

City of Fayetteville Item Review Form

2014-0153

Legistar File Number

04/15/2014

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Andrew Garner

Submitted By

Development Services

Department

Action Required:

ADM 14-4652 Administrative Item (UDC AMENDMENT CHAPTER 156 VARIANCES): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 156 and 172. The proposal is to clarify that variances of Chapter 172: Parking and Loading may be requested.

Does this item have a cost?  No

Cost of this request	Category or Project Budget	Program or Project Name
Account Number	Funds Used to Date	Program or Project Category
Project Number	Remaining Balance	Fund Name
Budgeted Item? <input type="checkbox"/>	Budget Adjustment Attached? <input type="checkbox"/>	

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

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

Comments:




V20130812

*[Handwritten signatures and dates]*  
3-31-14  
Paul A. Beck 3-31-2014  
4-2-14

## CITY COUNCIL AGENDA MEMO

### MEETING OF APRIL 15, 2014

**TO:** Mayor and City Council

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

**FROM:** Andrew Garner, City Planning Director

**DATE:** March 25, 2014

**SUBJECT:** **ADM 14-4652 Administrative Item (UDC AMENDMENT CHAPTER 156 VARIANCES):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 156 and 172. The proposal is to clarify that variances of Chapter 172: Parking and Loading may be requested.

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### RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to clarify that variances of Chapter 172: Parking and Loading may be requested.

### BACKGROUND:

Variances of the Unified Development Code are only permitted if they are specified in the code. There are certain individual sections of Chapter 172: Parking and Loading that discuss that the code may be varied or modified through a variance or conditional use process. However, much of Chapter 172 does not provide the option for variances, and it is unclear which portions of may be varied.

Staff proposes to modify Chapter 156: Variances to make it clear that variances of Chapter 172 are permitted. Chapter 156 is proposed to refer to Chapter 172 in the same code subsection as general development variances (Chapter 166). In addition an isolated reference in Chapter 172 referring to parking design waivers is being removed. The proposed code changes are identified in highlight and underline.

### DISCUSSION:

On March 24, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0.

### BUDGET/STAFF IMPACT:

None

### Attachments:

- Proposed code changes to UDC Chapters 156: Variances and 172: Parking and Loading

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

**AN ORDINANCE TO AMEND § 156.03 DEVELOPMENT AND § 172.04 (F) PARKING LOT DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THAT VARIANCES OF § 172.04 (F) PARKING LOT DESIGN STANDARDS MAY BE REQUESTED**

**WHEREAS**, § 172.04 (F)(c) speaks of a waiver of Parking Lot Design Standards when a variance from such standards is preferable.

**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 § 156.03 (A) in its entirety and enacts a new § 156.03 (A) as shown below:

**“156.03 Development, Parking and Loading**

Certain variances of the development, parking and loading regulations may be applied as follows:

*(A) General requirements.*

- (1) *Undue hardship.* If the provisions of **Development**, Chapter 166, or **Parking and Loading**, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 172.04 by repealing § 172.04 (F)(c) *Waivers*.

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**Ordinance No.**

**PASSED** and **APPROVED** this 15<sup>th</sup> day of April, 2014.

APPROVED:

ATTEST:

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

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

## CHAPTER 156: VARIANCES

### 156.03 Development, Parking and Loading

Certain variances of the development and parking regulations may be applied for as follows:

(A) *General requirements.*

- (1) *Undue hardship.* If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property, the city Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development regulations. No variance shall be granted for any property which does not have access to an improved street.
- (2) *Conditions and safeguards.* In granting variances, the Planning Commission may prescribe appropriate conditions and safeguards to secure substantially the objectives of the standards or requirements so varied.

**CHAPTER 172: PARKING AND  
LOADING**

~~(c) Waivers. Development proposals which do not meet these standards may apply for waiver from these requirements subject to Planning Commission approval.~~

**172.04 Parking Lot Design Standards***(F) Parking Lot Circulation.*

- (4) *Entrances and internal aisle design for parking lots containing 9 or more parking spaces.* The driveway width into parking lots shall meet the following requirements:

*(a) Entrances.*

- (i) *One-way access to parking lots.* If the driveway is a one-way in or one-way out, then the driveway width shall be a minimum of 12 feet and a maximum of 16 feet.
- (ii) *Two-way access to parking lots.* For two way access, the driveway width shall be a minimum 20 feet and a maximum width of 24 feet, unless otherwise required by the Fire Department.
- (iii) *Collector and Arterial Streets.* Driveways that enter collector and arterial streets may be required to have two outbound lanes (one for each turning direction) and one inbound lane for a maximum total driveway width of 39 feet.
- (iv) *Curb radius.* All driveways serving 9 or more parking spaces shall have a curb radius of 15 feet for curb cuts on local streets and a curb cut radius of 20 feet for collector, minor arterial and arterial streets.

*(b) Internal aisle design.*

- (i) Aisles shall be designed so that they intersect at 90 degrees with other aisles and driveways where practical.
- (ii) Aisles shall be designed to discourage cut-through traffic by use of landscape islands, and shall meet the requirements of Chapter 177: Landscape Regulations.
- (iii) Aisles shall conform to the dimensional requirements of §172.04(C).