

ORDINANCE STAFF REPORT

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Zoning Ordinance Amendments

PC Date: 10/15/2019

Reviewer: Shelli Kerr, AICP, Planning Services Mngr

<http://www.bentonville.com/198/Code-Amendments>

From time to time, staff reviews the existing zoning code for clarification, corrections, or updates to meet current conditions. The following outline is a summary of the key issues and the recommended changes. Staff requests approval of the proposed ordinance to amend Chapter 14 Zoning Code.

Ordinance Section 2: Table of Uses

ISSUE	RECOMMENDATION
1. Uses. Over time, new land uses are introduced and need to be addressed in the code. Recent requests include urban farms and event centers.	Sec. 401.05 Table of Uses. <ul style="list-style-type: none">• Add “urban farm” and “event center” as a land use and establish districts where such uses are allowed by right, by condition use or as an accessory use.
2. Commercial in DN-4. The description of the DN-4 district indicates that commercial uses are encouraged as part of a mixed use building. However, several are allowed either by right or as a conditional use in the Table of Uses.	<ul style="list-style-type: none">• Change retail uses shown as “allowed” to “accessory use.”

Att. A: Zoning Definitions (Sec. 201.02)

ISSUE	RECOMMENDATION
3. New and revised definitions. Clear definitions are necessary for code interpretation. Several definitions should be revised and a few added.	Sec. 201.02 Definitions. <ul style="list-style-type: none">• Revise definitions for: community garden, conference/convention center, dwelling, dwelling unit, single-family dwelling, condominium, townhouse, two-family dwelling, and temporary uses.• Add new terms and definitions for: event center, urban garden, single-family attached, temporary structure, and shipping container.

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Att. B: Residential District Standards (Sec. 401.07)

ISSUE	RECOMMENDATION
4. Lot standards. Current code allows single family and townhouses in the R-2, R-3 and R-4 districts, however, does not provide the lot and area standards for those uses.	Sec. 401.07 (c) Residential (R) districts lot and area standards. <ul style="list-style-type: none">• Add single-family building type to the R-2 and R-4 districts with associated lot and area regulations.• Add townhouse unit and townhouse structure building types to the R-2, R-3 and R-4 districts with associated lot and area standards.
5. Lot depth. Lot depth is not a necessary regulation. The lot area, lot width and setbacks will determine the depth needed.	<ul style="list-style-type: none">• Delete the minimum lot depth column and associated regulations.
6. Street frontage. The minimum street frontage for culdesacs and R-3, R-4, R-MH, R-ZL and R-O is 35 feet. This requirement can be difficult to meet, especially for cul-de-sacs and more dense residential districts.	<ul style="list-style-type: none">• Change the street frontage requirement for cul-de-sacs and R-3, R-4, R-MH, R-ZL and R-O zoning districts from 35' to 20', adequate to accommodate a standard driveway and necessary utility easements.

Att. C: Downtown Neighborhood District Standards

ISSUE	RECOMMENDATION
7. Uses. Single-family is an allowed use in the DN-4 district, however, is not indicated as a building type allowed in the DN-4 district.	Sec. 401.07-B (b) DN districts building types allowed. <ul style="list-style-type: none">• Add single-family building type as allowed in the DN-4 district.
8. Lot coverage. Exterior lots are typically larger to meet exterior side setback requirements. Therefore, to compensate for the greater side setback requirements, the lot coverage on an exterior lot should be 5% higher than that of interior lot coverage.	Sec. 401.07-B(c) DN districts lot and area standards. <ul style="list-style-type: none">• Change all exterior /corner lot coverage to 5% higher than the interior lot coverage.

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ISSUE

RECOMMENDATION

9. **Lot splits.** In the DN districts, the city has received requests to split traditional two-family structures onto separate lots, creating a single-family attached building type. Similarly, townhouses can be developed as several units on one lot, but developers often want the opportunity to split individual units onto separate lots. The current code does not have a mechanism to split such structures onto separate lots.
10. **Side setbacks.** The interior side yard setback calculation has been confusing, difficult to implement and has not achieved the desired goals. Staff recommends revising the setbacks to a specific number rather than a calculation.
- Add the following building types and associated lot and area standards to the DN-2, DN-3 and DN-4 districts:
 - Single-family attached – unit
 - Single-family attached – structure
 - Townhouse – unit
 - Townhouse - structure
- Sec. 401.07-B(d) DN districts setback standards.**
- Delete the “Total minimum interior side yard setback” column and associated regulations.
 - Revise Yard 1 to read “detached yard.” Make all building types in DN-1 and DN-2 have an interior detached side yard setback of 7’.
 - Revise Yard 2 to read “attached yard” and make all districts and building types 0’.

Att. D: Accessory Uses & Structures

ISSUE

RECOMMENDATION

11. **Accessory uses and structures.** The footprint and setback requirements for accessory structures and accessory dwelling units are conflicting and becoming confusing to enforce. Staff recommends combining into one section to treat ADU’s when detached, similarly as any other accessory structure.
- Sec. 601.01 Accessory nonresidential buildings and 601.02 Accessory dwelling units (ADUs).**
- Combine the regulations for all accessory structures into one section for consistency.
 - For ADUs, change the *maximum size* of 800 sq. ft .to maximum *footprint* of 720 sq. ft. (consistent with other accessory structures). Increase size from 40% to 50% of the sq. ft. of the primary structure.
 - Increase side and rear setbacks from 5’ to 7’.
 - Allow a 5’ setback for accessory nonresidential structures of 200 sq. ft. or less.

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Att. E: Temporary Uses & Structures

ISSUE	RECOMMENDATION
12. Temporary events and structures. The regulations for temporary uses and structures are vague and not accommodating for recent requests for temporary use and structures, including increased use of shipping containers used for storage purposes.	Sec. 601.25 Temporary uses and structures. <ul style="list-style-type: none">• Separate temporary uses into short-term (no conditional use permit, 3 consecutive days, twice per year) and long-term (conditional use permit with additional regulations). This allows those more unique temporary uses and structures to come through the conditional use process and for the planning commission to establish conditions based on the unique use or structure. Storage shipping containers are long-term temporary structures.

Att. F: Signs

ISSUE	RECOMMENDATION
13. Special event signs. Current code does not address signs used during temporary special events.	Sec. 801.13 Signs allowed without a sign permit. <ul style="list-style-type: none">• For temporary uses, establish a total display area of 36 sq. ft. and allow air-activated signs, otherwise prohibited.
14. Outdoor vendor signs. Current code does not address signs for outdoor vendors.	<ul style="list-style-type: none">• Add section regulating outdoor vendor signs: attached signs not to exceed 15% of the area of the vendor conveyance and one sandwich board sign within the area allowed for the vendor.
15. DN district signs. Current code does not specify regulations for DN districts. Based on district character, signs in DN-1 and DN-2 districts should be the same as residential districts and DN-3 and DN-4 should be the same as the DC and DE districts.	Sec. 801.15 Signs allowed with a sign permit. <ul style="list-style-type: none">• Add DN-1 and DN-2 to the column with the residential zoning districts.• Add DN-3 and DN-4 to the column with the DC and DE districts.
16. Wall signs. Limiting wall signs to one per wall is restrictive.	<ul style="list-style-type: none">• Change regulation from <i>one wall sign</i> to a <i>cumulative total of all sign faces</i> on the wall not to exceed 15% of wall area.
17. Off-site signs. Current code infers that off-site commercial message signs are prohibited but is not clearly stated.	Sec. 801.16 Prohibited signs. <ul style="list-style-type: none">• Add an exception for air-activated graphics for special events.• Prohibit off-site commercial message signs.

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