

City of Fayetteville Staff Review Form

City Council Agenda Items
 and
 Contracts, Leases or Agreements

12/20/2011

City Council Meeting Date
 Agenda Items Only

Andrew Garner
 Submitted By

City Planning
 Department

Action Required:

ADM 11-3993 Administrative Item (UDC AMENDMENT I-1 ZONING DISTRICT) Submitted by CITY PLANNING STAFF to clarify the rear building setback in the I-1 zoning district (UDC Section 161.27).

Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

King Department Director 12.01.2011 Date Previous Ordinance or Resolution # _____

Original Contract Date: _____

King City Attorney Dec 2, 2011 Date Original Contract Number: _____

Paul a. Becher Finance and Internal Services Director DEC. 2 2011 Date

12-01-11P04:55 RCVD
 Received in City Clerk's Office
King

Don Mar Chief of Staff 12/2/11 Date

Received in Mayor's Office
 ENTERED
12/2/11 BRP

Arnold Jordan Mayor 12/5/11 Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Andrew Garner, Senior Planner

Date: November 30, 2011

Subject: ADM 11-3993, I-1 zoning district ordinance amendment

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance amending the I-1, Heavy Commercial and Light Industrial zoning district, Unified Development Code Chapter 161.27.

BACKGROUND

The I-1 zoning district currently provides a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties. However, there is not a required setback adjacent to the other zoning districts, including residential properties. This has caused confusion amongst staff and developers in determining the required rear building setback in the I-1 zoning district.

The proposed change clarifies the rear building setback in the I-1 zoning district to 25 feet adjacent to all zoning districts (see attached code revision). The 25-foot setback is consistent with the rear setback in the I-2 zoning district and should provide adequate separation between industrial structures and adjacent properties.

DISCUSSION

On November 14, 2011 the Planning Commission voted 6-0-0 in favor of a recommendation of approval for ADM 11-3932, I-1 zoning district amendment.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE §161.27 TO MODIFY THE REAR SETBACK REQUIREMENT IN THE I-1 ZONING DISTRICT.

WHEREAS, the I-1, Heavy Commercial and Light Industrial zoning district in the City of Fayetteville Unified Development Code §161.27 currently has a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties, and does not have a setback adjacent to other zoning districts, including residential properties; and

WHEREAS, it would be beneficial to clarify the rear building setback in the I-1, Heavy Commercial and Light Industrial zoning district.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the Unified Development Code §161.27(E) to modify the rear setback to delete the words “...when adjoining C, I, or P districts”, and modify the setback from “10 ft.” to “25 ft.”

PASSED and **APPROVED** this day of , 2011.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk

161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	40 ft. 25 ft.

PROPOSED CODE CHANGE

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A, Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

161.28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal boarding and training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)



PC Meeting of November 28, 2011

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~November 28, 2011~~ *Updated November 30, 2011*

ADM 11-3993 Administrative Item (UDC AMENDMENT I-1 ZONING DISTRICT)
Submitted by CITY PLANNING STAFF to clarify the rear building setback in the I-1 zoning district (UDC Section 161.27). Planner: Andrew Garner

BACKGROUND

The I-1 zoning district currently provides a 25-foot rear setback for buildings adjacent to commercial, institutional, and industrial zoned properties. However, there is not a required setback adjacent to the other zoning districts, including residential properties. This has caused confusion amongst staff and developers in determining the required rear building setback in the I-1 zoning district.

PROPOSAL

The proposed change clarifies the rear building setback in the I-1 zoning district to 25 feet adjacent to all zoning districts (see attached code revision). The 25-foot setback is consistent with the rear setback in the I-2 zoning district and should provide adequate separation between industrial structures and adjacent properties.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 11-3993** to the City Council with a recommendation for approval.

Planning Commission Action: Forwarded Denied Tabled

Motion: Griffin

Second: Cook

Vote: 6-0-0

Meeting Date: November 28, 2011