

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
January 6, 2015**

A meeting of the Fayetteville City Council was held on January 6, 2015 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Oaths of Office

Kit Williams	City Attorney
John S. La Tour	Alderman Ward 4

District Judge William A. Storey administrated the Oath of Office to City Attorney Kit Williams and Alderman John S. La Tour at the City Council meeting.

Justin Tennant	Alderman Ward 3
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Judge Beth Storey Bryan administrated the Oath of Office to Alderman Justin Tennant on January 5, 2015.

Adella Gray	Alderman Ward 1
Mark Kinion	Alderman Ward 2

Mayor Lioneld Jordan administrated the Oaths of Office for Alderman Adella Gray and Alderman Mark Kinion on January 9, 2015.

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Election of Vice Mayor

THIS WAS TABLED TO THE JANUARY 20, 2015 CITY COUNCIL MEETING

2. Report on the Firemen's Pension and Policemen's Pension and Relief Fund
3. Housing Authority Board Commissioners Appointment

APPROVED

4. ORT-Ozark Regional Transit - Semi-Monthly Report
5. City Council Committee Appointments

APPROVED

Agenda Additions:

A. Consent

1. Approval of the December 16, 2014 City Council meeting minutes.

APPROVED

2. **2015 Overlay/Sidewalk Projects:** A resolution to approve the Transportation Division Overlay/Sidewalk Projects list for 2015.

THIS RESOLUTION WAS REMOVED FROM THE CONSENT AGENDA FOR DISCUSSION. PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-15

3. **Hazmat Services Revenue:** A resolution to approve a budget adjustment recognizing Hazmat Services Revenue received by the Fire Department from Washington County in the amount of \$5,180.00 and increasing the related expense budget.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-15

4. **Internet Crimes Against Children Task Force Program:** A resolution to authorize acceptance of a non-matching continuation subgrant from the Internet Crimes Against Children Task Force Program in the amount of \$14,976.78, and to approve a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-15

5. **City of Johnson Rezoning:** A resolution agreeing to the change in zoning from R-1, Single-Family Residential to R-O, Residential Office for property located in the City of Johnson that adjoins parcels in the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-15

6. **Dan and Anita Spencer Five Year Lease Agreement:** A resolution to approve a five year lease agreement with an option to renew for an additional five years with Dan and Anita Spencer for approximately 18.18 acres of unused city property on the west side of Lake Sequoyah in exchange for the Spencers conveying additional easements to the city that are necessary for construction and operation activities pertaining to the Lake Sequoyah Sediment Removal Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-15

B. Unfinished Business

1. **Enact 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds:** An ordinance to amend the Fayetteville Code by enacting § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.

THIS ORDINANCE WAS TABLED TO THE FEBRUARY 17, 2015 CITY COUNCIL MEETING AND WAS LEFT ON THE SECOND READING

2. **RZN 14-4859 Niederman Enterprises:** An ordinance rezoning that property described in Rezoning Petition RZN 14-4859, for approximately 1.9 acres, located at the 300 & 400 block of Martin Luther King Boulevard from NC, Neighborhood Conservation, to DG, Downtown General.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5732

C. New Business

1. **Northwest Arkansas Regional Planning Commission:** An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$40,017.86 for a Stormwater Education Program for 2015.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5733

2. **RZN 14-4864 Koutroumbis Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 14-4864, for approximately 0.26 acres, located at 232 West Ash Street from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

3. **RZN 14-4894 3525 S. School Ave./Yates:** An ordinance rezoning that property described in Rezoning Petition RZN 14-4894, for approximately 3.78 acres, located at 3525 South School Avenue from C-2, Thoroughfare Commercial, to I-1, Heavy Commercial/Light Industrial.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5734

4. **Amend Chapters 151, 161, 162 and 166 (ADM 14-4896 UDC Amendment):** An ordinance amending Title IV: Unified Development Code of the City of Fayetteville, to amend Chapters 151, 161, 162 and 166 to create a new use unit for Small Scale Production including boutique and specialty manufacturing and to place this new use unit in appropriate zoning designations.

THIS ORDINANCE WAS LEFT ON THE FIRST READING

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment: 7:05 p.m.

Subject:	Roll				
Alderman Gray Arrived at 5:38pm	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓	Absent during roll call		
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan	✓			

7-0

Subject:	Election of Vice Mayor				
Motion To:		Table to January 20, 2015			
Motion By:		Long			
Seconded:		Schoppmeyer			
Tabled to January 20, 2015	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	Absent during the vote			
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan				

5-0

Subject:	Housing Authority Board Commissioners Appointment				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
Approved	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan				

6-0

Subject:	City Council Committee Appointments				
Motion To:		Approve			
Motion By:		Gray			
Seconded:		Marsh			
<u>Approved</u>	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan				

6-0

Subject:	Consent				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Petty			
<u>Minutes Approved</u> <u>Approved Consent with A.2. removed for discussion</u> 01-15 THRU 04-15	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan				

6-0

Subject:	A.2 Transportation Division Overlay / Sidewalk Projects per 2015				
Motion To:		Approve			
Motion By:		Marsh			
Seconded:		Gray			
<u>Removed from Consent for discussion</u> 05-15	Petty	✓			
	Tennant	Absent			
	Schoppmeyer	✓			
	La Tour	N			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	Absent			
	Mayor Jordan				

5-1

Subject:	Enact 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds				
Motion To:		2nd Read	Tabled to Feb. 17, 2015		
Motion By:		Gray	Long		
Seconded:		Petty	Marsh		
B. 1 Unfinished Business <u>Tabled to</u> <u>Feb. 17,</u> <u>2015</u> <u>Left on the</u> <u>Second</u> <u>Reading</u>	Petty	✓	✓		
	Tennant	Absent	Absent		
	Schoppmeyer	✓	✓		
	La Tour	✓	✓		
	Long	✓	✓		
	Gray	✓	✓		
	Marsh	✓	✓		
	Kinion	absent	Absent		
	Mayor Jordan				

6-0

6-0

Subject:	RZN 14-4859 Niederman Enterprises				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Long		
Seconded:		Marsh	Marsh		
B. 2 Unfinished Business <u>Passed</u> 5432	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	absent	Absent	Absent	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		Northwest Arkansas Regional Planning Commission			
Motion To:			<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>
Motion By:			<i>Marsh</i>	<i>Marsh</i>	
Seconded:			<i>Gray</i>	<i>Gray</i>	
C. 1 New Business <i>passed</i> <i>5733</i>	Petty	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Tennant	<i>Absent</i>	<i>absent</i>	<i>Absent</i>	
	Schoppmeyer	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	La Tour	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Long	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Gray	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Marsh	<i>✓</i>	<i>✓</i>	<i>✓</i>	
	Kinion	<i>absent</i>	<i>absent</i>	<i>absent</i>	
	Mayor Jordan				
		<i>6-0</i>	<i>6-0</i>	<i>6-0</i>	

Subject:		RZN 14-4864 Koutroumbis Appeal			
Motion To:					
Motion By:					
Seconded:					
C. 2 New Business <i>Left on the first Reading</i>	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Mayor Jordan				

Subject:	RZN 14-4894 3525 S. School Ave./Yates				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Long	Marsh		
Seconded:		Marsh	Gray		
C. 3 New Business <u>Passed</u> 5734	Petty	✓	✓	✓	
	Tennant	Absent	Absent	Absent	
	Schoppmeyer	✓	✓	✓	
	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	✓	✓	
	Kinion	Absent	Absent	absent	
	Mayor Jordan				

6-0

6-0

6-0

Subject:	Amend Chapters 151, 161, 162 and 166 (ADM 14-4896 UDC Amendment Small-Scale Production)				
Motion To:					
Motion By:					
Seconded:					
C. 4 New Business Left on the first Reading	Petty				
	Tennant				
	Schoppmeyer				
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Mayor Jordan				



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: January 7, 2015

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 6, 2015

1. A Resolution to approve the Transportation Division overlay/sidewalk projects list for 2015.
2. A Resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$5,180.00 and increasing the related expense budget.
3. A Resolution to authorize acceptance of a non-matching continuation subgrant from the Internet Crimes Against Children Task Force Program in the amount of \$14,976.78, and to approve a budget adjustment.
4. A Resolution to approve a five year lease agreement with an option to renew for an additional five years with Dan and Anita Spencer for approximately 18.18 acres of unused City property on the west side of Lake Sequoyah in exchange for the Spencers conveying additional easements to the City that are necessary for construction and operation activities pertaining to the Lake Sequoyah Sediment Removal Project.
5. An Ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$40,017.86 for a stormwater education program for 2015.

City of Fayetteville, Arkansas

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



Meeting Agenda - Final

Tuesday, January 6, 2015

5:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

- 2014-0488** Oaths of Office:
- City Attorney Kit Williams
Adella Gray, Alderman Ward 1
Mark Kinion, Alderman Ward 2
Justin Tennant, Alderman Ward 3
John S. LaTour, Alderman Ward 4

Roll Call**Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:**

1. **2014-0489** Election of Vice Mayor
2. **2014-0490** Report on the Firemen's and Policemen's Pension and Relief Fund
3. **2014-0581** Housing Authority Board Commissioners Appointment

Attachments: [HAB Appointment 4th Qtr 2014](#)

2014-0589 ORT-Ozark Regional Transit - Semi-Monthly Report

2015-0004 City Council Committee Appointments

Attachments: [2015 City Council Committees 123014 Final](#)

Agenda Additions:**A. Consent:**

- A. 1 **2014-0317** Approval of the December 16, 2014 City Council meeting minutes.
- A. 2 **2014-0568** A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments: [2014-0568](#)

- A. 3 2014-0574** A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY
THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$5,180.00 AND INCREASING THE RELATED
EXPENSE BUDGET

Attachments:

[SRF & SRM Hazmat Revenue](#)

[BA BUDGET ADJUSTMENT FORM Hazmat Revenue Arkansas Missouri Ra](#)

- A. 4 2014-0575** A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A
NON-MATCHING CONTINUATION SUBGRANT FROM THE
INTERNET CRIMES AGAINST CHILDREN TASK FORCE
PROGRAM IN THE AMOUNT OF \$14,976.78, AND TO APPROVE
A BUDGET ADJUSTMENT

Attachments:

[CC Packet - 2014 ICAC Award](#)

[BA - 2014 ICAC Award](#)

- A. 5 2014-0580** A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM
R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL
OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON
THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE

Attachments:

[Full agenda packet](#)

[CC RES 2015-0580](#)

- A. 6 2014-0584** A RESOLUTION TO APPROVE A FIVE YEAR LEASE
AGREEMENT WITH AN OPTION TO RENEW FOR AN
ADDITIONAL FIVE YEARS WITH DAN AND ANITA SPENCER
FOR APPROXIMATELY 18.18 ACRES OF UNUSED CITY
PROPERTY ON THE WEST SIDE OF LAKE SEQUOYAH IN
EXCHANGE FOR THE SPENCERS CONVEYING ADDITIONAL
EASEMENTS TO THE CITY THAT ARE NECESSARY FOR
CONSTRUCTION AND OPERATION ACTIVITIES PERTAINING
TO THE LAKE SEQUOYAH SEDIMENT REMOVAL PROJECT

Attachments:

[2014-0584 Lake Sequoyah Land Easement](#)

B. Unfinished Business:

- B. 1 2014-0437** AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY
ENACTING § 71.016 INSURANCE REQUIREMENTS FOR
MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

Attachments:

[Agenda Packet § 71.016 Insurance Requirements](#)

Legislative History

12/16/14

City Council

left on first reading

*This ordinance was left on the 1st reading and sent to the Ordinance Review
Committee.*

- B. 2 2014-0532 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4859, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT THE 300 & 400 BLOCK OF MARTIN LUTHER KING BOULEVARD FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL**

Attachments: [RZN 14-4859 Niederman](#)
 [ORD 14-4859 Niederman](#)

Legislative History

12/2/14 City Council tabled
This ordinance was left on the first reading and tabled to the January 6, 2015 City Council Meeting at the December 2, 2014 City Council Meeting.

C. New Business:

- C. 1 2014-0577 AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$40,017.86 FOR A STORMWATER EDUCATION PROGRAM FOR 2015**

Attachments: [2014-0577 Stormwater Education Agreement](#)

- C. 2 2014-0572 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4864, FOR APPROXIMATELY 0.26 ACRES, LOCATED AT 232 WEST ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE**

Attachments: [14-4864 CC Packet](#)
 [14-4864 CC ORD](#)

- C. 3 2014-0579 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4894, FOR APPROXIMATELY 3.78 ACRES, LOCATED AT 3525 SOUTH SCHOOL AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL**

Attachments: [14-4894 Full Agenda Request](#)
 [14-4894 CC ORD](#)

- C. 4 2014-0576 AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS**

Attachments:

[14-4896 CC packet](#)

[Additional Exhibit A ADM 14-4896](#)

[14-4896 CC ORD](#)

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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

City of Fayetteville
2015 Rules of Order and Procedure
City Council Committees

Transportation

(Approved by the City Council)

Chair to be elected at the first committee meeting of 2015

Adella Gray	442-4958	Alderman Ward 1
Matthew Petty	595-8703	Alderman Ward 2
Justin Tennant	387-8462	Alderman Ward 3
Alan Long	304-0585	Alderman Ward 4
Chris Brown	575-8206	Staff Contact
Terry Gulley	575-8228	Staff Contact

Sewer

(Approved by the City Council)

Chair to be elected at the first committee meeting of 2015

Sarah Marsh	287-4054	Alderman Ward 1
Mark Kinion	442-7868	Alderman Ward 2
Martin Schoppmeyer	935-4605	Alderman Ward 3
John La Tour	443-7878	Alderman Ward 4
Tim Nyander	575-8386	Interim Staff Contact
Don Marr	575-8330	Interim Staff Contact

Nominating

Chair to be elected at the first committee meeting of 2015

Adella Gray	442-4958	Alderman Ward 1
Mark Kinion	442-7868	Alderman Ward 2
Martin Schoppmeyer	935-4605	Alderman Ward 3
Alan Long	304-0585	Alderman Ward 4
Sondra Smith	575-8323	Staff Contact
Lisa Branson	575-8323	Staff Contact

Ordinance Review

Chair to be elected at the first committee meeting of 2015

Sarah Marsh	287-4054	Alderman Ward 1
Matthew Petty	595-8703	Alderman Ward 2
Justin Tennant	387-8462	Alderman Ward 3
John La Tour	443-7878	Alderman Ward 4
Kit Williams	575-8313	Staff Contact

Adella Gray	442-4958
Alderman Ward 1	

**Transportation
Nominating**

Sarah Marsh	287-4054
Alderman Ward 1	

**Water & Sewer
Ordinance Review**

Mark Kinion	442-7868
Alderman Ward 2	

**Water & Sewer
Nominating**

Matthew Petty	595-8703
Alderman Ward 2	

**Transportation
Ordinance Review**

Justin Tennant	387-8462
Alderman Ward 3	

**Transportation
Ordinance Review**

Martin Schoppmeyer	935-4605
Alderman Ward 3	

**Water & Sewer
Nominating**

John La Tour	443-7878
Alderman Ward 4	

**Water & Sewer
Ordinance Review**

Alan Long	304-0585
Alderman Ward 4	

**Transportation
Nominating**

2015 All City Council Committee Appointments

Adella Gray

Transportation Committee

Nominating Committee

Equipment Committee

Advertising & Promotions Commission

Sarah Marsh

Water & Sewer Committee

Ordinance Review

Active Transportation Advisory Committee

Energy Improvement District

Mark Kinion

Water & Sewer Committee

Nominating Committee

Animal Services Committee

Town & Gown Committee

Matthew Petty

Transportation Committee

Ordinance Review

Equipment Committee

Advertising & Promotions Commission

Audit Committee

Justin Tennant

Transportation Committee

Ordinance Review

NWA Regional Planning Commission

Martin Schoppmeyer

Water & Sewer Committee

Nominating Committee

Equipment Committee

Washington County Regional Ambulance

John La Tour

Water & Sewer Committee

Ordinance Review

Equipment Committee

Alan Long

Transportation Committee

Nominating Committee

Environmental Concerns Committee

Mayor Jordan

Airport Board

City Board of Health

Firemen's Pension

Policemen's Pension

NWA Regional Planning Commission

ADM 14-4896
EXHIBIT “A”

§162.01 (SS) Unit 45. Small scale production

(1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas City Council Meeting December 16, 2014

A meeting of the Fayetteville City Council was held on December 16, 2014 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Mark Kinion arrived at 5:39 p.m.

ABSENT: Alderman Rhonda Adams

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions:

Alderman Rhonda Adams Recognition

Alderman Adams was absent.

City Council Meeting Presentations, Reports and Discussion Items:

Mayor Confirmation of the Public Facilities Board Appointment

Alderman Tennant stated the Mayor recommends the appointment of Tommy Deweese to the Public Facilities Board.

Mayor Confirmation of the Northwest Arkansas Regional Airport Authority Appointments

Alderman Tennant stated the Mayor recommends the appointment of Mike Johnson and Blake Woolsey to the Northwest Arkansas Regional Airport Authority.

Nominating Committee Report

Alderman Tennant read the Nominating Committee Report and recommended the appointments as submitted.

Alderman Gray moved to approve the Nominating Committee Report, Public Facilities Board appointment and the Northwest Arkansas Regional Airport Authority appointments. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion was absent during the vote. Alderman Adams was absent.

A copy of the report is attached.

Town Center Annual Report

Sandra Bennett, Facilities Manager presented the Town Center report.

City Attorney Kit Williams stated his appreciation for the leadership of the Town Center and the success it has achieved.

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the December 2, 2014 City Council meeting minutes.

Approved

Housing Contract Services & Community Outreach Projects: A resolution to approve a budget adjustment for Housing Contract Services in the amount of \$11,364.00 representing

Community Development Block Grant Program income received through a housing program lien payoff, and to approve a budget adjustment for Community Outreach Projects in the amount of \$627.00 representing donations to Ranger's Pantry and the Senior Giving Tree.

Resolution 216-14 as recorded in the office of the City Clerk

Benchmark Construction Change Order No. 2 at Fire Station No. 1: A resolution to approve Change Order No. 2 to the contract with Benchmark Construction in the amount of \$6,703.00 for installation of a sidewalk and an Americans with Disabilities Act Compliant Ramp for the Fire Station No. 1 Driveway Replacement Project.

Resolution 217-14 as recorded in the office of the City Clerk

Bid # 14-45 JL Bryson - Noland Wastewater Treatment Plant: A resolution to award Bid #14-45 and authorize a Contract with JL Bryson, Inc. for the installation of an ozone disinfection system at the Noland Wastewater Treatment Plant in the amount of \$867,010.00, to approve a project contingency in the amount of \$86,701.00, and to approve a budget adjustment.

Resolution 218-14 as recorded in the office of the City Clerk

Bid #14-64 to Evans Enterprises, Inc. - Noland Wastewater Treatment Plant: A resolution to award Bid #14-64 to Evans Enterprises, Inc. to rebuild four (4) motors and to purchase four (4) Variable Frequency Drives and Load Reactors for the Noland Wastewater Treatment Plant in the amount of \$42,341.74 plus applicable taxes.

Resolution 219-14 as recorded in the office of the City Clerk

Bid #14-61 to Rogers Iron and Metal: A resolution to award Bid #14-61 to Rogers Iron and Metal for the removal and recycling of scrap metal items for an amount established in the seventh effective issue of the American Metal Market Automobile Scrap Index each month for the Arkansas/Tennessee market less Rogers Iron and Metal's operating costs in the amount of \$96.00 per ton.

Resolution 220-14 as recorded in the office of the City Clerk

Federal and State Law Enforcement Forfeiture Revenue: A resolution to approve a budget adjustment in the total amount of \$44,018.00 recognizing Federal and State Law Enforcement Forfeiture Revenue received through November 2014.

Resolution 221-14 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$7,900.00 recognizing donation revenue to the Fayetteville Police Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.

Resolution 222-14 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Amendment No. 2 Niokaska Creek: A resolution to approve Amendment No. 2 to the Memorandum of Understanding with the Watershed Conservation Resource Center in an amount not to exceed \$6,020.00 for enhancement of the existing floodplain of the Niokaska Creek in Sweetbriar Park, monitoring of bank erosion and repairs to rock structures constructed as part of the original stream restoration project.

Resolution 223-14 as recorded in the office of the City Clerk

CH2M Hill Engineers Amendment No. 6: A resolution to approve Amendment No. 6 to the agreement for operations, maintenance and management services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. in the amount of \$7,902,543.00 for services in 2015.

Resolution 224-14 as recorded in the office of the City Clerk

Master Transportation Plan: A resolution to approve a budget adjustment in the amount of \$500,000.00 for the development of a Master Transportation Plan.

Resolution 225-14 as recorded in the office of the City Clerk

Hotel, Motel and Restaurant 2014 Bond Capital Improvement Walton Arts Center: A resolution to approve the attached budget adjustment for both the 2014 and 2015 budgets to create the Hotel, Motel and Restaurant 2014 Bond Capital Improvement fund in the amount of \$7,181,004.00 for the Walton Arts Center Expansion and Enhancement Project and \$3,642.656.00 for Phase I of the Regional Park Project.

Resolution 226-14 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Unfinished Business:

Hanna's Landing Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 14-4850, for approximately 4.96 acres, located along the north side of Martin Luther King Boulevard between Government and Hill Avenues, from I-1, Heavy Commercial/Light Industrial, to C-2, Thoroughfare Commercial.

City Attorney Kit Williams: Late this afternoon we received a Bill of Assurance from the applicant. The ordinance needs to be amended to show our reliance upon that Bill of Assurance. We have a minor change in the title and change the current Section 2 to Section 3. The new Section 2 will read, that the City Council accepts the proffered Bill of Assurance from the applicant and relies upon this Bill of Assurance in making this rezoning decision. This would need to be an amendment to the ordinance in order to accept and consider the Bill of Assurance.

Alderman Petty moved to amend the ordinance to accept a Bill of Assurance. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

City Attorney Kit Williams read the entire ordinance, therefore there was no need to suspend the rules and go to the third reading.

Jeremy Pate, Director of Development Services stated the City Attorney office has submitted a memo outlining some concerns with the Bill of Assurance.

City Attorney Kit Williams: I noticed some problems with the Bill of Assurance. No applicant needs to ever provide a Bill of Assurance. If an applicant wants to provide a Bill of Assurance, then we have designed a form we feel is easy to understand. Our form is clear as to what the city's rights would be and how to enforce it. We provided a form to the applicants. Their attorney chose to not use many parts of the form and to put in other language. It causes me some concern and some of the form is incorrect.

They say the Planning Commission relied upon this. The Planning Commission met a few months ago and the Bill of Assurance showed up today. They say the Planning Commission can change it and that can't happen. Only the City Council can change the Bill of Assurance in the future with the concurrence of the applicant. A Bill of Assurance normally does exclude uses that the City Council might feel would be objectionable. The wording they chose only excluded uses as a primary business activity. This is a five acre site. You can have a primary activity and still have a couple of acres left for non-primary activities, which could include some of these objectionable uses they claim they are excluding. There is other language in here which is confusing and this is not a normal Bill of Assurance. There are enforcement provisions in it, but the primary business usage and incidental things they talk about make it where this is not a very enforceable Bill of Assurance.

Stephen Giles, Agent for Property Owner: I agree with some of the things that Kit is saying. Anytime Wal-Mart presents something that is going to be filed of record, it has gone up and down the channels at Wal-Mart legal. Several lawyers have looked at this and they have seen Kit's. We feel like ours is the better document. We have said over and over again what we plan to do if you rezone the property. The Hanna's have committed to the City Council and everybody in the City of Fayetteville in a written document that clearly tells you what is not going to be on the property.

A discussion followed about what would not be permitted by the Hanna family and Wal-Mart on the property.

City Attorney Kit Williams: Why didn't you just say these specific activities will not be allowed, instead of not be allowed as the primary business activity? When you say that, you are saying we might allow those activities, just not the primary business activity. These are your words and I have talked to you about this before and tried to have you do a very simple form which says you won't do this. You won't have these activities on here like you just told the City Council, but when I see it in black and white, I see a lot of wiggle room because it could be a secondary business

activity. I know Wal-Mart is not planning on doing that, so I don't know why that language is in there.

Stephen Giles: It was in there to try to present it in Wal-Mart corporate approval. A document telling you that's what it says. We are not trying to do incidental uses or permitted uses. The store is going to be there for thirty years or more and we don't want to go down the line here when we get into an argument about what we can or can't do. We are telling you now, what we are going to do.

Alderman Long: If this is the case, then why couldn't we have it rephrased to what Kit suggested?

Stephen Giles: I don't have the authority to change this. This is the document we want to present. It says what Kit's paragraph one and two does. It just has the other things in it that in Wal-Mart's vast experience, they run into trouble if some of these things aren't explicitly stated.

City Attorney Kit Williams: At the end of my memo I pointed out that before there was a Bill of Assurance, I still thought having a shopping goods opportunity, which is only allowed in C-2 and not in I-1, made a lot of sense for this thoroughfare. Even before the Bill of Assurance I thought this fit within the 2030 Plan to some extent. However, this is your decision and the Bill of Assurance that was proffered to us is not a normal Bill of Assurance and has language that can be interpreted as such, that the alleged restrictions on activities is not very strong.

Stephen Giles: It is our word.

A discussion followed about the total acreage of the property.

City Attorney Kit Williams: In most rezoning's, you can't talk about what the project is going to be. These are the standards we've held too. Is that correct, Jeremy?

Jeremy Pate: That would be consistent with any other applicant. If the Bill of Assurance had an attachment that showed what the project is going to be, I think you could then go into the details. As it stands, there are a number of uses this could still be in 30 or 40 years.

City Attorney Kit Williams: State law is that you are supposed to consider all the uses that are available for the rezoning and decide whether all of the uses are something that is more desirable than the current uses of I-1, which does not allow shopping goods. That is one of the primary differences.

A discussion followed about the Bill of Assurance in the construction of sidewalks to permit trees to be planted between the sidewalk and street.

Mayor Jordan discussed the rules for public comment.

Jeff Williams, Ward 1 spoke in favor of the ordinance. Mr. Williams presented a petition with 24 signatures in support of the ordinance.

Edward Hejtmanek, spoke in opposition of the ordinance.

Adam Cox, 533 South Church stated he is in favor of Form Based Zoning.

Davis Trice, University of Arkansas student spoke in favor of the ordinance.

Jerry Hogan, East Oaks stated the area has residual historical value and that should be taken in consideration.

Erin Burton, 588 South Block Avenue spoke in opposition of the ordinance.

Brady Carmen, 440 South Locust spoke in opposition of the ordinance.

Laura Walsh, 224 South Church spoke in opposition of the ordinance.

Johnny Chamberlin, 502 South Mashburn Avenue spoke in opposition of the ordinance.

Pam Burton, 671 South Block Avenue spoke in opposition of the ordinance.

Alan Ostner, 312 South Block spoke in opposition of the ordinance.

Brian Hurley, 215 South Block spoke in opposition of the ordinance.

Carter Yeatman, 324 South East Avenue spoke in opposition of the ordinance.

Woodrow Shew, 525 North Walnut Avenue spoke in opposition of the ordinance.

Skip Deaton, Corner of Hill and MLK spoke in favor of the ordinance.

Sarah House, East Prospect Street spoke in opposition of the ordinance.

Angela Wisely, 502 South Mashburn Avenue spoke in opposition of the ordinance.

Rachel Tubbits, 426 South Government Avenue spoke in opposition of the ordinance.

Rob Sharp, East 4th Street spoke in opposition of the ordinance.

Jamie Davis, 1227 South Maxwell spoke in favor of the ordinance.

Darlene Graph, 7 East South Street spoke in opposition of the ordinance.

Jeff Peterson, 2642 East Golden Oaks spoke in favor of the ordinance.

Alice Beetz, 512 South East Avenue spoke in opposition of the ordinance.

Thad Hanna, 16308 East Black Road spoke in favor of the ordinance.

Hank Kaminsky, 641 West 6th Street spoke in opposition of the ordinance.

Steve Clark, 438 East Fairway Lane spoke in favor of the ordinance.

Michael Lindsey, Director of Public Affairs for Wal-Mart spoke in favor of the ordinance.

Aubrey Shepherd spoke in opposition of the ordinance.

Alderman Gray: I have been torn on this issue. I am a City Council person that believes in doing what is best for Fayetteville. Fayetteville needs this grocery store. The plan they have produced for us is a beautiful plan. I will be supporting the C-2 zoning.

Alderman Petty: The neighbors have banded together against the rezoning. I'm not willing to step through that line. The applicant is one of the best negotiators in the world. When you are negotiating with one of the best negotiators in the world, it puts you at a disadvantage. When you look at the C-2 zoning, it's virtually the same zoning that exists in almost every community in America. It's not a great economic development strategy on our part to say we are going to try and out compete other cities by being just like them. Be a little different, which is the whole point to all the public input sessions that we had. I understand it means having to think outside of the box that is used to build so many of these stores every year, but they have done it.

Alderman Marsh stated she is listening to her constituents and they want a superbly walkable environment. She stated her citizens want a city that looks more like Downtown, such as the pictures that are used on Fayetteville's tourist brochures. She referred to the Fayetteville Downtown Master Plan and stated designing for pedestrians first is what makes a good street. She stated she would not support C-2 zoning, but would support a change to Urban Thoroughfare.

Alderman Kinion stated when neighborhoods identify what they want in their neighborhood, it needs to be taken seriously. He stated he participated in and knows the vision for the Fayette Junction Master Plan, Walker Park Master Plan and Downtown Master Plan. He believes anyone who develops in this area needs to be held to the same standards. He stated he didn't want to impede anyone from developing on this property who can supply a need. He believes the vision can be met that was set by individuals who participated in the neighborhood plans and still invite good development to meet the needs for this property. He spoke about the development history of troubled areas in regards to large boxed retail stores. He stated he can't support the C-2 zoning of this property even though he supports the concept.

Alderman Long: I've heard a lot of people say they support UT zoning, but no one has applied for UT zoning at this point. When looking at our overall zoning map, I see C-2 directly adjacent to this, as is I-1. I think C-2 is more appropriate than Industrial Zoning, where someone could build a factory, car lot or gas station. Something else that's troubled me is that I've heard about the walkability and how this won't encourage that. At the intersection of Garland and Wedington, there is a Harps with a transit stop. I see almost as many pedestrians there at that transit stop as I do vehicles. In the Bill of Assurance we've been told there will be a transit stop.

Form Based Zoning was meant to be an option, not something we would require when it was established. If it was something we were going to require, we would be talking about putting parking in the back behind the residence which would draw more traffic in toward where the neighborhood is at. If I lived there, I wouldn't want that. I will be supporting C-2.

Alderman Marsh: Kit, in our discussions at the last Council meeting you mentioned that the City Council can rezone a piece of property to anything it would like to do. Is that correct?

City Attorney Kit Williams: Zoning is a legislative decision that can be made by the City Council. It can't be made arbitrarily and capriciously.

Alderman Marsh: Can I move that we rezone this to Urban Thoroughfare?

City Attorney Kit Williams: I would like to defer to Jeremy Pate on this.

Jeremy Pate: My preference would be if the Council is looking for a different zoning, than the applicant has requested, would be to table the item to allow public consumption and the applicant to think about that idea as well.

Alderman Marsh: The Planning Commission, staff and neighborhood are speaking against the C-2. The neighborhood is saying they are fine with the use, but want the urban form.

Alderman Marsh moved to amend the zoning to Urban Thoroughfare. Alderman Petty seconded the motion.

A discussion followed about zoning the property to Urban Thoroughfare and a brief description of Urban Thoroughfare was given.

City Attorney Kit Williams: I've not seen a City Council on a spur of the moment attempt to force an applicant to make a major change in their zoning request. There were some zoning changes that were forced in the Walker Park Plan, but that was after many charrette's and conversations with the landowners. I've never seen when we get to the third and final reading and close to a vote and a suggestion that we make a major change that has not been requested by the applicant.

Mayor Jordan stated he agreed with City Attorney Williams.

Alderman Petty: I would like to table it until the next meeting. I don't think we need to vote tonight. That would give staff enough time to come up with a recommendation regarding UT. It would give us time to consider the City Attorney's memo which has told us that compatibility should be the number one consideration of any rezoning decision.

Thad Hanna: I can't believe that we are on a third reading and a City Council member tries to force a zoning request change on me without giving us any input. I have property for sale in the City of Fayetteville. I have a potential buyer who asked us to rezone it. I am doing a voluntary downzoning from I-1 to C-2.

Alderman Petty moved to table the appeal and ordinance to the January 19, 2015 City Council meeting. Alderman Marsh seconded the motion.

A discussion followed about the procedural process with the motions that are on the table and giving more time for the City Council and public to evaluate the Bill of Assurance.

City Attorney Kit Williams: Mr. Giles, are you opposed to the tabling and would like to have a decision tonight?

Stephen Giles stated they were under contract and opposed to the tabling of the ordinance.

Alderman Kinion stated the Bill of Assurance was received less than 24 hours ago and not similar to anything he has seen in the past. He stated more time is needed to responsibly review the Bill of Assurance to see if it is appropriate.

Stephen Giles stated he has been working for weeks on the Bill of Assurance and it takes a lot of time to go through corporate to get this approved.

Mayor Jordan explained the process of tabling the item and rezoning to C-2 or Urban Thoroughfare.

Rob Sharp: The worst thing you can do for economic development, investment or landowners is to not have predictability. If we are all over the map, then no one wants to do business in our town. We are overriding our staff, Planning Commission and our 2030 Goals. We should table this to have more time to consider it. If the landowner wanted to expedite the process, he could have met with the staff and found out what the best chance is to get this through. They didn't want to go that route and they wanted to ram this down our throats. They are now saying they don't have enough time and it's disingenuous.

Thad Hanna: This has been a long drawn out process. This is the third reading and we have had it tabled one reading already. It's disingenuous to have a Council member who has already said they are against the C-2 to say they want to look at the Bill of Assurance, because they are going to vote against it anyway. We have done everything that has been asked of us from the city. As the property owner I want a vote on the C-2 and if it fails, then we will go back to I-1.

A discussion followed about voting procedures.

The motion to table the appeal and ordinance to the January 19, 2015 City Council meeting upon roll call the motion failed 3-4. Alderman Kinion, Petty, and Marsh voting yes. Alderman Tennant, Schoppmeyer, Long and Gray voting no. Alderman Adams was absent.

Alderman Petty stated City Attorney Williams has written us a memo about the criteria we are allowed to consider about rezoning decisions. He stated compatibility was number one on the list and Urban Thoroughfare is now on the floor.

Mayor Jordan: I would like to apologize to the Hanna's for any remarks that was made to them. I don't allow people to attack one another's character. I want everyone to be respectful.

Alderman Marsh stated the neighborhood wants the use, but they want the Form Based Zone. She stated that the Planning Commission voted against C-2 and staff did not recommend C-2. She encouraged the ordinance to be voted Urban Thoroughfare.

The motion to amend the zoning to Urban Thoroughfare upon roll call the motion failed 3-4. Alderman Kinion, Petty, and Marsh voting yes. Alderman Tennant, Schoppmeyer, Long, and Gray voting no. Alderman Adams was absent.

Mayor Jordan: I will be supporting C-2 if necessary. It has not been an easy decision for me because the property is located on the edge of the Downtown and Mill District. However, the benefits you gain, the destination site, sidewalks, accessibility improvements and overall beautification of an area that is extremely run down, will hopefully spur additional investment and revitalization.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Tennant, Schoppmeyer, Long, and Gray voting yes. Alderman Kinion, Petty, and Marsh voting no. Mayor Jordan voted yes and therefore the ordinance received five (5) affirmative votes and passed. Alderman Adams was absent.

Ordinance 5727 as Recorded in the office of the City Clerk

New Business:

RZN 14-4875 - Truckers Drive: An ordinance rezoning that property described in Rezoning Petition RZN 14-4875, for approximately 20.54 acres, located at the west end of Truckers Drive from R-PZD, Residential Planned Zoning District, Park West 05-1796, to RMF-12, Residential Multi Family, 12 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 9-0 in support of the rezoning. Staff recommends approval of the rezoning. He requested the Exhibit A map to be amended due to the property boundary being shifted.

Alderman Marsh moved to amend the Exhibit A map. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Brian Moore, Engineering Services stated he was representing the owner.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Ordinance 5728 as Recorded in the office of the City Clerk

Northwest Arkansas Bicycle and Pedestrian Master Plan: A resolution to endorse the Northwest Arkansas Bicycle and Pedestrian Master Plan created by the Northwest Arkansas Regional Planning Commission and Alta Planning and Design.

Matt Mihalevich, Trails Coordinator introduced Tim Conklin.

Tim Conklin, Northwest Arkansas Regional Planning Commission gave a brief description of the Northwest Arkansas Regional Bicycle and Pedestrian Master Plan.

Mayor Jordan: It's a great plan.

City Attorney Kit Williams: Matt, does their Community Plan for Fayetteville match our current Master Bicycle and Trail Plan?

Matt Mihalevich: It closely matches. We are currently reevaluating our plan and using this as an opportunity to update our plan. We will be presenting that plan to City Council in March, 2015.

Tim Conklin: We are asking each city to take a look at the plans that have been developed and we are expecting there will be adjustments and revisions to what has been developed.

Alderman Gray: This is very exciting. Thank you.

Loraine O'Neal, 3001 West Wedington: How many miles will be involved?

Tim Conklin: We have around 100 miles of shared use paved trail within a two county region. I will have to get back to you with overall miles.

Alderman Marsh moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Resolution 227-14 as recorded in the office of the City Clerk.

Motorola Solutions, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a one year contract with Motorola Solutions, Inc. in the amount of \$98,422.92 plus applicable taxes with automatic renewal for four additional years for maintenance of the city's Motorola Simulcast Radio System, contingent on approval of the 2015 Annual City Budget and Work Program.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Ordinance 5729 as Recorded in the office of the City Clerk

Amend §31.16 Aldermen, Compensation: An ordinance to Amend §31.16 Aldermen, Compensation to provide that aldermen may participate in the City of Fayetteville Employee Health Insurance Plan as a defined class during their elected terms of office.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Alderman Long stated he had a hard time with this. He stated everyone should have access to health care, but doesn't believe that when his constituents elected him, it was to be his full time

job. He reviewed the cost to the City of Fayetteville. He requested the item to be held for his further review.

Don Marr: This is a compliance issue for us. Gallagher Benefits is required to make sure the city is complying with all benefit laws under the Affordable Care Act. In order to be in compliance, we would have to be in place prior to January 1, 2015.

Alderman Long: In order to create that class we have to have some mandate that says certain people work over 30 hours on average every week. There are weeks I have worked 10-40 hours, but how do we determine that?

A discussion followed about documentation to record weekly hours worked by Aldermen.

Michael Collins, 1625 Giles requested and received confirmation of the previous discussion about the cost of healthcare to the city and that it was part of the Affordable Care Act.

Alderman Kinion stated most of the City Council members were employed and it was not mandated they participate. He stated the main thing is to stay in compliance with Federal law.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman Kinion, Petty, Schoppmeyer, Gray, and Marsh voting yes. Alderman Long voting no. Mayor Jordan voted yes in order to suspend the rules. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-1. Alderman Kinion, Petty, Schoppmeyer, Gray, and Marsh voting yes. Alderman Long voting no. Mayor Jordan voted yes in order to suspend the rules. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Kinion, Petty, Schoppmeyer, Gray, and Marsh voting yes. Alderman Long voting no. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Ordinance 5730 as Recorded in the office of the City Clerk

§71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds: An ordinance to amend the Fayetteville Code by enacting § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds.

Alderman Long stated he would like to amend the second whereas clause in the ordinance.

Alderman Long moved to amend the Second Whereas Clause to change the word from “operate” to “could come into contact with” in the ordinance. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long: We have seen a rapid number in the increase in motorized bicycles, not just in Fayetteville, but the State of Arkansas. State law has not dealt with that yet. Conway and Fayetteville have been having a large issue with it. Many motor driven cycles are not licensed or insured and many of them drive with suspending driving privileges. A lot of the collisions that involve motorized bicycles don't have insurance. It cost about \$5.00 to \$7.15 a month to insure these for the State Liability Insurance minimums. The motorized bicycles are operating on a public street and can cause a major liability to other drivers.

Alderman Marsh: This is for anyone who operates their motorized vehicle on a Fayetteville city street?

Alderman Long: If they are pulled over in our city limits, they would have to show proof of insurance.

Mayor Jordan: That's for everybody?

Alderman Long: Yes, for driving a scooter.

Alderman Marsh: People who don't live here and aren't aware of this ordinance would be fined for breaking it?

Alderman Long: Just like a lot of the other laws that we have in Fayetteville that people outside the city aren't aware of.

Alderman Marsh: I feel this should be a state mandated issue. I understand the intent, but it doesn't make sense with an area as small as Fayetteville. We have a lot of people who live outside the city. I don't want them to say they aren't going to shop at Fayetteville stores because of this type of insurance.

A discussion followed about penalties when an ordinance is broken.

Alderman Kinion: I think the intent is good, but I worry about the enforcement and the practicality.

Alderman Long: Which portions of enforcement? I would be happy to work on it.

Alderman Kinion stated if you are in Farmington coming down Broyles Road and then suddenly you are now in Fayetteville. He believes there will be some resentment when people come into Fayetteville unaware and have another regulation.

Alderman Gray: I hope the whole region would see the need to have this. It's not a huge expenditure. There are considerably more on the highway these days.

Alderman Long: After talking to insurance agents, most people that they have insurance policies for, that own scooters do have this coverage. There is a population of people who don't and those are the ones that if they caused an accident could cause financial strain on another person. This is what I want to prevent.

A discussion followed about the process of keeping the public informed of city ordinances and how the ordinance could be executed administratively.

Tim Kring, 1777 West Halsell spoke in opposition of the ordinance.

Michael Collins, 1625 Giles spoke in opposition of the ordinance.

Loraine O'Neal, 3001 West Wedington stated the ordinance needed more study.

Tony Blansett, Grove Street spoke in opposition of the ordinance.

Alderman Long: There was a head on collision by the University involving a scooter. Someone was very badly injured. This is not a problem I have created. We have had issues in the city that haven't been addressed. We haven't kept statistics because there hasn't been anything to keep statistics on. Bicycles are considered pedestrians, but motorized bicycles are not considered pedestrians. We shouldn't charge someone \$500 or \$1,000 and I'd be willing to change this to a maximum fine of \$50.

Our Fayetteville police force does not respond to University incidents. That would be handled by University police and they would have to make the decision as a state entity whether or not they would have to follow this or not.

Alderman Long moved to amend the ordinance and incorporate a maximum fine of \$50. The motion died for lack of a second.

Alderman Long moved to send the ordinance to the Ordinance Review Committee. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

This ordinance was left on the First Reading and sent to the Ordinance Review Committee.

Chapter 120 Real Estate Sale and Leasing Regulations: An ordinance to amend the Fayetteville Code by enacting Chapter 120 Real Estate Sale and Leasing Regulations for the purpose of educating buyers and tenants about City of Fayetteville occupancy limits.

City Attorney Kit Williams read the ordinance.

Alderman Long gave a brief description of the ordinance.

Alderman Marsh: I have rented a lot of apartments in this town and very few of them have had a signed written lease. What do we do for enforcement if there is no lease that can document that the information transferred?

Alderman Long: This is one of those situations where the enforcement mechanism like all of our other ordinances are complaint driven. I've rented apartments in Fayetteville and they all made me sign a lease with a deposit. I would have liked to know about this ordinance at that time. I would never imagine anyone responsibly owning a rental property and not have a lease because they aren't protecting themselves. It is violation of city code for more than three people to live there already. We would just be educating them about it. They could still be found in violation.

City Attorney Kit Williams: The City Prosecutor has some responsibilities of enforcing the definition of family and over occupancy. It would be of assistance to the City Prosecutor if the number of violations could decrease because proper notification has been made. This is a good step. I would like to suggest to the City Council we have a delayed enforcement so we would have six months of educational opportunity. It could prevent problems we see every year where someone has leased a house in a single family residential district where you're only supposed to have three people. If it has four bedrooms, then they have four unrelated people and are in violation of our ordinance. This will place the burden on the landlord to do the right thing.

Alderman Long: I think that would be a good point to add a delayed period of education.

Don Marr, Chief of Staff: This is one of the most challenging laws our Code Compliance division deals with that the Council has passed. There is a real balance between the code and trying to determine that you don't have more than three unrelated individuals living in a single residential property and at the same time making sure you are not infringing on people's personal private property rights. We hear numerous cases that someone was not aware of the requirement.

In the recent research of over occupancy, that our Planning Division has done, we have looked at University communities who typically deal with this. One effective item is a notification process to property purchasers as well as landlords. As staff, this would give us one more tool of notification. We would like the time period our City Attorney speaks about, because in the Town and Gown relationship that we're trying to improve, it will give us the time period to utilize their network of property listings and the city's network of permitted business license entities to try get this word out. The Prosecutor's Office has asked staff to research this as an additional tool they might be able to utilize.

Alderman Long moved to amend the ordinance to have an effective date of July 1, 2015. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Tim Kring, 1777 West Halsell spoke in support of the ordinance.

Steve Clark, 438 East Fairway Lane spoke in favor of the ordinance.

Loraine O’Neal, 3001 West Wedington stated she would not like to see a burden put on the city in trying to enforce this.

Alderman Marsh: What is the penalty for violating this and who is it accessed against?

City Attorney Kit Williams: Any ordinance violation that does not have a specific penalty provision within it goes back to our general penalty provision. That follows old state law which puts the maximum fine at \$500 and continuing violation of up to \$250 a day. New state law would allow that to be doubled, but we have never done that and I’ve never suggested we do that.

A discussion followed about notification and violation fees of the ordinance.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Ordinance 5731 as Recorded in the office of the City Clerk

Outsourcing Core Public Services: A resolution for a general statement on taxpayer empowerment and the provision of core city services providing that the City of Fayetteville will continue all services currently provided or performed by public employees rather than outsourcing those core public services; and to outline contract terms to be utilized when outsourcing any other services requiring unique professional expertise not available from city employees.

Alderman Long gave a brief description of the resolution. He requested the resolution to be amended due to some basic wording.

City Attorney Kit Williams requested the item to be amended to the new version and then tabled to give more time for Council members to review.

Alderman Long: I would like to amend it and vote on it tonight.

City Attorney Kit Williams stated the proposed amended version was an improvement.

Mayor Jordan stated this is a resolution of intent and is part of his hiring practice. He believes outsourcing creates insecurity for people working for your organization. He stated the city is open and transparent.

Alderman Long moved to amend the resolution to the new resolution presented by City Attorney Kit Williams. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-0. Alderman Tennant was absent during the vote. Alderman Adams was absent.

Resolution 228-14 as recorded in the office of the City Clerk.

Announcements:

Don Marr, Chief of Staff: City offices will be closed on December 24-25, 2014.

Lights of the Ozarks will remain on through midnight until January 1, 2015.

On New Year's Eve, December 31, 2014, Last Night Fayetteville will offer a variety of performances.

Alderman Long: We haven't been given our appointments for the next year. Even if I am left on Ordinance Review, I wouldn't want to chair the meeting for my own ordinance. I will hold off until the appointments come out on January 1, 2015.

Alderman Marsh encouraged everyone to shop locally.

Sondra Smith, City Clerk: Alderman Rhonda Adams was not able to be with us tonight and this would have been her last meeting. I want to thank her for her service to the City of Fayetteville and wish her well.

Mayor Jordan expressed his appreciation for Alderman Rhonda Adams. He stated Alderman Adams was the most kind and compassionate Council member he had ever been associated with while in city government. He thanked her for her service and wished her well.

Adjournment: 9:35 p.m.

City Council Agenda Session Presentations:

Agenda Session Presentation - Spring Street Parking Deck Construction Update - Jeremy Pate, Development Services Director

City Council Tour: None

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Handed out at the 1/6/15 City Council Meeting.

**REVISED City of Fayetteville
2015 Rules of Order and Procedure
City Council Committees**

Transportation

(Approved by the City Council)

Chair to be elected at the first committee meeting of 2015

Adella Gray	442-4958	Alderman Ward 1
Matthew Petty	595-8703	Alderman Ward 2
Justin Tennant	387-8462	Alderman Ward 3
Alan Long	304-0585	Alderman Ward 4
Chris Brown	575-8206	Staff Contact
Terry Gulley	575-8228	Staff Contact

Adella Gray **442-4958**

Alderman Ward 1

**Ordinance Review
Transportation**

Sarah Marsh **287-4054**

Alderman Ward 1

**Nominating
Water & Sewer**

Mark Kinion **442-7868**

Alderman Ward 2

**Nominating
Water & Sewer**

Matthew Petty **595-8703**

Alderman Ward 2

**Ordinance Review
Transportation**

Justin Tennant **387-8462**

Alderman Ward 3

**Ordinance Review
Transportation**

Martin Schoppmeyer **935-4605**

Alderman Ward 3

**Nominating
Water & Sewer**

John La Tour **443-7878**

Alderman Ward 4

**Ordinance Review
Water & Sewer**

Alan Long **304-0585**

Alderman Ward 4

**Nominating
Transportation**

Sewer

(Approved by the City Council)

Chair to be elected at the first committee meeting of 2015

Sarah Marsh	287-4054	Alderman Ward 1
Mark Kinion	442-7868	Alderman Ward 2
Martin Schoppmeyer	935-4605	Alderman Ward 3
John La Tour	443-7878	Alderman Ward 4
Tim Nyander	575-8386	Interim Staff Contact
Don Marr	575-8330	Interim Staff Contact

Nominating

Chair to be elected at the first committee meeting of 2015

Sarah Marsh	287-4054	Alderman Ward 1
Mark Kinion	442-7868	Alderman Ward 2
Martin Schoppmeyer	935-4605	Alderman Ward 3
Alan Long	304-0585	Alderman Ward 4
Sondra Smith	575-8323	Staff Contact
Lisa Branson	575-8323	Staff Contact

Ordinance Review

Chair to be elected at the first committee meeting of 2015

Adella Gray	442-4958	Alderman Ward 1
Matthew Petty	595-8703	Alderman Ward 2
Justin Tennant	387-8462	Alderman Ward 3
John La Tour	443-7878	Alderman Ward 4
Kit Williams	575-8313	Staff Contact

REVISED 2015 All City Council Committee Appointments

Adella Gray

Advertising & Promotions Commission
Equipment Committee
Ordinance Review
Transportation Committee

Sarah Marsh

Active Transportation Advisory Committee
Energy Improvement District
Nominating Committee
Water & Sewer Committee

Mark Kinion

Animal Services Committee
Nominating Committee
Town & Gown Committee
Water & Sewer Committee

Matthew Petty

Advertising & Promotions Commission
Audit Committee
Equipment Committee
Ordinance Review
Transportation Committee

Justin Tennant

NWA Regional Planning Commission
Ordinance Review
Transportation Committee

Martin Schoppmeyer

Equipment Committee
Nominating Committee
Washington County Regional Ambulance
Water & Sewer Committee

John La Tour

Equipment Committee
Ordinance Review
Water & Sewer Committee

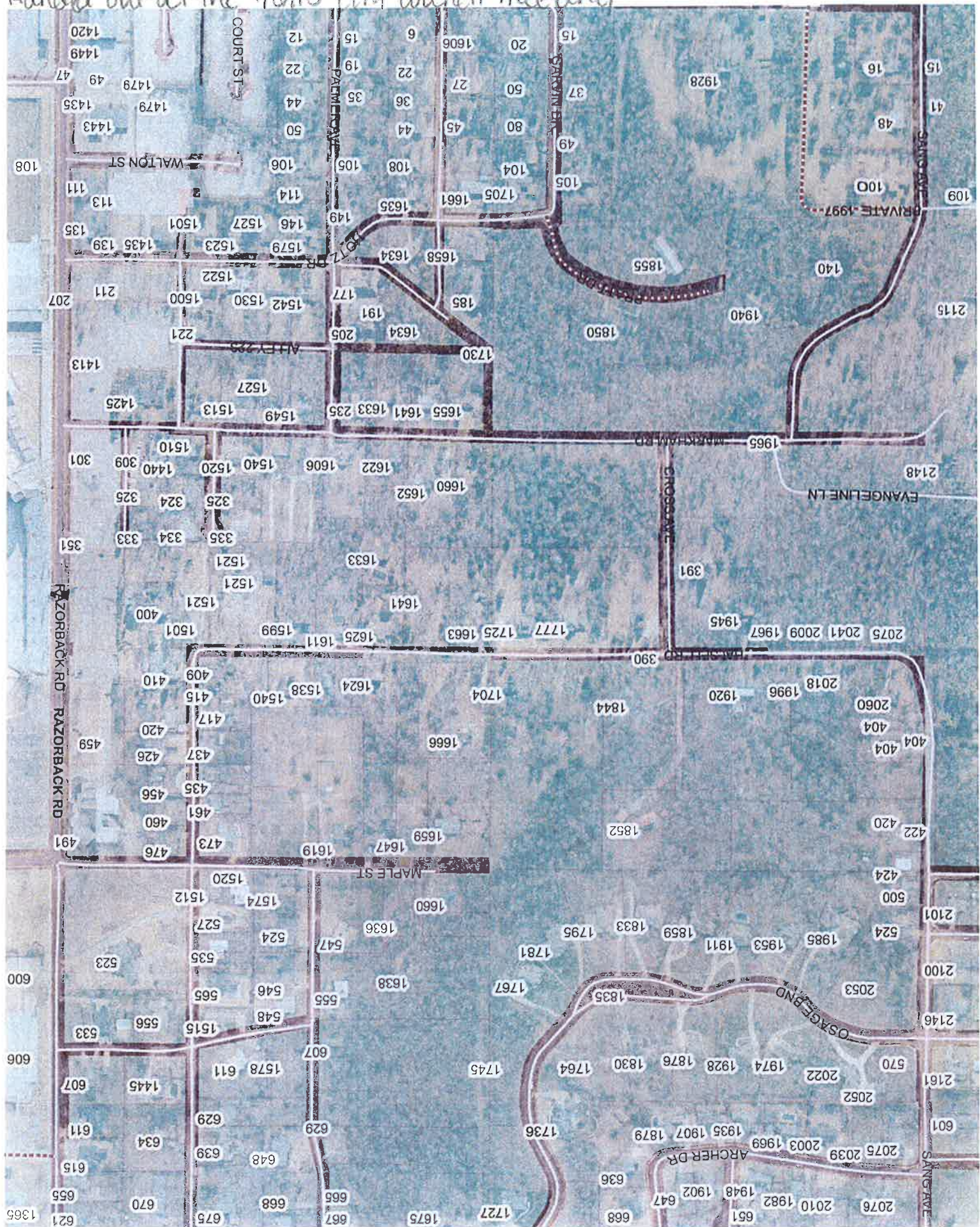
Alan Long

Environmental Concerns Committee
Nominating Committee
Transportation Committee

Mayor Jordan

Airport Board
City Board of Health
Firemen's Pension
NWA Regional Planning Commission
Policemen's Pension

Handed out at the 11/6/15 City Council Meeting A.2





City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Meeting Agenda - Tentative Agenda

Tuesday, January 6, 2015

5:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

2014-0488 Oaths of Office:

City Attorney Kit Williams
Adella Gray, Alderman Ward 1
Mark Kinion, Alderman Ward 2
Justin Tennant, Alderman Ward 3
John S. LaTour, Alderman Ward 4

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. **2014-0489** Election of Vice Mayor
2. **2014-0490** Report on the Firemen's and Policemen's Pension and Relief Fund
3. **2014-0581** Housing Authority Board Commissioners Appointment

Attachments: [HAB Appointment 4th Qtr 2014](#)

Agenda Additions:

A. Consent:

A. 1 **2014-0317** Approval of the December 16, 2014 City Council meeting minutes.

A. 2 **2014-0568** A RESOLUTION TO APPROVE THE TRANSPORTATION
DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015

Attachments: [2014-0568](#)

A. 3 **2014-0574** A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY
THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE
AMOUNT OF \$5,180.00 AND INCREASING THE RELATED
EXPENSE BUDGET

Attachments: [SRF & SRM Hazmat Revenue](#)
[BA BUDGET ADJUSTMENT FORM Hazmat Revenue Arkansas Missouri Ra](#)

- A. 4 2014-0575 A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUBGRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$14,976.78, AND TO APPROVE A BUDGET ADJUSTMENT**

Attachments: [CC Packet - 2014 ICAC Award](#)
 [BA - 2014 ICAC Award](#)

- A. 5 2014-0580 A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE**

Attachments: [Full agenda packet](#)
 [CC RES 2015-0580](#)

- A. 6 2014-0584 A RESOLUTION TO APPROVE A FIVE YEAR LEASE AGREEMENT WITH AN OPTION TO RENEW FOR AN ADDITIONAL FIVE YEARS WITH DAN AND ANITA SPENCER FOR APPROXIMATELY 18.18 ACRES OF UNUSED CITY PROPERTY ON THE WEST SIDE OF LAKE SEQUOYAH IN EXCHANGE FOR THE SPENCERS CONVEYING ADDITIONAL EASEMENTS TO THE CITY THAT ARE NECESSARY FOR CONSTRUCTION AND OPERATION ACTIVITIES PERTAINING TO THE LAKE SEQUOYAH SEDIMENT REMOVAL PROJECT**

Attachments: [2014-0584 Lake Sequoyah Land Easement](#)

B. Unfinished Business:

- B. 1 2014-0437 AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS**

Attachments: [Agenda Packet § 71.016 Insurance Requirements](#)

Legislative History

12/16/14 City Council left on first reading
This ordinance was left on the 1st reading and sent to the Ordinance Review Committee.

- B. 2 2014-0532 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4859, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT THE 300 & 400 BLOCK OF MARTIN LUTHER KING BOULEVARD FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL**

Attachments: [RZN 14-4859 Niederman](#)
 [ORD 14-4859 Niederman](#)

Legislative History

12/2/14 City Council tabled
This ordinance was left on the first reading and tabled to the January 6, 2015 City Council Meeting at the December 2, 2014 City Council Meeting.

C. New Business:

- C. 1 2014-0577 AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$40,017.86 FOR A STORMWATER EDUCATION PROGRAM FOR 2015**

Attachments: [2014-0577 Stormwater Education Agreement](#)

- C. 2 2014-0572 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4864, FOR APPROXIMATELY 0.26 ACRES, LOCATED AT 232 WEST ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE**

Attachments: [14-4864 CC Packet](#)
 [14-4864 CC ORD](#)

- C. 3 2014-0579 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4894, FOR APPROXIMATELY 3.78 ACRES, LOCATED AT 3525 SOUTH SCHOOL AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL**

Attachments: [14-4894 Full Agenda Request](#)
 [14-4894 CC ORD](#)

- C. 4 2014-0576 AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS**

Attachments: [14-4896 CC packet](#)
 [14-4896 CC ORD](#)

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

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.

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



City of Fayetteville, Arkansas

Tentative Agenda

January 6, 2015

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113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0488

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Presentation

Agenda Number:

Oaths of Office:

City Attorney Kit Williams

Adella Gray, Alderman Ward 1

Mark Kinion, Alderman Ward 2

Justin Tennant, Alderman Ward 3

John S. LaTour, Alderman Ward 4



City of Fayetteville, Arkansas

Tentative Agenda

January 6, 2015

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113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0489

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Presentation

Agenda Number: 1.



City of Fayetteville, Arkansas

Tentative Agenda

January 6, 2015

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113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0490

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Presentation

Agenda Number: 2.



City of Fayetteville, Arkansas

Tentative Agenda

January 6, 2015

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113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0581

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Presentation

Agenda Number: 3.

Housing Authority Board Commissioners Appointment

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

December 19, 2014

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board elected a new commissioner to fill the term of a resigning Commissioner, Leon Jones, Jr. and re-elected Commissioner, Christopher Terry to serve an additional five year term at its December 18, 2013, Regular Board Meeting.

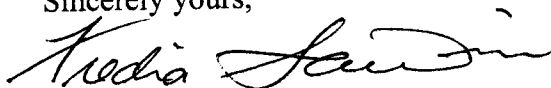
The new Commissioner for the Fayetteville Housing Authority Board is Christopher White who was appointed to fulfill the the remainder of the term of Leon Jones, Jr. who resigned at the December 18, 2014 Regular Board Meeting. Jones term was set to expire on December 28, 2017.

Christopher Terry's new term will expire on December 28, 2019.

The Fayetteville Housing Authority Board requests that this newly elected commissioner, Christopher White along with re-election of Commissioner, Christopher Terry, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,



Fredia Sawin
Executive Director

fs



City of Fayetteville, Arkansas

Tentative Agenda

January 6, 2015

Page 12 of 278

113 West Mountain Street

Fayetteville, AR 72701

479-575-8323 TDD -

479-521-1316

Text File

File Number: 2014-0317

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 1

Approval of the December 16, 2014 City Council meeting minutes.



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 13 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0568

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 2

A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK
PROJECTS LIST FOR 2015

**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 the
Transportation Division Overlay/Sidewalk Projects list for 2015. A copy of the 2015 Overlay/Sidewalk
Projects list is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2014-0568

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

John Nelson

12/8/2014

Transportation Services /
Transportation Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget

\$ -

Funds Obligated

\$ -

Current Balance

\$ -

Does item have a cost? Yes

Item Cost

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget

\$ -

V20140710

Previous Ordinance or Resolution # 5173

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Terry Gulley, Transportation Services Department Director

FROM: John Nelson, Management Accounting Coordinator

DATE: December 8, 2014

SUBJECT: Approval of 2015 Overlay/Sidewalk Projects

RECOMMENDATION:

Staff and the Transportation Committee recommend a resolution approving the Transportation Division asphalt overlay/sidewalk projects list for 2015. The 2015 project list was presented to the Transportation Committee on November 25, 2014. The Transportation Committee requests the final list be presented to the City Council for its approval by resolution in accordance with Ordinance No. 5173.

BACKGROUND:

The Transportation Division reviews the need for street overlays based on existing conditions of streets. The In-House Pavement Improvements program includes asphalt, curb and guttering, pavement striping, and preparation costs for the overlays. The Sidewalk Improvements program improves the connectivity of the sidewalk system by constructing new sidewalk and replacing or repairing existing sidewalks throughout the city. This project also includes funding for ADA accessible ramps.

DISCUSSION:

The proposed 2015 overlay project list presents a total of 39,176 linear feet or 7.4 miles of streets for improvements.

The 2015 sidewalk improvements project list proposes a total of 9,917 linear feet.

BUDGET/STAFF IMPACT:

Funds for labor, equipment, materials, and services are included in the 2015 Sales Tax Capital Improvements Fund project budgets (In-House Pavement Improvements \$1,692,000 and \$750,000 in Street Fund for sidewalk improvements).

Attachments:

2015 Proposed Pavement Improvements
2015 Proposed Sidewalk Improvements

2015 Proposed Pavement Improvements

Year	Ward	Street Name	From Segment	To Segment	Proposed	
2015	1	Camron Cir	<i>Cul-de-sac</i>	Kyle Dr	190	
2015	1	Cody Cir	<i>Cul-de-sac</i>	Kyle Dr	192	
2015	1	Coleman Ave	Cato Springs Rd	<i>Dead End</i>	994	
2015	1	Dickson St	College Ave	Fletcher Ave	2,220	
2015	1	Kyle Dr	Cody Cir	Clover Dr	550	
2015	1	Laverne Ave	Cato Springs Rd	Lorena Ln	1,157	
2015	1	Lorena Ln	<i>Cul-de-sac</i>	Laverne Ave	766	
2015	2	Maple St	Leverett Ave	Gregg Ave	1,150	
2015	2	School Ave	Dickson St	Spring St	604	
2015	2	Spring St	West Ave	School Ave	400	
2015	2	Sutton St	Washington Ave	Walnut Ave	893	
2015	2	Walnut Ave	Maple St	Sutton St	900	
2015	2	Washington Ave	Davidson St	Dickson St	1,823	
2015	2	West Ave	Dickson St	Meadow St	971	
2015	2	Willow Ave	Rebecca St	Dickson St	2,358	
2015	3	Harold St*	College Ave	Loxley Ave	2,429	
2015	3	Pembroke Rd	Shrewsbury Ln	Rockwood Tr	1,417	
2015	3	Sheryl Ave*	Harold St	Oaks Manor Dr	2,586	
2015	3	Shrewsbury Ln	Ridgeway Dr	Pembroke Rd	1,217	
2015	3	Stubblefield Rd*	Harold St	Old Missouri Rd	2,890	
2015	4	Boxley Ave*	Dover St	<i>Cul-de-sac</i>	2,299	
2015	4	Brook Dr	Wedington Dr	<i>Dead End</i>	994	
2015	4	Caddo Ave*	Genoa Ave	Prescott St	1,247	
2015	4	Desarc Way*	Dover St	Boxley Ave	687	
2015	4	Fieldstone Ave*	Genoa Ave	Wedington Dr	2,554	
2015	4	Genoa Ave*	Dover St	Prescott St	1,672	
2015	4	Markham Rd	Cross Ave	Razorback Rd	1,820	
2015	4	Ponca St*	51st St	Boxley Ave	1,900	
2015	4	Prescott St*	Genoa Ave	Caddo Ave	296	
2015	1/2/3/4	Spot Repairs	Various Locations	Various Locations		
2015	1/2/3/4	Street Striping	Various Locations	Various Locations		
					39,176	Feet
					7.42	Miles

*Slurry/Micro-surfacing

2015 Proposed Sidewalk Improvements

Year	Ward	Street Name	From Segment	To Segment	Proposed
2015	1	Dickson St	Washington Ave	Fletcher Ave	1,750
2015	1	School Ave	MLK Blvd	15th St	2,530
2015	2	Maple St	Leverett Ave	Gregg Ave	2,370
2015	3	Mission Blvd	Viewpoint Dr	Cambridge Dr	2,235
2015	4	Markham Rd	Cross Ave	Palmer Ave	1,032
2015	1/2/3/4	Maintenance Repairs	Various Locations	Various Locations	
					9,917 Feet



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
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113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0574

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 3

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE AMOUNT OF \$5,180.00 AND INCREASING THE RELATED EXPENSE BUDGET

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 a budget adjustment, a copy of which is attached to this Resolution, recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$5,180.00 and increasing the related expense budget.

City of Fayetteville Staff Review Form

2014-0574

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

David Dayringer

12/12/2014

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a budget adjustment in the amount of \$5,180.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

Budget Impact:

1010.3040.5218.01

General Fund--Hazmat Equipment

Account Number

Fund

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 58,384.00

Funds Obligated \$ 54,559.45

Current Balance \$ 3,824.55

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? Yes

Budget Adjustment \$ 5,180.00

Remaining Budget \$ 9,004.55

V20140610

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council
FROM: David Dayringer, Fire Chief
DATE: December 12, 2014

SUBJECT: Approval of a budget adjustment in the amount of \$5,180.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

RECOMMENDATION:

Approval of a budget adjustment in the amount of \$5,180.00 to recognize Hazmat Services Revenue received from Washington County and increase related expense budget.

DISCUSSION:

The City of Fayetteville has received \$5,180.00 of Hazmat Services Revenue from Washington County. The Fire Department would like to utilize the revenue to complete the outfitting of a secondary hazmat unit and offset costs for the Fayetteville Hazmat Team. It will also be utilized to cover expenses for training and related expenses. These purchases will be vital to the efficient and effective operation of the Hazmat Response Operations of the Fire Department.

BUDGET/STAFF IMPACT:

Increase expenses to correspond with hazmat services revenue received.

Attachments:

Budget Adjustment for Hazmat Revenue



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
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113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0575

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 4

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUBGRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$14,976.78, AND TO APPROVE A BUDGET ADJUSTMENT

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 acceptance of a non-matching continuation subgrant from the Internet Crimes Against Children Task Force Program in the amount of \$14,976.78.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2014-0575

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Greg Tabor

12/17/2014

Police /
Police Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Acceptance of the FY2014 Internet Crimes Against Children (ICAC) grant award and approval of a budget adjustment in the amount of \$14,977.

Budget Impact:

1010.2920.various

General

Account Number

Fund

36033-1415

Police - ICAC Grant

Project Number

Project Title

Budgeted Item? No

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? NA

Item Cost

Budget Adjustment Attached? Yes

Budget Adjustment \$ 14,977.00

Remaining Budget \$ 14,977.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments: ICAC grant application Staff Review was approved via Legistar ID #2014-0395.



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council
FROM: Greg Tabor, Chief of Police
DATE: December 16, 2014
SUBJECT: Acceptance of FY2014 Internet Crimes Against Children Grant Award

RECOMMENDATION:

Staff recommends acceptance of the FY2014 Internet Crimes Against Children (ICAC) grant award and approval of a budget adjustment in the amount of \$14,977.

BACKGROUND:

The Arkansas State Police (ASP) has provided periodic grant funding in support of ICAC investigative activities since 2007. Historically, Fayetteville has been very successful in obtaining ICAC funding as it becomes available. In 2013, we became a member in the multi-jurisdictional Northwest Arkansas ICAC Task Force, and assigned a full time investigator from our Special Investigation Unit to participate in the Task Force.

DISCUSSION:

Grant funds are an essential part of ICAC investigations due to the continuous changes in technology and digital data. ICAC investigations require intricate training, complex computer systems and digital forensic software to proactively investigate the exploitation of our children. We must continually upgrade this training, hardware, and software to maintain any technological advantage. This grant funding supplements local funds to ensure timely upgrades are available to our investigators.

BUDGET/STAFF IMPACT:

The operations expense and revenue budgets will increase equally. There is no staff impact associated with this grant award.

Attachments:

- Budget Adjustment
- Sub Grant Award Notification
- Sub Grant Agreement
- Sub Grant Special Conditions
- Approved Budget Detail Worksheet



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Stan Witt
Director

ARKANSAS STATE POLICE COMMISSION

Daniel "Woody" Futrell
Chairman
Nashville

Wallace Fowler
Vice-Chairman
Jonesboro

Frank Guinn, Jr.
Secretary
Panama

Dr. Lewis Shepherd
Arkadelphia

John Allison
Conway

Bob Burns
Little Rock

Jane Donlap Christenson
Harrison

December 10, 2014

Fayetteville Police Department
William Brown
100-A West Rock Street
Fayetteville, AR 72701

Re: Subgrant Award Notification

Dear Mr. Brown:

It is my pleasure to inform you that portions of your application for funding under award number 2013-MC-FX-K026 have been approved.

Subgrant Award Number: ICAC13-C1-04

Award Period: July 1, 2014 – June 30, 2015

Amount of Award: \$ 14,976.78

Please note, this award is subject to all special conditions outlined in your Memorandum of Understanding and Subgrant Agreement.

Any questions regarding this award should be addressed to me or Ronda Barentine. Ronda can be reached at 501-618-8373.

Congratulations and we look forward to working with you.

Sincerely,

Captain Steven A. Coppinger
Assistant Division Commander
Criminal Investigation Division
Arkansas State Police

Enclosures: Subgrant Agreement with Special Conditions
Subgrant Budget Detail Worksheet
Memorandum of Understanding

ARKANSAS STATE POLICE
SUBGRANT AGREEMENT

State of Arkansas



Mike Beebe
Governor

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Stan Witt
Director

Sub Grant Agreement

Sub Grant Number ICAC13-C1-04 is entered into between the Arkansas State Police herein after referred to as the ASP and the Recipient as indicated below.

I. RECIPIENT INFORMATION:

Name: Fayetteville Police Department

Address: 100-A West Rock Street

City: Fayetteville

State: AR

Zip Code: 72701

Employer Identification Number or Social Security Number: 71-6018462

AASIS Vendor # 100036504

Purchase Order #(s) _____

Recipient Contact Name, Title, & Phone:

William Brown (479) 587-3500

ASP Division/Office Contact Name, Title, & Phone:

Ronda Barentine (501) 618-8373

II. GRANT PERIOD:

This agreement will begin on July 1, 2014 and will end on June 30, 2015

In no event shall the initial term of the grant extend beyond the end of the current biennial period unless the General Assembly, prior to the expiration of the biennial period, makes an appropriation for such purpose.

III. AMOUNT AND SOURCE OF FUNDS:

Regardless of any other provision of this grant, or any costs or obligations of the Recipient, the liability of payment by the ASP to the Recipient under this grant shall be subject to the limits specified below:

FUND	FUND CENTER	COMMITMENT ITEM	COST CENTER	GENERAL LEDGER	WBS	INTERNAL ORDER	AMOUNT
FLA8401	521	501:00:04	456869	5100001000	F.0960.ICAC-13-S		\$ 14,976.78

Total Grant Amount: \$ 14,976.78

Method of Payment: Reimbursement – Payment for allowable costs that have been paid for by the Recipient during the above grant period.

Invoice forms and backup documentation are to be submitted to the ASP by the 10th of the subsequent month in which activities are completed and expenditures are incurred.

ARKANSAS STATE POLICE SUBGRANT AGREEMENT

IV. OBJECTIVE AND SCOPE:

CFDA Number 16.543

Title of Grant Arkansas Internet Crimes Against Children Investigations/Forensics

Grant Status: ☒ Discretionary

☐ Discretionary, but exempt

☐ Non-Discretionary

If Discretionary but exempt, indicate reason for exemption

Purpose of Grant: To enhance investigative and forensic efforts in support of the Arkansas Internet Crimes Against Children (ICAC) Task Force.

All parties agree that the following attachments contain the objective and scope and are hereby made a part of this grant. These attachments may not be altered or modified without a written amendment signed by all parties.

Attachment No.	Description
1	Memorandum of Agreement
2	Detailed Budget Worksheet
3	Special Conditions

V. CANCELLATION:

- A. The ASP and the Recipient agree that either party may cancel this agreement with or without cause at any time by giving the other party 30 calendar days written notice, and delivering notice of cancellation either in person or by certified mail, return receipt requested, restricted delivery. Cancellation notices to the Arkansas State Police must be sent to the Fiscal Officer or the authorized representative designated herein.

VI. PROGRAM COMPLIANCE:

- A. **STATE AND FEDERAL LAWS:** Performance of this grant by the Recipient and the ASP must comply with state and federal laws and regulations. If any statute or regulation is enacted which requires changes in this grant, the Recipient will receive notification of the required changes. This grant shall then be amended according to the procedures outlined in Section X.
- B. **FORCE MAJEURE:** Neither party will be held responsible for any delay or failure to perform any part of this grant when such delay or failure results from fire, flood, epidemic, war or insurrection, unusually severe weather, or the legal acts of public authorities.
- C. **COMPLIANCE WITH NONDISCRIMINATION LAWS:** It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.

Sub grantee is required to notify Arkansas State Police of any violations to the above.

- D. **CERTIFICATION REGARDING LOBBYING:** The Recipient shall comply with Public Law 101-121, Section 319 (Section 1352 of Title 31 U.S.C.) by certifying that appropriated federal funds have not been or will not be used to pay any person to influence or attempt to influence a federal official/employee in connection with the awarding of any federal contract, grant, loan or cooperative agreement for an award in excess of \$100,000.00.

If the Recipient has paid or will pay for lobbying using funds other than appropriated federal funds, Standard Form-LLL (Disclosure of Lobbying Activities) shall be completed and included with this grant.

**ARKANSAS STATE POLICE
SUBGRANT AGREEMENT**

Tentative Agenda
January 6, 2015
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- E. **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:** The Recipient, as a lower tier recipient of federal funds, shall comply with Executive Order 12549 (Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions). By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:
1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
 2. where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

VII. PROGRAM OPERATION:

- A. **PURPOSE AND SCOPE:** The Recipient shall comply with the purpose and scope of this grant as specified in Attachment one (1).
- B. **STATISTICAL AND FINANCIAL INFORMATION:** The Recipient shall certify and compile statistical and financial information. Financial information shall be maintained in accordance with generally accepted accounting principles.
- C. **SUBCONTRACTING:** The Recipient shall be responsible for the performance of all obligations under this grant, including subcontracted services. The Recipient shall notify all subcontractors that the Department is not responsible for payments to the subcontractor and that all reimbursement for subcontracted services will be made by the Recipient.

VIII. INFORMATION AND RECORDS:

- A. **ACCESS TO RECORDS:** The Recipient shall grant access to its records upon request by duly authorized representatives of state or federal government entities. Access shall be given to any books, documents, papers or records of the Recipient which are related to any services performed under this agreement. The Recipient additionally consents that all sub-grants will contain adequate language to allow the same guaranteed access to the records of sub-grantees.
- B. **RECORD RETENTION:** The Recipient will retain all books, records, and other documents relating to expenditures and services rendered under this grant for a period of three years from the date this grant expires, or if an audit is pending at the end of the three-year period, until resolution of the audit.
- C. **CONFIDENTIALITY OF CLIENT RECORDS:** The Recipient will maintain the confidentiality of all client records. This restriction does not apply to disclosures made with the informed, written consent of the client, or if the client is not a competent adult or is a minor, with such consent of the client's parent, guardian or legal representative.
- D. **FREEDOM OF INFORMATION:** The Recipient shall comply with the Freedom of Information Act.

IX. FISCAL PRACTICES

- A. **CLAIMS:** Only those claims for costs and services specifically authorized under this grant will be allowed by the ASP. Any work performed, material furnished, or costs incurred not covered by this grant shall be solely the responsibility of the Recipient.
- B. **NON-DUPLICATION OF PAYMENT:** Services provided or costs incurred under this grant shall not be allocated to or included as a cost of any other state or federally financed program.
- C. **BILLING:** Billing under this Agreement shall be in accordance with established ASP procedures. Payment method shall be as stated in Section III of this agreement.
- D. **LIMITATION OF THE ASP OBLIGATION TO PAY:** The ASP is not obligated to make payment under this grant if the ASP does not receive sufficient monies from the funding source(s) designated in this grant to fund said obligations and other obligations of the ASP, or is not given legal authority from the Arkansas Legislature to expend these funds. The ASP is not obligated to make payment if sufficient state or local matching money is not available at the time the bill is presented for payment.

**ARKANSAS STATE POLICE
SUBGRANT AGREEMENT**

E. **PAYMENT FROM ASP CONSIDERED PAYMENT IN FULL:** Payment received from the ASP under this grant shall be payment in full for all services and/or costs covered by the payment. No fee or other charge shall be made against a client or a third party for these services and/or costs. This paragraph does not preclude allocation of costs among two or more funding sources, or payment of portions of a service and/or cost under different funding sources, so long as there is no duplication of payment.

F. **AUDIT REQUIREMENT:** Recipient shall send two copies of the audit to the following address:

Arkansas State Police
Fiscal Section
#1 State Police Plaza Drive
Little Rock, Arkansas 72209

G. **RECOVERY OF FUNDS:** The ASP shall seek to recover funds not utilized in accordance with the terms and conditions of this grant.

X. AMENDMENT:

Any amendment to this agreement shall be valid only when in writing and when duly signed by the authorized representative(s) of the Recipient and the ASP. Recipient and ASP acknowledge that no verbal or written representations, other than those contained herein, have been made as an inducement to enter into this Agreement and that this writing constitutes their entire Agreement.

XI. CERTIFICATION AND SIGNATURE:

A. SIGNATURES:

Signature of Subgrant Agreement Recipient Authorized Representative

Signature of Recipient Authorized Representative

Date

Lioneld Jordan

Mayor

Printed Name of Recipient Authorized Representative

Title

In signing this document, I attest that I am authorized by the board of Directors or other governing authority to sign this grant on behalf of the Recipient.

Signature of ASP Agency Authorized Representative

Signature of ASP Authorized Representative

Date

Printed Name of ASP Authorized Representative

Title

Program Agency (ASP)

Program Contact Person: Captain Steven A. Coppinger

Phone: (501) 618-8850

Fiscal Contact Person: John Tidwell

Phone: (501) 618-8335

ICAC13 1st Continuation Subgrant

Special Conditions

1. You, as the subrecipient, must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, contractor, sub grantee, subcontractor, or other person has either 1) submitted false claims for grant funds under the False Claims Act or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any sub recipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by:

Mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, D.C. 20530

Email:

oig.hotline@usdoj.gov

Hotline: (contact information in English and Spanish): (800)-869-4499

Or fax: (202) 616-9881

Additional Information is available from the DOJ OIG website at www.usdoj.gov/oig

2. You, as the subrecipient, agree to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). You, as the subrecipient, also agree to comply with applicable restrictions on sub awards to first-tier sub recipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipients obligations are posted on the Office of Justice Programs website at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here.

3. Pursuant to Executive Order 13513, “Federal Leadership on Reducing Text Messaging While Driving,” 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages you as the sub recipient to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
4. You, as the subrecipient, understand and agree that any training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojptrainingguidingprinciples.htm>.
5. Prior to the expenditure of confidential funds, you, as the subrecipient, agree to sign a certification indicating that you have read, understand, and agree to abide by all of the conditions pertaining to confidential fund expenditures as set forth in the OJP Financial Guide.
6. You, as the subrecipient, agree to provide information to the pass-through entity, the Arkansas State Police (ASP), so that the pass-through agency can comply with applicable requirements to report first-tier subawards of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the subrecipient agency. Such data will be submitted to the FFATA Subaward Reporting System (FSRS). The details of the pass-through recipient’s obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the Office of Justice Programs website at <http://www.ojp.gov/funding/ffata.htm> (Award condition: Reporting Subawards and Executives Compensation), and are incorporated by reference here.
7. You, as the subrecipient, acknowledge that the Office of Justice Programs (OJP) reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize other to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward; and (2) any rights of copyright to which a recipient or subrecipient purchases ownership with Federal support.

You, as the subrecipient, acknowledge that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under an award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. “Data” includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data-General).

It is the responsibility of the pass-through entity, the ASP), to ensure this condition is included as a special condition in any subaward awarded to you.

The pass-through entity, the ASP, also has the responsibility to obtain from you, the subrecipient, from your contractors, and from your subcontractors (if any) all rights and data necessary to fulfill the pass-through entity's obligations to the Government under this award. If you, as the subrecipient, your contractors, or your subcontractors refuse to accept these terms affording the Government such rights, the pass-through entity, the ASP, is required to promptly bring such refusal to the attention of the OJP program manager for this award and not proceed with this subgrant agreement without further authorization from the OJP program office.

END OF SPECIAL CONDITIONS

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Character 02 - Maintenance and Operations (any single item less than \$5K)									
Supplies and Items	Quantity		Estimated Cost Per Item				Total Estimated Cost		
1 Dell Desktop Computer and Dual Monitors	1		2,500.00				2,500.00		
		<i>Estimated Sales Tax</i>	\$0.09				225.00		
2 International Association of Computer Investigative Specialists (IACIS) - Membership Fees	1		100.00				100.00		
		<i>Estimated Sales Tax</i>	\$0.09				9.00		
3							0.00		
		<i>Estimated Sales Tax</i>	\$0.09				0.00		
4 XRY Forensic License Renewal	1		2,995.00				2,995.00		
		<i>Estimated Sales Tax</i>	\$0.09				269.55		
5							0.00		
		<i>Estimated Sales Tax</i>	\$0.09				0.00		
							6,098.55	Maintenance and Operations Net Total	
Character 03 - Fringe Benefits									
Name/Position	Computation	FICA Rate	Life Insurance (Hourly Rate)	Worker's Compensation Rate	Retirement Rate	Unemployment Insurance (Hourly Rate)	Medical (Hourly Rate)		
1 Det. Andy Higdon - ICAC Investigator	Based on FICA, Life Insurance, Retirement, and Medical rates provided by the department.	1.45%	Not Listed	NL	19.84%	NL	NL		432.08
								432.08	Fringe Total
Character 06 - Overtime									
Name/Position	Computation	Hourly Rate	Number of Hours						
1 Det. Andy Higdon - ICAC Investigator	Based on hourly wage, excluding fringe	\$40.5900	50					2,029.50	
								2,029.50	Overtime Total

FAYETTEVILLE POLICE DEPARTMENT
APPROVED BUDGET DETAIL WORKSHEET
Subgrant Award # ICAC13-C1-04
Award Period: July 1, 2014 - June 30, 2015

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Character 9 - Travel /Training/ Tuition									
<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Estimated Cost Per Person</u>	<u>Number of Trips</u>	<u>Number of Days</u>	<u>Number of Travelers</u>	<u>Total Estimated Cost</u>		
1 Spring 2015 International Association of Computer Investigative Specialists (IACIS) Basic Computer Forensics Examiner (BCFE) Course	Maitland, FL	Airfare	600.00	1	0	1	600		
		Travel Day Meals	42.00	1	2	1	84		
		Standard Meal Rate	56.00	1	12	1	672		
		Other (Ground Transportation)	250.00	1	0	1	250		
		Lodging + Estimated	135.70	1	13	1	1,764		
		Sub Total					3,370	Trip 1 Net Total	
1 IACIS Basic Computer Forensics Examiner (BCFE) - Tuition			2,795.00				2795.00		
		Estimated Sales Tax	\$0.09				251.55		
							6,416.65	Travel /Training / Tuition Net Total	
Character 11 - Capital Equipment (any single item over \$5K)									
<u>Item Description</u>	<u>Quantity</u>		<u>Estimated Cost Per Item</u>				<u>Total Estimated Cost</u>		
1							0.00		
		Estimated Sales Tax	\$0.09				0.00		
							0.00	Capital (Equipment) Net Total	
							14,976.78	Net Total (All Categories)	

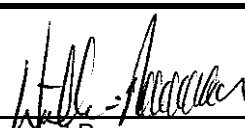
Sub Project Maintenance Form

Sub Project Request: New SubProject
Project Number : 36033
Sub Project Number : 2014
Sub Project Title (40 char) : ICAC Task Force - 2014 18 Char Le
Sub Project Abbv (15 char) : ICAC 2014 6 Char Left
Sub Project Status : Active
Sub Project Division : Police
Scheduled Start Date : 7/1/2014 <= Double Click Date Cells
Scheduled Ending Date : 6/30/2015 <= Double Click Date Cells 20150630
Actual Start Date : 7/1/2014 <= Double Click Date Cells 20140701
Actual Ending Date : 6/30/2015 <= Double Click Date Cells 20150630

GLACCOUNT#	Account Description	Need Setup	Add/Delete	Add to PCARD
1010.0001.4302.01	State Grants-Operational		Add	
1010.2920.5120.00	Personnel Svcs - Contra		Add	
1010.2920.5210.00	Minor equipment		Add	Add
1010.2920.5303.00	Publications & dues	Y	Add	Add
1010.2920.5304.00	Travel & training		Add	Add
1010.2920.5416.00	Software maintenance		Add	Add

Description/Justification of Request

City Council to approve grant award at 01/06/2015 meeting.


Requested By

Entered By

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar)

Budget Year	Division: Police	Adjustment Number
2014	Dept.: Police	
	Requestor: W. Newman	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Establish revenue and expense buget for the FY2014 Internet Crimes Against Children grant award.

RESOLUTION/ORDINANCE	COUNCIL DATE:	1/6/2015
	LEGISTAR FILE ID#:	2014-0575
	<i>Barbara Fell</i>	
	12/17/2014 2:49 PM	
	Budget Director	Date
	TYPE:	
	DESCRIPTION:	
	GLDATE:	
	POSTED:	/

TOTAL		14,977	14,977				v.20141113
	Increase / (Decrease)		Project.Sub#				
Account Number	Expense	Revenue	Project	Sub	AT	Account Name	
1010.0001.4302.01	-	14,977	36033	2014	RE	State Grants - Operational	
1010.2920.5120.00	2,462	-	36033	2014	EX	Personnel Services - Contra	
1010.2920.5210.00	2,725	-	36033	2014	EX	Minor Equipment	
1010.2920.5303.00	109	-	36033	2014	EX	Publications & Dues	
1010.2920.5304.00	6,417	-	36033	2014	EX	Travel & Training	
1010.2920.5416.00	3,264	-	36033	2014	EX	Software Maintenance	
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					
	-	-					



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 37 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0580

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 5

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE

WHEREAS, A.C.A 14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

WHEREAS, the City Council has determined that the rezoning from R-1, Single-Family Residential to R-O, Residential Office, recommended by the City of Johnson Planning Commission, is compatible with the adjoining lots within the City of Fayetteville.

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 determines that the rezoning requested by the applicant, City of Johnson, as described in Exhibit B and as shown on the map attached as Exhibit A, is compatible with the adjoining lots within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicant's lot(s).

City of Fayetteville Staff Review Form

2014-0580

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

12/19/2014

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:

Tentative Agenda
January 6, 2015
Page 39 of 278



ORDINANCE NO. 2014- 05

AN ORDINANCE TO AMEND THE ZONING DISTRICT CLASSIFICATION AND BOUNDARIES REGARDING PROPERTY IDENTIFIED IN REZONING PETITION OF GEOFF BATES AND DERRICK THOMAS APPROVED OCTOBER 27, 2014, BY JOHNSON PLANNING COMMISSION.

WHEREAS, the Planning Commission on October 27, 2014, passed the Rezoning Petition of Geoff Bates and Derrick Thomas and recommend to the City Council passage of an ordinance to rezone the described property from R-1 to R-O;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOHNSON, ARKANSAS:

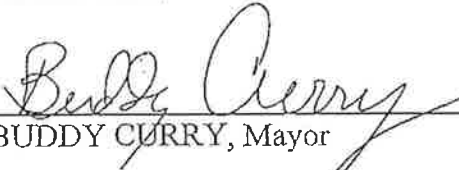
Section 1: That the zone classification of the following described property be changed from R-1 to R-O:

Lot 4 of Viewpoint Subdivision, Phase II, to the City of Johnson, Arkansas, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

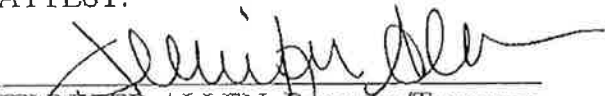
Section 2: That the official Zoning District's map of the City of Johnson, Arkansas is hereby amended to reflect the zoning change in Section 1 above.

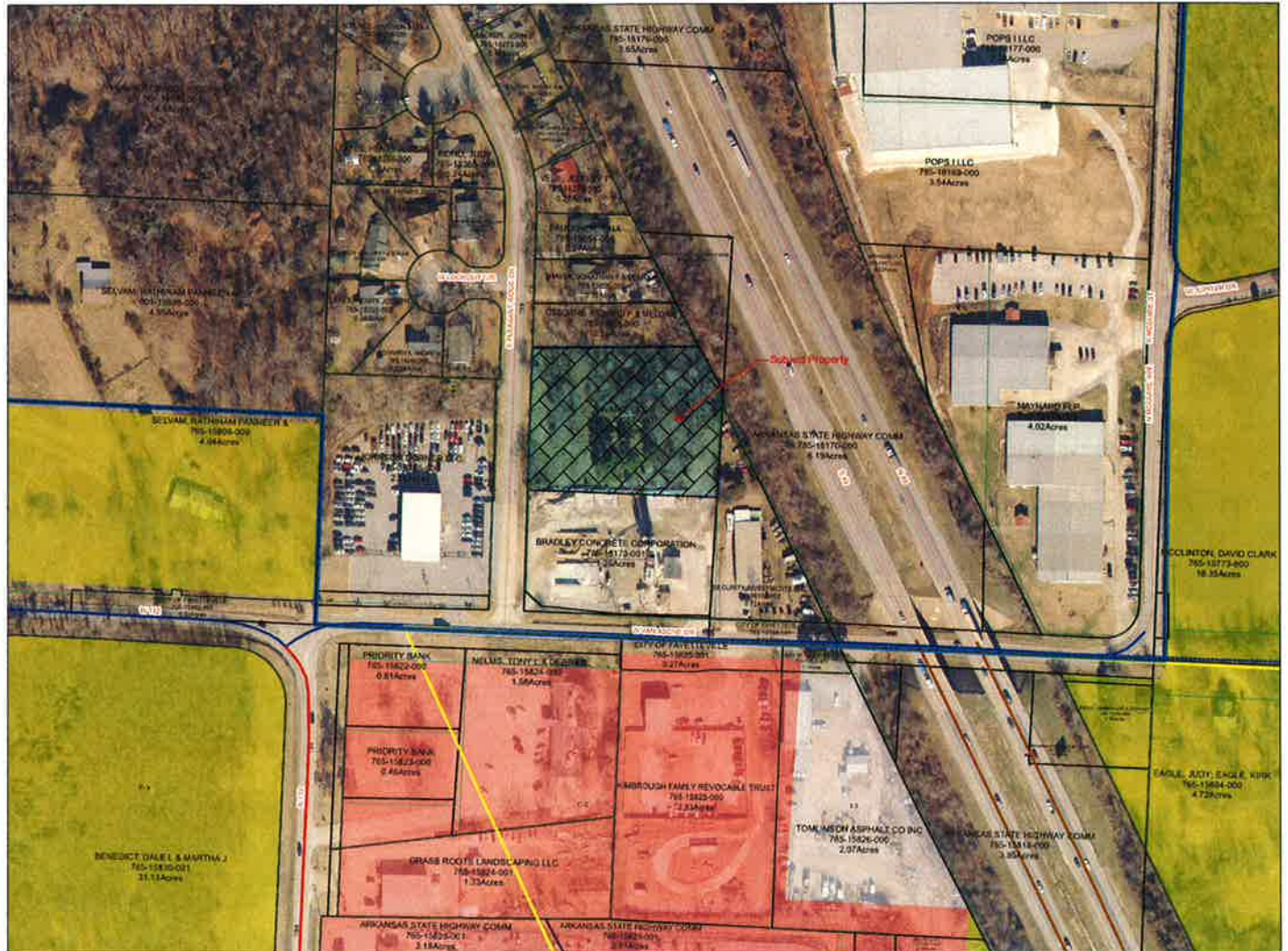
PASSED AND APPROVED this 9th day of November, 2014.

APPROVED:


BUDDY CURRY, Mayor

ATTEST:


JENNIFER ALLEN, Recorder/Treasurer



FOCUS™ Terms

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1 of 1

[Return to Results](#) | [Book Browse](#)
A.C.A. § 14-56-306 (Copy w/ Cite)
A.C.A. § 14-56-306

Pages: 3

Arkansas Code of 1987 Annotated Official Edition
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*** Legislation is current through the 2012 Fiscal Session and updates ***
*** received from the Arkansas Code Revision Commission through ***
*** August 1, 2012. ***

Title 14 Local Government
Subtitle 3. Municipal Government
Chapter 56 Municipal Building And Zoning Regulations -- Planning
Subchapter 3 -- Zoning Regulations

A.C.A. § 14-56-306 (2012)

14-56-306. Land use in adjacent and contiguous cities to be compatible.

(a) If municipalities become adjacent and contiguous to one another through annexation or other procedures, then lands or properties within the boundary area of each municipality shall be zoned only for land uses which are compatible with the zoned land uses of the adjoining lands or properties, even if the adjoining lands or properties are located outside the corporate limits or are located within the corporate limits of another municipality.

(b) Adjoining lands within the boundary area shall remain zoned with a compatible land use until the governing body of each municipality which is adjacent and contiguous to the boundary area adopts a resolution agreeing to a change in the zoning of the lands or properties that adjoin one another and stating that the rezoning to a land use which is not compatible will not adversely impact the adjoined land or property.

(c) As used in this section, unless the context otherwise requires:

(1) "Adjacent and contiguous" means any time the corporate limits of one municipality come in contact with the boundaries of the corporate limits of another municipality, or if the boundaries of one municipality extend to within one thousand feet (1000') of the corporate limits of another municipality;

(2) "Boundary area" means the area of land along the municipal boundary that is:

(A) Inside the municipality and within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality; and

(B) Outside the municipality, but within the planning and zoning jurisdiction of the municipality and also within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality;

(3) (A) "Compatible land use" means any use of lands, buildings, and structures which is harmonious to the uses and activities being conducted on the adjoining lands and properties and which does not adversely affect or unreasonably impact any use or enjoyment of the adjoined land.

(B) A compatible land use includes a land use authorized by the municipal zoning ordinance for the zone that is the equivalent to, or that is as nearly equivalent as possible to, a land use authorized by the municipal zoning ordinance; and

(4) "Municipality" means:

(A) A city of the first class;

(B) A city of the second class; or

(C) An incorporated town.

(d) This section shall apply to municipalities with planning commissions and zoning ordinances authorized under §§ 14-56-401 -- 14-56-425 and shall apply to any other municipal zoning regulations authorized by Arkansas law.

(e) Notwithstanding anything contained in subsections (a)-(d) of this section, this section shall not apply to any property if the owners of the property have sought to have services extended to the property pursuant to § 14-40-2002 prior to March 30, 2001.

HISTORY: Acts 2001, No. 1198, § 1.

View Full

1 of 1



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A.C.A. § 14-56-306 (Copy w/ Cite)

Pages: 3

In

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RESOLUTION NO. ____

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE.

WHEREAS, A.C.A 14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

WHEREAS, the City Council has determined that the rezoning from R-1, Single-Family Residential to R-O, Residential Office, recommended by the City of Johnson Planning Commission, is compatible with the adjoining lots within the City of Fayetteville.

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 determines that the rezoning requested by the applicant, City of Johnson, as described in Exhibit B and as shown on the map attached as Exhibit A, is compatible with the adjoining lots within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicant's lot(s).

PASSED and **APPROVED** this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 45 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0584

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Resolution

Agenda Number: A. 6

A RESOLUTION TO APPROVE A FIVE YEAR LEASE AGREEMENT WITH AN OPTION TO RENEW FOR AN ADDITIONAL FIVE YEARS WITH DAN AND ANITA SPENCER FOR APPROXIMATELY 18.18 ACRES OF UNUSED CITY PROPERTY ON THE WEST SIDE OF LAKE SEQUOYAH IN EXCHANGE FOR THE SPENCERS CONVEYING ADDITIONAL EASEMENTS TO THE CITY THAT ARE NECESSARY FOR CONSTRUCTION AND OPERATION ACTIVITIES PERTAINING TO THE LAKE SEQUOYAH SEDIMENT REMOVAL PROJECT

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 a five year lease agreement with an option to renew for an additional five years with Dan and Anita Spencer for approximately 18.18 acres of unused City property on the west side of Lake Sequoyah in exchange for the Spencers conveying additional easements to the City that are necessary for construction and operation activities pertaining to the Lake Sequoyah sediment removal project.

City of Fayetteville Staff Review Form

2014-0584

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Billy Ammons

12/16/2014

Wastewater Treatment Plant /
Utilities Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Lake Sequoyah Land Lease Agreement and Easement Acquisition between City of Fayetteville, Daniel A and Anita Z Spencer

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY, 6TH 2014

TO: Mayor and City Council

THRU: Water, Sewer and Solid Waste Committee
Don Marr, Chief of Staff
Tim Nyander, Water/Sewer Operations Manager

FROM: Billy Ammons, Wastewater Treatment

DATE: December 19, 2014

SUBJECT: A Resolution to approve a Land Lease Agreement and Easement Acquisition between the City of Fayetteville and Dan A & Anita Z Spencer.

RECOMMENDATION:

City Administration staff recommends approval of a land lease agreement for unused property owned by the City of Fayetteville near Lake Sequoyah with neighboring property owners, Dan A & Anita Z Spencer.

BACKGROUND:

Fayetteville's Lake Sequoyah Sediment Removal Project requires a pipeline to convey collected clarified water from the project area to the City's sanitary sewer system. As part of continued cooperative efforts with project staff, Dan and Anita Spencer have agreed to required easement acquisition in exchange for a 5-year land lease agreement of currently unused City of Fayetteville land adjacent to their property.

DISCUSSION:

Land lease agreement between City of Fayetteville and Dan Spencer will result in:

- Approximately 18.18 acres of City of Fayetteville land to be leased and maintained by Dan A and Anita Z Spencer
- A 20 foot wide permanent utility easement acquisition parallel to E Huntsville Rd
- A 10 foot wide permanent utility easement acquisition parallel to Lewis Woods Ln
- A 20 foot wide temporary construction easement parallel to above described easements
- Construction access for pipeline installation from E Huntsville Rd through existing gate
- It is the opinion of project staff that the proposed 5-year land lease in exchange for easement acquisitions by City of Fayetteville is an equal-value exchange.

BUDGET/STAFF IMPACT:

No budget impact.

ATTACHMENTS:

Staff Review Form

14_LSQ_Spencer_Easement_Contract_1218.pdf

14_LSQ_Spencer_Easement_Exhibit_FINAL.pdf

Lease_Agmt_Spencer_Lake_Sequoyah_Property_121814.pdf

FAY_Spencer_LAND_LEASE_LEGAL_111114.pdf

FAY_Spencer_LAND_LEASE_GIS_112014.pdf

LEASE AGREEMENT

On this 18th day of Dec., 2014, the City of Fayetteville hereby agrees to lease to Dan A and Anita Z Spencer, husband and wife, approximately 18.18 acres of currently unused property owned by the City of Fayetteville on the west side of Lake Sequoyah.

WHEREAS, Dan A and Anita Z Spencer are the owners of a tract of land adjacent to 18.18 acres of currently unused property owned by the City of Fayetteville on the west side of Lake Sequoyah; and

WHEREAS, on October 1, 1991, as authorized by Resolution No. 181-91, the City of Fayetteville entered into a lease agreement with Herbert A. Lewis, Sr. for 25 acres of land adjacent to Lake Sequoyah which was then assigned by Mr. Lewis to Dan Spencer; and

WHEREAS, the previous lease agreement has expired and the City of Fayetteville and Mr. Spencer desire to enter into a new lease agreement for a portion of the property that was included in the previous lease agreement in connection with Mr. Spencer conveying a portion of his property for use by the City as a utility easement.

NOW, THEREFORE, the City of Fayetteville, Dan A and Anita Z Spencer agree as follows:

1. The City of Fayetteville agrees to lease to Mr. and Mrs. Spencer approximately 18.18 acres legally described in Exhibit A attached hereto and made a part hereof (the "Property").

2. The term of this agreement shall be for a period of five (5) years commencing upon approval of this lease agreement by both parties. However, if the City of Fayetteville determines that the Property is necessary for the construction of trails or any other purpose, then this lease may be terminated upon ninety (90) days written notice to Mr. and Mrs. Spencer. If the agreement is terminated pursuant to this provision, the City of Fayetteville shall prorate the lease payment and refund any amount due for the unused portion of that year.

3. In consideration of the City of Fayetteville leasing the Property to Dan and Anita Spencer, Mr. & Mrs. Spencer agree to convey a portion of his property for use by the City of Fayetteville as a utility easement. The land to be conveyed is described in Exhibit B attached hereto and made a part hereof.

4. If at the end of the five year term Mr. and Mrs. Spencer shall have fully performed every agreement and covenant pursuant to the terms of this lease, Mr. or Mrs. Spencer shall have the option to renew this lease for an additional five (5) year term if so requested in writing provided to the City of Fayetteville no later than November 1, 2019. All terms of the original lease agreement shall remain the same except that the rent shall increase to \$500.00 per year.

5. Mr. and Mrs. Spencer may use the Property to provide pasture for cattle or horses and to bale and remove hay. When baled, any hay shall become the property of Mr. & Mrs. Spencer. Mr. and Mrs. Spencer shall be permitted to erect livestock fences on the Property.

6. Mr. and Mrs. Spencer shall fertilize the Property so that, upon expiration of this lease, it is in as good condition as on the execution date hereof. Fertilizer shall be applied in accordance with applicable state and local laws except that fertilizer shall not at any time be applied to any portion of the Property that is within a Streamside Protection Zone as defined by Fayetteville Code § 168.12.

7. Mr. and Mrs. Spencer shall not remove, nor permit to be removed, any tree or portion of a tree on the Property without the prior written authorization of the City of Fayetteville. Mr. and Mrs. Spencer shall not hunt, or permit any other person to hunt, on the Property. Any person accessing Lake Sequoyah from the Property for any purpose shall follow all City of Fayetteville and State of Arkansas laws and regulations. No boats of any kind may be launched from the Property

8. During the term of this agreement, the City of Fayetteville shall have the right to construct walking paths in close proximity to Lake Sequoyah which shall constitute a public easement for use by the public. If such walking paths conflict with grazing cattle or horses, Mr. and Mrs. Spencer shall exclude the cattle or horses from the trail areas.

9. The City of Fayetteville shall have the right to enter the Property at any time for the purpose of inspecting the property and the City of Fayetteville shall not be liable to Mr. and Mrs. Spencer for any damages as a result of such entry.

10. This lease agreement is not assignable or transferable without the written approval of the City of Fayetteville.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
LIONELD JORDAN, Mayor

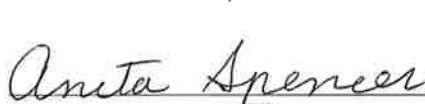
ATTEST:

By: _____
SONDRA SMITH, City Clerk/Treasurer

DAN A SPENCER, Tenant

ANITA Z SPENCER, Tenant

By:  _____
DAN A SPENCER

By:  _____
ANITA Z SPENCER

WATER/SEWER EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT **Dan A. Spencer and Anita Z. Spencer, husband and wife**, hereinafter called GRANTOR, for and in consideration of the receipt of land of equal value from the City of Fayetteville, the receipt of which is hereby acknowledged, does hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement and a temporary construction and grading easement to construct, lay, remove, relay, inspect, enlarge and/or operate a water and/or sanitary sewer pipe line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION: (Deed Ref: 92-1643—first legal)

Part of the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of Section 21, Township 16 North, Range 29 West, more particularly described as follows, to-wit: Beginning at the Northwest corner of said 40 acre tract 330 feet; thence Southwesterly to a point in the East boundary line of said 40 acre tract which point is also a point in the north of the right of way of State Highway No. 16; thence South on said East line to the South right of way of said Highway No. 16; thence North 81 degrees 17 minutes West 100.7 feet with said South right of way line, thence West with the South right of way line 1221 feet to the West line of said 40 acre tract; thence North to the point of beginning. Subject to that portion that lies in Lewis Woods Lane on the West side thereof. Also subject to all easements and rights of way of record.

PERMANENT EASEMENT DESCRIPTION:

A 20-foot wide utility easement located in the SW¼ of the NW¼ of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, said easement being more particularly described as follows, to-wit: Commencing at the SW corner of said 40 acre tract and running thence N02°45'59"E 230.54 feet; thence S88°26'15"E 10.00 feet; thence N02°45'59"E 25.01 feet to the point on the East right of way of Lewis Woods Lane and the true Point of Beginning; thence along said right of way N02°45'59"E 20.00 feet; thence leaving said right of way S88°26'15"E 368.32 feet; thence S87°33'41"E 158.01 feet along a curve to the right having a radius of 7042.63 feet to a chord bearing and distance of S83°19'13"E 347.77 feet; thence S20°15'46"E 22.74 feet along a curve to the left having a radius of 7022.63 feet for a chord bearing and distance of N83°16'27"W 357.08 feet; thence N87°33'41"W 157.36 feet; thence N88°26'15"W 368.59 feet to the Point of Beginning. (Easement parallels Arkansas Highway No. 16)

ALSO a 10-foot wide utility easement located in the SW¼ of the NW¼ of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, said easement being more particularly described as follows, to-wit: Commencing at the SW corner of said 40 acre tract and running thence N02°45'59"E 230.54 feet; thence S88°26'15"E 10.00 feet; thence N02°45'59"E 45.01 feet to the point on the East right of way of Lewis Woods Lane and the true Point of Beginning; thence along said right of way N02°45'59"E 155.77 feet; thence leaving said right of way S87°16'10"E 10.00 feet; thence South 02°45'59"W 155.56 feet; thence N88°26'15"W 10.00 feet to the Point of Beginning. (Easement parallels Lewis Woods Lane)

TEMPORARY CONSTRUCTION AND GRADING EASEMENT DESCRIPTION:

A 20-foot wide temporary construction and grading easement located in the SW¼ of the NW¼ of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, described as follows, to-wit: Commencing at the SW corner of said forty acre tract and running thence N02°45'59"E 230.54 feet; thence S88°26'15"E 10.00 feet; thence N02°45'59"E 45.01 feet to a point on the East right of way of Lewis Woods Lane and the true Point of Beginning; thence along said right of way of N02°45'59"E 20.00 feet, thence leaving said right of way S88°26'15"E 368.05 feet; thence S87°33'41"E 158.65 feet along a curve to the right having a radius of 7062.63 feet for a chord bearing and distance of S83°21'58"E 338.46 feet; thence S20°15'46"E 22.72 feet along a curve to the left having a radius of 7042.63 feet for a chord bearing and distance of N83°19'13"W 347.77 feet; thence N87°33'41"W 158.01 feet; thence N88°26'15"W 368.32 feet to the Point of Beginning. (North side of above described 20-ft easement)

ALSO A 20-foot wide temporary construction and grading easement located in the SW¼ of the NW¼ of Section 21, Township 16 North, Range 29 West, Washington County, Arkansas, described as follows, to-wit: Commencing at the SW corner of said forty acre tract and running thence N02°45'59"E 230.54 feet; thence S88°26'15"E 10.00 feet; thence N02°45'59"E 45.01 feet; thence S88°26'15"E 10.00 feet to the true Point of Beginning; thence N02°45'59"E 155.56 feet; thence S87°16'10"E 20.00 feet; thence S02°45'59"W 155.15 feet; thence N88°26'15"W 20.00 feet to the Point of Beginning. (East side of above described 10-ft easement)

WATER/SEWER EASEMENT
Page 2 of 2

Together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

This temporary construction and grading easement as conditioned above, shall terminate when the hereinabove referenced project has been completed by the contractor and accepted by the City of Fayetteville, Arkansas.

It is expressly understood that the above temporary construction and grading easement shall exclude any permanent structure presently located within said temporary construction and grading easement area.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water.

The Grantor agrees not to erect any buildings or structures in said permanent easement.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 18th day of December, 2014.


Dan A. Spencer


Anita Z. Spencer

ACKNOWLEDGMENT

STATE OF ARKANSAS

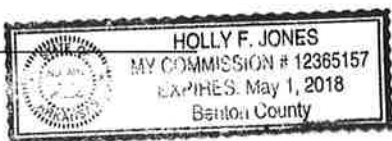
COUNTY OF Benton

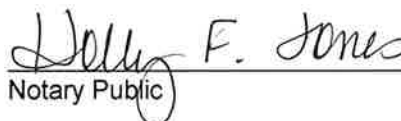
SS.

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan A. Spencer and Anita Z. Spencer, husband and wife**, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 18th day of December, 2014.

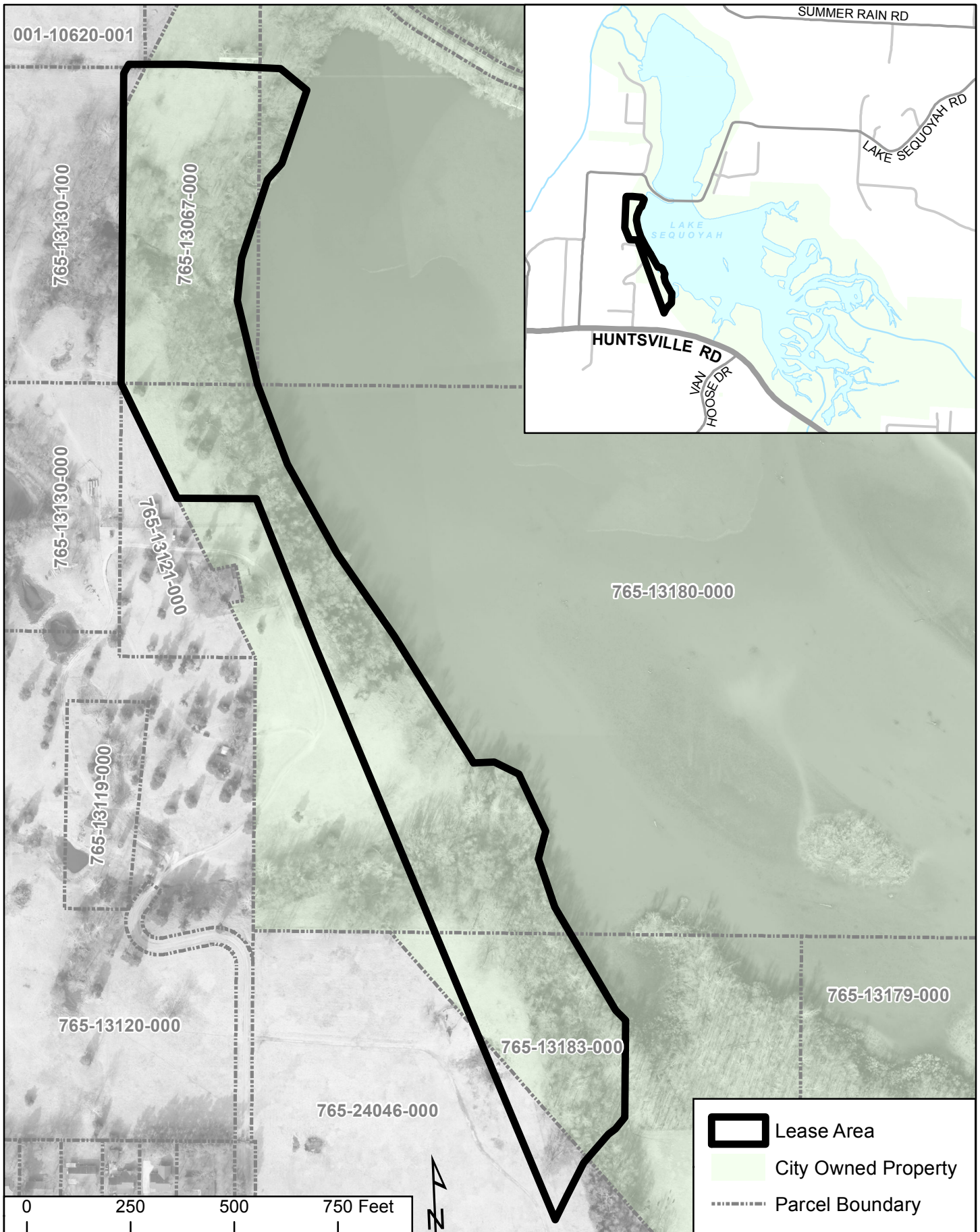
MY COMMISSION EXPIRES:




Notary Public

Spencer Land Lease

Lake Sequoyah, Fayetteville, AR





**Bates &
Associates, Inc.**
Civil Engineering - Land Surveying - Landscape Architecture

91 W. Colt Square Suite 3/ Fayetteville, AR 72703

PH: 479-442-9350 * FAX: 479-521-9350

www.nwabatesinc.com

PROPOSED LAND LEASE AGREEMENT LEGAL DESCRIPTION:

A PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 21, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, ALL IN TOWNSHIP 16 NORTH, RANGE 29 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 21 AND RUNNING THENCE S18°29'44"E 205.12', THENCE S26°40'09"E 247.23', THENCE S32°10'49"E 244.03', THENCE S29°38'00"E 360.03', THENCE EAST 50.37', THENCE S61°02'02"E 66.56', THENCE S22°45'13"E 152.61', THENCE S17°12'34"W 68.74', THENCE S16°15'40"E 123.67', THENCE S28°07'18"E 289.74', THENCE S42°46'49"E 33.00', THENCE S02°44'23"W 235.20' TO AN EXISTING FENCE LINE, THENCE ALONG SAID FENCE LINE THE FOLLOWING: S41°14'32"W 36.47', S55°25'26"W 21.20', S43°04'58"W 90.54', S29°20'35"W 90.16', THENCE LEAVING SAID FENCE LINE S29°20'35"W 64.12', THENCE N20°15'46"W 1501.37' TO THE SOUTHEAST CORNER OF THE BASE OF A FLAGPOLE, THENCE N19°24'01"W 385.53', THENCE N87°18'43"W 187.10', THENCE N23°47'55"W 319.54', THENCE N02°46'51"E 735.78', THENCE N32°53'59"E 30.72' TO AN EXISTING FENCE LINE, THENCE ALONG SAID FENCE LINE THE FOLLOWING: S87°39'20"E 138.68', S85°01'56"E 227.51', S47°34'59"E 82.53', THENCE LEAVING SAID FENCE LINE S21°15'21"W 187.16', THENCE S44°05'36"W 50.93', THENCE S20°38'21"W 201.70', THENCE S08°05'49"W 102.21', THENCE S10°52'33"E 208.67' TO THE POINT OF BEGINNING, CONTAINING 18.18 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 55 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0437

Agenda Date: 1/6/2015

Version: 1

Status: First Reading

In Control: City Council

File Type: Ordinance

Agenda Number: B. 1

AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

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 enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:

“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.

(B) Required Insurance. Any person operating a motorized bicycle, motor scooter or moped upon Fayetteville streets or highways must have a valid and in force property liability insurance policy

File Number: 2014-0437

insuring such operation in an amount of at least \$25,000.00."

AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF December 16, 2014

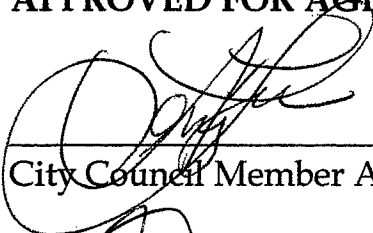
FROM:

CITY COUNCIL MEMBER Alan Long

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

**AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING §
71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,
MOTOR SCOOTERS AND MOPEDS**

APPROVED FOR AGENDA:



City Council Member Alan Long

12-05-2014
Date



Assistant City Attorney Blake Pennington
(as to form)

12/5/14
Date

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING
§ 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES,
MOTOR SCOOTERS AND MOPEDS**

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of gasoline powered motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are also commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville and, despite the increased risk of injury to their operators and others on or near the roads, there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to be proactive in promoting the public health and welfare of all persons who operate motorized bicycles, which are becoming more prevalent in the City, and other vehicles which operate upon the City's public roadways; and

WHEREAS, the City of Fayetteville also has a vested interest in protecting and promoting the public health and welfare of pedestrians, cyclists and all others in the general vicinity of the public streets on which motor scooters and mopeds are operating; and

WHEREAS, this ordinance regulates only gasoline powered motor scooters and mopeds, and does not in any way regulate or restrict the operation of bicycles or other forms of transportation that are operated by manual, battery or electric power.

**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 enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:

**“§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and
Mopeds**

- (A) **Definition.** A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, *et seq.*, which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.
- (B) **Required Insurance.** Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.
- (C) **Enforcement.** When the operator of any motor bicycle, motor scooter or moped is detained during a traffic stop or is involved in a motor vehicle accident and fails to provide proof of the insurance required in paragraph (B) when requested by a law enforcement officer, the operator shall be deemed to be in violation of this section.”

PASSED and **APPROVED** this _____ day of _____, 20____.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

From: Alderman, Alan Long
To: Pennington, Blake; Smith, Sondra
Subject: Required: State Minimum Liability Insurance coverage for gasoline, engine powered Mopeds and Scooters under 50 cc's
Date: Friday, October 10, 2014 4:53:08 PM

Kit,

Please draft an ordinance requiring all of the above mentioned means of transportation to require the state mandated liability insurance that is required of all other means of automobile insurance.

With the recent increase in the number of gasoline, engine powered Mopeds and Scooters in Fayetteville, I feel that they should be insured, especially when they are being operated on public streets. The reason for this legislation is that if a scooter driver was to cause an accident, deemed to be "at fault", and caused harm to someone or someone's personal property, the person that was not at fault would not have the ability to file against the insurance of the person who was at fault-the scooter driver in this case. This would create an inequitable situation where the driver who was not at fault would potentially need to file an insurance claim against their own uninsured motorist coverage in order to repair or seek reparation for the damages caused by an uninsured scooter or moped.

I have inquired with local insurance agencies and they are able to insure scooters and mopeds that are under 50 cc's.

Kind Regards,

Alan Long
City of Fayetteville
City Council Member: Ward 4, position 2
longward4@gmail.com

**Contents may be confidential and legally privileged, and are intended only for the recipient(s) named above, and those on a need-to-know basis. Nothing herein is intended to be a binding signature.*

From: Reynolds, Mike
To: AJ Gary (Aj.Gary@cityofconway.org)
Cc: "Camie Boggess" (camie@boggessconsulting.com); Bruce Hawkins (dbhawkins@suddenlinkmail.com); Tabor, Greg
Subject: License and Insurance Requirements for Motor Scooters
Date: Monday, October 13, 2014 9:40:56 AM
Attachments: image002.png

Chief Gary,

Good morning. Last week, I had a meeting with our supervisory staff and discussed the upcoming 2015 legislative session. Staff brought up problems we experience in Fayetteville with unlicensed and uninsured "motorized bicycles" due mainly to the influx of college students owning and operating them throughout our city. As you may know, Arkansas law defines a motorized bicycle as having an engine displacement of less than 50cc, and these vehicles are not required to be licensed or insured. Here are some of the problems we are experiencing:

- Difficult to discern a "motorized bicycle" (under 50cc) from a "motor driven cycle" (50cc to 250cc) based solely on motor displacement.
- Many "motor driven cycles" (50cc to 250cc) are not licensed or insured.
- Many drivers with suspended driving privileges operate "motor bicycles" (under 50cc).
- Many operators are not aware of "motor driven cycle" (50cc to 250cc) and "motorcycle" (more than 250cc) endorsement requirements.
- Many collisions involve "motorized bicycles" (under 50cc) with no insurance.
- Difficult to identify registered owners of stolen "motorized bicycles" (under 50cc).

On Tuesday, October 14th an ordinance to amend Fayetteville Code 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds will be presented to City Council. Here is the language being presented for this ordinance:

***AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016
INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND
MOPEDS***

WHEREAS, the City of Fayetteville has seen a rapid increase in the number of low power motorized bicycles, as defined by Ark. Code Ann. § 27-20-101, which are commonly known as motor scooters or mopeds, operating on the public streets of Fayetteville but there is no uniform requirement in the State of Arkansas regarding insurance for these vehicles; and

WHEREAS, the City of Fayetteville seeks to promote the public health and welfare of all persons who operate motorized bicycles and other vehicles upon the public roadways in the City.

***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 enacts § 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds as shown below:
"§ 71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds*

(A) Definition. A motorized bicycle means every bicycle with an automatic transmission and a gasoline powered motor which does not displace in excess of fifty cubic centimeters (50 cc) as defined by Arkansas Code Annotated § 27-20-101, et seq., which includes but is not limited to those vehicles commonly known as motor scooters and mopeds.

(B) Required Insurance. Any motorized bicycle, motor scooter or moped operated upon the public roadways within the corporate limits of the City of Fayetteville is required to have a policy of liability insurance with a limit of not less than \$25,000.00 for injury to or destruction of property of others.

I anticipate this ordinance will pass and address some of our local problems associated with uninsured accidents; however, we really don't have a local avenue to fix the registered owner issues. Also, I would believe this is a problem other areas in Arkansas are experiencing?

On a side note, a law requiring licensing and insurance of motor scooters would generate an additional revenue stream.

I would like to propose adding an amendment to 27-20-101 to our AACP 2015 Legislative Packet, requiring registration and insurance for "motorized bicycles". Thanks for the consideration.

Take care,
Mike

Mike Reynolds
Deputy Chief of Police
100 West Rock Street
City of Fayetteville, Arkansas 72701
mreynolds@fayetteville-ar.gov
T 479.587.3500 | F 479.973.4844
[Website](#) | [Facebook](#) | [YouTube](#)





City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 63 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0532

Agenda Date: 1/6/2015

Version: 1

Status: Tabled

In Control: City Council

File Type: Ordinance

Agenda Number: B. 2

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4859, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT THE 300 & 400 BLOCK OF MARTIN LUTHER KING BOULEVARD FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL

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 changes the zone classification of the following described property from NC, Neighborhood Conservation, to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2014-0532

Legistar File ID

12/2/2014

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jeremy Pate

11/14/2014

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4859: Rezone (300 & 400 BLOCK OF MLK BLVD./NIEDERMAN ENTERPRISES, 524): Submitted by BATES & ASSOCIATES for property located at 300 & 400 BLOCK OF MLK BLVD. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.9 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF DECEMBER 2, 2014

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: November 14, 2014

SUBJECT: **RZN 14-4859: Rezone (300 & 400 BLOCK OF MLK BLVD./NIEDERMAN ENTERPRISES, 524):** Submitted by BATES & ASSOCIATES for property located at 300 & 400 BLOCK OF MLK BLVD. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.9 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

The Planning Commission recommends approval and City Planning Staff recommends denial of an ordinance to rezone the property to DG, Downtown General.

BACKGROUND:

The subject property is located on the north side of Martin Luther King Boulevard between Wood Avenue and Willow Avenue and is within the Walker Park Neighborhood Master Plan boundary. The properties are developed with single-family homes, several of which that were constructed in the last six months.

*City Plan 2030 Future Land Use Plan designates this site as a **Complete Neighborhood Plan: Walker Park Neighborhood**. A digital copy of the adopted document has been provided separately.*

Compatibility: In staff's opinion, Downtown General is not a compatible zoning district for this area of small, single-family homes. Appropriately scaled two and three-family homes as well as appropriate sized non-residential uses could be permitted on the property through a conditional use process. This is the most appropriate way to diversify housing options and land uses in this area of the neighborhood.

DISCUSSION:

On November 10, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-2-0 with Commissioners Cook and Chesser voting 'no'.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

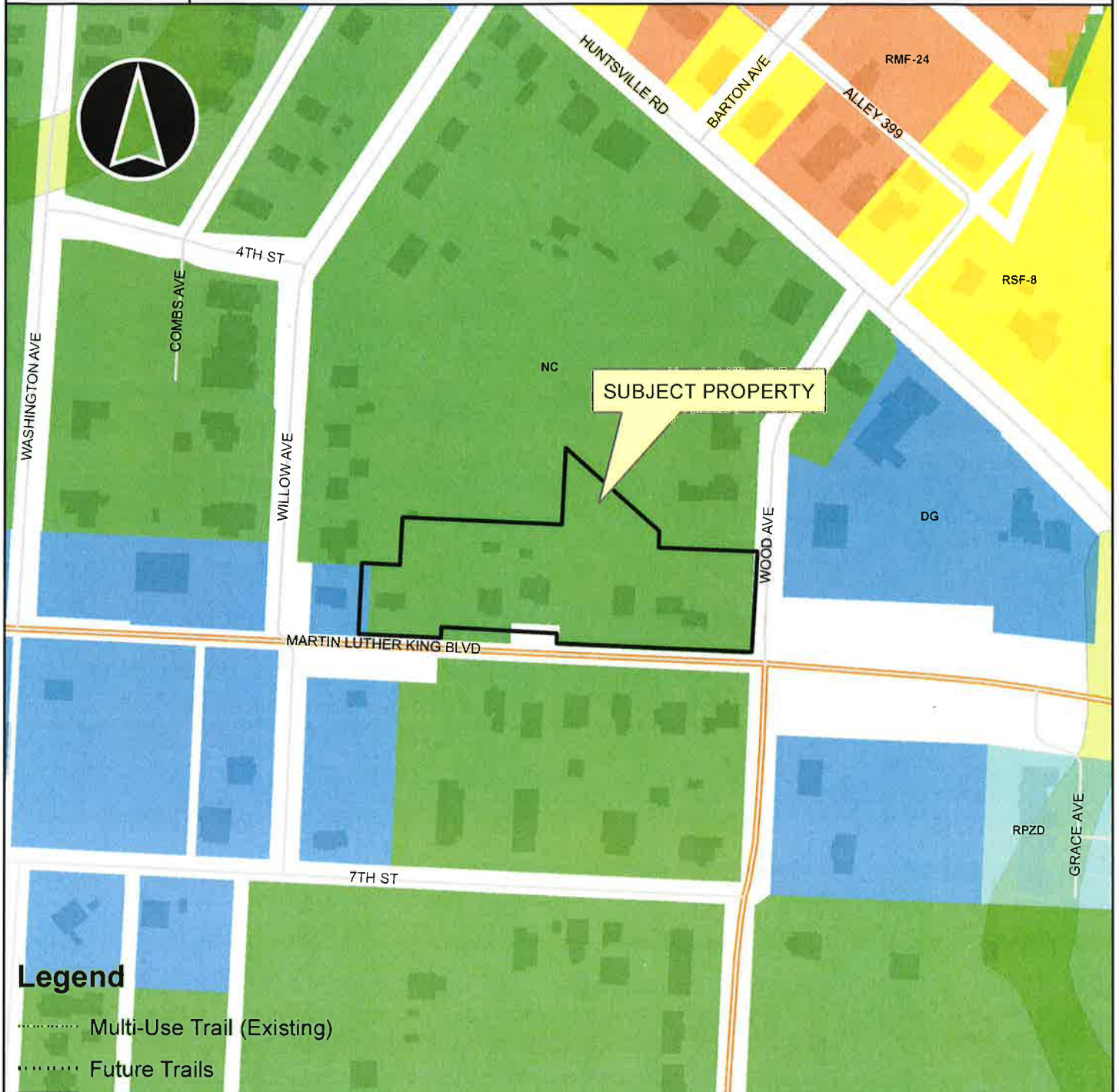
EXHIBIT 'A'

14-4859

RZN14-4859

Close Up View

NIEDERMAN ENTERPRISES



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview

RZN14-4859

Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

Planning Area



EXHIBIT "B"
14-4859

PORTION TO BE REZONED:

A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S89°55'47"W 264.50' AND N00°04'13"W 324.00' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N00°04'13"W 13.15', THENCE N89°43'13"W 156.50', THENCE S00°04'13"E 14.51', THENCE S89°46'52"W 111.29', THENCE N00°04'44"W 96.47', THENCE S89°36'56"E 51.25', THENCE N00°02'56"E 64.87', THENCE N89°46'29"E 216.42', THENCE N00°04'13"W 104.21', THENCE S51°05'39"E 169.31', THENCE S00°41'16"E 23.01', THENCE N89°13'01"E 133.78', THENCE S00°22'29"W 136.52', THENCE S89°46'55"W 264.58' TO THE POINT OF BEGINNING, CONTAINING 1.92 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN E. MARTIN LUTHER KING BLVD RIGHT-OF-WAY ON THE SOUTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~November 10, 2014~~ Updated November 11, 2014

SUBJECT: **RZN 14-4859: Rezone (300 & 400 BLOCK OF MLK BLVD./NIEDERMAN ENTERPRISES, 524):** Submitted by BATES & ASSOCIATES for property located at 300 & 400 BLOCK OF MLK BLVD. The properties are zoned NC, NEIGHBORHOOD CONSERVATION and contain approximately 1.93 acres. The request is to rezone the properties to DG, DOWNTOWN GENERAL.

RECOMMENDATION:

Staff recommends denial of **RZN 14-4859**.

BACKGROUND:

The Planning Commission tabled the request on October 27, 2014 to allow the applicant to consider alternative zoning designations. The applicant met with staff on October 21, 2014 and it's the applicant's desire to continue with the original request to rezone the property to DG, Downtown General.

The subject property is located on the north side of Martin Luther King Boulevard between Wood Avenue and Willow Avenue and is within the Walker Park Neighborhood Master Plan boundary. The properties are developed with single-family homes, several of which that were constructed in the last six months. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single-family residential	NC, Neighborhood Conservation
South	Single-family residential	NC, Neighborhood Conservation
East	Single-family residential	DG, Downtown General
West	Single-family residential	DG, Downtown General

Request: The request is to rezone six (6) existing properties from NC, Neighborhood Conservation to DG, Downtown General. The applicant has indicated that the rezoning is needed to create opportunities for light commercial amenities as well as more housing opportunities in close proximity to the downtown core.

Public Comment: Staff has not received any public comment.

INFRASTRUCTURE:

- Streets:** The site has access to Martin Luther King Boulevard, a collector street and Wood Avenue, a local street. Any improvements to these streets will be determined at the time of development.
- Water:** Public water is accessible to the site. There is a 2-inch water main along Martin Luther King Boulevard and a 16-inch water main along Wood Avenue.
- Sewer:** Sanitary sewer is available to the site. There is a 6-inch sewer main along Martin Luther King Boulevard and Wood Avenue.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.
- Fire:** This development will be protected by Engine 1 located at 303 W. Center Street. It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

*City Plan 2030 Future Land Use Plan designates this site as a **Complete Neighborhood Plan: Walker Park Neighborhood**. A digital copy of the adopted document has been provided separately.*

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends denial of RZN 14-4859.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>October 27, 2014</u>	☒ Tabled	☐ Forwarded	☐ Denied
Motion: Chesser	Second: Selby	Vote: 9-0-0	
Date: <u>November 10, 2014</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: Honchell	Second: Winston	Vote: 6-2-0	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>November 18, 2014</u>	☐ Approved		☐ Denied

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The Downtown General zoning district is an appropriate zoning for the Walker Park Neighborhood and supports one of the primary goals of the plan, which is to encourage a variety of housing types and to develop neighborhood commercial nodes. The zoning plan that was ultimately adopted by the City Council in 2008 supported this policy, among others, by locating the Downtown General district at several key locations, including Jefferson Square to the west of this project. With the exception of the intersection of 15th Street and S. School Avenue, the remainder of the neighborhood was zoned Neighborhood Conservation, which protects existing and encourages new single-family residential development.

Land Use Compatibility: In staff's opinion, Downtown General is not a compatible zoning district for this area of small, single-family homes. Appropriately scaled two and three-family homes as well as appropriate sized non-residential uses could be permitted on the property through a conditional use process. This is the most appropriate way to diversify housing options and land uses in this area of the neighborhood.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: In staff's opinion the rezoning is not justified or needed at this time. The subject properties and surrounding properties are all currently developed with small-scale, single-family homes. This is consistent with the uses permitted in the Neighborhood Conservation zoning district. Rezoning the property to Downtown General allows a variety of uses, but at a much larger scale. The most appropriate method to introduce new housing types or nonresidential uses on this site is through the conditional use process and not by rezoning the property.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property to Downtown General could significantly increase traffic congestion in the area. The Downtown General zoning district allows multi-family development and large commercial developments by right. Either of these uses could dramatically increase traffic and turning movements along Martin Luther King Boulevard.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property to Downtown General could allow a much denser development pattern than the existing Neighborhood Conservation zoning. However, it is unlikely that this increased density or intensity would have a negative impact on public services as this site is in the core of the city and

has adequate access to public services. The Police and Fire Departments have not expressed any concerns with the rezoning proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Unified Development Code sections 161.25 & 161.26
- Site Plan
- Fire response letter
- Walker Park Neighborhood Master Plan boundary map
- Applicant's request
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

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
Unit 44	Cottage Housing Development

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

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 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	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) *Building height regulations.*

Building Height Maximum	56 ft.
-------------------------	--------

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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 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 9	Two-family dwellings
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
Unit 44	Cottage Housing Development

(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	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) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)



The City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

To: Bates and Associates, Jesse Fulcher
From: Assistant Fire Marshal Will Beeks
Date: September 30, 2014
Re: RZN 14-4859

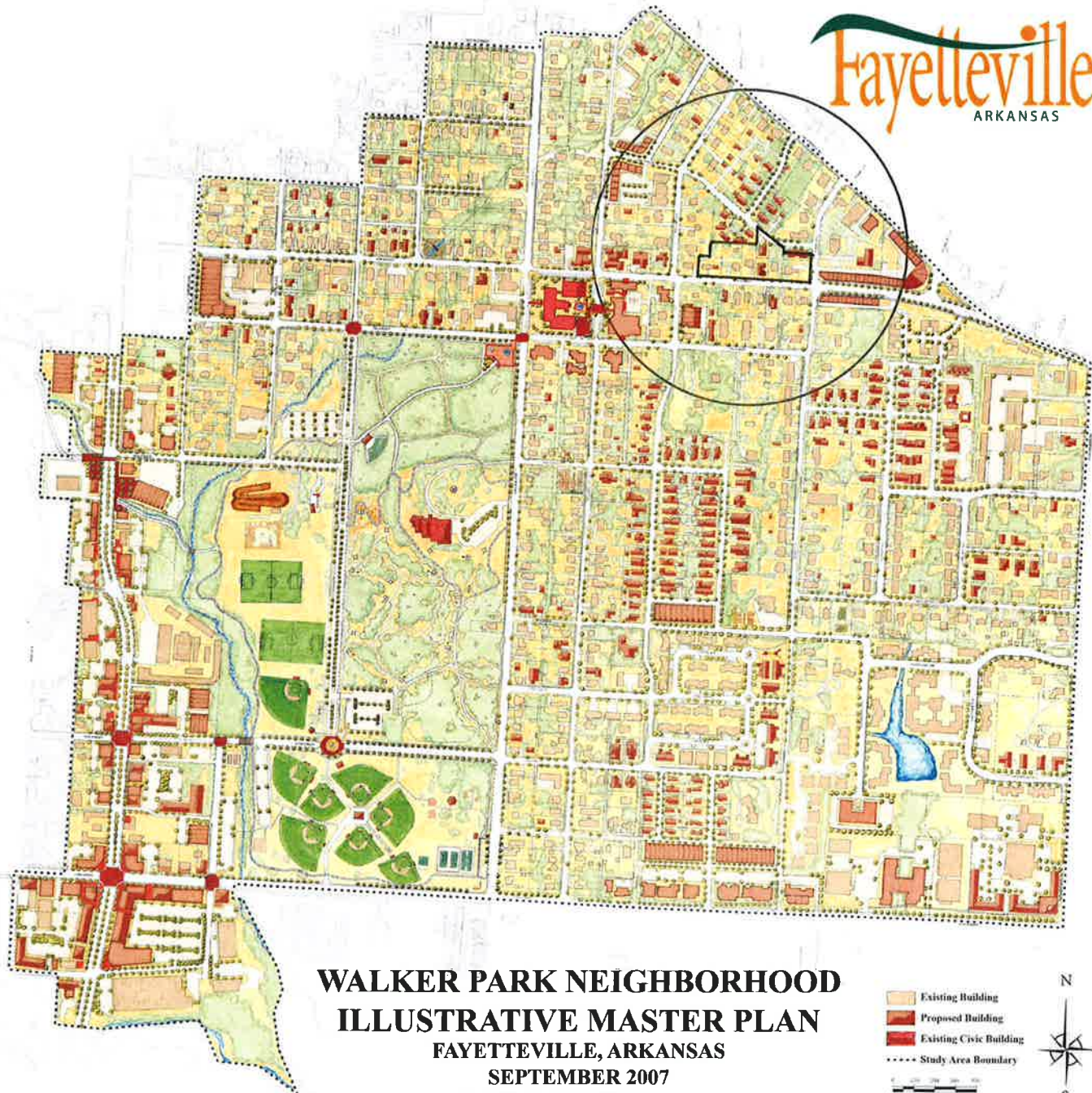
This development will be protected by Engine 1 located at 303 W Center St.
It is 1 mile from the station with an anticipated response time of 2 minutes to the beginning of the development.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

Fayetteville
ARKANSAS



SUBJECT
PROPERTIES



APPLICANT'S REQUEST LETTER AND SUPPORTING DOCUMENTS

To: City Planning Office, City Planning Commission and City Council
Re: Rezoning Request: 300-400 Block E. Martin Luther King BLVD (North Side)

To Whom It May Concern:

As representative of several property owners in the neighborhood of the North 300 and 400 Block of E. Martin Luther King Blvd., in response to a desire for more amenities within walking distance, and within accordance of our perceived direction the City of Fayetteville's Walker Park Master Plan, I respectfully request the City of Fayetteville to permit us to rezone our property from Neighborhood Conservation to Downtown General. This location is 1 mile from both the University of Arkansas and 1 mile from the Fayetteville High School. It is less than one ½ mile from the Fayetteville Downtown Square, and it is less than 2/10 of a mile from Walker Park. This property is less than ¼ mile to two transit stops with Ozark Regional Transit, and steps from one of Fayetteville's bike trails.

It is our perception that as we seek to enhance this neighborhood and create a strong urban core, we need more opportunities for light commercial amenities as well as more housing opportunities within walking or biking distance to the downtown core. We believe that this zoning will be consistent with existing zoning, by linking the DG zoning that exists directly to the East and West of this location, creating a long strip of DG zoning which increases the flexibility in the use of this space. While we do expect that creating a Downtown General designation will add density, and this may be unwelcome to some, we believe that for the long term growth and vibrancy of the city, this is a desirable outcome. Given the existing level of traffic on Martin Luther King Blvd, and a 4-way stop at MLK and Wood Avenue, we believe that this will not impact traffic, at least not perceptibly. Any change that may occur would likely happen as the rest of the neighborhood is built-out in accordance with the zoning and general neighborhood plan.

While the current zoning is Neighborhood Conservation which would allow for single family residences, and this would not be impractical, we believe that Downtown General would be the highest and best use. Given that in a sense, the corner at MLK and S. Wood is one gateway to the growing Downtown Core, it seems reasonable that as such, this could be an opportunity to support and highlight this growth.

Fayetteville City Plan 2030, which was adopted on July 2011 highlights 6 goals.

- Goal 1 is "We will make appropriate infill and revitalization our highest priorities."
 - Part D of this goal is: "Promote densest development around logical future transit stops." It states that transit is most relevant for those within ¼ mile of transit stops.
- Goal 3 is "We will make traditional town form the standard." This includes:
 - Part A: "Require new growth that results in neighborhoods, districts and corridors that are:
 - 1. compact - via denser housing; meaningful open spaces & preserves; small blocks;
 - 2. complete - via varied housing; mixed uses; civic uses; jobs-housing mix in the neighborhoods
 - 3. connected - via street-oriented buildings; interconnected streets; interconnected greenways & trails."
 - Part B: "densify in highly walkable areas along logical future transit routes..."
- Goal 4: We will grow a livable transportation network.
 - Part D. "Transform existing corridors into great streets: tree-lined, moderate speed, multi-modal, good addresses"
 - Part H: "Plan employment in locations with access to walkable amenities and transit rather than in isolated locations"

Actions steps to achieve these goals include:

- Identify existing properties that are vacant or prime for redevelopment and initiate rezoning discussions with property owners. (Goal 1, 2 & 3)
- Support rezoning proposals that result in increased density around logical future transit stops, rail corridors and major transportation corridors. (Goal 4)

The Walker Park Neighborhood Master Plan, which was adopted in 2008 precedes the City Plan 2030, but guided its results.

The four key goals of the Walker Park plan were:

- Encourage a balance of uses and housing
- Improve connectivity and walkability
 - Key destinations
 - Key linkages
- Keep Jefferson Square as neighborhood core
- Create accessible greenspace

During the Walker Park discussions, zoning districts were chosen. Downtown General was chosen for most of East MLK between College Ave and Huntsville Road. The section between Wood and Willow was left out. This was done shortly after the 2008 Walker Plan was adopted. It seems now, with hindsight, and with the 2030 City Plan in place, this is a location that should be rezoned to Downtown General. There are numerous reasons, but they follow from above reasons.

Goal 1 of City Plan 2030: By rezoning this area to Downtown General, we will be creating infill and revitalization, and doing promoting densest development within ¼ mile of transit stops. We will allow for meeting Goal 3 which seeks to promote denser housing, varied housing and mixed-uses. We will also be moving towards densifying in highly walkable areas along transit corridors. We will also help move towards the achievement of Goal 4, which seeks to grow a liveable transportation network, by allowing for employment in with access to walkable amenities and transit, rather than in isolated locations. Again, the action steps to achieve City Plan 2030 goals 1-4 include rezoning. Rezoning this area would enhance the existing Walker Park Plan's goals of encouraging a balance of uses and housing, improved connectivity and walkability, and for keeping Jefferson Square as a neighborhood core, and with allowing the Jefferson Sq and Huntsville Road Entry to act as neighborhood commercial.

Kind Regards,

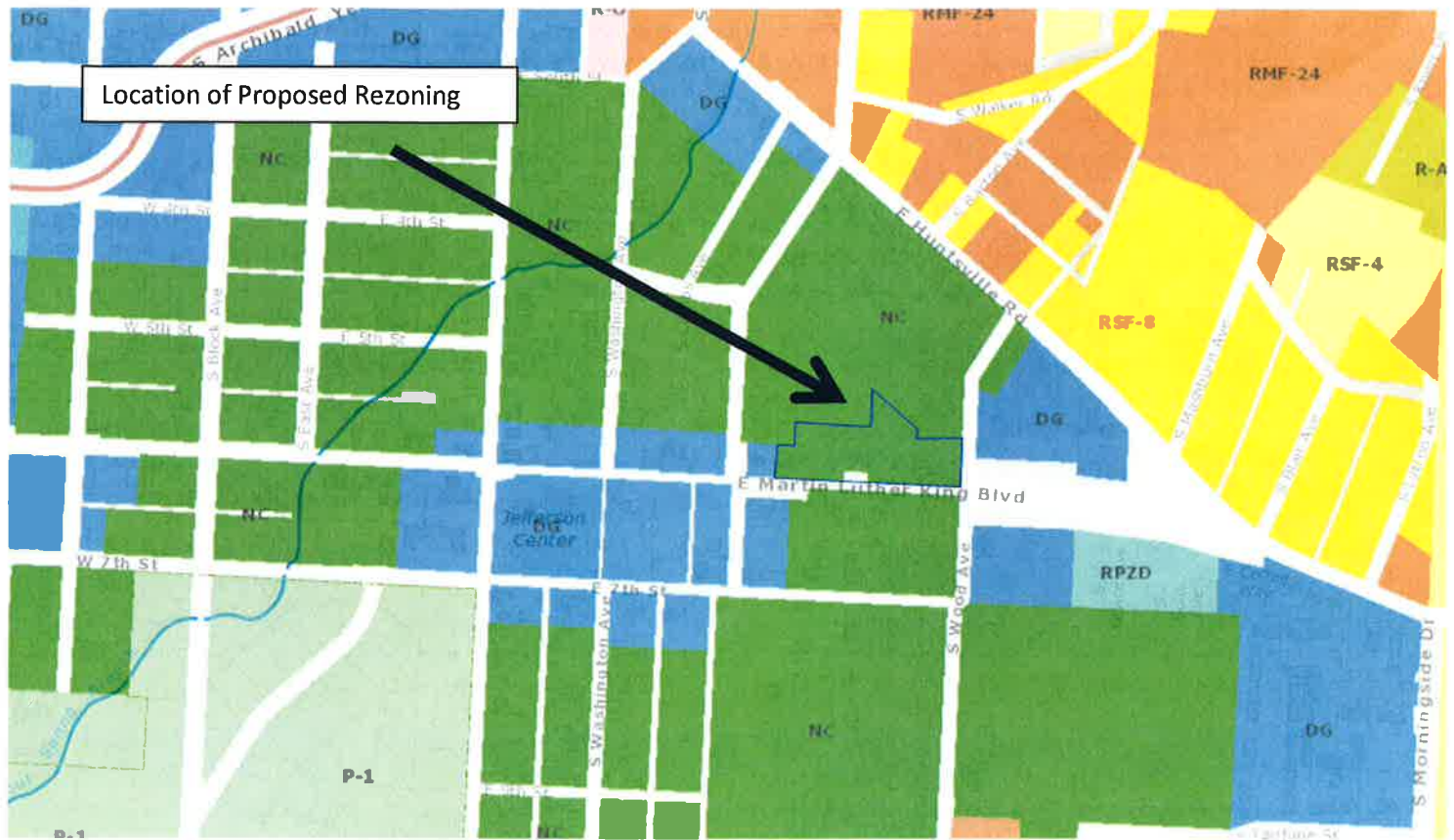
Zara Niederman

Zara Niederman

3VOLVE Housing, Director

Zoning Districts in South Fayetteville:

Showing that this location is consistent with neighboring zoning.



City of Fayetteville's Walker Park Master Plan:

Showing that increased density and development is encouraged in this location, according to the City Plan



City of Fayetteville's Walker Park Master Plan:

Showing that increased density and development is encouraged in this location, and that these locations are expected to grow.

neighborhood commercial



Huntsville Road Entrance

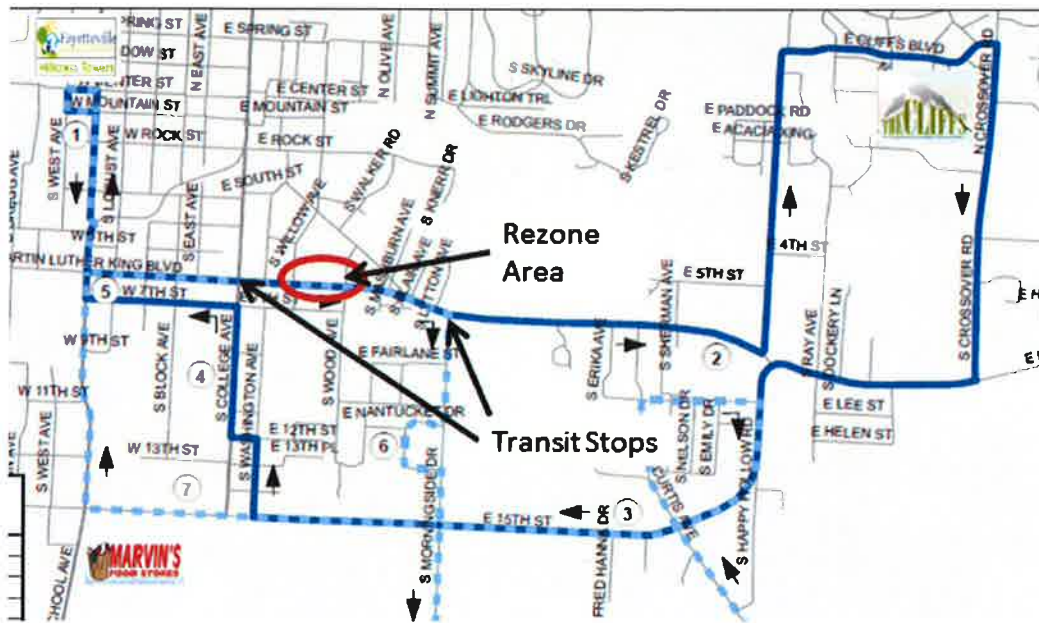


Jefferson Square



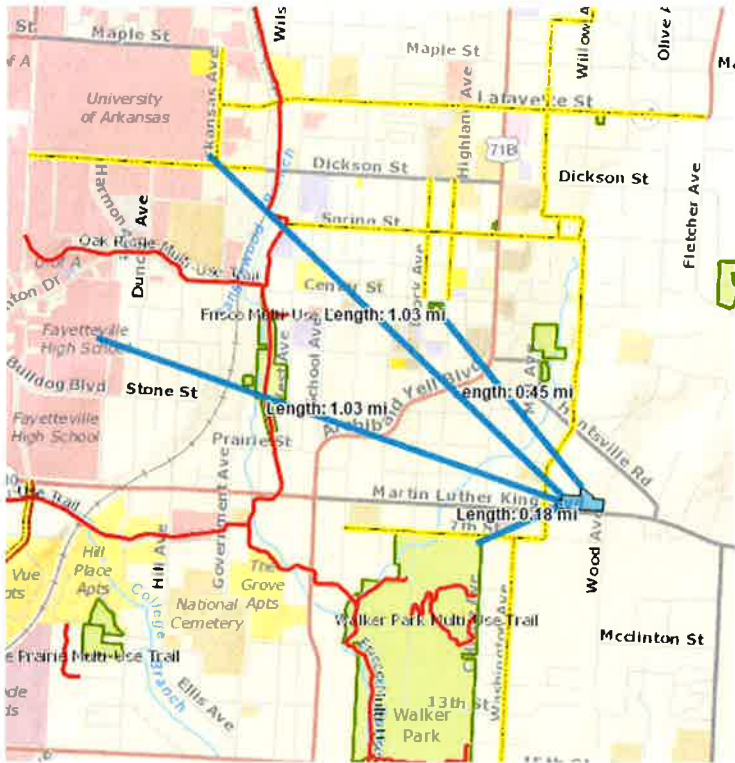
Ozark Regional Transit Map:

Rezoned area is within ¼ mile of 2 bus stops



Proximity to Employment , Recreation and Alternative Transportation:

Rezoned area is within 1 mile of major employment centers, walkable areas, and close to a large park and bike trail



Neighboring Lots:

The neighboring lots are for the majority empty, or are very deep and have houses situated far from this location, so denser development will have a muted impact on neighbors.



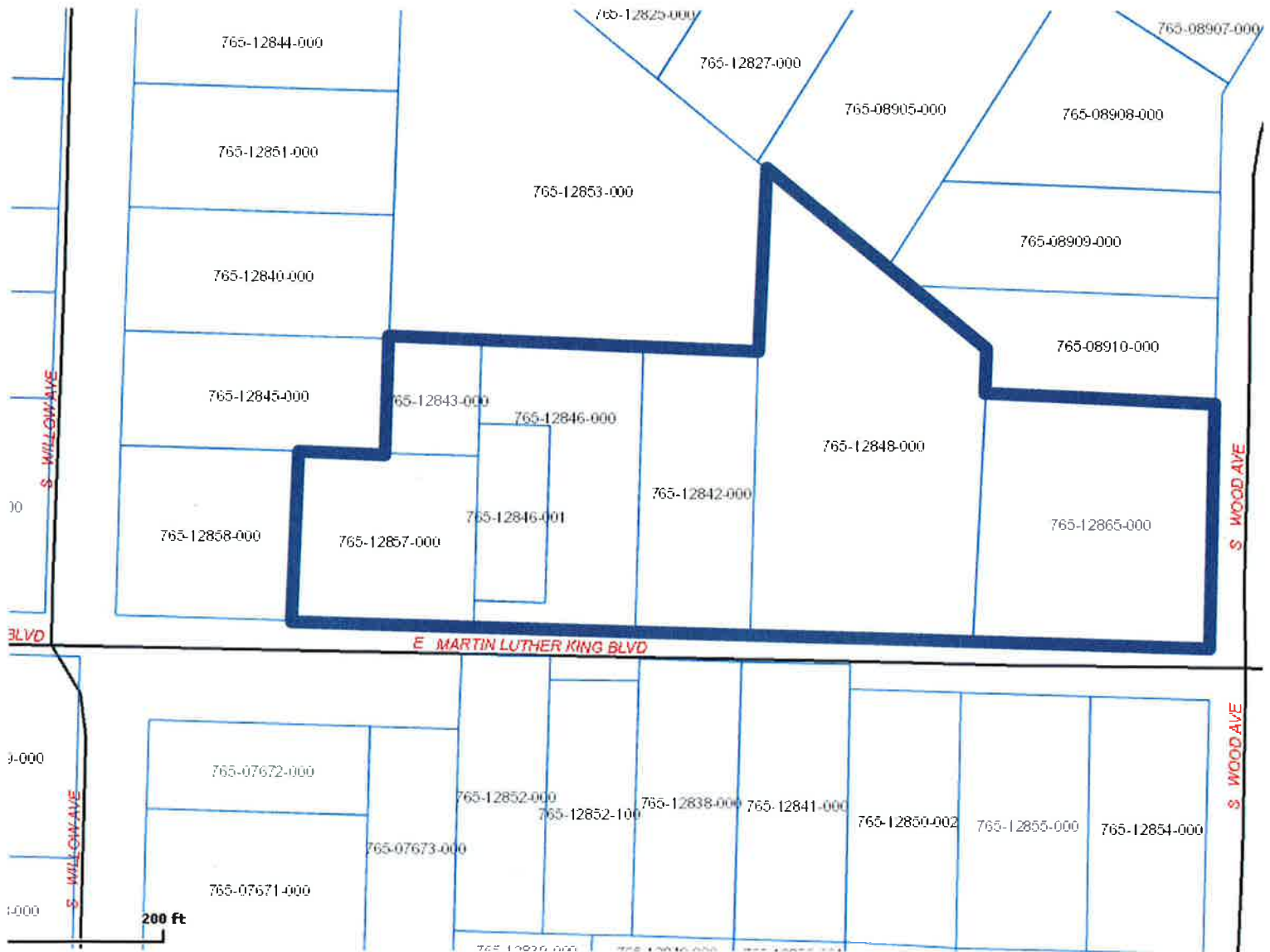
City Infrastructure:

2" CIP and 16" DIP



6" Sewer Lines Currently





Owners:

765-12857-000 Equity Trust Company Custodian
 765-12843-000 Equity Trust Company Custodian
 765-12846-001 6th Street Properties, LLC
 765-12846-000 6th Street Properties, LLC
 765-12842-000 HH Trust 2
 765-12848-000 Niederman Enterprises, LLC
 765-12865-000 C & L Trust

Neighbors

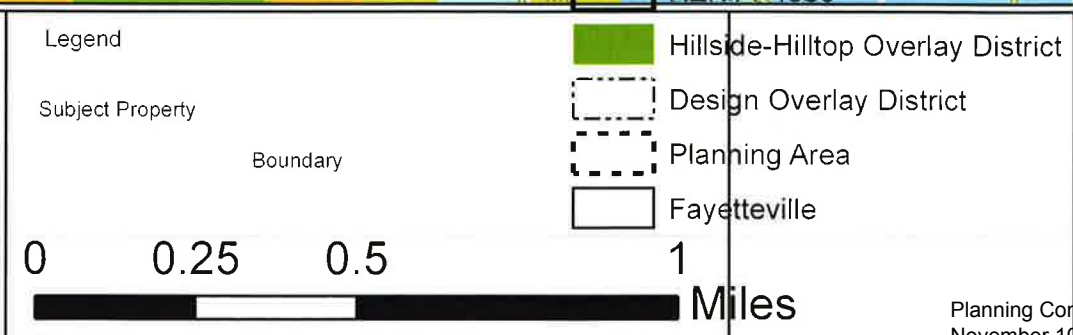
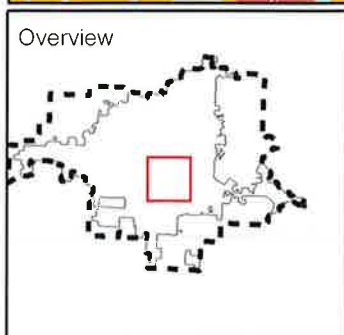
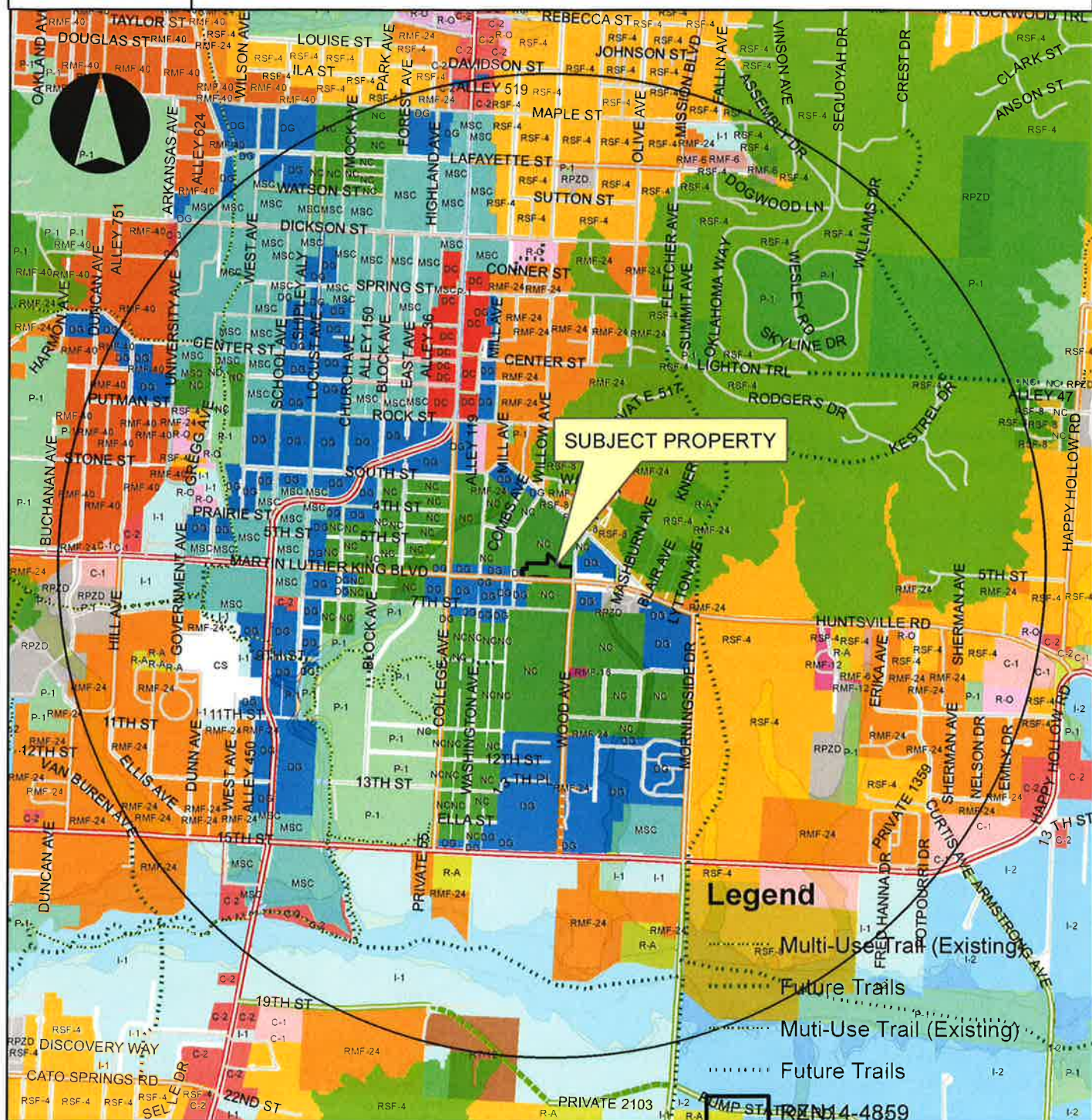
765-07672-000 John Backus, 7050 PLEASANT RIDGE DR FAYETTEVILLE, AR 72704
 765-07673-000 James C Hoover, 626 RIVERSIDE DR APT 23 D NEW YORK, NY 10031
 765-12858-000 Martin Vasquez, 302 E MARTIN LUTHER KING BLVD Fayetteville, AR 72701-6604

765-12845-000 CLARK, HARRY & MARY N 524 S Willow Ave Fayetteville, AR 72701-6153
765-12853-000 EBBRECHT, HARRY W & KATHRYN G ; EBBRECHT, SALLY, 416 S WILLOW AVE FAYETTEVILLE, AR 72701
765-08905-000 PINK MEADOW LLC, 200 S BARTON AVE FAYETTEVILLE, AR 72701
765-08909-000 HOOD, JAMES WILLIAM, 519 S Wood Ave Fayetteville, AR 72701-6155
765-08910-000 HOOD, JAMES WILLIAM, 519 S Wood Ave Fayetteville, AR 72701-6155
765-12852-000 Springer Trust, 1530 Hotz Dr, Fayetteville, AR 72701
765-12852-100 St James Trust, 1530 Hotz Dr, Fayetteville, AR 72701
765-12838-000 LOPEZ, JULIE, 401 E MARTIN LUTHER KING BLVD, FAYETTEVILLE, AR 72702
765-12841-000 MLK Trust, 1530 Hotz Dr, Fayetteville, AR 72701
765-12850-002 BOLING, DEREK & SUSAN, 431 E MARTIN LUTHER KING BLVD FAYETTEVILLE, AR 72701
765-12855-000 WEST, LAVADA L, 429 E MARTIN LUTHER KING BLVD Fayetteville, AR 72701-6606
765-12854-000 MULLINS PROPERTY MANAGEMENT LLC, 441 E MARTIN LUTHER KING BLVD

RZN14-4859

NIEDERMAN ENTERPRISES

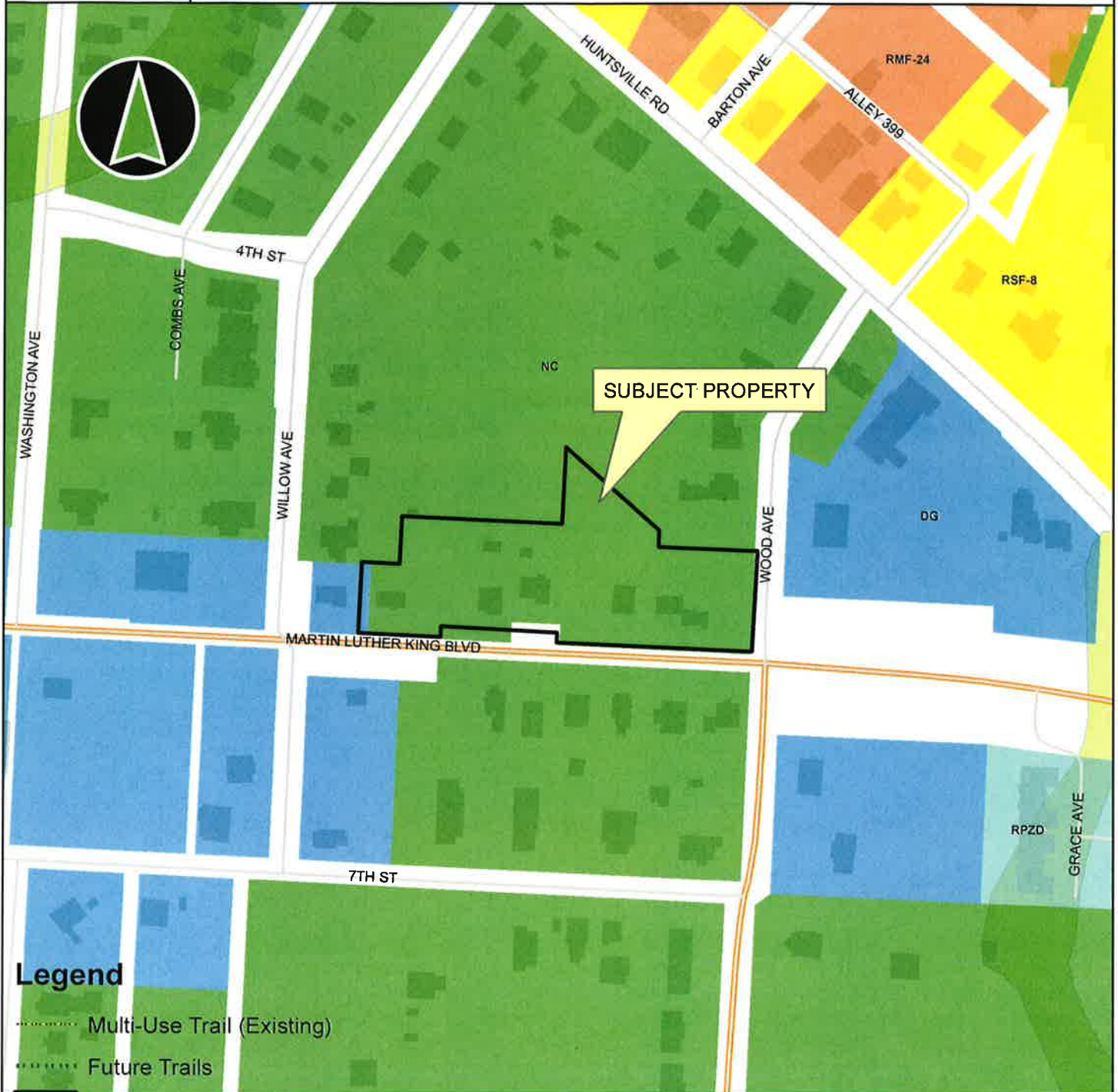
One Mile View



RZN14-4859

NIEDERMAN ENTERPRISES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview RZN14-4859

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



RZN14-4859

Current Land Use

NIEDERMAN ENTERPRISES



Overview Future Trails

RZN14-4859

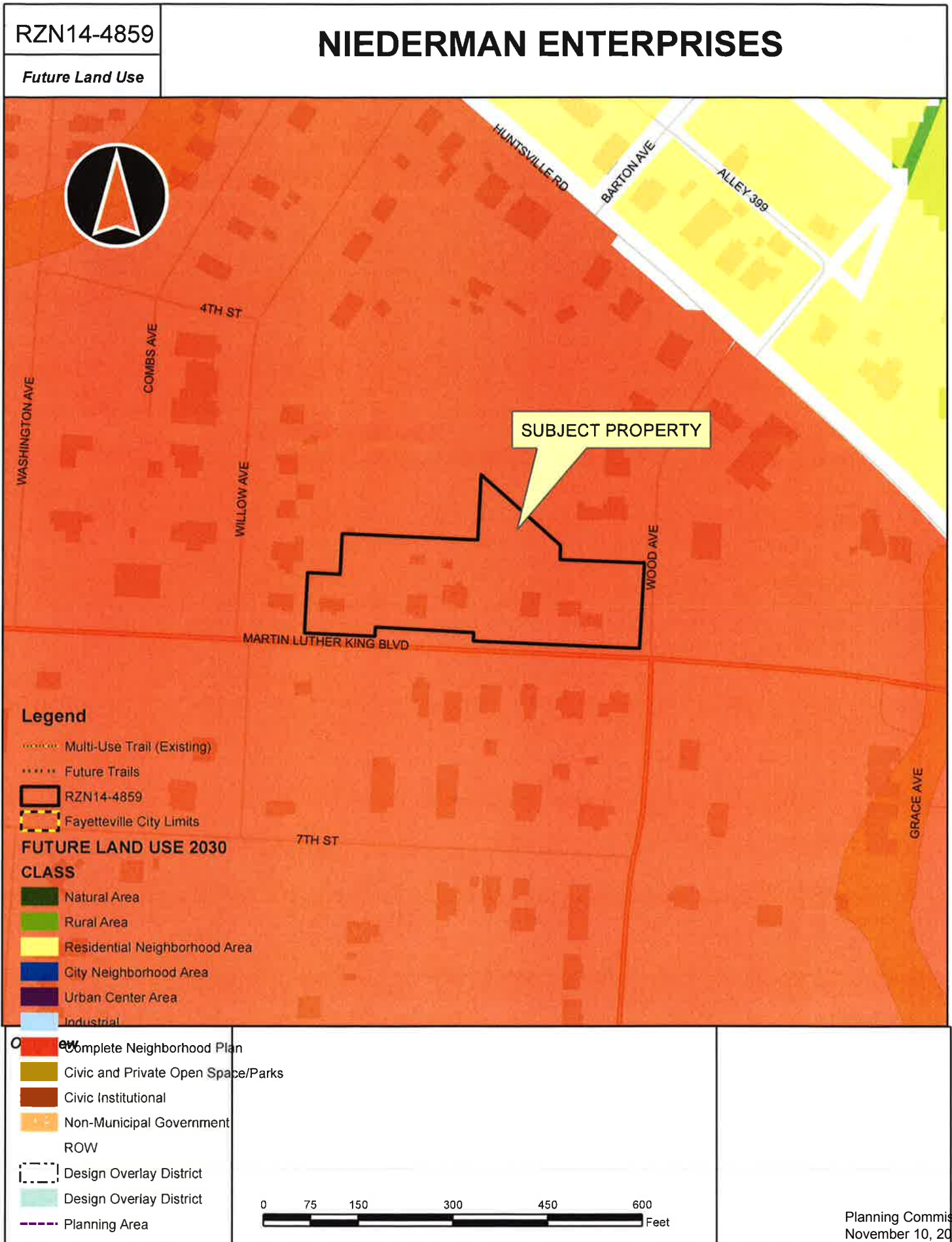
Fayetteville City Limits

Footprints 2010

Design Overlay District

Planning Area

0 75 150 300 450 600 Feet





Walker Park Murals

Walker Park Neighborhood Master Plan



Walker Park southeast entrance.



Charrette team touring the plan area.



Adopted Resolution 19-08
February 5, 2008



Residence in plan area.



Jefferson Building Mural

Walker Park Neighborhood

Charrette Team

Matt Casey	Julie McQuade
Tim Conklin	Matt Mihalevich
Neil Heller	Karen Minkel
Sarah House	Leif Olson
Kristina Jones	Jeremy Pate
Alison Jumper	Dara Sanders
Jordon Lemaster	

Mayor Dan Coody

City Council

Nancy Allen	Lioneld Jordan
Kyle Cook	Shirley Lucas
Bobby Ferrell	Robert Rhoads
Adella Gray	Brenda Thiel

Planning Commission

Jill Anthes	Christine Myres
Lois Bryant	Alan M. Ostner
Matthew Cabe	Sean Trumbo
James Graves	Porter Winston
Audy Lack	

Neighborhood Leaders

Jefferson/Walker Neighborhood Association
Ralph Nesson
Stan Lancaster

Jennings Plus Neighborhood Association
Alan Ostner

Town Branch Neighborhood Association
Aubrey Shepherd
Jennifer Creel

Participants

Nancy Allen	Ron Farrar	Christine Klinger	Jessie Pettit
Alan Alton	Stella Farrar	Tim Klinger	Matthew Petty
Jill Anthes	Ron Farrow	Diane Knight	Matt Powell
William Baker	Stella Farrow	Ed Knight	Phil Pumphrey
Alice Beetz	Andy Feinstein	Cindy Krieg	Johnny Quinn
Valerie Biendara	Julie Feinstein	Tim Kring	Bill Ramsey
Bob Billig	Joy Fox	Marian Kunetka	Joan Reynolds
Jennifer Billig	Heather Friedrich	Audy Lack	Brian Robinson
Sage Billig	Jesse Fulcher	Jim Laessig	Louise Roger
Kay Blevins	Todd Furgason	Lyn Laessig	Louise Rozier
Adam Blockes	Julie Gabel	J Land	Orion Russell
Justin Bondi	Louise Gamache	Anne Landrum	Steve Rust
Mary Bost	Alex Garrett	Rob Lewis	Fredia Sawin
Virginia Boyd	Jimmy Glen	Randl Lieb	Rob Sharp
Carolyn Bradford	Steve Golden	William Little	Aubrey Shepard
Patsy Brewer	Weeda Gooding	Mary Loots	Rose Smith
Jessie Bryant	Bryan Gott	Rick Loots	Joann Southern
Ben Buinaivto	Adella Gray	Claudette Lunsford	Jarrod Spradling
Matthew Cabe	Lance Gregory	Daniel Maner	Gary Stacy
Wendy Carr	Casey Hammaker	Chris Martin	Liz Stover
Bob Caulk	Chris Hammaker	Maureen McClung	Mark Sugg
Mary Charlton	Darcy Harris	Margaret McGinnis	Gary Tenhaken
Mac Childs	Eric Hartwell	Paul McGowen	Jeremy Tenhaken
James Christie	Gary Harvey	Skye McGowen	Brenda Thiel
Karla Christie	Carla Harwell	Katie Mihalevich	Julia Thoma
John Coleman	Pat Hennon	Shirley Miller	Garland Thomas
Shaune Colwell	Mike Hills	Dan Minkel	Linda Thomas
Wade Colwell	Steve Hintz	Julie Minkel	Mike Thomas
Kyle Cook	Morgan Hooker	Justin Minkel	Kathy Thompson
Keith Cooper	Lib Horn	Joanne Nabholtz	Todd Thompson
Laverne Cooper	Mary House	Ralph Nesson	Carry Trainor
Amanda Cross	Sarah House	Lisa Netherland	Larry Trainor
Rachel Cruce	Todd Jacobs	Virgil Neuroth	Peggy Treiber
Ward Davis	Harriet Jansma	Hamsakurth Newmark	Dirk Van Veen
Sharon Davison	Joel Jewell	Moshe Newmark	Nancy Varvil
Dan Dean	David Johnson	Randy Nix	Dan Wagner
Mareau Donley	Jason Jones	Susan Nix	Nellie Wagnon
Richard Earles	Linda Jones	Chester Nuramor	Tony Wappel
Sandra Easley	David Jurgens	Alan Ostner	Dave Westbrook
Corey Edwards	Laura Kelly	Emily Parker	Garia Wiggins
Mike Ehaila	Quinn Kelly	Linda Parnell	Courtney Williford
Mike Ehrig	Mike Kendall	Aubrey Pate	Paula Williford
Bob Lee Ennis	Mark Kinion	Jared Pebworth	

Special thanks to...

Fayetteville Chamber of Commerce
Fayetteville Community Resources Division
Fayetteville Economic Development Council
Fayetteville Engineering Division
Fayetteville Housing Authority
Fayetteville Parks and Recreation Division
Fayetteville Public School District
Fayetteville Senior Center
Habitat for Humanity
University of Arkansas School of Architecture



Walker Park Neighborhood

Executive Summary

Why Plan?

The Walker Park Neighborhood embodies significant portions of Fayetteville's history as one of the oldest neighborhoods in the City and former home to notable Fayetteville and Arkansas figures such as Archibald Yell. Changes over time have shaped the neighborhood's development pattern as the area shifted from a predominantly rural area to a modest extension of downtown neighborhoods to an area zoned for multi-family housing. Development pressure is inevitable given the area's proximity to Downtown and the Arkansas Research and Technology Park. Planning enables stakeholders to influence the form of future development by setting forth a vision document that encourages traditional neighborhood development and sustainability.

Guiding Principles

Close to 200 citizens offered input on the vision for the Walker Park Neighborhood Master Plan September 21-27. During the charrette process, the diverse voices and opinions of the residents, business owners and other stakeholders converged to shape four guiding principles.

The neighborhood has a **balance of uses and housing**, and stakeholders want the zoning and other City regulations to reflect and encourage that balance. This means the neighborhood will retain and develop a variety of housing types for different income levels and retain and develop neighborhood commercial nodes that serve the neighborhood residents as well as the nearby employment centers. There is also an emphasis on **connectivity and walkability**. Connection of the street grid and improved pedestrian mobility between key destinations will unify the neighborhood, making it more sustainable over time. Third, creating **Jefferson Square as a core of the neighborhood** will help to preserve some of the rich history embedded in the Jefferson Building and create a neighborhood center. Last, **accessible greenspace** in the form of community gardens throughout the neighborhood and additional uses and access points to Walker Park will capitalize on existing resources within the neighborhood and provide function and beauty for both residents and visitors.

Implementation

The vision document provides implementation steps for the short-term (0-5 years), mid-term (6-10 years) and long-term (10+ years). While the illustrative plan captures a vision for final build-out, the action steps provide a roadmap for achieving the vision. Some of the short-term goals include rezoning the study area and adding the proposed streets to the Master Street Plan. Mid-term goals include completing a Master Plan for Walker Park and adding or repairing existing sidewalks. Long-term goals include transitioning South School Avenue from a five-lane arterial to a principal arterial boulevard.

The ultimate vision will only become a reality through collaboration and cooperation among different stakeholder groups and partnerships between the public, private and non-profit sectors. Some of the short-term goals, including rezoning the neighborhood with a form-based code, can be initiated by the City, but infill development and the addition of neighborhood commercial establishments will only occur through coordinated efforts between the public and private sectors.

This Plan serves as a guide for enhancing the Walker Park Neighborhood by building upon its rich history and traditional neighborhood design. Its implementation depends upon a firm commitment and concerted efforts from all relevant stakeholder groups.

Walker Park Neighborhood

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Master Plan

Walker Park Neighborhood

How the plan was created

City Plan 2025, Fayetteville's comprehensive future land use plan, passed the City Council unanimously on July 17, 2006. One of the stated objectives in City Plan 2025 was to produce a complete neighborhood plan each year using a charrette process in order to maximize public participation. The Walker Park Neighborhood area was chosen and approved by the City Council on March 6, 2007. Long Range Planning staff headed a team composed of City staff from the Parks, Engineering and Current Planning divisions as well as a local graphic designer to facilitate an open public participation process for the Walker Park Neighborhood. Over the course of several months and a seven-day intensive charrette, close to 200 community residents, business owners, university architecture students and elected and appointed officials offered input for the neighborhood vision.

Charrette Preparation

Staff began gathering information three months prior to the charrette, meeting with groups that live or work within the neighborhood boundary, including presidents of neighborhood associations, business owners, housing groups, senior citizen groups and City staff from police, code compliance and parks. In addition, staff compiled a series of analysis maps that reflected environmental constraints, land use, property ownership and existing right-of-way.

The charrette team also sought to maximize public participation by sending save-the-date postcards to each resident and property owner within the neighborhood and providing yard signs to residents and businesses. Flyers were also distributed in English and Spanish through Legal Aid of Northwest Arkansas, the neighborhood Head Start program, Adult Education Center and community leaders. Staff publicized the charrette through presentations at the Senior Center, Nantucket apartments, a Ward 1 meeting, the Council of Neighborhoods, and a business owner meeting co-sponsored by the Fayetteville Economic Development Council and the Chamber of Commerce. Two public service announcements aired on the Government Channel during the six weeks prior to the charrette, and an "Ozarks at Large" interview with Ward 1 Aldermen, City staff, local business owner Rob Lewis, and Lib Horn and Laura Kelly, two longtime residents, aired on the local public radio station in the weeks before the charrette.

WHAT IS A CHARRETTE?

Charrette is a French word that translates as "little cart." At the leading architecture school of the 19th century, the École des Beaux-Arts in Paris, students would be assigned a tough design problem to work out under pressure of time. They'd continue sketching as fast as they could, even as little carts—charrettes—carried their drawing boards away to be judged and graded. Today, "charrette" has come to describe the rapid, intensive, and creative work session in which a design team focuses on a particular design problem and arrives at a collaborative solution.



Illustration Source:
National Charrette Institute

Walker Park Neighborhood

Neighborhood Tours

The charrette team also conducted two separate walking tours with neighborhood residents, enabling the team to capture photos of the different architectural styles in the neighborhood, identify potential infill areas and note the existing network of streets and blocks. Residents identified unique characteristics of the neighborhood as well as areas of concern.

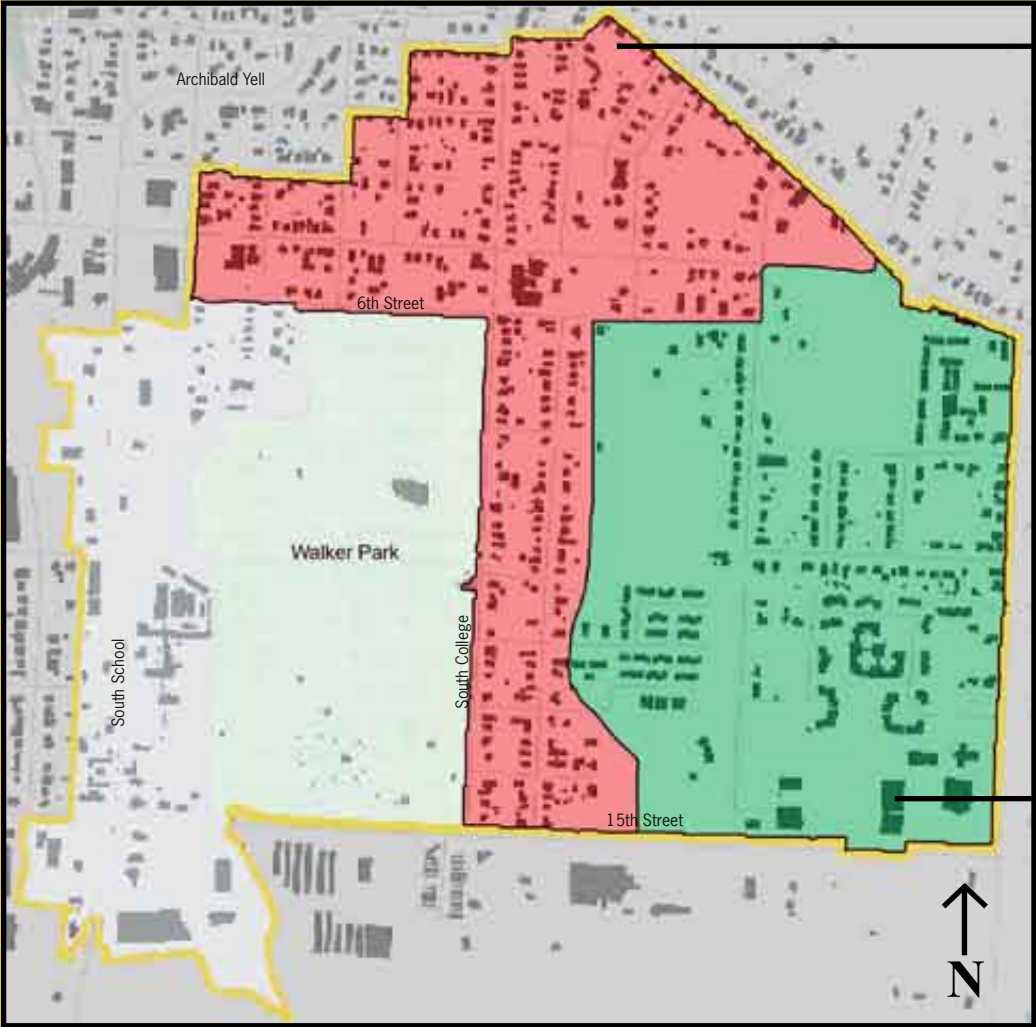
2007 Imagery



Charrette Team and neighborhood residents tour plan area.

Walker Park Neighborhood

Residential Development Patterns



Traditional Block and Street Layout

A large part of the Walker Park Neighborhood was surveyed and platted in a traditional block pattern. This is especially true for the area south of Archibald Yell Blvd. to 15th St. and east to Wood Ave. The street pattern was laid out in irregular square or rectangular blocks that varied in length but were in general 300 to 700 feet. Street intersections are at perpendicular angles with a characteristic north-south and east-west orientation. Town plats developed in this era were not overly receptive to the existing topography, creating some steep streets going uphill toward downtown. The layout of the original town square of Fayetteville predetermined the spacing and location of the natural extension of north-south streets such as Locust, Block, Church and South College. Additionally, the original plats laid out the north-south oriented streets with a wider right-of-way, up to 60 feet, than the east-west streets which normally had 40 feet of right-of-way. Most of the residential streets have paved widths that vary between 20 and 30 feet. Some of the neighborhood was platted prior to 1908 according to the official City of Fayetteville map at the time.

Lot Layout – 1900 to 1950s

A cursory review of property deeds in the Walker Park Neighborhood shows that many of the first structures were constructed beginning in the 1920s, with the majority of the residential construction occurring in the 1930s and 1940s. These lots typically have narrow street frontage, 50-60 feet, and are relatively deep, 100-120 feet. This type of lot layout dictated that the homes were narrow and oriented toward the public right-of-way. Shallow front building setbacks encouraged homes with front doors and porches facing the street.

Parking was addressed in a variety of ways. Blocks where alleys were constructed allowed for rear access to the residential properties. Front-loaded driveways located on the property edge allowed vehicular access to parking alongside the home or in the rear yard. Additionally, on-street parking was utilized on most of the low traffic residential streets.

Lot Layout – 1950s to Present

A portion of the area on the eastern side of the Walker Park Neighborhood was platted in the late 1950s and early 1960s. These subdivisions were platted with wide and shallow lots in order to construct the ranch style homes that were common through the 1970s. The street layout, often consisting of looping streets and cul-de-sacs, was not as connected as the blocks that were platted in earlier times. This pattern of development has been the standard from the 1950s to present. In fact, this type of development has become so common that it is generally referred to as “conventional” versus the older “traditional” layout. Additionally, cultural changes during this era emphasized back yards over the previous “porch culture,” which was a natural extension of the street-oriented building form prior to World War II.

Walker Park Neighborhood

Hillsides, Floodplains and Topography



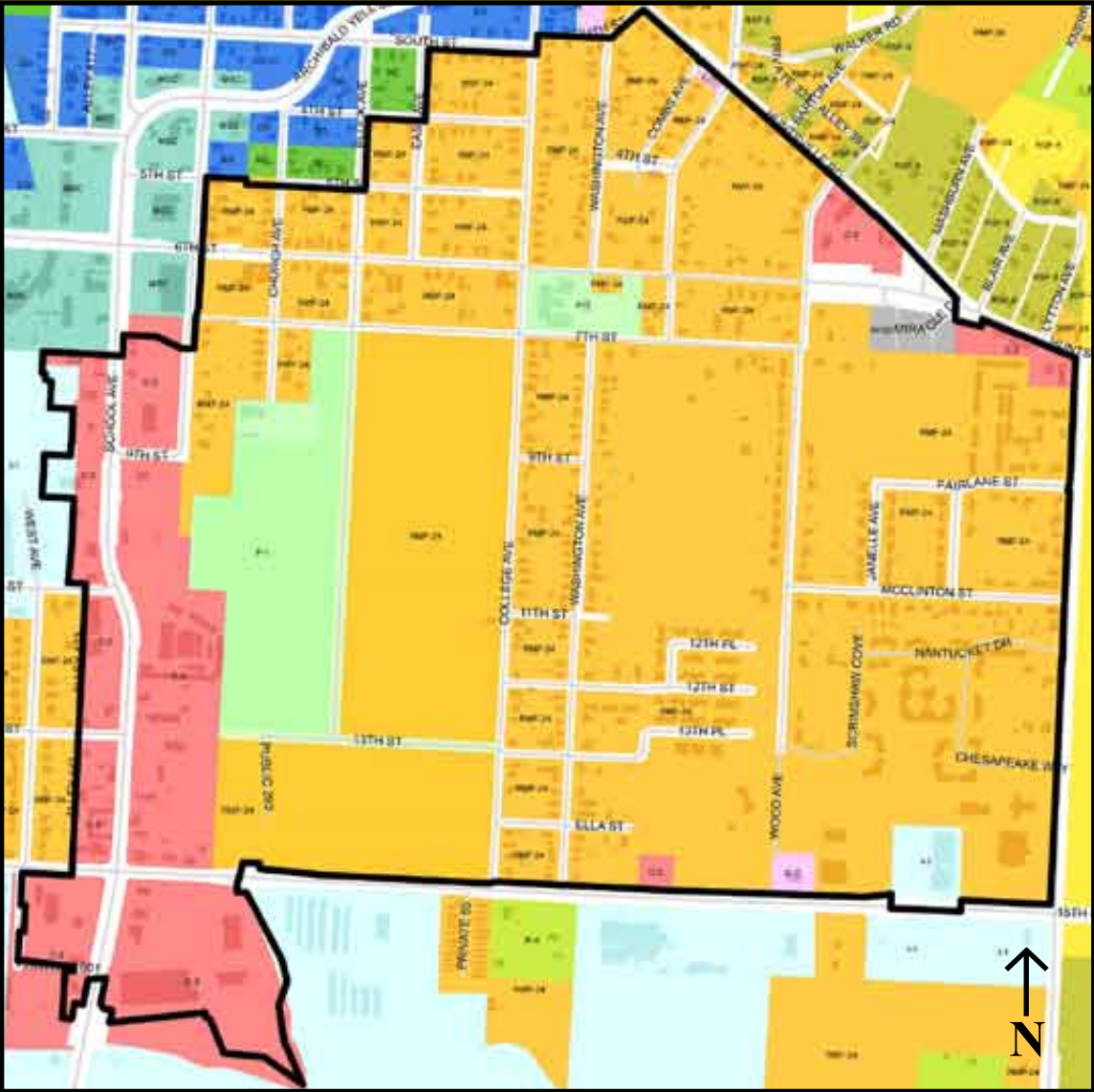
The Walker Park Neighborhood has a gently sloping topography with fertile and stable soils. The neighborhood is bisected by Spout Spring Creek which runs from north to south, and the highest point of elevation in the neighborhood is the Waxhaws home site.

Legend

- 10' Contours
- Foot Prints 2007
- Walker Park Neighborhood Master Plan Area
- Hillside-Hilltop Overlay District
- 100 Year Flood (Land Use)

Walker Park Neighborhood

Current Zoning



The majority of the Walker Park Neighborhood is currently zoned RMF-24 (Residential Multi-family, 24 units per acre), which allows all types of single-, two- and multi-family residential dwelling units up to a maximum density of 24 dwelling units per acre. This zoning has been in place since at least 1970.

Walker Park Neighborhood Area Zoning Make-up

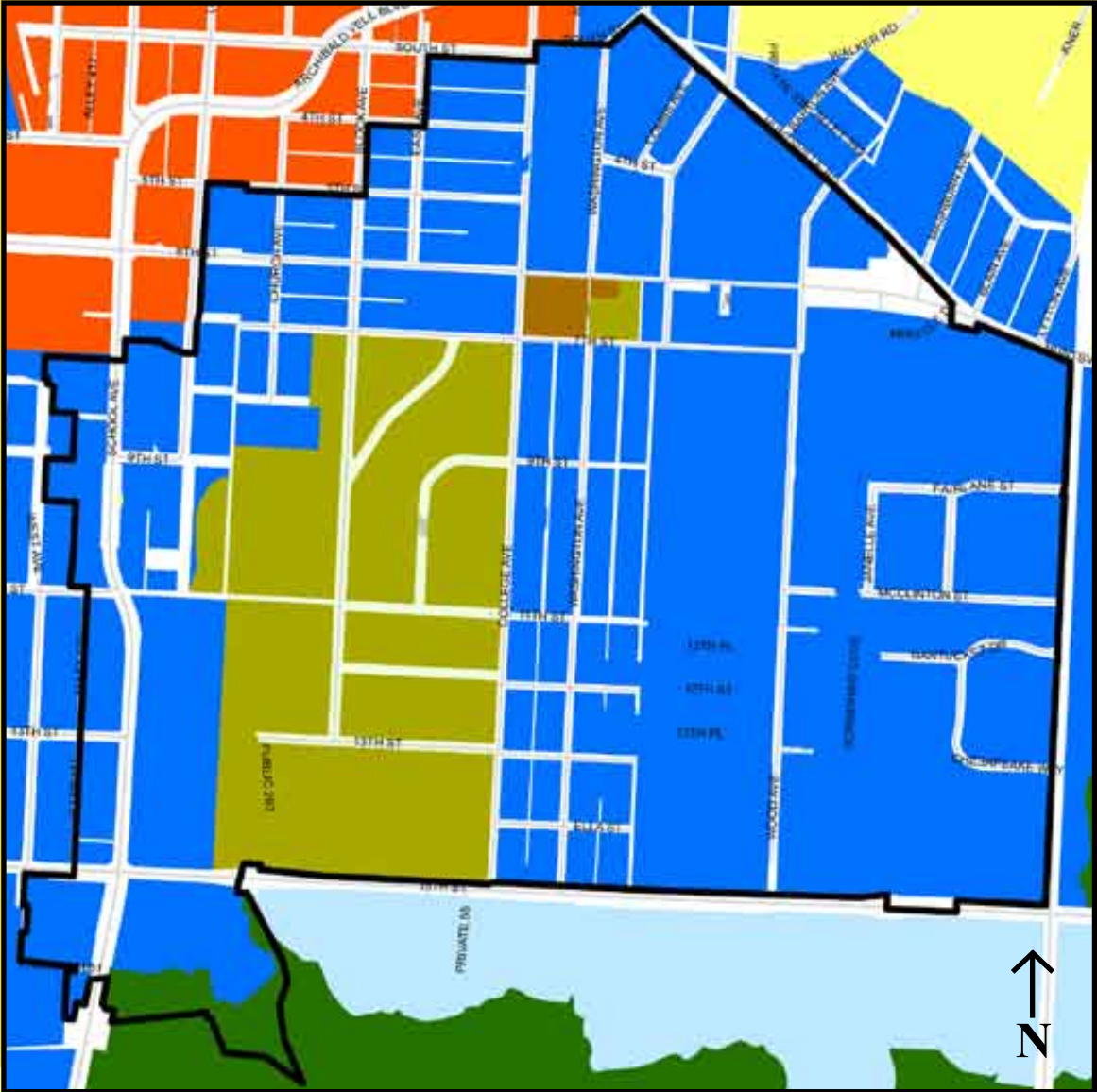
Multi-Family	75%
Commercial	22%
Industrial	1%
Institutional	1%

Legend

	Walker Park Neighborhood Master Plan Area					
	R-A		R-O		NC	
	RSF-4		C-1		MSC	
	RSF-8		C-2		DG	
	RMF-24		P-1		I-1	
	R-PZD					

Walker Park Neighborhood

Future Land Use



As defined in the City's adopted future land use plan, City Plan 2025, City Neighborhood Areas are a denser and primarily residential urban fabric. Mixed and low-intensity nonresidential uses are usually confined to corner locations. These areas have a wide range of residential building types: single, sideyard and rowhouses. Setbacks and landscaping are variable. Streets typically define medium sized blocks with a high level of connectivity between neighborhoods. City Neighborhood Areas recognize conventional strip commercial developments but encourage complete, compact and connected neighborhoods.

Source: *City Plan 2025*, City of Fayetteville, Arkansas

Legend

Walker Park Neighborhood Master Plan Area

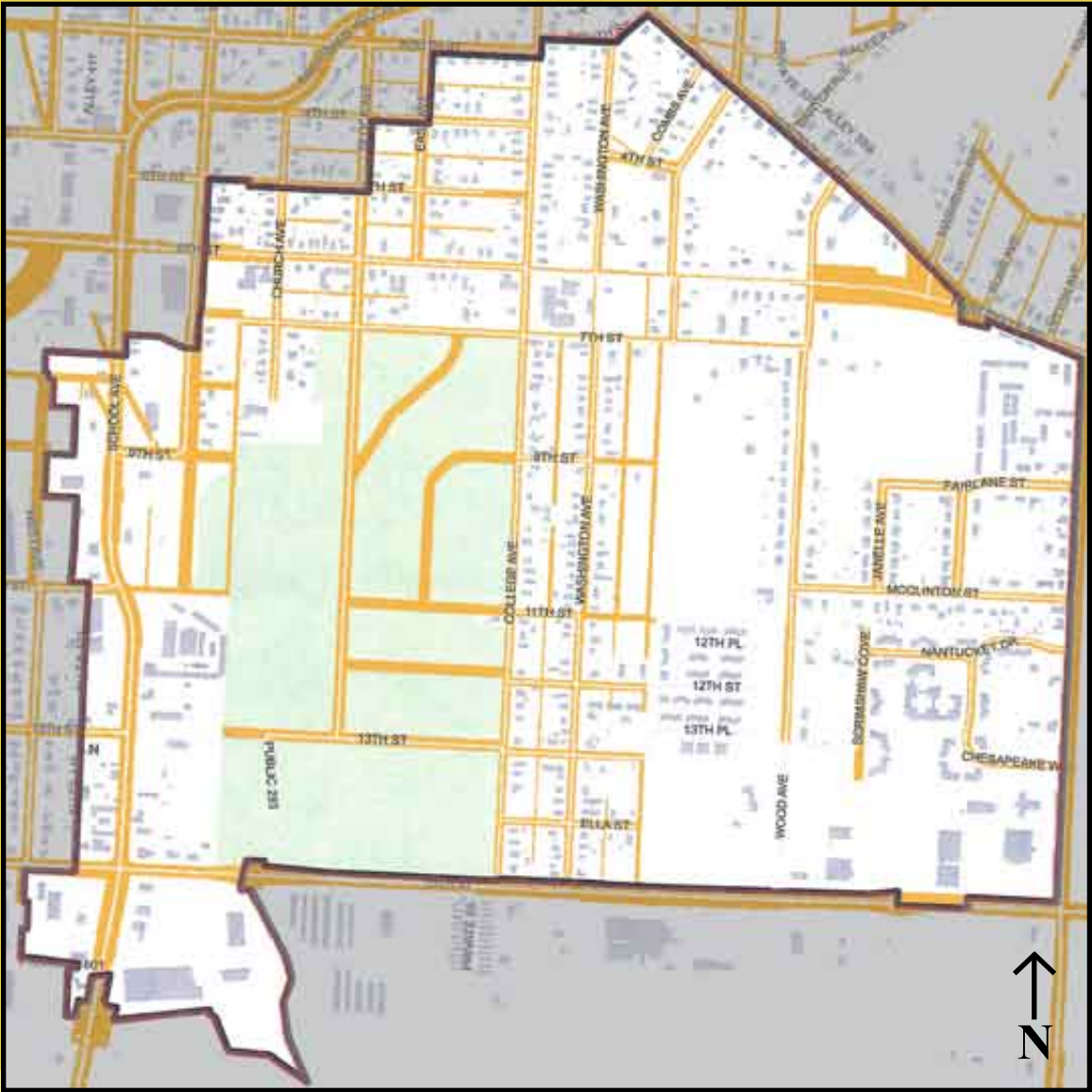
FUTURE LAND USE 2025

CLASS

- | | | |
|--|--|------------------------------------|
| | | Natural Area |
| | | Rural Area |
| | | Residential Neighborhood Area |
| | | City Neighborhood Area |
| | | Industrial |
| | | Complete Neighborhood Plan |
| | | Civic and Private Open Space/Parks |
| | | Civic Institutional |
| | | ROW |

Walker Park Neighborhood

Existing Right-of-Way



A significant amount of right-of-way exists that was originally platted in the neighborhood but in which streets were not constructed. The right-of-way map illustrates the street system that was initially planned for this area.

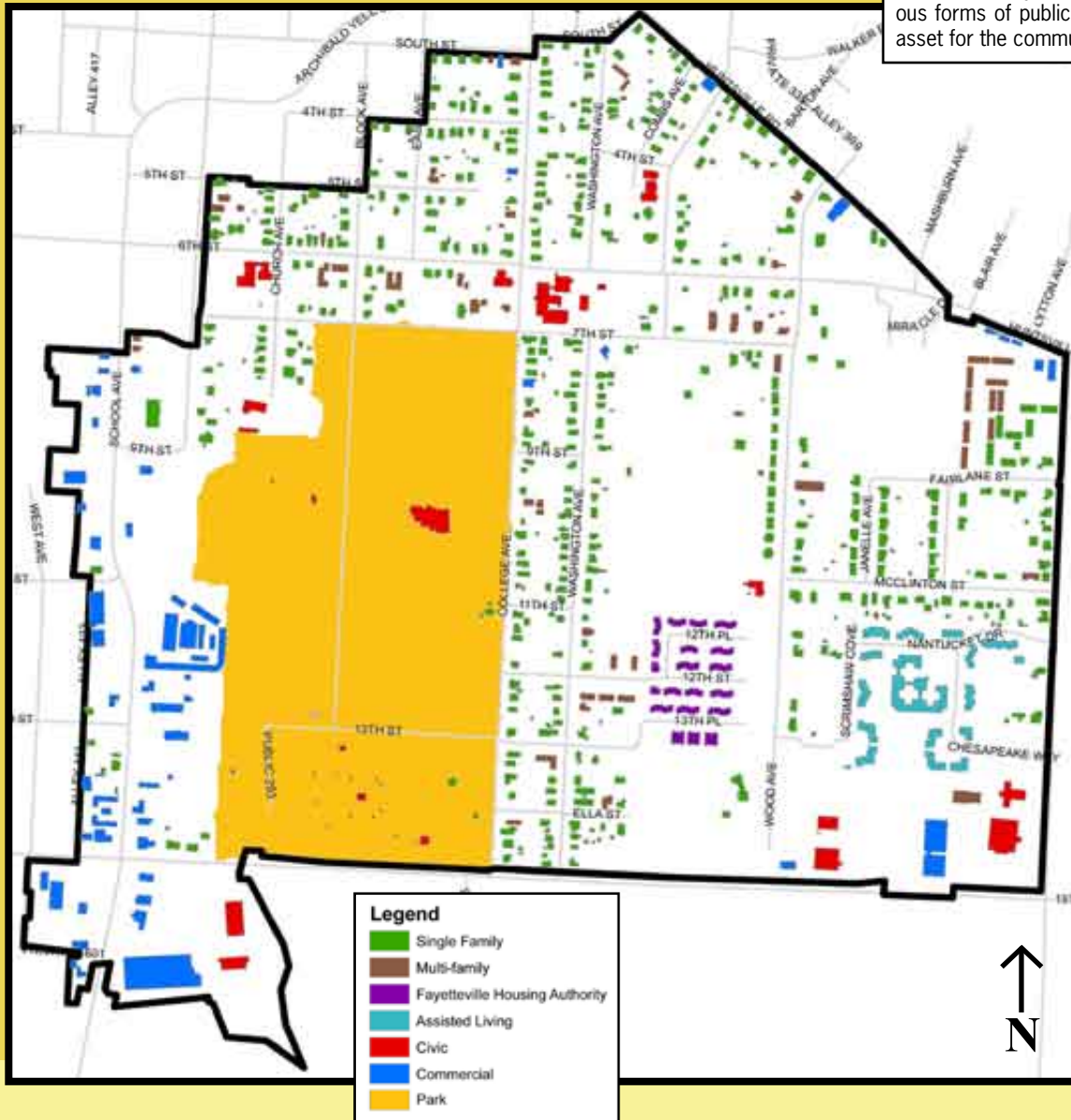
Legend

- Walker Park Neighborhood Master Plan Area
- Street
- ROW

Walker Park Neighborhood

Existing Residential Land Uses

The Walker Park Neighborhood has a diverse mixture of housing, which is primarily single-family with multi-family housing spread intermittently throughout the neighborhood. There are also various forms of public and senior housing. The diversity of the housing types and densities is an asset for the community because it provides a broad range of housing choices and price points.



Single-family Housing

The majority of the neighborhood is single family. The first homes were mostly modest bungalows and craftsman style homes with a few elaborate farm houses and Victorian style homes sprinkled throughout. The initial construction phase lasted into the 1940s. These homes are small by today's standard, most with less than 1,000 square feet of living area. Many of these original structures have been maintained, and the area is still relatively affordable in comparison with other areas of the City. Currently, many of these older traditional homes are being remodeled and rehabilitated throughout the Walker Park Neighborhood.

The second major wave of single family developments began in the 1950s and was built in the "ranch house" style. Ranch homes are characterized by being wider at the street than they are deep and are typically single story with low sloped roofs and a garage or carport on one end of the house.

Infill housing has been occurring throughout the last century. Vacant lots have been built upon and dilapidated housing has been removed and replaced. Over time, change has brought a great deal of diversity to the single-family housing stock.

Multi-family Housing

There are few examples of multi-family housing built prior to the 1960s. Most of the multi-family housing that now exists was developed after this area was zoned for multi-family units in 1970. This zoning allows individuals to acquire adjoining lots and develop apartment complexes. The neighborhood has a variety of multi-family housing types and densities consisting of duplexes, triplexes and multiple units.

Public Housing

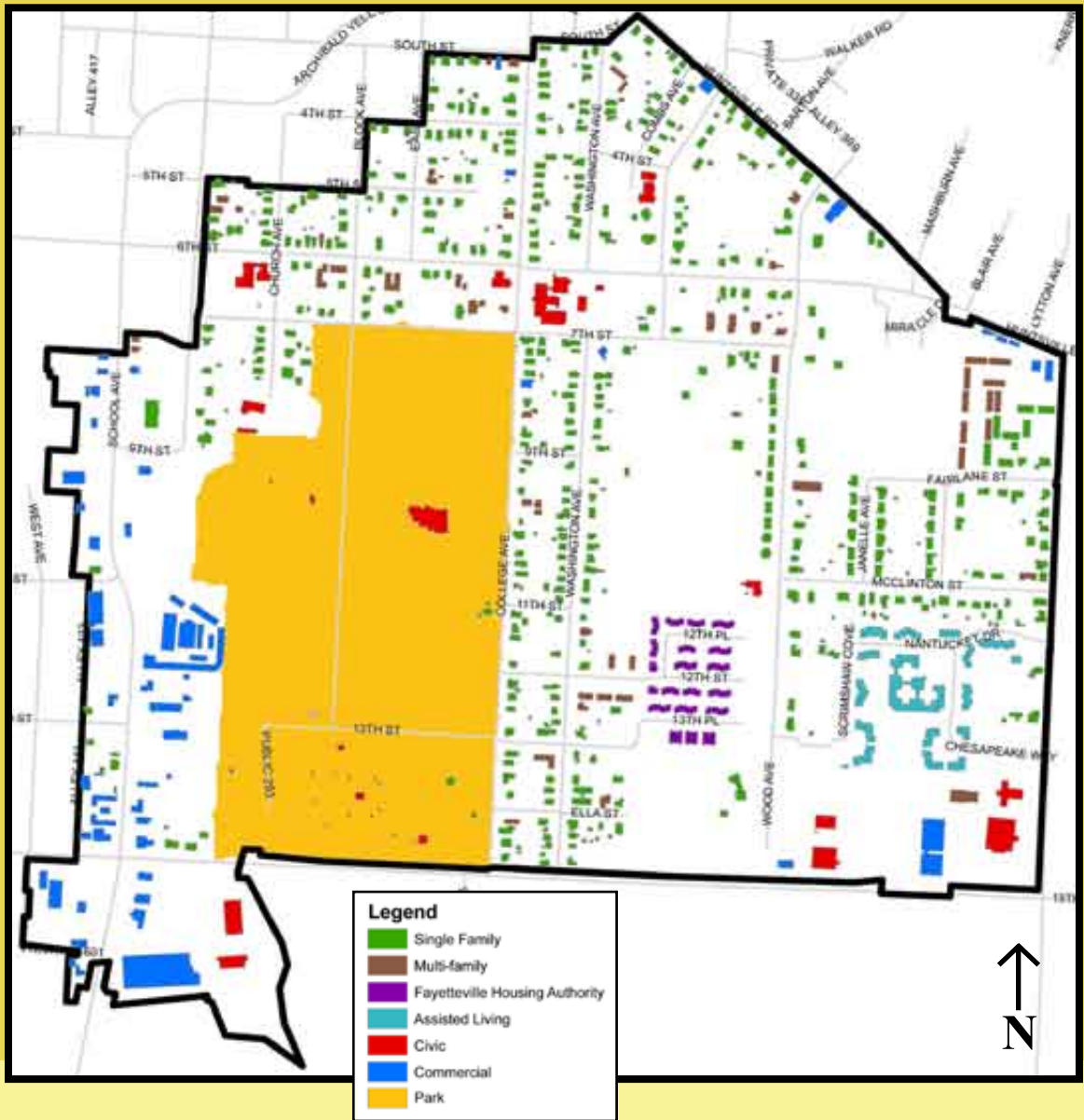
The Fayetteville Housing Authority manages Morgan Manor Apartments, which is located off of Washington Avenue, for eligible low-income elderly and disabled families.

Senior Housing

Nantucket, an assisted living multiple family project, was recently constructed and is currently being expanded.

Walker Park Neighborhood

Existing Non-Residential Land Uses



Civic Uses

The Walker Park Neighborhood has a diverse mixture of civic uses. These uses produce a sense of neighborhood continuity and provide critical services. Civic uses include:

- The Fayetteville Senior Center
- Northwest Arkansas Head Start
- Churches of various denominations
- The Jefferson Building
- Adult Continuing Education Center

Neighborhood Commercial and Retail

The length of South School Avenue within the Walker Park Neighborhood contains primarily commercial uses. This area has a variety of businesses that provide neighborhood and regional goods and services. Automobile sales and repair, restaurants, convenience retail, grocery and liquor stores are located on this corridor. The site development of this area is auto-oriented, with most of the parking provided in front of the businesses along the street. The relatively low intensity of the commercial development in this corridor allows for significant redevelopment and infill opportunities in the future.

Open Space and Parks

Walker Park is approximately 64 acres and by far the largest area of open space within the Walker Park Neighborhood. Smaller pieces of open space exist within the neighborhood but most of these, excluding City right-of-way, are in private ownership and are anticipated to be developed at some point in the future.

Walker Park Neighborhood

The Charrette

The charrette began on September 21, 2007 with an ice cream social Kick-off in Walker Park. The event featured storytelling from Jessie Bryant, Kit Williams and Ralph Nesson as they reminded the crowd of approximately 70 people of the rich history in the neighborhood and the importance of planning for the future. Mayor Dan Coody and Alderwoman Brenda Thiel also encouraged citizens to get involved with the Master Plan process and honored the figures depicted in the Walker Park mural as well as the artists who completed the painting.

Community members gathered at the Fayetteville Senior Center on Saturday, September 22 for the hands-on design workshop. Approximately 60 people attended for the three-hour session. Karen Minkel, Senior Long Range Planner, began the session with a “Food for Thought” presentation that highlighted traditional planning practices, community planning and smart growth principles. Participants then worked in groups of 8-10 people to reach a consensus about the things they value most in the Walker Park neighborhood. The groups then participated in a visual preference survey presented by Dara Sanders, Associate Planner, which gave the participants common visual images that they could use in their small group discussions. Afterward, the groups worked with markers and sticky notes to render their vision for the Walker Park Neighborhood on the maps provided at each table.

At the end of the session, each of the seven groups chose a representative to present the group’s ideas to the entire assembly. Common themes quickly emerged. Among the ideas repeated most frequently were:

- “Jefferson Building as a community center/arts uses”
- “Street connectivity, walkability”
- “Greenspace and trails—need functional greenspace”
- “More commercial use on South School Avenue”
- “Mixed income, affordable homes”
- “Address zoning issues”



Kick-Off Event
at Walker Park



Hands-On Design Workshop
at the Senior Center



Hands-On Design Workshop
at the Senior Center

Walker Park Neighborhood

The hands-on design session forged an initial consensus, and the maps and ideas generated served as a key tool for the charrette team as they began to create an illustrative plan based on the citizen input.

The charrette team held an Open Design Studio at the Jefferson Building Sunday through Thursday, encouraging interested community members to check the status of the plan and look over the designers' shoulders to make sure their ideas were represented in the master plan. The citizen maps from the hands-on design session lined the hallway and rough sketches that showed the evolution of different design concepts were posted throughout the studio. Approximately 15 people per day stopped by to talk with the design team and view the drafts.

In addition to the drop-in studio, close to 100 community members attended an Open House on Monday evening and provided feedback on the draft designs through written surveys. Four areas were highlighted at the Open House: 1) A concept for creating "Jefferson Square;" 2) Redevelopment of South School Avenue; 3) Walker Park; and 4) Infill with small, single-family detached homes on vacant land just east of Washington Avenue.

Charrette team members also met with specific stakeholder groups at the studio for feedback on designs. A housing group composed of representatives from the Community Resources Division, Fayetteville Housing Authority and Habitat for Humanity viewed potential projects ideas. A business owner breakfast sponsored by the Chamber of Commerce reviewed zoning concepts, City engineers reviewed infrastructure proposals and Parks stakeholders viewed a draft conceptual design for Walker Park.



Housing Stakeholders



Parks Stakeholders



Open House at the Jefferson Building

Walker Park Neighborhood

A Work-in-Progress presentation on Thursday evening at the Senior Center concluded the charrette. Approximately 60 people attended the charrette team's proposal and viewed the illustrative plan. Karen Minkel reviewed the week's events and shared the four main goals developed by the charrette team based on citizen input. The presentation gave citizens a "tour" of the Walker Park Neighborhood in the future and summarized initial regulatory concepts that would enable the Plan to become a reality. A survey was distributed to all attendees in order to gauge the community's reaction to the ideas. Ninety-seven percent of the surveys received at the Work-in-Progress session thought that the plan was "on the right track."

"Planning is bringing the future into the present so that you can do something about it now."

*Alan Lakein
American Lecturer*



Design Studio



Work In Progress Presentation
at the Senior Center

After the Charrette

Over a period of eight weeks, the charrette team refined the illustrative plan and drafted a vision and Master Plan document to be presented for adoption to the Planning Commission and City Council.

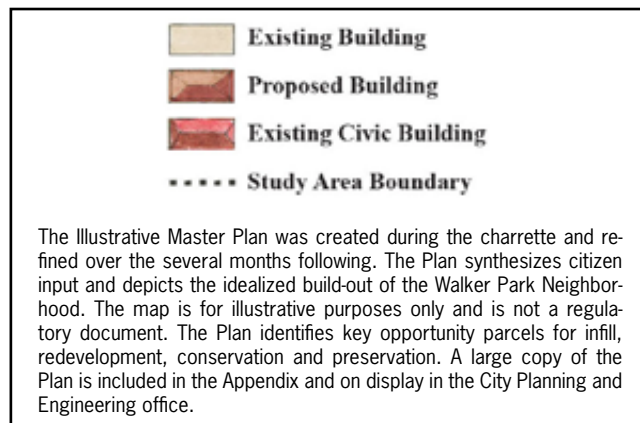
Walker Park Neighborhood

Plan Fundamentals

The four Guiding Principles capture the input provided by citizens during the charrette process, and the specifics of each principle will serve as a roadmap for achieving the overall vision for the neighborhood. This chapter provides detailed explanations and illustrations of each principle.

Guiding Principles

1. **Balance of Uses and Housing**
2. **Connectivity and Walkability**
3. **Jefferson Square as Neighborhood Core**
4. **Accessible Greenspace**



Walker Park Neighborhood

Balance of Uses and Housing

Maintaining and enhancing a balance of uses and housing in the Walker Park Neighborhood is a benefit to the neighborhood and to the City. The Walker Park Neighborhood currently has a mix of uses, including some neighborhood commercial, some larger commercial establishments, a variety of housing types and important civic buildings. However, the current zoning promotes multi-family and commercial development only and isolates these uses. The Master Plan proposes changing the zoning to reflect the diversity of uses throughout the neighborhood and ensure that future development follows the traditional pattern of growth.

Commercial Structure



Residential Structures



Homebuyers Prefer Walkable Neighborhoods

In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.

Source: Higher Density Development, Myth and Fact, Urban Land Institute, 2005

Ensuring a balance of uses and housing contributes to the overall sustainability of the community by reducing the number of vehicle trips residents have to make in order to buy groceries or seek entertainment. The smaller lot sizes also exemplify a more sustainable pattern of development than conventional subdivisions. Third, the variety of housing types and potential for mixed-use development also enables residents to remain within the neighborhood as their housing needs change. The existing infrastructure within the neighborhood such as streets, water and sewer lines as well as the area's proximity to Downtown creates an opportunity for residential and non-residential infill.

Walker Park Neighborhood

Diversity of Housing

Adding a mix of housing types to the neighborhood will not only be more consistent with the neighborhood fabric than the current zoning, but will add value to the entire area. The illustrative plan envisions owner-occupied attached housing as a buffer between the commercial corridors and nodes and the predominately single-family nature of the interior of the neighborhood.



The neighborhood transitions from single-family homes to rowhouses to mixed-use or commercial establishments in the idealized build-out example.

A NEIGHBORHOOD OF PORCHES

The Walker Park Neighborhood benefits from and will be enhanced by residential structures that put “eyes on the street.” This concept was coined by Jane Jacobs in her seminal work, *The Death and Life of Great American Cities*. Jacobs observed that neighborhoods were safer when people were present on sidewalks, porches, balconies or in windows that overlooked the street. The single-family structures built before World War II often have porches attached and are closer to the sidewalk than conventional subdivisions, giving residents views of the public street. These “eyes on the street” contribute to feelings of safety for pedestrians on the sidewalks.

The advent of television, air conditioning, automobiles, and a change in social patterns all contributed toward the decline in the popularity of front porches. Porches are once again becoming popular with the development of “New Urbanist” projects that place a higher priority on the creation of place and attention to building forms that are more socially desirable. Additionally, constructing residential structures that contribute to the “eyes on the street” concept is recommended by Crime Prevention Through Environmental Design, available at <http://www.cpted-watch.com/>.



Walker Park Neighborhood

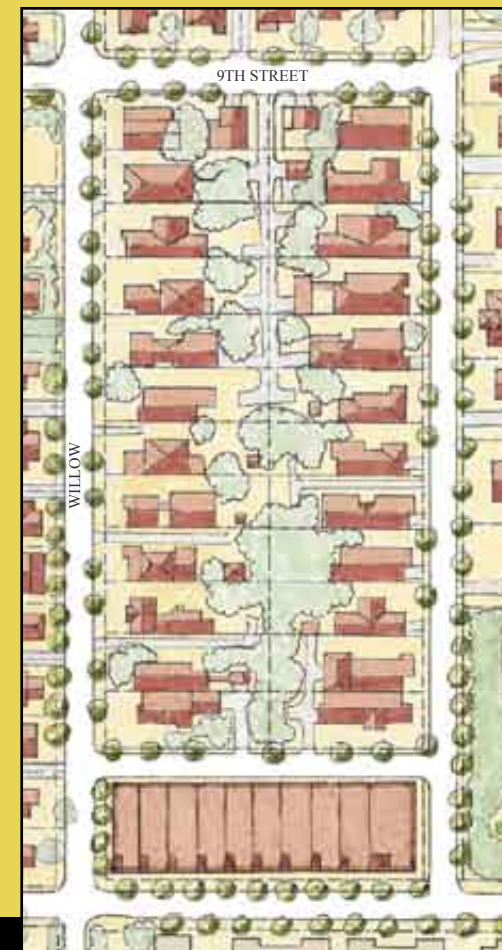
Single-Family Dwelling Units

The majority of the neighborhood consists of single-family detached homes. Property records indicate that the single-family homes are evenly split between owner-occupied and rental units. Predictably, owner-occupied single-family dwellings increase as rental units are sold and remodeled. Much of the core of this neighborhood will likely remain single-family in nature and should increasingly become more stable in terms of property values. Adding single-family homes that reflect the current lot and home sizes will add to the fabric of the neighborhood and increase owner-occupied housing. Some of the key areas where additional single-family homes would be appropriate include the vacant land between Wood and Willow Avenues, south of 9th Street, and the vacant land between Wood and Willow Avenues, just south of Huntsville Road where 4th Street could be extended.

Multi-family Dwelling Units

Duplexes, triplexes, rowhouses, and apartment or condominium buildings diversify the housing stock and enable families and individuals with different income levels to reside in the same neighborhood. The development of these units in strategic areas, such as neighborhood commercial areas or major thoroughfares puts additional “eyes on the street,” enables residents to live in the same neighborhood during different phases of their lives, and retains the balance of housing options that currently exists in the neighborhood.

Infill Example from Illustrative Plan



Infill Example from Illustrative Plan

Walker Park Neighborhood

Attainable Housing: Habitat for Humanity and Owner- Occupied Rowhouse Development

Habitat for Humanity of Fayetteville has completed 10 single-family homes in the neighborhood and continues to look for lots on which to build. The high cost of land in Fayetteville is the major obstacle to increasing the numbers of Habitat homes produced. An increasing amount of attainable housing is nationally being developed as zero lot line attached rowhouse development. Well-designed rowhousing can decrease land costs while increasing the density and walkability of the neighborhood. The Walker Park Neighborhood Illustrative Plan and the accompanying renderings show the development of a narrow strip of City-owned right-of-way into attainable rowhouses at the intersection of Huntsville Road and 6th Street. This project was envisioned as a creative solution for developing a Habitat for Humanity project on underused City land. The rowhouses are adjacent to the street with stoop entrances along a generous sidewalk with street trees. The units would be loaded via an alley at the rear with garages located underneath the living areas. Cutting into the grade to locate garages beneath the units would eliminate the need for excessive parking lot areas. Moreover, the project would serve as an entry point to the neighborhood, framing the street to create an attractive and functional streetscape that would enhance the neighborhood's charm.



Huntsville Road Site



Habitat for Humanity Example at Huntsville Road Site

Walker Park Neighborhood

Fayetteville Housing Authority (FHA)

FHA owns 9.6 acres in the Walker Park Neighborhood and built 52 units on the property in 1983. The FHA Board is considering building additional units on this property in the future that would provide assisted living options for low-income seniors. The private streets that run through the development, 12th and 13th Place, do not connect to Wood Avenue, disconnecting the housing development from the rest of the neighborhood. Further, the design of the existing structures does not reflect the adjacent homes in form or architectural style. The Illustrative Plan envisions the remainder of the property developing to provide the housing options needed by the population served by FHA. In addition, the Plan envisions structures that reflect the fabric of the neighborhood. One alternative would be to utilize structures that are similar to the Nantucket Apartment designs, which provide assisted living units.



Fayetteville Housing Authority property



Example of expanded Fayetteville Housing Authority property

Walker Park Neighborhood

Accessory Dwelling Units (ADUs)

ADUs are commonly called granny units because historically they were designed as an alternative housing option for senior family members. In older neighborhoods, they were often located above an attached garage or stood alone as a separate cottage unit. Sometimes they were an integral part of the main home with separate cooking, sleeping, and bathing facilities.

ADUs can create attainable housing in a number of ways. They are often designed as a housing alternative for members of the family who may have special needs or life circumstances. Families with college-age children may choose to construct an ADU rather than pay rent for a dorm room or off-campus apartment. Additionally, ADUs as rental units can provide the necessary income needed for a family to meet their monthly mortgage obligations. The relatively low residential density and the neighborhood's proximity to the downtown and University of Arkansas make the Walker Park Neighborhood ideal for homeowners seeking to supplement their income by creating ADUs.

Examples of Detached
Accessory Dwelling Units



Photo: MA Smart Growth



Photo: Fayetteville AR



Photo: Seattle WA



Photo: Tompkins NY



Photo: Redmond WA



Photo: Redmond WA

Examples of Attached Accessory Dwelling Units

Walker Park Neighborhood

Diversity of Uses

Creating a Destination Shopping Experience

Southgate Shopping Center and surrounding business are located at the crossroads of two major four-lane highways, Highway 71B/South School Avenue and Highway 16/15th Street. These two major roads provide access to south Fayetteville residents, the City, and the Region. This location makes the intersection a prime candidate for locating the most intense and dense developments in the neighborhood.

This commercial shopping center has served south Fayetteville's residential population for over 30 years. The auto-oriented shopping center developed without any of today's requirements for commercial design standards, landscaping, sidewalks, and site design, which may contribute to underutilization of this retail area. Existing uses at the intersection include a grocery store, bank, gas station, used car lot, liquor store, pawn shop, and restaurant. Much of the surface parking is underutilized and can be reclaimed for additional retail uses.

Southgate Shopping Center
Today



Southgate Shopping Center
Envisioned



Walker Park Neighborhood

A redeveloped Southgate Shopping Center could attract and serve a larger population just beyond the Walker Park Neighborhood.

The entire Walker Park Neighborhood is within one mile of the Southgate Shopping Center. The shopping center is within a half-mile from the Arkansas Research and Technology Park (ARTP), and approximately one-and-a-half miles from the Fayetteville Industrial Park, Washington County Facilities, Tyson, and McBride Distributors located on South School Avenue.

In 2007, six new companies were established at the Research Park, which has approximately 215 technology jobs (2007 ARTP Annual Report). The City has plans to widen 15th Street to four lanes east of Walker Park as part of a plan to create an arterial loop around the City and move through traffic out of the neighborhoods. Additional job growth and traffic in this area will continue to increase and strengthen the trade area and redevelopment potential for this shopping center and along South School Avenue.



Walker Park Neighborhood

Completing the South School Avenue Corridor

The development pattern along South School Avenue is inconsistent, resulting in an incoherent pattern of development types. The lack of identity for South School Avenue and the shopping center can be overcome through the development of appropriate infill along this corridor, transforming the Avenue into a destination that contributes to the vibrancy of the Downtown and fabric of the Walker Park Neighborhood.

Internalized Parking Structures

The vast swaths of paved parking lots at this intersection discourage pedestrians from accessing the establishments at the intersection. One way to utilize the existing land resources is to building parking structures rather than parking lots and line these structures with additional developments. This screens the parking structure and contributes to a pedestrian-friendly environment.

Intersection of South School Avenue and 15th Street



Infill

Adding structures that front onto the arterial streets will add value to the currently underutilized parking lots. Bringing these buildings up to the sidewalk will also result in a human-scale, pedestrian-friendly intersection. Infill in this area benefits from the existing infrastructure, requiring fewer resources to develop.

Square-back Streets

Access to this area from Walker Park Neighborhood is somewhat limited due to the current street layout and lack of connectivity through Walker Park and from South School Avenue. Improving connectivity and access to the neighborhood primarily through a square-back street concept will provide some of the physical connections that currently do not exist. A square-back creates a square vehicular flow pattern around an intersection, providing additional access to structures located at the intersection and creating multiple turning movements in advance of the primary intersection.

Walker Park Neighborhood

Neighborhood Commercial Opportunities

Jefferson Square

The concept of Jefferson Square creates an opportunity for a mixed-use development east of the Jefferson Building. Small-scale commercial uses would complement some of the existing establishments, such as the nearby church and Fayetteville Auto Spring Service. A mixed-use development would also provide a patron base for these neighborhood commercial establishments.

Huntsville Road Entryway

The intersection of Huntsville Road and 6th Street is the eastern entryway into the Walker Park Neighborhood. This intersection was redesigned by the City in 2003 and a large amount of right-of-way was purchased in order to make the necessary improvements. The excess right-of-way located on the north side of 6th Street west of the intersection at Huntsville Road could be a desirable location for small-scale commercial activity such as a coffee shop, restaurant or retail. Underutilized and vacant pieces of property with irregular lot lines provide interesting case studies in how to think outside-the-box and develop innovative design solutions. This concept is a step toward rethinking the conventional low-density development that occurs in other areas of the City. This concept was initially developed with Habitat for Humanity in mind and would advance the goal of creating attainable housing in Fayetteville. A well-framed streetscape in the form of rowhouses would distinguish the Walker Park Neighborhood as a special place when you enter the neighborhood from the east.



Walker Park Neighborhood

Connectivity and Walkability

Creating connections that link important destinations and uses in the neighborhood will increase the neighborhood's walkability and contribute to a sustainable development pattern. This section discusses the key destinations and linkages identified in the illustrative plan. The illustrative plan also includes the addition of sidewalks to all proposed and existing streets where sidewalks are in disrepair or do not exist and adds shade trees to most streets in order to create a pedestrian-friendly environment.

"I have an affection for a great city. I feel safe in the neighborhood of man, and enjoy the sweet security of the streets."

*Henry Wadsworth Longfellow
American Poet*

What makes a great street?

1. Design for pedestrians first.
2. Scale matters.
3. Design the street as a unified whole.
4. Include sidewalks almost everywhere.
5. Shade!
6. Make medians sufficiently wide.
7. Plant the trees in an orderly manner.
8. Use smart lighting.
9. Allow on-street parking in suitable locations.
10. Resist parking lots in front of buildings.

-Fayetteville Downtown Master Plan, 2004



Walker Park Neighborhood

Key Destinations

Downtown

The amenities offered in the Downtown area make this an important destination for residents in the Walker Park Neighborhood. Amenities include the Fayetteville Public Library, the Walton Arts Center, the Farmer's Market and abundant restaurants and entertainment venues on Dickson Street. Pedestrians in the Walker Park Neighborhood have a difficult time crossing Archibald Yell safely, creating a substantial physical barrier between the Walker Park Neighborhood and Downtown.



Southgate Shopping Center

The intersection of South School Avenue and 15th Street has potential to become an important retail node of commercial retail. This intersection currently has the only grocery store and bank in the neighborhood as well other retail services. However, pedestrians must cross vast swaths of paved parking lots in order to access the businesses in this area. As this intersection redevelops over time, adding pedestrian-friendly intersections and infill projects will increase pedestrian traffic from the neighborhood.



Jefferson Square

The Jefferson Building served as the core of the neighborhood as an elementary school until 2006. Its central location enables the building to still serve a core function within the community. The Jefferson Square concept envisions a civic use for the building with a mixed use function for the remainder of the property. This area has the potential to become a second neighborhood commercial anchor, providing services to residents outside of the Southgate vicinity, particularly those north of 6th Street.

Walker Park

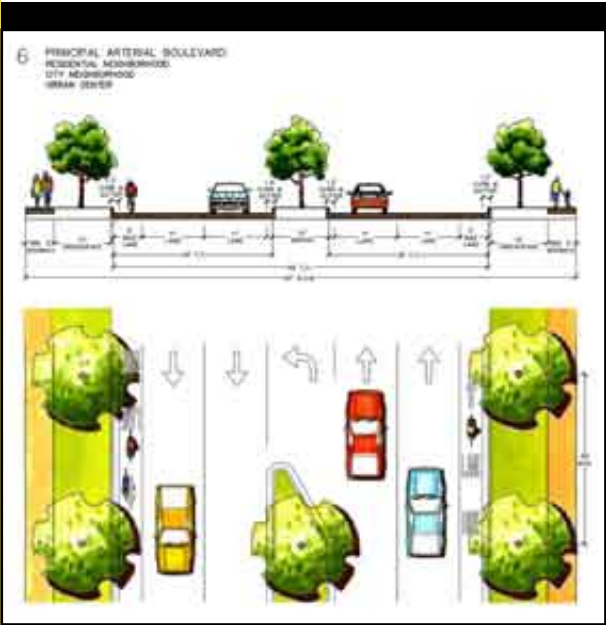
Walker Park serves as a key destination for neighborhood residents, containing multiple ball fields, playgrounds, the Fayetteville Senior Center, the City's only skate park and a BMX track. Adding uses and expanding the Park's trail access will lead to increased Park usage from neighborhood and City residents.

Walker Park Neighborhood

Key Linkages

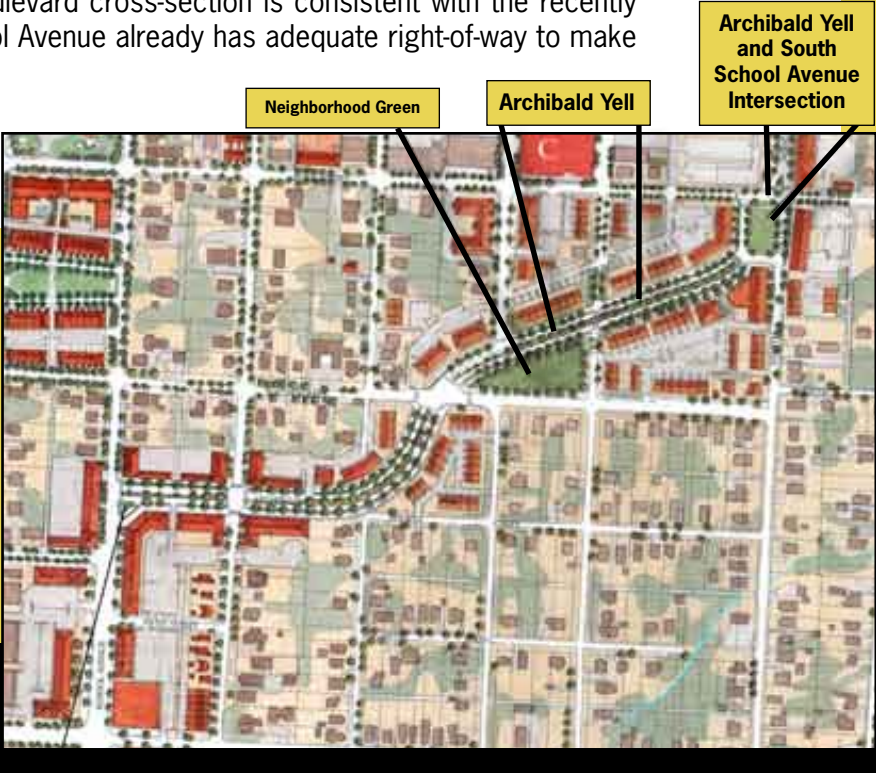
South School Avenue as a Boulevard

The Downtown Master Plan envisions Archibald Yell and South School Avenue transformed into a grand boulevard with the center turn lane becoming a tree median. The Walker Park Neighborhood Illustrative Plan continues this street cross-section design south to the intersection of 15th Street. In its current configuration, a pedestrian is required to cross South School Avenue either at the intersection of 6th Street or 15th Street. Five lanes of traffic prove an insurmountable obstacle to the average pedestrian. A boulevard cross-section will control vehicular access at appropriate locations while allowing crossing pedestrians a safe transition zone (pedestrian refuge) in the center of the street. The Plan shows intersections that have been reconfigured for pedestrian safety and traffic calming with the use of brick pavers. Sidewalks should be at least five feet in width and have adequate separation from the auto travel lanes to allow for a sense of pedestrian safety. The South School Avenue corridor has the potential to be a key linkage between south Fayetteville and the Downtown area. This boulevard cross-section is consistent with the recently adopted Principal Arterial Boulevard in the Master Street Plan and South School Avenue already has adequate right-of-way to make this vision into reality.



City Plan 2025,
Master Street Plan
City of Fayetteville, Arkansas

Archibald Yell Vision
Downtown Master Plan
City of Fayetteville, Arkansas



Walker Park Neighborhood

Trails in the Park

Walker Park currently functions as a barrier between the businesses on South School Avenue and the residents of the neighborhood. A system of paved and natural trails throughout the park would enable residents to access the business establishments without having to drive. The location of Spout Spring Creek along the western side of the park in particular prohibits the connection between the park and the South School corridor. The illustrative plan envisions a number of new linkages along the western boundary of the park. On-street linkages would be developed by extensions of 9th Street and 13th Street, connecting the park to South School Avenue. These street extensions would provide pedestrian access on sidewalks adjacent to the new street extensions. Additionally, a dedicated trail connection is shown at the 9th Street intersection, linking Walker Park to the Frisco Trail corridor. The pedestrian linkages to the neighborhoods west of South School Avenue are vital to encouraging the broader neighborhood's use of this open space resource.

New Street Connections and Completing the Grid

The Walker Park Neighborhood Plan area has a tight street grid foundation in most of the older parts of the neighborhood. Many of the recent developments have fragmented the neighborhood by creating self-contained projects that dead end in cul-de-sacs. As the larger pieces of vacant land develop, care needs to be taken to ensure that the street circulation pattern ties into and connects in a functional manner.

Adding Sidewalks

While newly constructed streets must include sidewalks, many of the existing streets in the Walker Park Neighborhood have discontinuous sidewalks, lack sidewalks on both sides of the streets or have sidewalks that are in disrepair. Constructing or repairing the sidewalks identified on the map will increase the walkability of the area and establish connections that sew the neighborhood fabric together. These additions will also make the streets safer for both pedestrians and automobiles.

With the exception of the proposed street cross-sections for boulevards on South School Avenue and Block Avenue and interior to the park, the rest of the proposed streets would be residential in nature with on-street parking in appropriate locations.



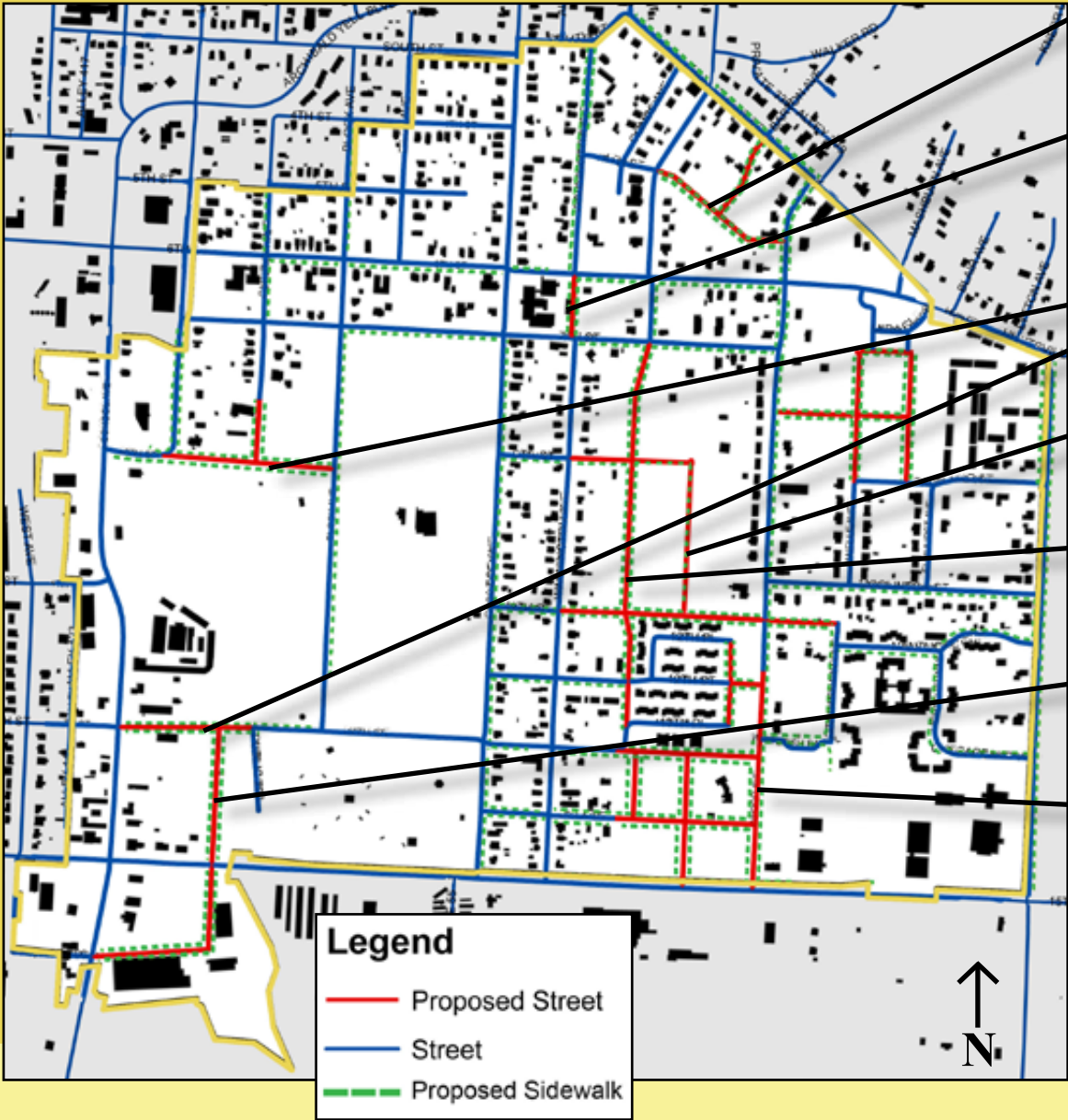
Trail Examples from Illustrative Plan



Existing Street in Walker Park Neighborhood

Walker Park Neighborhood

Proposed Streets and Sidewalks



4th Street Extension. A large undeveloped tract of land is located in the interior of a large block. The illustrative plan extends 4th Street from Willow Avenue to Wood Avenue, allowing for infill opportunities.

Jefferson Square. Extending Washington Avenue through the school property connecting 6th and 7th Streets will distinguish this area as the core of the neighborhood. A one-way traffic flow pattern with adjacent parking will serve as a traffic calming technique.

Street Connections to the western boundary of the park. Extensions of 9th and 13th Street would open the park to access from South School Avenue.

Janelle and 9th Street. Extensions of these streets provide access to an undeveloped area just east of Wood Avenue.

Willow Avenue Extension south of 6th Street. A large landlocked tract exists in this area. North-south access would be provided by Willow Avenue with east-west access via 9th and 11th Streets.

Infill of Southgate Shopping Center. A square-back street is illustrated in what is now the grocery store parking lot.

Extension of Wood Avenue to 15th Street. Wood Avenue currently dead-ends short of reaching 15th Street. The illustrative plan shows this area with a mixed-use development pattern adjacent to 15th Street, diminishing in density and intensity and gently transitioning into a single-family development pattern to the north. Numerous street connections are illustrated in order to create a tight grid pattern.

Walker Park Neighborhood

Jefferson Square as Neighborhood Core

Capturing the rich history of this area generated the concept of Jefferson Square. The strong desire of the neighborhood to see the important building's use remain a civic one were highlighted during the charrette process. All of the charrette groups addressed this area, signaling the importance of retaining the Jefferson Building and environs as a core of the neighborhood.

Honoring the History of the Neighborhood

Jefferson Elementary School was the second oldest school in Fayetteville at the time of its closure in 2006. The school first opened in 1935 and provided instruction for grades K-5. The school served the immediate neighborhood as well as students from the Peace at Home Shelter, the Salvation Army and public housing projects. The decision to close the school provoked significant debate because neighborhood residents felt that the school served as the civic core of the neighborhood.

A task force initiated by the Fayetteville School District and facilitated by school board member Tim Kring sought alternatives for the building after the school closed. The Jefferson Project group was established after this process, bringing together members of several non-profit service organizations and arts organizations in an effort create a center for arts and education. The current board members are in the process of seeking grants in order to buy the building from the Fayetteville school district.

The Jefferson Building is also diagonal to the Waxhaws Memorial, which is located in Walker Park at the intersection of College Avenue and 7th Street. The memorial is a tribute to Archibald Yell's farm, which was located in what is now Walker Park. Yell was the second governor of Arkansas and Arkansas' first representative in the United States Congress.



Jefferson Building



Official gubernatorial portrait of
Archibald Yell, second governor
of Arkansas (1840-1844).

*Courtesy of the Old State House
Museum, Little Rock AR*

Walker Park Neighborhood

The concept of Jefferson Square

The original concept of Jefferson Square was developed by a local architect, Rob Sharp, who completed the work for the Jefferson Project board. The charrette team utilized this concept, showing the extension of Washington Avenue between 6th and 7th Streets in order to form a square. Extending Washington Avenue provides enhanced access to the current property and allows for the development of a mixed-use structure east of the Washington Avenue extension. Bringing a combination of residents and neighborhood business to this area will bring life to the Square, adding vibrancy and securing the area as a core of the neighborhood.

On-street parking was added to all four sides of Jefferson Square as well as the idea that traffic would travel only one-way around the square, similar to the way the Downtown Square traffic circulates. The one-way traffic flow will function as traffic calming for 6th Street, forcing traffic to move slowly and likely directing through semi-truck traffic to 15th Street.

How the Jefferson Building ultimately is used will be determined by the Fayetteville School District, the availability of funding to the Jefferson Project group or the private sector. However, the proposed design would make the building a centerpiece for the neighborhood and honor the history of the school as well as the neighborhood. The design also makes the area an asset to the recently created Cultural Arts District, which encompasses the Jefferson Building.



Jefferson Square Concept Drawing

Walker Park Neighborhood

Accessible Greenspace

The Walker Park Neighborhood has one of the largest parks in the City as well as myriad opportunities for smaller greenspace areas. However, residents expressed frustration with the lack of access to the park, particularly along the northern perimeter. Many groups at the hands-on design workshop also expressed a desire for greenspace that served an additional function in the neighborhood whether through stormwater management or as a community garden food source. These comments led to an emphasis on accessible greenspace throughout the illustrative plan that can be enjoyed by a diversity of populations in the neighborhood.

A neighborhood of community gardens

Growth and development pressure often results in the reduction of accessible greenspace in a neighborhood. Therefore, creating accessible and functional greenspace in the Walker Park Neighborhood was a priority for charrette participants. Greenspace takes many different forms such as: dedicated parkland, preserved natural areas, and community gardens. The form and function of greenspace is primarily dictated by location, economics, and community involvement. These considerations have made the Walker Park Neighborhood a prime candidate for creating community gardens.

The Walker Park Neighborhood is currently home to many gardeners and believed to have the richest soil in the city for gardening. Many residents take great pride in their gardens, which include rain gardens, vegetable and flower gardens. However, smaller lots and yards do not always provide sufficient space for private gardens for all residents. Community gardens provide access to functional greenspace throughout the neighborhood for gardening, socializing, and building a sense of community.

Sources: West Philadelphia Landscape Project. <http://web.mit.edu/wplp/>
Urban Community Gardens. <http://www.mindspring.com/~communitygardens/>



Community Garden
Coppell, TX



Rain Garden
Gauga SWCD, OH



Community Garden
Olympia, WA

"Gardens, scholars say, are the first sign of commitment to a community. When people plant corn they are saying, let's stay here. And by their connection to the land, they are connected to one another."

*Anne Raver
American Author*

Walker Park Neighborhood

Vacant corner lots identified on the illustrative plan, often near streams or creeks, serve as examples that could provide accessible and useable green space to the neighboring blocks. These corner lots provide potential paths and connections between blocks and localized meeting places for neighbors. The most effective location of a community garden can also be determined by the purpose of the garden.

The purpose for establishing a community garden can address a specific concern of residents on a block or meet the needs of its participants, from a few residents to a larger neighborhood group. A community garden's purpose can be to establish and manage a community food garden for the supply of fresh, organically grown food to members or to enhance opportunities for social interaction among members.



Community Garden Example
Site from Illustrative Plan

Elements of Successful Community Gardens

Community gardens transform empty lots into green, living spaces. They are collaborative projects created by members of the community; residents share in both the maintenance and rewards of the garden. Organization structure, physical form and purpose of community gardens can vary considerably, but some elements are commonly beneficial to the success and utility of the garden.

Utilizing Corner lots

Corner lots are exposed to traffic and passersby from outside the immediate neighborhood and are more likely to experience dumping and vandalism than small lots within residential blocks. Locating a garden at the entrance to two blocks can give the neighborhood a sense of vitality. Corner lots also allow neighbors greater access to the garden, encouraging higher participation levels. These lots serve as a buffer in higher traffic intersections, while connecting blocks within a neighborhood.

Incorporating Paths

Paths through a community garden provide greater visibility and sense of security than a path cut through an unused vacant lot. Garden design determines if a single path or various paths throughout the garden are needed to provide easier access to the garden beds for maintenance.

Designing Meeting Places

A meeting place is a social space where people come together in the garden. Most community gardens have a special place set aside for gardeners to rest, sit, talk, and hold occasional social events. While meeting places may be many sizes and shapes, two common features are boundaries and seating areas. A meeting place can be as formal as benches under a trellis structure or gazebo, or as informal as a place to pull up a few folding chairs beneath the shade of some trees.

Source: West Philadelphia Landscape Project. <http://web.mit.edu/wplp/>

Walker Park Neighborhood

Community garden lots identified on the Walker Park Neighborhood Illustrative Plan are examples that may serve various purposes. The garden location on 11th Street west of Wood Avenue could serve as a food producing garden for the Fayetteville Housing Authority residents to the south, or it could serve as a green space for social interaction for residents of the rowhouses to the west in addition to the surrounding neighbors. It could also serve as an educational community garden for the Head Start daycare to the east.

Community gardens are established and maintained by the community. The purpose, structure, and management of the garden will be determined by the community members involved in its development. Food producing or flower garden, shared beds or allotments, the specifics of the garden will be a result of the community garden planning process and may evolve over time.

I have found, through years of practice, that people garden in order to make something grow; to interact with nature; to share, to find sanctuary, to heal, to honor the earth, to leave a mark. Through gardening, we feel whole as we make our personal work of art upon our land.

- Julie Moir Messervy, *The Inward Garden*, 1995

*"He who plants a garden
plants happiness"*

Proverb

Community Garden Example
Site from Illustrative Plan



Benefits of Community Gardens:

- **Improves the quality of life for people in the garden**
- **Provides a catalyst for neighborhood and community development**
- **Stimulates Social Interaction**
- **Encourages Self-Reliance**
- **Beautifies Neighborhoods**
- **Produces Nutritious Food**
- **Reduces Family Food Budgets**
- **Conserves Resources**
- **Creates opportunity for recreation, exercise, therapy, and education**
- **Reduces Crime**
- **Preserves Green Space**
- **Creates income opportunities and economic development**
- **Reduces city heat from streets and parking lots**
- **Provides opportunities for intergenerational and cross-cultural connections**

Source:

American Community Garden Association
<http://www.communitygarden.org/learn/what-is-a-community-garden/index.php>

Walker Park Neighborhood

Walker Park History

Walker Park is approximately 64 acres in size and one of the largest parks in Fayetteville. The City acquired the park land in several phases. Approximately 11 acres were bought in 1955. Additional acreage was donated to the City by Henry Walker in 1960. In 1980, the City along with Community Development Block Grant funding purchased additional park land to the north that abuts 7th Street. The remaining 34 acres were purchased by the City in 1992, 6.75 acres of which are used for the Senior Center.

The park has been developed over time beginning with the little league baseball fields in 1960. Seven of the eight baseball fields were built by volunteers. Many of the facilities were constructed with the help of grants from the Bureau of Outdoor Recreation (HCRS), Community Development and Arkansas Parks and Tourism. These facilities include the restroom and handball/racquetball courts adjacent to South College, three playgrounds, land purchase and pavilion at the north end of Walker Park, and the large pavilion on South College Avenue. Tennis courts were added in 1975, with sand volleyball courts to follow in 1989. A parking lot located at Block and 13th Streets was constructed in 1998. The skate park was added in 2003 with a \$100,000 matching grant from Arkansas Parks and Tourism. The skate park area and the park land between 15th and 13th streets are within an Arkansas Parks and Tourism Outdoor Recreation Grant Boundary that requires the area to be used for outdoor recreation purposes in perpetuity.

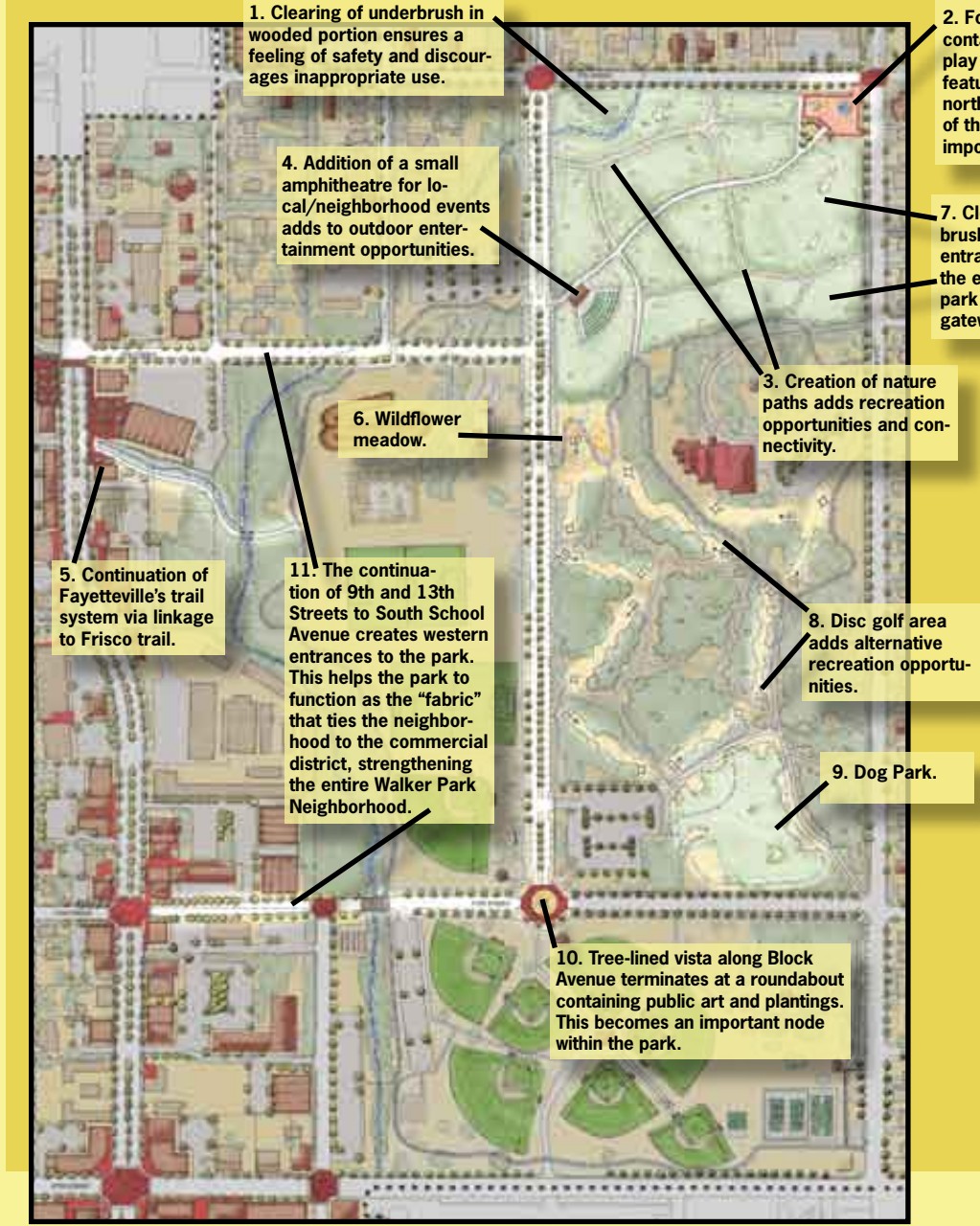
The park currently contains two soccer fields, the skate park, three pavilions with picnic tables, eight baseball fields with a concession stand and restroom facility, a BMX track, sand volleyball court, three parking areas, horseshoe pits, three playground areas, a walking trail, two tennis courts, and a basketball court with accessory services such as water fountains and benches. The site is also home to the Walker Senior Center, which is utilized for adult recreational activities and community meetings, such as the Walker Park Neighborhood Charrette.

Park	Acreage
Botanical Garden of the Ozarks at Lake Fayetteville	98.6
Walker Park	64.3
Gulley Park	26.8
Wilson Park	22.8



Walker Park

Walker Park Neighborhood



Walker Park Redesigned

Walker Park's size and location make the park an important asset to the neighborhood. Making the park more accessible and usable to the local community would enhance this asset and make the park feel safer. Nature trails added to the northeast quadrant of the park could be utilized by users of the Senior Center, the neighborhood and the City. The illustrative plan shows the development of both paved and natural trails primarily in the middle and northern end

of the park, which is now mostly overgrown and wild. The north end of the park will need a significant amount of clearing of the invasive Japanese honeysuckle that dominates the under-story before this area can be properly utilized. Adding amenities such as lighting and benches to the trail that runs along the creek and the park's western border would increase usage and make the trail a seamless extension of Frisco Trail, which runs through the Downtown and has similar amenities. A key concern expressed by citizens and the police department was the presence of a transient population that sometimes uses these areas for shelter. Increasing pedestrian traffic in these areas would diminish the likelihood of a transient population using these areas for refuge and creates a safer environment for users.

The other suggestions mentioned for Walker Park emphasized adding uses that would serve a broader population within the neighborhood. Walker Park currently serves as a regional sports park; adding other uses such as an outdoor amphitheatre, a disc golf course, splash pad or dog park would broaden the user population. This evolution would enable Walker Park to transition from a regional park to a neighborhood park.

Walker Park Neighborhood



Accessibility to Walker Park

Accessibility to the park was addressed through the addition of two vehicular entrances and myriad pedestrian entrances. Three entrances were added to the west side of the park. One is the link to Frisco Trail, and two are vehicular entrances that link South School Avenue to the park through the extension of 13th Street and 9th Street. Four pedestrian entrances were added to the east side of Walker Park, including an entrance that highlights the Waxhaws Memorial in the northeast corner of the park and three trail entrances. These trail access points allow pedestrians to then choose between direct paths that take them to a specific destination within the park or meandering paths that provide short nature walks.

Suggestions received from the public through the charrette process will be incorporated into the planning process for a master plan specifically for Walker Park. This process will likely begin after the planning of a new regional park in the southwest portion of the city. The regional park will accommodate several of the activities that currently exist in Walker Park such as baseball and soccer, potentially freeing up space in Walker Park for other uses.

Walker Park Neighborhood

Implementation Plan

The ultimate success of any planning document depends upon the willingness and capacity of all stakeholder groups to implement the vision. The implementation of the Walker Park Neighborhood Master Plan will only occur through cooperative efforts among the City, residents, business owners, the non-profit sector and the private sector. The following steps outline projects that will help achieve the goals of the Master Plan and are broken down into a series of short-term projects (0-5 years), mid-term projects (6-10 years) and long-term projects (10+ years). Short-term steps include regulation changes and projects that require little infrastructure improvements or cost. Long-term projects are those that require more significant capital investment. The ultimate timing of implementation will reflect the overall commitment to the realization of the vision developed by the community.

"Vision without action is a dream. Action without vision is simply passing the time. Action with Vision is making a positive difference."

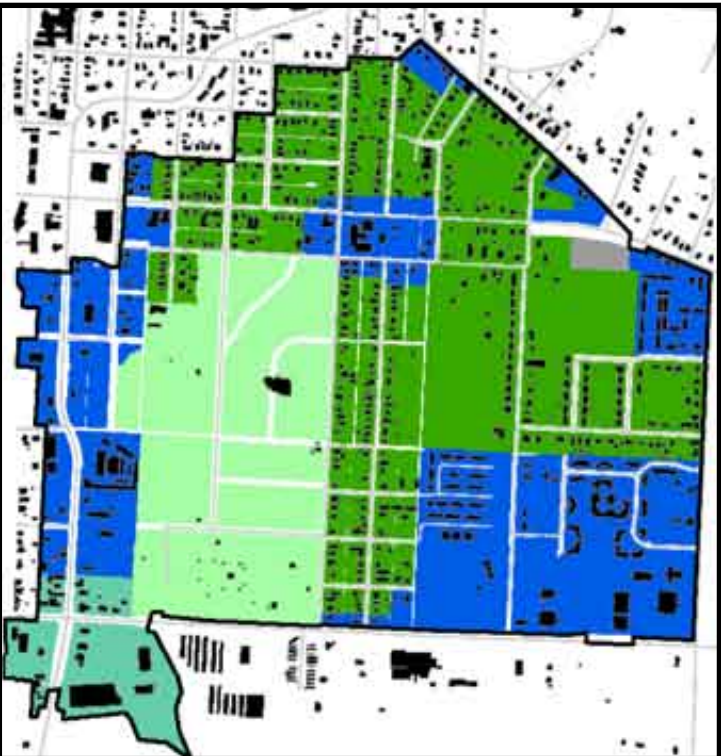
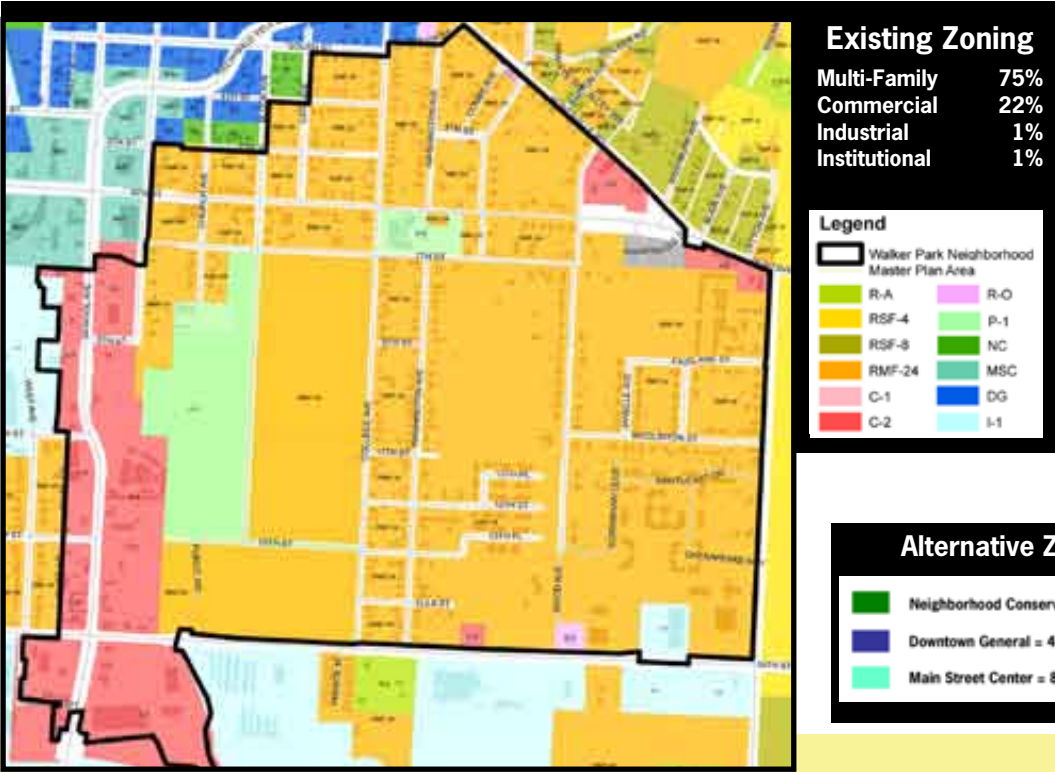
*Joel Barker
American Scholar*

Walker Park Neighborhood

Short-Term Projects

Rezone the neighborhood to encourage an appropriate mix of uses and protect established neighborhoods.

Adopting the alternative zoning will ensure that the area preserves established single-family neighborhoods while encouraging additional housing types and a mix of uses. The proposed rezoning will change the vision for the neighborhood as demonstrated in the maps (below), reflecting the community's desires. See the Appendix for definitions of the proposed zoning.



Walker Park Neighborhood

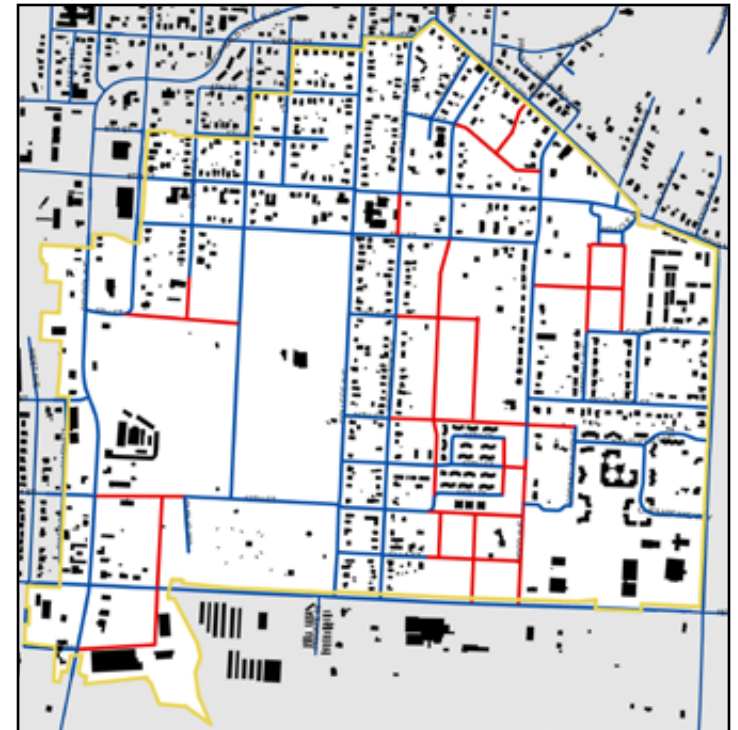
Utilize urban residential design standards and accessory dwelling units.

Urban Residential Designs standards and Accessory Dwelling Units by right are two ordinances that are slated to be considered by the City Council in early 2008. These ordinances will serve as a useful tool for future development in the Walker Park neighborhood. The Urban Residential Design standards will apply to multi-family, triplex and duplex units, ensuring that they contribute to a pedestrian-friendly environment and appealing street scene. Together with the proposed zoning code, neighborhood residents will be able to anticipate the form and aesthetics of multi-family development.

The accessory dwelling units ordinance will allow property owners to construct modest-sized accessory dwelling units or “granny flats,” by right in residential areas. These units serve as a form of affordable housing for seniors, students and property owners who may struggle to afford a mortgage.

Amend the Master Street Plan to include the proposed street connections.

Including the proposed streets in the Master Street Plan will ensure that these connections are completed when new development occurs. In addition, classifying existing streets to fit the context of planned uses will encourage and facilitate the implementation of the plan.



Walker Park Neighborhood

Create a nature trail system throughout northeast quadrant of Walker Park.

Clearing brush from this area and creating a viable recreational entrance to the park in the northeast corner will increase the number of park users in this area and provide a nature area within the area. It will also provide a primary pedestrian connection to Jefferson Square, the core of the neighborhood. These trails are typically constructed through partnerships between the City and non-profit organization such as the Boy Scouts and Fayetteville Natural Heritage Association.

Establish a series of rain gardens throughout the neighborhood.

The City will apply for a grant funded through the Environmental Protection Agency in 2008 that establishes a series of 20 rain gardens within a five-acre area as an innovative way to manage stormwater runoff. These gardens, which could be developed on public and private property, would reduce pollutant runoff and provide effective stormwater management in the Walker Park neighborhood. This project would begin the process of establishing community gardens throughout the study area.

Add a dog park to Walker Park.

Adding a dog park to Walker Park will diversify uses within the park and increase neighborhood usage of the park. Installing the necessary fencing is fairly straightforward and will not require taking space from any of the current uses in Walker Park. This amenity will not only enhance the park, it will provide a service for the entire City.

Utilize Act 854 to address vacant or abandoned properties.

Act 854 of the Arkansas State Code passed the legislature in 2007 and enables cities that issue a clean-up lien to have priority against other lienholders. Clean-up liens refer to costs a “city incurs to help bring a property into compliance with local ordinances because the owner of lienholder failed to remove or repair an unsafe and vacant structure or failed to correct the conditions that caused the property to become a weed lot within the time required by the notice.” (Arkansas Code § 14-54-903)

This statute provides cities with leverage to aggressively address properties that would otherwise detract from the neighborhood because taxpayer dollars will be recouped.

Walker Park Neighborhood

Mid-Term Projects

Complete a Master Plan for Walker Park.

The Parks Department will facilitate a public participation process to produce a Master Plan specifically for Walker Park once a regional park is developed in southwest Fayetteville.

Add amenities to the Walker Park trail along Spout Spring Creek.

Adding amenities to this trail such as lighting and benches would increase use, making the trail safer and serves as a natural extension of the Frisco Trail.

Utilize grant funds to restore the Waxhaws Memorial.

The State Historic Preservation Program annually offers preservation grants to restore historically significant structures and memorials. The Waxhaws Memorial symbolizes an important part of Arkansas and Fayetteville history, but has fallen into disrepair. Restoring this memorial and highlighting a northeast entrance to Walker Park would contribute to the history embedded in the Jefferson Square area and invite residents north of the park into the nature trail system.

Walker Park Neighborhood

Add or repair sidewalks along existing streets within the neighborhood.

The City Transportation Division and Sidewalks and Trails Committee have committed to ensuring that all existing streets have a sidewalk on at least one side of the street. Each year, new sidewalks are constructed based on a prioritized list that balances the construction of new sidewalks in different parts of the City, first addressing streets where no sidewalks exist. The following streets in the Walker Park Neighborhood lack sidewalks on both sides of the streets and should be added to the sidewalk construction list:

- Wood Avenue between Huntsville Street and 7th Street
- Locust Avenue between 7th Street and 9th Street
- 11th Street between College Avenue and Washington Avenue
- Ella Street east of College Avenue
- Morningside Drive between Fairlane and Huntsville Streets

Develop Attainable Housing on Huntsville Road Existing Right-of-Way.

The City could sell this property to a private developer with a deed restriction that required a certain percentage of the property to be sold as attainable housing or to Habitat for Humanity for the development of owner-occupied affordable housing or a combination of the two. A private developer could utilize some of the property for neighborhood commercial and could plan for the development of residential units at different price points or incorporate Habitat homes into the overall development. This action would ensure that attainable housing is built in the neighborhood while also developing an attractive eastern gateway into the neighborhood.

Walker Park Neighborhood

Long-Term Projects

Transition South School Avenue from a five-lane principal arterial to a principal arterial boulevard.

Redeveloping South School Avenue as an extension of the planned boulevard for Archibald Yell Avenue will take significant infrastructure investment. This type of project will occur as capital funds become available and development occurs along the South School Avenue corridor to merit the investment.

Extend Washington Avenue to form Jefferson Square.

Extending Washington Avenue may occur through private sector development of some of this property. However, this extension could spur redevelopment of the site and is key to forming a core public space in the neighborhood. Capital funds for this project should be examined as a potential catalyst for the Jefferson Square project.

Add additional uses to Walker Park such as a splash pad and outdoor amphitheatre.

These amenities are unique and will diversify and increase users of the park. Adding these features to the north end of the park will also create a children's area and performance space for residents who live to the north of the park. However, these features are more costly than previous uses mentioned, requiring more planning for infrastructure and capital expenses.

Walker Park Neighborhood

Conclusion

The Walker Park Neighborhood vision document sets forth an ambitious yet realistic plan for enhancing the neighborhood and building upon its rich past. This vision captures the main goals expressed by the community such as keeping the Jefferson Building as a neighborhood core and preserving the balance of housing and uses by protecting the established neighborhoods and local commercial establishments.

The vision document also seeks strategies to enhance the neighborhood. South School Avenue has the potential to become a “great address” as it transitions from a five-lane road to a boulevard that is capable of accommodating both vehicles and pedestrians. Connecting the grid within the neighborhood will link pedestrians and vehicles to key destinations. The additional amenities to Walker Park and the creation of a series of community gardens will take advantage of existing resources that are underutilized—64 acres of parkland and the neighborhood’s rich soil.

The overall implementation process will take the mutual cooperation of multiple sectors, both public and private over a period of decades, but the recommendations also include significant measurable steps that will begin the process of implementing the community’s vision.

Walker Park Neighborhood Master Plan

Site Demographics

The Walker Park Neighborhood Master Plan area shares rough boundaries with Census Block Group 4. According to the 2000 census, the following percentages apply to the population of 1,435:

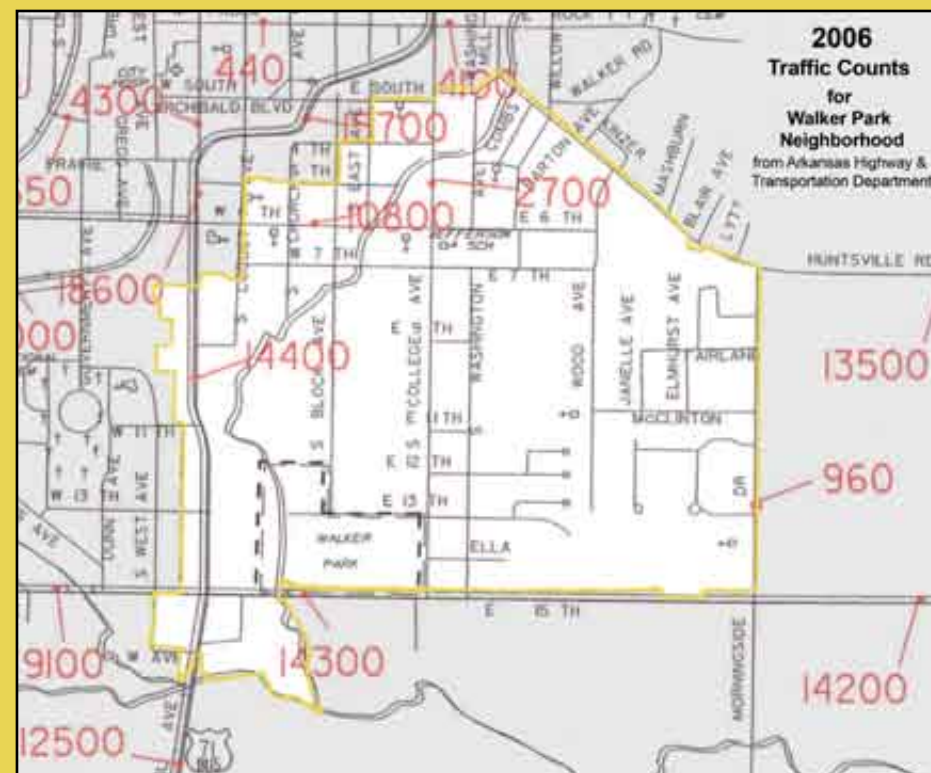
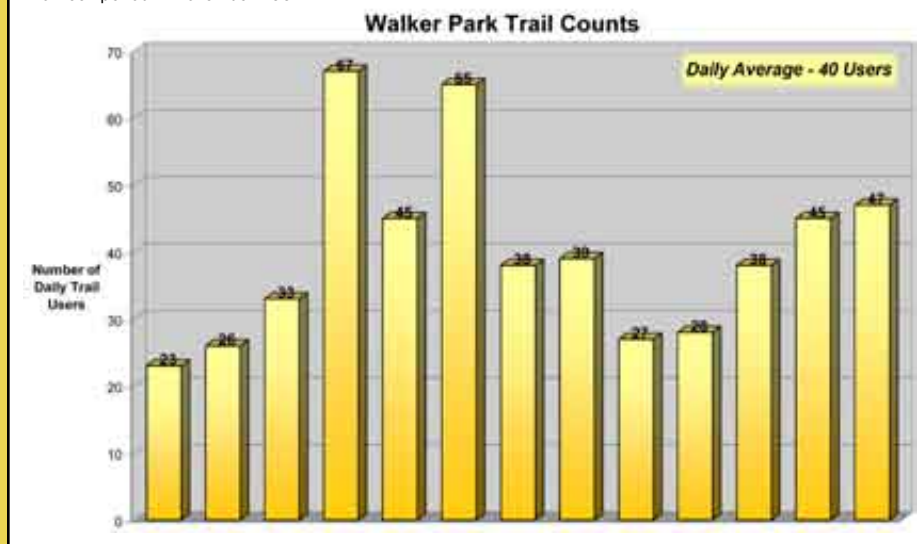
Housing Unit Total	635
Occupied Housing	91%
Vacant Housing	9%
Owner Occupied	39.8%
Renter Occupied	60.2%
Race of Householder	
White	82.5%
Black or African American	9.3%
American Indian and Alaska Native	1.6%
Asian	0.3%
Other	3.6%
Hispanic or Latino (of any race)	10%
Age of Householder	
15 to 24 years	11.4%
25 to 34 years	23.2%
35 to 44 years	22.5%
45 to 54 years	16.3%
55 to 64 years	8.5%
65 years or over	18.2%

Appendix

Walker Park Neighborhood Master Plan

Street and Trail Counts

Two-week period in November 2007



Appendix

Walker Park Neighborhood Master Plan

Work-in-Progress Presentation

These survey results represent approximately 55 participants who attended the Work-in-Progress presentation. Close to 200 community members participated during the entire charrette, but the Work-in-Progress session served as a culmination of the week's work and events and provided an opportunity for written feedback.

What events did you participate in during the charrette?

Attended only the Work-in-Progress Presentation	24%
Attended the Work-in-Progress Presentation and one charrette event	38%
Attended the Work-in-Progress Presentation and two charrette events	21%
Attended the Work-in-Progress Presentation and three charrette events	14%
Attended all charrette events	3%



Work-in-Progress



Appendix

Walker Park Neighborhood Master Plan

Of the many ideas you heard tonight, which idea should be made a top priority?

1. Park development **(28%)** _____
2. Jefferson Square **(26%)** _____
3. Improved connectivity **(14%)** _____
4. South School Boulevard **(9%)** _____
5. Encouraging higher density **(9%)** _____
6. Mixed income housing **(7%)** _____
7. Greenspace **(2%)** _____
8. Urban infrastructure to support the rejuvenation **(2%)** _____
9. More articulated zoning/usage criteria throughout area **(2%)** _____

Mixed-income housing (7%) _____

- Mixed-income housing
- Affordable housing
- Housing

Encouraging higher density (9%) _____

- Encouraging higher density (as we are so near to the heart of town) and the mixed uses and amenities that go along with density
- Creation of high-density mixed-use and townhouses
- Addition to the building stock
- Townhomes on 6th and Hunstville (developer not Habitat. I won't live long enough)

South School Boulevard (9%) _____

- Revitalize School/15th area—make it “signature gateway” for the area
- Tree median on S. School
- South School Boulevard
- Boulevard

Park Development (28%)

- Park development. Make this the regional park—not out past the bypass
 - Putting to use wooded area of Walker Park
 - Clean underbrush
 - Clean up of underbrush in Walker Park
 - Complete bringing Walker Park up to Fayetteville Standards—expect it will catalyze other improvements
 - Safe pedestrian trails in park—leave forests please
 - Leave riparian zone wild where possible with designated paths, extra access from S. School
 - Landscape Walker Park, more play areas for kids
 - Trails in Walker Park woods
 - Maximizing use of Walker Park is also excellent
 - More usage for park
 - Implement park ideas of dog park, splash pad, ampitheatre, etc.
- Great ideas

Jefferson Square concept (26%)

- Jefferson School project
- Jefferson Square is inspired
- Civic center/square at Jefferson
- Jefferson building as a Center
- Jefferson Cultural Arts Center
- Jefferson Square—love the idea of Jefferson Square diverting traffic
- Jefferson Square—it will anchor the area
- Jefferson Square concept is wonderful
- Jefferson Square concept
- Jefferson Square!
- Jefferson Square idea

Improved Connectivity (14%)

- Improved connectivity will lay the foundation for other improvements. “Complete streets,” traffic calming, on-street parking and walkability will give the neighborhood a cohesiveness essential to future smart development.
- Connecting streets and making connections to South School and Wood
- Connectivity and walkability
- Street and pedestrian connections
- Connecting streets
- Sidewalk/street connectivity

Appendix

Walker Park Neighborhood Master Plan

Are there any elements of your vision for the future of the Walker Park Neighborhood we might have missed?

Traffic Calming

- Speed control is essential
- Speed tables (4)
- Please cut off S. College at 200 block of College—too dangerous for southbound traffic
- Options for traffic on 6th

Zoning

- We need to know specifically what is allowed/encouraged in the proposed zoning and what incentives will catalyze development. I am concerned that single-family homes, which are not a sustainable development pattern, are being promoted proximate to downtown
- It is important to remember the neighborhood's proximity to downtown and the need for density, commercial and mixed-use
- I don't support the creation of and preservation of single-family homes. They are inefficient and unaffordable
- The neighborhood preservation concept seems to inhibit positive development of my neighborhood
- Allowing zoning to allow lots to be divided for roads and alleys where there are none isn't for the good of the existing neighborhoods. Sticking with no dividing existing lots of land holdings keeps integrity of community and keeps out developers
- Too much greenspace being changed into houses

Swimming Pool

- Swimming pool for the Senior Center shared with the community during the summer—covered during the winter
- I would like to see a city pool right south of the Senior Center—water aerobics/swimming is the best exercise for seniors. It would be a great addition to the neighborhood in terms of use of land. I think it would be a waste to building a "Frisbee golf" there. There is not enough room for a proper course.

Park

- Long-term vision for current parkland outside of the main rectangular park
- Retain "wild" areas of Walker Park with underbrush—not lawn or paved. Protect the creek quality with continuous riparian zone

Miscellaneous

- I definitely wish to see more ped-friendly crossings of Archibald Yell
- Encourage new development and redevelopment
- Further guidance of development on and across 15th Street
- More directed green and sustainability resolutions
- Haven't figured out how you will make a street over the creek between Wood and Washington Ave.

Other comments

- I feel is important to address "controversial" issues like affordability, density, property rights and even discrimination head-on.
- I feel you have done a wonderful job—social services given a priority
- It is a great start and am hoping this can be brought to fruition
- Without the plan no progress will ever be made. There is a plan for people to "buy into" and support.
- An exciting look at a neighborhood that has been overlooked and neglected. I love the preservation of the neighborhoods that exist.

**Do you think the plan
is on the right track?**

Yes (97%)

No (3%)

Appendix

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Fayetteville
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Walker Park Neighborhood Master Plan

Alternative Zoning Map



	Neighborhood Conservation = 50%
	Downtown General = 42%
	Main Street Center = 8%

Zoning requirements for these designations are available in the City Code of Ordinances and are listed on the following page.

Title XV: Unified Development Code
Chapter 161: Zoning Regulations
161.21 Main Street Center
161.22 Downtown General
161.23 Neighborhood Conservation

Walker Park Neighborhood Master Plan

TITLE XV UNIFIED DEVELOPMENT CODE

161.21 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
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
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

(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. 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.

(H) 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. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07)

161.22 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 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
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
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.

(H) 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. 5028, 6-19-07; Ord. 5029, 6-19-07)

161.23 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

(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
Unit 24	Home occupations
Unit 25	Professional 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.
Three Family	60 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 adjoining a different use unit.	5 ft.
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.

Appendix

Walker Park Neighborhood Master Plan

Resources

American Community Garden Association
<http://www.communitygarden.org/>

City Plan 2025, Fayetteville
<http://cityplan2025.accessfayetteville.org>

Downtown Master Plan, 2004, Fayetteville
www.accessfayetteville.org

Fayetteville Housing Authority
Fredia Sawin, Director, fayettevilleha@moregti.net

Jefferson Project
Contacts: Ralph Nesson, rnesson@jtlshop.jonesnet.org, and
Kathy Thompson, kpthompson@sbcglobal.net

Urban Land Institute
www.uli.org

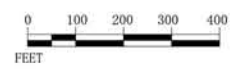
Washington County Habitat for Humanity
www.habitatwashcoar.org

Appendix



WALKER PARK NEIGHBORHOOD
ILLUSTRATIVE MASTER PLAN
FAYETTEVILLE, ARKANSAS
SEPTEMBER 2007

- Existing Building
- Proposed Building
- Existing Civic Building
- Study Area Boundary



ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4859, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT THE 300 & 400 BLOCK OF MARTIN LUTHER KING BOULEVARD FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL.

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 changes the zone classification of the following described property from NC, Neighborhood Conservation, to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2014.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 152 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0577

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 1

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$40,017.86 FOR A STORMWATER EDUCATION PROGRAM FOR 2015

WHEREAS, the City of Fayetteville, along with seventeen other cities in Northwest Arkansas, has been operating under the Environmental Protection Agency's federally mandated Phase II Stormwater Regulations as a Municipal Separate Storm Sewer System; and

WHEREAS, the Northwest Arkansas Planning Commission has determined that a regional approach to certain minimum control measures required for renewal of Municipal Separate Storm Sewer System permits - specifically Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping - is both logical, cost effective and appropriate, and this approach has been approved by the Arkansas Department of Environmental Quality; and

WHEREAS, the Northwest Arkansas Planning Commission has endorsed a proposal from the University of Arkansas Cooperative Extension Service to design and provide a stormwater education program to all Municipal Separate Storm Sewer Systems in Northwest Arkansas; and

WHEREAS, the cost of the agreement to the City for 2015 exceeds \$20,000.00 and would otherwise require competitive bidding unless the requirement is waived.

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 determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and authorizes the Mayor to sign a Memorandum of Understanding, a copy of which is attached hereto and made a part hereof, between the City and the Northwest Arkansas Regional Planning Commission in the amount of \$40,017.86 for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the Environmental Protection Agency's Phase II Stormwater Regulations.

City of Fayetteville Staff Review Form

2014-0577

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Chris Brown

11/20/2014

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

Budget Impact:

4470.9470.5817.00

4470 - Sales Tax Capital Improvements

Account Number

Fund

02097

Stormwater Quality Management (Stormwater
Quality Mgmt/Nutrient Reduct)

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 407,246.00

Funds Obligated \$ 278,756.72

Current Balance **\$ 128,489.28**

Does item have a cost? Yes

Item Cost \$ 40,017.86

Budget Adjustment Attached? No

Budget Adjustment

Remaining Budget **\$ 88,471.42**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Alan Pugh, Staff Engineer

DATE: November 20, 2014

SUBJECT: Waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

RECOMMENDATION:

Staff recommends waiving competitive bidding and approving of a one-year agreement in the amount of \$40,017.86 with the Northwest Arkansas Regional Planning Commission for a Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension service to satisfy portions of the NPDES Phase II Stormwater Permit requirements

BACKGROUND:

The City of Fayetteville has participated in the educational program provided by the University of Arkansas Cooperative Extension since its inception. This program has been very successful and a valuable asset to the public as well as the city.

DISCUSSION:

Since 2003, the cities of Bentonville, Bethel Heights, Elkins, Elm Springs, Farmington, Fayetteville, Greenland, Johnson, Little Flock, Lowell, Springdale and Rogers along with Benton and Washington Counties and the University of Arkansas have been operating under EPA's federally mandated Phase II Stormwater regulations as Municipal Separate Storm Sewer Systems (MS4s). The cities of Bella Vista, Cave Springs, Centerton, Pea Ridge, Prairie Grove, and Tontitown were recently designated as MS4s based on the 2010 census and these cities are joining the education program this year. While these jurisdictions obtained separate National Pollutant Discharge Elimination System (NPDES) permits, they jointly contracted with Cooperative Extension Service (CES) through the NWA Regional Planning Commission as a successful and cost-effective means of implementing the following minimum control measures required in their Phase II permits as well as ensure uniformity in the message presented to residents of Northwest Arkansas:

- 1) Public Education and Outreach
- 2) Public Involvement and Participation
- 6) Pollution Prevention and Good Housekeeping (training for municipal employees)

Positive feedback from ADEQ and participating MS4s has led to the CES and the NWARPC partnering for an additional urban stormwater education program in support of the MS4s' new 2014-2019 stormwater management permits. This contract is for participation in a 1-Year Regional Stormwater Education and Coordination Program.

BUDGET/STAFF IMPACT:

Funding in the amount of \$40,017.86 is available in the Stormwater Quality Management and Nutrient Reduction Plan Budget. These funds are proposed to be utilized to satisfy the terms of the agreement.

Attachments:

Memorandum of Understanding
Urban Stormwater Education Program 2015-2019 Summary
Cost Allocation Summary

City of Fayetteville - Purchase Order Request (PO) (Not a Purchase Order) All PO Requests shall be scanned to the Purchasing e-mail: Purchasing@fayetteville-ar.gov . Purchase shall not be made until an actual PO has been issued.							Requisition No.:	Date:		
Vendor #: 8810 Vendor Name: NWA Regional Planning Commission							P.O Number:			
							Mail ☐ Yes ☐ No		Legistar#: 2014-0577	
Address:					FOB Point:		Taxable ☐ Yes ☐ No		Expected Delivery Date:	
City:			State:		Zip Code:	Ship to code:	Quotes Attached ☐ Yes ☐ No			
Requester: Alan Pugh					Requester's Employee #: 4073		Extension: 8208			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number	Project.Sub#	Inventory #	Fixed Asset #	
1	2015 Stormwater Education	1	LOT	40,017.86	\$40,017.86	02097				
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: \$40,017.86			
							Tax: \$0.00			
							Total: \$40,017.86			
Approvals:										
Mayor: _____			Department Director: _____			Purchasing Manager: _____				
Chief Financial Officer: _____			Budget Director: _____			IT Director: _____				
Dispatch Manager: _____			Utilities Manager: _____			Other: _____				



NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

1311 Clayton St., Springdale, Arkansas, 72762

• (479) 751 7125

• Fax: (479) 751 7150

• <http://nwarpc.org>

MEMO

TO: MS4 REPRESENTATIVES

FROM: CELIA SCOTT-SILKWOOD, AICP, REGIONAL PLANNER

DATE: OCTOBER 24, 2014

RE: STORMWATER EDUCATION PROGRAM 2015 MEMORANDUM OF UNDERSTANDING

I am enclosing an original of your jurisdiction's 2015 Memorandum of Understanding (MOU) for the regional Stormwater Education Program signed by Jeff Hawkins.

Please deliver the MOU to the appropriate person in your jurisdiction to sign and date.

You may return the MOU either by the US Postal Service, or through email. If at all possible the MOU should be returned by the end of the year.

If you have any questions, please let me know. Thank you for your prompt attention to this matter.

FAYETTEVILLE

**MEMORANDUM OF UNDERSTANDING FOR THE MS4
JURISDICTIONS OF NORTHWEST ARKANSAS AND
THE NORTHWEST ARKANSAS REGIONAL PLANNING
COMMISSION**

WHEREAS, eighteen cities in Benton and Washington Counties, the counties themselves, and the University of Arkansas meet the U.S. Environmental Protection Agency's "small" urbanized area municipal separate storm sewer (MS4) criteria, and must comply with national Phase II Stormwater Regulations; and

WHEREAS, the Arkansas Department of Environmental Quality (ADEQ), the state agency authorized by EPA to issue National Pollutant Discharge Elimination System (NPDES) permits requiring and ensuring compliance, will establish dates for affected entities to be covered under Arkansas' general permit for MS4s; and

WHEREAS, said permit requires development, implementation, and evaluation of a stormwater management plan, that addresses each of the six minimum control measures identified in the Phase II Storm Water Regulations contained in 40 CFR 122.26 and outlined in Part I.B.; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (NWARPC) has coordinated meetings between representatives of affected jurisdictions in an effort to determine, in the interest of economy and efficiency, whether certain stormwater permit components could be addressed collectively, rather than individually; and

WHEREAS, it has been determined that a cost effective, regional approach to certain minimum control measures required as part of the permit – namely Public Education and Outreach, Public Involvement and Participation, and the education component of Pollution Prevention/Good Housekeeping – is both logical and appropriate; and

WHEREAS, the NWARPC previously requested and received statements of qualifications from interested institutions and firms with demonstrated water quality educational expertise, and has, in cooperation with representatives of affected MS4 jurisdictions, endorsed the attached proposal from the University of Arkansas Cooperative Extension Service; and

WHEREAS, the ADEQ has endorsed the regional concept and proposal for addressing said minimum control measures; and

WHEREAS, said representatives of affected MS4s have also endorsed the distribution of costs associated with the proposal as shown on the attached cost allocation plan; and

FAYETTEVILLE

WHEREAS, the Board of Directors of the NWARPC have authorized the Commission to act as the financial clearinghouse and primary contractor, on behalf of said MS4s, in connection with said proposal.

NOW, THEREFORE BE IT RESOLVED THAT WE, THE UNDERSIGNED MS4 JURISDICTION, AND THE BOARD OF DIRECTORS OF THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION, AGREE AS FOLLOWS:

SECTION 1. To participate in a 1-Year Regional Stormwater Education and Coordination Program (January 1, 2015 – December 31, 2015), to be carried out by the University of Arkansas Cooperative Extension Service through an engagement with the Northwest Arkansas Regional Planning Commission, with costs based on a Base cost and each jurisdiction's pro-rated share of the region's 2010 urbanized area population; it being understood that said services to be provided shall satisfy requirements for the federally-mandated minimum control measures referenced herein. Commitments for participation in said program in future years will require governing body approval on a year-to-year basis.

SECTION 2. To participate financially in accordance with the attached cost allocation plan. Any increases in the costs allocated to the undersigned MS4 due to the failure of other MS4 jurisdictions to participate shall be subject to the approval of the undersigned MS4.

SECTION. 3. That all funds received by NWARPC from MS4s shall be utilized in their entirety for stormwater management program services and coordination activities in connection with EPA Phase II Stormwater Program requirements, and shall be accounted for separately from all other Commission funds.

Dated this _____ day of _____, 2014.

FAYETTEVILLE



Jeff Hawkins NWARPC

**Cost Allocation* of U of A Cooperative Extension Service Regional Stormwater Education and NWA Regional Planning
Commission Stormwater Coordination for NWA MS4 Jurisdictions**

**MS4 Cost = \$2,000 Base cost + (Remaining Program Cost x % NWA Urbanized Area Population)
Using 2010 US Census Urban Block Data for the 21 MS4 Collaborating Jurisdictions**

Jurisdiction	Urbanized Area Population	Total Population	% Urbanized Area Population	\$2,000 Base with % Urbanized Area
Greenland	721	1,294	0.24%	\$2,418.76
Elm Springs	973	1,535	0.33%	\$2,565.12
Cave Springs	969	1,931	0.33%	\$2,562.80
Bethel Heights	2,359	2,372	0.80%	\$3,370.12
Tontitown	71	2,460	0.02%	\$2,041.24
Little Flock	1,742	2,585	0.59%	\$3,011.77
Elkins	1,991	2,648	0.67%	\$3,156.39
Johnson	3,123	3,354	1.06%	\$3,813.86
Prairie Grove	69	4,380	0.02%	\$2,040.08
Pea Ridge	4,298	4,794	1.46%	\$4,496.31
Farmington	4,964	5,974	1.68%	\$4,883.12
Lowell	6,574	7,327	2.23%	\$5,818.22
Centerton	9,135	9,515	3.10%	\$7,305.67
Bella Vista	22,841	26,461	7.74%	\$15,266.20
U of A	5,801	27,503	1.97%	\$5,369.26
Bentonville	33,801	35,301	11.45%	\$21,631.84
Washington County†	1,868	203,065	0.63%	\$3,084.95
Benton County†	5,339	221,339	1.81%	\$5,100.93
Rogers	54,897	58,895	18.60%	\$33,884.54
Springdale	68,088	70,747	23.07%	\$41,545.96
Fayetteville	65,457	73,580	22.18%	\$40,017.86
Program Totals	295,081		100.00%	\$213,385.00

Note: Budget year runs from January 1 through December 31 of each calendar year

* These dollar breakdowns assume all jurisdictions participate

‡ Total population reflects the total county population including all incorporated areas

A. Minimum Control Measure #1: Public Education and Outreach on Stormwater Impacts

Permit Requirements: Regulation 40 CFR 122.34(b)(1): “The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff.”

Decision Process

The City of Fayetteville participates in monthly meetings of the NWA Stormwater Compliance Group. We also have representation on the NWA Stormwater Education Steering committee (public membership comprised of diverse backgrounds/interests) convenes at least once each year to review and evaluate program accomplishments and plan next steps. Both groups provide the localized input used to identify critical stormwater issues and target audiences and program methods and public relations strategies.

Applicable Public Education/Outreach BMPs

Develop and distribute electronic and printed educational materials

Input from both the MS4 Stormwater Compliance Group and Education Steering Committee guides the emphases of electronic and printed educational materials. Once topics have been identified, materials will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, podcasts, e-learning modules, website content, newsletters, press releases, and PSAs.

Measureable Goals:

A minimum of 20 electronic and printed educational materials will be developed.

The number of educational materials distributed will be documented.

MS4 Stormwater Compliance Group and Education Steering Committee meetings attendance will be documented.

Create displays and staff educational booths

Displays highlighting the annual topics of emphasis will be created and set up/staffed at libraries, banks, schools, local festivals, county fairs, etc.

Measureable Goal:

Stormwater displays will be created and used at a minimum of 5 events/locales

Conduct stormwater programs for adult audiences

Educational presentations will be given to illustrate stormwater dynamics, identify potential pollutants and pathways, describe techniques to reduce stormwater pollution and encourage voluntary BMP implementation according to the annual topic/audience emphases outlined in the SWMP.

Measureable Goal:

At least 10 stormwater education programs will be conducted for adult audiences

Conduct hand-on youth stormwater/water quality education programs

Educational programs for school youth will focus on the water cycle, watersheds, stormwater dynamics, water quality and pollution prevention using the EnviroScape surface runoff model, groundwater simulator, hands-on exercises from Project WET, Project WILD, and Project Learning Tree and creekside classrooms. Programs conducted will support the Arkansas State Frameworks/Common Core required curriculum.

Measureable Goals:

At least 20 stormwater education programs will be conducted for youth audiences

Responsible Party

The Northwest Arkansas Regional Planning and the University of Arkansas Cooperative Extension Service has contracted with the municipality to be responsible for the development and implementation of the public education efforts. A copy of that agreement is included in this plan.

Performance Standard:

Urban stormwater outreach/education programs will reach at least 32,729 residents (50% of the urbanized area population).

**Minimum Control Measure #1:
5 Year Implementation Schedule**

2015	2016	2017	2018	2019
<i>Topic Emphases:</i> Yard and garden management	<i>Topic Emphasis:</i> Automotive maintenance	<i>Topic Emphasis:</i> Septic system and pool maintenance	<i>Topic Emphasis:</i> Litter/trash management	<i>Topic Emphasis:</i> Irrigation management to minimize runoff/disconnecting impervious surfaces
<i>Target Audience:</i> Homeowners and garden enthusiasts	<i>Target Audience:</i> Vehicle owners	<i>Target Audience:</i> Homeowners with septic systems/pools	<i>Target Audience:</i> General public, homeowners	<i>Target Audience:</i> Homeowners and businesses with irrigation systems and guttering
<i>Rationale:</i> Improper yard waste disposal can clog storm drains and excess fertilizer and pesticide applications can contaminate stormwater with nutrients and chemicals	<i>Rationale:</i> Leaking automotive fluids and washing vehicles on paved surfaces allow oil, grease and chemicals to be carried in stormwater to local waterways	<i>Rationale:</i> Malfunctioning septic systems, improper handling and disposal of pool chemicals and emptying chlorinated pool water can impact stormwater quality	<i>Rationale:</i> Improper handling and disposal of litter can allow it to enter the storm drain system and impact stormwater quality	<i>Rationale:</i> Efficient irrigation conserves water and prevents it from entering the storm drain system while disconnecting impervious surfaces minimizes runoff by enhancing infiltration

B. Minimum Control Measure #2:

Public Involvement/Participation

Permit Requirements: The permittee must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

Decision Process

The City of Fayetteville participates in monthly meetings of the NWA Stormwater Compliance Group. We also have representation on the Stormwater Education Steering committee (public membership comprised of diverse backgrounds/interests) convenes at least once each year to review and evaluate program accomplishments and plan next steps. Both groups provide the localized input used to identify critical stormwater issues and target audiences and program methods and public relations strategies.

Applicable BMPs

Engage Residents in Stormwater Policy Development

Input from both the MS4 Stormwater Compliance Group and Education Steering Committee guides the emphases of electronic and printed educational materials. Once topics have been identified, materials will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, podcasts, e-learning modules, website content, newsletters, press releases, and PSAs. (This item to be tracked and documented within Public Education/Outreach, MCM #1)

Measureable Goals:

The number of educational/announcements materials distributed will be documented. (see MCM #1)

MS4 Stormwater Compliance Group and Education Steering Committee meetings attendance will be documented. (see MCM #1)

Train and Utilize Volunteer Educators

“Train-the-trainer” processes will be used to engage public volunteers and educators in teaching stormwater and pollution prevention (e.g. Benton and Washington County Master Gardeners, Master Naturalists, LakeSmart Leaders, etc.)

Measureable Goal:

At least 5 train-the-trainer programs will be conducted.

Conduct Public Participation/Involvement Events

Citizen and youth groups will participate in public involvement events (litter pick up, establishing demonstration rain gardens, planting riparian vegetation, stenciling storm drain inlets, etc.).

Measureable Goal:

At least 5 public participation events will be coordinated.

Responsible Parties

The jurisdiction is responsible for the development and implementation of the public involvement and participation efforts, utilizing the services of the University of Arkansas Cooperative Extension Service (contracted through the Northwest Arkansas Regional Planning Commission).

Performance Standard

At least 5 public participation and involvement activities will be conducted.

Minimum Control Measure #2: 5 Year Implementation Schedule

2015	2016	2017	2018	2019
<i>Program Emphasis:</i> Engage organizations (such as Master Gardeners, POAs and lawn care/landscaping professionals) to promote stormwater pollution prevention education	<i>Program Emphasis:</i> Engage HHW Collection Centers and automotive shops to promote their vehicle fluid collection	<i>Program Emphasis:</i> Partner with POAs, Health Department and watershed organizations to promote proper septic system function through inspections and regular pumping	<i>Program Emphasis:</i> Coordinate clean up events (potential locations: creek, lake, park, trail or roadway)	<i>Program Emphasis:</i> Partner with the Arkansas Irrigation Association to promote proper irrigation system use/maintenance
<i>Target Audience:</i> Homeowners, lawn care/landscaping professionals	<i>Target Audience:</i> Vehicle owners, automotive maintenance professionals	<i>Target Audience:</i> Homeowners with septic systems or swimming pools	<i>Target Audience:</i> MS4 residents	<i>Target Audience:</i> Homeowners and businesses with irrigation systems
<i>Rationale:</i> Improper management of grass clippings and leaves can clog storm drains and excess fertilizer and pesticide applications can contaminate stormwater with nutrients and chemicals	<i>Rationale:</i> Improper handling/disposal of automotive fluids allow oil, gasoline and other vehicle fluids to be transported in stormwater to local waterways	<i>Rationale:</i> Malfunctioning septic systems, improper handling and disposal of pool chemicals and emptying chlorinated pool water can impact stormwater quality	<i>Rationale:</i> Improper handling and disposal of litter can allow it to enter the storm drain system and impact stormwater quality	<i>Rationale:</i> Efficient irrigation conserves water and prevents it from entering storm drain systems



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 165 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0572

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 2

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4864, FOR APPROXIMATELY 0.26 ACRES, LOCATED AT 232 WEST ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

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 changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 Units Per Acre, to RMF-24, Residential Multi-Family, 24 Units Per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

From: Taylor Raine [<mailto:trainek2012@gmail.com>]
Sent: Tuesday, December 02, 2014 11:26 AM
To: Smith, Sondra; Terry Parker
Subject: Rezone Reauest Appeal

Hi,

My name is Taylor Koutroumbis and I am writing to you in reference to a recent proposal to rezone a lot on ash street in Fayetteville. This proposal, RZN 14-4864 (232 Ash St/Koutroumbis, 367), was denied by the Planning Commission on November 24, 2014. We would like to appeal this decision to the city council. Please let me know when we are on the agenda and if there is anything else required for this appeal. Thank you.

Taylor Koutroumbis
501-249-5233



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

DATE: December 19, 2014

SUBJECT: **RZN 14-4864: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):**
Submitted by PARKER & ASSOCIATES for property located at 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.26 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend denial of an ordinance to rezone the property to RMF-24, Residential Multi-Family. The applicant has appealed the Planning Commission decision.

BACKGROUND:

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.26 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955.

Land Use Compatibility: The proposal to rezone the property to RMF-24 will allow development of residential use that, in scale and building type, will be inconsistent and incompatible with surrounding land uses. The property is situated on a boundary between multi-family residential on a high speed arterial street and a quiet single-family residential neighborhood, where encroachment of multi-family developments would allow the introduction of height and density incompatible with the surrounding neighborhood to the north, east and south. Further, this property is the first interior lot away from Gregg Avenue and faces Ash Street, a local street, making this lot the logical and natural place to transition the zoning from multi-family to single-family residential use, as is the case under the current zoning.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as **Residential Neighborhood Area**. Staff finds the proposed zoning inconsistent with the Residential Neighborhood designation even though it does allow (where appropriate) a mix of residential types. Guiding Policy "E" for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-24 zoning district could allow a large multi-family building to encroach further into an area of the neighborhood with much smaller buildings and lower intensity. The development scale allowed

would not be proportional to surrounding smaller structures to the east and south. Guiding Policy “G” discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-24 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, in conflict with this policy.

DISCUSSION:

On November 24, 2014 the Planning Commission recommended denial with a vote of 6-3-0, with commissioners Winston, Hoskins, and Noble voting ‘no’. Two members of the public representing an elderly family member directly adjacent to the east, spoke against the rezoning.

BUDGET/STAFF IMPACT:

N/A

Attachments:

Applicant’s appeal letter

CC Ordinance

Exhibit A

Exhibit B

Planning Commission Staff Report

EXHIBIT 'A'

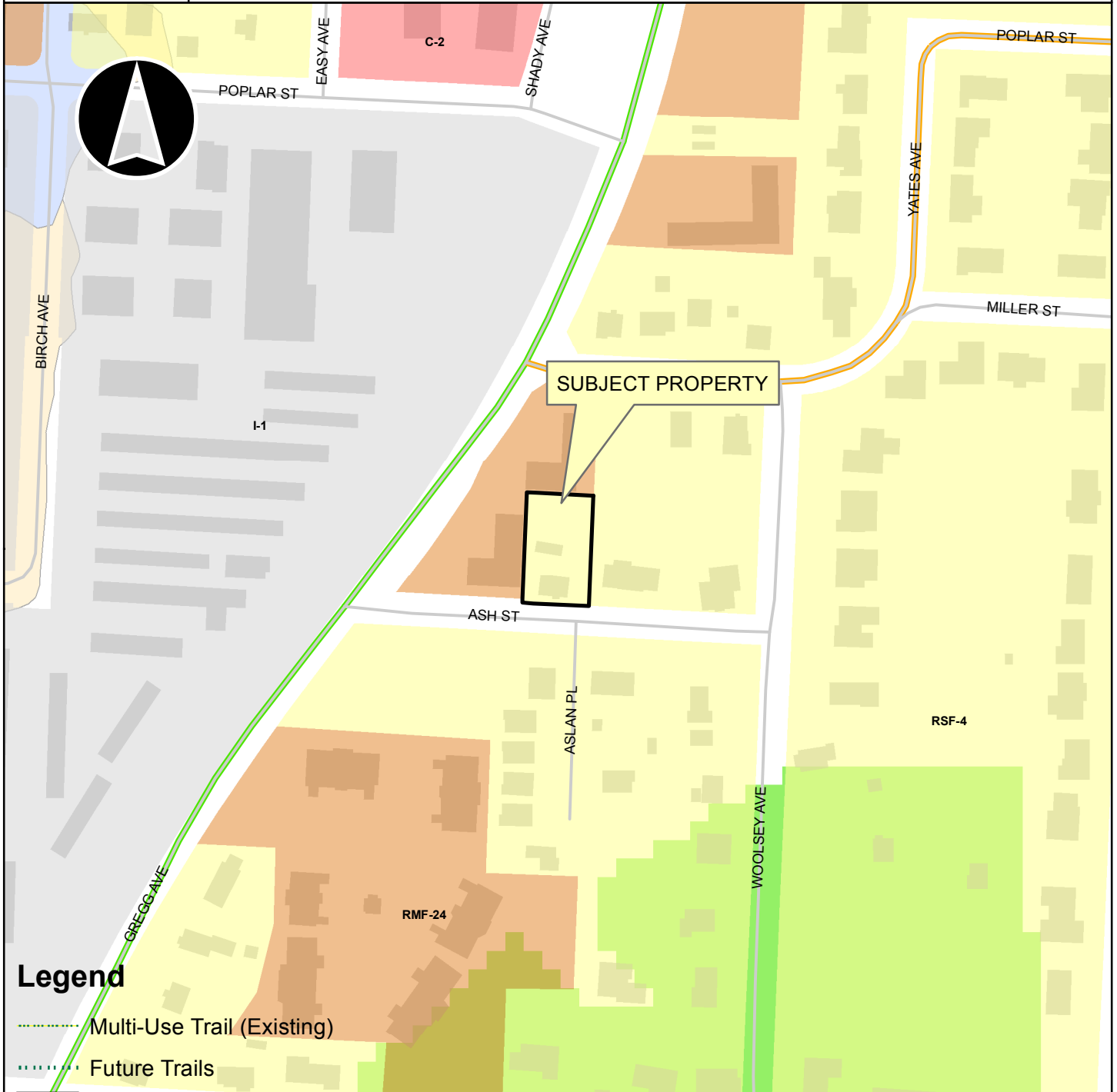
14-4864

Tentative Agenda
January 6, 2015
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RZN14-4864

KOUTROUMBIS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview RZN14-4864

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

0 75 150 300 450 600 Feet

EXHIBIT 'B'
14-4864

Lot Numbered 4 in Block Numbered 1 Revised Plat of Lots 3 to 9 inclusive, Block Numbered 6 Parker's Plat of Valley View Acres, as per plat of said Addition on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

A 15 foot strip of land of equal and uniform width off of the East side of Lot 5 Block 1 Revised Plat of Lots 3 to 9 inclusive, in Block 6 in Parker's Plat of Valley View Acres, as per plan on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Quin Thompson, Current Planner

MEETING DATE: ~~November 24, 2014~~ **UPDATED NOVEMBER 25, 2014**

SUBJECT: **RZN 14-4864: Rezone (232 W. ASH ST./KOUTROUMBIS, 367):**
Submitted by PARKER & ASSOCIATES for property located at 232 W. ASH ST. The property is zoned RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.26 acres. The request is to rezone the property to RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE.

RECOMMENDATION:

Staff recommends denial of **RZN 14-4864**.

BACKGROUND:

November 10, 2014 Planning Commission: This item was tabled at the applicant's request at the 11-10-2014 PC meeting. The applicant has not presented any additional information to staff since that meeting.

The subject property is located at 232 W. Ash Street, mid-block between Gregg Avenue and Woolsey Avenue and contains approximately 0.26 acres within the RSF-4 zoning district. The property is developed with a single-family residence and out-building, dating to 1955. Surrounding land use and zoning is depicted on *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-family, 4 units per acre
East	Two-Family Residential	RSF-4, Residential Single-family, 4 units per acre
West	Multi-Family Residential	RMF-24, Residential Multi-family/24 Units per Acre

Request: The request is to rezone the property from RSF-4, Residential Single-family / 4 Units per Acre to RMF-24, Residential Multi-family / 24 Units per Acre. The applicant has stated that the rezoning will allow the property to be re-developed in the future.

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** The subject parcel has access to Ash Street. Ash Street currently has storm drainage, curb and gutter and limited sidewalk. Any required improvements of these streets will be determined at time of development.
- Water:** Public water is accessible to the site. A 1.5" water main exists in the right of way of Ash Street adjacent to the subject parcel.
- Sewer:** Sanitary sewer is available to the parcel. A 6" sewer main exists in the right of way of Ash Street.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain or the Streamside Protection Ordinance.
- Fire:** This development will be protected by Engine 2 located at 708 N Garland. It is 2 miles from the station with an anticipated response time of 3 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will negatively affect calls for service or response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2030 Future Land Use Plan designates this site as **Residential Neighborhood Area**.* Residential Neighborhood Areas are primarily residential in nature and support a variety of housing types of appropriate scale and context, including single family, multifamily and rowhouses. Residential Neighborhood encourages highly connected, compact blocks with gridded street patterns and reduced setbacks. It also encourages traditional neighborhood development that incorporates low-intensity non-residential uses intended to serve the surrounding neighborhood, such as retail and offices, on corners and along connecting corridors.

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends denial of RZN 14-4864, finding that the proposed zoning allows development incompatible with the existing single-family neighborhood.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>November 24, 2014</u>	☐ Tabled	☐ Forwarded	☒ Denied
Motion: CHESSER	Second: AUTRY	Vote: 6-3-0	
WINSTON, HOSKINS, NOBLE VOTED 'NO'			
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>December 16, 2014</u>	☐ Approved	☐ Denied	

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Land Use Compatibility:** This property is currently developed with a single family residence. The proposal to rezone the property to RMF-24 will allow development of residential use inconsistent and incompatible with surrounding land uses. The property is situated on a boundary between multi-family residential on a high speed arterial street and a quiet single-family residential neighborhood, where encroachment of multi-family developments would allow the introduction of height and density incompatible with the surrounding neighborhood to the north, east and south. Further, this property is the first interior lot away from Gregg Avenue and faces Ash Street, a local street, making this lot the logical and natural place to transition the zoning from multi-family to single-family residential use, as is the case under the current zoning.

Land Use Plan Analysis: The City Plan 2030 Future Land Use Map designates this area as Residential Neighborhood Area. Staff finds the proposed zoning inconsistent with the Residential Neighborhood designation even though it does allow (where appropriate) a mix of residential types. Guiding Policy "E" for Residential Areas encourages a development scale to maintain compatibility, use, and proportionality between land uses. The proposed RMF-24 zoning district could allow a large multi-family building to encroach further into an area of the neighborhood with much smaller buildings and lower intensity. The development scale allowed would not be proportional to surrounding smaller structures to the east and south. Guiding Policy "G" discusses that traffic on minor residential streets should be minimized while providing connections between neighborhoods. The proposed RMF-24 zoning would encourage a higher density project and its associated traffic further onto Ash Street, a minor residential street, in conflict with this policy.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed rezoning is not justified, due to the fact that the area's current single-family residential zoning designation is compatible with surrounding properties and traffic patterns to the east. The property is surrounded on three sides by single-family uses and provides a buffer from the multi-family developments and high speed traffic conditions on Gregg Avenue. Further,

the proposed zoning will not allow the owner to utilize the property for multi-family development unless it is combined with an adjacent lot to the west (under ownership of the same family), as it does not meet minimum street frontage requirements for multi-family development. The RMF-24 zoning district bulk and area requirements for the existing lot would allow no more than a two-family unit to be built; a type which is allowed as a conditional use within the current zoning district.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The site access has access to West Ash Street, a partially improved two-lane local street. The proposed zoning allows uses that would increase traffic over the existing zoning, however, development allowed under the proposed zoning is unlikely to appreciably increase traffic danger or congestion, as it would allow a maximum of two units (one duplex) and would be near Gregg Avenue, which can handle large volumes of traffic. Street improvements will be evaluated at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property from single-family to multi-family use will allow for the construction of higher residential density, however that development is unlikely to undesirably increase the load on public services. The Police and Fire Departments have expressed no objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:
None

Attachments:
Unified Development Code sections 161.07 & 161.14
Request Letter
Site Plan
Fire Comments
One Mile Map, Close Up Map, Current Land Use Map, Future Land Use Map

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
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family	Two-family dwellings
--	---------------	----------------------

	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 Maximum	Height	45 ft.
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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.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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
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(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.
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	10,000 sq. ft.

Individual lot	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 bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height	30/45/60ft.*
Maximum	

*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

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 the lot width.

(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; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

CITY OF FAYETTEVILLE, ARKANSAS

REZONING

Rezoning Checklist:

- (5) a. Owners: Stelios Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
310-422-8915
- Taylor Koutroumbis
985 W. Hughes Street
Fayetteville, AR 72701
501-249-5233
- There are no proposed or pending property sales.
- b. The reason for requesting the zoning changes is that the owners want to redevelop the property.
- c. The proposed rezoned property would be of a similar character to the adjacent properties on N. Gregg Avenue and on W. Ash Street. The proposed and existing structures will be scaled to be compatible with the existing residential neighborhood and will designed in a “craftsman style” with sloping roofs and stone and wood siding.
- d. Water and sewer lines are present and available on the property.
- e. The subject lot is adjacent to existing properties on N. Gregg Avenue of a similar nature and the proposed development will be designed to fit in with the predominate residential style and character of the existing neighborhood. The proposed zoning would therefore be consistent with the planning objectives, zoning and land use plans in the area.
- f. The proposed zoning is justified and needed to allow the owners to develop the property.
- g. The proposed zoning will not appreciably increase traffic danger and congestion in the area due to the small size of the project and due to the adjacency of a major access roadway (N. Gregg Avenue).
- h. Population density and the load on public services will not be significantly increased due to the small scale of the proposed development.
- i. The subject property is in a transitional area and requires a rezoning from the existing zoning in order to develop a multi-family project.



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Engineering Services, Quin Thompson
From: Will Beeks Assistant Fire Marshal
Date: October 27, 2014
Re: 14-4875

This development will be protected by Engine 2 located at 708 N Garland.

It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.

The Fire Department anticipates 45 calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department feels this development could affect our calls for service or our response times.

If you have any questions please feel free to contact me.

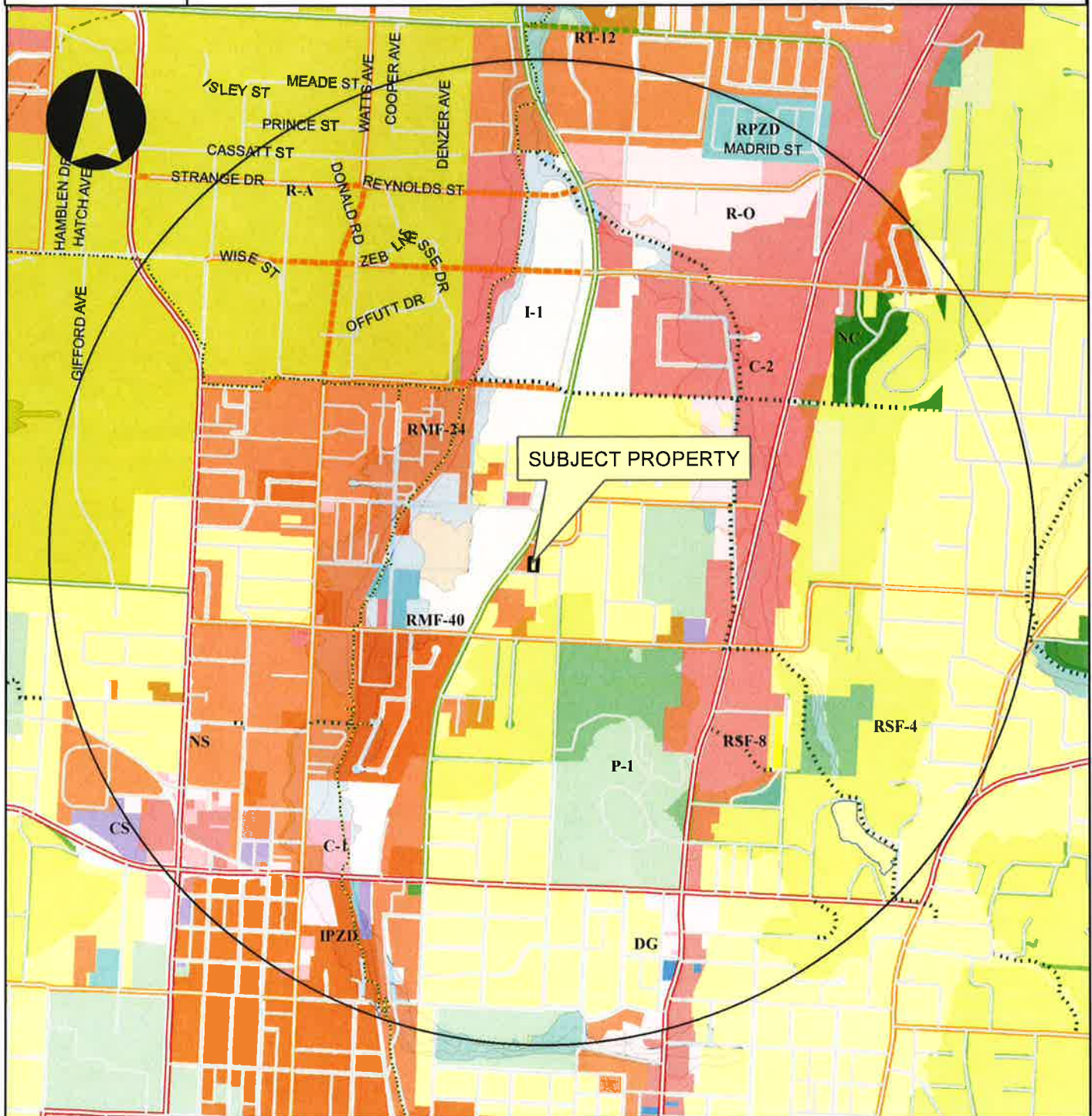
Captain Will Beeks
Assistant Fire Marshal
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

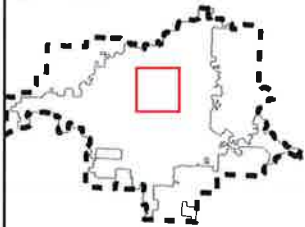
RZN14-4864

KOUTROUMBIS

One Mile View



Overview



Legend

Subject Property

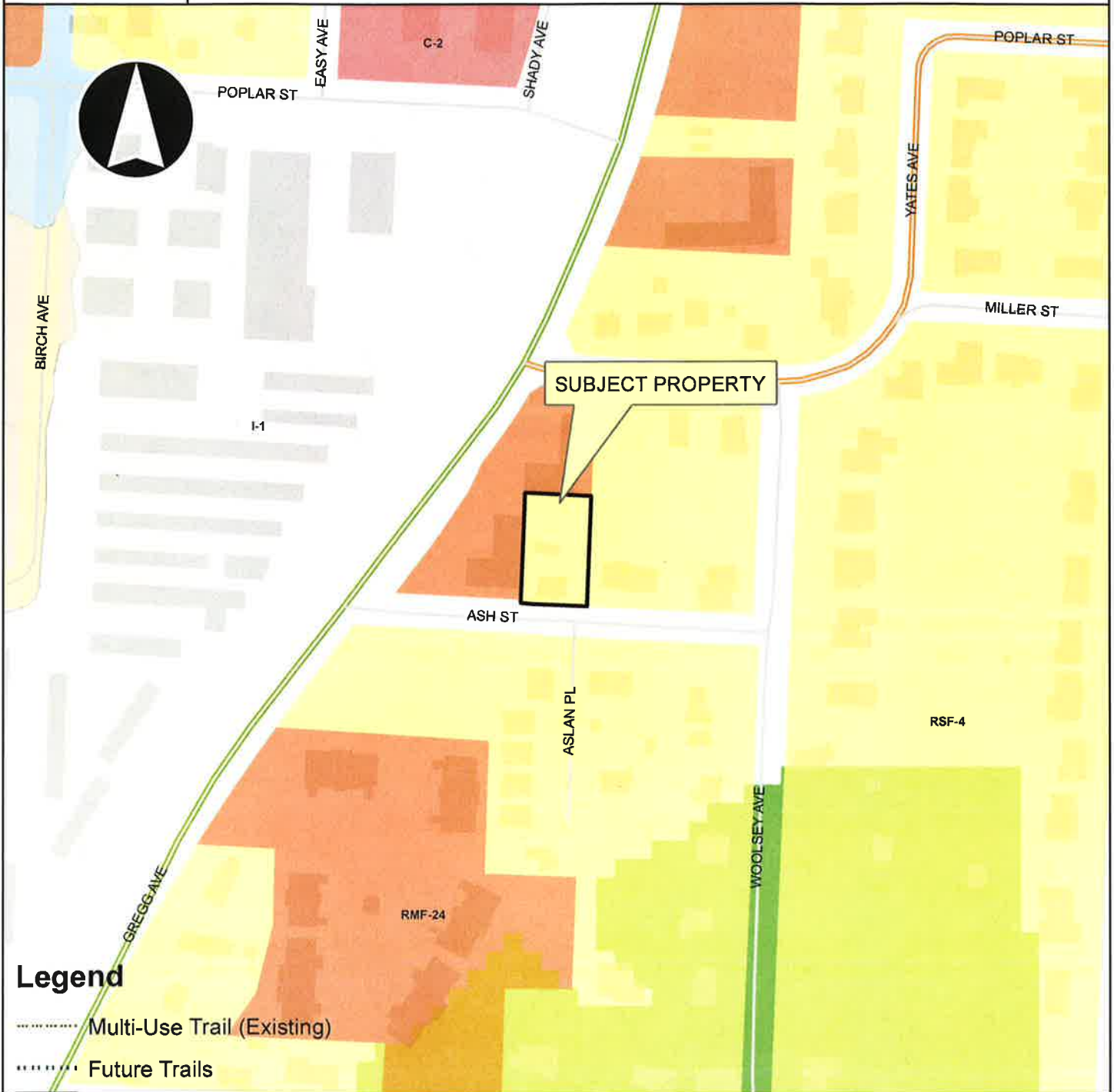
Boundary



RZN14-4864

KOUTROUMBIS

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails

Overview RZN14-4864

- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



RZN14-4864

KOUTROUMBIS

Current Land Use



Legend

- Multi-Use Trail (Existing)
- Future Trails

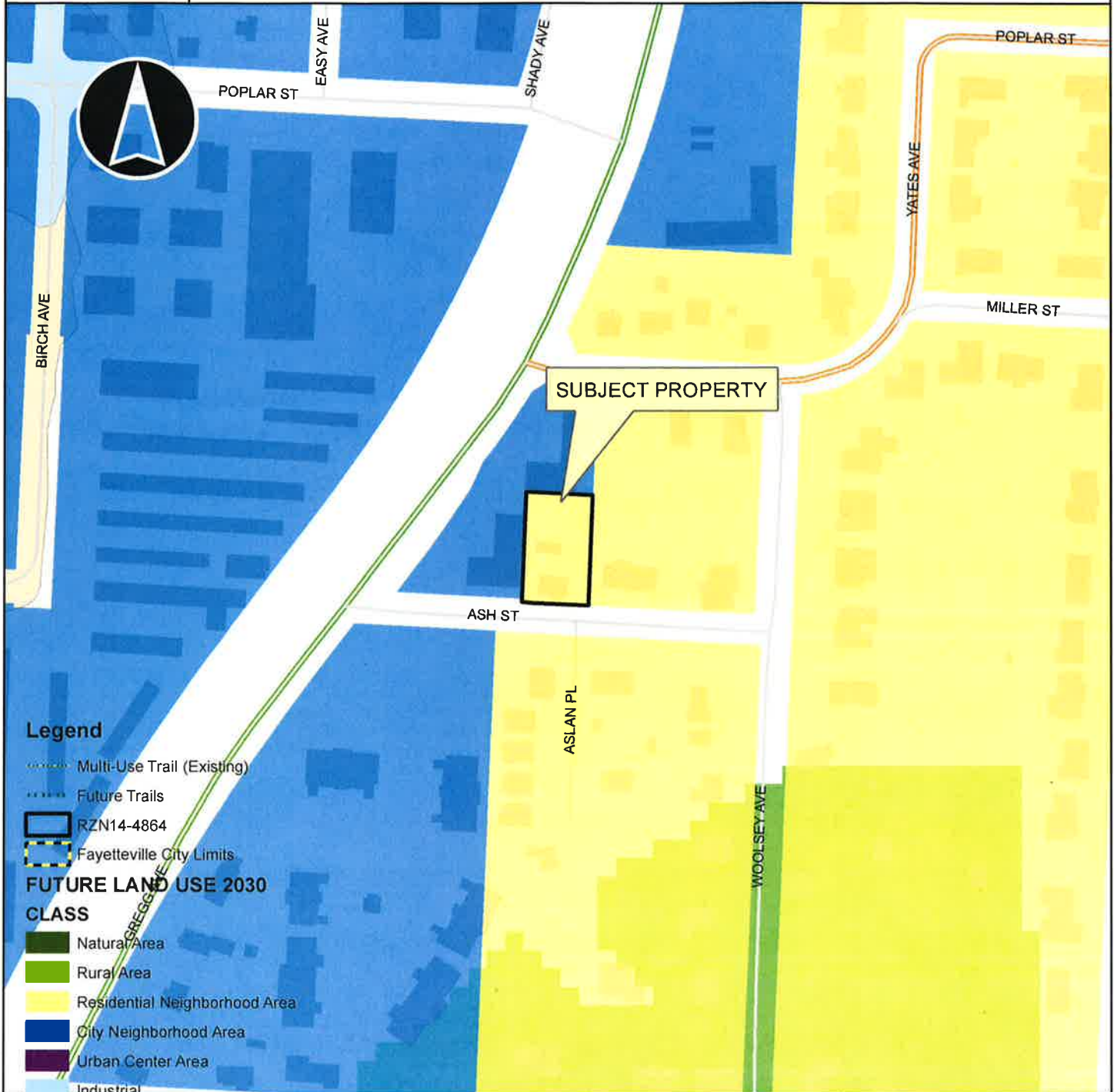
- Overview
- RZN14-4864
- Fayetteville City Limits
- Footprints 2010
- Design Overlay District
- Planning Area



RZN14-4864

KOUTROUMBIS

Future Land Use



- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area



ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4864, FOR APPROXIMATELY 0.26 ACRES, LOCATED AT 232 WEST ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE, TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE.

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 changes the zone classification of the following described property from RSF-4, Residential Single Family, 4 Units Per Acre, to RMF-24, Residential Multi-Family, 24 Units Per Acre, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
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113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0579

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 3

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4894, FOR APPROXIMATELY 3.78 ACRES, LOCATED AT 3525 SOUTH SCHOOL AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL

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 changes the zone classification of the following described property from C-2, Thoroughfare Commercial, to I-1, Heavy Commercial/Light Industrial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2014-0579

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

12/19/2014

City Planning /

Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717): Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.78 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Fayetteville City Council

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

DATE: December 19, 2014

SUBJECT: **RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717):** Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 3.78 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

RECOMMENDATION:

The Planning Commission and City Planning Staff recommend approval of an ordinance to rezone the property to I-1, Heavy Commercial/Light Industrial.

BACKGROUND:

The subject property is located on the west side of S. School Avenue at the intersection of Willoughby Road. The property is developed with several warehouse buildings and a retail building totaling approximately 50,000 square feet that have been vacant for the past several years. The property was used for Dennis Home Furnishings for the past several decades.

*City Plan 2030 Future Land Use Plan designates this site as **Industrial**.* Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.

Compatibility: In staff's opinion, the I-1 zoning district is an appropriate designation for this property. Surrounding properties include Standard Register, Cooper Power Systems and Drake Field Airport.

DISCUSSION:

On December 8, 2014 the Planning Commission forwarded this item to the City Council with a recommendation for approval with a vote of 6-0-0.

BUDGET/STAFF IMPACT:

N/A

Attachments:

CC Ordinance
Exhibit A

Exhibit B
Planning Commission Staff Report

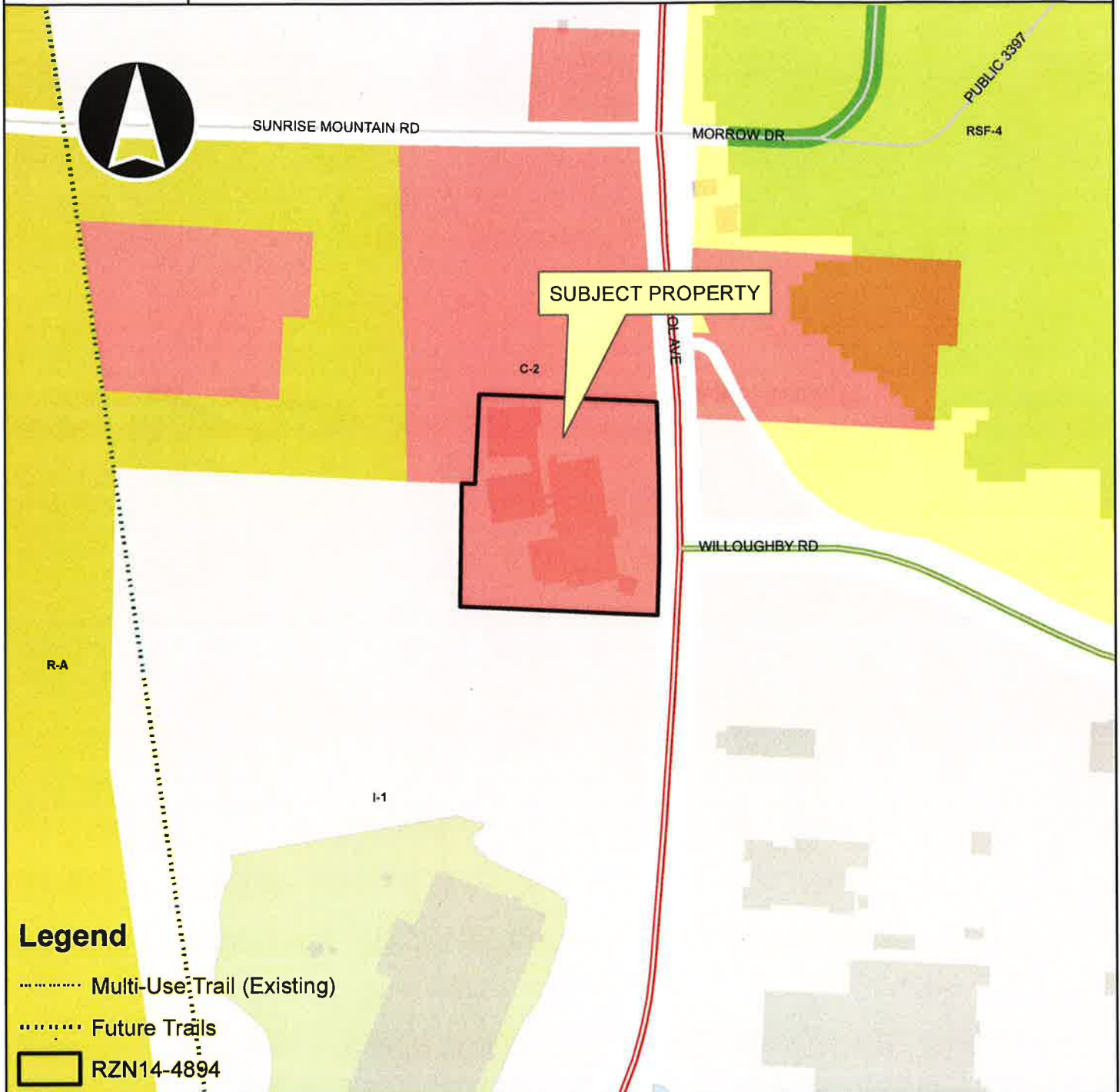
EXHIBIT 'A'
14-4894

Tentative Agenda
January 6, 2015
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RZN14-4894

YATES

Close Up View



Legend

- Multi-Use Trail (Existing)
- Future Trails
- RZN14-4894

Overview Fayetteville City Limits

- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Design Overlay District
- Planning Area

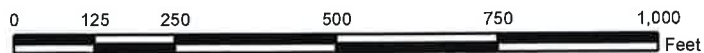


EXHIBIT 'B'
14-4894

SURVEY DESCRIPTION:

PART OF THE SOUTHWEST QUARTER (SW_{1/4}) OF THE NORTHWEST QUARTER (NW_{1/4}) OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NW CORNER OF THE SW_{1/4} OF THE NW_{1/4} OF SAID SECTION 33; THENCE N90°00'00"E 35.78 FEET; THENCE S00°00'00"W 42.50 FEET TO THE EAST RIGHT-OF-WAY LINE OF THE ARKANSAS-MISSOURI RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE S08°15'00"E 670.51 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S87°53'05"E 703.20 FEET TO THE POINT OF BEGINNING; THENCE S87°53'05"E 26.59 FEET; THENCE N00°44'10"W 168.98 FEET; THENCE S88°38'43"E 372.85 FEET TO THE WEST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 71-B (S. SCHOOL AVENUE); THENCE ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 5689.58 FEET, AN ARC LENGTH OF 424.01 FEET, A CENTRAL ANGLE OF 04°06'12", AND A CHORD BEARING AND DISTANCE OF S00°24'34"W 423.91 FEET; THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE N87°53'05"W 403.62 FEET; THENCE N02°06'55"E 250.00 FEET TO THE POINT OF BEGINNING, CONTAINING 164,674.11 SQUARE FEET OR 3.78 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.



PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

THRU: Andrew Garner, Planning Director

FROM: Jesse Fulcher, Senior Planner

MEETING DATE: ~~December 8, 2014~~ Updated December 17, 2014

SUBJECT: **RZN 14-4894: Rezone (3525 S. SCHOOL AVE./YATES, 717):** Submitted by MORGAN HOOKER for property located at 3525 S. SCHOOL AVE. The property is zoned C-2, THOROUGHFARE COMMERCIAL and contains approximately 4.05 acres. The request is to rezone the property to I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

RECOMMENDATION:

Staff recommends approval of **RZN 14-4894**.

BACKGROUND:

The subject property is located on the west side of S. School Avenue at the intersection of Willoughby Road. The property is developed with several warehouse buildings and a retail building totaling approximately 50,000 square feet that have been vacant for the past several years. The property was used for Dennis Home Furnishings for the past several decades. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Undeveloped	C-2, Thoroughfare Commercial
South	Industrial	I-1, Heavy Commercial/Light Industrial
East	Undeveloped	I-1, Heavy Commercial/Light Industrial
West	Undeveloped	R-A, Residential Agricultural and I-1, Heavy Commercial/Light Industrial

Request: The request is to rezone the property to I-1, Heavy Commercial/Light Industrial. The applicant has indicated to staff that their intent is to relocate Razorback Ironworks to the property. They specialize in steel fabrication, which is not a permitted use in the C-2 zoning district.

Public Comment: Staff received a letter of support from the current property owner.

INFRASTRUCTURE:

- Streets:** The site has access to S. School Avenue (Highway 71B), which is a 5-lane principal arterial. Any street improvements will be determined at the time of re-development.
- Water:** Public water is accessible to the site. There is an existing 12-inch water main on the east side of S. School and a 6-inch main that stubs into the property.
- Sewer:** Sanitary sewer is not available to the site. The nearest accessible sewer main is located approximately 425 feet to the southeast of the site.
- Drainage:** Any additional improvements or requirements for drainage will be determined at time of development. This property is not affected by the 100-year floodplain, or the Streamside Protection Ordinance.
- Fire:** This development will be protected by Engine 6 located at 900 S. Hollywood. It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development. The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.
- Police:** The Police Department did not express any concerns with this request.

CITY PLAN 2030 FUTURE LAND USE PLAN:

*City Plan 2030 Future Land Use Plan designates this site as **Industrial**. Industrial Areas are those areas with buildings that by their intrinsic function, disposition or configuration, cannot conform to one of the other designated areas and/or its production process requires the area to be separated from other uses.*

DISCUSSION:

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends approval of RZN 14-4894.

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>December 8, 2014</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Winston</u>	Second: <u>Autry</u>	Vote: <u>6-0-0</u>	
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>January 6, 2015</u>	☐ Approved		☐ Denied

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The Future Land Use Map designates the property as an Industrial area, so the I-1 designation is consistent with land use and zoning plans. Additionally, the I-1 zoning district is compatible with surrounding land uses along S. School Avenue, including Standard Register, Cooper Power Systems and Drake Field Airport.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: In staff's opinion the current zoning of the property is appropriate for the area and a rezoning is not necessary. However, as indicated in the applicant's letter, the property can't be utilized by the prospective buyer, so a rezoning is justified at this time.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Rezoning the property from C-2 to I-1 will likely result in less vehicle trips, particularly since it was previously used as a furniture store. In staff's opinion there will be a decrease in traffic danger and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Rezoning the property to I-1 should not have any noticeable impact on population density or create an undesirable load on public services. The Fayetteville Police and Fire Departments have reviewed and commented on this rezoning request.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:
None

Attachments:

- Unified Development Code sections 161.20 & 161.27
- Fire response letter
- Request letter
- Public comment
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

TITLE XV UNIFIED DEVELOPMENT CODE

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 and drive-in/drive through 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
Unit 44	Cottage Housing Development

(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
Unit 43	Animal boarding and training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a 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(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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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 and drive-in/drive through 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
Unit 43	Animal boarding and training

(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	25 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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

Rezoning Request

October 29, 2014

Parcel #:765-15530-000

3525 S School Ave., Fayetteville, AR 72701

- a. Current owner is Kenneth M Dennis, Trust (Seller) and Razorback Ironworks, LLC (Buyer). Contract is contingent on rezoning to I1.
- b. City of Fayetteville Planning has determined the new intended use will need to be under an I1 zoning. The business is Razorback Ironworks, LLC and they have been in business for 23 years.
- c. Property is located adjacent to Standard Register and in close proximity to the Fayetteville Regional Airport. There is very little if any C2 uses in the area. Taking the zoning to I1 will reduce traffic from potential uses in C2 zoning. The existing buildings are currently metal buildings with fabric awnings and the large metal building is block with EIFS above. The Buyer plans to refurbish the existing awnings and paint the building but will not need to make any major renovations to the buildings. He plans to have a small sign for delivery purposes only.
- d. Building is currently on Septic and has a 6" water line in front of the building on the other side of the road. The building is connected to this line with a 2" line.
- e. Future land use shows this property as I1.
- f. Proposed zoning request is needed to operate in this location.
- g. Zoning change will not impact traffic in any significant way. Proposed business has very little customer traffic.
- h. Proposed zoning and use will not alter the population density.
- i. Proposed business is not allowed in current zoning and future use maps show the proposed zoning.



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365 Fax (479) 575-0471

To: Morgan Hooker and Jesse Fulcher
From: Will Beeks Assistant Fire Marshal
Date: November 10, 2014
Re: 14-4894

This development will be protected by Engine 6 located at 900 S Hollywood.

It is 2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Will Beeks
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

From the Desk
of
Kenneth Dennis

Nov 15, 2014

Development Services
Mr Harrison:

I am in favor of the
rezoning of Dennis
Home Furnishing
Issue - 14-4894

3525 S. School

Please Read at the
Meeting

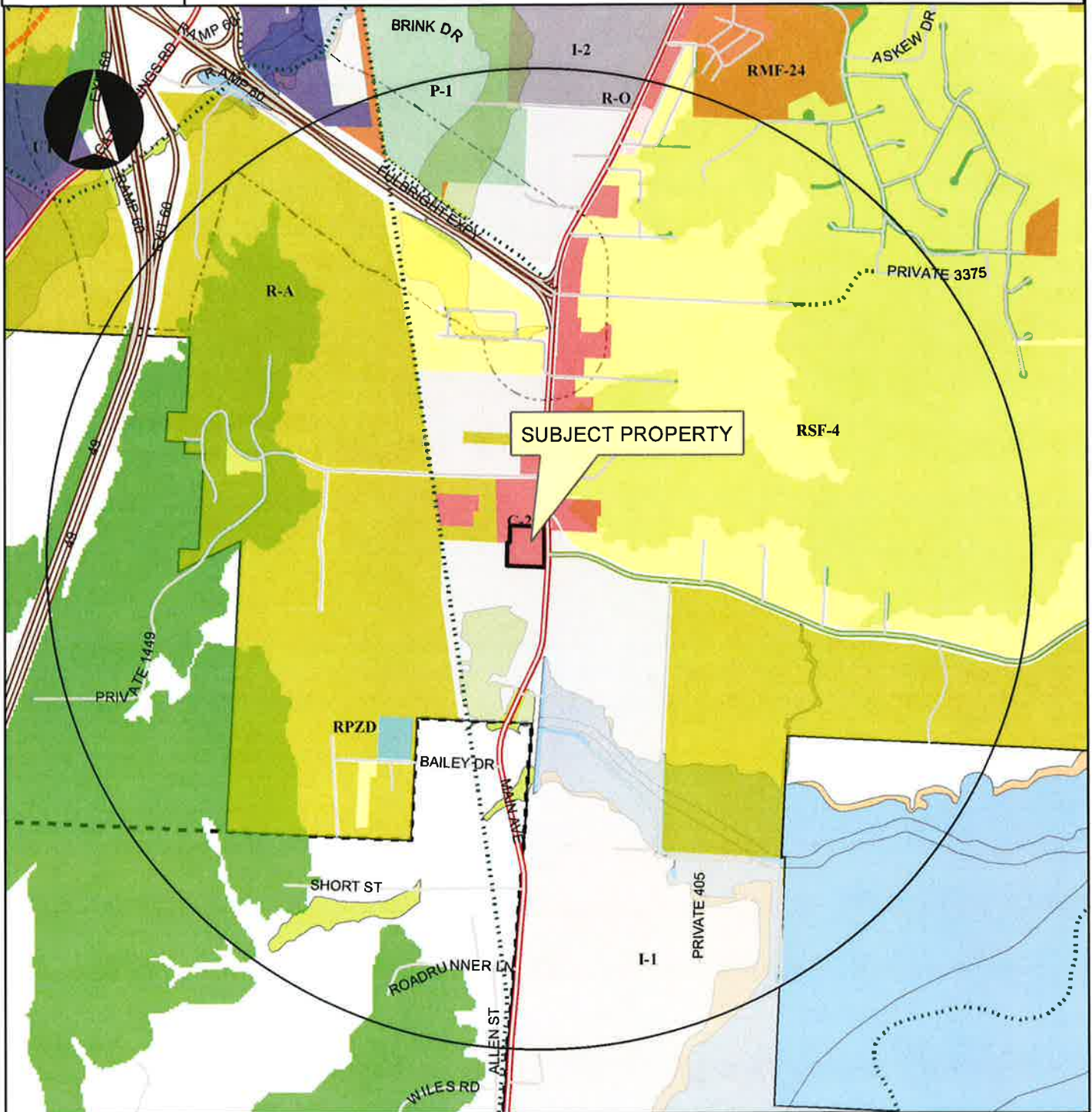
Thank you
Gerry Dennis
(owner).

479 521-6121

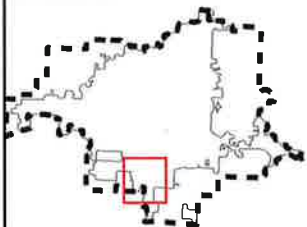
RZN14-4894

YATES

One Mile View



Overview

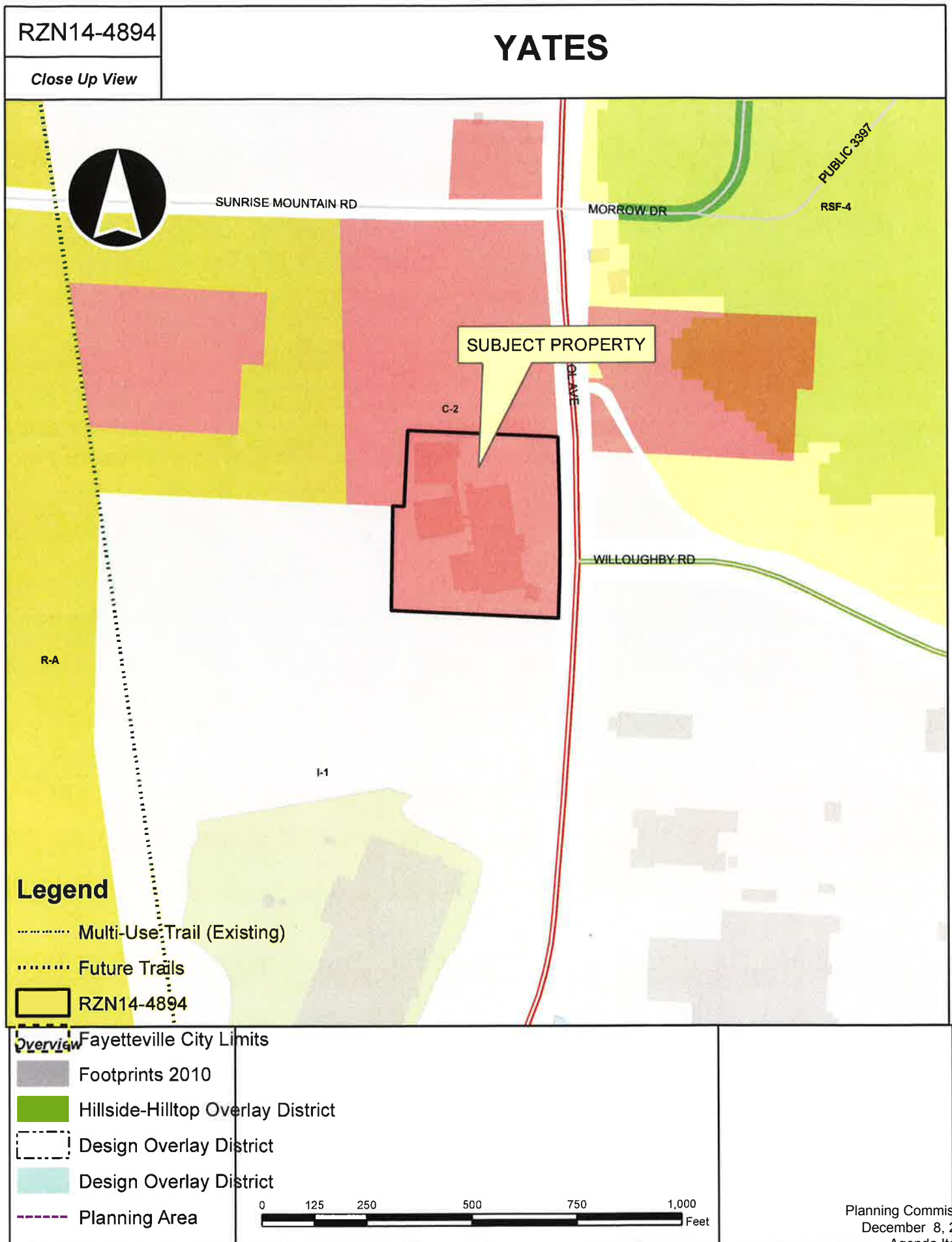


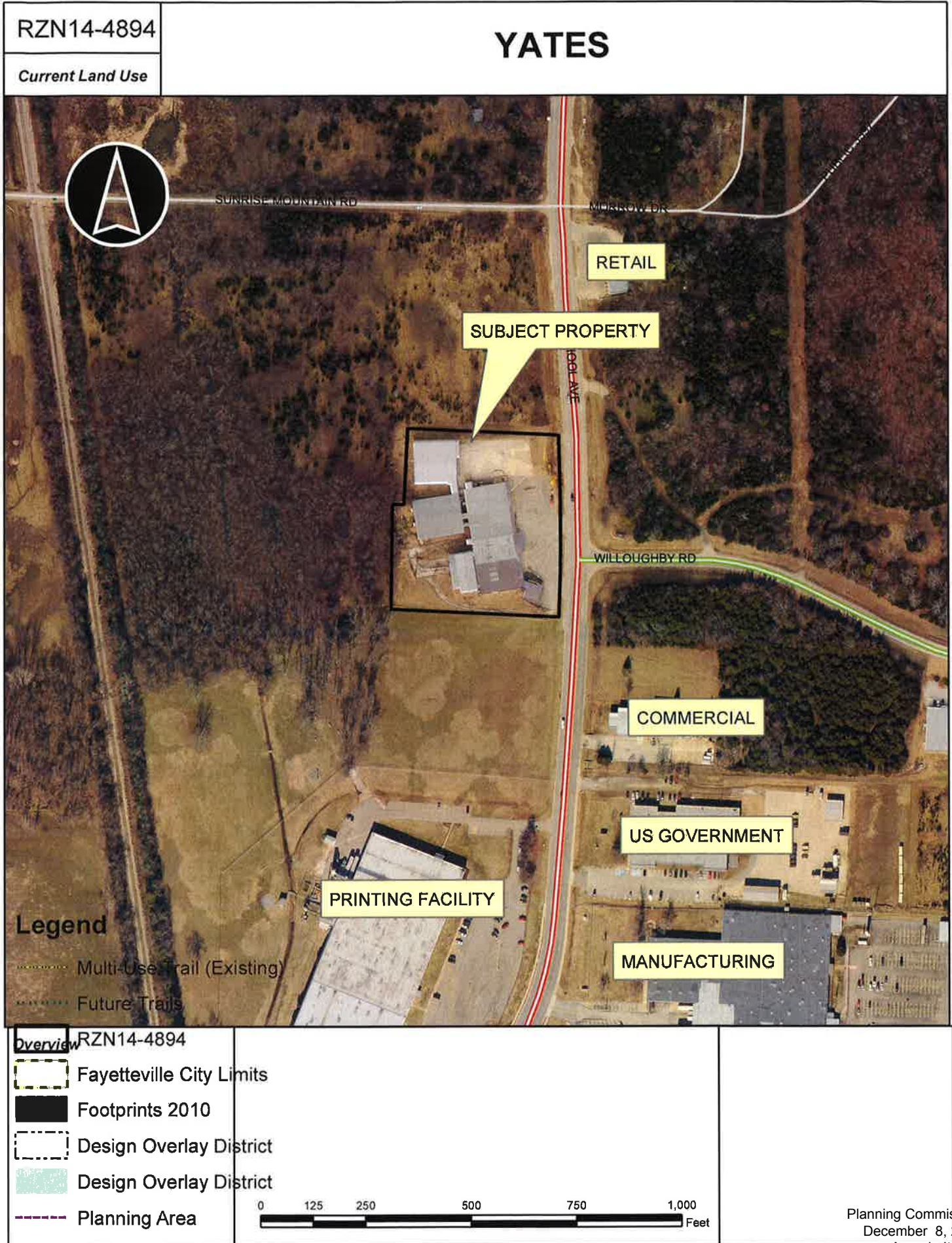
Legend

Subject Property

Boundary







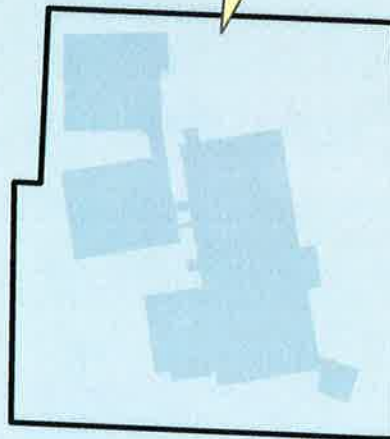
RZN14-4894

YATES

Future Land Use



SUBJECT PROPERTY



WILLOUGHBY RD

Legend

..... Multi-Use Trail (Existing)

..... Future Trails

□ RZN14-4894

□ Fayetteville City Limits

FUTURE LAND USE 2030

CLASS

■ Natural Area

■ Rural Area

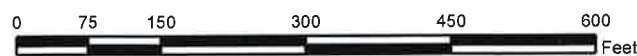
■ Residential Neighborhood Area

■ City Neighborhood Area

■ Urban Center Area

■ Industrial

- Complete Neighborhood Plan
- Civic and Private Open Space/Parks
- Civic Institutional
- Non-Municipal Government
- ROW
- Design Overlay District
- Design Overlay District
- Planning Area



ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4894, FOR APPROXIMATELY 3.78 ACRES, LOCATED AT 3525 SOUTH SCHOOL AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL.

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 changes the zone classification of the following described property from C-2, Thoroughfare Commercial, to I-1, Heavy Commercial/Light Industrial, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

PASSED and APPROVED this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville, Arkansas

Tentative Agenda
January 6, 2015
Page 208 of 278

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD -
479-521-1316

Text File

File Number: 2014-0576

Agenda Date: 1/6/2015

Version: 1

Status: Agenda Ready

In Control: City Council

File Type: Ordinance

Agenda Number: C. 4

AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS

WHEREAS, City of Fayetteville Planning Staff has identified a need for a new use unit to allow for small scale specialty manufacturing; and

WHEREAS, recent trends in the manufacturing of handmade and craft products are directed towards smaller scale and locally produced products; and

WHEREAS, the current zoning and development code does not currently specifically address these types of small scale operations; and

WHEREAS, Planning Staff has determined that these types of uses, if scaled appropriately, are compatible with neighborhood land uses.

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

Section 1: That the City Council of Fayetteville, Arkansas hereby adds the following definitions to Chapter 151: Definitions:

Coffee roasting facility. A facility in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. An establishment for the manufacture, blending, fermentation, processing and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Section 2: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Conditional Use in the following Zoning Districts:

161.16 NS, Neighborhood Services

161.17 R-O, Residential Office

Section 3: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Permitted Use in the following Zoning Districts:

161.18 C-1, Neighborhood Commercial

161.19 CS, Community Services

161.20 C-2, Thoroughfare Commercial

161.21 UT, Urban Thoroughfare

161.22 C-3, Central Commercial

161.23 DC, Downtown Core

161.24 MSC, Main Street Center

161.25 DG, Downtown General

Section 4: That the City Council of Fayetteville, Arkansas hereby amends Chapter 162: Use Units by inserting Use Unit 45, Small Scale Production as shown on Exhibit “A” attached hereto and made a part hereof.

Section 5: That the City Council of Fayetteville, Arkansas hereby amends Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:

§166.25(B) *Applicability.* These design and development standards apply to commercial developments, office developments, Small Scale Production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

City of Fayetteville Staff Review Form

2014-0576

Legistar File ID

1/6/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

12/19/2014

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget

\$

-

Funds Obligated

\$

-

Current Balance

\$

-

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget

\$

-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JANUARY 6, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

FROM: Andrew Garner, City Planning Director

DATE: December 19, 2014

SUBJECT: ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION): Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

RECOMMENDATION:

Staff and the Planning Commission recommend approval of an ordinance to create a new use unit for small scale production including boutique/specialty manufacturing.

BACKGROUND:

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.

- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

These changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

DISCUSSION:

On December 8, 2014 the Planning Commission forwarded this item to the City Council with a recommendation of approval with a vote of 6-0-0. Several local microbreweries and the Fayetteville Chamber of Commerce are in favor of the ordinance change.

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- December 8, 2014 Planning Commission staff report (including interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division).



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: December 8, 2014 (Updated December 9, 2014)

SUBJECT: **ADM 14-4896 Administrative Item (UDC AMENDMENT SMALL-SCALE PRODUCTION):** Submitted by CITY PLANNING STAFF for revisions to the Unified Development Code, Chapters 151, 161, 162, and 166. The proposal is to modify the zoning code to create a new use unit for small-scale production including boutique/specialty manufacturing. The intent of the code change is to allow a broader range of non-residential uses throughout the City.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss and table **ADM 14-4896** until the January 12, 2015 meeting.

PROJECT SYNOPSIS:

Staff proposes the following code changes:

- Create a new use unit for small-scale commercial production that is limited in size.
- The new use unit includes uses such as boutique/specialty manufacturing (microbreweries, specialty food manufacturers, cabinet shop, etc.) and clean technology.
- These types of uses are not allowed by right in commercial and mixed use zoning districts. However, if these uses are limited in size they do not pose compatibility issues.
- The uses in the new use unit would generate similar land use impacts as a restaurant or general commercial use. The new use unit is allowed in the same zoning districts as a restaurant or general commercial use.
- Incorporating the new use unit into several zoning districts introduces additional variety of non-residential uses throughout the City encouraging mixed use, live/work/shop/play, redevelopment, and infill policy that is encouraged in the comprehensive land use plan.
- The proposed code amendments are a result of changing market conditions and will encourage economic development.

DISCUSSION:

Over the past several years the City has seen an influx of smaller start-up businesses operating out of residences, leasing small buildings or partial tenant spaces. In addition, a number of existing vacant buildings along commercial corridors have been adapted and re-used for a variety of non-residential uses not typically seen in commercial areas including churches, fitness studios, and light manufacturing/retail. There have been situations where a new or expanding business has either had to request a conditional use permit to operate in an existing commercial building, or

been forced to an undesirable industrial area or a different community to find appropriate space to lease. A demand for small, light manufacturing tenant space has increased, including uses such as microbreweries.

To address these issues staff proposes the following changes to the Fayetteville Unified Development Code. As described in the Project Synopsis, these changes introduce a variety of non-residential uses throughout various zoning districts. The non-residential uses include manufacturing which could potentially have a negative impact on adjoining properties if not limited in size. However, if limited in size these uses are appropriate and desired in more areas of the City than industrial properties. The overall intent is to provide increased variety and flexibility of non-residential goods, services, and employment centers in close proximity to residences and commercial uses.

The changes are proposed as follows:

1. Chapter 162 Use Units. Created a new *Use Unit 45, Small scale production*. The use unit includes the following.
 - All uses within Use Unit 42, Clean Technologies are included but they are limited by size to a maximum of 5,000 sq. ft. of gross floor area.
 - Use Unit 42 includes high tech research and development, and fabrication of alternative energy products.
 - Microbrewery/microwinery/microdistillery are allowable with a maximum gross floor area of 10,000 sq. ft. for the manufacturing portion of the facility and production less than 15,000 barrels per year¹. Staff research and site visits indicate that microbreweries are very different than a typical manufacturing facility, with minimal impact to neighbors. Several local microbreweries are in facilities greater than 5,000 sq. ft. but less than 10,000 sq. ft. and are typically located in industrial areas or associated with a restaurant.
 - Boutique/specialty manufacturing limited by size to a maximum of 5,000 sq. ft. of gross floor area. This includes specialty food manufacturers with or without a retail store front, a coffee roasting facility, or other specialty manufacturers with minimal impacts to adjoining properties.
2. Chapter 151 Definitions. Add definitions for 'coffee roasting facility' and 'microbrewery'.
3. Chapter 166.25 Commercial, Office and Mixed Use Design and Development Standards. Added a requirement that non-residential developments classified as Use Unit 45 shall be subject to these standards. The types of uses allowed under Use Unit 45 are often associated with blank industrial buildings that would not be appropriate or compatible in a commercial setting.

¹ The American Brewer's Association definition of microbrewery

4. Chapter 161 Zoning.

- Added Use Unit 45 as permitted or conditional use in the following zoning districts:

Conditional Use

NS, Neighborhood Services
R-O, Residential Office

Permitted Use

C-1, Neighborhood Commercial
CS, Community Services
C-2, Thoroughfare Commercial
UT, Urban Thoroughfare
C-3, Central Commercial
DC, Downtown Core
MSC, Main Street Center
DG, Downtown General

RECOMMENDATION:

Staff recommends that the proposed code changes be discussed and tabled until the next Planning Commission meeting, January 12, 2015. There is a relatively large volume of information to cover and staff wants to make sure all of the commissioners have had adequate time to review the proposal.

Planning Commission Action: ☐ Tabled ☒ Forwarded ☐ Denied

Meeting Date: December 8, 2014

Motion: Winston

Second: Cook

Vote: 6-0-0

Note: Forwarded with a recommendation for approval as proposed by staff.

BUDGET/STAFF IMPACT:

None

Attachments:

- The proposed code changes to UDC Chapters 151 (Definitions), 161 (Zoning), 162 (Use Units), and 166.25 (Commercial, Office and Mixed Use Design Standards), are shown in strikeout-highlight.
- Summary of interviews with local brewers and Director of Arkansas Alcoholic Beverage Control Division
- Definitions of microbrewery from American Brewer's Association and Arkansas Alcoholic Beverage Control Division
- Public comment

TITLE XV UNIFIED DEVELOPMENT CODE CHAPTER 151: DEFINITIONS

CHAPTER 151: DEFINITIONS

Coffee roasting facility. A facility in which unprocessed, green, coffee may be sorted, roasted and processed, or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. A establishment for the manufacture, blending, fermentation, processing, and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

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CHAPTER 161: ZONING REGULATIONS

161.01 Application of District Regulations

Minimum regulations/exceptions. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly for each class or kind of structure or land, except as hereinafter provided:

- (A) *General.* No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it was located.
- (B) *Limitations.* No building or other structure shall hereafter be erected or altered:
 - (1) *Height/bulk.* To exceed the height or bulk;
 - (2) *Number of units.* To accommodate or house a greater number of units;
 - (3) *Lot area.* To occupy a greater percentage of lot area;
 - (4) *Setback/open spaces.* To have narrower or smaller rear setbacks, front setbacks, side setbacks, or other open spaces than herein required; or
 - (5) *Other.* In any other manner contrary to the provisions of this chapter.
- (C) *Independent compliance.* No part of a setback, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building.
- (D) *Effective date.* No setback or lot existing on June 29, 1970, shall be reduced in dimension or area below the minimum requirements set forth herein. Setbacks or lots created after June 29, 1970, shall meet at least the minimum requirements established by this chapter.
- (E) *Annexation.* All territory which may hereafter be annexed to the city shall be considered to be in District A-1 until the territory is rezoned as provided herein.
- (F) *Measuring setbacks.*

- (1) *Front.* Measured from the street right-of-way, or street right-of-way setback as required by the Master Street Plan.
- (2) *Side.* Measured from the side property line.
- (3) *Rear.* Measured from the rear property line.
- (4) *Corner.* A corner lot has two fronts and two sides.
- (G) *Conditional Uses.* These uses are permissible if approved by the Planning Commission. See Chapter 163, Use Conditions.
- (H) *Authorized construction/use.* Permits issued on the basis of plans and applications approved by the Zoning and Development Administrator or Planning Commission authorize only the use, arrangements, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

(Code 1965, App. A., Art. 3; Ord. No. 1747, 6-29-70; Code 1991, §160.016; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5425, 8-2-11)

161.02 Zoning Compliance And Business License

- (A) *Required.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a business license has been issued by the Zoning and Development Administrator stating that the proposed use of the building or land conforms to the requirements of this chapter.
- (B) *Conforming uses.* Uses permitted within the underlying zoning district shall be eligible for a business license, subject to §118 of the Fayetteville Code.
- (C) *Nonconforming uses.*
 - (1) Uses within the following use unit categories established prior to September 7, 2010 and operating in a zoning district that does not currently allow the use, are for the purposes of zoning compliance determined to be an existing nonconforming use, may continue to operate and are eligible to obtain a city business license. The exemption shall not be construed as relieving the owner or operator of such business from the regulations of the business license ordinance, including grounds for suspension and revocation, or

from any other applicable federal, state, or city regulations.

Use Units	
3	Public protection facilities
4	Cultural and recreational facilities
5	Government facilities
6	Agricultural
7	Animal husbandry
12	Limited business
13	Eating places
15	Neighborhood shopping goods
24	Home occupation
25	Offices, studios, and related services

- (2) Uses within the following use unit categories established prior to July 15, 2003 and operating in a zoning district that does not currently allow the use, are for the purposes of zoning compliance determined to be an existing nonconforming use, may continue to operate and are eligible to obtain a city business license. The exemption shall not be construed as relieving the owner or operator of such business from the regulations of the business license ordinance, including grounds for suspension and revocation, or from any other applicable federal, state, or city regulations.

Use Units	
2	City-wide uses by conditional use permit
14	Hotel, motel and amusement facilities
16	Shopping goods
17	Transportation trades and services
18	Gasoline service stations & drive in/drive through restaurants
19	Commercial recreation, small sites
20	Commercial recreation, large sites
21	Warehousing and wholesale
22	Manufacturing
23	Heavy industrial
27	Wholesale bulk petroleum storage facilities with underground tanks
28	Center for collecting recyclable materials
29	Dance halls
30	Extractive uses
31	Facilities emitting odors/handling explosives
32	Sexually oriented businesses
33	Adult live entertainment club or bar
34	Liquor stores
35	Outdoor music establishments
36	Wireless communications facilities
38	Mini-storage units
39	Auto salvage and junk yards
40	Sidewalk cafes
42	Clean technologies

43	Animal boarding and training
----	------------------------------

- (3) Businesses operating in a zoning district that does not allow the use and that can not provide proof of their establishment in accordance with the criteria above are declared to be incompatible with permitted uses and shall not hereafter continue except in conformity with the regulations of the district in which it is located. These businesses shall not be eligible to obtain a city business license until or unless they are brought into compliance with the zoning district regulations.

(Code 1965, App. A., Art. 9(3), (5); Ord. No. 1747, 6-29-70; Code 1991, §§160.192, 160.194; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5425, 8-2-11)

Cross reference(s)--Enforcement, Ch. 153.

161.03 District R-A, Residential-Agricultural

- (A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

- (B) *Uses.*

- (1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training

- (2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

TITLE XV UNIFIED DEVELOPMENT CODE

(C) *Density.*

Units per acre	One-half
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08; Ord. 5238, 5-5-09; Ord. 5479, 2-7-12)

161.04 District RSF-.5, Residential Single-Family – One Half Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of two acres and a maximum gross density of approximately one-half unit per acre.

(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 24	Home occupations
Unit 36	Wireless communications facilities

Unit 44 Cottage Housing Development

(C) *Density.*

Units per acre	One-half (approximately)
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(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot area minimum	71,438 Sq. Ft.
Land area per dwelling unit	71,438 Sq. Ft.

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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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.* None.

(Code 1991, §160.043; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.05 District RSF-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	1
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(F) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	35,720 Sq. Ft.
Land area per dwelling unit	35,720 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(H) *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).

(I) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

161.06 District RSF-2, Residential Single-Family – Two Units Per Acre

(A) *Purpose.* To provide a single-family dwelling transition zone between single-family neighborhoods that have developed with larger lot sizes (one acre and over) and areas that have developed with smaller lot sizes (8,000 sq. ft.), and 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.*

(C) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(D) *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 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cottage Housing Development

(E) *Density.*

Units per acre	2
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(F) *Bulk and area regulations.*

Lot width minimum	100 ft.
Lot area minimum	17,860 Sq. Ft.
Land area per dwelling unit	17,860 Sq. Ft.

(G) *Setback requirements.*

Front	Side	Rear
30 ft.	15 ft.	30 ft.

(H) *Building height regulations.*

Building Height Maximum	45 ft.
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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).

(I) *Building area.* None.

(Code 1991, §160.045; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5462, 12-6-11)

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

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(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
Unit 44	Cottage Housing Development

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(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.
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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.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-

19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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
Unit 44	Cottage Housing Development

(C) *Density.*

Single-family dwelling units per acre	7 or less
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(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.
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(H) *Setback requirements.*

Front	Side	Rear
15 ft.	5 ft.	15 ft.

(I) *Building height regulations.*

Building Height Maximum	45 ft.
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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.

(Code 1991, §160.046; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4858, 4-18-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

Cross reference(s)--Variance, Ch. 156.

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
Unit 44	Cottage Housing Development

(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.
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(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.

(Ord. 4783, 10-18-05; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5224, 3-3-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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

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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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

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

(C) *Density.*

Units per acre	12 or less
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(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
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

(F) *Building height regulations.*

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

(G) *Building area.* The area occupied by all buildings shall not exceed 50% of the total lot area.

(H) *Minimum buildable street frontage.* 50% of the lot width.

(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; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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
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(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	10,000 sq. ft.
•Individual lot	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	1,700 sq. ft.
One bedroom	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
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156.

(F) *Building height regulations.*

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

right-of-way shall have a maximum height of 45 feet.

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 the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13; Ord. 5664, 2-18-14)

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.

(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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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
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(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Manufactured home park	100 ft.
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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	10,000 sq. ft.
Individual lot	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	1,700 sq. ft.
One bedroom	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
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variances, Ch. 156

(F) *Building height regulations.*

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

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 the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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
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(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.
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(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouse:	
Development	10,000 sq. ft.
Individual lot	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.
Apartment:	
No bedrooms	1,700 sq. ft.
One bedroom	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
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s) --Variances, Ch. 156.

(F) *Building height regulations.*

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

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 the lot width.

(Ord. No. 4325, 7-3-01; Ord. 5028, 6-19-07; Ord. 5224, 3-3-09; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 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
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(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.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
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Lot within a mobile home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	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 bedroom	1,700 sq. ft.
One bedroom	1,700 sq. ft.
Two bedroom	2,000 sq. ft.
Fraternity or Sorority	1,000 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	25 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

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 the

lot width.

(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; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5495, 4-17-12; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

(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
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(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.
Professional offices	100 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
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Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	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	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

(E) *Setback requirements.*

Front	Side	Rear
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	8 ft.	20 ft.

Cross reference(s)--Variance, Ch. 156.

(F) *Building height regulations.*

Building Height Maximum	30/45/60 ft.*
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*A building or a portion of a building that is located between 0 and 10 feet from the front property line or any master street plan right-of-way line shall have a maximum height of 30 feet, between 10-20 feet from the master street plan right-of-way a maximum height of 45 feet and buildings or portions of the building set back greater than 20 feet from the master street plan right-of-way shall have a maximum height of 60 feet.

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 the lot width.

(Code 1965, App. A., Art. 5(IV); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81; Ord. No. 1747, 6-29-70; Code 1991, §160.034; 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; Ord. 5262, 8-4-09; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

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

(2) *Conditional uses*

Unit 2	City-wide uses by conditional use
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
Unit 45	Small scale production

(C) *Density.*

Units per acre	10 or less
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(D) *Bulk and Area*

(1) *Lot width minimum*

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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:	A build-to zone that is located between 10 and 25 feet from the front property line.
Side	5 feet
Rear	15 feet

(F) *Building height regulations.*

Building Height Maximum	45 ft.
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(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of the lot.

(Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities

Unit 4	Cultural and recreational facilities
Unit 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
Unit 45	Small scale production

(C) *Density.*

Units per acre	24 or less
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(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	10,000 sq. ft.
Individual lot	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	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	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.
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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; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11)

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/drive through restaurants
Unit 25	Offices, studios, and related services
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(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
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(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	56 ft.*
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*Any building which exceeds the height of 20 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 20 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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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

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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/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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:	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 single-family residential district:	15 feet

(F) Building Height Regulations.

Building Height Maximum	56 ft.
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(G) Minimum buildable street frontage. 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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 and drive-in/drive through 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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(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
Unit 43	Animal boarding and training

(C) Density. None.

(D) Bulk and area regulations. None.

(E) Setback regulations.

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Building height regulations.*

Building Height Maximum	75 ft.*
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*Any building which exceeds the height of 20 feet shall be set back from a 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(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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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/drive through 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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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
Unit 43	Animal boarding and training

(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:	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 single-family residential district:	15 feet

(F) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*A building or a portion of a building that is located between 10 and 15 ft. from the front property line or any master street plan right-of-way line shall have a maximum height of 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

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.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(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) *Building height regulations.*

Building Height Maximum	56/84 ft.*
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*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 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(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; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 06-18-13)

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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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	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) *Building height regulations.*

Building Height Maximum	56/168 ft.*
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*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 56 feet. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of 168 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall

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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 service stations and drive-in/drive through 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.
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(2) Lot area minimum. None.

(E) Setback regulations.

Front	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) Building height regulations.

Building Height Maximum	56/84 ft.*
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*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 56 feet. A building or a portion of a building that is located greater than 15 feet from the master street plan right-of-way line shall have a maximum height of 84 feet.

(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5042, 8-07-07; Ord. 5195, 11-6-08; Ord. 5312, 4-20-10; Ord. 5339, 8-3-

10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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.
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(2) *Lot area minimum.* None.

(E) *Setback regulations.*

Front	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) *Building height regulations.*

Building Height Maximum	56 ft.
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(Ord. 5028, 6-19-07; Ord. 5029, 6-19-07; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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 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 9	Two-family dwellings
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
Unit 44	Cottage Housing Development

(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	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) *Building height regulations.*

Building Height Maximum	45 ft.
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(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

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.*

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(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 and drive-in/drive through 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
Unit 43	Animal boarding and training

(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	25 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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10; Ord. 5472; 12-20-11)

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 and drive-in/drive through 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
Unit 43	Animal boarding and training

(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; Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5353, 9-7-10)

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; Ord. 5312, 4-20-10)

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
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(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.
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(2) *Lot area minimum.*

Lot area minimum	10 acres
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(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; Ord. 5312, 4-20-10)

161.31 Reserved

(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.

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No. 4128, §1, 12-15-98; Ord. 4725, 7-19-05; Ord. 4784, 10-18-05; Ord. 5312, 4-20-10; Ord. 5526, 9-18-12)

Cross reference(s)—Appeals, Ch. 155; Variances, Ch. 156.

161.32 Planned Zoning District

(A) *Applicability.* To be considered for a Planned Zoning District, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a Planned Zoning District. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a Planned Zoning District application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(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) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.

(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

(C) *Rezoning.* Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 154, Amendments.

(1) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of zoning standards and a specific master plan.

(2) All uses identified within §162 Use Units of the Unified Development Code may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.

(3) *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 Future Land Use 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.
- (4) Building setback. There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.
- (5) *Building height*. There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning 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 or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (6) *Building area*. The Planning Commission and City Council 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; Ord. 5312, 4-20-10; Ord. 5675, 4-1-14)

161.33-161.99 Reserved

(Ord. 4930, 10-03-06 repealed and re-adopted the entire chapter

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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	Limited business
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Transportation Trades and services
Unit 18	Gasoline service stations and drive-in/drive through 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	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
Unit 44	Cottage Housing Development
Unit 45	Small scale production

(A) Unit 1. City-wide uses by right.

- (1) *Description.* Unit 1 consists of public uses, essential services, agricultural uses, open land uses, and similar uses which are subject to other public controls or which do not have significantly adverse effects on other permitted uses and are, therefore, permitted as uses of right in all districts.
- (2) *Included uses.* Public facilities of the types embraced within the recommendations of the Comprehensive Land Use Plan.

Agricultural, forestry, and fishery:	•Field crop farms •Fishery •Forest •Fruit, tree, and vegetable farm
Essential services located in public right-of-way:	•Fire alarm box •Fire hydrant •Passenger stop for bus •Police alarm box •Sidewalk •Street, highway, and other thoroughfare •Street signs, traffic signs, and signals •Utility mainline, local transformer and station, and similar facilities customarily located in public right-of-way
Recreation and related use:	•Arboretum •Historical marker •Park area •Parkway •Wildlife preserve
Water facilities:	•Reservoir, open •Watershed •Conservation or flood control project

(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:	•Airport, flying fields and heliport •Bed and breakfast facilities* •Campground •Community Recycling Drop-off Facility •Plant nursery •RV sewage disposal facility •Solid waste disposal facility
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Temporary facilities:	•Water recreation area •Carnival, circus, and tent revival* •Commercial facilities •Real estate sales office (located at a specific location in an underdeveloped subdivision and operated for the purpose of developing said subdivision) •School and church facility
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(C) Unit 3. Public protection and utility facilities.

(1) *Description.* Unit 3 consists primarily of public protection and utility equipment which:

- (a) Is ordinarily not located in the street right-of-way and can be significantly objectionable to nearby residential, commercial, and light industrial uses;
- (b) Have requirements for specific locations or are needed to serve residential neighborhood or local areas; and
- (c) Are, therefore, permitted only on review.

(2) *Included uses.*

Facilities of Public Service Corporations:	•Electric regulating station •Pressure control station •Transmission station for tower, radio, telegraph, telephone, television
Other utility and protective facilities:	•Airway beacon •Public utility maintenance building, warehouse, or storage building •Water pipeline rights-of-way, sewer or water treatment plant, water storage facility
Railroad rights-of-way	
Communications and utility transmission line rights-of-way	

(D) Unit 4. Cultural and recreational facilities.

(1) *Description.* Unit 4 consists of cultural and recreational uses to serve the residents of the community.

(2) *Included uses.*

Auditorium, stadium	
Art gallery, museum	
Cemetery	
Child care center, nursery school *	

Church	
College or university	
Community center	
Crematorium	
Dormitory	
Eldercare	
Hospital	
Mausoleum	
Playfield, playground	
Private club or lodge	
School:	•Elementary •Junior High •Senior High
Swimming pool	
Tennis court	
Theater (legitimate)	

Cross-reference(s)--Parking and Loading, Ch. 172.

(E) Unit 5. Government facilities.

(1) *Description.* Unit 5 consists of the main facilities of government agencies.

(2) *Included uses.*

City or county jail
Courts of law
Fire station
Governmental agencies and offices
Library
Police station
Post office
Detention Home

(F) Unit 6. Agriculture.

(1) *Description.* Unit 6 consists of agricultural uses and services and certain other uses suitable for location near, but not in, a residential district.

(2) *Included uses.*

Agricultural uses and services:	Farm:	•Egg •Truck
	Services:	•Hay baling •Smoking, curing and selling of smoked or cured poultry and livestock •Sorting, packing and selling of fruits, vegetables and flowers •Threshing

(G) Unit 7. Animal husbandry.

(1) *Description.* Unit 7 consists of livestock raising and related activities which are

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ordinarily objectionable to other uses and require, therefore, a buffer strip when abutting a C or R District.

(2) *Included uses.*

Animal farms for show, breeding, and training	
Farms with livestock	
Livestock services:	•Animal hospitals •Shipping of livestock •Training of horses •Veterinarian's treatment areas
Recreational uses:	•Guest ranch •Riding stable * •Rifle range •Rodeo ground

(H) *Unit 8. Single-family dwellings.*

(1) *Description.* Unit 8 is provided in order that single-family dwellings may be located in appropriate residential areas.

(2) *Included uses.*

Single-family dwellings

(I) *Unit 9. Two-family dwellings.*

(1) *Description.* Unit 9 is provided in order that two family attached dwellings may be located in appropriate residential areas.

(2) *Included uses.*

Duplexes
Townhouse dwellings, no more than two attached units
Two-family dwellings

(J) *Unit 10. Three-family dwellings.*

(1) *Description.* Unit 10 is provided in order that three-family attached dwellings may be located in appropriate residential areas.

(2) *Included use.*

Townhouse development, no more than three attached units
Three-family dwellings
Tri-plexes

(K) *Unit 11. Manufactured home park. **

(1) *Description.* Unit 11 consists of a separate use of manufactured home parks in order that they may be located in appropriate residential areas.

(2) *Included uses.*

Manufactured home park *

Cross reference(s)--Use Conditions, Ch. 163; Manufactured homes and Manufactured home Parks, Ch. 175.

(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

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Studios for: (Maximum gross floor area of 3000 square feet)	•Welfare agency •Art •Dance •Music •Photography •Pottery
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(M) Unit 13. Eating places.

- (1) *Description.* Unit 13 is established that eating places, excluding drive-ins and those that provide dancing and entertainment, can be located as needed without necessarily introducing other commercial uses.

(2) *Included uses.*

Eating places, other than drive-ins, which do not provide dancing or entertainment
Restaurants
Café's

(N) Unit 14. Hotel, motel, and amusement facilities.

- (1) *Description.* Unit 14 consists of hotels, motels, and certain types of amusement facilities.

(2) *Included uses.*

Hotel
Membership lodge
Motel
Motion picture theater
Night club, not providing dancing or outdoor music
Tavern, not providing dancing or outdoor music

(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

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	•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

(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
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(R) Unit 18. Gasoline service stations and drive-in/drive through restaurants

- (1) *Description.* Gasoline service stations and drive-in restaurants can be significantly objectionable to nearby uses, so, therefore, have been allowed only in districts where necessary to provide this use.

(2) *Included uses.*

Gasoline service station *
Self-service auto wash (in conjunction with a gasoline service station) *
Drive-in /drive through restaurant *

(S) Unit 19. Commercial recreation, small sites.

- (1) *Description.* Unit 19 consists of commercial amusements which ordinarily do not require large sites and often seek location in or near developed commercial areas.

(2) *Included uses.*

Billiard and pool parlor
Bowling alley
Slot car track
Skating rink
Video arcade
Indoor theater

Cross reference(s)--Parking and Loading, Ch. 172.

(T) Unit 20. Commercial recreation, large sites.

- (1) *Description.* Unit 20 consists of commercial recreation facilities which are usually conducted out-of-doors, on large sites, and in undeveloped, outlying parts of the city. Uses in this unit have an adverse effect on certain other uses, in that they are often noisy and are large traffic generators.

(2) *Included uses.*

Amusement park *
Drag strip
Drive-in theater
Fairgrounds
Fishing dock
Go-cart track
Golf range, golf course
Miniature golf
Race track

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Zoo

(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 establishments:	•Bottled gas •Fuel dealer •Fuel oil
Monument, including processing	
Service establishments: Building service	•Disinfecting and exterminating service •Janitorial service •Window cleaning service
Service establishments: Contract construction service	•Air conditioning •Building construction •Carpentry •Cesspool cleaning •Concrete •Decorating •Electrical •Furnace cleaning •Heating •Heavy construction •Housing for caretakers •Impound Yard •Masonry •Oil well drilling •Painting •Paper Hanging •Plastering •Plumbing •Roofing •Sheet metal •Stonework •Tile setting •Towing Business •Water well drilling
Trucking establishments	
Vending machines	
Warehouses	
Wholesale establishments	

(V) Unit 22. Manufacturing.

- (1) *Description.* Unit 22 consists of industrial uses which usually generate some adverse environmental effects and for this reason they should be located away from uses which do not produce adverse effects.

(2) *Included uses.*

Fabricated metal products:	•Cutlery engraving •Fire control equipment •Guns and related equipment •Machinery •Tanks •Transportation equipment, including body shops
Fabricated structural products:	•Air conditioning and cooling apparatus •Fabricated wire products •Fire control equipment •Hardware products •Heating apparatus •Metal cans
Miscellaneous manufacturing:	•Athletic goods •Amusements •Musical instruments •Plated ware •Silverware •Sporting goods •Toys •Textile products •Housing for caretakers

(W) Unit 23. Heavy industrial.

- (1) *Description.* Unit 23 consists of uses which cause the greatest adverse environmental effects because of odor, noise, unsightliness, air pollution and explosions.

(2) *Included uses.*

Manufacturing uses:	•Fabricated metal products •Primary metal industries •Textile mill products
Processing and sales:	•Scrap metal •Refuse
Repair service	•Tirecapping
Wrecking and demolition services	
Apparel products:	•Industrial leather belting
Clay products	
Food and allied products	
Furniture and allied products	
Glass products	
Lumber and wood products:	•Millware products •Plywood products •Prefabricated structural wood •Veneer products •Wooden container
Paper and allied products:	•Paperboard containers
Petroleum and related industries:	•Coal yard •Lubricating oils and greases
Primary metal industry:	•Foundry
Stone products	
Housing for caretakers	

(X) Unit 24. Home occupation.

- (1) *Description.* Unit 24 consists of businesses for which financial compensation is received,

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conducted on a residential property, and which generates motor vehicle traffic to the residential property. Only those residing on the property may be employed by the home occupation.

(2) *Included uses.*

Home child care, no more than six children	
Instructional services:	Art Crafts Dance Music Tutoring
Professional services:	Architects Insurance agents Lawyers Real estate agents Accountants Editors Publishers Graphic designers Travel agents
Repair services:	Clocks and watches Computers Electronic devices Lawnmowers Small appliances Small engines
Sales of home produced agriculture products:	Produce Eggs Honey or beeswax products Jams or jellies Milk and milk products Other products that may be home grown or home made on this property

(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

(Z) *Unit 26. Multi-family dwellings.*

(1) *Description.* Unit 26 is provided in order that multi-family dwellings and more than three attached units may be located in appropriate residential areas.

(2) *Included areas.*

Apartments
Convalescent home
Dormitory
Fraternity/Sorority houses
Multi-family attached dwellings
Rooming/boarding house
Townhouse, more than three attached units

(AA) *Unit 27. Wholesale bulk petroleum storage facilities with underground storage tanks.*

(1) *Description.* Unit 27 is provided in order that wholesale bulk petroleum storage facilities with underground storage tanks may be located in the appropriate industrial areas.

(2) *Included uses.*

Wholesale bulk petroleum storage facilities with underground storage tanks
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(BB) *Unit 28. Center for collecting recyclable materials.*

(1) *Description.* Unit 28 is provided in order that centers for collecting recyclable material may be located in appropriate commercial and industrial areas.

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(2) *Included uses.*

Center for collecting recyclable materials
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(CC) *Unit 29. Dance halls. **

- (1) *Description.* Unit 29 is provided in order that establishments that provide areas for dancing may be located in an appropriate environment and as not to negatively impact adjacent properties.

(2) *Included uses.*

Bars providing area for dancing
Dance halls
Restaurants providing area for dancing
Taverns providing area for dancing

(DD) *Unit 30. Extractive uses.*

- (1) *Description.* Unit 30 consists of extractive uses which generate substantial nuisances and adverse environmental effects.

(2) *Included uses.*

Mining:	•Coal and ores •Clay, sand and silt •Rock and gravel •Other minerals •Petroleum extraction •Natural gas extraction
Other:	•Rock crushing •Sorting and washing of earth products

(EE) *Unit 31. Facilities emitting odors and facilities handling explosives. **

- (1) *Description.* Unit 31 consists of facilities which are heavy industrial in nature, but which have the potential to have adverse effects such as odor or the potential for explosions

(2) *Included uses.*

Manufacturing Uses:	Chemical and allied products	
	Food and kindred products:	•Animal fats and oils rendering •Beverages distilling •Meat slaughtering and pack-aging
	Paper and allied products	
	Rubber and plastic products	
Processing and sales:	Explosives	
Wholesale and	Livestock	

warehousing:	stockyards	
	Explosive materials	
Apparel products:	Leather tanning	
Chemical and allied products:	Any process likely to emit odor or have the potential for explosion	
Paper and allied products:	Building paper and board	•Paper
Petroleum and related industries:	Bulk station and terminal	
Rubber and miscellaneous plastic products:	Inner tubes Tires	

(FF) *Unit 32. Sexually oriented business.*

- (1) *Description.* Unit 32 consists of adult arcades, adult bookstores or adult video stores, adult cabarets, adult motion picture theaters, or adult theaters whose inventory, merchandise or performances are characterized by a preponderance of "specified sexual activities" or "specified anatomical areas" all as more fully set forth in Ordinance No. 4024, §123.26, as may be amended from time to time.

(2) *Included uses.*

Adult arcade
Adult bookstore
Adult video stores
Adult cabarets
Adult motion picture theaters
Adult theaters

(GG) *Unit 33. Adult live entertainment club or bar.*

- (1) *Description.* Unit 33 includes fixed places of business selling or dispensing alcoholic beverages including private clubs which emphasize and seek through one or more dancers to arouse or excite the patron's sexual desires.

(2) *Included uses.*

Semi-nude club or bar
Exotic dance club or bar
Go-Go dance club or bar
Strip club or bar
Gentlemen's club or bar

(HH) *Unit 34. Liquor Stores. **

- (1) *Description.* Unit 34 includes fixed places of business licensed by the Arkansas Alcoholic Beverage Control Board to sell alcoholic beverages for off-premise consumption.

(2) *Included uses.*

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Liquor Stores *

(II) Unit 35. Outdoor music establishments. *

- (1) *Description.* Unit 35 includes any business or establishment that has a garden, patio, rooftop or premises not wholly enclosed by solid walls and fully roofed in which amplified or loud music is played that could be audible at nearby residences or businesses.

(2) *Included uses.*

Outdoor music establishments *

(JJ) Unit 36. Wireless Telecommunications Facilities.

- (1) *Description.* A land use facility that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications.

(2) *Included uses.*

Wireless telecommunications facilities *	Antennas Accessory buildings Accessory development Cellular towers Horns Microwave dishes Monopoles
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(KK) Unit 37. Manufactured Homes.

- (1) *Description.* Unit 37 is provided in order that manufactured homes may be located in appropriate residential areas.

(2) *Included uses.*

Manufactured homes *

(LL) Unit 38 Mini-storage units

(MM) Unit 39 Auto salvage and junk yards

(NN) Unit 40. Sidewalk Cafes.

- (1) *Description.* Unit 40 is provided in order that sidewalk cafes may be located in appropriate commercial areas.

(2) *Included uses.*

Sidewalk Cafes

(OO) Unit 41 Accessory Dwelling Units

- (1) *Description.* Unit 41 includes accessory dwelling units.

(2) *Included uses.*

Accessory Dwelling Units *

(PP) Unit 42 Clean Technologies

- (1) *Description.* Unit 42 consists of uses that fabricate or produce goods and services that greatly reduce or eliminate negative environmental impacts, create new technologies or improve the productive and responsible use of natural resources.

Alternative Energy Fabrication and Storage Components:	•Wind •Solar •Fuel cells •Batteries •Hybrid systems
Fabrication or Production of Materials:	•Nano Technologies •Solar panels •Computer components, such as microchips •Advanced packaging
Research and Development:	•Monitoring and control systems •Energy infrastructure management •Energy efficiency management •Materials and recycling management •Transportation logistics •Environmental cleanup and safety •Scientific or high tech research laboratories

(QQ) Unit 43. Animal Boarding and Training.

- (1) *Description.* Unit 43 consists of services such as animal boarding, training, kennels, outdoor animal daycare and related activities which have outdoor space for animal exercise and other activities and may therefore result in noise and aesthetic impacts and may pose compatibility issues when adjacent to commercial or residential uses without adequate buffers in place.

(2) *Included uses.*

Animal boarding
Animal training
Kennels
Outdoor animal daycare
Outdoor dog runs
Other outdoor animal activity

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(RR) Unit 44. Cottage Housing Development.

- (1) *Description.* Unit 44 is provided in order that cottage housing developments are permitted by right in multi-family zoning districts and by Conditional Use Permit in single family zoning districts.
- (2) *Included uses.*

Cottage Housing Developments

(SS) Unit 45. Small scale production

- (1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.
- (2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator

(Code 1965, App. A., Art. 6 (A), (F); Ord. No. 329, 10-1-85; Ord. No. 3165, 2-4-86; Ord. No. 3341, 3-15-

88; Ord. No. 1747, 6-29-70; Code 1991, §§118.01, 160.055; Ord. No. 3546, 4-19-91; Ord. No. 3792, §§2, 3, 5-17-94; Ord. No. 3870, §1 (Ex. A), 2-21-95; Ord. No. 3909, §1, 7-18-95; Ord. No. 3971, §§3, 4, 5-21-96; Ord. No. 4024, §3, 3-18-97; Ord. No. 4034, §§1, 2, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4376, §5 (Ex. E), §6 (Ex. F), 3-5-02; Ord. No. 4423, §1 (Ex. A), 10-02-02, Ord. 4728, 7-19-05; Ord. 4913, 8-15-06; Ord. No. 4919, 09-05-06; Ord. 4930, 10-03-06; Ord. 4946, 11-21-06; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5203, 12-2-08; Ord. 5195, 11-6-08; Ord. 5226, 3-3-09; Ord. 5238, 5-5-09; Ord. 5312, 4-20-10; Ord. 5312, 4-20-10; Ord. 5338, 8-3-10; Ord. 5339, 8-3-10; Ord. 5352, 9-7-10; Ord. 5462, 12-6-11, Ord. 5668, 3-18-14)

Cross reference(s)--Use Conditions, Ch. 163; Supplementary District Regulations, Ch. 164.

162.02 Interpretation

- (A) In each use unit division, permitted uses are set forth in the division entitled "Included uses." In the event of a conflict between such divisions and the "description" divisions, the former shall prevail.
- (B) In any case where there is a question as to whether or not a particular use is included in a particular use unit, the Zoning and Development Administrator shall decide. A use shall not be interpreted as being in any use unit if it is specifically listed in another unit in this chapter.

(Code 1965, App. A., Art. 6(B); Ord. No. 1747, 6-29-70; Ord. No. 2181, 1-6-76; Code 1991, §160.056; Ord. No. 4100, §2 (Ex. A), 6-16-98)

162.03 Conditions Of Use

- (A) A use shall be subject to the provisions of the district in which the use is permitted. Certain uses shall be subject to additional conditions set forth separately herein. Reference will be made in the chapter to conditions applicable to a particular use in the unit where the use is listed.
- (B) Uses which are permitted both as principal and accessory uses shall be subject to the conditions set forth for the use as a principal use.

(Code 1965, App. A., Art. 6 (C); Ord. No. 1747, 6-29-70; Code 1991, §160.057; Ord. No. 4034, §6, 4-14-97; Ord. No. 4100, §2 (Ex. A) 6-16-98)

162.04 Enclosure Of Uses

Where so specified in a use unit listing, a use shall be operated only within a fully enclosed structure. The excepting of certain districts from this requirement with respect to certain uses does not indicate that such uses are necessarily permitted in such districts. In districts where enclosure of use is required,

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accessory off-street parking and loading shall be exempted from this enclosure requirement.

(Code 1965, App. A., Art. 6 (E); Ord. No. 1747, 6-29-70;
Code 1991, §160.059; Ord. No. 4100, §2 (Ex. A), 6-16-98)

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166.25 Commercial, Office and Mixed Use Design And Development Standards

(A) *Purposes.*

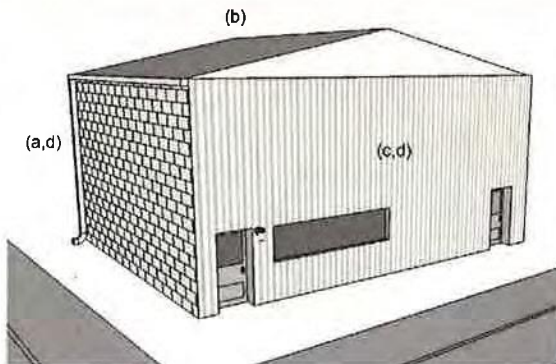
- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.
- (3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.
- (4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.
- (5) To address the issues of traffic, safety, and crime prevention.
- (6) To preserve property values of surrounding property.
- (7) To provide good civic design and arrangement.

(B) *Applicability.* These design and development standards apply to commercial developments, office developments, **developments classified as Use Unit 45, Small scale production**, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

(C) *Building Exterior Appearance and Design Standards.* The following exterior development standards and design element guidelines shall be followed:

- (1) The elements to avoid or minimize include:
 - (a) Unpainted concrete precision block walls;
 - (b) Square "boxlike" structures;
 - (c) Metal siding which dominates the principal facade;
 - (d) Large blank, unarticulated wall surfaces;

Elements to Avoid



- (2) A development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site, without replicating the building multiple times.
- (3) A development should provide compatibility and transition between adjoining developments.

- (4) All structures shall be architecturally designed to have front facades facing all adjacent street and highway rights-of-way, and shall include at least one prominent entry-way on the principal façade(s).
- (5) All buildings should be constructed of wood, masonry, or other similar durable material.

(D) *Site Development and Design Standards.*

- (1) *Site coverage.* A maximum of 80% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Properties located within the Downtown Master Plan boundary are exempt from this requirement.
- (2) *Driveways.* Shared drives and cross access between properties shall be encouraged to adjacent developed and undeveloped properties.
- (3) Mechanical and utility equipment and refuse containers shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
 - (a) *Mechanical and utility equipment.*
 - (i) All mechanical and utility equipment located on the wall and/or on the ground shall be screened with vegetation, by incorporating screening into the structure, or by utilizing paint schemes that complement the building and screen the equipment.
 - (ii) All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the principal structure utilizing materials and colors compatible with the supporting building.
 - (b) *Refuse containers.* Refuse containers shall be screened with materials that are compatible with and complementary to the principal structure, with access to the refuse containers not visible from the street. Containers may be screened from view by the principal structure; by a permanent walled or fenced enclosure; or with appropriate vegetation, planted at a density and size sufficient to be view obscuring immediately from the date of planting; so long as the screening is maintained and loose trash does not litter the ground or become an environmental nuisance.
- (4) Outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
 - (a) At the expense of the owner or lessee of the property, and in all zones, the following uses shall be completely surrounded by a view obscuring fence or by view obscuring vegetation, or a combination of the two, of sufficient height to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets: outdoor storage yards, including but not limited to, auto salvage yards, scrap metal yards, used furniture yard and garbage dumps.
 - (b) Where vegetation is used to meet the requirements of this subsection, the vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting. If vegetation planted under this subsection does not become view-obscuring within two years, a view-obscuring fence shall be installed.
 - (c) *Exceptions:* The outdoor display of materials or equipment solely for sale or lease, such as automobiles, seasonal garden supplies, etc. shall not be required to be screened as set forth in subsection (a) above.
- (5) *Non-residential uses adjacent to residential uses.* The Planning Commission or Planning Division may require non-residential uses, including parking lots associated with said uses, to be screened from adjacent residential uses, as set forth below:
 - (a) A buffer strip, fence, or screen wall that is required shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with provisions of this chapter.
 - (b) *Buffer Strip.* The purpose of the buffer strip is to provide separation and enclosure of uses. The landscaped buffer strip shall consist of a strip of land at least 8 feet wide adequately landscaped with approval of the Urban Forester, entirely on the zoning lot which is required to provide the buffer strip, and so located as to serve as an effective buffer between the use required to provide the buffer strip and other

property for whose protection the buffer strip is required. The buffer strip should extend along the full length of the boundary separating the zoning lot from such other property, or from the street, as the case may be.

- (c) *Fence required.* The purpose of the fence is to enclose uses. Required fences shall not be less than six (6) feet high, constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive uniform appearance.
 - (d) *Screen required.* The purpose of the screen is to conceal uses. Screening shall mean a view obscuring fence, view obscuring berm, view obscuring architectural treatment, or view obscuring vegetation, or combination thereof, of sufficient height to prevent the view of the screened items from vehicular and pedestrian traffic on adjacent streets, and from residential property. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
 - (6) *Mini-storage.* At the expense of the owner of the property, all storage units and storage yards for mini-storage created under Use Unit 38 shall be required to be screened by view obscuring vegetation when the storage yards or the storage units have common property lines with any residential use or zone and when they have frontage on any public street. Vegetation used for screening purposes shall be planted at a density sufficient to become view obscuring within two years from the date of planting and it shall be the responsibility of the property owner to maintain the screening throughout the life of the use of the property as mini-storage.
- (E) *Design review.*
- (1) *Submittals.* The following drawings, information, and plans shall be submitted to the Planning Commission or Planning Division for design review and approval with the associated development application, when applicable;
 - (a) *Elevations.* Color rendered elevation drawings of all building facades and a description of external building materials. Labels and dimensions, where applicable, shall accompany changes in texture, plane, material or color.
 - (b) *Materials sample.* A sample of exterior materials to be used for the proposed structure that indicates texture, color and type of materials.
 - (c) *Landscaping.* Proposed landscaping to be used as screening shall be shown on the tree preservation plan and landscape plan.
 - (2) *Build out.* Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.
 - (a) *Amendments.* Amendments to the drawings, information, and plans shall be submitted to the planning division. Amendments which are determined to be insignificant or minor may be approved by the Planning Division. Significant amendment shall be approved by the Planning Commission when approval was given through the large scale development process, or by the planning division when approval was given through the building permit process.
 - (b) *Review.* Amendments shall be considered using the same standards as the initial design approval.
 - (c) *Noncompliance.* Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large scale development approval, or the building permit approval void.

(F) *Variances.* (See Chapter 156.)

(Ord. 5526, 9-18-12)

October 2014
Saddlebock Brewery
18244 Habberton Road
Springdale, AR 72764
479.419.9969
Owner: Steve
Steve's cell: 479.422.1797
steve@saddlebock.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

A barrel is 31 gallons, we're growing a lot and our numbers are changing month by month. In the 3rd quarter of this year we reported 700-800 barrels, we will probably have around 2,000 barrels for the year. We did 1,000 barrels in 2013.

What is the total square footage of your facility?

Our building was built to be a brewery so it is much more efficient than if someone were leasing a facility. We have 5,000 sq. ft. in the 'barn' on three floors. The barn is a structure that we built specifically for our brewing facility. As part of the conditional use permit through the county for our business the structure was intended to look like a barn to fit in to the rural setting of the area. Across the street from the barn we have a warehouse for storage and cold storage which is about 10,000 sq. ft. for a total of 15,000 sq. ft.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

We get some sort of truck traffic in every day. Today we only had one UPS truck delivering a package. Our biggest deliveries are grain, usually 2-3 deliveries per week with a full size semi-truck. We buy from the pallet and load from a lift gate onto a dock. We buy glasswear bottles, glasses, and kegs. We have about 22 employees (part and full-time) including drivers and others offsite including sales guys in Little Rock and elsewhere. We have some part-time girls that do serving in the tasting room. We are looking to expand with a restaurant in the future.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

Never had any complaints from any neighbors. When we asked for a conditional use permit for outdoor music one of the neighbors was opposed to the request and he lived about a mile away. Microbreweries have a tasting room which is basically a small bar. The products produced from these types of facilities is typically a higher quality and more expensive product than you would see in a regular bar. We do not see the types of college-age bar crowd that are looking for cheap beer in these types of facilities so it is usually pretty calm and quiet. We close the tasting room at 9 p.m.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Water usage and wastewater usage can be a problem. To produce 1 gallon of beer requires 4-6 gallons of water. We fall under ADEQ for rinsing down tanks. ADEQ classified me as industrial. If ADEQ classified me as commercial we could put our waste underground (in their septic system). I have to have all of my

wash down water and other water carted offsite at a high expense because it cannot be put underground into our septic system and there is not a sewer system out here (in unincorporated county). You have to use cooling water in the brewing process and we keep that water and store it in an insulated tank for re-use. At Tim's on the square they will run their water off into the street (the cooling water and wastewater) which I believe is against the law and in the winter the wastewater has formed ice on the sidewalk and street where they dump it which has been a problem.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

If the brewers are too big it can be pretty unsightly if it is a 20,000 sq. ft. facility without any windows or doors in a downtown area. A general number of around 5,000 barrels should be sufficient.

Do you have any other recommendations or comments?

In general these types of facilities will be really popular and people will want to come and see the facilities, try the product, and hang out. They are great for tourism.

He also discussed legislative changes related to alcoholic beverages that will likely be upcoming in the next session and he is involved in some sort of committee at the state level for these changes.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-20-2014

Phone Interview with Ozark Brewing Company

Ozark Beer Co.

1700 s. 1st St.

Rogers, AR 72756

479.636.2337

Lacie Bray, Director

lacie@ozarkbeercompany.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

-1,400 barrels this year; 3,500 barrels hopefully next year.

-We have a 15 barrel brewhouse and W. Mountain Brewery has a 3 barrel brewhouse.

-Once you hit 10,000 barrels you will hit a different level of facility where you have to have a much larger number of employees, a human resources department to manage employees, etc.

What is the total square footage of your facility?

About 7,000 sq. ft. which will allow expansion of our current production.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

A truck coming every couple of weeks to deliver grain. We have about 5 full-time employees and some part-time staff in the tasting room.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

No, not really. Most of the time when breweries are a large size they are in industrial areas. Some people complain about the smell of brewing, some people like the smell.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Smell of brewing is an issue to some people

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

No

Do you have any other recommendations or comments?

Look at the City of Denver and the City of Boulder

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-27-2014

Core Brewing and Distilling Co.

2470 N. Lowell Rd.

Springdale, AR 72764

479.372.4300

Interview/tour and site visit with Jesse Core, CEO

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

3,000 now, but we are expanding rapidly and our current facility has a capability of 20,000 max. production.

What is the total square footage of your facility?

20,000 sq. ft. We started with 5,000 sq. ft. in 2010 with only one suite, and have continued to expand over the last four years.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

24 employees. Large semi-trucks come in several times a week to drop off grain and supplies and other trucks come in and out to haul off the used grain and distribute products. We are the largest micro-brewery in Arkansas or Oklahoma right now.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

No complaints. We are well liked by the neighbors and the community. There hasn't been any issues here. Employees from businesses in the area enjoy coming down and hanging out, enjoying a beer. There shouldn't be any problems with the facility with proper planning such as enough parking and loading areas.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

No problems. Microbreweries are very unique and different than other industries that create a lot of impacts. They are huge for the advertising and promotion of a community. The impacts of these types of facilities are minimal, different than other heavy industry. The general public are invited, and they love to come in and see the facilities, talk to the brewers, and enjoy a craft product. They are great for a community.

One potential issue is that if the waste products (used grains) are not disposed of quickly it can start to stink. This can be handled with basic good management. After we use our grains in the brewing process we have farmers lined up that come pick it up and use it for compost on the farms. It is a sustainable process. However, I could see it being a problem if it is a hot summer day and used grain sits outside and the farmer forgets to come pick it up. If a restaurant were immediately downwind they might not like the smell.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

Open it up, don't put specific limitations on them because they will be great for your community.

Do you have any other recommendations or comments?

It would be appropriate when these types of facilities are in a commercial area that the street façade be required to look nice. That is typically what these types of facilities will do anyway because they are cool buildings that invite the public in.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?
yes

10-20-2014

Apple Blossom Brewing Company

1550 East Zion Road. Suite 1

479.287.4344

Ching Mong, owner/partner

appleblossombrewingco@gmail.com

Interview by Andrew Garner, City Planning Director

How many barrels per year do you produce?

Not sure, they only sell their product on site and in growlers at this point but would like to expand.

What is the total square footage of your facility?

Restaurant, brewhouse, and patio is a total 11,000 sq. ft.; brewhouse is about 1,500 sq. ft.

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

No different than a restaurant at this point because they do not sell or distribute beer offsite.

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

No complaints. He discussed that complaints from the brewer, or about the brewing operation, would vary depending on the volume you produce. Right now we are only in-house, we don't sell out of house and don't have any issues.

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Easy access in and out of the facility especial if it is a large volume brewer.

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

No

Do you have any other recommendations or comments?

It would be a good idea to make it easier for microbreweries to be located in commercial areas without having to have additional special permits or zoning changes.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

Yes

10-??-2014

**Phone Interview with Fossil Cove Brewing Co.
1946 N. Birch Ave.
Fayetteville, AR 72703
479.445.6050**

Interview by Andrew Garner, City Planning Director
(left messages, calls not returned)

How many barrels per year do you produce?

What is the total square footage of your facility?
3,600 sq. ft. (from business license)

Describe your daily and weekly business operations in terms of number of employees, customers, truck traffic:

Have you received many complaints from surrounding businesses or neighbors about your business, if so, what were the complaints?

Do you see any potential problems with the City of Fayetteville modifying the zoning code to introduce microbreweries/small breweries into commercial areas of the City?

Do you have any specific recommendations as to how many barrels per year the City's code should specify for microbreweries?

Do you have any other recommendations or comments?

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

10-20-2014

Phone Interview with

Arkansas Department of Finance and Administration - Alcoholic Beverage Control Division

Michael Langley, Director

Interview by Andrew Garner, City Planning Director

Definition of microbrewery

Mr. Langley described the threshold for microbreweries as currently regulated by the state:

1. Microbrewery/restaurant allows for production of less than 5,000 barrels per year but the product must be sold at the restaurant in a retail, not wholesale, setting.
2. Small brewer allows for production of less than 20,000 barrels per year for wholesale.

The state will likely change these definitions in the next legislative session. These definitions appear to be fairly outdated for current practices. These definitions were approved when there were very few small brewers/microbreweries in the state. The American Brewer's Association defines a microbrewery as allowing production of less than 15,000 barrels per year, different than the state, that does not specifically define a microbrewery like the ABA.

Land use impacts

Mr. Langley discussed the impact and complaints/issues that ABC has had with these types of uses. In general the smaller brewers are very compatible in commercial and restaurant settings. They very rarely, if ever, receive complaints from any neighbors. The types of complaints for microbreweries have been limited to noise associated with people in the restaurant/bar setting. Problems encountered with microbreweries have not been associated with the land use or impact of the breweries, but centered around the businesses not complying with environmental regulations and asking for forgiveness instead of permission. In general he was supportive of code changes to allow microbreweries in commercially zoned areas and feels that the impact is no more than that of a typical restaurant. He also discussed the positive effect on tourism in a community that microbreweries can bring, which is a major benefit to a community that should be considered.

11-07-14

Fayetteville Visitor's Bureau

Jessie Leonard, Communications Manager

Fayetteville Ale Trail

jleonard@experiencefayetteville.com

Interview with Andrew Garner, City Planning Director

Tell me about the Fayetteville Ale Trail?

It is a tour of local breweries. We have created a passport with the breweries on the passport and customers go around to each brewery to have their passport stamped. Six are on the tour now, one more in Bentonville opening very soon so there will be seven.

How many visitor's per year are attributed to the Fayetteville Ale Trail or breweries in general?

We launched the program last August. We have printed over 20,000 passports, given out about 19,500 passports since we started the program and are starting to print more. We can't sell anything related to it. But, we have a little incentive if each brewery has stamped the passport we will give the customers a little bottle opener, etc. We get requests all the time from people all of the country for the passports.

What are some of the benefits of micro-breweries?

It is a big up and coming trend in the tourism industry. We found we were having so many visitors requesting the information on local breweries that we started the Ale Trail program. It is a unique attraction because you are meeting the brewer, taking a tour, and sampling the product. They are great assets to the community. All of the local brewers we work with are all super-involved in the community. For example the employees at Fossil Cove all go down the trails on Friday and pick up trash. From our perspective it is a great benefit.

Would you be willing to attend a Planning Commission meeting to speak in favor of this code change?

yes

STATISTICS**CRAFT BEER INDUSTRY MARKET SEGMENTS**

There are four distinct craft beer industry market segments: brewpubs, microbreweries, regional craft breweries and contract brewing companies.

Microbrewery

A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

View list of [U.S. Microbreweries](#)

Brewpub

A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to off site accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75 percent.

View list of [U.S. Brewpubs](#)

Contract Brewing Company

A business that hires another brewery to produce its beer, it can also be a brewery that hires another brewery to produce additional beer. The contract brewing company handles marketing, sales and distribution of its beer, while generally leaving the brewing and packaging to its producer-brewery (which, confusingly, is also sometimes referred to as a contract brewery).

Regional Craft Brewery

An independent regional brewery with a majority of volume in "traditional" or "innovative" beer(s).

Regional Brewery

A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

View list of [U.S. Regional Breweries](#)

Large Brewery

A brewery with an annual beer production over 6,000,000 barrels.

View list of [U.S. Large Breweries](#)

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Title 2, Subtitle B | Definitions

Section 2.5.1

"Microbrewery-Restaurant" means any establishment in which beer is both brewed and sold at retail in a restaurant setting under the same ownership in the same building or attached buildings. The operation of the microbrewery-restaurant shall be a limited exception to the three-tier system as defined in other parts of these Regulations. A microbrewery-restaurant establishment shall be allowed to brew beer or other malt beverage products, as defined in ACA § 3-5-1202, and such beer or malt beverage products may be brewed in one or more varieties to be served in the restaurant operated at the same premises. The microbrewery-restaurant shall be limited to a production of 5000 barrels of malt beverage products per year, with each barrel having a volume of thirty-one (31) gallons. The beer or malt beverage brewed at the microbrewery operation shall only be sold at the restaurant maintained at the same premises, as defined in Act 611 of 1991 and shall be dispensed at such restaurant for on premises consumption only. The restaurant may purchase beer from other

manufacturers of beer as set forth in that Act for sale and dispensing at the restaurant operation. (Amended 8-15-01)

Section 2.5.2

"Arkansas Native Brewer" means any small brewery or microbrewery-restaurant permitted under the provisions of Act 1805 of 2003, as amended. A small brewery permitted under this law shall have the authority to manufacture and sell beer and malt beverages not to exceed an aggregate quantity of 30,000 barrels per year. The small brewery may sell to wholesalers, to retail license holders and other small brewery license holders, or to the consumer at the brewery facility. In addition, under the provisions of Act 1459 of 2009 the operator of a small brewery may serve complimentary samples of beer produced by the small brewery or by another licensed small brewery and may sell at retail by the drink or by the package beer produced by the small brewery or produced by another small brewery if all sales occur in a wet territory. Authorized sales as described above may occur at the small brewery location property, any small brewery – off premise retail site or at fairs and food and beer festivals as described in Act 1459. If the small brewery determines that it wishes to sell its own products to another small brewery, or to retail license holder it shall obtain a small brewery wholesale permit. A microbrewery-restaurant operator who operates under the Arkansas native brewer permit may manufacture beer and malt beverages in an aggregate quantity not to exceed 5000 barrels per year. The microbrewery-restaurant may sell to wholesalers, to other retail dealers or to the consumer at the microbrewery-restaurant for consumption either on or off the premises. The microbrewery restaurant must obtain a separate retail permit that authorizes the sale of wine for on premises consumption at the property. Off premises sales are limited to those brand name products which are produced at the permitted facility. Native brewer permittees may sell their beer and malt beverage products for on or off premises consumption during all legal operating hours of the business in which the business is normally and legally conducted, on any day of the week, unless otherwise prohibited by law, if the native brewer provides tours and provides that only sealed containers are removed from the premises. (Amended 8-19-09)

<http://www.dfa.arkansas.gov/offices/abc/rules/Pages/title2SubtitleB.aspx>

accessed 10/20/2014

Garner, Andrew

From: Buddy Black <buddy@arkansasbusinessbrokers.com>
Sent: Monday, November 24, 2014 3:26 PM
To: Garner, Andrew
Subject: Ordinance change

I think this is a positive step and I would use this to show potential customers of smaller business.

--

Buddy Black
Cantrell-Griffin Business Brokers
5100 S. Thompson
Springdale, AR 72764
Cell 479-236-7800
Ph. 479-521-8529
Fax 479-927-4486
buddy@arkansasbusinessbrokers.com
<http://www.arkansasbusinessbrokers.com>

Garner, Andrew

From: jesse@corebeer.com
Sent: Monday, November 24, 2014 10:29 AM
To: Garner, Andrew
Subject: RE: City of Fayetteville Ordinance Change for Microbreweries

Excellent stuff Andrew. Cheers, Jesse

Take Pride!

Jesse Core, MBA, PMP
Founder, Core Brewing & Distilling Co.
www.CoreBeer.com
jesse@corebeer.com
479-879-2469
www.FaceBook.com/CoreBrew

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----- Original Message -----

Subject: City of Fayetteville Ordinance Change for Microbreweries
From: "Garner, Andrew" <agarner@fayetteville-ar.gov>
Date: Mon, November 24, 2014 10:23 am
To:
Cc: "Garner, Andrew" <agarner@fayetteville-ar.gov>

Northwest Arkansas microbrewery industry:

I have interviewed several of you about potential changes to City of Fayetteville laws regarding microbreweries. These potential changes would reclassify a certain size microbrewery from industrial to commercial, allowing this use in commercial and industrial areas of Fayetteville, where they are currently only allowed in industrial areas. We value your input on this potential code change. This topic (among others) will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your comments in a response to this email.

Thank you for your time,
Andrew

Andrew Garner, AICP
City Planning Director
City of Fayetteville, Arkansas
479.575.8262
[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Garner, Andrew

From: Apple Blossom Brewing Co. <appleblossombrewingco@gmail.com>
Sent: Wednesday, November 26, 2014 10:49 AM
To: Garner, Andrew
Subject: Re: City of Fayetteville Ordinance Change for Microbreweries

Thank you! We'll be there!

Cheers,
Sammie Stephenson
Apple Blossom Brewing Company

On Mon, Nov 24, 2014 at 10:23 AM, Garner, Andrew <agarner@fayetteville-ar.gov> wrote:

Northwest Arkansas microbrewery industry:

I have interviewed several of you about potential changes to City of Fayetteville laws regarding microbreweries. These potential changes would reclassify a certain size microbrewery from industrial to commercial, allowing this use in commercial and industrial areas of Fayetteville, where they are currently only allowed in industrial areas. We value your input on this potential code change.

This topic (among others) will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your comments in a response to this email.

Thank you for your time,

Andrew

Andrew Garner, AICP

City Planning Director

City of Fayetteville, Arkansas

[479.575.8262](tel:479.575.8262)

[Website](#) | [Facebook](#) | [Twitter](#) | [YouTube](#)

Garner, Andrew

From: Chung Tan <CTan@fayetteville-ar.com>
Sent: Sunday, December 07, 2014 9:42 PM
To: Garner, Andrew
Cc: Steve Clark
Subject: RE: ordinance for small scale production/manufacturing

Hi Andrew:

Thanks for the opportunity to comment on this ordinance change.

We commend you and your division for seeing the need for this change. From the chamber's standpoint, this is a positive change. By allowing small manufacturing/assembly/production uses in certain commercial uses,

- 1) we are meeting and responding to emerging demands/trends such as microbreweries, and micro-enterprises
- 2) by doing so, we continue to build our ecosystem to support entrepreneurship
- 3) we are adding back some "industrial" uses into the inventory. This helps to balance some of the "industrial" spaces we lost from the inventory when we approved rezoning requests in the past.
- 4) Last but not least, this could help to offer a buffer zone between residential to retail to office/semi-commercial/production to industrial.

Hope this helps.

Chung

From: Garner, Andrew [mailto:agarner@fayetteville-ar.gov]
Sent: Monday, November 24, 2014 10:35 AM
To: Chung Tan
Subject: ordinance for small scale production/manufacturing

Chung,

A couple of weeks ago I mentioned to you that the City Planning Division is looking at an ordinance change that would allow small manufacturing/production uses in certain commercial areas, where they are currently only allowed in industrial-zoned property. This would open up re-use of existing commercial buildings for uses such as a microbrewery, small cabinet shop, or other low intensity manufacturing/production businesses.

We value the chamber's input on this potential code change. This item will be discussed at a Planning Commission meeting on December 8, 2014, 5:30 p.m., in room 219 of Fayetteville City Hall (113 W. Mountain Street). Feel free to attend and speak at the meeting, or provide your input in a response to this email.

Thanks,
Andrew

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ORDINANCE NO.

AN ORDINANCE AMENDING TITLE IV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151, 161, 162 AND 166 TO CREATE A NEW USE UNIT FOR SMALL SCALE PRODUCTION INCLUDING BOUTIQUE AND SPECIALTY MANUFACTURING AND TO PLACE THIS NEW USE UNIT IN APPROPRIATE ZONING DESIGNATIONS.

WHEREAS, City of Fayetteville Planning Staff has identified a need for a new use unit to allow for small scale specialty manufacturing; and

WHEREAS, recent trends in the manufacturing of handmade and craft products are directed towards smaller scale and locally produced products; and

WHEREAS, the current zoning and development code does not currently specifically address these types of small scale operations; and

WHEREAS, Planning Staff has determined that these types of uses, if scaled appropriately, are compatible with neighborhood land uses.

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

Section 1: That the City Council of Fayetteville, Arkansas hereby adds the following definitions to Chapter 151: Definitions:

Coffee roasting facility. A facility in which unprocessed green coffee may be sorted, roasted and processed or packaged for use and consumption.

Microbrewery/microdistillery/microwinery. An establishment for the manufacture, blending, fermentation, processing and packaging of no more than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

Section 2: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Conditional Use in the following Zoning Districts:

161.16 NS, Neighborhood Services
161.17 R-O, Residential Office

Section 3: That the City Council of Fayetteville, Arkansas hereby amends Chapter 161: Zoning Regulations by inserting Use Unit 45, Small Scale Production as a Permitted Use in the following Zoning Districts:

161.18 C-1, Neighborhood Commercial
161.19 CS, Community Services
161.20 C-2, Thoroughfare Commercial
161.21 UT, Urban Thoroughfare
161.22 C-3, Central Commercial
161.23 DC, Downtown Core
161.24 MSC, Main Street Center
161.25 DG, Downtown General

Section 4: That the City Council of Fayetteville, Arkansas hereby amends Chapter 162: Use Units by inserting Use Unit 45, Small Scale Production as shown on Exhibit “A” attached hereto and made a part hereof.

Section 5: That the City Council of Fayetteville, Arkansas hereby amends Chapter 166: Development by repealing the first paragraph of §166.25(B) and replacing it with the following language:

§166.25(B) *Applicability.* These design and development standards apply to commercial developments, office developments, Small Scale Production, those parts of a Planned Zoning District or other mixed use developments with commercial and office elements and to industrial developments within the I-540 Overlay District.

PASSED and APPROVED this day of , 2015.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ADM 14-4896
EXHIBIT “A”

§162.01 (SS) Unit 45. Small scale production

(1) *Description.* Unit 45 is provided in order that increased variety and flexibility of non-residential goods, services, and employment centers may be provided in close proximity to residences and commercial uses. These uses may have adverse impacts because of high traffic, delivery vehicles, noise, or odors and may pose compatibility issues if they are not limited in size.

(2) *Included uses.*

Unit 42. Clean technologies	All uses within Unit 42 are permitted with a maximum gross floor area of 5,000 square feet
Microbrewery; microwinery; microdistillery	Maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and production of less than 15,000 barrels per year
Boutique/specialty manufacturing (maximum gross floor area of 5,000 square feet)	•Specialty food manufacturers with or without a retail store front •Coffee roasting facility •Other specialty manufacturers that have minimal impacts to adjoining properties compared with what is typically generated by similar uses within the designated zoning district, as determined by the Zoning and Development Administrator

Agenda Session 12/30/14

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316



Meeting Agenda - Tentative Agenda

Tuesday, January 6, 2015

5:30 PM

City Hall Room 219

City Council

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

Call To Order

2014-0488

Oaths of Office:

City Attorney Kit Williams
Adella Gray, Alderman Ward 1
Mark Kinion, Alderman Ward 2
Justin Tennant, Alderman Ward 3
John S. LaTour, Alderman Ward 4

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2014-0489 Election of Vice Mayor
2. 2014-0490 Report on the Firemen's and Policemen's Pension and Relief Fund
3. 2014-0581 Housing Authority Board Commissioners Appointment

Attachments:HAB Appointment 4th Qtr 2014

Agenda Additions:

Ark Regional Transit Report
City Council Committee Appointments

A. Consent:

- A. 1 2014-0317 Approval of the December 16, 2014 City Council meeting minutes.
- A. 2 2014-0568 A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY/SIDEWALK PROJECTS LIST FOR 2015
- A. 3 2014-0574 A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE AMOUNT OF \$5,180.00 AND INCREASING THE RELATED EXPENSE BUDGET

Attachments:2014-0568Attachments:SRF & SRM Hazmat RevenueBA BUDGET ADJUSTMENT FORM Hazmat Revenue Arkansas Missouri Rai

- A. 4 2014-0575** A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING CONTINUATION SUBGRANT FROM THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE PROGRAM IN THE AMOUNT OF \$14,976.78, AND TO APPROVE A BUDGET ADJUSTMENT
- Attachments: CC Packet - 2014 ICAC Award
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- A. 5 2014-0580** A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE
- Attachments: Full agenda packet
 CC RES 2015-0580
- A. 6 2014-0584** A RESOLUTION TO APPROVE A FIVE YEAR LEASE AGREEMENT WITH AN OPTION TO RENEW FOR AN ADDITIONAL FIVE YEARS WITH DAN AND ANITA SPENCER FOR APPROXIMATELY 18.18 ACRES OF UNUSED CITY PROPERTY ON THE WEST SIDE OF LAKE SEQUOYAH IN EXCHANGE FOR THE SPENCERS CONVEYING ADDITIONAL EASEMENTS TO THE CITY THAT ARE NECESSARY FOR CONSTRUCTION AND OPERATION ACTIVITIES PERTAINING TO THE LAKE SEQUOYAH SEDIMENT REMOVAL PROJECT
- Attachments: 2014-0584 Lake Sequoyah Land Easement

✓ **B. Unfinished Business:**

- ✓ **B. 1 2014-0437** AN ORDINANCE TO AMEND THE FAYETTEVILLE CODE BY ENACTING § 71.016 INSURANCE REQUIREMENTS FOR MOTORIZED BICYCLES, MOTOR SCOOTERS AND MOPEDS

Attachments: Agenda Packet § 71.016 Insurance Requirements

Legislative History

12/16/14 City Council left on first reading
This ordinance was left on the 1st reading and sent to the Ordinance Review Committee.

- ✓ B. 2 2014-0532 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4859, FOR APPROXIMATELY 1.9 ACRES, LOCATED AT THE 300 & 400 BLOCK OF MARTIN LUTHER KING BOULEVARD FROM NC, NEIGHBORHOOD CONSERVATION, TO DG, DOWNTOWN GENERAL

Attachments: RZN 14-4859 Niederman
 ORD 14-4859 Niederman

Legislative History

12/2/14 City Council tabled
This ordinance was left on the first reading and tabled to the January 6, 2015 City Council Meeting at the December 2, 2014 City Council Meeting.

✓ C. New Business:

- ✓ C. 1 2014-0577 AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A ONE-YEAR CONTRACT WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION IN THE AMOUNT OF \$40,017.86 FOR A STORMWATER EDUCATION PROGRAM FOR 2015

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Attachments: 14-4864 CC Packet
 14-4864 CC ORD

- ✓ C. 3 2014-0579 AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 14-4894, FOR APPROXIMATELY 3.78 ACRES, LOCATED AT 3525 SOUTH SCHOOL AVENUE FROM C-2, THOROUGHFARE COMMERCIAL, TO I-1, HEAVY COMMERCIAL/LIGHT INDUSTRIAL

Attachments: 14-4894 Full Agenda Request
 14-4894 CC ORD

C. 4

2014-0576

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Attachments:14-4896 CC packet14-4896 CC ORD**D. City Council Agenda Session Presentations:****E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

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Pre Agenda Meeting 12-23-14

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
479-575-8323 TDD - 479-521-1316*



Summary Agenda - Tentative Agenda

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5:30 PM

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City Council

*Adella Gray Ward 1
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Mark Kinion Ward 2
Matthew Petty Ward 2
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2014-0488

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CityClerk

From: Jeff Hatley <jhatley@ozark.org>
Sent: Tuesday, December 23, 2014 11:42 AM
To: CityClerk
Subject: ORT-Ozark Regional Transit – Semi-Monthly Report at Fayetteville City Council

With your permission, we'd like to give our semi-monthly report on public transit in Fayetteville at your next scheduled city council meeting on Jan. 6th.

We plan to give a brief overview of ridership in the area, a summary of plans for growth and to be available for any questions, comments or concerns the council may have.

Jeff Hatley
Mobility Manager/Public Information Officer
Wk: 479-365-2161
Mb: 479-225-8369

