Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
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Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
April 20, 2010

A meeting of the Fayetteville City Council will be held on April 20, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 6, 2010 City Council meeting minutes. **APPROVED**

2. **Sweetser Construction, Inc. Bid #10-03:** A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 57-10

3. **Aggregate Materials Bid #10-20:** A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry), concrete aggregate-1.5" from Northwest Arkansas Quarries and concrete aggregate-¾", B-Stone and abrasives/grit from APAC-Central, Inc., all in varying amounts, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 58-10

4. **Fochtman Enterprises, Inc. Bid #10-24:** A resolution awarding Bid #10-24 and approving the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 59-10

5. **Les Rogers, Inc. Bid #10-25:** A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 60-10

6. **Scurlock Industries of Fayetteville, Inc. & Water Products, Inc. Bid #10-26:** A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 61-10

7. **Rogers Group, Inc. Bid #10-27:** A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 62-10

8. **City of Farmington Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 63-10

9. **City of Goshen Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 64-10

10. **City of Elm Springs Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 65-10

11. **City of Winslow Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 66-10

12. **City of Elkins Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 67-10

13. **City of Greenland Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 68-10

14. **Police Department Donations:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize Police Department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 69-10

15. **Federal Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 70-10

16. **State Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize state forfeiture revenue for the first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 71-10

17. **Arkansas Department of Environmental Quality (ADEQ) #1:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling education support.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 72-10

18. **Arkansas Department of Environmental Quality (ADEQ) #2:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 73-10

19. **State and Tribal Assistance (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

    PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 74-10

B. Unfinished Business:

1. **Form-Based Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to modify existing and create new use units and Form-Based Zoning Districts that permit administrative development approval and to create design standards for said districts. *This ordinance was left on the First Reading at the April 6, 2010 City Council meeting.*

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5312

C. New Business:

1. **Capital Improvements Plan:** A resolution adopting the 2010-2014 five year Capital Improvements Plan.

   THIS ITEM WAS TABLED TO MAY 4, 2010 CITY COUNCIL MEETING.

2. **ADM 10-3529 (UDC Amendment: Tandem Lot):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 163.12: Tandem Lot Development in order to clarify and update Tandem Lot Development requirements with current public service requirements and development patterns.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5313

3. **ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2213 Sunbridge Villas to allow modification to the approved zoning criteria PZD Plats for Planning Area Two, as described herein.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5314

4. **Amend Chapter 113:** An ordinance to correct and clarify §113.02 (C) (4) and §113.12 (C) (4) of the Code of Fayetteville.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5315

5. **Amend Chapter 179:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to add Chapter 179: Low Impact Development.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5316

6. **Simultaneous Detachment and Annexation of 99 Acres:** An ordinance simultaneously detaching territory from the City of Johnson and annexing said territory into the City of Fayetteville, pursuant to A.C.A §14-40-2101.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5317

Announcements:

1. **City Council Tour: None**

Adjournment: 7:15 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

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A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City Council Meeting: April 20, 2010 **Adjourn:** 7:15 pm.

Subject:	Roll				
	Lucas	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Mayor Jordan	✓			

9-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Mayor Jordan				

City Council Meeting: **April 20, 2010**

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Petty			
57-10 thru 74-10 passed	**Lucas**	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
Minutes Approved	**Rhoads**	✓			
	Ferrell	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Mayor Jordan				

City Council Meeting: **April 20, 2010**

Subject:	**Form-Based Zoning Districts**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Cook		
Seconded:		Petty	Ferrell		
B. 1 Unfinished Business	**Lucas**	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
passed	**Petty**	✓	✓	✓	
	Rhoads	✓	✓	✓	
5312	**Ferrell**	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lucas				
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Mayor Jordan				

City Council Meeting: **April 20, 2010**

Subject:	**Capital Improvements Plan** (Resolution)				
Motion To:		Table to May 4, 2010			
Motion By:		Rhoads			
Seconded:		Petty			
C. 1 New Business	**Lucas**	✓			
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
*Tabled to May 4, 2010	**Cook**	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	Absent during the vote.			
	Mayor Jordan				
		7-0			

Subject:	**ADM 10-3529 (UDC Amendment: Tandem Lot)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Lewis	Thiel		
C. 2 New Business	**Lucas**	✓	N	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	**Cook**	✓	✓	✓	
	Petty	✓	N	✓	
5313	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Jordan				
		8-0	6-2	8-0	

City Council Meeting: April 20, 2010

Subject:	**ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1)**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Lewis		
Seconded:		Ferrell	Gray		
C. 3 New Business	**Lucas**	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
passed	**Petty**	✓	✓	✓	
	Rhoads	✓	✓	✓	
5314	**Ferrell**	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

Subject:	**Amend Chapter 113**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lucas	Lewis		
Seconded:		Lewis	Lucas		
C. 4 New Business	**Lucas**	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
passed	**Cook**	✓	✓	✓	
	Petty	✓	✓	✓	
5315	**Rhoads**	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Mayor Jordan				
		8-0	8-0	8-0	

City Council Meeting: April 20, 2010

Subject:	**Amend Chapter 179**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Lucas	Lucas		
Seconded:		Ferrell	Thiel		
C. 5 New Business	**Lucas**	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
passed	**Petty**	✓	N	✓	
	Rhoads	✓	✓	✓	
5316	**Ferrell**	✓	✓	✓	
	Mayor Jordan				
		8-0	7-1	8-0	

Subject:	**Simultaneous Detachment and Annexation of 99 Acres**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Ferrell	Ferrell		
Seconded:		Lucas	Lucas		
C. 6 New Business	**Lucas**	✓	✓	✓	
	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
passed	**Petty**	✓	N	✓	
	Rhoads	✓	✓	✓	
5317	**Ferrell**	✓	✓	✓	
	Mayor Jordan				
		8-0	7-1	8-0	

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **April 21, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of April 20, 2010**

1. **Sweetser Const., Inc. Bid # 10-03:** A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00 as needed through the end of calendar year 2010.

2. **Aggregate Materials Bid #10-24:** A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and shot rock from Rogers Group, Inc. (Hamstring Quarry), concrete Aggregate – 1.5" from Northwest Arkansas quarries and concrete aggregate – ¾", B-Stone and abrasives/grit from APAC-Central, Inc. all in varying amounts, as needed through the end of calendar year 2010.

3. **Fochtman Enterprises, Inc. Bid #10-24:** A resolution awarding Bid #10-24 and approving the purchase of aggregate materials from Fochtman enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

4. **Les Rogers, Inc. Bid #10-25:** A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

5. **Scurlock Industries of Fayetteville, Inc. and Water Projects, Inc. Bid #10-26:** A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

6. **Rogers Group, Inc. Bid #10-27:** A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

7. **City of Farmington Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

8. **City of Goshen Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

9. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

10. **City of Winslow Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

11. **City of Elkins Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

12. **City of Greenland Inter-Local Agreement:** A resolution approving an Interlocal agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

13. **Police Department Donations:** A resolution amending the 2010 City Budget by approving a budget adjustment to recognize police department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

14. **Federal Forfeiture Revenue:** A resolution amending the 2010 City Budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

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16. Arkansas Department of Environmental Quality (#1): A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling education support.

17. Arkansas Department of Environmental Quality (#2): A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off facility.

18. State & Tribal Assistance Grant: A resolution authorizing the Mayor to apply for a State & Tribal Assistance Grant in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary Sewer System Improvements in the area of and including the Elkins Outfall Sewer Line.

19. Amend Chapter 113: An ordinance to correct and clarify §113.02 (C)(4) and §113.12 (C)(4) of the Code of Fayetteville.

20. Simultaneous Detachment and Annexation of 99 Acres: An ordinance simultaneously detaching territory form the City of Johnson and annexing said territory into the City of Fayetteville, pursuant to A.C.A. §14-40-2101.

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City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

David Jurgens	Solid Waste	Utilities
Submitted By	**Division**	**Department**

Action Required:

Resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality (ADEQ) recycling education grant though the Boston Mountain Solid Waste District for $25,000 for recycling education support.

		Materials and Supplies
Cost of this request	Category / Project Budget	Program Category / Project Name
		Recycling
Account Number	Funds Used to Date	Program / Project Category Name
		Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	12 Apr 10 Date	Previous Ordinance or Resolution #	N/A
City Attorney	4-13-10 Date	Original Contract Date:	N/A
Finance and Internal Services Director	4-13-2010 Date	Original Contract Number:	N/A
Chief of Staff	4-13-10 Date	Received in City Clerk's Office	ENTERED 4/13/10
Mayor	4/13/10 Date	Received in Mayor's Office	ENTERED 4/14/10

Comments:

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A 2010 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING EDUCATION GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF $25,000.00 FOR RECYCLING EDUCATION SUPPORT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling education support.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 20, 2010

A meeting of the Fayetteville City Council will be held on April 20, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Presentation of the Proposed Entertainment District Parking Program.
   Presented by: Sharon Crosson, Parking & Telecom Manager and Chris Pecoraro from The Parking Consultants, Inc.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 6, 2010 City Council meeting minutes.

2. **Sweetser Construction, Inc. Bid #10-03:** A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

3. **Lektron, Inc. Bid #10-11:** A resolution awarding Bid #10-11 to Lektron, Inc. in the amount of $21,757.50 for the purchase of forty (40) led lights for placement on a portion of Scull Creek Trail from North Street to Maple Avenue.

4. **Aggregate Materials Bid #10-20:** A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry), concrete aggregate-1.5" from Northwest Arkansas Quarries and concrete aggregate-¾", B-Stone and abrasives/grit from APAC-Central, Inc., all in varying amounts, as needed through the end of calendar year 2010.

5. **Fochtman Enterprises, Inc. Bid #10-24:** A resolution awarding Bid #10-24 and approving the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

6. **Les Rogers, Inc. Bid #10-25:** A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

7. **Scurlock Industries of Fayetteville, Inc. & Water Products, Inc. Bid #10-26:** A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

8. **Rogers Group, Inc. Bid #10-27:** A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

9. **City of Farmington Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

10. **City of Goshen Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

11. **City of Elm Springs Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

12. **City of Winslow Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

13. **City of Elkins Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

14. **City of Greenland Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

15. **Police Department Donations:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize Police Department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

16. **Federal Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

17. **State Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize state forfeiture revenue for the first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

18. **Arkansas Department of Environmental Quality (ADEQ) #1:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling containers for the Westside Recycling Drop-off Facility.

19. **Arkansas Department of Environmental Quality (ADEQ) #2:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

20. **State and Tribal Assistance (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

B. Unfinished Business:

1. **Form-Based Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to modify existing and create new use units and Form-Based Zoning Districts that permit administrative development approval and to create design standards for said districts. *This ordinance was left on the First Reading at the April 6, 2010 City Council meeting.*

   Left on the First Reading.

C. New Business:

1. **Capital Improvements Plan:** A resolution adopting the 2010-2014 five year Capital Improvements Plan.

2. **ADM 10-3529 (UDC Amendment: Tandem Lot):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 163.12: Tandem Lot Development in order to clarify and update Tandem Lot Development requirements with current public service requirements and development patterns.

3. **ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2213 Sunbridge Villas to allow modification to the approved zoning criteria PZD Plats for Planning Area Two, as described herein.

4. **Amend Chapter 113:** An ordinance to correct and clarify §113.02 (C) (4) and §113.12 (C) (4) of the Code of Fayetteville.

5. **Amend Chapter 179:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to add Chapter 179: Low Impact Development.

6. **Simultaneous Detachment and Annexation of 99 Acres:** An ordinance simultaneously detaching territory from the City of Johnson and annexing said territory into the City of Fayetteville, pursuant to A.C.A §14-40-2101.

Announcements:

1. **City Council Tour: April 19, 2010**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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4/20/2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A Resolution amending Resolution No. 15-10, awarding Bid 10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction Inc. as needed through the end of calendar year 2010.

$ 250,000.00	$ 525,860.00	Sidewalk Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5814.00	$ 63,829.00	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02053.1	$ 462,031.00	Sales Tax Cap Imp
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Terry Gulley — 4/1/10
Department Director — Date

Kit Williams — 4/2/10
City Attorney — Date

Paul A. Becker — 4-2-2010
Finance and Internal Services Director — Date

Don Marr — 4-5-2010
Chief of Staff — Date

Lioneld Jordan — 4/6/10
Mayor — Date

Previous Ordinance or Resolution # 15-10
Original Contract Date: 19-Jan
Original Contract Number:

Received in City Clerk's Office — ENTERED 4-1-10 Kim

Received in Mayor's Office — ENTERED 4-7-2010 LB

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: March 29, 2010

Subject: A Resolution amending Resolution No. 15-10, awarding Bid 10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction Inc. as needed through the end of calendar year 2010.

PROPOSAL

On January 19th the City Council approved $196,050 in curb and gutter services from Sweetser Construction, Inc., which included $62,000 in flatwork services. Flatwork services include form work, materials and labor to complete 4" and 6" thick concrete sidewalks, driveway approaches and access ramps at various Transportation projects.

Since approval of the initial Sweetser bid, the City has begun the Block Avenue enhancement project. The project is expected to last through September 2010 and will require extensive work from Transportation crews. In order to complete the Block Avenue project on time and continue momentum on other approved projects citywide, it would be most efficient to utilize Sweetser on additional sidewalk projects to maintain scheduled production of the 2010 sidewalk construction plan.

RECOMMENDATION

Staff recommends a Resolution amending Resolution No. 15-10, awarding Bid 10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction Inc. as needed through the end of calendar year 2010.

BUDGET IMPACT

Funds for the acquisition of additional services are available in the Sidewalk Improvements capital project. Sufficient funding is available for the projects initially forecasted during the 2010 budget process.

RESOLUTION NO. _____

A RESOLUTION AMENDING RESOLUTION NO. 15-10 AWARDING BID #10-03 AND APPROVING THE PURCHASE OF CURB AND GUTTER AND CONCRETE FLATWORK FROM SWEETSER CONSTRUCTION, INC. IN AN AMOUNT NOT TO EXCEED $250,000.00, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends Resolution No. 15-10, awards Bid #10-03 and approves the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

BID: 10-03
DATE: 12/29/09
2:00 PM
CITY OF FAYETTEVILLE

Bid 10-03, Curb and Gutter

Item #	Description	Estimated Quantity	Danny Robinson Construction		Fochtman Enterprises, Inc.		Sweetser Construction, Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Linear Foot	10,000	$11.00	$110,000.00	$10.00	$100,000.00	$8.95	$89,500.00
2	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Linear Foot	1,000	$12.00	$12,000.00	$11.00	$11,000.00	$9.95	$9,950.00
3	Hand Formed "Type A" Curb and Gutter (per specifications) - Per Square Foot	10,000	$3.15	$31,500.00	$4.00	$40,000.00	$3.20	$32,000.00
4	Hand Formed "Type D" Curb and Gutter (per specifications) - Per Square Foot	10,000	$3.75	$37,500.00	$5.00	$50,000.00	$3.95	$39,500.00
5	Hand Formed "Type D" Curb and Gutter (per specifications) - Per Square Foot	2,000	$7.00	$14,000.00	$7.00	$14,000.00	$6.55	$13,100.00
6	Hand Formed "Type D" Curb and Gutter (per attached specifications) - Each	5	$3,100.00	$15,500.00	$1,700.00	$8,500.00	$1,800.00	$9,000.00
7	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Each	5	$900.00	$4,500.00	$500.00	$2,500.00	$600.00	$3,000.00
	TOTAL BID BASED ON ESTIMATES=			$225,000.00		$226,000.00		$196,050.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice
P. VICE, PURCH MGR

WITNESS

12/30/09
DATE

City of Fayetteville Staff Review Form

City Council Agenda Items
and
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4/20/2010
City Council Meeting Date
Agenda Items Only

John Coleman		Sustainability
Submitted By	**Division**	**Department**

Action Required:

Bid 10-11: The City of Fayetteville is awarding the bid of $19,000 + applicable sales & use taxes to Lektron Inc. for the purchase of 40 LED lights for the section of Scull Creek Trail extending from North Street to Maple Avenue. The end date of the contract is 12/31/2011 or as long as the vendor will honor the pricing agreement.

$ 21,757.50	$ 150,000.00	Energy Efficiency and Conservation
Cost of this request	Category / Project Budget	Program Category / Project Name
2240.9240.5315.00	$ 19,525.00	Energy Efficiency and Conservation
Account Number	Funds Used to Date	Program / Project Category Name
09011.0030	$ 130,475.00	Energy Block Grant
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 4/2/10

City Attorney — Date: 4/2/10

Finance and Internal Services Director — Date: 4-2-2010

Chief of Staff — Date: 4-5-2010

Mayor — Date: 4/5/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 4-2-10 Kim

Received in Mayor's Office — ENTERED 4-2-10

Comments:

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8272

CORRESPONDENCE

TO:	Mayor Jordan and City Council
FROM:	John Coleman, Sustainability Director
Thru:	Don Marr, Chief of Staff
DATE:	March 31, 2010
SUBJECT:	Scull Creek Trail LED Project – Bid 10-11

Description

Using funds from the Energy Efficiency and Conservation Block Grant as part of the American Recovery and Reinvestment Act (ARRA), the City is set to purchase 40 LED lights at a cost of $21,757.50 from Lektron, Inc. The LEDs will be installed on the section of Scull Creek Trail that extends from Maple Avenue to North Street.

Selection Process

City staff conducted a thorough testing process of seven LED products over a 30 day period. This test included photometric layout, response to intense heat conditions, lumen output, wattage consumed, and ultimately, price.

On March 5th, NextGen Illumination, Inc earned the low bid, but after consultation with the U.S. Department of Energy it was determined the NextGen LED does not meet the Buy American Act requirements of ARRA grants.

Clean Light Green Light was the second lowest bid, but this LED scored poorly in photometrics and response to heated conditions which raises long-term questions about the durability and effectiveness of the LED.

Lektron, Inc. was the third lowest bid and scored well in both the photometrics and heat management categories. Lektron also meets the Buy American Act requirements which led the City to choose this product.

Budget Impact

The cost of the LEDs will be paid for exclusively by Energy Efficiency and Conservation Block Grant funding as obtained by the City of Fayetteville in September 2009.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-11 TO LEKTRON, INC. IN THE AMOUNT OF $21,757.50 FOR THE PURCHASE OF FORTY (40) LED LIGHTS FOR PLACEMENT ON A PORTION OF SCULL CREEK TRAIL FROM NORTH STREET TO MAPLE AVENUE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards bid #10-11 to Lektron, Inc. in the amount of $21,757.50 for the purchase of forty (40) LED lights for placement on a portion of Scull Creek Trail from North Street to Maple Avenue.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City Of Fayetteville - Purchase Order (PO) Request

(Not a Purchase Order)

P-Cards shall be used when possible. If a vendor does not accept P-Card, please note at the bottom (Call x256 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Requisition No.:

Date: **1/8/2010**

P.O Number:

Expected Delivery Date

Vendor #

Vendor Name: **Lektron, Inc.**

Mail Yes:__ No:____

Address: **7450 E. 46th Place**

Fob Point:

Taxable Yes:__ No:____

Quotes Attached Yes:___x__

City: **Tulsa**

State: **OK**

Zip Code: **74129**

Ship to code:

Divison Head Approval:

Requester: **John Coleman**

Requester's Employee #: **2974**

Extension: **272**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #
1	**LED Lights on Scull Creek Trail**	**40**	**Lights**	**475.00**	**$19,000.00**	**2240.9240.5315.00**	**09011/0030**	
2					**$0.00**			
3					**$0.00**			
4					**$0.00**			
5					**$0.00**			
6					**$0.00**			
7					**$0.00**			
8					**$0.00**			
9					**$0.00**			
10					**$0.00**			
*	Shipping/Handling		Lot		**$0.00**			

Special Instructions:

Subtotal: **$19,000.00**

Tax: **$2,757.50**

Total: **$21,757.50**

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

Chief Of Staff: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

Fayetteville
ARKANSAS

TDD (T

LEKTRON®
LED LIGHTING TECHNOLOGY

JIM HEIMDALE
SALES ASSOCIATE

TOLL FREE: 800.634.4059
CELL: 918.640.0784
918.622.4978 • FAX: 918.622.2765
WEB: WWW.LEKTRONINC.COM • E-MAIL: HEIMDALE@SBCGLOBAL.NET
7450 E. 46TH PLACE • TULSA, OK 74145

INVITATION TO BID

INVITATION TO BID: BID 10-11, Scull Creek Trail LED Inserts
DEADLINE FOR SAMPLES (required): Tuesday, January 26, 2010 at 2:00 PM, CST
DEADLINE: Thursday, February 25, 2010 at 2:00 PM, CST
DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701
PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220
DATE OF ISSUE: Friday, December 11, 2009

INVITATION TO BID
BID 10-11, Scull Creek Trail LED Inserts

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 09-69, Scull Creek Trail LED Inserts" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

Name of Firm: LEKTRON INC.
Contact Person: FRED HANNAH / JIM HEIMDALE Title: SALES REP.
E-Mail: HEIMDALE@SBCGLOBAL.NET Phone: 918-640-0784
Business Address: LEKTRON INC. 7450 E. 46TH PL. TULSA OK.
City: TULSA State: OK. Zip: 74129.
Signature: [signature] Date: 1-25-2010.

City of Fayetteville
Bid 10-11, Scull Creek Trail LED Inserts
Bid Form

***GUARANTEED DELIVERY DATE:** 8 WEEKS FROM DATE OF ORDER

F.O.B. 1525 South Happy Hollow Road, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	Inserts as specified to fit lighting fixtures as described in these bid documents	32	$475.00	$15,200.00

Please Specify for Unit(s) Bid:

***MANUFACTURER:** LEKTRON INC. **MODEL:** D-142 RETRO LED

TOTAL BID PRICE: $15,200.00

EXECUTION OF BID -
Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. **He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.**
2. **Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.**
3. **The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.**

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

***NAME OF FIRM:** LEKTRON INC.
Purchase Order/Payments shall be issued to this name

***BUSINESS ADDRESS:** 7450 E. 46 Pl

***CITY:** TULSA ***STATE:** OK ***ZIP:** 74145

***PHONE:** 918-622-4978 **FAX:** 918-622-2765

***E-MAIL:** RALPH@LEKTRONINC.COM

***BY: (PRINTED NAME)** FRED HANNAH ***TITLE:** PRESIDENT

***AUTHORIZED SIGNATURE:** Fred Hannah

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

BID 10-11, Addendum 3

Bid 10-11, Scull Creek Trail LED Inserts

City of Fayetteville – Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479.575.8220
E-Mail: aforen@ci.fayetteville.ar.us

Date: Wednesday, February 17, 2010

To: All interested parties

From: Andrea Foren, CPPB, Purchasing Agent

Notice: This addendum is hereby made a part of the bid documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank listed herein. Failure to do so may subject vendor to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

1.) The City is still in the process of testing and evaluating all LED samples and vendors that submitted as a result of Bid 10-11.

2.) The City will not be *pre-approving* vendors before the deadline; thus, all bids will be evaluated according to specifications, testing, and bid compliance after the bid deadline has passed. Bids will also be evaluated for "Buy American" compliance.

3.) All bidders who submitted a LED sample will be allowed to submit a bid no later than **Friday, March 5, 2010 before 2:00 PM, CST.**

4.) The City anticipates purchasing a quantity of 40 LED inserts as opposed to the original figure of 32 in the bid form. Bidders should leave the quantity of 32 on the bid form realizing the City anticipates on purchasing 40 units. The City reserves the right to deviate from estimated quantities.

5.) Bids shall remain good for a period of 1 year with one (1) year renewal option as long as the price remains firm with the awarded vendor. This will allow the City to purchase additional LED inserts as needed.

Tue - 3-2-10 4:05 pm
Spk w - Ralph - He
will Prepare Bid &
send To me To review

Acknowledge Addendums 1, 2 and 3:

Printed Name: RALPH SIGLER

Signature: [signature]

Title: Gen Date: 2/26/10

Company: LEKTRON LED

City of Fayetteville
Bid 10-11, Scull Creek Trail LED Inserts
Technical Information – To be submitted by all vendors

The following information shall be provided to the City of Fayetteville before **Thursday, February 25, 2010 at 10:00 AM**. Information shall be e-mailed to Andrea Foren, at aforen@ci.fayetteville.ar.us or faxed to 479-575-8257 (Attn: Andrea).

All references to "product" are referenced as products that were submitted for sample and products that will be delivered to the City of Fayetteville as a result of this bid.

All answers shall be made based on the information provided in the bid specification for the current existing equipment.

Please provide answers to the following questions based on the LED insert sample you sent and the products you would be delivering if you were awarded a contract. Items marked * are mandatory for consideration.

*NAME OF COMPANY: LEKTRON INC. *BY P. MULLINS *DATE: 2-24-10

1.) *Does your product meet all requirements of the Buy American Clause as stated and described in the bid documents? YES NO (circle one)

2.) *Is your product a LED luminaire? LED RETROFIT MODULE

3.) *What is the Power Factor of your product? > 0.90

4.) *What is the thermal loss of your product when operated at a steady state at an average ambient operating temperature of 77°F? 10 %

5.) *What is the optical loss of your product when operated at a steady state at an average ambient operating temperature of 77°F? 10 %

6.) *Does your product have a thermal management system? YES
   a. *If so, please describe in detail how it works: CURRENT FOLD BACK VIA THERMAL MONITOR IN DRIVERS

7.) *What is the Luminaire Efficacy measured in lumens per watt? > 50

8.) *Are you able to provide a certified LM 79 report with a Photometrics/IES file? IN PROCESS
   a. *If "yes", please provide with this form.

9.) *Will installation of your product into our specified equipment alter any exterior dimensions of the fixture? NO

10.) *What is the total input wattage of your product (measured in watts)? 75

11.) *What is the "ft candle" measurement of your product at 37.5 feet away from the pole? 0.3

12.) *What is the Nominal CCT measurement of your product in Kelvin? 5500

13.) *What is the CRI measurement of your product? 78

14.) *How many hours are your LED and power supply components rated for? > 50000 HRS

15.) *How many years does your Warranty coverage last? 3YR FULL / 5YR LIMITED

16.) *What is your average delivered lumen over 50,000 hours based on initial delivered lumens? 3500

17.) *Has your lumen maintenance been approved through one of two LM80 validation methods? ✓
   a. *If "yes", which method? LUMILEDS DESIGN REVIEW

18.) *Can you provide a copy of a LED specification sheet that matches your provided product? YES
   a. *If "yes", please provide with this form.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

April 20, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 10-20 for and approving the purchase of aggregate materials, as needed through the end of calendar year 2010.

	$ 2,133,740.00	In-House Pavement Improvements
Cost of this request	Category / Project Budget	Program Category / Project Name
4470.9470.5417.00	$ 473,527.52	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1	$ 1,660,212.48	Sales Tax Cap Imp
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date: 4-1-10

City Attorney — Date: 4-2-10

Finance and Internal Services Director — Date: 4-2-2010

Chief of Staff — Date: 4-5-2010

Mayor — Date: 4/5/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 4-1-10 Kim J.

Received in Mayor's Office — ENTERED 4/2/10 BRP

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: April 20, 2010

Subject: A resolution awarding Bid 10-20 for and approving the purchase of aggregate materials, as needed through the end of calendar year 2010.

PROPOSAL:

Staff proposes a resolution awarding Bid 10-20 for and approving the purchase of aggregate materials, as needed through the end of calendar year 2010.

RECOMMENDATION:

Sealed formal bids for aggregate materials were received and publicly read on December 30, 2009. Subsequent concerns were raised regarding the lack of an appropriate mechanism for considering City hauling costs in relation with the location of the supplier. A decision was made to re-bid aggregate materials and to incorporate revisions which specified the City costs to be used in evaluating each bid. The following costs were disclosed in the Invitation to Bid for Bid 10-20, Aggregate Re-Bid:

City Costs:

i. City Staff – Maintenance Worker III (Truck Driver) = $14.28 / hour
ii. 10-Wheel Dump Truck (15 ton capacity) = $10.36 / hour
iii. Tri-Axle Dump Truck (18 ton capacity) = $10.89 / hour
iv. 10-Wheel Dump Truck (15 tons) + Truck Driver = $24.64 / hour
v. Tri-Axle Dump Truck (18 tons) + Truck Driver = $25.17 / hour

Sealed formal bids for Bid 10-20, Aggregate Re-Bid, were received and publicly read on March 24, 2010 and the results are attached to this memo. The following mileages were calculated based the distance from each supplier's location to the City of Fayetteville Transportation Division, utilizing Google Maps:

- APAC – Central, Inc. – 17.1 miles, 22 minutes
- Northwest Arkansas Quarries – 15.5 miles, 27 minutes
- Rogers Group, Inc. (Lowell Quarry – OPT 1) – 15.8 miles, 29 minutes
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – 10.1 miles, 19 minutes

The following City hauling costs were calculated based on the information shown above and added to the unit price per ton for the bids submitted by each potential supplier. The calculation method consisted of converting the mileage and drive time to a percentage of an hour. The resulting percentages were multiplied by the Tri-Axle Dump Truck + Truck Driver cost and divided the dump truck capacity to arrive at the cost per ton added to the original unit price in each bid. Based on the aforementioned method of calculation, the following unit costs were added bid price for each respective potential supplier:

- APAC – Central, Inc. – $0.50 per ton
- Northwest Arkansas Quarries – $0.63 per ton
- Rogers Group, Inc. (Lowell Quarry – OPT 1) – $0.67 per ton
- Rogers Group, Inc. (Hamstring Quarry – OPT 2) – $0.45 per ton

Staff recommends awarding Bid 10-20 to the following suppliers for materials picked up by City staff: Rogers Group, Inc. (Hamstring Quarry – OPT 2) for Class 7 Base (SB-2) and Shot Rock, Northwest Arkansas Quarries for Concrete Aggregate – 1.5", and APAC – Central, Inc. for Concrete Aggregate – ¾", B-Stone, and Abrasives/Grit.

Staff recommends determining a supplier for delivered materials on a per job basis based on hourly wages incurred, mileage, fuel and any other incurred expense anticipated. This will allow the City to select the lowest bidder by taking all costs into consideration based on the location of each job.

BUDGET IMPACT:

Funds for the acquisition of these materials have been budgeted in the In-House Pavement Improvements, Sidewalk Improvements, and Transportation Bond Trail Improvements capital projects and the Street Maintenance Program.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-20 AND APPROVING THE PURCHASE OF CLASS 7 BASE (SB-2) AND SHOT ROCK FROM ROGERS GROUP, INC. (HAMSTRING QUARRY), CONCRETE AGGREGATE-1.5" FROM NORTHWEST ARKANSAS QUARRIES AND CONCRETE AGGREGATE - ¾ ", B-STONE AND ABRASIVES/GRIT FROM APAC-CENTRAL, INC., ALL IN VARYING AMOUNTS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-20 and approves the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry) in the "picked up" amounts represented in the attached bid tabulation, which is incorporated herein as Exhibit "A" as if set out word for word, as needed through the end of calendar year 2010.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-20 and approves the purchase of concrete aggregate-1.5" from Northwest Arkansas Quarries in the "picked up" amount represented in Exhibit "A," as needed through the end of calendar year 2010.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-20 and approves the purchase of concrete aggregate-3/4", B-Stone and abrasives/grit from APAC-Central, Inc. in the "picked up" amounts represented in Exhibit "A," as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

BID: 10-20
DATE: 03/24/10
2:00 PM
CITY OF FAYETTEVILLE

Fayetteville
ARKANSAS

Bid 10-20, Aggregate Re-Bid

	Item	DESCRIPTION	Estimated Tons	APAC - Central, Inc.		Northwest Arkansas Quarries		Rogers Group, Inc. Lowell Quarry - OPT 1		Rogers Group, Inc. Hamstring Quarry - OPT 2	
				PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE	PRICE PER EACH	EXTENDED PRICE
SCHEDULE A - PICKED UP MATERIALS ONLY	1	Class 7 Base (SB-2) - includes wet and dry	27,000	$5.75	$155,250.00	$5.85	$157,950.00	$5.60	$151,200.00	$5.70	$153,900.00
	2	Concrete Aggregate - 1.5"	450	$8.25	$3,712.50	$7.40	$3,330.00	$7.75	$3,487.50	No Bid	
	3	Concrete Aggregate - 3/4"	450	$8.50	$3,825.00	$8.40	$3,780.00	$9.00	$4,050.00	No Bid	
	4	"B" Stone	2,250	$6.30	$14,175.00	$6.50	$14,625.00	$6.75	$15,187.50	$6.75	$15,187.50
	5	Abrasives / Grit (1/4" chips)	450	$5.40	$2,430.00	$5.40	$2,430.00	$6.00	$2,700.00	No Bid	
	6	Shot Rock	450	$6.00	$2,700.00	$6.00	$2,700.00	$6.00	$2,700.00	$6.00	$2,700.00
		SCHEDULE A TOTAL BASED BID =			$182,092.50		$184,815.00		$179,325.00		$171,787.50
SCHEDULE B - DELIVERED MATERIALS	1	Class 7 Base (SB-2) - includes wet and dry	3,000	$9.11	$27,330.00	$9.80	$29,400.00	$8.35	$25,050.00	$8.45	$25,350.00
	2	Concrete Aggregate - 1.5"	50	$11.61	$580.50	$11.35	$567.50	$10.50	$525.00	No Bid	
	3	Concrete Aggregate - 3/4"	50	$11.86	$593.00	$12.35	$617.50	$11.75	$587.50	No Bid	
	4	"B" Stone	250	$9.66	$2,415.00	$10.45	$2,612.50	$9.50	$2,375.00	$9.50	$2,375.00
	5	Abrasives/Grit (1/4" chips)	50	$10.61	$530.50	$9.35	$467.50	$8.75	$437.50	No Bid	
	6	Shot Rock	50	$10.36	$518.00	$9.95	$497.50	$8.75	$437.50	$8.75	$437.50
		SCHEDULE B TOTAL BASED BID =			$31,967.00		$34,162.50		$29,412.50		$28,162.50

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: A. Foren
A. FOREN, PURCH AGENT

WITNESS

03/24/10
DATE

tabbies
EXHIBIT
A

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

April 20, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 10-24 to Fochtman Enterprises, Inc. and approving the purchase of curb and gutter construction for ORT New Freedom Projects, in the unit price amounts shown on the attached bid tabulation, on an as needed basis through 12/31/2010.

$ 200,010.00	$ 387,500.00	ORT Sidewalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ -	Grants
Account Number	Funds Used to Date	Program / Project Category Name
09030 / 1	$ 387,500.00	Street
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 4-1-10 Date

City Attorney — 4-2-10 Date

Finance and Internal Services Director — 4-2-2010 Date

Chief of Staff — 4-5-2010 Date

Mayor — 4/6/10 Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 4-1-10 Kim G.

Received in Mayor's Office — ENTERED 4-2-10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: April 1, 2010

Subject: A Resolution awarding Bid 10-24 to Fochtman Enterprises, Inc. and approving the purchase of curb and gutter construction for ORT New Freedom Projects as needed through the end of calendar year 2010.

PROPOSAL

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction.

Staff received sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe in quantities estimated for the Ozark Regional Transit sidewalks and concrete pads project. These bids were opened on March 26, 2010. In accordance with the Agreement of Understanding Between City of Fayetteville and Ozark Regional Transit, these bids were submitted to Ozark Regional Transit for concurrence.

Grant funds must be spent by September 1, 2012.

RECOMMENDATION

Staff recommends a resolution awarding Bid 10-24 to Fochtman Enterprises, Inc. and approving the purchase of curb and gutter construction for ORT New Freedom Projects in the unit price amounts shown on the attached bid tabulation as needed through the end of calendar year 2010.

BUDGET IMPACT

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-24 AND APPROVING THE PURCHASE OF CURB AND GUTTER CONSTRUCTION FROM FOCHTMAN ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED $200,010.00 FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-24 and approves the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

BID: 10-24
DATE: 03/26/10
2:00 PM
CITY OF FAYETTEVILLE

Bid 10-24, Curb and Gutter for ORT New Freedom Project

Item	Description	Estimated Quantity	Booher Construction		Fochtman Enterprises, Inc.		Midland Construction, Inc.		Sweetser Construction, Inc.		Tomlinson Asphalt Co., Inc.	
			UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Hand Formed "Type A" Curb and Gutter (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Linear Foot	7,750	$14.00	$108,500.00	$8.80	$68,200.00	$15.00	$116,250.00	$8.95	$69,362.50	$10.60	$82,150.00
2	Flatwork - 4" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Square Foot	33,000	$3.00	$99,000.00	$2.77	$91,410.00	$4.00	$132,000.00	$3.20	$105,600.00	$3.00	$99,000.00
3	Flatwork - 6" Thick (Sidewalk, Driveway Approaches, Access Ramps) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Square Foot	6,000	$3.50	$21,000.00	$3.30	$19,800.00	$4.75	$28,500.00	$3.95	$23,700.00	$3.70	$22,200.00
4	Drop Inlet - Max 4' Deep (per specifications) - Contractor supplies form work, concrete materials, labor to place and finish, saw cutting, and joint sealing - Per Each	10	$2,400.00	$24,000.00	$1,790.00	$17,900.00	$3,125.00	$31,250.00	$1,800.00	$18,000.00	$2,800.00	$28,000.00
5	4' Inlet Extension (per specifications) - Contractor suppplies form work, concrete materials, labor to place and finish, saw cutting, and joing sealing - Per Each	5	$800.00	$4,000.00	$540.00	$2,700.00	$1,000.00	$5,000.00	$600.00	$3,000.00	$500.00	$2,500.00
	TOTAL BID BASED ON ESTIMATES=			$256,500.00		$200,010.00		$313,000.00		$219,662.50		$233,850.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — P. VICE, PURCH MGR
WITNESS
03/29/10 — DATE

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS

March 31, 2010

Mr. Henry Lukasik
Ozark Regional Transit, Inc.
2423 E. Robinson Avenue
Springdale, AR 72764

Re: Bid Concurrence for Sidewalk Construction and Transit Shelter and Bench Pads

The City of Fayetteville received sealed formal bids (Bids 10-24 through 10-27 attached) for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe in quantities estimated for the Ozark Regional Transit sidewalks and concrete pads project. These bids were opened on March 26, 2010. In accordance with the Agreement of Understanding Between City of Fayetteville and Ozark Regional Transit, these bids must be submitted to Ozark Regional Transit for concurrence.

City staff, upon receiving consent in writing from Ozark Regional Transit, will present the bids to City Council for approval as required by City of Fayetteville purchasing policy. Staff will recommend to City Council approval of resolutions authorizing the following purchases:

Award Bid 10-24, Curb and Gutter to Fochtman Enterprises, Inc.
Award Bid 10-25, Topsoil to Les Rogers, Inc.
Award Bid 10-26, Drainage Pipe (Concrete) to Scurlock Industries
Award Bid 10-26, Drainage Pipe (Metal) to Water Products, Inc.
Award Bid 10-26, Drainage Pipe (Plastic) to Water Products, Inc.
Award Bid 10-27, Aggregate to Rogers Group, Inc.

Please contact me if you have any questions.

Sincerely,

John Nelson

John Nelson
Transportation Services

Ozark Regional Transit, Inc.

April 1, 2010

Mr. John Nelson
City of Fayetteville Transportation Dept.
113 West Mountain
Fayetteville, AR 72701

RE: Bid Concurrence for Sidewalk Construction and Transit Shelter and Bench Pads

After reviewing the formal bids (Bids 10-24 through 10-27) for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe, Ozark Regional Transit hereby concurs with your recommendations and presenting of the bids to City Council for approval.

If there are any questions or if additional information is required; please contact me at 479-756-5901 x 247 or ppumphrey@ozark.org.

Sincerely,

Phil Pumphrey
Executive Director
Ozark Regional Transit

2423 E Robinson Ave, Springdale, AR 72764 P.O. Box 785, Springdale, AR 72765-0785
Phone: (479) 756-5901 Fax: (479) 756-2901 Website: www.ozark.org

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

April 20, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 10-25 to Les Rogers, Inc. and approving the purchase of topsoil for ORT New Freedom Projects, in the amount of $10.95 per cubic yard, on an as needed basis through 12/31/2010.

$ 21,900.00	$ 387,500.00	ORT Sidwalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ -	Grants
Account Number	Funds Used to Date	Program / Project Category Name
09030 / 1	$ 387,500.00	Street
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — 4-1-10 Date

City Attorney — 4-2-10 Date

Finance and Internal Services Director — 4-2-2010 Date

Chief of Staff — 4-5-2010 Date

Mayor — 4/6/10 Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 4-1-10 Kim

Received in Mayor's Office — ENTERED 4-2-10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: April 1, 2010

Subject: A Resolution awarding Bid 10-25 to Les Rogers, Inc. and approving the purchase of topsoil for ORT New Freedom Projects in the amount of $10.95 per cubic yard as needed through the end of calendar year 2010.

PROPOSAL

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction.

Staff received sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe in quantities estimated for the Ozark Regional Transit sidewalks and concrete pads project. These bids were opened on March 26, 2010. In accordance with the Agreement of Understanding Between City of Fayetteville and Ozark Regional Transit, these bids were submitted to Ozark Regional Transit for concurrence.

Grant funds must be spent by September 1, 2012.

RECOMMENDATION

Staff recommends a resolution awarding Bid 10-25 to Les Rogers, Inc. and approving the purchase of topsoil for ORT New Freedom Projects in the amount of $10.95 per cubic yard as needed through the end of calendar year 2010.

BUDGET IMPACT

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-25 AND APPROVING THE PURCHASE OF TOPSOIL FROM LES ROGERS, INC. IN THE AMOUNT OF $10.95 PER CUBIC YARD FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-25 and approves the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

BID: 10-25
DATE: 03/26/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-25, Topsoil for ORT New Freedom Project

	BIDDER	Estimated Quantity	UNIT PRICE (per cubic yard)	TOTAL
1	Harlan Brown Trucking	2,000	$14.00	$28,000.00
2	Les Rogers, Inc.	2,000	$10.95	$21,900.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — P. VICE, PURCH MGR

WITNESS

03/24/10 — DATE

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

April 20, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 10-26 and approving the purchase of drainage pipe for ORT New Freedom Projects and other city projects from Scurlock Industries for concrete pipe and from Water Products for metal and plastic pipe in the unit price amounts shown on the attached bid tabulation as needed through 12/31/2010.

$ 145,400.00	387,500.00	ORT Sidewalks & Pads Grant
$ 60,000.00	$ -	Various Capital Projects
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	-	Grants
4470.9470.xxxx.xx	$ -	Various Capital Projects
Account Number	Funds Used to Date	Program / Project Category Name
09030/1	$ 387,500.00	Street
xxxx	$ -	Cap Impr
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Terry Gulley — 4/1/10
Department Director — Date

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

4/2/10
City Attorney — Date

Paul A. Becker — 4-5-2010
Finance and Internal Services Director — Date

Received in City Clerk's Office — ENTERED 4-1-10 — Kim G.

4-5-2010
Chief of Staff — Date

Received in Mayor's Office — ENTERED 4-2-10 — LB

4/6/10
Mayor — Date

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: April 1, 2010

Subject: A Resolution awarding Bid 10-26 and approving the purchase of drainage pipe for ORT New Freedom Projects and other city projects from Scurlock Industries for concrete pipe and from Water Products for metal and plastic pipe in the unit price amounts shown on the attached bid tabulation as needed through the end of calendar year 2010.

PROPOSAL

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction.

Staff received sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe in quantities estimated for the Ozark Regional Transit sidewalks and concrete pads project. These bids were opened on March 26, 2010. In accordance with the Agreement of Understanding Between City of Fayetteville and Ozark Regional Transit, these bids were submitted to Ozark Regional Transit for concurrence.

Grant funds must be spent by September 1, 2012.

RECOMMENDATION

Staff recommends a resolution awarding Bid 10-26 and approving the purchase of drainage pipe for ORT New Freedom Projects and other city projects from Scurlock Industries for concrete pipe and from Water Products for metal and plastic pipe in the unit price amounts shown on the attached bid tabulation as needed through the end of calendar year 2010.

BUDGET IMPACT

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

Additional funding for other city drainage projects is included in various capital project budgets.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-26 AND APPROVING THE PURCHASE OF CONCRETE DRAINAGE PIPE FROM SCURLOCK INDUSTRIES OF FAYETTEVILLE, INC. AND METAL AND PLASTIC DRAINAGE PIPE FROM WATER PRODUCTS, INC. IN VARYING UNIT PRICES FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS AND OTHER CITY PROJECTS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-26 and approves the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. for the unit prices shown on the bid tabulation sheet, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, which is for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

BID: 10-26
DATE: 03/26/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-26, Drainage Pipe for ORT New Freedom Project

Item	Description	Quantity	Unit	Comtech Construction Products, Inc.		Ferguson Waterworks		Hanson Pipe & Precast		Scurlock Industries of Fayetteville, Inc.		Water Products, Inc.	
				Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
1	15" Diameter Reinforced Concrete Pipe	30	Feet	No Bid		No Bid		$16.15	$484.50	$9.45	$283.50	$17.94	$538.20
2	18" Diameter Reinforced Concrete Pipe	30	Feet	No Bid		No Bid		$20.83	$624.90	$13.50	$405.00	$23.14	$694.20
3	24" Diameter Reinforced Concrete Pipe	120	Feet	No Bid		No Bid		$32.99	$3,958.80	$19.15	$2,298.00	$34.66	$4,159.20
4	30" Diameter Reinforced Concrete Pipe	30	Feet	No Bid		No Bid		$47.50	$1,425.00	$28.00	$840.00	$52.00	$1,560.00
5	36" Diameter Reinforced Concrete Pipe	30	Feet	No Bid		No Bid		$65.40	$1,962.00	$41.50	$1,245.00	$69.89	$2,096.70
6	15" Diameter Corrugated Metal Pipe	100	Feet	$9.60	$960.00	$9.14	$914.00	No Bid		No Bid		$8.95	$895.00
7	15" Corrugated Metal Flared End Section	2	Each	$125.00	$250.00	$64.16	$128.32	No Bid		No Bid		$65.00	$130.00
8	15" Corrugated Metal Coupling Band	5	Each	$9.60	$48.00	$9.14	$45.70	No Bid		No Bid		$9.14	$45.70
9	18" Diameter Corrugated Metal Pipe	100	Feet	$11.60	$1,160.00	$10.90	$1,090.00	No Bid		No Bid		$10.67	$1,067.00
10	18" Corrugated Metal Flared End Section	2	Each	$160.00	$320.00	$83.20	$166.40	No Bid		No Bid		$84.00	$168.00
11	18" Corrugated Metal Coupling Band	5	Each	$11.60	$58.00	$10.90	$54.50	No Bid		No Bid		$10.90	$54.50
12	24" Diameter Corrugated Metal Pipe	100	Feet	$15.20	$1,520.00	$14.16	$1,416.00	No Bid		No Bid		$13.87	$1,387.00
13	24" Corrugated Metal Flared End Section	2	Each	$238.00	$476.00	$124.20	$248.40	No Bid		No Bid		$123.00	$246.00
14	24" Corrugated Metal Coupling Band	5	Each	$15.20	$76.00	$14.16	$70.80	No Bid		No Bid		$14.16	$70.80
15	30" Diameter Corrugated Metal Pipe	1,600	Feet	$20.40	$32,640.00	$17.61	$28,176.00	No Bid		No Bid		$17.14	$27,424.00
16	30" Corrugated Metal Flared End Section	2	Each	$434.00	$868.00	$226.70	$453.40	No Bid		No Bid		$221.00	$442.00
17	30" Corrugated Metal Coupling Band	80	Each	$20.40	$1,632.00	$17.61	$1,408.80	No Bid		No Bid		$17.61	$1,408.80
18	36" Diameter Corrugated Metal Pipe	100	Feet	$28.80	$2,880.00	$21.66	$2,166.00	No Bid		No Bid		$21.10	$2,110.00
19	36" Corrugated Metal Flared End Section	2	Each	$700.00	$1,400.00	$393.45	$786.90	No Bid		No Bid		$339.00	$678.00
20	36" Corrugated Metal Coupling Band	5	Each	$28.80	$144.00	$21.66	$108.30	No Bid		No Bid		$22.08	$110.40
21	42" Diameter Corrugated Metal Pipe	100	Feet	$33.60	$3,360.00	$25.42	$2,542.00	No Bid		No Bid		$24.50	$2,450.00
22	42" Corrugated Metal Flared End Section	2	Each	$1,320.00	$2,640.00	$673.20	$1,346.40	No Bid		No Bid		$645.00	$1,290.00
23	42" Corrugated Metal Coupling Band	5	Each	$33.60	$168.00	$25.42	$127.10	No Bid		No Bid		$25.42	$127.10
24	15" Diameter Plasic Pipe	100	Feet	No Bid		$6.00	$600.00	No Bid		No Bid		$5.94	$594.00
25	15" Plastic Flared End Section	2	Each	No Bid		$87.82	$175.64	No Bid		No Bid		$91.00	$182.00
26	18" Diameter Plastic Pipe	2,200	Feet	No Bid		$8.18	$17,996.00	No Bid		No Bid		$8.09	$17,798.00
27	18" Flared End Section	2	Each	No Bid		$117.97	$235.94	No Bid		$272.00	$544.00	$120.00	$240.00
28	24" Diameter Plastic Pipe	2,420	Feet	No Bid		$13.11	$31,726.20	No Bid		No Bid		$12.89	$31,193.80
29	24" Flared End Section	2	Each	No Bid		$151.39	$302.78	No Bid		$347.85	$695.70	$152.00	$304.00
30	30" Diameter Plastic Pipe	1,600	Feet	No Bid		$20.94	$33,504.00	No Bid		No Bid		$20.62	$32,992.00
31	30" Plastic Flared End Section	2	Each	No Bid		$311.96	$623.92	No Bid		No Bid		$309.00	$618.00
32	36" Diameter Plastic Pipe	1,600	Feet	No Bid		$24.97	$39,952.00	No Bid		No Bid		$24.45	$39,120.00
33	36" Plastic Flared End Section	2	Each	No Bid		$329.90	$659.80	No Bid		No Bid		$330.00	$660.00
34	42" diameter plastic pipe	1,000	Feet	No Bid		$33.30	$33,300.00	No Bid		No Bid		$32.59	$32,590.00
35	42" x 24" tee (ADS Part Number 4267AN)	5	Each	No Bid		$728.30	$3,641.50	No Bid		No Bid		$720.00	$3,600.00
36	42" dia. 22.5 degree bend (ADS Part Number 4292AN)	2	Each	No Bid		$444.70	$889.40	No Bid		No Bid		$450.00	$900.00
37	42" dia. 11.25 degree bend (ADS Part Number 4291AN)	2	Each	No Bid		$386.98	$773.96	No Bid		No Bid		$400.00	$800.00
38	42" dia. wye (ADS Part Number 4287AN60)	2	Each	No Bid		$940.48	$1,880.96	No Bid		No Bid		$960.00	$1,920.00
39	42" dia. couplers (ADS Part Number 4265 AA)	16	Each	No Bid		$105.55	$1,688.80	No Bid		No Bid		$108.00	$1,728.00
40	24" dia. couplers (ADS Part Number 2465AA)	2	Each	No Bid		$22.31	$44.62	No Bid		No Bid		$24.00	$48.00
Total Bid Price =					**$50,600.00**		**$209,244.54**		**$8,455.20**		**$6,311.20**		**$214,440.40**

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P Vice — P. VICE, PURCH MGR
WITNESS
03/29/10 — DATE

EXHIBIT A
labbies

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

April 20, 2010
City Council Meeting Date
Agenda Items Only

Terry Gulley	Transportation	Transportation Services
Submitted By	**Division**	**Department**

Action Required:

A resolution awarding Bid 10-27 to Rogers Group, Inc. and approving the purchase of aggregate for ORT New Freedom Projects in the amount of $6.00 per ton as needed through 12/31/2010.

$ 20,100.00	$ 387,500.00	ORT Sidewalks & Pads Grant
Cost of this request	Category / Project Budget	Program Category / Project Name
2100.5530.5216.00	$ -	Grants
Account Number	Funds Used to Date	Program / Project Category Name
09030 / 1	$ 387,500.00	Street
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] **Budget Adjustment Attached** [ ]

Department Director — Date 4/1/10

City Attorney — Date 4/2/10

Finance and Internal Services Director — Date 4-2-2010

Chief of Staff — Date 4-6-10

Mayor — Date 4/6/10

Previous Ordinance or Resolution # 220-09

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 4-1-10 Kim J.

Received in Mayor's Office — ENTERED 4-2-10

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Department Director

Date: April 1, 2010

Subject: A Resolution awarding Bid 10-27 to Rogers Group, Inc. and approving the purchase of aggregate for ORT New Freedom Projects in the amount of $6.00 per ton as needed through the end of calendar year 2010.

PROPOSAL

City Council approved an agreement with Ozark Regional Transit on November 3, 2009 to utilize $387,500 in Federal Transit Administration grant funds for sidewalk, transit shelter and bench concrete pad construction.

Staff received sealed formal bids for curb and gutter, concrete flatwork, topsoil, aggregate, and drainage pipe in quantities estimated for the Ozark Regional Transit sidewalks and concrete pads project. These bids were opened on March 26, 2010. In accordance with the Agreement of Understanding between City of Fayetteville and Ozark Regional Transit, these bids were submitted to Ozark Regional Transit for concurrence.

Grant funds must be spent by September 1, 2012.

RECOMMENDATION

Staff recommends a resolution awarding Bid 10-27 to Rogers Group, Inc. and approving the purchase of aggregate for ORT New Freedom Projects in the amount of $6.00 per ton as needed through the end of calendar year 2010.

The Hamstring quarry option is being recommended due to its location being closer than the Lowell quarry. Transportation costs to and from the Lowell quarry would be more than twenty-five cents per ton.

BUDGET IMPACT

$387,500 is budgeted in the ORT Sidewalks & Pads Grant project.

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #10-27 AND APPROVING THE PURCHASE OF AGGREGATE FROM ROGERS GROUP, INC. IN THE AMOUNT OF $6.00 PER TON FOR USE IN OZARK REGIONAL TRANSIT NEW FREEDOM PROJECTS, AS NEEDED THROUGH THE END OF CALENDAR YEAR 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #10-27 and approves the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Fayetteville
ARKANSAS

BID: 10-27
DATE: 03/26/10
TIME: 2:00 PM
CITY OF FAYETTEVILLE

Bid 10-27, Aggregate for ORT New Freedom Project

	BIDDER	Estimated Quantity	PRICE PER TON	TOTAL
1	APAC - Central, Inc.	3,350	$6.25	$20,937.50
2	Rogers Group, Inc. - OPT 1 *Hamstring Location*	3,350	$6.00	$20,100.00
3	Rogers Group, Inc. - OPT 2 *Lowell Location*	3,350	$5.75	$19,262.50

***NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.**

CERTIFIED: P Vice — **P. VICE, PURCH MGR**

Dein Stab — **WITNESS**

03/29/10 — **DATE**

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Farmington.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03-26-2010 Date	Previous Ordinance or Resolution #
City Attorney	3-26-10 Date	Original Contract Date: / Original Contract Number:
Finance and Internal Services Director	3-29-2010 Date	Received in City Clerk's Office — ENTERED 3/26/10
Chief of Staff	3-29-10 Date	
Mayor	3/30/10 Date	Received in Mayor's Office — ENTERED 3/29/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 15, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Farmington

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $11,775.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF FARMINGTON, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF FARMINGTON THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Farmington, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

RESOLUTION NO. 2010-05

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF FARMINGTON, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES FOR THE CITY OF FARMINGTON FOR THREE (2) YEARS COMMENCING JANUARY 1, 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, ARKANSAS:

Section 1: That the City Council of the City of Farmington, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services for the City of Farmington for a period of three (3) years commencing January 1, 2010. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2: That the City Council of the City of Farmington, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Fayetteville, Arkansas.

PASSED AND APPROVED this 15th day of February, 2010.

APPROVED:

By: Ernie Penn

Ernie Penn, Mayor

ATTEST:

Kelly A. Thomas

Kelly Thomas, City Clerk

EXHIBIT

A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF FARMINGTON, ARKANSAS

THIS AGREEMENT is entered into this 15th day of February 2010, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF FARMINGTON, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Farmington; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Farmington.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Farmington citizens and designated animal control officers with the term of this agreement to commence February 15, 2010 and remain in effect until December 31, 2011.

Article II

The City of Farmington agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance with its policy by providing a written 30 day notice of cancellation to the Mayor of the City of Farmington. If within the 30 day period, the City of Farmington fails to be in compliance with the operating policy, this agreement is terminated, the City of Fayetteville is no longer obligated under the terms of this agreement, and the City of Farmington is not obligated for the remaining monies owed under this agreement.

Article III

That commencing February 15, 2010 the City of Farmington agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal for the number of animals delivered to the City of Fayetteville the preceding calendar year of 2009, subject to the provisions of Article IV below. The annual sheltering fee for the year 2010 is $11,775 (based on 157 animals delivered in 2009) which shall be paid in twelve (12) equal installments of $981.25, on or before the first day of each month.

The annual sheltering fee for the year 2011 shall be based on Seventy-Five Dollars ($75) per animal for the number of animals delivered to the City of Fayetteville the preceding fiscal year of 2010, subject to the provisions of Article IV below and payable in twelve (12) equal installments on or before the first day of each month.

Article IV

For recordation purposes, the City of Farmington's account will be charged or debited at the rate of $75 as an impound fee for each animal delivered to the animal shelter by Farmington officials during the term of this agreement. In the event an animal is reclaimed by its owner within 24 hours of being delivered to the animal shelter by Farmington officials, the City of Fayetteville will credit the Farmington account for the $75 impound fee. An additional sum of $5 per day will be charged to the owners of animals that are impounded for over 5 days at the animal shelter. The City of Farmington is responsible for collecting impound fees from Farmington citizens. The City of Fayetteville is responsible for the collecting of the per diem fee of $5 for each day an animal is impounded beyond the 5-day period.

The parties acknowledge that the City of Farmington is not responsible and its account will not be charged or debited for impound fees for animals delivered to the animal shelter by citizens who do not present a receipt for the payment of impound fees to the City of Farmington. Further, Farmington citizens may not reclaim an animal for the animal shelter without first presenting a receipt for the impound fee and any other fees that may be incurred and charged by the City of Farmington.

Farmington officials will be provided a key with access to the temporary holding kennels and cages at the animal shelter 24 hours a day, seven days a week. Farmington citizens wishing to surrender an animal to the shelter will be provided, upon request, an appointment to deliver the animal with proof of payment of the impound fee.

When an animal is brought to the animal shelter that does not have a collar bearing the owner's name and address, a metal tag evidencing payment of Farmington's annual license fee, proof pf payment such as a receipt, or a metal rabies tag issued by a licensed veterinarian, the animal will be held for a period of five (5) days. At the expiration of five days, the animal becomes the property of the City of Fayetteville. At the expiration of five days, the animal will be temperament tested for aggression and made available for adoption if it passes. If the animal fails the temperament test, it will be euthanized. When an animal is brought to the animal shelter with a collar bearing the owner's name and address, a metal tag or other proof that Farmington's annual license has been paid, or a metal rabies tag issued by a licensed veterinarian, the animal will be held for a period of ten (10) days. At the expiration of ten days the animal will be temperament tested for aggression and made available for adoption if it passes. If the animal fails the temperament test, it will be euthanized.

Citizens that reclaim their animal must present proof of payment of the impound fee and any additional costs imposed by the City of Farmington. Citizens that reclaim their animal after five (5) days must present proof of payment of the impound fee and any additional costs imposed by the City of Farmington and in addition, are required to pay the animal shelter the sum of five ($5) per day for each additional day the animal is housed at the animal shelter.

Article V

The City of Fayetteville agrees to provide medical treatment for minor injuries to animals, but will not be responsible for serious injuries to animals delivered to the animal shelter. The City of Fayetteville will provide assistance in drafting animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the cities of Farmington and Fayetteville.

Article VI

Both parties acknowledge a contract for animal sheltering services between the City of Fayetteville and Washington County, Arkansas. The agreement does not provide for services within the corporate boundaries of any incorporated city in Washington County. The parties further agree that this agreement will terminate in the event the City of Farmington enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, the City of Farmington and the City of Fayetteville shall have the right to terminate this agreement upon providing a thirty (30) day written notice.

Article VII

Neither party may assign any of its rights or obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Farmington shall indemnify and hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided however, nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Farmington under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement for one or more breaches or defaults shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and executed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Farmington have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____
Lioneld Jordan, Mayor

ATTEST:

_____
Sondra Smith, City Clerk

CITY OF FARMINGTON, ARKANSAS

_____
Ernie L. Penn, Mayor

ATTEST:

_____
Kelly Thomas, City Clerk

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Goshen.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03.26.2010 Date	Previous Ordinance or Resolution #
City Attorney	3-26-10 Date	Original Contract Date: / Original Contract Number:
Finance and Internal Services Director	3-26-2010 Date	Received in City Clerk's Office — ENTERED 3/26/10
Chief of Staff	3-29-10 Date	
Mayor	3/30/10 Date	Received in Mayor's Office — ENTERED 3/29/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 22, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Goshen

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $2,100.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF GOSHEN, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF GOSHEN THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Goshen, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

RESOLUTION NO. 2010-6

RESOLUTION APPROVING INTERLOCAL AGREEMENT
BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS
AND THE CITY OF GOSHEN, ARKANSAS

WHEREAS, the Cities of Fayetteville and Goshen, Arkansas have previously entered into an interlocal agreement regarding the provision of animal sheltering services; and

WHEREAS, Ark. Code Ann. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and the City of Goshen; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to the City of Goshen.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF GOSHEN, ARKANSAS that the interlocal agreement attached hereto is approved and that the Mayor and City Recorder are authorized and directed to execute said interlocal agreement for animal sheltering services

PASSED AND APPROVED THIS 9th day of February, 2010.

CITY OF GOSHEN

Joe Benson, Mayor

Attest:

Sharon Baggett, Recorder/Treasurer

EXHIBIT
A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF GOSHEN, ARKANSAS

THIS AGREEMENT is entered into this _____ day of _____, 20_____, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF GOSHEN, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Goshen; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Goshen.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Goshen citizens and designated animal control officers.

Article II

The City of Goshen agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Goshen agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. For the year of 2010 the City of Goshen will be billed for 28 animals, a yearly amount of $2100, in monthly payments of $175. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Goshen citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of Goshen in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Goshen enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Goshen shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise

compromise that immunity afforded the City of Fayetteville or the City of Goshen under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Goshen have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____

Lioneld Jordan, Mayor

ATTEST:

_____

Sondra Smith, City Clerk

CITY OF GOSHEN, ARKANSAS

_____

Joe Benson, Mayor

ATTEST:

Sharon Baggett

Sharon Baggett, Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Elm Springs.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03.26.2010 Date	Previous Ordinance or Resolution #
City Attorney	3-26-10 Date	Original Contract Date: / Original Contract Number:
Finance and Internal Services Director	3-29-2010 Date	Received in City Clerk's Office — ENTERED 3/26/10
Chief of Staff	3-29-10 Date	Received in Mayor's Office — ENTERED 3/29/10
Mayor	3/30/10 Date	

Comments:

Fayetteville
ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 22, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Elm Springs

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $900.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF ELM SPRINGS, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF ELM SPRINGS THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Elm Springs, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF ELM SPRINGS, ARKANSAS

THIS AGREEMENT is entered into this 18 day of January, 20 10, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF Elm Springs, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of **Elm Springs**; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Elm Springs.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Elm Springs citizens and designated animal control officers.

Article II

The City of Elm Springs agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Elm Springs agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. For the year of 2010 the City of Elm Springs will be billed for 12 animals, a yearly amount of $900, in monthly payments of $75. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Elm Springs citizens and designated animal control officers during the previous year.

EXHIBIT
A

Article IV

This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of Elm Springs in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Elm Springs enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Elm Springs shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement,

provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Elm Springs under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Elm Springs have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____

LIONELD JORDAN, Mayor

ATTEST:

_____

SONDRA SMITH, City Clerk

CITY OF ELM SPRINGS, ARKANSAS

Jane Waters

JANE WATERS, Mayor

ATTEST:

Glenda Pettus

GLENDA PETTUS, Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Winslow.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03.26.2010 Date	Previous Ordinance or Resolution #
City Attorney	3-26-10 Date	Original Contract Date: / Original Contract Number:
Finance and Internal Services Director	3-29-2010 Date	Received in City Clerk's Office — ENTERED 3/26/10
Chief of Staff	3-29-10 Date	
Mayor	3/30/10 Date	Received in Mayor's Office — ENTERED 3/29/10

Comments:

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ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 15, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Winslow

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $75.00.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF WINSLOW, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF WINSLOW THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Winslow, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF WINSLOW, ARKANSAS

THIS AGREEMENT is entered into this 8th day of March, 20 10, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF WINSLOW, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Winslow; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Winslow.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

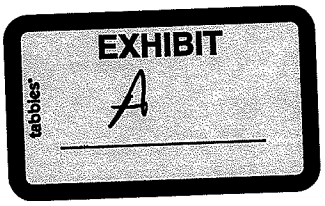
The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Winslow citizens and designated animal control officers.

Article II

The City of Winslow agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Winslow agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. For the year of 2010 the City of Winslow will be billed for 1 animal, a yearly amount of $75.00, in monthly payments of $6.25 or a one time payment of $75.00. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Winslow citizens and designated animal control officers during the previous year.



Article IV

This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of Winslow in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Winslow enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Winslow shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Winslow under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Winslow have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____

Lioneld Jordan, Mayor

ATTEST:

_____

Sondra Smith, City Clerk

CITY OF WINSLOW, ARKANSAS

_____

Randy Jarnagan, Mayor

ATTEST:

_____

Mary Bromley, Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Elkins.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03-26-2010 Date	Previous Ordinance or Resolution #
City Attorney	3-26-10 Date	Original Contract Date: / Original Contract Number:
Finance and Internal Services Director	3-29-2010 Date	Received in City Clerk's Office — ENTERED — 3/26/10
Chief of Staff	3-29-10 Date	Received in Mayor's Office — ENTERED 3/29/10
Mayor	3/30/10 Date	

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 22, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Elkins

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $3,150.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF ELKINS, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF ELKINS THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Elkins, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

RESOLUTION NO. 2010 - 03

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF ELKINS, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF ELKINS, ARKANSAS FOR 2010/2011.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELKINS, ARKANSAS:

Section 1: That the City Council of the City of Elkins, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas whereby the City of Fayetteville will provide animal sheltering services to the City of Elkins for 2010/2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2: That the City Council of the City of Elkins, Arkansas hereby authorizes the Mayor and the Recorder-Treasurer, to execute the Inter-Local Agreement with the City of Fayetteville, Arkansas, and to make payment pursuant to the terms of Exhibit A.

PASSED and APPROVED this 4th day of February, 2010.

Jack Ladyman
JACK LADYMAN, Mayor

ATTEST:
Sunny Ledford
SUNNY LEDFORD, Recorder-Treasurer

EXHIBIT
A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF ELKINS, ARKANSAS

THIS AGREEMENT is entered into this _____ day of _____, 20_____, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF ELKINS, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Elkins; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Elkins.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Elkins citizens with letter from Elkins City Official and designated animal control officers.

Article II

The City of Elkins agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Elkins agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. For the year of 2010 the City of Elkins will be billed for 42 animals, a yearly amount of $3,150, in monthly payments of $262.50. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Elkins citizens with letter from Elkins City Official and designated animal control officers during the previous year.

EXHIBIT A
PAGE 1 OF 3

Article IV

This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of Elkins in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Elkins enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Elkins shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Elkins under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Elkins have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____
Lioneld Jordan, Mayor

ATTEST:

_____
Sondra Smith, City Clerk

CITY OF ELKINS, ARKANSAS

Jack Ladyman
Jack Ladyman, Mayor

ATTEST:

Sunny Ledford
~~Cayla Stahman~~, Treasurer
Sunny Ledford

EXHIBIT A
PAGE 3 OF 3

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Justine Middleton	Animal Services	Community Services
Submitted By	**Division**	**Department**

Action Required:

Approval of the 2010--2011 Interlocal Sheltering Contract with the City of Greenland.

	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 03 26 2010

City Attorney — Date: 3-26-10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — Date: 3-29-2010

Chief of Staff — Date: 3-29-10

Mayor — Date: 3/30/10

Received in City Clerk's Office — ENTERED Ses 3/26/10

Received in Mayor's Office — ENTERED 3/26/10

Comments:

Fayetteville
ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: City Council

Thru: Yolanda Field, Dir. Community Services; Jeremy Pate, Dir. Community Development

From: Justine Middleton, Animal Services Superintendent

Date: March 22, 2010

Subject: Approval of 2010-2011 Interlocal Sheltering Agreement with the City of Greenland

PROPOSAL:

Previous Interlocal Sheltering Agreements expired December 31, 2009. New contracts were sent out to be reviewed and signed. No material changes were made the contract contents except for shortening the term from three years to two year in anticipation of increased animal keeping expenses.

RECOMMENDATION:

Staff recommends approval of the Interlocal Sheltering Agreement for the term of 2010-2011.

BUDGET IMPACT:

Revenue of $1,575.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF GREENLAND, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF GREENLAND THROUGH THE END OF 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor and City Clerk to execute the Inter-Local Agreement with the City of Greenland, Arkansas.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

RESOLUTION NO. 02-11-2010 A

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF GREENLAND, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF GREENLAND, ARKANSAS FOR 2010/2011.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENLAND, ARKANSAS:

Section 1: That the City Council of the City of Greenland, Arkansas hereby approves an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas whereby the City of Fayetteville will provide animal sheltering services to the City of Greenland for 2010/2011. A copy of the agreement, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2: That the City Council of the City of Greenland, Arkansas hereby authorizes the Mayor and the Recorder-Treasurer, to execute the Inter-Local Agreement with the City of Fayetteville, Arkansas, and to make payment pursuant to the terms of Exhibit A.

PASSED and APPROVED this 11th day of February, 2010.

John Gray
JOHN GRAY, Mayor

ATTEST:

Donna Cheevers
DONNA CHEEVERS, Recorder-Treasurer

EXHIBIT
A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF GREENLAND, ARKANSAS

THIS AGREEMENT is entered into this _____ day of _____, 20_____, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF GREENLAND, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Greenland; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Greenland.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Greenland citizens with letter from Greenland City Official and designated animal control officers.

Article II

The City of Greenland agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Greenland agrees to pay sheltering services fees of Seventy Five dollars ($75) per animal to the City of Fayetteville in the form of twelve (12) monthly payments. Payment shall be due on or before the first day of each month. For the year of 2010 the City of Elkins will be billed for 21 animals, a yearly amount of $1575, in monthly payments of $131.25. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Greenland citizens with

letter from Greenland City Official and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2011.

Article V

The City of Fayetteville agrees to provide assistance to the City of Greenland in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animal sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Greenland enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

Article X

The City of Greenland shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Greenland under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Greenland have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

_____
Lioneld Jordan, Mayor

ATTEST:

_____
Sondra Smith, City Clerk

CITY OF GREENLAND, ARKANSAS

John Gray
_____
John Gray, Mayor

ATTEST:

Donna Cheevers
_____
Donna Cheevers, Treasurer

Exhibit A, Page 3 of 3

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police Projects	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment to recognize donated funds to the Police Department in the amount of $3,720.00

$ 3,720.00	$ 23,484.00	Police Donations/Donations Police Donations/Emp. Recognition
Cost of this request		Program Category / Project Name
1010-2920-5802.00 1010-2920-5329.00	$ 9,158.17	Donations
Account Number	Funds Used to Date	Program / Project Category Name
03044-1 03044-6	$ 14,325.83	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — 3-30-10 Date

City Attorney — 3-30-10 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becker
Finance and Internal Services Director — 3-30-2010 Date

Chief of Staff — 3-31-10 Date

Mayor — 3/31/10 Date

Received in City Clerk's Office — ENTERED 3/30/10

Received in Mayor's Office — ENTERED 3/30/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: April 2, 2010

Subject: Fayetteville Police Department Donations

PROPOSAL:

Periodically, businesses and/or citizens of Fayetteville will make monetary donations to the Police Department to enhance our services and/or to recognize our personnel. These checks were deposited into the City's General Fund and will be tracked through the City's Project Accounting System to insure that the donors intended purpose is met. Donations received during the first quarter of 2010 are as follows: $3,520 for support of police officer recognition and $200 to support general law enforcement activities. The attached budget adjustment will recognize revenue and establish an expense budget resulting from the various donations received during this period.

RECOMMENDATION:

Staff recommends approval of the attached budget adjustment to recognize donated funds to the Police Department in the amount of $3,720.

BUDGET IMPACT:

None.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE POLICE DEPARTMENT DONATION REVENUE FOR THE FIRST QUARTER OF 2010 IN THE AMOUNT OF $3,720.00

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the 2010 city budget by approving a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, to recognize police department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Police Patrol	Request Date	Adjustment Number
2010		4/20/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

Donated funds to support Police Officer recognition and general law enforcement activities.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Recognize revenue from various donations to the Police Department.

EXHIBIT A

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Donations - Police Department	1010-0001-4808.02		200	**03044-1**
Donations - Police Department	1010-0001-4808.02		3,520	**03044-6**
Vehicles And Equipment	1010-2920-5802.00	200		**03044-1**
Employee Recognition	1010-2920-5329.00	3,520		**03044-6**
	TOTAL	3,720	3,720	

Division Head — Date

Budget Director — Date 3-30-10

Department Director — Date 3-30-10

Finance Director — Date 3-30-2010

Chief of Staff — Date 3-31-10

Mayor — Date 3/31/10

Requested By W. Newman
Fayetteville Police Department

Budget & Research Use Only

Type: A B C (D) E

Description:

0

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

ARK ADULT PROBATION
AND PAROLE ASSOC
2679 Pike Ave
North Little Rock, AR 72114

1614
81-10/820

DATE 2/22/2010

PAY TO THE ORDER OF Fayetteville PD

$ 100.00

One hundred Dollars

DOLLARS

Security Features Details on Back.

REGIONS

FOR Donation Entertainers Fall 2009 Conference

MP

⑆082000109⑆ 8140285889⑈ 1614

Harland Clarke

FAYETTEVILLE POLICE DEPARTMENT

Vendor Number 3448

INVOICE NO	DATE	AMOUNT PAID
DONATION	3/08/10	100.00
CHECK AMOUNT -		100.00

UNITED BANK
2600 S. THOMPSON
SPRINGDALE, AR 72764
(479) 756-8811

016448

DATE 3/10/10

3448

One hundred & 00/100 dollars

AMOUNT ******100.00

PAY TO THE ORDER OF

FAYETTEVILLE POLICE DEPARTMENT
100-A WEST ROCK STREET
FAYETTEVILLE AR 72701

MP

AUTHORIZED SIGNATURE

⑈016448⑈ ⑆282974161⑆ 63310550⑈

THOMAS M. FOLEY
SANDRA FOLEY
1680 TALL GRASS DR. 479 571-2240
FAYETTEVILLE, AR 72701-0709

81-87/829
2024086601

6449

DATE 12/30/09

PAY TO THE ORDER OF FAYETTEVILLE POLICE DEPARTMENT $ 500.00/100

Five hundred 00/100 DOLLARS

Security Features Included. Details on Back.

© DELUXE WALLET OR DUPLICATE

320

ARVEST BANK arvest.com

MEMO Donation 2009

Sandra Foley MP

⑆082900872⑆ 6449 2024086601⑈

SPECIALTY GRAY

FRANCES SHOPE 1-92
OR EVELYN LOOMIS
9511 Hwy 5 N 62
Alexander, AR 72002
Ph. 501-847-3886

3823
81-10/820

11-28-09 DATE

PAY TO THE ORDER OF Fayetteville Police Dept $ 20.00

Twenty Dollars 00/100 DOLLARS

Security Features Details on Back.

REGIONS

FOR

Frances Shope MP

⑆082000109⑆ 8030417610⑈ 3823

© HARLAND

6918

GENERAL MAINTENANCE COMPANY
3102 N. COLLEGE AVE. PH. 521-5700
FAYETTEVILLE, AR 72703-3505

81-139/829

DATE 11/12/09

PAY TO THE ORDER OF Fayetteville Police Dept $ 100.00

One hundred & 00/100 DOLLARS

Security Features Included. Details on Back.

BANK OF ARKANSAS N.A.
FAYETTEVILLE, ARKANSAS
www.bankofarkansas.com

FOR Awards Comm. Kevin Collins MP

⑈006918⑈ ⑆082901392⑆ 0003349101⑈

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. THERMOCHROMIC INK SECURE MARK ON BACK, CHANGES COLOR WITH HEAT.

Tyson

P.O. BOX 2020
SPRINGDALE, ARKANSAS 72765-2020

Void after 90 Days

CHECK NO. 1004312031

DATE 12/09/2009

JP Morgan Chase Bank NA
Syracuse, NY 13206
Controlled Disb. Acct.
50-937/213

CHECK AMOUNT
$**1,000.00*

PAY *** ONE THOUSAND USD and 00/100***

TO THE ORDER OF FAYETTEVILLE POLICE DEPT
PO Box 1988
FAYETTEVILLE AR 72702

Treasurer

⑈1004312031⑈ ⑆021309379⑆ 6018739 6⑈

12321

BEARD'S FUNERAL CHAPEL
855 S. HAPPY HOLLOW RD. PH. 479-521-8551
FAYETTEVILLE, AR 72701-7244

81-87/829
0003192701

DATE 11-12-09

PAY TO THE ORDER OF Fayetteville Police Department $ 200.00

Two hundred and 00/100 DOLLARS

Security Features Included. Details on Back.

ARVEST® BANK arvest.com

FOR Awards Committee

Judy Beard

⑈012321⑈ ⑆082900872⑆ 0003192701⑈

1051

UNDERWOOD COLLEGE JEWELERY INC
611 W DICKSON
FAYETTEVIILLE, ARKANSAS 72701

81-87-829

DATE 12-14-09

PAY TO THE ORDER OF Fayetteville Police Department $ 100 00/

One hundred & 00/100s DOLLARS

Security Features Included. Details on Back.

ARVEST® BANK arvest.com

FOR Awards Committee

Laura D Underwood

⑈001051⑈ ⑆082900872⑆ 0041645741⑈

GREENLAND AUTO SALVAGE INC.
PRIMARY ACCOUNT
P.O. BOX 107 PH. 479-521-3137
GREENLAND, AR 72737

32713

81-161/829

12-9 2009

Pay to the Order of F.P.D. Awards Committee $ 100.00

One hundred & 00/100 Dollars

Security features are included. Details on back.

THE BANK OF FAYETTEVILLE, N.A.

Order Online at www.clinbusiness.com

For Awards & Appreciation Banquet

MP

⑈032713⑈ ⑆082901619⑆ 80037186⑈

12316

BREWSKI'S, INC.
408 WEST DICKSON PH. 973-6969
FAYETTEVILLE, AR 72701

81-161/829

DATE 12/4/9

PAY TO THE ORDER OF Fayetteville Police $ 50.00

Fifty & xx/100 DOLLARS

Security Features Included. Details on Back.

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC

FOR Awards Committee

MP

⑈012316⑈ ⑆082901619⑆ 70828176⑈

SECURITY WARNING: THE FACE OF THIS DOCUMENT FEATURES A COLORED BACKGROUND AND MICROPRINT BORDERS - THE REVERSE SIDE FEATURES ARTIFICIAL WATERMARKS

VOID VOID VOID

81-7475/2829

UARK FEDERAL CREDIT UNION
COMMERCIAL ACCOUNT
P.O. BOX 1643 PH. (479) 521-1199
FAYETTEVILLE, AR 72702

12802

DATE 12/18/2009

PAY TO THE ORDER OF FAYETTEVILLE POLICE DEPARTMENT $ **150.00

One Hundred Fifty and 00/100********** DOLLARS

FAYETTEVILLE POLICE DEPARTMENT
100-A WEST ROCK ST.
FAYETTEVILLE, AR 72701

NOT VALID AFTER 90 DAYS

Becky Whitted

MEMO ATTN: AWARDS COMMITTEE

⑈012802⑈ ⑆282974750⑆0000075714⑈

Dickson Street Clinic
C. R. Magness, M.D., P.A.
102 West Dickson Street
Fayetteville, AR 72701
479-521-1114

ARVEST BANK
Fayetteville, AR 72701
81-087/829

13158

12/14/2009

PAY TO THE ORDER OF Fayetteville Police Dept $ **50.00

Fifty and 00/100********** DOLLARS

Fayetteville Police Dept
Awards Committee
100 A West Rock Street
Fayetteville, AR 72701

MEMO

MP

⑈013158⑈ ⑆082900872⑆ 0011635862⑈

FIRST FEDERAL www.ffbh.com

FIRST FEDERAL BANK
ACCOUNTS PAYABLE
P.O. BOX 550
HARRISON, ARKANSAS 72602

12/02/09

193510
81-7020/2829

**Fifty & 00/100 USD

********$50.00

PAY
TO THE
ORDER OF
FAYETTEVILLE POLICE DEPARTMENT

FIRST FEDERAL BANK

MP

⑈193510⑈ ⑆282970204⑆ 5000089⑈

DOCUMENT IS PRINTED ON CHEMICALLY REACTIVE PAPER - THE BACK OF THIS DOCUMENT INCLUDES A TAMPER EVIDENT CHEMICAL WASH WARNING BOX

ARVEST BANK
81-87-829

011359

NWA ORAL & MAXILLOFACIAL SURGERY, PLLC
2025 GREEN ACRES ROAD
FAYETTEVILLE, AR 72703
PH. (479) 521-7777

12/3/2009

PAY TO THE ORDER OF Fayetteville Police Department $ **100.00

One Hundred and 00/100********** DOLLARS

Fayetteville Police Department
Awards Committee
100-A West Rock Street
Fayetteville, Ar 72701

MEMO
donation-Awards and Appreciation Banquet

AUTHORIZED SIGNATURE

HEAT SENSITIVE COLOR FADES WITH HEAT

ORIGINAL DOCUMENT HAS RED KEYHOLE DESIGN THAT DISAPPEARS WITH HEAT

⑈011359⑈ ⑆082900872⑆ 0019190189⑈

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND AND MICROPRINTING IN THE SIGNATURE LINE.

A 15
Fiscal Department Donations
Page 11 of 12

No. 107197

FirstSecurity Bank

P.O. BOX 1009
SEARCY, ARKANSAS 72145

81-153
829

CHECK NO.	DATE	CHECK AMOUNT
107197	12/14/2009	$500.00

EXPENSE CHECK

PAY ********** FIVE HUNDRED AND 00/100

TO THE ORDER OF

Fayetteville Police Dept

100-A West Rock Street
Fayetteville, AR 72701

AUTHORIZED SIGNATURE

⑈107197⑈ ⑆082901538⑆ 0100⑈075⑈6⑈

LARRY BITTLE INSURANCE AGENCY, INC.
2786 N. COLLEGE AVE, SUITE A
FAYETTEVILLE, AR 72703
(479) 521-6505

SIGNATURE BANK OF ARKANSAS
FAYETTEVILLE, AR 72703
81-883/829

11363

11/10/2009

PAY TO THE ORDER OF Fayetteville Police Department $ **100.00

One Hundred and 00/100********** DOLLARS

Fayetteville Police Department
Awards Committee
100-A West Rock Street
Fayetteville, AR 72701

MEMO

⑈011363⑈ ⑆082908832⑆ 7012608⑈

BANK OF AMERICA 81-7/820

030401

KING ELECTRICAL CONTRACTORS, INC.
2145 W. MOORE LANE
FAYETTEVILLE, AR 72704
(479) 443-0006

DATE
Nov 10, 2009

AMOUNT
$ *****$100.00

One Hundred and 00/100 Dollars

PAY TO THE ORDER OF: FAY POLICE DEPT

Memo: awards committee

AUTHORIZED SIGNATURE

Security features are included. Details on back.

9427

⑈030401⑈ ⑆082000073⑆ 0045090120 44⑈

Longer Investments Inc.
P.O. Box 1269
Fayetteville, AR 72702
(479) 443-5851

THE BANK OF FAYETTEVILLE
FAYETTEVILLE, N.A.
FAYETTEVILLE, AR 72701
81-161/829

11/11/2009

PAY TO THE ORDER OF Fayetteville Police Department $ **250.00

Two Hundred Fifty and 00/100********** DOLLARS

Fayetteville Police Department
Attn: Awards Committee
100-A West Rock St.
Fayetteville, AR 72701

MEMO Awards & Appreciation contribution

MP

⑈017630⑈ ⑆082901619⑆ 70037329⑈

SERVICE SUPPLY COMPANY, inc.

WHOLESALE DISTRIBUTION OF
PLUMBING AND INDUSTRIAL SUPPLIES
P.O. BOX 876
479/442-2325
FAYETTEVILLE, ARKANSAS 72702

THE BANK OF FAYETTEVILLE, N.A.
Fayetteville, Arkansas 72701

81-161
829

022331

00022331

DATE	CHECK NO.	CHECK AMOUNT
11/10/09		$100.00

PAY: PAY EXACTLY*******100**DOLLARS AND**00**CENTS
1FAYPO

TO THE ORDER OF
FAYETTEVILLE POLICE DEPARTMENT
ATTN: AWARDS DEPARTMENT
100-A WEST ROCK STREET
FAYETTEVILLE AR 72701

SERVICE SUPPLY COMPANY, INC.

AUTHORIZED SIGNATURE

⑈022331⑈ ⑆082901619⑆ 80000320⑈

35974

LIQUOR WORLD
3330 N. COLLEGE AVE. PH. 479-587-0480
FAYETTEVILLE, AR 72703

DATE 11/11-09

81-161-829

PAY TO THE ORDER OF Fayetteville Police Dept. $50.00

Fifty dollars and 00/xx DOLLARS

ONE SOUTH BLOCK STREET
FAYETTEVILLE, ARKANSAS 72701
THE BANK OF FAYETTEVILLE
479-444-4444 MEMBER FDIC

Awards Committee

Lyn Crawford MP

⑈035974⑈ ⑆082901619⑆ 70013276⑈

Details on back. Security Features Included.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police Projects	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment to recognize federal forfeiture revenue received during the first quarter of 2010 and appropriate expenses in the amount of $654.

$ 654.00	$ 44,158.00	PD Federal Forfeitures
Cost of this request	Category / Project Budget	Program Category / Project Name
1010-2920-5802.00	$ 9,875.67	Donations
Account Number	Funds Used to Date	Program / Project Category Name
03046-1	$ 34,282.33	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — Date: 3-30-10

City Attorney — Date: 3-30-10

Finance and Internal Services Director — Date: 3-30-2010

Chief of Staff — Date: 3-31-10

Mayor — Date: 3/31/10

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 3/30/10 Kim

Received in Mayor's Office — ENTERED 3/30/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: April 2, 2010

Subject: Law Enforcement Federal Forfeitures for Fayetteville Police Department

PROPOSAL:

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF) and the local office of the Federal Drug Enforcement Agency (DEA). Use of federal forfeiture funds must adhere to the Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies. All purchases utilizing these funds will follow the City of Fayetteville Purchasing Policy.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize federal forfeiture revenue received during the first quarter of 2010 and appropriate expenses in the amount of $654.

BUDGET IMPACT:

Increase expenses to correspond with federal forfeiture revenue received during the first quarter of 2010.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE FEDERAL FORFEITURE REVENUE FOR THE FIRST QUARTER OF 2010 IN THE AMOUNT OF $654.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the 2010 city budget by approving a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Police Projects	Request Date	Adjustment Number
2010		4/20/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

Federal forfeiture funds are required to be used for law enforcement purposes only.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Revenue resulting from the disbursement of seized cash/property made through the Department of Justice.

EXHIBIT A

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Vehicles And Equipment	1010-2920-5802.00	654		03046-1
Federal Forfeitures	1010-0001-4504.00		654	03046-1
	TOTAL	654	654	

Division Head — Date

Budget Director — Date: 3-30-10

Department Director — Date: 3-30-10

Finance Director — Date: 3-30-2010

Chief of Staff — Date: 3-31-10

Mayor — Date: 3/31/10

Requested By: W. Wadman
Fayetteville Police Department

Budget & Research Use Only

Type: A B C D E

Description:

0

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Project: 03046
PD Law Enforcement Federal Forfeitures
Sub Project: 1
PD Law Enforcement Federal Forfeitures
Project Fiscal Year: 2010

Budgeted Revenue : .00
Budgeted Expenses: 44,158.00
Surplus <Deficit>: 44,158.00-

Account Number	Amended Budget	Y-T-D Encumbrances	Y-T-D Transactions	Y-T-D Balance	Pct. Used
1010.0001.4504.00	.00	.00	653.61	653.61-	999
Total Revenues:	.00	.00	653.61	653.61-	999
1010.2920.5209.00	6998.00	.00	6997.25	.75	100
1010.2920.5210.00	.00	.00	286.00-	286.00	999
1010.2920.5302.00	9195.00	.00	3164.42	6030.58	34
1010.2920.5802.00	27965.00	.00	.00	27965.00	0
Total Expenses:	44158.00	.00	9875.67	34282.33	22

Bottom

F3=Exit F12=Cancel F14=Prev Year F15=Next Year F16=Life to Date

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Greg Tabor	Police Projects	Police
Submitted By	**Division**	**Department**

Action Required:

Approval of a budget adjustment to recognize state forfeiture revenue received during the first quarter of 2010 and appropriate expenses in the amount of $7,809.

$ 7,809.00	$ 62,649.00	PD State Forfeitures
Cost of this request	Category / Project Budget	Program Category / Project Name
1010-2920-5802.00	$ 80.80	Donations
Account Number	Funds Used to Date	Program / Project Category Name
03045-1	$ 62,568.20	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [ ] **Budget Adjustment Attached** [X]

Department Director — Date: 3-30-10

City Attorney — Date: 3-30-10

Finance and Internal Services Director — Date: 3-30-2010

Chief of Staff — Date: 3-31-10

Mayor — Date: 3/31/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 3/30/10

Received in Mayor's Office — ENTERED 3/30/10

Comments:

Fayetteville
ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
POLICE DEPARTMENT
100-A West Rock Street
Fayetteville, AR 72701
P (479) 587-3555 F (479) 587-3522

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and Members of the City Council

From: Greg Tabor, Chief of Police

Date: April 2, 2010

Subject: Law Enforcement State Forfeitures for Fayetteville Police Department

PROPOSAL:

The Fayetteville Police Department receives forfeitures as a result of civil proceedings concerning cash or property seized during a criminal investigation. Most of the forfeitures we have received in the past are a direct result from the efforts of the officers we assign to the 4th Judicial District Drug Task Force (4th DTF) and the local office of the Federal Drug Enforcement Agency (DEA). By statute, state forfeitures are to be spent for law enforcement purposes only. All purchases utilizing these funds must follow the City of Fayetteville Purchasing Policy.

RECOMMENDATION:

Staff recommends approval of a budget adjustment to recognize state forfeiture revenue received during the first quarter of 2010 and appropriate expenses in the amount of $7,809.

BUDGET IMPACT:

Increase expenses to correspond with state forfeiture revenue received during the first quarter of 2010.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE STATE FORFEITURE REVENUE FOR THE FIRST QUARTER OF 2010 IN THE AMOUNT OF $7,809.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the 2010 city budget by approving a budget adjustment, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, to recognize state forfeiture revenue for first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Police Division: Police Program: Police Projects	Request Date	Adjustment Number
2010		4/20/2010	

JUSTIFICATION TO INCREASE PROJECT / ITEM:

State forfeiture funds are required to be used for law enforcement purposes only.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

Revenue resulting from the disbursement of seized cash/property made by the 4th Judicial DTF.

EXHIBIT A

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Vehicles And Equipment	1010-2920-5802.00	7,809		03045-1
Police Law Enforcement Trust	1010-0001-4308.02		7,809	03045-1
	TOTAL	7,809	7,809	

Division Head — Date

Budget Director — Date: 3-30-10

Department Director — Date: 3-30-10

Finance Director — Date: 3-30-2010

Chief of Staff — Date: 3-31-10

Mayor — Date: 3/31/10

Requested By: *Fayetteville Police Department*

Budget & Research Use Only

Type: A B C D E

Description: 0

General Ledger Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Project: 03045
PD Law Enforcement State Forfeitures
Sub Project: 1
PD Law Enforcement State Forfeitures
Project Fiscal Year: 2010

Budgeted Revenue : .00
Budgeted Expenses: 62,649.00
Surplus <Deficit>: 62,649.00-

Account Number	Amended Budget	Y-T-D Encumbrances	Y-T-D Transactions	Y-T-D Balance	Pct. Used
1010.0001.4308.02	.00	.00	7808.50	7808.50-	999
Total Revenues:	.00	.00	7808.50	7808.50-	999
1010.2920.5304.00	81.00	.00	80.80	.20	100
1010.2920.5802.00	62568.00	.00	.00	62568.00	0
Total Expenses:	62649.00	.00	80.80	62568.20	0

Bottom

F3=Exit F12=Cancel F14=Prev Year F15=Next Year F16=Life to Date

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

David Jurgens	Solid Waste	Utilities
Submitted By	**Division**	**Department**

Action Required:

Resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality (ADEQ) recycling education grant though the Boston Mountain Solid Waste District for $25,000 for recycling containers for the West Side Recycling Drop Off Facility.

		Materials and Supplies
Cost of this request	Category / Project Budget	Program Category / Project Name
		Recycling
Account Number	Funds Used to Date	Program / Project Category Name
		Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	2 Apr 10 Date	Previous Ordinance or Resolution #	N/A
City Attorney	4-5-10 Date	Original Contract Date:	N/A
Finance and Internal Services Director	4-5-2010 Date	Original Contract Number:	N/A
Chief of Staff	4-5-10 Date		
Mayor	4/6/10 Date		

Received in City Clerk's Office — ENTERED 4-2-10 Kim

Received in Mayor's Office — ENTERED 4/5/10

Comments:

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CITY COUNCIL AGENDA MEMO
MEETING DATE OF APRIL 20, 2010
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
David Jurgens, Utilities Director
Carrol Hill, Solid Waste and Recycling

From: Brian Pugh, Solid Waste and Recycling

Date: 2 April 2010

Subject: Resolution Authorizing the Mayor to Apply for a 2010 ADEQ Recycling Education Grant through the Boston Mountain Solid Waste District for $25,000 for Recycling Education Support

RECOMMENDATION

Fayetteville City Administration recommends approval for the Mayor to apply for a 2010 Arkansas Department of Environmental Quality (ADEQ) education grant though the Boston Mountain Solid Waste District for $25,000 for recycling education support.

BACKGROUND

Each year the Arkansas Department of Environmental Quality issues recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiles the grant applications and submits them to the Solid Waste Board for approval at their August Board meeting. If approved, this would be the first recycling grant the City would receive.

DISCUSSION

This grant would be used to help develop an education program that will reach all age groups and encompass all types of recycling. It will be established as an on-going project. Fayetteville, Arkansas, is fortunate to have several residents and businesses committed to recycling, but they also would like additional information on recycling, including national and world trends on reuse programs. This program will be tailored to match what the specific community of Fayetteville needs for recycling education rather than a broad education application and include a comprehensive education program.

BUDGET IMPACT

The recycling grant awards are not matching grants, so no City funds are obligated with this request. Upon approval and award of the grant a budget adjustment will be requested to recognize the grant revenue and a capital project will be created.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A 2010 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING EDUCATION GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF $25,000.00 FOR RECYCLING CONTAINERS FOR THE WESTSIDE RECYCLING DROP-OFF FACILITY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District, in the amount of $25,000.00 for recycling containers for the Westside Recycling Drop-off Facility.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

MIKE BEBEE, GOVERNOR
Teresa Marks, Director

Solid Waste Management Division, Recycling/Marketing Branch

SOLID WASTE AND RECYCLING GRANTS

State Fiscal Year 2011 PRE-APPLICATION FORM

Estimated Amount Requested: $ 25,000

_____ Regional Solid Waste Management District

1.1 City of Fayetteville
Name of Applicant (This may be a city, county, municipality, etc.)

1.2 Brian Pugh
Contact Person (This person must be available to answer questions regarding this grant.)

1.3 113 W. Mountain
Address City

Washington 72701
County Zip

(479) 718-7685
Area Code Telephone

(479) 444-3478 bpugh@ci.fayetteville.ar.us
Fax E-mail

2.1 Grant Category: Check One ***(Please select only one category per application.)***

	Administrative		Material Recovery Facility (MRF)
	Composting Equipment Specify type		Recycling Equipment Specify type Drop off bins
x	Education		Solid Waste Planning
	Recycling Programs		Transfer Station with Recycling

2.2 Project Summary *(On a separate sheet, in 25 words or more, provide an overview of the proposed project, including materials to be collected.)*

2.3 Is similar equipment or service being offered by the private sector in the area?
(In the case of a private sector conflict, a statement of cooperation or acceptance from the entity affected is required.)

☐ Yes (explain) x☐ No

_____
Signature of Applicant's Authorized Representative

_____ (____) _____ _____
Title Telephone Number Date

_____
Signature of RSWMD Board Chairman

_____ _____
Print name Date

SOLID WASTE & RECYCLING DIVISION
UTILITIES DEPARTMENT

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
TDD (Telecommunications Device for the Deaf)
(479) 521-1316

April 2, 2010

Recycling Grant Pre- application – Education

This grant would be used to help develop an education program that will reach all age groups and encompass all types of recycling. It will be established as an on-going project. Fayetteville, Arkansas, is fortunate to have several residents and businesses committed to recycling, but they also would like additional information on recycling, including national and world trends on reuse programs. This program will be tailored to match what the specific community of Fayetteville needs for recycling education rather than a broad education application and include a comprehensive education program.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

David Jurgens	Solid Waste	Utilities
Submitted By	**Division**	**Department**

Action Required:

Resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality (ADEQ) recycling grant though the Boston Mountain Solid Waste District for $47,250 for recycling containers for the West Side Recycling Drop Off Facility.

	$ 55,000.00	Materials and Supplies
Cost of this request	Category / Project Budget	Program Category / Project Name
5500-5060-5227.00	$ 34,255.00	Recycling
Account Number	Funds Used to Date	Program / Project Category Name
	$ 20,745.00	Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	2 Apr 10 Date	Previous Ordinance or Resolution #	N/A
City Attorney	4-2-10 Date	Original Contract Date:	N/A
Finance and Internal Services Director	4-5-2010 Date	Original Contract Number:	N/A
Chief of Staff	4-5-2010 Date		
Mayor	4/6/10 Date		

Received in City Clerk's Office — ENTERED 4/2/10 GO

Received in Mayor's Office — ENTERED 4/2/10 BRP

Comments:

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www.accessfayetteville.org

CITY COUNCIL AGENDA MEMO
MEETING DATE OF APRIL 20, 2010
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff
David Jurgens, Utilities Director
Carrol Hill, Solid Waste and Recycling

From: Brian Pugh, Solid Waste and Recycling

Date: 2 April 2010

Subject: Resolution Authorizing the Mayor to Apply for a 2010 ADEQ Recycling Grant though the Boston Mountain Solid Waste District for $47,250 for Recycling Containers for the West Side Recycling Drop Off Facility

RECOMMENDATION

Fayetteville City Administration recommends approval for the Mayor to apply for a 2010 Arkansas Department of Environmental Quality (ADEQ) recycling grant though the Boston Mountain Solid Waste District for $47,250 for recycling containers for the West Side Recycling Drop Off Facility.

BACKGROUND

Each year the Arkansas Department of Environmental Quality issues recycling grants through local Solid Waste Districts to help fund recycling programs. The City has benefited from these grants in the past. The Boston Mountain Solid Waste District compiles the grant applications and submits them to the Solid Waste Board for approval at their August Board meeting. In 2009, the City received a $47,250 grant to fund the purchase of half of the bins needed for the site.

DISCUSSION

This grant would be used to purchase the remaining recycling containers utilized in a new West Side recycling drop off facility. The site is proposed to be located on Broyles Road near the West Side Wastewater Treatment Plant on City land. This grant would fund the rest of the containers. The West Side recycling drop off is intended as our premier drop off and recycling education facility, integrating all aspects of the proximity too the Woolsey Wet Prairie into a comprehensive sustainability and recycling education site. We intend to incorporate Low Impact Development techniques into the drop off center design as much as possible. The improvements will also include an increase in using volunteers to help maintain the site.

BUDGET IMPACT

The recycling grant awards are not matching grants, so no City funds are obligated with this request. Upon approval and award of the grant a budget adjustment will be requested to recognize the grant revenue and a capital project will be created.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A 2010 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY RECYCLING GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF $47,250.00 FOR RECYCLING CONTAINERS FOR THE WESTSIDE RECYCLING DROP-OFF FACILITY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District, in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY

MIKE BEBEE, GOVERNOR
Teresa Marks, Director

Solid Waste Management Division, Recycling/Marketing Branch

SOLID WASTE AND RECYCLING GRANTS

State Fiscal Year 2011 PRE-APPLICATION FORM

Estimated Amount Requested: $ 47,250

_____ Regional Solid Waste Management District

1.1 City of Fayetteville
Name of Applicant (This may be a city, county, municipality, etc.)

1.2 Brian Pugh
Contact Person (This person must be available to answer questions regarding this grant.)

1.3 113 W. Mountain Fayetteville
Address City

Washington 72701
County Zip

(479) 718-7685
Area Code Telephone

(479) 444-3478 bpugh@ci.fayetteville.ar.us
Fax E-mail

2.1 Grant Category: Check One *(Please select **only one** category per application.)*

	Administrative		Material Recovery Facility (MRF)
	Composting Equipment Specify type	x	Recycling Equipment Specify type Drop off bins
	Education		Solid Waste Planning
	Recycling Programs		Transfer Station with Recycling

2.2 Project Summary *(On a separate sheet, in 25 words or more, provide an overview of the proposed project, including materials to be collected.)*

2.3 Is similar equipment or service being offered by the private sector in the area?
(In the case of a private sector conflict, a statement of cooperation or acceptance from the entity affected is required.)

☐ Yes (explain) x☐ No

_____
Signature of Applicant's Authorized Representative

_____ (____) _____ _____
Title Telephone Number Date

_____
Signature of RSWMD Board Chairman

_____ _____
Print name Date

SOLID WASTE & RECYCLING DIVISION
UTILITIES DEPARTMENT

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TDD (Telecommunications Device for the Deaf)
(479) 521-1316

April 2nd 2010

Recycling Grant Pre- application – Drop Off Bins

This grant would be used to purchase the remaining recycling containers utilized in a new West Side recycling drop off facility. The site is proposed to be located on Broyles Road near the West Side Wastewater Treatment Plant on City land. In 2009, the City received a $47,250 grant to fund the purchase of half of the bins needed for the site. This grant would fund the rest of the containers. The West Side recycling drop off is intended as our premier drop off and recycling education facility, integrating all aspects of the proximity too the Woolsey Wet Prairie into a comprehensive sustainability and recycling education site. We intend to incorporate Low Impact Development techniques into the drop off center design as much as possible. The improvements will also include an increase in using volunteers to help maintain the site.

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

David Jurgens	Utilities	Water/Wastewater
Submitted By	**Division**	**Department**

Action Required:

Resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) Program grant for $485,000 from the US Environmental Protection Agency for sanitary sewer system improvements, specifically replacing and upgrading the Elkins outfall sewer line and other lines in the area, and designating the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

	$ 1,680,000.00	Swr Replace- Elkins Outfall Line
Cost of this request	Category / Project Budget	Program Category / Project Name
2300-9300-5815.00	$ -	Sewer Impact Fee Improvements
Account Number	Funds Used to Date	Program / Project Category Name
10010	$ 1,680,000.00	Water/Sewer
Project Number	Remaining Balance	Fund Name

Budgeted Item XX **Budget Adjustment Attached**

Department Director — 2 Apr 10 Date

City Attorney — 4-2-10 Date

Finance and Internal Services Director — 4-5-2010 Date

Chief of Staff — 4/5/10 Date

Mayor — 4/6/10 Date

Previous Ordinance or Resolution # N/A

Original Contract Date: N/A

Original Contract Number: N/A

Received in City Clerk's Office — ENTERED 4/7/10 AP

Received in Mayor's Office — ENTERED 4/2/10 BRP

Comments:

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CITY COUNCIL AGENDA MEMO
MEETING DATE OF APRIL 20, 2010
THE CITY OF FAYETTEVILLE, ARKANSAS

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director
Fayetteville Water and Sewer Committee

Date: 2 April 2010

Subject: Resolution Authorizing the Mayor to Apply for an EPA STAG Grant for $485,000 for Sanitary Sewer System Improvements, Replacing And Upgrading The Elkins Outfall Sewer and Area Lines

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) Program grant for $485,000 from the US Environmental Protection Agency for sanitary sewer system improvements, specifically replacing and upgrading the Elkins outfall sewer line, and other lines in the area, and designating the Mayor as the City's Authorized Representative in all matters relating to the procurement and administration of said grant.

BACKGROUND

Fayetteville has been informally notified by Arkansas Natural Resources Commission that it will be the recipient of $485,000 in USEPA Grant Assistance from the STAG Program for 2010. This EPA grant funding was requested in February 2009. The EPA grant provides a maximum of 55% of the costs, with the remaining 45% ($412,250.00) being the required minimum local match.

DISCUSSION

As we have less than two weeks between official notification and the submission deadline we are requesting this resolution in advance. A preliminary design report (PDR) was completed in 2000 that we will update prior to submitting the actual grant application. The project includes the Fayetteville owned sewer transmission line which carries flow from the end of the Elkins line, shown on the attached map, as well as other lines in this area. The PDR confirmed the necessity of a larger diameter force main due to increased capacity needs. It is anticipated that these grant funds will be used for both the design and construction, and that we will use in-house design.

BUDGET IMPACT

Replacement of the Elkins sewer force mail is a budgeted project using impact fees as it increases the capacity of the existing line. The grant proceeds will be combined with the City's budgeted funds and a cost share from Elkins. A budget adjustment recognizing the grant revenue will be processed when the actual grant approval is received. Elkins

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR A STATE AND TRIBAL ASSISTANCE GRANT (STAG) IN THE AMOUNT OF $485,000.00 FROM THE U. S. ENVIRONMENTAL PROTECTION AGENCY FOR SANITARY SEWER SYSTEM IMPROVEMENTS IN THE AREA OF AND INCLUDING THE ELKINS OUTFALL SEWER LINE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U. S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

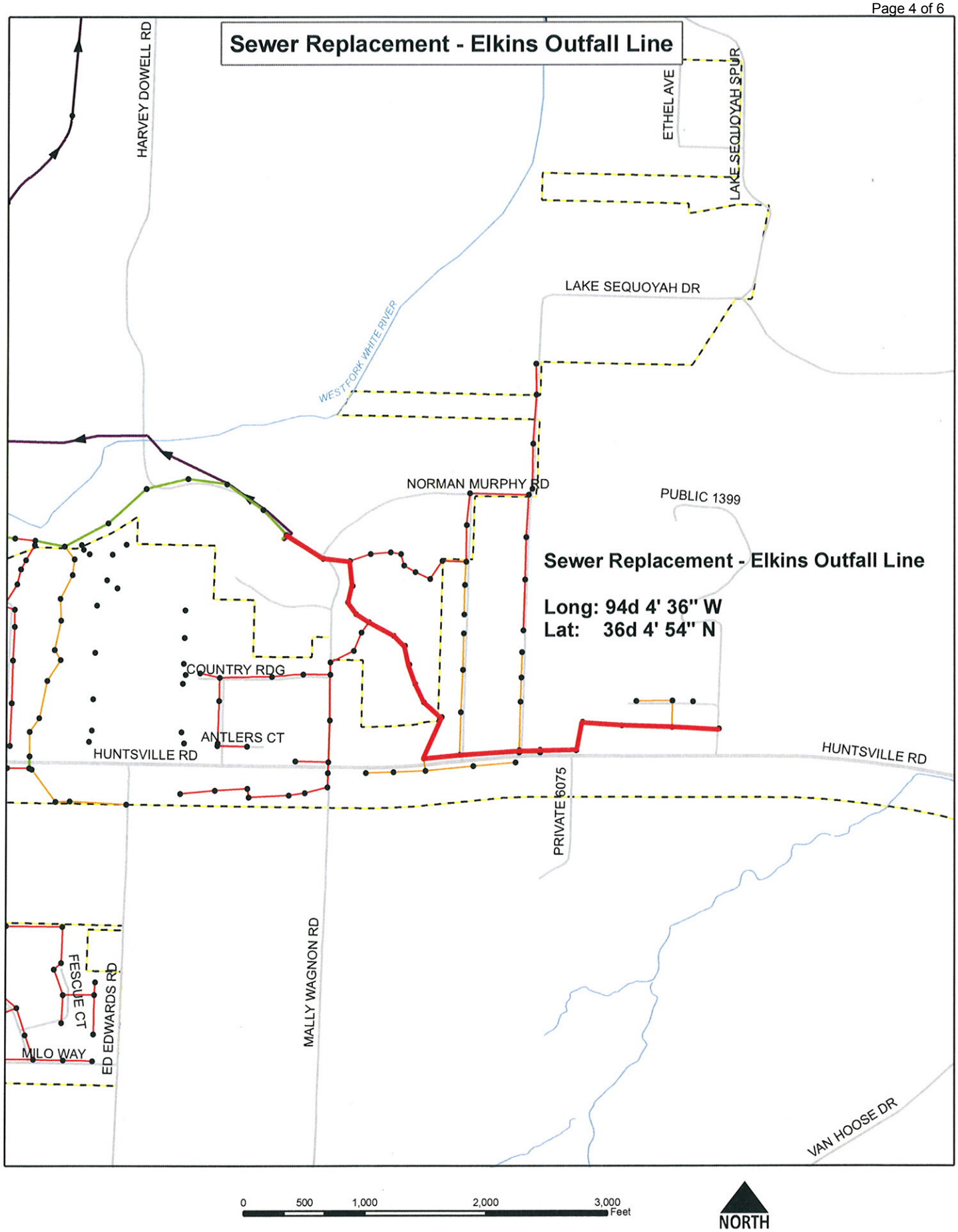
Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to act as the City's authorized representative in all matters related to the procurement and administration of said grant.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer


Sewer Replacement - Elkins Outfall Line
HARVEY DOWELL RD
ETHEL AVE
LAKE SEQUOYAH SPUR
LAKE SEQUOYAH DR
WESTFORK WHITE RIVER
NORMAN MURPHY RD
PUBLIC 1399
Sewer Replacement - Elkins Outfall Line
Long: 94d 4' 36" W
Lat: 36d 4' 54" N
COUNTRY RDG
ANTLERS CT
HUNTSVILLE RD
HUNTSVILLE RD
PRIVATE 6075
MALLY WAGNON RD
FESCUE CT
ED EDWARDS RD
MILO WAY
VAN HOOSE DR
0
500
1,000
2,000
3,000
Feet
NORTH

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 29 2010

OFFICE OF
WATER

MEMORANDUM

SUBJECT: Award of Special Appropriations Act Project Grants Authorized by the Agency's FY 2010 Appropriations Act

FROM: James A. Hanlon, Director
Office of Wastewater Management (4201M)

TO: Water Management Division Directors
Regions I - X

PURPOSE

This memorandum provides information and guidelines on how the Environmental Protection Agency (EPA) will award and administer Special Appropriations Act Project (SAAP) grants identified in the State and Tribal Assistance Grants (STAG) account of the fiscal year (FY) 2010 Appropriations Act.

BACKGROUND

The EPA section of P. L. 111-88, the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010," also referred to as the Agency's FY 2010 Appropriations Act, includes $156,777,000 in the STAG account for 317 drinking water, wastewater and stormwater infrastructure and water quality protection projects. Also included in the STAG account, as a separate line item, is $17,000,000 for the United States-Mexico Border Program. The Joint Explanatory Statement accompanying the FY 2010 Appropriations Act identifies two projects to be funded directly from the line item for the United States-Mexico Border Program: "From within the amount provided [for the Mexico Border program], $2,500,000 is directed to the El Paso and Brownsville, TX projects as in prior years."[1] The FY 2010 Appropriations Act also contains a rescission of $40,000,000 from the STAG and Superfund appropriations accounts. For the STAG component of the rescission, the conferees directed the Agency to use unobligated balances from prior year categorical and other grant programs. Unlike in previous

[1] "Section 444 of the General Provisions of the Agency's FY 2010 Appropriations Act incorporates by reference a list of Congressionally requested projects. The funding for El Paso and Brownsville is included in that list of projects.

	309	WI	Milwaukee Metropolitan Sewerage District for the replacement of a central sewer system	$	400,000	$ 388,000
	310	WI	The City of Abbotsford for water treatment infrastructure	$	1,000,000	$ 970,000
	311	WI	The City of Park Falls for sewer infrastructure	$	550,000	$ 533,000
	312	WI	The Village of Athens for wastewater treatment facility upgrades	$	1,000,000	$ 970,000
	313	WI	The Village of Stetsonville for a public drinking water system	$	1,000,000	$ 970,000
	315	WV	Ohio River Valley Sanitation Commission of organic detection system improvements	$	1,200,000	$ 1,164,000
				$	**23,674,500**	**$ 22,960,000**
	12	AR	Cabot Waterworks for wastewater improvements	$	500,000	$ 485,000
	13	AR	City of Dardanelle for water treatment plant expansion	$	300,000	$ 291,000
	14	AR	City of Forrest City for water infrastructure improvements	$	300,000	$ 291,000
	15	AR	City of Warren for water infrastructure improvements	$	300,000	$ 291,000
	16	AR	Fort Chaffee Redevelopment Authority for water system improvements	$	300,000	$ 291,000
	17	AR	The City of Fayetteville for Elkins Outfall Sewer Line sewer replacement	$	500,000	$ 485,000
	124	LA	City of Baton Rouge for East Baton Rouge Parish wastewater system improvements	$	300,000	$ 291,000
	125	LA	City of Lake Charles for wastewater system improvements	$	300,000	$ 291,000
	126	LA	Lafayette Utilities System for drinking water and wastewater line relocations and upgrades project	$	300,000	$ 290,000
	127	LA	St. Tammany Parish for Bayou Chinchuba Regional water retention	$	500,000	$ 485,000
	128	LA	The City of Monroe for a wastewater treatment system	$	500,000	$ 485,000
	129	LA	City of Grambling for drinking water system improvements	$	300,000	$ 291,000
	198	NM	The Pueblo of San Felipe for wastewater infrastructure	$	400,000	$ 388,000
	199	NM	City of Carlsbad for a water reuse project	$	300,000	$ 291,000
	200	NM	City of Portales for wastewater treatment plant improvements	$	300,000	$ 291,000
	233	OK	City of Enid for planning, design and construction of a wastewater treatment plant	$	300,000	$ 291,000
Region 6	234	OK	Lawton Ft. Sill Chamber of Commerce for Lawton Industrial Park Expansion for Water and Sewer Line Extensions	$	750,000	$ 726,000
	267	TX	City of Beaumont for a sewer line rehabilitation project	$	400,000	$ 388,000
	268	TX	City of Lubbock for a treated drinking water pipeline project	$	200,000	$ 194,000
	269	TX	City of Lufkin for design and construction of drinking water infrastructure, storage and treatment capacity	$	400,000	$ 388,000
	270	TX	City of Nacogdoches for construction of two detention ponds	$	500,000	$ 485,000
	271	TX	City of Round Rock for planning, design and construction of a regional water supply system	$	300,000	$ 291,000
	272	TX	The City of Andrews for Andrews arsenic filtration pilot project	$	400,000	$ 388,000
	273	TX	The City of Austin for Austin Sanitary Sewer Overflow Prevention	$	500,000	$ 485,000
	274	TX	The City of Baytown for water and wastewater infrastructure improvements	$	500,000	$ 484,000
	275	TX	The City of Crystal City for water infrastructure improvements	$	500,000	$ 485,000
	276	TX	The City of Gainesville for the water treatment plant expansion project	$	500,000	$ 485,000
	277	TX	The City of Joshua for the Joshua drainage project in Johnson County	$	1,000,000	$ 970,000
	278	TX	The City of La Vernia for drinking water infrastructure	$	500,000	$ 485,000
	279	TX	The City of Petersburg for elevated water tank replacement	$	439,000	$ 425,000
	280	TX	The City of Temple for industrial park wastewater line and interceptor	$	500,000	$ 485,000
		TX	El Paso Set-Aside from US-Mexico Border Program	$	1,250,000	$ 1,250,000
		TX	Brownsville Set-Aside from US-Mexico Border Program	$	1,250,000	$ 1,250,000
				$	**15,589,000**	**$ 15,192,000**
	81	IA	City of Boone for wastewater and stormwater infrastructure improvements	$	300,000	$ 291,000
	82	IA	City of Clinton for construction of a new wastewater treatment facility	$	300,000	$ 291,000
	83	IA	City of Keokuk for a stormwater and sewer separation project	$	300,000	$ 291,000
	84	IA	City of Ottumwa for wastewater and stormwater infrastructure improvements	$	300,000	$ 291,000
	85	IA	The City of Garner for wastewater treatment infrastructure improvements	$	500,000	$ 485,000
	105	KS	City of Buhler for construction of an adsorption media drinking water treatment facility	$	600,000	$ 582,000
	106	KS	City of Iola for drinking water and wastewater pipe improvements project	$	300,000	$ 291,000
	107	KS	City of Junction City for construction of a drinking water project	$	250,000	$ 242,000

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/6/2010
City Council Meeting Date
Agenda Items Only

Jeremy Pate	Development Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

An ordinance to amend the Unified Development Code to create new and rearrange existing use units, implement new form-based zoning districts and associated design standards.

Cost of this request	Category / Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 03.10.2010 Revised 03.24.2010

City Attorney — Date: 3-25-2010

Finance and Internal Services Director — Date: 3-25-2010

Chief of Staff — Date: 3-25-10

Mayor — Date: 3/25/10

Previous Ordinance or Resolution # [redacted]

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office — ENTERED 3/11/10 Kim

Received in Mayor's Office — ENTERED 3/25/10 BCP

Comments:

Left on First Reading @ 4/6/10 CC mtg.

City Council Meeting Date:
April 06, 2010

City Council Agenda Memo

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director

From: Dara Sanders, Current Planner

Date: March 10, 2010

Subject: UDC Amendments (ADM 09-3502): Form-based Zoning Districts

BACKGROUND & PROPOSAL

City Plan 2025. The City of Fayetteville established a benchmark through City Plan 2025 and the idea was further encouraged in the 2009 Fayetteville Forward Summit to adopt traditional, form-based zoning districts for as-of-right development. Currently, the City has three conventional commercial zoning districts that are utilized outside of the Downtown Master Plan area: C-1, Neighborhood Commercial, C-2, Thoroughfare Commercial, and C-3, Central Commercial. These conventional commercial zoning districts vary only slightly in intensity and use and do not clearly promote the goals of City Plan 2025 to infill and revitalize, to discourage sprawl, or to make traditional town form the standard development pattern. Additionally, these districts are designed to produce an automobile-oriented form that is largely disassociated from adjacent developments and does not encourage pedestrian activity, resulting in large parking areas between the street/sidewalk and the building.

In 2003, the City Council approved the City Planning Division's proposal to create a Planned Zoning District (PZD) option to allow property owners and developers the ability to propose and construct a project consisting of a single use or mixture of uses in a unique form that responds to the needs of the site and use(s), that could not otherwise be permitted under the City's established zoning districts. Since the adoption of City Plan 2025, 50 PZD applications have been submitted to the Planning Division. Each approved PZD application consists of at least one new zoning district that is unique to one location and is tracked and administered by the City Planning Division. The number of PZD applications submitted and approved that have a very different form than our zoning codes currently permit indicates a shift in land use and development form, a trend to which we feel the City must respond.

In November of 2008, City Planning staff began the initial process of research and analysis with the intent to draft new mixed-use zoning districts for the City of Fayetteville. Staff reviewed the zoning districts that are administered in 12 peer and/or model cities for the intent of the district, the

combination of uses, parking requirements, associated design regulations, and an administrative approval option: Ames, IA; Champaign, IL; Chattanooga, TN; Urbana, IL; Lawrence, KS; Lynchburg, VA; Iowa City, IA; Denton, TX; Columbia, MO; Naperville, IL; Rockhill, MD; and Chapel Hill, NC. In response to the findings of our research and City Plan 2025, staff has drafted a proposal to create new mixed-use zoning districts, comparable to the City's three conventional commercial zoning districts but modeled after more traditional town form zoning districts. These zoning districts organize and encourage a mixture of uses and include a build-to zone, a minimum buildable street frontage percentage, and architectural and site design standards that are required for each project within the zone. Staff has modified existing Use Units and also created a new low-intensity neighborhood district in order to balance and organize the existing zoning districts to promote the goals of City Plan 2025, as well.

Use Units

As Use Units have been modified and added to Chapter 162 of the Unified Development Code over several years, some disorganization and inconsistencies have occurred and a range in intensity among uses has been lost. In response, staff proposes to combine similar uses and to establish a size restriction for Use Unit 15 (Neighborhood Shopping) so that it is consistent with its name and description to be neighborhood-oriented. In addition, staff proposes to create a new use unit (**Limited Business**) to encourage "neighborhood friendly" development, appropriate mixed use, and to balance the uses within existing residential and transitional zoning districts.

Use Unit 12, Limited business –

Traditional neighborhoods typically include low-intensity, nonresidential uses that serve the residents in the immediate area, such as a doctor's office, a bakery, a child care business, or a coffee shop. However, with the adoption of conventional or "Euclidean" zoning districts, residential and commercial uses are generally separated from each other in different zoning districts that are applied to large areas, resulting in vehicular travel to access residential services.

Currently, Fayetteville utilizes two (2) different "office" use units that are virtually the same: Use Unit 12 (Offices, studios, and related services) and Use Unit 25 (Professional offices). Staff proposes to consolidate both office use units into one, Use Unit 25, and to designate Use Unit 12 as *Limited business*. The proposed *Limited business* includes a combination of office, eating places, and retail uses that are subject to square footage limitations and design regulations for compatibility with adjacent residential uses.

The City Planning Division has processed several PZD applications to allow for the uses that staff has included in Use Unit 12, *Limited business* in single-family zoning districts. These projects are typically at corner locations or adjacent to collector/major streets and provide a type of low-intensity nonresidential service to the immediate area, such as an office building, day care, or veterinarian office. Staff proposes to include Use Unit 12, *Limited business* as a permitted use in the R-O, *Residential office* zoning district. Staff also proposes to include Use Unit 12 as a conditional use in the RSF-4, RSF-7, RSF-8, RT and RMF districts, and the Neighborhood Conservation zoning districts. When located within a residential zoning district, Use Unit 12,

Limited business would be subject to specific conditions that regulate the hours of operation, building form, and parking for the proposed use to ensure compatibility with the surrounding residences.

Because the proposed Use Unit 12 is made up of a mixture of office, eating places, and retail uses subject to size restriction, *Limited business* is not included in a zoning district when Use Units 13 (Eating places), 15 (Neighborhood commercial), and 25 (Offices, studios, and related services) are listed as permitted uses.

Use Unit 15, Neighborhood commercial –

Use Unit 15, *Neighborhood shopping goods* is a commercial use unit that includes a variety of retail and personal services and was originally intended to provide frequently purchased commercial goods where convenience of location is more important than comparative shopping. This use unit is very similar to Use Unit 16, *Shopping goods*, and is not designed for compatibility with adjacent neighborhoods.

In order to provide a succession of intensity in land use and to promote compatibility with adjacent neighborhoods, staff proposes a building size limitation of 25,000 square feet for all included uses under Use Unit 15, Neighborhood shopping and to leave Use Unit 16, Shopping goods unrestricted. Use Unit 15 has been included as a Conditional Use in all zoning districts that currently include Use Unit 15 as a permitted use, so as to provide flexibility on a case by case basis.

Use Unit 17, Transportation trades and services –

Currently, Use Unit 17, *Trades and services*, is made up of a variety of uses that range from rug repair to marine craft sales and service, with a wide range in between. Staff proposes to reassign all general commercial and personal service uses to Use Unit 16 *Shopping goods* and to designate Use Unit 17 as *Transportation trades and services*, which would address the needs and operation of transportation-oriented businesses.

Zoning Districts

Fayetteville residents and City Council members expressed in City Plan 2025 and through various public meetings dissatisfaction with the development form and appearance produced by conventional C-1 and C-2 zoning districts, which is generally a "strip-commercial" development form. Research over many years' worth of Comprehensive Land Use Plans indicates a desire to move away from this development pattern. To provide an alternative, staff proposes three (3) new zoning districts that will provide a more balanced range of nonresidential uses and intensity and will work toward achieving the goals, objectives, and benchmarks outlined in City Plan 2025. These new zoning districts (**Neighborhood Services, Community Services, Urban Thoroughfare**) are comparable to the City's existing conventional zoning districts (R-O, C-1, C-2, C-3) in use but are designed with a build-to zone and architectural/site design standards in a traditional town form. It is the intent of most of these zoning districts to offer a more rigid standard that adheres to the City's stated goals of

traditional town form development patterns while permitting administrative approval to achieve Fayetteville's established benchmarks for "as-of-right development".

Neighborhood Services –

With only two (2) primary commercial zoning districts, a variety of intensity does not exist between R-O, Residential Office, an unrestricted professional office zoning district, and C-1, Neighborhood Commercial, a medium intensity commercial zoning district. Staff proposes a new low-intensity, mixed use zoning district designed to promote a pedestrian-oriented and sustainable neighborhood with limited non-residential uses that serve the immediate residential area.

This zoning district is intended primarily for intersections to serve as a node of nonresidential services or as a transitional zoning district between an established residential area and a commercial district. Permitted uses include single-, two-, and three-family residential uses and the new *limited business* use unit, and conditional uses are office and commercial uses that might need additional square footage allowance or dwelling units than permitted by right. The requirement of a build-to zone will encourage a more traditional town form with a portion of the building located at the street and associated parking located to the side or rear of the building, outside of the build-to zone.

Community Services –

As mentioned previously, two (2) primary conventional commercial zoning districts are available outside of the Downtown Master Plan area – C-1, Neighborhood Commercial and C-2, Thoroughfare Commercial – and three (3) form-based, mixed-use zoning districts are utilized within the Downtown Master Plan area – Downtown General, Main Street/Center, and Downtown Core.

Staff proposes a new zoning district that combines the facets of the existing C-1, Neighborhood Commercial and Downtown General zoning districts. Community Services is a medium-intensity, mixed-use district intended for commercial corridors that connect denser development nodes and serve the surrounding community and residential areas. It includes residential, office, and size-restricted commercial uses by right, and larger commercial uses by conditional use.

This district requires an urban form with a 10'-25' build-to zone and 65% minimum buildable street frontage requirements. Staff finds that this zoning district is an appropriate district for infill and redevelopment opportunities and has attached an example of the type of development that could be produced in the Community Services zoning district.

Urban Thoroughfare –

Similar to the concept of the proposed Community Services zoning district, staff proposes a new zoning district that is comparable to the C-2, Thoroughfare Commercial and Main

Street/Center zoning districts. The Urban Thoroughfare zoning district is a higher intensity district designed to serve the region with a concentration of commercial and mixed-use activities along major thoroughfares. It includes residential, office, and commercial uses by right.

This district also requires an urban form with a 10'-25' build-to-zone and 50% minimum buildable street frontage. As a result of design exercises conducted by the Strategic and City Planning Divisions, staff finds that the parking and access management requirements for many of the uses permitted in the Urban Thoroughfare zoning district warrant a lower minimum buildable street frontage percentage.

Administrative Approval

The goals, objectives, and actions included in City Plan 2025 call for the development and implementation of a form-based code that would allow as-of-right development of property in congruence with those standards (see Goals 1,3, 4, and 6). As an incentive for utilizing these new form-based zoning districts outside of the Downtown Master Plan area and in accordance with City Plan 2025, staff proposes to offer administrative development approval for the Community Services and Urban Thoroughfare zoning districts. While subdivision applications still require Planning Commission action, other development applications would be approved by city staff through an established review process appropriate to the size of the site. Project plans will be reviewed by the Technical Plat Review Committee, which consists of all applicable City divisions and the utility companies. The applicant will also be responsible for compliance with the notification requirements to adjacent property owners, and compliance with the public comment and appeal process.

Nonresidential Design Standards –

Because of the eligibility for administrative approval for developments associated with the Community Services and Urban Thoroughfare zoning districts, staff recommends additional Nonresidential Design Standards that would apply to a development application that is eligible for administrative approval, in addition to the City's current Commercial and Development Design Standards. The intent of these standards is to establish a higher standard for building and site design to produce a development that responds more appropriately to the needs of pedestrians and cyclists and to reduce the impact of vehicular traffic needs. The proposed Nonresidential Design Standards include building mass regulations and limitations, façade articulation requirements that vary depending upon visibility from the public right-of-way, window percentage requirements, and pedestrian-scaled elements, such as open space, bench, and planting requirements. Urban residential projects would be required to meet the already established design standards.

Participation

Over the past year, staff has scheduled three work sessions – two open Planning Commission workshops and one Developer/Design Professional session – to discuss the draft proposal and to request comments and suggestions from different stakeholders. Staff also presented these concepts to the Fayetteville Forward Economic Development group and the Chamber of Commerce. The item was also presented at two Planning Commission meetings, where it was discussed, amended and finally approved in February of this year.

The proposal to amend several chapters of the UDC to adopt new use units, modify existing use units, adopt new zoning districts, modify existing zoning districts, and adopt nonresidential design standards are highlighted and attached to the staff report.

RECOMMENDATION

Staff recommends the Council hold a workshop to review the proposed amendments prior to the Council meeting. Following this review and any revisions, staff recommends approval of the proposed amendments to chapters of the UDC as described above. This item was heard at the January 25th and February 8th Planning Commission meetings and forwarded to the City Council with a unanimous recommendation for approval (7-0-0).

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO MODIFY EXISTING AND CREATE NEW USE UNITS AND FORM-BASED ZONING DISTRICTS THAT PERMIT ADMINISTRATIVE DEVELOPMENT APPROVAL, AND TO CREATE DESIGN STANDARDS FOR SAID DISTRICTS.

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code should be revised to achieve a benchmark established through City Plan 2025 and the Fayetteville Forward Summit to adopt traditional, form-based zoning districts for as-of-right development; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code should include a balanced range of zoning districts and uses that meet the needs and expectations of Fayetteville citizens, stakeholders, and land developers; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code should work toward establishing and maintaining a high quality of life for its residents;

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 §151.01 of the Unified Development Code to insert in alphabetical order the following definitions:

"*Articulation* (Development) The architectural composition of combined treatment of elements and parts of the edges, corners, and surface of a building.

Fenestration. (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

Glazing. (Development) A transparent or translucent material that is integrated into a building envelope, such as a window, display window, door, glass curtain wall, etc.

Minimum buildable street frontage. (Zoning) The minimum required percentage of a property's street frontage, established by the underlying zoning district and measured in linear feet, that is met by constructing a portion or portions of the vertical side of a building within the build-to zone. Buildings may be constructed outside of the build-to zone after the minimum required percentage has been met."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends §160.01 of the Unified Development Code to establish the following zoning districts"

"*Neighborhood Services*, *Community Services*, and *Urban Thoroughfare*"

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends §161 *Zoning Regulations* of the Unified Development Code and inserts "Use Unit 12 *Limited Business**" as a conditional use in the RSF-4, RSF-7, RSF-8, RT-12, RMF-6, RMF-12, RMF-18, RMF-24, and RMF-40 zoning districts.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends §161 *Zoning Regulations* of the Unified Development Code and repeals section 161.10(I), 161.11(I), 161.12(I), 161.13(I), 161.14(I), and 161.15(I) related to parking regulations.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby repeals §161.16 through §161.29 of the Unified Development Code and enacts a replacement §161.16 through §161.32 to insert new zoning districts and modify existing zoning criteria as shown in Exhibit "A" attached hereto.

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01 *Establishment/Listing* of the Unified Development Code by renaming Unit 12, Unit 17 and Unit 25 as follows:

"Unit 12: *Limited Business*
Unit 17: *Transportation trades and services*
Unit 25: *Offices, studios, and related services*"

Section 7. That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01(B)(2) of the Unified Development Code to strike "Antique shop" and "Sanitary landfill area" from "Public and private facilities" and to insert "School and church facility" as a "Temporary facility".

Section 8. That the City Council of the City of Fayetteville, Arkansas hereby repeals §162.01(L) *Offices, studios and related services* of the Unified Development Code and enacts a replacement §162.01(L) as shown in Exhibit "B" attached hereto.

Section 9. That the City Council of the City of Fayetteville, Arkansas hereby repeals §162.01(O), (P), (Q), and (Y) of the Unified Development Code and enacts a replacement §162.01(O), (P), (Q), and (Y) as shown in Exhibit "C" attached hereto.

Section 10. That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01(U)(2) of the Unified Development Code to strike "and ice" from "Fuel and ice establishments" and "Ice house" from the table contained therein, and to insert the use "Towing business" and "Impound Yard" under Contract Construction Services.

Section 11. That the City Council of the City of Fayetteville, Arkansas hereby amends §164.01 to remove reference to "Unit 12" and replace it with "Unit 25".

Section 12. That the City Council of the City of Fayetteville, Arkansas hereby amends §164.12 (D)(1) of the Unified Development Code to insert the following language:

> "(e) *Build-to-zone.* Nonconforming structures located on properties with a build-to zone may be altered to permit expansion up to 25% of the existing square footage."

Section 13. That the City Council of the City of Fayetteville, Arkansas hereby amends §164 of the Unified Development Code to insert §164.21 *Limited Business* use conditions as shown in Exhibit "D" attached hereto.

Section 14. That the City Council of the City of Fayetteville, Arkansas hereby amends §166 of the Unified Development Code to insert §166.24 *Nonresidential Design Standards* as shown in Exhibit "E" attached hereto.

Section 15. That the City Council of the City of Fayetteville, Arkansas hereby repeals §167.04 Table 1 of the Unified Development Code and enacts a replacement §167.04 Table 1 as shown in Exhibit "F" attached hereto.

Section 16. That the City Council of the City of Fayetteville, Arkansas hereby amends §177.04 (D)(2)(c) of the Unified Development Code to insert the following subsection and renumber the following subsections sequentially:

> "(c) *Urban Zoning Districts.* Zoning districts that prescribe urban building form (e.g., a build-to zone) permitting front setbacks of less then 15 feet may be permitted to reduce the greenspace to 10 feet parallel to the Master Street Plan right-of-way line. Any development providing less than 10 feet of greenspace shall utilize the street tree planting plan for urban streetscapes."

PASSED and **APPROVED** this the ____ day of ____, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
ADM 09-3502

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services 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-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood 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

(C) *Density.*

Units per acre	10 or less

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 15 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.

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

161.17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Limited business
Unit 25	Offices, studios, and related services

(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 11	Manufactured home park*
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities*
Unit 42	Clean technologies

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback regulations.*

Front	**15 ft.**
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09)

161.18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
Unit 25	Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments*
Unit 36	Wireless communications facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any

residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1965, App. A., Art. 5(V); Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.035; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.19 Community Services

(A) *Purpose.* The *Community Services* district is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants

Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) Permitted uses

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) Lot area minimum
None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

161.22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) Height regulations. Maximum height is six stories or 84 feet whichever is less. Above four stories, there shall be a stepback of the building's principal façade of at least fifteen feet. The height shall be measured from the mean elevation of the finished grade or sidewalk at the frontage line, whichever is higher, to the eave of the roof or cornice for a building with a parapet.

(Code 1965, App. A., Art. 5(VII); Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.037; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; 4863, 5-02-06; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 80% of lot width.

(G) *Height regulations.* Maximum height is 12 stories or 168 feet which ever is less.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08)

161.24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street / Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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 18	Gasoline services stations and drive in restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) *Height Regulations.* A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or a portion of a building that is located 15 feet or greater from the front property line or any master street plan right-of-way line shall have a maximum height of 6 stories or 84 feet, which ever is less.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08)

161.25 Downtown General.

(A) *Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings

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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built

	within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	None
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage*. 50% of lot width.

(G) *Height regulations*. Maximum height is 4 stories or 56 feet which ever is less.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07)

161.26 Neighborhood Conservation

(A) *Purpose*. The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation 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 41	Accessory dwellings

(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 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density*. 10 Units Per Acre.

(D) *Bulk and area regulations*.

(1) *Lot width minimum*.

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum*. 4,000 Sq. Ft.

(E) *Setback regulations*.

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Minimum buildable street frontage*. 40% of lot width.

(G) *Height regulations*. Maximum height is 3 stories or 45 feet which ever is less.

(Ord. 5128, 4-15-08

161.27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose*. The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses*.

(1) *Permitted uses*.

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 13	Eating places
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing

Unit 25	Offices, studios and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 18	Gasoline service stations & drive-in restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(IX); Ord. No. 2351, 6-21-77; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.040; Ord. No. 3971, §2, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.29 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

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

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08)

161.30 District E-1, Extraction

(A) *Purpose.* The Extraction District is designed to provide areas for the commercial removal of natural accumulations of sand, clay, silt, gravel, rock, and any mineral where such removal may cause groundwater problems, noise, dust, traffic problems, erosion, and safety concerns.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 30	Extractive uses

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Lot width minimum	The proposed development shall have at least 200 feet of frontage on a state road or other adequate means of access compatible with sound land use planning principles.

(2) *Lot area minimum.*

Lot area minimum	10 acres

(E) *Setback regulations.*

From all property lines (including street frontage) when contiguous to all R districts	200 ft.
From all property lines (including street frontage) when contiguous to P, A, C, and I districts	100 ft.

(Code 1991, §160.047; Ord. No. 3546, 4-16-91; Ord. No. 4100, §2 (Ex. A), 6-16-98, Ord. No. 4178, 8-31-99)

161.31 Design Overlay District (I-540 Highway Corridor)

(A) *Purpose.* The purpose of establishing a Design Overlay District for the I-540 Highway Corridor is as follows:

(1) To protect and enhance the distinctive scenic quality of the I-540 Highway Corridor by providing for nonresidential developments which will maximize preservation and enhancement of the natural, rural, and open character of the terrain and foliage.

(2) To address the issues of traffic and safety.

(3) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, drainage and heat islands.

(4) To preserve and enhance the economic value and viability of property within and near the

Overlay District for the I-540 Highway Corridor.

(B) *Overlay District boundaries.* The Overlay District encompasses all lands lying within 660 feet of each side of the right-of-way of I-540 from the intersection of I-540 and State Highway 471 (a/k/a 71B) north to the city limits of Fayetteville, (a/k/a the 71 Bypass and/or John Paul Hammerschmidt Expressway), and also that portion known as State Highway 471S described more fully as that portion of State Highway 471 which connects I-540 to State Highway 471 (a/k/a North College) and all future extensions of I-540 within the City of Fayetteville. Said boundaries are set out on the official plat pages along with a legal description of such boundaries located in the Planning Division.

(C) *Application of Overlay District: Regulations and standards.* The regulations and standards contained herein shall apply to all nonresidential properties, (including, but not limited to new development), located within the Overlay District boundaries. Such regulations and standards shall be in addition to and shall overlay all other ordinance regulations and standards, including, but not limited to nonresidential zoning district and signage regulations and standards. Should the regulations and standards of the underlying and Overlay District conflict, the Overlay District regulations and standards shall control.

(D) *Nonresidential site design and development standards.*

(1) *Greenspace.* A minimum of 25 feet of landscaped greenspace exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the greenspace and shall be screened when abutting a required greenspace area. Trees shall be planted at the interval of one tree per 30 linear feet of greenspace area when practicable.

(2) *Signs*

(a) The only permitted free standing signs shall be monument signs. Only indirect lighting may be used for illumination of all signs.

(b) All signs shall otherwise comply with *Chapter 174 Signs* and any variance shall be considered pursuant to § 156.06 of the *Unified Development Code.*

(3) *Exterior appearance.* All structures shall be architecturally designed to have front facades facing all street and highway right-of-way. An elevation drawing shall be submitted for each side of the building that faces a street or highway.

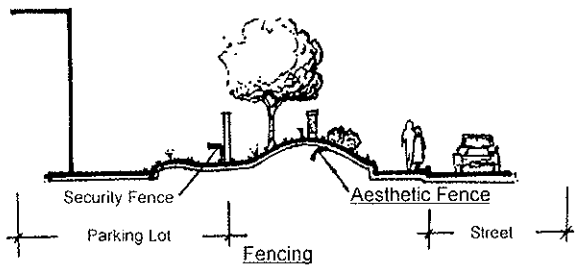
(4) *Building material.* Buildings shall be constructed of wood, masonry, or natural looking materials. No structures shall be allowed that have metal side walls UNLESS such metal siding is similar in appearance to wood, masonry, or natural looking material.

(5) *Site coverage.* Twenty-five percent (25%) of the site shall be left in open space. Eighty percent (80%) of the open space shall be landscaped which may include ponds and fountains.

(6) *Optional fencing.* All fencing shall be constructed of wood, masonry, or natural looking materials. No optional fencing shall be located within the greenspace required by Section (D)(1). No metal fencing shall be allowed except in the following cases:

(a) Wrought iron fencing.

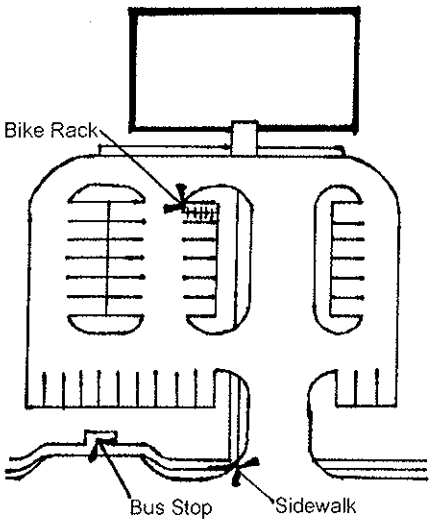
(b) If other types of metal fencing are necessary, for security purposes, they may be used if the area is first fenced off with a view obscuring natural or natural looking fencing material. The metal fencing shall be placed inside the view obscuring fencing, and the view obscuring fencing shall be at least the height of the metal fencing.



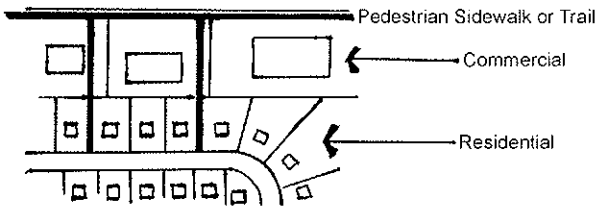
(7) *Outdoor storage of material and equipment.* All outdoor storage of material and equipment shall be screened with natural vegetation.

(8) *Access.*

(a) *Multi-modal.* Multi-modal access may be required on nonresidential sites within the Design Overlay District. (For example: The provision of bus stops, bicycle racks, parking stalls for car pools, and bicycle and pedestrian walks and trails).



Multi-modal Access



Pedestrian Linkages to Different Zones

(E) *Nonresidential developments and multiple building sites.* In the case of nonresidential development involving multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot.

(F) *Exemptions.*

(1) Undeveloped or partially developed lots in nonresidential subdivisions lying within the Design Overlay District for I-540 Highway Corridor which have received preliminary or final approval as nonresidential subdivision prior to June 28, 1994, are hereby exempt from compliance with Ordinance No. 3806 (§ 161.21).

(2) Owners of lots within nonresidential subdivisions which obtained preliminary or final approval as nonresidential subdivisions prior to June 28, 1994, and not included in the specifically exempted properties may apply for an exemption to the Fayetteville Zoning and Development Administrator. The Zoning and Development Administrator shall respond to the application in writing within 10 working days of the receipt of the application.

(3) Completed development upon property subject to such exemption not in compliance with the standards set forth in Ordinance No. 3806 (§ 161.21) shall be considered pre-existing conforming structures.

(4) Nothing contained herein shall limit or prohibit property owners from utilizing the variance provisions contained in Ordinance No. 3806 (§ 161.21).

(Code 1991, §160.048; Ord. No. 3821, §1, 3-5,8-9-94; Ord. No. 38-06, 6-28-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4128, §1, 12-15-98; Ord. 4725, 7-19-05; Ord. 4784, 10-18-05)

Cross reference(s)--Appeals, Ch. 155; Variances, Ch. 156.

161.32 Planned Zoning District

(A) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) *Compatibility.* Providing for compatibility with the surrounding land uses.

(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) *No negative impact.* Does not have a negative effect upon the future development of the area;

(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands

and in the renewal of existing deteriorating areas.

(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) *General Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(B) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

(C) *R–PZD, Residential Planned Zoning District.*

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

(4) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

(D) *C-PZD, Commercial Planned Zoning District*

(1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

(a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.

(b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.

(c) To encourage orderly and systematic commercial, office or mixed use development design or a combination

thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.

(d) To encourage commercial development which is consistent with the city's General Plan.

(e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditions.*

(a) In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.

(b) Residential uses must be appropriate to the design of the project.

(c) Warehousing and light industrial uses shall have a gross area per use that does not exceed five thousand (5,000) square feet and at least twenty percent (20%) of the floor area used for retail sales.

(4) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

(E) *I-PZD Industrial Planned Zoning District.*

(1) *Purpose and intent.* The I-PZD is intended to accommodate industrial parks and single use industrial developments that are determined to be more appropriate for a PZD application than a general industrial rezone. The legislative purpose, intent and application of this district include, but are not limited to, the following:

(a) To provide for manufacturing activities in a manner compatible with the surrounding area.

(b) To encourage the application of sound planning and design principles in the orderly development of industrial activities.

(c) To maximize manufacturing potential without adversely affecting the living environment of the community.

(d) To encourage industrial development that is consistent with the city's General Plan.

(2) All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *Conditions.*

(a) In no instance shall the industrial use area be less than fifty-one percent (51%) of the gross leaseable floor area within the development.

(b) Ancillary commercial and office uses shall be compatible with the design and scale of the project.

(c) Residential uses must be appropriate to the scope and character of the development.

(4) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

(F) *Bulk and area regulations.*

(1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:

(a) The densities of surrounding development;

(b) the densities allowed under the current zoning;

(c) the urban development goals and other policies of the city's General Plan;

(d) the topography and character of the natural environment; and

(e) the impact of a given density on the specific site and adjacent properties.

(2) *Lot area and yard requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for

Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

(3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

(4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(Ord. No. 4434, §1 (Ex. A), 11-19-02; Ord. 4717, 7-5-05; Ord. 4764, 09-20-05; Ord. 4783, 10-18-05)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter)

EXHIBIT "B"

ADM 09-3502

162.01 Establishment/Listing

(L) *Unit 12. Limited business.**

(1) *Description.* Unit 12 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 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services: (Maximum gross floor area of 1500 square feet)	•Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail: (Maximum gross floor area of 2000 square feet)	•Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices: (Maximum gross floor area of 3000 square feet)	•Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for: (Maximum gross floor area of 3000 square feet)	•Art •Dance •Music •Photography •Pottery

EXHIBIT "C"
ADM 09-3502

162.01 Establishment/Listing

(O) *Unit 15. Neighborhood shopping goods.*

(1) *Description.* Unit 15 includes a variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential districts. All uses classified under Use Unit 15 must be within a building containing 25,000 square feet or less.

(2) *Included uses.*

Personal services	•Barber/Salon •Dry cleaning •Laundry facility •Tailoring
Retail	•Apparel and accessory •Bakery, pastry shops •Bicycle shop •Bookstores •Coffee shop •Delicatessen •Drugstore •Electronics •Florists •Food specialty stores •Furniture and Home Decor •Grocery •Hardware store •Health food store •Hobby/craft shop •Ice cream •Jewelry/watch sales and repair •Meat market •Music instruments •News and magazine stand •Optical goods •Pet shop •Photography Studio •Picture framing •Shoe store •Sporting goods •Stationary store •Toy store •Video rental
Vehicular Sales (interior display only)	•Automobile •ATV/Motorcycle •Boat/Personal Watercraft (PWC)

(P) *Unit 16. Shopping goods.*

(1) *Description.* Unit 16 consists of stores selling retail goods which are ordinarily purchased less frequently and often have a city-wide or regional market.

(2) *Included uses.*

Neighborhood Shopping Goods	All uses within Unit 15 are also permitted within Unit 16, without restriction to size
General Merchandise:	•Department store •Mail order
Merchandise vending machine operations	•Sales and repair
Home/Office:	•Appliances •China, glassware •Draperies, curtains •Floor coverings •Furniture
Personal services:	•Animal daycare •Animal hospital •Auctioneer •Bindery •Body piercing •Costume rental service •Detective service •Electrical repair service •Furniture repair, refinishing •Gunsmith •Interior decorating •Linen supply and industrial laundry •Locksmith •Office supplies •Rug cleaning, repair •Sign painting •Tattoo and piercing •Taxidermist •Tool sharpening, repair •Watch and jewelry repair •Weight loss center
Retail	• Apparel and accessory •Auto accessory store •Boat and accessory store •Dry goods •Garden supply

EXHIBIT "C"
ADM 09-3502

(Q) *Unit 17. Transportation trades and services.*

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing vehicular sales, service and maintenance, and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage. Uses also include those that require transport of persons or materials on a regular basis.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, •Body shops/garages •Farm supplies and equipment and repair •Lawn equipment sales, repair •Marine craft sales, repair •Motorcycle sales, repair •Truck sales •Trailer, camping, hauling, travel, sales •Used car lots
Personal help:	•Auto wash •Motor repair •Packing and crating
Transportation service:	•Bus station •Car rental •Express service •Helistop •Railway terminal •Taxicab station

(Y) *Unit 25. Offices, studios and related services.*

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	• Dental office/clinic • Medical office/clinic
Professional office:	• Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	• Architecture, drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	• Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	• Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

EXHIBIT "D"
ADM 09-3502

164.21 Limited Business

(A) *Purpose.* These regulations are intended to mitigate the potential adverse impacts associated with commercial uses adjacent to or within residential areas by allowing limited neighborhood commercial uses that are compatible in size, scale, massing and residential appearance with adjoining and surrounding residential uses. The following standards shall apply:

(1) Enhance and regulate the appearance of neighborhood commercial uses.

(2) Protect adjoining properties from the potential adverse impacts associated with commercial uses adjacent to residences such as traffic, noise, appearance, lighting, drainage, and effect on property values.

(3) Provide areas for off-street parking that will be appropriate in size, location and scale within residential areas.

(4) Provide commercial uses that are accessible for the convenience of individuals living in residential districts.

(5) Reduce the length and number of vehicle trips generated by residential development.

(B) *Applicability.* These standards shall apply to all conditional use requests for Use Unit 12, Limited Business, in any zoning district.

(C) *Similar Uses Allowed.* When a use is not specifically listed as a permitted use in Use Unit 12 (Limited Business), the use may be permitted if it is determined by the Zoning and Development Administrator that the use is similar to other uses listed. In determining "similarity," the Zoning and Development Administrator shall make all of the following findings:

(1) The proposed use meets the purpose of this section and the goals and policies of the Comprehensive Land Use Plan.

(2) The proposed use shall not adversely impact the public health, safety and general welfare of the neighboring residents;

(3) The proposed use shall be similar to the uses listed above considering use intensity and characteristics.

(D) *Conditions for Approval.* The uses listed may be allowed as a permitted use and shall meet the following conditions:

(1) The proposed use shall not adversely affect local traffic conditions on the adjoining streets.

(2) New structures located within a residential zoning district shall incorporate design elements similar to and compatible with those found within the neighborhood, including materials, roof pitch, scale, etc.

(3) New parking areas or lots, utility equipment and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements shall be accomplished with plantings, walls, architectural elements, and/or fencing.

(4) One wall sign shall be allowed with a maximum area of eight square feet. The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.

(5) Hours of operation shall be limited to Sunday through Thursday, 6am to 9pm, and Friday and Saturday, 6am to 11pm, unless otherwise further determined by the Planning Commission.

(6) All new or enlarged structures shall comply with the zoning requirements of the underlying district.

(E) *Design Review.* The applicant shall submit the following information to the Planning Division for review, where applicable:

(1) A site plan drawn to scale showing location of parking, building footprint, and all other improvements.

(2) Color elevation drawings of all sides of the structure, indicating the type of materials to be used on the exterior of the building, and proposed sign.

(3) Landscape plan showing the location of all proposed landscaping, size and species of plant material.

(4) Abbreviated tree preservation plan.

EXHIBIT "E"
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166.24 Nonresidential Design Standards

(A) *Purpose*. It is the intent of these standards to provide the methods and means by which designers and developers may achieve the City's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the City's urban zoning districts with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.

(B) *Applicability*. These design standards shall be required to be met for properties that lie within urban zoning districts offering administrative approval. In addition to the City's Commercial Design and Development Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.

(C) *General intent*. The following shall apply to all developments:

(1) Developments with multiple buildings should be arranged to enclose and define space in the public realm (see Image 1).

Image 1: Development form

Figure 1: Encouraged compact and connected development form with buildings arranged to define the street and enclose internal parking lots.

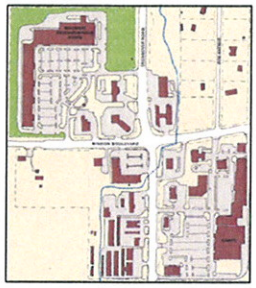


Figure 2: Discouraged sprawling, disconnected development form with parking surrounding the building.

(2) Multiple buildings located on the same lot should be articulated distinctly and separately so as to not provide an identical building on the same lot.

(3) New construction should show respect for horizontal articulation established by existing buildings within the immediate area.

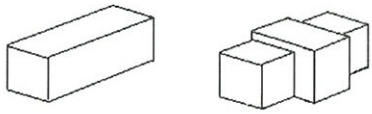
(4) Application of building material and façade articulation of the building wall should encourage design, reinforce rhythm, increase visual impact, and create pedestrian interest.

(D) *Building mass, scale, and articulation*. The following regulations shall apply to break down the mass of large structures:

(1) Structures shall not exceed 200 feet in length adjacent to the street, within a build-to-zone.

(2) The mass of a building exceeding 100 feet in length shall be delineated into no more than 40-foot-wide segments utilizing changes in height and depth of the wall plane of no less than 24 inches.

Image 2: Treatment of building mass



Single mass not permitted — Delineate building mass

(3) No less than 70% of the building length shall be broken into a minimum of two (2) horizontal shifts in material, texture, and/or wall plane to provide distinction between segments (see Image 3)

(a) The middle segment shall be of greater height than the bottom and top segments.

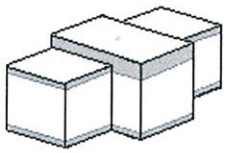


Image 3: Divide buildings into segments

(4) Buildings shall be constructed with high quality building materials. The following materials shall be prohibited:

(a) untreated Concrete Masonry Unit (CMU)

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(b) wood fiber board

(c) unfinished pressure treated wood

(d) Exterior Insulation Finish System (EIFS)

(e) vinyl Siding

(f) reflective glass

(5) Building façades located within a build-to zone shall incorporate the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet; and

(b) Changes in color, texture, and material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 40 feet.

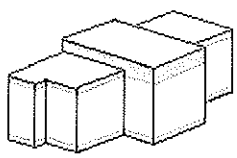

Image 4: Shifts in wall plane depth

(6) Building façades located outside of the build-to zone and that are visible from a public right-of-way shall consist of the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically; and

(b) Changes in color, texture, and material, either horizontally or vertically.

(7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:

(a) Entryways. A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.

(i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.

(ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.

(b) Glazing. In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:

(i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk.

(ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).

(iii) Glazing above the first story shall not exceed 80% of the total building wall area.

(E) *Pedestrian oriented elements.* Developments that are subject to these standards shall meet and should exceed the basic needs of pedestrian accessibility and contribute to a unique sense of place and community. The following requirements are intended to define and articulate space at the street level in order to encourage the use and function for active and/or passive social interaction.

(1) Buildings exceeding 50 feet in length or width within the build-to zone shall incorporate spatially defining building elements and/or landscaping at a minimum separation of 100 feet of façade length in order to create accessible public open space, such as a courtyard, garden, patio, etc.

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(2) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of three (3) of the following elements:

(a) planters;

(b) a planting bed;

(c) public art;

(d) a water feature;

(e) a shift in pavement material between the public right-of-way and the structure;

(f) a covered area, such as a canopy, awning, arcade, or portico spanning the width of the building; or

(g) other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.

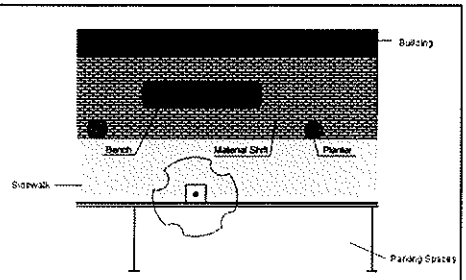

Image 5: Pedestrian Oriented Elements

(F) *Variances.* An applicant may request approval from the Planning Commission of a variance from the minimum requirements where unique circumstances existing and the effect will not adversely impact adjoining or neighboring properties. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

EXHIBIT "F"

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167.04 Tree Preservation And Protection During Development

Table 1
Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20 %
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40,Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

Ordinance Amendment Mark-up and Reference

Ord. Section 1 (new definitions)

CHAPTER 151: DEFINITIONS

Articulation (Development) The architectural composition of combined treatment of elements and parts of the edges, corners, and surface of a building.

Fenestration. (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

Glazing. (Development) A transparent or translucent material that is integrated into a building envelope, such as a window, display window, door, glass curtain wall, etc.

Minimum buildable street frontage. (Zoning) The minimum required percentage of a property's street frontage, established by the underlying zoning district and measured in linear feet, that is met by constructing a portion or portions of the vertical side of a building within the build-to zone. Buildings may be constructed outside of the build-to zone after the minimum required percentage has been met.

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Ord. Section 2 (Add new zoning districts)

CHAPTER 160: ZONING DISTRICTS

160.01 Establishment Of Districts

The following zoning districts are hereby established:

ZONING DISTRICTS

R-A	Residential - Agricultural
RSF-.5	Residential Single-family – One Half Unit per Acre
RSF-1	Residential Single-family – One Unit per Acre
RSF-2	Residential Single-family – Two Units per Acre
RSF-4	Residential Single-family – Four Units per Acre
RSF-7	Residential Single-family – Seven Units per Acre
RSF-8	Residential Single-family – Eight Units per Acre
RT-12	Residential Two and Three-family
RMF-6	Residential Multi-family – Six Units per Acre
RMF-12	Residential Multi-family – Twelve Units per Acre
RMF-18	Residential Multi-family – Eighteen Units per Acre
RMF-24	Residential Multi-family – Twenty-Four Units per Acre
RMF-40	Residential Multi-family – Forty Units per Acre
R-O	Residential-Office
NS	Neighborhood Services
C-1	Neighborhood Commercial
CS	Community Services
C-2	Thoroughfare Commercial
C-3	Central Business Commercial
UT	Urban Thoroughfare
DC	Downtown Core
MSC	Main Street Center
DG	Downtown General
NC	Neighborhood Conservation
I-1	Heavy Commercial and Light Industrial
I-2	General Industrial
P-1	Institutional
E-1	Extraction
DOD	Design Overlay District
R-PZD	Residential Planned Zoning District
C-PZD	Commercial Planned Zoning District
I-PZD	Industrial Planned Zoning District

Ord. Section 3 (Add limited business as CUP) and Ord. Section 4 (Remove parking regs from multi-family districts)

Chapter 161: Zoning Districts

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(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 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

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(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.
Hillside Overlay District Lot minimum width	60 ft.	70 ft.
Hillside Overlay District Lot area minimum	8,000 sq. ft.	12,000 sq.-ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet. Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.08 District RSF-7, Residential Single-Family – Seven Units Per Acre

(A) *Purpose* The RSF-7 Residential District is designed to permit and encourage the development of detached dwellings in suitable environments.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(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 9	Two family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Single-family dwelling units per acre	7 or less

(D) *Bulk and area regulations.*

(E) *Lot width minimum.*

Single-family	60 ft.
Two-family	60 ft.
Townhouse, no more than two attached	30 ft.

(F) *Lot area minimum.*

Single-family	6,000 sq. ft.
Two-family	6,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(G) *Land area per dwelling unit.*

Single-family	6,000 sq. ft.
Two-family	3,000 sq. ft.
Townhouse, no more than two attached	3,000 sq. ft.

(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.

Height regulations. Structures in this District are limited to a building height of 45 feet.—Existing structures that exceed 45 feet in height shall be grandfathered in, and not considered nonconforming uses, (ord. # 4858).

(J) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

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161.09 District RSF-8, Residential Single-Family – 8 Units Per Acre

(A) *Purpose.* The RSF-8 Residential District is designed to bring historic platted development into conformity and to allow for the development of new single family residential areas with similar lot size, density, and land use as the historical neighborhoods in the downtown area.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(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 9	Two-family dwellings
Unit 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	By Right
Single-family dwelling units per acre	8 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family	50 ft.
Two-family	50 ft.
Townhouse, no more than two attached	25 ft.

(2) *Lot area minimum.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.

(3) *Land area per dwelling unit.*

Single-family	5,000 sq. ft.
Two-family	5,000 sq. ft.
Townhouse, no more than two attached	2,500 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	5 ft.

(F) *Height regulations.*

Building Height Maximum	45 ft.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area, except when a detached garage exists or is proposed; then the area occupied by all buildings shall not exceed 60% of the total lot area.

161.10 District RT-12, Residential Two And Three Family

(A) *Purpose.* The RT-12 Residential District is designed to permit and encourage the development of detached and attached dwellings in suitable environments, to provide a development potential between low density and medium density with less impact than medium density development, to encourage the development of areas with existing public facilities and to encourage the development of a greater variety of housing values.

(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-family dwellings

(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 12	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less

(D) *Bulk and area regulations.*

	Single-family	Two-family	Three-family
Lot width minimum	60 ft.	70 ft.	90 ft.
Lot area minimum	6,000 sq. ft.	7,260 sq. ft.	10,890 sq. ft.
Land area per dwelling unit	6,000 sq. ft.	3,630 sq. ft.	3,630 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	20 ft.

(F) *Height regulations.*

Building height maximum	45 ft.

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

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(Code 1965, App. A., Art. 5(IIA); Ord. No. 3128, 10-1-85; Code 1991, §160.032; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

Cross reference(s)--Variance, Ch. 156.

161.11 District RMF-6, Residential Multi-Family – Six Units Per Acre

(A) *Purpose.* The RMF-6 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a low density that is appropriate to the area and can serve as a transition between higher densities and single-family residential areas.

(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-family dwellings
Unit 26	Multi-family dwellings

(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 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	6 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a Manufactured home park	4,200 sq. ft.
Townhouse: •Development •Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedrooms One bedroom Two or more bedrooms	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage*. 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.12 District RMF-12, Residential Multi-Family – Twelve Units Per Acre

(A) *Purpose.* The RMF-12 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a moderate density that is appropriate to the area.

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(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-family dwellings
Unit 26	Multi-family dwellings

(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 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	12 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedrooms One bedroom	 1,700 sq. ft. 1,700 sq. ft.
Two or more bedrooms	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.13 District RMF-18, Residential Multi-Family – Eighteen Units Per Acre

(A) *Purpose.* The RMF-18 Multi-family Residential District is designed to permit and encourage the development of multi-family residences at a medium density that is appropriate to the area.

(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-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

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Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupations
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	18 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three and more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acre

(3) *Land area per dwelling unit.*

Manufactured Home	3,000 sq. ft.
Apartments: No bedrooms One bedroom Two or more bedrooms	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.

Cross reference(s) --Variances, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09)

161.14 District RMF-24, Residential Multi-Family – Twenty-Four Units Per Acre

(A) *Purpose.* The RMF-24 Multi-family Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

(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-family dwellings
Unit 26	Multi-family dwellings

(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 11	Manufactured home park
Unit 12	Limited business
Unit 25	Professional offices
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	24 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

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Manufactured home park	100 ft.
Lot within a Manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a mobile home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	7,000 sq. ft.
Three or more	9,000 sq. ft.
Fraternity or Sorority	2 acres
Professional offices	1 acres

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Apartments: No bedroom One bedroom Two bedroom	 1,700 sq. ft. 1,700 sq. ft. 2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	25 ft.
HHOD Front	HHOD Side	HHOD Rear
The principal façade of a building shall be built within a build-to zone that is located between 15' and a line 25' from the front property line.	8 ft.	15 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* None.

(H) *Minimum buildable street frontage.* 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

(Code 1965, App. A., Art. 5(III); Ord. No. 2320, 4-6-77; Ord. No. 2700, 2-2-81; Code 1991, §160.033; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5079, 11-20-07; Ord. 5224, 3-3-09)

161.15 District RMF-40, Residential Multi-Family – Forty Units Per Acre

(A) *Purpose.* The RMF-40 Multi-family Residential District is designated to protect existing high density multi-family development and to encourage additional development of this type where it is desirable.

(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-family dwellings
Unit 26	Multi-family dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by CUP
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 11	Manufactured home park
Unit 12	Limited business
Unit 24	Home occupation
Unit 25	Professional offices
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	40 or less

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

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Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home park	3,000 sq. ft.
Townhouses & Apartments No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
The principal façade of a building shall be built within a build-to zone that is located between 10' and a line 25' from the front property line.	8 ft.	20 ft.

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Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area*. None.

(H) *Minimum buildable street frontage*. 50% of lot width.

~~(I) *Parking regulations.* No parking lots are allowed to be located in the front or side build-to-zone facing a public right of way.~~

Ord. Section 5, Exhibit "A" (Add new zoning districts and modify some existing ones)

161.16 Neighborhood Services

(A) *Purpose.* The Neighborhood Services district is designed to serve as a mixed use area of low intensity. Neighborhood Services promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with the 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-family dwellings
Unit 12	Limited Business
Unit 24	Home occupations
Unit 41	Accessory dwelling units

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
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 13	Eating places
Unit 15	Neighborhood 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

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and Area*

(1) *Lot width minimum*

Single-family	35 feet
Two-family	70 feet
Three or more	90 feet
All other uses	None

(2) *Lot area minimum.*

Single-family	4,000 sq. ft.
Two-family or more	3,000 sq. ft. of lot area per dwelling unit
All other permitted and conditional uses	None

(E) *Setback regulations*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 15 feet from the front property line.
Side:	5 feet
Rear:	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.

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

161.~~16~~ 17 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	~~Offices, studios and related services~~ Limited business
Unit 25	~~Professional offices~~ Offices, studios, and related services

(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 11	Manufactured home park
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings

Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development Individual lot	 10,000 sq. ft. 2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments: No bedroom One bedroom Two or more bedrooms	 1,000 sq. ft. 1,000 sq. ft. 1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	24 or less

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

(F) *Building height regulations.*

Building Height Maximum	60 ft.

Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

161.~~17~~ 18 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government Facilities
~~Unit 12~~	~~Offices, studios and related services~~
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 25	~~Professional offices~~ Offices, studios, and related services

(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 16	Shopping goods
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

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(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.19 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 18	Gasoline service stations and drive-in restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings

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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single-family dwelling	18 ft.
All others	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

(G) *Minimum buildable street frontage.* 65% of the lot width.

161.~~18~~ 20 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
~~Unit 12~~	~~Offices, studios and related services~~
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
~~Unit 15~~	~~Neighborhood shopping goods~~

Unit 16	Shopping goods
Unit 17	~~Trades and services~~ Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

161.21 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare district is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses are permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted uses*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 41	Accessory Dwellings

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 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) Lot width minimum

Single-family dwelling	18 feet
All other dwellings	None

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Non-residential	None

(2) Lot area minimum None

(E) *Setback regulations.*

Front:	The principal façade of a building shall be built within a build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a residential district:	15 feet

(F) *Height regulations.* A building or a portion of a building that is closer than 15 feet from the front property line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or portion of a building that is located 15 feet or greater from the front property line or the Master Street Plan right-of-way shall have a maximum height of 6 stories or 84 feet, whichever is less. Any building that exceeds the height of 20 feet shall be set back from any boundary line of a single-family residential district, an additional distance of one foot for each foot of height in excess of 20 feet.

(G) *Minimum buildable street frontage.* 50% of the lot width.

161.~~19~~ 22 District C-3, Central Commercial

(A) *Purpose.* The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district, or regional shopping centers which provide a wide range of retail and personal service uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
~~Unit 12~~	~~Offices, studios, and related services~~
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
~~Unit 15~~	~~Neighborhood shopping goods~~
Unit 16	Shopping goods
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 17	~~Trades and services~~ Transportation trades and services
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None

(E) *Setback regulations.*

	Central Business District	Shopping Center
Front	5 ft.	25 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.	50 ft.
Side	None	None
Side, when contiguous to a residential district	10 ft.	25 ft.
Rear, without easement or alley	15 ft.	25 ft.
Rear, from center line of a public alley	10 ft.	10 ft.

(F) Height regulations. Maximum height is six stories or 84 feet whichever is less. Above four stories, there shall be a stepback of the building's principal façade of at least fifteen feet. The height shall be measured from the mean elevation of the finished grade or sidewalk at the frontage line, whichever is higher, to the eave of the roof or cornice for a building with a parapet.

~~Buildings already in existence or for which a Large Scale Development or Planned Zoning District has been fully approved prior to the date of passage of this ordinance shall be grandfathered in and not be considered as nonconforming structures as a result of the passage of this ordinance.~~

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161.~~20~~ 23 Downtown Core

(A) *Purpose.* Development is most intense, and land use is densest in this zone. The downtown core is designed to accommodate the commercial, office, governmental, and related uses commonly found in the central downtown area which provides a wide range of retail, financial, professional office, and governmental office uses. For the purposes of Chapter 96: Noise Control, the Downtown Core district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
~~Unit 12~~	~~Offices, studios and related services~~
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
~~Unit 15~~	~~Neighborhood shopping goods~~
Unit 16	Shopping goods
Unit 17	~~Trades and Services~~ Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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 29	Dance Halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density*. None.

(D) *Bulk and area regulations*. None.

(E) *Setback regulations*.

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
~~Side, facing street~~	~~The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.~~
Side~~, internal~~	None
Rear~~, without easement or alley~~	5 ft.
Rear, from center line of an ~~easement or~~ alley	12 ft.

(F) *Minimum buildable street frontage*. 80% of lot width.

(G) *Height regulations*. Maximum height is 12 stories or 168 feet which ever is less.

161.~~21~~ 24 Main Street/Center

(A) *Purpose.* A greater range of uses is expected and encouraged in the *Main Street / Center*. The *Center* is more spatially compact and is more likely to have some attached buildings than *Downtown General* or *Neighborhood Conservation*. Multi-story buildings in the Center are well-suited to accommodate a mix of uses, such as apartments or offices above shops. Lofts, live/work units, and buildings designed for changing uses over time are appropriate for the *Main Street/Center*. The *Center* is within walking distance of the surrounding, primarily residential areas. For the purposes of Chapter 96: Noise Control, the Main Street Center district is a commercial zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
~~Unit 12~~	~~Offices, studios and related services~~
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
~~Unit 15~~	~~Neighborhood shopping goods~~
Unit 16	Shopping goods
Unit 17	~~Trades and services~~ Transportation

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	trades and services
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor stores

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 18	Gasoline services stations and drive in restaurants
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
~~Side, facing street~~	~~The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.~~
Side~~, internal~~	None
Rear~~, without easement or alley~~	5 ft.
Rear, from center line of	12 ft.

(F) *Minimum buildable street frontage.* 75% of lot width.

(G) Height Regulations. A building or a portion of a building that is located between 0 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 4 stories or 56 feet, whichever is less. A building or a portion of a building that is located 15 feet or greater from the front property line or any master street plan right-of-way line shall have a maximum height of 6 stories or 84 feet, which ever is less.

161.~~22~~ 25 Downtown General.

(A) *Purpose. Downtown General* is a flexible zone, and it is not limited to the concentrated mix of uses found in the *Downtown Core* or *Main Street / Center. Downtown General* includes properties in the neighborhood that are not categorized as identifiable centers, yet are more intense in use than *Neighborhood Conservation.* There is a mixture of single-family homes, rowhouses, apartments, and live/work units. Activities include a flexible and dynamic range of uses, from public open spaces to less intense residential development and businesses. For the purposes of Chapter 96: Noise Control, the Downtown General district is a residential zone.

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(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
~~Unit 12~~	~~Offices, studios and related services~~
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 26	Multi-family dwellings

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 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	~~Trades and services~~ Transportation trades and services
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 40	Sidewalk Cafes

(C) *Density. None*

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling (all unit types)	18 ft.

(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
~~Side, facing street~~	~~The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.~~
Side~~, internal~~	None
Rear~~, without easement or alley~~	5 ft.
Rear, from center line of an ~~easement or~~ alley	12 ft.

(F) *Minimum buildable street frontage.* 50% of lot width.

(G) *Height regulations.* Maximum height is 4 stories or 56 feet which ever is less.

161.~~23~~ 26 Neighborhood Conservation

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation 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 41	Accessory dwellings

(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 10	Three-family dwellings
Unit 12	~~Offices, studios and related services~~ Limited Business
Unit 24	Home occupations
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	~~50 ft.~~ 80 ft.
Three Family	~~60 ft.~~ 90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations.*

Front	The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.
~~Side, facing street~~	~~The principal façade of a building shall be built within a build-to zone that is located between the front property line and a line 25 ft. from the front property line.~~
Side, ~~internal, if adjoining a similar use unit.~~	5 ft.
~~Side, internal, if~~	~~5 ft.~~

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~~adjoining a different use unit~~	
Rear~~, without easement or alley~~	5 ft.
Rear, from center line of an ~~easement or~~ alley	12 ft.

(F) *Minimum buildable street frontage*. 40% of lot width.

(G) *Height regulations*. Maximum height is 3 stories or 45 feet which ever is less.

161.~~24~~ 27 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 6	Agriculture
~~Unit 12~~	~~Offices, studios and related facilities~~
Unit 13	Eating places
Unit 17	~~Trades and services~~ Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

161.~~25~~ 28 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
~~Unit 12~~	~~Offices, studios and related services~~
Unit 18	Gasoline service stations & drive-in restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities

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Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) Setback regulations.

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

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161.~~26~~ 29 District P-1, Institutional

Everything remains the same

161.~~27~~ 30 District E-1, Extraction

Everything remains the same

161.~~28~~ 31 Design Overlay District (I-540 Highway Corridor)

(D) *Nonresidential site design and development standards.*

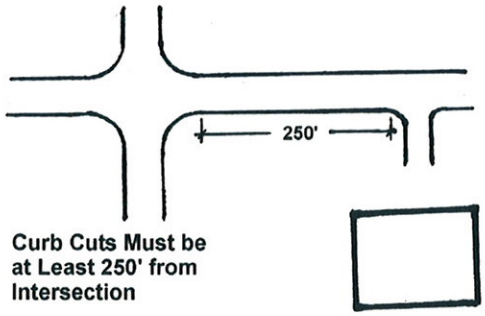
(1) *Greenspace.* A minimum of 25 feet of landscaped greenspace exclusive of right-of-way shall be provided along the highway right-of-way and any public street to which the development has frontage. Parking lots shall not encroach into the greenspace and shall be screened when abutting a required greenspace area. Trees shall be planted at the interval of one tree per 30 linear feet of greenspace area when practicable.

(2) *Signs*

(a) The only permitted free standing signs shall be monument signs. Only indirect lighting may be used for illumination of all signs.

(b) All signs shall otherwise comply with *Chapter 174 Signs* and any variance shall be considered pursuant to § 156.06 of the *Unified Development Code*.

~~(3) *Curb cuts.* One curb shall be allowed per 200 feet of frontage. No curb cuts shall be allowed within 250 feet of any intersection.~~



~~(F) *Large scale development.* All nonresidential development within the Design Overlay District shall be reviewed through the large scale development procedure and shall meet all those requirements regulating large scale developments regardless of the size of the tract.~~

~~(G)~~ (F) *Exemptions.*

161.~~29~~ 32 Planned Zoning District

Everything remains the same

161.~~30~~ 33-161.99 Reserved

Ord. Section 6 (Rename use units)

CHAPTER 162: USE UNITS

162.01 Establishment/Listing

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. The asterisk (*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.

Unit 1	City-wide uses by right
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 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 11	Manufactured home park
Unit 12	~~Offices, studios and related services~~ Limited business
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	~~Trades and services~~ Transportation trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	~~Professional offices~~ Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 37	Manufactured homes
Unit 38	Mini-storage units
Unit 39	Auto salvage and junk yards
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 42	Clean technologies
Unit 43	Animal boarding and training

Ord. Section 7 (Modify specific uses)

B) *Unit 2. City-wide uses by conditional use permit.*

(1) *Description.* Unit 2 consists of uses which may be conducted anywhere in the territorial jurisdiction, but which can be objectionable to nearby uses and are therefore permitted subject to conditional use permits in all districts.

(2) *Included uses.*

Public and private facilities:	~~•Antique shop~~ •Airport, flying fields and heliport •Bed and breakfast facilities* •Campground •Plant nursery •RV sewage disposal facility •Solid waste disposal facility •Water recreation area
Temporary facilities:	•Carnival, circus, and tent revival* •Construction facility •Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision) ~~•Sanitary landfill area~~ •School and church facility

DRAFT

Ord. Section 8, Exhibit "B" (Rewrite Unit 12 as "limited business")

EXISTING

~~(L) *Unit 12. Offices, studios, and related services.*~~

~~(1) *Description.* Unit 12 consists of offices, studios, medical and dental labs and other compatible or supporting services and sales.~~

~~(2) *Included uses.*~~

~~Advertising agency~~	
~~Artist's studio~~	
~~Computing service~~	
~~Data processing service~~	
~~Drafting service~~	
~~Dental clinic~~	
~~Financial institution~~	
~~Funeral home~~	
~~Medical clinic~~	
~~Office buildings~~	
~~Social and welfare agencies~~	
~~Sale of supplies and equipment:~~	~~•Architects and artists supplies~~ ~~•Business machines~~ ~~•Dental supplies~~ ~~•Medical and optical supplies~~ ~~•Office furnishings~~
~~Scientific instruments~~	
~~Services:~~	~~•Auto parking garage~~ ~~•Blueprinting~~ ~~•Bail bonding agency~~ ~~•Employment agency~~ ~~•Photocopying~~ ~~•Printing~~ ~~•Ticket office, transportation and amusement~~ ~~•Travel agency~~ ~~•Veterinary small animal out-patient clinic~~

PROPOSED

(L) *Unit 12. Limited business.**

(1) *Description.* Unit 12 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 12 must be within a building containing 3,000 square feet or less.

(2) *Included uses.*

Personal Services (Maximum gross floor area of 1500 square feet)	•Day care •Dry Cleaning •Salon/Barber shop •Tailoring
Specialized Retail (Maximum gross floor area of 2000 square feet)	•Antique/home decor sales •Apparel •Art/architectural supplies •Bakery, Pastry shops •Bicycle Shops •Book store •Coffee shop •Delicatessen •Drugstore •Food specialty stores •Florist •Grocery •Hardware •Health food store •Hobby /Craft Stores •Ice cream •Meat Market •Restaurant/café •Small appliance repair •Stationary Store •Toy store •Video rental
Professional Offices (Maximum gross floor area of 3000 square feet)	•Accountant •Architect •Attorney •Broker •Business/Mgmt Consultant •Doctor •Dentist •Engineer •Insurance Sales •Interior Designer •Optometrist •Realtor •Welfare agency
Studios for (Maximum gross floor area of 3000 square feet)	•Art •Dance •Music •Photography •Pottery

DRAFT

Ord. Section 9, Exhibit "C" (Rewrite Units 15, 15, 17, 25)

EXISTING

(O) *Unit 15. Neighborhood shopping goods.*

(1) *Description.* Unit 15 includes a variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential ~~areas.~~ districts. All uses classified under Unit 15 must be within a building containing 25,000 square feet or less.

(2) *Included uses.*

~~Retail Trade~~

~~Apparel and accessory~~	
~~Bicycle shop~~	
~~Bookstores~~	
~~Camera shop~~	
~~Cellular telephones and accessories~~	
~~Clothing~~	
~~Drugstore~~	
~~Florists~~	
~~Food:~~	~~•Bakery~~ ~~•Food specialty stores~~ ~~•Dairy products~~ ~~•Grocery~~ ~~•Supermarkets~~ ~~•Delicatessen~~ ~~•Health food store~~
~~Home furniture store~~	
~~Jewelry~~	
~~Hardware store~~	
~~Hobby shop~~	
~~Laundry-coin operated~~	
~~Leather goods and luggage~~	
~~News and magazine stand~~	
~~Optical goods~~	
~~Pet shop~~	
~~Picture framing, retail~~	
~~Radio and television store~~	
~~Record, tape, and cd shop~~	
~~Recreational Vehicle Sales (interior display only, no outdoor display/sales)~~	~~•Scooter/Motorcycle~~ ~~•ATV~~ ~~•Personal watercraft~~
~~Service establishment:~~	~~•Dry cleaning~~ ~~•Barber and beauty shop (6 or fewer chairs)~~ ~~•Laundry~~
~~Shoe~~	
~~Sporting goods~~	
~~Stationary store~~	
~~Tailoring~~	
~~Toy shop~~	
~~Video rental store~~	

PROPOSED

(O) *Unit 15. Neighborhood shopping goods.*

(1) *Description.* Unit 15 includes a variety of frequently purchased commercial goods, where convenience of location is more important than comparative shopping. These uses are grouped in limited areas while prohibiting all others not necessary near the residential districts. All uses classified under Unit 15 must be within a building containing 25,000 square feet or less.

(2) *Included uses.*

Retail Trade

Personal services	•Barber/Salon •Dry cleaning •Laundry facility •Tailoring
Retail	•Apparel and accessory •Bakery, pastry shops •Bicycle shop •Bookstores •Coffee shop •Delicatessen •Drugstore •Electronics •Florists •Food specialty stores •Furniture and Home Decor •Grocery •Hardware store •Health food store •Hobby/craft shop •Ice cream •Jewelry/watch sales and repair •Meat market •Music instruments •News and magazine stand •Optical goods •Pet shop •Photography Studio •Picture framing •Shoe store •Sporting goods •Stationary store •Toy store •Video rental
Vehicular Sales (interior display only)	•Automobile •ATV/Motorcycle •Boat/Personal Watercraft (PWC)

DRAFT

EXISTING

(P) *Unit 16. Shopping goods.*

(1) *Description.* Unit 16 consists of stores selling retail goods which are ordinarily purchased less frequently and often have a ~~community~~ city-wide or regional market.

(2) *Included uses.*

~~Retail trade establishments:~~	~~•Fur apparel~~ ~~•Millinery~~
~~Automotive, marine craft establishment:~~	~~•Auto accessory store~~ ~~•Boat and accessory store~~ ~~•Dry goods~~ ~~•Garden supply~~
~~General Merchandise:~~	~~•Department store~~ ~~•Mail order~~ ~~•Trading stamp redemption store~~
~~Home furniture:~~	~~•Appliances~~ ~~•China, glassware~~ ~~•Draperies, curtains~~ ~~•Floor coverings~~ ~~•Furniture~~ ~~•Music instruments~~
~~Personal services:~~	~~•Auto rental agency office~~ ~~•Barber and beauty shops (with more than 6 chairs)~~ ~~•Costume rental service~~ ~~•Detective service~~ ~~•Gunsmith~~ ~~•Interior decorating~~ ~~•Locksmith~~ ~~•Optician/Optometrist~~ ~~•Photo finishing~~ ~~•Photographic studio~~ ~~•Picture framing~~ ~~•Reading rooms~~ ~~•Sign painting~~ ~~•Watch and jewelry repair~~ ~~•Weight loss center~~
~~Transportation service:~~	~~•Bus station~~ ~~•Express service~~ ~~•Helistop~~ ~~•Railway terminal~~ ~~•Taxicab station~~

PROPOSED

(P) *Unit 16. Shopping goods.*

(1) *Description.* Unit 16 consists of stores selling retail goods which are ordinarily purchased less frequently and often have a city-wide or regional market.

(2) *Included uses.*

Neighborhood Shopping Goods	All uses within Unit 15 are also permitted within Unit 16, without restriction to size
General Merchandise:	•Department store •Mail order
Merchandise vending machine operations	•Sales and repair
Home/Office:	•Appliances •China, glassware •Draperies, curtains •Floor coverings •Furniture
Personal services:	•Animal daycare •Animal hospital •Auctioneer •Bindery •Body piercing •Costume rental service •Detective service •Electrical repair service •Furniture repair, refinishing •Gunsmith •Interior decorating •Linen supply and industrial laundry •Locksmith •Office supplies •Rug cleaning, repair •Sign painting •Tattoo and piercing •Taxidermist •Tool sharpening, repair •Watch and jewelry repair •Weight loss center
Retail	• Apparel and accessory •Auto accessory store •Boat and accessory store •Dry goods •Garden supply

DRAFT

EXISTING

(Q) ~~*Unit 17. Trades and services.*~~

~~(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.~~

~~(2) *Included uses.*~~

~~Retail trade establishments, general:~~	~~•Automotive sales, service and repair, including body shop *~~ ~~•Buses~~ ~~•Manufactured home sales~~ ~~•Motorcycle sales, including service and repair~~ ~~•Truck sales, including service and repair~~ ~~•Trailer sales, camping, hauling, travel~~ ~~•Used car lots~~ ~~•Farm supplies and equipment and repair~~
~~General merchandise establishment:~~	~~•Direct selling~~
~~Merchandise vending machine operations~~	
~~Institutional furniture and furnishings~~	
~~Marine craft, sales & service:~~	~~•Boats and accessories~~
~~Medical and orthopedic appliances~~	
~~Personal help:~~	~~•Animal hospital~~ ~~•Auctioneer~~ ~~•Bindery~~ ~~•Body piercing~~ ~~•Cabinetmaker~~ ~~•Frozen food locker~~ ~~•Drapery service~~ ~~•Linen supply and industrial laundry~~ ~~•Packing and crating~~ ~~•Rug cleaning~~ ~~•Tattoo services~~ ~~•Taxidermist~~ ~~•Tool sharpening repair service~~ ~~•Armature rewinding~~ ~~•Auto wash~~ ~~•Electrical repair service~~ ~~•Furniture repair~~ ~~•Motor repair~~ ~~•Radio and television repair~~ ~~•Reupholstery~~ ~~•Rug repair~~

PROPOSED

(Q) *Unit 17. Transportation trades and services.*

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing vehicular sales, service and maintenance, and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage. Uses also include those that require transport of persons or materials on a regular basis.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, •Body shops/garages •Farm supplies and equipment and repair •Lawn equipment sales, repair •Marine craft sales, repair •Motorcycle sales, repair •Truck sales •Trailer, camping, hauling, travel, sales •Used car lots
Personal help:	•Auto wash •Motor repair •Packing and crating
Transportation service:	•Bus station •Car rental •Express service •Helistop •Railway terminal •Taxicab station

DRAFT

EXISTING

(Y) ~~*Unit 25. Professional offices.*~~

~~(1) *Description.* Unit 25 consists of small professional offices that are compatible with medium and high density residential areas.~~

~~(2) *Included uses.*~~

~~Doctor's office (no more than four doctors)~~
~~Dentist's office (no more than four dentists)~~
~~Insurance sales~~
~~Studio for teaching any of the fine or liberal arts~~
~~Photography studio~~
~~Welfare agencies~~
~~Architect~~
~~Engineer~~
~~Attorney~~
~~Accountant~~
~~Business or management consultant~~
~~Realtor~~
~~Broker~~
~~Interior decorator~~

PROPOSED

(Y) Unit 25. Studios, offices and related services.

(1) *Description.* Unit 25 consists of offices, studios, medical and dental labs, and other supporting services and sales.

(2) *Included uses.*

Medical Clinic:	• Dental office/clinic • Medical office/clinic
Professional office:	• Accountant • Architect • Attorney • Broker • Engineer • Realtor
Sale of supplies and equipment	• Architecture , drafting, and art supplies • Office furnishings and supplies • Medical, optical, and dental supplies • Scientific instruments
Services:	• Advertising agency • Animal daycare (10 animals or less) • Auto parking garage • Bail bonding agency • Business or management consultant • Computing service • Consultant • Data processing service • Drafting service • Employment agency • Financial institution • Funeral home • Insurance sales • Interior decorator • Photocopying or printing • Social and welfare agencies • Travel agency • Veterinary small animal out-patient clinic
Studios:	• Artist's studio • Photography studio • Studio for teaching any of the fine or liberal arts

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Ord. Section 10 (Remove obsolete use, include towing/impound)

(U) *Unit 21. Warehousing and wholesale.*

(1) *Description.* Unit 21 includes warehousing, wholesaling and trucking of the type which is usually located to serve the central business district and is easily serviced by rail and highway transportation.

(2) *Included uses.*

Building material establishments:	•Air conditioning •Building materials •Electrical supply •Glass •Heating equipment •Lumber •Paint •Plumbing supplies •Wallpaper
Fuel ~~and ice~~ establishments:	•Bottled gas •Fuel dealer •Fuel oil ~~•Ice house~~
Contract construction service for:	•Air conditioning •Building construction •Carpentry •Cesspool cleaning •Concrete •Decorating •Disinfecting and exterminating service •Electrical •Furnace cleaning •Heating •Heavy construction •Housing for caretakers
Warehouses	

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Ord. Section 11 (Renumber reference section)

CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS

164.01 Accessory Commercial Uses

Permitted accessory uses in RMF and R-O Districts shall include accessory commercial uses of the types included in Unit ~~12~~ 25 provided that:

Everything remains the same thereafter

Ord. Section 12 (Add build-to zone addition language)

164.12 Nonconforming Uses And Structures

(D) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restriction on areas, lot coverage, height, setbacks, its location in the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) *Alterations.* No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity, provided, the following structures may be enlarged or altered as hereinafter provided:

(a) Nonconforming residential structures may be enlarged or altered by increasing the height of said structures.

(b) Carports in residential zones may be extended into the required setback setbacks if:

(c) In residential zones, detachable awnings which are not structurally a part of the building may be erected in any required front setback or rear setback if the awning does not project more than six feet. Detachable awnings which are not structurally a part of the building and which project no more than four feet may be erected in any required interior side setback.

(d) In residential zones, porch roofs and open porches may extend into required setbacks by one foot on each side of the entry door to maximum depth of six feet in required front setbacks and rear setbacks and to a maximum depth of four feet in required interior side setbacks.

(e) Build-to zone. Nonconforming structures located on properties with a build-to zone may be altered to permit expansion up to 25% of the existing square footage.

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Ord. Section 13, Exhibit "D" (Add Limited Business requirements)

164.21 Limited Business

(A) *Purpose.* These regulations are intended to mitigate the potential adverse impacts associated with commercial uses adjacent to or within residential areas by allowing limited neighborhood commercial uses that are compatible in size, scale, massing and residential appearance with adjoining and surrounding residential uses. The following standards shall apply:

(1) Enhance and regulate the appearance of neighborhood commercial uses.

(2) Protect adjoining properties from the potential adverse impacts associated with commercial uses adjacent to residences such as traffic, noise, appearance, lighting, drainage, and effect on property values.

(3) Provide areas for off-street parking that will be appropriate in size, location and scale within residential areas.

(4) Provide commercial uses that are accessible for the convenience of individuals living in residential districts.

(5) Reduce the length and number of vehicle trips generated by residential development.

(B) *Applicability.* These standards shall apply to all conditional use requests for Use Unit 12, Limited Business, in any zoning district.

(C) *Similar Uses Allowed.* When a use is not specifically listed as a permitted use in Use Unit 12 (Limited Business), the use may be permitted if it is determined by the Zoning and Development Administrator that the use is similar to other uses listed. In determining "**similarity,**" the Zoning and Development Administrator shall make all of the following findings:

(1) The proposed use meets the purpose of this section and the goals and policies of the Comprehensive Land Use Plan.

(2) The proposed use shall not adversely impact the public health, safety and general welfare of the neighboring residents;

(3) The proposed use shall be similar to the uses listed above considering use intensity and characteristics.

(D) *Conditions for Approval.* The uses listed may be allowed as a permitted use and shall meet the following conditions:

(1) The proposed use shall not adversely affect local traffic conditions on the adjoining streets.

(2) New structures located within a residential zoning district shall incorporate design elements similar to and compatible with those found within the neighborhood, including materials, roof pitch, scale, etc.

(3) New parking areas or lots, utility equipment and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements shall be accomplished with plantings, walls, architectural elements, and/or fencing.

(4) One wall sign shall be allowed with a maximum area of eight square feet. The color of the sign shall be compatible with the colors of the structure, and only indirect external lighting is permitted.

(5) Hours of operation shall be limited to Sunday through Thursday, 6am to 9pm, and Friday and Saturday, 6am to 11pm, unless otherwise further determined by the Planning Commission.

(6) All new or enlarged structures shall comply with the zoning requirements of the underlying district.

(E) *Design Review.* The applicant shall submit the following information to the Planning Division for review, where applicable:

(1) A site plan drawn to scale showing location of parking, building footprint, and all other improvements.

(2) Color elevation drawings of all sides of the structure, indicating the type of materials to be used on the exterior of the building, and proposed sign.

(3) Landscape plan showing the location of all proposed landscaping, size and species of plant material.

(4) Abbreviated tree preservation plan.

Ord. Section 14, Exhibit "E" (Add non-residential design standards that must be followed to obtain administrative approval in the new zones)

CHAPTER 166: DEVELOPMENT

166.24 Nonresidential Design Standards

(A) *Purpose*. It is the intent of these standards to provide the methods and means by which designers and developers may achieve the City's adopted goals to produce quality development and to manage growth within the City of Fayetteville. These regulations complement the City's **urban zoning districts** with site and architectural design regulations to produce a visually interesting and high quality development that responds to the needs of pedestrians, cyclists and vehicular traffic.

(B) *Applicability*. These design standards shall be required to be met for properties that lie within urban zoning districts offering administrative approval. In addition to the City's **Commercial Design and Development** Standards, the standards apply when either new development occurs or expansion of 25% or more of the existing nonresidential building square footage occurs. All sides of a building that are visible from the public right-of-way shall be subject to design review.

(C) *General intent*. The following shall apply to all developments:

(1) Developments with multiple buildings should be arranged to enclose and define space in the public realm (see Image 1).

Image 1: Development form

Figure 1: Encouraged compact and connected development form with buildings arranged to define the street and enclose internal parking lots.

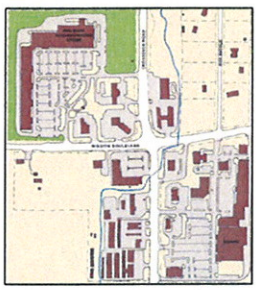


Figure 2: Discouraged sprawling, disconnected development form with parking surrounding the building.

(2) Multiple buildings located on the same lot should be articulated distinctly and separately so as to not provide an identical building on the same lot.

(3) New construction should show respect for horizontal articulation established by existing buildings within the immediate area.

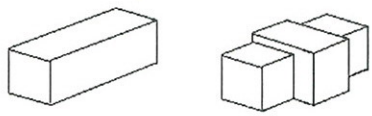
(4) Application of building material and façade articulation of the building wall should encourage design, reinforce rhythm, increase visual impact, and create pedestrian interest.

(D) *Building mass, scale, and articulation*. The following regulations shall apply to break down the mass of large structures:

(1) Structures shall not exceed 200 feet in length adjacent to the street, within a build-to-zone.

(2) The mass of a building exceeding 100 feet in length shall be delineated into segments nor more than 40-foot-wide utilizing changes in height and depth of the wall plane of no less than 24 inches.

Image 2: Treatment of building mass



Single mass not permitted Delineate building mass

(3) No less than 70% of the building length shall be broken into a minimum of two (2) horizontal shifts in material, texture, and/or wall plane to provide distinction between segments (see Image 3).

(a) The middle segment shall be of greater height than the bottom and top segments.

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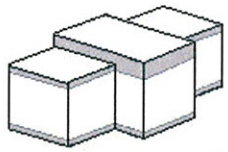

Image 3: Divide buildings into segments

(4) Buildings shall be constructed with high quality building materials. The following materials shall be prohibited:

(a) untreated Concrete Masonry Unit (CMU)

(b) wood fiber board

(c) unfinished pressure treated wood

(d) Exterior Insulation Finish System (EIFS)

(e) vinyl Siding

(f) reflective glass

(5) Building façades located within a build-to zone shall incorporate the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically at intervals not less than 10 feet and not more than 40 feet; and

(b) Changes in color, texture, and material, either horizontally or vertically, at intervals of not less than 10 feet and not more than 40 feet.

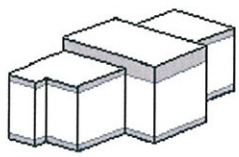

Image 4: Shifts in wall plane depth

(6) Building façades located outside of the build-to zone and that are visible from a public right-of-way shall consist of the following:

(a) Changes in plane with a depth of at least 24 inches, either horizontally or vertically; and

(b) Changes in color, texture, and material, either horizontally or vertically.

(7) *Fenestration.* Fenestration patterns should encourage design, reinforce rhythm, and create shadows. The following shall be met to satisfy the fenestration requirements for a principal façade:

(a) Entryways. A primary entrance for buildings located in a build-to zone shall face the public street. When a structure is not in a build-to zone, the primary entrance shall be well-defined from access drives, sidewalks, and/or major parking areas.

(i) Multiple entryways are encouraged for all structures; however, a building entrance shall occur at a minimum of every 100 feet of building façade length that is within the build-to zone.

(ii) Each primary entrance shall be made visible and prominent by using special architectural treatment that signifies the entrances, such as large entry doors, porches, or protruding or recessed entrances.

(b) Glazing. In order to create a proportion of solids to voids and pedestrian interest the following standards shall apply:

(i) A building façade located within the build-to zone shall be glazed no less than 50% of the first or ground floor at the pedestrian level between 2 and 12 feet above the sidewalk.

(ii) A building façade located outside of a build-to zone shall be glazed no less than 30% of the first or ground floor at the pedestrian level between 2 and 12 feet above the Finished Floor Elevation (FFE).

(iii) Glazing above the first story shall not exceed 80% of the total building wall area.

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(E) *Pedestrian oriented elements.* Developments that are subject to these standards shall meet and should exceed the basic needs of pedestrian accessibility and contribute to a unique sense of place and community. The following requirements are intended to define and articulate space at the street level in order to encourage the use and function for active and/or passive social interaction.

(1) Buildings exceeding 50 feet in length or width within the build-to zone shall incorporate spatially defining building elements and/or landscaping at a minimum separation of 100 feet of façade length in order to create accessible public open space, such as a courtyard, garden, patio, etc.

(2) Each public space shall include seating opportunities, such as table and chairs or benches, and a combination of at least of three (3) of the following elements:

(a) planters;

(b) a planting bed;

(c) public art;

(d) a water feature;

(e) a shift in pavement material between the public right-of-way and the structure;

(f) a covered area, such as a canopy, awning, arcade, or portico spanning the width of the building; or

(g) other elements approved by the Zoning and Development Administrator that are not included in other sections of the design standards and meet the intent of this requirement.

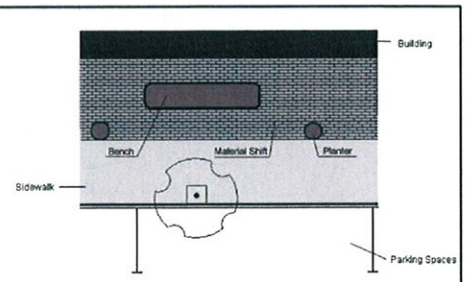

Image 5: Pedestrian Oriented Elements

(F) *Variances.* An applicant may request approval from the Planning Commission of a variance from the minimum requirements where unique circumstances existing and the effect will not adversely impact adjoining or neighboring properties. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

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Ord. Section 15 Exhibit "F" (Add tree preservation canopy requirements for new districts, add PZD requirements as currently enforced)

CHAPTER 167: TREE PRESERVATION AND PROTECTION

167.04 Tree Preservation And Protection During Development

Table 1
Minimum Canopy Requirements

ZONING DESIGNATIONS	PERCENT MINIMUM CANOPY
R-A, Residential - Agricultural (nonagricultural uses)	25%
RSF-.5, Single-family Residential – One Half Unit per Acre	25%
RSF-1, Single-family Residential – One Unit per Acre	25%
RSF-2, Single-family Residential – Two Units per Acre	20%
RSF-4, Single-family Residential – Four Units per Acre	25%
RSF-7, Single-family Residential – Seven Units per Acre	20%
RSF-8, Single-family Residential – Eight Units per Acre	20 %
R-O, Residential –Office	20%
RT-12, Two and Three-family Residential	20%
RMF-6, Multi-family Residential – Six Units per Acre	20%
RMF-12, Multi-family Residential – Twelve Units per Acre	20%
RMF-18, Multi-family Residential – Eighteen Units per Acre	20%
RMF-24, Multi-family Residential – Twenty-Four Units per Acre	20%
RMF-40,Multi-family Residential – Forty Units per Acre	20%
NS, Neighborhood Services	20%
C-1, Neighborhood Commercial	20%
CS, Community Services	20%
C-2, Thoroughfare Commercial	15%
UT, Urban Thoroughfare	15%
C-3, Central Business Commercial	15%
DC, Downtown Core	10%
MSC, Main Street Center	10%
DG, Downtown General	10%
NC, Neighborhood Conservation	20%
I-1, Heavy Commercial and Light Industrial	15%
I-2, General Industrial	15%
P-1, Institutional	25%
PZD, Planned Zoning District (HHOD)	25% (30%)

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

Ord. Section 16 (Add language that permits a reduced greenspace along the street for urban zoning districts and projects)

CHAPTER 177: LANDSCAPE REGULATIONS

177.04 Site Development And Parking Lot Landscape Standards

(D) *Perimeter landscaping requirement.* Proposed development shall be landscaped meeting the following requirements:

(2) Property lines adjoining street right-of-way.

(a) *Landscape area required.*

(b) *Design Overlay District.*

(c) Urban Zoning Districts. Zoning districts that prescribe urban building form (e.g., a build-to zone) permitting front setbacks of less than 15 feet may be permitted to reduce the greenspace to 10 feet parallel to the Master Street Plan right-of-way line. Any development providing less than 10 feet of greenspace shall utilize the street tree planting plan for urban streetscapes.

(d) *Residential zones….*

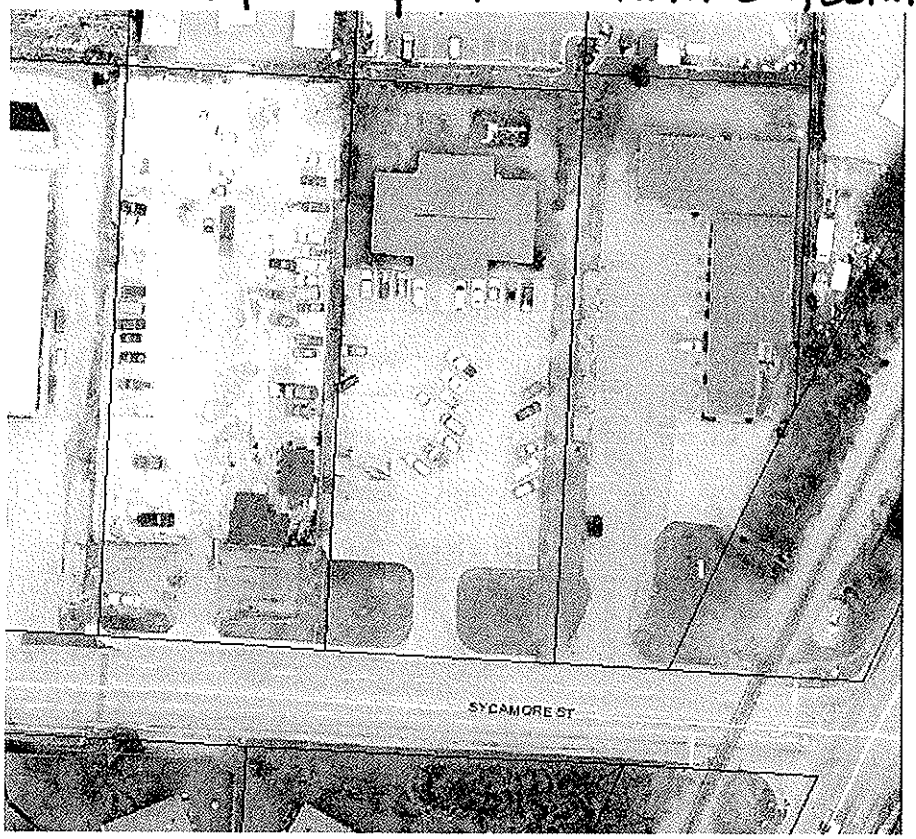
(e) *Nonresidential zones. ….*

(f) *Shade….*

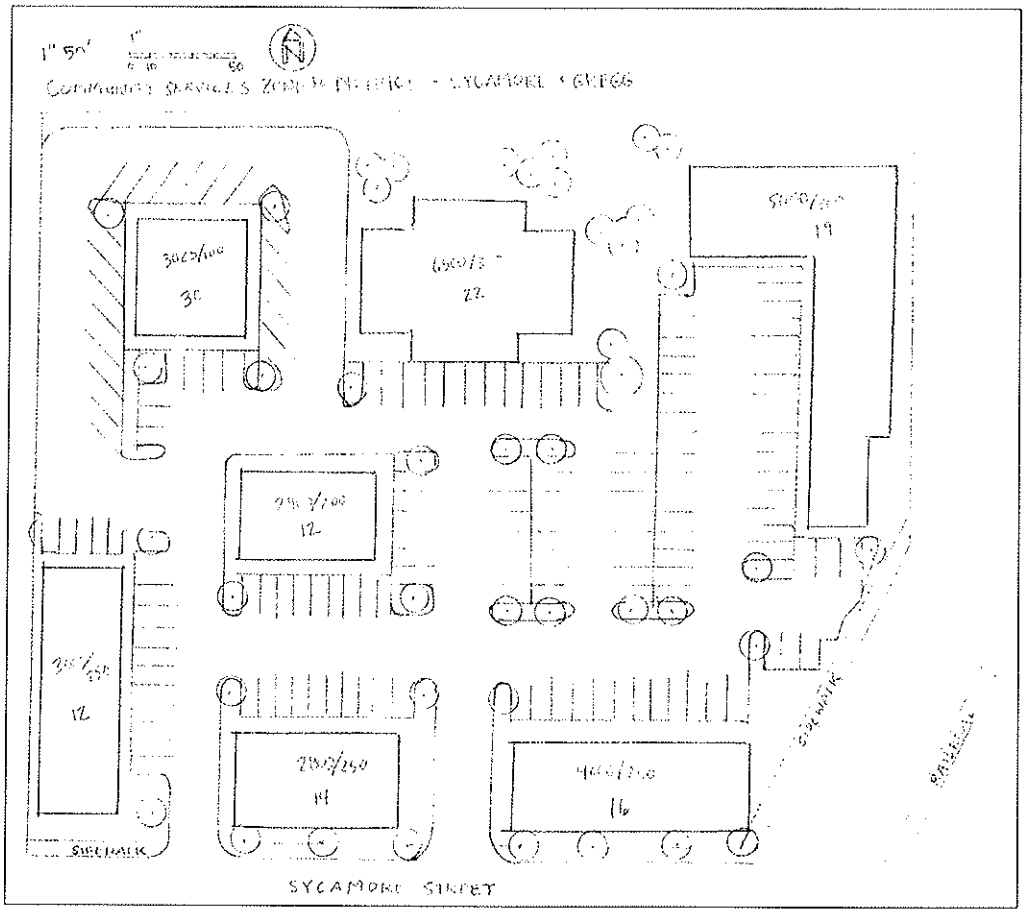
(g) *Screening…..*

(h) *Perimeter planting location…..*

☆ Example of redevelopment potential with CS, Community Services



Before



After

Example site plan for a gas station in an urban zoning district

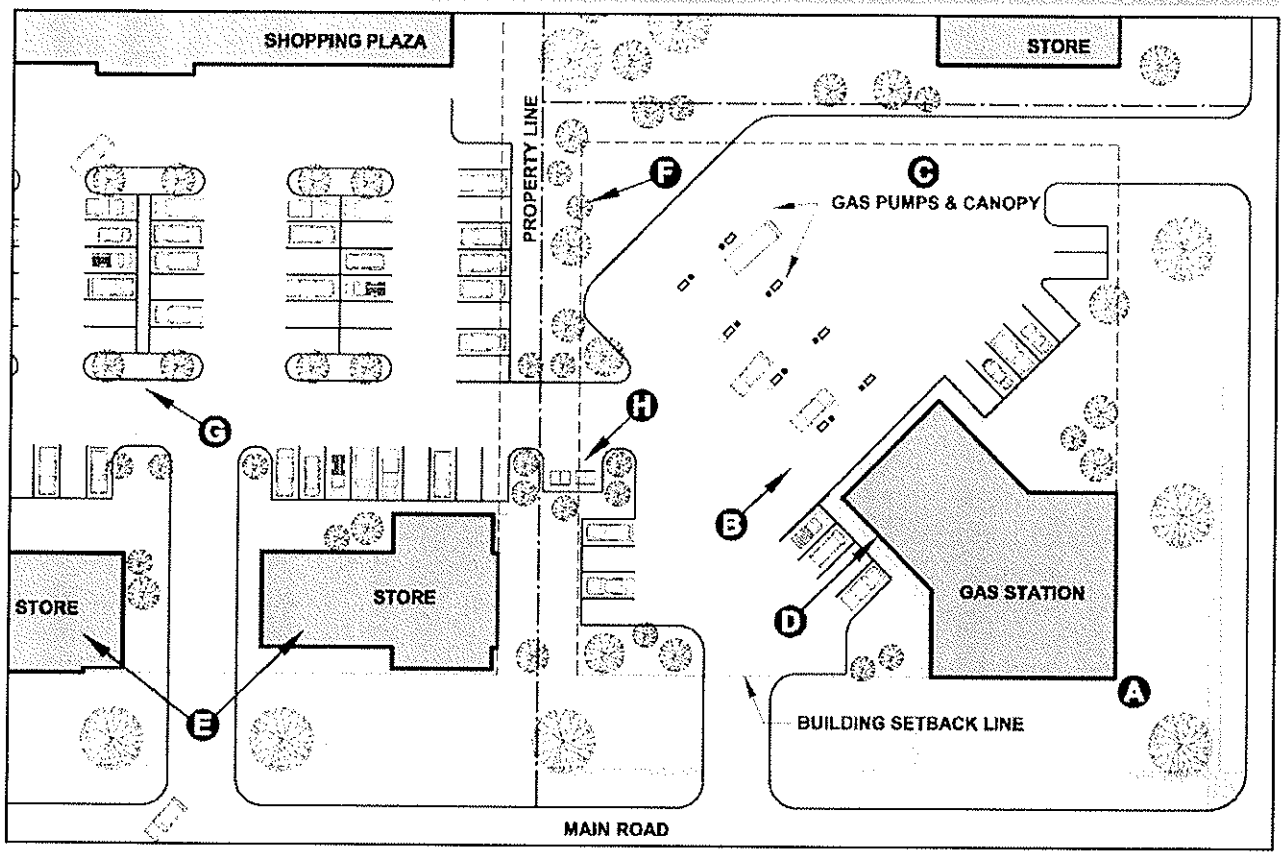


Figure 2: Redefining The Edges. Corner lots are especially important in defining the street. Special attention should be paid to bringing the building mass all the way out to meet the corner. Large shopping plazas should also attempt to infill the front of their lots with new commercial space to take advantage of the road frontage.

1.12 Corner lots should try to place as much building mass near the intersection as possible to help anchor the lot and take advantage of the high visibility. **(A)**

1.13 Gas station canopies should be designed as an integral part of the station architecture whenever possible. This can allow for a visual or even physical connection which provides shelter between the vehicle and the building. **(B)** See Appendix 'A' for examples.

1.14 Alternative gas station layouts include placing the pumps near the rear of the lot while having the convenience store out in front near the street. **(C)** This helps to highlight the building, shield the utilitarian pump canopy and pulls the curb-cuts away from the intersection, creating easier access.

1.15 When it is not feasible to place the building entry directly on the front façade, attempts should be made to ensure that it is still readily visible and faces the main road or internal street. **(D)**

1.16 Older shopping plazas set back far from the street can benefit from developing the land at the front of their lot. This helps to define the street character and allows for more "one-stop" shopping and shared parking opportunities. **(E)**

1.17 Provide trees and other landscape screening to shield large parking areas from adjacent lots. **(F)**

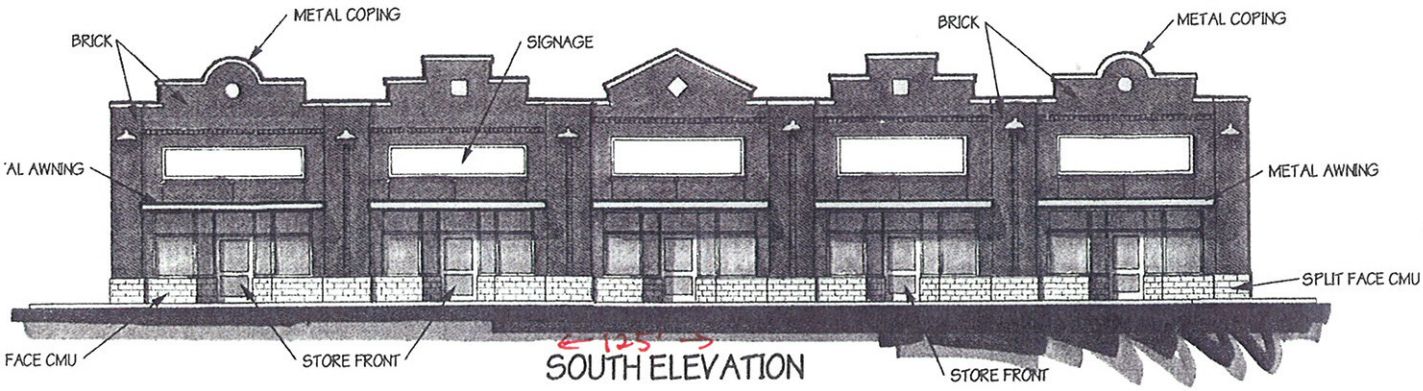
1.18 Large parking lots are encouraged to provide landscaped islands and walkways which help to break up the visual expanse of blacktop and encourage safe pedestrian travel areas. **(G)**

1.19 Some developments may benefit from having a shared access to a common dumpster location which both neighboring properties can use. **(H)**

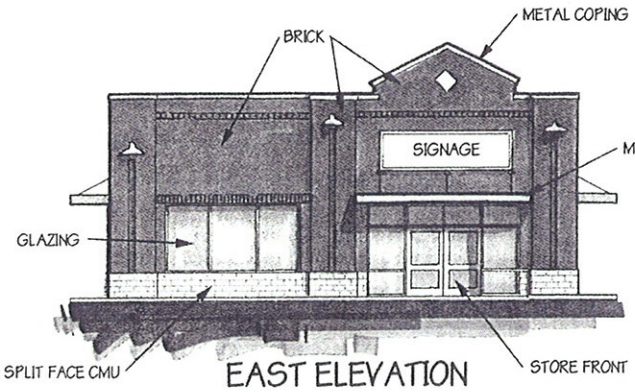
1.20 All public access ways on the site should comply with the *Americans With Disabilities Act*. Visit their Web page www.usdoj.gov/crt/ada/adahom1.htm for more information.

* Town of Bennington, VT

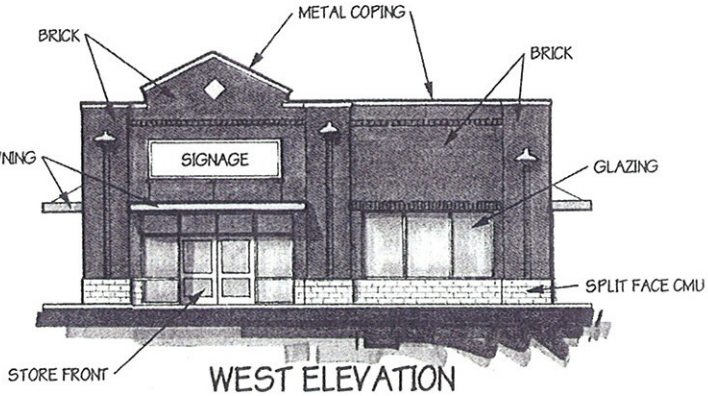
Example of glass percentages



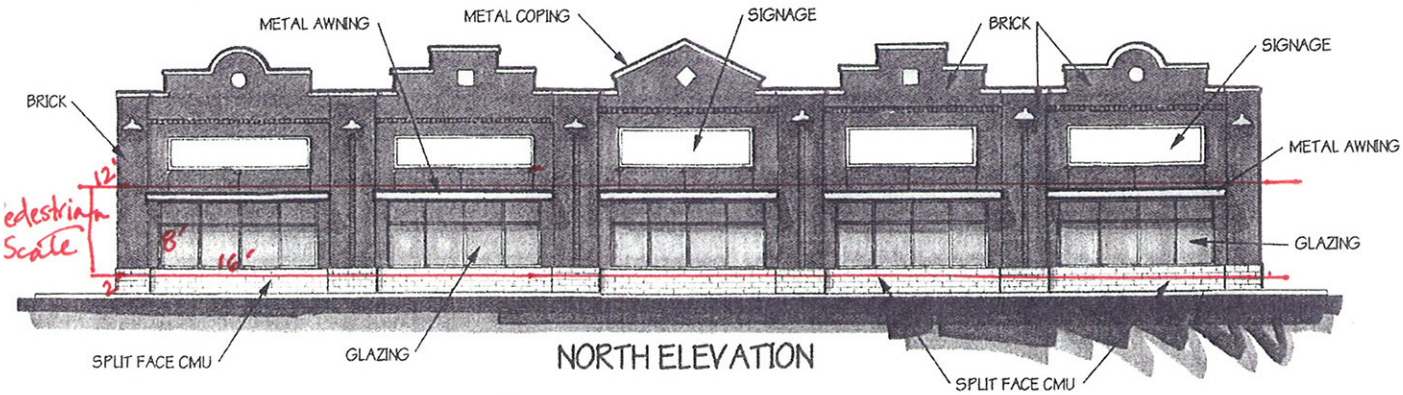
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

(8'x16')5 = 640 s.f. / 1,250 s.f. = 51% glazing

FARMERS MARKET – william kim fugitt, aia

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Kevin Springer	Budget & Research	Finance & Internal Services
Submitted By	**Division**	**Department**

Action Required:

Approve a resolution adopting the Proposed 2010-2014 Five Year Capital Improvements Plan.

N/A	$ -	
Cost of this request	Category / Project Budget	Program Category / Project Name
	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Paul A. Becker	4-7-2010	Previous Ordinance or Resolution #
Department Director	Date	
		Original Contract Date:
	4-7-10	Original Contract Number:
City Attorney	Date	
Paul A. Becker	4-7-2010	Received in City Clerk's Office
Finance and Internal Services Director	Date	
	4-7-2010	
Chief of Staff	Date	Received in Mayor's Office
	4/7/10	
Mayor	Date	

Comments:

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THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director PAB
Kevin Springer, Budget Director

DATE: April 1, 2010

SUBJECT: **Proposed 2010-2014 Five Year Capital Improvements Program**

Recommendation:
Consider the Proposed 2010-2014 Five Year Capital Improvements Plan for adoption at the April 20, 2010 City Council meeting.

Discussion:
The Proposed 2010-2014 Five Year Capital Improvements Plan will be distributed to City Council on April 9, 2010.

It is anticipated that a special City Council working session will be scheduled for consideration of the 2010-2014 Five Year Capital Program at the April 13, 2010 agenda session.

If you have any questions concerning the Proposed 2010-2014 Five Year Capital Improvements Plan, please feel free to contact either Paul A. Becker at 575-8330 or Kevin Springer at 575-8226. Thank you for your attention to this matter.

RESOLUTION NO. _____

A RESOLUTION ADOPTING THE 2010-2014 FIVE YEAR CAPITAL IMPROVEMENT PLAN

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2010-2014 Five Year Capital Improvement Plan, a copy of which is attached to this Resolution and incorporated herein as if set out word for word.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 10-3529 (UDC Amendment: Tandem Lot): An ordinance amending Chapters 151 and 163 of the Unified Development Code in order to clarify and update tandem lot development requirements with current public service requirements and development patterns.

	n/a	
Cost of this request	Category / Project Budget	Program Category / Project Name
	n/a	
Account Number	Funds Used to Date	Program / Project Category Name
	n/a	
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 04.01.2010

City Attorney — Date: 4-2-10

Chief of Staff — Date: 4-2-2010

Mayor — Date: 4-5-2010 4/6/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 4-1-10

Received in Mayor's Office — ENTERED 4/2/10

Comments:

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www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services

From: Andrew Garner, Senior Planner

Date: April 1, 2010

Subject: ADM 10-3529 Tandem Lot Development UDC Change

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance amending the Tandem Lot definition and development requirements in the Unified Development Code (ADM 10-3529).

BACKGROUND

In an effort to update the UDC staff has identified specific sections of the tandem lot development requirements that are outdated and not applicable to current public service requirements and development patterns, and do not reflect the existing practices for these types of development requests. Staff proposes to amend two chapters of the UDC to clarify the definition and development requirements for tandem lots.

DISCUSSION

On March 22, 2010 the Planning Commission unanimously forwarded this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151: DEFINITIONS AND 163.12: TANDEM LOT DEVELOPMENT IN ORDER TO CLARIFY AND UPDATE TANDEM LOT DEVELOPMENT REQUIREMENTS WITH CURRENT PUBLIC SERVICE REQUIREMENTS AND DEVELOPMENT PATTERNS.

WHEREAS, the City of Fayetteville definition of tandem lot development does not clarify between a lot width variance and a tandem lot conditional use permit; and

WHEREAS, the City of Fayetteville tandem lot development requirements are not consistent with current specifications for residential access, solid waste and emergency response service; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code needs to be revised to permit accessory dwellings on tandem lots and clarify the findings and requirements for tandem lot development to be consistent with the current requirements for solid waste service and emergency response.

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 §151.01 Definitions of the Unified Development Code by repealing and replacing the definition of Tandem lot as follows:

Tandem lot. (Zoning) A lot which has less than 50% of the required frontage on a public street and which is located behind a lot or a portion of a lot which does have the required frontage.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §163.12 Tandem Lot Development of the Unified Development Code and enacts a replacement §163.12 as shown in Exhibit "A" attached hereto.

PASSED and **APPROVED** this the ____ day of ____, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

EXHIBIT A

ADM 10-3529 UDC Ch. 163.12 Tandem Lot

163.12 Tandem Lot Development

(A) *Where allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be a conditional use in all districts where single-family dwellings are permitted. The development of one tandem lot behind another tandem lot shall be prohibited.

(B) *Findings.* Before any conditional use for tandem lot development shall be granted, the Planning Commission shall make the following findings:

(1) Tandem lot development will not be inconsistent with the size and development pattern in comparison with other lots in the neighborhood and the underlying zoning district.

(2) The configuration of the property, existing surrounding development, and/or terrain of the area in which the tandem lot is proposed is such that subdivision of said area into a standard block in accordance with Development, Chapter 166 is not feasible.

(C) *Requirements.* Development of a tandem lot shall be subject to the following requirements:

(1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.

(2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.

(3) The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Fayetteville Board of Adjustment.

(4) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20 (B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than 12 hours before or after regular trash pickup in accordance with Chapter 50.20 (B)

(5) *Setback.* Each tandem lot shall have a minimum building setback requirement of 15 feet from all property lines unless a variance is granted by the Fayetteville Board of Adjustment.

Fayetteville
ARKANSAS

PC Meeting of March 22, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~March 16, 2010~~ *Updated March 23, 2010*

ADM 10-3529: Administrative Item (UDC Amendment; Ch. 163.12 TANDEM LOT DEVELOPMENT): Submitted by CITY PLANNING STAFF for revisions to Fayetteville Unified Development Code Section 163.12, Tandem Lot Development. The proposed code changes clarify and update tandem lot development requirements with current public service requirements and development patterns. Planner: Andrew Garner

BACKGROUND

The Fayetteville Unified Development Code (UDC) chapter 151 defines a tandem lot as, *"A lot which does not have required frontage on a public street and which is located behind a lot or a portion of a lot which does have frontage on a public street."*, and chapter 163.12 lists the requirements for tandem lot development.

In an effort to update the UDC staff has identified specific sections of the tandem lot development requirements that are outdated and not applicable to current public service requirements and development patterns and do not reflect the existing practices for these types of development requests.

PROPOSAL

The proposal before you is to amend two chapters of the UDC regarding to clarify the definition and development requirements for tandem lots. These changes are summarized below and attached in full to this staff report:

	UDC Chapter	Proposed Changes
(1)	Ch.151 Definitions	Revised the definition to clarify the difference between a lot width variance that is heard by the Board of Adjustment, and a tandem lot request that is heard as a conditional use permit by the Planning Commission.
(2)	Ch.163.12 Tandem Lot Development	Revised and updated the findings and requirements for tandem lot development to be consistent with current public service requirements provided by the City including solid waste and emergency response.

The ordinance amendments are highlighted and attached to the staff report.

RECOMMENDATION

Staff finds that in order to clarify the difference between a tandem lot and a lot width variance request, and to be consistent with current specifications for residential access, solid waste and emergency response service, the UDC needs to be revised as described in this staff report. Staff has not recommended any changes to the basic requirement that tandem lot development be allowed only as a conditional use permit for single family residences.

Staff recommends forwarding **ADM 10-3529** to the City Council with a recommendation for approval.

Planning Commission Action: X **Forwarded** ☐ **Denied** ☐ **Tabled**
Motion: Zant
Second: Cabe
Vote: 7-0-0
Meeting Date: March 22, 2010
Comments: _____

Chapter 151 Definitions

T

Tandem lot. (Zoning) A lot which has less than 50% of the ~~does not have~~ required frontage on a public street and which is located behind a lot or a portion of a lot which does have the required frontage on a public street.

163.12 Tandem Lot Development

(A) *Where allowed.* Tandem lot development shall be permitted for a single-family dwelling~~s~~ and customary accessory structure and/or dwelling unit only and shall be a conditional use in all districts where single-family dwellings are permitted. The development of one tandem lot behind another tandem lot shall be prohibited.

(B) ~~*Requirements*~~ *Findings.* Before any conditional use for tandem lot development shall be granted, the Planning Commission shall ~~determine that~~ make the following findings:

(1) Tandem lot development will not ~~significantly reduce property values~~ be inconsistent with the size and development pattern in comparison with other lots in the neighborhood and the underlying zoning district. ~~In determining whether property values will be significantly reduced, the Planning Commission shall consider the size of nearby lots in comparison with the proposed tandem lot or lots.~~

(2) The configuration of the property, existing surrounding development, and/or terrain of the area in which the tandem lot is proposed is such that subdivision of said area into a standard block in accordance with Development, Chapter 166 is not feasible.

(C) *Requirements.* Development of a tandem lot shall be subject to the following requirements:

~~(3)~~ (1)The tandem lot ~~will~~ shall have access to a public street by way of a private drive with a minimum width ~~of 25 feet of equal and uniform width~~ and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said ~~25 foot~~ private drive so that ~~sanitation and~~ emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of ~~25~~ 18 feet from said ~~intersection~~ right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.

~~(4)~~ (2)The ~~safety zone distance~~ between the private drive of a tandem lot and any adjacent driveway ~~will~~ shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards. ~~the standards for street design of Development, Chapter 166, for streets having a use designation higher than collector, the standards for collector streets shall apply.~~

~~(5)~~(3)The tandem lot, excluding the ~~25 foot~~ private drive, ~~will~~ shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Fayetteville Board of Adjustment. ~~Lot area calculations to determine whether a tandem lot meets minimum lot area requirements shall not include any portion of the lot having less than the required minimum width. No structure shall be placed on any portion of a tandem lot having less than the required minimum width.~~

~~(6)~~ (4)Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20 (B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City

Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than 12 hours before or after regular trash pickup in accordance with Chapter 50.20 (B)

~~(C)~~ (5) *Setback.* Each tandem lot shall have a minimum building setback requirement of ~~20~~ 15 feet from all property lines ~~and 25 feet from all street right of way lines~~ unless a variance is granted by the Fayetteville Board of Adjustment.

~~(D) *Vehicle/private drive.* No vehicles shall be parked at any time on that portion of a tandem lot utilized as a private drive or on the vehicular turnaround required by subsection (E) below. The dwelling structure on a tandem lot shall not be located more than 200 feet from the end of the private drive nearest the structure.~~

~~(E) *Certificate of occupancy.* Before a certificate of occupancy is issued for a dwelling located on a tandem lot, the property owner shall:~~

~~(1) Construct a 30 foot by 40 foot hard surface vehicular turnaround equivalent to SB-2 base or better at the end of the private drive and shall execute a written agreement granting the city permission to enter upon the private drive and turn around with sanitation vehicles; or~~

~~(2) Shall construct a masonry garbage can holder, with screening, for each garbage can to be used, which garbage can holder shall be constructed alongside the street onto which the private drive leads.~~

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/2010
City Council Meeting Date
Agenda Items Only

Andrew Garner	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 10-3544: Sunbridge Villas R-PZD Amendment No. 1: Submitted by Bates and Associates for property located north of Sunbridge Drive and west of Villas Boulevard. The request is to approve an ordinance amending the approved R-PZD 06-2213 Sunbridge Villas, to revise the previously approved zoning criteria to permit lots 1 and 50 in Planning Area 2 to be subdivided and developed for single family residences.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director	03.24.2010 Date	Previous Ordinance or Resolution #
City Attorney	4-1-10 Date	Original Contract Date:
Finance and Internal Services Director	4-1-2010 Date	Original Contract Number:
Chief of Staff	4/5/10 Date	Received in City Clerk's Office ENTERED 4-1-10
Mayor	4/6/10 Date	Received in Mayor's Office ENTERED 4/1/10

Comments:

Fayetteville
ARKANSAS
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THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services

From: Andrew Garner, Senior Planner

Date: March 23, 2010

Subject: ADM 10-3544 Sunbridge Villas R-PZD Modification No. 1

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance amending the Residential Planned Zoning District for Sunbridge Villas (R-PZD 06-2213) to revise the zoning criteria to permits lots 1 and 50 to be subdivided and developed for single family residences.

BACKGROUND

The subject property is located northwest of Sunbridge Drive and Villa Boulevard. The Sunbridge Villas R-PZD was approved by the City Council on December 5, 2006. The project contains a mix of single, two- and four-family residential dwellings totalling 169 units on approximately 21 acres. One of the property owners in this neighborhood desires to develop lots 1 and 50 with single family as opposed to two-family dwellings. The applicant proposes to change the Sunbridge Villas R-PZD plats and zoning criteria for PA-2, Two-Family Dwelling, to permit lots 1 and 50 to be subdivided and developed with single-family dwellings. The changes to the PZD plats and zoning criteria are as follows:

- The name of PA-2 has changed from "Two Family Dwellings" to "Single and Two Family Dwellings".
- The permitted uses for PA-2 have included Use Unit 8, Single Family Dwellings.
- The lot area, lot width, and land area per dwelling have been revised to allow lots to be subdivided for single family development.
- The PZD plats have been revised to show the proposed new lot lines in PA-2 (lots 1 and 50) for single family development.

DISCUSSION

On March 22, 2010 the Planning Commission unanimously forwarded this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 06-2213 SUNBRIDGE VILLAS TO ALLOW MODIFICATION TO THE APPROVED ZONING CRITERIA PZD PLATS FOR PLANNING AREA TWO, AS DESCRIBED HEREIN.

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

Section 1. That the zoning criteria booklet and plats for R-PZD 06-2213 Sunbridge Villas are hereby amended to reflect modified zoning criteria and plats as a shown on Exhibit "A".

Section 2. That this ordinance shall take effect and be in full force at such time as all of the requirements of the Planned Zoning District have been met.

Section 3. That the Planned Zoning District ordinance and official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and **APPROVED** this day of , 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH,** City Clerk/Treasurer

EXHIBIT "A"
Page 1 of 2

F. Proposed Zoning and Development Standards for:

PLANNING AREA 2 (PA-2) SINGLE AND TWO FAMILY DWELLINGS

(A) *PURPOSE:* AREA 2 IS DESIGNED TO ENCOURGAGE SINGLE AND TWO-FAMILY HOMES AT A MEDIUM DENSITY.

(B) *USES:*

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE FAMILY DWELLING
UNIT 9	TWO FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY:* 4 units / 0.88 ac.

UNITS/ACRE	4.54

(D) *BULK AND AREA REGULATIONS:*

LOT AREA MINIMUM	6,000
MIN. LOT WIDTH	16
LAND ARA PER DWELING UNIT	6,000

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
15	*5	**15

**10' side setback where existing or proposed utilities are located*
***Rear setback varies due to existing utility easement*

(F) *HEIGHT REGULATIONS:* 30 feet measured from the lowest point of the structure at the historic grade.

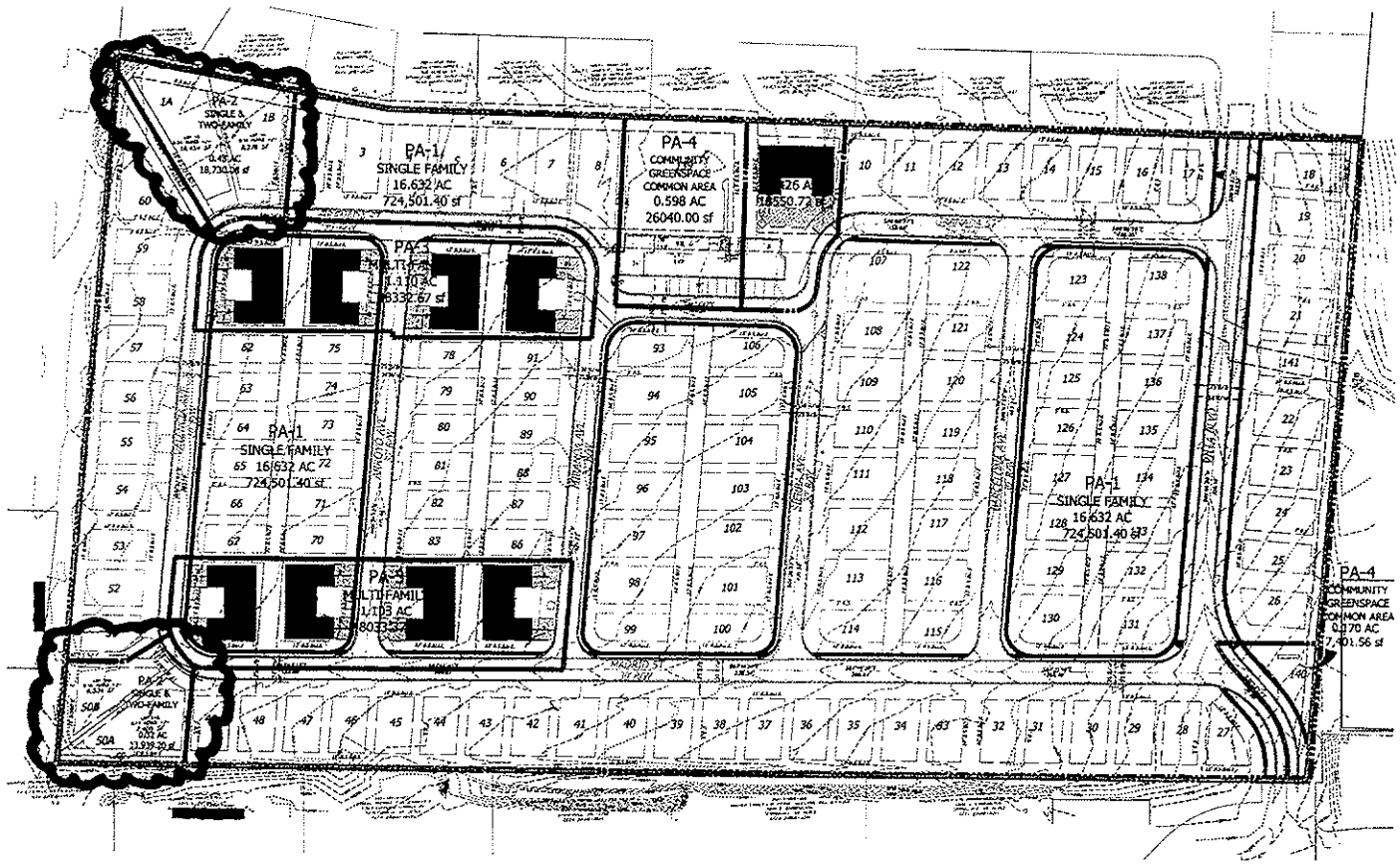
(G) *BUILDING AREA:* THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 65% OF THE TOTAL LOT AREA

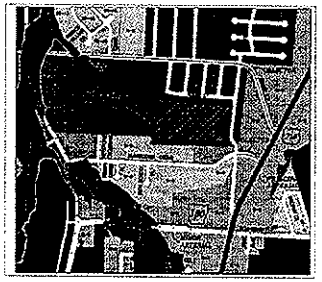
(H) *SITE PLANNING*

1. Landscaping – In accordance with City of Fayetteville Landscape Manual.
2. Parking – In accordance with Section 172 of the UDC.
3. Architectural Design Standards – See building elevations included on Appendix D of the project booklet. Material shall be Brick, Driv-it (Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofs.
4. Signage – In accordance with Section 174 of the UDC.

RESIDENTIAL PLANNED ZONING DISTRICT
SUNBRIDGE VILLAS SUBDIVISION

EXHIBIT "A"
Page 2 of 2





VICINITY MAP (N.T.S.)

LAND USE TABLE

PLANNING AREA	SYMBOL	LAND USE	DENSITY/INTENSITY	UNITS	ACRES	%
1	PA -1	SINGLE-FAMILY	7.76	129	16.630	79.69
2	PA -2	SINGLE & TWO-FAMILY	6.54	6	0.880	4.21
3	PA -3	MULTI FAMILY	13.66	36	2.640	12.62
4	PA -4	GREEN SPACE	CLUBHOUSE	1	0.770	3.68
TOTAL			8.57	169	20.920	100.00

NORTH
0 60 120
GRAPHIC SCALE IN FEET

R-PZD 06-2213

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9810
GEOFFREY H. BATES
CERTIFICATE OF AUTHORITY
BATES & ASSOCIATES, INC.
A.U.D.

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REVISIONS

RPZD
SUNBRIDGE VILLAS SUBDIVISION
MASTER DEVELOPMENT PLAN
FAYETTEVILLE, ARKANSAS

Bates & Associates, Inc.
www.batesinc.com Civil Engineering & Surveying
19 W. Colt Square Dr. Suite 2
Fayetteville, Arkansas 72703
Phone: 479.443.5338 Fax: 479.521.5300

PROJECT NO 10-041

DRAWING NO 3

Fayetteville
ARKANSAS

PC Meeting of March 22, 2010

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Planning Commission Members
FROM:	Andrew Garner, Senior Planner
THRU:	Jeremy Pate, Development Services Director
DATE:	~~March 15, 2010~~ *Updated March 23, 2010*

ADM 10-3544: Administrative Item (Sunbridge Villas R-PZD Modification No. 1): Submitted by Bates and Associates for the property located NORTH OF SUNBRIDGE DRIVE AND WEST OF VILLA BOULEVARD. The request is to approve an ordinance amending the approved R-PZD 06-2213 Sunbridge Villas to revise the zoning criteria to permit lots 1 and 50 in Planning Area 2 to be subdivided and developed for single family residences: Andrew Garner

BACKGROUND

Property Description and Background: The subject property is located northwest of Sunbridge Drive and Villa Boulevard. The Sunbridge Villas R-PZD was approved by the City Council on December 5, 2006. The project contains a mix of single, two- and four-family residential dwellings totalling 169 units on approximately 21 acres. One of the property owners in this neighborhood desires to develop lots 1 and 50 with single family as opposed to two-family dwellings.

Proposal: The applicant proposes to change the Sunbridge Villas R-PZD plats and zoning criteria for PA-2, Two-Family Dwelling, to permit lots 1 and 50 to be subdivided and developed with single-family dwellings. The changes to the PZD plats and zoning criteria are as follows:

- The name of PA-2 has changed from "Two Family Dwellings" to "Single and Two Family Dwellings".
- The permitted uses for PA-2 have included Use Unit 8, Single Family Dwellings.
- The lot area, lot width, and land area per dwelling have been revised to allow lots to be subdivided for single family development.
- The PZD plats have been revised to show the proposed new lot lines in PA-2 (lots 1 and 50) for single family development.

RECOMMENDATION

The proposed modification to the approved Sunbridge Villas R-PZD zoning criteria and plats do not alter the overall intent of the approved residential PZD. The overall density, development pattern, and character of the neighborhood has not changed, the applicant simply wishes to construct four detached single family residences on lots 1 and 50 as opposed to two two-family residences.

Recommended Motion: Staff recommends forwarding **ADM 10-3544 Sunbridge Villas R-PZD Modification No. 1** to the City Council with the following conditions:

1. All conditions of approval from the previously approved R-PZD 06-2213 Sunbridge Villas shall apply.

2. Lots 1 and 50 are required to go through the Lot Split process prior to their development for single family dwellings. The Lot Split requirements will be reviewed and required to comply with all Fayetteville Unified Development Code requirements.

3. Development on lots 1 and 50 shall be required to share curb cuts beween the two single family homes on each lot due to the small amount of street frontage and tight curb return radaii in the adjacent streets. The shared curb cut and driveway shall be placed in an access easement at the time of lot split.

4. The single family residences on lots 1 and 50 shall be constructed consistent with previously approved architectural elevations for single family homes depicted in the Sunbridge Villas PZD booklet. Architectural elevations showing all four sides of the homes shall be submitted for review at the time of building permit.

Planning Commission Action: **X Forwarded** ☐ **Denied**
Motion: Cabe
Second: Lack
Vote: 7-0-0 (on consent agenda)
Meeting Date: March 22, 2010

Bates & Associates, Inc.
Civil Engineering & Surveying
91 W. Colt Square Dr. Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

February 16, 2010

Andrew Garner
Senior Planner
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Sunbridge Villas RPZD

Dear Mr. Garner,

Sundbridge Investments would like to make the following amendments to the Residential Planned Zoning District for Sunbridge Villas Subdivision:

1. Amend lot 1 and lot 50 to allow single family homes.
2. Split lot 1 to make lot 1A and lot 1B
3. Split lot 50 to make lot 50A and lot 50B
4. Amend the RPZD booklet page four to add single family homes
5. Amend RPZD plan pages to allow single family homes and show the split to lots 1 & 50.

If you have any questions or require additional information, please feel free to call.

Sincerely

Bates & Associates, Inc.

Geoffrey H. Bates, P.E.

RECEIVED
MAR 10 2010
CITY OF FAYETTEVILLE
PLANNING DIVISION

RESIDENTIAL PLANNED ZONING DISTRICT AMENDMENT TO LOT 1 & LOT 50

R-PZD # 06-2213

FOR

SUNBRIDGE VILLAS R-PZD

VILLA DRIVE
FAYETTEVILLE, ARKANSAS
MARCH 8, 2010

Developer:
Sunbridge Investments, LLC
1747 N. College Ave.
Fayetteville, AR 72703

Prepared by:
Bates & Associates, Inc.
91 W Colt Square Dr. Suite 3
Fayetteville, AR 72703
PH: 479-442-9350
FAX: 479-521-9350

F. Proposed Zoning and Development Standards for:

PLANNING AREA 2 (PA-2) SINGLE AND TWO FAMILY DWELLINGS

(A) *PURPOSE:* AREA 2 IS DESIGNED TO ENCOURGAGE SINGLE AND TWO-FAMILY HOMES AT A MEDIUM DENSITY.

(B) *USES:*

Permitted Uses

UNIT 1	CITY WIDE USES BY RIGHT
UNIT 8	SINGLE FAMILY DWELLING
UNIT 9	TWO FAMILY DWELLING

Conditional Uses

UNIT 2	CITY WIDE USES BY CONDITIONAL USE PERMIT
UNIT 24	HOME OCCUPATIONS

(C) *DENSITY:* 4 units / 0.88 ac.

UNITS/ACRE	4.54

(D) *BULK AND AREA REGULATIONS:*

LOT AREA MINIMUM	6,000
MIN. LOT WIDTH	16
LAND ARA PER DWELING UNIT	6,000

(E) *SETBACK REQUIREMENTS*

FRONT	SIDE	REAR
15	*5	**15

**10' side setback where existing or proposed utilities are located*

***Rear setback varies due to existing utility easement*

(F) *HEIGHT REGULATIONS:* 30 feet measured from the lowest point of the structure at the historic grade.

(G) *BUILDING AREA:* THE AREA OCCUPIED BY ALL BUILDINGS SHALL NOT EXCEED 65% OF THE TOTAL LOT AREA

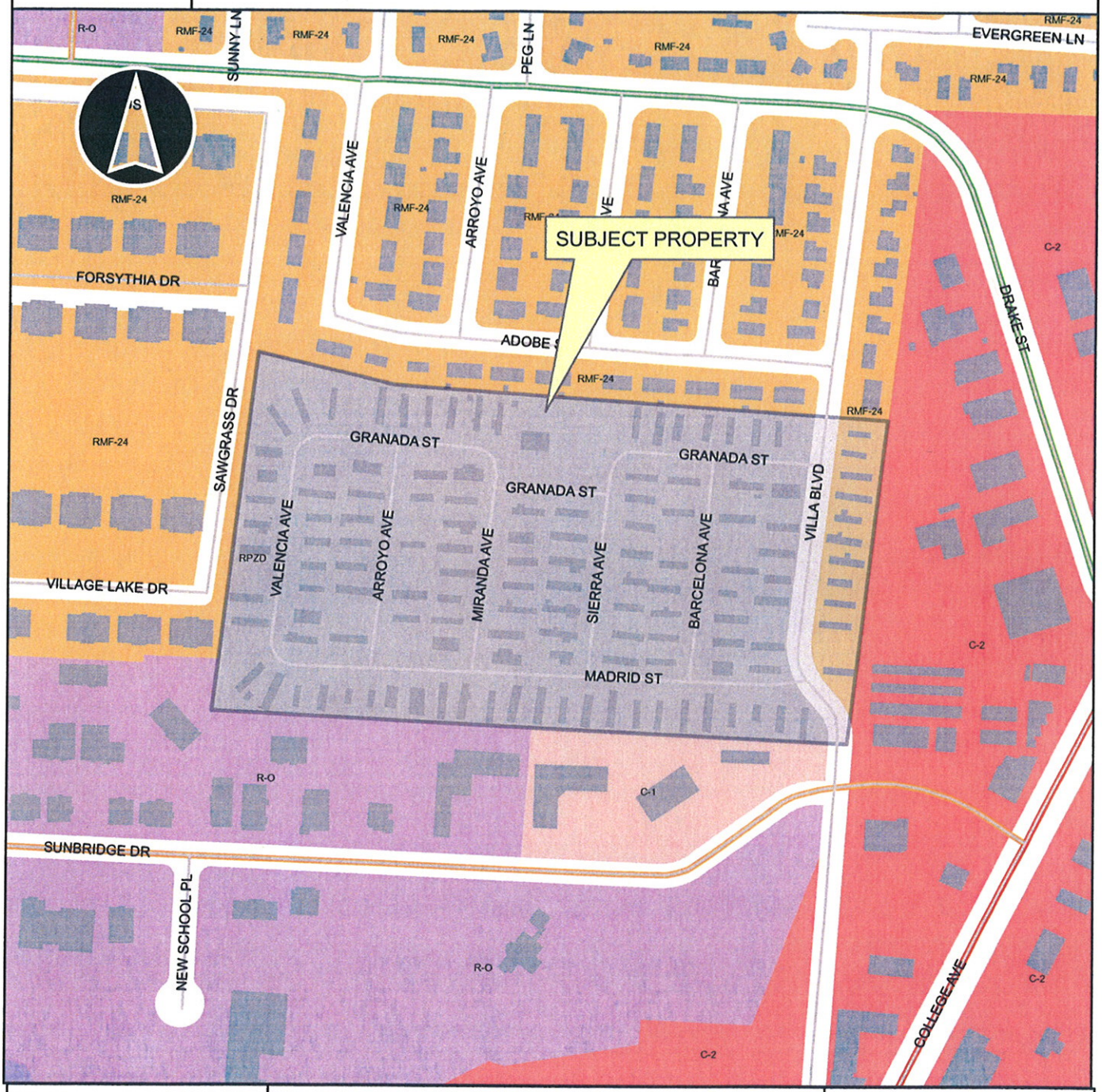
(H) *SITE PLANNING*

1. Landscaping – In accordance with City of Fayetteville Landscape Manual.
2. Parking – In accordance with Section 172 of the UDC.
3. Architectural Design Standards – See building elevations included on Appendix D of the project booklet. Material shall be Brick, Driv-it (Stucco), Hardy Panel, Hardy Board, Cedar shake siding and Asphalt shingle roofs.
4. Signage – In accordance with Section 174 of the UDC.

ADM10-3544

Close Up View

SUNBRIDGE VILLAS MODIFICATION #1



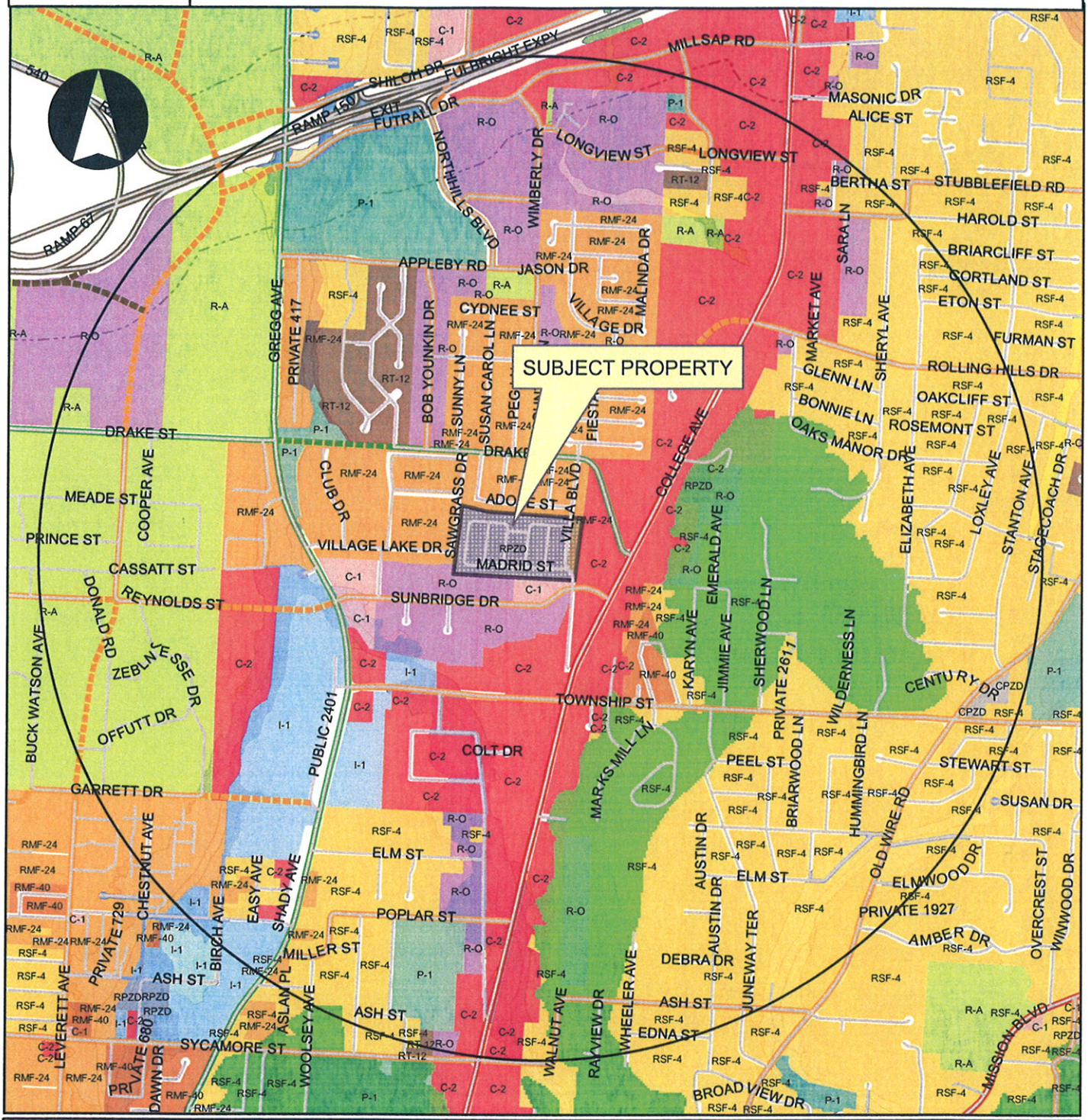
Overview

0 125 250 500 750 1,000 Feet

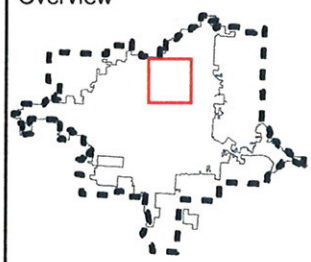
ADM10-3544

One Mile View

SUNBRIDGE VILLAS MODIFICATION #1



Overview



Legend

Subject Property

ADM10-3544

Boundary

0 0.25 0.5 1 Miles

AGENDA REQUEST

FOR: COUNCIL MEETING OF APRIL 20, 2010

FROM:

KIT WILLIAMS, CITY ATTORNEY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Correct And Clarify §113.02 (C)(4) And §113.12 (C)(4) Of The Code Of Fayetteville

APPROVED FOR AGENDA:

City Attorney — March 31, 2010 Date

Development Services Director — 03.31.2010 Date

Chief of Staff — 4-5-2010 Date

Mayor — 4/5/10 Date

ENTERED 3-31-10 Kim S.

ENTERED 4/1/19

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Lioneld Jordan**, Mayor
City Council

CC: **Jeremy Pate**, Development Services Director

FROM: **Kit Williams**, City Attorney

DATE: **March 30, 2010**

RE: **Attorney General Opinion No. 2009-203 on legality of Rock Quarry Operating License Ordinance**

We just discovered that Senator Ruth R. Whitaker of Cedarville requested the Arkansas Attorney General to opine whether the Rock Quarry Ordinance is "enforceable" and whether it "violates the freedom of privacy." Attached is the Arkansas Attorney General's Opinion issued March 16, 2010.

As you can see, **the Attorney General's opinion is that the City's regulations "likely fall within the city's police power and do not conflict with any state statute."** (page 1) What did catch the Arkansas Attorney General's eye (but unfortunately, no one else's until today) was a typo in §113.02 (C)(4) which reads "**contrac**t" when it was supposed to read "**contact**."

> "The rock quarry operator shall maintain an up-to-date and accurate log of the owner and operator of each numbered dump truck and shall immediately supply the owner and operator's name, address and **contract** information to any Fayetteville employee, official or citizen who requests such information." (emphasis added)

During all my meetings with the rock quarry operators and red dirt farms operators, no one brought this typo to my attention. This did not come up and was not specifically discussed during the numerous Ordnance Review Committee meetings and the four City Council meetings during the consideration of the Rock Quarry and Red Dirt Farms Ordinances. I apologize for missing this typo and recommend we amend these ordinance to correct this mistake.

I agree with the Attorney General that our regulations concerning blasting, operation of the rock quarry and items constituting a possible nuisance *per accidens* "fall within the city's police power and do not conflict with any state law." (page 5)

I also agree with the Attorney General that "(i)t is unclear whether the city may use its police power to require the contract between two private businesses to be laid bare before anyone who asks." (page 6) I do not believe that revealing the "**contract**" information was ever intended. Instead, the ordinance was supposed to require revealing the "**contact**" information so that a dump truck owner or operator could be **contacted** about problems or issues (uncovered loads, spilled rock, etc.).

If this typo had been discovered prior to suit, I would have recommended amending the ordinances and code administratively as this is certainly a "scrivener's error" rather than the intended wording needing a correcting amendment. However, at this point I believe I should submit a clarifying ordinance for your consideration. This ordinance would replace "contract" with "contact" which I believe was the City Council's true intent for this regulating ordinance.

I am glad, but not surprised, that the Arkansas Attorney General has agreed that everything (but the typo "contract") within the ordinance appears to be within the City Council's discretionary police power and not in conflict with any state law. Hopefully, the Federal District Court and/or Eighth Circuit Court of Appeals will eventually agree with the Arkansas Attorney General and the City of Fayetteville and uphold the Rock Quarry Operating License Ordinance.

ORDINANCE NO. _____

AN ORDINANCE TO CORRECT AND CLARIFY §113.02 (C)(4) AND §113.12 (C)(4) OF THE CODE OF FAYETTEVILLE

WHEREAS, a typographical mistake was made within a section of both the Rock Quarry Operating License Ordinance {§113.02(C)(4)} and the Red Dirt Mining Facility Operating License Ordinance {§113.12(C)(4)} when what was supposed to read "**contact** information" was inadvertently typed as "**contract** information"; and

WHEREAS, the purpose of this section is clearly expressed as "In order for citizens to easily and correctly **identify** dump trucks and their owner/operators ...." (emphasis added); and

WHEREAS, both sections should be amended to correctly reflect the City Council's intent that only the "contact information" for dump truck drivers should be provided by the quarry or dirt farm operators and not any "contract information."

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 §113.02 (C)(4) by repealing the reference to "contract" information and enacting the City Council's original and true intention by replacing "contract" with "contact" information.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §113.12 (C)(4) by repealing the reference to "contract" information and enacting the City Council's original and true intention by replacing "contract" with "contact" information.

PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Rock Quarry

the Arkansas Department of Environmental Quality can be grounds for a suspension or revocation of the City's Rock Quarry Operating License. (See §133.05)

(2) *Dirt and mud control measures.* The rock quarry operator is required to ensure that any and all vehicles leaving the rock quarry shall have all mud and dirt removed from the tires and exterior parts of the body of the vehicles prior to exiting the site onto public roads.

(3) *Loose rock and gravel.* The rock quarry operator is responsible to ensure that all dump trucks leaving the rock quarry site that may utilize any city street and are carrying more than half a truck load of gravel, rocks or dirt have their load fully and properly covered.

(4) *Dump truck identifying number.* In order for citizens to easily and correctly identify dump trucks and their owner/operators who are servicing the rock quarry, the rock quarry operator shall require any dump truck accessing or servicing his facility to have an easy to read four digit number at least six inches high and twelve inches wide on the tail gate of the dump truck. The rock quarry operator shall maintain an up-to-date and accurate log of the owner and operator of each numbered dump truck and shall immediately supply the owner and operator's name, address and contract information to any Fayetteville employee, official or citizen who requests such information.

Needs to be Amended to "contact"

Red Dirt

load fully and properly covered.

(4) *Dump truck identifying number.* In order for citizens to easily and correctly identify dump trucks and their owner/operators who are servicing the red dirt mining facility, the red dirt mining operator shall require any dump truck accessing or servicing his facility to have an easy to read four digit number at least six inches high and twelve inches wide on the tail gate of the dump truck. The red dirt mining operator shall maintain an up-to-date and accurate log of the owner and operator of each numbered dump truck and shall immediately supply the owner and operator's name, address and contract information to any Fayetteville employee, official or citizen who requests such information.

Needs to be Amended to Contact

(5) *Only dump trucks with proper identifying number may be loaded.* The red dirt mining operator shall not load or permit to be loaded or permit to exit the red dirt mining facility any dump truck unless the identifying number specified in subsection (4) is clearly legible, easy to read and not obscured by dirt, mud or otherwise.

(D) Control of Dump Truck Tailgate Banging

(1) It is the express duty of the red dirt mining facility operator to prevent a dump truck delivering anything to the red dirt mining facility or receiving red dirt from the facility

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113.14 D

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City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

4/20/10
~~4/6/2010~~

City Council Meeting Date
Agenda Items Only

Leif Olson	Development Services	Development Services
Submitted By	**Division**	**Department**

Action Required:

An ordinance to amend the Unified Development Code to add Chapter 179: Low Impact Development.

Cost of this request	Category / Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — Date: 03.25.2010

City Attorney — Date: 3-25-10

Finance and Internal Services Director — Date: 3-26-2010

Chief of Staff — Date: 3-29-10

Mayor — Date: 3/30/10

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office — ENTERED 3/25/10

Received in Mayor's Office — ENTERED 3/25/10

Comments:

Fayetteville
ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Leif Olson, Associate Planner

Date: 25 March 2010

Subject: ADM 10-3541 UDC Ch. 179: Low Impact Development

PROPOSAL:

Periodically, development projects are proposed that include the use of Low Impact Development systems and structures in the overall stormwater management plan for the site. Unfortunately, a formal process for reviewing and permitting such structures does not currently exist. As such, the applicant, elected officials, the Planning Commission, Staff and the public have not had a clear process for reviewing and permitting these types of stormwater structures. Planning Staff has therefore worked with Council member Sarah Lewis, a sponsor of this ordinance, to draft an ordinance that would formalize a procedure for permitting, installing and maintaining Low Impact Development systems and structures. Council member Lewis has been the main proponent for developing a Low Impact Development chapter and this goal was further supported by the Mayor at the Fayetteville Forward Summit. Council member Lewis also provided staff with relevant background information and peer city examples through her work at the University of Arkansas. Planning Staff has worked closely with the Engineering Department to draft standards and regulations that will be functional and effective. The proposal before you is to amend the Unified Development Code by adding Chapter 179: Low Impact Development. The proposed Chapter 179: Low Impact Development is attached in full to this staff report.

RECOMMENDATION:

Staff recommends the Council amend the Unified Development Code and adopt Ch. 179: Low Impact Development.

BUDGET IMPACT:

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO ADD CHAPTER 179: LOW IMPACT DEVELOPMENT.

WHEREAS, in 2009 the City of Fayetteville and the Beaver Water District entered into an agreement to have Geosyntec Consultants produce a Nutrient Reduction Plan, and

WHEREAS, one of the recommendations of the Nutrient Reduction Plan was for the City of Fayetteville to develop a Low Impact Development ordinance to reduce non-point source water pollution from entering the Beaver Lake watershed, and

WHEREAS, the Green Infrastructure group from the Fayetteville Forward Economic Accountability Summit has worked to promote the adoption of environmentally sensitive design solutions, such as Low Impact Development, and

WHEREAS, a member of the City Council has worked to advance the adoption of Low Impact Development principles and practices as an elected official and in her professional capacity, and

WHEREAS, the development community is beginning to acknowledge and embrace the advantages of utilizing Low Impact Development systems and solutions to better manage stormwater runoff, and

WHEREAS, the City of Fayetteville recognizes the environmental benefit of Low Impact Development practices for the greater good of the region's water resources.

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 the Unified Development Code by adding Chapter 179: Low Impact Development as shown in Exhibit "A" attached hereto and made a part hereof.

PASSED and **APPROVED** this ____ day of ____, 2010.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk

TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 179: LOW IMPACT DEVELOPMENT

179.01 PURPOSE 3

179.02 APPLICABILITY 4

179.03 LOW IMPACT DEVELOPMENT SITE DESIGN STRATEGIES 4

179.04 SUBMITTALREQUIREMENTS 7

179.05 LID CREDITS 8

179.06 MAINTENANCE OF LID SYSTEMS AND STRUCTURES 8

179.07-179.99 RESERVED 9

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CHAPTER 179: LOW IMPACT DEVELOPMENT

DRAFT

179.01 Purpose

It is the purpose of this chapter to provide a regulatory basis for site design and development which incorporates Low Impact Development (LID) strategies into land development. This chapter provides techniques for property owners, builders and land developers to integrate site appropriate stormwater management practices while striving to maintain or enhance natural site features. This may reduce or eliminate structural components of a conventional storm water management system.

Some of the existing natural site features typically protected through the use of LID techniques are: wetlands, floodplains, forested areas, hillsides, riparian corridors and existing soils.

There are a variety of LID design alternatives that allow professionals in the land development field the flexibility to implement LID stormwater design elements. The various LID practices can be used alone or in series to maximize benefits to the site. In most cases, some type of structural drainage systems will also be required to be implemented in conjunction with LID element.

(A) *Objectives.* The objectives of this ordinance are:

(1) To establish criteria by which a LID strategy can be measured and implemented.

(2) To strive to maintain and restore natural rainwater absorption and infiltration processes;

(3) To strive to maintain pre-development hydrologic conditions;

(4) To filter pollutants from stormwater runoff thereby improving water quality and positively impacting the region's lakes, streams and groundwater;

(5) To reduce stormwater runoff intensity and velocity;

(6) To preserve riparian banks and beds, and reduce sedimentation that impairs water quality;

(7) To promote the widespread use of LID practices integrated with conventional stormwater engineering;

(8) To protect the safety and welfare of citizens, property owners, and businesses by minimizing the negative impacts of stormwater discharge from land development.

(B) *LID Principles.*

(1) Define and locate critical resource areas during the project planning stage, such as; wetlands, riparian zones and soils with infiltration capacities.

(2) Minimize impervious surfaces such as streets, driveways and parking areas.

(3) Minimize direct connection of impervious areas which convey runoff directly to wetlands or water courses.

(4) Attenuate stormwater flow through a diverse system of collection and infiltration.

179.02 Applicability

(A) *Development approval.* The standards and guidelines contained in this chapter shall apply in all cases where a land developer chooses to utilize LID to obtain Administrative, Planning Commission or City Council approval for their project.

(B) *Engineering approval.* The City Engineer, or their designee, will administer this chapter and shall be responsible for final approval of all LID systems and structures. With the approval of the City Engineer, LID systems and structures may be implemented to replace or supplement conventional stormwater management systems. The use of these systems must also be concurrent with other code requirements such as landscaping, fire access, etc. Systems that are approved shall be integrated where their design function dictates.

179.03 LID Site Design Strategies

(A) *Definition.* For the purposes of this chapter Low Impact Development (LID) is a stormwater management strategy concerned with maintaining, restoring or replicating the natural hydrologic functions of a site, where possible, by employing a variety and combination of natural and built features that reduce the volume and velocity of stormwater runoff, filter out its pollutants, and facilitate the infiltration of water into the ground.

(B) *Site design strategies.* Generally, site design strategies will address the arrangement of buildings, roads, parking areas, and other features, and the conveyance of stormwater runoff across the site. LID site design strategies are intended to complement the

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natural and built environment while minimizing the generation of runoff. Site design strategies should address some or all of the following considerations:

(1) Necessary grading and land disturbance should be designed to encourage sheet flow and lengthen stormwater flow paths.

(2) Natural drainage divides should be maintained to keep flow paths dispersed.

(3) Areas of impervious surfaces should be separated and stormwater should be conveyed across vegetated areas. This assists runoff filtration and encourages infiltration.

(4) Distribute small-scale LID strategies across the development site in order to maximize benefits.

(5) To the maximum extent possible, treat pollutant loads where they are generated.

(6) Preserve naturally vegetated areas and soil types that slow runoff, filter pollutants and facilitate infiltration.

(7) LID systems and structures should be integrated into the natural and built landscape with attention to flow paths, infiltration areas and the use of appropriate native plant materials.

(C) *Site Design Elements.* In addition to water quality impacts, the following LID site design elements when successfully implemented, perform three necessary functions; filtration and infiltration, capture and re-use and reductions in impervious surfaces. Specific site design elements are outlined below:

(1) *Filtration/Infiltration*

(a) Bio-retention and Rain Gardens: Bio-retention is a practice to manage and treat stormwater runoff by using an amended planting soil bed and native planting materials to filter runoff stored within a shallow depression.

Bio-retention Basin / Rain Garden	
Space Required	Minimum surface area range of 50 to 200 square feet (typical)
Soils	Permeable soils recommended – Underdrain may be necessary
Slopes	A design consideration
Water table/Bedrock	2 – 4 ft. clearance above water table recommended (typical)
Proximity to Foundations	Minimum 10 ft. separation from building foundations (typical)
Maximum Depth	2 to 4 ft. depending on soil type (typical)
Maintenance	Low requirement – routine landscape maintenance

(b) Dry Well: A dry well is an excavated pit dug into the native soil and backfilled with aggregate such as pea gravel or crushed stone. Dry wells are utilized for stormwater infiltration from building downspouts and as catch basins for surface runoff.

Dry Well	
Space Required	Minimum surface area range 8 to 20 square feet (typical)
Soils	Permeable soils recommended
Backfill	Clean aggregate surrounded by engineering filter fabric
Slopes	A design consideration – locate downgrade from buildings
Water table/Bedrock	2 – 4 ft. clearance above water table recommended (typical)
Proximity to Foundations	Minimum 10 ft. separation from building foundations (typical)
Maximum Depth	6 to 10 ft. depending on soil type (typical)
Outflow Structures	Overland flow path for runoff exceeding the dry well capacity should be evaluated
Maintenance	Low requirement – routine landscape maintenance

(c) Filter Strips: Filter strips are bands of vegetation, usually grass, planted between a stormwater pollutant source and a downstream receiving waterbody. Filter strips are very effective adjacent to parking lots where sheet flow is designed to travel over the filter strip to a swale or retention area. Filter strips trap sediment and pollutants thereby providing some infiltration while slowing and dispersing stormwater over a larger area.

Filter Strips	
Length and size	A minimum length of 20

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	feet is recommended (typical)
Flow	Should be used to control overland sheet flow only
Slopes	Minimum slope = 1.0% Maximum slope determined by site conditions (typical)
Maintenance	Low requirement – routine landscape maintenance

(d) Grassed Swales: Swales have traditionally been used in rural and suburban areas with low residential densities as a conveyance for runoff from roads and highways. The modern swale as a LID element is utilized as both a method of conveyance and retention, and as an infiltration strategy. Dry swales typically have 2 to 3 feet of permeable soil located above a gravel base allowing stormwater to infiltrate.

Grassed Swales	
Channel Capacity	Swale must be sized to convey the peak discharge of the design storm
Soils	Permeability of the soil will determine whether to use a dry or wet swale
Bottom Width	2 foot minimum 6 foot maximum (typical)
Side Slopes	3:1 or flatter (typical)
Flow Depth	4 inches minimum (typical)
Maintenance	Low requirement – routine landscape maintenance

(e) Infiltration trench: An infiltration trench is an excavated trench that has been back-filled with aggregate or stone to form a subsurface basin. Stormwater runoff is diverted into the trench and is stored until it can be infiltrated into the soil, usually over a period of several days. The scale allows for applicability in a variety of small urban drainage areas.

Infiltration Trenches	
Soils	Works best in mid to high permeable soils
Excavation Depth	3 to 12 feet (typical)
Backfill	1.5 to 3 inch clean aggregate (typical)
Outflow Structures	Overland flow path of surface runoff exceeding the capacity of the trench must be identified and evaluated.
Storage Time	Empty within three days.

(f) Enhanced retention / wet pond: A wet retention pond is designed as a permanent pool of water, often with additional flood control and extended detention storage volume available above the permanent pool. Retention ponds generally hold water for release only through evapotranspiration and infiltration.

Enhanced Retention / Wet Pond	
General Design Considerations	• Size of the watershed • Vegetative cover of the watershed and pond • Seasonal effects and variation • Soil erodibility and infiltration rate • Storm characteristics
Permanent Pool Depth	2-3 ft. minimum (typical) 9-10 ft. maximum (typical) 3-6 ft. average (typical)
Length to Width Ration	3:1 (typical)
Inlet and Outlet	Should be located to maximize flow length
Side Slopes	3:1 maximum (typical)
Erosion Control	Riprap or other suitable erosion control means needed for the inlet and outlet structures
Aquatic Bench	An aquatic bench of a maximum depth of 18 inches extending inward from the normal pool edge for 15 feet is recommended for safety considerations and mosquito control
Vegetation	Appropriate plant materials should be chosen for pollution removal, aesthetics and maintenance requirements
Maintenance	Debris removal from inlet and outlet structures should occur once a month and after significant storm events. Sediment removal will be required periodically.

(2) *Capture and Re-use*

(a) Rain barrels: Rain barrels capture runoff from roof structures for later use primarily to irrigate landscapes and gardens. This low cost and easily maintained retention system can be applicable to both small scale single family residences and

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larger commercial or industrial sites.

Rain Barrels	
Filtration Screens	Water conveyed by downspouts should be filtered through a screen that can be removed and cleaned
Overflow	An overflow outlet must be provided to bypass rainfall from large storm events. Overflow may be channeled through an infiltration ditch or French drain or to a rain garden.
Spigot	A drain spigot with garden hose threading is needed for irrigation.

(b) Cisterns: Cisterns are rainwater capture containers that have the capacity for large rain events on extensive roof areas. They are usually located underground and generally range in capacity from 100 to 1,400 gallons.

Cisterns	
Filtration	Water should be filtered through a screen that can be removed and cleaned
Water re-use	Cisterns have been adapted to provide non-potable water for indoor use.
Design Considerations	Capacity should be determined by the roof area capture for large storm events

(3) *Impervious Surface Reductions.*

(a) Permeable pavement: Permeable pavement refers to any load-bearing surface that has the capability to infiltrate runoff into the underlying base course and soil. Permeable pavement should be limited to use in low volume traffic areas such as parking strips, shoulders and sidewalks.

Permeable Pavement	
Applicability	Permeable pavement should be used only in low volume traffic areas. These systems are difficult to incorporate into retrofit situations where the soils are compacted.
Sub grade Materials and Drainage	Particular care should be given to the permeability of the underlying soil. Soils that do not drain well may be unsuitable for this material. An underdrain system may be required.
Base Course	The type and depth of the reservoir base course should be designed based on the storm event.

(b) Permeable pavers: includes concrete grid and grass pavers, interlocking concrete modules and unit pavers such as brick or stone.

Permeable Pavers	
Applicability	May be used as a crosswalk material with engineering approval in urban situations. Also an appropriate surface for parking areas, excluding drive aisles
Sub grade Materials	Pavers should be set on a crushed stone base that allows for permeability.
Maintenance	Periodically, portions may need to be reset due to settling of the subsurface materials or excessive loads.

(C) Green roofs: Green roofs consist of a layer of soil and vegetation installed on top of a conventional flat or slightly sloped roof. The vegetation captures rainwater allowing evaporation and evapotranspiration processes to reduce the runoff volume. Green roofs work by absorbing rainwater for use by the plant materials.

Green Roofs	
Applicability	Green rooftop area may be limited by structural capacity
Essential Components	• A roof structure capable or supporting the necessary weight loads. • A waterproofing system designed to protect the building. • A drainage layer consisting of porous media capable of water storage for plant uptake. • A geosynthetic layer to prevent fine media from clogging the porous media. • Appropriate soil and plant materials

(4) *Additional LID Site Design Elements.* Additional LID site elements determined

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to be beneficial and that meet the site design strategies may be approved by the City Engineer.

179.04 Submittal Requirements

(A) *Application Submittal*

(1) *Submittal.* Projects incorporating LID structures or systems shall submit to the Development Services Division a LID site design plan sheet, along with all other required site design plan sheets, illustrating the location and type of LID design element(s) being proposed. The City Engineer will require the following information on the LID site design plan sheet:

(a) Names, addresses, zoning and property lines of all property owners adjacent to the exterior boundaries of the project.

(b) Name, address and phone numbers of the owners, developers, and project representatives.

(c) North arrow, scale, date of preparation, zoning classification and proposed use.

(d) Title block in lower right hand corner indicating the name and type of project, scale and firm or individual preparing the drawing, date and revisions.

(e) An accurate legend.

(f) A vicinity map of the project with a radius of 1.5 miles from the project boundaries.

(g) The location of all existing structures.

(h) Show 100 year floodplain and/or floodway and base flood elevations.

(i) Existing and proposed topographic information, with the source noted, at two foot contours for the project site and within 100 ft of the project boundaries.

(j) Delineate all tree canopy to be removed and retained on site.

(k) Delineate the limits of soil disturbance and grading on and off site.

(l) Show existing soil classifications for the site and within 100 feet of the project boundaries.

(m) Provide a note of any known existing erosion problems on site or within 300' downstream of the property.

(n) Show the location of any known or existing water wells, sumps, cesspools, springs, water impoundments and underground structures within the project.

(o) Show the location of all known potentially dangerous areas, including areas subject to flooding, slope settlement, or any previously filled areas and the means of mitigating the hazards.

(p) Show the existing and proposed locations of all utilities, rights-of-way and easements.

(q) Show all existing or proposed LID systems or structures, storm sewer structures, septic systems, water systems, sanitary sewer structures and drainage structures; including locations, types and pipe sizes.

(r) Show the proposed lot layout for any proposed subdivision or development plat.

(s) Show the location of all existing or proposed areas containing impervious surface including rooftops, streets, driveways, sidewalks, and patio areas.

(2) *Soils Report.* The applicant shall submit a soils report that provides essential technical information regarding the existing and proposed soils. The soils report shall provide all necessary information that supports the incorporation of the proposed conventional and LID stormwater systems and structures.

(3) *Drainage Report.* The applicant shall submit a drainage report that provides all necessary information that supports the LID design elements within the development, including specifications and technical information for the site specific design details that support the proposed LID systems and structures.

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179.05 LID Credits

(A) LID systems and structures may be permitted in lieu of conventional stormwater systems including: curb and gutter, storm drain inlets, piping, etc., when supporting data is presented and approved by the City Engineer.

(B) The volume of required retention/detention facilities may be reduced where it is proven that the LID design elements are sufficient to partially accommodate the design storm volume required in the Drainage Criteria Manual.

(C) At such time that a stormwater utility is formed that requires an assessment or a fee then the use of LID systems and structures may reduce or eliminate those fees, in accordance with the enabling ordinance.

179.06 Maintenance of LID Systems and Structures

(A) *Construction Approval, Timing, and Inspections.* LID systems and structures shall be constructed and installed as follows:

(1) As part of the Grading and Drainage permit approval process, a construction inspection schedule shall be established by the Project Engineer and approved by the City Engineer to address critical project milestones. Under the approved inspection schedule, no work shall proceed until the City Engineer inspects and authorizes work to proceed beyond each scheduled milestone. Any portion of the work that does not comply with the permit conditions shall be specified in writing by the City Engineer and promptly corrected by the responsible entity.

(2) All LID systems and structures that are designed as part of the stormwater conveyance or storage system shall be designed and constructed according to the approved plans.

(3) A final inspection of all LID systems and structures shall be performed prior to final plat or temporary certificate of occupancy approval.

(B) *Dedication.* Those LID structures or systems approved in compliance with this chapter that will function as a part of the stormwater management conveyance system shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the City Engineer. Final determination of structures or systems to be dedicated shall be made by the City Engineer.

(C) *Perpetual Inspections and Maintenance Agreements.* The City shall require a Stormwater Management Practices Maintenance Agreement of all entities that utilize LID systems and structures in the stormwater management plan for their proposed development. The City shall require the following set of documents and agreements prior to LID stormwater systems and structures approval:

(1) *Agreement of Maintenance Responsibility.* The owner of the property on which the LID systems and structures have been installed shall agree to undergo ongoing inspections, and document maintenance and repair needs.

(2) *Agreement to Maintain LID Systems and Structures.* The owner of the property on which LID systems and structures have been installed shall agree to maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices.

(D) *Approved Entities for Perpetual Maintenance Agreements.* All LID structures or systems approved in compliance with this chapter but not dedicated to the city shall have adequate easements to permit the city to inspect and, if necessary to take corrective action should the responsible entity fail to properly maintain the system. Maintenance of all other LID structures or systems approved in compliance with this chapter and not dedicated to the City shall be accomplished by the legal entity responsible for maintenance, which may include an approved entity as identified in the following:

(1) *Special districts and public entities.* An active water control district, drainage district, public utility, or a special assessment district;

(2) *Developer or property owner.* A developer or property owner who provides a bond or other assurance of

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continued financial capability to operate and maintain stormwater management systems and who executes a binding legal Stormwater Management Practices Maintenance Agreement with the city; or,

(3) *Property owner associations.* Property owner associations able to comply with the following provisions:

(a) The association provides a binding legal Stormwater Management Practices Maintenance Agreement through which it assumes full responsibility for the LID structures or systems operation and maintenance.

(b) The association has sufficient powers to operate and maintain the LID structures or systems, establish rules, assess members, contract for services, exist perpetually and, if dissolved, to provide alternative operation and maintenance services.

(c) The association can provide a bond or other assurances of financial capability to operate and maintain the LID structures or systems.

(E) *Maintenance Inspections.* All privately owned stormwater management facilities shall be inspected near the end of the first year of operation. Subsequent inspections should be performed once every three years to ensure functionality and compliance. The Stormwater Management Practices Maintenance Agreement shall specify the responsible party for conducting long term inspections. Inspection reports shall be submitted to and maintained by the City Engineer for all LID systems and structures. Inspection reports for LID systems and structures shall include:

(1) The date of the inspection;

(2) The name of the Inspector;

(3) The condition of:

(a) Pretreatment devices.

(b) Vegetation or filter media.

(c) Spillways, valves, or other control structures.

(d) Embankments, slopes or safety benches.

(e) Inlet and outlet channels and structures.

(f) Sediment and debris accumulation in storage and forebay areas.

(g) Underground drainage.

(h) Any other item that could affect the proper function of the LID structures or systems.

(4) Description of the needed maintenance.

(F) *Right-of-Entry for Inspection.* The Stormwater Management Maintenance Agreement shall provide for the City Engineer or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting LID systems and structures.

(G) *Failure to Maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement the City shall give written notice requesting corrective action. If the conditions described in the Failure to Maintain notice are not corrected within 10 days after such notice is given, the mayor, or his duly authorized representative, is hereby authorized to enter upon the property and do whatever is necessary to correct or remove the conditions described, in the notice. The costs of correcting said conditions shall be charged to the owner or owners of the property and the city shall have a lien against such property for such costs.

(1) *Enforcement of the Lien.* The lien herein provided for may be enforced and collected in either one of the following manners:

(a) The lien may be enforced at any time within 18 months after work has been done, by an action in circuit court; or

(b) The amount of the lien herein provided may be determined at a hearing before the City Council held after 30 days written notice by certified mail to the owner or owners of the property, if the name and whereabouts of the owner or owners be known, and if the name of the owner or owners cannot be determined, then only after publication of notice of such hearing in a newspaper having a bona fide

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circulation in Washington County for one insertion per week for four consecutive weeks; the determination of the City Council shall be subject to appeal by the property owner in circuit court; and the amount so determined at said hearing, plus ten percent penalty for collection, shall be by the City Council certified to the tax collector of the county, and by him placed on the tax books as delinquent taxes, and collected accordingly, and the amount, less three percent thereof, when so collected shall be paid to the city by the county tax collector.

(c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or he is a nonresident of this state, then a copy of the written notice hereinabove referred to shall be posted upon the premises and before any action to enforce such lien shall be had, the City Clerk shall make an affidavit setting out the facts as to unknown address or whereabouts or non-residence, and thereupon service of the publication as now provided for by law against nonresident defendants may be had, and an attorney ad litem may be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(H) *Removal and modification of LID systems and structures.* LID systems and structures may only be modified or removed with the approval of the City Engineer, who shall determine the LID system or structure does not function as a part of the stormwater management system. The applicant may be required to provide supporting data and calculations that justify the removal of the LID systems or structures.

(I) *Exemptions from maintenance agreements and inspections.* LID systems and structures that are not designed as part of a development and are instead utilized on a site by site basis (i.e., use of a rain barrel at a single family home, or individual rain gardens or filter strips on a site) shall not be required to submit a formal maintenance and inspection agreement, unless the function of the LID system or structure is found to be essential to accommodating the stormwater needs of the property or surrounding properties by the City Engineer.

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AGENDA REQUEST

FOR: COUNCIL MEETING OF APRIL 20, 2010

FROM:

LIONELD JORDAN, MAYOR

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance Simultaneously Detaching Territory From The City Of Johnson And Annexing Said Territory Into The City Of Fayetteville, Pursuant To A.C.A. §14-40-2101

APPROVED FOR AGENDA:

City Attorney — April 7, 2010 Date

Chief of Staff — 4/7/2010 Date

Mayor — 4/7/10 Date

Entered 4-7-10 KG

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Lioneld Jordan**, Mayor
City Council

FROM: **Kit Williams**, City Attorney

DATE: **April 7, 2010**

RE: **Simultaneous detachment and annexation of 99 acre ordinance**

I used ordinances that Fayetteville and Farmington used in 2008 to simultaneously detach and annex about ten acres from Farmington into Fayetteville as models for the ordinances I have now drafted. I am trying to completely comply with A.C.A. §14-40-2101 which governs this procedure. It has notice, publication, public hearing, etc. provisions that need to be carefully followed.

PROPOSED TIMELINE

Here is how and when I think this annexation procedure needs to occur.

(1) On April 20, 2010Fayetteville passes the ordinance expressing its desire to annex the 99 acres, if Johnson detaches the 99 acres.

(2) Fayetteville sends its passed ordinance to Johnson.

(3) Johnson immediately and officially schedules the statutory public hearing and notifies our City Clerk Sondra Smith of the date so she can publish (at least fifteen days prior to the date of the public hearing) a legal notice setting out the legal description of the territory proposed to be detached and annexed and the date of the public hearing.

(4) Johnson conducts "a public hearing within sixty (60) days of the proposal (passage) of the ordinance (from Fayetteville) calling for the detachment and annexation." A.C.A. §14-40-2101(b)(2). I propose Johnson's public hearing which is required to be within sixty days of the passage of our ordinance (April 20?) will be during its regular June City Council meeting of June 8th to give our City Clerk enough time to publish the required notice fifteen days before this hearing (no later than May 23, 2010).

(5) Following Johnson's official notification to City Clerk Sondra Smith of the scheduling of the public hearing, she will publish the required statutory notice of the public hearing in the newspaper.

(6) The Johnson City Council will conduct the public hearing on June 8, 2010, but cannot vote on the ordinance agreeing to the detachment/annexation until "the next regularly scheduled meeting following the public hearing ...." A.C.A. §14-40-2101(c).

(7) On July 6, 2010, the Fayetteville City Council passes Resolutions agreeing to the sewer contract with Johnson, water contract with Johnson and all other agreements referred to in our Resolutions with Johnson and authorizing Mayor Jordan to sign all such contracts and agreements upon the City of Johnson's passage and approval of the detachment ordinance on July 13, 2010.

(8) During its regular scheduled City Council meeting on July 13th, 2010, the Johnson City Council passes the ordinance approving the detachment/annexation of the 99 acres and the sewer contract, water contract, and all other agreements referred to in our Resolutions.

Much work on the proposed sewer and water contracts with Johnson has already occurred. The initial ordinance simultaneously detaching 99 acres from Johnson and annexing it into Fayetteville needs to be passed April 20 to meet the above timeline.

ORDINANCE NO. _____

AN ORDINANCE SIMULTANEOUSLY DETACHING TERRITORY FROM THE CITY OF JOHNSON AND ANNEXING SAID TERRITORY INTO THE CITY OF FAYETTEVILLE, PURSUANT TO A.C.A. §14-40-2101

WHEREAS, A.C.A. §14-40-2101 provides a procedure for the simultaneous detachment of territory from one municipality and annexation of such territory into an adjoining municipality; and

WHEREAS, the City Councils of Johnson and Fayetteville have passed Resolutions in March of 2010 expressing their joint intent to move about 99 acres from Johnson into Fayetteville, enter into a sewer contract in which Fayetteville agrees to allow access to its sewer mains within its water service area in Johnson, enter into an enhanced water service contract for Fayetteville's water service area within Johnson, assist in the right-of-way acquisition and construction of the extension of Van Ashe Boulevard, and other agreements; and

WHEREAS, the City Council of the City of Fayetteville is desirous of moving approximately 99 acres from Johnson into Fayetteville to provide a more manageable and clear city limits border between the cities, to facilitate the construction of Van Ashe Boulevard. and to extend sewer service and enhanced water service into the City of Johnson.

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 calls for the simultaneous detachment from Johnson and annexation into Fayetteville of about 99 acres of property shown on Exhibit A and described on Exhibit B (attached).

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests that the City of Johnson schedule and hold a public hearing on the detachment and annexation within 60 days of the effective date of this ordinance and notify the Fayetteville City Clerk of the date for the public hearing in sufficient time for her to publish a legal notice at least 15 days before the hearing.

Section 3: If the City of Johnson concurs by ordinance in the simultaneous detachment from Johnson and annexation into Fayetteville of the land shown on Exhibit "A" and described on Exhibit "B", the City Council of the City of Fayetteville, Arkansas, has hereby annexed the said land (about 99 acres) into Fayetteville, amended the official map of Fayetteville and assigned the land to Ward 2 of the City of Fayetteville.

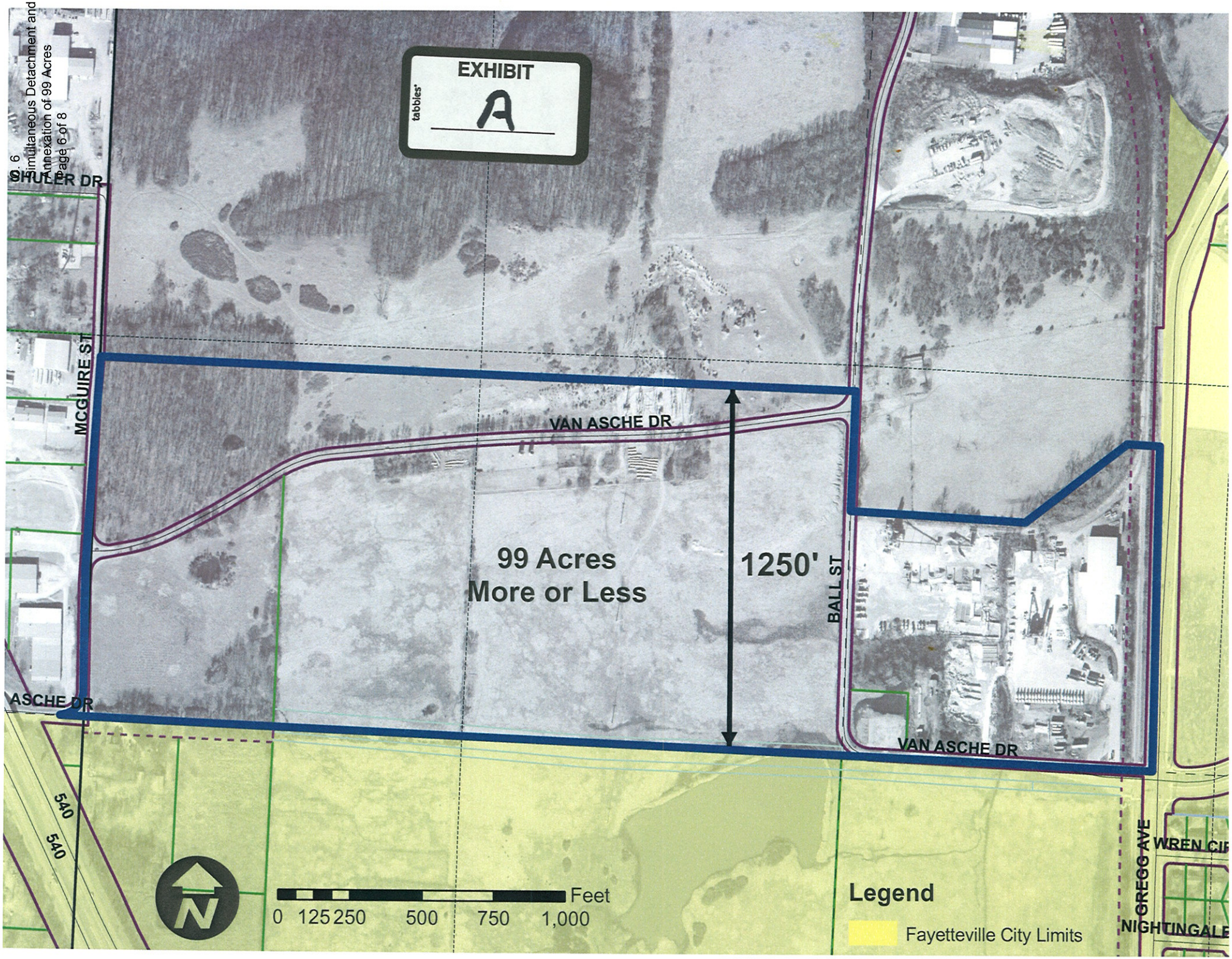
PASSED and **APPROVED** this 20th day of April, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA E. SMITH, City Clerk/Treasurer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Feet
Legend
Fayetteville City Limits

Exhibit B

The South 1250 feet of the Northwest Quarter of Section 27, Township 17 North, Range 30 West, Washington County, Arkansas.

Less and except that portion of South McGuire Street right-of-way lying within the above described lands.

And

A part of the Southwest Quarter (SW¼) of the Northeast Quarter (NE¼) of Section 27, Township 17 North Range 30 East, more particularly described as follows: Beginning at the Southwest Corner of said 40 Acre tract, and running thence North 832.92 feet along the West line of the NE 1/4; thence East 610.5 feet; thence North 50° 00' 00" East 448.8 feet to the west right-of-way line of the Arkansas & Missouri Railroad; thence East 75 feet to a point on the west right-of-way line of Gregg Ave; thence East 25 feet; thence South 01° 00' 00" East 1121.58 feet, more or less, to the South line of the NE¼ of Section 27, Township 17, Range 30; thence West 1073.88 feet along the South line of NE¼, more or less, to the point of beginning, containing a total of 99 acres, more or less.

Agenda Meeting 4-13-10

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 20, 2010

A meeting of the Fayetteville City Council will be held on April 20, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Presentation of the Proposed Entertainment District Parking Program.
   Presented by: Sharon Crosson, Parking & Telecom Manager and Chris Pecoraro from The Parking Consultants, Inc.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 6, 2010 City Council meeting minutes.

2. **Sweetser Construction, Inc. Bid #10-03:** A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

removed from agenda

3. **Lektron, Inc. Bid #10-11:** A resolution awarding Bid #10-11 to Lektron, Inc. in the amount of $21,757.50 for the purchase of forty (40) led lights for placement on a portion of Scull Creek Trail from North Street to Maple Avenue.

4. **Aggregate Materials Bid #10-20:** A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry), concrete aggregate-1.5" from Northwest Arkansas Quarries and concrete aggregate-¾", B-Stone and abrasives/grit from APAC-Central, Inc., all in varying amounts, as needed through the end of calendar year 2010.

5. **Fochtman Enterprises, Inc. Bid #10-24:** A resolution awarding Bid #10-24 and approving the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

6. **Les Rogers, Inc. Bid #10-25:** A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

7. **Scurlock Industries of Fayetteville, Inc. & Water Products, Inc. Bid #10-26:** A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

8. **Rogers Group, Inc. Bid #10-27:** A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

9. **City of Farmington Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

10. **City of Goshen Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

11. **City of Elm Springs Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

12. **City of Winslow Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

13. **City of Elkins Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

14. **City of Greenland Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

15. **Police Department Donations:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize Police Department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

16. **Federal Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

17. **State Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize state forfeiture revenue for the first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

18. **Arkansas Department of Environmental Quality (ADEQ) #1:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling ~~containers for the Westside Recycling Drop-off Facility~~. education support.

19. **Arkansas Department of Environmental Quality (ADEQ) #2:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

20. **State and Tribal Assistance (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

B. Unfinished Business:

1. **Form-Based Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to modify existing and create new use units and Form-Based Zoning Districts that permit administrative development approval and to create design standards for said districts. *This ordinance was left on the First Reading at the April 6, 2010 City Council meeting.*

   Left on the First Reading.

C. New Business:

1. **Capital Improvements Plan:** A resolution adopting the 2010-2014 five year Capital Improvements Plan.

2. **ADM 10-3529 (UDC Amendment: Tandem Lot):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 163.12: Tandem Lot Development in order to clarify and update Tandem Lot Development requirements with current public service requirements and development patterns.

3. **ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2213 Sunbridge Villas to allow modification to the approved zoning criteria PZD Plats for Planning Area Two, as described herein.

4. **Amend Chapter 113:** An ordinance to correct and clarify §113.02 (C) (4) and §113.12 (C) (4) of the Code of Fayetteville.

5. **Amend Chapter 179:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to add Chapter 179: Low Impact Development.

6. **Simultaneous Detachment and Annexation of 99 Acres:** An ordinance simultaneously detaching territory from the City of Johnson and annexing said territory into the City of Fayetteville, pursuant to A.C.A §14-40-2101.

Announcements:

1. **City Council Tour:** ~~**April 19, 2010**~~ None

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Pre Agenda Meeting 4/7/10

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
April 20, 2010

A meeting of the Fayetteville City Council will be held on April 20, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

1. Presentation of the Proposed Entertainment District Parking Program.
   Presented by: Sharon Crosson, Parking & Telecom Manager and Chris Pecoraro from The Parking Consultants, Inc.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the April 6, 2010 City Council meeting minutes.

2. **Sweetser Construction, Inc. Bid #10-03:** A resolution amending Resolution No. 15-10 awarding Bid #10-03 and approving the purchase of curb and gutter and concrete flatwork from Sweetser Construction, Inc. in an amount not to exceed $250,000.00, as needed through the end of calendar year 2010.

3. **Lektron, Inc. Bid #10-11:** A resolution awarding Bid #10-11 to Lektron, Inc. in the amount of $21,757.50 for the purchase of forty (40) led lights for placement on a portion of Scull Creek Trail from North Street to Maple Avenue.

4. **Aggregate Materials Bid #10-20:** A resolution awarding Bid #10-20 and approving the purchase of Class 7 Base (SB-2) and Shot Rock from Rogers Group, Inc. (Hamstring Quarry), concrete aggregate-1.5" from Northwest Arkansas Quarries and concrete aggregate-¾", B Stone and abrasives/grit from APAC-Central, Inc., all in varying amounts, as needed through the end of calendar year 2010.

5. **Fochtman Enterprises, Inc. Bid #10-24:** A resolution awarding Bid #10-24 and approving the purchase of curb and gutter construction from Fochtman Enterprises, Inc. in an amount not to exceed $200,010.00 for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

6. **Les Rogers, Inc. Bid #10-25:** A resolution awarding Bid #10-25 and approving the purchase of topsoil from Les Rogers, Inc. in the amount of $10.95 per cubic yard for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

7. **Scurlock Industries of Fayetteville, Inc. & Water Products, Inc. Bid #10-26:** A resolution awarding Bid #10-26 and approving the purchase of concrete drainage pipe from Scurlock Industries of Fayetteville, Inc. and metal and plastic drainage pipe from Water Products, Inc. in varying unit prices for use in Ozark Regional Transit New Freedom Projects and other city projects, as needed through the end of calendar year 2010.

8. **Rogers Group, Inc. Bid #10-27:** A resolution awarding Bid #10-27 and approving the purchase of aggregate from Rogers Group, Inc. in the amount of $6.00 per ton for use in Ozark Regional Transit New Freedom Projects, as needed through the end of calendar year 2010.

9. **City of Farmington Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Farmington, Arkansas to provide animal sheltering services to the City of Farmington through the end of 2011.

10. **City of Goshen Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Goshen, Arkansas to provide animal sheltering services to the City of Goshen through the end of 2011.

11. **City of Elm Springs Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs through the end of 2011.

12. **City of Winslow Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Winslow, Arkansas to provide animal sheltering services to the City of Winslow through the end of 2011.

13. **City of Elkins Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Elkins, Arkansas to provide animal sheltering services to the City of Elkins through the end of 2011.

14. **City of Greenland Inter-Local Agreement:** A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland through the end of 2011.

15. **Police Department Donations:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize Police Department donation revenue for the first quarter of 2010 in the amount of $3,720.00.

16. **Federal Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize federal forfeiture revenue for the first quarter of 2010 in the amount of $654.00 for use by the Fayetteville Police Department.

17. **State Forfeiture Revenue:** A resolution amending the 2010 city budget by approving a budget adjustment to recognize state forfeiture revenue for the first quarter of 2010 in the amount of $7,809.00 for use by the Fayetteville Police Department.

18. **Arkansas Department of Environmental Quality (ADEQ) #1:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Education Grant through the Boston Mountain Solid Waste District in the amount of $25,000.00 for recycling containers for the Westside Recycling Drop-off Facility.

19. **Arkansas Department of Environmental Quality (ADEQ) #2:** A resolution authorizing the Mayor to apply for a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $47,250.00 for recycling containers for the Westside Recycling Drop-off Facility.

20. **State and Tribal Assistance (STAG):** A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $485,000.00 from the U.S. Environmental Protection Agency for sanitary sewer system improvements in the area of and including the Elkins outfall sewer line.

B. Unfinished Business:

1. **Form-Based Zoning Districts:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to modify existing and create new use units and Form-Based Zoning Districts that permit administrative development approval and to create design standards for said districts. *This ordinance was left on the First Reading at the April 6, 2010 City Council meeting.*

   Left on the First Reading.

C. New Business:

1. **Capital Improvements ~~Program~~ Plan:** A resolution adopting the 2010-2014 five year Capital Improvements ~~Program~~ Plan.

2. **ADM 10-3529 (UDC Amendment: Tandem Lot):** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 163.12: Tandem Lot Development in order to clarify and update Tandem Lot Development requirements with current public service requirements and development patterns.

3. **ADM 10-3544 (Sunbridge Villas R-PZD Amendment No. 1):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2213 Sunbridge Villas to allow modification to the approved zoning criteria PZD Plats for Planning Area Two, as described herein.

4. **Amend Chapter 113:** An ordinance to correct and clarify §113.02 (C) (4) and §113.12 (C) (4) of the Code of Fayetteville.

5. **Amend Chapter 163:** An ordinance to amend §163.14 Revocation or Change of Conditional Use of the Unified Development Code of Fayetteville to enact a new subsection (E) Periodic Reviews.

6. **Amend Chapter 179:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to add Chapter 179: Low Impact Development.

6. Annex 66.99 acres.

Announcements:

1. **City Council Tour: April 19, 2010**

Adjournment:

Handed out at Agenda Session
4-13-10

Fayetteville
ARKANSAS

Parking Management Division
113 W. Mountain St.
Fayetteville, Arkansas 72701
Phone: 479-575-8280
FAX: 479-575-8250
TDD: 479-521-1316 (for hearing impaired)

To: Mayor and City Council
Don Marr, Chief of Staff
Terry Gulley, Director of Transportation Services

From: Sharon Crosson, Parking Telecom Manager

Date: April 13, 2010

Subject: Presentation on Entertainment District Parking Plan

The Mayor and City Council has directed staff to develop plans to improve parking services in the Entertainment District and surrounding areas and achieve this goal by instituting pay parking in public facilities that are currently free, protecting adjacent neighborhoods from parking infiltration by providing a neighborhood parking permit system, and developing a mechanism for the City to manage and enforce violations on privately owned lots, which would eliminate towing and immobilization as their primary means of enforcement.

The following information is the foundation and knowledge basis for the City to begin to implement the parking programs we are planning.

Scope of the Project:

1. Residential Parking Permits: Develop a residential parking permit system including creation of rules and policies, fees and enforcement provisions.
2. Public Off-Street Lots: It is the City's desire to minimize or eliminate towing as a primary means of enforcement among the private lots in the Entertainment District. We plan to convert existing free lots to pay parking as well as offer monthly permits where appropriate. We will install revenue control equipment and/or other enforcement or control techniques that will provide user friendly services to our patrons.
3. Meter Fees: We will establish affordable meter rates in the Downtown and Entertainment District areas with the intent to maximize revenue, and space availability (turnover) as well as develop an on-going revenue source to support a future parking deck in the Entertainment District.
4. Private Lots: Develop an effective means to manage existing private parking lots by offering full management with enforcement. Again, it is the City's desire to minimize or eliminate towing as a primary means of enforcement among the private lots in the Entertainment District.
5. The City is holding numerous Public Meetings to discuss the overall parking plan and gather input form the public.

Proposed Entertainment District Parking Program

The Entertainment District Parking Program encompasses the area as shown in **Exhibit A** and referred to as the ***Entertainment District Parking Zone***. This program is designed to address the parking needs of the local merchants, visitors, employees and residents of Dickson Street and the nearby surrounding area. Every Section of this program is referring completely to the areas within the boundaries defined as the ***Entertainment District Parking Zone***.

SECTION I:

Residential Parking Permit Program

The purpose of this program is to provide no fee parking to City of Fayetteville residents that own, lease or rent residential units within the ***Entertainment District Parking Zone***. The Entertainment District Parking Zone includes two Residential Parking Zones. The ***Residential Parking Zone North*** includes on-street parking spaces north of Dickson Street that are reserved for the exclusive use of residents to park their vehicles. The ***Residential Parking Zone South*** includes on-street parking spaces south of Dickson Street that are reserved for the exclusive use of residents to park their vehicles. Residential parking permits shall not be valid for use at any off-street public parking area.

While most residential units have adequate off-street parking it is reasonable to expect that several residents will require access to on-street spaces. Residents will be issued **one (1)** no fee on-street parking permit for **each vehicle** registered to the address within the Residential Parking Zone. These permits will be re-issued quarterly and will be for the exclusive use of the resident. The residential parking permit is non-transferable and has no cash value. Residential parking permits shall only be valid in the Residential Parking Zone for which it has been issued.

The ***Residential Parking Zone North*** provides approximately 116 on-street parking spaces for area residents. The ***Residential Parking Zone South*** provides approximately 79 on-street parking spaces for area residents, with an additional 59 "mixed-use" spaces available for area residents. There are **three (3)** blocks on Spring Street that will be mixed-use parking that will be available for public parking as well as overflow residential parking for the ***Residential Parking Zone South.***

Residents will be required to provide the following information quarterly to qualify for a Residential Parking Permit:

1. Proof of residence within one of the two Residential Parking Zones
2. Current list/inventory of owned vehicles
3. Proof of vehicle ownership with registration matching the physical address within the Residential Parking Zone.
4. Vehicle to be permitted must be a motorized vehicle that will fit within a marked parking space.

Residential Parking Zone residents are encouraged to park their short term visitors in their respective driveways and utilize the on-street spaces for vehicles that are assigned a Residential Parking Permit. During special occasions when a resident will have several visitors, the resident shall contact the City

of Fayetteville Parking Division for additional parking privileges as needed. All parking requests beyond the standard issued Residential Parking Permit will be reviewed and approved on a case by case basis.

SECTION II:

Public Off-Street Parking Lots

The City of Fayetteville currently owns four (4) Public Off-Street Parking Lots directly surrounding the Walton Arts Center.

1. Lot 50 is a 293 space surface parking lot located at the Southwest corner of Dickson Street and West Avenue. Lot 50 currently offers free public parking and is used extensively by the Walton Art Center for weekday events. Lot 50 has limited control during the weekday morning hours to prevent University of Arkansas students from parking and filling the lot during the week.

2. Lot 56 is a 65 space surface parking lot located at the Southeast corner of Spring Street and West Avenue. Lot 56 currently offers free public parking and is used by the Walton Art Center to provide reserved parking for its donors.

3. Lot 60 is a 58 space surface parking lot located on the East side of School Avenue between Dickson Street and Spring Street. Lot 60 currently offers free public parking and is often used by visitors of the Walton Art Center and Entertainment District merchants.

4. Lot 55 is a 105 space surface parking lot located on the Northeast corner of West Avenue and Watson Street. Lot 55 currently offers free two-hour time limited public parking and is used by visitors of the Walton Arts Center and Entertainment District merchants.

PAY AS YOU STAY LOTS

PAY BY SPACE LOT

The City of Fayetteville intends to convert the four (4) Public Off-Street Parking Lots to paid parking in an effort to minimize or eliminate towing and to offer more convenient public parking and better service levels to the visitors of the Entertainment District.

To effectively address the needs of the Entertainment District and the user groups currently using the three (3) Public Off-Street Parking Lots located directly around the Walton Arts Center, a traditional ***Access and Revenue Control*** solution shall be implemented. This type of solution will utilize the latest technology available to the parking industry to ensure that customer service levels are increased, revenue is maximized and expenses are kept to a minimum. The traditional solution will provide for gated ingress and egress at the facilities and offer more flexibility to the user groups in the Entertainment District. Examples include:

- Visitor Reservation Systems
- Monthly Parking with Time Limit/Zone
- System Based Debit Card Programs (May also be used at U/A Pay Stations)
- Ability for U/A Students to use *Razorbucks* at City Pay Stations
- Pay-by-Cell Programs
- Full Integrated Communications Among all Pay Stations
- Merchant Validation Programs
- Facility Count & Lot Full Monitoring
- Unattended & Credit Card Payment Options
- Pay upon Exit (for amount of time parked)

These types of features will provide the City of Fayetteville and Entertainment District with the most flexibility and revenue opportunities at the Public Off-Street Parking Lots. This type of functionality and flexibility can not be offered using Multi-Space Meter Technology.

The fourth lot, Lot 55 shall be converted to a Pay-And-Display Lot. There will be Pay Stations conveniently located in this lot to pay for the selected amount of time to be parked. This same equipment will be utilized for on-street paid parking. The features of this equipment will be described later in the On-Street Parking Section.

The City of Fayetteville Parking Division currently uses an Access & Count Monitoring System manufactured by Amano McGann. The current system was recently upgraded to accommodate growth on the city owned parking decks in the downtown core and can be used to accommodate the growth in the Entertainment District. The city is satisfied with the existing product and support. It makes sense to grow the existing system as there are economies that will be realized. The next section includes references to the Amano McGann equipment line which will be changed if the city provides different direction on equipment.

SECTION III:

Operational Recommendation; Public Off-Street Parking Lots (Pay As You Stay)

The following descriptions provide typical application and system performance in a traditional parking application. In addition to the following, systems can be adapted to offer enhanced functionality. Enhanced functionality will include system based debit cards, reservations and merchant validation programs.

Transient Parker Entry: The facility entry lanes will be fitted with a Ticket Dispenser (TD) to allow entry to transient parkers. Transient parkers will drive into the entry lane which will cause the TD to arm its pushbutton to issue a ticket. The transient parker will depress the "Push for Ticket" button causing the TD to deliver one (1) credit card size ticket. Ticket issue will cause the entry gate to open allowing one vehicle to enter. Transient parkers will be instructed to take their ticket with them when parking their vehicle for validation and payment purposes.

Transient Parker Payment: When returning to their vehicle, transient parkers will be instructed to pay their parking fee at a Pay on Foot Station located on the east side of the surface lot. The surface lot will be fitted with a Pay on Foot Station-Full Service (POF-FS) which will accept any combination of validation, cash, debit card or credit card as payment to satisfy the parking fee. When the parking fee has been satisfied the POF-FS will validate the transient parker ticket and return the ticket to the transient parker to be used as the exit pass. A twenty (20) minute Grace Period will be applied to the transient parkers paid ticket to allow adequate time for the transient parker to return to their vehicle and exit the facility. A receipt will be printed upon request. All tickets will be retained by the EPS for audit purpose. The POF-FS will be fitted with a telephone based intercom to provide customer service in the event of an emergency.

Transient Parker Exit: The facility exit lanes will be fitted with an Electronic Payment Station (EPS) to allow egress to transient parkers from the parking facility. Transient parkers will drive into the exit lane which will cause the EPS to arm for acceptance of parking payment. Transient parkers will be instructed to insert their ticket which will cause the EPS to read the tickets magnetic stripe to confirm payment information. If no additional fee is due the EPS will open the exit gate allowing the transient parker to exit the facility. If there is a fee due the EPS will display the parking fee that is due. Transient parkers are then instructed to insert any combination of validation, debit card or credit card to satisfy the parking fee. A receipt can be issued on request. The EPS will then cause the exit gate to open allowing the transient parker to exit the facility. Each lane will be fitted with a telephone based intercom to provide customer service in the event of an emergency.

SECTION IV:

Equipment Recommendation; Public Off-Street Parking Lots

All Pay Stations will be multi-space revenue control machines that accept cash, coin and credit cards.

Lot 50 *– Reservation program available at this lot.*

West Avenue Entrance Lanes

- *2 AMG Entry Terminal*
- *2 AMG Proximity Card Reader*
- *2 Telephone Based Intercom Station*
- *2 AMG Barrier Gate*

West Avenue Exit Lanes

- *2 AMG Exit Terminal (ExpressParc)*
- *2 AMG Proximity Card Reader*
- *2 Telephone Based Intercom Station*
- *2 AMG Barrier Gate*

Dickson Street Exit Lanes

- *2 AMG Exit Terminal (ExpressParc)*
- *2 AMG Proximity Card Reader*
- *2 Telephone Based Intercom Station*
- *2 AMG Barrier Gate*

West Avenue Central Pay Station

- *2 AMG Full Service Pay on Foot Terminals*
- *2 Outdoor Enclosure, Pay on Foot Terminals*
- *2 Telephone Based Intercom Stations*

Walton Arts Center Lobby Pay Station
- *1 AMG Full Service Pay on Foot Terminal*
- *1 Telephone Based Intercom Station*

Lot 56 *– Reservation program available at this lot.*
Spring Street Entrance Lane
- *1 AMG Entry Terminal*
- *1 AMG Proximity Card Reader*
- *1 Telephone Based Intercom Station*
- *1 AMG Barrier Gate*

West Avenue Exit Lane
- *1 AMG Exit Terminal (ExpressParc)*
- *1 AMG Proximity Card Reader*
- *1 Telephone Based Intercom Station*
- *1 AMG Barrier Gate*

Spring Street Central Pay Station
- *1 AMG Full Service Pay on Foot Terminal*
- *1 Outdoor Enclosure, Pay on Foot Terminal*
- *1 Telephone Based Intercom Station*

Note: Lot 56 will require reconfiguration to maximize parking spaces and create traffic lanes.

Lot 60 *– Reservation program available at this lot.*
School Avenue Entrance Lane
- *1 AMG Entry Terminal*
- *1 AMG Proximity Card Reader*
- *1 Telephone Based Intercom Station*
- *1 AMG Barrier Gate*

Alley Exit Lane
- *1 AMG Exit Terminal (ExpressParc)*
- *1 AMG Proximity Card Reader*
- *1 Telephone Based Intercom Station*
- *1 AMG Barrier Gate*

School Avenue Central Pay Station
- *1 AMG Full Service Pay on Foot Terminal*
- *1 Outdoor Enclosure, Pay on Foot Terminal*
- *1 Telephone Based Intercom Station*

Lot 55 and On-Street Spaces
All LUKE Pay Stations will be fully integrated to communicate with each other so visitors may add more time to their meter at any Pay Station.
Watson Street Lot and On-Street Spaces
- *13 LUKE Solar Pay Stations*
- *6 LUKE 120-VAC Pay Stations*

Locations of all LUKE Pay Stations are shown on Exhibit A.

SECTION V:

Equipment Locations; Public On-Street Parking including Public Lot 55

The placement of Multi-Space Meters for an effective Public On-Street Parking Program is critical to the success of the program. The following list identifies recommended locations based on destination, foot traffic and convenience in the City of Fayetteville Entertainment District.

1. *Southwest corner Maple Street & Vandeventer Avenue*
2. *Northeast corner Lafayette Street & Vandeventer Avenue*
3. *Southwest corner Lafayette Street & Campbell Avenue*
4. *Southeast corner Lafayette Street & West Avenue*
5. *Northeast corner Watson Street & Campbell Avenue (optional)*
6. *Northeast corner Watson Street & West Avenue (optional)*
7. *Lot 55; between ADA parking stalls at center of lot across from Legacy Building Lobby*
8. *Lot 55; Adjacent to ADA in planter in front of You Know Uno*
9. *Northwest corner Dickson Street & Saint Charles Avenue*
10. *Planter adjacent to crosswalk at front of Underwood's Jewelry*
11. *Northeast corner Dickson Street & Gregg Avenue*
12. *Adjacent to streetlight standard at front of Common Grounds*
13. *Adjacent to streetlight standard at front of Dickson Street Book Shop*
14. *Adjacent to streetlight standard at front of 36 Club*
15. *Northwest corner Dickson Street & Thompson Avenue*
16. *Northeast corner Spring Street & West Avenue*
17. *Northeast corner Spring Street & School Avenue*
18. *Northeast corner Spring Street & Locust Avenue*
19. *Northeast corner Spring Street & Church Avenue*
20. *Lobby of Walton Arts Center*

SECTION VI:

Meter Fees & Times; Public On-Street Parking including Public Lots 50, 55, 56, 60

Parking rates for on-street parking spaces and public parking spaces in Lots 50, 55, 56 and 60 shall be set at the following rates and times:

Time Period 1

- Monday through Friday: 2:00am to 10:00 am – Free

Time Period 2

- Monday through Friday: 10:00am to 5:00pm - $0.50/hour, $3.00 max.

Time Period 3

- Monday through Friday: 5:00pm to 2:00am the following day – $1.00/hour, $5.00 max.

Time Period 4

- Saturday: 2:00am to 10:00am – Free

Time Period 5

- Saturday: 10:00am to 6:00pm - $0.50/hour, $3.00 max.

Time Period 6

- Saturday: 6:00pm to 2:00am the following day – $1.00/hour, $5.00 max.

Time Period 7

- Sunday: 2:00am to 1:00pm – Free

Time Period 8

- Sunday: 1:00pm to 6:00pm - $0.50/hour

Time Period 9

- Sunday: 6:00pm to 2:00am the following day – $1.00/hour, $5.00 max.

SECTION VII:

Entertainment District Employee Parking Program

Debit cards may be utilized by Entertainment District Employees that will provide a 90% discount on the parking rate while parked in any designated discounted space. If an employee chooses to park on the prime spaces not designated for discounted parking, then their debit card shall be charged the full parking rate. These "Employee Parking Cards" may be obtained at the Parking Management Division and loaded as a pre-paid card or attached to the employee's credit card number. Employers that wish to provide parking benefits for their employees may also acquire and add funds to their employees' cards. Merchants may also choose this option for providing parking benefits for their customers and/or members. These cards can be programmed to operate at specific areas as well.

City staff is also researching the possibility of running a free shuttle service in the area that will shuttle employees and visitors to and from the numerous free parking areas such as the Central United Methodist Church, First Baptist Church, and possible the U/A Harmon Parking Deck.

SECTION VIII:

Monthly Parkers

Monthly parkers will be allowed to park based on their parking privileges as programmed in the system server. Monthly parkers will access parking using Proximity Access Cards that are authorized for use on the system server based on the monthly parker pre-payment of monthly parker fees. Monthly parkers will drive into the entry or exit lanes causing the Proximity Card Reader to arm and read a properly presented and valid Proximity Access Card. A properly presented and valid card will cause the entry or exit gate to open allowing one vehicle to enter or exit the parking facility. Each lane will be fitted with a telephone based intercom to provide customer service in the event of an emergency.

The parking fee for a monthly parker is $35.00 and is valid from 7:00am until 4:00pm and only on weekdays, Monday through Friday, excluding national holidays.

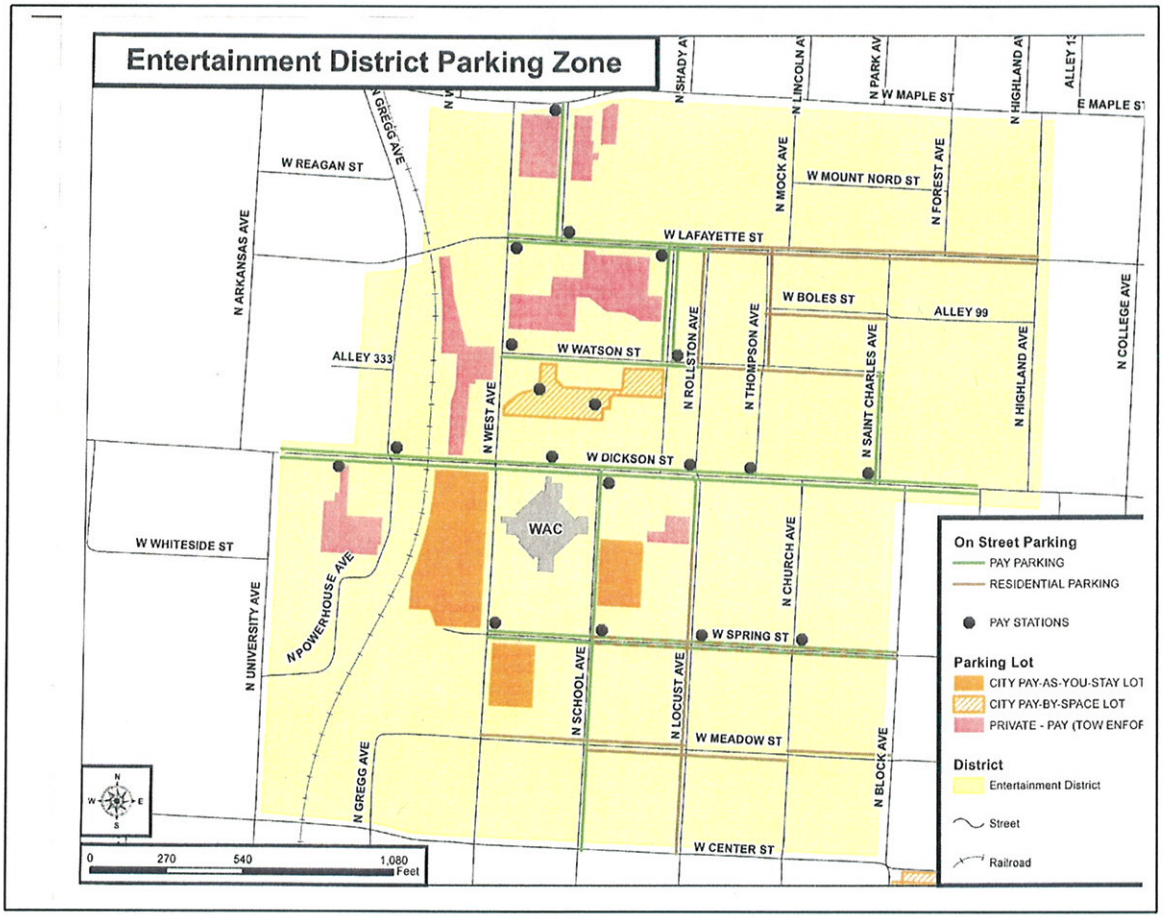
SECTION IX:

Citation Rates and Enforcement Recommendation

Citations may be written up to three (3) times per day, once per Time Period as defined in Section VI: Meter Fees & Times.

Violation	1st Offense	2nd Offense	3rd Offense and after
Overtime parking	$10.00	$15.00	$25.00
Prohibited parking	$62.50 (same as Police Department)		
Handicap violation	$187.50 (same as Police Department)		

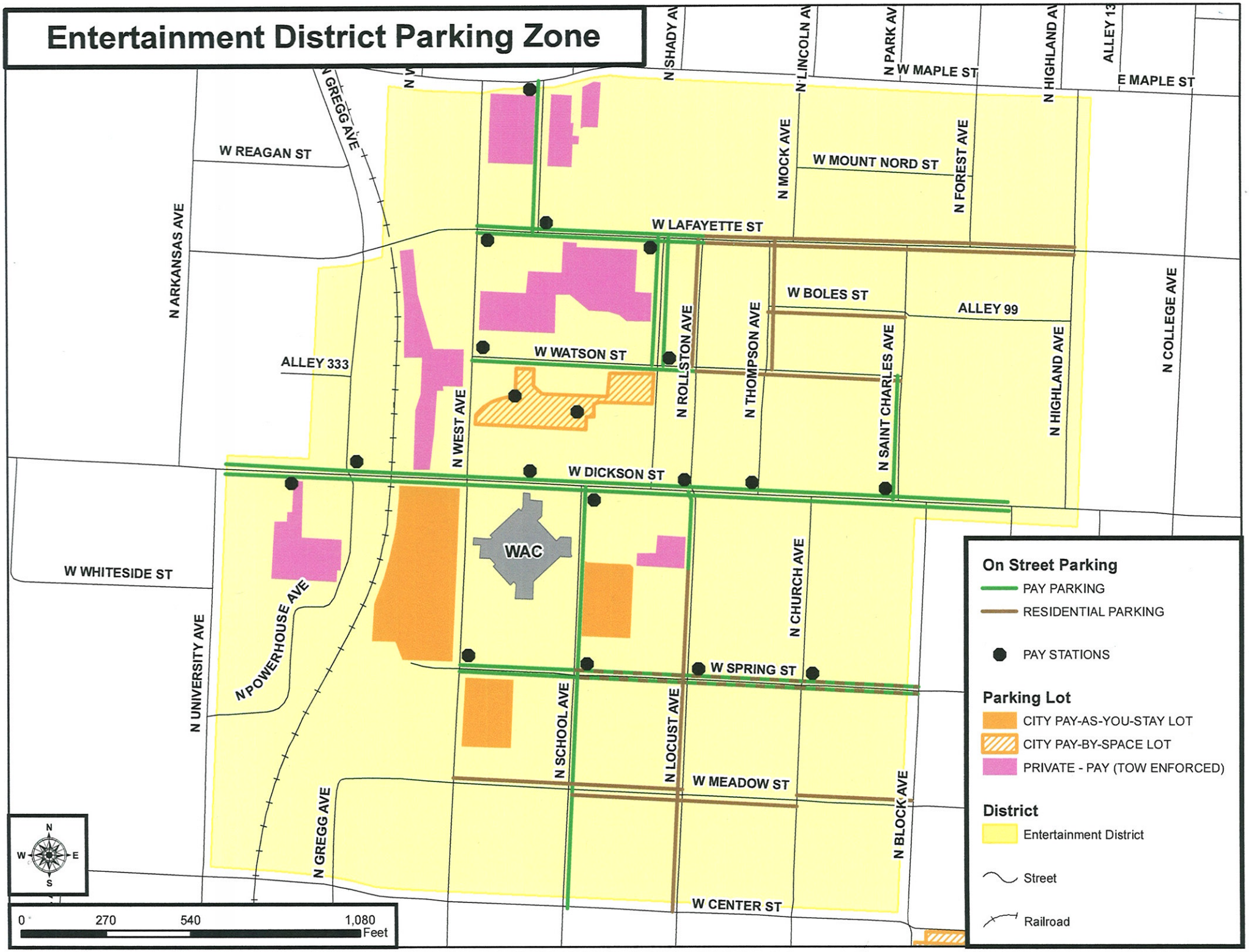
EXHIBIT A



Summary of Parking Spaces:	Count:
Pay Parking – Public Parking Lots	521
Pay Parking – Public On-Street	210
Mixed Use – Public Pay + Residential South	59
Residential Parking Zone South	79
Residential Parking Zone North	116
TOTAL SPACES	**985**

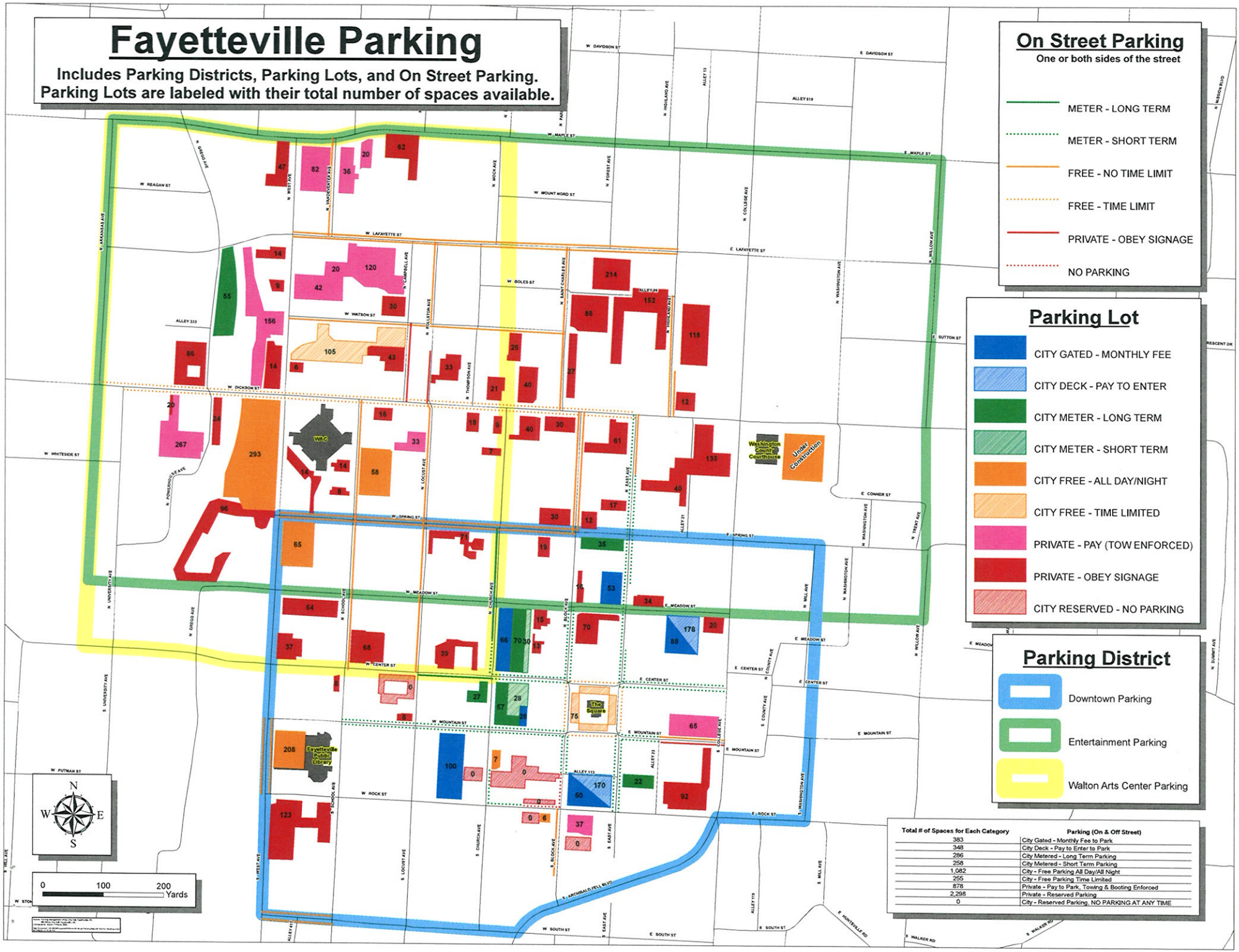
City of Fayetteville
Parking Management Office
113 W. Mountain St.
Fayetteville, Arkansas
Phone: 479-575-8280
Fax: 479-575-8250
Email: parking@ci.fayetteville.ar.us
Website: www.accessfayetteville.org

Entertainment District Parking Zone



Fayetteville Parking

Includes Parking Districts, Parking Lots, and On Street Parking.
Parking Lots are labeled with their total number of spaces available.



Total # of Spaces for Each Category	Parking (On & Off Street)
383	City Gated - Monthly Fee to Park
348	City Deck - Pay to Enter to Park
286	City Metered - Long Term Parking
258	City Metered - Short Term Parking
1,082	City - Free Parking All Day/All Night
255	City - Free Parking Time Limited
878	Private - Pay to Park, Towing & Booting Enforced
2,298	Private - Reserved Parking
0	City - Reserved Parking, NO PARKING AT ANY TIME