

ARTICLE 1400

LANDSCAPING, SCREENING AND BUFFERING

SEC. 1400.1 OBJECTIVES

It is the purpose of this article to establish regulations that pertain to landscaping within the City of Bentonville, Arkansas. The goal is to promote and preserve trees, increase the overall tree canopy, and beautify the built environment within the City of Bentonville to reach the following objectives:

1. Decrease the overall cost of development by decreasing the cost of storm water systems and facilities.
2. Help create a healthier environment by decreasing chemicals and sediments that wash into the water supply, decrease CO2 (carbon dioxide) and increase oxygen.
3. Increase the value of property.
4. Improve the physical appearance and visual character of the city.
5. Create and improve the living environment of the city.
6. Negate the urban heat island effect.
7. Support and promote Bentonville's "Tree City USA" designation.

SEC. 1400.2 APPLICABILITY

This article shall apply to all development that is required to obtain a certificate of occupancy.

SEC. 1400.3 EXEMPTIONS

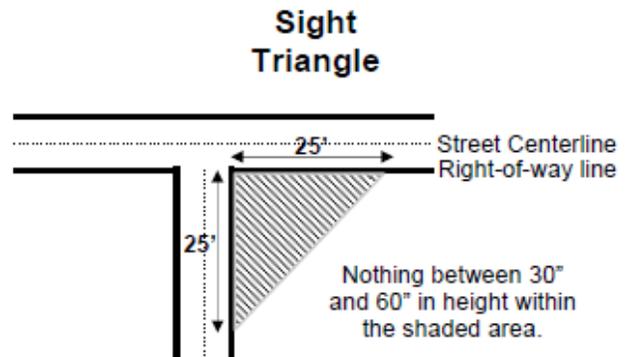
Developments that have been approved and permitted to begin building construction prior to the adoption of this Article shall be exempt.

- A. Previous Approval.** Developments that have been approved and permitted to begin building construction prior to the adoption of this Article shall be exempt.
- B. Downtown Districts.** Development and redevelopment in the D-C, Downtown Core Zoning District and the D-E, Downtown Edge Zoning District shall be exempt from Sec. 1400.6 Street Frontage Buffer Landscaping.
- C. Residential.** Newly constructed single and two-family residential structures shall be exempt

from this Article with the exception of Sec. 1400.10 Residential Tree Planting and Sec. 1400.15 Fence and Wall Requirements.

SEC. 1400.4 GENERAL PROVISIONS

- A. Sight Distances.** Safe sight distances at intersections and points of access shall be maintained. In order to provide a reasonable degree of traffic visibility, landscaping, fences, and walls constructed near street intersections shall stay clear of the "sight distance triangle" shown below.



- B. Wheel Stops.** Except as provided below, all landscaped areas at the front line of off-street parking spaces shall be protected from encroachment or intrusion of vehicles through the use of wheel stops.
 - 1. Minimum Height.** Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area.
 - 2. Anchoring.** Wheel stops shall be properly anchored and shall be continuously maintained in good condition by the property owner.
 - 3. Location.** Wheel stops shall not be placed in locations of anticipated pedestrian traffic.
- C. Soil and Climactic Conditions.** Trees and other vegetation shall be planted in soil and climactic conditions which are appropriate for the growth habits. Trees and plants used in the landscape design shall to the greatest extent be:
 1. Have non-invasive growth habits.

2. Encourage low maintenance, high quality design.
3. Be otherwise consistent with the intent of this article.

approved list located in Sec. 1400.12.B Tree List.

(a) **Shade Trees.** At time of planting, shade trees shall have a minimum caliper size of two-and-a-half (2.5) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

(b) **Ornamental Trees.** At time of planting, ornamental trees shall have a minimum caliper size of two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

SEC. 1400.5 LANDSCAPE PLANS

A. Standard.

1. The landscape plan shall be prepared and sealed by a licensed landscape architect.
2. The spacing of all trees and plants shall be designed to accommodate the mature height and width of the tree and plant.
3. If after a period of time, the owner wishes to renovate fifty percent (50%) or more of the total landscape areas or fifty percent (50%) or more of the total number of plants at an existing development, a new landscape plan that meets the current regulations of this Article shall be submitted to the Current Planning Department for an in-house administrative review.

B. Requirements. The landscape plan for any development shall show:

1. Street frontage buffer landscaping as required in Sec. 1400.6.
2. Perimeter landscaping and screening as required in Sec. 1400.7.
3. Interior parking lot landscaping as required in Sec. 1400.8.

C. Specific Information. The following specific information is required on landscape plans:

1. **Existing Vegetation.** Location, type and quality of trees and other vegetation shall be inventoried by a licensed landscape architect, certified arborist, or horticulturalist.
2. **Preservation.** Location of existing trees and other vegetation to be saved.
3. **Protection.** Methods and details for protecting existing trees and other vegetation during construction and approved sediment control plan, if available.
4. **Trees.** Location of all trees to be planted and a tree list including the common name, scientific name, caliper size, height at maturity and quantity. Trees referred to in this section shall be chosen from the

5. **Plants.** Location of all plants and a plant list including the common name, scientific name, size and quantity.

6. **Flowering Perennials.** At the time of planting, flowering perennials shall be a minimum of one (1) gallon in size.

7. **Shrubs.** At the time of planting, shrubs shall be a minimum of three (3) gallons in size and eighteen (18) inches in height.

8. **Other Landscaping Improvements.** Location of all other landscaping improvements including benches, paving, screens, fountains, statues or other landscape features.

9. **Maintenance.** Description of maintenance provisions, a maintenance schedule shall be submitted with the landscape plan.

10. **Maintenance Guarantee Statement.** A note shall be added to the landscape plan that states, once installed, landscaping shall be maintained in healthy living condition and all plant material that dies shall be replaced.

11. **Tree Topping Guarantee Statement.** A note shall be added to the landscape plan that states, trees shall not be topped at any time and proper tree pruning techniques as established by the latest edition of ANSI A300 "Standards for Tree Care" shall be utilized for maintenance purposes.

12. **Tree Removal Guarantee Statement.** A note shall be added to the landscape plan

that states, healthy trees shall not be removed at any time and proper tree pruning techniques as established by the latest edition of ANSI A300 "Standards for Tree Care" shall be utilized for maintenance purposes.

13. **Sight Distances.** The sight triangle, as described in Sec. 1400.4.A Sight Distances, shall be indicated on the plan with a dimensioned shaded area.

SEC. 1400.6 STREET FRONTAGE BUFFER LANDSCAPING

The landscaped street frontage buffer is the planting area parallel to and including the public street right-of-way. Street trees shall be planted in the right-of-way. Exceptions may be made where significant utility conflicts exist.

- A. **Requirement.** The site plan for any development shall show the landscaped street frontage buffer.

1. **Minimum Width.** The landscaped street frontage buffer shall be a minimum of twenty (20) feet and is the planting area parallel to and including the public street right-of-way. Street trees shall be planted in the right-of-way. Exceptions may be made where significant utility conflicts exist.
2. **Sight Distances.** All street frontage buffers shall follow the sight distance requirements as described in Sec. 1400.4.A Sight Distances.
3. **Number of Trees.** Shade trees shall be provided at a rate of (1) shade tree per every twenty (20) linear feet or fraction thereof of street frontage. When possible, it is encouraged and preferred that trees not be evenly spaced.
4. **Clustering or Grouping.** Clustering or grouping of shade trees is encouraged and preferred for a decorative effect following professional landscaping standards for spacing, location and design.
5. **Tree Size.** At time of planting, shade trees shall have a minimum caliper size of two-and-a-half (2.5) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.

6. **Mulch.** At the time of planting and for the life of the tree, all tree root areas shall be mulched with a minimum four (4) foot diameter ring of mulch, three (3) to four (4) inches deep. Mounding or piling mulch against the tree trunk is prohibited. Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch shall be used.

7. **Street Tree Corridor Plan.** For developments along a street designated on the Street Tree Corridor Plan, the trees listed on the plan shall be planted.

Article 1400 Landscaping, Screening and Buffering

| North/South Corridors | | | |
|------------------------------|------------------------|------------------------------------|---|
| Street Name | Beginning North | Ending South | Tree Species |
| Elm Tree Rd | Peach Orchard Rd | SW Regional Airport Blvd/Hwy 12 | Chinese Elm/Lacebark Elm Shantung Maple Yoshino Cherry Thornless Honeylocust |
| Moberly Ln | E Central Ave | SE Walton Blvd | American Hornbeam/Ironwood Trident Maple Autumn Purple Ash Common Winterberry/Possumhaw |
| "J" Street | Tiger Blvd | SE Walton Blvd | Amur Maple Trident Maple Ginkgo Yoshino Cherry |
| Main St | NW 5 th St | SE 14 th Street/Hwy 102 | Saucer Magnolia Urbanite Ash Autumn Brilliance Serviceberry Autumn Purple Ash |
| "A" St | N Walton Blvd | S Walton Blvd | Chinese Elm, Lacebark Elm Red Maple Autumn Brilliance Serviceberry Redbud |
| SW "I" St | S Walton Blvd | SW Regional Airport Blvd/Hwy 12 | Legacy Sugar Maple London Planetree Crapemyrtle (tree form) Kousa Dogwood |
| Walton Blvd | I-540 | I-540 | Legacy Sugar Maple (N Walton west side) London Planetree (N Walton west side) Northern Red Oak (N Walton west side) Autumn Purple Ash (N Walton west side) Chinese Pistache (N Walton east side) Sweetbay Magnolia (N Walton both sides) Autumn Brilliance Serviceberry (N Walton both sides) Oklahoma Redbud (N Walton both sides) |

| East/West Corridors | | | |
|--|------------------|-------------------|---|
| Street Name | Beginning East | Ending West | Tree Species |
| Central Ave/SW 2 nd St | East City Limits | SW Tater Black Rd | Allee Elm Chinese Pistache Autumn Brilliance Serviceberry Redbud |
| SW Regional Airport Blvd/Hwy 12 | Rainbow Curve | Regional Ave | Shantung Maple Tulip Poplar Dogwood Yoshino Cherry |
| Tiger Boulevard/NW 12 th St | Punkin Hollow Rd | McCullum Rd | American Hornbeam/Ironwood Pin Oak, Pacific Brilliance Crabapple, Fruitless Yoshino Cherry |
| 8 th Street | I-540 | SW Elm Tree Rd | Chinese Pistache White Ash Little Gem Southern Magnolia Redbud |
| 14 th Street/Hwy 102 | East City Limits | SW Tater Black Rd | Trident Maple Urbanite Ash Star Magnolia American Smoketree |

8. Landscaping Materials. Intent is to minimize expansive areas without plant coverage.

- (a) **Living Material.** Living materials, such as lawn grass or herbaceous groundcovers like juniper or lirioppe, etc., shall cover a minimum of eighty percent (80%) of the landscaped street frontage buffer. Herbaceous groundcover shall be planted and maintained in a mulched bed. One hundred percent (100%) of living materials is strongly encouraged.
- (b) **Non-Living Material.** Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch may cover up to twenty percent (20%) of the landscaped street frontage buffer. Weed barrier or pre-emergence herbicides shall be installed or applied.
- (c) **Prohibited.** Gravel, concrete, brick pavers or other pavement is prohibited.

SEC. 1400.7 PERIMETER LANDSCAPING AND SCREENING

Perimeter landscaping is a planting strip along the rear and side lot lines that includes landscaping and screening, if required.

- A. Perimeter Landscape Strip.** The site plan for any development shall show the perimeter landscape strip along rear and side lot lines.
 - 1. Width.** The perimeter landscape strip shall be a minimum width of seven (7) feet.
 - 2. Adjacent Properties.** A seven (7) foot wide perimeter landscape strip is required for each development regardless if one is already in place from an adjacent, developed lot.
 - 3. Landscaping Materials.** Intent is to minimize expansive areas without plant coverage.
 - (a) **Living Material.** Living materials, such as lawn grass or herbaceous groundcovers like juniper or lirioppe, etc., shall cover a minimum of eighty percent (80%) of the perimeter landscape strip. Herbaceous groundcover shall be planted and

maintained in a mulched bed. One hundred percent (100%) of living materials is strongly encouraged.

- (b) **Non-Living Material.** Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch may cover up to twenty percent (20%) of the perimeter landscape strip. Weed barrier or pre-emergence herbicides shall be installed or applied.
- (c) **Prohibited.** Gravel, concrete, brick pavers or other pavement is prohibited.

B. Landscaping and Screening. The site plan for any development shall show landscaping and screening, if required within the perimeter landscape strip.

1. **Purpose.** To mitigate potential nuisances by visually separating incompatible land uses, shields adjacent properties from any adverse external effects of the development, and shields the development from the negative impacts of existing adjacent uses such as major streets or railroads.
2. **Determination.** The Table of Screening Requirements shall be used to determine the type of screen, if any that shall be included in the perimeter landscape strip.

| Table of Screening Requirements (Letters indicate the screen type) | | | | | |
|---|---------------|--------------------|--------------|------------|------------|
| | Single Family | Duplex / Townhouse | Multi-Family | Commercial | Industrial |
| Single Family | N/A | B | A | A | A |
| Duplex/ Townhouse | C | D | C | A | A |
| Multi-Family | A | C | D | B | A |
| Commercial | A | A | B | D | C |
| Industrial | A | A | A | B | D |

3. Screen Types.

Type A: Opaque Screen. Intended to exclude all visual contact between uses and to create a strong impression of spatial separation.

- (a) **Minimum Height.** Minimum height of twenty (20) feet. Opaque from the ground to a height of six (6) feet,

intermittent visual obstruction permitted from above the opaque portion.

- (b) **Materials.** May be composed of a wall, fence, landscaped earth berm, planted evergreen vegetation, or existing evergreen vegetation. Evergreen vegetation referred to in this section shall be chosen the list located in Sec. 1400.12.B Approved Tree List.

Type B: Semi-Opaque Screen. Intended to partially block visual contact between uses and to create a strong impression of the separation of spaces.

- (a) **Minimum Height.** Minimum height of twenty (20) feet. Opaque from the ground to a height of three (3) feet, intermittent visual obstruction permitted from above the opaque portion.
- (b) **Materials.** May be composed of a wall, fence, landscaped earth berm, planted evergreen vegetation, or existing evergreen vegetation. Evergreen vegetation referred to in this section shall be chosen the list located in Sec. 1400.12.B Approved Tree List.

Type C: Broken Screen. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces.

- (a) **Minimum Height.** Minimum height of twenty (20) feet with intermittent visual obstruction from the ground.
- (b) **Materials.** May be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Vegetation referred to in this section shall be chosen the list located in Sec. 1400.12.B Approved Tree List.

Type D: No Defined Screen. Typical perimeter landscaping requirement.

- (a) **Number of Trees.** Trees shall be provided at a rate of one (1) tree per every fifty (50) linear feet or fraction thereof. When possible, it is encouraged and preferred that trees not be evenly spaced. May mix shade and ornamental trees with a minimum of fifty percent (50%) shade trees.
- (b) **Clustering or Grouping.** Clustering or grouping of trees is encouraged and

preferred for a decorative effect following professional landscaping standards for spacing, location and design.

- (c) **Shade Tree Size.** At time of planting, shade trees shall have a minimum caliper size of two-and-a-half (2.5) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.
- (d) **Ornamental Trees.** At time of planting, ornamental trees shall have a minimum caliper size of two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size.
- (e) **Mulch.** At the time of planting and for the life of the tree, all tree root areas shall be mulched with a minimum four (4) foot diameter ring of mulch, three (3) to four (4) inches deep. Mounding or piling mulch against the tree trunk is prohibited. Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch shall be used.

SEC. 1400.8 INTERIOR PARKING LOT LANDSCAPING

Interior parking lot landscaping is the planting area within and adjacent to parking areas and adjacent to the structure.

- A. Purpose.** The interior parking lot landscaping serves several purposes:
 - 1. It provides necessary green space to give relief to expansive parking areas.
 - 2. Trees provide shade and serve as windbreaks.
 - 3. Planting islands assist with vehicular circulation.
 - 4. Negates the urban heat island effect.
- B. Applicability.** Interior parking lot landscaping requirements shall apply to all parking lots that have six (6) or more parking spaces.
- C. Requirement.** The site plan for any development shall show interior parking lot

landscaping within and adjacent to parking areas and adjacent to the structure.

- 1. **Standard.** Percent of the total area of parking lot dedicated to interior landscaping shall be as follows:

| Interior Greenspace Requirements | |
|----------------------------------|--|
| Total Area of Parking Lot | Minimum Percent Dedicated to Interior Greenspace |
| 3,000-49,999 sq. ft. | 8% |
| 50,000-149,000 sq. ft. | 10% |
| 150,000 sq. ft. or larger | 15% |

- 2. **Calculating Lot Area.** The total area of interior parking lot landscaping required is determined by figuring eight percent (8%), ten percent (10%), or fifteen percent (15%) of the total parking lot area as explained below.
- 3. **Corner Islands.** Corner islands may not be counted toward interior greenspace requirements.
- D. Wheel Stops or Curbs.** Interior landscaped areas shall be protected from vehicular encroachment through appropriate curbs or wheel stops as described in Sec. 1400.4.B Wheel Stops.
- E. Tree Ratio.** There shall be a minimum of one (1) tree per 125 square feet or fraction thereof of interior parking lot landscaping area. Trees referred to in this section shall be chosen the list located in Sec. 1400.12.B Approved Tree List.
- F. Mulch.** At the time of planting and for the life of the tree, all tree root areas shall be mulched with a minimum four (4) foot diameter ring of mulch, three (3) to four (4) inches deep. Mounding or piling mulch against the tree trunk is prohibited. Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch shall be used.
- G. Planting Islands.** Interior areas of parking pavement shall contain planting islands.
 - 1. Planting islands shall be spaced no farther than fifteen (15) parking spaces apart.
 - 2. All rows of parking shall terminate with a planting island or landscaped area.
 - 3. **Internal Planting Islands.**

- (a) **Minimum Size.** Internal planting islands shall be a minimum size of eighteen (18) feet by eighteen (18) feet.
 - (b) **Number of Trees.** Internal planting islands shall contain a minimum of two (2) shade trees. Trees referred to in this section shall be chosen from the list located in Sec. 1400.12.B Approved Tree List.
- 4. **External Planting Islands.** External planting islands are adjacent to the perimeter of the parking lot.
 - (a) **Minimum Size.** External planting islands shall be a minimum size of nine (9) feet by eighteen (18) feet.
 - (b) **Number of Trees.** External planting islands shall contain a minimum of one (1) shade tree. Trees referred to in this section shall be chosen from the list located in Sec. 1400.12.B Approved Tree List.
- 5. **Continuous Planting Islands.**
 - (a) **Requirement.** When there are two or more double rows of parking, a continuous planting island shall be located between every other row.
 - (b) **Minimum Size.** Continuous planting islands shall be the length of the parking row and a minimum width of nine (9) feet.
 - (c) **Number of Trees.** Continuous planting islands shall contain a minimum of one (1) shade tree per every six (6) parking spaces or fraction thereof located in the double row. Trees referred to in this section shall be chosen from the list located in Sec. 1400.12.B Approved Tree List.
- 6. **Planting Island Preparation.** To create favorable conditions conducive to healthy plant growth, planting islands shall be excavated to a depth of three (3) feet and backfilled with grade A sandy loam topsoil. A drainage perk test shall be performed prior to backfilling topsoil. Six (6) inches of water shall be placed in each excavated hole. If all of the water does not percolate out of the excavated hole within 24 hours, then drainage pipe shall be installed.

- 7. **Landscaping Materials.** Intent is to minimize expansive areas without plant coverage.
 - (a) **Living Material.** Living materials, such as lawn grass or herbaceous groundcovers like juniper or lirioppe, etc., shall cover a minimum of eighty percent (80%) of the planting islands. One hundred percent (100%) of living materials is strongly encouraged.
 - (b) **Non-Living Material.** Organic mulch such as shredded bark mulch, pecan hulls, cotton seed hulls or cypress mulch may cover up to twenty percent (20%) of the planting islands. Weed barrier or pre-emergence herbicides shall be installed or applied.
 - (c) **Prohibited.** Gravel, concrete, brick pavers or other pavement is prohibited.

SEC. 1400.9 DOWNTOWN ZONING DISTRICTS LANDSCAPING

- A. **Applicability.** The landscaping requirements in this section shall apply to the D-C, Downtown Core Zoning District and the D-E, Downtown Edge Zoning District, depending on the type of street frontage, as explained below.
- B. **Street Types.** Primary Streets and Secondary Streets are designated in Zoning Code Sec. 401.8-B Downtown Districts (*Ord. No. 2009-11, 11-10-09*). Developments that face primary streets have specific regulations pertaining to the relationship between the building and the street. The designated Primary Streets in the downtown districts are: Central Avenue, SW "A" Street, SW 8th Street, and S Main Street. All other streets in the downtown districts shall be considered secondary streets.
 - 1. **Primary Streets.** Designed to accommodate a dense, urban-type, commercial, pedestrian focused development with wide sidewalks.
 - 2. **Secondary Streets.** Designed to take on a more residential character.

C. Downtown Zoning Street Tree Planting Requirements.

| Downtown Zoning Street Tree Planting Requirements | | |
|---|---------------------------|---------------------------|
| | Primary Street | Secondary Street |
| Requirement | 1 tree per 30 linear feet | 1 tree per 25 linear feet |
| Spacing | 30 feet maximum on center | 25 feet maximum on center |
| Shade | 3-inch caliper | 2.5-inch caliper |
| Ornamental | 2-inch caliper | 1.5-inch caliper |
| Planting Beds | 5 feet by 6 feet minimum | 3 feet by 3 feet minimum |
| Tree Grates* | 5 feet by 6 feet minimum | 3 feet by 3 feet minimum |
|  | | |
| *Made of cast iron and placed a minimum of twelve (12) feet from street lights | | |

SEC. 1400.10 RESIDENTIAL TREE PLANTING
(Ord. No. 2004-238, 12-14-2004)

A. Requirement. For newly constructed single and two-family residential structures, one (1) shade tree shall be planted in each yard adjacent to the roadway and one (1) shade tree shall be planted in each right-of-way adjacent to the roadway. Trees planted in the right-of-way shall be located on a residential or local street as designated on the Master Street Plan. Right-of-way is defined as the area between the outermost edge of the sidewalk and the back of the curb. Minimum tree caliper size shall be two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. Trees referred to in this section shall be chosen from the list located Sec. 1400.12.B Approved Tree List. Existing trees may be credited. Final occupancy permits may be held for those who fail to complete landscape requirements.

SEC. 1400.11 TREE PRESERVATION CREDITS

A. Healthy trees. No tree preservation credits will be allowed for any dead tree, any tree in poor health, any tree subjected to grade alterations within the drip line or objectionable trees. Refer to Sec. 1400.12.C Prohibited Tree & Plant List.

B. Protection during construction. Trees for which credit is given shall be protected during construction from:

1. Mechanical injuries to root, trunk and branches.
2. Injuries by chemical poisoning.
3. Injuries by excavation.
4. Injuries by paving.

C. Credit options. If an applicant is preserving and protecting existing trees on the lot, the existing trees may be used as credit toward a reduction in the tree planting requirements, as described below and as approved by the Planning Commission.

1. Reduction of required trees. Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:

| Tree Reduction Credits | |
|--|--------------------------|
| Total Diameter of all Preserved Trees Diameter at Breast Height (DBH)* | Number of Trees Credited |
| 4 to 7.9-inches DBH | 1 shade tree |
| 8 to 22.9-inches DBH | 2 shade trees |
| 23 to 29.9-inches DBH | 3 shade trees |
| 30-inches + DBH | 4 shade trees |
| *Diameter at Breast Height is defined as the outside diameter of the trunk of a tree, measured four and a half (4.5) feet above ground level. For trees with co-dominant (forked) stems, the trunk is measured below the fork and above the trunk flare, at the point of the smallest diameter. For multi-stemmed trees, the diameter is considered to be the sum of the diameters of all of the stems that contribute significantly to the crown. | |

SEC. 1400.12 LANDSCAPE INSTALLATION REQUIREMENTS

A. Location and Clearance.

1. **Drainage.** Trees and landscaping shall not be placed where they interfere with site drainage.
2. **Overhead Utilities.** Trees planted under overhead utilities shall not exceed a mature

height of twenty-five (25) feet. Trees with a mature height above twenty-five (25) feet shall be planted a minimum of twenty-five (25) feet away from the edge of overhead wires. Refer to the list located in Sec. 1400.12.B Approved Tree List.

- 3. **Underground Utilities – Water, Sewer and Electric.** Trees shall not be within five (5) feet from underground utilities.
- 4. **Removal.** The City reserves the right to remove landscaping if it blocks access to utilities.
- 5. **Padmount Switchgear.** Trees and landscaping shall not be within ten (10) feet from the sides with doors and three (3) feet from other sides.



- 6. **Primary Junction Box.** Trees and landscaping shall not be within ten (10) feet from the sides with doors and three (3) feet from other sides of all types of primary junction boxes.



- 7. **Padmount Transformer.** Trees and landscaping shall not be within ten (10) feet from the side with doors and three (3) feet from other sides of all phases of padmount transformers.





- 8. Secondary Junction Box.** Trees and landscaping shall not be within three (3) feet of a secondary junction box.



- 9. Fire Hydrants.** Trees and landscaping shall not be within three (3) feet of a fire hydrant. All landscaping shall be maintained to ensure the visibility of the fire hydrant.

- 10. Right-of-Way.** Trees may be planted in the public right-of-way.

- B. Approved Tree List.** All plant material shall meet the requirements established by the American Association of Nurserymen publication "American Standards for Nursery Stock" (ANSI Z60.1 Latest Edition).

| Approved Tree List | | | | | | | |
|--|-------------------------------------|--------------|--------------|-------------|---------------------------|-------------|--------------------------|
| Common Name | Scientific Name | Height (ft.) | Spread (ft.) | Growth Rate | Shade, Ornamental, Screen | Street Tree | Under Overhead Utilities |
| American Elm Cultivars: 'New Harmony', 'Princeton', 'Valley Forge' | Ulmus americana | 75 | 55 | Med/Fast | Shade | Y | N |
| American Hornbeam/Ironwood | Carpinus caroliniana | 25 | 25 | Slow | Shade | Y | Y |
| American Smoketree | Cotinus obovatus | 25 | 20 | Slow | Ornamental | Y | Y |
| Amur Maple Cultivars: 'Flame', Red Rhapsody™ | Acer ginnala | 15 | 18 | Mod/Fast | Shade | Y | Y |
| Arborvitae | Thuja x 'Green Giant' | 30 | 8 | Very Fast | Screen | N | N |
| Arizona Cypress | Cupressus arizonica | 35 | 15 | Very Fast | Screen | N | N |
| Atlantic Whitecedar | Chamaecyparis thyoides | 25 | 12 | Fast | Screen | N | N |
| Autumn Brilliance Serviceberry | Amelanchier x grandiflora | 25 | 25 | Fast | Ornamental | Y | Y |
| Autumn Purple Ash | Fraxinus americana | 80 | 75 | Medium | Shade | Y | N |
| Baldcypress Cultivar: Shawnee Brave® | Taxodium distichum | 70 | 35 | Fast | Shade | Y | N |
| Black Gum, Black Tupelo Cultivars: Red Rage™, 'Wildfire' | Nyssa sylvatica | 50 | 30 | Medium | Shade | Y | N |
| Bur Oak | Quercus macrocarpa | 70 | 80 | Slow/Med | Shade | Y | N |
| Chinese Elm/Lacebark Elm Cultivars: Allee®, Athena®, Bosque®, Everclear® | Ulmus parvifolia | 50 | 45 | Med/Fast | Shade | Y | N |
| Chinese Photinia | Potinia serrulata | 20 | 20 | Very Fast | Screen | N | N |
| Chinese Pistache | Pistacia chinensis | 30 | 30 | Medium | Ornamental | Y | N |
| Chinquapin Oak | Quercus muehlenbergii | 50 | 60 | Slow/Med | Shade | Y | N |
| Columnar Oaks Cultivars: Crimson Spire™, Regal Prince® | Quercus x | 45 | 18 | Mod/Fast | Shade | Y | N |
| Common Winterberry/Possumhaw Cultivars: many, 'Afterglow', 'Sparkleberry', 'Warren's Red', 'Winter Red' | Llex verticillata/l. decidua | 12 | 12 | Mod | Ornamental | Y | Y |
| Crabapple, Fruitless Cultivars: many | Malus sp. | 12-25 | 12-25 | Mod | Ornamental | Y | Y |
| Crapemyrtle (tree form) Cultivars: many | Lagerstroemia sp. | 12-35 | 6-18 | Very Fast | Ornamental | Y | Y (< 25') |
| Dawn Redwood | Metasequoia glyptostroboides | 65 | 25 | Med/Fast | Shade | Y | N |
| Dwarf Southern Catalpa Cultivar: 'Nana' | Catalpa bignonioides | 18 | 22 | Mod | Ornamental | Y | Y |
| Eastern Flowering Dogwood Cultivars: many | Cornus florida | 20 | 25 | Slow | Ornamental | Y | Y |
| European Hornbeam Cultivar: 'Fastigiata' | Carpinus betulus | 50 | 35 | Mod | Shade | Y | N |
| Foster Holly | Llex xattenuata 'Fosteri' | 25 | 10 | Medium | Screen | N | N |
| Freeman Maple Cultivars: 'Armstrong', Autumn Blaze™, Autumn Fantasy™, 'Indian Summer', Scarlet Sentinel™ | Acer x freemanii | 60 | 50 | Very Fast | Shade | Y | N |
| Fruiteless Sweetgum | Liquidambar styraciflua Rotundiloba | 70 | 55 | Fast | Shade | Y | N |
| Ginkgo Cultivars: 'Autumn Gold', | Ginkgo biloba | 75 | 60 | Slow | Shade | Y | N |

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| | | | | | | | |
|---|--------------------------------------|--------|--------|-----------|---------------|---|---|
| 'Fastigiata', Presidential Gold™, 'Princeton Sentry' | | | | | | | |
| Goldenraintree Cultivar: 'September' | Koelreuteria paniculata | 30 | 35 | Mod/Fast | Shade | Y | N |
| Japanese Cryptomeria | Cryptomeria japonica | 35 | 15 | Med/Fast | Screen | N | N |
| Kanzan Cherry | Prunus Kwanzan | 35 | 35 | Med | Ornamental | N | N |
| Kentucky Coffeetree Cultivars: 'Espresso', Prairie Titan™ | Gymnocladus dioicus | 65 | 50 | Medium | Shade | Y | N |
| Kousa Dogwood Cultivars: many | Cornus kousa | 22 | 30 | Slow/Mod | Ornamental | Y | Y |
| Littleleaf Linden Cultivar: 'Greenspire' | Tilia cordata | 60 | 40 | Medium | Shade | Y | N |
| Loblolly Pine | Pinus taeda | 90 | 35 | Fast | Shade | Y | N |
| London Planetree | Platanus x acerifolia | 100 | 80 | Med | Shade | Y | N |
| Maple Cultivars: Legacy®, Norwegian Sunset® | Acer x | 35 | 35 | Mod | Shade | Y | N |
| Northern Red Oak | Quercus rubra | 60 | 60 | Med/Fast | Shade | Y | N |
| Norway Maple Cultivars: 'Cleveland', 'Columnare', 'Erectum' | Acer platanoides | 50 | 45 | Mod | Shade | Y | N |
| Pin Oak (upright habitat, no pendulous branches) Cultivar: Pacific Brilliance™ | Quercus palustris | 45-50 | 20-25 | Med/Fast | Shade | Y | N |
| Redbud Cultivars: 'Alba', 'Forest Pansy', 'Oklahoma', 'Texas White' | Cercis canadensis | 25 | 25 | Mod | Ornamental | Y | Y |
| Red Maple Cultivars: 'Bowhall', 'Autumn Flame', Red Sunset™, October Glory™ | Acer rubrum | 65 | 55 | Mod/Fast | Shade | Y | N |
| River Birch Cultivars: Dura-Heat®, Heritage® | Betulus nigra | 45 | 30 | Mod/Fast | Shade | N | N |
| Saucer Magnolia Cultivars: 'Alexandrina', 'Leonard Messel/Rustica Rubra', 'Merrill' | Magnolia x soulangiana/M. x loebneri | 22 | 20 | Mod | Ornamental | Y | Y |
| Sawtooth Oak | Quercus acutissima | 55 | 55 | Med/Fast | Shade | Y | N |
| Shantung Maple | Acer truncatum | 25 | 25 | Slow/Mod | Shade | Y | Y |
| Shumard Oak | Quercus shumardii | 55 | 55 | Medium | Shade | Y | N |
| Southern Magnolia Cultivars: Alta™, 'Hasse' | Magnolia grandiflora | 70 | 60 | Medium | Shade, Screen | N | N |
| Southern Magnolia Cultivar: Bracken's Brown Beauty | Magnolia grandiflora | 20-30 | 15-25 | Medium | Shade, Screen | N | N |
| Southern Magnolia Cultivar: Little Gem | Magnolia grandiflora | 20 | 10 | Moderate | Shade, Screen | Y | Y |
| Star Magnolia Cultivar: Royal Star | Magnolia stellate/M. kobus | 15 | 15 | Slow/Mod | Shade | Y | Y |
| Sugar Maple Cultivars: 'Commemoration', Fall Fiesta™, 'Green Mountain', 'John Pair', 'Legacy' | Acer saccharum | 65 | 55 | Slow/Mod | Shade | Y | N |
| Sweetbay Magnolia Cultivars: 'Green Shadow', 'Willowleaf Bay' | Magnolia virginiana | 25 | 12 | Medium | Shade, Screen | Y | Y |
| Sycamore | Platanus occidentalis | 75-100 | 75-100 | Fast | Shade | N | N |
| Thornless Honeylocust Cultivars: 'Moraine', 'Shademaster', 'Skyline' | Gleditsia triacanthos v. inermis | 50 | 50 | Mod/Fast | Shade | Y | N |
| Tuliptree, Tulip-Poplar, Tulip-Magnolia Cultivars: 'Fastigiatum'/'Arnold' for narrow spaces | Liriodendron tulipifera | 80 | 45 | Very fast | Shade | Y | N |

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|---|------------------------|-------|-------|----------|------------|---|---|
| Trident Maple Cultivar: 'Streetwise' | Acer buergerianim | 30 | 25 | Mod | Shade | Y | N |
| Urbanite Ash® | Fraxinus pennsylvanica | 50 | 40 | Med/Fast | Shade | Y | N |
| Water Oak | Quercus nigra | 60 | 50 | Medium | Shade | Y | N |
| White Ash | Fraxinus americana | 80 | 50 | Med | Shade | Y | N |
| White Oak | Quercus alba | 75 | 60 | Medium | Shade | Y | N |
| White Pine | Pinus strobus | 50-80 | 20-40 | Fast | Evergreen | N | N |
| Willow Oak Cultivar: Hightower® | Quercus phellos | 60 | 45 | Med/Fast | Shade | Y | N |
| Yoshino Cherry | Prunus x yedoensis | 25 | 30 | Mod/Fast | Ornamental | Y | Y |
| Zelkova Cultivars: 'Green Vase', 'Village Green', 'Musashino' | Zelkova serrate | 50 | 40 | Medium | Shade | Y | N |
| Other trees considered on a case by case basis. | | | | | | | |

C. Prohibited Tree & Plant List. The following trees and plants are prohibited.

| Prohibited Tree & Plant List |
|---|
| Common Name |
| Autumn Olive |
| Bradford Pear |
| Common Privet |
| Empress Tree (Paulownia Tomentosa) |
| Garlic Mustard |
| Japanese Honeysuckle |
| Kudzu Vine |
| Lespedeza |
| Mimosa |
| Mulberry |
| Multiflora Rose |
| Purple Loosestrife |
| Shrub Honeysuckle |
| Siberian Elm |
| Silver Maple |
| Silver Poplar |
| Tree of Heaven |

D. Minimum Size. Immediately upon planting, trees and shrubs shall meet the following minimum requirements as presented in the American Standard for Nursery Stock (ANSI Z60.1-2004):

| Minimum Size | | |
|--|------------------------------------|-------------------------|
| Shade Tree | 2.5-inch caliper | |
| Ornamental Tree | 2-inch caliper | |
| Ornamental Tree (Multi-Trunk) | 10 to 12-feet in height | |
| Evergreen Tree | 8-feet in height | |
| Shrubs | 3-gallon and a height of 18-inches | |
| Flowering Perennials | 1-gallon | |
| Other Ground Cover | 1-gallon | |
| Single and Two-Family Residential Structure Minimum Tree Caliper Size | | |
| Shade Tree | 2-inch caliper | |
| Ornamental Tree | 2-inch caliper | |
| D-C & D-E Downtown Districts Landscaping Minimum Size | | |
| | Primary Street | Secondary Street |
| Shade Tree | 3-inch caliper | 2.5-inch caliper |
| Ornamental Tree | 2-inch caliper | 1.5-inch caliper |

**SEC. 1400.13 SIGN & DIGITAL
BILLBOARD LANDSCAPING**

- A. Signs.** For sign landscaping requirements refer to Zoning Code, Article 801 Signs and Billboards, 801.9.D.3 Sign Landscaping.
- B. Digital Billboards.** For digital billboard landscaping requirements refer to Zoning Code, Article 801 Signs and Billboards, 801.12.H Landscaping.

**SEC. 1400.14 LANDSCAPING FOR WIRELESS
COMMUNICATION FACILITIES**
(Ord. No. 2010-4, 1-12-2010)

The following requirements shall govern the landscaping surrounding towers for which a Conditional Use Permit is required. The landscaping requirements set forth in this section are required for telecommunication tower and antenna sites only; all other development within the City of Bentonville must comply with the requirements set forth in this article.

- A. Communication facilities shall be landscaped with a buffer of evergreen plant materials that effectively screens the view of the communication facility from adjacent properties.**
 - 1. Requirement.** The buffer shall be a continuous, solid landscaped area around the wireless communication facility. This shall consist of a minimum of two (2) courses of evergreen trees that are at the time of planting, at least eight (8) feet in height.
 - 2. Street Frontage Buffer Landscaping.** The street frontage buffer landscaping outlined in Sec. 1400.6 shall be followed except when there is existing landscaping to satisfy the requirement.
- B. Existing mature tree growth and natural landforms on or surrounding the communication facility shall be preserved to the maximum extent possible. In some cases, such as for towers situated on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. In such cases, the requirement listed above in the preceding subsection hereof may be waived.**

**SEC. 1400.15 FENCE AND
WALL REQUIREMENTS**
(Ord. No. 2006-166, 11-14-2006)

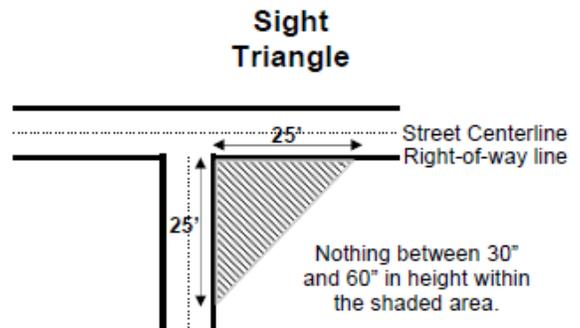
- A. Applicability.** The requirements of this section shall apply to the following conditions in all zoning districts, except as exempted in B. Exemptions, below:
 - 1. New Construction.** Construction of a new fence or wall.
 - 2. Extension.** Extension of an existing fence or wall.
 - 3. Replacement.**
 - (a)** Replacement of an existing fence or wall this is a different size, at a different location or of a different material (e.g. a chain link fence being replaced by a wood privacy fence); or,
 - (b)** Replacement of more than fifty percent (50%) of the linear length of an existing fence.
- B. Exemptions.** This section shall not apply to:
 - 1. Replacement.** Replacement of less than fifty percent (50%) of the linear length of an existing fence, except that the portion being replaced shall not:
 - (a)** Impede visibility at the sight triangle.
 - (b)** Impede a natural drainage way.
 - (c)** Be located in certain utility easements that require gated access.
 - (d)** Encroach into neighboring property lines.
- C. Permit Required.** A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and walls, except those shown on an approved preliminary plat or large scale development.
 - 1. Application.** To obtain a fence permit, a completed application form and a plot plan (site plan) must be submitted to the Building Inspection Office. The plot plan shall show:
 - (a)** Location of all property lines.
 - (b)** Location of all existing structures.
 - (c)** Location of existing or proposed pool or spas.

- (d) Location of existing fencing on or adjacent to the property that is to remain in place.
 - (e) Portions of existing fence that will be replaced.
 - (f) Location of new fencing.
 - (g) A note indicating the height of the proposed fence and the type of fence construction (i.e. wood privacy, wrought iron, brick, etc.)
2. **Review and Approval.** Once all the required information is submitted, it will be reviewed by the Current Planning Department for compliance. If the application is approved, the applicant shall pay the permit fee and the fence permit will be issued.
 3. **Compliance.** All fences or walls must be installed in compliance with the fence regulations and with the information shown on the approved plot plan and fence permit application form.
 4. **Inspection Required.** The applicant shall contact Building Inspection Department to request a final inspection upon completion of the fence. If the Building Inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fence permit, a Certificate of Compliance will be issued. If the fence does not pass the inspection, the building inspector shall prepare an inspection report detailing the deficiencies.

D. Fence Location

1. **Private Property.** All fences and walls shall be located on private property and shall be built with the consent of the property owner. The installer and/or property owner shall be responsible for correctly locating all property lines. Fences and walls shall not encroach into any neighboring property lines.
2. **Front Yard.** A fence located in the front yard or positioned any closer to the front property line than the front surface of the building for a typical residential lot, shall not exceed three (3) feet in height. Decorative fencing is permitted.

3. **Side Exterior Yard.** A fence or wall located in the side exterior yard shall not exceed three (3) feet in height except as outlined in paragraph (a) below. Decorative fencing is permitted.
 - (a) If two corner lots have abutting rear property lines and side exterior yards along the same street, a fence or wall located in the side exterior yard shall not exceed six (6) feet in height. Decorative fencing is permitted.
4. **Side Interior Yard.** A fence or wall located in the side interior yard shall not exceed six (6) feet in height.
5. **Rear Yard.** A fence or wall located in the rear yard shall not exceed six (6) feet in height.
6. **Adjacent to Public Right-of-Way.** A fence or wall shall be placed no closer than five (5) feet to the current or proposed public right-of-way as prescribed within the Master Street Plan.
7. **Sight Distances.** Safe sight distances at intersections and points of access shall be maintained. In order to provide a reasonable degree of traffic visibility, fences and walls constructed near street intersections shall stay clear of the "sight distance triangle" shown below.



8. **Easements.**
 - (a) **Utility Easements.** Walls used as fences and footings for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and/or property owner assumes some risk by doing so. The fence enclosing utility easement(s)

shall have a gate installed to permit access to the easement.

(b) Drainage Easements. Fences or walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Fences or walls proposed in drainage easements shall be approved on a case by case basis.

(c) Access Easement. Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure adequate access for emergency vehicles and equipment at all times.

E. Design Standards. The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds fifty percent (50%) of the length of the existing fence.

1. **Height.** Maximum height shall be six (6) feet above grade.
2. **Finished Surface.** Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
3. **Gates.** All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the City receives a letter from the Home Owners Association stating that this area is maintained by the Association and not by individual homeowners.

F. Fence Types.

1. **Razor Wire.** Razor wire is prohibited.
2. **Barbed Wire.** Barbed wire is prohibited.
 - (a) Exception.** Barbed wire is permitted in agricultural uses and may be used as an anti-climbing deterrent in industrial zones, but shall not be placed within five (5) feet of the right-of-way of a public sidewalk or within five (5) feet of a street right-of-way where a public sidewalk does not exist.

3. Electric Fences. Electric fences are prohibited.

(a) Exception. Electric fences are permitted in agricultural uses but shall not be placed within five (5) feet of the right-of-way of a public sidewalk or within five (5) feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences are permitted.

G. Pools and Spas. Outdoor pools, spas and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

1. **Height.** The minimum height of the fence enclosure shall be at least forty-eight (48) inches. The maximum clearance between the bottom of the fence and the ground shall be two (2) inches.
2. **Gates.** Gates in the enclosing fence shall swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch release hardware is on the outside of the fence, it shall be at least fifty-four (54) inches above the ground. If the latch hardware is on the inside of the fence, it must be at least three (3) inches below the top of the fence and there shall not be any openings more than a half-inch in width within eighteen (18) inches of the latch. Gates more than five (5) feet in width and designed for equipment access to the fence area are not required to be self-closing or self-latching provided they are locked at all times except when needed for equipment access.
3. **Design.** The fence shall be designed so that there are no openings large enough to allow the passage of a four (4) inch diameter sphere and so that no "ladder effect" is created on the outside. If a chain link fence material is used, the maximum size of the openings (i.e., the distance between parallel wires) shall not exceed one and a quarter (1¼) inches.

H. Detention/Retention Ponds. If a fence or wall is installed around a detention or retention pond with permanent water two (2) feet deep or more, the fence or wall shall meet the requirements of F. pools and Spas, above.