

**City of Fayetteville Staff Review Form**

**2021-1039**

**Legistar File ID**

**1/4/2022**

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

Jonathan Curth

12/17/2021

LONG RANGE PLANNING (634)

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

ADM-2021-000070: Administrative Item: (Amend UDC Chapter 164 - Accessory Dwelling Units): Submitted by CITY STAFF AND THE PLANNING COMMISSION. The proposed code change would amend requirements for ADUs allowing three ADU's per property, ADU's in association with duplexes, ADU roof lines higher than the property's principal structure, ADU's as a conditional use in cluster housing developments, and removing the size limit related to the principal structure.

**Budget Impact:**

Account Number	Fund
Project Number	Project Title
<b>Budgeted Item?</b> <u>  No  </u>	Current Budget        \$            -
	Funds Obligated        \$            -
	Current Balance <span style="border: 1px solid black; background-color: #f0f0f0; padding: 2px;">\$            -</span>
<b>Does item have a cost?</b> <u>  No  </u>	Item Cost                \$            -
<b>Budget Adjustment Attached?</b> <u>  No  </u>	Budget Adjustment      \$            -
	Remaining Budget <span style="border: 1px solid black; background-color: #f0f0f0; padding: 2px;">\$            -</span>

V20210527

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

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

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

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

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

**Comments:**



**MEETING OF JANUARY 4, 2022**

**TO:** Mayor; Fayetteville City Council

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

**FROM:** Jonathan Curth, Development Services Director  
Fayetteville Planning Commission

**DATE:** December 17, 2021

**SUBJECT: ADM-2021-000070: Administrative Item: (Amend UDC Chapter 164 - Accessory Dwelling Units):** Submitted by CITY STAFF AND THE PLANNING COMMISSION. The proposed code change would amend requirements for ADUs allowing three ADU's per property, ADU's in association with duplexes, ADU roof lines higher than the property's principal structure, ADU's as a conditional use in cluster housing developments, and removing the size limit related to the principal structure.

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**RECOMMENDATION:**

City staff and the Planning Commission recommend approval of an amendment to §151.01, Definitions, §164.19, Accessory Dwelling Units, and §164.22 Cluster Housing Development, of the Unified Development Code, as described within this report.

**BACKGROUND:**

Beginning in 2008, Fayetteville enacted an ordinance to address housing needs and encourage appropriate infill through accessory dwelling unit (ADU) construction. Initial efforts met with limited success, as measured by the small number of ADUs. Between 2008 and 2018, 1-2 ADU applications were made annually. The primary reasons identified for this included the original ordinance's requirement for separate utility metering, deed restriction mandating the owner would live on the property, and minimum parking standards, regardless of ADU size.

Subsequently, in 2018 the City Council repealed the 2008 ordinance and replaced it. Along with numerous other changes, deed restrictions were removed, parking standards were loosened, shared utility metering was allowed, and up to two ADUs were permitted with a single-family detached home. These changes saw an increase in ADU permits and construction, with the average annual number of permitted units increasing to nine. However, these still represent a small proportion of the housing needs within Fayetteville.

With adoption of City Plan 2040, Fayetteville's comprehensive plan, the overall goal to "create opportunities for attainable housing" and the specific objective to "make housing relatively more affordable by influencing cost of living items" were affirmed. Reducing restrictions on the ability to creatively build infill housing, including various types of ADUs, can increase the availability of different types of housing stock through lower up-front costs for construction and property

acquisition. This, in turn, may lower the cost of rental units citywide, and especially in already developed, walkable downtown areas.

#### **DISCUSSION:**

The regulatory requirements placed by the City of Fayetteville on ADUs have resulted in a continuation of permitted or constructed units lower than staff anticipated and well below the potential to meaningfully impact housing options. Staff has seen the lack of affordable and flexible housing play out in real time while working through the short-term rental ordinance coupled with the supply-chain and affordability issues highlighted during the COVID-19 pandemic. Many property owners are looking for sources of income to pay mortgages and rising property taxes, and ADUs can serve this purpose while also contributing to the citywide variety of housing options in otherwise low-density areas. With well over half of Fayetteville zoned exclusively for single-family homes, ADUs can promote incremental increases in housing and density and complement existing housing stock in term of scale and impact. ADUs can afford existing property owners the opportunity to stay in their homes and not disrupt the fabric of the overall community.

The proposed ordinance revisions represent a continuation of the gradual easing in Fayetteville's ADU standards that began in 2008. At that time, the onerous requirements summarized above hamstrung ADU construction. The adopted changes in 2018 reduced regulation, but clearly not to the extent anticipated, as demonstrated by permit numbers averaging 9 ADUs a year. This amendment represents a next step, with changes including:

- Revise the definition of an “accessory use or structure” to exempt accessory dwelling units from the size limit in relation to a property’s principal dwelling.
- Revise the definition of “dwelling, accessory” to permit accessory dwelling unit construction in association with 2-family dwellings.
- Allow three accessory dwellings, two detached and one attached, per lot.
- Remove the height limitation on second-story attached accessory dwellings where the roofline may exceed that of the principal dwelling.
- Permit accessory dwelling units as a conditional use within cluster housing developments where they are currently prohibited.

Ultimately, the focus of this revision is to allow increased flexibility in the ADU development standards to encourage additional use of this housing type throughout the city, thereby increasing access to affordable and attainable housing types.

At their October 25, 2021 meeting, the Planning Commission expressed concern that the amendment staff proposed did not reflect the full extent of issues identified by the Long-Range Committee. Additional changes were outlined to staff before the item was tabled to afford time to make revisions.

At the subsequent public hearing on November 8, 2021, the Planning Commission evaluated the amendment described above before forwarding to the City Council, recommending approval. Commission Belden made the motion to forward with Commission Canada providing the second.

A vote of 9-0-0 followed. Discussion was held on all aspects of the amendment, with particular focus on potential revisions to the off-street parking requirements for ADUs. Ultimately the Commission determined that the current standard for one off-street space for units over 800-square feet is appropriate. No public comment was made at either Planning Commission meeting or the preceding Long-Range Committee meetings.

**BUDGET/STAFF IMPACT:**

N/A

**Attachments:**

- Exhibit A
- Proposed Ordinance Amendment in Strikeout/Highlight

**EXHIBIT 'A'**  
**ADM-2021-000070**

**151.01 Definitions**

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A

...

*Accessory use or structure.* A use or structure on the same lot with, of a nature and size of 50% or less, and customarily incidental and subordinate to, the principal use or structure. **An accessory dwelling is not subject to the 50% size limit in relation to a principal use or structure.**

...

D

...

*Dwelling, accessory (zoning, supplemental zoning).* A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to a single- or two-family structure.

...

**164.19 Accessory Dwelling Units (ADU)**

...

(C) (1) The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.

...

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

...

(4) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of two (2) detached and one (1) attached or interior accessory dwelling unit provided the combined square footage does not exceed 1,200 square feet.

...

(7) *Building Height and Stories.*

...

(b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit.

## 164.22 Cluster Housing Development

...

- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.

...

- (7) *Accessory Dwelling Units.* Accessory dwelling units are permitted in cluster housing developments by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.

...

## Proposed Ordinance Amendment in Strikeout/Highlight

### 151.01 Definitions

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#### A

...

*Accessory use or structure.* A use or structure on the same lot with, of a nature and size of 50% or less, and customarily incidental and subordinate to, the principal use or structure. **An accessory dwelling is not subject to the 50% size limit in relation to a principal use or structure.**

...

#### D

...

*Dwelling, accessory* (zoning, supplemental zoning). A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to a single- **or two-**family structure.

...

(Code 1965, §§13A-1; 13B-1; 17B-7(a0, 19-24, 1713-2; App. A, Art. 17; App. B, §1; App. C, Art. 1, §D; Ord. No. 1509, 8-8-66; Ord. No. 1747, 6-20-70; Ord. No. 1790, 3-15-71; Ord. No. 1801, 6-21-71; Ord. No. 1859, 3-20-72; Ord. No. 1893, 12-19-72; Ord. No. 1998, 5-7-74; Ord. No. 2581, 12-4-79; Ord. No. 2697, 1-20-81; Ord. No. 2753, 8-18-81; Ord. No. 2789, 1-18-82; Ord. No. 2934, 8-2-83; Ord. No. 2948, 9-20-83; Ord. No. 3011, 6-5-84; Ord. No. 3024, 8-21-84; Ord. No. 3231, 12-2-86; Ord. No. 4024, §2, 3-28-87; Ord. No. 3298, 10-6-87; Code 1991, §§98.60, 118.01, 150.02, 156.001, 156.065, 158.03, 158.35, 159.04, 160.002, 160.096(A), 160.121, 161.06, 162.02, 163.02; Ord. No. 3551, 6-4-91; Ord. No. 3138, 11-5-85; Ord. No. 3165, 2-4-86; Ord. No. 3699, §2, 4-20-93; Ord. No. 3780, §1, 4-19-94; Ord. No. 3794, §1 5-17-94; Ord. No. 3870, §1, 4-1-94; Ord. No. 3895, 6-20-95; Ord. No. 3901, §1, 2, 7-5-95; Ord. No. 3908, §1, 7-18-95; Ord. No. 3970, §1, 7-18-95; Ord. No. 3913, §1, 8-1-95; Ord. No. 3963, §1, 4-16-96; Ord. No. 3970, §1, 5-7-96; Ord. No. 3971, §1, 5-21-96; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4113, 8-18-98; Ord. No. 4127, 12-15-98; Ord. No. 4178, 8-31-99; Ord. No. 4226, 2-15-00; Ord. No. 4285, 1-2-01; Ord. No. 4321, 6-19-01; Ord. No. 4340, 10-2-01; Ord. 4714, 6-21-05; Ord. No. 4817, 1-03-06; Ord. No. 4847, 3-7-06; Ord. No. 4855, 4-18-06; Ord. No. 4919, 09-05-06; Ord. No. 4930, 10-03-06; Ord. No. 5028, 6-19-07; Ord. No. 5029, 6-19-07; Ord. No. 5056, 9-04-07; Ord. No. 5128, 4-15-08; Ord. No. 5206, 12-16-08; Ord. No. 5238, 5-5-09; Ord. No. 5296, 12-15-09; Ord. No. 5304, 1-19-10; Ord. No. 5312, 4-20-10; Ord. No. 5313, 4-20-10; Ord. No. 5327, 6-1-10; Ord. No. 5339, 8-3-10; Ord. No. 5352, 9-7-10; Ord. No. 5348, 9-7-10; Ord. No. 5375, 12-21-10; Ord. No. 5453, 10-18-11; Ord. No. 5490, 4-3-12; Ord. No. 5526 9-18-12; Ord. No. 5559, 01-03-13; Ord. No. 5592, 06-18-13; Ord. No. 5634, 11-05-13; Ord. No. 5653, 01-21-14; Ord. No. 5679, 4-15-14; Ord. No. 5735, 1-20-15; Ord. No. 5793, 8-18-15; Ord. No. 5866 , §1, 4-5-16; Ord. No. 5888 , §1, 6-21-16; Ord. No. 5901 , §1, 9-6-16; Ord. No. 5951 , §1, 2-7-17; Ord. No. 5986 , §3, 7-6-17; Ord. No. 6015 , §2, 11-21-17; Ord. No. 6087 , §1, 9-4-18; Ord. No. 6245 , §1, 10-15-19; Ord. No. 6350 , §2(Exh. A), 8-18-20; Ord. No. 6407 §1, 1-19-21; Ord. No. 6427 , §§1(Exh. B), 2, 4-20-21; Ord. No. 6440 , §1, 5-18-21; Ord. No. 6442 , §7(Exh. G), 6-1-21; Ord. No. 6446 , §2(Exh. A), 6-15-21)

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."

## 164.19 Accessory Dwelling Units (ADU)

- (A) *Purpose.* Accessory dwelling units are allowed in certain situations to:
- Create new housing units while respecting the character and pattern of small scale traditional town form;
  - Increase the housing stock of existing neighborhoods in a manner that is compatible with established massing, scale, and development patterns;
  - Allow more efficient use of existing housing stock and infrastructure;
  - Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
  - Provide a broader range of accessible and more attainable housing.
- (B) *Intent.* Planning staff shall evaluate the following criteria for the review and approval of an accessory dwelling unit application:
- (C) (1) ~~the~~ The property shall have infrastructure (water, sewer, gas, electric, etc.) that meets City standards to serve the accessory dwelling unit.
- (2) A two (2) story accessory dwelling unit shall limit the major access stairs, decks, entry doors, and major windows to the walls facing the principal dwelling, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
- (3) The orientation and location of buildings, structures, open spaces and other features of the site should protect and maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms. Building profiles, location and orientation should relate to natural land forms.
- (D) *Administrative Design Review and Approval.* All accessory dwelling units shall meet the following standards for administrative approval by the Zoning and Development Administrator. Prior to approval of an accessory dwelling unit, the Zoning and Development Administrator shall find that:
- (1) *Maximum Square Feet.* The accessory dwelling unit(s) shall not be greater than 1,200 square feet of habitable space per lot.
- (2) *Zoning.* The accessory dwelling unit shall comply with all underlying zoning requirements including but not limited to building area, bulk and area, and setbacks with the exception of density limits.
- (3) *Parking.* For accessory dwelling unit(s) with individual or combined habitable space greater than 800 square feet, one (1) parking space shall be provided on-site. Required parking for the accessory dwelling unit is in addition to the required parking for the principal dwelling unit. On-street parking may be counted towards the total parking requirement where it is allowed in the public right-of-way adjacent to the subject property.
- (4) *Maximum Number of Accessory Dwelling Units per Lot.* A maximum of **two (2)** ~~one (1)~~ detached and one (1) attached or interior accessory dwelling unit provided the combined square footage does not exceed 1,200 square feet.



- (5) *Other Code Requirements.* The accessory dwelling unit shall comply with the requirements of the Arkansas Fire Prevention Code as adopted in Section 173.02 of the Unified Development Code.
- (6) *Maximum Occupancy of the Accessory Dwelling Unit.* A maximum of two (2) persons shall be permitted to reside in an accessory dwelling unit. If two (2) accessory dwelling units are on the same lot, only two (2) additional persons total for the lot shall be permitted to occupy these units unless one (1) accessory dwelling is occupied by a person who is a member of the related "family" (see §151.01) occupying the primary house.
- (7) *Building Height and Stories.*
  - (a) A detached accessory dwelling unit shall be a maximum of two (2) stories.
  - (b) An attached accessory dwelling unit may occupy a basement, first or second story of a principal dwelling unit. ~~and shall not be taller than the roof line of the principal dwelling unit.~~
- (E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements for size (square feet), height, and materials for an accessory dwelling unit, where unique circumstances exist and the effect will not adversely affect adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.
- (F) *Existing Detached Second (Accessory) Dwelling Units.* Existing detached second dwelling units approved by the Planning Commission by conditional use and constructed shall be considered a legal conforming accessory dwelling on the property.

(Ord. No. 6076 , §1, 8-7-18)

Editor's note(s)—Ord. No. 6076 , §1, adopted Aug. 7, 2018, repealed the former §164.19, and enacted a new §164.19 as set out herein. The former §164.19 pertained to similar subject matter and derived from Ord. No. 5128, adopted April 15, 2008; Ord. No. 5866 , §2, adopted April 5, 2016.

## 164.22 Cluster Housing Development

- (A) *Purpose.* The purpose of the cluster housing development ordinance is to encourage innovation and variety in housing while ensuring compatibility with established neighborhoods, and to provide housing opportunities for a population diverse in age, income and household size.
- (B) *Applicability.* The provisions of this section shall apply to proposed cluster housing development proposals, as defined in Chapter 162, Use Units, and authorized by Chapter 161, Zoning Regulations of the Unified Development Code, however zoning and development regulations such as density, bulk and area, building area, street frontage requirements, lot splits and other standards for cluster housing development are enforced subject to the criteria adopted in this chapter.
- (C) *Development Review Process.* For the purpose of development review, cluster housing developments less than one (1) acre shall be processed as a site improvement plan. Cluster housing development on lots one (1) acre or larger shall be processed as a large scale development. If individual cluster housing unit lots are proposed and the proposal meets all of the requirements in this section, the subdivision shall be processed through the subdivision platting process as a lot split regardless of the number of lots created.
- (D) *Dwellings Permitted.*
  - (1) *Number of Cluster Housing Units Permitted.* A cluster housing development shall contain a maximum of twelve (12) dwelling units. In multi-family zones where the proposed cluster housing development exceeds the minimum open space requirements of 164.22(G)(3)(a) by at least 20%, and in which at least 75% of the planned units are attached dwellings, there shall be no maximum number of dwelling units, except to conform to the density limitations herein.
  - (2) *Existing Nonconforming Structures.* On a lot to be used for a cluster housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cluster density.
- (E) *Zoning Regulations.* The parent tract prior to development shall conform to the zoning criteria of the underlying zoning district.
  - (1) *Permitted and Conditional Use.* Cluster housing development is permitted as identified in Chapter 161, Zoning Regulations, as a permitted or conditional use.
  - (2) *Density.* Cluster housing development permitted as a use by right shall be allowed a density in conformance with the underlying zoning district. Zoning districts that allow cluster housing developments as a conditional use shall be allowed a density not to exceed two (2) times the maximum density allowed in the underlying zoning district.
  - (3) *Bulk and Area Regulations.*
    - (a) *Lot Width Minimum.* There is no lot width requirement for individual cluster housing lots.
    - (b) *Lot Area Minimum.* The lot area minimum for cluster housing lots is 750 square feet.
    - (c) *Land Area per Dwelling Unit.* The land area per dwelling unit requirement is 750 square feet.
  - (4) *Setback Requirements.* All structures shall meet setback and separation requirements of the International Building Code, as applicable. For zoning purposes:

- (a) In single family districts, all cluster housing units shall have a minimum separation from one another of ten feet measured from exterior wall to exterior wall, not counting eaves or other architectural projections.
  - (b) In multi-family districts, there are no separation requirements from one cluster housing structure to another.
  - (c) The setbacks from the exterior property lines of the original parent tract shall be set by the underlying zoning district.
- (5) *Building Height Regulations.* The height for all structures in a cluster housing development shall not exceed the permitted height requirement of the underlying zoning district.
- (6) *Building Area.* None.
- (7) *Accessory Dwelling Units.* Accessory dwelling units are ~~not~~ permitted in cluster housing developments **by conditional use. Where a cluster housing development is permitted as a conditional use, accessory dwelling units may be requested within the same application.**
- (F) *Common Property Maintenance.* Community buildings, parking areas and common open space shall be owned and maintained commonly by the cluster housing development residents, through a condominium association, a homeowners' association or a similar mechanism, and shall not be dedicated to the city unless accepted by the City Council.
- (G) *Development Standards.* All cluster housing developments are subject to the following standards:
- (1) *Floor Area.* The total conditioned floor area of any individual cluster housing unit shall not exceed 2,500 square feet.
  - (2) *Building Orientation.* A minimum of 75% of dwelling units in a cluster housing development shall be oriented around and face the common open space, a public trail or towards the street, having pedestrian access to the common open space and the street. Where a cluster housing unit fronts onto a public trail, the façade facing the public trail shall be considered a principal façade for the purposes of meeting design standards.
  - (3) *Open Space.*
    - (a) For units up to 1,500 square feet, a minimum of 250 square feet of common open space shall be provided per unit. For units exceeding 1,500 square feet and up to 2,000 square feet, 500 square feet of common open space shall be required per unit. For units exceeding 2,000 square feet, 750 square feet of common open space shall be required per unit. Common open space is subject to the following performance criteria:
      - (i) No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than ten feet.
      - (ii) Required common open space shall be divided into no more than two (2) separate areas per cluster of dwelling units.
      - (iii) Common open space shall be improved for passive or active recreational use, garden/food production, social gathering spaces or landscaped areas. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, plazas or gardens. A detailed site plan of the common open space depicting the design and amenities of the space shall be reviewed with the site plan for approval.

- (iv) Amenities such as permanent or movable seating, landscaping, trails and paths, barbeque or eating facilities, covered shelters or water features shall be included within the common open space. Low Impact Development stormwater management facilities may be placed within the common open space when they are integrated with the amenities listed above.
  - (b) Each cluster housing unit shall be provided with a private open space of 250 square feet with no dimension of less than ten feet. Private open space should be contiguous to each dwelling unit, for the exclusive use of each respective resident. In multi-family zones in which at least 75% of the planned units are attached dwellings, private open space shall not be required where the development exceeds the minimum open space requirements of (G)(3)(a) by at least 20% and it can be demonstrated that each unit has easily available access to open space amenities.
  - (c) Parking areas and driveways shall not be counted as open space.
- (4) *Fences.* Fencing located between a cluster housing unit and a public street or trail or the common open space shall not exceed 48 inches in height.
- (5) *Parking Requirements and Standards.* Parking areas should be located within the cluster housing development in such a way as to maintain the character along the public street and to minimize the noise and light impacts on private residences and public spaces. Reductions in parking space allowances are permitted in cluster housing developments as described in Chapter 172, Parking and Loading. Permitted on-street parking spaces adjacent to a project's frontage may count towards the parking requirements of the development. Parking standards for cluster housing developments shall be as follows:
- (a) The owner/developer may choose to supply one (1) parking space per bedroom for his or her entire cluster housing development. Otherwise, the required number of parking spaces shall be determined according to the square footage of the cluster housing unit as described below:
    - (i) Dwelling units less than 1,000 square feet shall have one and one-half (1.5) parking spaces provided.
    - (ii) Dwelling units over 1,000 square feet shall have two (2) parking spaces provided.
  - (b) Shared covered parking shall be designed to be similar and compatible to the design, materials and roof pitches used for the cluster housing units.
- (6) Cluster housing developments shall provide at least one (1) bicycle parking rack per cluster housing unit.
- (7) *Fire Department Access.* Fire Department access shall be determined at the time of development review.
- (8) *Pedestrian Connectivity.* All buildings and common spaces shall be served by a pedestrian circulation system that connects to an existing or planned sidewalk or trail system.
- (9) *Utilities.* Individual cluster housing lots shall have a unique connection to the main water and sewer lines. Main water and sewer lines on private property servicing cluster housing unit developments shall be located in a dedicated easement.
- (10) *Community Buildings.* Indoor or covered common areas less than 2,000 square feet are permitted by right in cluster housing development. These structures shall be architecturally integrated with the architectural style of the cluster housing development.

(11) *Recycling and Trash Collection Service.* For the purposes of recycling and trash collection cluster housing developments are considered a residential use and should receive residential recycling and trash collection service (individual carts and recycling bins) where possible. In certain instances, it may be necessary to service cluster housing developments with commercial trash collection equipment (dumpsters). This may occur when a project is located in a predominately commercial area serviced by commercial trash pickup. It is incumbent on the developer to design recycling and trash collection facilities into the cluster housing development plan early in the process. The final determination of recycling and trash collection service and pick-up areas will be made at the time of development review by the city. Specific requirements for residential and commercial trash and recycling pick-up shall be as follows:

- (a) Residential trash and recycling collection service requires a designated location near the street curb for trash carts and recycling bins. This location shall be kept clear of obstructions on the designated pick-up day. If this location is also used for on-street parking it shall be clearly marked and a sign posted restricting use for the designated pick-up day. An appropriate linear distance is required to accommodate each cluster housing unit's trash cart and recycling bin, subject to city approval.
- (b) Commercial trash collection service requires a dumpster location that is freely accessible for front end loading and screened from public view.
- (c) Recycling and trash facilities shall be located behind the front building setback line and shall be screened from the right-of-way and adjacent property owners by either architectural treatments or vegetative screening.

(H) *Building Design Standards.*

- (1) *Variety in Detached Cluster Housing Units Floor Plans and Architectural Treatments.* These standards are intended to avoid the overly repetitive use of the same building design, structural features, detailing or finishes among detached units within the cluster housing development. In cluster housing developments no two (2) structures shall be identical in terms of exterior finishes. All cluster housing units shall differ from each other by utilizing at least two (2) of the following options:
  - (a) Variations in building material finishes such as clapboard, shake shingles, stone, brick, etc., and building color;
  - (b) Variations in adjacent cluster housing unit floor plans that alter the location of exterior windows and doors;
  - (c) Variations in the size of main floor area and/or building height of adjacent structures; or
  - (d) A front porch with a minimum width no less than 50% of the front building façade. Front porches shall have a minimum depth of six feet. No structurally identical front porches shall be located on adjacent cluster housing units.
  - (e) Variations in roof shapes or gables between adjacent structures.
  - (f) Other variations as approved by the Zoning and Development Administrator.
- (2) All attached cluster housing units shall comply with §166.23, Urban Residential Design Standards. Where a cluster housing unit fronts onto a public trail or open space, the façade facing the public trail or open space shall be considered a principal façade, for the purposes of meeting this section.

- (l) *Variances From the Minimum Cluster Housing Development Requirements.* Variances of this section, Cluster Housing Development, shall be administered as normal development regulations for variances of General Design Standards, except that (E) Zoning Regulations shall be administered as zoning regulations for variance purposes.

(Ord. No. 5921 , §5(Exh. A), 11-1-16; Ord. No. 6067 , §1, 5-1-18)

Editor's note(s)—Ord. No. 5921 , §5(Exh. A), adopted Nov. 1, 2016, repealed §164.22 and added a new section as set out herein. The former §164.22 pertained to cottage housing development and derived from Ord. No. 5462, adopted Dec. 6, 2011.