

City Council Agenda Items  
and  
Contracts, Leases or Agreements

4/3/2012

City Council Meeting Date  
Agenda Items Only

Jesse Fulcher  
Submitted By

Planning  
Division

Development Services  
Department

Action Required:

ADM 12-4085: (Chapter 161 Zoning Regulations/RMF-24 Setbacks): Submitted by City Planning Staff. The proposal is to amend Chapter 161 Zoning regulations, repealing the Hillside/Hilltop Overlay District setbacks in the RMF-24 zoning district.

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

*[Signature]*  
Department Director

03-16-2012  
Date

Previous Ordinance or Resolution # \_\_\_\_\_

*[Signature]*  
City Attorney

3-16-2012  
Date

Original Contract Date: \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

*[Signature]*  
Finance and Internal Services Director

3-17-2012  
Date

Received in City Clerk's Office 3-16-12 P03:01 RCVD  
*[Signature]*

*[Signature]*  
Chief of Staff

3-19-12  
Date

Received in Mayor's Office  
ENTERED 3/19/12

*[Signature]*  
Mayor

3/20/12  
Date

Comments:

\_\_\_\_\_

left on the second reading at the 4/3/12 CC mtg.

## **CITY COUNCIL AGENDA MEMO**

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**To:** Mayor and City Council

**Thru:** Don Marr, Chief of Staff

**From:** Jeremy C. Pate, Development Services Director *JCP*

**Date:** March 15, 2012

**Subject:** UDC Chapter 161 Zoning Regulations (ADM 12-4085)

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### **RECOMMENDATION**

Planning staff recommends approval of an ordinance amending Chapter 161 Zoning Regulations, removing the Hillside/Hilltop Overlay District (HHOD) setbacks from Section (E) of the Residential Multi-Family, 24 Units Per Acre (RMF-24) zoning district, as was originally intended with Ordinance No. 5262.

### **BACKGROUND**

In 2009 the City Council adopted Ordinance No. 5262, replacing a 10 foot front building setback with a 10-25 foot build-to zone for all of the residential multi-family zoning districts. This change was an extension of the Urban Residential Design Standards that were adopted for multi-family developments a few months prior. A unique feature of the RMF-24 zoning district was that it contained a separate setback section for property in the HHOD. It was staff's intent to also amend this section of the code. However, the draft ordinance did not make specific mention of this code section and therefore it was not amended.

### **DISCUSSION**

A multi-family project within the HHOD has not been proposed since the setback amendment was adopted, until now. Staff is currently reviewing a multi-family development that will be negatively impacted by the current HHOD setback requirement of 15'. In keeping with the intent of the HHOD, which is to move buildings closer to the street and maintain canopy at the rear of the property, and the purpose of Urban Residential Design standards, which is to also move buildings closer to the street, the RMF-24 setback requirements for property in the HHOD should be removed at this time. All other multi-family districts already follow this recommended standard, and do not have a separate HHOD building setback.

### **BUDGET IMPACT**

None.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND §161.14 DISTRICT RMF-24 BY REPEALING THE SEPARATE SETBACKS FOR MULTI-FAMILY STRUCTURES BUILT WITHIN THE HILLSIDE/HILLTOP OVERLAY DISTRICT**

**WHEREAS**, Ordinance No. 5262 passed by the City Council on August 4, 2009 changed multi-family setbacks to a 10-25 build-to zone to require buildings to be moved closer to street, but failed to repeal the Hillside/Hilltop Overlay District's setbacks which did not include this build-to zone; and

**WHEREAS**, Planning Staff recommends that these setbacks specific to the Hillside/Hilltop Overlay District be repealed so that all RMF-24 Districts have the same "build-to" zones and side and rear setbacks.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §161.14 of the U.D.C. by repealing the Hillside/Hilltop Overlay District setback requirements within §161.14 (E).

**PASSED and APPROVED** this 3<sup>rd</sup> day of April, 2012.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

**161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre**

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.

Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.	8 ft.	25 ft.
HHOD Front 15 ft.	HHOD Side 8 ft.	HHOD Rear 15 ft.

**Cross reference(s)**--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.
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*Height regulations.* Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

**ORDINANCE NO. 5262**

AN ORDINANCE AMENDING CHAPTERS 161 ZONING REGULATIONS AND 166 DEVELOPMENT OF THE UNIFIED DEVELOPMENT CODE TO CHANGE BUILDING FORM AND PLACEMENT STANDARDS FOR URBAN RESIDENTIAL DEVELOPMENT.

**WHEREAS**, the City of Fayetteville adopted Urban Residential Design Standards on March 18, 2008 to provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources; and

**WHEREAS**, the City of Fayetteville recognizes that the existing ordinance does not always result in the desired traditional neighborhood form, resulting in a development form that may be contrary to the intent of the design standards; and

**WHEREAS**, the proposed amendments will result in an ordinance that is more consistent with the original goals and those goals of City Plan 2025.

**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 §161.10(E), §161.11(E), §162.12(E), §162.13(E), §162.14(E), and §162.15(E) Setback requirements, by replacing the 10' front setback with a 10-25' build-to zone described as follows:

“The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.”

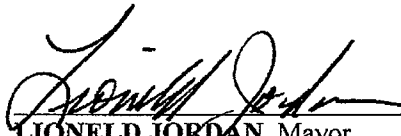
Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby amends §161.10, §161.11, §162.12, §162.13, §162.14, and §162.15 to add subsection “(H) *Minimum buildable street frontage*. 50% of the lot width.”

Section 3. That the City Council of the City of Fayetteville, Arkansas, hereby amends §161.10, §161.11, §162.12, §162.13, §162.14, and §162.15 to add subsection “(I) *Parking regulations*. No parking lots are allowed to be located in the front or side build-to zone facing a public right-of-way.”

Section 4. That the City Council of the City of Fayetteville, Arkansas, hereby repeals §166.23 of the Unified Development Code in its entirety and enacts a replacement §166.23 as shown on Exhibit "A."

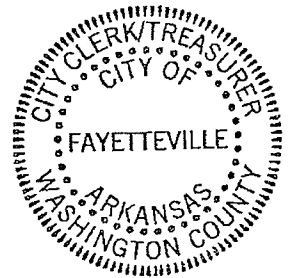
**PASSED** and **APPROVED** this 4<sup>th</sup> day of August, 2009.

APPROVED:

  
LIONELD JORDAN, Mayor

ATTEST:

  
SONDRA E. SMITH, City Clerk/Treasurer




City Council Meeting of August 4, 2009  
Agenda Item Number

## **CITY COUNCIL AGENDA MEMO**

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**To:** Mayor and City Council

**Thru:** Don Marr, Chief of Staff

**From:** Jeremy C. Pate, Development Services Director 

**Date:** July 15, 2009

**Subject:** UDC Chapter 161 Zoning Regulations and 166.23 Urban Residential Design Standards (ADM 09-3332)

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### **RECOMMENDATION**

Planning staff and the Planning Commission recommend approval of an ordinance amending Chapter 166 Development and 166.23 Urban Residential Design Standards, to clarify the permitted location of parking lots and to ensure that some of the buildings in a development front existing and new public streets. In addition, staff has included standards for individual curb-cuts and simplified the building construction and design standards (see Exhibit "A" attached).

### **BACKGROUND**

The City of Fayetteville City Council adopted Urban Residential Design Standards on March 18, 2008. These standards were a benchmark of City Plan 2025 and were adopted so that future urban residential developments would enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

### **DISCUSSION**

Urban Residential Design Standards have been applied to several projects since adoption, resulting in residential projects that meet the intent of the ordinance. However, Planning staff has realized that the parking lot and building location standards do not always result in the desired traditional town form. The current ordinance states that all buildings must be located within a building setback line of 10' and 25' from the public right-of-way, unless the building is located at least 50' from the right-of-way, and for parking lots to be located outside of the build-to zone. These standards allow the buildings to be setback 50' and for parking to be constructed between the buildings and the public street. This design style is contradictory to the intent of the design standards and the City's adopted policies by allowing for the conventional "complex" form associated with larger developments that separate the development from the neighborhood instead of integrating into the existing neighborhood fabric.

### **BUDGET IMPACT**

None.



PC Meeting of July 13, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

**PLANNING DIVISION CORRESPONDENCE**

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

**TO:** Fayetteville Planning Commission  
**FROM:** Jesse Fulcher, Current Planner  
**THRU:** Jeremy Pate, Development Services Director  
**DATE:** July 9, 2009 Updated July 16, 2009

**ADM 09-3332: (URBAN RESIDENTIAL DESIGN STANDARDS):** Submitted by City Planning Staff. The request is to amend Chapters 161 Zoning Regulations and 166.23 Urban Residential Design Standards in order to clarify parking lot location standards.

Planner: Jesse Fulcher

**BACKGROUND**

The City of Fayetteville City Council adopted Urban Residential Design Standards on March 18, 2008. These standards were a benchmark of City Plan 2025 and were adopted so that future urban residential developments would enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

Urban Residential Design Standards have been applied to several projects since adoption, resulting in residential projects that meet the intent of the ordinance. However, Planning Staff has realized that the parking lot and building location standards are too flexible. The current ordinance states that all buildings must be located within a building setback line of 10' and 25' from the public right-of-way, unless the building is located at least 50' from the right-of-way, and for parking lots to be located outside of the build-to zone. These standards allow the buildings to be setback 50' and for parking to be constructed between the buildings and the public street. This design style is contradictory to the intent of the design standards and the City's adopted policies by allowing for the conventional form associated with larger developments that separates the development from the neighborhood instead of integrating into the existing neighborhood fabric.

**PROPOSAL**

Planning staff recommends amending Chapter 166.23, and consequently Chapter 161, to clarify the permitted location of parking lots and to ensure that some of the buildings in a development front existing and new public streets. In addition, staff has included standards for individual curb-cuts and simplified the building construction and design standards (see Exhibit "A" attached).

To clarify the parking and building location standards for urban residential projects, staff is proposing to adopt a build-to zone and a minimum buildable street frontage percentage, as



currently applied to the downtown zoning districts. The build-to zone is proposed to 10-25', which is the same standard as the City has today. Staff is recommending a minimum building street frontage of 50% of the lot width. These new standards would be applied to all Residential Multi-family zoning districts, including RT-12, and would be inserted into Chapter 161 in each zoning district. Removing the building setback line from Chapter 166.23 will also create consistency between zoning districts, since all setbacks are currently listed in Chapter 161. As currently adopted, variances from the build-to zone in Chapter 161 are reviewed by the Board of Adjustment, and variances from the build-to line in Chapter 166 are reviewed by the Planning Commission, under different standards. This change will also prohibit parking lots within 25' of the right-of-way line and require at least 50% of the lot frontage to be developed with buildings. These changes, in staff's opinion, will provide standards for urban residential projects that enhance the image of the City of Fayetteville, provide safe, pedestrian-friendly neighborhoods and minimize parking impacts in order to preserve surrounding property values and scenic resources.

### **RECOMMENDATION**

Planning Staff recommends forwarding ADM 09-3332 to the City Council with a recommendation for approval.

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**Planning Commission Action:**     Forwarded     Denied     Tabled

Motion: Winston

Second: Cabe

Vote: 7-0-0

Meeting Date: July 13, 2009

Comments: \_\_\_\_\_

