



113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 6846

File Number: 2025-105

ADMINISTRATIVE ITEM (AMEND CHAPTER 159 – FEES & CHAPTER 178 - MOBILE VENDORS):

AN ORDINANCE TO AMEND CHAPTER 159, FEES AND CHAPTER 178 MOBILE VENDORS OF THE UNIFIED DEVELOPMENT CODE TO IMPLEMENT FEE CHANGES RECOMMENDED BY THE CITY'S RECENT USER FEE STUDY

WHEREAS, Fayetteville has a long and well-established history of charging user fees for a number of City services, including those associated with development review; and

WHEREAS, in February 2023 the City Council approved a contract with MGT for an updated user fee study whose core objectives include evaluating and improving the current fee structure, defining the cost of City services, and recommending fees based on the cost of service; and

WHEREAS, MGT completed the review-related services, the hourly rates of staff providing those services, and the time providing each service in six areas that include Building Safety, Business Licensing, Engineering, Fire, Planning, and Water & Sewer; and

WHEREAS, the most prominent finding of the study is a significant discrepancy between the cost of services provided and the user fees charged, totaling approximately \$2,679,307.00; and

WHEREAS, on July 2, 2024 the City Council passed Resolution 182-24 expressing intent to implement the study's findings; and

WHEREAS, the proposed amendments will increase Engineering and Planning fees by 1/3rd of the recommended fee amount to ease the impact of these increases after 20 years without change; and flat fees for Building Safety will increase by 1/3rd of the recommended fee amount, while permit review and inspection fees will increase by the full recommended amount; and

WHEREAS, implementation of the new fees will require manual entry by staff and, therefore, staff has proposed a staggered rollout during which time users may be charged the previous fee or the updated fee.

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 § 159.01, Fees/Schedule of the Unified Development Code and enacts a replacement § 159.01 as shown in Exhibit A attached hereto and made a part hereof, subject to the implementation schedule set forth in Section 3 below.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Building Safety Division Fee Schedule referenced in § 159.01(B)(11) as shown in Exhibit B attached hereto and made a part hereof, subject to the implementation schedule set forth in Section 3 below.

Section 3: That the City Council of the City of Fayetteville, Arkansas authorizes staff to stagger the implementation of the fees provided in Sections 1 and 2 as follows:

- Engineering fees in § 159.01(B)(4), (B)(6), (B)(8), and (B)(12) shall be effective on the effective date of this Ordinance.
- Planning fees in § 159.01(B)(2), (B)(3), (B)(5), (B)(7), (B)(9), and (B)(10) shall not exceed the amounts set forth in Exhibit A for a period of two weeks after the effective date of this Ordinance. At the end of the two week period, those fees shall be set at the amounts set forth in Exhibit A.
- Building Safety fees in § 159.01(B)(11) and the Building Safety Division Fee Schedule attached as Exhibit B, shall not exceed the amounts set forth in Exhibit A and Exhibit B for a period of four weeks after the effective date of this Ordinance. At the end of the four week period, those fees shall be set at the amounts set forth in Exhibit A and Exhibit B.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.03 **Sidewalk Vendors** by changing the application and permit fee from \$100.00 to \$133.00.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby amends § 178.04 **Outdoor Mobile Vendors** by changing the application and permit fee from \$100.00 to \$125.00.

PASSED and APPROVED on February 18, 2025

Approved:



Molly Rawn, Mayor

Attest:



Kara Paxton, City Clerk Treasurer

This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas.
Amount Paid: \$299.44

EXHIBIT 'A'

159.01 Fees/Schedule

(A) *Fees.* Fees shall be imposed, as set forth below, to cover a portion of the cost of public notices and such other expenses as may be incurred in connection with processing of applications, plan reviews, amendments, permits, variances and other matters pertaining to the UDC.

A councilmember may present a resolution to the City Council to waive or reduce development permit fees otherwise required by this chapter or elsewhere within the Unified Development Code, where it is permitted. If the reduction or waiver would serve the public interest, alleviate an unfair burden upon an applicant, or be beneficial to the city as a whole, the City Council may grant such reduction or waiver of permit fee.

(B) *Fee schedule.*

(1) *General.* Unless specific fees are otherwise adopted by the City Council, the following schedule of fees is established.

(2) *Signs.*

(a) *Signs.* \$37.00 for each sign.

(b) *Windblown signs.* \$20.00.

(c) *Sign variance.* Filing fee: \$117.00

(3) *Development.* The following application fees are due for each of the following development review submittals:

(a) All concept plats. \$367.00

(b) Lot splits or property line adjustments. \$400.00

(c) Subsequent technical plat reviews for tabled items, after initial fee in item (d) below. \$267.00

(d) All Other Plat Reviews (Concurrent, Preliminary And Final):

Nonresidential	\$800.00
25 or less residential units	\$933.00
26 or more residential units	\$1,367.00

(e) Large Scale Development, Small and Large Site Improvement Plan Reviews. The greater of the two fees shall be applied for instances of mixed-use development:

Nonresidential 5,000 or less sq. ft.	\$1,033.00
Nonresidential Over 5,000 sq. ft.	\$1,583.00
25 or less residential units	\$983.00
26 or more residential units	\$1,583.00

(f) Planning Commission Variance:

Before any violation has occurred	\$333.00
After any violation has occurred	\$633.00

(4) *Grading Permit.* Two (2) reviews are covered with the initial application fee. For each subsequent review, a resubmittal fee shall apply. For review of all changes and plan revision submittals required after permit issuance, a resubmittal fee shall apply.

(a) *Permit Application Fee:*

Size of Disturbed Area	Grading Plan and Permit	Resubmittal Fee
One acre or less	\$400.00	\$150.00
Per additional acre, up to five acres	\$250.00 per acre	\$250.00
Per additional acre, greater than five acres and less than 20	\$167.00 per acre	\$250.00
Per additional acre, greater than 20 acres, up to 40	\$100.00 per acre	\$250.00
Floodplain grading permit review	\$33.00	
Appeals	\$133.00	N/A

(b) *Supplementary Permit Fees:*

- (i) *Work Without a Permit.* Where work for which a grading permit is required is started or proceeded prior to obtaining said permit, the fees specified herein shall be doubled. Payment of such fee shall not relieve any persons from fully complying with the requirement of any code in the execution of the work not from any other applicable penalties.
- (ii) *Re-Inspection.* For a re-inspection to correct a violation(s) and/or if installation is not ready for requested inspections the fee shall be \$25.00. For each subsequent re-inspection, the fee shall be double the amount of the previous fee, with a maximum of \$200.00. All re-inspect fees must be paid prior to the inspection taking place.

(5) *Zoning.*

Annexation:	
Less than one acre	\$333.00
One acre or greater	\$500.00
Rezoning:	
Less than one acre	\$517.00
One acre or greater	\$617.00
Planned Zoning District:	
Less than one acre	\$667.00
One acre or greater	\$833.00
Conditional use	\$400.00
Planning Commission or Board of Adjustment Variance:	
Before any violation has occurred	\$233.00
After any violation has occurred	\$467.00
Zoning Verification Letter	\$67.00

(6) *Streets and Sidewalks.*

Driveway, curb cut, sidewalk, and all other excavation in public right-of-way	\$50.00
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(7) *Administrative Items.*

General	\$57.00
Plan Amendment	\$33.00
Project Extension	\$33.00
Appeals	\$333.00
Master Street Plan Amendment	\$333.00

(8) *Floodplain.*

Type of Review	Initial Submittal	Resubmittal Fee (after 2 nd submittal)
Development Review	\$33.00	N/A
Administrative review(qa)(EC, Fence, Acc. Structure, etc.)	\$50.00	N/A
LOMA, LOMR-F	\$83.00	\$25.00
CLOMR/LOMR	\$200.00	\$100.00
Appeals	\$100.00	N/A

(9) *Vacations.*

Right-of-Way	\$433.00
Utility Easement	\$367.00
Tree Preservation Easement	\$633.00

(10) *Public Notification.* \$33.00 per sign

(11) *Building Permits.*

- (a) *General Fees.* The following general provisions shall apply to all permits, including but not limited to building, electrical, gas, mechanical and plumbing; and shall apply in addition to the fees and requirements set forth in each separate code.
- (b) *Permit Valuation.*
 - (i) Permit valuation is the reasonable valuation of all services, labor, materials, and appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy.
 - (ii) The permit valuation shall include total cost such as plumbing, electrical, gas, mechanical, equipment, and other systems, however, the cost of excavation or grading, paving, and land cost are not deemed a part of such permit valuation.
 - (iii) The building permit fee shall be based on the construction valuation as determined by the published Building Code Fee Schedule or as submitted by the applicant, whichever is greater.

- (c) *Building Construction.* Building construction fees shall be as set forth in the Building Code, fees appendix, except as set forth below:

Occupant load certificate	\$150.00
Demolition permit (commercial)	\$117.00
Demolition permit (residential)	\$100.00
Temporary C of O (commercial; 30 days)	\$183.00
Temporary C of O (residential; 30 days)	\$100.00
Footing/foundation only (commercial)	\$200.00
Footing/foundation only (residential)	\$67.00
Appeal of building official to Construction Board of Adjustment and Appeal	\$117.00
Moving permit	\$150.00
Permit extension	\$67.00
Permit Processing Fees*	

**Permit processing and review fees shall be submitted with all building permit applications as required in the Building Safety Division's Fee Schedule. This fee shall be applied as a credit to the total fees due once the building permit is obtained.*

- (d) The Building Official shall administer the collection and reporting of fees as required herein. In the event of whether a fee should be charged or not, the Building Official shall make the final determination.
- (e) *Supplementary Permit Fees.*
- (i) *Design/Build Fee.* In addition to the permit fees, a design/build fee for fast-track, design-build, and buildings permitted with construction progressing as design and construction plans are in progress shall be \$1,200.00.
 - (ii) *Emergency, Investigative and After Hour(s).* In addition to the permit fee, an emergency fee for after hours inspection, investigations and emergency inspections shall be \$300.00 and an additional \$100.00 per hour after two hours.
 - (iii) *Outside City Limits.* In addition to the permit fee, each inspection required outside Fayetteville city limits shall be \$20.00 per inspection.
 - (iv) *Work Without Permit.* Where work for which a permit is required is started or proceeded prior to obtaining said permit, the fees herein specified shall be tripled, with a minimum penalty of \$250.00. Payment of such triple fee shall not relieve any persons from fully complying with the requirement of any code in the execution of the work nor from any other applicable penalties.
 - (v) *Re-Inspection.* For a re-inspection to correct a violation(s) and/or if installation is not ready for requested inspections the fee shall be \$125.00. All re-inspect fees must be paid prior to the inspection taking place.
- (f) *Exemptions from Permit Fees.*
- (i) *Historical Buildings.*

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- (a) Buildings identified and classified as historical buildings or structures by state or local jurisdiction shall be exempt from permit fees.
 - (b) The Mayor may exempt all or part of the applicable permit fees for buildings that can be proven to be more than fifty (50) years old. This exemption shall apply only to owner-occupied, single-family dwellings where there is to be no change of use or occupancy.
- (ii) *Affordable Housing and Homeless Shelters.* Construction of single family, non-profit multi-family supportive housing, and homeless shelters funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals, non-profit multi-family supportive housing, and homeless shelters shall be exempted from payment of building permit fees.
 - (iii) *City-Owned Facilities.* Construction projects that occur on city-owned properties for facilities that are partially or wholly owned by the city shall be exempted from payment of building permit fees.
- (12) *Temporary Closure Permits.* The following application and use fees are due for each of the following requests for closure:
- (a) *Application Fees.* A \$50.00 application fee shall be due at that time of any request for temporary, street/road closure, partial street/lane closure, parking closure, trail closure, or sidewalk closure.
 - (b) *Closure Fees.* Due to the impact of closures on functionality of streets, sidewalks and trails, the following use fees shall apply based on the type, length and duration of closure requested:
 - (i) *Shared-Use Paved Trails and Sidewalks:*
 - (a) \$25.00 per day—Shared-use paved trails.
 - (b) \$25.00 per day—Sidewalks within Entertainment District (sidewalk closures outside the Entertainment District do not require a permit, please coordinate with the Engineering Office for notification and signage).
 - (ii) *Residential Links, and Alleys:*
 - (a) \$50.00 per day, per impacted lane.
 - (iii) *Neighborhood Links and Downtown/Urban Streets:*
 - (a) \$83.00 per day, per impacted lane.
 - (iv) *Regional Links:*
 - (a) \$133.00 per day, per impacted lane.
 - (c) *Extension Fees.* A \$25.00 extension fee shall be due at the time of any request for extension of a temporary closure. Daily closure fees as listed in this section shall also apply to the extension.
 - (d) Detour route required when one (1) or more lanes will be completely closed, and flaggers are not used to maintain traffic.
 - (e) A detour route shall be provided for all trail and sidewalk closures requiring a permit per this section.

(Code 1965, §§17B-3(c); 17B-7(k), 18-27, App. A., Art. 9(6), 10(2), 11, App. C., Art. II, §E; Ord. No. 1747, 6-29-70; Ord. No. 1790, 3-15-71; Ord. No. 1893, 12-19-72; Ord. No. 2198, 2-17-76; Ord. No. 2323, 4-5-77; Ord. No. 2538, 7-3-79; Ord. No. 2581, 12-4-79; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3230, 11-8-86; Ord. No. 3298, 10-6-87; Code 1991, §§98.62, 158.22, 158.45, 159.15, 160.172, 160.195, 160.197; Ord. No. 3716, §2, 6-15-93; Ord. No. 3925, §4, 7, 10-3-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, §1, 8-18-98; Ord. 4323, 6-19-01; Ord. No. 4806, 12-20-05; Ord. No. 5425, 8-2-11; Ord. No. 5724, 12-02-14; Ord. No. 6255, §1, 11-5-19; Ord. No. 6446, §7(Exh. B), 6-15-21; Ord. No. 6577, §§1, 2(Exh. A), 6-21-22; Ord. No. 6578, §1, 6-21-22; Ord. No. 6630, §4, 12-20-22)

EXHIBIT 'B'

CITY OF FAYETTEVILLE

Building Safety Division

125 W. Mountain Street, Fayetteville, AR 72701

(479)-575-8238

FEE SCHEDULE

Notice: All permits described below are subject to a minimum fee of \$55.00

Permit Type	Permit Cost per \$1,000.00 of Valuation
Commercial Permits	\$6.32
Residential Permits	\$4.59
Miscellaneous	\$10.94
Electrical	\$2.03
Gas	\$2.03
Mechanical	\$3.31
Plumbing	\$3.04

Plan Review Fee:

50% of the Permit Fee is required to be paid prior to commencing plan review for Commercial, Residential, and Miscellaneous permits

Craft Education Program:

Per Arkansas State Act 474, a surcharge in the amount of fifty cents (\$0.50) per each \$1,000.00 of construction authorized on any commercial permit issued by any political subdivision of Arkansas is imposed to financially support the craft education program.

Permit Renewal Fee:

No construction:	100% of permit cost
Through slab:	90% of permit cost
Through framing:	50% of permit cost

Plan Review Resubmittal Fee:

Commercial:	\$200.00 (after 3 rd submittal)
Residential:	\$100.00 (after 2 nd submittal)

Plan Review Revision Fee:

Commercial:	\$450.00
Residential:	\$250.00

Pre-Application Plan Review: \$200.00