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164.01 Accessory Commercial Uses

Permitted accessory uses in RMF and R-O Districts shall include accessory commercial uses of the types included in Unit 25 provided that:

- (A) *Convenience.* Such uses are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.
- (B) *Gross floor area.* Do not occupy more than 10% of the gross floor area of the building in which located.
- (C) *Signs.* Have no signs or other advertising visible from outside the zoning lot on which located.
- (D) *Location.* Are located in or contiguous to the lobby of the principal building.
- (E) *Lobby entrance.* Have at least one lobby entrance.

(Code 1965, App. A., Art. 7 (2); Ord. No. 1747, 6-29-70; Code 1991, §160.077; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5312, 4-20-10)

164.02 Accessory Structures And Uses

Accessory Structures And Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

- (A) *Accessory structures.*
 - (1) *When erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, UNLESS such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
 - (2) *Integral part of principal structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
 - (3) *Height and Setback Restrictions.* Accessory structures ten (10) feet or less in height shall maintain a minimum side setback of three (3) feet and a minimum rear setback of five (5) feet from the property lines. Accessory structures greater than ten (10) feet in height

shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.

- (4) *Size of accessory structure(s).* An accessory structure(s) shall be 50% or less of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.

- (B) *Swimming pools.* Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4817, 1-3-06; Ord. 5239, 5-5-09)

164.03 Accessory Residential Uses In Nonresidential Districts

- (A) *Attached residential use.* Attached residential uses shall be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a use by right. Density limitations for attached residential uses in such zoning districts shall be governed by a density of 24 dwelling units per acre.
- (B) *Detached residential dwelling.* A detached residential dwelling unit may be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a conditional use. Density limitations shall be governed by a density of 24 dwelling units per acre. The building site and setback area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract. The property owner shall execute and record covenant provided that the residential structure shall not be sold separately from the principal structure; the covenant shall run with the land.

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(Code 1965, App. A., Art. 7(24); Ord. No. 1747, 6-29-70; Ord. No. 3132, 10-1-85; Code 1991, §160.094; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5271, 9-1-09)

Cross reference(s)--Parking and Loading, Ch. 172.

164.04 Animals And Fowl

- (A) It shall be unlawful for any person to permit or allow any domesticated animal or fowl to run at large within the corporate limits of the city.
- (B) Animals traditionally associated with the practice of livestock raising or farm animals, such as horses, goats, swine, chickens, cows and other such animals are not considered pets and are not permitted within any zoning district in the city limits, with the exception of R-A, Residential Agricultural or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right, unless otherwise stated herein.
- (C) It shall be lawful for any person to keep, permit or allow any fowl within the corporate limits of the city in all Residential zones under the following terms and conditions:
 - (1) The principal use of the property shall be a single family dwelling. No fowl shall be allowed in multi-family complexes, including two-family and three-family dwellings.
 - (2) No more than four (4) hens shall be allowed for each single-family dwelling.
 - (3) No roosters shall be allowed.
 - (4) There shall be no outside slaughtering of hens.
 - (5) All hens must be kept in a secure, fenced enclosure constructed with a minimum area of 100 square feet. All hens shall be kept in the side or rear yard, and may not be permitted in the front yard area.
 - (6) A chicken coop/roost area shall not be located closer than twenty-five (25) feet to any residential structure on an adjacent lot, and shall meet building setbacks.
 - (7) Enclosures must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons.

- (8) Fowl currently existing in the city shall not be "grandfathered" or permitted to remain after the effective date of this Ordinance.
- (9) The City may further restrict the use of fowl within residential districts if it causes a public nuisance or public health issue as defined in City Codes.
- (10) All regulations administered by the Animal Services Division shall be enforceable by law, and this ordinance shall not supersede or replace any regulation thereof.
- (D) The above Section C is not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl kept in areas of the City which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.
- (E) *Separation of use.* The following uses, where permitted, shall be conducted no nearer than the following stated number of feet to the boundary of an R District, or to a dwelling on the same premises.

25 FEET
Chicken Coop in Residential districts (from residential dwelling on adjacent lot)

50 FEET
Animal hospital; serving household pets and similar small animals
Commercial breeding, raising
Boarding: breeding, raising, or boarding of household pets or similar small animals for commercial purposes
Kennel
Egg farm

100 FEET
Animal hospital: serving livestock and similar animals
Boarding or training of horses
Dairy farm
Poultry farm
Farm: for raising cattle, goats, horses, sheep, rabbits and poultry

200 FEET
Hog raising
Livestock: assembly, breeding, feeding, sales or shipment

(Code 1965, App. A., Art. 7 (3); Ord. No. 1747, 6-29-70; Code 1991, §160.078; Ord. No. 4100, §2 (Ex. A.), 6-16-98)

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(Code 1965, App. A., Art. 7 (3); Ord. No. 1747, 6-29-70; Code 1991, §160.078; Ord. No. 4100, §2 (Ex. A.), 6-16-98; Ord. 5198, 12-2-08)

164.05 Motor Vehicle Repair

In any district where permitted, gasoline service stations and motor vehicle repair and body shops shall be subject to the following regulations:

- (A) All appurtenances used for repair or servicing of vehicles which are not enclosed shall be located at least 12 feet from a street lot line and 25 feet from any lot line of agricultural or residential district.
- (B) Although temporarily inoperable, motor vehicles shall have substantially all of its main component parts attached, and where subject to a license, shall be currently and validly licensed for operation upon public streets and highways.
- (C) Vehicles or trailers that are wrecked, or that have missing or damaged parts such that it can not be maintained for driving, may not be stored outside longer than 45 days. If more time is needed for repairs, the vehicle or trailer shall be stored inside a building or removed from the property.
- (D) Abandoned vehicles shall not be stored on the premises.

(Code 1991, §160.079; Code 1965, App. A, Art. 7(4); Ord. No. 1747, 6-29-70; Ord. 5271, 9-1-09; Ord. 5348, 9-7-10)

164.06 Reserved

(Code 1991, §160.080; Code 1965, App. A, Art. 7(5); Ord. No. 1747, 6-29-70; Ord. No. 2380, 9-20-77; Ord. 5348, 9-7-10)

164.07 Erection Of More Than One Principal Structure On A Lot Of Record

In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that setback and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

(Code 1965, App. A., Art. 8(4); Ord. No. 1747, 6-29-70; Code 1991, §160.112; Ord. No. 4100, §2 (Ex. A), 6-16-98)

164.08 Extraction

(A) *Rezoning.* Extractive uses are generally incompatible with other land uses and cannot be permitted as a use by right in any district. Such uses are to be considered by rezoning request. In an extraction district no building or premises shall be used and no building shall be erected or altered except for one or more of the following uses:

- (1) Extractive uses as described in Use Unit 30;
- (2) City-wide uses by right as described in Use Unit 1;
- (3) Park, playground, or preserve operated on a noncommercial basis;
- (4) Accessory uses and buildings.

(B) *Exception.* Extractions which occur in association with development activities and not for the primary purpose of exporting earth products (any material of commercial value found in the earth) shall be subject to Chapter 169, Physical Alteration of Land without requirement for extraction district rezoning.

(C) *Operational requirements.* Operations at the site shall not create unusual traffic hazards or the need for special public improvements, nor the need for special protection, repair, or maintenance of adjacent property. Blasting operations shall be limited to Mondays through Fridays, between 8:00 a.m. and 5:00 p.m. Creation of undrained pockets and stagnant pools shall be avoided to the maximum extent. The operation of machinery (other than extraction equipment) such as sorters, crushers, or other processing devices shall not be permitted within 500 feet of any lot lines. While excavation is in progress, effective steps shall be taken to control erosion of disturbed areas. Such measures may include seeding, mulching, screening, stabilizing, or other cover as appropriate.

(D) *Fencing and screening.* Where deemed necessary by the Planning Commission, approved safety fences shall be provided. In addition, where deemed necessary to protect abutting property from diminution of land value or use, the Planning Commission may require approved fencing and/or screening of at least 75% opaqueness.

(E) *Rezoning application.* The application shall include the following:

- (1) *Arkansas Open Cut Land Reclamation Act.* A letter from the State Department of Pollution Control and Ecology stating whether the proposed operation is subject to or not subject to the Arkansas Open Cut Land Reclamation Act.
- (2) *Development plan.* The plan for development shall show the proposed development as planned and staged in relation to surrounding property and shall include topographic surveys indicating present conditions (including drainage) and the conditions (including topography),

drainage and soils to be left at the end of the extraction phase. Contour intervals shall be five feet. The plan for development shall demonstrate the feasibility of the operation proposed without hazard or damage to other properties because of increased flooding or runoff, undesirable rise or reduction in ground water levels, erosion, or undermining or settlement in adjoining areas. This plan shall also show important locational aspects of the stages of exploitation, where and how traffic will be handled, where equipment will be operating, the location and dimension of structures, safety safeguards, depth of excavation and hydrogeology in the area.

- (3) *Plan for reuse.* A site plan of the restored property showing its proposed future use shall be submitted. Such proposed reuse shall be compatible with surrounding property. Where conditions are suitable, permanent lakes may be permitted, but intermittent lakes and marshes shall not be allowed. Excavation shall be phased so that no more than 10 acres shall be in use or unrestored at any time. Restoration standards shall conform to §161.23 of this Code and shall result in conditions appropriate for the planned reuse of the site.

State law reference(s)--"The Arkansas Open-Cut Land Reclamation Act," A.C.A. §15-57-301 et seq.

(Code 1991, §160.135; Code 1965, App.A, Art 4(1); Ord. No. 1747, 6-29-70; Ord. No. 1918, 5-15-83; Ord. No. 2126, 7-14-75)

164.09 Fences, Walls, And Vegetation

Subject to the provisions of §166.12, fences, walls, and vegetation may be permitted in any required setback or any required setback area, or along the edge of any setback, provided the fence, wall, or vegetation does not materially impede vision, as determined by the Zoning and Development Administrator, between vehicular or pedestrian traffic. In any required setback or any required setback area, nothing permanent over 2½ feet (30 inches) high may be installed which materially impedes vision between vehicular or pedestrian traffic.

(Code 1965, App. A., Art. 8(2); Ord. No. 1747, 6-29-70; Ord. No. 2380, 9-20-77; Code 1991, §160.111; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5271, 9-1-09)

164.10 Garage Sales

Garage sales are permitted in any zoning district subject to the following conditions:

- (A) *Frequency.* Garage sales shall not locate in one (1) location more than four (4) times per year.
- (B) *Term.* Garage sales may be held for a duration not to exceed three (3) consecutive days.

- (C) *Signs.* One on-site and three off-site temporary signs are allowed to be posted, however, posting may not occur more than two (2) days before the sale begins. Signs are not to be located on public rights-of-way. Each sign shall not exceed 4.5 square feet in area. The off-site signs shall include address and date(s) of sale. All signs shall be removed by 8:00 a.m. on the day following the sale. Any such signs not so removed the following day, or located in public rights-of-way may be removed by city staff and for any such sign removed a collection fee shall be imposed.

(Code 1991, §160.103; Ord. No. 3970, § 3, 5-7-96; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross-reference(s)--Signs, Ch. 174.

164.11 Height or Setback Regulations; Exceptions

- (A) The height limitations contained in the Zoning Regulation, Chapter 161, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (B) *Side Setbacks.* In zoning districts that permit two, three or other multi-family residential uses, side setbacks may be varied to permit common walls between single family attached / townhouse dwellings, subject to all applicable building and fire codes and the following standards:
- (1) The total number of dwelling units on the lot, prior to being subdivided into single family attached / townhouse lots, shall conform to the minimum bulk and area requirements of the underlying zoning district.
 - (2) The townhouse development shall conform to the zoning district density, exterior setback requirements, height regulations and all other applicable city ordinances.
 - (3) There shall be a minimum lot width of 18 feet for each dwelling unit.
 - (4) There shall be no minimum lot area requirement unless otherwise specified by the underlying zoning district.

(Code 1965, App. A., Art. 8(6); Ord. No 1747, 6-29-70; Ord. No. 2555, 8-21-79; Code 1991, §160.113; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5225, 3-3-09; Ord. 5327, 6-1-10)

164.12 Nonconforming Structures, Uses And Lots

It is the intent of this section to regulate nonconforming structures, uses or lots that are created when zoning designations or regulations are created or changed such than an existing lawfully established structure, use, or lot no longer conforms to the regulations of the Unified Development Code. It is also the intent of this section to permit nonconformities to continue as they exist presently and to guide future uses and development to be consistent with the City's planning policy and regulations.

(A) *Nonconforming structures.*

- (1) Nonconforming structures are permitted to exist for continued and creative reuse to contribute to the surrounding character, diversity, and services in the neighborhood until such structures are removed.
- (2) Repairs to nonconforming structures or portions thereof are permitted, so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
- (3) Reconstruction of nonconforming structures or portions thereof amounting to less than 50% of the existing square feet are permitted so long as the nonconforming portion of the structure is not enlarged in volume, area or footprint.
- (4) Voluntary removal, damage or destruction of a nonconforming structure or portion thereof amounting to 50% or more of the existing square feet shall require either complete removal of the structure or its reconstruction in conformance with existing regulations.
- (5) Involuntary damage to or destruction of a nonconforming structure (from fire, winds or other calamity) shall permit the owner to rebuild, reconstruct or restore the structure on the same footprint of the original structure plus any addition or expansion that is allowed by the underlying zoning district. Such reconstruction is permitted as long as it begins within 18 months of the loss and complies with all other applicable zoning, development and building codes.
- (6) For nonconforming structures located in a zoning district utilizing conventional building setbacks, building additions/expansions are permitted so long as the addition is in compliance with all current setbacks,

building area and building height requirements of the underlying zoning district, along with all other applicable zoning and development ordinances.

- (7) For nonconforming structures located in zoning districts utilizing build-to zones and requirements for a minimum buildable street frontage, all new construction that increases the existing building(s) footprint or volume of habitable space by 50% or more shall comply with the standards of the underlying zoning district. Building additions/expansions that increase the existing building(s) footprint or volume of habitable space on a property by less than 50% may be located outside of the build-to zone, so long as they are compliant with all other applicable zoning and development ordinances.
 - (8) Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (9) A structure or portion thereof within any zoning district may be altered to decrease its nonconformity.
 - (10) Owners of nonconforming structures are encouraged to keep such structures in good condition by regular maintenance and prompt repairs when necessary. If the City's Building Official notifies the owner of any unsafe or unlawful condition of the building, the owner must repair such unsafe or unlawful condition promptly. The Building Official may impose a reasonable time limit for the repairs to be complete. Failure of the owner to promptly and satisfactorily complete the necessary repairs may result in the City Council ordering a raze and removal of the structure.
 - (11) A nonconforming structure may be brought into conformity by way of an approved variance from the Board of Adjustment, a rezoning action, or by altering the structure to comply with the standards of the underlying zoning district. A structure constructed unlawfully shall not be considered a nonconforming structure for the purposes of this chapter and is a prohibited structure unless it is brought into compliance as provided herein.
- (B) *Nonconforming uses.* Nonconforming uses are declared by the underlying zoning district to be incompatible and are regulated to further restrict actions that would make the uses more

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permanent in their location or expand their nonconformity.

(1) *Nonconforming uses of land, structures or of structures and land in combination.* Where a permitted or otherwise lawful use of land or of structure and land in combination exists which would not be permitted by subsequent regulations imposed by the Unified Development Code, the use may be continued as long as it remains otherwise lawful, subject to the following provisions.

(a) *Enlargement.* No use of land or an existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the land or structure to a use permitted in the district in which it is located or as required by other ordinances.

(b) *Extending use.* Any nonconforming use may be extended throughout any parts of the building which were manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside such buildings.

(c) *Change of use.* Any nonconforming use of land, structure, or structure and land in combination may as a conditional use be changed to another nonconforming use provided that the Planning Commission, either by general rule or by making finding in the specific case, finds that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change the Planning Commission may require appropriate conditions and safeguards in accord with the provisions of the Unified Development Code.

(d) *Conditional use provisions not nonconforming uses.* Any use which is permitted as a conditional use in a district under the terms of this chapter and has been approved by the Planning Commission (other than a change through Planning Commission action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall be without further action considered a conforming use.

(e) *Superseded by permitted use.* Any land, structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(f) *Abandonment of use.* When a nonconforming use of land, a structure, or structure and land in combination is discontinued or abandoned for six consecutive months, (except where government action impedes access to the premises), the land, structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

(g) *Destruction.* Removal or destruction of a structure with a nonconforming use shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50% of the existing gross square feet of the structure.

(2) A nonconforming use may be brought into conformity through a rezoning action by the City Council or by Conditional Use Permit by the Planning Commission, as applicable. A use established unlawfully shall not be considered a nonconforming use for the purposes of this chapter and is a prohibited use unless it is brought into compliance as provided herein.

(C) *Nonconforming Lots.* Lots that do not fully meet the requirements of the Unified Development Code to be considered a conforming lot for development, and thus are considered nonconforming lots, may be utilized for development in accordance with the following provisions:

(1) A proposed structure must meet all applicable building setbacks, height and lot coverage requirements and other applicable zoning and development codes, with the specific exception of the reason for which the lot is nonconforming.

(2) Such lot shall have frontage onto a public street, and water and sewer shall be provided to the lot at the time of development.

- (3) Such lot shall have at least 50% of the required lot width and area of the underlying zoning district.
- (4) A nonconforming lot that does not meet the provisions above may be brought into conformity by way of an approved variance from the Board of Adjustment, a rezoning action, or by combining a lot(s) in order to meet the standards of the underlying zoning district. A lot that was established unlawfully shall not be considered a legal lot of record for the purposes of this chapter and no building or development permit may be granted until the lot is legally established as provided herein.

(Code 1965, App. A., Art. 4(1), (2), (4)--(7); 5(8); Ord. No. 1747, 6-29-70; Ord. No. 1806, 7-16-71; Ord. No. 1891, 12-5-72; Ord. No. 2126, 7-14-75; Ord. No. 2505, 2-20-79; Ord. No. 1918, 5-15-83; Ord. No. 3114, 9-3-85; Ord. No. 3124, 9-17-85; Ord. No. 3130, 10-1-84; Code 1991, §§160.135--160.142; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4930, 10-03-06; Ord. 5312, 4-20-10; 5453, 10-18-11)

164.13 Non Residential Uses In RSF Districts

The following requirements apply to specific nonresidential facilities where permitted in or abutting an RSF District. The Planning Commission may reduce these requirements after receiving and reviewing a development plan under the provisions of §166. For the uses listed, the minimum separation shall be measured from the actual nonresidential use or structure to the closest single-family residential structure.

Type of Structures or Element of the Facility	Minimum Separation (ft.)
Outdoor spectator facilities	50 ft.
Outdoor sports area without spectator facilities	100 ft.
Tool or equipment storage	50 ft.
Air conditioning tower or dispenser unit	50 ft.

(Code 1965, App. A., Art. 7 (14); Ord. No. 1747, 6-29-70; Code 1991, §160.088; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09; Ord. 5453; 10-18-11)

164.14 Parking And Storage Of Certain Vehicles

- (A) Motor vehicles or trailers of any kind, which are required to be licensed, must have current license plates properly attached (unless completely enclosed within a building) except within the lot of the following legally operating businesses: vehicle sales, trailer sales, junkyards, and auto salvage yards.
- (B) Disabled motor vehicles or trailers, including antique/hobbyist vehicles, must be stored inside

buildings unless stored within auto salvage yards, junk yards, auto body shop lots, or towing impound yards.

- (C) Parking or storing wrecked or abandoned vehicles within residential districts is prohibited.
- (D) Vehicles in any zoning district shall be parked in such a way so they do not encroach upon a public sidewalk, or block pedestrian or vehicular use and visibility.

(Code 1965, App. A., Art. 8(7); Ord. No. 1747, 6-29-70; Code 1991, §160.115; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5348, 9-7-10)

Cross reference(s)--General Provisions, Ch. 150; Administration, Ch. 152; Enforcement, Ch. 153; Appeals, Ch. 155; Notification and Public Hearings, Ch. 157; Streets and Sidewalks, Ch. 171.

164.15 Prefabricated Construction

- (A) *Residential unit.* Prefabricated residential units shall be considered as a single-family or multi-family residential unit, whichever is appropriate, and shall meet the requirements of the governing district.
- (B) *Additional requirements.* In addition it shall be necessary for all units to meet the following requirements:
 - (1) The building codes of the city;
 - (2) Be secured to a permanent masonry or concrete foundation;
 - (3) Have permanent water and sewer connections;
 - (4) Have a minimum roof pitch of four to twelve (4:12);
 - (5) Nongable roof ends shall have a minimum overhang of twelve (12) inches; and
 - (6) Have a minimum building width of twenty feet (20').

(Code 1965, App. A., Art. 7 (13); Ord. No. 1747, 6-29-70; Code 1991, §160.087; Ord. No. 4100, §2 (Ex. A), 6-16-98)

164.16 Structures To Have Access

Every building hereafter erected or moved shall be located on a lot which has frontage on a public street; provided, the Planning Commission shall have the authority to waive this requirement where the property owner provides safe and convenient access for fire protection and sanitation vehicles. All structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(Code 1965, App. A., Art. 8(6); Ord. No. 1747, 6-29-70; Ord. No. 2555, 8-21-79; Code 1991, §160.114; Ord. No. 4100, §2 (Ex. A), 6-16-98)

164.17 Visibility At Intersections In Residential/Nonresidential Districts

(A) *Residential.* On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2 and ½ feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines 25 feet from the point of the intersection.

(B) *Nonresidential.* On a corner lot in any nonresidential district, nothing shall be erected, placed, planted, or allowed to grow, and no motor vehicle or mobile home shall be parked in a manner as to materially impede vision between a height of 2 and ½ feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line adjoining points along said street lines 10 feet from the point of the intersection; provided, this restriction shall not be applicable to a corner lot located in a DC, MSC or DG zoning district.

(Code 1965, App. A., Art. 8(1, 1.1); Ord. No. 1747, 6-29-70; Ord. No. 2193, 2-3-76; Code 1991, §160.110; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5028, 6-19-07)

164.18 Supplementary Use Regulations

(A) *Gasoline service stations.* A gasoline service station shall be subject to the following requirements:

(1) *Bulk and area.* Gasoline service stations shall be regulated by the bulk and area requirements of the district in which it is located and the following:

Minimum setback of pump island, compressed air connection and similar equipment from all right-of-way lines	25 ft.
Minimum setback of canopy covering pump island, compressed air connection and similar equipment from all right-of-way lines. (**Canopies shall not be considered a part of the building for determining building setbacks even if said canopies are attached to the principal structure.)	20 ft.

(2) *Signs.* Any permitted sign shall be stationary and shall conform in all respects to the applicable regulations pertaining to signs.

(3) *Auto washing.* Washing of autos shall be entirely within an enclosed structure.

(B) *Retail liquor stores.* Retail liquor stores may be located in those zoning districts where such use is permitted, subject to the following conditions:

(1) *Church/school/hospital.* No retail liquor store shall be located within 600 feet (200 yards) of any church, hospital, or school house. For the purpose of this section, "schoolhouse" shall include classroom and dormitory buildings of the University of Arkansas.

(2) *Residential zone.* No retail liquor store shall be located on any property two or more sides of which abut or are across the street from and perpendicular to property zoned residential. For the purpose of this section the term "street" shall not include any federal highway.

(C) *Riding stables.* In any district where permitted, riding stables shall be subject to the following conditions.

(1) *Minimum area.* Riding stables shall not be located on any property which does not contain a minimum of 40 acres of undeveloped land.

(2) *Setback from residential property lines.* No riding stable shall be located within 250 feet of the property line of any abutting property zoned residential and no riding path shall be located within 100 feet of the property line of any abutting property zoned residential.

(3) *Extent of operations.* The operation of a riding stable shall be limited to the boarding of horses, the providing of riding lessons, and the renting of riding horses, saddles, bridles, and other accessories for use on the premises. No horse racing or horse shows shall be permitted on the premises; provided, horse shows displaying only those horses used in the daily operation of a riding stable may be permitted. The operation of a riding stable shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

(4) *Number of horses permitted.* The number of horses permitted on premises used for a riding stable shall be limited to one horse for every three-fourths (3/4) acre of undeveloped land.

(D) *Towing impound yards.* An impound yard shall be subject to the following:

(1) Motor vehicles shall not be stored on the premises longer than 45 days.

- (2) Impound yards shall be surrounding on all sides by a minimum 6 foot tall wood board privacy fence.

(Code 1965, App. A., Art. 7(9) (22)(23); Ord. No. 1747, 6-29-70; Ord. No. 1870; 6-19-72; Ord. No. 2122, 7-15-75; Ord. No. 2123, 7-25-75; Ord. No. 2126, Ord. No. 2380, 9-21-77; 7-15-75; Code 1991, §160.092; §160.084; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5271, 9-1-09); Ord. 5339, 8-3-10; Ord. 5348, 9-7-10)

164.19 Accessory Dwelling Units (ADU)

(A) *Purpose.* The purpose of the accessory dwelling unit ordinance is to authorize accessory dwelling units in certain zoning districts on lots already developed or that will be developed concurrently with single-family dwellings.

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

- (1) Exterior design of the accessory dwelling unit should be compatible with the principal dwelling unit through architectural use of building forms, height, construction materials, and colors.
- (2) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
- (3) The location and design of the accessory dwelling unit shall meet the required setbacks of the zoning district.
- (4) A two-story accessory dwelling unit should generally limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard should be minimized. The design of the accessory unit should relate to the design of the principal residence and not visually dominate it or the surrounding properties.
- (5) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
- (6) The site plan should incorporate low impact storm water mitigation techniques, such as cisterns, rain barrels, permeable pavers, rain

gardens, indigenous plants and landscape berms.

(C) *Permitted Zoning Districts:* Accessory dwelling units shall be exempt from the density requirements of the underlying zoning district and shall be permitted by-right on lots containing 5,000 square feet or more in the following Zoning districts:

- (1) R-A Residential Agricultural
- (2) RSF – 0.5 Residential Single Family – One Half Unit per Acre
- (3) RSF – 1 Residential Single Family – One Unit per Acre
- (4) RSF – 2 Residential Single Family – Two Units per Acre
- (5) RSF – 4 Residential Single Family – Four Units per Acre
- (6) RSF – 7 Residential Single Family – Seven Units per Acre
- (7) RSF – 8 Residential Single Family – Eight Units per Acre
- (8) NC Neighborhood Conservation

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

- (1) *Maximum Square Feet and Number of Bedrooms.* The accessory dwelling unit shall not be greater than 600 square feet of habitable space with a maximum of one bedroom. Detached accessory dwelling units located above garage space shall be permitted so long as they meet the height requirement herein.
- (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density.
- (3) *Parking.* One parking space shall be provided on-site for each accessory dwelling unit. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed

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in the public right-of-way adjacent to the subject property.

- (4) *Existing Development on Lot.* A single-family dwelling shall exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. No building permit shall be issued until this requirement is satisfied.
- (5) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of one accessory dwelling unit shall be permitted for each lot.
- (6) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the City of Fayetteville Uniform Building Code.
- (7) *Water and Sewer.* Water and sewer service for the accessory dwelling unit shall be connected directly to the public water and sewer system, where reasonably accessible in accordance with all applicable regulations, and shall be metered separately from the principal residence.
- (8) *Occupancy.* The property owner must permanently occupy either the principal or accessory dwelling unit.
- (9) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two persons shall reside in an accessory dwelling unit.
- (10) *Registration of Dwelling Units.* The principal and accessory dwelling unit shall be registered on an annual basis, from the date of approval, with the Planning Division to verify occupancy requirements.
- (11) *Tree Preservation.* To protect existing tree canopy to the greatest extent possible, prior to application for an accessory dwelling unit, the applicant shall consult with the Urban Forester, to prepare a site plan illustrating the location of all significant trees. All significant trees on the property shall be adequately protected during construction. Any proposed removal of significant trees on the site will require the following of the property owner:
 - (a) The applicant must show that the removal of a significant tree or trees is necessary in order to locate the accessory dwelling unit on the lot and also meet all contributing location requirements such as building setbacks, utility or drainage easements, topography, etc.

- (b) For every significant tree removed the property owner shall replace said tree with a total of two (2) two-inch caliper large species shade trees from the list of approved tree species in a location deemed appropriate by the Urban Forester.
- (c) Should the Urban Forester find justifiable cause to determine a significant tree or trees were removed in an attempt to thwart the intent of this ordinance prior to application for an accessory dwelling unit, the application shall not be approved administratively.

(12) *Building Height and Stories.*

- (a) A one-story detached accessory dwelling unit shall be a maximum of 20 feet in height to the roof peak measured from the existing adjacent grade.
- (b) A detached accessory dwelling unit above one story shall be a maximum of 25 feet in height to the roof peak measured from the existing adjacent grade.
- (c) An attached accessory dwelling unit may occupy a first or second story of a principal dwelling unit and shall not in any instance be taller than the roof line of the principal dwelling unit.

(13) *Building Design.* The architectural design of the accessory dwelling unit shall relate to the design of the principal dwelling by the use of similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The following materials must be submitted for review of an application:

- (a) A material sample board indicating type of materials and colors to be used on the exterior of the building.
- (b) An architectural elevation drawing of all sides of the proposed structure.
- (c) Images or architectural elevations of the principal dwelling unit.

(E) *Site Plan Requirements.* Three sets of detailed site plans are required with the following information:

- (1) Scale no smaller than 1" = 30' (one inch equals thirty feet)
- (2) A north arrow

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- (3) Property lines
 - (4) Locations and dimensions of all rights-of-way, utility, drainage and tree preservation easements, and building setbacks
 - (5) All existing and proposed structures with accompanying uses
 - (6) Size of parcel in square feet or acres.
 - (7) Size of all existing and proposed structures in square feet
 - (8) Name of the applicant or property owner, plan preparer, project name and project address in a title block
 - (9) Pertinent special features such as drainage features, berms, fences, and retaining walls
 - (10) Parking areas, including driveways, with paving materials and dimensions
 - (11) A landscape plan showing the location of all proposed landscaping, size of plant materials and species
 - (12) Tree protection plan including all significant trees and protection measures
- (F) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit the property owner shall file with the Washington County Clerk's Office a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
- (1) The accessory dwelling unit shall not be sold separately from the principal residence.
 - (2) The accessory unit is restricted to the approved size.
 - (3) The property owner shall at all times reside on the property.
 - (4) The above restrictions are binding upon any successor in ownership of the property and shall run with the property.
- (G) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. Applicants may ask for a variance from the requirement for separate water and sewer taps if a hardship exists, such as difficult access or topography. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.
- (H) *Existing Detached Second (Accessory) Dwelling Units.*
- (1) *Conforming Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property. Property owners shall register the principal and accessory dwelling on an annual basis with the Planning Division.
 - (2) *Nonconforming Units.* Existing detached second dwelling units that were not approved by the Planning Commission shall be considered nonconforming. An application for administrative approval may be made to convert an existing nonconforming detached second dwelling unit to a conforming legal detached second dwelling unit, where the existing unit can meet the requirements herein. Where an existing nonconforming second dwelling unit exists as of the date of the adoption of this ordinance that can not meet the requirements herein, the applicant may apply for a variance of the requirements stated.
- (I) *Non-Conforming Structures.* Non-conforming structures may not be converted into an accessory dwelling unit unless a variance has been granted by the Board of Adjustment.
- (J) If the property owner no longer resides on the property, the owner shall remove the cooking facilities from the Accessory Dwelling Unit or the City shall turn off water service to the Accessory Dwelling Unit.
- (K) *Violation.* Violation of the requirements herein shall be prosecuted to the maximum extent of the law.

(Ord. 5128, 4-15-08)

164.20 Approval Of Vital Municipal Facilities

Regardless of any other provision within the Unified Development Code, the City Council after a public hearing and by a two-thirds majority vote may approve a Lot Split, Lot Line Adjustment or other appropriate development action and authorize the construction of a vital municipal facility including, but not limited to: a water storage tank, water or sewer pump station, water or sewer pipelines, fire station, police station, public communications facility and all accessory structures needed for such facilities.

(Ord. 5245, 6-16-09)

164.21 Limited Business

(A) *Purpose.* These regulations are intended to mitigate the potential adverse impacts associated with commercial uses adjacent to or within residential areas by allowing limited neighborhood commercial uses that are compatible in size, scale, massing and residential appearance with adjoining and surrounding residential uses. The following standards shall apply:

- (1) Enhance and regulate the appearance of neighborhood commercial uses.
- (2) Protect adjoining properties from the potential adverse impacts associated with commercial uses adjacent to residences such as traffic, noise, appearance, lighting, drainage, and effect on property values.
- (3) Provide areas for off-street parking that will be appropriate in size, location and scale within residential areas.
- (4) Provide commercial uses that are accessible for the convenience of individuals living in residential districts.
- (5) Reduce the length and number of vehicle trips generated by residential development.

(B) *Applicability.* These standards shall apply to all conditional use requests for Use Unit 12, Limited Business, in any zoning district.

(C) *Similar Uses Allowed.* When a use is not specifically listed as a permitted use in Use Unit 12 (Limited Business), the use may be permitted if it is determined by the Zoning and Development Administrator that the use is similar to other uses listed. In determining "similarity," the Zoning and Development Administrator shall make all of the following findings:

- (1) The proposed use meets the purpose of this section and the goals and policies of the Comprehensive Land Use Plan.
- (2) The proposed use shall not adversely impact the public health, safety and general welfare of the neighboring residents;
- (3) The proposed use shall be similar to the uses listed above considering use intensity and characteristics.

(D) *Conditions for Approval.* The uses listed may be allowed as a permitted use and shall meet the following conditions:

- (1) The proposed use shall not adversely affect local traffic conditions on the adjoining streets.
- (2) New structures located within a residential zoning district shall incorporate design elements similar to and compatible with those found within the neighborhood, including materials, roof pitch, scale, etc.
- (3) New parking areas or lots, utility equipment and trash enclosures shall be designed to have minimal visual impact to adjacent property owners and to the street. Screening of these elements shall be accomplished with plantings, walls, architectural elements, and/or fencing.
- (4) Hours of operation shall be limited to Sunday through Thursday, 6am to 9pm, and Friday and Saturday, 6am to 11pm, unless otherwise further determined by the Planning Commission.
- (5) All new or enlarged structures shall comply with the zoning requirements of the underlying district.

(E) *Design Review.* The applicant shall submit the following information to the Planning Division for review, where applicable:

- (1) A site plan drawn to scale showing location of parking, building footprint, and all other improvements.
- (2) Color elevation drawings of all sides of the structure, indicating the type of materials to be used on the exterior of the building, and proposed sign.
- (3) Landscape plan showing the location of all proposed landscaping, size and species of plant material.
- (4) Abbreviated tree preservation plan.

(Ord. 5312, 4-20-10; Ord. 5375, 12-21-10)

164.22 Cottage Housing Development

(A) *Purpose.* The purpose of the cottage development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide opportunities for ownership of detached single-family dwellings for a population diverse in age, income and household size.

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- (B) *Applicability.* Cottage housing development is permitted to be located as identified in Chapter 161: Zoning Regulations of the Unified Development Code, however, zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cottage housing development shall follow the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review cottage housing developments less than one acre shall be processed as a Site Improvement Plan. Cottage housing development on lots larger than one acre shall be processed as a Large Scale Development. If individual cottage housing unit lots are created the cottage housing development shall be processed through the subdivision platting process.
- (D) *Cottage Housing Development Size, Separation Requirements and Existing Structures.*
- (1) *Number of Cottage Housing Units Permitted.* Cottage housing development shall contain a minimum of four and a maximum of 12 cottages located in a cluster, on no less than one half acre.
 - (2) *Cottage Housing Development Separation Requirement.* Cottage housing developments shall have a minimum separation from other cottage housing developments of not less than 1,000 feet.
 - (3) *Existing Nonconforming Structures.* On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
- (1) *Density.* Zoning Districts that allow cottage housing development as a Use by Right shall conform with the density requirement of the underlying zoning district. Zoning districts that allow cottage housing developments as a Conditional Use shall be allowed a density not to exceed two times the maximum density allowed in the underlying zoning district.
- (2) *Lot Width Minimum.* There is no lot width requirement for individual cottage housing units.
 - (3) *Lot Area Minimum.* The lot area minimum for cottage housing unit lots is 750 square feet.
 - (4) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 sq. ft.
 - (5) *Setback Requirements.*
 - (a) All structures shall have a minimum separation of ten feet, measured from edge of eave to edge of eave, from other structures or cottages within the cottage housing development.
 - (b) The setback from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
 - (6) *Building Height Regulations.* The height for all structures in a cottage development shall not exceed the permitted height requirement of the underlying zoning district.
 - (7) *Building Area.* There is no minimum building area requirement for individual cottage housing unit lots.
 - (8) *Accessory Dwelling Units.* Accessory dwelling units are not permitted in cottage housing developments.
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cottage housing development residents, through a condominium associations, a homeowners' association or a similar mechanism, and shall not be dedicated to the City.
- (G) *Development Standards.* All cottage developments are subject to the following standards:
- (1) *Floor Area.* The total conditioned space floor area of each cottage shall not exceed 1,100 square feet.
 - (a) Cottages shall have a maximum first floor area or footprint of no more than 900 sq. feet, excluding covered or attached porches.
 - (b) Future additions to any cottage housing unit shall meet the requirements of this chapter.

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- (c) Floor area that does not count towards the total conditioned space floor area permitted for a cottage housing unit includes:
 - (i) Architectural projections such as utility closets no greater than eighteen inches in depth and six feet in width, bay windows and fireplaces.
 - (ii) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as interior attic eaves.
- (2) *Cottage Orientation.* The fronts of all cottage housing units shall be oriented around the common open space or towards the street, with the following exception:
 - (a) A maximum of 1 cottage in a cottage housing development is allowed to be located in an area that does not front onto the common open space or street right of way. These units shall be located within 25 feet of the common open space and shall have direct pedestrian access to the common open space and the street.
- (3) *Open space.*
 - (a) The required common open space shall be provided in one contiguous parcel.
 - (b) A minimum of 300 square feet of common open space shall be provided per cottage housing unit. Common open space with a dimension of less than 20 feet shall not be included in the calculation.
 - (c) Each cottage housing unit shall be provided with a private open space of 250 square feet with no dimension of less than 10 feet. Private open space should be contiguous to each cottage, for the exclusive use of the cottage resident.
 - (d) Parking areas, driveways and common pedestrian access shall not be counted as open space.
- (4) *Fences.* Fencing in cottage housing development should be respectful of the context of the surrounding neighborhood and should accentuate the common and private open spaces.
- (a) Fencing located between a cottage housing unit and a public street or the common open space shall not exceed 48" in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cottage housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are not permitted in cottage housing developments. Permitted on-street parking spaces adjacent to a projects frontage may count towards the parking requirements of the development subject to approval by the Zoning and Development Administrator. Parking standards for cottage housing developments shall be as follows:
 - (a) The required number of parking spaces for each cottage shall be determined according to the square footage of the cottage housing unit.
 - (i) Cottages less than 1,000 sq. ft. shall have 1.5 parking spaces provided.
 - (ii) Cottages over 1,000 sq. ft. shall have 2 parking spaces provided.
 - (b) Parking lots containing five or more parking spaces shall comply with the parking lot construction and design standards located in Chapter 172: Parking and Loading of the City's Unified Development Code.
 - (c) Parking lots shall be located a minimum of 25' back from the public right-of-way.
 - (d) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cottage housing units.
 - (e) Parking space dimensions shall comply with Chapter 172: Parking and Loading of the Unified Development Code.
- (6) *Bicycle Parking.* Bicycle parking should be located in a common area and preferably be covered to protect the long term storage of bicycles. It is recommended that cottage housing developments should provide one unsheltered bicycle rack or the equivalent sheltered space to store two bicycles per cottage housing unit.

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- (7) *Fire Department Access.* Fire department access shall be determined at the time of development review. Any part of structure in a cottage housing development that is located more than 150 feet from Fire Department vehicle access, as measured by an approved route around the exterior of the buildings or facilities, shall have a fire department approved sprinkler system.
 - (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
 - (9) *Utilities.* Individual cottage housing units shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cottage housing unit developments shall be located in a dedicated easement.
 - (10) *Community Buildings.* Community buildings and common pavilions less than 2,000 sq. ft. are permitted by right in cottage housing development. These structures shall be architecturally integrated with the architectural style of the cottage housing development.
 - (11) *Stormwater/Grading.* Cottage housing developments shall comply with the grading, drainage and stormwater provisions set forth in the Unified Development Code Chapter 169 and 170. A drainage permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with these requirements.
 - (12) *Solid Waste Service.* For the purposes of solid waste collection cottage housing developments are considered a residential use and should receive residential solid waste service (individual carts and recycling bins). In certain instances, it may be necessary to service cottage housing developments with commercial solid waste collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial solid waste pick up. It is incumbent on the developer to design solid waste service into the cottage housing development plan early in the process. The final determination of solid waste service and pick-up areas will be made at the time of development review. Specific requirements for residential and commercial solid waste pick-up shall be as follows:
 - (a) Residential solid waste service requires a designated location adjacent to the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated solid waste pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated solid waste pick-up day. A minimum linear distance of 9 ft. is required to accommodate each cottage housing unit's trash cart and recycling bin.
 - (b) Commercial solid waste service requires a dumpster location that is freely accessible for front end loading and screened from public view.
 - (c) Solid waste facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.
- (H) *Building Design Standards.* Building design shall provide variety and visual interest in order to provide compatibility with the character of the surrounding neighborhood. These standards are intended to avoid the repetitive use of the same building design, structural features, detailing or finishes within the cottage housing development.
- (1) *Variety in Cottage Housing Units Floor Plans and Architectural Treatments.* In cottage housing developments no two structures shall be identical in terms of exterior finishes. All cottage housing units shall differ from each other by utilizing at least two of the following options:
 - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
 - (b) Variations in adjacent cottage housing unit floor plans that alter the location of exterior windows and doors;
 - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
 - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of 6 feet. No structurally identical front porches shall be located on adjacent cottage housing units.
 - (2) *Required Architectural Elements.* A cottage housing unit with a front porch that is

credited for meeting the requirements of section 164.22(H)(1) above shall not be credited with meeting the requirements of this section. All cottage housing units in a cottage housing development shall contain a minimum of two of the following building features or treatments:

- (a) Porch.
 - (b) Variations in roof shapes or gables between adjacent structures.
 - (c) Roof brackets.
 - (d) Bay windows.
 - (e) Dormers.
 - (f) Chimneys.
 - (g) Other similar features or treatments as approved by the Zoning and Development Administrator.
- (l) *Variances from the minimum Cottage Housing Development Requirements.* An applicant may request a variance for specific requirements of the cottage housing development ordinance from the Planning Commission. Notification of adjoining and adjacent property owners shall conform to the requirements of Chapter 157: Notification and Public Hearings of the City's Unified Development Code. A variance of the following standards of the cottage housing development ordinance may be requested:
- (1) *Number of cottage housing units permitted.*
 - (2) *Cottage housing development separation requirement.*

(Ord. 5462, 12-6-11)

164.23-164.99 Reserved