



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

**Ordinance: 6867**

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**File Number: 2025-479**

**AUTHORIZE BOARD OF ADJUSTMENT APPEALS TO CITY COUNCIL (AMENDMENTS):**

AN ORDINANCE TO AMEND CHAPTER 155 APPEALS AND § 156.02 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE THAT BOARD OF ADJUSTMENT DECISIONS MAY BE APPEALED TO THE CITY COUNCIL, AND TO CLARIFY VARIOUS APPEAL PROCEDURES

**WHEREAS**, the Fayetteville City Code currently requires that appeals from the Board of Adjustment be taken to the Circuit Court of Washington County; and

**WHEREAS**, the City of Fayetteville may provide by ordinance that appeals from decisions of the Board of Adjustment shall first be heard by the City Council; and

**WHEREAS**, clarifying other provisions of Chapter 155 – Appeals will benefit applicants and the general public by making the City’s appeal procedures easier to understand.

**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 § 155.01 **Circuit Court** and enacts a replacement § 155.01 as follows:

“Unless internally appealed as set forth otherwise below, all appeals from final actions taken by the City Council, Planning Commission, Board of Adjustment, Construction Board of Adjustment and Appeals, and the Zoning and Development Administrator shall be taken to the Circuit Court of Washington County.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals the introductory sentence and subsection (A) of § 155.02 **Form/Time/Place** and enacts a replacement as follows:

“For appeals to the City Council, Planning Commission, Board of Adjustment or Construction Board of Adjustments and Appeals, the following requirements shall must be met:

1. *Form.* All appeals must be submitted in writing (which may include by email) and which should reference the applicable UDC sections and set forth the reasons the applicant contends the decision was in error and how the applicant is adversely impacted.”

**Section 3:** That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.04 **Council Member Appeal On Behalf Of Resident** by adding an additional phrase to the first sentence so that it reads as follows:

“A Council Member may bring an appeal on behalf of any resident of the city to the City Council of a decision by the Planning Commission to approve subdivision requests (plats, lot splits), and development requests (large scale developments and large or small site improvement plans).”

**Section 4:** That the City Council of the City of Fayetteville, Arkansas hereby repeals § 155.06(C)(2)(a) and enacts a replacement § 155.06(C)(2)(a) as follows:

“A resident of the city or an owner/developer who is aggrieved by a decision of the Zoning and Development Administrator regarding development matters that are approved administratively pursuant to § 166.02(C), § 172.05 or otherwise may appeal the final development approval decision affected by this matter to the Planning Commission. The appeal shall be submitted in writing to the Planning Division within ten (10) working days of the final decision. The Planning Commission may consider the following factors and issues:”

**Section 5:** That the City Council of the City of Fayetteville, Arkansas hereby amends § 155.06(C)(2)(b) by changing the word “must” to the word “should.”

**Section 6:** That the City Council of the City of Fayetteville, Arkansas hereby enacts § 155.09 **Appeals from the Board of Adjustment** to read as follows:

“Final decisions by the Board of Adjustment may be appealed to the City Council by an owner of record of the property in question or by a City Council member on behalf of any resident of the city.”

**Section 7:** That the City Council of the City of Fayetteville, Arkansas hereby amends § 156.02 **Zoning Regulations** by repealing the last sentence of subsection (A).

PASSED and APPROVED on May 6, 2025

**Approved:**



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Molly Rawn, Mayor

**Attest:**



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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