

**AGENDA REQUEST FORM**

**FOR: Council Meeting of December 15, 2020**

**FROM: Council Member Kyle Smith**

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**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

**AN ORDINANCE TO AMEND §166.22 COMMUNITY SERVICES AND § 166.24 URBAN THOROUGHFARE BY CHANGING CERTAIN PERMITTED USES TO CONDITIONAL USES**

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**APPROVED FOR AGENDA:**



12/2/2020

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**Council Member Kyle Smith**

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Date



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**Asst. City Attorney Blake Pennington**  
Approved as to form

12/2/2020

Date

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE TO AMEND §166.22 COMMUNITY SERVICES AND § 166.24 URBAN THOROUGHFARE BY CHANGING CERTAIN PERMITTED USES TO CONDITIONAL USES**

**WHEREAS**, the City Council adopted City Plan 2040 with objectives to promote context sensitive corridor planning and prioritize multi-modal street designs that treat walkability and cycling as core functions (Goal 3); and

**WHEREAS**, City Plan 2040 includes a growth concept map designating areas of the city intended to develop into pedestrian-friendly mixed-use nodes served by current or future transit service; and

**WHEREAS**, the Community Services zoning district is often applied to areas where mixed-use development is desirable because its stated purpose is to encourage a mixture of residential and commercial uses in a traditional urban form; and

**WHEREAS**, recent examples of development in Community Services districts utilizing only Use Unit 8 “Single Family Dwellings” in patterns indistinguishable from neighboring residential zones have failed to produce the intended variety of housing types or reserve space for future commercial development; and

**WHEREAS** recent proposals for Community Services zones have drawn public criticism about the safety of traffic associated with Use Unit 18 “Gasoline service stations and drive-in/drive through restaurants” in areas with high pedestrian traffic or the compatibility of these uses with nearby residential areas; and

**WHEREAS**, the Conditional Use Permit process allows the Planning Commission to apply a higher level of discretion to ensure development of these uses is safe, compatible, and appropriate.

**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 amends § 161.22 **Community Services** by removing Unit 8, Single-family dwellings; Unit 9, Two-family dwellings; and Unit 18, Gasoline service stations and drive-in/drive-through restaurants from subsection (B)(1) *Permitted Uses* and adding them to subsection (B)(2) *Conditional Uses*.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 161.24 **Urban Thoroughfare** by removing Unit 8, Single-family dwellings and Unit 9, Two-family dwellings from subsection (B)(1) *Permitted Uses* and adding them to subsection (B)(2) *Conditional Uses*.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby recognizes the vested rights of property owners who have purchased property for development based on existing zoning standards, and hereby exempts all unexpired large scale developments, small site improvement

plans, large site improvement plans, preliminary plats, final plats, concurrent plats, and building permits approved within 6 months following the enactment of this ordinance. This exemption shall include any approved renewals or extensions pursuant to § 166.20 of the Unified Development Code and all subsequent phases of plats subject to this exemption.

**PASSED** and **APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

**ATTEST:**

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**KARA PAXTON**, City Clerk/Treasurer