



CITY COUNCIL MEMO 2023-678

MEETING OF APRIL 25, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Sherry Smith, Long Range and Preservation Planner

DATE: April 13, 2023

SUBJECT: **ADM-2023-0001: Administrative Item (Amend UDC Chapter 151 Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 - Urban Design Standards): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to amend Chapter 151 - Definitions, Chapter 161 - Zoning Regulations, and Chapter 166 – Development, 166.08 Street Design And Access Management Standards and 166.23 Urban Residential Design Standards to be consistent with Chapter 162 – Use Units. The purpose of the proposed amendment is to provide consistent and clear language for two-family, three- and four-family, and multi-family dwellings.**

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code amending:

- § 151.01, Definitions to remove overlap in definitions between three- and four-family dwellings and multi-family dwelling;
- § 161.11 and § 161.13-18 to establish consistent use of “two (2) family” and “three (3) family” in the zoning standards; and
- § 166.08 and § 166.23 to add four (4) family where missing from the text and to remove unnecessary text characters.

BACKGROUND:

Conversations about housing affordability, attainability, and diversity are consistently at the forefront of municipal policy discussions locally, regionally, and nationally. As a subset of this conversation, zoning requirements are consistently highlighted as a policy change that may positively affect the production of housing. With this in mind, Long Range Planning staff assessed Fayetteville’s Unified Development Code (UDC) for zoning requirements related to housing broadly and “Missing Middle Housing” specifically.

“Missing Middle Housing” is a term coined by Daniel Paroleck of Opticos Design, Inc. that has since entered the housing policy lexicon. The term describes housing types that were commonly built before the 1950s and now tend to be missing in new developments across the United States. These are housing types that fill the gap between single-family dwellings and large multi-family buildings, ranging from duplexes and cottage courts to medium density multi-family apartments with numbers of units in the teens or twenties, as well as housing

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above small retail stores. Three- and four- family dwellings as well as small to medium multi-family dwellings fit within this definition. According to utility account information for the City of Fayetteville, there are approximately 1,400 three and four family housing units with meters. While this housing type represents a small portion of the city's total housing stock, the type does typically represent housing that could help achieve at least one of the goals of City Plan 2040. Goal 1 is: "We will make appropriate infill and revitalization our highest priority." Three and four family structures are often designed with building forms similar to single-family structures while providing an incremental increase in housing density. Daniel Parolek has additionally stated that, "Missing middle housing tends to provide a range of price points that are not readily seen in single family or large multi-family dwellings. These housing types can fit into single family neighborhoods more easily, as they can appear to be single family homes when viewed from the street." Despite the potential for Missing Middle Housing to complement existing neighborhoods and supplement citywide housing options, these housing types are prohibited from areas zoned exclusively for single-family housing. In Fayetteville this constitutes over one third of the City.

While reviewing zoning district requirements, staff noted that the UDC does not define all of the housing types which have their own use unit – the portion of the code that is set up to categorize the uses allowed in each zoning district – and that some of the definitions overlap. Additionally, some of the zoning district requirements did not include four-family dwellings in the text even though four-family requirements are often paired with three-family requirements. This presented an opportunity for code language clean up while staff works with the Planning Commissioners on additional opportunities to revisit zoning requirements to meet the city's goals.

DISCUSSION:

The purpose of the proposed amendments is to clarify UDC definitions for multi-family as well as three- and four- family dwellings and to provide more consistent language and terms throughout the UDC. Multiple text edits were identified concurrently that would provide for greater consistency in the use of text and punctuation and to clean up or copy edit inconsistencies and abbreviations not in use.

In Summary:

- The proposed amendments would not change any current policies or zoning entitlements.
- A definition for *dwelling, three-family or four-family* would be added to chapter 151.01.
- The definition for *dwelling, multi-family* would change from defining residences for three or more families to defining five or more families, consistent with the use units in Chapter 162.
- Four-family would be added to 161.11(D) 166.08(F)(2) and 166.23(B)(2) with the same zoning regulations as three-family consistent with their grouping in Use Unit 10.
- Additional edits would be made for consistent text and clarity such as adding in "(2)" where two-family is inconsistently used which would result in "two (2) family" or adding in the word "family" where existing tables list "three or more" in reference to three-family or greater density dwellings.

The Planning Commission considered the proposed amendment in both their ~~February~~January and ~~March~~February Long Range Committee meetings, discussing various aspects of the proposed text amendment, including whether to look at additional changes to use units, definitions, zoning requirements, or parking standards. The Commissioners decided in their ~~March~~February Long Range Committee meeting to forward a portion for code cleanup that would add four-family where missing and make other consistency edits to the full Commission. The Commissioners did note an expectation at the closing of their discussion that additional discussion and consideration would be needed regarding zoning requirements and how zoning requirements can help or hinder the construction of additional missing middle housing.

When the Planning Commission considered the item in their March 27, 2023 meeting there was unanimous support for the item without discussion. Commissioner Johnson made the motion to recommend approval of

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the item, seconded by Commissioner Garlock. A vote of 9-0-0 followed. No public comment was received either prior to or during the public hearing.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: EXHIBITS A-G - AMENDMENTS TO 151 AND 161 - TWO, THREE, FOUR AND MULTIFAMILY, ADM-2023-0001 SRF, Proposed Ordinance - Clean, Proposed Ordinance - Strikethrough

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