



City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Legislation Text

File #: 2024-1741

ADM-2023-0052: Administrative Item (Amend UDC Chapter 166 - Development): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to establish §166.28 – Permit-Ready Building Design Program. The proposed code change would provide for the establishment of a Permit-Ready Building Design Program and associated development requirements specific to the program’s residential buildings, as well as establish a program area.

AN ORDINANCE TO ENACT §166.28 PERMIT-READY BUILDING DESIGN PROGRAM TO PROVIDE FOR THE ESTABLISHMENT OF A PERMIT-READY BUILDING DESIGN PROGRAM AND ASSOCIATED DEVELOPMENT REQUIREMENTS SPECIFIC TO THE PROGRAM’S RESIDENTIAL BUILDINGS, AND TO ESTABLISH AN INITIAL PROGRAM AREA

WHEREAS, City Plan 2040 lists twenty-five short term benchmarks to be completed by 2025, including “Create pre-approved building types for identified neighborhoods.”; and

WHEREAS, four of City Plan 2040's six goals are related to this benchmark:

1. We will make appropriate infill and revitalization our highest priority; and
2. We will discourage suburban sprawl; and
3. We will make compact, complete, and connected development the standard; and
4. We will create opportunities for attainable housing; and

WHEREAS, City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code creating § 166.28 **Permit-Ready Building Design Program**.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby enacts § 166.28 **Permit-Ready Building Design Program** to provide for the establishment of permit-ready building design program and associated development requirements as shown in Exhibit A.

Section 2: That the City Council of the City of Fayetteville, Arkansas, hereby establishes an initial permit-ready building design program area as shown in Exhibit B attached hereto and made a part hereof.



MEETING OF MARCH 5, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **ADM-2023-0052: Administrative Item (Amend UDC Chapter 166 - Development): Submitted by CITY OF FAYETTEVILLE STAFF. The request is to establish §166.28 – Permit-Ready Building Design Program. The proposed code change would provide for the establishment of a Permit-Ready Building Design Program and associated development requirements specific to the program's residential buildings, as well as establish a program area.**

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code creating § 166.28, Permit-Ready Building Design Program, to provide for the establishment of a Permit-Ready Building Design Program and associated development requirements specific to the program's residential buildings, as well as establish a program area.

BACKGROUND:

The City of Fayetteville's comprehensive plan, City Plan 2040, lists twenty-five short term benchmarks to be completed by 2025. Among those benchmarks is "Create pre-approved building types for identified neighborhoods." Four of the plan's six goals are related to this benchmark:

1. We will make appropriate infill and revitalization our highest priority
2. We will discourage suburban sprawl
3. We will make compact, complete, and connected development the standard
6. We will create opportunities for attainable housing

Part of the design process is to meet the city's zoning, development, and building code standards, producing plan sets that have been reviewed through city staff before they are finalized. The designs can also be tailored to fit housing needs for neighborhoods, and remove or reduce design costs for infill projects, thereby reducing the overall project costs and permit review timelines. This cost and time reduction provide an incentive to use the neighborhood-sensitive designs and can potentially provide more attractive solutions for housing density, whether the need is for accessory dwellings for existing homes or for a triplex that more closely resembles a single-family home.

A contract for consulting services for the creation of such a program was approved by the Fayetteville City Council on October 4, 2022. The project study area included the Downtown Master Plan area and the Walker Park Neighborhood Plan area as they are two neighborhoods that have experienced an increase in infill development in recent years, and the program's building designs are focused on compatibility with existing

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neighborhoods. Several recommended guiding standards have been developed by city staff and the project consultant in coordination with assessments of development patterns in the project area and in response to input from focus groups and an evaluation of residential building permit requirements. A set of development standards specific to the use of the Permit-Ready Building Design Program are being recommended with the attached ordinance proposal. The attached map exhibit shows the proposed program area within which the program's buildings would be available for use. The program area boundaries will be used for program administration and coordination with the program vendor and to guide development review and building permit application review, as well as for potential applicants to be able to confirm a property location for their selected building plan set and permit application.

Additional adjustments to zoning standards in the program area have been considered by the project team based on project study area analysis that has shown the potential for reductions in housing costs. Land use policies that allow more homes per lot, reduce parking requirements, increase buildable area, allow for alternative lot configurations, and allow smaller lots have the potential to increase housing supply while reducing overall per unit costs. A preliminary assessment of these land use policy changes was presented to the Planning Commission at the January 18, 2024 Long Range Planning Committee meeting and further discussions on the topic are planned for future meetings.

DISCUSSION:

The purpose of this amendment is to establish a new section under the Unified Development Code (UDC) Chapter 166 – Development for development standards specific to the City's Permit-Ready Building Design Program. Development standards are not a zoning entitlement, rather they are the standards for development that may be specific to a development type or a component of development. In this case the proposed development standards address aspects such as variation in the building designs used across adjacent lots, street-facing orientation, screening of trash and recycling containers, stormwater management, parking standards, driveways, and sidewalk construction. While most of the proposed development standards align with existing requirements in the Unified Development Code or provide additional standards for site design as the use of the program is voluntary, some are meant to provide additional flexibility. The proposed parking standards are an example of increased flexibility specific to the use of the program.

The proposed section 166.28(D)(2) would require only one parking space per dwelling unit. Properties developed with a single unit would require only one parking space, while a property developed with two units, either as a duplex or as a single-family house with an accessory dwelling unit, would require only two spaces. Currently the UDC requires two parking spaces per dwelling unit for single-family, duplex, and triplex residential, while multi-family or townhouse residential requires one parking space per bedroom. Additionally, parking lots with 5-13 spaces would be exempt from parking lot construction and parking lot design standards if the parking lots are for buildings in the program.

Sidewalk construction has been identified as a challenge in the residential building permit process as the timing of sidewalk construction, sidewalk location, and other factors for required sidewalk construction related to small scale residential buildings have resulted in project delays. The program development standards propose to address this by creating a sidewalk fee-in-lieu option that does not require a special approval to waive construction. The fee amount would be set based on annual bids and the City's use of the funds and is proposed to not have an expiration. The fee-in-lieu funds would be spent to complete sidewalks as determined by the City Engineer.

The Planning Commission considered the item at the January 22, 2022 meeting. One public comment in favor was received by staff prior to the meeting, but no additional comments were received in the meeting. Commissioners asked questions relating to other programs of this type nationally, what information is anticipated to be included in the plan sets, whether the development standards could be expanded to all

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projects in the program area or city wide, and how some technical requirements such as stormwater management will be addressed. Staff requested that the item be tabled to the February 12 meeting for additional time to respond to questions and the Commissioners tabled the item with a 7-2-0 vote in favor.

The Planning Commission considered the item again at the February 12, 2024 meeting. Staff received an inquiry prior to the meeting with comments supporting a reduction in parking requirements. An additional public comment was made during the meeting expressing concern about the buildings being designed to account for fire suppression and fire separation requirements. Commissioners asked clarifying questions about the sidewalk fee-in-lieu, preferring it be spent in the program area, and there was some discussion with the City Attorney about impact fee requirements and whether the proposed fee-in-lieu would be considered an impact fee as the program is voluntary, as is the fee-in-lie payment for sidewalks since builders retain the ability to construct sidewalk where required. Commissioner Sparkman made a motion to forward the item to City Council. Commissioner Brink provided a second to the motion. Commissioners voted 9-0-0 in favor of forwarding the item as proposed to the City Council for their consideration.

BUDGET/STAFF IMPACT:

N/A

ATTACHMENTS: SRF (#3), Exhibit A - Proposed Ordinance (#4), Exhibit B - Program Area Map (#5), Planning Commission Staff Report (#6)

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TO: Fayetteville Planning Commission

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: February 12, 2024

SUBJECT: **ADM-2023-0052: Administrative Item (Amend UDC Chapter 166 - Development):** Submitted by CITY OF FAYETTEVILLE STAFF. The request is to establish §166.28 – Permit-Ready Building Design Program. The proposed code change would provide for the establishment of a Permit-Ready Building Design Program and associated development requirements specific to the program's residential buildings.

RECOMMENDATION:

Staff recommends forwarding **ADM-2023-0052** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:

"I move to forward **ADM-2023-0052** to the City Council with a recommendation of approval."

JANUARY 22, 2024 PLANNING COMMISSION HEARING:

Long Range Planning staff presented a proposal for development standards specific to the program buildings and related site development. Commissioners asked questions relating to other programs of this type nationally, what information is anticipated to be included in the plan sets, whether the development standards could be expanded to all projects in the program area or city wide, and how some technical requirements such as stormwater management will be addressed. Staff requested that the item be tabled to the February 12 meeting for additional time to respond to questions and the Commissioners tabled the item with a 7-2-0 vote in favor.

BACKGROUND:

The City of Fayetteville's comprehensive plan, City Plan 2040, lists twenty-five short term benchmarks to be completed by 2025. Among those benchmarks is "Create pre-approved building types for identified neighborhoods." Four of the plan's six goals are related to this benchmark:

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potentially provide more attractive solutions for housing density, whether the need is for accessory dwellings for existing homes or for a triplex that more closely resembles a single-family home.

A contract for consulting services for the creation of such a program was approved by the Fayetteville City Council on October 4, 2022. The project study area included the Downtown Master Plan area and the Walker Park Neighborhood Plan area as they are two neighborhoods that have experienced an increase in infill development in recent years, and the program's building designs are focused on compatibility with existing neighborhoods. Several recommended guiding standards have been developed by city staff and the project consultant in coordination with assessments of development patterns in the project area and in response to input from focus groups and an evaluation of residential building permit requirements. A set of development standards specific to the use of the Permit-Ready Building Design Program are being recommended with the attached ordinance proposal. The attached map exhibit shows the proposed program area within which the program's buildings would be available for use. The program area boundaries will be used for program administration and coordination with the program vendor and to guide development review and building permit application review, as well as for potential applicants to be able to confirm a property location for their selected building plan set and permit application.

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PLANNING COMMISSION ACTION: Required YES

Date: February 12, 2024 Tabled Forwarded Denied

Motion:

Second:

Vote:

BUDGET/STAFF IMPACT:

None

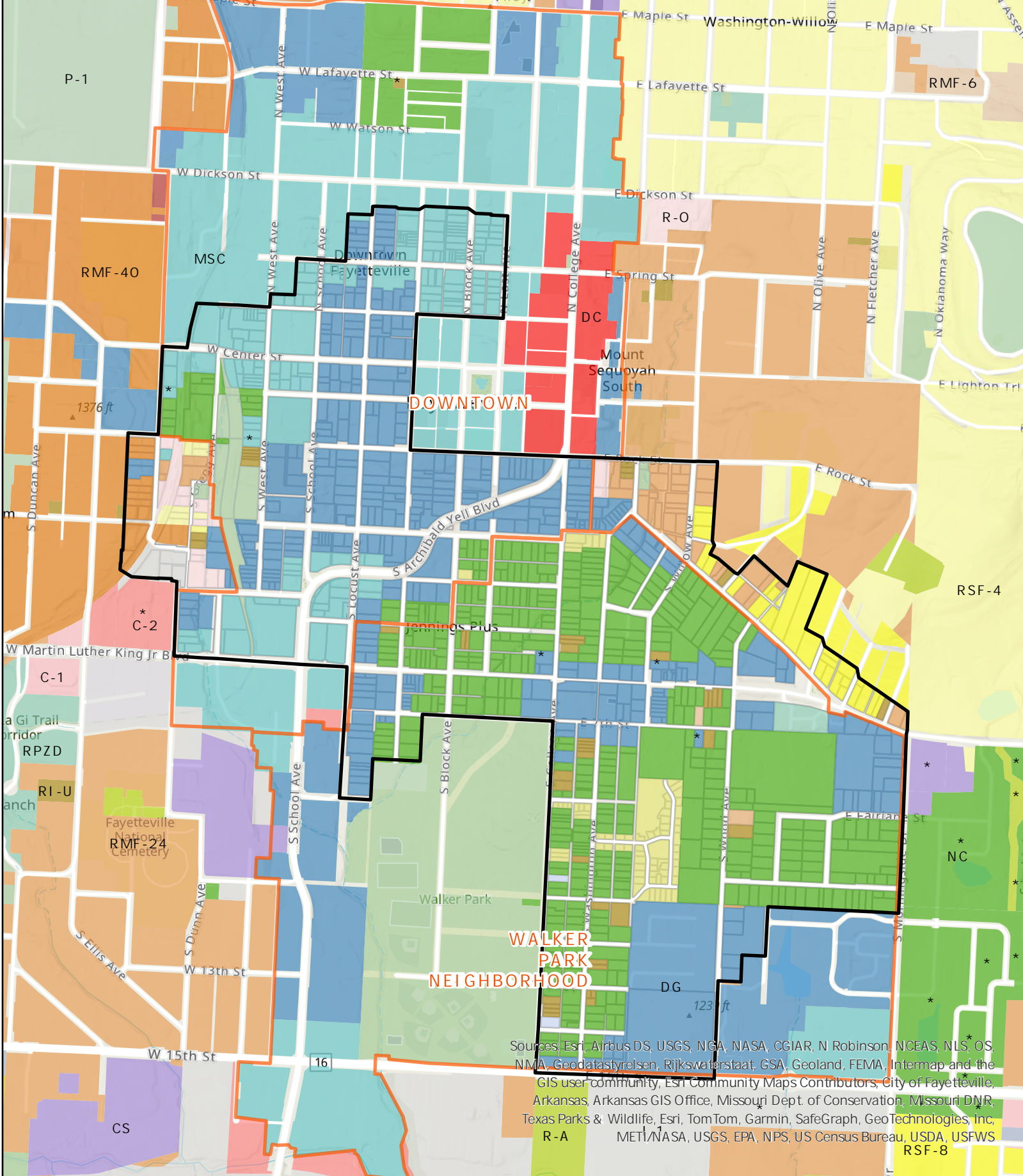
Attachments:

- Proposed Ordinance, Clean
 - §166.28
- Program Area Exhibit Map
- Fire Department Memo

166.28 Permit-Ready Building Design Program

- (A) *Purpose.* The purpose of this section is to encourage new buildings that are compatible with the existing development pattern of the neighborhood in scale, height and building placement. The program provides permit-ready building designs for infill construction and site redevelopment that are meant to fit the context of the existing building scale, styles and materials in the neighborhood.
- (B) *Applicability.* The Permit-Ready Building Design Program applies to lots or parcels of land on which the Permit-Ready Building Design Program is utilized.
- (C) *General Requirements.* The following general requirements are applicable only to residential building projects that use the Permit-Ready Building Design Program and submit building permit applications that utilize one or more of the program's building plan sets.
- (1) *Variability.* Any contiguous set of three or more lots or parcels with program buildings shall include at least two distinct variations in building façade design.
 - (2) *Street-facing Orientation.* All buildings which are adjacent to the street shall be oriented such that their primary facade as designated on the architectural plan set, or a secondary facade if also noted, faces the public street. Buildings which do not have a primary facade indicated on their architectural plans shall not be the primary, street-facing structure abutting a public street.
 - (3) *Solid Waste and Recycling Containers.* All waste and recycling containers must be screened from view from public right of way except on designated days of service. Screening fences shall be opaque and constructed of wood fence, fiber cement, masonry, or a combination thereof, or may be dense shrubbery having year-round foliage within two years of date of planting.
 - (4) *Stormwater.* Where required, stormwater infiltration systems shall comply with the pre-approved stormwater facilities available from the Engineering Division. Where feasible stormwater facilities shall be located parallel and adjacent to any edge of the property.
- (D) *Parking and Driveways.* The following general requirements are applicable only to residential building projects that use the Permit-Ready Building Design Program and submit building permit applications that utilize one or more of the program's building plan sets.
- (1) *Parking Areas.* Site plans shall show required off-street parking spaces located to the rear or side of a principal dwelling, in a garage, or in a carport.
 - (2) *Number of Spaces.* One parking space per dwelling unit shall be required. Projects shall not utilize reductions for residential use. Up to two parking spaces per dwelling unit is permitted. Any increase or reduction to the number of spaces permitted shall be allowed only by the Planning Commission as a variance and shall be granted in accordance with Chapter 156.03.
 - (3) *Parking Lot Standards.* Parking lots or parking areas containing between 5 and 13 spaces are exempt from Parking Lot Construction Standards and Parking Lot Design Standards unless the parking lot is located within a build-to zone.
 - (4) *Tandem Lots.* Parking for dwelling units on tandem lots shall not be considered off-site parking if the parking spaces are located on the parent lot or another tandem lot related to the parent lot.
 - (5) *Driveway Width.* The minimum driveway width is 8'.
 - (6) *Shared Driveways.* Shared driveways must be utilized to access parking areas for attached townhouse dwellings. Individual driveways from the primary street frontage are not permitted.
- (E) *Sidewalks.* Project sites with existing sidewalks which are not in need of repair or major relocation are encouraged to use fees in lieu of reconstruction and/or relocation.
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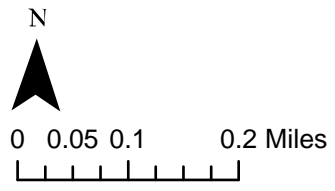
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- (1) *Applicability.* The provisions of this section shall only apply to the following property:
- (i) If a sidewalk does not exist, a new sidewalk must be constructed, or sidewalk fee-in-lieu must be paid. The fee-in-lieu option shall not require a waiver by the City Engineer.
 - (ii) Projects must bring existing sidewalks into good condition. Cracks with an offset greater than 0.5" must be ground flat and sidewalk segments with extensive spalling must be replaced.
 - (iii) If an existing sidewalk is required to be relocated, the fee-in-lieu option is preferred in lieu of construction. The building location shall accommodate the future sidewalk construction.
 - (iv) If an existing sidewalk is substandard, the fee-in-lieu option is preferred for sidewalk replacement.
- (2) *Sidewalk Fee-In-Lieu for Permit-Ready Building Program.*
- (i) Fees will be set by the City Engineer on a per-square-foot basis and will be determined annually by conducting a bid for contracted construction and use the average cost per square foot of the accepted contract.
 - (ii) Contribution in lieu of construction of sidewalks shall be paid, or construction of the sidewalks shall be completed before issuance of a certificate of occupancy.
 - (iii) Contributions do not have an expiration on the expenditure of funds.
 - (iv) The contributions may be used to construct sidewalk projects where most needed as determined by the City Engineer.



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Fayetteville, Arkansas, Arkansas GIS Office, Missouri Dept. of Conservation, Missouri DNR, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

Proposed Permit-Ready Building Design Overlay Area

01.18.2024



- Legend**
- Complete Neighborhood Plan
 - Proposed PRB Area
 - Proposed PRB Area Parcels



To: Fayetteville Planning Commission

Thru: Britin Bostick, City of Fayetteville Long Range Planner

From: Battalion Chief Jeremy Ashley, Fayetteville Fire Marshals Office

Cc: Fire Chief Brad Hardin

Date: 2/8/2024

RE: Pre-Approved Building Permit Project

During the fall of 2021, the City of Fayetteville issued a request for proposal for a project that would create a pre-approved building permit process for the Downtown and South Fayetteville areas of town. Over the last couple of years this project has been developed by multiple stakeholders to become the project before you.

The program area was developed to be in primarily historic neighborhoods, carefully considering the number of lots available for development in the potential areas. Efforts were made to study the impacts in these areas to include code requirements, density, parking, apparatus access and fit with existing neighborhoods. There were parts of the project, specifically changing the parking requirements, that the Fire Department were concerned with, however the program parameters only allowed for smaller homes and within a very specific area. The Fire Department does not support opening this project outside of the analyzed area that was identified in the original RFP issued by the City. We do support the pre-approved building permit project moving forward within the intended program area.