

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 166: DEVELOPMENT**

166.01 DEVELOPMENT CATEGORIES..... 3

166.02 DEVELOPMENT REVIEW PROCESS..... 4

166.03 PLAT REQUIREMENTS..... 7

166.04 REQUIRED INFRASTRUCTURE IMPROVEMENTS – DEVELOPMENT IN CITY LIMITS 16

166.05 REQUIRED INFRASTRUCTURE IMPROVEMENTS – DEVELOPMENT IN PLANNING
AREA 23

166.06 PLANNED ZONING DISTRICT (PZD) 23

166.07 RESERVED 32

166.08 STREET DESIGN AND ACCESS MANAGEMENT STANDARDS 32

166.09 CONDITION OF ACCEPTANCE..... 35

166.10 RESERVED 35

166.11 CONFORMANCE TO PLANS AND REGULATIONS..... 35

166.12 STRUCTURES NOT ALLOWED WITHIN PUBLIC EASEMENTS..... 35

166.13 UNDERGROUND UTILITY WIRES..... 36

166.14 COMMERCIAL DESIGN AND DEVELOPMENT STANDARDS 36

166.15 APPLICATION FOR BUILDING PERMIT 39

166.16 CONSTRUCTION TO BE AS PROVIDED IN APPLICATION, PLAN, AND PERMITS 40

166.17 SUSPENDING ISSUANCE OF PERMITS PENDING ZONING AMENDMENTS 40

166.18 MASTER STREET PLAN SETBACKS 40

166.19 EXPIRATION OF PREVIOUSLY APPROVED PLANS AND PERMITS 40

166.20 EXPIRATION OF APPROVED PLANS AND PERMITS..... 40

166.21 DOWNTOWN DESIGN OVERLAY DISTRICT..... 41

166.22 PARKING GARAGES IN THE DOWNTOWN CORE, MAIN STREET CENTER, AND
DOWNTOWN GENERAL ZONING DISTRICTS 46

166.23 URBAN RESIDENTIAL DESIGN STANDARDS 47

166.24-166.99 RESERVED 49

CHAPTER 166: DEVELOPMENT

166.01 Development Categories

(A) *Property Line Adjustment.* A property line adjustment is a transfer or adjustment of a property line or lines between adjoining property owners which does not create a separate, new lot. A property line adjustment can not dedicate new easements or right-of-way.

(B) *Subdivision of Land.*

(1) *Lot Split.* When a property is to be subdivided into two, three or four lots, the application may be processed as a lot split. After the creation of more than four lots from an original parent tract, any subsequent subdivision of the parent or resulting tracts is required to be processed as a preliminary/final plat, or concurrent plat. A lot split may dedicate new easements or right-of-way, and may be combined with an easement plat.

(2) *Preliminary Plat.* When a property is to be subdivided into more than four lots, or when a parent or resulting tract has been subdivided three or more times and is proposed to be further subdivided, the application shall be processed as preliminary plat. A preliminary plat establishes the preliminary location of lot lines, streets, and utility infrastructure, and allows for the applicant to request construction plan approval and install required improvements.

(3) *Final Plat.* After completion of the required infrastructure (water, sewer, storm drainage, utilities, street improvements, etc.) for a preliminary plat, the subdivider may submit an application for approval of the final plat. The final plat application may not be submitted until the final inspection for the required infrastructure has been scheduled with City Engineering staff.

(4) *Concurrent Plat.* A concurrent plat combines the preliminary and final plat into one step. A concurrent plat is permitted when a property is to be subdivided into more than four lots, or when a parent or resulting tract has been subdivided three or more times and is proposed to be further subdivided, and the existing and new parcels do not require construction of new infrastructure.

(C) *Concept Plan.* When a developer intends to subdivide or develop land within the City or City's planning area boundary he/she may submit a concept plan to obtain feedback and

recommendations from City staff and the Planning Commission prior to submitting a fully engineered development plan for review.

(D) *Large Scale Development.* A Large Scale Development is generally intended for, but not limited to, a non-residential, mixed use, or multi-family development on a site of one acre or greater in size, where subdivision of land is not proposed.

(1) *Requirement.* The development of the following must be processed in accordance with the requirements for a large scale development:

- (a) A lot or parcel one acre or greater in size;
- (b) Facilities emitting odors or handling explosives.

(2) *Excluded developments.* The following shall be excluded from the large scale development review process:

- (a) *Single-family.* A single-family residence, an addition to a single-family residence, or an accessory structure for a single-family residence;
- (b) *Additions.* An addition to an existing structure if the addition will not:
 - (i) Exceed 10,000 square feet; or
 - (ii) Require more than 25 additional parking spaces under the provisions of Chapter 172, Parking and Loading; or
 - (iii) Require a change in existing ingress or egress.

(c) *Additional structure.* An additional structure when erected as part of an existing development, subject to the limitations of (D)(2) above.

(d) *Prefabricated accessory buildings.* A prefabricated, movable accessory building.

(e) A development on a lot or parcel in a zoning district subject to administrative approval.

(3) *Modifications.*

- (a) *Minor modifications.* The Zoning and Development Administrator may authorize minor modifications in an approved large scale development or subdivision of land. Minor modifications shall include, but not be limited to, substitutions of one approved structural type for another, minor variations in placement of buildings in such a way that the overall limits of approved floor area, open space or rooms per acre are not increased, and minor shifts in property line locations.
 - (b) *Major modifications.* In the event that a developer wishes to make major modifications to an approved development, such modifications shall be submitted to the Subdivision Committee or Planning Commission in a form which compares the approved submission with the desired changes. After submission, the Subdivision Committee shall approve or disapprove the requested modifications.
- (E) *Large Site Improvement Plan.* A Large Site Improvement Plan review is intended for a Large Scale Development that is located on a site within a zoning district that permits administrative approval. A Large Site Improvement Plan is subject to the Requirements and Excluded Developments for a Large Scale Development listed in Fayetteville Unified Development Code 166.01 (D). A Large Site Improvement Plan is subject to the Modification requirements of a Small Site Improvement Plan listed in Fayetteville Unified Development Code 166.01 (F).
- (F) *Small Site Improvement Plan.* A Small Site Improvement Plan review is intended for a non-residential, mixed use, or multi-family development on a site that is less than one acre in size.

(Code 1965, App. C., Art. II, §§A--D; Ord. No. 1750, 7-6-70; Ord. No. 2581, 12-4-79; Ord. No. 2789, 1-18-82; Code 1991, §§159.010; 159.11(C), 159.12, 159.13; 159.14; Ord. No. 3781, §1, 4-19-94; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4350, §1, 11-20-01; Ord. 5296, 12-15-09)

166.02 Development Review Process

(A) Application Submittal

- (1) *Submittal.* All development applications shall be submitted to the Planning Division and will be processed for review in accordance with Planning Division operating procedures.

(B) Public Meetings. Development applications are required to be processed through the Technical Plat Review Committee, Subdivision Committee, and Planning Commission as follows:

- (1) *Technical Plat Review Committee.* The following development applications are required to be reviewed by the Technical

- (1) *Requirement.* The development of the following must be processed in accordance with the requirements for a Small Site Improvement Plan:
 - (a) A development that is excluded from large scale development review and requires review by multiple City divisions;
 - (b) The construction of more than one single family residence on one lot within any zoning district other than a single-family zoning district.
- (2) *Excluded developments.*

TITLE XV UNIFIED DEVELOPMENT CODE

Plat Review Committee: Lot Split, Small Site Improvement Plans, Large Site Improvement Plans, Large Scale Development, Planned Zoning District, Preliminary Plat, Final Plat, and Concurrent Plat. After the Technical Plat Review Committee meeting staff may administratively approve Lot Splits, Final Plats, Small Site Improvement Plans, and Large Site Improvement Plans after review for compliance with all applicable codes subject to UDC 166.02(C).

(2) *Subdivision Committee.* The following development applications are required to be reviewed by the Subdivision Committee: Large Scale Development, Planned Zoning District with Development, Preliminary Plat, and Concurrent Plat. From these applications, the Subdivision Committee may approve only Large Scale Developments.

(3) *Planning Commission.* The following development applications are required to be reviewed by the Planning Commission: Preliminary Plat, Concurrent Plat, and Planned Zoning District with Development. The Planning Commission may approve, deny, table, or approve development applications with conditions. A Planned Zoning District cannot be approved by the Planning Commission, but may be forwarded to City Council.

(C) *Approval and Denial Criteria*

(1) *Administrative Approval.* The following applications shall be approved administratively by the Planning Division as long as the proposal meets all requirements of the Unified Development Code: Property Line Adjustment, Lot Split, Final Plat, Small Site Improvement Plan, and Large Site Improvement Plan. Approval by the Planning Commission for these applications is not required unless an appeal is filed in accordance with Ch. 156 of the UDC.

(a) *Reasons for denial.* The Planning Division may refuse administrative approval based on the following criteria:

(i) *Property Line Adjustment; Lot Split.* The application does not comply with zoning and development requirements including, but not limited to: lot width, lot area, setback requirements, buildable area, required parking, impervious surface, dedication of required right-of-way or easements, etc., or the requested action would make

an existing non-conforming property or structure more non-conforming.

(ii) *Final Plat.* The conditions of approval of the preliminary plat have not been met, the proposed plat does not meet the zoning and development requirements of the UDC, and/or the required improvements have not been completed or guaranteed in accordance with Fayetteville Unified Development Code Chapter 158.

(iii) *Small or Large Site Improvement Plans.* The Planning Division may refuse to approve a Small or Large Site Improvement Plan for any of the following reasons:

a. The development plan is not submitted in accordance with the requirements of this chapter.

b. The proposed development would violate a city ordinance, a state statute, or a federal statute.

c. The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

d. The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factor such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

e. City water and sewer is not readily available to the property within the site improvement plat area and the developer has made no provision for extending such service to the development.

f. The developer refused to comply with ordinance requirements or condition of

Fayetteville Code of Ordinances

approval for on-site and off-site improvements.

(2) *Subdivision Committee and Planning Commission Approval.* The following applications shall be approved by the Subdivision Committee or Planning Commission, subject to the criteria listed below: Large Scale Development, Preliminary Plat and Concurrent Plat.

(a) *Reasons for denial.* The Subdivision Committee or Planning Commission may refuse to approve a Large Scale Development, Preliminary Plat or Concurrent Plat for any of the following reasons:

- (i) The plat or development plan is not submitted in accordance with the requirements of this chapter.
- (ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.
- (iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.
- (iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.
- (v) City water and sewer is not readily available to the property within the large scale development, preliminary plat, or concurrent plat and the developer has made no provision for extending such service to the development.
- (vi) The developer refused to comply with ordinance requirements or conditions of approval for on-site and off-site improvements.

(D) *Plat Recordation or Construction Plan Approval.* After obtaining approval by the appropriate governing body, the applicant shall follow the procedures set forth below in order to record the plat or obtain construction plan approval.

(1) *Property Line Adjustment, Lot Split, Final Plat, Concurrent Plat.* The applicant shall submit copies of the approved plats containing all required signatures to the Planning Division for final approval. The plats shall be recorded by the applicant and copies of the recorded plats provided to the Planning Division as required.

(2) *Preliminary Plat, Large Scale Development and Large Site Improvement Plan.* Receipt of the approval authorizes the applicant to proceed with:

- (a) The preparation of plans, reports and specifications in accordance with City Engineering requirements including but not limited to:
 - (i) Street plans, profiles and specification accompanied by soil analyses and design calculations;
 - (ii) Storm drainage plans, profiles and specifications accompanied by soil analyses and design calculations; and
 - (iii) Water and sewer plans, profiles and specifications, accompanied by design calculations, to be reviewed and approved by City Engineering.
 - (iv) Final site plans, landscape plans, and other plans, reports and specifications required by the City to obtain approval.
- (b) Once all approvals that are required have been obtained, the applicant may proceed with site preparation and construction in accordance with the permitted plans.

(E) *Building Permits*

(1) Before a building permit for a Large Site Improvement Plan or Large Scale Development is issued the developer shall:

- (a) Obtain approval from the appropriate governing body.
- (b) Dedication of right-of-way. Dedicate right-of-way in compliance with the City's Master Street Plan, and in compliance with the requirements for on or off-site improvements.
- (c) Dedicate all easements necessary to serve the development as required by the utility providers and the City. This

TITLE XV UNIFIED DEVELOPMENT CODE

may be completed by easement plat or separate easement document(s), with approval of the Planning Division.

- (d) On and off-site improvements. Construct or guarantee required on- and off-site improvements in accordance with UDC Chapter 158.
- (e) Complete applicable conditions of approval.
- (f) Comply with all applicable zoning and development codes.

(F) *Completion of Development/Certificate of Occupancy.* No certificate of occupancy for a Large Scale Development, Large Site Improvement Plan, or Small Site Improvement Plan shall be issued, and no Final Plat or Concurrent Plat shall be signed for recordation until the following have been completed:

- (1) The requirements for on and off-site improvements have been completed, and maintenance bonds/guarantees deposited to City specifications.
- (2) An "as built" plot plan has been approved by the City Engineer (where applicable) showing:
 - (a) The location of all buildings and the setback distance for said buildings from street right-of-way and adjoining property lines;
 - (b) The location of any freestanding signs and the setback distance of said signs from street right-of-way and adjoining property lines;
 - (c) The location, number, dimensions, and surfacing of all parking spaces and of all screens or fences; and
 - (d) The location and size of all water, sewer, gas, electric, telephone, and television cable lines.
- (3) The development has been inspected and approved by all applicable City divisions.
- (4) All applicable conditions of approval have been completed.

(Code 1965, App. C., Art. II, §§ F--H; Ord. No. 2581, 12-4-79; Code 1991, §§ 159.16--159.18; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

166.03 Plat Requirements

(A) *Original plan drawings.* Plans shall be drawn in a legible manner, at a scale which best suits the size of the property being developed or platted. All plans shall be drawn at a standard engineering scale, and submitted in paper and/or digital form, as listed on the application.

(B) *Plat information.* The following information shall be submitted to the Planning Division and/or Planning Commission for review and approval:

(1) *General.*

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Name, address, zoning and property lines of all property owners adjacent to the exterior boundaries of the project.	X	X	X	X	X	X	X
Name, address, telephone numbers of owner(s), developer(s) and project representatives	X	X	X	X	X	X	X
North arrow, scale (graphic and written), date of preparation zoning classification, and proposed use.	X	X	X	X	X	X	X
Title block located in the lower right hand corner indicating the name and type of project, scale, firm or individual preparing drawing, date and revisions.	X	X	X	X	X	X	X
Provide a complete and	X	X	X	X	X	X	X

Fayetteville Code of Ordinances

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
accurate legend							
A vicinity map of the project with a radius of 1.5 miles from the project. This map shall include any Master Street Plan streets as well as the 100 year flood plain boundary.	X	X	X	X	X	X	X
The location of all existing structures.	X	X	X	X	X	X	X
Site coverage note indicating the percentage of site that is covered by impervious surface.						X	

(2) Legal description.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Written legal descriptions including area in square feet or acres that read clockwise (Note: If the project is contained in more than one tract, the legal for each individual tract and a total tract description must be	X	X	X	X	X	X	

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
provided.)							
Boundary survey of the property shown on the plat. The surveyor shall seal, sign and date the survey. Each survey plat shall have 2 points described in State Plane Coordinates, Arkansas, North, North American Datum, 1983 (NAD 83)	X	X	X	X	X	X	X
Provide a benchmark, clearly defined with an accuracy of 1/100'. This benchmark must be tied to USC & GS Datum. Benchmarks include but are not limited to the following: fire hydrant, manhole, etc.	X	X	X			X	
Point-of-beginning from a permanent well-defined reference point. This P.O.B. shall be clearly labeled on the drawing.	X	X	X	X	X	X	
Curve data							

TITLE XV UNIFIED DEVELOPMENT CODE

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
for any street which forms a project boundary.	X	X	X	X	X	X	

(3) Floodplain / floodways / wetlands.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Show 100-yr floodplain and/or floodway and based flood elevations. Reference the FIRM panel number and effective date.	X	X	X	X	X	X	X
Note regarding wetlands, if applicable. Note if Army Corps of Engineers determination is in progress.	X	X				X	

(4) Topographic information.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Existing and proposed topographic information with source of the information noted. Show: a. Two foot contour	X					X	

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
intervals for ground slope between level and ten percent. b. Five foot contour interval for ground slope exceeding ten percent.							
Spot elevations at grade breaks along existing road centerlines, gutter lines and top of curbs or edge of pavement.	X					X	
Contours of adjacent land within 100 feet of the project shall also be shown.	X					X	

(5) Tree protection / landscaping.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Delineate trees to be retained on-site and the measures to be implemented for their protection.	X	X	X			X	X
Clearly depict the limits of soil disturbance to include all areas to be	X	X	X			X	

Fayetteville Code of Ordinances

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
graded both on and off-site.							
Show proposed location of all utilities.	X	X	X			X	
Landscape proposals for parking lots and/or tree replacement requirements shall include proposed plant species and size. Existing and proposed utility lines shall be shown on the plan. State the method for irrigating the plant material on the plan. When an ordinance requires shrubs or other screening material, show the layout of planting beds.	X	X	X			X	

(6) Utilities – existing.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Show on the drawing all known on-site and off-site existing	X	X	X	X	X	X	X

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
utilities and easements (dimensioned) and provide the structure's locations, types, and condition and note them as "existing" on the plat.							
Existing easements shall show the name of the easement holder, purpose of the easement, and the book and page number for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.	X	X	X	X	X	X	

(7) Utilities – proposed.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Show all storm sewer structures, sanitary sewer structures and drainage structures: a. Provide structure locations and types b. Provide	X	X			X	X	

TITLE XV UNIFIED DEVELOPMENT CODE

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
pipe types and sizes							
Sanitary sewer systems: a. Provide pipe locations, sizes, and types b. Manhole locations of rim and invert elevations.	X	X	X	X	X	X	
Note the occurrence of any previous water, sewer, or storm sewer overflow problems on-site or in the proximity of the site.	X				X	X	
If a septic system is to be utilized, provide a table of acreage and percolation rates.	X				X	X	
Water systems, on or near the site: a. Provide pipe locations, types, and sizes b. Note the static pressure and flow of the nearest hydrant if requested. c. Show location of proposed fire hydrants and	X	X	X	X	X	X	

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Underground or surface utility transmission lines: (Note: This category includes, but is not limited to Telephone, Electrical, Natural Gas, and TV Cable) a. Locations of all related structures (pedestals, poles, etc.) b. Locations of all lines (note whether the line is below or above ground) c. A note shall be placed where streets will be placed under the existing overhead facilities and the approximate change in grade for the proposed street.	X	X	X			X	

Fayetteville Code of Ordinances

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
State the width, location, and purpose of all proposed easements or rights of way for utilities, drainage, sewers, flood control, ingress/egress or other public purposes within and adjacent to the project.	X	X	X	X	X	X	X

(8) Streets / right-of-ways / easements.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Street right-of-way lines clearly labeled. The drawing shall depict any future R.O.W. needs as determined by the AHTD and Master Street Plan. Future R.O.W. as well as existing R.O.W. and center lines should be shown and dimensioned.	X	X	X	X	X	X	X
The location, widths, grades, and names of all existing and proposed	X	X	X	X	X	X	X

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
streets (avoid using first names of people for new streets), alleys, paths, and other rights-of-way, whether public or private, within and adjacent to the project; private easements within and adjacent to the project; and the radius of each centerline curve. Private streets shall be clearly indicated and named. Names of streets should be approved by the 911 Coordinator.							

TITLE XV UNIFIED DEVELOPMENT CODE

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
A layout of adjoining property (within 300') in sufficient detail to show the effect of proposed and existing streets (including those on the master street plan), adjoining lots, and off-site easements. This information can be obtained from the Master Street Plan, Aerial Photos, and the City Plat Pages located in the Planning Office if requested.	X	X	X			X	X
The location of all existing and proposed street lights (At every intersection, cul-de-sac & every 300' and associated easements to serve each light.)	X	X	X			X	

(9) Subdivision of land.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept plat
The lot layout,	X	X	X	X	X		

the dimensions of each lot, number of each lot, total area in square footage or acreage to the nearest one-hundredth (1/100th) acre of each lot, and the approximate finish grade where pads are proposed for building sites. Lots shall be numbered consecutively for all phases. The total number of lots shall be indicated on the plat.								X
For phased development, a plat showing all phases is required.	X	X					X	X

(10) Site specific information.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Provide a note of any known existing erosion problems on-site or within 300' downstream of the property.	X					X	
The location of known existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and	X	X	X	X	X	X	

Fayetteville Code of Ordinances

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
underground structures within the project.							
The location of known existing or proposed ground leases or access agreements, if known. (e.g. shared parking lots, drives, areas of land that will be leased)	X	X	X	X	X	X	
The location of all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas and the means of mitigating the hazards (abatement wall, signage, etc.).	X					X	
The boundaries, acreage, and the use of existing and proposed public areas in and adjacent to the project. If land is to be offered for dedication for park and recreation purposes it shall be designated.	X	X				X	X
For residential						X	

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
development, indicate the use and list in a table the number of units and bedrooms.							
For non-residential development, indicate the gross floor area, and if for multiple uses, the floor area devoted to each type of use.						X	
The location and size of existing and proposed signs, if any.	X	X	X	X	X	X	
The location and number of bike racks provided and required.						X	
Location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate pattern of traffic flow; include a table showing required, provided, and handicapped accessible parking spaces.						X	
Location and width of curb cuts and driveways. Dimension all driveways and curb cuts from						X	

TITLE XV UNIFIED DEVELOPMENT CODE

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
side property line and surrounding intersections.							
Location of buffer strips, fences or screen walls, where required (check Unified Development Code for specific requirements).	X	X				X	
Indicate location and type of garbage service. Dimension turnaround area at dumpster location.	X					X	
A description of commonly held areas, if applicable.	X	X				X	
A written description of requested waivers or variances from any city requirement.	X	X	X	X	X	X	
Show required building setbacks. Provide a note on the plat of the current setback requirements for the subdivision.	X	X	X	X	X	X	X
Preliminary grading and drainage plans and reports as required in the City Engineer's Office.	X				X	X	

(11) Other requirements.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concept Plat
Any other data or reports as deemed necessary for project review by the Zoning and Development Administrator, City Engineer or Planning Commission.	X	X	X	X	X	X	X
Signature block to certify approval of streets, drainage and utility easements.		X	X				
Signature block to certify approval of water and sewer system.		X	X				
Signature block to certify approval of building setback dimensions.		X	X				
Signature block certifying approval for recording.		X	X	X	X		

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concurrent Plat
Signature block		X	X				

certifying approval of park land dedication or money in lieu.							
Signature block certifying approval of utility easements.		X	X				
Signature block certifying ownership, title and dedication.		X	X	X			
Signature block certifying survey and accuracy.		X	X	X			

(12) Easement plat.

	Preliminary Plat	Final Plat	Concurrent Plat	Property Line Adj.	Lot Split	Large-Scale, SIP, PZD	Concurrent Plat
Prior to the issuance of a building permit for a large scale development, site improvement plan or planned zoning district an easement plat shall be filed of record in the office of the circuit clerk dedicating all required easements and rights-of-way.						X	

*All plats should meet or exceed the most current State of Arkansas Standards of Practice for Property Boundary Surveys and Plats.

**SIP = Large or Small Site Improvement Plan

***PZD = Planned Zoning District

(C) *Signatures required.* The final plat or concurrent plat may be signed by any officer of the Planning Commission.

(D) *Number of plats.* The Planning Division may require additional copies of plats if the amount required by this chapter is not sufficient for distribution to the various committee members.

(Code 1965, App. C., Art. III, §A(1); Ord. No. 2695, 1-20-81; Ord. No. 3080, 4-2-85; Ord. No. 3201, 8-5-86; Ord. No. 3315, 11-17-87; Code 1991, §§159.05, 159.30k.; Ord. No. 3578, 11-19-91; Ord. No. 3615, §1, 6-2-92; Ord. No. 3738, §1, 11-16-93; Ord. No. 3793, §1, 5-17-94; Ord. No. 3797, §1, 5-17-94; Ord. No. 4068, §1, 11-4-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4199, 11-2-99; Ord. No.4454, 01-07-03; Ord. No. 4545, 02-17-04; Ord. 4725, 7-19-05; Ord. 4864, 05-02-06; Ord. 5152, 7-15-08; Ord. 5215, 1-20-09; Ord. 5271, 9-1-09; Ord. 5296, 12-15-09)

166.04 Required Infrastructure Improvements – Development in City Limits

(A) *Generally.* Required of developer.

(1) *On and off-site improvements.* On-site improvements are adjacent to or within a project site; such as widening the street along the project street frontage, constructing interior streets and utilities, etc. Off-site improvements are not adjacent to a project; such as the extension of an off-site sewer line to the property boundary, off-site storm drainage improvements, or an off-site intersection improvement, etc.

(2) *Standards applicable.* Any required on or off-site improvements in the city and within one mile of the city limits shall be installed according to the city's standards; provided on or off-site improvements to roads located outside one mile of the city limits shall be installed to the county's standards. The developer shall be required to bear that portion of the cost of off-site improvements which bears a rational nexus to the needs created by the development.

(3) *Required Infrastructure Improvements.* On and off-site improvements that are roughly proportional and bear a rational nexus to the impact of the development are required for all development within the City of Fayetteville. The developer shall be required to install on and off-site improvements where the need for such improvements is created in whole or in part by the proposed development.

TITLE XV UNIFIED DEVELOPMENT CODE

- (4) *Planning Commission and Planning Division.* At the time the Planning Commission or Planning Division (where applicable for administrative approval) grants development approval, the Planning Commission or Planning Division shall determine whether the proposed development creates a need for off-site improvements and the portion of the cost of any needed off-site improvements which the developer shall be required to bear; provided, that portion of the cost of off-site improvements to roads located outside the city's corporate limits but within the city's planning area shall be determined by the county. In determining that portion of the cost of off-site improvements which the developer shall be required to bear, the Planning Commission or Planning Division (where applicable for administrative approval) shall consider the acreage within the proposed development as a percentage of all the acreage which, when fully developed, will benefit from the off-site improvements; provided, the Planning Commission or Planning Division may use a different method of measurement if it determines that use of the acreage standard will not result in the developer bearing that portion of the cost which bears a rational nexus to the needs created by the development.
- (5) *Determining necessity for off-site improvements.*
- (a) When a proposed development has access to paved streets or roads only by way of substandard or unimproved roads or streets leading from the development to the paved streets or roads, the developer shall be responsible for contributing this proportionate share of the cost of improving the substandard access roads or streets to existing city or county standards. The developer's proportionate share of said costs shall be determined by the Planning Commission or Planning Division (where applicable for administrative approval) in accordance with the provisions of 166.04 (A) above.
- (b) When a proposed development has direct access to, or fronts on an existing road or street, which is below current standards, the developer shall be responsible for contributing his/her proportionate share of the cost of improving said street or road to existing city or county standards. The Planning Commission or Planning Division (where applicable for administrative approval) shall determine the developer's proportionate share of said costs in accordance with the provisions of 166.04 (A) above.
- (c) Off-site drainage improvements shall be required whenever a proposed development causes the need for such improvements.
- (6) *Delayed Improvements.* The Planning Commission or Planning Division may determine a required on-site or off-site improvement shall be delayed or payment-in-lieu contributed instead in accordance with Chapter 158 of the UDC. **Cross reference(s)**--Bonds and Guarantees, Ch. 158.
- (7) *Variances.* A variance of off-site improvements may be granted in accordance with Chapter 156 Variances.
- (8) *State highways.* The developer shall be required to dedicate sufficient right-of-way to bring those state highways which the Master Street Plan shows to abut or intersect the proposed subdivision into conformance with the right-of-way requirements of the Master Street Plan. The developer shall be required to install a sidewalk adjacent to that portion of a state highway abutting the proposed development; and provided that the Planning Commission or Engineering Division (where applicable for administrative approval) may waive the sidewalk requirement prescribed by this subsection upon application by the developer and a determination by the Planning Commission or Engineering Division (where applicable for administrative approval) that the topography of the proposed development where it abuts a state highway is such that installation of a sidewalk is not practical. Any other improvements required of the developer by the Planning Commission or Engineering Division (where applicable for administrative approval) shall be coordinated with the Arkansas Highway and Transportation Department.
- (B) *Minimum improvements by application type.* The property owner/developer shall be responsible for constructing the following minimum improvements.
- (1) *Property Line Adjustment.* No improvements are required unless the action would create or exacerbate a nonconforming infrastructure situation such as cutting off a lot from public water, sewer, or street frontage. In such as

case the property line adjustment may not be filed of record until the required infrastructure is first constructed to City specifications, or a variance or waiver is granted by the Planning Commission.

(2) *Lot Split.*

(a) *Dedication of right-of-way.* Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property into conformance with the right-of-way requirements of the Master Street Plan for said streets; provided, the Subdivision Committee or Planning Commission may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

(i) *Dedications.* The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission/Subdivision Committee. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which have been approved by the Fayetteville Planning Commission/Subdivision Committee.

(b) *Monuments and lot stakes.* The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

(c) *Water, sewer, or street frontage.* Any lot that is created shall have adequate street frontage or street access that meets the minimum requirements of the zoning code, and access to public water and sewer as required by city and state code. If a lot split would create or exacerbate a nonconforming situation (such as cutting off a lot from public water, sewer, street frontage, or street access), the lot split may not be filed of record until the required easement is dedicated and/or the infrastructure is first constructed to City specifications, or

a variance or waiver is granted by the Planning Commission.

(d) *Parkland dedication.* Parks fees shall be assessed for each new residential unit that is constructed on the additional lot(s) in accordance with the parkland dedication requirements outlined in Fayetteville Unified Development Code Chapter 166. Said fees shall be paid prior to issuance of a building permit for construction on the new lot.

(3) *Preliminary/Final/Concurrent Plat; Large Scale Development; Large or Small Site Improvement Plan.*

(a) Dedication of right-of-way.

(i) *On-site.* Sufficient right-of-way dedication, to bring those streets which the Master Street Plan shows to abut or intersect the property and new streets proposed interior to the property, into conformance with the right-of-way requirements of the Master Street Plan for said streets, shall be approved by the Planning Commission or Subdivision Committee; provided, the Planning Commission or Subdivision Committee may recommend a lesser dedication in the event of undue hardship or practical difficulties. Such lesser dedication shall be subject to approval by the City Council.

a. *Exemption.* Small Site Improvement Plan applications are exempt from this requirement.

(ii) *Off-site.* Off-site right-of-way dedication may be required as needed to construct off-site street improvements that are required based on the rough proportionality and rational nexus of the impacts of the project.

(iii) *Dedications.* The City Council accepts all streets and alleys located in Fayetteville that have been previously approved and accepted as dedications by the Fayetteville Planning Commission/Subdivision Committee. The City Council confirms the acceptance of all such streets and alleys dedicated by developers/owners to the city which

TITLE XV UNIFIED DEVELOPMENT CODE

have been approved by the Fayetteville Planning Commission/Subdivision Committee.

and along new interior streets according to existing city standards and the Master Street Plan as adopted by the city Council.

- (b) *Monuments and lot stakes.* The surveyor shall cause, preserve, and/or replace monuments and/or lot stakes marking the corners of a parcel to be set in accordance with Section 3.2, general procedures, of the Arkansas Minimum Standards for Property Boundary Surveys and Plats.
- (c) *Streets.*
 - (i) *On-site.* Widening the street adjacent to the project frontage and construction of all interior streets to meet Master Street Plan standards. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
 - (ii) *Off-site.* Street widening and/or new street construction off-site may be required to address traffic impacts based on the rough proportion and rational nexus of the impacts of the project. Street grading, base, and paving according to existing city standards and specifications as adopted by the City Council.
- (d) *Curbs and gutters.*
 - (i) *On-site.* Curbs and gutters adjacent to the project frontage according to existing city standards and specifications as adopted by the City Council.
 - (ii) *Off-site.* Curbs and gutters off-site may be required to address drainage and/or traffic impacts based on the rough proportion and rational nexus to impacts of the project. Curbs and gutters according to existing city standards and specifications as adopted by the City Council.
- (e) *Traffic signals.* As determined to be needed based on the rough proportionality and rational nexus of the impacts of the development.
- (f) *Sidewalks.*
 - (i) *On-site.* Sidewalks shall be installed along the property street frontage
 - (ii) *Off-site.* Sidewalks may be required to be installed off-site based on the rough proportionality and rational nexus of the impacts of the development.
- (g) *Streetlights.* Standard 8,000 lumen streetlights (or equal alternative approved by the Planning Division) shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 300 feet; provided, streetlights of higher intensity may be required at intersections with collector streets or arterial streets. Developer are encouraged to utilize high-efficiency (LED or similar) streetlights where possible).
- (h) *Grading and storm drainage system.*
 - (i) The developer shall install storm drainage facilities, including drains, sewers, catch basins, and culverts necessary for the proper drainage of all surface water.
 - (ii) All drainage facilities shall be so designed to serve the entire drainage area.
 - (iii) All surface water drainage shall be transported to existing storm sewers, drainage facilities, or natural drainage ditches approved by the City Engineer.
 - (iv) The City Engineer shall approve all drainage features.
 - (v) *Culverts and bridges.* Culverts and bridges shall be installed where needed in accordance with existing Arkansas State Highway Department standards and specifications.
- (i) *Water supply.*
 - (i) *Accessible public water supply.* When an approved public water supply is reasonably accessible, the developer shall install a system of water mains and shall connect to such supply so that each lot within the subdivision or development

shall be provided with a connection to said public water supply. All connections shall be approved by the City Engineer. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.

- (ii) *Nonaccessible public water supply.* Where an approved public water supply is not reasonably accessible, any private water supply system proposed by the developer must be approved by the county sanitarian and the City Engineer in order to assure that the private water supply system will provide an adequate supply of potable water to every lot in the subdivision or development. Individual service lines shall be installed, and individual connections shall be made prior to the paving of the street, if possible.
 - (iii) *Fire Hydrants.* Fire hydrants for single-family dwellings and duplexes shall be installed so that the distance between two consecutive fire hydrants does not exceed 800 feet, and no lot is more than 400 feet from a fire hydrant. Fire hydrants for apartment complexes, commercial structures, and industrial structures shall be installed so that the distance between two consecutive fire hydrants does not exceed 600 feet; provided, the fire chief shall have the authority to require additional fire hydrants upon a determination that such additional fire hydrants are necessary to provide adequate fire protection. The fire chief shall develop written criteria to be applied in determining whether additional fire hydrants shall be required.
- (j) *Sanitary sewer system.*
- (i) *Public sanitary sewer accessible.* Where a public sanitary sewer is reasonably accessible, the developer shall connect with such sewer, and each lot within the subdivision or development shall be provided with a connection thereto. All connections shall be subject to the approval of the City Engineer. Individual service lines shall be installed, and individual connections

shall be made prior to the paving of the street if possible.

- (ii) *Public sanitary sewer not accessible.* Where a subdivision, lot split, or other development is proposed to utilize either individual septic systems or an onsite wastewater treatment system the following is required:
 - a. *Lot splits resulting in lots less than 1.5 acres.* Prior to the City stamping the lot split document for approval, a letter from the Arkansas Department of Health is required verifying approval of soil tests and that the property could be developed with a septic system.
 - b. Prior to the City signing a final or concurrent plat a letter from the Arkansas Department of Health is required indicating approval of the overall plan for the utilization of either onsite wastewater systems or individual septic permits.
 - c. Existing septic systems, sewage disposal fields (leach fields), alternate disposal fields required by state law and water wells on-site or off-site within 100 feet shall be shown on all proposed subdivisions, lot splits, and development plans.
 - d. *Community sewage systems.* The construction of community sewage systems or decentralized sewer systems shall be prohibited within the City unless expressly permitted by resolution of the City Council.
 - e. Annexation of community sewage systems. Where a community sewage system is annexed into the City, then the following shall apply:
 - 1. *Unconstructed systems.* The wastewater system shall be designed such that the entire collection system is a traditional-style gravity sewer system that carries all wastewater flow to centralized

TITLE XV UNIFIED DEVELOPMENT CODE

treatment facilities and shall meet City standards for design construction. The system must also be designed such that there is one single point of connection from which a future gravity connection can be made to the City sanitary sewer system when the latter becomes available. This connection shall be made at the expense of the owner of the decentralized wastewater system.

2. *Constructed systems.* Systems constructed prior to annexation into the City must tie to the City sanitary sewer system when a City sanitary sewer main is constructed within 300 feet of the community sewage system and such main is reasonably available to the community sewage system. This connection shall be made at the expense of the owner of the decentralized wastewater system.

State law reference(s)--"Arkansas Sewage Disposal Systems Act," A.C.A. §14-236-101 et seq.

- (k) *Trail linkages/corridor/easements.* The developer may be required to construct a trail linkage or corridor or grant a multi-use trail easement for trails shown on the Master Transportation Plan that abut, intersect, or traverse the project site, if it is determined that the improvements bear a rational nexus and rough proportionality to the needs created by the development.

- (i) *Parkland dedication.*

- a. *Applicability.* The requirements of this subsection shall apply to residential lot splits, subdivisions, Large Scale Developments, Planned Zoning Districts and Large Site Improvement Plans; provided, said requirements shall not apply to a Lot Split or subdivision which does not create one or more vacant lots

on which a structure could be erected under the city's zoning regulations.

- b. *Residential development.*

1. *Dedication or fee-in-lieu.* When a proposed residential development does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.

2. *Parks and Recreation Advisory Board.* Prior to the submittal of a Preliminary Plat, Large Scale Development plan, or Large Site Improvement Plan the developer shall submit to the Parks and Recreation Advisory Board a concept plat or plan.

3. *Planning Commission.* The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.

4. *Decision.* If the developer proposes to dedicate land for a public park after consultation with the Parks and Recreation Advisory Board which the Planning Commission determines is

suitable for park purposes, the proposed dedication shall be accepted. Upon consent and consultation with the developer and the Parks and Recreation Advisory Board, a developer may dedicate a portion of the required park land dedication and make a contribution of money in lieu of land dedication for the remaining park land dedication requirement. With consent of the Parks and Recreation Advisory Board, this monetary contribution may be used to develop the park land in the development or elsewhere within the quadrant consistent with the Fayetteville Parks and Recreation Plan.

5. *Approval.* The Planning Commission's decision must be incorporated into the developer's Preliminary Plat, Large Scale Development, or Large Site Improvement Plan prior to plat or plan approval.

6. *Dedication ratios.* Land shall be dedicated at a ratio of .024 acre of land for each single-family dwelling unit and .017 acre of land for each multi-family dwelling unit.

7. *Fee-in-lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

\$960.00 for each single-family unit

\$680.00 for each multi-family unit based upon actual density.

The Parks Department shall review the contribution formula every two (2) years and make recommendations to the

City Council following such review.

8. *Dedication in excess.* If a developer wishes to dedicate park land which exceeds the requirement of this subsection, the developer shall make a written request to the Planning Commission who may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.

c. *Timing of dedication and/or contribution.* All dedications of land must be made before the city signs the final plat, or issuance of building permits for a Large Scale Development or Large Site Improvement Plan. A Final Plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable before the city signing the Final Plat, or issuance of building permits for a Large Scale Development or Large Site Improvement Plan. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of Final Plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one year from the date

TITLE XV UNIFIED DEVELOPMENT CODE

of Final Plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

d. *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district. Lots created for the purpose of park land dedication to serve the residents of the surrounding area shall not be subject to POA/HOA dues or other fees established for maintenance or other purposes within the neighborhood.

e. *Fee-in-lieu allocation.* All money received under this subsection shall be deposited in an interest bearing account. Said money together with the interest, shall be expended within three calendar years of the last date of the calendar year in which it was received for the acquisition and development of park land that services the subdivision for which a contribution in lieu of dedication has been made. If said money has not been expended within the three-year period, said money, together with the interest thereon, shall be refunded to the developer who made the contribution.

(C) *Other infrastructure improvements.* Other infrastructure improvements may be required where the need for such improvements is created in whole or in part by the proposed development as determined by the City Engineer.

(Code 1965, App. C., Art. III, § A(2), (3); Ord. No. 1979, 2-5-74; Ord. No. 2353, 7-5-77; Ord. No. 2755, 9-1-81; Code 1991, §§ 159.31, 159.32; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. No. 4263, 8-1-00; Ord. 4660, 12-21-04; Ord. 5152, 7-15-08; Ord. 5271, 9-1-09; Ord. 5296, 12-15-09)

166.05 Required Infrastructure Improvements – Development in Planning Area

(A) *Required Infrastructure Improvements Outside the City.*

(1) *Within One Mile of City Limits.* On and off-site improvements for development outside the City Limits and within one mile of the City are the same as for those developments within the City Limits as specified in UDC 166.04, with the exception of the park land dedication requirement, which is not required.

(2) *Beyond One Mile of City Limits.* On and off-site improvements for development outside one mile of the City limits shall meet Washington County standards.

(Code 1965, App. A., Art. 8(11), App. C., Art. IV; Ord. No. 1747, 6-29-70; 1750, 7-6-70; Ord. No. 1999, 5-7-74; Code 1991, §§ 159.54, 160.120; Ord. No. 3925, § 6, 10-3-95; Ord. No. 4100, § 2 (Ex. A), 6-16-98; Ord. 4753, 9-6-05; Ord. 5215, 1-20-09; Ord. 5270, 9-1-09; Ord. 5296, 12-15-09)

166.06 Planned Zoning District (PZD)

(A) *Applicability.* To be considered for a planned zoning district, the applicant shall meet all of the following criteria:

(1) *Location.* Any property located within the city limits is eligible for a planned zoning district. Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a planned zoning district application in conjunction with an annexation request, but final approval of the PZD will not be effective until said property is annexed into the City of Fayetteville.

(2) *Ownership.* Eligible applicants for preliminary plan review shall be a landowner of record or an authorized agent. The approved PZD master development plan shall be binding on all subsequent owners of the land until revised or modified.

(3) *Size.* There shall be no minimum or maximum tract size for a PZD application.

(B) *Application.* The initial application for a PZD shall include the following items:

(1) *Application.* Complete application form to request a PZD.

(2) *Copies.* Copies of a PZD master development plan in accordance with the submission requirements on the project application form.

Fayetteville Code of Ordinances

- (3) Fee. Applicant shall pay all required filing fees for a planned zoning district as set forth in Chapter 159 Fees of the UDC. If a subdivision or large scale development is proposed, a fee for that application shall also be paid.
- (C) Review and approval procedures.
- (1) Pre-application meeting. Before submitting an application the landowner or authorized agent shall confer with the Planning Division in order to become familiar with the PZD process. The staff shall inform the applicant of any perceived problems that may arise. A further purpose of the pre-application meeting is to make sure the applicant has, or will be able to, submit the necessary information for filing the application. The intent of this conference is to provide guidance to the applicant prior to incurring substantial expense in the preparation of plans, surveys and other data required in a PZD master development plan.
 - (2) Zoning and Land Use Approval Only. For PZD Master Development Plans that are processed without a request for development approval, the Planning Commission shall hold a public hearing and make recommendations to the City Council on the proposed request.
 - (3) Zoning, Land Use and Development Approval. PZD Master Development Plans that are processed with a preliminary plat or large scale development shall follow the procedures for large scale development and preliminary plat approval through the Planning Commission when processed concurrently as set forth in Chapter 166 of the UDC.
 - (4) City Council. If the PZD master development plan is approved by the Planning Commission, it shall be forwarded to the City Council for review. The City Council may grant or deny as submitted, or as they may so amend, defer for requested changes or more information, or return the application to the Planning Commission for further study. The applicant shall not modify to a design other than that reviewed and approved by the Planning Commission prior to City Council review. The City Council may direct the Planning Commission to reconsider specific aspects of the plan. If the master development plan is approved, an ordinance shall be prepared which incorporates the plan, statement of commitments, development and architectural standards, and conditions.
- (5) Development and Subdivision Approval. Preliminary Plat and/or Large Scale development approval is required for all PZD Master Development Plans.
 - (6) Appeals. Appeals from the action of the Planning Commission shall be in accordance with Chapter 155 Appeals of the UDC.
 - (7) Repeals. The owner of an approved planned zoning district may, for cause, request repeal of the ordinance establishing the development when it has been determined that the development will not occur. A written request may be filed with the city clerk at any time up to three (3) years after the date of adoption of the ordinance creating the planned zoning district. The request shall be addressed to the Mayor and City Council, setting forth the cause for repeal.

The request shall be set for a public hearing at the earliest possible time to expedite the required action. The owner of the subject planned zoning district zoned land shall provide notice of hearing to adjacent property owners. Notice to others as required by law shall be provided by city staff and signs shall be posted.
- (D) General Requirements.
- (1) Application of a Planned Zoning District is permitted only in accordance with a master development plan prepared and approved in accordance with the provisions herein. Large Scale Development and/or Preliminary Plat approval may be concurrently processed through the PZD process.
 - (2) Planned Zoning Districts may be controlled by one or more owners and shall be developed under unified control or by a unified master development plan. The owners, successors, heirs, or assigns shall be bound by the approved master development plan, including any modifications or amendments thereto as approved by the Zoning and Development Administrator or City Council.
 - (3) Master development plans may include more restrictive regulations than that which is included in other sections of the UDC, but standards shall not be established that fall below these minimum standards.
- (E) Approval or Rejection Criteria for Planned Zoning Districts

TITLE XV UNIFIED DEVELOPMENT CODE

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the Comprehensive Land Use Plan;
 - (2) Whether the application is in compliance with all applicable statutory provisions;
 - (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;
 - (4) Whether the proposed rezoning is compatible with the surrounding land uses;
 - (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;
 - (6) Whether the intended land use would create traffic congestion or burden the existing road network;
 - (7) Whether the planned development provides for unified development control under a unified plan.
 - (8) Whether any other recognized zoning consideration would be violated in this PZD.
- (F) Master Development Plan Summary and Required Information

Master Development Plan (MDP) is a useful tool for both developers and planners to reach consensus and agreement about the way an area is developed, where a variety of uses and impacts may be proposed on one property. They differ from engineered site plans in that they address the bigger picture, rather than the minutia of a detailed engineered site plan. A MDP should depict the larger planning issues such as basic densities, open space, access, internal circulation, availability and location of existing water and sewer, existing topography, drainage, and the general location of uses, while giving the developer some leeway to address grading, utility construction, street construction, building placement, driveways, and number and location of parking spaces further along at the development review or building permit stage.

The following information shall be submitted by the applicant in written narrative form:

- (1) The name and address of:

- (a) landowner/applicant
 - (b) representative, if applicable
- (2) General project concept:
 - (a) Street and Lot Layout
 - (b) Site Plan Showing Proposed Improvements
 - (c) Buffer Areas
 - (d) Tree Preservation Areas
 - (e) Storm Water Detention Areas and Drainage
 - (f) Undisturbed Natural Areas
 - (g) Existing and Proposed Utility Connections and Extensions
 - (h) Development and Architectural Design Standards
 - (i) Building Elevations
 - (3) Proposed development phasing and time frame
 - (4) Proposed Planning Areas, described and depicted (Planning Areas (PA) are those areas within an MDP designated with specific zoning and development standards, as required herein. Any number of PA's may be allowed within an MDP, subject to approval by the City Council.)
 - (5) Relationship to the existing and adjacent land uses
 - (6) Impacts on City services
 - (7) A traffic study when required by the Planning/Engineering Divisions.
 - (8) An analysis of the site characteristics related to the proposal, including any environmentally hazardous, sensitive or natural resource areas. Describe any natural or manmade hazards.
 - (9) Compliance with the Fayetteville Comprehensive Land Use Plan
 - (10) A description of the recreational facilities, including existing and proposed park sites, open space and accessibility to parks and open space areas.
 - (11) Proposed Zoning and Development Standards
 - (12) A chart comparing the proposed master development plan to the current zoning district requirements.
 - (13) Any other required information as applicable when other applications are processed in conjunction with the PZD master

development plan application (i.e. preliminary plat, large scale development).

shall run in favor of the City of Fayetteville and shall be enforceable at law or in equity by the City without limitation on any power or regulation otherwise granted by law.

(G) Master Development Plan Level of Detail

(1) Sheet 1

(a) The name of the proposed master development plan shall be centered at the top of the sheet along the long dimension of the sheet.

(b) The following wording shall be placed verbatim on the sheet:

Conflict

Where there is more than one provision within the PZD Master Development Plan that covers the same subject matter, the provision which is most restrictive or imposes higher standards or requirements shall govern unless determined otherwise by the Zoning and Development Administrator.

GENERAL PROVISIONS

Maximum Level of Development

Authority

This PZD master development plan is authorized by Sections 161 and 166 - Planned Zoning Districts of the City of Fayetteville Unified Development Code. The provisions of this PZD master development plan shall run with the land. The landowners, their successors, heirs, or assigns shall be bound by this master development plan, as amended and approved by the City Council.

The total number of dwellings or the total commercial, business, or industrial intensity approved for development within the Planning Areas is the maximum development requested for platting or construction. The actual number of dwellings or level of development for commercial, business, or industrial properties may be less due to subdivision or site improvement plan requirements or other requirements of the City Council.

Adoption

The adoption of this PZD master development plan shall evidence the findings and decision of the Fayetteville City Council that this Planned Zoning District for (name of development) is in general conformity with the Fayetteville Comprehensive Land Use Plan; is authorized by the provisions of Sections 161 and 166 of the City of Fayetteville Unified Development Code.

Project Tracking

At the time of subdivision final plat or large scale development the applicant shall provide a summary of the development, to date, to the Planning Division, in order to assure maximum development limits are not exceeded.

The provisions of this PZD master development plan shall prevail and govern the development of (name of development), provided, however, that where the provisions of this Master development plan do not address a particular subject, the relevant provisions of the City of Fayetteville Unified Development Code, as amended, or any other applicable resolutions or regulations of the City of Fayetteville, shall be applicable.

(2) Sheet 2 Zoning and Development Standards by Planning Area

(a) The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. The proposed zoning and development standards shall be formatted to follow the established UDC zoning format. Beginning in the upper left hand column of the sheet, state the following for each Planning Area category, e.g., single family:

Enforcement

To further the mutual interest of the residents, occupants, and owners of the PZD Master development plan and of the public in the preservation of the integrity of the Plan, the provisions of this Plan relating to the use of land, statement of commitments, development and architectural standards, and the location of common open space

- (1) Permitted uses by Use Unit
- (2) Conditional uses by Use Unit
- (3) Land Use Density and/or Intensity
- (4) Bulk and area regulations
- (5) Lot width minimum
- (6) Lot area minimum
- (7) Land area per dwelling
- (8) Setback requirements
- (9) Height
- (10) Building area

TITLE XV UNIFIED DEVELOPMENT CODE

- (11) Landscaping
 - (12) Parking
 - (13) Site Planning
 - (14) Architectural Design Standards
 - (15) Other standards or requirements provided in the UDC shall apply to this PZD Master Development Plan
 - (16) Complete legal description. The staff planner may allow this to be provided on a separate sheet, if lengthy.
- (3) Sheet 3 Master Development Plan.
 (The name of the proposed PZD master development plan shall be centered at the top of the sheet along the long dimension of the sheet. This sheet shall graphically depict the site and include the following:
- (a) A block in the lower right hand corner, or along the right hand margin, which includes the following:

North Arrow
 Graphic and written scale at 1" = 100' or 1" = 200' or as otherwise approved by the Zoning and Development Administrator or staff planner Date of Preparation
 - (b) Vicinity map that depict the relationship to the surrounding area within a 1 mile radius.

The vicinity map shall be superimposed on a current City of Fayetteville Plat Page, on a current City of Fayetteville Zoning Map, and on a current City of Fayetteville Master Street Plan maintaining the same scale.
 - (c) Dimensions, bearings, and control points along all exterior property lines.
 - (d) Topography shall be shown at maximum 10' contour intervals, including high and low spot elevations and shadow areas of 15% or greater slope. The staff planner may request that other significant topographic conditions be depicted at greater or lesser intervals where appropriate.
 - (e) Access
 - (1) Arterials and collectors shall be depicted in all planning areas.
 - (2) Trails as coordinated with the Parks Division
- (f) Existing easements/right-of-way
 - (g) 100 year floodplains, floodway, and stream/creek centerline
 - (h) Proposed Land/ROW/Easement Dedication
 - (i) Public or private, regional and community parks, open space and trails shall be depicted and referenced by number, letter or symbol. Local park dedication shall be determined at the time of platting/development.
 - (j) Planning Areas – Areas Identified for a Specified Permitted and/or Conditional Uses

All planning areas and open space areas shall be shown overlaid on topography at a scale that clearly delineates the planning area boundaries so that they can be located on the site.

For each planning area shown on the development plan or within a separate table, indicate the following, as applicable:

 - (i) Acreage
 - (ii) Number of dwelling units
 - (iii) Land use designation
 - (iv) Residential density
 - (v) Nonresidential square footage

NOTE: The number of dwellings indicated in the Planning Areas is the maximum number of dwellings requested, the total of which cannot exceed the total number approved for the proposed PZD. The density range for each Planning Area, when calculated to the maximum proposed, shall not exceed the total number of dwellings for the entire PZD. The actual number of dwellings approved by the Council may be less than shown on the plan due to subdivision or site improvement plan requirements or other requirements of the Council and Planning Commission.
- (4) Land Use Table
- A separate land use table, which indicates the total land use for the planned development, shall be prepared as follows utilizing the following categories and symbols: Partial Example:

SYMBOL	LAND USE	DENSITY	UNITS	ACRES	%
SF	Single	3	120	40.0	26%

Fayetteville Code of Ordinances

	Family				
MF	Multifamily	9	765	35.0	23%
DP	Dedicated Parks			42.5	28%
Subtotal		8.38	885	117.5	77%
C	Commercial	566,280 sq. ft.		25.0	17%
I	Industrial	217,800 sq. ft.		9.0	6%
O	Office				
M.U	Mixed Use				34%
Subtotal		784,080 sq. ft.			

The Zoning and Development Administrator shall determine whether an amendment request shall be considered a minor modification or a PZD City Council rezoning based on the criteria established herein. The applicant may appeal the Zoning and Development Administrator's decision to deny an administrative modification within 10 working days of said decision to the City Council, in writing.

(1) Minor Modification - Criteria

An amendment request may be considered as an administrative minor modification if it meets the following criteria:

(H) Statement of Commitments.

The statement of commitments shall be provided in the following format:

"STATEMENT OF COMMITMENTS"

The statement of commitments shall, in all cases, describe the development commitments including a method for assigning responsibility to heirs, successors, or assigns, and timing of the fulfillment of these commitments for the following:

- (1) Dedication: Proposed public dedication for parks, streets, drainage, sewer, water, etc., either in specific acreage dedication (referenced by symbol) or specific cash in lieu of land or facilities. Describe the proposed ownership, utility provision, improvement schedule, and maintenance provision. In all cases, dedicated land shall be conveyed to the City of Fayetteville.
 - (2) On or off site improvements: Provision shall be made for the construction of, or payment of fees for, community or off site improvements through current UDC requirements for guarantee of improvements at the time of development.
 - (3) Natural Resources and Environmental Sensitive Areas Such as Trees, Wetlands, Floodplain
 - (4) Project phasing restrictions
 - (5) Fire protection
 - (6) Other commitments imposed by the City
 - (7) Parks/Trails/Open Space Commitments
 - (8) Proposed Preliminary Building Elevations (Residential and Commercial)
- (I) Amendments to the PZD Master Development Plan.

- (a) Building Setbacks –An increase or decrease of the required building setback when such modification is no more than a 20% change to the originally approved setback.
- (b) Minimum Lot Size –An increase or decrease of the minimum lot size when such modification is no more than a 20% change to the originally approved minimum lot size.
- (c) Building Height -An increase or decrease of the building height when such modification is no more than a 20% change to the originally approved maximum building height.
- (d) Increased Number of Dwelling Units -An increase of the number of dwelling units in a planning area of 20% or less. Such increase shall be accompanied by a corresponding decrease in dwelling units in another planning area located within the same approved PZD Master Development Plan.
- (e) Decreased Number of Dwelling Units -A decrease of the number of dwelling units in a planning area up to 20%. Such decrease shall result in a net loss of dwelling units unless these units are concurrently approved as an increase of units in another planning area.
- (f) Commercial/Non-residential Development Intensity An increase or decrease of the square footage of development intensity when such modification is no more than a 20% change to the originally approved development intensity.
- (g) Text Changes -Insubstantial changes to the text, as determined by the Zoning and Development Administrator, to add clarity, when such changes do not change the commitments.

TITLE XV UNIFIED DEVELOPMENT CODE

- (h) Street Alignment -The Zoning and Development Administrator upon review by the City Engineer shall determine whether an insignificant shift in the alignment of a street shall be considered as a minor modification.
- (2) City Council Approval. Rezoning through the PZD process is required to modify any aspect of the PZD which is not allowed under the Minor Modification process. A planning area within a Master Development Plan may be amended separately from the remainder of the approved master development plan with City Council approval.
- (J) Phasing. Phasing of a PZD master development plan may vary from the requirements of Chapter 166 of the UDC with regard to the expiration of permits and plans only when phasing has been identified, described, and approved as part of the PZD master development plan process.
- (K) Development standards, conditions and review guidelines
- (1) Generally. The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.
- (2) Screening and landscaping. In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD.
- The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.
- (3) Traffic circulation. The following traffic circulation guidelines shall apply:
- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.
- (4) Parking standards. The off-street parking and loading standards found in Chapter 172 Parking and Loading shall be used as general guidelines to establish parking and loading standards for the PZD master development plan.
- (5) Perimeter treatment. Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the

Fayetteville Code of Ordinances

open space, buffer or green strip provisions of this chapter of this code.

- (6) Sidewalks. As required by §166.03.
- (7) Street Lights. As required by §166.03.
- (8) Water. As required by §166.03.
- (9) Sewer. As required by §166.03.
- (10) Streets and Drainage. Streets within a PZD may be either public or private.
 - (a) Public Streets. Public streets shall be constructed according to the adopted standards of the City unless otherwise approved by the City Council as part PZD master development plan.
 - (b) Private Streets. Private streets within a residential PZD shall be permitted subject to the following conditions:
 - (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
 - (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

as noted below.

- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

- (viii) The width of private streets may vary according to the density served.
The following standard shall be used:

Paving Width
(No On-Street Parking)

*Note: If on-street parking is desired, a minimum 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24

TITLE XV UNIFIED DEVELOPMENT CODE

inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

(11) Construction of nonresidential facilities. Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall guarantee to the City completion of the nonresidential facilities in the amount no less than 150% of the estimated cost of said facilities.

(12) Tree preservation. All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

(13) Commercial design standards. All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

(14) View protection. The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

(L) Revocation.

(1) Causes for revocation as enforcement action. The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) Building permit. If no building permit has been issued within the time allowed.

(b) Phased development schedule. If the applicant does not adhere to the phased master development plan schedule as stated in the approved development plan.

(c) Open space and recreational facilities. If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff may report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) Procedures. Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) Effect. In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(M) Covenants, trusts and homeowner associations.

(1) Legal entities. The developer shall create such legal entities as appropriate to undertake and be responsible for the

ownership, operation, construction, and maintenance of private roads, parking areas, detention ponds, drainage structures, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities may be approved by the City Attorney. The Planning Commission shall consider and approve the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) Common areas. If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

The association must be able to adjust the assessment to meet changing needs.

(Ord. 4717, 7-5-05; Ord. 4779, 10-18-05; Ord. 4919, 9-05-06; Ord. 5104, 1-15-08)

166.07 Reserved

(Code 1965, App. C., Art. III, § A(4); Code 1991, §159.33; Ord. No. 2293, 12-7-76; Ord. No. 2361, 7-19-77; Ord. No. 2570, 10-16-79; Ord. No. 2860, 10-5-82; Ord. No. 3974, 6-4-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 5296, 12-15-09)

166.08 Street Design And Access Management Standards

- (A) Intent. These standards are intended to ensure that development is designed to be inherently safe, walkable, and efficient for the facilitation of traffic and pedestrian movements.
- (B) Fitness for development. Based on topographic maps, soil surveys prepared by the Department of Agriculture and drainage information from the Future Land Use Plan and the Hillside/Hilltop Overlay District, the Planning Commission may require that steep grades, unstable soil and flood plains be set aside and not subdivided until corrections are made to protect life, health, and property.
- (C) Applicability. The standards set forth herein shall apply to land which is proposed to be developed or redeveloped where the creation of public streets are required, or proposed, or in which new or existing access is created or modified. Developments that create private streets shall utilize these standards as guidelines.
- (D) Street design principles.
 - (1) Extensions. All street extensions shall be constructed to Minimum Street Standards. Street extension stub-outs to adjacent properties are required to meet block layout/connectivity standards unless existing development or physical barriers prohibit such.
 - (2) Substandard widths. Developments that adjoin existing streets shall dedicate additional right-of-way to meet the Master Street Plan.
 - (3) Street names. Names of streets shall be consistent with natural alignment and extensions of existing streets, and new street names shall not duplicate or be similar to existing street names. Developers shall coordinate the naming of new streets through the GIS Office during the plat review process.

TITLE XV UNIFIED DEVELOPMENT CODE

- (4) Tangents. A straight tangent at least 100 feet long shall separate reverse curves for Collector and Arterial streets.
- (5) Pedestrian. Pedestrian-vehicular conflict points should be controlled through signalized intersections and proven traffic calming design principles.
- (6) Street standards. All street requirements shall be met as set forth in the City of Fayetteville Master Street Plan and adopted Minimum Street Standards.

end street (without a street stub-out) shall be 500 feet.

- (F) Access Management. Safe and adequate vehicular, bicycle, and pedestrian access shall be provided to all parcels. Local streets and driveways shall not detract from the safety and efficiency of bordering arterial routes. Property that fronts onto two public streets shall place a higher priority on accessing the street with the lower functional classification, ex. Local and Collector.

(E) Block Layout / Connectivity.

- (1) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed.
 - (a) Principal and Minor Arterial Streets. Signalized intersections should be located at a minimum of one every 2,640 feet (half a mile) along principal and minor arterials and should be based on traffic warrants.
 - (b) Collectors. Intersections should be located at a minimum of one every 1,320 feet (quarter of a mile) along collector streets.
 - (c) Locals. Intersections shall occur at a minimum of one every 800 feet.
 - (d) Residential. Intersections shall occur at a minimum of one every 600 feet.
 - (e) Variances. Block length standards may be varied by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

- (1) *Curb cut minimum distance from intersection or driveway.* For purposes of determining curb cut or street access separation, the separation distance shall be measured along the curb line from the edge of curb cut to the edge of curb cut/intersection. The measurement begins at the point where the curb cut and intersecting street create a right angle, i.e., the intersection of lines drawn from the face-of-curb to face-of-curb. The measurement ends at the point along the street where the closest curb cut or street intersection occurs; again, measured to the point where the curb cut or intersecting streets create a right angle at the intersection of face-of-curb.

- (a) Principal and Minor Arterial Streets. Where a street with a lower functional classification exists that can be accessed, curb cuts shall access onto those streets. When necessary, curb cuts along arterial streets shall be shared between two or more lots. Where a curb cut must access the arterial street, it shall be located a minimum of 250 feet from an intersection or driveway.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-500 ft.	1
501-1000 ft.	2
1001-1500 ft.	3
More than 1500 ft.	4

- (2) Topography. Local streets should be designed to relate to the existing topography and minimize the disturbance zone.
- (3) Dead-end streets. Dead end streets are discouraged and should only be used in situations where they are needed for design and development efficiency, reduction of necessary street paving, or where proximity to floodplains, creeks, difficult topography or existing barriers warrant their use. All dead end streets shall end in a cul-de-sac with a radius of 50 feet, or an alternative design approved by the City and the Fire Department. The maximum length of a dead

- (b) Collector Streets. Curb cuts shall be located a minimum of 100 feet from an intersection or driveway. When necessary, curb cuts along collector streets shall be shared between two or more lots.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-100 ft.	1

Fayetteville Code of Ordinances

101-250 ft.	2
251-500 ft.	3
More than 500 ft.	4

(c) Local and Residential Streets. Curb cuts shall be located a minimum of 50 feet from an intersection or driveway. In no case shall a curb cut be located within the radius return of an adjacent curb cut or intersection. Curb cuts shall be a minimum of fifteen (15') feet from the adjoining property line, unless shared.

Number of Curb Cuts Permitted	
Length of Street Frontage	Maximum Number of Curb Cuts
0-50 ft.	1
51-125 ft.	2
126-250 ft.	3
More than 250 ft.	4

(d) Residential Subdivisions. In the case of residential subdivisions, curb cuts shall be discouraged along arterial and collector streets. When necessary, curb cuts along arterial and collector streets shall be shared between two or more lots. Curb cuts along all streets shall be located a minimum of five feet (5') from the adjoining property line, unless shared.

(e) Variance. In order to protect the ingress and egress access rights to a street of an abutting property owner, a variance to the curb cut minimums shall be granted by the Planning Commission to allow an ingress/egress curb cut at the safest functional location along the property. Such a curb cut may be required to be shared with an adjoining parcel if feasible. If a parcel on the corner of an arterial or collector street provides such short frontage along a major street that there is no safe ingress/egress functional location on that street, the Planning Commission may deny the curb cut or may limit such curb cut to ingress or egress only.

(2) Speed. All streets should be designed to discourage excessive speeds.

(G) Non-conforming Access Features.

(1) Existing. Permitted access connections in place on the date of the adoption of this ordinance that do not conform with the standards herein shall be designated as

nonconforming features and shall be brought into compliance with the applicable standards under the following conditions:

- (a) When new access connection permits are requested;
- (b) Upon expansion or improvements greater than 50% of the assessed property value or gross floor area or volume;
- (c) As roadway improvements allow.

(H) Easements. Utility and drainage easements shall be located along lot lines and/or street right-of-way where necessary to provide for utility lines and drainage. The Planning Commission may require larger easements for major utility lines, unusual terrain or drainage problems.

(I) Residential lots. The use and design of lots shall conform to the provisions of zoning where City zoning is in effect. When no City zoning applies, the following standards shall govern unless in conflict with more stringent city, county or state regulations:

(1) Bulk and area regulations:

	Planning Area
Lot area minimum	10,000 sq. ft.
Lot width minimum	75 ft.
Side setback	10 ft.
Front Setback	25 ft.
Rear setback	20 ft.
Frontage on improved street	75 ft.

(2) Size. The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practicable, side lot lines should be at right angles to straight street lines or radial to curved street lines. When a tract of land is subdivided into larger than normal lots, such lots shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision of the lots, with provisions for adequate utility connections for such resubdivision.

(3) Developments outside city developed to all inside the city standards. If the City Council grants access to the City's sewer system

TITLE XV UNIFIED DEVELOPMENT CODE

pursuant to § 51.113 (C) and the owner/developer agrees to petition for annexation as soon as legally possible and develop the subdivision in accordance with all city development requirements including payment of all impact fees, the bulk and area requirements for this subdivision shall conform to those within the RSF-4 Zoning District rather than those within the planning area.

(Code 1965, App. C., Art. IV, §§C, D, F--H; Ord. No. 1750, 7-6-70; Ord. No. 1801, 6-21-71; Ord. No. 2196, 2-17-76; Ord. No. 2353, 7-5-77; Code 1991, §§159.45, 159.58, 159.51--159.53; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4757, 9-6-05; Ord. 4919, 9-05-06; Ord. 5156, 8-5-08; Ord. 5296, 12-15-09)

Cross reference(s)--Bonds and Guarantees, Ch. 158; Variances. Ch. 156; Notification and Public Hearings, Ch. 157.

166.09 Condition Of Acceptance

- (A) The city shall not have any responsibility with respect to any street, or other improvements, notwithstanding the use of the same by the public, unless the street or other improvements shall have been accepted by the city.
- (B) Prior to requesting final acceptance of streets and sanitary and storm sewers the developer shall furnish "as-built" drawings in reproducible form.
- (C) The city shall, within 30 days after the public improvements have been offered for dedication to the city, accept the improvements, provided the improvements have been constructed in accordance with the requirements and conditions of this chapter and the specifications of the city. The developer shall furnish proof that all improvements are free of liens and debts.

(Code No. 1965, App. C., Art. III, §D; Ord. No. 1750, 7-6-70; Code 1991, §159.36; Ord. No. 4100, §2 (Ex. A), 6-16-98)

166.10 Reserved

(Code 1991, §160.124; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4917, 9-05-06)

166.11 Conformance To Plans And Regulations

- (A) *Conform to plans and regulations.* The subdivision shall conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Future Land Use Plan, the Master Street Plan, access control, setback ordinances, the community facilities plan and Zoning, Chapters 160 through 164.

- (B) *Reserve sites for public use.*

- (1) For a period of six (6) months after submitting application for approval of a preliminary plat with the Planning Commission, the Planning Commission may require the subdivider to reserve sites for public use that are indicated within the boundaries of the proposed subdivision which are indicated on an officially adopted plan, to permit the public board, commission, or body having jurisdiction, or financial responsibility, the opportunity to acquire said sites.
- (2) The subdivider at his option may provide such areas or may be required to make them available for acquisition by the city under statutory procedure. All such areas shall be maintained at the expense of the city or other body which may be involved.

- (C) *Future acquisition.* The Planning Commission may require the subdivider to establish building lines to allow for future acquisition of right-of-way for arterial streets.

(Code 1965, App. A., Art. 8(10.1); Ord. No. 1747, 6-29-70; Ord. No. 3073, 3-19-86; Code 1991, §160.119; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4919; 9-05-06)

166.12 Structures Not Allowed Within Public Easements

- (A) No portion of any building, pool (in-ground or above ground) or other immovable structure shall be built within a public utility easement.
- (B) Walls, brick or stone fences (with or without metal portions), monument or pole signs, and other difficult to move structures may only be built within public easements if permitted by the Zoning and Development Administrator after receiving written approval by all utility providers that could access the easement. The written documentation shall be filed of record in the Washington County Circuit Clerk's office. Any related damage or relocation of utilities or the structure in the easement shall be at the owner/developer's expense. The owner shall be responsible at his or her own expense to promptly remove any permitted structure or portion of such structure within the easement if a utility company or the City needs access. A utility company or the City may remove such structure or portion of a structure itself to avoid delaying necessary installation, maintenance or repair work without liability to the property owner who may reinstall the permitted structure at his or her own expense once the installation, repair or maintenance work is finished.

(C) Readily movable fences (field fence, barbed wire, chain link, woodboard privacy, etc.) may encroach upon non-drainage public easements. Although the property owner is legally responsible to remove a fence blocking an easement, the City or utility company may remove such fence blocking an easement if access to the easement is necessary. The City or utility company will reinstall the fence to its approximate pre-removal condition after the maintenance, installation, removal or repair of mains or utility structures is finished. Neither the City nor any utility company shall be liable for damages to any property owner as a result of this subsection.

(D) No fences may be installed in any drainage easement if such installation could impede the drainage through the easement.

(E) No item may be installed within a public easement that could restrict the function, visibility, or access to a utility structure such as a manhole, meter, electrical, phone, or cable box, or other structure as may be built for utility function. No item shall be placed within three feet of a fire hydrant or in any way that may restrict visibility, access or use of the hydrant, which includes the clear space around the hydrant from which a pressurized hose may extend when in use.

(Ord. 5233, 4-21-09)

166.13 Underground Utility Wires

(A) In the new residential developments requiring Planning Commission approval and new commercial developments all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground.

(B) *Waiver.* In case of hardships, (including but not limited to financial, geological, environmental, or regulatory) unique to the subject property, the Planning Commission may grant a waiver, on a permanent or temporary basis, to allow the erection, construction, installation, maintenance, use or operation of poles and overhead wires and associated overhead structures.

(C) *Exemptions.* The following shall be exempt from the requirements of this section:

- (1) Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service. A permit obtained from the Zoning and Development Administrator for said temporary service, addressing the nature and duration of said service, shall be required.

(2) Existing lines of 12Kv and above.

(3) A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.

(D) Nothing herein shall be construed to usurp the authority of the Arkansas Public Services Commission and in all instances of conflict, the rules and regulations of said Arkansas Public Service Commission shall prevail.

(Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4169, §1, 6-16-99)

166.14 Commercial Design And Development Standards

(A) *Purposes.*

(1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.

(2) To address environmental concerns which include, but are not limited to, soil erosion, vegetation preservation, and drainage.

(3) To protect and preserve the scenic resources distributed throughout the city which have contributed greatly to its economic development, by attracting tourists, permanent part-time residents, new industries, and cultural facilities.

(4) To preserve the quality of life and integrate the different zones and uses in a compatible manner.

(5) To address the issues of traffic, safety, and crime prevention.

(6) To preserve property values of surrounding property.

(7) To provide good civic design and arrangement.

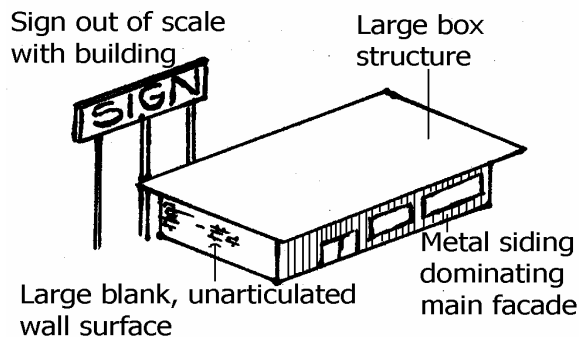
(B) *Applicability.* Commercial design and development standards apply to all commercial and office development.

(C) *Site development standards and Design elements for commercial structures.* The following site development standards and design element guidelines for commercial structures shall apply when either new development or expansion of 25% of the existing building square footage occurs.

TITLE XV UNIFIED DEVELOPMENT CODE

- (1) The elements to avoid or minimize include:
 - (a) Unpainted concrete precision block walls;
 - (b) Square "boxlike" structures;
 - (c) Metal siding which dominates the main facade;
 - (d) Large blank, unarticulated wall surfaces;
 - (e) Large out of scale signs with flashy colors.
- (2) *Construction and appearance design standards for commercial structures.*
 - (a) A commercial structure or development shall be designed to avoid or minimize the elements set forth in (1)(a) – (d) above.
 - (b) A commercial development which contains more than one building should incorporate a recurring, unifying, and identifiable theme for the entire development site.
 - (c) A development should provide compatibility and transition between adjoining developments.

Design Element Guidelines, Commercial



- (3) *Site coverage.* A maximum of 85% of the development site may be covered by the ground floor of any structure, parking lots, sidewalks, and private streets and drives or any other impermeable surface. Zoning districts C-3, DC, MSC, DG, and the I-540 Design Overlay District are exempt from this requirement.
- (4) *Driveways.* Shared drives and cross access between properties shall be encouraged to developed and undeveloped properties.

- (5) *Setback reduction.* Required building setbacks may be reduced in accordance with the following table where no off-street parking is provided in the remaining front setback. One-way drive aisles may be permitted within the setback.

C-1, C-2, and I-1 zones	From 50 feet to 25 feet
R-O zone	From 30 feet to 25 feet
I-2 zone	From 100 feet to 50 feet

- (6) *Maintenance of vegetation.* Vegetation, under the provisions of this section, shall be continuously maintained to conform to the requirements of this section.
- (7) *Fences.* The following types, height, and location of fences shall be prohibited:
 - (a) *Razor and/or barbed wire.* Razor and/or barbed wire fences are prohibited if visible from the street right-of-way or a residence, unless and except barbed wire fences are used for agricultural purposes.
 - (b) *Chain link.* Chain link fence is prohibited if closer to the street than the front of the building. Residential uses are exempt from this requirement.
 - (c) *Height of fences in front buildings.* Fences located in front of the primary structure may be solid up to 30 inches in height. Any part of a fence which exceeds 30 inches in height shall not obstruct the view of the primary structure from the right-of-way.

- (D) *Buffer Strips and screening.* When review of a development requires the construction and maintenance of a buffer strip, fence, or screen wall as a condition for initiating and subsequently continuing any use, such buffer strip, fence, or screen wall shall be constructed and maintained on the zoning lot containing or proposed to contain such use, in accordance with provisions of this chapter. The purpose of the buffer strip shall be to provide separation and enclosure of uses; the purpose of the fence to enclose uses; the purpose of the screening wall to conceal uses.

- (1) *Landscaped area.* The buffer strip landscaped area shall consist of a strip of land at least 12 feet wide which shall be adequately landscaped with approval of the Urban Forester, entirely on the zoning lot which is required to provide the buffer strip, and so located as to serve as an effective buffer between the use required to provide

the buffer strip and other property for whose protection the buffer strip is required. The buffer strip shall extend along the full length of the boundary separating the zoning lot from such other property, or from the street, as the case may be.

- (2) *Fence required.* Required fences shall be of a wood or chain link type (barbed wire not permitted) not less than six (6) feet high, constructed of good, substantial material, of first-class workmanship, and so erected as to resist wind pressure, ensure public safety, and present a neat, attractive uniform appearance.
- (3) *Screen required.* Screening shall mean a view obscuring fence, view obscuring berm, view obscuring architectural treatment, or view obscuring vegetation, or combination thereof, of sufficient height to prevent the view of the screened items from vehicular and pedestrian traffic on adjacent streets, and from residential property. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (4) Mechanical and utility equipment and trash enclosures shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
 - (a) *Mechanical and utility equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks.
 - (b) *Trash enclosures.* Trash enclosures shall be screened with materials that are compatible with and complementary to the principal structure, with access not visible from the street.
- (5) Outdoor storage of material and equipment shall be screened if visible from the highway/street right-of-way or from residential property as set forth below:
 - (a) At the expense of the owner or lessee of the property, and in all zones, the following uses shall be completely surrounded by a view obscuring fence or by view obscuring vegetation, or a combination of the two, of sufficient

height to prevent the view of the premises from vehicular and pedestrian traffic on adjacent streets: outdoor storage yards, including but not limited to, auto salvage yards, scrap metal yards, used furniture yard and garbage dumps.

- (b) Where vegetation is used to meet the requirements of this subsection, the vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting. If vegetation planted under this subsection does not become view-obscuring within two years, a view-obscuring fence shall be installed.
- (c) *Exceptions:* The outdoor display of materials or equipment solely for sale or lease, such as automobiles, seasonal garden supplies, etc. shall not be required to be screened as set forth in subsection (a) above.
- (6) *Non-residential adjacent to residential zones.* A view-obscuring fence or view-obscuring vegetation, or a combination of the two, shall be required between residential uses and all nonresidential uses (including access drives and parking lots for five (5) or more cars accessory to any use).
- (7) *Mini-storage.* At the expense of the owner of the property, all storage units and storage yards for mini-storage created under Use Unit 38 shall be required to be screened by view obscuring vegetation when the storage yards or the storage units have common property lines with any residential use or zone and when they have frontage on any public street. Vegetation used for screening purposes shall be planted at a density sufficient to become view obscuring within two years from the date of planting and it shall be the responsibility of the property owner to maintain the screening throughout the life of the use of the property as mini-storage.
- (E) *Design review.*
 - (1) *Submittals.* The following drawings, information, and plans shall be submitted to the Planning Commission for design review and approval with large scale development applications, when applicable; or, submitted to the Planning Division for design review and approval with, or prior to, building permit applications for non-large scale development.

TITLE XV UNIFIED DEVELOPMENT CODE

- (a) *Elevations.* Rendered elevation drawing of all facades showing adjoining context and a description of external building materials.
 - (b) *Materials sample.* A sample of exterior materials to be used for the proposed structure that indicates texture, color and type of materials.
 - (c) *Landscaping.* Proposed landscaping to be used as screening shall be shown on the tree preservation plan and landscape plan.
- (2) *Build out.* Upon approval of a large scale development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.
- (a) *Amendments.* Amendments to the drawings, information, and plans shall be submitted to the planning division. Amendments which are determined to be insignificant or minor may be approved by the Planning Division. Significant amendment shall be approved by the Planning Commission when approval was given through the large scale development process, or by the planning division when approval was given through the building permit process.
 - (b) *Review.* Amendments shall be considered using the same standards as the initial design approval.
 - (c) *Noncompliance.* Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large scale development approval, or the building permit approval void.
- (F) *Variances.* (See Chapter 156.)
- (Code 1991, §160.124; Ord. No. 4004, §1, 10-15-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4917, 9-05-06; Ord. 4930, 10-03-06; Ord. 5028, 6-19-07; Ord. 5271, 9-1-09)

Cross reference(s)--Specific Districts §161.13 through §161.21; Appeals, Ch. 155; Variances, Ch. 156.

166.15 Application For Building Permit

- (A) *Application.* All applications for building permits shall be accompanied by plans in duplicate drawn to scale showing:

- (1) The actual dimensions and shape of the lot to be built upon;
 - (2) The exact sizes and locations on the lot of buildings already existing, if any;
 - (3) The location and dimensions of the proposed building or alteration;
 - (4) The application shall include such other information as lawfully may be required by the Zoning and Development Administrator, including:
 - (a) Existing or proposed building or alteration;
 - (b) Existing or proposed uses of the building and land;
 - (c) The number of families, housekeeping units, or rental units the building is designed to accommodate;
 - (d) Conditions existing on the lot; and
 - (e) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter.
- (B) *Approval/denial.* One copy of the plans shall be returned to the applicant by the Zoning and Development Administrator after he/she shall have marked such copy either as approved or disapproved, and attested the same by his/her signature on such copy. The original of the plans, similarly marked, shall be delivered to, and retained by the Building Safety Division.
- (C) *Expiration of building permit.*
- (1) *Begin work.* If the work described in any building permit has not begun within 180 days after the date of issuance thereof, said permit shall expire. It shall be canceled by the building inspector and written notice thereof shall be given to the persons affected.
 - (2) *Substantial completion.* If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereon, said permit shall expire and be canceled by the building inspector and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

(Code 1965, App. A., Art. 9(2), (4); Ord. No. 1747, 6-29-70; Code 1991, §§160.191, 160.193; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)--Building Regulations, Ch. 173; Enforcement, Ch. 153.

166.16 Construction To Be As Provided In Application, Plan, And Permits

Building permits issued on the basis of plans and applications approved by the Zoning and Development Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction.

(Code 1965, App. A., Art. 9(5); Ord. No. 1747, 6-29-70; Code 1991, §160.194; Ord. No. 4100, §2 (Ex. A), 6-16-98)

166.17 Suspending Issuance Of Permits Pending Zoning Amendments

- (A) No permit for the erection of any building or structure, or permit for the conduct of any use, shall be issued for a period of not more than 90 days after the question of a zoning amendment, so as to prohibit the use or building contemplated in the area concerned, has been referred to the Planning Commission.
- (B) For the purpose of this section an amendment has been referred to the Planning Commission when a rezoning petition or official request for rezoning study is filed with the Zoning and Development Administrator. Provided that if final action by the City Council is not taken on the question within three months of the time the matter is so referred, the permit shall be issued if all other requirements are met. If within such three-month period the governing body of the municipality shall pass an ordinance amending zoning, Chapters 160 through 165, so as to prohibit such building, structure, or use, no such permit shall be issued.
- (C) However, nothing contained in this section shall prohibit the issuance of a building permit, or permit for the conduct of any use, if an application for said permit together with all fees required and complete set of plans demonstrating complete or substantially complete compliance with all building and zoning requirements is filed with the Zoning and Development Administrator prior to the reference to the Planning Commission.

(Code 1965, App. A., Art. 9(7); Ord. No. 1747, 6-29-70; Ord. No. 1918, 5-15-73; Code 1991, §160.196; Ord. No. 4100, §2 (Ex. A), 6-16-98)

166.18 Master Street Plan Setbacks

The city shall require the applicant/developer to establish a right-of-way setback line based on the right-of-way requirements for streets and highways designated by the Master Street Plan. Such setback line shall be considered the property line for such purpose of satisfying the requirements of the UDO. All building setbacks, required landscaping, parking lots, display areas, storage areas and other improvements and uses shall be located outside of such established setback area. The required width of setbacks, landscaped areas, buffers, and all other setback requirements shall be dimensioned from the established right-of-way setback line. The establishment of any new structure or other improvements within the right-of-way setback is prohibited.

166.19 Expiration Of Previously Approved Plans And Permits

All approved large scale developments, planned zoning districts, conditional uses, and lot splits approved prior to July 1, 2002, which have not received all required permits to begin construction, have not begun construction, have not been established, or in the case of lot splits, have not been recorded within twelve (12) months from the date of the passage of this ordinance, shall be required to comply with all current ordinances. The Zoning and Development Administrator is authorized to approve minor plat modifications and/or design changes necessitated by compliance with this section.

166.20 Expiration Of Approved Plans And Permits

- (A) Applicability. The provisions of this section apply to all of the following plans and permits:
 - (1) Preliminary plats;
 - (2) Planned zoning district developments;
 - (3) Conditional uses;
 - (4) Large-scale developments;
 - (5) Lot splits;
 - (6) Physical alteration of land permits;
 - (7) Storm water, drainage, and erosion control permits;
 - (8) Tree preservation plans; and
 - (9) Floodplain development permits.
- (B) Time limit.
 - (1) Tasks to be completed. All of the above-enumerated plans and permits are

TITLE XV UNIFIED DEVELOPMENT CODE

conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

- (a) For any renovation or new construction, receive all building permits for the project; and/or,
 - (b) For a Planned Zoning District, comply with the approved phasing plan; and/or
 - (c) For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,
 - (d) Receive a Certificate of Zoning Compliance; and/or,
 - (e) Receive all permits and approvals required by City, County, State, and Federal regulations to complete construction of the development or project.
- (2) Administrative Extension Within One Year. Prior to the expiration of the one (1) year time limit, an applicant may request the Zoning and Development Administrator to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit. Extensions that are not permitted administratively may be requested of the Planning Commission within ten days of the final administrative decision.
- (3) Planning Commission Extension Within 18 months. Should an applicant miss the deadline to request an administrative extension, within eighteen months of the date of approval the applicant may request the Planning Commission to extend the period up to one (1) additional year from the original date of approval, subject to the burden of showing good cause as described in this section.
- (4) Planning Commission Extension. Prior to the expiration of any allowed extension period (maximum of two years from the date of original approval), an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year, if the plans and permits are substantially the same as those originally approved. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit and the

permitted extension period. Extensions beyond three (3) years from the original date of approval shall not be permitted.

- (5) Ordinance Amendments. To receive approval of an extension, the applicant shall comply with all applicable zoning and development requirements that have been adopted subsequent to the original project approval. Projects that must be substantially modified to meet new code requirements are subject to Ch. 166.05 (F) Modifications.
 - (6) Variances. Variances from applicable zoning and development requirements that have been adopted subsequent to the original project approval shall be reviewed by the Planning Commission prior to approval of the extension.
 - (7) Expiration. If the required task(s) are not completed within one (1) year from the date of approval or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.
- (C) Three-year time limit.
- (1) Tasks to be complete. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and/or a final Certificate of Occupancy permit within three (3) years from the date of issuance of a building permit or receipt of all permits and approval required to complete construction of the project.
 - (2) Extensions. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.
 - (3) Expiration. If the applicant fails to meet the requirements of subsection (C)(1) within three (3) years from the date of issuance of a building permit/receipt of all permits and approval required or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

(Ord. 5155, 7-15-08)

166.21 Downtown Design Overlay District

Fayetteville Code of Ordinances

- (A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.
- (B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:
- (1) These standards shall supersede the City's Commercial Design Standards in the Downtown Design Overlay District.
 - (2) All new construction shall comply with these standards, including structural renovation and/or new additions that increase the building footprint or volume of habitable space by 50% or more.
 - (3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or appearance.
 - (4) Building designs that do not comply with these standards may be permitted by a variance after review and approval by the Planning Commission.
 - (5) Building designs that are denied or approved by the Planning Commission may be appealed to the City Council.
- (C) *Downtown Design Overlay District Manual.*
- (1) The City of Fayetteville Downtown Overlay District Manual shall be used in support of this chapter to explain specific objectives and principles and to provide a resource for guidance in implementing these standards.
 - (2) Copies of the Manual are to be made readily available to the public in the Planning Division.
- (D) *Special Building Elements and Appurtenances.* If a building has a marquee, awning, balcony, colonnade, arcade, turret, cupola, porch or stoop then it shall comply with the following regulations:
- (1) *Marquees and Awnings.*
 - (a) *Standard.* These dimensional requirements apply to first or ground floor awnings and marquees. There are no minimum standards for awnings above the first floor.
 - (i) *Depth.* To the back of the curb maximum.
 - (ii) *Height.* 7 ft. minimum clear.
 - (b) *Right-of-Way Encroachment.* Marquees and Awnings shall occur forward of the principal façade and may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.
 - (c) *Placement.* Placement of awnings or marquees shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
 - (d) *Prohibited Materials.* High-gloss or plasticized fabrics are prohibited.
 - (2) *Balconies.*
 - (a) *Standard.*
 - (i) *Depth.* To the back of the curb maximum. Balconies above the second floor shall have a maximum projection of 4 ft. from the principal façade.
 - (ii) *Height.* 10 ft. minimum clear to the underside of the horizontal floor. Supports or appendages may not extend below 7 ft. clear.
 - (iii) *Length.* 80% maximum of principal building façade for the second floor. 40% maximum for all balconies above the second floor.
 - (iv) *Roofs.* Balconies may have roofs, but are required to be open, non-air conditioned parts of the building.
 - (b) *Right-of-Way Encroachment.* Balconies may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.
 - (c) *Placement.* Balconies shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
 - (3) *Colonnades and Arcades.*

TITLE XV UNIFIED DEVELOPMENT CODE

- (a) *Standard.*
 - (i) *Depth.* 8 ft. minimum from the principal façade to the inside of the column face. Columns must be set back 18 inches from the outside of the column face to the back of the curb.
 - (ii) *Height.* 10 ft. minimum clear.
 - (iii) *Length.* 75-100% of the principal façade.
 - (b) *Right-of-Way Encroachment.*

Colonnades shall only be constructed where the minimum depth can be obtained. Colonnades shall occur forward of the principal façade, and may encroach within the right-of-way, but shall not extend past 18 inches from the back of the curb, in accordance with the Building Code adopted by the City of Fayetteville.
 - (c) *Placement.* Colonnades may replace street trees along their length.
- (4) *Turrets and Cupolas.*
- (a) *Standard.*
 - (i) *Area.* 20 ft. X 20 ft. maximum footprint.
 - (ii) *Height.* If the footprint is larger than 10 ft. X 10 ft., then the cupola/turret may extend a maximum of 25 ft. above the eave or top of the parapet of the highest story. If the footprint is less than 10 ft. X 10 ft. then the turret or cupola may extend to maximum of 50 ft. above the eave or top of the parapet of the highest story.
- (5) *Front Porches.*
- (a) *Standard.*
 - (i) *Depth.* 6 ft. minimum from the principal façade to the inside of the column face.
 - (ii) *Length.* 25 to 100% of the principal facade. Front porches may be multi-story and are required to be open or screened and non-air conditioned.
 - (b) *Right-of-Way Encroachment.* Front porches may occur forward of the principal façade. Porches shall not extend into the right-of-way. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.
- (6) *Stoops.*
- (a) *Standard.* Stoops may be covered or un-covered and stairs may run to the front or to the side.
 - (i) *Depth.* 4 ft. minimum from the principal façade to the inside of the column face for stoops with a covered landing.
 - (ii) *Height.* 30 inches minimum from grade to top of the first finished floor; 96 inches maximum.
 - (iii) *Length.* 10% to 25% of the principal façade, not including stairs.
 - (b) *Right-of-Way Encroachment.* Stoops may occur forward of the principal façade, but shall not extend into the right-of-way.
 - (c) *Placement.* Sidewalks shall have a minimum 5 ft. clear access for pedestrian movements. Front porches and stoops shall not be built within 18 inches of the side property line on attached unit types.
- (7) *Projected Bay.*
- (a) *Standard.* Bays shall consist of habitable space.
 - (i) *Depth.* 4 ft. maximum from the principal facade.
 - (ii) *Second Story Height.* Bays above the first or ground floor shall have a minimum of 10 ft. clear to the underside of the horizontal floor. Supports or appendages shall not extend below 7 ft. clear.
 - (iii) *Length.* 20% maximum of the principal façade length.
 - (b) *Second Story Right-of-Way Encroachment.* Bays above the first or ground floor may encroach within the right-of-way, in accordance with the Building Code adopted by the City of Fayetteville.

- (c) *Placement.* Projected Bays shall not interfere with street trees, street lights, street signs or other such civic infrastructure.
- (E) *Exterior Architectural Elements.* The lists of permitted materials and configurations have been selected for their durability, sustainability and responsiveness to climate. The primary goal of the Architectural Elements is authenticity; the elements encourage construction that is straightforward and functional and draws its ornament and variety from the assembly of genuine materials. Items not listed in the Architectural Elements may be approved upon review by the Planning Commission.
- (1) *Rear Yards Only.* The following shall only be located only in the rear yard:
 - (a) *Trash dumpsters.*
 - (b) *Trash and recycling carts and bins.*
 - (2) *Exterior Prohibited Materials.* The following shall be prohibited:
 - (a) *Undersized Shutters.* Shutters shall be sized so as to equal the width required to cover the window opening.
 - (b) *Shutters made of plastic.*
 - (c) *Glass with reflective coatings other than clear glass with Low-E coatings.* (See opacity and façade section).
 - (d) *Plastic or PVC roof tiles.*
 - (e) *Exposed cell phone towers.*
 - (f) *Aluminum siding.*
 - (g) *Vinyl siding.*
 - (h) *Wood fiber board.*
 - (i) *Unfinished pressure- treated wood.*
 - (j) *EIFS (Exterior Insulation Finish System) located on the first or ground floor.*
 - (3) *Columns, Arches, Pedestals, Railings and Balustrades.*
 - (a) *Permitted Configurations.*
 - (i) Square columns shall have a minimum width of 6 inches with or without capitals and bases.
 - (ii) Round columns shall have a minimum 6 inch outer diameter with or without capitals and bases.
 - (iii) Pedestals shall have a minimum width of 8 inches.
 - (b) *Permitted Materials.*
 - (i) *Columns and Pedestals.* Brick, painted stained or natural wood, Terra Cotta, stained painted or unpainted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (ii) *Arches, Lintels and Sills.* Brick, painted stained or natural wood, Terra Cotta, stained painted or unpainted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, fiber cement board, concrete masonry units with stucco, stone, structural steel, and cast iron.
 - (iii) *Railings and Balusters.* Brick, painted stained or natural wood, Terra Cotta, stained painted or unpainted concrete with a smooth finish, cast –in-place concrete with or without stucco, pre-cast concrete, concrete masonry units with stucco, stone, structural steel, cast iron, wrought iron, and glass.
 - (4) *Windows, Skylights, and Doors.*
 - (a) *General Requirements.*
 - (i) Sills are required for all windows.
 - (ii) Windows shall have trim on the sides and top when the exterior of the building is wood or lap sided. Window trim shall have a minimum dimension of 0.75 inches X 3.5 inches (a normal 1X4).
 - (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
 - (b) *Permitted Configurations.*

TITLE XV UNIFIED DEVELOPMENT CODE

- (i) All window configurations are allowed.
- (c) *Permitted Finish Materials*
 - (i) *Windows.* Windows may be made of wood, aluminum, copper, steel, clad wood, thermally broken vinyl or aluminum. No false grids except for where mullions and muntins are permanently adhered to both the interior and exterior of a pane of thermally broken glass separated by a spacer aligned with the mullions or muntins in between panes of thermally broken glass. (Commonly referred to as simulated divided light windows).
 - (ii) *Doors.* Doors may be made of wood, glass, fiberglass or metal. (I.e. steel, aluminum, copper, bronze, etc.)
- (5) *Roofs and Gutters.*
 - (a) *General Requirements.*
 - (i) Roofs may be gabled, hipped, mansard, shed, gambrel, barrel-vaulted, or domed.
 - (ii) Applied mansard roofs are not permitted.
 - (iii) Low sloped roofs (less than 1 in 12 pitch) shall have light colored finish materials.
 - (b) *Permitted Configurations.*
 - (i) Metal panel roofs shall expose the panel ends at the overhang.
 - (ii) Gutters may be rectangular, square, half-round, or Ogee sections.
 - (c) *Permitted Finish Materials*
 - (i) *Metal Roofs.* Metal roofs may be made of galvanized steel, copper, aluminum, zinc-alum, lead coated copper, terne, or powder coated steel.
 - (ii) *Shingles.* Shingles shall be made of asphalt, metal, concrete, terracotta, slate, or cedar shingles or shakes.
- (iii) Gutters. Gutters shall be made of copper, aluminum, galvanized steel, lead coated copper, terne, or powder coated steel.
- (6) *Garden Walls, Fences and Hedges.*
 - (a) *General Requirements.*
 - (i) Fences, garden walls, or hedges are encouraged along side yards, rear yards, and all property lines which abut public streets or alleys.
 - (ii) Fences and garden walls shall be at a minimum 25% opaque, with the exception of the requirements set forth in §166.21(E)(5)(c)(ii) .
 - (b) *Height.*
 - (i) Front yard (in front of the primary structure) maximum height of 42 inches.
 - (ii) Fences located in the rear and side yards (behind the principal façade of the primary structure) shall have a minimum height of 36 inches and a maximum height of 6 feet.
 - (c) *Permitted Configurations*
 - (i) *Wood Fences.* Picket fences with corner posts, and split rail.
 - (ii) *Metal Fence.* Fence shall be comprised of primarily vertical pickets with a minimum 5/8 inch diameter, and 4 inch maximum clear space between the pickets.
 - (iii) *Brick and Stone.*
 - (d) *Permitted Finish Materials*
 - (i) Wood.
 - (ii) Wrought iron, steel and cast iron.
 - (iii) Brick and stone.
 - (iv) Concrete masonry units with or without stucco so long as the primary structure corresponds.
 - (v) Reinforced concrete with or without stucco as long as the primary structure corresponds.
- (7) *Opacity and Facades.*

(a) *General Requirements.*

- (i) Each floor of any principal building façade above the first floor facing a park, square or street shall contain windows covering from 15% to 60% of the principal facade area.
- (ii) The permitted percentage of glass may be increased to 80% for any two floors above the fourth floor provided that there is a minimum stepback of 15 ft. from the principal façade.
- (iii) A minimum of 10% of the window area per floor shall be operable with the exception of the first or ground floor.
- (iv) All glass shall be clear and / or have a Low-E coating.
- (v) Glass used above the first or ground floor shall have a visible transmittance rating of 0.4 or higher.

(b) *First or Ground Floor Requirements of any principle facade.*

- (i) Glass on the first or ground floor shall have a visible transmittance rating of 0.6 or higher.
- (ii) Commercial space and storefronts shall have a minimum of 75% glass on the first or ground floor of any principle facade.
- (iii) Multi-Family Residential space shall have a minimum of 40% and a maximum of 75% glass on the first or ground floor.
- (iv) Single Family Residential space shall have a minimum of 5% glass on the first or ground floor.
- (v) Doors or entrances for pedestrian access shall be provided at intervals no greater than 50 ft. apart along the principal façade.

(Ord. 5056, 9-04-07)

166.22 Parking Garages in the Downtown Core, Main Street Center, and Downtown General Zoning Districts

(A) *Purpose.* Parking garages by their nature tend to overwhelm the built environment due to their scale and repetitious construction. Parking garages must be detailed carefully in order for them to enhance the built environment in terms of scale, appearance, and pedestrian safety.

(1) Parking Garages located at the right-of-way line in the DC, MSC, and DG zoning districts shall meet at least one of the following criteria:

(a) The entire length of the principal façade of the parking garage on the first or ground floor is comprised of habitable area, such as retail, office, or lobby space at a minimum depth of 15 ft. The habitable area may be interrupted for a maximum width of 30 ft. to allow for vehicle and pedestrian access to the parking garage. Entrances or door openings to the habitable space shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.

(b) The principal façade of the parking garage on the first or ground floor is composed of a series of display windows. Display windows shall be arranged so that there are no more than 4 ft. of blank wall space between display windows. Entrances or door openings shall be provided at intervals no greater than 50 ft. apart. The upper floors of a parking garage in this configuration may extend over the first or ground floor to create a covered walkway.

(c) The principal façade of the parking garage is covered with a trellis that will support vines and other landscaping materials to create a living green façade. Parking garages in this configuration are required to utilize storm water harvesting techniques such as cisterns, green roofs, or by directing runoff through a series of planter boxes along the front of the façade. The upper floors may not extend over the first or ground floor to create a covered walkway.

(2) All other parking garages shall be located at least 25 ft. from the right-of-way line. The 25 ft. buffer created shall be landscaped in accordance with the regulations contained in the Landscape Regulations of Fayetteville's UDC. The 25 ft. landscape buffer may be developed at some point in the future with

TITLE XV UNIFIED DEVELOPMENT CODE

habitable space that meets the requirements above.

- (3) Internal parking garage configuration and circulation shall be determined by Planning Staff utilizing credible industry standards outlined in publications such as the Urban Land Institute or the National Parking Association.

(Ord. 5056, 9-4-07; Ord. 5271, 9-1-09)

166.23 Urban Residential Design Standards

(A) Purposes.

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the City and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the City's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) Applicability. All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) 2-F, Two-family dwellings
- (2) 3-F, Three-family dwellings
- (3) MF, Multi-family dwellings

(C) Site Development Standards. The following site development standards shall apply for all urban residential development.

- (1) Intent. The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) Vehicular Access / Circulation / Parking.
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and

pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.

- (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18' into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
- (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
- (iii) On-street parallel parking may be provided on at least one side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.

(4) Pedestrian Circulation.

- (a) All ground floor entrances of each dwelling unit that face a public street right-of-way shall have a walkway that connects the front entrance to the public sidewalk where sidewalks exist.
- (b) Urban residential projects should incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks and/or trails exist and can be extended in the future.

(5) Screening Requirements if visible from the highway/street right-of-way.

- (a) Mechanical and utility equipment. All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the

Fayetteville Code of Ordinances

- structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
- (b) Trash areas. Trash enclosures shall be screened with materials that are compatible with and complementary to the principal structure. Access should not be visible from the public right-of-way.
 - (c) Screening. Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) Fencing. The following types, height, and location of fences shall be prohibited:
- (a) Razor and/or barbed wire. Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.
 - (b) Chain link. Chain link fence is prohibited if closer to the street than the front of the building.
 - (c) Height of fences in front of buildings. Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.
- (D) Architectural Design Standards.
- (1) Intent. The intent of these building design standards is:
 - (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
 - (b) To maximize the quality, value and longevity of urban residential neighborhoods.
 - (c) To make housing appealing and comfortable for its inhabitants.
 - (2) Construction and appearance design standards for urban residential development.
 - (a) Building Form and Design.
 - (i) In order to provide a variety in form and design, one building type may not be utilized more than three times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
 - (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
 - (iii) The following architectural elements shall be required of all principal facades:
 - a. Variations in materials;
 - b. Insets or other relief in the wall plane;
 - c. A front façade that faces onto the public street right-of-way and at least one primary entry that is visible from the street.
 - d. Incorporation of two or more of the following:
 - 1. Balconies;
 - 2. Bays or bay windows;
 - 3. Variations in roof forms.
 - 4. Porches;
 - 5. Dormers;
 - 6. Porticoes;
 - 7. Turrets; or
 - 8. Consistent and complementary fenestration patterns.
- (E) Planning Commission Approval. An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

TITLE XV UNIFIED DEVELOPMENT CODE

(Ord. 5118, 3-18-08; Ord. 5262, 8-4-09)

166.24-166.99 Reserved

