

City of Fayetteville Staff Review Form

2022-0296

Legistar File ID

5/3/2022

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

Britin Bostick

4/15/2022

LONG RANGE PLANNING (634)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approve ADM-2022-0020: Administrative Item: (Amend UDC Chapter 163 – Use Conditions): Submitted by CITY STAFF AND THE PLANNING COMMISSION. The proposed code change would amend setback requirements for tandem lots and provide for administrative approval.

Budget Impact:

Account Number	Fund
Project Number	Project Title
Budgeted Item? <u> No </u>	Current Budget \$ -
	Funds Obligated \$ -
	Current Balance \$ -
Does item have a cost? <u> No </u>	Item Cost \$ -
Budget Adjustment Attached? <u> No </u>	Budget Adjustment \$ -
	Remaining Budget \$ -

V20210527

Purchase Order Number: _____

Previous Ordinance or Resolution # 5313

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:



MEETING OF MAY 3, 2022

TO: Mayor; Fayetteville City Council

THRU: Susan Norton, Chief of Staff

FROM: Jonathan Curth, Development Services Director
Fayetteville Planning Commission
Britin Bostick, Long Range Planning/Special Projects Manager

DATE: April 15, 2022

SUBJECT: ADM-2022-0020: Administrative Item: (Amend UDC Chapter 163 – Use Conditions): Submitted by CITY STAFF AND THE PLANNING COMMISSION. The proposed code change would amend setback requirements for tandem lots and provide for administrative approval.

RECOMMENDATION:

City staff and the Planning Commission recommend approval of an amendment to the Unified Development Code repealing § 163.12, Tandem Lot Development in Chapter 163, Use Conditions, and enacting §164.25, Tandem Lot Development in Chapter 164, Supplemental Zoning Regulations and Specialized Development Regulations, which will provide an administrative approval process for tandem lot development rather than requiring Planning Commission approval of a conditional use permit.

BACKGROUND:

The purpose of Tandem Lot Development is to utilize land for development that does not meet the typical zoning district requirement for minimum street frontage. One approach to potentially increase the supply of housing within our region is to encourage the construction of Tandem Lots where appropriate. Per the Fayetteville Unified Development Code (UDC), a Tandem Lot is, “A lot which has less than 50% of the required frontage on a public street and which is located behind a conforming lot or a portion of a conforming lot.” Also known as “flag”, “hammerhead” and “pork chop” lots, this lot type is used to subdivide properties to a “front” and “back” lot configuration, with one lot retaining the majority of or all of the street frontage, rather than splitting a lot to a side-by-side configuration with equal street frontage for both lots. This approach to lot creation allows for housing to be built in “back yard” areas, which may produce additional infill housing locations where street frontage widths may not accommodate more traditional lot splits. Tandem Lots allow the creation of additional detached single-family housing without the construction of additional infrastructure as they are served by existing street networks and utilities. Lots suitable for the Tandem Lot approach are often parcels located in areas of challenging topography, in areas where the street grid is incomplete, or in neighborhoods with irregular lot sizes and configurations.

Currently the UDC allows for Tandem Lot Development as a conditional use for lots in zoning districts that allow single-family structures. The current building setback for all Tandem Lots,

regardless of the underlying zoning district standards, is 15 feet. By contrast, building setbacks vary in the zoning districts which permit single-family dwellings. The low-density Residential-Agricultural (R-A) zoning district requires side and rear setbacks of 35 feet, and the high-density Residential Multi-family - Twenty-Four (24) Units per Acre (RMF-24) requires side and rear setbacks of 5 feet when abutting single-family uses. The single building setback dimension of 15 feet established for all Tandem Lots is not consistent with the required building setbacks for many of the applicable zoning districts, which have deeper or more shallow required setbacks than 15 feet depending on the zoning district's intended density and intensity of uses.

DISCUSSION:

Tandem Lots facilitate three of the City Plan 2040 goals, which are:

- Goal 1 – We will make appropriate infill and revitalization our highest priority
- Goal 3 – We will make compact, complete, and connected development the standard
- Goal 6 – We will create opportunities for attainable housing

By adjusting the required building setbacks from a uniform 15 feet to be aligned with the required building setbacks for the applicable zoning district, the requirements for development on Tandem Lots will be more in keeping with Goal 1. Infill construction would have building setbacks more similar to the surroundings or established building setback requirements, particularly for zoning districts in which the setbacks are greater or less than the current 15 feet. This will allow for a more contextual development pattern and potentially more flexible building siting on the tandem lot. The creation of Tandem Lots fulfills Goal 3 by facilitating compact development. Compact development is an efficient use of land that promotes a relatively high residential density with a mix of uses nearby. By providing for otherwise unavailable residential infill opportunities, Tandem Lots can help create more compact neighborhoods. The creation of Tandem Lots also has the potential to fulfill Goal 6 by increasing lot availability and reducing lot development or land costs that are associated with lots that require additional infrastructure. They also offer the potential for some property owners in infill locations to subdivide their property and convey a tandem lot to provide revenue. As land values increase, property owners may seek options to sell or develop existing properties with land area suitable for additional housing. Tandem Lots provide an option to do this for properties that meet lot size, use, and other zoning and development requirements, but which do not meet minimum street frontage standards. This expands the opportunity to property owners who may have deep back yards but limited street frontage.

The uniform building setback of 15 feet is proposed to be changed as follows so that new single-family construction on tandem lots will be more consistent with the building setbacks of the underlying zoning districts:

- Tandem Lot building setbacks shall be increased to 35 feet in the R-A, RSF-.5, and RSF-1 zoning districts.
- Tandem Lot building setbacks shall be increased to 30 feet in the RSF-2 zoning district.
- Tandem Lot building setbacks shall remain 15 feet in the RSF-4 and RSF-7 zoning districts.
- Tandem Lot building setbacks shall be reduced to 10 feet in the R-O zoning district.

- Tandem Lot building setbacks shall be reduced to 5 feet in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UT, DC, MSC, DG, and NC zoning districts.

Tandem Lot Development is currently not allowed by right, but rather requires approval of a Conditional Use Permit (CUP) by the Planning Commission. Removing this requirement eliminates a regulatory barrier that may not be necessary where lot size and access standards are observed. For lots that do meet the minimum lot size and access requirements, the Tandem Lot request could be administratively approved. For lots that do not meet development requirements, a variance could be requested from the Planning Commission. For lots that do not meet zoning standards such as the minimum lot size requirement, a variance from the Board of Adjustment would be required.

At their March 28, 2022 meeting, the Planning Commission evaluated the amendment described above before forwarding to the City Council, recommending approval. Commissioner Canada made the motion to forward with Commissioner Sparkman providing the second. A vote of 8-0-0 followed. Discussion was held on all aspects of the amendment, with particular focus on the specific use of single-family for tandem lots, and whether the “front lot” of a tandem lot should also be limited to single-family use. Ultimately the Commission determined that the current language for tandem and front lot uses, allowing a variety of uses for the front lot and single-family use only for the tandem lot is appropriate. No public comment was made at either Planning Commission meeting or the preceding Long-Range Committee meetings.

BUDGET/STAFF IMPACT:

N/A

Attachments:

- Proposed Ordinance – Exhibit “A”

EXHIBIT 'A'
ADM-2022-0020

164.25 Tandem Lot Development

- (A) *Where Allowed.* Tandem lot development shall be permitted for a single-family dwelling and customary accessory structure and/or dwelling unit only and shall be permitted in all districts where single-family dwellings are permitted. The development of one (1) tandem lot behind another tandem lot shall be prohibited.
- (B) *Requirements.* Development of a tandem lot shall be subject to the following requirements:
- (1) The tandem lot shall have access to a public street by way of a private drive with a minimum width and specification, such as a vehicular turnaround, as determined by emergency response providers in accordance with applicable local, state, and federal codes. The tandem lot owner shall be responsible for maintaining said private drive so that emergency vehicles have safe access to the dwelling located on the lot. Parking of vehicles in the designated private drive for emergency vehicle access shall not be permitted. The tandem lot owner shall have title to, or a perpetual private easement in, the private drive. If the private drive intersects a paved street, the private drive shall be paved for a minimum distance of 18 feet from said right-of-way in accordance with the driveway design standards in Fayetteville Unified Development Code Chapter 172.
 - (2) The distance between the private drive of a tandem lot and any adjacent driveway shall not be less than the minimum distance between curb cuts in Fayetteville Unified Development Code Chapter 166 Street Design and Access Management Standards.
 - (3) Solid waste service for the tandem lot shall be provided by customers placing standard residential garbage carts, recycling bins, and yard waste at a designated collection point on trash day in accordance with City of Fayetteville Code of Ordinances Chapter 50.20 (B). The designated collection point shall be identified at the time the tandem lot is created, in coordination with the City Solid Waste Division. Garbage carts and recycling bins shall not be placed at the collection point more than twelve (12) hours before or after regular trash pickup in accordance with Chapter 50.20 (B)
 - (4) *Lot Width and Area.* The tandem lot, excluding the private drive, shall conform to the minimum lot width and lot area requirements of the zoning district in which it is located, unless a variance is otherwise granted by the Board of Adjustment.
 - (5) *Setback.* Each tandem lot shall have a minimum building setback requirement as follows:
 - (a) Tandem lots shall have a minimum building setback requirement of 35 feet from all property lines in the R-A, RSF-.5, and RSF-1 zoning districts.
 - (b) Tandem lots shall have a minimum building setback requirement of 30 feet from all property lines in the RSF-2 zoning district.
 - (c) Tandem lots shall have a minimum building setback requirement of 15 feet from all property lines in the RSF-4 and RSF-7 zoning districts.

- (d) Tandem lots shall have a minimum building setback requirement of 10 feet from all property lines in the R-O zoning district.
 - (e) Tandem lots shall have a minimum building setback requirement of 5 feet from all property lines in the RSF-8, RSF-18, RI-12, RI-U, RMF-6, RMF-12, RMF-18, RMF-24, RMF-40, NS-L, NS-G, CS, UT, DC, MSC, DG, and NC zoning districts.
 - (f) Any variance to the minimum building setback requirement may only be granted by the Board of Adjustment.
- (C) *Variances.* Variances to the requirements in (B)(1)-(B)(3) of this section shall be administered as development regulations to be considered by the Planning Commission. All other variances to zoning regulations, including those in (B)(4) and (B)(5), shall be administered as zoning regulations for variance purposes.