



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

Ordinance: 5945

File Number: 2016-0622

AMEND CHAPTERS 160, 161, 162, 164, 166, 167, AND 169:

AN ORDINANCE TO AMEND CHAPTERS 160, 161, 162, 164, 166, 167, AND 169 OF THE UNIFIED DEVELOPMENT CODE TO CREATE TWO NEW ZONING DISTRICTS: RESIDENTIAL INTERMEDIATE - URBAN AND NEIGHBORHOOD SERVICES - GENERAL AND NEW USE UNIT 12 B. GENERAL BUSINESS AND TO MAKE FURTHER CHANGES TO INCORPORATE THESE AMENDMENTS INTO THE UNIFIED DEVELOPMENT CODE.

WHEREAS, the City of Fayetteville determines that there are gaps in existing zoning districts to accommodate a range of multi-unit housing types compatible in size and scale with single-family homes that may help meet the growing demand for walkable urban living; and

WHEREAS, small to medium scaled commercial and mixed-use development that can exist to provide neighborhood services and goods without allowing undesirable, unintended consequences may be facilitated by adding new zoning options; and

WHEREAS, the City of Fayetteville has determined that the two new zoning districts and one use unit would fill these gaps and encourage infill, revitalization, and traditional town form consistent with adopted policy.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of Fayetteville, Arkansas hereby amends §160.01 **Establishment of Districts in the following manner:**

- “1) Rename RT-12, Residential Two (2) and Three (3) family to ‘RI, Residential Intermediate, Twelve (12) Units Per Acre’;
 - 2) Insert ‘RI-U, Residential Intermediate - Urban’ immediately after RI-12;
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- 3) Rename NS, Neighborhood Services, to 'NS-L, Neighborhood Services - Limited'; and
- 4) Insert 'NS-G, Neighborhood Services - General' immediately after NS-L"

Section 2. That the City Council of Fayetteville, Arkansas hereby amends §160.01 **Establishment of Districts** by repealing Residential, Commercial, and Industrial Planned Zoning District and enacting and replacing them with "PZD, Planned Zoning District".

Section 3. That the City Council of Fayetteville, Arkansas hereby amends §§161.01(E) and 161.03(F) by repealing the abbreviation "A-1" and replacing it with the abbreviation "R-A" for Residential Agricultural.

Section 4. That the City Council of Fayetteville, Arkansas hereby amends §161.11 **RT-12, Residential Two (2) and Three (3) Family** by renaming the district "**RI-12, Residential Intermediate, Twelve (12) Units Per Acre**".

Section 5. That the City Council of Fayetteville, Arkansas hereby enacts "§161.12 **RI-U, Residential Intermediate - Urban**" as shown in Exhibit "A" attached hereto and made a part hereof, and renumbers all subsequent sections of **Chapter 161** accordingly.

Section 6. That the City Council of Fayetteville, Arkansas hereby amends §161.18 **Neighborhood Services** by renaming the district "§ 161.18 **NS-L, Neighborhood Services - Limited**" and by modifying the lot width minimum in §161.18(D)(1) to 35 feet for all dwelling types.

Section 7. That the City Council of Fayetteville, Arkansas hereby enacts **§161.19 NS-G, Neighborhood Services - General**" as shown in Exhibit "A" attached hereto and made a part hereof, and renumbers all other sections of **Chapter 161** accordingly.

Section 8. That the City Council of Fayetteville, Arkansas hereby amends **Chapter 161: Zoning Regulations** by replacing "Use Unit 12, Limited Business" with "Use Unit 12a, Limited Business" and by replacing "Use Unit 10, Three (3) Family Dwellings with "Use Unit 10, Three (3) and Four (4) Family Dwellings" in all zoning districts that allow these uses as a Permitted or Conditional Use.

Section 9. That the City Council of Fayetteville, Arkansas hereby amends **Chapter 161: Zoning Regulations** by enacting and inserting Use Unit 41: *Accessory Dwellings* as a Permitted Use in the following zoning districts:

- "RI-12, Residential Intermediate Twelve (12) Units Per Acre
- RMF-6, Residential Multi-Family, Six (6) Units Per Acre
- RMF-12, Residential Multi-Family, Twelve (12) Units Per Acre
- RMF-18, Residential Multi-Family, Eighteen (18) Units Per Acre
- RMF-24, Residential Multi-Family, Twenty-Four (24) Units Per Acre

RMF-40, Residential Multi-Family, Forty (40) Units Per Acre
R-O, Residential Office
CS, Community Services
DC, Downtown Core
MSC, Main Street/Center
DG, Downtown General”

Section 10. That the City Council of Fayetteville, Arkansas hereby amends **Chapter 162: Use Units** by enacting and inserting “(M) Use Unit 12b. General Business” as shown on Exhibit “B” attached hereto and made a part hereof, and re-lettering all subsequent sections accordingly.

Section 11. That the City Council of Fayetteville, Arkansas hereby amends the table and (J) of § 162.01 to replace Use Unit 10. “Three (3) family dwellings” with Use Unit 10. “Three (3) and four (4) family dwellings”, to modify the *Description* in (1) and *Included Uses* in (2) to refer to “three (3) and four (4) family dwellings,” and to remove Townhouse development and tri-plexes from the *Included Uses*.

Section 12. That the City Council of Fayetteville, Arkansas hereby amends §162.01 to replace “Use Unit 12. Limited Business” with “Use Unit 12a. Limited Business”.

Section 13. That the City Council of Fayetteville, Arkansas hereby amends §162.01 (Z)(1) *Description* by replacing “three attached dwellings” with “four attached dwellings” and to amend (Z)(2) by renaming it “Included Uses” and changing the “Townhouse” reference to “more than four attached units.”

Section 14. That the City Council of Fayetteville, Arkansas hereby amends §162.01 (L), *Limited Business* and (O) Unit 15, *Neighborhood Shopping Goods* to add the following language to the end of the *Description* section:

“...excluding areas dedicated to residential uses.”

Section 15. That the City Council of Fayetteville, Arkansas hereby amends §164.11(A) by striking the abbreviation “RT-12” and replacing it with the abbreviation “RI.”

Section 16. That the City Council of Fayetteville, Arkansas hereby repeals §166.01(F)(1)(b) and (2)(a) and enacts with the following replacement language:

“§166.01(F)(1)(b) *Requirement.* The construction of more than two (2) single-family residences on one (1) lot within any zoning district other than a single-family district.

§166.01(F)(2)(a) *Excluded Developments.* The construction of two (2) single-family residences, an addition to a single-family residence, or an accessory structure for a single-family residence shall be exempt from the

site improvement plan requirements.”

Section 17. That the City Council of the Fayetteville, Arkansas hereby amends §167.04(C) *Canopy Area*, Table 1, by renaming “RT-12, Two and Three-family Residential” to “RI-12, Residential Intermediate, Twelve (12) Units Per Acre”, by renaming “NS, Neighborhood Services” to “NS-L, Neighborhood Services - Limited” and by enacting and inserting “RI-U, Residential Intermediate - Urban” and “NS-G, Neighborhood Services - General” adjacent to their most similar districts with the following percent minimum canopy:

“RI-U, Residential Intermediate - Urban: 15%
NS-G, Neighborhood Services - General: 20%”

Section 18. That the City Council of Fayetteville, Arkansas hereby amends §169.03(B)(4) by repealing and replacing it with the following language:

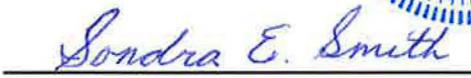
“§169.03(B)(4) *Exceptions Where No Grading Permit Is Required. Single-Family/Duplex.* Construction of up to two (2) single-family residences on a single lot, or duplex not located within the one hundred (100) year flood plain, the Hillside/Hilltop Overlay District, or on a slope 15% or greater.”

PASSED and APPROVED on 1/17/2017

Approved:


Lionel Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer



ADM 16-5631 EXHIBIT “A”

§161.12 - District RI-U, Residential Intermediate - Urban

(A) *Purpose.* The RI-U Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a range of housing types compatible in scale with single-family homes and to encourage a diversity of housing types to meet demand for walkable urban living.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 12a	Limited business
Unit 24	Home occupations
Unit 26	Multi-family Dwellings
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

	Dwelling (all types)
Lot width minimum	18 feet
Lot area minimum	None

ADM 16-5631 EXHIBIT "A"

(E) *Setback Requirements.*

Front	Side Other Uses	Side Single & Two (2) family	Rear Other Uses	Rear, from centerline of an alley
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	None	5 feet	5 feet	12 feet

(F) *Building Height Regulations.*

Building height maximum	30/45 feet
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet. Buildings or portions of the building set back greater than 10 feet from the master street plan right-of-way shall have a maximum height of 45 feet.

(G) *Building Area.* The area occupied by all buildings shall not exceed 60% of the total lot area.

(H) *Minimum Buildable Street Frontage.* 50% of the lot width.

ADM 16-5631 EXHIBIT “A”

§161.19 - Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General Business
Unit 24	Home occupations
Unit 41	Accessory Dwelling Units
Unit 44	Cluster Housing Development

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating Places
Unit 16	Shopping Goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, Studios and Related Services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 45	Small Scale Production

ADM 16-5631 EXHIBIT "A"

(C) *Density*. Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum*.

All Dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum*.

Single-family	4,000 square feet
Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations*.

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 ft. from the front property line.	5 feet	A setback of less than five feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

(F) *Building Height Regulations*.

Building Height Maximum	45 feet
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(G) *Minimum Buildable Street Frontage*. 50% of the lot width.

ADM 16-5631 EXHIBIT “B”

§162.01 – Establishment/Listing

(M) Unit 12b. General Business,

- (1) *Description.* Unit 12b consists of small-scale establishments offering commercial goods and services that are accessible for the convenience of individuals living in residential districts, while compatible in size, scale and appearance with the surrounding neighborhood. These uses shall be subject to the regulations in Chapter 164. All uses classified under Unit 12b must be within a building containing 8,000 square feet or less, excluding area dedicated to residential uses.
- (2) *Included Uses.*

Personal services	•Day Care
	• Dry cleaning
	• Salon/Barber shop
	• Tailoring
Retail	• Antique/home décor sales
	• Apparel
	• Art/Architectural supplies
	• Bakery/Pastry shops
	• Bicycle shop
	• Bookstore
	• Coffee shop
	• Delicatessen
	• Drugstore
	• Florists
	• Food specialty stores
	• Grocery
	• Hardware store
	• Health food store
	• Hobby/Craft shop
	• Ice cream
	• Meat market
	• Restaurant/Café
	• Small Appliance Repair

ADM 16-5631 EXHIBIT "B"

	• Stationary store
	• Toy store
	• Video rental
Professional Offices	• Accountant
	• Architect
	• Attorney
	• Broker
	• Business/Mgmt. Consultant
	• Doctor