

ARTICLE 401

ZONING DISTRICT REGULATIONS

SEC. 401.1 ZONING DISTRICT BOUNDARY MAP

A. Official Zoning Map. This Ordinance consists of a map and text. The City of Bentonville shall maintain the Official Zoning Map in the Mayor's Office or at a convenient location designated by the Mayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the Official Zoning Map consists of the paper copy signed by the Mayor and designated as such, as may be amended by ordinance adopted by the City Council.

B. Boundary of Districts. The boundaries of the zoning districts are hereby established as shown on the map entitled "Zoning District Boundary Map" of Bentonville, Arkansas as may be amended by ordinance adopted by the City Council, which is part of this Ordinance and which is on file in the Office of the City Clerk.

C. Interpretation of District Boundary. Where due to scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to location of any zoning district boundary as shown thereon, the Designated Staff shall make an interpretation of the map upon request of any person. Any person in disagreement with any such interpretation may appeal such interpretation to the Board of Zoning Adjustment. All City Commissions, Boards or personnel interpreting the zoning map or deciding any appeal, shall apply the following standards:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

4. In unsubdivided property, the district boundary lines on the maps accompanying and made part of this Ordinance shall be determined by use of scale contained on such map.

5. Where a zoning district boundary is indicated as approximately following city limits the boundary shall be determined as such.

6. Where a zoning district boundary is indicated as approximately following railroad lines, the boundary shall be construed to be midway between the main tracks.

7. If, after all of the previously stated rules have been applied, uncertainty shall exist as to exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of zoning ordinances and amendments in the City as well as other relevant facts. The Board of Zoning Adjustment, upon motion, shall interpret and determine the location of said boundaries based on the above mentioned guidelines.

SEC. 401.2 CLASSIFICATION OF DISTRICTS

This Ordinance classifies and regulates the use of land, buildings, and structures within the city limits of Bentonville, Arkansas as hereinafter set forth. For the purpose of promoting the health, safety, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of land by buildings, the size of yards and open spaces, density of population and location of buildings. Zoning districts shall be designated as follows:

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A. Agricultural

A-1, Agricultural

1. Article 501, Off-Street Parking, Loading and Landscaping; and

B. Residential

R-E, Residential Estate
R-1, Single Family Residential
R-2, Duplex and Patio Home Residential
R-3, Medium Density Residential
R-4, High Density Residential
R-MH, Manufactured Home Residential
R-ZL, Zero Lot Line
R-O, Residential Office
R-C2, Central Residential – Moderate Density
R-C3, Central Residential – High Density

2. Article 601, Supplemental Regulations.

C. Conditional Uses. Where the letter “C” appears, this use is permitted subject to acquiring a conditional use permit as set forth in Art. 301.4 Conditional Uses.

D. Prohibited Uses. Where neither “P” nor “C” appears in a district column, the use is not permitted in the district.

C. Commercial

C-1, Neighborhood Commercial
C-2, General Commercial
C-3, Central Commercial

E. Uses Not Listed. When a use is proposed that is not listed in the Table of Permitted Uses, the Community Development Director shall recommend the appropriate districts based on land uses that are similar in size, bulk, and traffic generation. If the applicant does not agree with this interpretation, he/she may appeal the interpretation to the Board of Adjustment. If the Community Development Director fails to make an interpretation for the use in question, then the application shall be handled as a proposed amendment to the Zoning Ordinance and shall be processed in accordance with Art. 301, Administration.

D. Industrial

I-1, Light Industrial
I-2, Heavy Industrial

E. Planned Unit Development (PUD)

F. Planned Residential Development (PRD)

SEC. 401.5 APPLICATION OF DISTRICT REGULATIONS

SEC. 401.3 GENERAL PROVISIONS

A. Building Separation. Unless stipulated elsewhere, a minimum of 10 feet shall separate all detached buildings.

A. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

B. Measuring Lot Width. Lot width is measured at the building setback.

B. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

C. Computing Density. When computing gross density of a tract of land, any and all common open space may be used in said calculation.

C. No building or other structure shall hereafter be erected or altered:

SEC. 401.4 TABLE OF PERMITTED USES

A. Location and Description. The Table of Permitted Uses is located in Appendix A. Further clarification of each use appears in Article 201 – Definitions.

- 1. to exceed the height or bulk;
- 2. to accommodate or house a greater number of families;
- 3. to occupy a greater percentage of lot area;
- 4. to have narrower or smaller rear yards, front yards, side yards or other open spaces than

B. Permitted Uses. Where the letter “P” appears on the line of a permitted use and in the column of a district, the use is permitted in that district subject to the provisions of:

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herein required or in any other manner contrary to the provisions of this ordinance.

- D. No part of a yard or other open spaces or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- E. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.
- F. All territory which may hereafter be annexed to the City of Bentonville, Arkansas shall be considered to be in District A-1 until the territory is rezoned as provided herein or unless provided for in the annexing ordinance.
- G. In cases where plats were recorded prior to adoption of the Zoning Code on June 10, 2003 and have setbacks that conflict with the setbacks of the zoning code, the zoning code setback requirements shall prevail. Applicants may seek a variance in accordance with the policies set forth in Article 301.10 Variances. (Ord. No. 2004-63, 3-23-04)
- H. **Prior to Annexation to the City.** On any parcel annexed into the city subsequent to the adoption of these regulations, and upon which building construction has proceeded to the point at which the foundation(s) has been completed, construction may continue. If construction continues after the annexation, these regulations shall require no changes in the overall layout, plans, construction, or size of any building unless the Planning Commission determines that continued construction would pose a threat to the health, welfare, safety, or morals of the citizens of Bentonville. If construction is stopped for a period exceeding two (2) years, the Planning Commission may require, as a condition of renewing construction thereafter, that the building(s) meet all requirements for new construction.
- I. **Height.** The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations.

- 1. **Measuring Height.** In measuring heights, a habitable attic shall be counted as a story unless the area of the attic at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment.
- 2. **Exceptions.** Chimneys, elevators, poles, spires, tanks, towers, (except for transmission towers/station) and other projections not used for human occupancy may extend above the height limit.
- J. **Visibility.**
 - 1. **All lots.** In any required yard or any required setback area, nothing permanent over three (3) feet shall be installed which materially impedes vision between vehicular or pedestrian traffic.
 - 2. **Corner lots.** On any corner lot, nothing permanent over three (3) feet shall be installed within the sight triangle, as shown in the illustration below.

SEC. 401.6 A-1, AGRICULTURAL DISTRICT

A. General Description and Purpose

The regulations for the A-1 Agricultural District are designed to preserve and protect prime agricultural lands and to protect undeveloped areas from intensive uses until a use pattern is approved.

B. Bulk and Area Regulations

- 1. **Density.** One (1) dwelling unit per five (5) acres.
- 2. **Lot and Area Requirements.**
 - (a) *Min. Lot Area:* 217,800 sq. ft. (5 acres)
 - (b) *Min. Lot Width:* 100 ft.
 - (c) *Max. Lot Coverage:* 30%
 - (d) *Min. Street Frontage:* 100 ft.
 - (e) *Min. Lot Depth:* 100 ft.
- 3. **Minimum Setback Requirements. (ft.)**

Front	Side	Rear
30	30	30

4. Height Requirements.

(a) *Maximum:* 40 ft.

(b) *Exceptions:* A building or structure may exceed the maximum height shown provided each of its front, side, and rear setbacks are increased an additional foot for each foot such building exceeds the maximum height.

Since R-1 Districts are separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

3. R-2, Duplex And Patio Home Residential

The R-2 District encourages the basic land use restrictions as the R-1 District. It permits slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity.

SEC. 401.7 RESIDENTIAL DISTRICTS

A. General Description

The target goal of the residential districts is to provide sound, safe, economical, and innovative housing solutions for all citizens of Bentonville. Specific goals of residential districts include:

1. provisions of adequate space at appropriate locations necessary to create an appropriate mix of housing alternatives for people of all lifestyles;
2. consideration to site selection and variety of choice;
3. prevention of congestion as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use;
4. control of structure height to provide light and air access through windows; and
5. promotion of desirable land use and development in order to protect district character and to conserve land and building value.

1. Such a district shall encourage and maintain duplex and patio home development at appropriate locations.
2. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residence to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

B. District Purposes

1. R-E, Residential Estate

The R-E District is an extremely low density residential district designed to provide for maximum privacy through the use of open spaces, permit the keeping of animals, specifically approved by the Planning Commission, promote scenic attraction, expand and promote residential alternatives and encourage the development of residential areas most protective of the environment.

4. R-3, Medium Density Residential

The R-3 District is established to provide suitable areas for medium density residential development. Such units would be located in areas where adequate city facilities existed prior to development or would be provided in conjunction with development, and where a suitable environment for medium density residential development would be available. Such districts could be used in suburban portions of the city as buffer or transitional zones between single-family and other uses not compatible with low density residential development. Within this district, zero lot line and townhouses are permitted.

2. R-1, Single Family Residential

The R-1 District serves low density developments in which housing is generally of the highest value and where strict separation of land uses is desired.

5. R-4, High Density Residential

The R-4 District is established in order to provide high-density residential development and conversion of existing residential structures. This area could exist in the older sections and newer developed areas of town. Such a district may be developed adjacent to, or in conjunction with neighborhood commercial or shopping center development. Adequate public utilities and services shall

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exist prior to or be provided in conjunction with development. Such a district may exist as a buffer zone between single-family and non-compatible use districts. Within this district, buildings, structures or uses having commercial characteristics and not planned as a main part of the total development shall be excluded.

6. R-MH, Manufactured Home Residential

The R-MH District is established to permit and encourage the development of single family manufactured home subdivisions, manufactured home parks, or placement of manufactured homes on individual lots in a suitable environment.

7. R-ZL, Zero Lot Line Residential

The R-ZL District is a moderate density residential district designed to permit and encourage the development of a variety of dwelling types including “zero lot line” units suitable for a low cost per unit development. To be approved, an R-ZL district must be efficient in the use of land and utilities. It should be considered compatible with other residential use and may be used to create a transition from purely residential districts to medium and high-density residential zones.

8. R-O, Residential Office

The R-O District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities and compatible residential uses. It is further the intent of this district to establish a transition area where the continuation of residential activity is no longer practical between residential and nonresidential uses.

9. R-C2, Central Residential – Moderate Density

(Ord. No. 2006-33, 2-28-06)

The R-C2 district is established to provide moderate density residential development and redevelopment in that area generally referred to as “Downtown”, primarily those residential areas beyond the town square and beyond the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of

available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design. This district is appropriate as a buffer or transitional zone between single family and higher density residential or commercial districts.

10. R-C3, Central Residential – High Density

(Ord. No. 2006-33, 2-28-06)

The R-C3 district is established to provide high density residential development and redevelopment in that area generally referred to as “Downtown”, primarily the areas surrounding the town square and along the commercial corridors of SW A Street and S Main Street. The purpose of the district is to stabilize and improve existing residential neighborhoods, encourage infill of available lands, provide a choice of housing types and locations for a variety of lifestyles and economic levels, and encourage traditional urban design.

C. Residential Bulk and Area Requirements

1. Density.

Zoning District	Maximum Density Permitted
R-E	1 dwelling unit per 2 acres
R-1	6 dwelling units per acre
R-2	9 dwelling units per acre
R-3	12 dwelling units per acre
R-4	24 dwelling units per acre
R-MH	6 dwelling units per acre
R-ZL	9 dwelling units per acre
R-0	6 dwelling units per acre
R-C2	18 dwelling units per acre
R-C3	36 dwelling units per acre

2. Lot and Area Requirements.

(a) *Street Frontage.* Each lot in R-1, R-2, R-C2 and R-C3 zoning districts shall have a minimum street frontage equal to the minimum lot width required at the building line, except for lots fronting on cul-de-sac turnarounds and on curving street frontages, which must have no less than thirty-five (35) feet of street

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frontage with the two side lot lines intersecting the street diverging until they are separated by the minimum required lot width at the building line. Each lot in the remaining zoning districts shall have a minimum of thirty-five (35) feet of street frontage.

(b) *Depth.* Each lot, not including the R-C2 and R-C3 zoning districts shall be a minimum of one hundred (100) feet in depth at its shallowest point with the depth measured at right angles or radial to the street right-of-way line.

(c) *Corner lots:* Minimum width for corner lots shall be 75' at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 ft. at the building line.

(d) *Zero lot line lots:* One side yard setback must be no less than twelve (12) feet, and the other side yard setback must be zero (0) feet. No openings shall be allowed in the wall abutting the zero lot line setback. If two dwellings abut the same zero lot line, a fire wall, as called for by the Building Code is required.

(e) *Standards:*

Residential Bulk and Area Standards						
District	Structure type	Lot area (sq. ft.)	Land area per dwelling unit (sq. ft.)	Lot width (ft.)	Max. coverage	
					Interior Lot	Exterior / Corner lot
R-E	All	87,120 (2 acres)	87,120 (2 acres)	100	10%	10%
R-1	All	6,000	6,000	60	40%	45%
R-2	Two-family	7,000	3,500	70	50%	55%
	Townhouses	10,000 (dev.) 2,000 (lot)	3,500	14' (interior) 21' (exterior)	50%	55%
	All others	7,000	7,000	60	40%	45%
R-3	Two-family	7,000	3,500	70	50%	55%
	All others	7,000	7,000	60	40%	45%
R-4	Two-family	7,000	3,500	65	50%	55%
	All others	10,000	--	65	50%	55%
R-MH	Manufactured home lots	4,500	4,500	50	30%	35%
	Manufactured home parks	11,000	3,500	60	30%	35%
	All others	7,000	7,000	65	40%	45%
R-ZL	Zero Lot Line	4,000	4,000	40	60%	65%
R-O	Single-family	6,000	6,000	60	40%	45%
	Two-family	7,000	3,500	70	50%	55%
	All others	6,000	6,000	60	60%	65%
R-C2	Single Family	4,500	-	15'	60%	60%
	Two Family / Duplex	7,000	-	15'	60%	60%
	Townhomes (attached)	-	2,400	15' per unit	80%	80%
	Multi-Family (4+ units)	-	2,400	No Min.	No Max.	No. Max
	All others	4,500	--	15'	60%	60%
R-C3	Single Family	4,000	-	15'	70%	70%
	Two Family / Duplex	7,000	-	15'	70%	70%
	Townhomes (attached)	-	1,200	15' per unit	No Max.	No Max.
	Multi-Family (4+ units)	-	1,200	No Min.	No Max.	No Max.
	All others	4,000	--	15'	70%	70%

3. Minimum Setback Requirements

(a) *Garages:* The minimum front setback for front-loading garages shall be 30' from the front property line. The minimum front setback for side- or rear-loading garages shall be 20' from the front property line. The minimum garage setbacks apply to attached and detached garages. (Ord. No. 2004-63, 3-23-04).

In the R-C2 and R-C3 districts, the prominence of garages shall be reduced by locating them as far as is feasible from public streets, along alleys on the rear half of the lot. Where garages must face a public street, the garage shall be located as far back from the edge of the public right-of-way as possible and shall maintain a five (5) foot minimum setback from the rear and side property lines. Where garages must be located on the front façade, the must be recessed a minimum of six (6) feet from the front façade of the building. (Ord. No. 2006-33, 2-28-06)

(b) *Easements:* Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.

(c) *Standards (in feet):*

District	Structure Type	Front	Side		Rear
			Interior	Exterior	
R-E	All	30	30	30	30
R-1	All	20	7	20	25
R-2	All	20	7	20	25
R-3	All	20	10	20	25
R-4	All	20	10	20	25
R-MH	Manufactured home lots	20	10	20	25
	Manufactured home park	25	15	25	25
R-ZL	Zero Lot Line	20	12/0	20	25
R-O	Single-family	20	7	20	25
	Two-family	20	10	20	25
	Office with parking in front	50	10	50 parking; 20 no parking	25
	Office w/o parking in front	20	10	20	25
R-C2	Single-family	20	5	10	15
	Duplex	20	5	10	15
	Townhome	10	0	10	10
	Multi-Family	10	0	10	10
	All others	20	5	10	15
R-C3	Single-family	0	0	5	5
	Duplex	0	0	5	5
	Townhome	10	0	10	10
	Multi-Family	0	0	10	5
	All others	0	5	5	5

4. Height Requirements (Ord. No. 2006-33, 2-28-06)

(a) *Standards:* The maximum height permitted in all residential districts is 40 feet, except R-C2 and R-C3, which shall be 60 feet in R-C2 and 80 feet in R-C3.

(b) *Guidelines:* New infill structures should be constructed at a height that is compatible to the adjacent structures. If at all possible, the new dwelling should have a height within an acceptable percentage to the Planning Commission to ensure compatible massing, scale and to prevent the overshadowing of the adjacent structure(s).

(c) *Exceptions:* The principal use building or structure may exceed the maximum allowed height when an additional one foot of interior side yard setback is provided for each two (2) feet of additional height. This exception does not apply to zero lot line buildings.

D. Residential Development Criteria. Unless otherwise specifically provided in this section, the following development criteria shall apply.

regulations for the zoning district in which it is located.

3. Urban Design Guidelines.

1. Replacement of Existing Single-Wide Manufactured Homes in Residential Districts. The replacement of existing single-wide manufactured homes in residential districts may be allowed subject to the granting of a conditional use permit if the following requirements are met:

(a) All multi-family development and redevelopment in the downtown redevelopment district must adhere to Sec. 1100.12 Site and Building Design Guidelines and Standards for the Downtown Redevelopment District of the Subdivision Code.

(a) All notification and other requirements for submission of a conditional use permit request must be met.

(b) In the case of a manufactured home that is destroyed or removed from the lot prior to submission of the conditional use request, the submission must take place within thirty (30) days of destruction or removal of the manufactured home.

(c) All other requirements of this ordinance regarding placement of a manufactured home in a manufactured home subdivision, including those noted in the definition of manufactured home, must be met. These include, but are not limited to, placement, setbacks, foundation, enclosure and parking.

(d) All requirements of the zoning district in which the manufactured home is to be replaced must be met. If a conflict exists between the requirements for a manufactured home subdivision and the requirements of the zoning district in which the manufactured home is to be replaced, the stricter requirements shall apply.

2. Modular Homes. Modular homes shall meet the current adopted building codes that apply to site built homes. Modular homes shall meet all other

SEC. 401.8 COMMERCIAL DISTRICTS

A. General Description. Regulations for commercial districts are designed to encourage stable and efficient areas to meet the needs for commercial goods and services of both the city's neighborhoods and its trade area. The Planning Commission will consider, in the administration of commercial districts, the General Plan objective of discouraging urban sprawl. The districts are designed to:

1. minimize any potential incompatibilities between commercial developments and other types of land use;
2. provide opportunities for investment as new residential areas and thoroughfares are built, they are particularly designed to encourage the use of undeveloped lands in existing commercial areas;
3. provide sufficient space, at appropriate locations in close proximity to established residential areas for retail and service trade. Such commercial establishments should provide shopping needs of nearby residential areas; and,
4. provide sufficient and appropriate space to meet anticipated future needs for planned commercial developments in central shopping districts, regional, community and neighborhood shopping centers.

Provision of off-street parking space in conjunction with commercial area development shall be fostered through commercial districts establishment. Establishments will be encouraged through the districts to congregate in planned developments to the consumer and merchant's advantage.

B. District Purposes

1. C-1, Neighborhood Commercial

The C-1 District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas while maintaining a character in harmony with residential development. To this end, development in the C-1 District should harmonize in terms of form,

bulk, height, materials, architecture, and overall design with surrounding residential areas. Signage and lighting should be subdued while landscaping and open space should be maximized. Parking areas should be as inconspicuous as possible as should loading and trash collection areas.

2. C-2, General Commercial

The C-2 District represents the least restrictive of the commercial districts and is designed to serve the planning area and highway travelers. This district shall congregate on local arterial streets in such a manner as to minimize disruptions of through traffic and shall be interspersed within the corporate boundaries.

3. C-3, Central Commercial

The C-3 District comprises that area generally referred to as "Downtown." Because of its unique and historic nature, properties within the district enjoy privileges not afforded other commercial or residential developments. The Zoning Ordinance does not require front yards or side yards in the Central Commercial District. Additional fire code protections as well as historic preservation requirements apply in this district, however, and redevelopment plans are closely monitored in order to maintain the design integrity of the district.

C. Commercial Bulk and Area Regulations

1. Density. In the C-3 District, the maximum density shall be 48 dwelling units per acre.

2. Lot and Area Requirements.

District	Min. Lot Area (sq. ft.)	Min. Lot Width	Max. Lot Coverage
C-1	7,000	70 ft.	50%
C-2	7,000	70 ft.	60%
C-3	None	25 ft. / 14 ft. for town-houses	100%

Minimum Setback Requirements (ft.)						
District	Front		Side		Rear	
	With Parking in Front	Without Parking in Front	Adjacent to Non-residential District	Adjacent to Residential District	Adjacent to Non-residential District	Adjacent to Residential District
C-1	50	20	7	15	20	25
C-2	50	20	7	30	20	30
C-3	0	0	0	10	0	0

structure above the maximum height shall meet the additional setback requirement.

3. Minimum Setback Requirements.

- (a) *Standards:* See table below.
- (b) *Canopies in C-3 District:* In the C-3 Central Business District, canopies may project over the street rights-of-way if they terminate no less than two (2) feet horizontally from the outside edge of the street curb and are no less than eight (8) feet above the surface of a new or existing sidewalk.
- (c) *Sidewalk setback in C-3 District.* No building in the C-3 Central Business District, regardless of the location of the lot lines of the property on which it is to be built, shall be built closer than eight (8) feet from the back of the curb line of any public street abutting the property on which the building is located. This spacing shall be maintained in order to provide adequate space for the required sidewalk to be built along that street frontage.

4. Height Requirements

- (a) *Standards:*

District	Maximum Height (Ft.)
C-1	40
C-2	60
C-3	80

- (b) *Exceptions:* Any structure exceeding the listed maximum height shall be set back an additional one (1) foot for each foot in excess of the maximum height allowed for that district. In the C-3 District, only that portion of the

D. Commercial Development Criteria.

Unless otherwise specifically provided in this section, the following development criteria shall apply.

1. All Commercial Districts

- (a) *Lighting.* Any lighting shall be placed so as to reflect away from adjacent residential districts.
- (b) *Nuisances.* No excessive or unusual noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.
- (c) *Trash receptacles.* All trash receptacles and pickup shall be oriented away from the street side of the property and adequately screened by a sight-proof fence.
- (d) *Vehicle display and storage.* All of the lot used for the storage and display of vehicles or merchandise shall be dust-proof and paved with a sealed surface which shall be maintained in such a manner that dust shall not be produced. All driveways used for vehicle ingress and egress shall be paved in accordance with the requirements of Article 501, Off-street Parking and Loading.

2. Open Display Developments

- (a) *Landscaping.* Yards without buildings or merchandise shall be landscaped with grass or shrubs and shall be maintained in an orderly manner.
- (b) *Traffic surfaces.* All traffic ways and driveways used for entry and exit shall be paved with a sealed surface and maintained in such a manner that dust shall not be produced.
- (c) *Assembly.* A completely enclosed building shall be provided for service and assembly of vehicle and equipment. Such activity shall be considered an incidental part of the retail operation.
- (d) *Outside storage.* No material or article stored or offered for sale shall be stored or displayed outside area buildings unless it is screened by a permanent screen such as a fence or wall. This is to ensure that such display cannot be seen from an adjoining lot. Screening and display criteria shall include:
 - i. Minimum height of screening fence or wall shall be six (6) feet.
 - ii. Automobile, truck, tractor, mobile home, boat or motorcycle sales area shall not be required to screen fully assembled merchandise, ready for sale.
 - iii. No permanent open display shall be permitted on sidewalks or public rights-of-way.
 - iv. Storage space for automobile service stations when storing rental trucks or trailers must not exceed four thousand (4,000) square feet and must be paved and screening requirements met.
- (e) *Open Display Setback.* There shall be a setback of twenty (20) feet for open display of any kind.

3. C-3, Central Business District

- (a) *Uses Enclosed.* All commercial uses shall be restricted to closed buildings except parking lots, plant nurseries, promotional events, and the normal pump island services of service station operations. In addition, outdoor display of merchandise is allowed in an area equal to one-half (1/2) of the façade area of the front of the building as long as said display of merchandise is stored inside the building or other completely enclosed area after normal working hours.
- (b) *Dwelling Units.* All dwelling units in the C-3 Central Business district are required to obtain an occupancy permit from the City of Bentonville prior to occupation of that dwelling unit in order to assure compliance with appropriate building, fire safety, plumbing, electrical, mechanical and other codes.
- (c) New development zoned C-3 located within the City Council approved Downtown Redevelopment District boundaries are subject to Sec. 1100.12 Site and Building Design Guidelines and Standards for the Downtown Redevelopment District of Chapter 15 Subdivision Code.

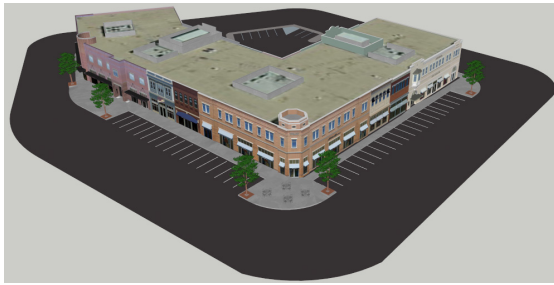
Sec. 401.8-B Downtown Districts

(Ord. No. 2009-11, 11-10-09)

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.



Downtown Core

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.



Downtown Edge

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.

Art. 401 Zoning District Regulations

C. Downtown Development Standards

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
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'

Art. 401 Zoning District Regulations

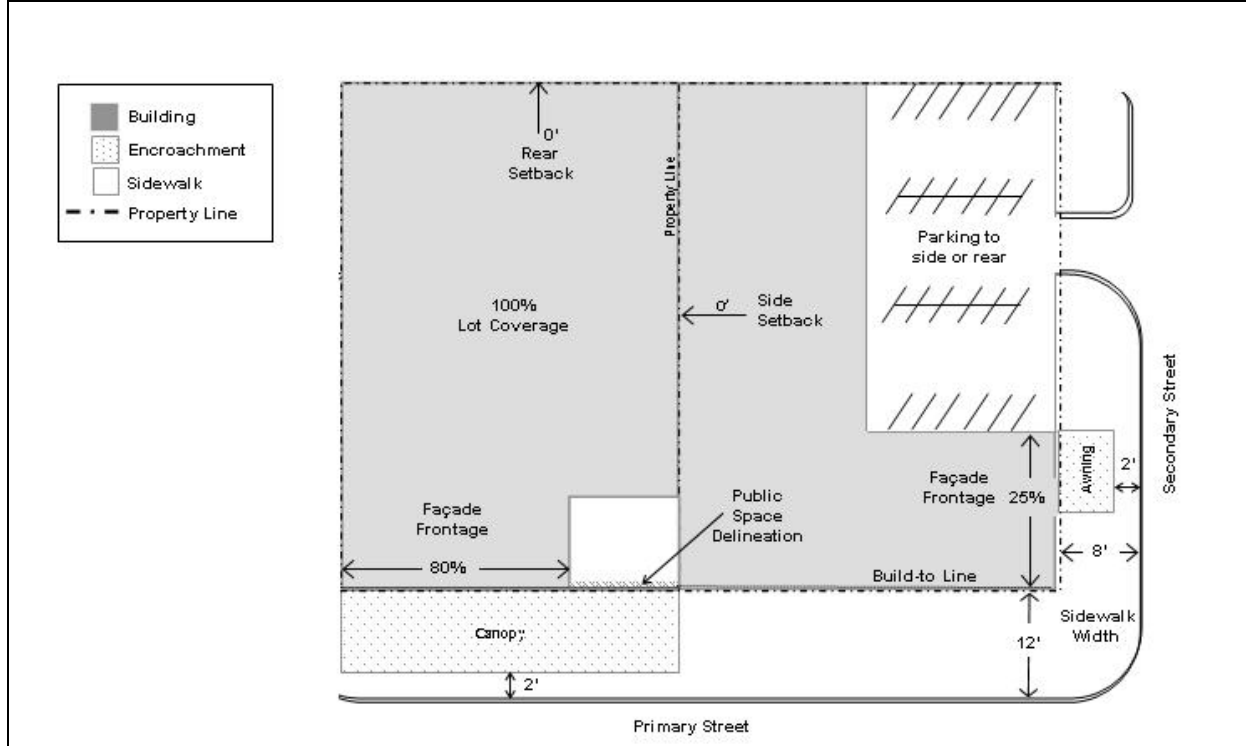
**Downtown Development Standards
(Continued)**

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

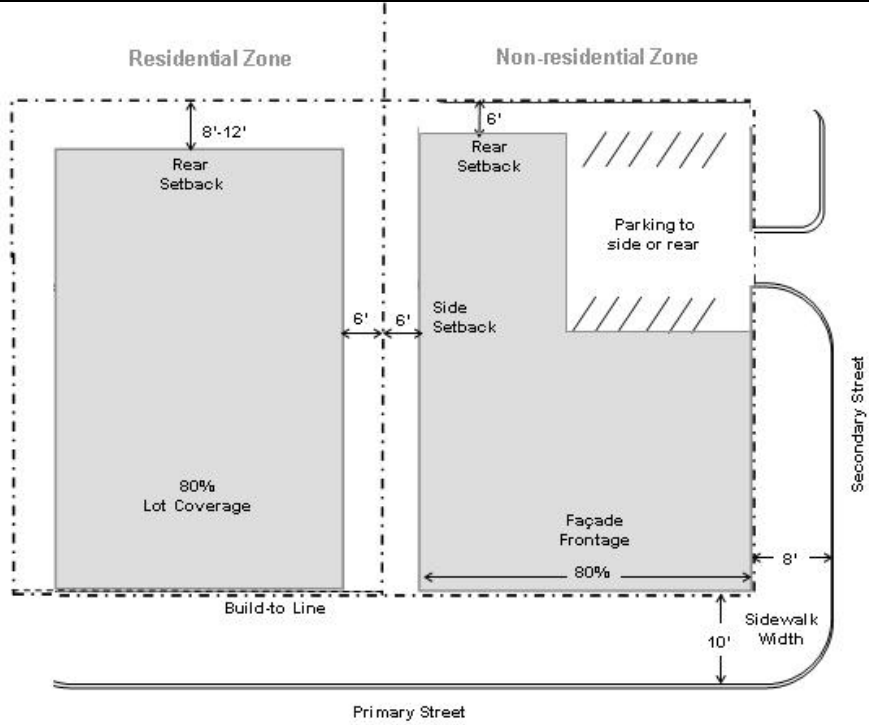
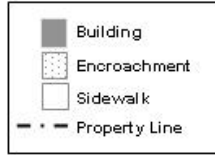
- On corner lots, parking drive shall not be located on primary streets, unless at intersections of two primary streets.
- Parking drives are highly discouraged along primary streets and only permitted if there is no other option for access to parking areas.
- Off-site parking may be provided off-site 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 Development Standards (Continued)




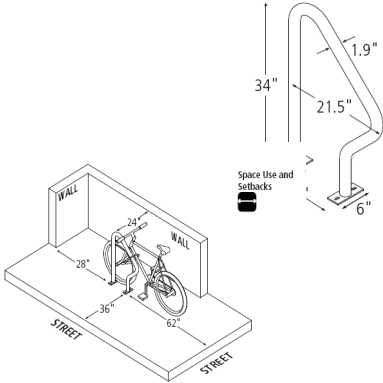
DOWNTOWN EDGE STANDARDS – PLAN VIEW



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.

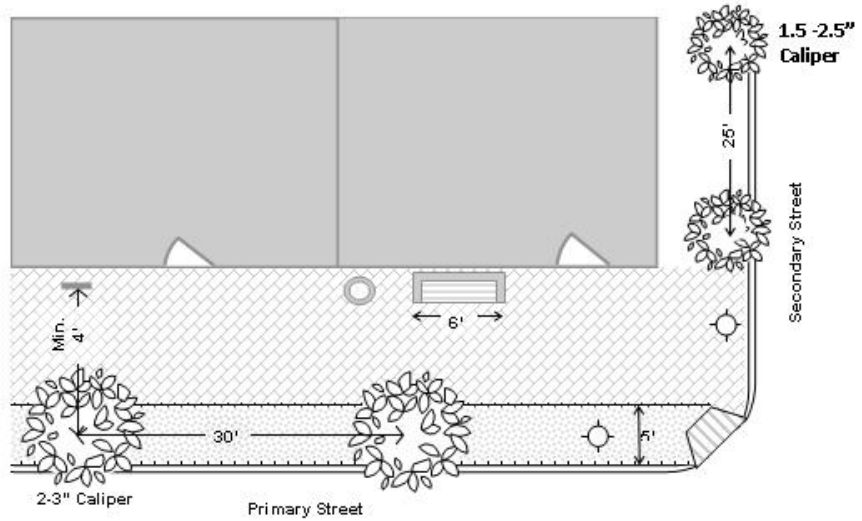
Downtown Districts Landscaping and Streetscape Standards			
	Primary Street	Secondary Street	
STREET PLANTINGS			
Requirement	One tree per 30 linear feet	One tree per 25 linear feet	
Spacing	30' maximum on center	25' maximum on center	
Caliper			
Ornamental	2" min.	1.5" min.	
Shade	3" min.	2.5" min.	
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	

Downtown Districts Landscaping and Streetscape Standards (Continued)	
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. 	

Downtown Districts Landscaping and Streetscape Standards (Continued)

STREETSCAPE STANDARDS – CROSS SECTION

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



E. Downtown Districts Architectural Standards

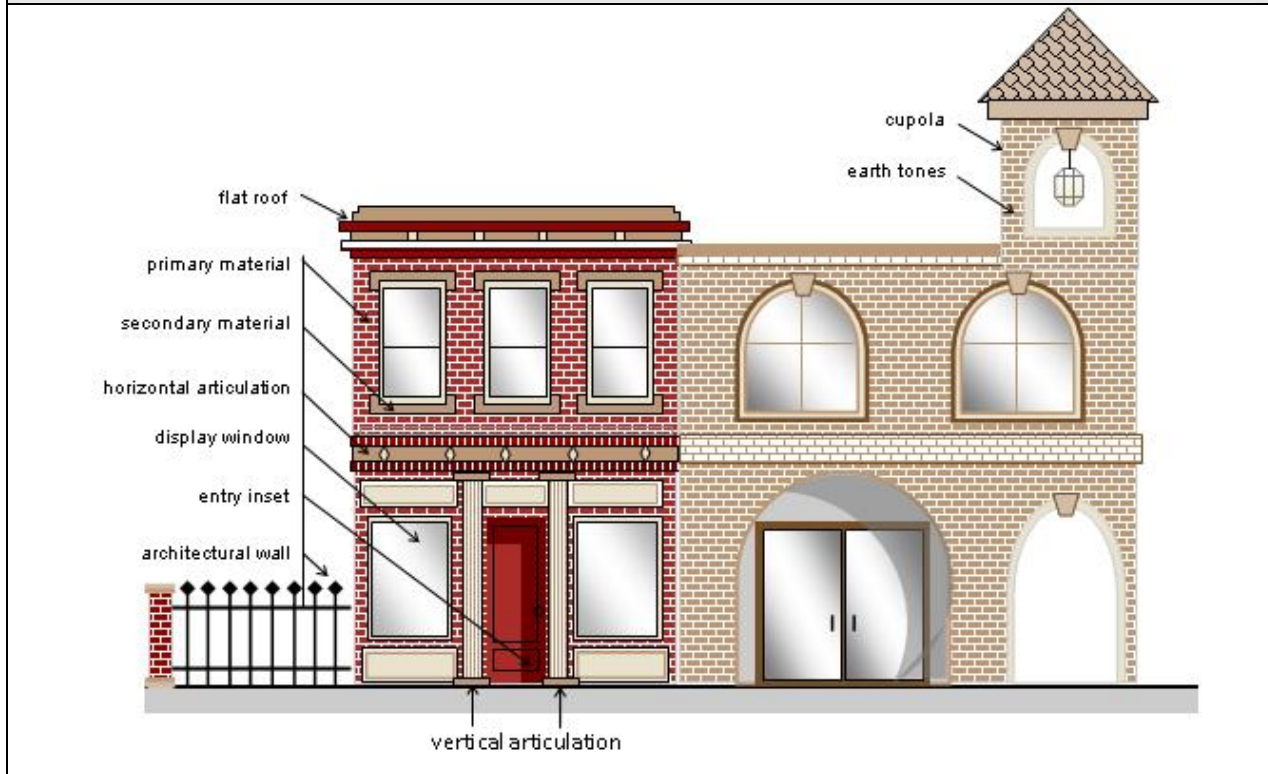
The Architectural Standards shall apply to all uses permitted in the Downtown Core District and the Downtown Edge District, unless otherwise specified by district or use.

Downtown Districts Architectural Standards	
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

Downtown Districts Architectural Standards (Continued)	
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 repellent
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.

Downtown Districts Architectural Standards (Continued)

ARCHITECTURAL STANDARDS - ELEVATION



SEC. 401.9 INDUSTRIAL DISTRICTS

A. General Description

The Industrial District Zones are to provide for development of light to medium industrial uses and related facilities. The regulations for the Industrial Districts are designed to:

1. make available a range of suitable sites for all types of manufacturing and related activities;
2. protect residences by separating them from manufacturing activities and by limiting the use of each space for new residential development;
3. provide restricted areas for those industries emitting objectionable noises, odors, or which involve danger of fire or explosives;
4. to protect industrial activities and related developments against congestion, as appropriate for each area, by limiting building bulk in relation to surrounding land and other industries and providing off-street parking and loading with each development;
5. to promote desirable land use and building development direction and to provide stability for industry and related development in an effort to strengthen the City's economic base; and,
6. to protect district character and usage and to conserve land and building value.

B. District Purposes

1. I-1, Light Industrial DistrictThe I-1 District is designed primarily to provide for general offices, light manufacturing, assembly and accessory warehousing for products which present low risk of objectionable environmental and aesthetically offensive influences, have low traffic volumes and provide no health or safety hazards.

2. I-2, Heavy Industrial District

The I-2 District is designed primarily to minimize the high risk of deleterious, hazardous and environmentally objectionable uses of general manufacturing processes and storage facilities as well as provide for warehousing, heavy equipment repair and transportation facilities.

C. Industrial Bulk and Area Regulations.

1. Lot and Area Requirements.

District	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Lot Coverage	Min. Street Frontage (ft.)	Min. Lot Depth (ft.)
I-1	20,000	100	60%	50	100
I-2	20,000	100	50%	50	100

2. Minimum Setback Requirements.

(a) Standards (in feet):

District	Front		Side			Rear		
	With Parking in Front	Without Parking in Front	Adjacent to ROW	Adjacent to Non-residential District	Adjacent to Residential District	Adjacent to ROW	Adjacent to Non-residential District	Adjacent to Residential District
I-1	75	30	30	50	75	30	50	75
I-2	75	50	50	50	75	50	50	75

(b) *Railroads.* Where property abuts a railroad and loading and unloading facilities are utilized, or second siding or spurs, the loading and unloading portions of the structures may be built up to railroad property line.

3. Height Requirements.

(a) Standards:

District	Max. Height (ft.)
I-1	60
I-2	60

(b) *Exceptions:* A building or structure may exceed the maximum heights shown provided each of its front, side, and rear yards are increased an additional foot for each foot such building exceeds the maximum height.

D. Industrial Development Criteria.

Unless otherwise specifically provided in this section, the following development criteria shall apply:

1. All Industrial Districts

(a) *Nuisance mitigation.* Any lighting visible from outside the site shall be designed to reflect away from adjacent residential districts. No noise, odor or vibration shall be emitted so that it constitutes a nuisance which substantially exceeds the general level of noise, odor or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparisons shall be made at the boundaries of the site.

(b) *Trash receptacles.* Outdoor storage of trash receptacles shall be at the sides or rear of the site and shall be totally encircled or screened by a sight-proof fence, planting or other suitable visual barrier.

- (c) *Screening.* A permanent opaque screening fence or wall shall be constructed along any side or rear property line which abuts property zoned for residential purposes. The height of this screen or wall shall be not less than eight (8) feet and shall be constructed of wood, masonry or other durable opaque material, and finished in a manner appropriate to the appearance and use of the property.
 - (d) *Front yards.* No loading or storage of material shall be permitted in the required front yard.
- 2. I-1 Industrial District.** Every use or any part thereof that is not conducted within a building completely enclosed on all sides shall be screened by a permanent opaque screening fence or wall so that it cannot be seen from an adjoining lot. The following screening and display criteria shall apply to uses located in the I-1, Industrial District:
- (a) *Screening.* The height of any opaque screening fence or wall shall not be less than eight (8) feet.
 - (b) *Vehicle storage areas.* Automobile, bus, truck, tractor, mobile home, boat or motorcycle, and wheeled and/or tracked industrial vehicle storage areas are not required to screen fully assembled merchandise which is ready for sale.

SEC. 401.10 PLANNED UNIT DEVELOPMENT (PUD)

(Ord. No. 2005-51, 02-08-05)

A. General Description

1. **Purpose.** The purpose of the PUD District is to establish a mechanism for a person to propose a commercial, industrial or residential mixed use development that is innovative but which does not strictly comply with the provisions of the zone in which the property is located and cannot be achieved through traditional zoning.
2. **Intent.** The intent of the PUD District is to promote high quality developments while allowing greater flexibility in the design of such developments. The PUD should produce:
 - (a) a maximum choice in the types of environment and living units available to the public;
 - (b) common open space and recreation areas;
 - (c) a pattern of development which preserves natural features and prevents soil erosion;
 - (d) a creative approach to the use of land and related physical development;
 - (e) an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs;
 - (f) internally located commercial uses that serve surrounding residential areas; and,
 - (g) an environment of stable character in harmony with the surrounding development.
3. **Minimum District Area.** The minimum lot area required for property proposed for a Planned Unit Development District shall be 10 acres.

4. **Zoning and Master Site Plan.** The PUD is a combination of zoning designation and master site plan. A detailed site plan is required for approval. Once approved, the site plan becomes a zoning district by city ordinance in the same manner as any other zoning parcel and the applicant may proceed with the platting or large scale development process. Development must follow the site plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

B. Permitted Uses. The PUD submittal shall include a listing of the proposed land uses and the amount of land devoted to each. This list will constitute part of the zoning component of the PUD. No other land uses will be allowed unless the PUD is revised through a rezoning process.

C. Modification of Development Standards. The applicant shall provide a written description of the proposed zoning and development standards. This information will become part of the zoning ordinance of the PUD district.

1. **Modifications permitted.** The PUD district may allow the following zoning and development standards to be modified:
 - (a) density;
 - (b) building setbacks;
 - (c) height of building or structure;
 - (d) lot size;
 - (e) lot width;
 - (f) lot depth;
 - (g) landscaping;
 - (h) required off-street parking spaces in instances of mixed residential/commercial uses; and,
 - (i) street widths.

2. **Modifications prohibited.** The PUD district shall not allow the following development standards to be modified:
- (a) sign requirements;
 - (b) grading and drainage;
 - (c) access management;
 - (d) outdoor lighting;
 - (e) screening;
 - (f) residential and commercial street light standards; and,
 - (g) flood damage protection.

D. PUD Development Criteria

1. **Common Open Space Requirements.** Common useable open space constitutes an essential ingredient in a Planned Unit Development and is one of the most basic and important design elements.

- a. **Standards.** The common open space requirements are:
- i. *Minimum area.* A minimum of 20% of the total project area, exclusive of public right-of-way and parking lots, shall be devoted to common open space.
 - ii. *Equitable distribution.* Open space should be distributed more or less equitably throughout the PUD District in relationship to the dwelling units and other use areas that are intended to be served by the common open space.
 - iii. *Preservation.* Adequate guarantees must be provided that the common open space areas as contained in the plan for the PUD District are preserved and maintained for those purposes only. A Property Owners' Association shall be required if other arrangements satisfactory to the Planning Commission have not been made for improving, operating and

maintaining all such common open space areas. At the time the final plan and plat is submitted, the Articles of Incorporation and Bylaws of the Property Owners' Association shall be reviewed and approved by the Planning Commission. Additionally, the restrictive covenants which run with the land must be submitted and include similar provisions to preserve all open space areas.

- iv. *Accessible.* Common useable open space shall be open to tenants and customers within the PUD. Access by the general public is desired.

- b. **Common Open Space determination.** The required common open space may include:

- i. Wetlands and water bodies, including the normal water surface area of unfenced retention ponds up to 50% of the required open space area;
- ii. Active detention ponds that include recreational equipment/facilities.
- iii. Vegetated / landscaped area, excluding required parking lot landscaping requirements;
- iv. Pedestrian paths, trails, sidewalks (exclusive of those required by ordinance) and covered walkways;
- v. Public plazas and hard surfaced recreation areas;
- vi. Public pools, tennis courts, basketball courts, baseball fields, soccer fields, or similar outdoor recreation facilities that are open to the residents and users of the PUD.

2. Parking and Off-Street Loading.

All uses established within a Planned Unit Development District shall comply with the off-street parking and loading requirements as established in Article 501. However, the requirements for individual structures or lots may be met through either provision of adequate parking on the lot on which such structure is so located or upon adjacent property which is under the control of a Property Owners' Association to which said lot is an automatic participant. In no case, however, shall the cumulative requirements for all parking and off-street loading requirements be less than if said uses were individually established and located in any other zoning district within the City.

3. Perimeter Requirements. In order to assure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, coverage factors and other elements necessary for all perimeter lots that are adjacent to the boundary of the PUD District or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent and character of the adjacent development and shall take into consideration the types of area regulations applicable to adjacent properties.

4. Density. The site plan shall clearly depict the proposed density by land use category. For purposes of calculating densities, net residential acres are defined as gross acres of the PUD site minus all public rights-of-way, and less the area of all parcels or lots devoted to commercial, industrial, or institutional uses not of a residential nature. Common open space that is owned and maintained by a Property Owners' Association shall

be included in calculating the net residential acres available for all dwelling units that automatically belong to such an association. Where more than one (1) Property Owners' Association is to be created, then each common open space can only be attributed to the lot or dwellings which have automatic membership for that specific common open area.

5. Structural design standards. The PUD shall meet the following structural design standards.

- (a) Residential buildings should have their main entrances oriented toward the adjoining street.
- (b) All structures shall have a common architectural theme.
- (c) Avoid unbroken building facades of more than 100'.
- (d) Provide human scale features, especially at street level.
- (e) Avoid unarticulated and monotonous building facades and window placement.
- (f) Provide a variety of building heights and varied roofline articulation.
- (g) Aluminum, vinyl or fiberglass siding or roofing materials on the facades or sides of the building shall not be visible from a public right-of-way.
- (h) Rear- and side-loading residential garages are encouraged and shall be setback a minimum of 20 feet. Front-loading garages shall be recessed a minimum of 10 feet from the front elevation of the house and shall be setback a minimum of 30' from the front property line.

SEC. 401.11 MUNICIPAL AIRPORT DISTRICT

A. **Purpose.** The purpose of the Municipal Airport District is to:

1. prevent the creation or establishment of hazards to air navigation;
2. eliminate, remove, alter and mitigate hazards to air navigation; and,
3. provide for marking and lighting of obstructions.

B. **Municipal Airport Zoning Ordinance Map**

1. **Official Map.** The Bentonville Municipal Airport Zoning Ordinance Map is made a part hereof. The map identifies the zones within the Municipal Airport District. The City of Bentonville shall maintain the Official Municipal Airport Zoning Ordinance Map in the Mayor's office or in a convenient location designated by the Mayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the Official Municipal Airport Zoning Ordinance Map consists of the paper copy signed by the Mayor and designated as such, as may be amended by ordinance adopted by the City Council.

2. **Interpretation of Zones.** An area located in more than one airport zone is considered to be only in the zone with the more restrictive height limitation.

C. **Zones within the Municipal Airport District.**

There are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Bentonville Municipal Airport. The zones are hereby established and defined as follows:

1. **Zone A, Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile non-precision instrument approach zone.** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Zone B, Transitional Zone.** The transitional zones are the areas beneath the transitional surfaces.
3. **Zone C, Horizontal Zone.** The horizontal zone is established by a swinging arc of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. **Zone D, Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

D. **Height Limitations**

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in the Municipal Airport District to a height in excess of the applicable height herein established for such zone. Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land. Applicable height limitations are hereby established for each of the zones as follows:

1. **Zone A, Runway larger than utility with a visibility minimum greater than $\frac{3}{4}$ mile non-precision instrument approach zone.** Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. **Zone B, Transitional Zone.** Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 1,296 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
3. **Zone C, Horizontal Zone.** Established at 150 feet above the airport elevation or at a height of 1,446 feet above mean sea level.
4. **Zone D, Conical Zone.** Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

E. Use Restrictions

1. Notwithstanding any other provision of this section, no use may be made of land or water within the municipal airport district in such a manner as to:
 - a. create electrical interference with navigational signals or radio communication between the airport and aircraft;
 - b. make it difficult for pilots to distinguish between airport lights and others;
 - c. result in glare in the eyes of pilots using the airport;
 - d. impair visibility in the vicinity of the airport;
 - e. create bird strike hazards; or
 - f. otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
2. **Marking and Lighting.** The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Mayor to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City.
3. **Noise Sensitive Uses.** All types of residential uses and uses that promote places of public gathering such as schools, religious facilities, hospitals, etc. are allowed in the Municipal Airport District if sound attenuated to achieve a minimum of 30 db noise reduction from outside noise levels to indoor noise levels. The granting of an aviation easement is required prior to issuing a building permit and plat notification is required on all plats.

SEC. 401.12 NORTHWEST ARKANSAS REGIONAL (XNA) AIRPORT OVERLAY DISTRICT

A. Purpose

The Northwest Arkansas Regional (XNA) Airport Overlay District is designed to provide protection to people and property on the ground and to protect the airport from the encroachment of non-compatible land uses that may interfere with the safe operation of the airport.

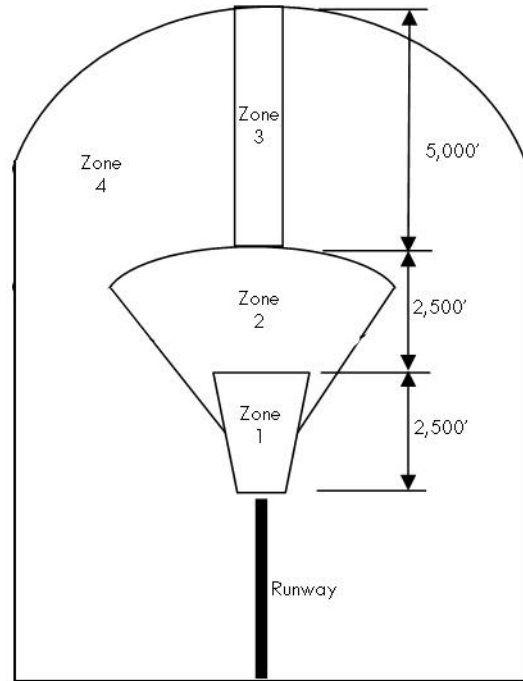
B. Northwest Arkansas Regional Airport (XNA) Overlay Zones Map

1. Official Map. The Northwest Arkansas Regional (XNA) Airport Overlay Zones Map is made a part hereof. The map identifies the zones within the XNA Airport Overlay District. The City of Bentonville shall maintain the official Northwest Arkansas Regional (XNA) Airport Overlay Zones Map in the Mayor's office or in a convenient location designated by the Mayor. Although copies of the map or portions thereof may be distributed to the public in paper or digital form, the Northwest Arkansas Regional (XNA) Airport Overlay Zones Map consists of the paper copy signed by the Mayor and designated as such, as may be amended by ordinance adopted by the City Council.

2. Interpretation of Zones. An area located in more than one airport zone is considered to be only in the zone with the more restrictive height limitation and use restriction.

C. Northwest Arkansas Regional Airport Overlay Zones

1. Zone 1, Runway Protection Zone (RPZ). The Runway Protection Zone is defined by a trapezoidal shaped area beyond the runway ends. The clearance of all objects within the RPZ is necessary. This area shall remain as open/undeveloped space and shall be contained entirely on airport property.



- 2. Zone 2, Inner Safety/Turning Zone (ISTZ).** The ISTZ boundary is defined by a triangular shaped area that is positioned along each side of the Zone 1 (RPZ). For Runway 16/34 at the Northwest Arkansas Regional Airport, Zone 2 (ISTZ) extends approximately 5,000 feet from the inner width of Zone 1 (RPZ), within a 60 degree sector off the extended runway centerlines.
- 3. Zone 3, Outer Safety Zone (OSZ).** The OSZ boundary is defined by rectangular area that is centered on the runway. For runway 16/34 at the Northwest Arkansas Regional Airport, the OSZ is 1,000 feet wide overall (extending 500 feet laterally from the runway centerline) and extends approximately 5,000 feet beyond Zone 2, ISTZ.
- 4. Zone 4, Traffic Pattern Zone (TPZ).** The TPZ boundary extends approximately 6,000 feet on each side of the runway. Beyond the ends of the runway, this boundary follows the same arc pattern of Zone 2 (ISTZ).

D. General Provisions

1. **Glare.** In Zones 1, 2, and 3, no glare-producing material shall be used on the exterior of any building, including any metal building, which would produce glare that would endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.
2. **Lighting.** In Zones 1,2 , and 3, no flashing or blinking signs or upward projecting lights shall be used that would interfere with a pilot's ability to identify airport lights.
3. **Visibility.** In Zones 1, 2, and 3, no structure or use shall impair the visibility in the vicinity of the airport so as to endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. Such prohibited uses include, but shall not be limited to, the emission or discharge of smoke, steam, or other obscuring phenomena that would interfere with the health and safety of pilots, or that would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
4. **Electronic Interference.** In Zones 1, 2, 3, and 4 no structure or use on land or water shall create electrical or electronic interference with navigational signals, or radio or radar communications between aircraft and a ground station.
5. **Wildlife Hazards.** In Zones 1, 2, and 3, in the judgment of the Community Development Director or other authorized agent, a use with the potential to attract wildlife that threatens aviation safety shall be prohibited.
6. **Sound Attenuation.** In Zones 1,2, 3, and 4, all noise sensitive uses shall be sound attenuated to achieve a minimum of 30 db noise reduction from outside noise levels to indoor noise levels. Noise sensitive uses are those defined as including but not limited to: day

care/child care centers, school facilities, hospitals, religious facilities, single family homes, multifamily homes, manufactured homes, convalescent /maternity /nursing homes, or any other type of dwelling.

7. **Avigation Easements.** In Zones 1, 2, 3, and 4 the granting of an avigation easement is required prior to issuing a building permit and plat notification is required on all plats.

E. Height Limitations

All structures must comply with the Height Hazard Zoning Ordinance prepared by the Northwest Arkansas Regional Airport Authority.

F. Use Restrictions within the XNA Airport Overlay District

The XNA Airport Overlay District is divided into four zones with specific uses prohibited within each zone.

1. Zone 1, Runway Protection Zone (RPZ).

(a) *Prohibited Uses:* All

2. Zone 2, Inner Safety/Turning Zone (ISTZ).

(a) **Permitted Uses:** All uses permitted in the base zoning district are permitted in Zone 2, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.

(b) **Conditional Uses:** All uses permitted in the base zoning district as conditional uses are permitted as conditional uses in Zone 2, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.

(c) **Prohibited Uses:**

- Places of public assembly not designed for airport patrons, including but not limited to: adult day care, child care, educational

facilities, hospitals, religious facilities, theaters (indoor and outdoor), museums, arena/auditoriums; conference/convention centers; and community centers;

- Places of residence including, but not limited to single family homes, multifamily homes, manufactured homes, assisted living facilities, or any other type of dwelling;
- Correctional facilities or jails;
- Transmission tower/station;
- Wind turbines;
- Mining;
- Solid waste disposal;
- Above ground bulk hazardous material storage or bulk storage of highly flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash;
- Contractor maintenance yards; salvage yards; or storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; and,
- Wireless communication facility.

3. Zone 3, Outer Safety Zone (OSZ).

(a) Permitted Uses: All uses permitted in the base zoning district are permitted in Zone 3, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.

(b) Conditional Uses: All uses permitted in the base zoning district as conditional uses are permitted as conditional uses in Zone 3, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.

(c) Prohibited Uses:

- Places of public assembly not designed for airport patrons, including but not limited to: adult day care, child care, educational facilities, hospitals, religious facilities, theaters (indoor and outdoor), museums, arena/auditoriums; conference/convention centers and community centers;
- Places of residence including, but not limited to single family homes, multifamily homes, manufactured homes, assisted living facilities, or any other type of dwelling;
- Correctional facilities or jails;
- Transmission tower/station;
- Mining;
- Solid waste disposal;
- Wind turbines;
- Above ground bulk hazardous material storage or bulk storage of highly flammable materials and related facilities which could pose a threat to the public in the event of an aircraft crash;
- Contractor maintenance yards; salvage yards; or storage yards for oxides, coal, stone, concrete mixing supplies or asphalt plants; and,
- Wireless communication facility.

4. Zone 4, Traffic Pattern Zone (TPZ).

(a) Permitted Uses: All uses permitted in the base zoning district are permitted in Zone 4, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.

- (b) **Conditional Uses:** All uses permitted in the base zoning district as conditional uses are permitted as conditional uses in Zone 4, except as listed below in the Prohibited Uses Section. All uses must meet the requirements of Section D. General Provisions above.
- (c) **Prohibited Uses:** Manufactured homes.

SEC. 401.13 Planned Residential Development (PRD)
(Ord. No. 2006-176, 11-14-06)

A. General Description

- 1. **Purpose.** This section establishes standards and criteria for Planned Residential Developments (PRD). The primary purpose of a PRD is to enhance the design of a residential development by allowing for flexibility and variation from the established site requirements and development standards of the Zoning and Subdivision Codes. The PRD is a mechanism by which the City may allow for variation in the design and arrangement of structures as well as provide for the coordination of project characteristics with features of a particular site in a manner that is consistent with the public health, safety, and welfare of the community. A PRD allows for innovations and special features in site development, including the locations and type of structures, the conservation of natural features, the conservation of energy, the efficient use of open space, and allowances for housing serving varying price points.
- 2. **Applicability.** The primary use of a PRD shall be residential. Uses that are accessory to the primary residential use are also allowed, as are open space and recreation uses as permitted by this zone.

- 3. **Intent.** The intent of the PRD district is to encourage the use of Smart Growth principals and Traditional Neighborhood Design, to provide a variety of housing types and densities available to the general public, and to promote high quality residential developments while allowing greater flexibility in the design of such developments. The PRD shall produce:

- 1. A maximum choice in the types of environment and living units available to the public;
- 2. A variety of housing types that effectively meets the varying price points of the community;
- 3. Energy-efficient site design or building features;
- 4. A minimum of fifteen percent (15%) common, useable open space and recreation areas;
- 5. A pattern of development which preserves natural features and prevents soil erosion;
- 6. A creative approach to the use of land and related physical development;
- 7. Efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs;
- 8. Environment of stable character in harmony with the surrounding development;
- 9. Efficient use of infrastructure, and
- 10. High quality architectural design, placement, relationship and orientation of structures.

- 4. **Smart Growth and Traditional Neighborhood Design.** The PRD district shall incorporate Smart Growth principles, including Traditional Neighborhood Design

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elements into the development by such means as:

1. Offer a range of housing opportunities and choices;
2. Foster walkable, "close-knit" neighborhoods;
3. Promote distinctive, attractive communities with a strong "sense of place";
4. Preserve open space, farmland, natural beauty, and critical environmental areas;
5. Strengthen and encourage growth in existing communities;
6. Provide an interconnected network of narrow streets that are safe and pleasant for pedestrians and which provide a variety of routes for local traffic; and
7. Provide high quality public spaces such as greenbelts, parks, plazas, squares, courtyards, and streets that are an organizing feature and gathering place for the neighborhood.

5. Minimum District Area. The minimum lot area required for property proposed for a PRD shall be three (3) acres.

6. Zoning, Master Site Plan, and Architectural Elevation Renderings. A PRD is a combination of zoning designation and master site plan, including architectural elevation renderings. A detailed master site plan and architectural elevation renderings are required for approval and must be submitted at the time of application submittal. Once approved, the site plan becomes a zoning district by City Ordinance in the same manner as any other zoning parcel and the application may proceed with the preliminary platting or large scale development process. Development must follow the site plan exactly. Failure in this

respect will result in reversion of the property to the original zoning. Although design innovation is encouraged and flexibility is allowed, the PRD may not be used simply as a method of avoiding zoning regulations.

The following information shall be provided on the Master Site Plan:

1. Residential housing types;
2. Building setbacks;
3. Location of the *central* gathering area(s) such as a public plaza or courtyard;
4. Open space including, but not limited to parks, trails, and other recreational facilities (central gathering area(s) are a separate requirement, but may be included as open space);
5. Heights of all buildings and other structures;
6. Lot size, width, and depth;
7. All parking spaces including off-street and on-street;
8. Locations of all structures;
9. Housing densities by type, expressed in units per acre;
10. Traffic circulation pattern;
11. Street widths and sidewalks; and
12. Location of proposed signage.

Architectural Elevation Renderings

Architectural elevation renderings must be provided at the time of application submittal as part of the Master Site Plan. The elevations may be digitally or hand drawn and shall include the following:

a. Residential Dwellings

1. Front, rear, and side elevations for each type of residential structure and architectural design.
2. Exterior / façade building materials list.

b. Public Gathering Places

1. Ariel view of all public gathering places depicted on the Master Site Plan.
2. Building materials list.

7. Phased Development. If development is to be completed in phases, the development plan shall coordinate improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and environmental quality of the total PRD.

B. Permitted Uses. The PRD submittal shall include a listing of the proposed land uses and the amount of land devoted to each type of development. This list will constitute part of the zoning component of the PRD. No other land uses will be allowed unless the PRD is revised through a rezoning process.

C. Modification of Development Standards. The applicant shall provide a written description of the proposed zoning and development standards. This information will become part of the Zoning Ordinance of the PRD district.

1. Modifications Permitted. The PRD district master site plan may allow the following zoning and development standards to be modified:

- (a) Density;
- (b) Building setbacks;
- (c) Height of buildings or structures;
- (d) Lot size, depth, and width;
- (e) Required off-street parking spaces, and
- (f) Street widths.

2. Modifications Prohibited. The PRD district shall not allow the following zoning and development standards to be modified:

- (a) Sign requirements;
- (b) Grading and drainage;
- (c) Access management;
- (d) Outdoor lighting;
- (e) Landscaping and screening;
- (f) Residential light standards, and
- (g) Flood damage protection

D. PRD Development Criteria.

1. Common Open Space and Recreation Requirements. In addition to adhering to Article 1400 of the Subdivision Code, common usable open space constitutes an essential ingredient in a PRD and is one of the most basic and important design elements.

a. Standards. The common useable open space requirements are:

- i. Minimum Area.* A minimum area of fifteen percent (15%) of the total project area, exclusive of public right-of-way and parking lots, shall be devoted to common usable open space.
- ii. Equitable Distribution.* Open space shall be distributed more or less equitably throughout the PRD district in relationship to the dwelling units or other use areas that are intended to be served by the common open space.
- iii. Preservation.* Adequate guarantees must be provided that the common useable open space area as contained in the plan for the PRD district are preserved and maintained for those purposes only. A Property Owner's Association (POA) shall be required if other arrangements satisfactory to the Planning Commission have not been made for improving, operating, and maintaining all

such common open space area. At the time the final plat and plan is submitted, the Articles of Incorporation and Bylaws of the POA shall be reviewed and approved by City staff. Additionally, the restrictive covenants which run with the land must be filed with Benton County, submitted to the Planning Office and include similar provisions to preserve all open space areas.

- iv. **Accessibility.** Common open space shall be open to tenants and customers within the PRD, although access by the general public is encouraged and desired.

b. Open Space Determination. The required common open space may include:

- i. Wetlands and water bodies;
- ii. Lawns – five percent (5%) maximum of total percentage required;
- iii. Pedestrian paths, trails, sidewalks (exclusive of those required by ordinance) and covered walkways;
- iv. Central gathering spaces such as plazas, parks, or courtyards;
- v. Vegetated / landscape areas, excluding required parking lot landscaping requirements;
- vi. Recreational areas / facilities such as public pools, tennis courts, basketball courts, baseball fields, soccer fields, or similar outdoor recreation facilities that is open to the residents and users of the PRD.

2. Parking and Off-Street Loading. All uses established within a PRD shall comply with the off-street parking and loading requirements as established in Article 501 of the Zoning Code and the following additional requirements:

- i. Two (2) off-street parking spaces must be provided for each residential unit, such as a driveway, carport, garage, etc.
- ii. Guest parking spaces may be uncovered and shall be so located as to be accessible to visitors and guests.
- iii. The required parking spaces, garages, or carports, or any portions thereof, may be grouped when it is determined by the Planning Commission that such grouping and the locations thereof will be accessible and useful in connection with the proposed dwelling unit in the development.

3. Perimeter Requirements. In order to ensure compatibility with surrounding development, the developer shall submit specific information as to the setbacks, building height, lot coverage, and other elements necessary for all perimeter lots that are adjacent to the boundary of the PRD district or adjacent to any boundary or perimeter street right-of-way. While no specific setback requirements are herein established, the Planning Commission and City Council shall consider the nature, extent, and character of the adjacent development and shall take into considerations the types of area regulations applicable to adjacent properties.

4. Density. The site plan shall clearly depict the proposed density, expressed in units per acre for each residential type included within the PRD.

5. Authorization of Housing Types. A PRD may authorize a variety of housing types including, but not limited to:

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loading garages shall be recessed a minimum of ten feet (10') from the front elevation of the house and shall be setback a minimum of thirty feet (30') from the property line.

- (a) Detached, single-family;
- (b) Common wall dwellings including: multi-family, condominiums, duplex / patio home;
- (c) Townhouses or row-houses (including those on individual lots to be sold in fee and those sharing common lots), and
- (d) Zero lot line homes.

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6. Structural Design Standards. The PRD shall meet the following structural design standards:

- (a) Buildings shall be sensitive to the natural environmental conditions and should be oriented around a public gathering space such as a plaza, park, or courtyard, or respond in design to a prominent feature, such as a corner location, or other manmade or natural feature;
- (b) Buildings and site design shall provide inviting entry orientation;
- (c) Main entrances shall be oriented toward the adjoining street;
- (d) All structures shall have a common architectural theme;
- (e) Human scale features shall be provided;
- (f) Provide a variety of building height and varied roofline articulation;
- (g) Aluminum, vinyl, or fiberglass siding materials on the facades or sides of the building shall not constitute over fifty percent (50%) of the structure; soffit and fascia shall not be included within this 50% calculation; and,
- (h) Rear and side loading garages are encouraged and shall be setback a minimum of thirty feet (30') for a rear loading garage and twenty feet (20') for a side loading garage. Front