

# **History of Fayetteville Planning and Zoning**

**1936-2000**

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**City of Fayetteville Planning Department**

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# Part I

## Fayetteville is Introduced to Planning

### 1936-1957

In City Hall, three black scrapbooks with yellowing, worn pages contain newspaper articles, documents and letters that tell the early story of planning and zoning in Fayetteville. In the late 1940's and 1950's, planning and zoning was new to Fayetteville, although many communities across the country had implemented zoning for years. The early planning commissioners drafted the first master plan and zoning ordinance that paved the way for the current system of managing development and growth in the community. Part I is a summary of the information provided in these three scrapbooks.

#### A. THE FIRST PLANNING COMMISSION

Fayetteville's first step in introducing planning and zoning to the community was to create a Planning Commission. On May 20, 1936, the city adopted *Ordinance No. 781* requiring that the city establish a City Planning Commission. The purpose of the Planning Commission, as stated in the ordinance, was to "direct the future development of the City and encourage its social and economic improvement in accordance with modern city planning principles and to insure the orderly, efficient and economic arrangement and development of future public works projects." The ordinance described the procedures and duties of the City Planning Commission, including that plans and plats for subdivisions be reviewed by the Planning Commission and forwarded to City Council for approval. The Planning Commission was responsible for preparing an annual public works program each January and an annual report of activities each February. The ordinance also authorized the city to employ necessary personnel.

The City Planning Commission was to consist of nine members made up of the Mayor (or City Manger), City Engineer, a member of city council as ex-officio member and six representatives from the community. All members were to serve for a period of four years. Mayor A.D. McAllister selected the first Planning Commission:

Mayor	Mrs. Lessie Stringfellow Reed
City Engineer	Mrs. D. Y. Thomas
Alderman Gregory	Ralph Lewis
Roy A. Scott	Deane G. Carter
W.S. Campbell	

The scrapbooks do not record planning commission activity in the late 1930's and early 1940's. Documents indicate that most activity began to occur when a new planning commission was created in 1949. *Ordinance No. 781* was repealed by *Ordinance No. 956* on September 12, 1949 in regards to Planning Commission members, based on the adoption of Section 19-2811 of the Arkansas Statutes in 1947. The Planning Commission was to remain at nine members, but the Mayor, City Engineer and Alderman were no longer ex-officio members. The Commission was to consist of at least two-thirds members that do not hold another municipal office or

appointment.

The new Planning Commission members that would soon make Fayetteville planning history were appointed by Mayor Powel M. Rhea:

W. H. Pryor, Chairman	Vine Blumenberg
Clay B. Yoe	Paul Young
Garland Wheeler	Haskell Utley
Arch Cloud	Ernest Ward
Mrs. H.G. Hotz	

## B. THE FIRST MASTER PLAN

The city's first Master Plan was prepared in 1945. The plan recommended the coordinated development of the city, citing the ill effects of not planning, including poor street alignment, narrow street widths, and the crowding of buildings on small lots. It stated that zoning was necessary "to aid the individual in building for the best interest of himself and the community and to protect private citizens from damage due to the willful and selfish acts of his neighbors." The plan recommended zoning as the most inexpensive method to improve the city and retain or increase value.

In a newspaper article dated August 5, 1955, the 1945 Master Plan was described in terms of implementation during the previous 10 years. Few of the recommendations were implemented and others were adjusted upon further study. Streets were widened and the city park was expanded as recommended. Very little of the recommended extension to the sanitary sewer system was completed. The recommended fire station for the northwest section nor the farmers market were created. A civic center with a federal building, courthouse and municipal auditorium was recommended, but never came to be because of a lack of interest. The plan recommended construction of a garbage disposal plant and purchase of collection equipment. Instead, city officials decided to bury garbage. The city hospital was repaired and remodeled, but not expanded as recommended. To help meet increasing hospital needs, the Washington County Hospital was constructed. Improvements suggested for Wilson Dam did not occur, but the water system was improved.

## C. STATE PLANNING AND ZONING STATUTES

Arkansas Statutes 19-2811 through 19-2818 were adopted in 1947 to provide the enabling legislation for city planning. A brief summary of the statute as it was adopted is described below.

19-2811	Enables first and second class cities to prepare a municipal plan and create a planning commission to coordinate harmonious development.
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- 19-2812 Requires Planning Commission to comprehensively study the existing conditions of the community.
- 19-2813 Allows for the adoption of a master street plan and zoning plan after a public hearing and by resolution of the Planning Commission.
- 19-2814 Requires all copies of plans to be filed with the city clerk and in the county recorder's office.
- 19-2815 Requires streets, parks, grounds, public buildings and utilities to be approved by the Planning Commission.
- 19-2816 Requires subdivision plats to be approved by Planning Commission, building permits to be regulated by Planing Commission and to establish a Board of Adjustment. Requires a public hearing with 15 days notice in a local newspaper.
- 19-2817 Establishes territorial jurisdiction for the city council in terms of development, except for zoning powers, to be land lying within five-miles of the corporate limits, .
- 19-2818 Enables City Council to alter or amend the city plan.

#### D. THE FIRST ZONING ORDINANCE

Newspaper articles from the late 1940s and early 1950s discuss the need for zoning. A 1949 newspaper article described the existing process of development as "government by protest". If someone wanted to protest a proposed development activity, they would file a petition with the City Council, who would then have to weigh the advantages and disadvantages of the project and then make a decision. This approach provided no standards for accepting and rejecting applications. Further, anticipated expansion of the University demanded planning on the part of the University as well as the city. To provide better methods of managing development and growth and making land use decisions, the city began to develop a zoning plan.

#### **A Draft Zoning Plan**

Drafting a zoning plan was the first and most significant responsibility of the new Planning

Commission. To add to the challenge, the city did not budget funds to prepare the plan. The time, commitment and dedication of the Planning Commission and other concerned citizens brought the zoning plan to fruition.

For two years, the Planning Commission and other volunteers conducted existing land use studies, defined zoning terms, created zoning districts, and identified setbacks, bulk and building height restrictions. A senior in the College of Engineering at the University of Arkansas conducted the physical land use survey, which would be used to create the zone map.

In 1950, the Planning Commission began making progress on the zoning map. In February, they finalized the zoning definitions that were adopted by the City Council. By October, a 25 page draft of the zoning ordinance provided regulations for seven zoning districts:

- “A” Residence District (single-family)
- “B” Two Family Residence District (two-family)
- “C” Multiple Family Residence District (multiple family housing)
- “D” Multiple Family Residence District (fraternities, sororities, dormitories)
- “E” Commercial District (retail)
- “F” Business District (light manufacturing)
- “G” Light Industrial District (any use)

Each district had a set of regulations, including use, height, yard, and area. Some building setback lines were established based on the street the property fronted. For example, property on College Avenue between Spring Street and North Street had a 40 foot setback from the street centerline and on Dickson Street between College and West Avenue had a six foot setback from the north line of Dickson Street. The draft set provisions for off-street parking requirements to address some of the parking problems present in the downtown business area. Billboards were prohibited in “A” Residence District. A “community unit plan” was allowed for residential development of properties more than 10 acres. Annexed properties were to be brought into the city under the “A” Residence District.

The draft also provided enforcement and administrative regulations. The City Engineer was designated to enforce the ordinance. Applications for building permits had to be accompanied by a plat and buildings could only be occupied once a Certificate of Occupancy was issued by the City Engineer. The duties and responsibilities of the Board of Adjustment were identified. Provisions for making changes and amendments to the ordinance were included. Penalties for violating the ordinance ranged between \$25 and \$1,000 each day a violation existed.

## **The Zoning Map**

The zoning map was posted for viewing at the City Administration Building in August 1951. The “A” Residence District was predominantly on the edges of town. The “B” Residence District

was located north of downtown, west of College Avenue, and an area north of the Veterans Hospital. The “C” Residence District surrounded the downtown and was allowed in other areas throughout the city. The University was zoned “D” Residence District. Areas along College Avenue were zoned “E” Commercial District and the downtown area was zoned “F” Business District. The map zoned an area in the southern portion of the city and along Greg Avenue the “G” Industrial District.

### **Ordinance Adoption**

Public involvement was a crucial element to adopting the ordinance. Door prizes were offered to encourage attendance and over 200 people attended one of the first meetings. Meetings were held in April at the Washington School, Leverett School, High School Gym and Jefferson School. Planning Commission Chairman W. H. Pryor would discuss general planning principles before providing detail about the draft zoning ordinance.

The ordinance was adopted on September 10, 1951, two years after the Planning Commission started drafting. One of the first amendments came just one month later in *Ordinance No. 1005* to change the term “building” to “dwelling” in the area requirement sections. The amendment also required that three copies of the zoning ordinance be filed with the City Clerk and that a public notice be made about the copies available for review by public. The ordinance was officially adopted on October 22, 1951 with *Ordinance No. 1008*.

### **E. ZONING CHALLENGES**

It would not be long before residents began challenging the new zoning ordinance and the Board of Zoning Adjustment would have to act. Three significant zoning challenges came in the early 1950's: lot sizes for two-family use, rezoning for fraternity houses, and loading and unloading restrictions for wholesale business.

#### **Lot Size for Two-Family Use**

In April 1952, the first appeal was submitted to the Board of Zoning Adjustment. A couple bought the old Calvary Church at the corner of York and Leverett streets to convert it into two apartments. The zoning ordinance required a minimum of 7,000 square feet for two-family uses and the lot only had 3,500 square feet. The appeal was rejected based on this finding.

#### **Rezoning for Fraternity Houses**

A controversial rezoning case was presented to City Council in 1953. The Sigma Chi fraternity and the Alpha Gamma Rho fraternity wanted to build new houses within a two block area on Razorback Road, west of the Stadium. The Alpha Gamma Rho fraternity had already purchased



property south of Maple Street and Sigma Chi was looking at a property north of Maple Street. The University of Arkansas Board of Trustees relaxed its 1924 policy reserving the area north of Maple for sororities and allowed the Sigma Chi fraternity at that location. However, the area was zoned "B" Residential and did not allow fraternity houses. A request was made to rezone the two block area to "D" Residential to allow the fraternity houses.

The Planning Commission recommended approval of the rezoning because they felt that the University would need that area for expansion. Also, the Alpha Gamma Rho fraternity had bought the property before the zoning ordinance was in place and the Planning Commission felt that the fraternity would suffer a significant financial loss if the area was not rezoned.

At the time, the City Council generally supported Planning Commission recommendations in order to not damage the standing of that commission. Despite strong opposition from surrounding neighbors, the City Council approved, by a vote of five to three, to rezone the two block area from "B" Residential to "D" Residential.

A second reading of the rezoning ordinance was scheduled for the City Council in May. However, a letter to Mayor Powell M. Rhea from the University President John Tyler Caldwell resulted in the City Council tabling the rezoning. The letter indicated that university officials ran across a University Master Plan that planned for the area in question to be used for women's housing. The University did not support women's and men's housing adjacent to each other and the Board of Trustees reversed its earlier decision to allow the Sigma Chi house to locate north of Maple. This action halted the rezoning case...briefly.

A year later in July 1954, another request was made to rezone the area to allow fraternity houses. Residents in the vicinity submitted a petition to City Council objecting to rezoning the entire area but supporting rezoning only the property for the Alpha Gamma Rho fraternity, south of Maple. The Council requested comment about the rezoning from the University Board of Trustees. The Board did not oppose the rezoning and stated that it anticipated that such housing would inevitably go to the west of campus.

On December 6, 1954, the City Council voted four for and four against the rezoning. The decision was left up to Mayor Roy Scott, who, on December 20, voted against the rezoning.

## **Loading and Unloading Restrictions for Wholesale Business**

The city's loading and unloading restrictions were upheld in 1956 in the case of a frozen food warehouse. The warehouse was located at 818 Pollard Street, running parallel with North College Avenue between Prospect and North Streets, and operated by Tankersley Brothers Industries, Inc. Trucks loading and unloading at the facility blocked Pollard Street.

The business' concrete loading dock was within inches of Pollard Street and no off-street loading facilities were provided, which was in violation of the zoning ordinance. North College Avenue was zoned commercial and Pollard Street was zoned residential. The city zoning ordinance required businesses to front on North College Avenue, rather than Pollard.

The courts required that only the east side of the building, which faced North College Avenue, be used for businesses purposes. The east side did not contain the loading facilities, thus enjoined the Tankersley Brothers from doing wholesale business.

## **F. ZONING AMENDMENTS**

In 1955 and 1956 two significant amendments were made to the zoning ordinance: a change in use and yard restrictions in commercial and business districts and adoption of regulations for trailer courts.

### **Use and Yard Restrictions in Commercial and Business Districts**

An amendment to the zoning ordinance was passed on September 12, 1955 to change uses and yard restrictions in the "E" Commercial and "F" Business Districts. *Ordinance No. 1095* added the following uses as permitted in the "E" Commercial district: public garages, commercial parking lots, gas filling stations, office buildings and certain wholesale establishments. The requirement of side and rear yards for commercial buildings was removed. The office building use was removed from the use list in the "F" Business District because it was now allowed in the "E" Commercial District and all uses in the "E" Commercial District were allowed in the "F" Business District.

### **Trailer Courts**

In September 1956, the Planning Commission added a trailer court regulation to the zoning ordinance. *Ordinance No. 1115* governed the construction and maintenance of trailer courts, required the provision of utilities and facilities and outlined the responsibilities of owners and operators. A trailer coach space had to be a minimum of 1,000 square feet and a minimum of 23 feet wide and the wheels were not to be removed.

## **G. PLANNING ACTIVITIES**

Planning activities in the mid-1950's focused on the traffic and parking problems associated with the downtown business area and expanding the city limits through annexation.

### **Traffic and Parking Improvements**

Between 1940 and 1950, Fayetteville's population doubled, with over 17,000 in 1952. This was also a time of increasing accessibility to purchasing cars. The growing population combined with increased car ownership affected traffic. However, streets in the older parts of town with the heaviest traffic were not being improved. These conditions led city officials to begin addressing traffic and parking congestion, particularly in the business area.

#### **Setbacks along College Avenue**

Shortly after the new Planning Commission was appointed, they adopted *Ordinance No. 960* in November 1949. The ordinance was enacted to preserve areas for eventual widening of College Avenue to alleviate traffic problems. The ordinance established building set back lines along North College Avenue a distance of 10 feet from the front property line, between East Spring Street and Prospect Street; and a set back line of 15 feet from front property lines between Prospect Street and North Street. The ordinance also required that a plat or drawing be submitted in order to obtain a building permit in the areas mentioned above.

#### **Rerouting Highway 71**

Plans to reroute Highway 71 were designed to help alleviate traffic congestion on Mountain Street and for traffic to avoid the steep hill in front of the city hospital (known as Hospital Hill). The new route was to be constructed jointly by the city, state and federal governments. In 1950, the Mayor established two committees to look into the rerouting of Highway 71. The first committee was charged with estimating the cost of the rerouting. In 1947, the cost of the project was estimated at \$100,000. The second committee was named to work with the City Council in planning the new route. The new route was proposed as follows:

*Highway 71 entering the city on the south would leave School Street a block and a half south of the City Hospital at the corner of School and Prairie and travel east two blocks on First Street to Church Avenue; then bisect the block occupied by the city housing project, traveling northward along the natural contour and turning northeast, bisecting two more blocks to the corner of Rock Street and College Avenue, following College Avenue north.*

By June of 1952, the highway had been rerouted, but news articles indicated that it had created additional problems. The intersection at South School Street was considered to be

a hazard as was the intersection at College Avenue where five streets intersected. Also, no provisions had been made for pedestrian access.

### **Restricted Parking on College Avenue**

On August 6, 1951, the City Council voted unanimously to prohibit parking on one block of North College between Trenton and Davidson streets and Duncan Street between Dickson and Center streets. The Council felt that residents along Dickson Street had adequate ability to provide off-street parking. Aldermen at this meeting anticipated that parking along all of North College would eventually be prohibited.

### **Street Renaming**

The street system in the early 1950's consisted of different streets having the same names or the same street having different names along separate blocks. Additionally, the same house numbers often occurred on separate blocks. In January 1952, the Planning Commission began meeting on the third Tuesday of each month to begin renaming streets and renumbering houses to clarify the street system. The first recommendations were to have east/west streets be "streets" and north/south streets be "avenues". By June, the Planning Commission submitted its recommended seven street name changes to the City Council. At that time, they also recommended that numbered streets coincide with house numbers. The City Council ultimately adopted more than 30 street name changes in August. Additional streets were renamed over the next two years.

At one point, a suggestion was made to change Dickson Street to University Place. However, Dickson Street's historical significance encouraged the city council to retain its name. The Dickson family was very prominent in Fayetteville history and J.L. Dickson was an early President of the McIlroy Bank, his home was on the street and a hospital on the street treated victims of the Battle of Prairie Grove.

The Washington County Historical Society used the street renaming project as an opportunity to recognize prominent Fayetteville Citizens. They requested to name the new route of Highway 71 to Archibald Yell Drive. He was the first Congressman and the second Governor of Arkansas and served in the War of 1812. The rerouted Highway 71 provided a good view of Yell's home.

### **Master Traffic Control Plan**

Traffic and parking around the square and downtown business area were becoming a serious problem. City officials decided to draft a master traffic control plan. The Planning Commission was originally assigned to prepare the traffic control plan, but that responsibility was turned over to the Chamber of Commerce in early June 1952. By the end of June, the Chamber submitted its first proposals to experiment with traffic control, including the potential for one-way streets and traffic lights. The initial recommendations were as follows:

- 1) Provide two no left turn signs on the square; one on the southeast corner and another on the northwest corner. The goal of this experiment was to determine if the signs would deter drivers from circling the square to look for a parking space.
- 2) Have a man placed at each of the four corners to control traffic to see if traffic signals would be helpful.
- 3) Ask business owners to leave cars at home on Saturdays and find other methods to get to work, such as walking, riding buses or using cabs.

In June 1954, the Chamber of Commerce began addressing off-street parking problems in the business area. They proposed to lease a lot west of the square to accommodate 72 cars. At a council meeting that month, the aldermen tabled the discussion to consider a study of all potential off-street parking sites available. At the same meeting, the City Council prioritized areas with significant parking problems:

- (1) vicinity of the square;
- (2) area near churches and Dickson Street Business; and
- (3) near the University.

### **Traffic Survey**

The Highway Department conducted a preliminary study of traffic in July 1954. The study counted the number of cars that passed certain points at certain times of the day. Another traffic survey was conducted in 1944 that suggested a series of one way streets, which was never adopted in the ten years that followed. A more complete study was anticipated for the fall of 1954 when students at the University were attending classes.

### **Annexations**

In the 1950's, businesses looked at population size when deciding where to locate a business. The population of Fayetteville at this time was 17,000 and city officials felt that if they could reach a population size of 25,000, Fayetteville would be more appealing to potential business and industry. In July 1955, the Planning Commission began looking into annexing property to increase the size of the city. Many areas on the outskirts of town were receiving city services, such as police and fire protection and trash removal. In order to expand, the city had to improve the sewage system, expand the water system and improve the street program. A special committee of the Planning Commission was formed to begin studying the best way to annex. Options included a petition from the land owners lying outside of the city limits or a general election of the city residents.

By early 1957, two major annexations had taken place, but not without controversy. A general

election was held on November 8, 1955 where voters approved the annexations. According to *Ordinances No. 1121* and *No. 1123*, the County Court of Washington County upheld the annexation. An appeal was made to the Circuit Court, which confirmed the County Court's decision. By January of 1957, agreements were reached that were satisfactory with all of the parties involved. *Ordinance No. 1121* annexed eight separate tracts and *Ordinance No. 1123* annexed a tract to the northeast of the city, just south of Highway 45.

## **Part II**

### **A New Era in Planning and Zoning**

#### **1966-2000**

By the late 1960s, the city of Fayetteville was experiencing extreme growth with a 61 percent increase in population between 1960 and 1970. The population in 1970 was over 30,000 and city officials began to realize that the 1945 Master Plan and 1952 Zoning Ordinance were designed for a much smaller community. It was time for a new city plan and zoning ordinance. Over the next 30 years, planning and zoning would change dramatically to address the demanding conditions of a growing community.

#### **A. THE GENERAL PLAN**

Between 1970 and 2000, the city would make strong efforts to plan for the future of Fayetteville. The initial plan was adopted in 1970 and was revised three times by 2000.

#### **1970 General Plan**

In October 1969, a new 20-year General Land Use Plan was adopted to plan for development between 1970 and 1990.

#### **General Plan 2010**

The Planning Commission began to revise and update the 1970 General Plan in 1987, which ultimately took seven years to complete. Mr. Al Raby with Hart-Freeland Roberts, a planning consultant firm, led the process to update the plan. A public awareness campaign was introduced as "The Fayetteville Plan". The process included a strong public participation element referred to as the Vision Project. A Goal Summit was held on Mt. Sequoyah in May 1991 and over 700 people participated in eight neighborhood meetings and surveys to gain input into the "Fayetteville Vision". In late 1991, planning staff presented the Fayetteville Vision Final Goal materials to the Planning Commission and estimated \$19,000,000 to implement the plan.

In April, 1992 the Planning Commission directed planning staff to begin drafting the land use plan. The first draft was rejected by the Planning Commission in early October 1993, but forwarded to City Council, excluding the transportation element, later that month. The City Council adopted General Plan 2010 on November 16, 1993 with *Resolution No. 120-93*.

## **Master Street Plan**

More than 20 public meetings and work sessions were held between November 1993 and January 1995 to create a Master Street Plan to replace the transportation element of the General Plan. The Planning Commission recommended the revised plan to the City Council in March 1995. The plan was adopted by City Council the next month.

## **General Plan 2020**

In February 1995, the population was approaching 52,000 and the City Council passed *Resolution No. 13-95* directing the Planning Commission and planning staff to present a revised comprehensive land use plan by August 1, 1995. The planning staff coordinated public meetings to discuss certain elements of the plan, including Guiding Policies and Implementation Strategies, Community Services and Facilities; and Future Land Use Map and Land Use Element. The first public hearing on the draft of the new plan was held at the end of July and by December the City Council adopted General Plan 2020 with *Resolution No. 147-95*.

## **General Plan 2020 - 2000 Revision**

The first subcommittee meeting regarding the 2000 revision of the General Plan 2020 was held on June 8, 2000. Over the next three months, the subcommittee discussed revisions to the Planning Area Boundary Map, the Master Street Plan, the Future Land Use Plan, and General Plan 2020 text. Public hearings were held between August and October and the City Council adopted the General Plan 2020 - 2000 Revision with *Resolution 170-00 A-C*.

## **B. A NEW ZONING ORDINANCE**

The City adopted a new zoning ordinance on June 29, 1970 with *Ordinance No. 1747*. The ordinance established new zoning districts and regulated use, height, bulk, lot area, and yard/open space. The ordinance included a description of use units, use conditions and supplementary district regulations. The supplementary district regulations included requirements for Large Scale Development for parcels larger than one acre and Planned Unit Developments. Off-street parking lot design requirements and off-street loading requirements were part of the new ordinance. Further, building permits and zoning compliance certificates were required.



## Zoning Districts

The ordinance established the following zoning districts.

- A-1 Agriculture
- R-1 Low Density Residential (4 to 7 families/acre)
- R-2 Medium Density Residential (4 to 24 families/acre)
- R-3 High Density Residential (16-40 families/acre)
- R-O Residential Office
- C-1 Neighborhood Commercial (convenience goods/personal services)
- C-2 Thoroughfare Commercial (highway commercial)
- C-3 Central Commercial (central business district and regional shopping centers)
- I-1 Heavy Commercial and Light Industrial (limited environmental nuisances)
- I-2 General Industrial (substantial environmental nuisances)
- P-1 Institutional (public institutions and churches)
- F-1 Flood Zone

Since adoption, eight districts and an airport zone have been added to the zoning ordinance. Five of the new districts are residential: **R-1.5**, **R-E**, **R-A**, **R-L**, and **R-S**. The other three are a commercial district, overlay district and extraction district. Most of the ordinance were adopted in the 1980s and 1990s, with the exception of **C-4** in the mid-1970s.

*Ordinance No. 2148* added the **C-4 Downtown** district on October 2, 1975. The new district accommodates the commercial, office, governmental and related uses commonly found in the central downtown area.

*Ordinance No. 3128* added the **R-1.5 Moderate Density Residential** district on October 1, 1985. The R-1.5 district provides a district between low and medium density residential with less impact than medium density residential, allowing 12 or less families per acre.

*Ordinance No. 3456* created the **E-1 Extraction** district on April 16, 1991. The E-1 district provides for the commercial removal of natural accumulations of sand, clay, silt, gravel, rock and other minerals.

*Ordinance No. 3792* created four residential districts on May 17, 1994. **R-E Residential Estate** allows single family detached uses with a minimum of two acres and a density of ½ unit per acre. **R-A Residential (Acre Lot)** regulates detached single family uses with a minimum of one acre lots and a density of one unit per acre. The **R-L Residential Large Lot** district creates a transition between the large one acre lots and the small 8,000 square foot lots to provide low density detached dwellings, allowing two units per acre. The **R-S Residential Small Lot** district permits detached dwellings and allows seven

single family dwellings per acre. A conditional use permit in the R-S district allows 8.5 single family dwellings per acre and 15% of the lots to be duplex or townhouse.

*Ordinance No. 3806* created the **Design Overlay District** for U.S. 71 Highway corridor on June 28, 1994. The district is designed to protect the scenic quality; address traffic, safety and environmental concerns; and preserve and enhance the economic value of the highway corridor.

The **Airport Zone** was created on January 20, 1981 with *Ordinance No. 2697*. The ordinance creates five zones at the municipal airport for land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces. Height limitations, use restrictions and nonconforming uses are regulated and the ordinance requires permits.

Through the years, the Planning Commission found it necessary to amend elements of the zoning ordinance. Each original district, except A-1 Agriculture, have been amended at least once. Five ordinances were adopted in the late 1970s and early 1980s that amended more than one district:

On June 21, 1977, *Ordinance No. 2351* amended the **C-2 Thoroughfare Commercial, C-3 Central Commercial, C-4 Downtown, I-1 Heavy Commercial and Light Industrial, and I-2 General Industrial** districts to allow recycling collection centers as a conditional use.

On April 3, 1979, *Ordinance No. 2516* amended the setback requirements in the **I-1 Heavy Commercial and Light Industrial and I-2 General Industrial** districts.

On February 19, 1980, *Ordinance No. 2603*, and again on April 1, 1980 with *Ordinance No. 2621*, **R-O Residential Office, C-1 Neighborhood Commercial, C-2 Thoroughfare Commercial, C-3 Central Commercial and P-1 Institutional** districts were amended with regards to buildings being set back from the center line of public easements and alleys.

On February 2, 1981 with *Ordinance No. 2700*, the minimum lot width and area requirements for townhouse were amended in the **R-2 Medium Density and R-3 High Density Residential** districts.

Five districts were amended at least one other time in addition to the amendments listed above:

**R-O Residential Office** was amended one other time on February 7, 1978 with *Ordinance No. 2414* to allow multifamily dwellings as a conditional use. It also amended the minimum setbacks and height when R-O is contiguous to R-1, R-2, and R-3.

The **I-1 Heavy Commercial and Light Industrial** district was amended one other time on March 21, 1978 with *Ordinance No. 2430* to create and permit Use Unit 21: Wholesale Petroleum Storage Facilities with Underground Storage Tanks.

The **I-2 General Industrial** was amended one other time on May 21, 1996 with *Ordinance No. 3971*, which defined, created a use unit, and allowed as a conditional use Use Unit 31: Facilities Emitting Odors and Facilities Handling Explosives.

The **C-4 Downtown** was amended once on August 2, 1977 with *Ordinance No. 2362* to allow waivers from off-street parking requirements.

**C-2 Thoroughfare Commercial** was amended on April 15, 1997 with *Ordinance No. 4034*, which established Use Unit 32: Sexually Oriented Business and Use Unit 33: Adult Live Entertainment Clubs or Bars.

The **Design Overlay District** was amended first with *Ordinance No. 3821* on August 9, 1994 that exempted developments in progress at the time of adoption of the Design Overlay District to comply with those regulations. The second amendment was on December 15, 1998 with *Ordinance No. 4128* that deleted the Setback from Right-of-Way; Parking Lots; Replacement and Native Species sections of the Landscaping Treatment subsection; Equipment, Trash and Parking of the Screening subsection; Utilities; and Plans/Drawings Required from the Nonresidential Site Design and Development Standards.

## Uses Conditions

The following Use Conditions were part of the new zoning ordinance adopted in 1970. Amendments to the section are indicated by the ordinance number and date in the parenthesis.

Accessory Commercial Uses  
Accessory Structures and Uses (Amended #2177, 12-16-75; #3131, 10-1-85)  
Accessory Residential Uses in Nonresidential Districts (Amended #3132, 10-1-85)  
Animals and Fowl  
Automobile Garages  
Automobile Wash Service (Amended #2380, 9-20-77)

Carnival, Circus, or Similar Temporary Open-Air Enterprise  
Child Care; Nursery School (Amended #2604, 2-19-80)  
Drive-In Facilities (Amended #2380, 9-20-77)  
Gasoline Service Stations (Amended #1870, 6-19-72; #2126, 7-15-75)  
Home Occupations (Amended #2486, 11-21-78; #2605, 2-19-80; #3716, 6-15-93)  
Industrial Parks (Amended #2380, 9-20-77)  
Mobile Homes (Amended #1869, 6-19-72; #2320, 4-5-77)  
Nonresidential Uses in R Districts  
Pre-fabricated Construction  
Retail Liquor Stores (Amended #2122, 7-25-75; #2380, 9-21-77)  
Riding Stables (Amended #2123, 7-15-75)  
Tandem Lot Development (Amended #1993, 3-19-74; #2693, 1-6-81)

Additional use conditions were created in the 1990's:

Conditions for **Dance Halls** were adopted on April 19, 1994 with *Ordinance No. 3780*. Dance halls are allowed as conditional uses in C-2, C-3 and C-4 districts, requiring a site plan and inspection.

*Ordinance No. 3887*, adopted on April 18, 1995, established conditions for **Detached Second Dwelling Units** (Granny Units) to mitigate adverse impacts associated with these units in residential districts. The conditions require compatible size, scale, massing and appearance of structures in regard to adjoining and surrounding residential uses.

**Garage Sales** are regulated by *Ordinance No. 3970*, adopted on May 6, 1996. This use is allowed in any district, but no more than four times per year, and are not to exceed three consecutive days. The ordinance allows one on-site and three off-site temporary signs.

**Limited Neighborhood Commercial Uses Within Residential Districts** are regulated by *Ordinance No. 3892*, adopted on May 16, 1995. The regulations are designed to mitigate adverse impacts associated with this use in residential districts and require compatible size, scale, massing and appearance of structures in regard to adjoining and surrounding residential uses.

## Supplementary District Regulations

The new zoning ordinance provided the following district regulations. Amendments to the section is indicated by the ordinance number and date in the parenthesis.

Visibility at Intersections in Residential/Non Residential Districts  
(Amended #2193, 2-3-76)  
Fences, Walls and Vegetation (Amended #2380, 9-20-77)

- Erection of More than One Principal Structure on a Lot of Record
- Height Regulation, Exceptions
- Structures to Have Access (Amended #2555, 8-21-79)
- Nonconforming Uses and Structures
  - Nonconforming Lots of Record
    - (Amended #2505, 2-20-79; #3114, 9-3-85; #3124, 9-17-85)
  - Nonconforming Uses of Land
  - Nonconforming Structures (Amended #3130, 10-1-85)
  - Nonconforming Uses of Structures or of Structures and Premises in Combination
    - (Amended #1806, 7-19-71; #2126, 7-15-75)
  - Repairs and Maintenance
  - Conditional Use Provisions Not Nonconforming Uses
  - Owner-occupied Nonconforming Residences (Amended #1891, 12-5-72)
- Parking and Storage of Certain Vehicles

## C. DEVELOPMENT REGULATIONS

### Large Scale Developments and PUDs

The new zoning ordinance established requirements and design standards for **Large Scale Developments** (development of a lot or parcel larger than one acre) and **Planned Unit Developments** (allowing flexibility in building clustering, open space and increased density for comprehensively planned developments). Large Scale Development regulations were amended on October 3, 1995 with *Ordinance No. 3925*. Planned Unit Development regulations were amended eight times (# 1903, 3-6-73; #2379, 9-20-77; #2538, 7-3-79; #2582, 12-4-79; #2633,, 5-20-80; #2710, 3-24-81; #2779, 11-17-81; #4017, 2-4-97).

### Subdivision Regulations

Shortly after adoption of the new zoning ordinance, **Subdivision Regulations** were adopted on July 5, 1970 with *Ordinance No. 1750*. The ordinance included subdivision approval, preliminary plats, installment requirements for urban subdivisions (monuments, lot stakes, streets, curbs and gutters, sidewalks, storm drainage system, culverts and bridges, water supply, sanitary sewer, and streetlights), general design standards for streets, blocks, and easements; condition of acceptance of improvements; conformance to plans and regulations; and building permits.

## **Off-Site Improvements**

**Off-Site Improvements** were required for developments that created a need for those improvements with *Ordinance No. 2293* adopted on December 7, 1976. This ordinance has been amended four times (#2361, 7-19-77; #2570, 10-16-79; #2860, 10-5-82; #3974, 6-4-96).

## **Concept Plat**

*Ordinance No. 2581* adopted on December 4, 1979 amended the procedure for subdivision plat approval and added a **Concept Plat**.

## **Dedication of Park Land or Contribution in Lieu of Dedication**

The **Required Dedication of Land for Public Park Sites, or a Reasonable Equivalent Contribution in Lieu of Dedication of Land** ordinance for Urban Subdivisions was adopted on January 20, 1981 with *Ordinance No. 2695*. The ordinance has been amended eight times. (#3080, 4-2-85; #3201, 8-5-86; #3315, 11-17-87; #3578, 11-19-91; #3615, 6-2-92; #3738, 11-16-93; #3797, 5-17-94; #4068, 11-4-97). Contribution rates were amended in November 2, 1999 with *Ordinance No. 4199*. *Ordinance No. 3797* adopted on May 17, 1994 also added **Greenspace Requirements for Major Development**. The ordinance identified the procedure for determining if the developer will dedicate park land or pay a fee in lieu of dedication.

## **Commercial Design Standards**

**Commercial Design Standards** were established on October 15, 1996 with *Ordinance No. 4004*. The established regulations apply site development standards that include landscaping provisions, screening, fences, site coverage, and driveways. Structure appearance standards require that certain elements are to be avoided and that a development with more than one building should incorporate a recurring, unifying and identifiable theme for the development site.

## D. RELATED PLANNING REGULATIONS

Five significant ordinances that are not part of the zoning ordinance or development regulations have an impact on planning and development of the city: Mobile Home and Mobile Home Parks, Flood Damage Protection, Signs, Tree Protection and Preservation, and Wireless Communications.

### **Mobile Home and Mobile Home Parks Ordinance**

*Ordinance No. 1509* was adopted on August 8, 1966 to regulate mobile home and mobile home parks. Minimum standards address total area, area per mobile home space, minimum distance from street or highway, prohibited locations, access roads, off-street parking, public telephone, service buildings, drainage location, sanitary facilities, water supply, insect and rodent control, electricity and exterior lighting, fuel, fire protection, alterations and additions, animals and pets, registration of occupants, reporting of communicable diseases, and required a permit to operate a mobile home park. The standards were revised and applied to mobile homes and mobile home parks opened or expanded after April 20, 1972 with adoption of *Ordinance No. 1859* on March 20, 1972.

### **Flood Damage Prevention Ordinance**

The Flood Damage Protection Ordinance was adopted on June 4, 1974 with *Ordinance No. 2018*.

The ordinance was adopted to prevent and alleviate flood hazards by governing construction in the floodplain.

### **Sign Ordinance**

The Sign Ordinance was adopted on December 19, 1972 with *Ordinance No. 1893*. The ordinance regulates the construction, repair, alteration, location and maintenance of signs in the R-O, commercial and industrial districts. The sign ordinance requires sign permits; makes exemptions for certain sign types; identifies nonconforming signs; prohibits signs on public property (except those erected by government agencies); prohibits certain sign types; regulates free standing signs by zoning district; and regulates projecting, wall, and area signs.

The ordinance has undergone numerous amendments. The most recent amendment was on February 15, 2000 with *Ordinance No. 4226* to regulate monument signs and define and clarify the use of joint identification signs.

### **Tree Protection and Preservation Ordinance**

The Tree Protection and Preservation Ordinance was adopted on April 20, 1993 with *Ordinance No. 3699*. The ordinance is designed to help preserve the natural beauty of the city and to protect the environment by regulating planting, maintenance and removal of trees. Commercial tree pruner services must have insurance and obtain a city issued certificate. Applicants for the certificate must attend an educational workshop on tree pruning or score a 75% or higher on a test provided by the National Arbor Society. The ordinance establishes a tree registry to list trees or groups of trees that have historic association, are a rare tree species or are of value because of their age, size or type. Preliminary plats, large scale developments and site plans must show the location of rare or landmark trees. Approval to remove or prune a landmark tree must be approved by the Landscape Administrator. A Tree Preservation Plan is required for subdivisions and large scale developments and tree plantings must be approved by the Landscape Administrator.

### **Wireless Communications Ordinance**

The **Wireless Communication Facilities Ordinance** was adopted on August 31, 1999 with *Ordinance No. 4178*. The purpose of the ordinance is to establish criteria to reduce visual and land use impacts associated with wireless communication facilities. The ordinance requires that a conditional use approval be obtained for all zoning districts. The ordinance defines wireless communication terms and regulates noise, lighting, signage, height, and color. Specific information is required to process a request and a balloon or crane test must be conducted. Security fencing, vegetative screening and setbacks are required.

### **E. UNIFIED DEVELOPMENT ORDINANCE**

Initial work on the Unified Development Ordinance began in January 1993. Nine amendments were made to the Subdivision and Zoning Ordinances as part of this process.

The **Unified Development Ordinance** was adopted in June 1998 with *Ordinance No. 4100*. The ordinance is a compilation of all development ordinances to create a single document. It includes:

Administrative Regulations	Stormwater Management, Drainage & Erosion Control
Zoning	Streets and Sidewalks
Development	Parking and Loading
Tree Protection and Preservation	Building Regulations
Flood Damage Protection Code	Signs
Physical Alteration of Land	Mobile Homes



## Fayetteville Planning and Zoning 1936-2000

### Timeline

#### 1930s

1936 MAY City adopts *Ord. No. 781* establishing a **Planning Commission**.

#### 1940s

1945 Planning Commission drafts first **City Master Plan**.

1947 Arkansas Statute 19-2811 through 19-2818 adopted to provide the **enabling legislation** for city planning.

1949 SEP **Planning Commission** membership amended requiring at least two-thirds who must not hold another municipal office or appointment (*Ord. No. 956*)

1949 NOV **Building set backs** established along North College Avenue. (*Ord. No. 960*)

#### 1950s

1950 City Council appoints committee to review costs and route for **rerouting of Highway 71** away from the square and hospital hill.

1950 FEB Planning Commission submits **zoning definitions** to City Council.

1950 OCT Planning Commission submits twenty-five page draft of **zoning ordinance** to City Council.

1951 AUG **Zoning map** made available for viewing at City Administration Building.

**Parking prohibited** on one block of North College and Duncan Street between Dickson and Center streets.

1951 SEP **Zoning Ordinance** initially adopted. (*Ord. No. 1002*)

1951 OCT The term "building" is changed to "dwelling" in the **area requirements** of the zoning ordinance. (*Ord. No. 1005*)

**Zoning Ordinance** finally adopted. (*Ord. No. 1008*)

1952 City accepts **annexation** of area near the intersection of Mission and Rockwood Trail in the northeast section of the city.

1952 JAN Planning Commission begins **renaming streets** and renumbering houses.

- 1952 APR      **Board of Zoning Adjustment** rejects first appeal regarding lot size for two-family dwellings.
- 1952 JUN      Chamber of Commerce submits initial **traffic control plan** to City Council.
- 1952 AUG      City Council adopts more than 30 street name changes. (*Ord. No. 1032*)
- 1952 SEP      City Council orders property owners along North Garland to put **sidewalks** in front of homes as well as a strip of West Sixth Street.
- 1953 APR      Land 300 feet on either side of Mission Boulevard **downzoned** from Zone "B" Residential to Zone "A" Residential.
- City Council approves to place a stop and go light temporarily at the intersection of Locust Avenue and Dickson Street and established six 24 minutes meters on the square next to the post office.
- 1954 JAN      City Council adopts more street name changes. (*Ord. No. 1060*)
- 1954 JUL      Highway Department conducts preliminary **traffic study**.
- 1954 DEC      Mayor makes decision-making vote to deny **rezoning** residential area for fraternity houses.
- 1955 SEP      **Use and yard restrictions** amended in commercial and business districts. (*Ord. No. 1095*)
- 1956            City's **loading and unloading restrictions** upheld in court.
- 1956 SEP      City Council adopts **trailer court** regulations. (*Ord. No. 1115*)

### 1960s

- 1966 AUG      **Mobile Homes and Mobile Home Parks** ordinance adopted. (*Ord. No. 1509*)
- 1969 OCT      **1970-1990 General Land Use Plan** adopted.

### 1970s

- 1970 JUN      New **Zoning Ordinance** adopted and **Large Scale Development and Planned Unit Developments** regulated. (*Ord. No. 1747*)
- 1970 JUL      **Subdivision regulations** adopted. (*Ord. No., 1750*)
- 1971 JUL      **Nonconforming Uses of Structures** regulations amended. (*Ord. No. 1806*)
- 1971 NOV      **C-2 Thoroughfare Commercial** district amended. (*Ord. No 1883*)
- 1972 MAR      **Mobile Home and Mobile Home Park** ordinance amended. (*Ord. No. 1859*)
- 1972 JUN      **Mobile Home** use conditions amended. (*Ord. No. 1869*)

- Gasoline Service Station** use conditions amended. (*Ord. No. 1870*)
- 1972 DEC **Sign Ordinance** adopted. (*Ord. No. 1893*)  
**Owner Occupied Nonconforming Residential** regulations amended. (*Ord. No. 1891*)
- 1974 MAR **Tandem Lot Development** use conditions amended. (*Ord. No. 1993*)
- 1974 JUN **Flood Damage Protection Ordinance** adopted. (*Ord. No. 2018*)
- 1975 JUL **Nonconforming Uses of Structures** regulations amended. (*Ord. No. 2126*).
- 1975 OCT **C-4 Downtown** amended. (*Ord. No. 2148*)
- 1975 DEC **Accessory Structures and Uses** use conditions amended. (*Ord. No. 2177*)
- 1975 JUN **Liquor Stores** use conditions amended. (*Ord. No. 2122*)  
**Riding Stables** use conditions amended. (*Ord. No. 2123*)
- 1975 JUL **Gasoline Service Stations** use conditions amended. (*Ord. No. 2126*)
- 1976 FEB **Visibility at Intersections** regulations amended. (*Ord. No. 2193*)
- 1976 DEC **Off Site Improvements** requirements adopted with *Ord. No. 2293*.
- 1977 APR **R-2 Medium Density Residential** district created. (*Ord. No. 2320*)  
**Mobile Homes** use conditions amended. (*Ord. No. 2320*)
- 1977 JUN **C-2 Thoroughfare Commercial, C-3 Central Commercial, C-4 Downtown, I-1 Heavy Commercial and Light Industrial and I-2 General Industrial** districts amended. (*Ord. No. 2351*)
- 1977 JUL **Minimum Standards for Residential Lots** regulations adopted. (*Ord. No. 2353*)
- 1977 AUG **C-4 Downtown** district amended. (*Ord. No. 2362*)
- 1977 SEP **Automobile Washing Service, Drive-In Facilities, Industrial Parks and Retail Liquor Stores** use conditions and **Fences, Walls and Vegetation** regulations amended. (*Ord. No. 2380*)
- 1978 FEB **R-O Residential Office** district amended. (*Ord. No. 2414*)
- 1978 MAR **I-1 Heavy Commercial and Light Industrial** district amended. (*Ord. No. 2430*)
- 1978 NOV **Home Occupation** use conditions amended. (*Ord. No. 2486*)
- 1979 FEB **Nonconforming Lot of Record** regulations amended. (*Ord. No. 2505*)
- 1979 APR **I-1 Heavy Commercial and Light Industrial and I-2 General Industrial** districts amended. (*Ord. No. 2516*)
- 1979 AUG **Structures to Have Access** regulations amended. (*Ord. No. 2555*)
- 1979 DEC Process for **subdivision approval**, allowance for concurrent plants, description of final plats and

plat requirements adopted. (Ord. No. 2581)

### 1980s

- 1980 FEB **R-O Residential Office, C-1 Neighborhood Commercial, C-2 Thoroughfare Commercial, C-3 Central Commercial and P-1 Institutional** districts amended. (Ord. No. 2603)  
**Child Care/Nursery School** use conditions amended. (Ord. No. 2604)  
**Home Occupation** use conditions amended. (Ord. No. 2605)
- 1980 APR **R-O Residential Office** and **P-1 Institutional** districts amended. (Ord. No. 2621)
- 1981 JAN **Required Dedication of Land for Public Parks or Contributions in Lieu of Dedications** adopted. (Ord. No. 2695)  
**Airport Zone** created. (Ord. No. 2697)  
**Tandem Lot Development** use conditions amended. (Ord. No. 2693)
- 1981 FEB **R-2 Medium Density Residential** and **R-3 High Density Residential** districts amended. (Ord. No. 2700)
- 1985 SEP **Nonconforming Lot of Record** regulations amended. (Ord. No. 3114 and Ord. No. 3124)
- 1985 OCT **R-1.5 Moderate Density Residential** district amended. (Ord. No. 3128)  
**Nonconforming Structures** regulations amended. (Ord. No. 3130)  
**Accessory Structures** use conditions amended. (Ord. No. 3131)  
**Accessory Residential Uses in Non Residential Districts** use conditions amended. (Ord. No. 3132)
- 1987 JUN Special Planning Commission meetings held to revise and update the **1970 General Plan**.
- 1987 NOV Hart-Freeland Roberts hired to update the **1970 General Plan**.

### 1990s

- 1991 Neighborhood meetings and surveys completed to formulate goals for "**The Fayetteville Vision**."
- 1991 APR **E-1 Extraction** district created. (Ord. No. 3456)
- 1993 JAN Work began on developing ordinances as part of the **Unified Development Code**.
- 1993 APR **Tree Protection and Preservation** ordinance adopted. (Ord. No. 3699)
- 1993 JUN **Home Occupation** use conditions amended. (Ord. No. 3716)
- 1993 AUG Planning staff presents the first draft of the **Land Use Plan** to the Planning Commission.
- 1993 OCT Planning Commission rejects the draft of the **Land Use Plan**.
- 1993 NOV City Council adopts **General Plan 2020**. (Resolution No. 120-93)

- 1994 APR      **Dance Hall** use conditions created. (*Ord. No. 3780*)
- 1994 MAY      **R-E Residential Estate, R-A Residential (Acre Lot), R-L Residential Large Lot and R-S Residential Small Lot** districts created. (*Ord. No. 3792*)  
**Greenspace** requirements adopted for Major Developments. (*Ord. No. 3797*)
- 1994 JUN      **Design Overlay District** created. (*Ord. No. 3806*)
- 1994 AUG      **Design Overlay District** amended. (*Ord. No. 3821*)
- 1995 APR      City council adopts the **Master Street Plan**.  
**Granny Units** use conditions created. (*Ord. No. 3887*)
- 1995 MAY      **Limited Neighborhood Commercial in Residential** use conditions created. (*Ord. No. 3892*)
- 1995 NOV      Planning Commission adopts the **Land Use Plan**.
- 1996 MAY      **Garage Sales** use conditions created. (*Ord. No. 3892*)
- 1996 OCT      **Commercial Design Standards** adopted. (*Ord. No. 4004*)
- 1997 MAR      **Sexually Oriented Businesses** use conditions created. (*Ord. No. 4024*)
- 1997 APR      **C-2 Thoroughfare Commercial** district amended (*Ord. No. 4034*)
- 1998 JUN      **Unified Development Ordinance** adopted. (*Ord. No. 4100*)
- 1998 DEC      **Design Overlay District** amended. (*Ord. No. 4128*)
- 1999 AUG      **Wireless Communication Ordinance** adopted . (*Ord. No. 4178*)
- 2000 DEC      City Council adopts **General Plan 2020-2000 Revisions**.