

ZONING ILDC ASSESSMENT

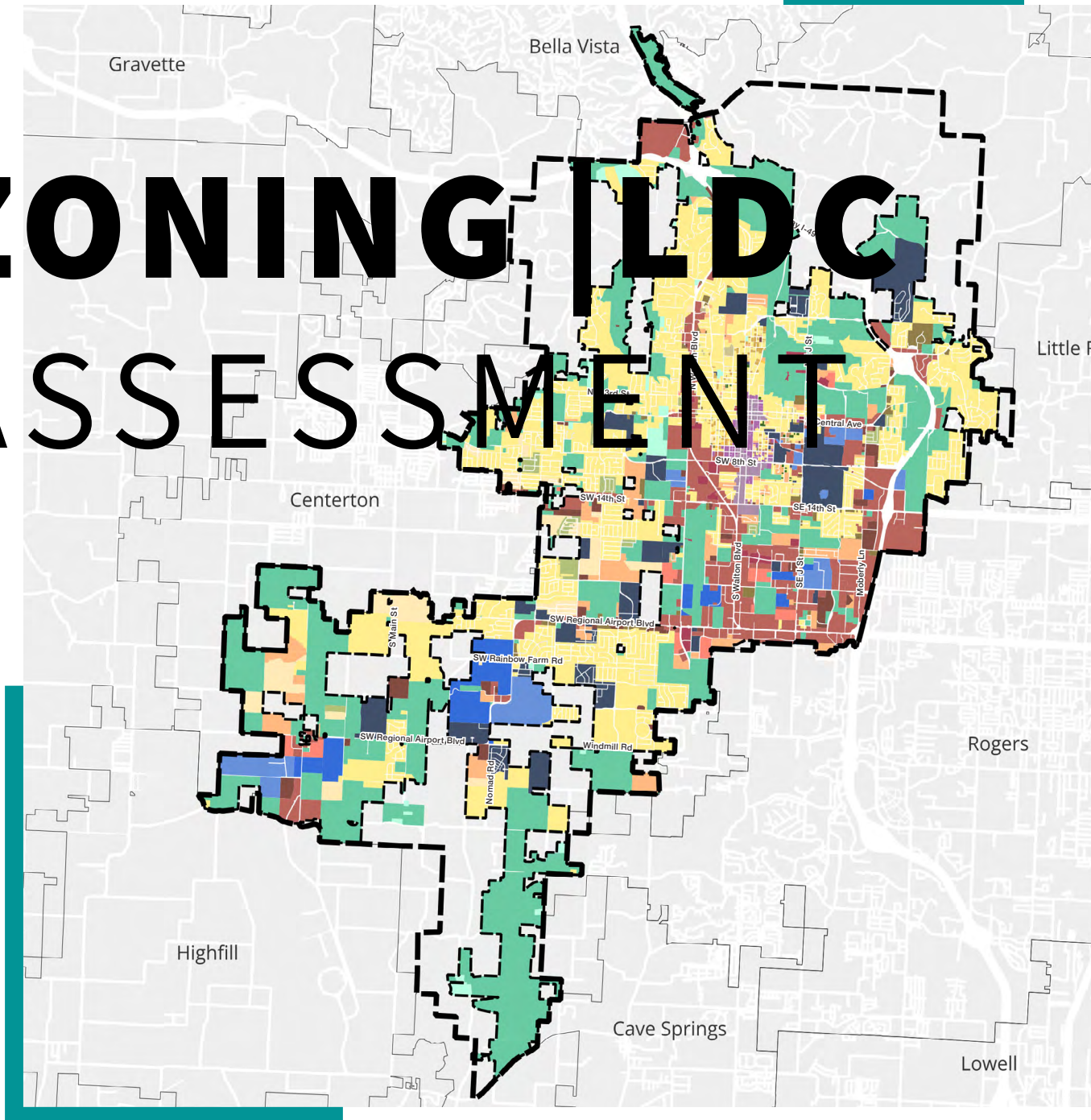


TABLE OF CONTENTS

5	INTRODUCTION
9	USABILITY
11	COMPREHENSIVE PLAN ALIGNMENT
13	APPLICATION REVIEW PROCESS
17	STATE AND FEDERAL LAW
19	ZONING
25	LAND DEVELOPMENT
35	UDC RECOMMENDATIONS

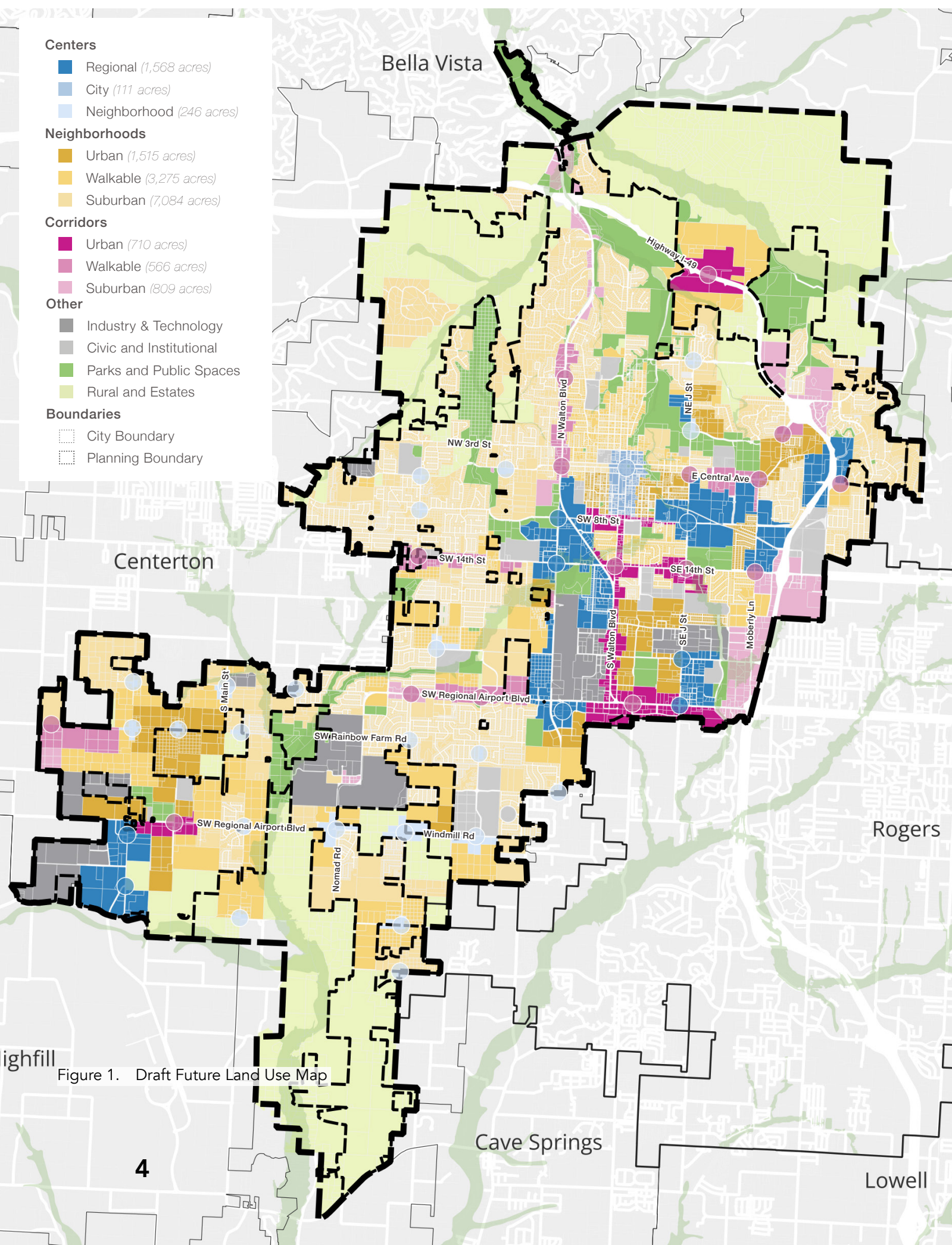


Figure 1. Draft Future Land Use Map

CODE ANALYSIS

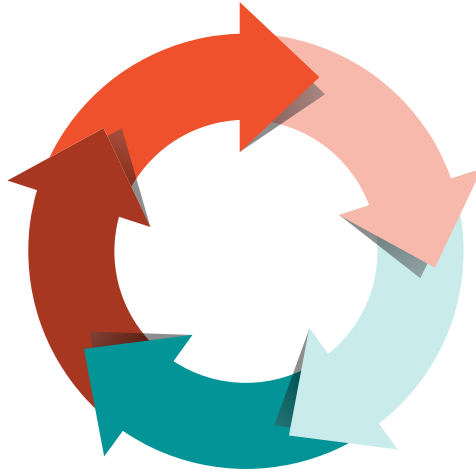
INTRODUCTION

Bentonville, Arkansas, is on an exciting journey to shape its future. The city is updating its comprehensive plan for land use and development to guide growth over the next two decades. This process involves the community's active participation to create a shared vision. The goal is to manage new growth while cherishing and preserving the city's most valued areas.

Zoning regulations play a crucial role in this endeavor. They are essential in transforming the comprehensive plan's policies into practical rules that apply to individual properties and broader development plans.



Figure 2. Design Week Open House



GOAL

By aligning these zoning and land development regulations with the community's vision, Bentonville can grow in a way that remains true to its character, supports its economy, enhances quality of life, and cares for the environment and natural resources.

The update will focus on refining and merging the existing Bentonville Appendix A Zoning Code and Appendix B Land Development Code. The aim is to create a clear, easy-to-understand, and comprehensive set of regulations that align with the city's vision and reality. The new Unified Development Ordinance will be designed to:

- Be in harmony with the comprehensive plan update;
- Support anticipated growth in an economically and environmentally sustainable way;
- Reflect modern best practices in zoning;
- Adhere to state and federal laws and relevant legal precedents; and
- Be concise, straightforward, and easy to comprehend.

An initial step in this update process is to review and identify areas for improvement in the current ordinances. This report summarizes key findings and suggests enhancements for the existing ordinance.

KEY ISSUES

As we embark on rewriting and consolidating the land development ordinances, it's important to note that this review doesn't include all critiques of the two Appendices. However, lessons learned from reviewing these ordinances, state codes, and current best practices will inform the new ordinance. The four main areas of focus identified are:

1. Usability;
2. Comprehensive Plan alignment;
3. Review processes; and
4. Compliance with state and federal law.

These issues will be elaborated upon in subsequent sections of this report.

NEXT STEPS

This assessment will serve as a foundation for drafting the new Unified Development Code (UDC). The draft will reflect updates to the Future Land Use Map and will be presented to the Planning Commission for their review and feedback, to confirm alignment with the extensive community engagement completed during 2023 and 2024.

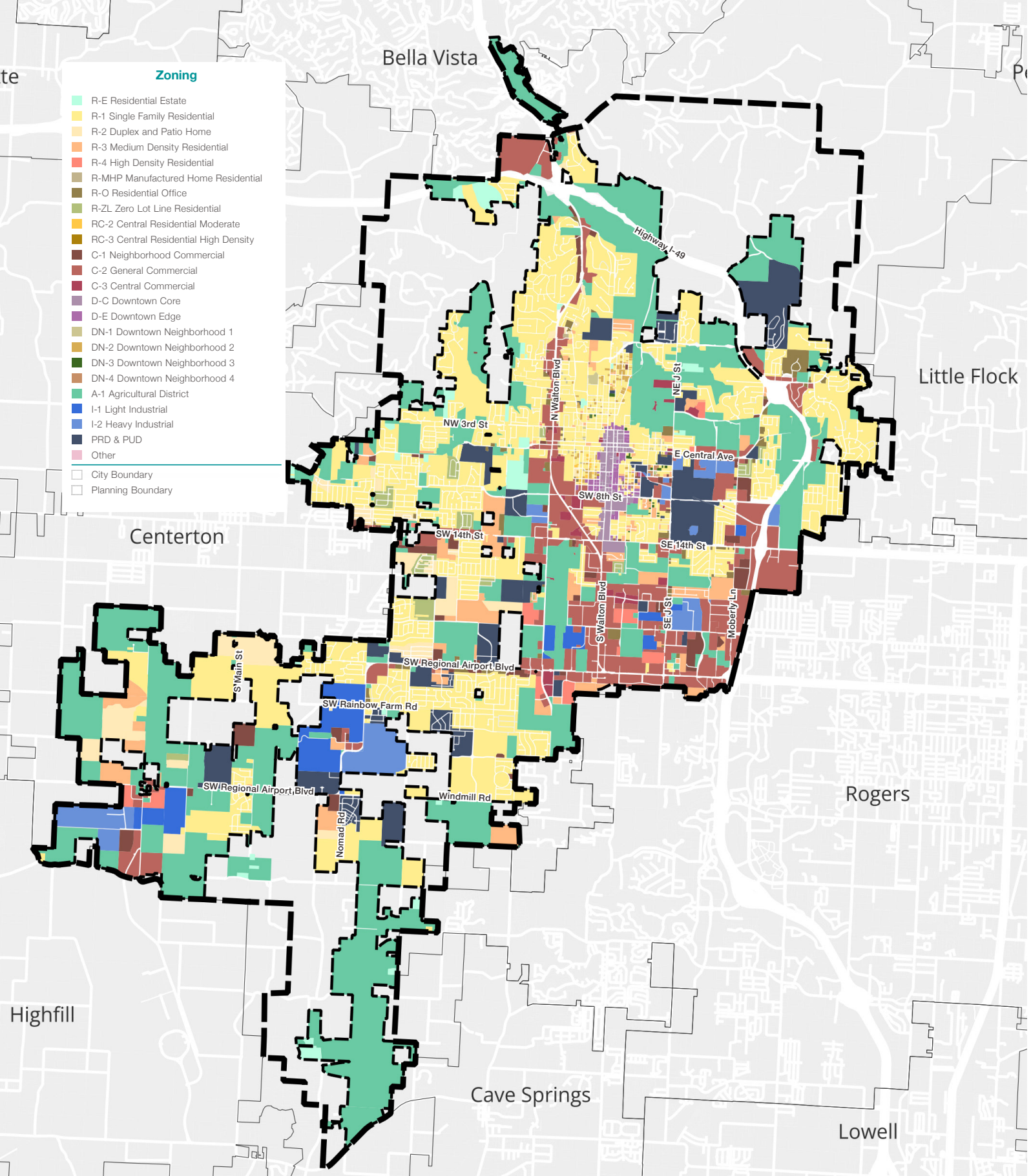


Figure 3. Current Zoning Map

1. USABILITY

The current code's text is well organized, but complex and challenging to interpret. While the table of contents is hyperlinked, references within the body of the code are not. A well-structured and accessible code is vital for ease of use, navigation, and comprehension. This section will discuss the present organization, format, and usability of the code, and propose strategies to enhance these aspects in the forthcoming Unified Development Code (UDC).

The content of the current regulations are organized as follows:

Appendix A Zoning Code

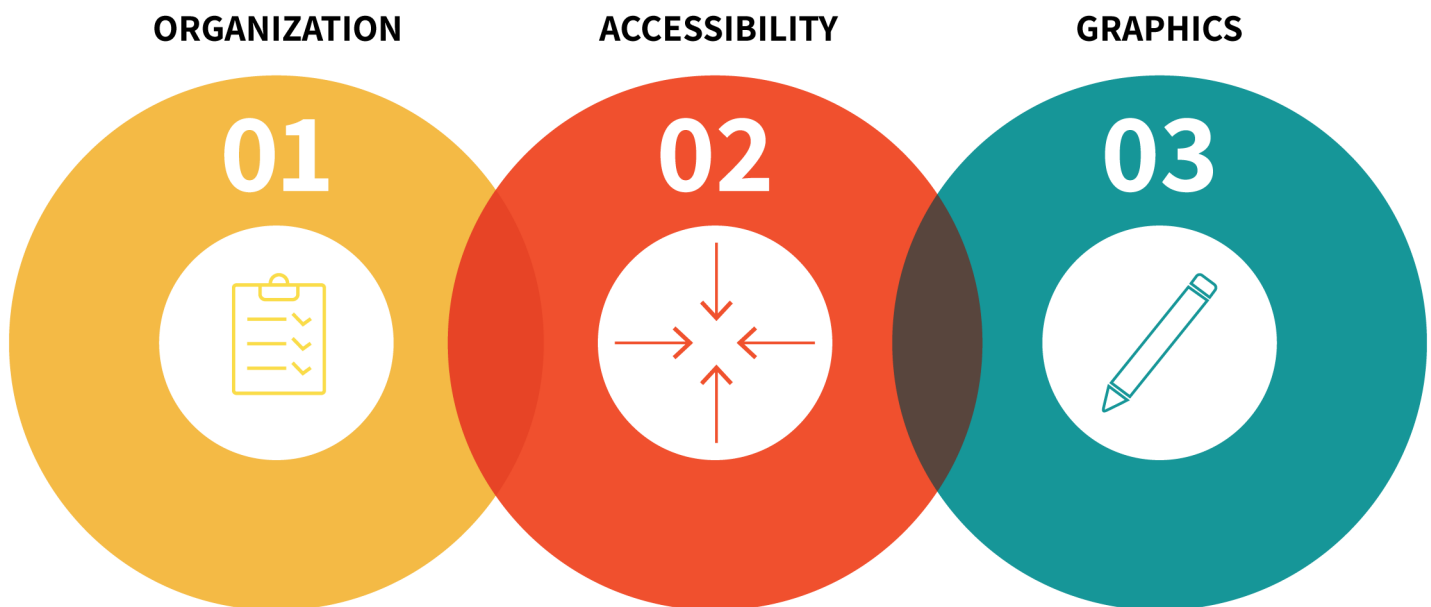
- Purpose
- Definitions
- Administration and Enforcement
- Zoning District Regulations
- Off-Street Parking and Loading
- Use Regulations
- Nonconformities
- Sign Ordinance - Private Property
- Signs on City Property and Public Right-of-Way

Appendix B Land Development Code

- General Provisions
- Definitions
- Administration and Enforcement
- Preliminary Plat
- Final Plats
- Incidental Subdivisions
- Large-Scale Development
- Plat and Plan Requirements
- Minimum Survey Standards
- Development Standards
- Off-Site Improvements
- Tree Preservation and Protection
- Landscaping, Screening, and Buffering
- Flood Damage Prevention
- Addressing

The current organization and flow of both appendices are commendable for their clarity and orderliness, which greatly facilitates user orientation. A notable feature is the inclusion of tables, like the Table of Uses, which consolidate information efficiently. This approach aligns with contemporary best practices in Unified Development Code (UDC) design. Additionally, the use of illustrations for explaining certain concepts is another modern practice. However, there are areas for improvement. Some images suffer from low resolution, making them illegible within Municode. The code contains conceptual illustrations and photographss that are not regulatory but explanatory in nature. The preferred approach is to place such illustrations in a user’s guide rather than within the code, to avoid confusion, as they are not part of the regulatory framework.

To enhance organization, it would be beneficial to position definitions and administrative details towards the end of the code. This change would allow users to access the most critical and frequently sought information more rapidly. Merging the existing content into a single UDC presents an opportunity to eliminate redundant or potentially contradictory information, streamlining the code for better coherence and usability. This restructuring will not only make the code more user-friendly but also ensure it serves its purpose more effectively, guiding users with greater precision and clarity.



2.

COMPREHENSIVE PLAN ALIGNMENT

Bentonville is currently engaged in an important endeavor - updating its comprehensive plan's future land use map. The challenge lies in converting the policies and land use concepts from the comprehensive plan, which focus on vision and context, into a set of regulations that are not only user-friendly and legally sound but also effective. These regulations are essential in guiding development towards areas most suitable for Bentonville's growth, aligning with the community's aspirations to preserve and enhance the city as a safe, resilient, vibrant, and prosperous place. This includes fostering a lively downtown, maintaining a strong local economy, and nurturing healthy neighborhoods.

The updated regulations will aim to clearly articulate and execute the plan's policies, incorporating its guidance on developing, maintaining, and improving land and properties. As these regulations are crafted, they will be closely aligned with the evolving policies and the vision outlined in the comprehensive plan and its future land use map.

A crucial step in the zoning code development process is to determine the zones that are applicable in each of the Place Types of the Community Plan. The zoning district alignment is provided in [Table 1. Comprehensive Plan / Zone Alignment](#). As zones are consolidated or new zones introduced, this alignment will be updated.

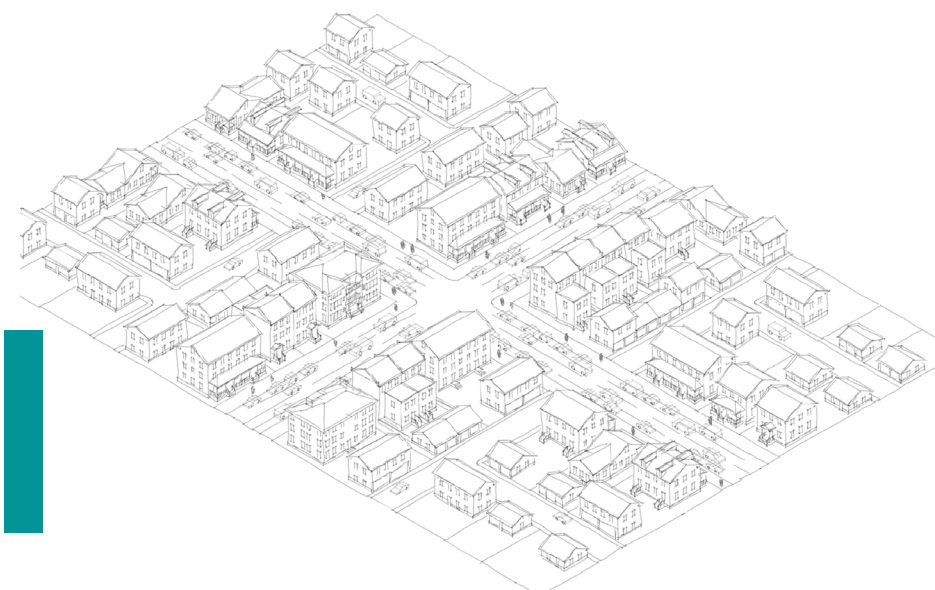


Figure 4. Place Type – Walkable Neighborhood

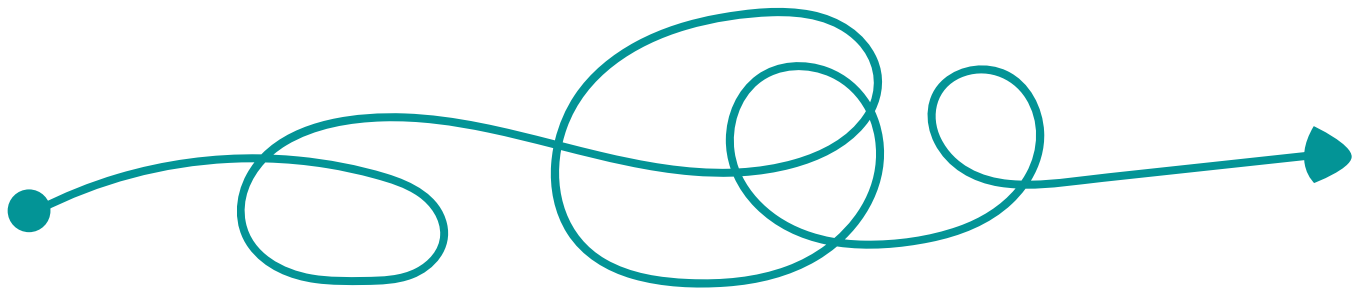
Table 1. Comprehensive Plan / Zone Alignment

PLACE TYPE	CURRENT ZONING	PROPOSED ZONING
Regional Center	DC, DE, DN-4	T5.1, T5.2, T6.1
City Center	DC, DE, DN-1 - DN-4	T4.2, T5.1, T5.2
Neighborhood Center	DE, DN-4, C-3	T4.1, T4.2, T5.1
Urban Neighborhood	DN-2 - DN-4, C-3	T3.2, T4.1, T4.2, T5.1
Walkable Neighborhood	DN-1 - DN-4	T3.2, T4.1, T4.2
Suburban Neighborhood	R-1, R-3	T3.1, T3.2, T4.1
Urban Corridor	DE, C-3	T5.1, T5.2
Walkable Corridor	DN-4, C-3, C-1	T4.2, T5.1, T5.2
Suburban Corridor	C-1, C-2	HC, T5.1
Industry & Technology	C-2, I-1, I-2	HC, I-1, I-2
Rural and Estates	A-1, RE	T2, T3.1
Civic and Institutional	Any	Any
Parks and Public Open Spaces	Any	Any
Outdoor Entertainment	A-1, C-3	T2, T4.2
Open Space	Hazard overlay	

3. **APPLICATION REVIEW PROCESS**

The Bentonville Planning Department handles hundreds of applications every year, ranging from large multi-block developments to smaller projects like new fences for private residences. Generally, there are three main tracks for project approvals: ministerial, administrative, and discretionary.

The appropriate pathway for a project depends on the level of review required to ensure it complies with the Zoning Code. The necessary approvals are determined by the project's description, location within the city, and the nature of the application request.



BY-RIGHT OR MINISTERIAL APPROVALS:

If a project meets the development standards and zoning regulations outlined in the Zoning Code and does not require additional formal planning approvals, it is considered a by-right project. This means the applicant can proceed directly to the Bentonville Fire Department to request a building permit through the online application system.

ADMINISTRATIVE APPROVALS:

Sometimes, even if a project is by-right, it may require an administrative approval to ensure it complies with existing zoning regulations or guidelines, especially if the project is within an overlay district or downtown. Administrative approvals are based on objective standards and do not involve discretion. A city planner will review the project to ensure compliance before the applicant files for a building permit.

DISCRETIONARY APPROVALS:

If a project does not comply with the Zoning Code, or if its proposed size, use, or location requires additional formal review, the applicant will need to file for a discretionary entitlement. This process involves a public hearing before the City Planning issues a recommendation or determination letter. Discretionary approvals are necessary for projects that require a more in-depth review to assess their compatibility with the community's goals and standards.

Administrative applications typically move through the review process faster than discretionary ones, as they do not require environmental analysis or formal public hearings. This accelerated process allows compliant projects to advance more quickly, often saving months in the development timeline.

Minimizing reliance on discretionary approvals is considered a best practice in zoning oversight by organizations like the Congress for the New Urbanism and the American Planning Association. The primary reasons for this are that discretionary approvals are time-consuming, costly, and often result in uncertain and inconsistent decisions.

Elected officials aim for zoning to achieve specific goals, citizens want to understand what changes might happen near their homes, and developers seek clear guidelines to plan projects that meet standards and can be approved. Discretionary approvals often fail to meet these needs, suggesting that reducing reliance on them can lead to a more efficient and predictable development process.



Flexibility and By-Right Development

The flexibility of a Unified Development Code (UDC) is defined by its hierarchy of uses and the permits required for each. This hierarchy sets the different levels of review needed to make various zoning decisions. These decisions range from informal reviews by counter staff, ensuring proposed uses and structures comply with existing regulations before issuing a building permit or business license, to more formal procedures that require public notice and a hearing before the Planning Commission.

The key factor determining where a project falls within this hierarchy is whether the proposed use is permitted “by right,” allowed subject to specific conditions, requires a Conditional Use Permit, or a Large-Scale Development application with Planning Commission review and public hearings. The placement of an application within this hierarchy can also be influenced by how a city designs its administrative processes. Often, the review

threshold for a particular type of application can be lowered by making development standards more specific.

Currently, Bentonville’s Large-Scale Development Plans have created processes that bypass opportunities for staff review, highlighting the need for adjustments. The update to the UDC offers a chance to reevaluate and adjust these review thresholds based on the types of issues and projects that have historically generated the most interest and concern in the city.

By analyzing past trends, the city can identify where certain approvals can be routinely granted through administrative review, thereby streamlining the process. This approach not only makes the development process more efficient but also ensures that projects move forward in a timely manner while still adhering to the city’s standards and regulations.

City Center

City Centers are places like the Downtown Bentonville Square and its surrounding blocks, with jobs, entertainment, convenience retail, daily services, and housing at a variety of scales – from single story shops to office and residential buildings. These types and uses, as well as churches and other civic buildings, make for the city's most active, compact and walkable space. Accordingly, City Centers are substantial contributors to the city's budget.

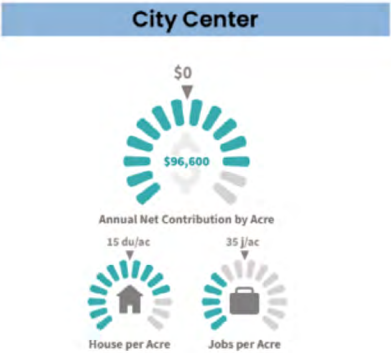
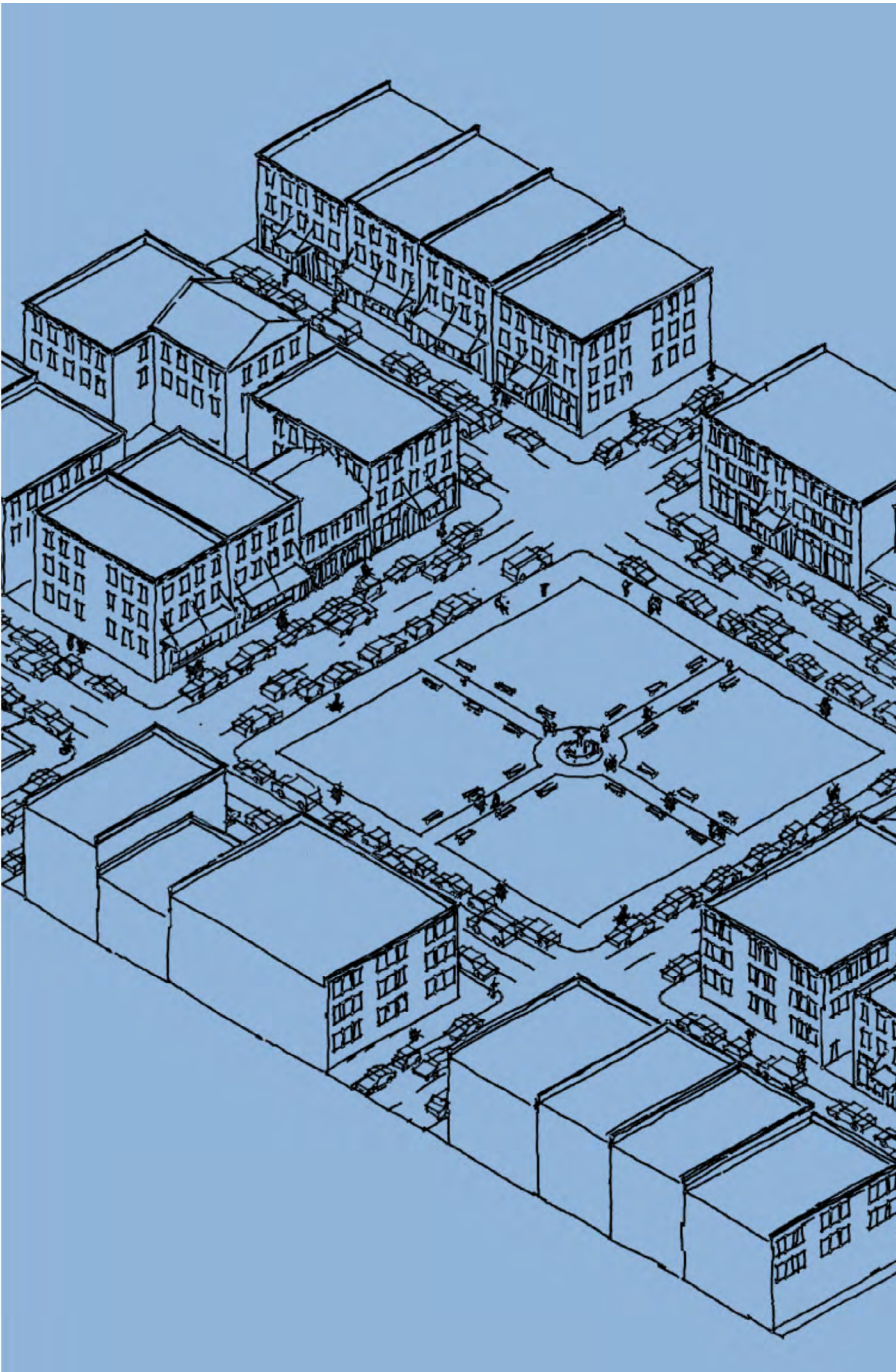


Figure 5. City Center Place Type

4.

STATE AND FEDERAL LAW

In Arkansas, both cities and counties are afforded considerable freedom in governing land uses and development. Generally, the federal courts and the U.S. Congress have allowed state and local governments to oversee land use and environmental regulations. However, there are notable exceptions. If local regulations clash with federal laws, the local laws will be overridden. Additionally, both the state and federal levels have identified specific areas that restrict the authority of cities in Arkansas. This section will highlight key state and federal laws that need consideration in the drafting of the UDC.

HOUSING FOR PERSONS WITH DISABILITIES

Federal legislation imposes limitations on how local agencies can regulate housing for mentally and physically disabled persons. The 1988 amendments to the 1968 Fair Housing Act expanded its anti-discrimination scope to include disability and familial status. The Federal Fair Housing Act Amendments (FHAA)

categorize individuals with physical or mental disabilities, as well as recovering alcoholics and drug addicts, as “handicapped.” The FHAA mandates that communities must not discriminate against handicapped individuals and should provide “reasonable accommodations” in their policies and services to ensure these individuals have equal opportunities to access housing.

RELIGIOUS USES

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) stipulates that public agencies must demonstrate a significant governmental interest and employ the least restrictive means in land use decisions that substantially burden religious practices.

TELECOMMUNICATIONS

The Federal Telecommunications Act of 1996 restricts the ability of state or local governments to regulate the placement, construction, and modification of personal wireless service facilities. Local governments must not discriminate unreasonably against similar service providers or prohibit the use of personal wireless devices. They are also barred from regulating these facilities based on the environmental impact of radio frequency emissions if the facilities comply with FCC regulations.

MANUFACTURED HOMES

According to A.C.A. § 14-54-1601, Arkansas requires localities to permit manufactured housing in at least one zone and prohibits regulating it differently from federal standards. Any subdivision in a zone permitting manufactured homes must allow them on individual lots but not in leased land mobile home parks.

RESIDENTIAL DESIGN

Per A.C.A. § 14-56-204, cities cannot regulate building design elements of single-family homes. Municipal regulation can only address health, safety, and welfare concerns, per A.C.A. § 14-56-301, et seq. Therefore, care must be taken to avoid overstepping these boundaries.

PRIVATE PROPERTY PROTECTION

The Private Property Protection Act (A.C.A. § 18-15-1701) makes downzoning property challenging, as property owners can sue if 20% of the fair market value is lost due to the zoning change. Care must be taken to avoid significant loss of property value through this process.

SIGNS

The Supreme Court's decision in *Reed v. Town of Gilbert*, AZ (2015) significantly impacted how municipalities regulate signs. In this case, the Court ruled that the Town of Gilbert's sign code, which imposed different restrictions on signs based on their content, violated the First Amendment's free speech clause. The ruling established that any regulation of signs must be content-neutral.

Understanding and adhering to these state and federal laws is crucial in drafting a Unified Development Code that is both effective and legally sound.

5. ZONING

A city's zoning ordinance is an important regulatory document that influences the character, location, and scale of development in a community. The City of Bentonville adopted its existing zoning ordinance in March 2018. The ordinance reflects common 20th century zoning practices with a few 21st century improvements, including mixed-use and downtown districts.

The single-family residential districts account for a **31%** of the total city area. The combined residential zones make up almost **41%** of the city's land area. The urban districts, including downtown and C-3, only occupy 524 acres, or roughly **2.5%** of the city land area. With the anticipated growth ahead, this zoning trend will push residential development into adjacent municipalities and the county in the future, with a loss of revenue for Bentonville.

ZONING DISTRICTS

There are 26 districts, not including the airport overlay districts. Of these, 14 are residential and 5 are urban districts. Low intensity suburban districts, including commercial districts, number 21. [Table 2. Zoning District Summary](#) shows the numbers of zones and the land area allocated to each.

Table 2. Zoning District Summary

ZONE	ACRES	PERCENT OF CITY
A-1	6,900.36	30.28%
R-E	259.22	1.14%
R-1	6,152.89	27.00%
R-2	592.24	2.60%
R-3	784.41	3.44%
R-4	163.73	0.72%
R-O	191.34	0.84%
R-MHP	1.71	0.01%
R-ZL	163.08	0.72%
RC-2	8.61	0.04%
RC-3	0.39	0.00%
DN-1	15.48	0.07%
DN-2	40.46	0.18%
DN-3	9.87	0.04%
DN-4	7.88	0.03%
D-C	139.38	0.61%
D-E	61.62	0.27%
C-1	351.39	1.54%
C-2	2,112.97	9.27%
C-3	103.00	0.45%
I-1	514.57	2.26%
I-2	537.38	2.36%
PRD	306.33	1.34%
PUD	1,054.96	4.63%

Almost ⅓ of Bentonville's land area is still reserved as agriculture. This preserves the small-town feeling of the city while providing room for the anticipated population growth within the city limits over time.

RURAL DISTRICTS - 1

A-1 Agriculture. The agricultural district is intended to preserve prime agricultural lands within the city and has a 5 acre lot minimum per parcel and per residence. This doesn't effectively preserve agricultural land but a 5 acre lot area is a de facto estate lot size.

RESIDENTIAL DISTRICTS - 10

Like many North American cities, Bentonville has allocated multiple zoning districts to variations of residential, most of which prioritize single-family buildings. **R-E Residential Estate.** This very low density residential district prioritizes privacy and a rural character with a 2 acre lot minimum.

R-1 Low Density Single-Family Residential.

The next lowest density is the R-1 district at 6,000 sq. ft.. R-1 is not exceptionally low at a little over ½ acre.

R-2 Medium Density Two Family and Townhome Residential District. The R-2 district is described as medium density and permits a range of lot sizes based on building types, with a base of 6,000 sq. ft., but permitting a 2,000 sq. ft. lot for townhouwwses.

R-3 Medium-High Density Multifamily Residential. This district permits missing middle building types, but restricts density to 29 DUA or 1,500 sq. ft. of land area per dwelling.

R-4 High Density Multifamily Residential.

The highest density multifamily district will permit up to 54 DUA or 800 sq. ft. of land area per dwelling. It is intended to permit commercial uses if they're a part of a residential project.

R-MH Manufactured Home Residential.

There is only one two-acre parcel of land zoned R-MH, intended for single-family manufactured home subdivisions, manufactured home parks, or manufactured homes on individual lots. It is the most underutilized district in the City.

R-ZL Zero Lot Line. This district permits other building types but was created to accommodate medium-density zero lot line residential units, serving as a buffer between other single-family areas and medium density areas.

R-O Residential Office. The R-O district permits both residential and the open use of office in a buffer district. The lots in this area are slightly larger than the 40' R-ZL lots.

R-C2 Central Residential - Moderate Density and **R-C3 Central Residential - High Density.** These districts occurred adjacent to and in proximity of downtown but have been replaced by the Downtown Residential Districts.

DOWNTOWN RESIDENTIAL DISTRICTS

These districts most closely resemble transect zones of any of the residential districts. They were designed for the historic neighborhoods around downtown, and other than some restricted uses and large setbacks, they're a good collection of context-sensitive residential districts.

DN-1, Downtown Low-Density Residential.

Single-family portions of downtown. Commercial uses are not permitted and lots must be 5,000 sq. ft. Front yards are 15' - 25' and rear yards are 25'.

DN-2, Downtown Medium-Density Residential.

Permits small single- and two-family lots where alleys exist as well as townhouses. Lot widths range from 20' for townhouses to 50' without alleys. Front yards are 12' - 25' and rear yards are 25'.

DN-3, Downtown High Density Residential.

This is the downtown missing middle district and permits single-family, two-family, townhouses, and multi-family buildings. Lot widths are from 20' for townhouses to 100' for multi-family. This is not ideal because it doesn't acknowledge three and four-family residential as an increment that should impact lot width. Front yards are 10' - 20' and rear yards are 15' or 25'. DN-3 permits retail and food service via a conditional use permit.

DN-4, Downtown Mixed-Use Residential.

This is the mixed-use district and the first district to permit retail and food service as accessory uses. It still permits single-family, so includes the full declension of residential buildings. Minimum lot widths are 20' for alley-loaded townhouses to 80' for multi-family and mixed-use. Front yards are 1' - 15' and rear yards are 15'.

DOWNTOWN DISTRICTS

These are solid form-based districts.

DC, Downtown Core. This district is for the area around Bentonville Square and extending from SW A St to 14th St. This is a vertical mixed-use district with no lot area standards, urban setbacks, and the greatest heights permitted in the city of 80'.

DE, Downtown Edge. The Downtown Edge is a transition from the core to lower density neighborhoods. It is designed for infill and redevelopment and does not require vertical mixed use. It does not have lot requirements and also permits very urban front setbacks. However, there are side setbacks for both residential and commercial uses.

COMMERCIAL DISTRICTS

This is an interesting group of conventional 20-century suburban commercial in the first two districts, along with a robust mixed use district in C-3.

C-1, Neighborhood Commercial. Small pad sites complementary to surrounding residential areas. Minimum lot width is 70'. Front setbacks are 50' with parking and 20' without parking. Rear setbacks vary based upon adjacent uses.

C-3, Mixed-Use Commercial. This is a great mixed-use district very similar to T5 in bulk standards. It permits all compatible uses, has no lot minimums, and 0' setbacks except abutting residential.

INDUSTRIAL DISTRICTS

The industrial districts are conventional warehousing and manufacturing districts. Lot standards are much like other North American cities. Basic performance standards are also included. These two districts permit a greater diversity of commercial uses than some industrial zones.

I-1, Light Industrial. General light industry.

I-2, Heavy Industrial. General heavy industry.

PLANNED DEVELOPMENT DISTRICTS

The planned development districts are intended to allow for innovation that isn't in compliance with the standard zoning regulations.

PUD, Planned Unit Development. Districts require a zoning designation and master site plan. Any deviation from the size plan results in a reversion of the zoning to the original designation. They give flexibility in density, building heights, and lot regulations.

PRD, Planned Residential Development.

The PRD is strictly for residential uses, but has stated a goal of encouraging Traditional Neighborhood Design. Otherwise they're structured much like PUDs.

OVERLAY DISTRICTS

The overlays are expressly for the municipal and regional airports. Most of these standards will fold into the new UDC.

Municipal Airport Overlay District.

Northwest Arkansas Regional (XNA) Airport Overlay District.

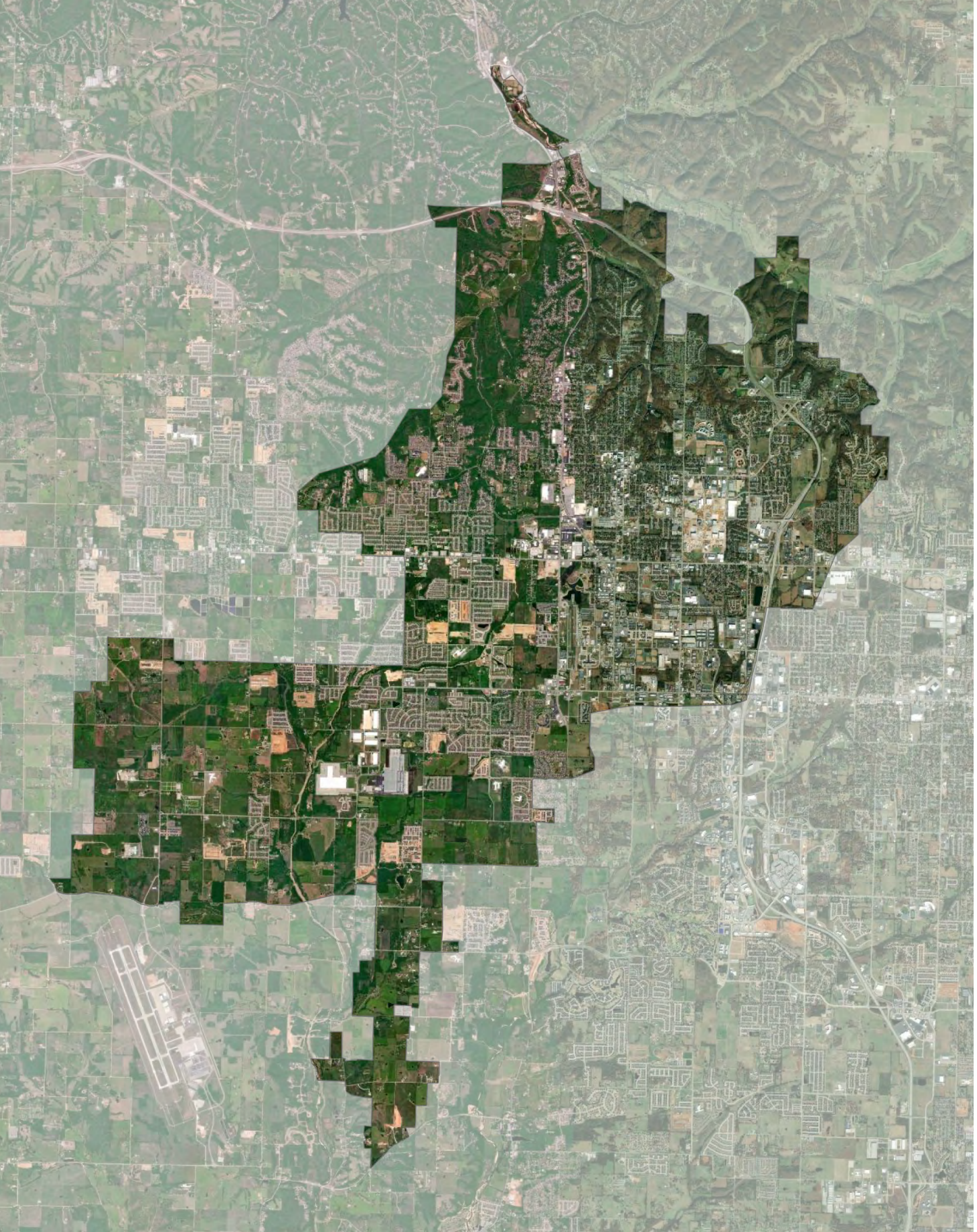


Figure 6. Bentonville Aerial

6. LAND DEVELOPMENT

The Land Development Code (LDC) for Bentonville serves as a crucial framework for regulating the subdivision and development of land within the city's planning area. As Bentonville moves towards drafting a new Unified Development Code (UDC), it is imperative to assess the existing LDC critically. This critique evaluates the effectiveness of the current regulations in supporting Bentonville's long-term land use vision and offers specific recommendations for improvement. This is particularly important since the LDC regulates the larger territorial jurisdiction, or planning area. This will govern lands that are likely to be annexed in the future, so how their infrastructure is developed has very important economic implications for Bentonville.

VISION ALIGNMENT & CLARITY

One of the primary objectives of the LDC should be to clearly articulate how each regulation supports Bentonville's long-term vision for land use. However, the current LDC lacks explicit connections between its provisions and the overarching goals outlined in the city's comprehensive plan. For example, Section 100.03 ("Purpose") broadly outlines the intent to promote safety, public health, and general welfare, but it does not specifically link these objectives to concrete elements of the city's future land use vision, such as the development of mixed-use, walkable communities or economically sustainable infrastructure.

Recommendation:

- Amend Section 100.03 to include specific references to the city's future land use plan. For instance, the section could be revised to state: "These regulations are designed to promote the development of sustainable, mixed-use communities that align with Bentonville's comprehensive plan, fostering walkability, diverse housing options, and resilient infrastructure."

FLEXIBILITY VS. PREDICTABILITY

The delicate balance between flexibility and predictability is always a challenge, and the LDC includes provisions for waivers (Section 300.04), allowing applicants to seek exceptions to certain regulations. While this flexibility can accommodate unique site conditions or innovative designs, it also introduces potential inconsistencies in how the city's land use vision is implemented. The waiver process is currently described in broad terms, leaving significant discretion to the Planning Commission without clear criteria for when a waiver is justified.

Recommendation:

- Introduce clearer guidelines in Section 300.04 for granting waivers. These guidelines should explicitly require that any waiver granted must demonstrably further the city's future land use goals. For example, the section could state: "Waivers will only be granted where the proposed deviation enhances the alignment with Bentonville's vision for sustainable development, as articulated in the city's comprehensive plan." In addition, a table of explicit waivers, with a dimensional variation is currently the best practice in allowing for flexibility from dimensional standards.

MODERN PLANNING PRINCIPLES

The LDC falls short in integrating modern planning principles that are increasingly important in contemporary land use regulation. For example, there is limited emphasis on transit-oriented development (TOD), affordable housing, or climate resilience. These elements are critical for ensuring that Bentonville's development is sustainable and inclusive in the long term.

Recommendation:

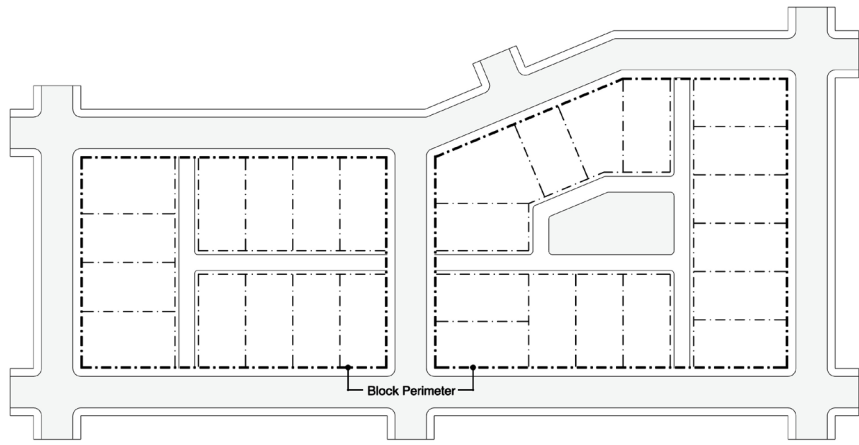
- Amend Section 1100 ("Development Standards") to include specific standards for transit-oriented development, such as higher density allowances and reduced parking requirements near future transit hubs. Additionally, incorporate affordable housing incentives, such as height bonuses for developments that include a certain percentage of affordable units. Finally, add requirements for climate resilience, including the incorporation of green infrastructure and sustainable building practices.

ADMINISTRATION

The regulations outline processes for preliminary plats, final plats, and large-scale developments. Pre-application conferences are encouraged (Sec. 400.02). However there are not explicit flow charts nor summaries that would aid in user orientation. Additionally, the eTrakit system used by the city has layers of types of permits and applications and they aren't necessarily sorted by complexity. There are instructions via linked PDFs, but it would be very helpful to see a clear flow chart or checklist in one location.

Recommendation:

- Implement a streamlined review process with clear submittal requirements and timelines. Consider a fast-track option for projects meeting certain criteria. Provide the PDF of all the checklists on the landing page of planning rather than buried in multiple layers from eTrakit. Additionally, locate definitions and administration in the back of the document to be able to get to the major content more easily.



DEVELOPMENT STANDARDS

This section is a more detailed assessment of Article 1100: Development Standards, as it relates to current planning best practices as well as the implementation of the vision expressed by the community during Design Week.

BLOCK STANDARDS: SECTION 1100:08

The current standards for block size outlined in Section 1100.08 emphasize conventional suburban development patterns, which typically result in larger block sizes. These standards may inadvertently promote car-dependent environments.

Recommendation:

The LDC's block size standards could be refined to encourage smaller blocks. According to the National Association of City Transportation Officials (NACTO), smaller blocks improve walkability, increase street connectivity, and create a more diverse and active public realm. Harvard research also supports the idea that smaller city blocks contribute to higher levels of social interaction, economic vitality, and accessibility. This would also assist in managing the traffic congestion that currently exists in Bentonville by providing alternate routes.

- Revise Section 1100.08 to reduce the maximum allowable block size and encourage a grid-like street pattern with shorter blocks, ideally no longer than 400 feet. Additionally, the code should allow for greater flexibility in the creation of pedestrian pathways and mid-block connections to further enhance walkability.

LOT STANDARDS: SECTION 1100:10

Section 1100.10 establishes lot standards for areas not subject to zoning, which largely reflect suburban, large-lot development patterns. While these standards might be suitable for low-density residential areas, they do not align with the goals of accommodating the expected growth through more compact development.

Recommendation:

The emphasis on large-lot suburban standards discourages the development of diverse housing types and diverse residential areas that could contribute to more affordable and efficient land use. This approach could limit the city's ability to accommodate population growth within a compact urban footprint and may exacerbate issues related to sprawl, such as increased traffic congestion, higher infrastructure costs, and escalating housing prices.

- Reevaluate the lot standards in Section 1100.100 to encourage a variety of lot sizes that can accommodate different housing types, including smaller lots for townhomes, cottages, and other higher-density residential formats. Consider incorporating provisions that allow for more flexible lot sizes, particularly in areas adjacent to commercial or mixed-use zones, to support the development of blended-density neighborhoods that offer a mix of housing options.



OPEN SPACE REQUIREMENTS: SECTION 1100:11

Section 1100.11 addresses open space requirements but is notably limited in its application to single-family and duplex developments within subdivisions. The absence of mandatory open space requirements for these types of developments is a significant oversight, as it will likely result in residential areas that lack adequate community space for recreation, social interaction, and environmental sustainability.

Recommendation:

The current approach to open space within subdivisions, particularly for single-family and duplex developments, may lead to environments that are car-centric and lack meaningful communal spaces. This can diminish the quality of life for residents and reduce opportunities for fostering community ties.

- Amend Section 1100.11 to require the inclusion of meaningful open space within all subdivisions over a specific area, including those primarily consisting of single-family and duplex homes. These spaces should be centrally located, easily accessible, and designed to serve as community gathering areas. Additionally, the code should encourage the integration of green infrastructure elements within open spaces, such as rain gardens and native plantings, to enhance stormwater management.

DESIGN STANDARDS: SECTIONS 1100.21 – 1100.23

Sections 1100.21 through 1100.23 outline detailed design standards that influence the form and character of new developments. These standards are critical in determining whether a development encourages or discourages the vision of the community.

Assets:

1. Building material and design requirements (Sec. 1100.21) promote high-quality development that can enhance the city's aesthetic appeal and potentially increase property values.
2. Standards encourage pedestrian-friendly design through requirements for walkways, building entrances facing the street, and site amenities (Sec. 1100.21).
3. Downtown-specific standards (Sec. 1100.22 and 1100.23) promote a mix of housing types, including multifamily and mixed-use developments.
4. The requirements for street trees and landscaping (Sec. 1100.23) contribute to creating a more attractive and environmentally friendly urban environment.
5. Parking placement requirements (Sec. 1100.21 and 1100.23) that limit front yard parking can create a more pedestrian-friendly streetscape.

Liabilities:

1. While the standards promote quality development, they may also increase construction costs, potentially impacting housing affordability.
2. The standards don't explicitly address or incentivize affordable housing creation, which could be a missed opportunity in managing a large surge in growth.
3. While there are some provisions for open space in the form of site amenities (Sec. 1100.21), there aren't strong requirements for substantial open space preservation.
4. Downtown standards (Sec. 1100.22 and 1100.23) provide for dense, mixed-use development, but similar principles aren't applied to other areas of the city.
5. There's limited flexibility in the standards, which could hinder innovative solutions to housing affordability and efficient land use in the face of rapid growth.

DESIGN STANDARDS: SECTIONS 1100.21 – 1100.23

Recommendations:

To better accommodate a large surge in growth while addressing housing affordability, traffic mitigation, and open space preservation, the city could consider a number of zoning upgrades, including:

Incorporate incentives for affordable housing

Incorporating incentives for affordable housing is a critical strategy for expanding Bentonville's housing options for residents across various income levels. By offering density bonuses, developers could build more units on a given parcel if a certain percentage is affordable. A common approach is to grant an additional floor to the maximum height limit if 10% of the units are affordable to households earning up to 100% of the Area Median Income (AMI), or two stories for 20% of units at 80% AMI. Expedited permitting for such projects could reduce carrying costs for developers, making affordable projects more financially viable.

Expand urban zoning districts

Applying the principles from Sections 1100.22 and 1100.23 to areas beyond downtown can create more walkable, blended-density neighborhoods. For instance, allowing 4-5 story mixed-use buildings along major corridors can accommodate more residents and businesses without sprawling outward.

Completing existing single-use communities by incorporating mixed-use elements can allow people to live closer to their daily needs, reducing congestion on the roads and lowering the overall demand for long commutes.

Implement stronger open space requirements

Require larger developments to set aside a percentage of land as open space, increasing with the size of the development. For example, developments over 5 acres could be required to preserve 10% as open space, increasing to 20% for developments over 20 acres. These greenways and blueways can also provide essential stormwater management through green infrastructure, reducing reliance on carbon-intensive gray infrastructure such as concrete channels and pipes.

Focus on form rather than density

Regulate building form and relationship to the street rather than specific uses or densities in growing areas of the city. This could allow for a mix of housing types and sizes within the same neighborhood, promoting affordability and diversity. This approach would enable buildings to adapt their use over time, making them more responsive to a changing marketplace and evolving community needs.

Enhance connectivity requirements

Strengthen the connectivity index requirements in Section 1100.02. For instance, require a minimum connectivity index of 1.4 for new developments over 10 acres. This will create multiple connections to surrounding streets and a well-connected internal street network. Improved connectivity will not only reduce traffic congestion by shortening travel distances and promoting more walking, cycling, and transit use.

Implement green infrastructure requirements

Expand on the landscaping requirements in Section 1100.09 to include green infrastructure elements. Require developments to manage a certain percentage of stormwater onsite through features like bioswales, rain gardens, parks, and permeable pavement. Networking these greenways and blueways, an area where Bentonville is already an innovator thanks to its extraordinary mountain bike trails, can further enhance ecological connectivity, provide recreational opportunities, and create a resilient urban landscape that mitigates flooding while enhancing the quality of life for residents.

The development standards in Sections 1100.21 through 1100.23 of the Land Development Code contain many provisions that effectively promote good urban design, walkability, and the preservation of downtown's historic character. However, to fully support Bentonville's long-term land use vision, these sections could benefit from targeted revisions. By refining parking requirements, enhancing public space design, allowing for more compact housing, encouraging vertical mixed-use, and providing more detailed guidance on pedestrian amenities, the code can better facilitate the development of vibrant, sustainable, and livable neighborhoods in Bentonville. These changes will not only improve the quality of life for residents but also position Bentonville as a model for innovative urban planning in the region.

WHAT WORRIES YOU?

is there going?

loss green field development

We kick the can down the road until there are subdivisions from I-49 to Siloam, Gentry & Decatur. Don't let us end up like Atlanta. Get other cities to collaborate!

losing rural character to low density suburban

Bikers getting hit! **MN**

highways through commercial areas

TRAFFIC!

Traffic Flow!

Imagine valuing something more than \$?

No HIGH DENSITY HOUSES

Loss of "hometown" Don't make the buildings so high that we lose them. Keep and natural all we can.

Affordability! Air bnb's & outside investors

Womp womp - alex

Affordability with no traffic relief.

Can't afford to live here (30 year resident!)

Removing single family homes & ability/lease of vehicle use

Public Transportation NEEDED!

More single family & space apartment buildings

Sharlott Grant Loves u!

Added crime with more growth

System in the downtown area to move people instead of mainly cars.

More single family & space apartment buildings

Build BRIDGES TO ADDRESS TRAFFIC CONGESTION ON HWY 12

Fix the roads before building more houses/apartments

Tha for the spec keep on the u

7. UDC RECOMMENDATIONS

The primary task in the rewrite process should be integrating the Zoning Code and the Land Development Code (LDC) into a unified document. This integration should include a clear roadmap to guide the Planning Commission, staff, and applicants through the transition to the new Unified Development Code (UDC).

A preliminary outline for the new code's structure is provided, following a logical progression from purpose and introduction, through large-scale developments and subdivisions, to zoning and design standards, and concluding with review bodies, processes, general provisions, and definitions. This structure aims to enhance accessibility and ease of use.

As the drafting process continues, this outline may be adjusted to better serve Bentonville's specific needs and incorporate stakeholder feedback. The integration of the two codes will help streamline the development process, reduce redundancies, and create a more user-friendly document, while addressing any existing inconsistencies between the current Zoning Code and LDC.

PRELIMINARY UDC OUTLINE

■ General Provisions

- Purpose and Intent
- Conflicts and Rules of Construction
- Using the UDC

■ Site Development

- Purpose and Intent
- Applicability
- Single Site Development
- Subdivision

■ Zoning

- Purpose and Intent
- Applicability
- Transect Districts
- Special Purpose Districts
- Overlay Districts
- Zoning District Standards
- Flood Hazard Areas
- Use Standards

■ Design Standards

- Purpose and Intent
- Applicability
- Land Development
- Site Design
- Vertical Construction
- Overlay Districts
- Landscape
- Parking
- Signs
- Zone Transitions
- Street Design
- Public Street Improvements
- Utility Location Standards

■ Development Review Bodies

- Purpose and Intent
- City Council
- Planning Commission
- Board of Adjustment
- Technical Advisory Committee
- Planning Director

- Development
 - Review Processes
 - Purpose and Intent
 - Applicability
 - General Procedures
 - Site Plan Review
 - Subdivision Review
 - Master Plan Review
 - Zoning Map Amendments
 - UDC Amendments
 - Administrative Relief
 - Variances
 - Appeals
 - Vacation of Right-of-Way
- Enforcement
 - Purpose and Intent
 - Applicability
 - Exemptions
 - Compliance
 - Violations
 - Remedies
 - Penalties
- General Provisions
 - Title and Authority
 - Jurisdiction
 - Transitional Provisions
 - Severability
 - Interpretations
- Nonconformities
 - Purpose and Intent
 - Applicability
 - Exemptions
 - Requirements
- Terminology
 - Purpose and Intent
 - Applicability
 - Exemptions
 - Use classifications
 - Other terms
 - Measurements and Exceptions
 - Undefined Terms

ZONING DISTRICT CONSOLIDATION

The next crucial step in the UDC development process should focus on updating and consolidating the zoning districts. Table 3 presents an initial recommendation for transitioning the current zones into new and updated zones. This consolidation will streamline the existing 24 zones into a more manageable 13 zones.

The majority of these new zones will be form-based, reflecting a modern approach to zoning that emphasizes the physical form of buildings and their relationship to the public realm. This shift towards form-based zoning can help create more predictable built environments and foster the development of walkable, mixed-use neighborhoods.

However, it's important to note that some specific use zones will likely be carried over to the new UDC. These zones may be necessary to accommodate unique land uses or to maintain consistency with existing development patterns in certain areas of Bentonville.

Table 4. Zoning Consolidation Summary

EXISTING ZONE	DESCRIPTION	PROPOSED ZONE	DESCRIPTION
A-1	Agriculture	T2	Agriculture, estates
R-E	Residential estate		
R-1	Low density single family residential	T3.1	Neighborhood edge
DN-1	Downtown low density residential	T3.2	Downtown neighborhood
R-2	Medium density two family and townhome residential	T4.1	General neighborhood
R-ZL	Zero lot line residential		
RC-2	Central residential moderate density		
DN-2	Downtown medium density residential		
R-3	Medium-high density multifamily residential	T4.2	Neighborhood node
R-O	Residential office		
RC-3	Central residential high density	T5.1	Neighborhood center
DN-3	Downtown high density residential		

EXISTING ZONE	DESCRIPTION	PROPOSED ZONE	DESCRIPTION
D-E	Downtown edge	T5.2	Town center
DN-4	Downtown mixed-use density residential		
D-C	Downtown core		
C-3	Mixed-use commercial		
R-4	High density multifamily residential	SD - MH	Residential manufactured home community
R-MH	Manufactured home residential		
C-1	Neighborhood commercial	SD - HC	Highway commercial
C-2	General commercial		
I-1	Light industrial	SD-LI	Light industrial
I-2	Heavy industrial	SD-LFI	Large format industrial
PRD	Planned residential development	NP	Neighborhood plan (new pre-developed master plan standards)
PUD	Planned unit development		

KEY:

	Zones to consolidate
	Zones to update
	Zones to transition

BUILT FORM

Like most 20th-century zoning codes, the Bentonville Zoning Code has ubiquitous 20' front setbacks and 25' rear setbacks, with few exceptions. Heights also have limited range, except for downtown. There is opportunity to consolidate districts that have very similar standards, both in built form and use. A preliminary consolidation detail table is provided below for consideration.

The details in [Table 3. Zoning District Consolidation Standards](#) on the next page are a preliminary comparison of bulk standards and density to assure the conversions are similar. Further work will be done during the drafting phase of the code to refine the alignment.

Table 3. Zoning District Consolidation Standards

EXISTING AREA & BULK			PROPOSED AREA & BULK		
Zones to Consolidate					
A-1	Area	5 acres	T2	Area	2 acres
	Width	100'		Width	100'
	Height	40'		Height	2.5 stories residential, farm buildings exempt
	Setbacks: Front Side Rear	30' 30' 30'		Setbacks: Front Side Rear	30' 30' 30'
	Lot Coverage	30%		Lot Coverage	20%
R-E	Area	2 acres			
	Width	100'			
	Height	36'			
	Setbacks: Front Side Rear	30' 30' 30'			
	Lot Coverage	10%/15%			

EXISTING AREA & BULK			PROPOSED AREA & BULK		
R-2	Area	5 acres	T4.1	Area	N/A
	Width	100'		Width	20' min.
	Height	40'		Height	3 stories
	Setbacks: Front Side Rear	30' 30' 30'		Setbacks: Front Side Rear	12' – 20' 0' or 7'/16' end 16', 3' w/alley
	Lot Coverage	30%		Lot Coverage	65%
R-ZL	Area	4,000 sq. ft.			
	Width	40'			
	Height	36'			
	Setbacks: Front Side Rear	20' 0' or 12'/20' 25'			
	Lot Coverage	60%/65%			
RC-2	Area	4,000 sq. ft./2,000 per dwelling			
	Width	20 or 35' by building type w/alley. 25' or 50' no alley			
	Height	40'			
	Setbacks: Front Side Rear	20'/10' 0' or 7'/20' or 10' 15'			
	Lot Coverage	N/A			

EXISTING AREA & BULK			PROPOSED AREA & BULK		
DN-2	Area	2,000 - 8,000 sq. ft. by building type	T4.1 cont.	Area	N/A
	Width	20 - 80' by building type		Width	20' min.
	Height	36'		Height	3 stories
	Setbacks: Front Side Rear	12' – 25' 12'/25', 0'/7' 25'		Setbacks: Front Side Rear	12' – 20' 0' or 6'/16' end 16', 3' w/alley
	Lot Coverage	50/55% or 60/65%		Lot Coverage	65%
R-3	Area	5,000	T4.2	Area	N/A
	Width	50'		Width	20' min.
	Height	40'		Height	3 stories
	Setbacks: Front Side Rear	20' 10'/20' 25'		Setbacks: Front Side Rear	0' – 16' 0' or 6'/16' end 16', 3' w/alley
	Lot Coverage	40/45%		Lot Coverage	75%
R-O	Area	6,000/unit			
	Width	60' or 70'			
	Height	40'			
	Setbacks: Front Side Rear	20' 7 or 10'/20' 25'			
	Lot Coverage	45-65%			

EXISTING AREA & BULK			PROPOSED	AREA & BULK	
RC-3	Area	By building type	T5.1	Area	N/A
	Width	15' min.		Width	15' min.
	Height	40'		Height	5 stories
	Setbacks: Front Side Rear	0' 0'/5'-10' 7' or 10'		Setbacks: Front Side Rear	0' – 12' 0' or 6' 3' min.
	Lot Coverage	70/75'		Lot Coverage	85%
DN-3	Area	By building type			
	Width	20' - 100' by building type			
	Height	40'			
	Setbacks: Front Side Rear	10'-20' 7 or 10'/10'-20' 15' or 25'			
	Lot Coverage	Up to 70%			
C-1	Area	7,000 sq. ft.			
	Width	70'			
	Height	40'			
	Setbacks: Front Side Rear	20' - 50' 7' or 15' 20' or 25'			
	Lot Coverage	50%			

EXISTING AREA & BULK**PROPOSED AREA & BULK**

R-4	Area	By building type	T5.2	Area	N/A
	Width	20 - 100' by building type		Width	N/A
	Height	50'		Height	6 stories
	Setbacks: Front Side Rear	20' 10'/20' 25'		Setbacks: Front Side Rear	0' – 12' 0' or 6' 3' min.
	Lot Coverage	Up to 70%		Lot Coverage	100%
DN-4	Area	By building type			
	Width	20' - 80' by building type			
	Height	50'			
	Setbacks: Front Side Rear	0' - 15' 0' or 7'/8'-15' 15' or 25'			
	Lot Coverage	Up to 80%			
D-E	Area	N/A			
	Width	N/A			
	Height	50'			
	Setbacks: Front Side Rear	20' max. 7' min. 7' min.			
	Lot Coverage	80%			

EXISTING AREA & BULK**PROPOSED AREA & BULK**

D-C	Area	N/A	T5.2 cont.	Area	N/A
	Width	N/A		Width	N/A
	Height	20' - 80'		Height	6 stories
	Setbacks: Front Side Rear	20' max. 0' min. 0' min.		Setbacks: Front Side Rear	0' – 12' 0' or 6' 3' min.
	Lot Coverage	100%		Lot Coverage	100%
C-3	Area	N/A			
	Width	N/A			
	Height	60'			
	Setbacks: Front Side Rear	0' min. 0' min. 0' min.			
	Lot Coverage				

Zones to Update

R-1	Area	6,000 sq. ft.	T3.1	Area	N/A
	Width	60'		Width	60'
	Height	36'		Height	2.5 stories
	Setbacks: Front Side Rear	20' min. 7'/20' 25' min.		Setbacks: Front Side Rear	20' min. 6' min./12' min. 24' min.
	Lot Coverage	40/45%		Lot Coverage	40%

EXISTING AREA & BULK**PROPOSED AREA & BULK**

DN-1	Area	5,000 sq. ft.	T3.2	Area	N/A
	Width	50'		Width	50'
	Height	36'		Height	3 stories
	Setbacks: Front Side Rear	15' - 25' 0' or 7'/15' 25' min.		Setbacks: Front Side Rear	15' - 25' 0' or 7'/15' 25' min.
	Lot Coverage	40/45%		Lot Coverage	45%
R-MH	Area	4,500 sq. ft.	SD-MH	Area	N/A
	Width	50'		Width	36' min.
	Height	36'		Height	2 stories
	Setbacks: Front Side Rear	20' 10'/20' 25'		Setbacks: Front Side Rear	16' min. 6' min. 12' min
	Lot Coverage	30/35%		Lot Coverage	40%
C-2	Area	7,000 sq. ft.	HC	Area	N/A
	Width	70'		Width	50' min.
	Height	60'		Height	4 stories
	Setbacks: Front Side Rear	20' 7'/30' 20'/30/		Setbacks: Front Side Rear	12' min. 6' min. 20' min.
	Lot Coverage	60%		Lot Coverage	60%
I-1	Area	20,000	SD-LI	Area	N/A
	Width	100'		Width	50'
	Height	60'		Height	60'
	Setbacks: Front Side Rear	30'/75' 30' 50'/75'		Setbacks: Front Side Rear	30' 20' 20'
	Lot Coverage	60%		Lot Coverage	50%

EXISTING AREA & BULK			PROPOSED AREA & BULK		
I-2	Area	20,000	SD-LFI	Area	20,000
	Width	100'		Width	100'
	Height	60'		Height	60'
	Setbacks: Front Side Rear	30'/75' 50' 50'/75'		Setbacks: Front Side Rear	30' 50' 50'
	Lot Coverage	50%		Lot Coverage	50%

OTHER ISSUES

A number of concerns from staff and the development community have been identified for updates, corrections, and additions. While these concerns are not listed here, they are expected to be addressed during the drafting process.