

City Council Agenda Items
and
Contracts, Leases or Agreements

12/4/2012

City Council Meeting Date
Agenda Items Only

Jeremy Pate
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 12-4259 Administrative Item (UDC AMENDMENT: SUBDIVISION REGULATIONS IN THE PLANNING AREA) Submitted by CITY PLANNING STAFF to modify the subdivision regulations in the Fayetteville Planning Area (UDC Section 166.05 & 166.08(l)) to be consistent with Washington County requirements.

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

James C. Bate
Department Director 11-16-2012
Date

Previous Ordinance or Resolution # _____

Ken [Signature]
City Attorney 11-19-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Behm
Finance and Internal Services Director 11-19-2012
Date

Received in City Clerk's Office 11-19-12 15-12 P02:41 RCVD
LNB

Don [Signature]
Chief of Staff 11-19-12
Date

Received in Mayor's Office
ENTERED 11/19/12
[Signature]

Timothy [Signature]
Mayor 11/20/12
Date

Comments:



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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director *J.P.*

Date: August 27, 2012

Subject: ADM 12-4259: UDC Amendment: Subdivision Regulations in the Planning Area

RECOMMENDATION

Staff and the Planning Commission recommend approval of an ordinance to modify the subdivision regulations in the Fayetteville Planning Area (UDC Section 166.05 & 166.08 (I)) to be consistent with Washington County requirements.

BACKGROUND

The Fayetteville Unified Development Code Section 166.08(I)(1) requires a minimum size for lots in the Planning Area of 10,000 square feet. However, a minimum lot size of one acre (43,560 square feet) was established by Washington County in 2006 when county-wide zoning was adopted. During the recent update of City Plan 2030 it was identified that the City's reference to lot size in the Planning Area should be modified to be consistent with Washington County.

The proposed code changes removes the City's out-dated reference to bulk and area requirements for lots in the Planning Area, and clarifies development standards in the Planning Area. It should be noted that developments in the Planning Area and within one mile of the City are more strictly regulated than developments beyond one mile. The phrase "Subdivision Regulations" has been added to 166.05 to clarify the overall regulations for subdivisions outside the City limits.

DISCUSSION

On November 13, 2012 the Planning Commission voted 5-0-0 in favor of a recommendation of approval for ADM 12-4259.

BUDGET IMPACT

None.

CHAPTER 166: DEVELOPMENT

166.05 Required Infrastructure Improvements and Subdivision Regulations – Development in Planning Area

(A) Required Infrastructure Improvements and Subdivision Regulations Outside the City.

- (1) Within One Mile of City Limits. On and off-site improvements and Subdivision Regulations for development outside the City Limits and within one mile of the City are the same as for those developments within the City Limits as specified in UDC 166.04, with the exception of the park land dedication requirement, which is not required.
- (2) Beyond One Mile of City Limits. On and off-site improvements and Subdivision Regulations for development outside one mile of the City limits shall meet Washington County standards.
- (3) All lots in the Planning Area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to Residential Lot and Block Standards.

(B) Developments outside city developed to all inside the city standards. If the City Council grants access to the City's sewer system pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§ 159.54, 160.120; Ord. No. 3925, § 6, 10-3-95; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. 4753, 9-6-05; Ord. 5215, 1-20-09; Ord. 5270, 9-1-09; Ord. 5296, 12-15-09)

166.08 Street Design And Access Management Standards

(I) Residential lots. The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

- (1) Bulk and area regulations:

	Planning Area
Lot area minimum	10,000 sq. ft.
Lot width minimum	75 ft.
Side setback	10 ft.
Front Setback	25 ft.
Rear setback	20 ft.
Frontage on improved street	75 ft.

(2) Size. ~~The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practicable, side lot lines should be at right angles to straight street lines or radial to curved street lines. When a tract of land is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision of the lots, with provisions for adequate utility connections for such resubdivision.~~

(3) Developments outside city developed to all inside the city standards. ~~If the City Council grants access to the City's sewer system pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.~~

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06; Ord. 5156, 8-5-08; Ord. 5296, 12-15-09)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances, Ch. 156; Notification and Public Hearings, Ch. 157.



Departmental Correspondence



LEGAL
DEPARTMENT

www.accessfayetteville.org

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Senior Planner – Current Planning

FROM: Kit Williams, City Attorney

DATE: November 19, 2012

RE: Proposed changes to §166.05 (A) *Required Infrastructure Improvements and Subdivision Regulations outside the City*

Planning Staff has recommended two principal changes to the City's regulations for developments, lot frontage requirements, etc. outside the city limits. The first would be to remove the City's bulk and area regulations for building lots in deference to Washington County regulations. The second is to require that all lots outside the City but within the Planning Area have "direct frontage to a public street, with the minimum frontage required by Washington County"

There has been use of some small and usually short private roads or driveways in the county to service more than one lot and one house. This regulation would prohibit such lots and require all lots to have frontage on a "public street." Washington County might already have instituted such a new requirement, but this is apparently a change for Unified Development Code. **Adopting this new language will have the City of Fayetteville prohibiting the creation of new building lots and new home construction serviced by private roads or shared driveways beyond the city limits, but within our planning area.**

Because the Planning Staff wanted to repeal our bulk and area regulations (which were more generous and conflicting with Washington County regulations), it needed to repeal §166.08 (I) which is done in Section 2 of the Ordinance.

Subsection (#) of §166.08 (I) dealt only with those very rare outside the city developments that the City Council agreed to allow to use our city sewer system. Planning staff recommends that it be moved unchanged from §166.08 (I) to §166.05 (B).

I recommend one change to give the City Council more power and discretion in those rare agreements to allow access to our sewer system. The section now requires the parcels conform with RSF-4 zoning standards. I suggest adding “**or as otherwise designated by the City Council,**” so that you could allow more innovative use of such land (clustering of homes, changed setbacks, more common greenspace, etc.) than traditional RSF-4 zoning.

I have placed that authorizing language within the proposed ordinance. If you wish to only allow RSF-4 zoning requirements, it should be removed through amendment.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §166.05 REQUIRED INFRASTRUCTURE IMPROVEMENTS – DEVELOPMENT IN THE PLANNING AREA AND TO REPEAL §166.08 (I) OF THE UNIFIED DEVELOPMENT CODE OF FAYETTEVILLE

WHEREAS, the City of Fayetteville has the statutory power to administer and enforce planning and zoning ordinances within two miles of our city limits pursuant to A.C.A. §14-56-414; and

WHEREAS, the City Planning Department recommends that all lots in the Planning Area be required to have direct frontage on a public street with the minimum street frontage required by Washington County; and

WHEREAS, the City of Fayetteville desires to make its planning regulations related to bulk and area requirements, for parcels that allow construction match the Washington County Quorum Court's zoning regulations.

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 repeals §166.05 of the Unified Development Code in its entirety and enacts a replacement §166.05 as shown below:

166.05 Required Infrastructure Improvements and Subdivision Regulations - Development In Planning Area.

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

- (1) *Within One Mile of City Limits.* On and off-site improvements and subdivision

regulations for development outside the City limits and within one mile of the City are the same as for those developments within the City limits, with the exception of park land dedication requirement which is not required.

- (2) *Beyond One Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside one mile of the City limits shall meet Washington County standards.
- (3) All lots in the Planning Area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to residential Lot and Block Standards.
- (B) *Developments Outside City Developed to all Inside the City Standards.* If the City Council grants access to the City's sewer system pursuant to §51.115 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District or as otherwise designated by the City Council rather than those within the planning area.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals §166.08 (I) **Residential Lots** of the Unified Development Code.

PASSED and **APPROVED** this 4th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

CHAPTER 166: DEVELOPMENT

166.05 Required Infrastructure Improvements and Subdivision Regulations – Development in Planning Area

(A) *Required Infrastructure Improvements and Subdivision Regulations Outside the City.*

- (1) *Within One Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside the City limits and within one mile of the City are the same as for those developments within the City limits as specified in UDC 166, with the exception of the park land dedication requirement, which is not required.
- (2) *Beyond One Mile of City Limits.* On and off-site improvements and subdivision regulations for development outside one mile of the City limits shall meet Washington County standards.
- (3) All lots in the Planning Area shall have direct frontage to a public street, with the minimum frontage required by Washington County pursuant to Residential Lot and Block Standards.

(B) *Developments Outside City Developed to all Inside the City standards.* If the City Council grants access to the City's sewer system pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.

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PC Meeting of November 13, 2012

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 7, 2012~~ Updated November 15, 2012

ADM 12-4259 Administrative Item (UDC AMENDMENT: SUBDIVISION REGULATIONS IN THE PLANNING AREA) Submitted by CITY PLANNING STAFF to modify the subdivision regulations in the Fayetteville Planning Area (UDC Section 166.05 & 166.08 (I)) to be consistent with Washington County requirements.

Planner: Andrew Garner

BACKGROUND

The Fayetteville Unified Development Code Section 166.08(I)(1) requires a minimum size for lots in the Planning Area of 10,000 square feet. However, a minimum lot size of one acre (43,560 square feet) was established by Washington County in 2006 when county-wide zoning was adopted. During the recent update of City Plan 2030 it was identified that the City's reference to lot size in the Planning Area should be modified to be consistent with Washington County.

PROPOSAL

The proposed code changes removes the City's out-dated reference to bulk and area requirements for lots in the Planning Area, and clarifies development standards in the Planning Area. It should be noted that developments in the Planning Area and within one mile of the City are more strictly regulated than developments beyond one mile. The proposed code changes are shown in ~~strikeout~~ and highlight/underline in the attached document. The phrase "Subdivision Regulations" has been added to clarify the overall regulations for subdivisions outside the City limits.

RECOMMENDATION

Staff recommends that the Planning Commission forward **ADM 12-4259** to the City Council with a recommendation for approval.

Planning Commission Action: Forwarded Denied Tabled

Motion: Cabe

Second: Cook

Vote: 5-0-0

Meeting Date: November 13, 2012

