

ORDINANCE NO. 2020-275

AN ORDINANCE AMENDING THE ZONING CODE, ARTICLE 601 USE REGULATIONS, OF THE BENTONVILLE MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES.

WHEREAS, the City of Bentonville wishes to clarify regulations for accessory structures.

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

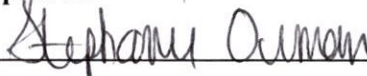
**Section 1.** That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

**Section 2.** That the Zoning Code shall be and is hereby amended with Attachment A: Accessory Structures, 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.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

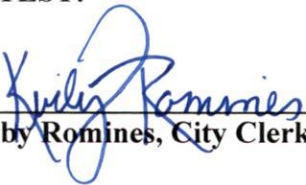
PASSED and APPROVED this 24 day of NOVEMBER, 2020.

Approved:



Stephanie Orman, Mayor

ATTEST:



Kirby Romines, City Clerk



ATTACHMENT A  
Accessory Structures  
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*(underlined text to be added; strikethrough text to be deleted)*

**Sec 601.01 Accessory Structures**

- (a) ~~General. An accessory structure may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.~~  
Applicability. The regulations in this section apply in all zoning districts to all accessory structures that are detached from the principal building.
- (b) Size. The total square footage of individual accessory structures may not exceed 50% of the total square footage of the primary structure on the lot. Except, that accessory structures on lots greater than two acres in size are exempt from this size requirement.
  - (1) ~~Standards. The table below establishes the maximum size standards for accessory structures:~~

	<b>Detached- Nonresidential</b>	<b>Detached- Accessory Dwelling</b>	<b>Attached- Accessory Dwelling</b>
<b>Size</b>			
<b>% of floor area of primary structure</b>	40%	50%	50%
<b>Max. footprint</b>	720 sq. ft.	720 sq. ft.	—
<b>Lot coverage</b>	As required by zoning district	As required by zoning district	As required by zoning district

- (2) ~~Total area. Total area cumulative of all accessory structures shall not exceed 50% of the total area of the primary structure.~~
- (3) ~~Exception. Accessory structures in the A-1 and RE districts may be allowed a maximum footprint of 1,000 square feet.~~
- (c) Lot coverage. The cumulative lot coverage of all buildings and structures on the lot shall not exceed the lot coverage required by the zoning district in which it is located.
- (d) Setbacks.
  - (1) Standards. The table below establishes the minimum setback standards for accessory structures.

ATT. A – ACCESSORY STRUCTURES

	<b>Detached Accessory Nonresidential</b>	<b>Detached Accessory Dwelling</b>	<b>Attached Accessory Dwelling</b>
Front setback	As required by zoning district <u>in which it is located.</u>	As required by zoning district	As required by zoning district
Side setback <u>if building footprint is less than or equal to 720 sq. ft.</u>	7'	7'	As required by zoning district
Side setback <u>if building footprint is greater than 720 sq. ft.</u>	Side setback as required by zoning district <u>in which it is located.</u>		
Rear setback <u>if building footprint is less than or equal to 720 sq. ft.</u>	7'	7'	As required by zoning district
Rear setback <u>if building footprint is greater than 720 sq. ft.</u>	Rear setback as required by zoning district <u>in which it is located.</u>		

- (2) *Corner lots.* In the case of a corner lot, ~~said~~ accessory structure shall not project beyond the building line of the primary structure or existing primary structure on the adjacent lot.
  - (3) *Accessory garage setback.* An accessory garage that accesses from a rear alley and the garage door faces the alley shall have a minimum setback of 20' between the alley right-of-way and the garage door.
  - (4) *Distance from primary structure.* Any ~~detached~~ accessory structure in excess of 200 square feet shall be located a minimum of ~~10'-12'~~ from the primary structure.
  - (5) ~~*Size variance.* An accessory structure footprint in excess of 720 square feet as approved through a variance shall conform to the required setbacks of the zoning district.~~
  - (6) *Exception.* Any accessory non-residential structure less than 200 square feet and not attached to a permanent foundation, shall have a minimum side and rear yard setback of ~~five feet (5')~~ 7' and shall meet the front setback as required by the zoning district.
- (c) *Height.* Accessory structures shall not exceed the maximum height as allowed by the zoning district in which it is located.

- (f) ~~Barns and stables. Barns and stables shall not be considered nonresidential accessory structures and shall meet the setback requirements as set forth in the zoning district in which it is located.~~
- (g) *Architectural design.* In residential districts, ~~the~~ façade of ~~the~~ accessory structures larger than 200 sq. ft. shall have a similar architecture to that of the main structure. In commercial districts, the accessory structure shall meet the design standards for large-scale developments.
- (h) *Location/Easements.* No permanent accessory structure over 200 square feet shall be located in an easement. Accessory structures under 200 square feet and not attached to a permanent foundation may be located in an easement as long as it can easily be moved out of the easement if necessary.
- (i) *Accessory dwelling unit additional requirements.*
- (1) *Occupancy.*
    - a. *A1, RE, R1, DN-1 Districts—Owner-occupied.* Either the primary or accessory dwelling unit shall be owner-occupied. "Owner-occupied" shall mean a property owner who makes his or her legal residence at the site as evidenced by voter registration, vehicle registration, or similar means, and at no time receives rent for the owner-occupied unit.
    - b. *C2, I1 and I2 districts—Caretaker only.* ADU's in the C2, I1 or I2 districts shall be used solely for a watchman, caretaker or custodian of the facility or use on the same site. The caretaker unit shall not be separately rented, let, or leased to other than the caretaker. The caretaker shall be employed, whether compensation is direct or indirect, principally on the lot for purposes of care and protection of persons, plants, animals, equipment or other facilities on-site.
  - (2) *ADUs per lot.* Only one ADU shall be allowed per lot.
  - (3) *Architectural design.* The addition of an ADU shall be allowed only if the appearance and character of the lot and neighborhood are maintained. The design of the ADU shall be consistent with the design of the primary structure and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance.
  - (4) *Entrances and stairs.* ~~Only one entrance to the primary structure and o~~Only one entrance to the detached ADU shall be visible from the front street. For the purpose of this regulation, the front street shall be defined as the street with the address. Exterior stairways shall not be constructed on the front of the principal dwelling unit.
  - (5) *Parking.* No additional parking spaces are required. A maximum of one additional off-street parking space may be provided for the ADU and shall be paved.
  - (6) *Compliance with applicable codes.* The ADU shall comply with all standards for health and life safety codes, building codes, as well as zoning codes as adopted by the City, except as provided in this chapter.
  - (7) *Sewer and water connections.* The ADU shall be served by the existing primary dwelling's sewer and water connections and water meter. The water meter size shall not be increased for the purpose of serving the ADU.
  - (8) *Subdivision.* The accessory dwelling unit, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit or the land on which the principal dwelling unit is located.