

**City of Fayetteville Staff Review Form**

**2021-0785**

**Legistar File ID**

**10/19/2021**

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

Jonathan Curth

10/1/2021

DEVELOPMENT REVIEW (630)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

An ordinance to amend Unified Development Code Chapter 161 for the CS, Community Services zoning district, removing Use Unit 18 from Permitted Uses

**Budget Impact:**

Account Number	Fund									
Project Number	Project Title									
<b>Budgeted Item?</b> <u>  No  </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td><b>Current Balance</b></td> <td><b>\$</b></td> <td style="text-align: right;"><b>-</b></td> </tr> </table>	Current Budget	\$	-	Funds Obligated	\$	-	<b>Current Balance</b>	<b>\$</b>	<b>-</b>
Current Budget	\$	-								
Funds Obligated	\$	-								
<b>Current Balance</b>	<b>\$</b>	<b>-</b>								
<b>Does item have a cost?</b> <u>  No  </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td><b>Budget Adjustment Attached?</b>    <u>  No  </u></td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td><b>Remaining Budget</b></td> <td><b>\$</b></td> <td style="text-align: right;"><b>-</b></td> </tr> </table>	Item Cost	\$	-	<b>Budget Adjustment Attached?</b> <u>  No  </u>	\$	-	<b>Remaining Budget</b>	<b>\$</b>	<b>-</b>
Item Cost	\$	-								
<b>Budget Adjustment Attached?</b> <u>  No  </u>	\$	-								
<b>Remaining Budget</b>	<b>\$</b>	<b>-</b>								

V20210527

**Purchase Order Number:** \_\_\_\_\_

**Previous Ordinance or Resolution #** \_\_\_\_\_

**Change Order Number:** \_\_\_\_\_

**Approval Date:** \_\_\_\_\_

**Original Contract Number:** \_\_\_\_\_

**Comments:**



**MEETING OF OCTOBER 19, 2021**

**TO:** Mayor; Fayetteville City Council

**THRU:** Susan Norton, Chief of Staff

**FROM:** Jonathan Curth, Development Services Director

**DATE:** October 1, 2021

**SUBJECT:** **§161.22, CS, COMMUNITY SERVICES:** An ordinance to amend Unified Development Code Chapter 161 for the CS, Community Services zoning district.

---

**RECOMMENDATION:**

City staff recommend approving an ordinance to amend §161.22, CS, Community Services of the Unified Development Code, removing Use Unit 18, Gasoline Services Stations and Drive-In/Drive-Through Restaurants from Permitted Uses as shown in the attached Exhibit 'A'.

**BACKGROUND:**

In an effort to promote context-sensitive corridor planning, realize the intent of Fayetteville's mixed-use zoning districts, and address perceived incompatibilities between auto-oriented land uses and others, former councilmember Kyle Smith proposed an amendment to the CS, Community Services and UT, Urban Thoroughfare zoning districts to shift some uses, referred to as Use Units within the Unified Development Code, from permitted to conditional.

**DISCUSSION:**

On February 2, 2021, City Council approved Ordinance 6409, amending the CS, Community Services zoning district to remove Use Unit 18, Gasoline Services Stations and Drive-In/Drive-Through Restaurants, from Permitted Uses, and add Use Unit 18 to Conditional Uses. During the same period, a series of exhibits were under consideration regarding ordinance amendments for short-term rentals. One of these exhibits predated the proposal to shift Use Unit 18 from a permitted to a conditional use, and continued to list Use Unit 18 as permitted. In error, staff did not update the relevant exhibit following approval of Ordinance 6409. When City Council adopted the exhibits associated with short-term rentals through Ordinance 6427, an unintended result was to codify Use Unit 18 as both a permitted and conditional use in the CS zoning district.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit 'A'
- Proposed Ordinance Amendment in Strikeout/Highlight

## EXHIBIT 'A'

### 161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."

**161.22 Community Services**

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	<del>Gasoline service stations and drive-in/drive-through restaurants</del>
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

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

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
-------------------------	-----------

(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6427 , § 2, adopted April 20, 2021, "determines that this ordinance and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and termination section."