



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

Ordinance: 5921

File Number: 2016-0462

AMEND CHAPTERS 161, 162, AND 164:

AN ORDINANCE TO AMEND CHAPTERS 161 AND 162 TO RENAME AND REPLACE “COTTAGE HOUSING DEVELOPMENT” WITH “CLUSTER HOUSING DEVELOPMENT”; TO RENAME CHAPTER 164 TO **SUPPLEMENTARY ZONING REGULATIONS AND SPECIALIZED DEVELOPMENT REQUIREMENTS**, TO REPLACE § 164.22 **COTTAGE HOUSING DEVELOPMENT** WITH § 164.22 **CLUSTER HOUSING DEVELOPMENT** AND MAKE FURTHER AMENDMENTS TO § 164.22.

WHEREAS, many regulations within Chapter 164 Supplemental Zoning Regulations are in reality development type regulations and should be administered as development regulations rather than zoning regulations; and

WHEREAS, several existing regulations within § 164.22 **Cottage Housing Development** need to be amended to promote rather than retard use of the Cluster Housing concept for attractive, but affordable clustered houses.

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 Chapter 161 Zoning Regulations of the Unified Development Code to change the name of Use Unit 44 “Cottage Housing Development” to “Cluster Housing Development” throughout this Chapter.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 162.01 by removing and deleting the last sentence referring to an asterisk from the introductory language and by renaming Use Unit 44 as “Cluster Housing Development” in the initial table listing all Use Units.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby replaces the term Cottage Housing Development with Cluster Housing Development throughout § 162.01 (RR).

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends Chapter 164 of the Unified Development Code by changing its name to **Supplemental Zoning Regulations and Specialized Development Regulations** and enacting a Purpose section as shown below:

“§ 164.00 **Purpose**

(A) The purpose of this chapter is to protect and further the health, safety and general welfare of the citizens of Fayetteville by providing appropriate zoning and development regulations to provide opportunities for innovative development while protecting neighboring properties and neighborhoods from incompatible development.

(B) Regulations within this chapter that regulate traditional zoning requirements such as density, setbacks, bulk and area, maximum buildable area, height of structures, lot width, etc. shall be administered as all other zoning regulations. Regulations within this chapter that regulate traditional development requirements such as type of foundation, minimum building width, building design requirements, open space requirements, parking requirements, internal separation requirements, orientation requirements, etc. shall be administered as all other development regulations.”

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals § 164.22 **Cottage Housing Development** in its entirety and enacts a replacement § 164.22 **Cluster Housing Development** as shown on Exhibit A.

PASSED and APPROVED on 11/1/2016

Approved:


Lionel Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer



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164.22 - Cluster Housing Development

- (A) *Purpose.* The purpose of the cluster housing development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide housing opportunities for a population diverse in age, income and household size.
- (B) *Applicability.* The provisions of this section shall apply to proposed cluster housing development proposals, as defined in Chapter 162: Use Units and authorized by Chapter 161: Zoning Regulations of the Unified Development Code, however zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cluster housing development are enforced subject to the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review, cluster housing developments less than one acre shall be processed as a Site Improvement Plan. Cluster housing development on lots one acre or larger shall be processed as a Large Scale Development. If individual cluster housing unit lots are created the cluster housing development shall be processed through the subdivision platting process.
- (D) *Dwellings Permitted.*
 - (1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of 12 dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.
 - (2) *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
 - (1) *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Ch. 161, Zoning Regulations, as a permitted or conditional use.
 - (2) *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.
 - (3) *Bulk and Area Regulations.*
 - (a) *Lot Width Minimum.* There is no lot width requirement for individual cluster housing lots.
 - (b) *Lot Area Minimum.* The lot area minimum for cluster housing lots is 750 square feet.
 - (c) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.
 - (4) *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:
 - (a) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.
 - (b) In multi-family districts, there are no separation requirements from one cluster housing structure to another.

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- (c) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
- (5) *Building Height Regulations.* The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.
- (6) *Building Area.* None.
- (7) *Accessory Dwelling Units.* Accessory dwelling units are not permitted in cluster housing developments.
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.
- (G) *Development Standards.* All cluster housing developments are subject to the following standards:
 - (1) *Floor Area.* The total conditioned floor area of any individual cluster housing unit shall not exceed 2500 square feet.
 - (2) *Building Orientation.* A minimum of 75 percent of dwelling units in a cluster housing development shall be oriented around and face the common open space, a public trail or towards the street, having pedestrian access to the common open space and the street. Where a cluster housing unit fronts onto a public trail, the façade facing the public trail shall be considered a principal façade for the purposes of meeting design standards.
 - (3) *Open Space.*
 - (a) For units up to 1500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1500 square feet and up to 2000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2000 square feet, 750 square feet of common open space shall be required per unit. Common open space is subject to the following performance criteria:
 - (i) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 10 feet.
 - (ii) Required common open space shall be divided into no more than two separate areas per cluster of dwelling units.
 - (iii) Common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the site plan for approval.
 - (iv) Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space. Low Impact Development stormwater management facilities may be placed within the common open space when they are integrated with the amenities listed above.
 - (b) Each cluster housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each dwelling unit, for the exclusive use of each respective resident. In multi-family zones in which at least 75% of the planned units are attached dwellings, private open space shall not be required where the development exceeds the minimum open space requirements of (G)(3)(a) by at least 20% and it can be demonstrated that each unit has easily available access to open space amenities.
 - (c) Parking areas and driveways shall not be counted as open space.

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- (4) *Fences.* Fencing located between a cluster housing unit and a public street or trail or the common open space shall not exceed 48 inches in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cluster housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are permitted in cluster housing developments as described in Chapter 172: Parking and Loading. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development. Parking standards for cluster housing developments shall be as follows:
 - (a) The owner/developer may choose to supply one parking space per bedroom for his or her entire Cluster Housing Development. Otherwise, the required number of parking spaces shall be determined according to the square footage of the cluster housing unit as described below:
 - (i) Dwelling units less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
 - (ii) Dwelling units over 1,000 sq. ft. shall have two (2) parking spaces provided.
 - (b) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cluster housing units.
- (6) Cluster housing developments shall provide at least one bicycle parking rack per cluster housing unit.
- (7) *Fire Department Access.* Fire Department access shall be determined at the time of development review.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cluster housing lots shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cluster housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Indoor or covered common areas less than 2,000 square feet are permitted by right in cluster housing development. These structures shall be architecturally integrated with the architectural style of the cluster housing development.
- (11) *Recycling and Trash Collection Service.* For the purposes of recycling and trash collection cluster housing developments are considered a residential use and should receive residential recycling and trash collection service (individual carts and recycling bins) where possible. In certain instances, it may be necessary to service cluster housing developments with commercial trash collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial trash pickup. It is incumbent on the developer to design recycling and trash collection facilities into the cluster housing development plan early in the process. The final determination of recycling and trash collection service and pick-up areas will be made at the time of development review by the City. Specific requirements for residential and commercial trash and recycling pick-up shall be as follows:
 - (a) Residential trash and recycling collection service requires a designated location near the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated pick-up day. An appropriate linear distance is required to accommodate each cluster housing unit's trash cart and recycling bin, subject to City approval.
 - (b) Commercial trash collection service requires a dumpster location that is freely accessible for front end loading and screened from public view.

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- (c) Recycling and trash facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.
- (H) *Building Design Standards.*
- (1) *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:
 - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;
 - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cluster housing units.
 - (e) Variations in roof shapes or gables between adjacent structures.
 - (f) Other variations as approved by the Zoning and Development Administrator.
 - (2) All attached cluster housing units shall comply with §166.23 Urban Residential Design Standards. Where a cluster housing unit fronts onto a public trail or open space, the façade facing the public trail or open space shall be considered a principal façade, for the purposes of meeting this section.
- (I) *Variances from the minimum cluster housing development requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.