).

Construction and Heavy Equipment Sales and Rentals: Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Contractor Maintenance Yard: An open storage yard for supplies and operational equipment, but not constituting a junk or salvage yard.

Convenience Store: A retail commercial establishment, not exceeding 2,500 square feet in gross floor area, supplying a limited range of food items, magazines, toiletries, and tobacco products to meet the day-to-day needs of residents in the immediate neighborhood and which may or may not include fuel sales.

Conveyance (Outdoor Vendors): Any publicly or privately owned vending stand, mobile food vehicle, or any other device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise.

Copy Services: An establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

Corner Lot: See "Lot, Corner."

Correctional Facility or Jail: A facility for the detention, confinement, treatment or rehabilitation of persons arrested or convicted for the violation of civil or criminal law. Such facilities include an adult detention center, juvenile delinquency center, jail, and prison. These facilities house prisoners who are in the custody of city, county, state or federal law enforcement and the facilities are typically government owned.

Country Club, Private Membership: An area of twenty (20) acres or more, containing a golf course and a clubhouse available only to the membership. Such a club may contain as adjacent facilities a

private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

Coverage: The lot area covered by the buildings including all overhanging roofs except where otherwise specifically designated.

Cultural Studio: Small scale facilities, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of "Education facilities - Specialized education and training." Examples of these facilities include: individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment. Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Curb Cut: Any access to a vehicular use area from any right-of-way of any street, road, or highway.

Crematory: A building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

D

Day Care Center: See "Child Care."

District: Any section or sections of Bentonville for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Drive-Through: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within the building or structure.

Duplex / Two Family Dwelling: See "Dwelling, Two-Family".

Dwelling: A house, apartment building, or other stationary building designed or primarily used for human habitation.

Dwelling, Accessory: A habitable living unit added to, created within or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking and sanitation.

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

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

Dwelling, Two-Family: A residence designed for or occupied by two families only with separate housekeeping and cooking facilities for each. This definition shall include a duplex And shall not include "dwelling, accessory" which is separately defined. **Dwelling, Manufactured:** 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.

Dwelling, Modular: A dwelling unit constructed in accordance with the standards set forth in the City of Bentonville Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Dwelling, Multi-Family: A residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each. This use shall include apartment houses, and multiple

family dwellings. This definition shall not include “dwelling, townhouse or rowhouse” or “dwelling, condominium” which are separately defined.

Dwelling, Townhouse or Row House:

One of a group of no less than three, nor more than twelve, attached dwelling units, each dwelling unit located on a separate lot. Dwelling Unit: A room or group of rooms within a dwelling and forming a single habitable unit with facilities for living, sleeping and cooking.

Dwelling, Townhouse or Row House

– **End Block:** A townhouse or row house development located at the end of a block.

Dwelling, Zero Lot Line: A single detached dwelling unit that is constructed on a side property line of said lot; such that the wall located on the side property line should be “blank” with no openings of any type allowed.

E

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usages given by the owner or land to another party, the City or the public.

Eave: The weather protective overhanging lower edge of a roof.

Educational Facilities: Structures and/or tracts of land used for the conduct of educational activities. Uses include but are not limited to, public or private:

- College, junior college, university, or professional school
- Elementary
- Secondary
- Specialized education and training
- Trade or craft

Electric Generating Plant: A facility that converts non-electrical energy into electricity for sale as a primary use. A variety of sources and/or products may be used to generate power, including but not limited to, petroleum, methane, ethanol, thermal, solar, and hydro-electric. This definition does not include “wind energy systems, large” which has its own definition.

Equipment Rental, Indoor: An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including incidental maintenance and indoor storage.

Equipment Rental, Outdoor: An establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment with outdoor storage / rental yards. This definition does not include “construction and heavy equipment sales and rental” which is separately defined.

Erected: Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction, excavation, fill, drainage and the like shall be considered a part of erection.

Excavation: Any breaking of ground, except common household gardening and ground care.

F

FAA: The Federal Aviation Administration.

Family: In addition to customary domestic servants, either (a) an individual or two or more persons related by blood, marriage or adoption, maintaining a common household in a dwelling unit; or (b) a group of not more than four (4) unrelated mentally or physically handicapped persons which may include two additional persons, acting as houseparents or guardians, who need not be related to each other or to any of the mentally or physically handicapped persons in the group; or (c) a group not to exceed four (4) persons not all related by blood or marriage, occupying premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, fraternity or sorority, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

FCC: The Federal Communications Commission.

Financial Institution: An establishment with the provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses

include banks, savings and loan associations, savings banks, credit unions, lending establishments and on-site automatic teller machines.

Floor Area: Means total gross area on all floors as measured to the outside surfaces of the exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

Funeral Home: Establishments engaged in undertaking services such as preparing the dead for burial, arranging and managing funerals. Definition does not include "crematory" which is separately defined.

G

Garage Apartment: A dwelling unit for one family erected above a private garage, as part of it on the same level.

Garage, Private: An accessory building or part of a main building used for storage purposes only for not more than four (4) automobiles, or for a number of automobiles which does not exceed one and a half (1 & ½) times the number of families occupying the dwelling unit to which such garage is accessory whichever number is the greater. This definition shall include carports.

Gas Station: A facility for furnishing fuels and lubricating oils or materials for use in operation and maintenance of motor vehicles.

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.

Golf Course: A tract of land laid out with at least nine holes for playing golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

Goods, Wares, Merchandise (Sidewalk Vendors): Shall include but not be limited to fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances,

wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks.

Governmental Service Facility: A building or structure owned, operated or occupied by a governmental agency to provide governmental services to the public.

Grade: The top surface elevation of lawns, walks, drives or other improved surface after completion of construction or grading operation.

Greenhouse: A building used for the growing of plants, all or part of which are sold at retail or wholesale.

Ground Coverage Ratio: Means the percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot, except garages and carports in Districts R-1 and R-2 and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six (6) inches above grade.

Gross Acreage: The total acreage of the proposed development including areas designated for internal streets and other public facilities.

Guyed Towers: A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

H

Hazardous Material Storage: A facility or outdoor area used to store materials which are poisonous, noxious, and otherwise are hazardous to the health of the general public. The facility may be used to store such things as acids, oils, chemicals, etc. prior to use or may be a permanent storage area for waste chemicals, etc. These uses include but are not limited to petroleum products storage.

Height: The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the high point of the

roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

Height: (Municipal Airport District)

For the purpose of determining the height limits in the municipal airport district, the datum shall be mean sea level elevation unless otherwise specified.

Height (Wireless Communication Facilities):

The vertical distance measured from the mean elevation of the finished grade to the highest point on the tower or other structure, even if said highest point is an antenna or antenna array.

Home Occupation, Type A: A non-residential use carried on within a dwelling, which is clearly subordinate to the residential use and which does not outwardly change the residential character of the use, lot or structure.

Home Occupation, Type B: A non-residential use carried on within a dwelling, which is clearly subordinate to the residential use and which does not outwardly change the residential character of the use, lot or structure.

Honey Bee: All life stages of the common domestic honey bee, *Apis mellifera* species.

I

Ice Cream Truck: A specific type of mobile food vehicle that sells only prepackaged, single-portion ice cream or frozen confections.

Industrial, Intensive: A facility and surrounding yard designed primarily for the preparation, production and distribution of objectionable materials such as chemicals, explosives, etc. Further, the production of such materials may create noxious odors or gases objectionable to businesses and residences. This may include manufacturing products from raw materials. Such uses include but are not limited to:

- Aerosol containers, filling of
- Animal and marine fat and oils, manufacturing or processing
- Animal bones, offal or waste; assembly, incinerator, processing or utilization

- Mineral preparation; non-metallic
- Ore reduction
- Paint, enamel, lacquer, turpentine, varnish, manufacturing
- Paper manufacturing or processing
- Arsenals
- Production of crude petroleum, natural gas natural gas liquids
- Chemicals compounding or packaging
- Recycling and reclamation
- Coal preparation
- Rendering of animals
- Creosoting or similar processing
- Rubber products; natural or synthetic manufacturing
- Explosives: manufacture, storage warehousing or wholesaling
- Tanning of hides and skins
- Fireworks: manufacture, storage,
- Tar or tar products manufacturing or processing
- Foundry
- Warehousing or wholesaling flammable gases or liquids; storage
- Batching or mixing plant, asphaltic or portland cement, concrete, mortar or plaster
- Railroad equipment storage or maintenance
- Railroad freight terminal
- Brick, tile, clay or ceramic manufacture
- Scrap or waste materials handling
- Compounding of cosmetics, toiletries, drugs, and pharmaceutical products
- Scrap steel cutting on contract basis
- Dry cleaning and dyeing plant
- Sign painting
- Electronic equipment assembly and manufacture
- Steel products; fabrication and assembly
- Freight depot, railroad or truck freight forwarding service
- Glass or glass products manufacturing

Industrial, Light: A facility and surrounding yard designed to provide an area for wholesaling, storage, packaging, display, distribution, and those retail uses accessory to the operations and for light

manufacturing, assembling and fabrication without creating a nuisance of odor, noise, dust, vibrations, etc. Uses include but are not limited to:

- Air conditioning and heating equipment manufacture
- Orthopedic or medical supplies manufacturing
- Jewelry manufacturing
- Book bindery
- bus or truck storage or garage
- Leather goods fabrication
- Bottling works, all beverages
- Mattresses; rebuilding or renovating
- Brooms and brushes manufacturing
- Outdoor advertising plant
- Electrical equipment assembly
- Processing and manufacturing that by reason of operation is not a nuisance in respect to odor, noise, dust, vibration, etc.
- Furniture manufacturing
- Vending machine sales, rental, repair and manufacturing
- Ice plant, dry or natural
- Instrument and meter manufacturing
- Wood distribution
- Venetian blind, window shade and awning manufacture
- Industrial cleaning plant
- Wood or lumber processing
- Monument works

Inoperable Vehicle: Any vehicle, automobile, motorcycle, or boat that does not have a current license and/or is in a state of disrepair so that it cannot operate as intended.

L

Laboratory, Dental or Medical: A laboratory which provides bacteriological, biological, medical, prosthetic, x-ray pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises except the custom fabrication of dentures.

Laboratory, Manufacturing: Operations involving the compounding of products such as perfumes, pharmaceuticals and the development and assembly of instruments and similar items.

Laboratory, Research: A building or part of a building devoted to the testing of any product or animal (including humans) for the purposes of providing written research reports on the results and utilizing those results to produce a new or improved product, medicine, or to better determine how animals function. No manufacturing is conducted on premises except for experimental or testing purposes.

Lattice Tower: A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

Library: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Light Fabrication and Assembly Process: The manufacture and assembly of items not involving an excessive generation of noise, odor, vibration, dust or hazard.

Livestock Market: An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

Loading Space: An off-street space on the same lot with a building or group of buildings, or temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging, Bed and Breakfast: An owner occupied dwelling unit that contains no more than five (5) guest rooms where short-term lodging, with or without meals is provided for compensation. Short-term lodging shall be defined as lodging for a period not to exceed twenty-one (21) days.

Lodging, Hotel or Motel: A structure containing six (6) or more guest rooms which are used, rented or hired for sleeping purposes and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk service, by transient guests. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, bars, and recreational facilities.

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 Area: The total horizontal area included within the lot.

Lot, Corner: A lot which has an interior angle of less than 180 degrees at the intersection of two streets lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot Coverage: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.

Lot Depth: The horizontal distance between the front lot line and the rear lot line measured at right angles or radial to the centerline of the street.

Lot, Double Frontage: A lot which runs through a block having frontage on two nonintersecting streets.

Lot Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Lines: The lines bounding a lot as defined herein:

- A. **Front Lot Line:** In the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and/or in the application for a building permit.
- B. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from and

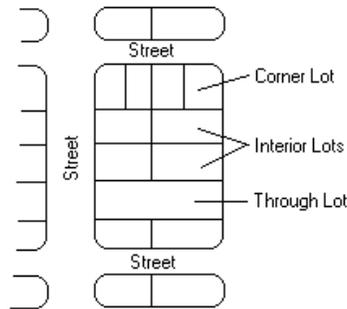
parallel to the front lot line and wholly within the lot.

- C. **Side Lot Lines:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A parcel of land that is a lot in a subdivision recorded on the records of the County Recorder's Office, or that is described by a metes and bounds description which has been so recorded prior to the Subdivision Regulations in effect, or lots exempt from those regulations.

Lot Widths: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building setback.



M

Maintenance Service: Base facilities for various businesses that provide services on the premises of their clients. Includes gardening, janitorial, pest control, water and smoke damage recovery, and similar services; and appliance, computer, electronics, elevator, equipment, HVAC, instrument, plumbing, and other maintenance and repair services not operating from a retail establishment that sells the products being maintained or repaired. When these services operate from a retail establishment that sells the products being maintained or repaired, they are instead considered part of the retail use. When the base facilities for these services

include service or storage yards they are instead classified under "Contractor Maintenance Yard."

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 manufactured homes and which conforms to the provisions of this ordinance.

Manufactured Home Sales: A facility for the sale of manufactured home residences.

Medical Services, Clinic and Urgent Care: A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

- medical offices with four or more licensed practitioners and/or medical specialties
- out-patient care facilities
- urgent care facilities
- other allied health services

These facilities may also include accessory medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Office."

Medical Services, Doctor Office: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional."

Medical Services, Hospital: Hospitals and similar facilities engaged primarily in providing in-patient diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, in-patient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and

emergency heliports, and on-site ambulance dispatch facilities.

Medical Services, Laboratory: Non-research facilities for the testing of blood and tissue samples for medical diagnoses, and for the fabrication of dental prosthetics and eyeglasses. Does not include laboratories for medical research, which are classified under "Laboratory – Research"

Medical Services, Substance Abuse or Mental Health Treatment Clinic: A facility where the primary activity is the treatment and care of persons suffering from mental or emotional disorders or substance abuse.

Minimum Landscaped Open Space: Means the percentage of lot area which must be maintained in grass or other living vegetation.

Mining: A tract of land where various minerals, ore, etc. are extracted from the earth. May also include a distribution area for truck/rail loading of ore and materials. Uses include but are not limited to:

- Exploration for minerals
- Mining of coal, metal ores and non-metallic minerals other than fuels
- Extraction of sand, gravel, clay, quarrying of rock
- Removal of topsoil for sale purposes

Mini-Warehouse Storage: One (1) or more permanent structures, meeting applicable City building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public.

Mixed-use Building: A single building containing both residential uses and non-residential uses.

Mobile Food Vehicle: A food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, that is readily movable without disassembling for transport to another location. Mobile food vehicles may serve as a conveyance for outdoor vending at a fixed location.

Mobile Food Vending. Vending from a mobile food vehicle, in which only prepackaged, single- portion food is carried for purposes of sale while traveling along

city streets, making periodic stops on streets where parallel parking is permitted and that do not exceed 15 minutes to accommodate a sale or sales. This definition shall include ice cream trucks. This definition shall not include vendors who distribute or deliver their products to regular customers on established routes.

Mobile Food Vendor: Any person that owns or operates a mobile food vehicle for the purpose of mobile food vending, as defined herein.

Mobile Home: A movable or portable structure built prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Act of 1974, which is larger than three hundred twenty (320) square feet, and designed to be used as a year round residential dwelling unit.

Monopole Tower: A communication tower constructed without the use of guy wires and ground anchors and consisting of only a single pole. Also called a self-support tower.

Motor Vehicle (Sidewalk Vendors): Any vehicles used for displaying, storing, or transporting articles for sale by a vendor which is required to be licensed and registered by the state department of motor vehicles of any state.

Multi-Family Dwelling: See "Dwelling".

Municipality: The City of Bentonville, Arkansas.

Museum: A building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include the sale of goods and meeting facilities as accessory uses.

N

Net metering (wind energy systems): The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance for governing parking or bulk and area requirements for the zoning district in which such building or structure is located.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, as amended, which does not comply with all the regulations of this ordinance governing use for the zoning district in which such land, building or structure is located.

Nudity or State of Nudity:

1. The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast.
2. A state of dress which fails to provide an opaque covering of a human buttocks, anus, male genitals, female genitals, or areola of the female breast.

O

Obstruction: (Municipal Airport District) Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Sec. 401.10 D Height Limitations.

Office, Small Scale: An office facility with a gross floor area of 4,000 square feet or less, characterized by low employee densities and occupied by a business engaged in information processing, providing professional services or engaged in the production of intellectual property. This definition does not include "medical services, doctor office" which is separately defined.

Office, Large Scale: An office facility with a gross floor area of more than 4,000 square feet, characterized by high employee densities and occupied by a business engaged in information processing, providing professional services or engaged in the production of intellectual property. This definition does not include "medical services, doctor office" which is separately defined.

Office-Warehouse: A facility combining office and warehouse functions in a single structure, characterized by occasional truck deliveries and that does not create a nuisance such as dust, noise, or odors. Any warehouse activity with heavy trucking activities or nuisances shall be considered under the term "Warehousing or Wholesaling"

Open Porch: A porch which has no side or front walls, screens or other enclosures, except structural roof supports where a roof is provided.

Open Space: Any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no structures or portion of structures whatever.

Ordinance: The Zoning Ordinance which includes both Zoning Map and Zoning Regulations.

Outdoor Vending, Exhibiting, displaying, selling or offering for sale any food, beverages, goods, wares or merchandise from a conveyance at a fixed location on public or private property.

Outdoor Vending, Private Property(Outdoor Vendors): The exhibit, display, or sale of any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on private property.

Outdoor Vending, Public Right-of-Way (Outdoor Vendors): The exhibit, display, or sale of any food, beverages, goods, wares, or merchandise from a conveyance at a fixed location on public right-of-way.

Outdoor Vendor (Outdoor Vendors): Any person that exhibits, displays, sells or offers for sale any food, beverages, goods, wares or merchandise from a conveyance as defined herein. This definition does not include a door-to-door peddler, solicitor, mobile food vendors, children's lemonade stands or homeowners having garage sales.

Outdoor Vendor Park. A site that contains more than one outdoor vendor on a regular basis as the principal use of the land.

P

Park: A recreational area characterized by open space typically utilized for outdoor sports and other leisure activities.

Park, Mini: A park that is one (1) acre or less in size with specialized facilities that serve a limited population. It may include a playground and passive areas for adults. A mini-park typically does not have parking facilities.

Park, Neighborhood: A park that is between one (1) and five (5) acres in size with a service area of one-half (1/2) to one (1) mile. Facilities may include playing fields, playgrounds, shelters and restrooms to accommodate active recreation. Parking is typically provided.

Park, Community: A park that is between 10 and 400 acres in size serving the residents of Bentonville. It may consist of both active and passive recreation facilities including tennis courts, ball fields, pools, basketball courts, soccer fields, picnic areas, trails, and volleyball courts.

Parking Facility (as principal use): A parcel of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same lot.

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.

Person: An individual, proprietorship, partnership, corporation, association or other legal entity.

Personal Services: Establishments providing non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops; dry cleaning pick-up stores with limited equipment; laundromats (self-service laundries); locksmiths; pet grooming and/or daycare with no overnight boarding; tailors; tanning salons; day spas; tattoo studio .

Petroleum Products, Storage and Wholesale: A facility for the storage and sale of petroleum products.

Places of Public Assembly: A meeting place for more than thirty-five (35) persons to which the public or membership group are assembled regularly or occasionally including but not limited to schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly.

Planned Residential Development (PRD): A comprehensive residential 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.

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.

Planning Commission: The Planning Commission of the City of Bentonville, Arkansas.

Plant Nursery: A facility for growing and selling plants, shrubs or trees and other articles or implements which are involved in the transportation, installation and maintenance of landscaped areas.

Postal Services: Facilities that provides packaging and mail services (both U.S. Postal and private service), provides mail boxes for lease, and conducts the retail sale of stationary products.

Principal Building: See "Building, Principal."

Principal Use: The use which fulfills the primary function of an establishment, institution, household or other entity.

Public Utility: Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State or Municipal regulations to the public; gas, steam,

electricity, sewage disposal, communication, telegraph, transportation of water or cable television.

Public Way (Outdoor Vendors): All areas legally open to public use such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings.

Public Safety Services: Facilities operated by public agencies for public safety and emergency services, including fire stations, police and sheriff stations, ambulatory service and including related administrative facilities and interim incarceration facilities. Does not include "governmental service facility" which is separately defined.

Pushcart or Handcart (Outdoor Vendors): Any open-air wheeled device designed for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise and for being pushed by a person without the assistance of a motor vehicle.

R

Receive-Only Antenna: An antenna less than 50 feet in height privately owned and operated including privately owned satellite dishes.

Reclassification: An amendment to or a change in the Zoning Ordinance reflecting a change or revision or modification of the Zoning District Boundary Map.

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.

Recreational Vehicle Parks: A lot of land upon which two (2) or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site: A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Recreational Vehicle and Boat Sales and Rental: Retail establishments selling various vehicles and watercraft for recreational uses, including but not limited to the sale of boats, campers and camper shells, travel trailers, jet skis, and ATVs.

Recycling and Reclamation: A facility for receiving, sorting, storing and reconditioning appliances, building materials, and any other salvaged or reclaimed materials.

Religious Facilities: A place of worship and religious training and including accessory housing facilities such as a rectory. A place where persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith. Uses include, but are not limited to church, synagogue or temple, including Sunday School facilities

- Parish house, parsonage or rectory
- Convent or monastery or novitiate
- Religious retreat facility
- Child care or mother's day out

Repair Services, Equipment and Large Appliances: A service facility where various types of electrical, electronic, and mechanical equipment, and home and business appliances are repaired and/or maintained away from the site of the equipment owner. Does not include vehicle repair or maintenance, which is included under "automobile repair", the repair of small home appliances and electronic equipment, which is included under "repair service - household", maintenance and repair activities that occur on the client's site, which are included under "maintenance service" or repair services provided on the site of a retail use that sells the products for which repair services are offered, where the repair services are incidental to the on-site sales.

Repair Services, Household: Establishments primarily engaged in the provision of repair services to individuals

and households, rather than businesses, but excluding "automobile repair" and "repair services, equipment, large appliances, etc." which are separately defined. Typical uses include home electronics and small appliance repair; shoe repair; watch or jewelry repair; upholstery services, or repair of musical instruments.

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 group living or sleeping accommodations; or
- C. 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."

Residential District: Any land within the city limits of Bentonville, zoned as R-E, R-1, R-2, R-3, R-4, R-C2, R-C3, R-MH, R-ZL, and R-O.

Residential Facility, Assisted Living: Residential facilities consisting of individual dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring non-medical assistance with day-to-day living matters. This definition does not include "residential facility – rehabilitation" which is separately defined. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

Residential Facility, Extended Medical Care: Residential facilities providing nursing and medical care as a primary use with in-patient beds.

Residential Facility, Rehabilitation: Residential facilities, either single dwelling or multi-unit facilities, licensed and supervised

by a Federal, State, or county health or welfare agency that provides 24-hour nonmedical care of more than 8 (eight) unrelated persons rehabilitating from alcohol or drug abuse.

Residential Facility, Temporary Shelter: Residential facilities providing temporary shelter for a person physically or mentally abused by family or for displaced persons and/or families. Such place may or may not provide on-site meals but furnishes a safe haven for people.

Residential Occupancy: Means those activities customarily conducted in living quarters in an urban setting. Excluding activities resulting in noise which constitutes a nuisance in a residential area and activities which involve the storage, visible from off the lot, of motor vehicle parts, machinery or parts, junk or scrap materials.

Restaurant: An establishment in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, drive-through and any fast food establishment permitting consumption on the premises.

Restaurant, Drive-in: Any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

Retail Complex: A primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

Retail, Large Scale: A retail store with a gross floor area of more than 4,000 square feet for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and

convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

Retail, Small Scale: A retail store with a gross floor area of 4,000 square feet or less for the sale of general merchandise or food. Typical general merchandise includes clothing and other apparel, equipment for hobbies and sports, gifts, flowers and household plants, dry goods, toys, furniture, antiques, books and stationery, pets, drugs, auto parts and accessories, and similar consumer goods. The term "food store" includes a grocery, delicatessen, and convenience and specialty foods stores. This use does not include other uses in this article that are specifically listed.

Runway (Municipal Airport District/XNA Overlay District): A defined area on an airport prepared for landing and take off of aircraft along its length.

Runway, Larger Than Utility (Municipal Airport District): A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Runway, Non-precision Instrument (Municipal Airport District): A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Runway, Precision Instrument (Municipal Airport District): A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Runway, Utility (Municipal Airport District): A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

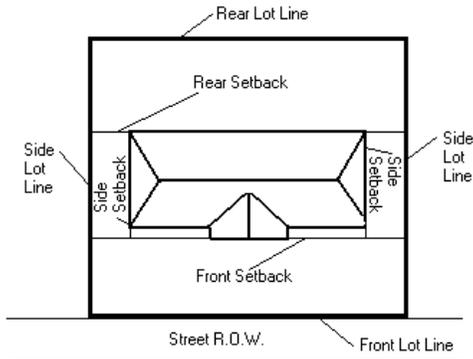
Runway, Visual (Municipal Airport District): A runway intended solely for the

operation of aircraft using visual approach procedures.

S

Salvage Yard: Any parcel of land or building for the which the principal or accessory use is the storing, keeping, dismantling, collection, salvaging, buying or selling of (1) scraps or discarded pieces of metal, paper, rags, tires, bottles, furniture and other materials, (2) inoperable, wrecked, scrapped, ruined or discarded automobiles, automobile parts, machinery or appliances. A junk or salvage yard shall not include premises on which such uses are conducted entirely within a completely enclosed building, nor shall a junk or salvage yard include premises used primarily for the sale or storage of operable automobiles or for the overhaul or full repair thereof, so long as no inoperable junk or wrecked automobile remains outside more than thirty days. Any premises on which there remains outside more than thirty (30) days an inoperable, partially dismantled, wrecked, or junked automobile, shall be deemed for the purpose of this ordinance, a junk or salvage yard.

Setback: The required distance between every structure and any lot line on the lot on which it is located.



Sewage Treatment Plant: A facility designed for the treatment of sewage that is provided and maintained by the county, municipality, or a utility company which a governmental agency has specifically approved as acceptable.

Sexually Oriented Business: An adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater,

or adult theater as the same are defined herein.

Shadow flicker (wind energy systems): The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

Sidewalk (Outdoor Vendors): All that area legally open to the public used as a pedestrian public way between the curb line and the legal property line of the abutting property.

Sidewalk Café: An outdoor dining area, not enclosed by a fence or other visual barriers in excess of 36 inches in height, placed on a public right-of-way and contains removable tables, chairs, planters or other appurtenances and is abutting/contiguous to a restaurant that performs food preparation, sanitation, and related services for the sidewalk café.

Sidewalk Sales (Outdoor Vendors). A special temporary sale, not exceeding three consecutive days, to the public of any goods, wares or merchandise or services by any retail or wholesale business, which sale is conducted on private property of the business selling the merchandise or the public sidewalk immediately adjacent to the retail or wholesale business selling the merchandise.

Single Family Dwelling: See "Dwelling."

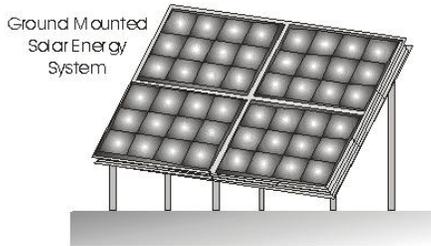
Site Plan Review: The process whereby the Planning Commission and/or staff review the site plans and maps of a developer to assure that they meet the stated purposes and standards of the Zoning Ordinance and Subdivision Regulations.

Slaughterhouse: A facility for the slaughtering of animals; processing and refining of their byproducts; and prepared for distribution; activities may include packing, treating, storage or sale of the product on the premises.

Solar Energy System: An energy system which converts solar energy to usable thermal, mechanical, chemical or

electrical energy to meet all or a significant part of a structure's energy requirements.

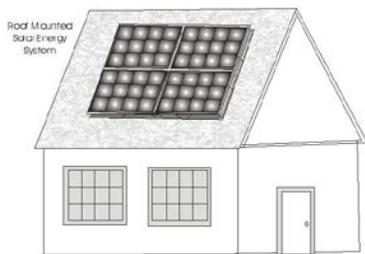
Solar Energy System, Ground Mounted: A solar energy system that is supported by a grid system that is attached to the ground.



Solar Energy System, Pole Mounted: A solar energy system with solar panels attached to the top or side of a vertical pole.



Solar Energy System, Roof Mounted: A solar energy system that is supported by a grid system that is attached to the roof's structural members.



Solar Panels (solar energy systems): A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solid Waste Disposal: The entire process of storage, collection, transportation, processing, and disposal of solid wastes by any city, authority, county or any combination thereof, or by any person

engaging in such a process as a business. Uses include but are not limited to solid waste disposal and garbage or trash: assembly, incineration or processing.

Special Event (Sidewalk Vendors): Any occasion including but not limited to fairs, shows, exhibitions, city-wide celebrations, and festivals taking place within a specifically defined area of the city of Bentonville for a period of time not to exceed 7 days.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Stable (Commercial): A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stealth Technology: Systems, components and materials used in the construction of WCF to make it compatible with the surrounding property.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment

or living quarters shall be counted as a full story.

Street: Any public thoroughfare which affords the principal means of access to abutting property.

Street, Intersecting: Any street which joins another street at an angle, whether or not it crosses the other.

Structure: Anything constructed or erected for human occupancy and/or entrance, the use of which requires location on the ground or attached to something having a location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial changes in the roof or in the exterior walls.

Surface, Approach (Municipal Airport District): A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set for in Sec.401.10 D Height Limitations. The perimeter of the approach surface coincides with the perimeter of the approach zone.

Surface, Conical (Municipal Airport District): A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

Surface, Horizontal (Municipal Airport District): A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.

Surface, Primary (Municipal Airport District): A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Sec. 401.10 C. Zones within the Municipal Airport District. The elevation of any point on the primary surface is the same

as the elevation of the nearest point on the runway centerline.

Surface, Transitional (Municipal Airport District): These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

T

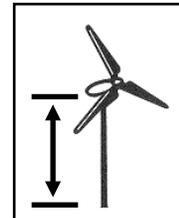
Taxidermy: The art of preparing the skins of animals to make them appear life-like.

Telecommunications: The transmission, between or among points as specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

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 and Christmas tree stands.

Total height (wind energy systems): On a wind turbine, the distance measured from ground level to the blade extended at its highest point.

Tower (wind energy systems): The monopole, guyed monopole or lattice structure that supports a wind generator.



Tower height (wind energy systems): On a wind turbine, the height above grade of the fixed portion of the tower, excluding the wind generator.

Tower or Communication Tower: Any structure that is designed and constructed for the primary purpose of supporting one or more antennas, including lattice towers, guy

towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one or more antennas, despite the fact that such structure may currently, or in the future, actually support one or more antennas. **Transmission Tower/Station:** A tower and/or associated station which receives and/or sends radio and/or television waves such as radio towers. This definition does not include amateur radio communication installations. Uses shall include but not be limited to radio transmitting stations or towers and television exchange station relay towers.

Transportation Facilities, Excluding Airports: Facilities providing surface transportation for the general public. These may or may not be publicly-owned. Uses include but are not limited to: Bus station, truck, bus, train terminals, and taxicab stand or dispatching station.

Travel Trailer: An object designed for accommodation intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by a motor vehicle or is self-propelled and includes tent trailers or similar transportable accommodation, but does not include a mobile home.

U

Use: A purpose to which land is committed.

Use Area: A zone established for a certain type of use such as commercial or residential.

Utility Facility: A fixed-base structure or facility serving as a junction point for transferring electric utility services from one transmission voltage to another or to local distribution and service voltages, and similar facilities for water supply and natural gas distribution. These uses include any of the following facilities:

- corporation and maintenance yards
- electrical substations and switching stations

- natural gas regulating and distribution facilities
- public water system wells, treatment plants and storage
- telephone switching facilities
- wastewater treatment plants, settling ponds and disposal fields

V

Variance: A device which grants a variation from the literal provisions of the Zoning Ordinance in instances where strict enforcement of the ordinance would cause undue hardship due to circumstances unique to the individual property under consideration.

Vehicle (Sidewalk Vendors): Every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

Vending Stand (Outdoor Vendors): A non-motorized open-air fixture or device, such as a showcase, table, bench, rack, handcart, pushcart, stall that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise at a fixed location.

W

Wall: One of the sides of a room or building connecting floor and ceiling or foundation and roof.

Warehouse or Wholesaling: A use engaged in indoor storage of manufactured products, supplies and equipment characterized by frequent heavy trucking activities or nuisances such as dust, noise and odors, but not involved in manufacturing or production. This definition does not include the "bulk storage of highly flammable materials", which has its own definition.

Water Treatment Plant and Related Facilities: A facility for the systematic collection and treatment and dispersal of water.

Wind Energy System, Small: A wind energy conversion system used primarily to generate power for on-site consumption, 100 kW or less, consisting of a wind turbine,

tower, base and associated control or conversion electronics.

Wind Energy System, Large: A wind energy conversion system used primarily to generate power for off-site consumption, more than 100kW, consisting of one or more wind turbines and associated accessory facilities.

Wind Turbine (wind energy systems): The parts of the wind energy system including the blades, generator and tail.

Wireless Communications Facility (WCF) (cell towers): 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.

Y

Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by a portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for main buildings. In measuring a yard for the purpose of determining the width of the side yard, the depth of the front yard, or the depth of the rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the nearest point of the main building or of any

open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rear most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line, extending from the front yard or front lot line, where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private street.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private street.

Z

Zero Lot Line: See "Dwelling, Zero Lot Line."

Zoning District: A section of the City designated in the Zoning Ordinance text in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

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