

ORDINANCE NO. 2018-08

CITY OF BELLA VISTA, ARKANSAS

**AMENDING BELLA VISTA CODE OF ORDINANCES SECTION 109-166
ACCESSORY BUILDINGS TO REDEFINE FRONT PLANE, TO MODIFY
THE DEFINITION OF MAIN FLOOR, AND TO ADDRESS FRONT PLANE
WITH RESPECT TO CURVILINEAR STREETS, AND FOR OTHER
PURPOSES**

WHEREAS, since the most recent adoption of an ordinance regulating accessory buildings in the City, it is deemed advisable to provide further amendments to provide for proper enforcement;

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

Section 1: The Municipal Code regulating accessory structures is hereby amended as shown in the attached Exhibit “A”, which is attached hereto and made a part of.

Motion to adopt by Linda Lloyd, second by Doug Fowler. Ayes: Lloyd, Fowler, Flynn, Wozniak and Anderson. No nay votes.

ADOPTED THIS 23RD DAY OF APRIL, 2018.

APPROVED:

PETER CHRISTIE
MAYOR

ATTEST:

WAYNE JERTSON
CITY CLERK

Requested by: Council Member Lloyd
Prepared by: Jason Kelley, Staff Attorney

ACCESSORY STRUCTURE AMENDMENTS

Definitions listed below in Section 109-3 are added or amended to read as follows:

Section 109-3. – Definitions or terms and uses.

Accessory Structure Building Setback means a line starting at the two corners of the principal building footprint that form the edges of the building's front plane and extending to a lot or lots side property lines. The line will be of uniform length measured from the front property line to the principal building footprint corner. The depth of the line may vary from one side of the principal building footprint to the other, depending on the articulation of the front plane.

Building footprint means the area on a lot that is used by the building structure and that is defined by the perimeter of the building plan. Parking lots, landscaping, and other non-building facilities are not included in the building footprint.

Front yard means any portion of a lot forward of the building footprint of the principal building on the lot. In the case of corner lots, the front yard shall be delineated by the orientation of the primary pedestrian entry to the structure.

Sidewall means an exterior building wall that is built perpendicular to the building's front plane. Sidewall height shall be measured from finished grade to the bottom of eave.

Sec. 109-166 is amended to read as follows:

Sec. 109-166. - Accessory buildings.

- (a) *Purpose.* In order to promote good civic design and arrangement, an accessory building may be erected detached from the principal building, as long as it is placed within all setback requirements for the zone as designated.
- (b) *Attached accessory.* An accessory building attached to a principal building shall be made structurally a part and have a common wall with the principal building and shall comply in all respects with the requirements of this article applicable to the principal building.
- (c) *Nonresidential accessory buildings.* A nonresidential accessory building may be erected detached from the principal building, or, except when a stable, may be erected as an integral part of the principal building.
 - (1) *Applicability.* The provisions of this subsection are only applicable to parcels in the R-1, Residential Single-Family; R-E, Residential Estate; or SPR, Special Residential districts.
 - (2) *Exemptions.* The following nonresidential accessory structures are hereby exempt from these regulations:
 - a. Swimming pools.
 - b. Docks, boathouses, and dockside recreational improvements regulated under §109-185.

- (3) *Height.* Nonresidential accessory structures shall have a maximum sidewall height of 15' and a maximum overall height of 25'.
- (4) *Nonresidential accessory buildings.*
 - a. *Buildings on the same lot as the primary residence.*
 - 1. *Quantity.* Only one nonresidential accessory building is permitted on the same lot as the primary residence.
 - 2. *Location.* Nonresidential accessory structures permitted by this subsection shall be located behind an accessory structure building setback and conform to the other setbacks for the district in which it is located. No such structure shall be located in the front yard of a lot or lots.
 - 3. *Size.* The maximum building footprint area of the nonresidential accessory building on the same lot as the primary residence shall not exceed 720 square feet.
 - b. *Buildings on an adjoining lot to the primary residence.*
 - 1. *Quantity.* Regardless of the number of lots under common ownership, only one additional accessory building is permitted on one adjoining lot under common ownership.
 - 2. *Location.* Nonresidential accessory structures permitted by this subsection shall be located behind an accessory structure building setback and conform to the other setbacks for the district in which it is located. No such structure shall be located in the front yard of a lot or lots.
 - 3. *Size.* The maximum building footprint area of the nonresidential accessory building on an adjoining lot shall not exceed 1200 square feet.
 - c. *Buildings on a lots exceeding four acres.*
 - 1. *Quantity.* Three nonresidential accessory buildings are permitted.
 - 2. *Location.* Nonresidential accessory structures permitted by this subsection shall be located behind an accessory structure building setback or 200', whichever is less, and conform to the other setbacks for the district in which it is located.
 - 3. *Size.* The building footprint area for all nonresidential accessory buildings shall not exceed 1200 square feet or the square footage of the building footprint of the primary residence, whichever is greater.
- (d) *Accessory dwellings.*
 - (1) *Residential districts.* Detached dwelling units shall meet the setback requirements for the zoning district in which it is located. The detached dwelling unit shall be no larger than 50 percent of the size of the primary structure and no taller than the height of the primary structure.
 - (2) *C-1 and C-3 Districts.* Density limitations for attached residential uses in the C-1 District shall follow that of the R-3 District. Density limitations for the C-3 District are set forth in the bulk and area regulations for the C-3 District.
 - (3) *C-2, I-1 and I-2 Districts.* Density limitations shall follow that of the R-3 District. The building site and yard area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract.
- (e) *Stables.* Stables shall be considered accessory nonresidential structures and shall meet the setback requirements as set forth in the zoning district in which they are located.