



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

Ordinance: 6076

File Number: 2018-0144

ADM 18-6094 (AMEND UDC 164.19/ACCESSORY DWELLING UNITS):

AN ORDINANCE TO AMEND § 164.19 **ACCESSORY DWELLING UNITS** OF THE UNIFIED DEVELOPMENT CODE TO ENCOURAGE THE CONSTRUCTION OF MORE ACCESSORY DWELLING UNITS IN FAYETTEVILLE

WHEREAS, removing impediments to building accessory dwelling units will support the goals of City Plan 2030 by making appropriate infill and revitalization the City's highest priority (Goal 1) and creating opportunities for attainable housing (Goal 6).

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 § 164.19 **Accessory Dwelling Units** and enacts a new § 164.19 as follows:

” (A) *Purpose.* Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the character and pattern of small scale traditional town form;
- Increase the housing stock of existing neighborhoods in a manner that is compatible with established massing, scale, and development patterns;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more attainable housing.”

(B) *Intent.* Planning Staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:

(C)

- (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
- (2) A two (2) story accessory dwelling unit shall limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
- (3) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.

(D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:

- (1) Maximum Square Feet. The accessory dwelling unit(s) shall not be greater than 1200 square feet of habitable space per lot.
- (2) Zoning. The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.
- (3) Parking. For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) Maximum Number of Accessory Dwelling Units per Lot. A maximum of one detached and one attached or interior accessory dwelling unit provided the combined square footage does not exceed 1200 square feet.
- (5) Other Code Requirements. The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
- (6) Maximum Occupancy of the Accessory Dwelling Unit. A maximum of two (2) persons shall be

permitted to reside in an accessory dwelling unit. If two accessory dwelling units are on the same lot, only two additional persons total for the lot shall be permitted to occupy these units unless one accessory dwelling is occupied by a person who is a member of the related 'Family' (see §151.01) occupying the primary house.

(7) Building Height and Stories.


- a) A detached accessory dwelling unit shall be a maximum of two stories.
- b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit and shall not be taller than the roof line of the principal dwelling unit.

(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.


(F) *Existing Detached Second (Accessory) Dwelling Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property.”

PASSED and APPROVED on 8/7/2018

Approved:


Lioneld Jordan, Mayor

Attest:


Sondra E. Smith, City Clerk Treasurer

