



City of Farmington  
354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

***PLANNING COMMISSION AGENDA***  
***July 27, 2015***

**A meeting of the Farmington Planning Commission will be held on  
Monday, July 27, 2015 at 6:00 p.m. at City Hall  
354 W. Main Street, Farmington, Arkansas.**

1. Roll Call
2. Approval of the minutes - June 22, 2015
3. Comments from Citizens – the Planning Commission will hear brief comments at this time from citizens. No action will be taken. All comments will be taken under advisement.
4. **PUBLIC HEARINGS**
  - A. Zoning Ordinance
5. Review Fayetteville rezoning

**Planning Commission Minutes**  
**June 22, 2015**

**1. ROLL CALL** – Meeting was called to order by Chair Robert Mann. A quorum was present.

**PRESENT**

Josh Clary  
Sean Schader  
Matt Hutcherson  
Robert Mann  
Gerry Harris  
Judy Horne  
Bobby Wilson

**ABSENT**

Toni Bahn

**City Employees Present:** Rick Brammall – City Inspector; Steve Tennant - City Attorney

**2. Approval of Minutes:** Minutes of June 1, 2015 were approved as written. Minutes of March 23, 2015 were approved.

**3. Comments from Citizens:** There were no citizens present and no comments from citizens.

**4. Public Hearing Set**

After brief discussion, question was called for setting of a public hearing at the next regularly scheduled meeting of the Planning Commission on July 27, 2015 regarding changes to the City of Farmington large scale development and zoning ordinance. Chair Robert Mann called for a vote which was unanimous approval.

**5. New Business:** There was no new business.

**6. Adjournment:**

Having no further business, Gerry Harris moved to adjourn, seconded by Sean Schader and passed unanimously.

---

Judy Horne  
Secretary, Planning Commission

---

Robert Mann  
Chair, Planning Commission



354 W. Main Street  
P.O. Box 150  
Farmington, AR 72730  
479-267-3865  
479-267-3805 (fax)

## **Memo**

To: Farmington Planning Commission  
From: Melissa McCarville  
Re: Amendment to the Zoning Ordinance  
Date: July 22, 2015

Since the entire zoning ordinance is more than 40 pages long I am including only the pages where I have made changes. In addition, the use unit chart is attached also. If any of you or anyone from the public wants the entire document I will be happy to provide it for them.

**Dwelling, two-family (duplex)** A dwelling designed for or occupied by not more than two (2) families living independently of each other.

**Dwelling unit** A room or group of rooms located within a dwelling and forming a single habitable unit with facilities for living, sanitation, sleeping, and cooking.

**Family** One or more persons related by blood, marriage or adoption, or a group of not more than three (3) unrelated persons living together and subsisting in common as a single, non-profit housekeeping unit utilizing only one kitchen. A family may include domestic servants employed by said family.

**Farm** A parcel of land used for the growing or raising of agricultural products including related structures thereon.

**Floodplain regulations** Provisions of the city of Farmington Flood Damage Prevention Code.

**Floor area** The sum of the gross horizontal areas of all of the floors of a principal building or buildings, excluding garages and covered parking areas, measured from the exterior faces of exterior walls, or from the centerline of walls separating two (2) building.

**Frontage** That edge of a lot bordering a street.

**Golf course** A facility providing private or public golf recreation services and support facilities, excluding miniature golf facilities.

**Government services** Buildings or facilities owned or operated by government entities and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

**Greenhouse or nursery** An establishment primarily engaged in the raising and retail sale of horticultural specialties such as flowers, shrubs, and trees, intended for ornamental or landscaping purposes.

**Hobby kennel** Any kennel where dogs or cats are kept for organized shows, breeding, for exhibition, or for the enjoyment of the household.

**Home occupation** Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, which is conducted entirely within the main building, and which meets all other applicable standards and use limitations as described herein. Occupation permitted in residential structures utilized for residential purposes in the residential and agricultural districts. An occupation may be carried on in a residential structure in the R-0 and A-1 Districts only when:

1. Does not require the use of more than fifteen percent (15%) of the living area.

2. Does not require the use of an accessory building or yard space or any activity outside the main structure not normally associated with the residential uses.
3. Does not have a sign in excess of four (4) square feet in area to denote the business, occupation or profession, and such sign must be attached to the structure.
4. Does not involve the outside display of goods and services.
5. The person operating the home occupation must be the person residing in the residential structure.

**Hotel or motel** An establishment where overnight accommodations are supplied for transient guests. Typical accessory uses include dining, swimming, and meeting facilities.

**Kennel** A facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding, or training dogs or cats, or both. A kennel, for the purposes of this chapter, does not include the ownership of dogs that are for the purpose of hunting, exhibiting in field trials or for guarding the homeowner's property. Occasional sale of puppies or kittens, by the owner, lessee or other occupant of such property shall not make the property a kennel for the purposes of this chapter.

**Lot** Land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory building, and the open spaces and parking spaces required herein, and having its principal frontage upon a street.

**Lot, area** The total horizontal area of a lot typing within the lot lines.

**Lot, corner** A lot abutting two (2) of more streets at their intersection.

**Lot, double frontage** A lot that is an interior lot extending from one street to another and abutting a street on two (2) ends.

**Lot, interior** Any lot which is not a corner lot.

**Lot lines** The boundary lines of a lot.

**Lot line, front** In the case of an interior lot, the line separating said lot from that street which is designed as the front street in the request for a building permit.

**Lot line, rear** The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line.

**Lot line, side** Any lot line other than a front or rear lot line as defined herein.

**Lot of record** A lot that is a part of a subdivision, the plat of which has been recorded in the office of the Washington County Circuit Clerk.

**Lot width** The width of a lot measured at the front building setback line.

**Manufactured housing unit** A detached single-family housing unit fabricated in an off-site manufacturing facility for installation or assembly at the building side as a permanent structure with transport features removed, bearing a seal certifying that it is built in compliance with the National Manufactured Housing construction and Safety Standards Act.

**Manufactured housing park** A tract of land in one ownership that is used or intended to be used by two (2) or more manufactured housing units, and which has public sanitary sewer facilities or step sewer system, public water, electricity, and other utilities available.

**Manufacturing, general** An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “basic industry.”

**Manufacturing, limited** An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other equipment not exceeding two (2) horsepower, which may include assembly and packaging, as well as incidental, direct sales to consumers of those good produced on-site.

**Medical service** An establishment providing therapeutic, preventative, or corrective personal treatment services on an out-patient basis by physicians, dentists, and other licensed practitioners, as well as the provision of medical testing and analysis services.

**Mobile home** A transportable, factory-built housing unit, fabricated prior to June 15, 1976, the effective date for the Federal Mobile Home Construction and Safety Standards Code.

**Non-conforming structure** A structure, or portion thereof, lawfully existing at the time these regulations became effective, or as amended, which does not comply with the setback, height, or other development standards applicable in the district in which the structure is located.

**Non-conforming use** Any structure or land lawfully occupied by a use at the time these regulations, or any amendment thereto, became effective, which does not conform to the use or area regulations of the district within which it is located.

**Off –Street Parking** Any parking area not on the public right-of-way. Without exception, all off street parking shall be a dust free surface.

**Office, general** An establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting and similar offices.

**Owner** The property owner of record, according to the office of the Washington County Circuit Clerk.

E. Vacation of public rights-of-ways Whenever any street, alley, or other public way is vacated or abandoned by action of the City Council pursuant to law, the zoning district classification of the property to which the vacated portions of land accrue, shall become the classification of the vacated land. (Ord. No. 2011-2, Sec. 4.)

#### 14.04.05 District regulations

Agriculture and residential districts In addition to the agriculture district, which is considered to be a very low density single-family district, and acts to serve as a holding zone for subsequent higher density consideration, there are nine (9) residential districts designed to meet present and future housing needs; to protect the character of, and property values in, residential areas; to encourage an environment conducive to quality family life; and to provide choice in density, as well as in type of housing. Five (5) of the districts are for single-family uses, and are intended to be defined and protected from the encroachment of uses not performing a function necessary to the low and medium density residential environment. Two (2) of the districts are intended for single-family, one (1) for mobile home use, two (2) exist for multi-family residential uses, and one (1) combines both residential and office uses. More specific descriptions, permitted uses and conditional uses in the residential districts are as follows: Uses permitted in the residential districts are set forth in the following descriptions of the districts. Only one (1) single family dwelling unit per lot shall be permitted in A-1, RE-1, RE-2, R-1, R-2, R-0, and MF-1. **Since it is not possible to list every potential use that may be considered, the planning commission may from time to time evaluate uses not listed as permitted or conditional uses as to their suitability in a particular zone.**

Conditional uses in the residential districts are set forth in the following descriptions of the districts:

A. A-1 Agriculture District The purpose of this district is to provide for a very low density single-family district, while helping to preserve existing agricultural resources, and to guide the conversion of these lands to higher density residential development by application of the zoning standards set forth in this ordinance.

Permitted uses include single-family dwellings, churches and cemeteries; field and truck crops, orchards, vineyards, greenhouses, nurseries, landscape gardening; pasture land, livestock and kennels; essential governmental facilities and services, utility facilities such as electric regulating stations or pressure control stations and uses customarily accessory to permitted uses.

B. RE-1 Residential Estate District The purpose of this district is to accommodate single-family residential development on low density, large estate type lots to provide and preserve a rural environment.

Permitted uses include single-family dwelling and accessory building, agriculture, private stable and/or corral, cemetery, golf course (excluding miniature), parks and essential government facilities.

the required minimum lot size for the district in which it is located, then that remaining lot shall be deemed to comply with minimum lot size requirements.

2. Minimum lot size requirements shall not be interpreted as prohibiting the construction of a single-family residential dwelling unit on a lot that was legally platted and recorded before the adoption of these regulations. For lots that are rendered non-conforming, the necessity of obtaining a variance from such created non-conformity shall not be required as a condition of issuance of a building permit, provided all setback and other requirements can be met.

3. When an existing setback is reduced because of conveyance to a federal, state or local government for a public purpose and the remaining setback is at least seventy-five percent (75%) of the required minimum setback for the district in which it is located, then that remaining setback shall be deemed to satisfy minimum setback requirements.

B. Maximum lot coverage

1. The maximum lot coverage (all buildings) shall not exceed forty percent (40%) in R-1, R-2, MF-1, and MF-2 zones.

2. The maximum lot coverage for the R-0 zone is sixty percent (60%) of the lot or parcel.

C. Height limitations

1. The maximum height for all structures is thirty five (35) feet in R-1, R-2, MF-1, and MF-2 zones. The maximum height for all structures is 20 feet in MHP zones.

2. The maximum height for all structures is forty (40) feet in the R-0 zone.

D. Off-street parking

1. All off street parking shall be a dust free surface. Additional parking requirements for R-1 and R-2 zones are as follows:

- 2 per each single-family dwelling;
- 1 per each 10 seats in a church auditorium or sanctuary;
- 1 per each 1,000 sq. ft. of school floor area; and
- 1 per each 500 sq. ft. of floor area in all other areas.

2. Parking requirements for MF-1 and MF-2 zones are as follows:

- 2 per each single-family dwelling in MF-1;
- 4 per each duplex;
- 6 per each triplex;
- 8 per each fourplex;
- 2 per each dwelling unit in any structure larger than a fourplex;
- 1 per 100 sq. ft. of school floor area; and



3. Are public services and utilities available and adequate?
4. Is fire protection adequate?
5. Is the proposed use compatible with the surrounding area and the planned use for the area?
6. Is screening and egress safe and convenient?
7. Are off-street parking and loading areas adequate?
8. Will refuse and service areas not cause adverse affects on adjacent property?
9. Will off-street parking and loading areas not cause adverse effects on adjacent property?
10. Will signs be in compliance with the city's sign ordinance?

**Renewal of conditional use permits:** Conditional Use Permits issued by the city will be valid for one (1) calendar year and will expire one year from the date the permit is issued. If in the previous year, no complaints have been received regarding a particular conditional use, the permit automatically renews. If however complaints have been received regarding a conditional use, the person or business holding a Conditional Use Permit is required to re-apply to have their Conditional Use Permit reinstated. When presenting the written application for the Conditional Use Permit, a renewal application fee of Fifty Dollars (\$50.00) will also be required with each application. Any applications submitted without the requisite fee will not be accepted. All applications and fees should be delivered to Farmington City Hall. All Renewal applications must be submitted no later than forty-five (45) days before the expiration date in order to process the paperwork in a timely manner and avoid disruption of business at the location. (Ord. No. 2011-2, Sec. 8.)

#### 14.04.09 Administration and enforcement

##### A. Administration and enforcement

##### 1. Board of Adjustment

##### a. Designation, organization, meetings of the Board

(1) The Board of Adjustment, hereinafter referred to as "The Board," shall consist of the members of the Planning Commission.

(2) The Board shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedures, and keep a public record of all findings and decisions.

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
<b>Business &amp; Professional Offices/Services</b>	Advertising Agency	✓	✓	✓	✓	NP
	Financial Services	✓	✓	✓	✓	NP
	Funeral Home	NP	CU	CU	✓	NP
	Travel Agency	✓	✓	✓	✓	NP
	Real Estate Office	✓	✓	✓	✓	NP
	Detective Service	NP	✓	✓	✓	NP
	Drafting Service	✓	✓	✓	✓	NP
	Construction office (office only)	NP	✓	✓	✓	NP
	Medical/Dental/Eye Clinic	CU	✓	✓	✓	NP
	Vet Clinic (domestic-no overnight boarding, no housing animals outside.)	NP	✓	✓	✓	NP
	Vet Clinic (farm animals, allows overnight boarding)	NP	NP	NP	✓	✓
	Employment Agency	NP	✓	✓	✓	NP
	<b>Studios, Arts, Related Services</b>	Art and Teaching Studios	CU	✓	✓	✓
Art Gallery		CU	✓	✓	✓	NP
Art Supplies		CU	✓	✓	✓	NP
Arts & Crafts shop/ & workshops		CU	✓	✓	✓	NP
Broadcast Studio		NP	CU	✓	✓	NP
Antique Shop without refinishing		CU	✓	✓	✓	NP
Bakery		✓	✓	✓	✓	NP
Barber and Beauty Shops		✓	✓	✓	✓	NP
Bicycle shop		✓	✓	✓	✓	NP

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
	Books & Stationery	✓	✓	✓	✓	NP
	Tobacco Store	NP	✓	✓	✓	NP
	Camera Shop	✓	✓	✓	✓	NP
	Clothing Store-manufactured goods	CU	✓	✓	✓	NP
	Tailoring Store/custom sewing	✓	✓	✓	✓	NP
	Catering Services	NP	✓	✓	✓	NP
	Drugstore or pharmacy	NP	✓	✓	✓	NP
	Cosmetics sales	CU	✓	✓	✓	NP
	Vacuum Cleaner Sales & Service	CU	✓	✓	✓	NP
	Dry cleaning (full service)	NP	✓	✓	✓	NP
	Dry cleaning (pick up only)	✓	✓	✓	✓	NP
	Florists	✓	✓	✓	✓	NP
	Food Specialties/Health Food Store	NP	✓	✓	✓	NP
	Health Studio/Gym or spa	CU	✓	✓	✓	NP
	Hearing Aid	✓	✓	✓	✓	NP
	Interior Decorating	✓	✓	✓	✓	NP
	Jewelry store or repair	✓	✓	✓	✓	NP
	Leather goods and luggage	CU	✓	✓	✓	NP
	Optical Shop – and/or Optical Supplies	CU	✓	✓	✓	NP
	Music Instrument	NP	✓	✓	✓	NP
	News & Magazine Store	NP	✓	✓	✓	NP
	Key Shop	CU	✓	✓	✓	NP
	Medical Supplies and Services	NP	✓	✓	✓	NP
	Paint & Wallpaper	NP	✓	✓	✓	NP

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
	Pawn Shop	NP	CU	✓	✓	NP
	Pet Shop/Pet Store	NP	✓	✓	✓	NP
	Photography studio	✓	✓	✓	✓	NP
	Rug Cleaning or Repair	NP	✓	✓	✓	NP
	Second Hand Store	NP	CU	CU	CU	NP
	Shoe Repair	NP	✓	✓	✓	NP
	Shoe Sales	NP	✓	✓	✓	NP
	Sporting Goods	NP	✓	✓	✓	NP
	Taxidermist	NP	NP	NP	✓	NP
	Toy Store	NP	✓	✓	✓	NP
<b>Retail (large site: 2,500 and larger)</b>	Auto Parts	NP	NP	✓	✓	NP
	Building Materials	NP	✓	✓	✓	NP
	Grocery Stores	NP	✓	✓	✓	NP
	Farm Supply/Tractor & and Fleet Stores	NP	✓	✓	✓	NP
	Green Houses/Nurseries with sale of plants and related products	NP	✓	✓	✓	NP
	Laundromats	NP	✓	✓	✓	NP
	Amusement Commercial Indoor	NP	CU	✓	✓	NP
	Kennels	NP	NP	NP	✓	✓
<b>Dining Facilities</b>	Drive-in (food) establishments	NP	✓	✓	NP	NP
	Restaurants – No entertainment	CU	✓	✓	NP	NP
	Restaurants - Entertainment	NP	NP	✓	NP	NP
	Cafes	NP	✓	✓	NP	NP
<b>Cultural, recreational, educational, &amp; health care</b>	Child Care Center- (Not Home Care)	NP	CU	✓	NP	NP

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
	Event Center	NP	CU	CU	NP	NP
	Hospital	NP	NP	✓	NP	NP
	Medical Center (Nonemergency)/Urgent care	NP	✓	✓	✓	✓
	College	NP	✓	✓	✓	✓
	K-12 School	NP	✓	✓	NP	✓
	Auditorium	NP	NP	✓	NP	✓
	Stadium	NP	NP	✓	✓	NP
	Churches	NP	CU	✓	✓	NP
	Golf Course (excluding miniature)	NP	NP	NP	NP	✓
	Private club or lodge	NP	CU	CU	NP	NP
	Cemetery - people	NP	NP	NP	NP	✓
	Cemetery - pets	NP	NP	NP	NP	✓
	Nursing, Assisted Living/ Rehab Facilities	CU	✓	✓	NP	NP
<b>Transportation and trade services</b>	Bus Station	NP	CU	✓	✓	NP
	Taxi Service	NP	CU	CU	✓	✓
	Auto Sales	NP	NP	✓	✓	NP
	Car/Truck Wash	NP	NP	✓	✓	NP
	Lawn Equipment Sales and Repair	NP	CU	CU	✓	NP
	Body shop and garages	NP	NP	CU	✓	NP
	Sale and Service: Heavy Equipment	NP	NP	NP	✓	NP
	Convenience store dispensing fuel	NP	CU	✓	✓	NP
	Storage Units	NP	NP	✓	✓	NP
	Sign Shop	NP	NP	CU	✓	NP
	Warehousing	NP	NP	NP	✓	NP
	Assemble & Manufacture of Prepared Materials	NP	NP	NP	✓	NP

Use Units	Uses	Commercial/Industrial Zoning Districts				
		R-O	C-1	C-2	I	A
	Limited and General Manufacturing	NP	NP	NP	✓	NP
	Packaging	NP	NP	NP	✓	NP
	Wholesale	NP	NP	NP	✓	NP
<b>City Uses By Right</b>	Fire Stations	✓	✓	✓	✓	NP
	Government Facilities	✓	✓	✓	✓	NP
	Library	✓	✓	✓	✓	NP
	Park	✓	✓	✓	✓	NP
	Parking	✓	✓	✓	✓	NP
	Parkway	✓	✓	✓	✓	NP
	Pasture Land	✓	✓	✓	✓	✓
	Utility Facilities	✓	✓	✓	✓	✓
	Essential Services in Public Right-of-Way	✓	✓	✓	✓	✓

RESOLUTION NO. 2015-05

A RESOLUTION PURSUANT TO ARKANSAS CODE ANNOTATED § 14-56-306(b) AGREEING TO A CHANGE IN ZONING FROM R-A, RESIDENTIAL AGRICULTURAL AND RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE TO COMMUNITY SERVICES (CS) AND NEIGHBORHOOD CONSERVATION (NC) FOR PROPERTY LOCATED IN THE CITY OF FAYETTEVILLE THAT ADJOINS THE CITY OF FARMINGTON

WHEREAS, Ark. Code Ann. § 14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

WHEREAS, the city council of the City of Farmington has determined that the rezoning from R-A, Residential Agricultural and RSF-1, Residential Single Family One Unit Per Acre to Community Services (CS) and Neighborhood Conservation (NC), as recommended by the City of Fayetteville Planning Commission will not adversely impact the adjoined land within the City of Farmington.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, ARKANSAS

Section 1: That the city council of the City of Farmington, Arkansas hereby determines that the rezoning requested by the applicant, City of Fayetteville, as shown on the map attached as Exhibit "A", will not adversely impact the adjoined land within the City of Farmington and further hereby agrees to this proposed change in zoning of the applicant's lots.

PASSED AND APPROVED this 10<sup>th</sup> day of August, 2015.

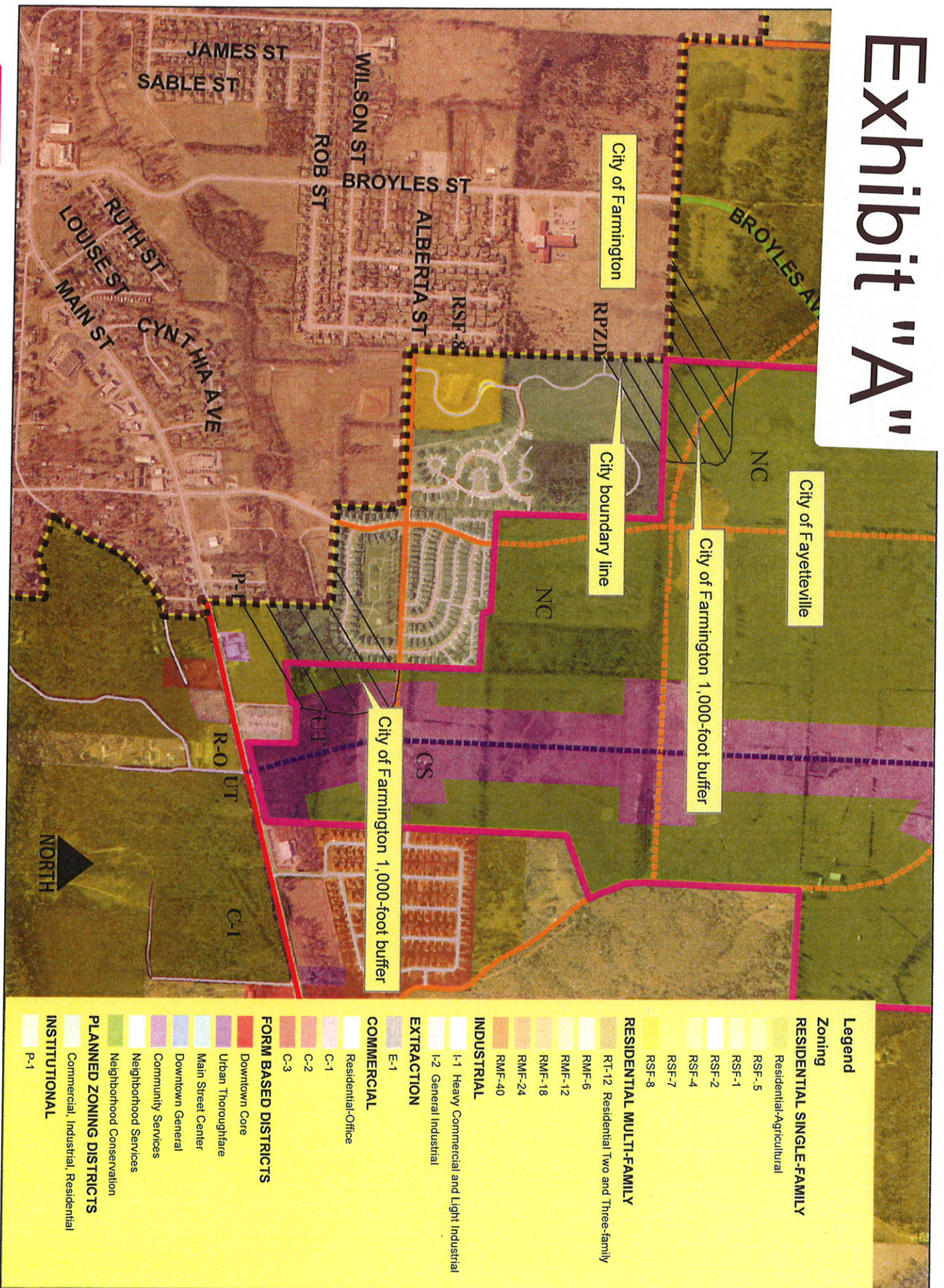
Approved:

\_\_\_\_\_  
Mayor Ernie Penn

Attest:

\_\_\_\_\_  
Kelly Penn, City Clerk

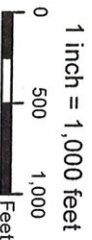
# Exhibit "A"



Proposed rezoning area



City of Farmington 1,000-foot jurisdictional area





**ORDINANCE NO. 5775**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-4965, FOR APPROXIMATELY 642 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM R-A, RESIDENTIAL-AGRICULTURE; RSF-1, RESIDENTIAL SINGLE FAMILY ONE UNIT PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY FOUR UNITS PER ACRE; and RSF-8, RESIDENTIAL SINGLE FAMILY EIGHT UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES, UT, URBAN THOROUGHFARE; and R-A, RESIDENTIAL AGRICULTURAL.

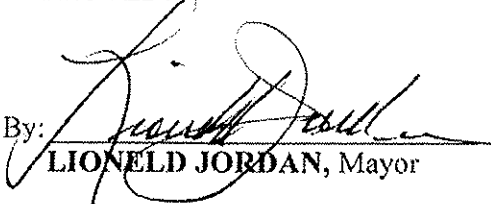
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the following described property from R-A, Residential-Agriculture; RSF-1, Residential Single Family One Unit Per Acre; RSF-4, Residential Single Family Four Units Per Acre; and RSF-8, Residential Single Family Eight Units Per Acre to NC, Neighborhood Conservation; CS, Community Services; UT, Urban Thoroughfare; and R-A, Residential Agriculture, as shown on Exhibit "A" attached hereto and made a part hereof.

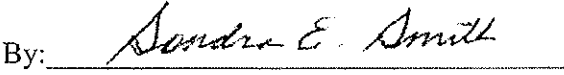
Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

**PASSED** and **APPROVED** this 2<sup>nd</sup> day of June, 2015.

APPROVED:

By:   
LIONEL JORDAN, Mayor

ATTEST:

By:   
SONDRA E. SMITH, City Clerk Treasurer



**161.26 Neighborhood Conservation**

(A) *Purpose.* The *Neighborhood Conservation* zone has the least activity and a lower density than the other zones. Although *Neighborhood Conservation* is the most purely residential zone, it can have some mix of uses, such as civic buildings. *Neighborhood Conservation* serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the *Neighborhood Conservation* district is a residential zone.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Limited Business *
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cottage Housing Development

(C) *Density.* 10 Units Per Acre.

(D) *Bulk and area regulations*

(1) *Lot width minimum.*

Single Family	40 ft.
Two Family	80 ft.
Three Family	90 ft.

(2) *Lot area minimum.* 4,000 Sq. Ft.

(E) *Setback regulations*

Front	A build-to zone that is located between the front property line and a line 25 ft. from the front property line.
Side	5 ft.
Rear	5 ft.
Rear, from center line of an alley	12 ft.

(F) *Building height regulations.*

Building Height Maximum	45 ft.
-------------------------	--------

(Ord. 5128, 4-15-08; Ord. 5312, 4-20-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13; Ord. 5664, 2-18-14)

**161.19 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-family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 18	Gasoline service stations and drive-in/drive through restaurants
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 28	Multi-family dwellings
Unit 44	Cottage Housing Development
Unit 45	Small scale production

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 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 40	Sidewalk Cafes
Unit 42	Clean technologies

(C) *Density.* None

(D) *Bulk and area regulations.*

(1) *Lot width minimum.*

Dwelling	18 ft.
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	56 ft.
-------------------------	--------

(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. 5312, 4-20-10; Ord. 5339, 8-3-10; Ord. 5462, 12-6-11; Ord. 5592, 6-18-13, Ord. 5664, 2-18-14, Ord. 5735, 1-20-15)

Arkansas Code of 1987 Annotated Official Edition  
© 1987-2012 by the State of Arkansas  
All rights reserved.

\*\*\* Legislation is current through the 2012 Fiscal Session and updates \*\*\*  
\*\*\* received from the Arkansas Code Revision Commission through \*\*\*  
\*\*\* August 1, 2012. \*\*\*

Title 14 Local Government  
Subtitle 3. Municipal Government  
Chapter 56 Municipal Building And Zoning Regulations -- Planning  
Subchapter 3 -- Zoning Regulations

A.C.A. § 14-56-306 (2012)

**14-56-306. Land use in adjacent and contiguous cities to be compatible.**

(a) If municipalities become adjacent and contiguous to one another through annexation or other procedures, then lands or properties within the boundary area of each municipality shall be zoned only for land uses which are compatible with the zoned land uses of the adjoining lands or properties, even if the adjoining lands or properties are located outside the corporate limits or are located within the corporate limits of another municipality.

(b) Adjoining lands within the boundary area shall remain zoned with a compatible land use until the governing body of each municipality which is adjacent and contiguous to the boundary area adopts a resolution agreeing to a change in the zoning of the lands or properties that adjoin one another and stating that the rezoning to a land use which is not compatible will not adversely impact the adjoined land or property.

(c) As used in this section, unless the context otherwise requires:

(1) "Adjacent and contiguous" means any time the corporate limits of one municipality come in contact with the boundaries of the corporate limits of another municipality, or if the boundaries of one municipality extend to within one thousand feet (1000') of the corporate limits of another municipality;

(2) "Boundary area" means the area of land along the municipal boundary that is:

(A) Inside the municipality and within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality; and

(B) Outside the municipality, but within the planning and zoning jurisdiction of the municipality and also within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality;

(3) (A) "Compatible land use" means any use of lands, buildings, and structures which is harmonious to the uses and activities being conducted on the adjoining lands and properties and which does not adversely affect or unreasonably impact any use or enjoyment of the adjoined land.

**(B)** A compatible land use includes a land use authorized by the municipal zoning ordinance for the zone that is the equivalent to, or that is as nearly equivalent as possible to, a land use authorized by the municipal zoning ordinance; and

**(4)** "Municipality" means:

**(A)** A city of the first class;

**(B)** A city of the second class; or

**(C)** An incorporated town.

**(d)** This section shall apply to municipalities with planning commissions and zoning ordinances authorized under §§ 14-56-401 -- 14-56-425 and shall apply to any other municipal zoning regulations authorized by Arkansas law.

**(e)** Notwithstanding anything contained in subsections (a)-(d) of this section, this section shall not apply to any property if the owners of the property have sought to have services extended to the property pursuant to § 14-40-2002 prior to March 30, 2001.

**HISTORY:** Acts 2001, No. 1198, § 1.

View Full



1 of 1



[Return to Results](#) | [Book Browse](#)

**A.C.A. § 14-56-306** (Copy w/ Cite)

Pages: 3

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)  
Copyright © 2013 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS  
CITY PLANNING DIVISION  
125 West Mountain  
Fayetteville, AR 72701  
Phone (479) 444-3443

March 04, 2015

City of Fayetteville, City Planning Division  
Fayetteville, AR 72701

Tracy Hoskins, Chair  
Fayetteville Planning Commission  
City of Fayetteville, Arkansas  
113 W. Mountain St  
Fayetteville, AR 72701

**Re: Rezone Request of the South Ruppel Road Corridor**

Dear Planning Commission Chair:

Please accept this letter as a request to rezone property located along the South Ruppel Road corridor generally bounded by Persimmon Street to the north and Martin Luther King Boulevard to the south.

The City will be constructing a major new street connection by extending Ruppel Road approximately 1.5 miles south from the existing dead end of Ruppel Road adjacent to Owl Creek Elementary to Martin Luther King Boulevard. The new road will be built as a Principal Arterial with four lanes and a boulevard. Round-a-bouts will be installed approximately every half mile at the planned east-west Collector Street intersections. Construction is scheduled to begin in 2015 and be completed by the end of 2016.

The extension of Ruppel Road has been included on the Master Street Plan for at least 15 years dating back to the Master Street Plan adopted in 2000. Ruppel Road has long been planned as the major north-south transportation corridor in the city west of I-49. The completion of this major new infrastructure project will change traffic patterns and open up several hundred acres of farmland for development. Staff has been in consultation with several developers and property owners in the vicinity that are anticipating building new development in this area after the completion of the city's project. With multiple developers discussing potential rezonings and development of various pieces along this corridor, staff is bringing forward a comprehensive zoning proposal for the entire area to better enable staff, Planning Commission, and City Council to think through the rezoning of this property as a whole, rather than piecemeal applications from individual property owners.

This is a large undeveloped area of approximately 600 acres within the City limits in the vicinity of the Wedington Drive and Martin Luther King commercial corridors to the north and south, the wastewater treatment plant to the west, and the Mountain Ranch/I-49 corridor to the east. This rezoning may have the appearance of extending urban sprawl into undeveloped areas. However, because of surrounding development and need to accommodate long term planned growth, the rezoning is compatible with surrounding areas, been anticipated for a number of years, and is consistent with the primary goals of City Plan 2030. These goals include encouraging planned and orderly growth that is transit oriented, development patterns in traditional form creating great streets and allowing a diversity of uses and dwelling types for complete neighborhoods. Staff recommends that mixed use zoning be concentrated around the Ruppel Road corridor and Collector Street intersections, and that the periphery of the study area adjacent to existing single family dwellings be rezoned for single family dwellings to provide adequate transition and compatibility amongst existing uses.

The City Plan 2030 Future Land Use Plan map (FLUM) identifies this area primarily as a Residential Neighborhood Area, with Natural Area designations along isolated floodplains and riparian corridors. Almost the entire vicinity is on the Enduring Green Network map because it is largely undeveloped and contains high environmental quality including remnant prairie habitat.

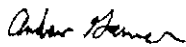
This area has been indicated on the FLUM to be developed at moderate to medium density for a number of years. Staff's proposal is to rezone the area to allow an overall residential density of approximately eight dwelling units per acre. This threshold is generally the critical mass needed to support transit and other non-residential services in the immediate neighborhood. The intent is for the build-out to be a self-sustaining neighborhood where residents can live, work, play and shop for a majority of their daily needs without having to drive long distances. The immediate corridor along Ruppel Road is proposed with a mixed use form-based zoning district that would allow a wide range of housing options and neighborhood-serving retail and services. This includes a variety of single family attached and detached units, multi-family dwellings, and non-residential goods and services. Outside the corridor would be zoned NC, Neighborhood Conservation. NC allows a maximum of 10 single family dwelling units per acre. It should be noted that gross density in a subdivision is typically much lower than the zoning allows because of the land required for utilities and streets.

The study area is identified as having a high level of natural resources by the Fayetteville Natural Heritage Association (FNHA), a local non-profit group. Habitat in the study area is classified by the FNHA as prairie remnant and seasonal wetlands<sup>1</sup>. In staff's assessment, it appears that much of upland prairie habitat has been removed or disturbed to accommodate farming and grazing. Remnant prairie in the study area appears to be located particularly along the riparian corridors that have less disturbance. The Woolsey Wet Prairie Sanctuary is a 30-acre wetland mitigation site located on the City's wastewater treatment plant to the west of the study area. Due to the environmental sensitivity of the study area, staff recommends that all of the land identified as Natural Area be zoned R-A, Residential Agricultural. This zoning should result in conservation along these riparian corridors in exchange for higher density in other areas.

A rezoning of this size will allow a large volume of development that will increase traffic on surrounding roads. However, as discussed above, the City's planned road project will be completed in the near future to accommodate this planned growth. As individual developments are reviewed, on and off-site street improvements will be reviewed and recommended. One such recommendation for this area may include an assessment for developments to contribute money to the Persimmon Street overpass. This is a planned east-west connection over I-49 which will alleviate congestion at I-49/Wedington Road interchange.

Thank you for time and consideration of this request.

Sincerely,



Andrew Garner, AICP  
City Planning Director  
City of Fayetteville Development Services  
[agamer@fayetteville-ar.gov](mailto:agamer@fayetteville-ar.gov)  
479.575.8262

Att: Rezoning exhibit  
Cc: Jeremy Pate, Development Services Director  
Chris Brown, City Engineer

<sup>1</sup> Fayetteville Natural Heritage Association Environmental Working Group Map 2008-2009