

ORDINANCE NO. 2010-72

**AN ORDINANCE AMENDING
SECTION 601.2 ACCESSORY DWELLINGS
OF CHAPTER 14 ZONING CODE**

WHEREAS, the City of Bentonville General Plan encourages affordable housing and a variety of housing types;

WHEREAS, the makeup of Bentonville households includes 25% of householders living alone, 7.5% of head of household are single mothers, and almost 6% of households are person of age 65 or older living alone; and,

WHEREAS, the nation as a whole is experiencing a historical economic downturn with unemployment around 9% and 10.2% of the Bentonville population lives below the poverty level; and

WHEREAS, accessory dwelling units offer an alternative housing type that can increase the supply of affordable housing without government subsidies; increases the housing supply while increasing the tax base and does not require additional infrastructure; and provides practical for housing the elderly, disabled, and younger workers; and,

WHEREAS, the existing regulations are vague and do not provide adequate guidance on the development of accessory dwelling units;

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

Section 1. That Section 201.1 Definitions of Terms and Uses of Chapter 14 Zoning Code be hereby amended by deleting the definition for Dwelling, Accessory and replacing it with the following definition:

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.

Section 2. That Section 601.2 Accessory Dwellings of Chapter 14 Zoning Code be hereby deleted and replaced with the following:

601.2 ACCESSORY DWELLING UNITS (ADUs).

1. Occupancy

- a. A1, RE, R1 Districts – owner-occupied.** *Either the primary or accessory unit shall be owner-occupied. “Owner-occupied” shall mean a property owner who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means, and at no time receives rent for the owner-occupied unit.*

- b. **C2, I1 and I2 districts – caretaker only.** ADU's in the C2, I1 or I2 districts shall be used solely for a watchman, caretaker or custodian of the facility or use on the same site. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker. The caretaker shall be employed, whether compensation is direct or indirect, principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site.*
- 2. ADUs per lot.** Only one ADU shall be permitted per lot.
- 3. Lot coverage.** The ADU shall not cause the property to exceed the maximum amount of lot coverage permitted by the zoning district.
- 4. Setbacks.** The ADU shall meet the setback requirements of the zoning district in which the property is located.
- 5. Location.** The ADU shall not be located in the front setback or be located such that the ADU building line is closer to the front property line than the primary structure.
- 6. Size.** An ADU shall be no larger than 40% of the livable floor area of the primary structure, shall not exceed 800 square feet in size and shall not have more than two bedrooms. Except that ADU's in the A-1 and RE district may be allowed up to 1,000 square feet in size.
- 7. Architectural design.** The addition of an ADU shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the ADU shall be consistent with the design of the primary structure and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.
- 8. Entrances and stairs.** Only one entrance to the primary structure and only one entrance to the detached ADU shall be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the address. Exterior stairways shall not be constructed on the front of the principal dwelling unit.
- 9. Occupancy standards.** The total number of occupants in the ADU shall not exceed four (4).
- 10. Parking.** No additional parking spaces are required. A maximum of one additional off-street parking space may be provided for the ADU and shall be paved.
- 11. Compliance with applicable codes.** The ADU shall comply with all standards for health and life safety codes as well as zoning codes as adopted by the City, except as provided in this chapter.
- 12. Sewer and water connections.** The ADU shall be served by the existing primary residence's sewer and water connections and water meter. The water meter size shall not be increase for the purpose of serving the ADU.

13. Subdivision. *The accessory dwelling unit, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.*

14. Recording. *The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Clerk, providing notice to future owners or long term lessors of the subject lot that the existence of the ADU is predicated upon the occupancy of either the ADU or the principal dwelling by the property owner.*

Section 3. That Chapter 14 Zoning Code, Appendix A Table of Permitted Uses, “dwelling-accessory” be hereby amended by deleting the “A” (accessory use) in every district and placing a “P” (permitted use) in the A1, RE, R1, C2, I1 and I2 districts.

Section 4. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 23rd day of November, 2010.

APPROVED:

Mayor Bob McCaslin

ATTEST:

Suzanne Grider

City Clerk