

City of Fayetteville Staff Review Form

2021-0868

Legistar File ID

11/16/2021

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

Jonathan Curth

10/29/2021

DEVELOPMENT REVIEW (630)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

ADM-2021-000071: Administrative Item: (Amend UDC Chapter 166.23, Urban Residential Design Standards): Submitted by CITY STAFF and the PLANNING COMMISSION for revisions to UDC Chapter 166.23. The proposed code change would promote pedestrian cross access and require unobstructed, durable access from residential buildings to public sidewalks.

Budget Impact:

Account Number	Fund									
Project Number	Project Title									
Budgeted Item? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Current Budget</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Funds Obligated</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Current Balance</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> </table>	Current Budget	\$	-	Funds Obligated	\$	-	Current Balance	\$	-
Current Budget	\$	-								
Funds Obligated	\$	-								
Current Balance	\$	-								
Does item have a cost? <u> No </u>	<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;">Item Cost</td> <td style="width: 10%;">\$</td> <td style="width: 30%; text-align: right;">-</td> </tr> <tr> <td>Budget Adjustment Attached? <u> No </u></td> <td>\$</td> <td style="text-align: right;">-</td> </tr> <tr> <td>Remaining Budget</td> <td>\$</td> <td style="text-align: right;">-</td> </tr> </table>	Item Cost	\$	-	Budget Adjustment Attached? <u> No </u>	\$	-	Remaining Budget	\$	-
Item Cost	\$	-								
Budget Adjustment Attached? <u> No </u>	\$	-								
Remaining Budget	\$	-								

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF NOVEMBER 16, 2021

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff

FROM: Planning Commission Long-Range Subcommittee
Jonathan Curth, Development Services Director

DATE: October 29, 2021

SUBJECT: **ADM-2021-000071: Administrative Item: (Amend UDC Chapter 166.23, Urban Residential Design Standards):** Submitted by CITY STAFF and the PLANNING COMMISSION for revisions to UDC Chapter 166.23. The proposed code change would promote pedestrian cross access and require unobstructed, durable access from residential buildings to public sidewalks.

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to §166.23, Urban Residential Design Standards, of the Unified Development Code to promote pedestrian cross access and require unobstructed, durable access from residential buildings to public sidewalks.

BACKGROUND:

Fayetteville's Urban Residential Design Standards require dwellings to have street-facing entries and access to sidewalk when they are located on the ground-level and street adjacent. Recent projects made evident a lack of specificity about the manner and degree of access. As a result, some projects have utilized non-standard and possibly inadequate surfacing materials, including organic matter like mulch. Further, required pedestrian connections were installed to direct residents and other users to fenced-in or otherwise inaccessible entries.

A further concern noted by the Commission is the inability to require pedestrian cross access where it is accommodated by adjacent properties. This has led to projects on large tracts of land with limited to no connectivity. Where a subdivision includes public streets that afford mobility, large multi-family developments often do not, resulting in reduced access and increased vehicle dependence.

The Long-Range Planning Subcommittee of the Planning Commission asserts that both issues represent a conflict with the stated purpose of Fayetteville's Urban Residential Design Standards: "to create appealing street scenes so that development enhances the images of the city and provides safe, pedestrian-friendly neighborhood environments." By installing mulch or other loose materials, pathways to entrances were found to erode and track-out on to public sidewalk. Additionally, pathways to entrances that were obstructed by un-gated fencing or walls negated the ability of residents to directly access their dwellings, in some cases directing them

to parking lots or the rear of a dwelling where they can not benefit from the natural surveillance associated with street activity.

DISCUSSION:

To address the issues, the Long-Range Planning Subcommittee in conjunction with staff drafted a text amendment to the Urban Residential Design Standards. The first addresses the standard for pedestrian connections to be unobstructed and made of durable materials. This includes an avenue for administrative relief from the City's Zoning and Development Administrator. The second amendment requires connecting to sidewalks on adjacent commercial and residential properties when they are present. These amendments are proposed as follows:

(4) Pedestrian Circulation

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect **unobstructed** to the public sidewalk where sidewalk exists **in a manner to allow occupants to access from the interior of the structure to the City sidewalk. The connection shall match the sidewalk in material type and shall be at least 3-feet in width unless otherwise approved by the Zoning and Development Administrator in writing.** The entry may be **gated and** shared, but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects **shall** ~~should~~ incorporate pedestrian connections to adjacent residential and commercial properties where **sidewalks exist unless this requirement is otherwise waived by the Planning Commission.** ~~And for trails exist and can be extended in the future.~~

At their October 25, 2021 meeting, the Planning Commission forwarded the request with a vote of 7-0-0. Commissioner Johnson made the motion and Commission Canada provided the second. Two amendments were proposed at the meeting and incorporated in to the proposal attached herein. First was a clarification that cross access would only be required in instances where existing sidewalk is present. The second was to incorporate language preventing pedestrian entries from being obstructed while allowing gates or similar access control. No public comment was heard.

BUDGET/STAFF IMPACT:

None

Attachments:

- Exhibit 'A'
- Proposed Ordinance Amendment in Strikeout/Highlight

EXHIBIT 'A'
ADM-2021-000071

166.23 Urban Residential Design Standards

...

(4) *Pedestrian Circulation.*

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect unobstructed to the public sidewalk where sidewalk exists in a manner to allow occupants to access from the interior of the structure to the City sidewalk. The connection shall match the sidewalk in material type and shall be at least 3-feet in width unless otherwise approved by the Zoning and Development Administrator in writing. The entry may be gated and shared but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
- (b) Urban residential projects shall incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks unless this requirement is otherwise waived by the Planning Commission.

...

166.23 Urban Residential Design Standards

(A) *Purposes.*

- (1) To protect and enhance Fayetteville's appearance, identity, and natural and economic vitality.
- (2) To create appealing street scenes so that development enhances the image of the city and provides safe, pedestrian-friendly neighborhood environments.
- (3) To minimize service and parking impacts in order to preserve surrounding property values and scenic resources that contribute to the city's economic development.
- (4) To compose attractive residential facades that enhance the economic viability of and provide compatibility with surrounding property.

(B) *Applicability.* All references to urban residential design standards shall include the following uses as permitted by right or conditional use in all zoning districts:

- (1) 2-F, Two (2) family dwellings
- (2) 3-F, Three (3) family dwellings
- (3) MF, Multi-family dwellings

(C) *Site Development Standards.* The following site development standards shall apply for all urban residential development.

- (1) *Intent.* The intent of these site development standards is to create a pedestrian-friendly streetscape.
- (2) *Vehicular Access/Circulation/Parking.*
 - (a) Site access and internal circulation should promote pedestrian safety, efficiency, and convenience and minimize conflicts between vehicles and pedestrians. Continuous circulation shall be provided throughout the site to the greatest extent possible creating a complete, compact, and connected transportation network both within the development and to the surrounding neighborhood. The visual impact of parking areas should be minimized by locating parking behind buildings and internal to the site.
 - (i) Garage entries and carports shall not protrude forward from the principal facade. Driveways shall extend at least 18 feet into the property from the Master Street Plan right-of-way to allow parking to occur without encroaching into the right-of-way.
 - (ii) Parking areas should be accessed by mid-block alleys whenever possible. Developments should minimize multiple driveways and should utilize a shared access to reduce the number of vehicle conflicts at the street.
 - (iii) On-street parallel parking may be provided on at least one (1) side of the street in front of all multi-family buildings where feasible. Each on-street parking space provided along the project frontage shall count toward the total required spaces for the development.
- (3) *[Reserved.]*
- (4) *Pedestrian Circulation.*

- (a) Ground floor dwelling units adjacent to a public street shall have a primary pedestrian entry that is visible from the street. This entry shall connect *unobstructed* to the public sidewalk where sidewalk exists *in a manner to allow occupants to access from the interior of the structure to the City sidewalk. The connection shall match the sidewalk in material type and shall be at least 3-feet in width unless otherwise approved by the Zoning and Development Administrator in writing.* The entry may be *gated and* shared, but must occur at a spacing of no fewer than one (1) entrance for every two (2) street level dwellings. The pedestrian connection to the street may run from the door along the façade of the building parallel to the street for a maximum of 12 feet from the door before connecting directly to the public sidewalk.
 - (b) Urban residential projects *shall should* incorporate pedestrian connections to adjacent residential and commercial properties where sidewalks *exist unless this requirement is otherwise waived by the Planning Commission. and/or trails exist and can be extended in the future.*
- (5) *Screening Requirements if Visible from the Highway/Street Right-of-Way.*
- (a) *Mechanical and Utility Equipment.* All mechanical and utility equipment located on the wall and/or on the ground shall be screened, except for air conditioning window units. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening into the structure utilizing materials compatible with the supporting building. Mechanical and utility equipment over 30 inches in height shall meet building setbacks, unless located in a utility easement.
 - (b) *Recycling and Trash Containers.* Adequate space and screening shall be provided for the placement of recycling and trash containers in urban residential developments.
 - (i) Urban residential developments are required to provide adequate space to provide both recycling and trash services for residents. The Recycling and Trash Collection Division Director may exercise discretion in approving the dimensional size of the required enclosure or dedicated space for servicing recycling and trash containers. Large multi-family urban residential developments typically will be required to provide adequate space for the placement of two (2) front-end load dumpsters that are easily accessible with a minimum enclosure dimension of 24 feet wide and 12 feet deep.
 - (ii) Recycling and trash containers shall be screened by enclosures with materials that are complementary to the principal structure, with access to the refuse containers not visible from the public right-of-way.
 - (c) *Screening.* Screening shall mean a view obscuring fence, berm, vegetation, architectural treatment consistent with the residential architecture, or a combination of the four of sufficient height to prevent the view of the screened items from the public right-of-way. Vegetation shall be planted at a density sufficient to become view obscuring within two years from the date of planting.
- (6) *Fencing.* The following types, height, and location of fences shall be prohibited:
- (a) *Razor and/or Barbed Wire.* Razor and/or barbed wire fences are prohibited, unless and except barbed wire fences are used for agricultural purposes.

- (b) *Chain Link*. Chain link fence is prohibited if closer to the street than the front of the building.
- (c) *Height of Fences in Front of Buildings*. Fences in the front yard area shall have a maximum height of 42 inches subject to visibility requirements in Chapter 164.09 and 164.17.

(D) *Architectural Design Standards*.

(1) *Intent*. The intent of these building design standards is:

- (a) To ensure that urban residential buildings add to the character and quality of the community, offer a sense of security, and make a positive contribution to the life of the street.
- (b) To maximize the quality, value and longevity of urban residential neighborhoods.
- (c) To make housing appealing and comfortable for its inhabitants.

(2) *Construction and Appearance Design Standards for Urban Residential Development*.

(a) *Building Form and Design*.

- (i) In order to provide a variety in form and design, one (1) building type may not be utilized more than three (3) times in a development. Each building type shall be differentiated by variations in materials, colors and roof forms.
- (ii) Ancillary structures such as carports, garages, recreational buildings and storage structures shall be designed as an integral part of the project architecture.
- (iii) The following architectural elements shall be required of all principal façades that are greater than 48 feet wide along the street frontage:
 - (a) Variations in materials;
 - (b) Insets or other relief in the wall plane;
 - (c) Incorporation of two or more of the following:
 - (1) Balconies;
 - (2) Bays or bay windows;
 - (3) Porches;
 - (4) Dormers;
 - (5) Porticoes;
 - (6) Turrets; or
 - (7) Other architectural feature approved by the Zoning Development Administrator that meets the intent of the code.
- (iv) One (1) or more of the following architectural elements shall be required of all principal façades that are 48 feet wide or less along the street frontage:
 - (a) Balconies;
 - (b) Bays or bay windows;
 - (c) Porches;

- (d) Dormers;
- (e) Porticos;
- (f) Turrets; or
- (g) Other architectural feature approved by the Development Review Manager that meets the intent of the Code.

(E) *Planning Commission Approval.* An applicant may request approval from the Planning Commission of a variance from the maximum requirements where unique circumstances exist and the effect will not adversely impact adjoining or neighboring property owners. The applicant shall provide notification to adjacent property owners prior to the date of the meeting.

(Ord. No. 5118, 3-18-08; Ord. No. 5262, 8-4-09; Ord. No. 5679, 4-15-14; Ord. No. 6170 , §1, 4-2-19; Ord. No. 6357 , §§1, 2, 9-15-20)