

ORDINANCE NO. 2021-111

AN ORDINANCE AMENDING THE ZONING CODE OF THE BENTONVILLE MUNICIPAL CODE TO AMEND THE LOT AND SETBACKS FOR THE R-2, DUPLEX AND PATIO HOME DISTRICT, R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT AND R-4, HIGH DENSITY RESIDENTIAL DISTRICT.

WHEREAS, Ordinance No. 2020-38 removed density maximums from zoning district regulations and now zoning district titles that include “density” are misleading; and,

WHEREAS, the R-3 Medium-Density Residential zoning district does not align with the Medium-Density Residential land use classification in the Future Land Use Plan.

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

**Section 1.** That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

**Section 2.** That the Zoning Code shall be and is hereby amended with *Attachment A: R-2, R-3 and R-4 Amendments*, an electronic copy and paper copy of which is on file with the City Clerk, and is hereby adopted by reference as though it were copied herein fully.

**Section 3.** That **Sec 401.05 Table of Uses for Zoning District** shall be and is hereby amended by adding “*Neighborhood Park*” as an allowed use in the R-4 district and establishing “*Dwelling – Single-Family*” as a prohibited use in the R-4 district.

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

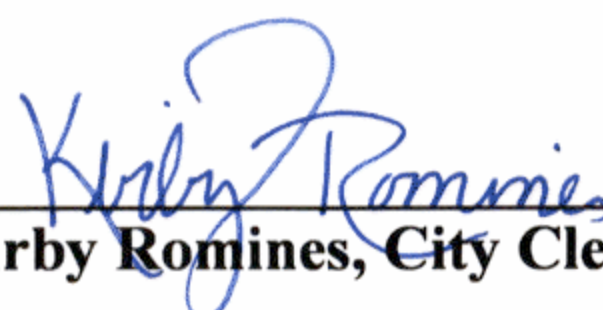
PASSED and APPROVED this 25 day of MAY 2021.

Approved:

  
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Mayor Stephanie Orman

ATTEST:

  
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Kirby Romines, City Clerk



**SECTION 1: AMENDMENT** “Sec 401.02 Classification Of Districts” of the Bentonville Municipal Code is hereby *amended* as follows:

## AMENDMENT

### Sec 401.02 Classification Of Districts

This chapter 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:

- (a) *Agricultural (A) districts.*
  - (1) A-1, Agricultural
- (b) *Residential (R) districts.*
  - (1) R-E, Residential Estate
  - (2) R-1, Low Density Single Family Residential
  - (3) R-2, Medium Density Duplex and Patio Home ~~Two Family and Townhome~~ Residential
  - (4) R-3, Medium-High Density Multifamily Residential
  - (5) R-4, High Density Multifamily Residential
  - (6) R-MH, Manufactured Home Residential
  - (7) R-ZL, Zero Lot Line
  - (8) R-O, Residential Office
  - (9) R-C2, Central Residential - Moderate Density
  - (10) R-C3, Central Residential - High Density
- (c) *Downtown Neighborhood (DN) districts.*
  - (1) DN-1, Downtown Low-Density Residential
  - (2) DN-2, Downtown Medium-Density Residential
  - (3) DN-3, Downtown High Density Residential
  - (4) DN-4, Downtown Mixed-Use Residential
- (d) *Commercial (C) districts.*
  - (1) C-1, Neighborhood Commercial
  - (2) C-2, General Commercial
  - (3) C-3, Central Commercial
- (e) *Downtown (D) districts.*
  - (1) DC, Downtown Core
  - (2) DE, Downtown Edge
- (f) *Industrial (I) districts.*
  - (1) I-1, Light Industrial
  - (2) I-2, Heavy Industrial

(g) *Planned development districts.*

- (1) PUD, Planned Unit Development
- (2) PRD, Planned Residential Development

(h) *Overlay districts.*

- (1) Municipal Airport Overlay District
- (2) Northwest Arkansas Regional (XNA) Airport Overlay District

(Code 1994; Ord. No. 99-20, § 1, 2-9-1999; Ord. No. 2003-101, § 1, 6-10-2003; Ord. No. 2006-33, § 1; Ord. No. 2009-50, § 4; Ord. No. 2009-111, § 1; Ord. No. 2012-58, § 2, 7-24-2012; Ord. No. 2016-141, § 2, 10-11-2016; Ord. No. 2018-62, § 6, 3-27-2018)

**SECTION 2:            AMENDMENT** “Sec 401.07 Residential (R) Districts Regulations” of the Bentonville Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 401.07 Residential (R) Districts Regulations

(a) *Description and purpose.*

- (1) *Residential districts generally.* 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:
  - a. Provisions of adequate space at appropriate locations necessary to create an appropriate mix of housing alternatives for people of all lifestyles;
  - b. Consideration to site selection and variety of choice;
  - c. Prevention of congestion as much as possible by regulating population density, activity intensity and extent of building bulk in relation to area land use;
  - d. Control of structure height to provide light and air access through windows; and
  - e. Promotion of desirable land use and development in order to protect district character and to conserve land and building value.
- (2) *R-E, Residential Estate purpose.* 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.
- (3) *R-1, Low Density Single-family Residential purpose.* 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. Since R-1 districts are

separated from all commercial and industrial activity, access to connecting traffic arteries is essential.

- (4) *R-2, ~~Medium Density Duplex and Patio Home~~ Two Family and Townhome Residential purpose.* The R-2 district encourages the basic land use restrictions as the R-1 district. It permits slightly higher density than the R-1 district, with residential and related uses separated from commercial and industrial activity.
  - a. Such a district shall encourage and maintain duplex and patio home development at appropriate locations.
  - b. The R-2 district should provide areas for the development of two-family residential structures, attached or detached. 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.
- (5) *R-3, Medium-High Density Multifamily Residential purpose.* 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 as buffer or transitional zones between incompatible development districts. Within this district, zero lot line and townhouses are allowed.
- (6) *R-4, High Density Multifamily Residential purpose.* The R-4 district is established in order to provide high-density residential development. 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 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.
- (7) *R-MH, Manufactured Home Residential purpose.* The R-MH district is established to allow 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.
- (8) *R-ZL, Zero Lot Line Residential purpose.* 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 uses and may be used to create a transition from purely residential districts to medium and high-density residential zones.
- (9) *R-O, Residential Office purpose.* 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.

- (10) *R-C2, Central Residential—Moderate Density purpose.* 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.
- (11) *R-C3, Central Residential—High Density purpose.* 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.

(b) *Residential (R) districts lot and area standards.*

- (1) *Standards.* The table below establishes minimum residential lot and area standards.

RESIDENTIAL (R) DISTRICTS LOT AND AREA STANDARDS						
Distr ict	Building type	Min. Lot area (sq. ft.)	Min. Land area/ Dwelli ng unit (sq. ft.)	Minimum lot width	Max. lot coverage	
					Interior lot	Exterior/co rner lot
R-E	All	87,120 (2 acres)	--	100'	10%	15%
R-1	All	6,000	--	60'	40%	45%
	Single- family	<del>6,000</del> <u>5,000</u>	--	<del>60'</del> <u>50'</u>	40%	45%
	Two-family	<del>7,000</del> <u>5,000</u>	--	<del>70'</del> <u>50'</u>	50%	55%

R-2	Townhouse - unit	<del>3,000</del> <u>2,000</u>	--	<del>30'</del> <u>20'</u>	--	--
	Townhouse - structure	<del>9,000</del> <u>6,000</u>	<del>3,000</del> <u>2,000</u>	<del>90'</del> <u>60'</u>	65%	70%
	All others not listed	6,000	6,000	60'	40%	45%
R-3	Single-family	<del>6,000</del> <u>5,000</u>	--	<del>60'</del> <u>50'</u>	40%	45%
	Two-family	<del>7,000</del> <u>5,000</u>	--	<del>70'</del> <u>50'</u>	50%	55%
	Townhouse - unit	<del>2,500</del> <u>2,000</u>	--	<del>25'</del> <u>20'</u>	--	--
	Townhouse - structure	<del>7,500</del> <u>6,000</u>	<del>2,500</del> <u>2,000</u>	<del>75'</del> <u>60'</u>	65%	70%
	Multi-family	<del>10,000</del> <u>6,000</u>	<del>800</del> <u>1,500</u>	<del>100'</del> <u>60'</u>	<del>50%</del> <u>65%</u>	<del>55%</del> <u>70%</u>
	All others not listed	10,000	--	100'	50%	55%
R-4	<del>Single-family</del>	<del>6,000</del>	--	<del>60'</del>	<del>40%</del>	<del>45%</del>
	Two-family	<del>7,000</del> <u>5,000</u>	--	<del>65'</del> <u>50'</u>	50%	55%
	Townhouse - unit	<del>2,500</del> <u>2,000</u>	--	<del>25'</del> <u>20'</u>	--	--
	Townhouse - structure	<del>7,500</del> <u>6,000</u>	<del>2,500</del> <u>2,000</u>	<del>75'</del> <u>60'</u>	65%	70%
	Multi-family	10,000	800	100'	50%	55%
	All others not listed	10,000	--	100'	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 not listed	7,000	7,000	65'	40%	45%
R-ZL	Zero lot line	4,000	--	40'	60%	65%
R-O	Single-family	6,000	--	60'	40%	45%
	Two-family	7,000	--	70'	50%	55%
	All others not listed	6,000	6,000	60'	60%	65%
R-C2	Single-family and all others not listed	4,000	--	35', rear access via alley or private drive; 50', no rear access via alley or private drive	--	--
	Two-family Townhome structure - End block	--	2,000	20', rear access via alley or private drive; 25', no rear access via alley or private drive	--	--
R-C3	Single-family	3,000	--	15'	70%	75%
	Two-family	7,000	--	15'	70%	75%
	Townhome structure	--	1,200	15' per unit	No max.	No max.
	Multi-family	--	1,200	No minimum	No max.	No max.
	All others not listed	4,000	--	15'	70%	75%

- (2) *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 20 feet of street 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 residential zoning districts shall have a minimum of 20 feet of street frontage.
- (3) *Width of corner lots.* The minimum width for corner lots shall be 75 feet at the building line. The minimum width for corner lots in a manufactured home subdivision shall be 60 feet at the building line.
- (4) *Setbacks for zero lot line lots.* One side yard setback must be no less than 12 feet, and the other side yard setback may be 0 feet.

(c) *Residential (R) districts setback standards.*

- (1) *Standards:* The table below establishes the minimum residential setback standards.

RESIDENTIAL (R) DISTRICTS MINIMUM SETBACK STANDARDS					
District	Building 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'; 30' when adjacent to single- family	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'
	Single-family	20'	7'	20'	25'
	Two-family	20'	10'	20'	25'

R-O	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 and all others not listed	20'	7'	20'	15'
	Two-family	20'	7'; 0' where attached	20'	15'
	Townhome structure —End block	10'	7'; 0' where attached	10'	15'
R-C3	Single-family	0'	0'	5'	7'
	Two-family	0'	0'	5'	7'
	Townhome structure	10'	0'	10'	10'
	Multi-family	0'	0'	10'	7'
	All others not listed	0'	7'	5'	7'

(2) *Garages.*

- a. *Street facing garage.* The minimum front setback for street facing garages shall be 30 feet from the property line that the garage faces.
- b. *Side or rear-loading garage.* The minimum front setback for side- or rear-loading garages shall be 20 feet from the front property line. The minimum garage setbacks apply to attached and detached garages.
- c. *Garages in R-C2 and R-C3 districts.* In the R-C2 and R-C3 districts, when a rear alley or rear private drive exists or is platted, a rear-loading garage is required. When no rear alley or rear private drive exists or is platted, a front-loading garage is allowed, but must be pushed toward the rear lot line and must be recessed a minimum of 6 feet from the front façade of the building.

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

(d) *Residential (R) districts height standards.* The table below establishes the maximum height allowed in residential (R) districts.

(1) *Standards.*

RESIDENTIAL (R) DISTRICTS HEIGHT STANDARDS	
District	Maximum height allowed
RE, R-1, R-2, R-MH, R-ZL	36'
R-3, <del>R-4</del> , R-C2, R-C3, RO	40'
<u>R-4</u>	<u>50'</u>

- (2) *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).
- (3) *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 feet of additional height. This exception does not apply to zero lot line buildings.

(Code 1994; Ord. No. 99-20, § 1, 2-9-1999; Ord. No. 2003-101, § 1, 6-10-2003; Ord. 2004-63, § 2; Ord. No. 2006-33, § 2-12; Ord. No. 2006-58, §§ 1, 2; Ord. No. 2012-58, § 2, 7-24-2012; Ord. No. 2016-83, § 2, 6-14-2016; Ord. No. 2018-62, § 6, 3-27-2018)