

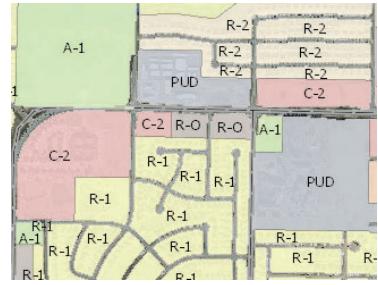
# Zoning

Zoning is the process of classifying land into districts with similar uses. It is a municipality's regulatory means of ensuring compatible uses and implementing city plans.

Arkansas State Statutes allow cities to establish zoning regulations based on an adopted Land Use Plan (Ark. Statute 14-56-416). Bentonville regulates zoning through the Zoning Code which is an ordinance adopted by City Council. It regulates land use, lot and area standards, setbacks, height, parking and signs. The Zoning Districts and regulations are based on achieving the goals and policies of the Bentonville Community Plan.

Bentonville has 24 zoning districts classified by predominant use and location: agricultural, residential, downtown residential, commercial, downtown commercial and industrial.

Administrative actions for zoning regulations include rezonings, conditional use permits and variances.



## FAQs

### How do I find out the zoning district of my property?

Online: 1 Go to <https://bentonvillear.maps.arcgis.com/home/index.html>.

- 2 Click on the COB Master Map.
- 3 Type the address into the search bar on the upper right hand side and click the magnifying glass. Details for that address will appear on the left hand column, including the zoning district.
- 4 To see the regulations, click on the Zone Info.

Email: Email the address to [planning@bentonvillear.com](mailto:planning@bentonvillear.com). Staff will respond with the current zoning district and regulations.

### How do I know the land uses allowed in my zoning district?

The Zoning Code provides a Table of Uses that indicates if a use is allowed in a particular district. The use may be listed as: allowed by right; allowed only as an accessory use; allowed only with approval of a conditional use permit; or prohibited.

- See Zoning Code, [Sec. 401.05 Table of Uses for Zoning Districts](#)

### What if my proposed use is a conditional use?

You can apply for a Conditional Use Permit by following the city's review and approval process. Some land uses have specific requirements that may apply. Planning Commission will hold the required public hearing and take final action on conditional uses.

- See Zoning Code, [Sec. 301.06 Conditional Uses](#)
- See Zoning Code, [Article 601 Use Regulations](#)

### Zoning regulates...

- land use
- lot and area size
- setbacks
- height
- parking
- signs

### Zoning districts will identify if a land use is...

- allowed by right (•)
- allowed with a conditional use (C)
- allowed as an accessory use (A)
- prohibited

# Zoning

## What if I want to change to a different zoning district?

You can apply for a rezoning by following the city's review and approval process. The city will publish a notification in the local newspaper, place a public hearing sign on the property, and the applicant must send a certified letter to property owners within 200 feet. The certified letter must identify the property, the zoning district being requested and public hearing date, time and location. Planning Commission will hold the required public hearing and make a recommendation to City Council. City Council takes final action on a rezoning.

- See Zoning Code, [Sec. 301.08 Zoning amendments \(rezoning\)](#)

## What if I am having trouble meeting a zoning regulation?

You can apply for a variance to the lot and area standards, setbacks, height, parking and sign regulations of the Zoning Code by following the city's review and approval process. Variances for land uses are prohibited. The Board of Adjustment will hold the required public hearing and take final action on variances.

- See Zoning Code, [Sec. 301.10 Variances](#)

## What is the difference between zoning and future land use?

The Future Land Use Plan and Map is a planning tool required by state statutes to enact zoning. It is adopted by resolution as part of the city's Community Plan. It does not carry the weight of law, but is to be used as a guide when making land use decisions. The Future Land Use Plan and Map is general in nature and describes preferred land use categories and locations.

Zoning is the regulatory tool to implement the plan. It is adopted by ordinance and is an enforceable law. Zoning establishes districts with specific regulations for land uses, lot sizes, setbacks and heights.

- See Zoning Code, [Article 401 Zoning Regulations](#)
- See [Bentonville Community Plan](#)



Rezonings, conditional uses and variances require a public hearing.

See [Public Hearing Guide](#)

Learn more about individual zoning districts on the [Zoning Resources Web Page](#).

All applications for zoning requests must be submitted online through [eTRAKIT](#).

Request	Public Hearing	Final Action
Rezoning	Yes	City Council
Conditional Use	Yes	Planning Commission
Variance	Yes	Board of Adjustment

# Zoning: REZONING

## Rezoning Process

**1 Application** The property owner must submit an application in [eTRAKIT](#) to request a property to be rezoned.

**2 Notification**

-  15 days prior to meeting, the applicant notifies all property within 200' via certified mail.

-  15 days prior to the meeting, the city publishes a notice in the Democrat Gazette.

-  7 days prior to meeting, the city posts a public hearing sign on the property.

**3 Staff Review** Planning staff will prepare a staff report that analyzes the impact on the surrounding area.

**4 Public Hearing** At a regularly scheduled meeting, Planning Commission will hold each public hearing separately. Those interested in speaking on the item can approach the podium, state their name and address and provide comments. Once the public hearing is closed, further public comment is not accepted. See [Public Hearing Guide](#).

**5 Planning Commission Action** Planning Commission may discuss the item and ask questions of the applicant. A commissioner may make a motion. If followed by a second to the motion, the item will be voted on. The motion can be to approve, deny or table. If an item is denied, the applicant may appeal to City Council.

**6 City Council Action** The Planning Commission's recommendation for approval is placed on the next City Council agenda. No public hearing is required at City Council. However, comments may be heard during the open public comment period. City Council can vote to approve or return to Planning Commission for further study. City Council takes final action on rezonings.

## Rezoning Decisions

The Planning Commission will review the request using these criteria:

- existing conditions,
- surrounding land uses and zoning,
- allowable uses, bulk and area regulations,
- the adopted Future Land Use Map, and,
- goals of the Community Plan.

Traffic, drainage and design are development-related issues that are reviewed during Large Scale Development and are not part of the rezoning analysis.

**City Council takes final action on a rezoning.**

## Zoning Districts

A-1	Agricultural
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 Residential
R-ZL	Zero Lot Line
R-O	Residential Office
R-C2	Central Residential – Moderate Density
R-C3	Central Residential – High Density
DN-1	Downtown Low-Density Residential
DN-2	Downtown Medium-Density Residential
DN-3	Downtown High-Density Residential
DN-4	Downtown Mixed-Use Residential
C-1	Neighborhood Commercial
C-2	General Commercial
C-3	Central Commercial
DC	Downtown Core
DE	Downtown Edge
I-1	Light Industrial
I-2	Heavy Industrial
PUD	Planned Unit Development
PRD	Planned Residential Development

# Zoning: CONDITIONAL USE

## Conditional Use Process

- 1 Application** The property owner must submit an application in [eTRAKIT](#) to request a conditional use permit.
- 2 Notification**
  -  15 days prior to the meeting, the city will publish a notice in the Democrat Gazette.
  -  7 days prior to meeting, the city posts a public hearing sign on the property.
- 3 Staff Review** Planning staff will review the conditional use request and prepare a report to the Planning Commission.
- 4 Public Hearing** At a regularly scheduled meeting, Planning Commission will hold each public hearing separately. Those interested in speaking on the item can approach the podium, state their name and address and provide comments. Once the public hearing is closed, further public comment is not accepted. See [Public Hearing Guide](#).
- 5 Planning Commission Action** Planning Commission may discuss the item and ask questions of the applicant. A commissioner may make a motion. If followed by a second to the motion, the item will be voted upon. The motion can be to approve, approve with conditions, deny or table. Planning Commission takes final action on conditional uses.

## Conditional Use Decisions

The Planning Commission will review the proposed use using these criteria:

- The use does not create a public health or safety concern.
- The use is compatible with nearby properties.
- The use complies with specific use regulations.
- Adjacent properties are protected against noxious or offensive emissions, including light, noise, glare, dust and odor.
- The use and development complies with all other zoning regulations.
- The proposed use is not otherwise a prohibited use in Bentonville.

Planning Commission takes final action on a conditional use.

## Specific Use Regulations

- accessory buildings
- alcohol sales
- animals
- apiculture (beekeeping)
- bed and breakfast
- car wash
- child care
- commercial recreation facility (outdoor)
- commercial vehicles in residential zones
- community center
- hobby chickens
- home occupation
- medical marijuana cultivation
- medical marijuana dispensary
- mini-warehouse storage
- nonresidential uses in or abutting R districts
- outdoor and mobile food vendors
- outdoor music venue
- recreational vehicle park
- residential in commercial district (existing)
- religious facilities
- salvage yard
- sewage treatment plant
- sexually oriented business
- sidewalk cafes in public right-of-way
- solar energy systems
- temporary uses and structures
- wind energy systems
- wireless communication facility
- open displays

# Zoning: VARIANCE

## Variance Process

- 1 Application** The property owner must submit an application in [eTRAKIT](#) to request a variance.
- 2 Notification**
  -  7 days prior to the meeting, the city will publish a notice in the Democrat Gazette.
  -  7 days prior to meeting, the city posts a public hearing sign on the property.
- 3 Staff Report** Planning staff will prepare a report to the Board of Adjustment providing the details of the request.
- 4 Public Hearing** At a regularly scheduled meeting, the Board of Adjustment will hold each public hearing separately. Those interested in speaking on the item can approach the podium, state their name and address and provide comments. Once the public hearing is closed, further public comment is not accepted. See [Public Hearing Guide](#).
- 5 Board of Adjustment Action** The Board of Adjustment may discuss the item and ask questions of the applicant. A member may make a motion. If followed by a second to the motion, the item will be voted upon. The motion can be to approve, approve with conditions, deny or table. Board of Adjustment takes final action on variances.

## Variance Decisions

The Board of Adjustment will review the proposed request using these criteria:

- Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district.
- The literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.
- Special conditions and circumstances do not result from the actions of the applicant.
- Granting the variance does not give the applicant any special privilege.
- Nearby nonconformities cannot be a justification for granting a variance.
- The variance is the minimum variance that will make possible the reasonable use of land, building or structure.
- Granting the variance will be in harmony with the general purpose and intent of the Code and will not be detrimental to the public welfare.

**Board of Adjustment takes final action on a variance.**

### Common Variance Requests

setbacks  
lot size  
signs  
design

Applicants must show that conditions on the property present a hardship that makes it difficult to meet the regulations.