

ORDINANCE NO. 2009-111

**AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE
TO ADOPT REGULATIONS FOR THE
DC, DOWNTOWN CORE DISTRICT AND THE
DE, DOWNTOWN EDGE DISTRICT AND
AMENDING THE ZONING MAP**

WHEREAS, the City of Bentonville’s General Plan adopted in 2007 states “The City shall encourage the development of mixed-use and residential projects within the downtown area to increase the community’s housing stock and to enhance the vitality of downtown businesses;” and,

WHEREAS, the General Plan also states “The City shall encourage the retention of ground floor space for retail, service or entertainment uses in the downtown area, while permitting upper floor residential development;” and,

WHEREAS, the General Plan continues by adding “The city should provide greater flexibility in its development regulations to facilitate efficient and appropriate residential, office and commercial use of existing structures in downtown Bentonville and its surrounding neighborhoods;” and,

WHEREAS, the General Plan states, “The City shall maintain the design guidelines for the downtown area and revise guidelines to standards when appropriate;” and,

WHEREAS, the following regulations and help to achieve the policies of the General Plan

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

Section 1. That Article 401 Zoning District Regulations of Chapter 14 Zoning Code should be and is hereby amended with the following Attachment “A” establishing regulations for the DC, Downtown Core District and DE, Downtown Edge District, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 2. That Appendix A Table of Permitted Uses of Chapter 14 Zoning Code should be and is hereby amended with the following Attachment “B” establishing use regulations for the DC, Downtown Core District and DE, Downtown Edge District, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 3. That the Official Zoning Map should be and is hereby amended with the following Attachment “C” Map of DC, Downtown Core District and DE, Downtown Edge

District, three copies of which are on file with the City Clerk and which is hereby adopted by reference as though it were copied herein fully.

Section 4. That Sec. 501.6 (D) C-3, Central Commercial District of Chapter 14 Zoning Code should be and is hereby deleted and replace with the following:

501. 6 Number of Off-Street Parking Spaces Required

D. Downtown Zoning Districts (C-3, DC, and DE districts)

1. **New Structures.** *New structures and additions shall meet the parking requirements based on the proposed use. The parking requirements in the C-3 district for new structures and additions may be reduced by 30%. The parking space requirements for the DC, Downtown Core and DE, Downtown Edge Districts are defined in Article 401.8-B.*
2. **Existing Structures.** *The parking requirements of this section and Article 401.8-B shall not apply to existing structures in the C-3, DC or DE districts with a change of use.*
3. **Razed Structures.** *The parking requirements for the C-3, DC and DE districts shall be calculated based on the square footage of the new structure minus the amount of the square footage of the building footprint of the original structure.*

Section 5. That Article 801 Signs and Billboards of Chapter 14 Zoning Code shall be amended such that where regulations apply to the C-3 Zoning District they too shall apply to the DC or DE Districts.

Section 6. That Article 1400.4 Exemptions of Chapter 15 Subdivision Code shall be amended by adding the following text:

D. Development and redevelopment in the DC, Downtown Core and DE, Downtown Edge shall be exempt from Section 1400.7 Landscape Street Frontage Buffer and Section 1400.9 Landscaped Perimeter, however, shall comply with the Landscaping and Streetscape Standards in Sec. 401.8-B Downtown Districts of the Zoning Code.

Section 7. This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 10th day of November, 2009.

APPROVED:

Mayor Bob McCaslin

ATTEST: Suzanne Grider, City Clerk

City Clerk

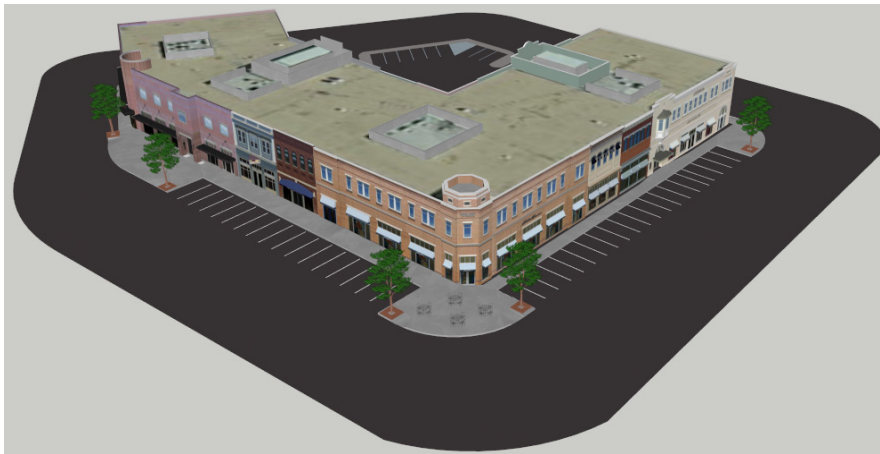
Attachment "A"

Sec. 401.8-B Downtown Districts

A. District Purposes

1. DC, Downtown Core

The Downtown Core comprises that area of the Bentonville Square and extends those urban characteristics along the primary downtown street of SW A Street to Highway 102. The intent of this zone is to maintain and expand the pedestrian oriented character of the town square. The physical form is of an urban character with uses that promote retail and entertainment venues with upper story residential uses permitted. Mixed use is defined as vertical mixed use with commercial and retail on the first floor and office and residential on the upper floors. Buildings are spaced closely or attached.



2. DE, Downtown Edge

The Downtown Edge creates an area of transition between the Downtown Core with its retail emphasis and the lower density residential neighborhoods on the outskirts of downtown. This is the area of downtown with the greatest potential for infill and redevelopment. The physical form of structures begins to shift from commercial to residential character with flexibility in use, taking on a more service-oriented character for surrounding neighborhoods. The horizontal and vertical mixed use allows retail, commercial, office and residential uses on all floors. Live/work housing, personal services and small offices are strongly evident in this district. Buildings are spaced closely, but are separated by setbacks.



B. Primary and Secondary Streets

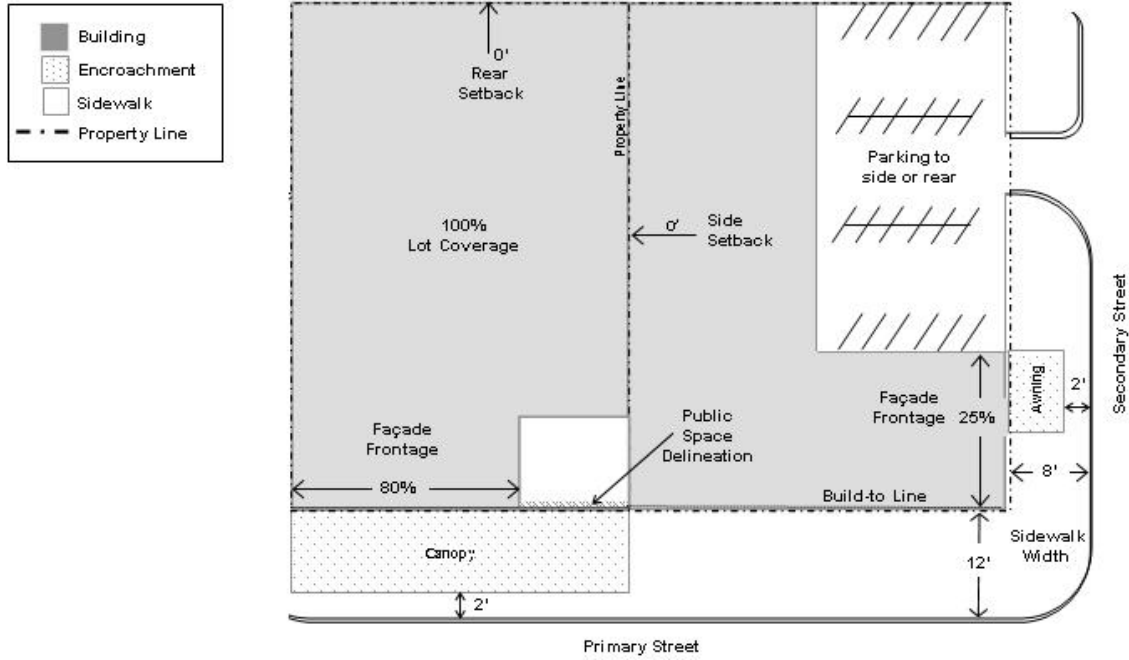
Developments that face primary streets have specific regulations pertaining to the relationship between the building and the street. The designated Primary Streets in the downtown districts are: Central Ave, SW A St, SW 8t St, and S Main St. All other streets in the downtown districts shall be considered secondary streets.

C. Downtown Development Standards

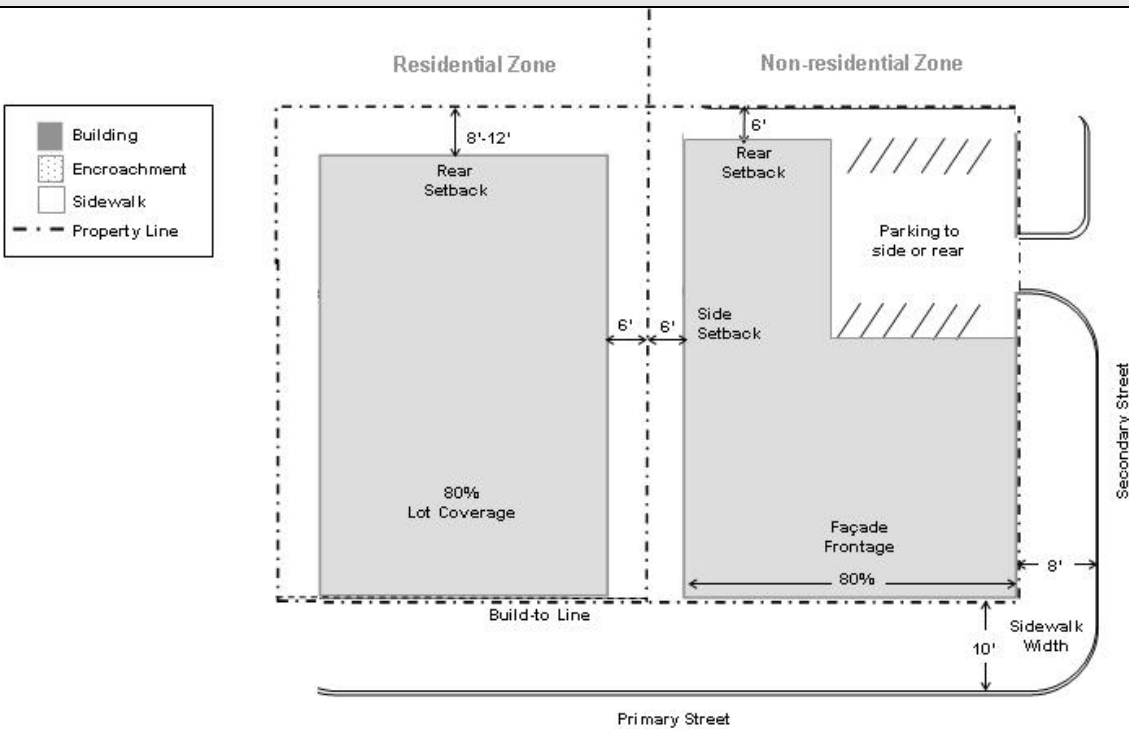
	DC, Downtown Core	DE, Downtown Edge
LOTS		
Area	No min / No max	No min / No max
Width	No min / No max	No min / No max
Coverage	100%	80% max
BUILD-TO LINE (BTL) (Distance from property line)		
Front - Nonresidential	0'	0'
Front - Residential	Between 0' and 20'	Between 0' and 20'
BUILDING FORM		
Façade Built to BTL On Primary Street	80% min	80% min
Façade Built to BTL On Secondary Street	25% min	0%
Note	Any section along the BTL on a Primary Street not defined by a building within a 10 feet setback of the BTL shall be defined by a 2'6" to 4'6" high fence or wall. The material on the fence or wall shall be consistent and compatible with the adjacent structure and approved by Planning Commission. The fence or wall may consist of a gate or opening for access.	
SETBACKS (Distance from property line)		
Side	0'	6'
Rear	0'	Adjacent to Non-Residential zones: 6' min
		Adjacent to Residential Zones: < 20' in height: 8' min > 20' in height: 12' min
DENSITY	48 du / acre	18 du /acre
HEIGHT		
Minimum	20'	No min
Maximum	80'	60'
SIDEWALKS (from back of curb to building)		
Primary Street	12' min	12' min
Secondary Street	8' min	8' min

	DC, Downtown Core	DE, Downtown Edge
ENCROACHMENTS (canopies, awnings, balconies)		
Clearance	8'	8'
Setback (measured from back of curb, or street pavement if no curb is present)	2' minimum	Primary Street: 4' Secondary Street: 6'
OFF-STREET PARKING		
Placement	Located behind or to the side of primary building	Located behind or to the side of primary building
Spaces Required	First Floor: < 3,000 sf: None > 3,000 sf: 1 space / 500sf	Non-residential Uses: < 3,000 sf: None > 3,000 sf: 1 space/1,000 sf
	Upper Floors: Residential: 1 space/unit Other: 1 space/1,000 sf	Residential Uses: Studio / 1 Bedroom: 1 space/unit 2 + Bedrooms: 1 space/unit plus .5 for each bedroom over 3
NOTES		
<ul style="list-style-type: none"> • On corner lots, parking drive shall not be located on primary streets, unless at intersections of two primary streets. • Parking drives are highly discouraged along primary streets and only permitted if there is no other option for access to parking areas. • Off-site parking may be provided off-site within 600' or as shared parking. A shared parking agreement shall be provided for all residential use parking spaces. 		

DOWNTOWN CORE STANDARDS – PLAN VIEW







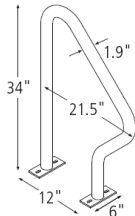
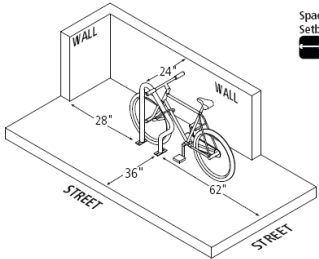
DOWNTOWN EDGE STANDARDS – PLAN VIEW



D. Downtown Districts Landscaping and Streetscape Standards

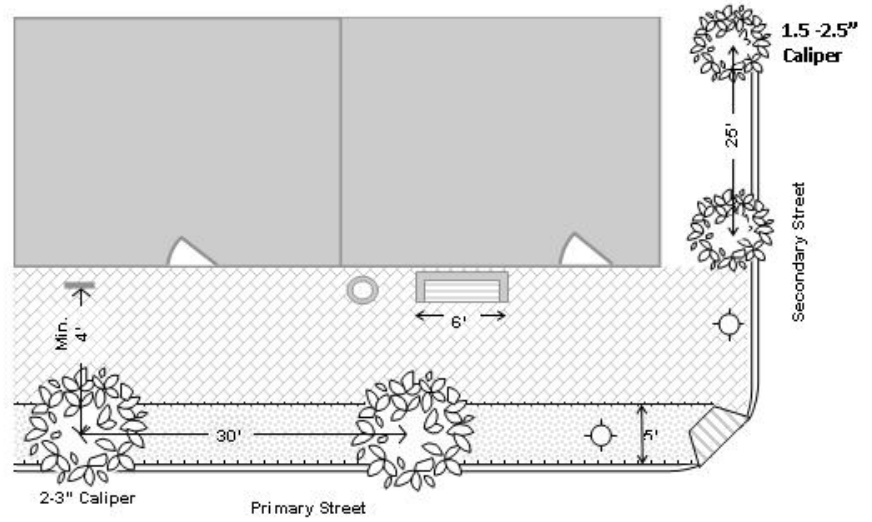
The Landscaping and Streetscape Standards apply to both the Downtown Core District and the Downtown Edge District, depending on the street type fronting the development. Primary Street standards are designed to accommodate a dense, urban-type, commercial, pedestrian focused development with wide sidewalks. Secondary street standards are designed to take on a more residential character.

	Primary Street	Secondary Street	
STREET PLANTINGS			
Requirement	One tree per 30 linear feet	One tree per 25 linear feet	
Spacing	30' maximum on center	25' maximum on center	
Caliper			
Ornamental	2" min.	1.5" min.	
Shade	3" min.	2.5" min.	
Tree Species	Norway Maple Eastern Redbud Crapemyrtle Dawn Redwood Zelkova	Red Maple Forest Pansy Redbud Flowering Crabapple Chinese Pistache Fastigate European Hornbeam	Goldenrain Tree Gingko Pin Oak Lace Bark Elm Littleleaf Linden
Tree Planting	Trees shall be planted as to be protected by either a tree grate or a planting bed according to the specifications below.	Trees may be planted in greenspace between sidewalk and street edge. If no green space is present, trees shall be planted as to be protected by either a tree grate or a planting bed according to the specifications below.	
Tree Grates			
Size	 5' X 6' min.	3' x 3'	
Material	cast iron	cast iron	
Placement	12' min. from street lights	12' min. from street lights	
Planting Bed			
Size	5' X 6' min.	3' X 3'	
SIDEWALK PAVING			
Material	Concrete / Brick / Combination	Concrete	
Brick Color	Pine Hall "Red" or equivalent	No required color	
STREET FURNITURE			
Requirement	Street furniture is not required. If specific street furniture is to be provided, it shall meet the standards below for both primary and secondary streets.		
Streetlights			
Luminaire	Granville		
Pole	Wadsworth		

Pole Height	12' maximum	
Color	Black	
Spacing	Determined by Electric Dept.	
Benches		
Length	6' minimum	
Style	Victor Stanley "Classic" Series (Model # C-10) (or approved equal)	
Color	Black	
Trash Receptacles		
Size	40 gallon	
Style	Victor Stanley "Ironsites" (Model # S-35) (or approved equal)	
Color	Black	
Bicycle Racks		
Size	34" x 21.5"	
Style	Single hoop	
Tube Width	1.9"	
Setback from parallel wall	24"	
Setback from horizontal wall	28"	
Setback from parallel street	36"	
Distance from horizontal street	62"	
NOTES		
<ul style="list-style-type: none"> • Street trees and street lights shall not be placed directly in front of an entrance to a building. • All street furniture shall be placed so that a minimum of 4' of the width of the sidewalk is clear and unobstructed. • Trees, street lamps, and all street furniture shall be placed a minimum of 36" away from the back of curb to allow for car doors opening. 		

STREETSCAPE STANDARDS – CROSS SECTION

- Building
- Encroachment
- Sidewalk - concrete
- Sidewalk - brick
- Trash can
- Door
- Bench
- Streetlight
- Bike rack



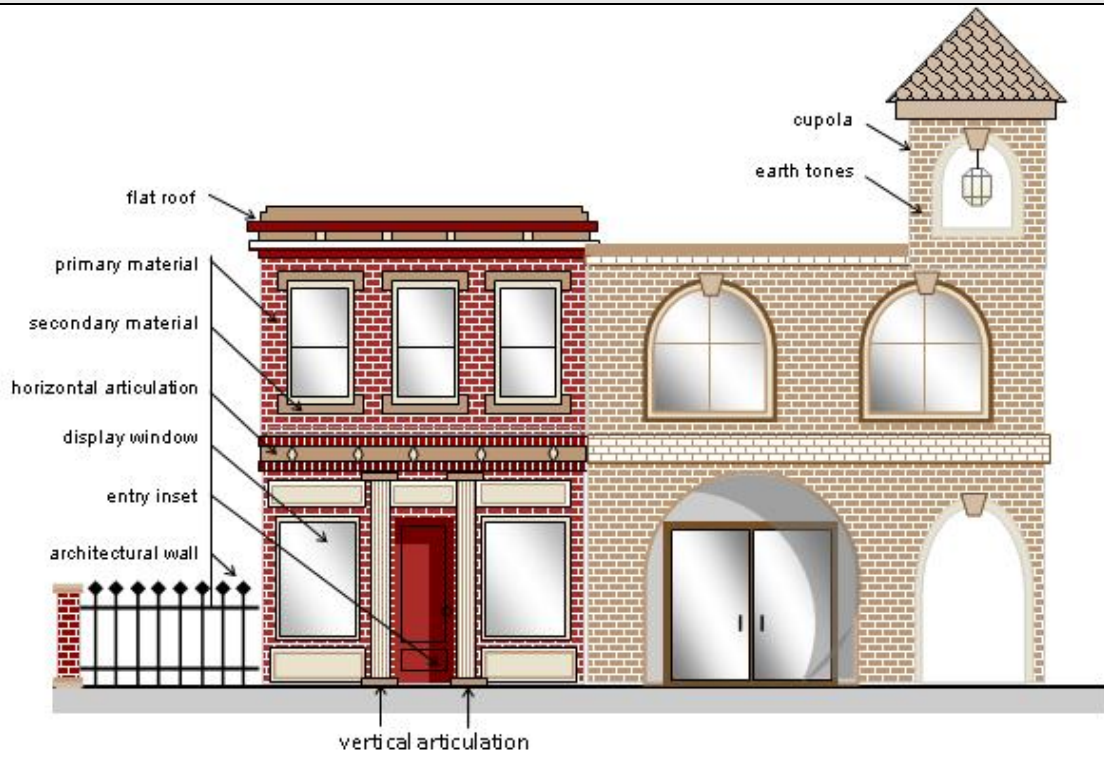
E. Downtown Districts Architectural Standards

The Architectural Standards shall apply to all uses permitted in the Downtown Core District and the Downtown Edge District, unless otherwise specified by district or use.

WINDOWS	
First Floor Coverage	50% min. of façade (Downtown Core only)
Note	First floor windows shall not be opaque.
MATERIALS	
Minimum of two materials required.	
Primary Material	
Coverage	75% min. of façade, exclusive of windows
Permitted	Brick, stone, manufactured stone, architectural steel, architectural concrete
Prohibited	Aluminum, Vinyl , Fiberglass
Secondary Material	
Coverage	25% max. of façade, exclusive of windows
Permitted	Tile, stone, glass block, copper flashing, metal and wood, EIFS
COLOR	
Primary Color	
Coverage	75% min. of façade
Permitted	Earth tones
Secondary Color	
Coverage	25% max. of façade
Permitted:	earth tones, light and bright colors
	All vents, gutters, downspouts, flashing, electrical conduits, etc. shall be painted to match or compliment the color of the adjacent surface, unless being used expressly as a trim or access element.
WALL ARTICULATION	
Vertical	50' min. between articulation
Horizontal	Articulation required between first and second floor
Techniques	<ul style="list-style-type: none"> • Breaks in the surface wall • Windows and door openings • Balconies, awnings and canopies • Series of display windows • Recess entries • Decorative materials / tile
ROOF	
Downtown Core	Gable, hipped, flat
Downtown Edge	Gable, hipped

CORNER ARCHITECTURE	
Intersections	All buildings located at the corner of the intersection between two primary streets shall incorporate a minimum of one architectural element listed below, or as approved by Planning Commission. This standard shall not apply to the intersection of two secondary streets or between a primary and secondary street.
Architectural Elements	<ul style="list-style-type: none"> • cupola • turret • pitched roof
ENTRANCES	
Emphasis	All primary entrances shall be emphasized with one of the techniques below, or as approved by Planning Commission
Techniques	<ul style="list-style-type: none"> • slightly recessed • change in color • materials or paving treatment
AWNINGS/CANOPIES/BALCONIES	
Material	Durable, protective, water repellant
Prohibited	Plastic, aluminum, fiberglass Backlighting of awning
NOTES	
	<ul style="list-style-type: none"> • Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is prohibited. Franchises or national chains shall follow these standards to create a unique building that is compatible with the DC, Downtown Core and DE, Downtown Edge districts. • Loading docks, overhead doors, and other service entries are prohibited on primary street-facing facades. • Features added to the façade, such as balconies and shutters, shall be useable and/or operational to ensure authenticity of the design.

ARCHITECTURAL STANDARDS - ELEVATION



Attachment “B” – Table of Permitted Uses

Downtown Core and Downtown Edge

A = Accessory Use
 P = Permitted Use
 C = Conditional Use

	Supp. Regs.	Downtown Core	Downtown Edge
AGRICULTURE AND ANIMALS			
agriculture			
agricultural product processing			
agriculture-related business			
animal clinic	601.3		C
animal kennel or shelter	601.3		
animal - domestic or household		P	P
animal - exotic			
animal - farm	601.3		
apiculture	601.4		
botanical garden			
chicken, hobby	601.11		P
community garden		P	P
greenhouse			P
livestock market			
plant nursery			P
slaughterhouse			
stable, commercial			

RESIDENTIAL			
dwelling - accessory	601.4	A	A
dwelling - condominium		P	P
dwelling - manufactured			
dwelling - modular			P
dwelling - multi-family		P	P
dwelling - single family			P
dwelling - townhouse or rowhouse		P	P
dwelling - two-family			P
home occupation - type a	601.12	P	P
home occupation - type b	601.12	P	C
manufactured home park			
residential facility - assisted living			
residential facility - extended medical care			
residential facility – rehabilitation			
residential facility – temporary shelter			

	Supp. Regs.	Downtow n Core	Downtow n Edge
RECREATION, EDUCATION & PUBLIC ASSEMBLY			
arena / auditorium		C	C
museum		P	C
aquarium		P	C
conference / convention center		P	C
community center	601.1	P	P
commercial recreation facility - indoor		P	P
commercial recreation facility - outdoor	601.8		
country club			
cultural studio		P	P
educational facility		C	C
golf course	601.8		
library		P	P
park - mini		P	P
park - neighborhood		P	P
park - community			
religious facilities	601.19	C	C
recreational vehicle park	601.17		

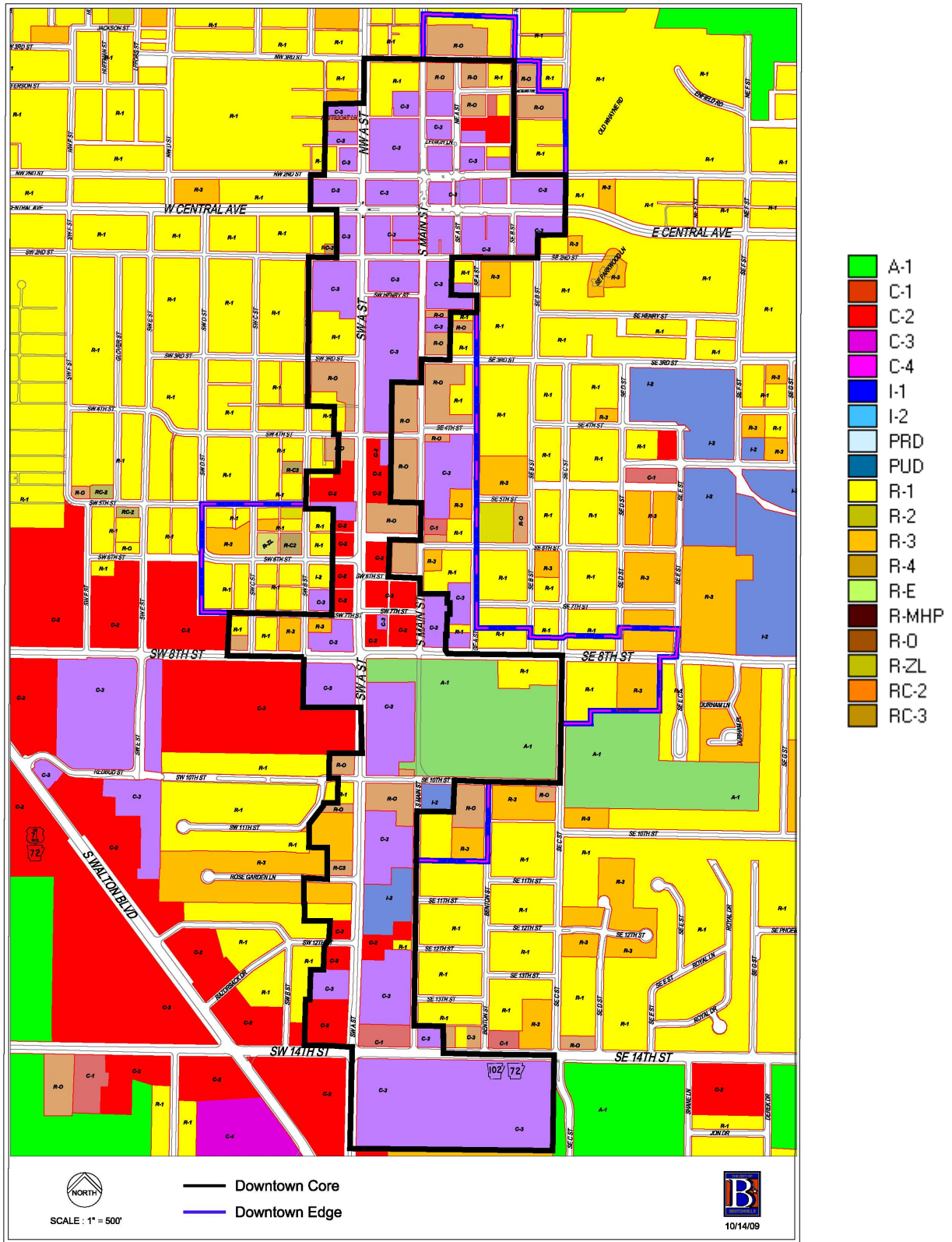
SERVICES			
ATM machine		P	P
adult day care		P	P
auction house		P	
auto or equipment auction			
automobile repair			
car wash	601.6		
cemetery or mausoleum			
child care - commercial	601.7 C	P	P
child care -residential (4 children)	601.7 A	P	P
child care -residential (5 -10 children)	601.7 B		P
copy services		P	P
correctional facility or jail			
crematory			
financial institution		P	P
funeral home			P
governmental service facility		P	P
lodging - bed & breakfast	601.5	C	C
lodging - hotel / motel		P	C
maintenance service			P
medical services - hospital	601.13		
medical services - doctor office		P	P
medical services - urgent care clinic		P	P
medical services - laboratory		P	P
medical services - substance abuse or mental health treatment clinic			
office - small scale(≤ 4,000 gsf)		P	P
office - large scale (> 4,000 gsf)		P	
office/warehouse		C	C
personal services		P	P
public safety services		C	C
postal services		P	P
repair services - household		P	P
repair services - equipment, large appliances			

	Supp. Regs.	Downtown Core	Downtown Edge
RETAIL			
artisan shop		P	P
auto and vehicle sales/rental			
bakery		P	P
bar, lounge or tavern		P	C
building and landscape material sales			
construction / heavy equipment sales/rental			
convenience store		P	
equipment rental -indoor			
equipment rental -outdoor			
gas station			
manufactured home sales			
recreational vehicle and boat sales/rental			
outdoor vending, private property	601.16	P	P
outdoor vending, public right-of-way	601.16	C	
restaurant		P	C
restaurant, drive-in			
retail - small scale (\leq 4,000 gsf)		P	P
retail - large scale ($>$ 4,000 gsf)		P	
sexually oriented business	601.22		
sidewalk café in public right-of-way	601.23	P	P

INDUSTRIAL AND WAREHOUSING			
artisan / craft product manufacturing			
bulk storage of highly flammable material			
cold storage plant			
contractor maintenance yard			
industrial -intensive			
industrial -light			
laboratory -dental or medical			
laboratory -manufacturing			
laboratory -research			
light fabrication and assembly process			
mining			
mini-warehouse storage	601.14		
taxidermy			
salvage yard	601.20		
warehousing or wholesaling			

	Supp. Regs.	Downtown Core	Downtown Edge
TRANSPORTATION, COMMUNICATION & UTILITIES			
airport facilities			
broadcasting studio		P	
electric generating plant			
parking facility (as principal use)		P	C
sewage treatment plant	601.21		
solar energy system	601.24	A	A
solid waste disposal			
transportation facilities excluding airports		C	
utility facility		C	C
wind energy system, small	601.26	A	A
wind energy system, large			
wireless communication facility (cell towers)	601.27	C	C
OTHER			
building, accessory - nonresidential	601.1	A	A
temporary uses		C	C

Attachment "C" – Map of New Districts



- A-1
- C-1
- C-2
- C-3
- C-4
- I-1
- I-2
- PRD
- PUD
- R-1
- R-2
- R-3
- R-4
- R-E
- R-MHP
- R-O
- R-ZL
- RC-2
- RC-3



SCALE: 1" = 500'

— Downtown Core
 — Downtown Edge



10/14/09