

**CHAPTER 6**  
**ZONING DISTRICTS**

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**14-601 CLASSIFICATION OF DISTRICTS**

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Fayetteville, Tennessee.

| <u>Zoning District</u>                        | <u>District Abbreviation</u> |
|---|------------------------------|
| A. <u>Residential Districts</u>               |                              |
| <b>Low-Density Residential District</b>       | <b>R-1</b>                   |
| <b>Medium-Density Residential District</b>    | <b>R-2</b>                   |
| <b>High-Density Residential District</b>      | <b>R-3</b>                   |
| <b>Agricultural District</b>                  | <b>A-1</b>                   |
| B. <u>Commercial Districts</u>                |                              |
| <b>Central Business District</b>              | <b>C-1</b>                   |
| <b>Major Highway Service District</b>         | <b>C-2</b>                   |
| <b>General Commercial District</b>            | <b>C-3</b>                   |
| <b>Neighborhood Service Business District</b> | <b>C-4</b>                   |
| <b>Office/Professional Service District</b>   | <b>C-5</b>                   |
| <b>Research/Technology Park District</b>      | <b>T-P</b>                   |
| C. <u>Industrial Districts</u>                |                              |
| <b>General Industrial District</b>            | <b>I-1</b>                   |
| <b>Special Impact Industrial District</b>     | <b>I-2</b>                   |
| D. <u>Floodway District</u>                   | <b>F-1</b>                   |

E. Special Overlay District Regulations

**Planned Commercial District  
Historic Zoning Overlay District**

**14-602 ZONING MAP**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled, Zoning Atlas, of Fayetteville, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the ordinance that adopts same. Certified prints of the adopted map and zoning map amendments shall be maintained in the offices of the City Planner and the Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

**14-603 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, as they exist at the time of the enactment of the zoning. Questions concerning the exact locations of district boundaries shall be determined by the Fayetteville Board of Zoning Appeals.

**14-604 ZONING OF ANNEXED TERRITORY**

Prior to the annexation of property, the Planning Commission shall recommend zoning districts to the Fayetteville City Board, which shall assign the zoning districts by ordinance within one hundred-twenty (120) days after annexation.

**14-605 RESIDENTIAL DISTRICT REGULATIONS**

The residential districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These general goals include, among others, the following specific purposes:

- A. To provide sufficient space in appropriate locations for residential development to meet the housing needs of the city's present and expected future population, with due allowance for the need for a choice of sites and building types;
- B. To protect residential areas, as far as possible, against heavy traffic and against through traffic of all kinds;
- C. To protect residential areas against congestion, by regulating the density of population and the bulk of buildings in relation to the land around them and to one another, and by providing for off-street parking spaces.
- D. To require the provision of open space and a maximum conservation of natural sites in residential areas, and to encourage the provision of additional open space by permitting planned development of moderately higher density and intensity coverage with concomitantly higher standards of open space, in order

to provide large open areas with greater utility for rest and recreation; and to encourage the development of more attractive and economic and less monotonous building forms, by providing freedom of architectural and site design;

- E. To provide for access of light and air to windows and for privacy by controls over the spacing and height of buildings and other structures;
- F. To provide appropriate space for those public and private educational, recreational, health, and similar facilities which serve the needs of nearby residents, which generally perform their own activities more effectively in a residential environment, and which do not create objectionable influences;
- G. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of residential development, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the city's tax revenue.

#### **14-605.1 R-1, Low-Density Residential District**

##### **1. Purpose and Intent of District**

These districts are designed to provide suitable areas for low density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. These districts also include limited community facilities, public utilities and open uses which serve specifically the residents of those districts or which are benefitted by and compatible with a residential environment. Further, it is the intent of this ordinance that these districts be located so that the provision of urban services will be physically and economically facilitated and so that the provision is made for the orderly expansion and maintenance of urban residential development within the urban area. It is the express purpose of this ordinance to exclude from these districts all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

##### **2. Uses Permitted**

In the R-1, Low-Density Residential District, the following uses are permitted.

##### **Residential Activities**

**Dwelling, Single-Family Detached  
Dwelling, Duplex**

**Community Education**

**Kindergarten, Primary and Secondary Schools**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

**Intermediate Impact Facilities**

**Country Clubs  
Golf Courses  
Water Storage Facilities**

**Personal and Group Care Facilities**

**Day Care, Individual (1 to 5 Children)  
Minor Homes for Physically or Mentally Handicapped Persons  
(8 persons or less)**

3. **Accessory Uses and Structures**

- a. Private garages and sheds.
- b. Outdoor recreational facilities exclusively for the use of the residents.
- c. Signs in compliance with the regulations set forth in Section 14-508.
- d. Home occupations as defined by and subject to the provisions of Section 14-504.
- e. Other accessory structures and uses customarily incidental to the permitted uses.

4. **Uses Permitted as Special Exceptions**

In the R-1, Low-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 14-808.

**Administrative Services**

**Fire Department Facilities  
Police Department Facilities**

**Community Education**

**Public and Private Nursery Schools**

**Cultural and Recreational Services**

**Botanical Gardens**

**Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

5. **Uses Prohibited**

In the R-1, Low-Density Residential District, any use not permitted by right, by accessory use, or as a special exception, as defined above, is strictly prohibited.

6. **Dimensional Requirements**

All uses permitted in the R-1, Low-Density Residential District, shall comply with the following requirements.

a. **Minimum Lot Size**

**Minimum Area**

|   |                       |
|---|-----------------------|
| <b>Dwelling, Single-Family Detached</b> |                       |
| <b>-with sewer</b>                      | <b>12,000 sq. ft.</b> |
| <b>-without sewer</b>                   | <b>33,000 sq. ft.</b> |
| <b>Dwelling, Duplex</b>                 |                       |
| <b>-with sewer</b>                      | <b>15,000 sq. ft.</b> |
| <b>-without sewer</b>                   | <b>43,560 sq. ft.</b> |

**Minimum Area per Family**

|   |                       |
|---|-----------------------|
| <b>Dwelling, Single-Family Detached</b> |                       |
| <b>-with sewer</b>                      | <b>12,000 sq. ft.</b> |
| <b>-without sewer</b>                   | <b>33,000 sq. ft.</b> |
| <b>Dwelling, Duplex</b>                 |                       |
| <b>-with sewer</b>                      | <b>7,500 sq. ft.</b>  |
| <b>-without sewer</b>                   | <b>21,780 sq. ft.</b> |

**Lot Width at Building Setback**

**with sewer** 75 ft.  
**without sewer** 125 ft.

b. Minimum Yard Requirements

**Front Yard Setback** 35 ft.  
**Side Yard Setback** 10 ft.  
**Rear Yard Setback** 25 ft.

c. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

d. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 14-704.

e. Parking Space Requirements

As regulated in Section 14-501.

f. Landscaping

All yards, excluding necessary driveways, shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

g. Accessory Structures

- i. With the exception of signs and fences, accessory structures shall not be erected in any front or side yard.
- ii. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**14-605.2 R-2, Medium-Density Residential District**

1. Purpose and Intent of District

This class of district is designed to provide suitable areas for medium density residential development where sufficient urban services and facilities are provided or where the extension of such services can be physically and economically facilitated prior to development. Most generally, these districts will be characterized by single-family detached

dwellings and duplexes. Single-family attached dwellings may appear sporadically. This class of district is intended, also, to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from these districts all buildings and other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or, otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

2. Uses Permitted

In the R-2, Medium-Density Residential District, the following uses are permitted.

**Residential Activities**

**Dwelling, Single-Family Detached  
Dwelling, Duplex  
Dwelling, Single-Family Attached**

**Community Education**

**Kindergarten, Primary and Secondary Schools**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

**Intermediate Impact Facilities**

**Golf Courses  
Water Storage Facilities**

**Personal and Group Care Facilities**

**Day Care, Individual (1 to 5 Children)  
Day Care, Family (5 to 7 Children)  
Minor Homes for Physically or Mentally Handicapped Persons  
(8 persons or less)**

## **Transient Habitation**

### **Bed and Breakfast**

3. **Accessory Uses and Structures**
  - a. Private garages and sheds.
  - b. Outdoor recreational facilities exclusively for the use of the residents.
  - c. Signs in compliance with the regulations set forth in Section 14-508.
  - d. Home occupations as defined by and subject to the provisions of Section 14-504.
  - e. Other accessory structures and uses customarily incidental to the permitted uses.
  
4. **Uses Permitted as Special Exceptions**

In the R-2, Medium-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 14-808.

### **Administrative Services**

**City, County, State, and Federal Offices**  
**Fire Department Facilities**  
**Police Department Facilities**  
**Post Offices**

### **Community Assembly**

**Civic, Social, Fraternal, and Philanthropic Associations**  
**Private (Nonprofit) Clubs, Lodges, Meeting Halls, and**  
**Recreation Centers**  
**Temporary Nonprofit Festivals**

### **Community Education**

**Public and Private Nursery Schools**

### **Cultural and Recreational Services**

**Art Galleries**  
**Botanical Gardens**  
**Commercial Swimming Pools**  
**Libraries**  
**Museums**  
**Planetariums and Aquariums**  
**Recreational Centers and Gymnasiums**

**Extensive Impact Facilities**

**Public and Private Utility Corporations' Truck Yards  
and Storage Yards**

**Intermediate Impact Facilities**

**Cemeteries, Columbariums, and Mausoleums  
Radio and TV Transmission Facilities  
(Including Towers and Antennas)**

**Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

5. **Uses Prohibited**

In the R-2, Medium-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

6. **Dimensional Requirements**

All uses permitted in the R-2, Medium-Density Residential District, shall comply with the following requirements.

a. **Minimum Lot Size**

**Minimum Area**

|   |                       |
|---|-----------------------|
| <b>Dwelling, Single-Family Detached</b> | <b>9,000 sq. ft.</b>  |
| <b>Dwelling, Duplex</b>                 | <b>12,000 sq. ft.</b> |
| <b>Dwelling, Single-Family Attached</b> | <b>15,000 sq. ft.</b> |

**Area per Family**

|   |                      |
|---|----------------------|
| <b>Dwelling, Single-Family Detached</b> | <b>9,000 sq. ft.</b> |
| <b>Dwelling, Duplex</b>                 | <b>6,000 sq. ft.</b> |
| <b>Dwelling, Single-Family Attached</b> | <b>5,000 sq. ft.</b> |

|   |               |
|---|---------------|
| <b><u>Lot Width at Building Setback</u></b> | <b>75 ft.</b> |
|---|---------------|

b. **Minimum Yard Requirements**

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback</b>  | <b>10 ft.</b> |
| <b>Rear Yard Setback</b>  | <b>15 ft.</b> |

c. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty-five (35) percent of the total area.

d. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 14-704.

e. Parking Space Requirements

As regulated in Section 14-501.

f. Landscaping

All yards, excluding necessary driveways, shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

g. Accessory Structures

i. With the exception of signs and fences, accessory structures shall not be erected in any front or side yard.

ii. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**14-605.3 R-3, High-Density Residential District**

1. Purpose and Intent of District

This class of district is designed to provide suitable areas for high-density residential development where sufficient urban services and facilities are available or where such facilities will be available prior to development. These districts will be characterized by single-family dwellings: detached and attached; duplexes; and multi-family dwellings. It is the intent of this district to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units thereon. Mobile homes are appropriate in this district only as part of a mobile home park properly submitted as required in this ordinance. This class of district is intended also to permit community facility and public utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to

exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit or, otherwise, except that special exceptions and home occupations specifically provided for in these regulations for these districts shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this ordinance.

2. Uses Permitted

In the R-3, High-Density Residential District, the following uses are permitted.

**Residential Activities**

**Dwelling, Single-Family Detached  
Dwelling, Duplex  
Dwelling, Single-Family Attached  
Dwelling, Multi-Family  
Mobile Home Park**

**Semi-Permanent Residential**

**Boarding House  
Rooming House**

**Community Education**

**Kindergarten, Primary and Secondary Schools**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

**Intermediate Impact Facilities**

**Golf Courses  
Water Storage Facilities**

**Personal and Group Care Facilities**

**Day Care, Individual (1 to 5 Children)  
Day Care, Family (5 to 7 Children)  
Day Care, Group (8 to 12 Children)  
Minor Group Homes for the Handicapped  
(8 handicapped persons or less)**

## **Transient Habitation**

### **Bed and Breakfast**

#### 3. **Accessory Uses and Structures**

- a. Private garages and sheds.
- b. Outdoor recreational facilities exclusively for the use of the residents.
- c. Signs in compliance with the regulations set forth in Section 14-508.
- d. Home occupations as defined by and subject to the provisions of Section 14-504.
- e. Other accessory structures and uses customarily incidental to the permitted uses.

#### 4. **Uses Permitted as Special Exceptions**

In the R-3, High-Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Boards of Zoning Appeals, in accordance with Section 14-808.

### **Administrative Services**

**City, County, State, and Federal Offices**

**Fire Department Facilities**

**Police Department Facilities**

**Post Offices**

### **Community Assembly**

**Civic, Social, Fraternal, and Philanthropic Associations**

**Private (Nonprofit) Clubs, Lodges, Meeting Halls, and**

**Recreation Centers**

**Temporary Nonprofit Festivals**

### **Community Education**

**Public and Private Nursery Schools**

### **Cultural and Recreational Services**

**Art Galleries**

**Botanical Gardens**

**Commercial Swimming Pools**

**Libraries  
Museums  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums**

**Extensive Impact Facilities**

**Public and Private Utility Corporations' Truck Yards  
and Storage Yards**

**Health Care Facilities**

**Centers for Observation or Rehabilitation  
Convalescent Homes  
Medical Clinics**

**Intermediate Impact Facilities**

**Cemeteries, Columbariums, and Mausoleums  
Radio and TV Transmission Facilities (Including Towers  
and Antennas)**

**Personal and Group Care Facilities**

**Major Homes for Physically or  
Mentally Handicapped Persons (9 or more persons)  
Nursing Homes  
Orphanages  
Retirement or Rest Homes**

**Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

5. **Uses Prohibited**

In the R-3, High-Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

6. **Dimensional Requirements**

All uses permitted in the R-3, High-Density Residential District, shall comply with the following requirements.

a. Minimum Lot Size:

|   |                      |
|---|----------------------|
| <b>Dwelling, Single-Family Detached</b> | <b>6,000 sq. ft.</b> |
| <b>Dwelling, Duplex</b>                 | <b>8,000 sq. ft.</b> |
| <b>Dwelling, Single-Family Attached</b> | <b>9,000 sq. ft.</b> |
| <b>Dwelling, Multi-Family</b>           | <b>9,000 sq. ft.</b> |

Minimum Area per Family

|   |                      |
|---|----------------------|
| <b>Dwelling, Single-Family Detached</b> | <b>6,000 sq. ft.</b> |
| <b>Dwelling, Duplex</b>                 | <b>4,000 sq. ft.</b> |
| <b>Dwelling, Single-Family Attached</b> | <b>3,000 sq. ft.</b> |
| <b>Dwelling, Multi-Family</b>           | <b>3,000 sq. ft.</b> |

Lot Width at Building Setback

|   |               |
|---|---------------|
| <b>Dwelling, Single-Family Detached</b> | <b>50 ft.</b> |
| <b>Dwelling, Duplex</b>                 | <b>50 ft.</b> |
| <b>Dwelling, Single-Family Attached</b> | <b>75 ft.</b> |
| <b>Dwelling, Multi-Family</b>           | <b>75 ft.</b> |

b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>20 ft.</b> |
| <b>Side Yard Setback</b>  | <b>10 ft.</b> |
| <b>Rear Yard Setback</b>  | <b>10 ft.</b> |

c. Maximum Lot Coverage

On any lot, the area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area.

d. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Section 14-704.

e. Parking Space Requirements

As regulated in Section 14-501.

f. Landscaping

All yards, excluding necessary driveways, shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

g. Accessory Structures

- i. With the exception of signs and fences, accessory structures shall not be erected in any front or side yard.
- ii. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**14-605.4 A-1, Agricultural District**

1. Purpose and Intent of District

This district is designed to provide suitable areas for low density residential development characterized by an open rural appearance. It is intended to preserve space for agricultural uses which comprises an important segment of the economy of the city and county. The residential development will consist of single-family detached dwellings and accessory structures. The primary intent of the A-1 District is to minimize conflicts between agriculture and various non-farming activities.

2. Uses Permitted

In the A-1, Agricultural District, the following uses are permitted.

**Residential Activities**

**Dwelling, Single-Family Detached**

**Community Education**

**Kindergarten, Primary and Secondary Schools**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Essential Services**

**Electrical and Gas Substations**

**Electrical, Gas, Water, and Sewer Distribution and Collection Lines**

**Pumping Facilities for Water and Sewer Systems**

**Rights-of-Way for Transportation Modes**

**Telephone Switching Facilities**

**Extensive Impact Facilities**

**Airports, Air Cargo Terminals, Heliports, or  
Other Aeronautical Devices**

**Intermediate Impact Facilities**

Country Clubs  
Golf Courses  
Radio and TV Transmission Facilities  
(Including Towers and Antennas)  
Water Storage Facilities

**Personal and Group Care Facilities**

Minor Group Homes for Physically or Mentally Handicapped Persons

**Animal Care and Veterinarian Services**

Veterinarian Clinics and Kennels

**General Business and Communication Services**

Communications Services  
-Telephone Exchanges and Relay Towers

**Group Assembly**

Commercial Resorts

**Transient Habitation**

Bed and Breakfast

**Agricultural Services**

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection Services  
Horticultural Services  
Livery Stables  
Riding Stables  
Soil Preparation Services

**Crop and Animal Raising**

Farms  
Truck Gardens

**Plant and Forest Nurseries**

Forest Nursery  
Plant Nursery

3. Accessory Uses and Structures
  - a. Private garages and sheds.

- b. Outdoor recreational facilities exclusively for the use of the residents.
- c. Signs in compliance with the regulations set forth in Section 14-508.
- d. Home occupations as defined by and subject to the provisions of Section 14-504.
- e. Other structure and uses customarily incidental to the permitted uses.

4. Uses Permitted as Special Exceptions

In the A-1, Agricultural District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Section 14-808.

**Administrative Services**

**Fire Department Facilities  
Police Department Facilities**

**Cultural and Recreational Services**

**Botanical Gardens**

**Extensive Manufacturing Activities**

**Solid Waste Landfills/Sanitary Landfills**

**Intermediate Impact Facilities**

**Cemeteries, Columbariums, and Mausoleums**

**Personal and Group Care Facilities**

**Orphanages  
Retirement or Rest Homes**

**Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

**Group Assembly**

**Commercial Camp Grounds**

**Stockyards**

**Include Facilities and Operations Involved in the Storage of Animals for Resale**

**Crop and Animal Raising**

**Dairies  
Raising of Plants, Animals, and Fish**

5. Uses Prohibited

In the A-1, Agricultural District, any use not permitted by right, by accessory use, or as a special exception as defined herein is strictly prohibited.

6. Dimensional Requirements

a. Minimum Lot Size

**Minimum Area**

|                      |                       |
|----------------------|-----------------------|
| <b>with sewer</b>    | <b>20,000 sq. ft.</b> |
| <b>without sewer</b> | <b>33,000 sq. ft.</b> |

**Lot Width at Building Setback**

|                      |                |
|----------------------|----------------|
| <b>with sewer</b>    | <b>100 ft.</b> |
| <b>without sewer</b> | <b>125 ft.</b> |

b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback</b>  | <b>20 ft.</b> |
| <b>Rear Yard Setback</b>  | <b>25 ft.</b> |

c. Height Requirements

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed seventy-five (75) feet in height, except as provided in Section 14-704.

d. Parking Space Requirements

As required in Section 14-501.

e. Landscaping

All yards, excluding necessary driveways, shall be landscaped and maintained free of litter and other unsightly debris. Furthermore,

the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

f. Accessory Structures

- i. With the exception of signs and fences, accessory structures shall not be erected in any front or side yard.
- ii. Accessory structures shall be located at least five (5) feet from any side lot, line, from the rear lot line, and from any building on the same lot.

**14-606 COMMERCIAL DISTRICT REGULATIONS**

The commercial districts established by this ordinance are designed to promote and protect public health, safety, comfort, convenience, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations in proximity to established residential areas, for local retail and service trades catering specifically to the recurring shopping needs of the occupants of nearby residences.
- B. To protect both retail and service developments and nearby residences against fire, explosions, toxic and noxious matter, radiation, and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and their objectionable influences.
- C. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, by restricting those types of establishments which generate heavy traffic, and providing for off-street parking and loading facilities.
- D. To provide sufficient space in appropriate locations for commercial districts to satisfy functional needs of Fayetteville, and in particular the need for medical services, and the needs of the general public traveling along major highways.
- E. To provide sufficient space in appropriate locations for the mixture of compatible high density residential and restricted commercial developments where standards for development will provide protection for the environmental essentials of either.
- F. To provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities.
- G. To enhance the central business district and to promote and protect its service attributes, to lessen congestion in the district, to provide for high intensity of land use consistent with land valuation, and to protect its intended functional aspects against encroachment by detrimental influences.

- H. To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of commercial development, to protect and strengthen the economic base of Fayetteville, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings.

**14-606.1 C-1, Central Business District**

1. District Description

This district is designed to provide for a wide range of retail, office, amusement, and service uses, and light industrial processes involving high performance standards. In addition, this district provides for governmental uses, and community facilities and utilities necessary to serve the district or which are required for the general community welfare. The regulations are structured to permit maximum freedom of pedestrian movement. Relatively high density and intensity of use is permitted in this district. This district also allows for upper story residential dwellings. **(Amended by Ordinance No. 2001-8, July 10, 2001)**

2. Uses Permitted

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices**

**Community Assembly**

**Civic, Social, Fraternal, and Philanthropic Associations  
Private (Nonprofit) Clubs, Lodges, Meeting Halls  
Temporary Nonprofit Festivals**

**Cultural and Recreational Services**

**Art Galleries  
Libraries  
Museums**

**Essential Services**

**Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Rights-of-Way for Transportation Modes**

**Automotive Parking**

**Auto Parking Lots  
Parking Garages**

**Building Materials and Farm Equipment**

Heating, Plumbing, and Electrical Supplies

**Consumer Repair Services**

Instrument Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Watch, Clock, and Jewelry Repair

**Construction Sales and Services**

Construction Related Contractor Offices (Office Only)

**Convenience Commercial**

Barber Shops  
Beauty Shops  
Laundry and Dry Cleaning Pick-up Stations  
News Stands

**Entertainment and Amusement Services**

Art Galleries (Commercial)  
Billiard Parlors  
Coin Operated Amusement Arcades  
Exhibition Halls and Auditoriums  
Recording and TV Production Services  
Theaters  
Theatrical Producers, Bands, Orchestras, and Entertainers

**Financial, Consulting, and Administrative Services**

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers, and Appraisers  
Rediscount and Financing Institutions for Credit Agencies  
    Other than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
Title Offices

**Food and Beverage Service**

Restaurants  
Taverns

## **General Business and Communication Services**

**Advertising Agencies and Services**

**Commercial Cleaning Services**

**Communications Services:**

**-Radio and Television Broadcasting Studios**

**-Telegraph Offices and Message Centers**

**-Television and Recording Production Studios**

**Computer and Data Processing Services**

**Credit Reporting, Adjustment, and Collection Agencies**

**Customer Service Center (Including Call Centers)**

**Detective Agencies and Protective Services**

**Drafting Services**

**Employment, Personnel, and Temporary Help Services**

**Exterminating Services**

**Interior Decorator and Consulting Services**

**Mailing, Reproduction, and Commercial Art Services**

**Management, Consulting, and Public Relations Services**

**Membership Organizations:**

**-Automobile Clubs**

**-Better Business Bureaus**

**-Chamber of Commerce**

**-Labor Unions**

**-Political Organizations**

**-Professional Associations**

**News Syndicates**

**Trading Stamp Services**

**Travel Agencies**

## **General Personal Service**

**Catering Services**

**Clothing Rental Agencies**

**Health Spas**

**Miscellaneous Personal Services**

**Photographic Studios and Photofinishing Studios**

**Shoe Repair and Hat Cleaning Shops:**

**Special Training and Schooling Services**

**-Art and Music Schools**

**-Barber and Beauty Schools**

**-Business Schools**

**-Dancing Schools/Exercise Studios**

## **General Retail Trade**

**Antique and Second Hand Merchandise Stores**

**Automotive Parts (No Outdoor Storage)**

**Book and Stationery Stores**

**Camera Stores**

**Candy, Nut and Confectionery Stores**

**Children's and Infant's Stores**

Dairy Products Stores  
Department Stores  
Drapery, Curtain, and Upholstery Stores  
Drug Stores and Proprietary Stores  
Family Clothing Stores  
Floor Covering Stores  
Florists  
Fruit Stores and Vegetable Markets  
Furniture Stores  
Furriers and Fur shops  
Gift Shops  
Grocery Stores  
Hardware Stores (Inside Storage)  
Hobby, Toy, and Game Stores  
Household Appliance Stores  
Jewelry Stores  
Liquor Stores  
Luggage Shops  
Meat and Seafood Markets  
Men's and Boy's Clothing and Furnishing Stores  
Miscellaneous Apparel and Accessory Stores:  
    -Bathing Suit Stores  
    -Custom Tailors  
    -Sports Apparel Stores  
    -Uniform Stores  
Miscellaneous General Merchandise Stores:  
    -Direct Selling Organizations  
    -Mail Order Houses  
Miscellaneous Home Furnishings Stores:  
    -Bedding and Linen Stores  
    -Cookware Stores  
    -Cutlery Stores  
    -Glassware and China Shops  
    -Lamp and Shade Shops  
    -Paint and Wallpaper Stores  
Music Stores  
Radio and Television Stores  
Retail Bakeries  
Sewing and Piece Goods Stores  
Shoe Stores  
Sporting Goods Stores  
Tobacco Shops  
Variety Stores  
Women's Accessory and Specialty Stores  
Women's Ready-to-Wear Store

#### **Medical and Professional Services**

Accounting, Auditing, and Bookkeeping Services  
Artist Studios (Including All Commercial Artists,  
    Except Tattoo Shops)  
Attorneys and Law Offices

**Chiropractor Offices**  
**Consulting Scientists**  
**Dental Offices and Laboratories**  
**Educational and Scientific Research Services**  
**Engineering and Architectural Services**  
**Optometrists**  
**Physicians' Offices and Clinics (Out Patient Services)**  
**Physiologists and Psychotherapists**  
**Songwriters and Music Arrangers**  
**Urban Planning Services**  
**Writers and Lecturers**

**Undertaking Services**

**Funeral and Crematory Services**

**Limited Manufacturing Activities**

**Book Binding**  
**Photocopying**  
**Photoengraving**  
**Printed Matter**  
**Printing**  
**Publishing**  
**Upholstering**

**Residential Activities (Amended by Ordinance No. 2001-8, July 10, 2001)**

**Requires Planning Commission Review and Approval  
for Each Upper Story Residential Dwelling Unit Dwelling**

3. **Accessory Uses and Structures**

The following accessory uses are permitted in the C-1, Central Business District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not, otherwise, prohibited.

4. **Uses Permitted as Special Exceptions**

In the C-1, Central Business District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 14-808.

**Automotive Services and Repair**

**Auto Cleaning and Repair Services**

**Building Materials and Farm Equipment**

**Farm Equipment and Supplies  
Feed Sales, Seed Storage and Sales**

**General Personal Service**

**Laundry, Cleaning, and Garment Services**

**Health Care Facilities**

**Medical Clinics**

5. Uses Prohibited

Any uses or structures not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the C-1, Central Business District.

6. Dimensional Regulations

All uses permitted in the C-1, Central Business District, shall comply with the following requirements.

a. Minimum Lot Size

|                                      |             |
|--------------------------------------|-------------|
| <b>Minimum Lot Area</b>              | <b>None</b> |
| <b>Lot Width at Building Setback</b> | <b>None</b> |

b. Minimum Yard Requirements

|                           |             |
|---------------------------|-------------|
| <b>Front Yard Setback</b> | <b>None</b> |
| <b>Side Yard Setback</b>  | <b>None</b> |
| <b>Rear Yard Setback</b>  | <b>None</b> |

c. Maximum Lot Coverage

There are no restrictions on the area occupied by all buildings including accessory buildings on a lot or parcel located in the C-1 District.

d. Height Requirement

The maximum height of all buildings located in the C-1 District, shall be established as follows, except as provided in Section 14-704.

i. The maximum building height shall be seventy-five (75) feet.

e. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

f. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

g. Minimum Floor Area Dwelling, Upper Story Residential (Amended by Ordinance No. 2001-8, July 10, 2001)

The minimum floor area for an upper story residential dwelling unit shall be six hundred (600) square feet, with a maximum of two (2) units per floor, maximum four (4) per dwelling.

**14-606.2 C-2, Major Highway Service District**

1. District Description

This district is designed to provide adequate space in appropriate locations for uses which serve the needs of the motoring public. Automobile and other vehicular service establishments, transient sleeping accommodations, and eating and drinking establishments primarily characterize this district. In addition, commercial trade and service uses are permitted if necessary to serve the recurring needs of persons frequenting these districts. Community facilities and utilities necessary to serve these districts, or necessary for the general community welfare are also permitted. Bulk limitations required of uses in these districts, in part, are designed to maximize compatibility with lesser intense use of land or building in proximate residential districts. Appropriate locations for this district are along major traffic arteries. Such districts should be situated near major transportation interchanges and patterns of striped commercial development extending in a continuous manner along such major traffic arteries.

2. Uses Permitted

In the C-2, Major Highway Service District, the following uses and their accessory uses are permitted.

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings**

Fire Department Facilities  
Police Department Facilities  
Post Offices

**Animal Care and Veterinarian Services**

Veterinarian Clinics and Kennels

**Automotive Services and Repair**

Auto Cleaning and Repair Services  
Auto Glass Repair and Replacement Shops  
Auto Inspection and Diagnostic Services  
Auto Paint Shops  
Auto Towing Services  
Car Washes  
Gasoline, Fuel, and Oil Sales and Service  
Radiator and Muffler Shops  
Tire Retreading and Repair Shops  
Wheel Alignment and Transmission Repair Shops

**Building Materials and Farm Equipment**

Farm Equipment and Supplies  
Heating, Plumbing, and Electrical Supplies  
Lumber and Other Building Material Dealers

**Community Assembly**

Civic, Social, Fraternal, and Philanthropic Associations  
Temporary Nonprofit Festivals

**Construction Sales and Services**

Construction Related Contractor Offices (Office Only)  
Construction Related Contractor Offices  
(with Incidental Storage and Construction)

**Consumer Repair Services**

Blacksmith Shops  
Electrical Repair Shops  
Gunsmith Shops  
Instrument Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Small Engine Repair Shop (No Outdoor Storage)  
Watch, Clock, and Jewelry Repair

### **Convenience Commercial**

Barber Shops  
Beauty Shops  
Laundry and Dry Cleaning Pick-Up Stations  
News Stands  
Self-Service Gasoline Pumps

### **Cultural and Recreational Services**

Art Galleries  
Botanical Gardens  
Recreational Centers and Gymnasiums

### **Entertainment and Amusement Services**

Art Galleries (Commercial)  
Batting and Golf Driving Ranges  
Bowling Alleys  
Billiard Parlors  
Coin Operated Amusement Arcades  
Dance Halls  
Exhibition Halls and Auditoriums  
Recording and TV Production Services  
Skating Rinks  
Theaters  
Theatrical Producers, Bands, Orchestras, and Entertainers

### **Essential Services**

Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities

### **Financial, Consulting, and Administrative Services**

Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers, and Appraisers  
Rediscount and Financing Institutions for Credit Agencies  
    Other Than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
Title Offices

## **Food and Beverage Service**

Restaurants  
Taverns

## **Food Service Drive-In**

Drive-In Restaurants  
Fast Food Restaurants with Drive-Thru Service  
Fast Food Restaurants (Carry Out Only with No Seating)

## **General Business and Communication Services**

Advertising Agencies and Services  
Commercial Cleaning Services  
Commercial Testing Laboratories  
Communications Services:  
    -Radio and Television Broadcasting Studios  
    -Telegraph Offices and Message Centers  
    -Telephone Exchanges and Relay Towers  
    -Television and Recording Production Studios  
Computer and Data Processing Services  
Credit Reporting, Adjustment, and Collection Agencies  
Customer Service Center (Including Call Centers)  
Detective Agencies and Protective Services  
Drafting Services  
Employment, Personnel, and Temporary Help Services  
Exterminating Services  
Interior Decorator and Consulting Services  
Mailing, Reproduction, and Commercial Art Services  
Management, Consulting, and Public Relations Services  
Trading Stamp Services  
Travel Agencies  
Vehicular and Equipment Rental and Leasing Services

## **General Personal Service**

Catering Services  
Clothing Rental Agencies  
Health Spas  
Laundry, Cleaning, and Garment Services  
Miscellaneous Personal Services  
Photographic Studios and Photofinishing Studios  
Shoe Repair and Hat Cleaning Shops  
Special Training and Schooling Services:  
    -Art and Music Schools  
    -Barber and Beauty Schools  
    -Business Schools  
    -Dancing Schools/Exercise Studios  
    -Driving Schools

## **General Retail Trade**

**Antique and Second Hand Merchandise Stores**  
**Automotive Parts (No Outdoor Storage)**  
**Book and Stationery Stores**  
**Camera Stores**  
**Candy, Nut and Confectionery Stores**  
**Children's and Infant's Stores**  
**Convenience Stores**  
**Dairy Products Stores**  
**Department Stores**  
**Drapery, Curtain, and Upholstery Stores**  
**Drug Stores and Proprietary Stores**  
**Family Clothing Stores**  
**Floor Covering Stores**  
**Florists**  
**Fruit Stores and Vegetable Markets**  
**Furniture Stores**  
**Furriers and Fur shops**  
**Gift Shops**  
**Grocery Stores**  
**Hardware Stores (Inside Storage)**  
**Hardware Stores (Outdoor Storage)**  
**Hobby, Toy, and Game Stores**  
**Household Appliance Stores**  
**Jewelry Stores**  
**Liquor Stores**  
**Luggage Shops**  
**Meat and Seafood Markets**  
**Men's and Boy's Clothing and Furnishing Stores**  
**Miscellaneous Apparel and Accessory Stores:**  
    **-Bathing Suit Stores**  
    **-Custom Tailors**  
    **-Sports Apparel Stores**  
    **-Uniform Stores**  
**Miscellaneous General Merchandise Stores:**  
    **-Direct Selling Organizations**  
    **-Mail Order Houses**  
**Miscellaneous Home Furnishings Stores:**  
    **-Bedding and Linen Stores**  
    **-Cookware Stores**  
    **-Cutlery Stores**  
    **-Glassware and China Shops**  
    **-Lamp and Shade Shops**  
    **-Paint and Wallpaper Stores**  
**Music Stores**  
**Radio and Television Stores**  
**Retail Bakeries**  
**Sewing and Piece Goods Stores**  
**Shoe Stores**  
**Sporting Goods Stores**

**Tobacco Shops  
Variety Stores  
Women's Accessory and Specialty Stores  
Women's Ready-to-Wear Store**

**Health Care Facilities**

**Centers for Observation or Rehabilitation  
Hospitals  
Medical Clinics**

**Intermediate Impact Facilities**

**Water and Sewage Treatment Plants  
Water Storage Facilities**

**Limited Manufacturing Activities**

**Book Binding  
Photocopying  
Photoengraving  
Printed Matter  
Printing  
Publishing  
Upholstering**

**Medical and Professional Services**

**Accounting, Auditing, and Bookkeeping Services  
Artist Studios (Including All Commercial Artists,  
Except Tattoo Shops)  
Attorneys and Law Offices  
Chiropractor Offices  
Consulting Scientists  
Dental Offices and Laboratories  
Educational and Scientific Research Services  
Engineering and Architectural Services  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Physiologists and Psychotherapists  
Songwriters and Music Arrangers  
Urban Planning Services  
Writers and Lecturers**

**Personal and Group Care Facilities**

**Day Care Facilities:  
-Day Care, Center (13 or more Children)  
-Day Care, Family (5 to 7 Children)  
-Day Care, Group (8 to 12 Children)  
Congregate Housing**

### **Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

### **Transient Habitation**

**Bed and Breakfast  
Hotels  
Motels**

### **Transportation and Warehousing**

**Bus and Truck Maintenance and Repair  
Food Lockers  
General Warehousing  
Packing and Creating Services  
Railroad, Bus and Transient Terminals  
Refrigerated Warehousing  
Self-Service Storage Facilities (Household Goods Only;  
Excludes Retail Sales, Garage Sales, and the Bulk Storage  
of Hazardous or Flammable Materials)  
Truck Terminals Freight Handling Services**

### **Undertaking Services**

**Funeral and Crematory Services**

### **Vehicular, Craft, and Related Equipment**

**Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Recreational Vehicle and Utility Trailer Dealers**

### **3. Accessory Uses and Structures**

The following accessory uses are permitted in the C-2, Major Highway Service District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.

- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

4. Uses Permitted as Special Exceptions

In the C-2, Major Highway Service District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 14-808.

**Building Materials and Farm Equipment**

**Feed Sales, Seed Storage and Sales  
Retail Nurseries, Lawn, and Garden Supply Stores**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Group Assembly**

**Amusement Parks  
Commercial Camp Grounds  
Commercial Sports Arenas and Playing Fields**

5. Uses Prohibited

Any uses or structures not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the C-2, Major Highway Service District.

6. Dimensional Regulations

All uses permitted in the C-2, Major Highway Service District, shall comply with the following requirements.

a. Minimum Lot Size

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Minimum Lot Area</b>              | <b>20,000 sq. ft.</b> |
| <b>Lot Width at Building Setback</b> | <b>100 ft.</b>        |

b. Minimum Yard Requirements

|  |               |
|--|---------------|
| <b>Front Yard Setback</b>  | <b>35 ft.</b> |
| <b>Side Yard Setback,</b><br><b>except where the side yard</b><br><b>abuts or is adjacent to a</b><br><b>residential district, in which</b><br><b>case the minimum setback for</b><br><b>that yard shall be forty (40) feet.</b> | <b>10 ft.</b> |

**Rear Yard Setback,  
except where the rear yard  
abuts or is adjacent to a  
residential district, in which  
case the minimum setback for  
that yard shall be forty (40) feet.**

**20 ft.**

c. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

d. Height Requirements

No building shall exceed seventy-five (75) feet in height, except as provided in Section 14-704.

e. Parking Space Requirement

As regulated in CHAPTER 5, Section 14-501.

f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

8. Planned Commercial Development Provisions

All developments within the C-2, Major Highway Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 14-609.1.

**14-606.3 C-3, General Commercial District**

1. District Description **(Deleted and Replaced by Ordinance 2008-6, February 12, 2008)**

This districts are designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; drive-in stores; eating and drinking places; financial institutions; and offices. The uses in

this district service a wide market area and, therefore, ease of automotive access is a requirement. However, it is not intended that this district permit uses which generate large volumes of truck traffic. Appropriate open space between commercial and residential areas is required. This district also allows for upper story residential dwellings.

2. Uses Permitted

In the C-3, General Commercial District, the following uses and their accessory uses are permitted.

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices**

**Animal Care and Veterinarian Services**

**Veterinarian Clinics and Kennels**

**Automotive Parking**

**Auto Parking Lots  
Parking Garages**

**Automotive Services and Repair**

**Auto Cleaning and Repair Services  
Auto Glass Repair and Replacement Shops  
Auto Inspection and Diagnostic Services  
Auto Paint Shops  
Auto Towing Services  
Car Washes  
Gasoline, Fuel, and Oil Sales and Service  
Radiator and Muffler Shops  
Tire Retreading and Repair Shops  
Wheel Alignment and Transmission Repair Shops**

**Community Assembly**

**Civic, Social, Fraternal, and Philanthropic Associations  
Private (Nonprofit) Clubs, Lodges, Meeting Halls  
Temporary Nonprofit Festivals**

**Community Education**

**Public and Private Nursery Schools**

### **Consumer Repair Services**

Blacksmith Shops  
Electrical Repair Shops  
Gunsmith Shops  
Instrument Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Reupholstery and Furniture Repair  
Saddlery Repair Shops  
Small Engine Repair Shop (No Outdoor Storage)  
Watch, Clock, and Jewelry Repair

### **Construction Sales and Services**

Construction Related Contractor Offices (Office Only)  
Construction Related Contractor Offices  
(with Incidental Storage and Construction)

### **Convenience Commercial**

Barber Shops  
Beauty Shops  
Laundry and Dry Cleaning Pick-Up Stations  
News Stands  
Self-Service Gasoline Pumps

### **Cultural and Recreational Services**

Art Galleries  
Botanical Gardens  
Commercial Swimming Pools  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums

### **Entertainment and Amusement Services**

Art Galleries (Commercial)  
Batting and Golf Driving Ranges  
Bowling Alleys  
Billiard Parlors  
Coin Operated Amusement Arcades  
Dance Halls  
Exhibition Halls and Auditoriums  
Recording and TV Production Services  
Skating Rinks  
Theaters  
Theatrical Producers, Bands, Orchestras, and Entertainers

### **Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

### **Financial, Consulting, and Administrative Services**

**Agricultural Credit Institution  
Banking and Bank-Related Functions  
Credit Unions  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers, and Appraisers  
Rediscount and Financing Institutions for Credit Agencies  
Other than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
Title Offices**

### **Food and Beverage Service**

**Restaurants  
Taverns**

### **Food Service Drive-In**

**Drive-In Restaurants  
Fast Food Restaurants with Drive-Thru Service  
Fast Food Restaurants (Carry Out Only with No Seating)**

### **General Business and Communication Services**

**Advertising Agencies and Services  
Commercial Cleaning Services  
Commercial Testing Laboratories  
Communications Services:  
-Radio and Television Broadcasting Studios  
-Telegraph Offices and Message Centers  
-Telephone Exchanges and Relay Towers  
-Television and Recording Production Studios  
Computer and Data Processing Services  
Credit Reporting, Adjustment, and Collection Agencies  
Customer Service Center (Including Call Centers)  
Detective Agencies and Protective Services  
Drafting Services  
Employment, Personnel, and Temporary Help Services  
Exterminating Services**

**Interior Decorator and Consulting Services**  
**Mailing, Reproduction, and Commercial Art Services**  
**Management, Consulting, and Public Relations Services**  
**Membership Organizations:**  
    **-Automobile Clubs**  
    **-Better Business Bureaus**  
    **-Chamber of Commerce**  
    **-Labor Unions**  
    **-Political Organizations**  
    **-Professional Associations**  
**News Syndicates**  
**Research and Development Laboratories**  
**Trading Stamp Services**  
**Travel Agencies**  
**Vehicular and Equipment Rental and Leasing Services**

### **General Personal Service**

**Catering Services**  
**Clothing Rental Agencies**  
**Health Spas**  
**Laundry, Cleaning, and Garment Services**  
**Miscellaneous Personal Services**  
**Photographic Studios and Photofinishing Studios**  
**Shoe Repair and Hat Cleaning Shops:**  
**Special Training and Schooling Services**  
    **-Art and Music Schools**  
    **-Barber and Beauty Schools**  
    **-Business Schools**  
    **-Dancing Schools/Exercise Studios**  
    **-Driving Schools**

### **General Retail Trade**

**Antique and Second-Hand Merchandise Stores**  
**Automotive Parts (No Outdoor Storage)**  
**Book and Stationery Stores**  
**Camera Stores**  
**Candy, Nut and Confectionery Stores**  
**Children's and Infant's Stores**  
**Convenience Stores**  
**Dairy Products Stores**  
**Department Stores**  
**Drapery, Curtain, and Upholstery Stores**  
**Drug Stores and Proprietary Stores**  
**Family Clothing Stores**  
**Floor Covering Stores**  
**Florists**  
**Fruit Stores and Vegetable Markets**  
**Furniture Stores**  
**Furriers and Fur Shops**

**Gift Shops**  
**Grocery Stores**  
**Hardware Stores (Inside Storage)**  
**Hardware Stores (Outdoor Storage)**  
**Hobby, Toy, and Game Stores**  
**Household Appliance Stores**  
**Jewelry Stores**  
**Liquor Stores**  
**Luggage Shops**  
**Meat and Seafood Markets**  
**Men's and Boy's Clothing and Furnishing Stores**  
**Miscellaneous Apparel and Accessory Stores:**  
    **-Bathing Suit Stores**  
    **-Custom Tailors**  
    **-Sports Apparel Stores**  
    **-Uniform Stores**  
**Miscellaneous General Merchandise Stores:**  
    **-Direct Selling Organizations**  
    **-Mail Order Houses**  
**Miscellaneous Home Furnishings Stores:**  
    **-Bedding and Linen Stores**  
    **-Cookware Stores**  
    **-Cutlery Stores**  
    **-Glassware and China Shops**  
    **-Lamp and Shade Shops**  
    **-Paint and Wallpaper Stores**  
**Music Stores**  
**Radio and Television Stores**  
**Retail Bakeries**  
**Sewing and Piece Goods Stores**  
**Shoe Stores**  
**Sporting Goods Stores**  
**Tobacco Shops**  
**Variety Stores**  
**Women's Accessory and Specialty Stores**  
**Women's Ready-to-Wear Store**

### **Group Assembly**

**Amusement Parks**  
**Commercial Resorts**  
**Commercial Sports Arenas and Playing Fields**  
**Race Tracts (Auto, Motorcycle, Dog, and Horse)**

### **Health Care Facilities**

**Centers for Observation or Rehabilitation**  
**Convalescent Homes**  
**Hospitals**  
**Medical Clinics**

### **Intermediate Impact Facilities**

**Colleges, Junior Colleges, and Universities, but  
Excluding Profit-Making Business Schools  
Industrial Training Facility (Simulated Industrial Environment  
with Classroom Instruction)  
Radio and TV Transmission Facilities  
(Including Towers and Antennas)  
Water and Sewage Treatment Plants  
Water Storage Facilities**

### **Limited Manufacturing Activities**

**Book Binding  
Photocopying  
Photoengraving  
Printed Matter  
Printing  
Publishing  
Upholstering**

### **Medical and Professional Services**

**Accounting, Auditing, and Bookkeeping Services  
Artist Studios (Including All Commercial Artists,  
Except Tattoo Shops)  
Attorneys and Law Offices  
Chiropractor Offices  
Consulting Scientists  
Dental Offices and Laboratories  
Educational and Scientific Research Services  
Engineering and Architectural Services  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Physiologists and Psychotherapists  
Songwriters and Music Arrangers  
Urban Planning Services  
Writers and Lecturers**

### **Personal and Group Care Facilities**

**Associations for Physically or Mentally Handicapped Persons  
Day Care Facilities:  
-Day Care, Center (13 or more Children)  
-Day Care, Family (5 to 7 Children)  
-Day Care, Group (8 to 12 Children)  
Congregate Housing  
Major Group Homes for Physically or Mentally Handicapped Persons  
Nursing Homes  
Retirement or Rest Homes**

## **Religious Facilities**

**Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples**

## **Residential Activities (Added by Ordinance 2008-6, February 12, 2008)**

**Requires Planning Commission Review and Approval for the Upper Story Residential Dwelling, Single Family and a finding by the Planning Commission that approval is in the best interest of the City of Fayetteville and not a detriment to the health, welfare or well being of the immediate area or the City of Fayetteville.**

### **a. Residence**

Residence for the purpose of C-3, General Commercial, shall mean living quarters for one-family as an accessory to a principal use. A residence shall be permitted under Subsection 14-606.3, C-3, General Commercial, Subpart 2, provided the following conditions are met;

- i. Any approved residence must be accessory to the principal use of the land and must be located directly above the business;
- ii. The residence must provide the required parking.
- iii. Only one residence is permitted on the property;
- iv. No entrance to the residential unit, which would be visible from the street, may be added solely for the purpose of providing direct outside access to the street;
- v. An instrument shall be recorded with the Register's office covenanting that an approved residence is being established as an accessory use and may only be used under the conditions listed above.

## **Transient Habitation**

**Bed and Breakfast  
Hotels  
Motels**

## **Undertaking Services**

**Funeral and Crematory Services**

### **Vehicular, Craft, and Related Equipment**

**Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Recreational Vehicle and Utility Trailer Dealers**

#### 3. **Accessory Uses and Structures**

The following accessories are permitted in the C-3, General Commercial District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses, provided that such accessory structures and uses are carried out on the same lot and are not, otherwise, prohibited.

#### 4. **Uses Permitted as Special Exceptions**

In the C-3, General Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 14-808.

### **Building Materials and Farm Equipment**

**Farm Equipment and Equipment Sales  
Farm Supplies  
Feed Sales, Seed Storage and Sales  
Heating, Plumbing, and Electrical Supplies  
Lumber and Other Building Material Dealers  
Retail Nurseries, Lawn and Garden Stores**

### **Group Assembly**

**Commercial Camp Grounds**

### **Limited Manufacturing Activities**

**Apparel and Accessories  
Art Objects  
Data Processing Service  
Instruments for Scientific, Medical, Dental, Engineering, and  
Other Professional Purposes  
Optical Instruments and Lens  
Precision Machining of Dies, Jigs, and Fixtures  
Record Pressing  
Signs  
Welding**

**Plant and Forest Nurseries**

**Forest Nursery  
Plant Nursery**

**Stockyards**

**Includes Facilities and Operations Involved in the  
Storage of Animals for Resale.**

**Transportation and Warehousing**

**Bus and Truck Maintenance and Repair  
Food Lockers  
General Warehousing  
Packing and Crating Services  
Petroleum and Petroleum Products  
Railroad, Bus, and Transient Terminals  
Refrigerated Warehousing  
Self-Service Storage Facilities (Household Goods Only;  
Excludes Retail Sales, Garage Sales, and the Bulk Storage  
of Hazardous or Flammable Materials)  
Truck Terminals Freight Handling Services**

**Wholesale Sales**

**Apparel, Piece Goods, and Notions  
Beer, Wine and Distilled Alcoholic Beverages  
Chemicals and Allied Products  
Drugs, Drug Proprietors, and Sundries  
Electrical Goods and Appliances  
Farm Products Raw Materials  
Farm Supplies  
Furniture and Home Furnishings  
Groceries and Related Products  
Hardware, Plumbing, and Heating Equipment Supplies  
Lumber and Other Construction Materials  
Machinery, Equipment, and Supplies  
Metals and Minerals  
Motor Vehicles and Automobile Parts and Supplies  
Paper and Paper Products  
Sporting, Recreational, Photographic, and Hobby Goods  
Tobacco and Tobacco Products  
Toys and Supplies**

5. **Uses Prohibited**

Any use or structure not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the C-3, General Commercial District.

6. Dimensional Regulations

All uses permitted in the C-3, General Commercial District, shall comply with the following requirements.

a. Minimum Lot Size

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Minimum Lot Area</b>              | <b>10,000 sq. ft.</b> |
| <b>Lot Width at Building Setback</b> | <b>100 ft.</b>        |

b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback,</b> | <b>10 ft.</b> |

**except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

|                           |               |
|---------------------------|---------------|
| <b>Rear Yard Setback,</b> | <b>20 ft.</b> |
|---------------------------|---------------|

**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

c. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

d. Height Requirements

No building shall exceed seventy-five (75) feet in height, except as provided in Section 14-704.

e. Parking Space Requirement

As regulated in CHAPTER 5, Section 14-501.

f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

g. The Upper Story Residential Area must be separated by a two hour fire wall and meet the current building code for the City of Fayetteville. **(Added by Ordinance 2008-6, February 12, 2008)**

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site

shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

8. Planned Commercial Development Provisions

All developments within the C-3, General Commercial District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development, as provided in Subsection 14-609.1.

**14-606.4 C-4, Neighborhood Convenience Service District**

1. District Description

This district is designed to provide for uses to serve the recurring household needs and personal service requirements of the occupants of nearby residential areas. The permitted establishments are those which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small, and are distributed widely for convenient accessibility by residential area occupants. The bulk regulations are established to limit commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive marketing area.

2. Uses Permitted

In the C-4, Neighborhood Convenience Service District, the following uses and their accessory uses are permitted.

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices**

**Community Assembly**

**Civic, Social, Fraternal, and Philanthropic Associations  
Temporary Nonprofit Festivals**

**Community Education**

**Public and Private Nursery Schools**

## **Cultural and Recreational Services**

Art Galleries  
Botanical Gardens  
Commercial Swimming Pools  
Libraries  
Museums  
Parks, Playgrounds, and Playfields  
Planetariums and Aquariums  
Recreational Centers and Gymnasiums

## **Essential Services**

Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities

## **General Business and Communication Services**

Telephone Exchanges and Relay Towers

## **Intermediate Impact Facilities**

Water Storage Facilities

## **Personal and Group Care Facilities**

Associations for Physically or Mentally Handicapped Persons

Day Care Facilities:

- Day Care, Center (13 or more Children)
- Day Care, Family (5 to 7 Children)
- Day Care, Group (8 to 12 Children)

## **Religious Facilities**

Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples

## **Automotive Services and Repair**

Car Washes

## **Convenience Commercial**

Barber Shops  
Beauty Shops

**Laundry and Dry Cleaning Pick-Up Stations**  
**News Stands**  
**Self-Service Gasoline Pumps**

**General Personal Service**

**Laundry, Cleaning, and Garment Services**

**General Retail Trade**

**Convenience Stores**  
**Drug Stores and Proprietary Stores**  
**Fruit Stores and Vegetable Markets**  
**Meat and Seafood Markets**

3. **Accessory Uses and Structures**

The following accessories are permitted in the C-4, Neighborhood Convenience Service District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

4. **Uses Permitted as Special Exceptions**

The following uses are permitted as special exceptions in the C-4, Neighborhood Convenience Service District.

**Food and Beverage Service**

**Restaurants**

**Food Service Drive-In**

**Drive-In Restaurants**  
**Fast Food Restaurants with Drive-Thru Service**  
**Fast Food Restaurants (Carry Out Only with No Seating)**

**Transportation and Warehousing**

**Self-Service Storage Facilities (Household Goods Only;**  
**Excludes Retail Sales, Garage Sales, and the Bulk Storage**  
**of Hazardous or Flammable Materials)**

5. Uses Prohibited

Any use or structure not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the C-4, Neighborhood Convenience Service District.

6. Dimensional Regulations

All uses permitted in the C-4, Neighborhood Convenience Service District, shall comply with the following requirements.

a. Minimum Lot Size

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Minimum Lot Area</b>              | <b>15,000 sq. ft.</b> |
| <b>Lot Width at Building Setback</b> | <b>100 ft.</b>        |

b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback,</b> | <b>10 ft.</b> |

**except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

|                           |               |
|---------------------------|---------------|
| <b>Rear Yard Setback,</b> | <b>20 ft.</b> |
|---------------------------|---------------|

**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

c. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

d. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Section 14-704.

e. Parking Space Requirement

As regulated in CHAPTER 5, Section 14-501.

f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

8. Planned Commercial Development Provisions

All developments within the C-4, Neighborhood Convenience Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 14-609.1.

**14-606.5 C-5, Office/Professional Service District**

1. This district is designed to provide for the provision of professional office services, medical and personal services, as well as financial, insurance, real estate and consulting services. In addition to the office activities, limited commercial trade and certain community facilities are permitted to serve to the needs of persons frequenting this district.

2. Uses Permitted

In the C-5, Office/Professional Service District, the following uses and their accessory uses are permitted.

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices**

**Community Assembly**

**Temporary Nonprofit Festivals**

**Construction Sales and Services**

**Construction Related Contractor Offices (Office Only)**

**Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

## **Financial, Consulting, and Administrative Services**

**Agricultural Credit Institution**  
**Banking and Bank-Related Functions**  
**Credit Unions**  
**Holding and Investment Organizations**  
**Insurance Carriers, Agents, Brokers, and Service**  
**Money Management and Investment Offices**  
**Real Estate Brokers, Managers, and Appraisers**  
**Rediscount and Financing Institutions for Credit Agencies**  
**Other than Banks**  
**Savings and Loan Associations**  
**Securities Commodities, Brokers, Dealers, and Exchanges**  
**Title Offices**

## **General Business and Communication Services**

**Advertising Agencies and Services**  
**Commercial Testing Laboratories**  
**Communications Services:**  
    **-Radio and Television Broadcasting Studios**  
    **-Telegraph Offices and Message Centers**  
    **-Telephone Exchanges and Relay Towers**  
    **-Television and Recording Production Studios**  
**Computer and Data Processing Services**  
**Credit Reporting, Adjustment, and Collection Agencies**  
**Customer Service Center (Including Call Centers)**  
**Detective Agencies and Protective Services**  
**Drafting Services**  
**Employment, Personnel, and Temporary Help Services**  
**Exterminating Services**  
**Interior Decorator and Consulting Services**  
**Mailing, Reproduction, and Commercial Art Services**  
**Management, Consulting, and Public Relations Services**  
**Membership Organizations:**  
    **-Automobile Clubs**  
    **-Better Business Bureaus**  
    **-Chamber of Commerce**  
    **-Labor Unions**  
    **-Political Organizations**  
    **-Professional Associations**  
**News Syndicates**  
**Research and Development Laboratories**  
**Trading Stamp Services**  
**Travel Agencies**  
**Vehicular and Equipment Rental and Leasing Services**

## **General Personal Service**

**Photographic Studios and Photofinishing Studios**

### **Health Care Facilities**

**Centers for Observation or Rehabilitation  
Convalescent Homes  
Hospitals  
Medical Clinics**

### **Medical and Professional Services**

**Accounting, Auditing, and Bookkeeping Services  
Artist Studios (Including All Commercial Artists,  
Except Tattoo Shops)  
Attorneys and Law Offices  
Chiropractor Offices  
Consulting Scientists  
Dental Offices and Laboratories  
Educational and Scientific Research Services  
Engineering and Architectural Services  
Optometrists  
Physicians' Offices and Clinics (Out Patient Services)  
Physiologists and Psychotherapists  
Songwriters and Music Arrangers  
Urban Planning Services  
Writers and Lecturers**

### **Personal and Group Care Facilities**

#### **Day Care Facilities:**

- Day Care, Center (13 or more Children)**
- Day Care, Family (5 to 7 Children)**
- Day Care, Group (8 to 12 Children)**

### **3. Accessory Uses and Structures**

The following accessories are permitted in the C-5, Office/Professional Service District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

### **4. Uses Permitted as Special Exceptions**

No uses are permitted as special exceptions in the C-5, Office/Professional Service District.

5. Uses Prohibited

Any use or structure not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the C-5, Office/Professional Service District.

6. Dimensional Regulations

All uses permitted in the C-5, Office/Professional Service District, shall comply with the following requirements.

a. Minimum Lot Size

|                                      |                       |
|--------------------------------------|-----------------------|
| <b>Minimum Lot Area</b>              | <b>15,000 sq. ft.</b> |
| <b>Lot Width at Building Setback</b> | <b>100 ft.</b>        |

b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback,</b> | <b>10 ft.</b> |

**except where the side yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

|                           |               |
|---------------------------|---------------|
| <b>Rear Yard Setback,</b> | <b>20 ft.</b> |
|---------------------------|---------------|

**except where the rear yard abuts or is adjacent to a residential district, in which case the minimum setback for that yard shall be forty (40) feet.**

c. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

d. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Section 14-704.

e. Parking Space Requirement

As regulated in Section 14-501.

f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

8. Planned Commercial Development Provisions

All developments within the C-5, Office/Professional Service District, involving two (2) or more buildings on a single tract, site, or lot or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 14-609.1.

**14-606.6 T-P, Research/Technology Park District**

1. The purpose of the T-P, Research/Technology Park District is to provide a planned employment district within a park-like atmosphere. The T-P District is heavily oriented toward research, development, and high technology manufacturing operations and similar uses that are characterized by a high degree of scientific and technical activities. Development within the district is characterized by a landscaped environment with an emphasis on architectural, aesthetic, and environmental considerations.

2. Uses Permitted

In T-P, Research/Technology Park District, the following uses and their accessory structures are permitted:

**Administrative Services**

**Fire Department Facilities  
Police Department Facilities**

**Cultural and Recreational Services**

**Parks, Playgrounds, and Playfields**

**Essential Services**

**Electrical, Gas, Water, and Sewer Distribution, and Collection Lines  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

**General Business and Communication Services**

**Commercial Testing Laboratories  
Computer and Data Processing Services  
Customer Service Center (Including Call Centers)  
Drafting Services**

**Research and Development Laboratories**  
**Communication Services:**  
**Telephone Exchanges and Relay Towers**

**General Personal Service**

**Photographic Studios and Photofinishing Studios**

**Medical and Professional Services**

**Consulting Scientists**  
**Educational and Scientific Research Services**  
**Engineering and Architectural Services**  
**Urban Planning Services**

**Limited Manufacturing Activities**

**Instruments for Scientific, Medical, Dental, Engineering,  
and Other Professional Purposes**  
**Optical Instruments and Lens**  
**Data Processing Service**

3. **Accessory Uses and Structures**

The following accessories are permitted in the T-P, Research/Technology Park District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not, otherwise, prohibited.

4. **Uses Permitted as Special Exceptions**

No uses are permitted as special exceptions in the T-P, Research/Technology Park District.

5. **Uses Prohibited**

Any use or structure not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the T-P, Research/Technology Park District.

6. **Dimensional Requirements**

All uses permitted in the T-P, Research/Technology Park District, shall comply with the following requirements.

- a. Minimum Lot Size

|                                      |                |
|--------------------------------------|----------------|
| <b>Minimum Lot Area</b>              | <b>3 acres</b> |
| <b>Lot Width at Building Setback</b> | <b>250 ft.</b> |
  
- b. Minimum Yard Requirements

|                           |               |
|---------------------------|---------------|
| <b>Front Yard Setback</b> | <b>35 ft.</b> |
| <b>Side Yard Setback</b>  | <b>25 ft.</b> |
| <b>Rear Yard Setback</b>  | <b>20 ft.</b> |
  
- c. Maximum Lot Coverage

On any parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot or parcel.
  
- d. Height Requirements

No building shall exceed thirty-five (35) feet in height, except as provided in Section 14-704.
  
- e. Parking Space Requirement

As regulated in CHAPTER 5, Section 14-501.
  
- f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

8. Planned Commercial Development Provisions

All developments within the T-P, Research/Technology Park District, involving two (2) or more buildings on a single tract, site, or lot, or any development site involving three (3) or more acres must be submitted as a planned commercial development as provided in Subsection 14-609.1.

**14-607 INDUSTRIAL DISTRICT REGULATIONS**

The industrial districts established by this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare. These goals include, among others, the following specific purposes:

- A. To provide sufficient space, in appropriate locations, to meet the needs of the area of Fayetteville's expected economic expansion for all types of distributive, industrial and related activities, with due allowance for the need for choice of suitable sites.
- B. To protect distributive, industrial and related activities, as well as residential and related activities by providing for the separation of these uses, and, as far as possible, provide that appropriate space needs for distributive and industrial activities are available by prohibiting the use of such space for residential purposes.
- C. To encourage industrial development which is free from danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust or other particulate matter, and other hazards, and from offensive noise, vibration, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products and processes involved.
- D. To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of industrial and related activities, by restricting those industrial activities which involve danger of fire, explosions, toxic or noxious matter, radiation, smoke, dust, or other particulate matter, and other hazards, or create offensive noise, vibration, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this ordinance restricts the emission of such nuisances, without regard to the industrial products or processes involved.
- E. To protect industrial activities and related developments against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by requiring space off public ways for parking and loading facilities associated with such activities.
- F. To promote the most desirable use of land and direction of building development, to promote stability of industrial and related development, to strengthen the economic base of the Fayetteville area, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect Fayetteville's tax revenues.

#### **14-607.1 I-1, General Industrial District**

##### **1. District Description**

This district is intended to provide space for a wide range of industrial and related uses by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require a location relatively well segregated from nonindustrial uses. (This district may provide a buffer between other districts and other industrial activities which have more objectionable influence.) New residential activities are excluded, but community facilities and commercial establishments which provide needed services for industry and are complementary thereto are permitted.

2. Uses Permitted

In the I-1, General Industrial District, the following uses and accessory uses are permitted.

**Essential Services**

**Electrical and Gas Substations  
Electrical, Gas, Water, and Sewer Distribution and Collection Lines  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities**

**Extensive Impact Facilities**

**Airports, Air Cargo Terminals, Heliports, or  
Other Aeronautical Devices  
Electricity Generating Facilities  
Major Mail Processing Centers  
Major Fuel Transmission Lines and Facilities  
Military Installations**

**Intermediate Impact Facilities**

**Colleges, Junior Colleges, and Universities, but  
Excluding Profit-Making Business Schools  
Industrial Training Facility (Simulated Industrial  
Environment with Classroom Instruction)  
Radio and TV Transmission Facilities  
(Including Towers and Antennas)  
Water and Sewage Treatment Plants  
Water Storage Facilities**

**General Business and Communication Services**

**Commercial Services:  
-Television Exchanges and Relay Towers**

**Transportation and Warehousing**

**Food Lockers  
General Warehousing  
Packing and Creating Services  
Refrigerated Warehousing  
Truck Terminals Freight Handling Services**

**Limited Manufacturing Activities**

**Apparel and Accessories  
Art Objects  
Athletic, Sporting, or Recreational Equipment  
Automobiles, Airplanes, Boats, or Other Motor Vehicles**

**Bakery Goods (Mass Production)**  
**Beverages (Nonalcoholic or Alcoholic)**  
**Book Binding**  
**Computer Hardware/Software**  
**Commercial or Industrial Machinery**  
**Dairy Products**  
**Data Processing Service**  
**Electrical Goods and Appliances**  
**Electronic Media Equipment**  
**Food Processing**  
**Food Service Machinery**  
**Furniture and Home Furnishings**  
**Instruments for Scientific, Medical, Engineering, and  
Other Professional Purposes**  
**Motor Vehicle and Automotive Parts and Supplies**  
**Office Supplies (Excluding Paper Milling)**  
**Optical Instruments and Lens**  
**Part Manufacturing (Other Than Those Listed)**  
**Photoengraving**  
**Precision Machining of Dies, Jigs, and Fixtures**  
**Printing**  
**Publishing**  
**Record Pressing**  
**Toys**  
**Upholstering**  
**Welding**

**Intermediate Manufacturing Activities**

**Chemical Manufacturing in Excess of One (1) Ton per Day**  
**Foundries**  
**Grain Milling**  
**Petroleum Refining**  
**Rolling and Finishing of Ferrous Metals**  
**Smelting and Refining of Metals and Alloys**  
**Steel Works (Other Than Those Listed)**

3. **Accessory Uses and Structures**

The following accessory uses are permitted in the I-1, General Industrial District.

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory off-street parking and loading facilities as required in Section 14-501.
- c. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not, otherwise, prohibited.

4. Uses Permitted as Special Exceptions

In the I-1, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Section 14-808.

**Administrative Services**

**City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Fire Department Facilities  
Police Department Facilities  
Post Offices**

**Extensive Impact Facilities**

**Garbage Incineration Plants (Including Cogeneration Facilities)  
Public and Private Utility Corporations' Truck Yards  
and Storage Yards  
Railroad Yards and Other Transportation Equipment  
Marshaling and Storage Yards**

**Group Assembly**

**Commercial Sports Arenas and Playing Fields  
Race Tracks (Auto, Motorcycle, Dog, and Horse)**

**Intermediate Manufacturing Activities**

**Asphaltic Cement Plants  
Cement and/or Concrete Plants**

**Extensive Manufacturing Activities**

**Solid Waste Processing and Recycling  
Waste Incinerators, Including Hospital and Medical Waste**

**Limited Manufacturing Activities**

**Limited Manufacturing Activities Other Than Those Listed  
and Not Strictly Prohibited by This Ordinance**

5. Uses Prohibited

Any uses or structures not allowable as permitted uses, special exceptions, temporary uses, or accessory uses are prohibited within the I-1, General Industrial District.

6. Dimensional Regulations

All uses permitted in the I-1, General Industrial District, shall comply with the following requirements.

a. Minimum Lot Size

|                                   |                       |
|-----------------------------------|-----------------------|
| <b>Minimum Lot Area</b>           | <b>40,000 sq. ft.</b> |
| <b>Lot Width at Building Line</b> | <b>100 ft.</b>        |

b. Minimum Yard Requirements

|                           |                |
|---------------------------|----------------|
| <b>Front Yard Setback</b> | <b>100 ft.</b> |
| <b>Side Yard Setback,</b> | <b>20 ft.</b>  |

**except where the side yard abuts  
or is adjacent to a residential district,  
in which case the minimum setback  
for that yard shall be forty (40) feet.**

|                           |               |
|---------------------------|---------------|
| <b>Rear Yard Setback,</b> | <b>25 ft.</b> |
|---------------------------|---------------|

**except where the rear yard abuts  
or is adjacent to a residential district,  
in which case the minimum setback  
for that yard shall be fifty (50) feet.**

c. Maximum Lot Coverage

On any area or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed seventy (70) percent of the total area of such lot or parcel.

d. Height Requirements

No building shall exceed seventy-five (75) feet in height, except as provided in Section 14-704.

e. Parking Space Requirement

As regulated in Section 14-501.

f. Accessory Structures

Accessory structures shall be located at least five (5) feet from any lot line, and any building on the same lot.

7. Landscaping

Each site shall be landscaped and maintained free of litter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

## **14-607.2 I-2, Special Impact Industrial District**

### **1. District Description and Purpose**

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration, and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-2, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Fayetteville, Tennessee will be affected.

### **2. Site Location Criteria**

- a. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
- b. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
- c. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
- d. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
- e. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
- f. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
- g. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Fayetteville, Tennessee.
- h. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
- i. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

3. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-2, Special Impact Industrial District.

a. Preliminary Review

All applications for rezoning to the I-2, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Inspector in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

i. Preliminary Development Plan to Include the Following Information:

- (a) Letter from the owner detailing the proposed zoning change.
- (b) Location map of the proposed site, including size of the property.
- (c) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (d) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.
- (e) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Fayetteville Major Road Plan.
- (f) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (g) A tabulation of the land areas to be devoted to all uses and activities.
- (h) Ability of the site to be able to meet the Site Location Criteria in Subsection B, above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection I, below, for the proposed use of the property.

ii. Operational Data to Include the Following Information

- (a) Type of operation and detailed description of the operation.
- (b) Average number of vehicles entering and leaving the site on a daily basis and the routes taken.
- (c) Types of Federal and State permits required for operation of the proposed facility.
- (d) Safety measures to be used on site as well as the system for dealing with complaints.
- (e) Ultimate use and ownership of the site after completion of operation. (Landfills only.)

iii. Environmental Assessments to Include the Following Information

- (a) Geological data on the site as prepared by a Tennessee licensed geologist.
- (b) Effects of the proposed use on ground water quality in the area.
- (c) Effects of the proposed use on air quality in the area.
- (d) Potential danger to any surface water or water supply.

b. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the Board of Zoning Appeals whether the proposed use should be rezoned to the I-2, Special Impact Industrial District. If the Board of Mayor and Alderman approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

c. Final Development Plan Review

After approval of the rezoning by the Board of Mayor and Alderman, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

i. Final Development Plan shall Include the Following

- (a) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a Tennessee licensed landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (b) Site plan to be at a scale of one inch equals two hundred feet (1"=200').
- (c) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (d) Stages of development of the site and the expected time of completion.
- (e) Copies of all required Federal and State permits the applicant has obtained.
- (f) Final site plan shall be in compliance with Subsection H, I, and J, below, for the proposed use of the property.

ii. Site and Geological Data

- (a) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (b) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (c) Ground water movements and aquifer information.
- (d) Existing vegetation cover on the site.
- (e) Annual climate of the area, including annual precipitation and wind direction.

4. Uses Permitted

In the I-2, Special Impact Industrial District, the following uses are permitted:

a. Special Impact Facilities

**Abrasive, Asbestos, and Nonmetallic Mineral Processing**  
**Arsenals**  
**Atomic Reactors**  
**Automobile Wrecking/Junk Yards, Scrap and Waste Materials**  
**Cotton Ginning**  
**Cotton Seed Oil**  
**Explosives**  
**Explosives Manufacturing and Storage**  
**Fat Rendering**  
**Fireworks**  
**Fireworks Manufacturing**  
**Hazardous Wastes Storage and/or Transfer**  
**Offal Processing**  
**Ore Reduction**  
**Organic Fertilizers**  
**Paper Mills**  
**Pulp Manufacturing**  
**Radioactive Waste Handling**  
**Slaughtering of Animals**  
**Solid Waste/Sanitary Landfills**  
**Solid Waste Processing and Recycling**  
**Tanning**  
**Waste Incinerators, Including Hospital and Medical Waste**

5. Accessory Uses and Structures

- a. Signs in compliance with the regulations set forth in Section 14-508.
- b. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
- c. Accessory off-street parking and loading facilities as required in Sections 14-501 and 14-502.

6. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-2, Special Impact Industrial District.

7. Uses Prohibited

In the I-2, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

8. General Requirements Applicable to All Uses

- a. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.

- b. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
- c. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
- d. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
- e. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
- f. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
- g. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
- h. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
- i. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
- j. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
- k. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

9. Requirements for Specific Uses

a. Requirements for Incinerators and Atomic Reactors

- i. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- ii. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- iii. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- iv. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- v. All separation or picking of waste materials shall be conducted in an enclosed building only.
- vi. A watchman shall be stationed at the site at all times, around the clock for continuous twenty-four (24) hour surveillance, for whom a suitable shelter or living quarters shall be provided.

b. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

- i. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- ii. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- iii. A security guard shall be stationed at the site at all times, around the clock for continuous twenty-four (24) hour surveillance, for whom a suitable shelter or living quarters shall be provided.

c. Requirements for Solid Waste Landfills

- i. All areas used for filling operations shall maintain the minimum setback as required by this section.
- ii. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- iii. All separation or picking of waste materials shall be conducted in enclosed building only.
- iv. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- v. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

d. Requirements for Hazardous and Radioactive Wastes

- i. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- ii. All residue resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
- iii. All areas used for filling operations shall maintain the minimum setback as required by this section.
- iv. A security guard shall be stationed at the site at all times, around the clock for continuous twenty-four (24) hour surveillance, for whom a suitable shelter or living quarters shall be provided.

10. Dimensional Requirements

All uses permitted in the I-2, Special Impact Industrial District, shall comply with the following requirements:

a. Minimum Lot Size

|                                      |                 |
|--------------------------------------|-----------------|
| <b>Minimum Lot Area</b>              | <b>10 acres</b> |
| <b>Lot Width at Building Setback</b> | <b>500 ft.</b>  |

b. Minimum Yard Requirements

**Front Yard Setback** 150 ft.  
**Side Yard Setback** 100 ft.

**except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.**

**Rear Yard Setback** 100 ft.

**except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one hundred-fifty (150) feet.**

c. Maximum Lot Coverage

On any lot or tract containing one (1) or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

d. Height Requirements

No principal structure shall exceed forty (40) feet in height, except as provided in Section 14-704.

e. Parking Space Requirements

As regulated in, Section 14-501.

f. Accessory Structures

i. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.

ii. Accessory structures shall be located at least one hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

g. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet in width shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height at the time of planting and that will eventually mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees

which are a minimum of five (5) feet in height at the time of planting is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

11. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

**14-608 PROVISIONS GOVERNING FLOODWAY AND FLOOD FRINGE DISTRICTS (Amended by Ordinance 2007-18, August 14, 2007)**

**14-608.1 Statutory Authorization, Findings of Fact, Purpose and Objectives**

1. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fayetteville, Tennessee Mayor and Board of Aldermen, does ordain as follows:

2. Findings of Fact

a. The Fayetteville Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).

- b. Areas of Fayetteville are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- c. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

3. Statement of Purpose

It is the purpose of this Section 14-608 to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Section 14-608 is designed to:

- a. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- b. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
- c. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
- d. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- e. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

4. Objectives

The objectives of this Section 14-608 are:

- a. To protect human life, health and property;
- b. To minimize expenditure of public funds for costly flood control projects;
- c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- d. To minimize prolonged business interruptions;
- e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- g. To ensure that potential homebuyers are notified that property is in a floodable area; and
- h. To maintain eligibility for participation in the National Flood Insurance Program.

#### **14.608.2 Definitions**

Unless specifically defined below, words or phrases used in this Section 14-608 shall be interpreted as to give them the meaning they have in common usage and to give this Section 14-608 its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (1) Accessory structures shall not be used for human habitation.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

**"Act"** means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered **"New Construction"**.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Section 14-608 or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one (1) percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

**"Area of Special Flood-Related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E, on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E, may be further refined.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A, on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A, usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Base Flood"** means the flood having a one (1) percent chance of being equalled or exceeded in any given year.

**"Basement"** means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Breakaway Wall"** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**"Building"**, means any structure built for support, shelter, or enclosure for any occupancy or storage (See "**Structure**")

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

**"Elevated Building"** means a nonbasement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program"** or "**Emergency Program**" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

**"Exception"** means a waiver from the provisions of this Section 14-608 which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Section 14-608.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

**"Existing Structures"** see **"Existing Construction"**.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** or **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"Flood"** or **"Flooding"**).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**"Flood-Related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-Related Erosion Area"** or **"Flood-Related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-Related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Floor"** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior, or
  - (b) Directly by the Secretary of the Interior.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section 14-608.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for one hundred-eighty (180) consecutive days or longer.

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**"Mean-Sea-Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Section 14-608, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations (BFE) shown on a community's Flood Insurance Rate Map are referenced.

**"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced after the effective date of this Section 14-608 or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this Section 14-608 or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-Year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Recreational Vehicle"** means a vehicle which is:

- (1) Built on a single chassis;
- (2) four hundred (400) square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred-eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

**"Structure"**, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Section 14-608 which permits construction in a manner otherwise prohibited by this Section 14-608 where specific enforcement would result in unnecessary hardship.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Section 14-608 is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **14-608.3 General Provisions**

1. Application

This Section 14-608 shall apply to all areas within the incorporated area of Fayetteville, Tennessee.

2. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Fayetteville, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), **Community Panel Numbers 470103C00050D, 0075D, 0100D, 0125D, 0150D, 0155D, 160D, 0161D, 0162D, 0163D, 0164D, 0166D, 0167D, 0168D, 0169D, 0200D, 0225D, 0250D, 0275D, 0277D, 0280D, 0281D, 0282D, 0290D, 0295D, 0325D, 0350D, 0425D, 0450D**, dated, **September 19, 2007**, along with all supporting technical data, are adopted by reference and declared to be a part of this Section 14-608.

3. Requirement for Development Permit

A development permit shall be required in conformity with this Section 14-608 prior to the commencement of any development activities.

4. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Section 14-608 and other applicable regulations.

5. Abrogation and Greater Restrictions

This Section 14-608 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section 14-608 conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

6. Interpretation

In the interpretation and application of this Section 14-608, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

7. Warning and Disclaimer of Liability

The degree of flood protection required by this Section 14-608 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section 14-608 does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free

from flooding or flood damages. This Section 14-608 shall not create liability on the part of the City of Fayetteville, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Section 14-608 or any administrative decision lawfully made hereunder.

8. Penalties for Violation

Violation of the provisions of this Section 14-608 or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Fayetteville, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**14-608.4 Administration**

1. Designation of Ordinance Administrator

The Building Inspector is hereby appointed as the Administrator to implement the provisions of this Section 14-608.

2. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

a. Application stage

- i. Elevation in relation to mean-sea-level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Section 14-608.
- ii. Elevation in relation to mean-sea-level to which any non-residential building will be floodproofed where BFE's are available, or to the highest adjacent grade when applicable under this Section 14-608.
- iii. Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed building will meet the flood-proofing criteria in Subsection 14-608.4, 2.
- iv. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b. Construction Stage

Within unnumbered A Zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A Zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean-sea-level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

1. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

- a. Review of all development permits to assure that the permit requirements of this Section 14-608 have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- b. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- c. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

- d. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- e. Record the elevation, in relation to mean-sea-level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with Subsection 14-608.4, 2.
- f. Record the actual elevation; in relation to mean-sea-level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with Subsection 14-608.4, 2.
- g. When floodproofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with Subsection 14-608.4, 2
- h. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section 14-608.
- i. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Section 14-608.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in this Subsection 14-608.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 14-608.4, 2

- 10. All records pertaining to the provisions of this Section 14-608 shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Section 14-608 shall be maintained in a separate file or marked for expedited retrieval within combined files.

## **14-608.5 Provisions for Flood Hazard Reduction**

### **1. General Standards**

In all flood prone areas the following provisions are required:

- a. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- b. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- c. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- d. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- e. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- i. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Section 14-608, shall meet the requirements of "new construction" as contained in this Section 14-608; and,
- j. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Section 14-608, shall be undertaken only if said non-conformity is not further extended or replaced.

2. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

- a. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Subsection 14-608.4, 2.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in this Subsection 14-608.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 14-608.4, 2.

- b. Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A Zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Subsection 14-608.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Subsection 14-608.4, 2.

Buildings located in all A-Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Subsection 14-608.4, 2

- c. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
  - i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
    - (1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - (2) The bottom of all openings shall be no higher than one (1) foot above the finish grade; and
    - (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
  - ii. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
  - iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Subsection 14-608.5, 2.
- d. Standards for Manufactured Homes and Recreational Vehicles
  - i. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels; (2) in expansions to existing manufactured home parks or subdivisions; or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
  - ii. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
    - (1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,

- (2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- iii. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of Subsection 14-608.5, 2, d.
- iv. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- v. All recreational vehicles placed on identified flood hazard sites must either:
  - (1) Be on the site for fewer than one hundred-eighty (180) consecutive days;
  - (2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
  - (3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than one hundred-eighty (180) consecutive days.

e. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to ensure that:

- i. All subdivision proposals shall be consistent with the need to minimize flood damage.
- ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- iv. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty (50) lots and/or five (5) acres in area.

2. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and with Floodways Designated

Located within the Areas of Special Flood Hazard established in Subsection 14-408.3, 2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- b. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Subsection 14-608.5.

4. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in Subsection 14-608.3, 2, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- a. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

- b. New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 14-608.5, 2.

5. Standards for Streams Without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in Article III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

- a. When base flood elevation data or floodway data have not been provided in accordance with Article III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of Article V. ONLY if data is not available from these sources, then the following provisions (a & b) shall apply:
- b. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- c. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Subsection 14-608.5, 2, **and** "Elevated Buildings".

6. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in Subsection 14-608.3, 2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- a. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of Subsection 14-608.5, 2, **and** "Elevated Buildings".
- b. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely floodproofed to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section 14-608 and shall provide such certification to the Administrator as set forth above and as required in Subsection 14-608.4, 2.
- c. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- d. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

7. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in Subsection 14-608.3. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of Subsections 14-608.4 and Subsection 14-608.5, 1, shall apply.

8. Standards for Unmapped Streams

Located within Fayetteville, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- a. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the

top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with Subsection 14-608.4.

#### **14-608.6 Variance Procedures**

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Fayetteville, Tennessee.

##### **1. Board of Zoning Appeals**

- a. The Fayetteville Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section 14-608.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section 14-608, and:
  - i. The danger that materials may be swept onto other property to the injury of others;
  - ii. The danger to life and property due to flooding or erosion;
  - iii. The susceptibility of the proposed facility and its contents to flood damage;
  - iv. The importance of the services provided by the proposed facility to the community;
  - v. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - vi. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - vii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- viii. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - ix. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - x. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. Upon consideration of the factors listed above, and the purposes of this Section 14-608, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Section 14-608.
  - e. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- a. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- b. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- d. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

### **14-608.7 Legal Status Provisions**

1. Conflict with Other Ordinances

In case of conflict between this Section 14-608 or any part thereof, and the whole or part of any existing or future Ordinance of Fayetteville, Tennessee, the most restrictive shall in all cases apply.

2. Validity

If any section, clause, provision, or portion of this Section 14-608 shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Section 14-608 which is not of itself invalid or unconstitutional.

3. Effective Date

This Section 14-608 shall become effective immediately after its passage, in accordance with the Charter of Fayetteville, Tennessee, and the public welfare demanding it.

### **14-609 SPECIAL OVERLAY DISTRICT REGULATIONS**

The following regulations shall apply in the special overlay zoning districts established in Section 14-601, of this ordinance.

#### **14-609.1 Planned Commercial Development**

1. Intent of Chapter

This section is intended to provide a maximum flexibility in design and to insure a minimum standard of site development for commercial activities involving the location of two (2) or more buildings on a single lot or tract of land, or any development site involving three (3) or more acres not subdivided. Proposed uses for a planned commercial development project shall conform to the intent and permitted uses for the commercial zone within which it is to be located.

2. Procedure for Approval

A building permit for a planned commercial development project shall be issued by the Building Inspector only as authorized by the Fayetteville Planning Commission. The commission shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Planning Commission determines that the proposed project meets the intent of this chapter and that the development standards set forth by this chapter will be followed.

a. Information Required

The following information is required:

- i. Site plan drawn to a scale no smaller than 1" = 200', showing:
- (a) Small scale location map of the proposed site.
  - (b) North arrow.
  - (c) Acreage and zoning classification of the area involved.
  - (d) Topographic contours at five (5) foot intervals.
  - (e) The location and dimension of internal streets (including traffic circulation patterns), sidewalks, points of access to public streets, and off-street parking spaces and loading areas.
  - (f) The location and dimensions of structures including height, bulk, and the utilization of structures including activities and number of living units (if any).
  - (g) Reservations for yards and other open space areas, and landscaping/screening features.
  - (h) The location and size of existing and proposed water and sewer lines, storm drainage, and any easements.

b. Review Procedure

i. Preapplication Conference and Utilities Committee Review

Prior to the filing of the application, the applicant shall confer with the Planning Commission to clarify procedures and issues. Review by Utilities Committee shall precede preliminary review.

ii. Preliminary Review

Five (5) copies of the proposal containing the information required above shall be submitted to the Fayetteville Planning Commission no later than noon, the second Wednesday, of the month, before the Planning Commission meeting, to be considered for preliminary review. Commission findings, including necessary revisions or additions prior to final site plan submission, shall be outlined to the applicant.

iii. Final Review

Five (5) copies of the proposal containing the information required above shall be submitted to the Fayetteville Planning Commission no later than noon, the second Wednesday, of each month, before the Planning Commission meeting, to be considered for preliminary review. Upon final approval, the Planning Commission shall authorize issuance of a permit for the planned development project by the Building Inspector.

c. Expiration of Building Permit

In the event that actual construction has not begun within one (1) year from the date of approval of the planned development project or of the work authorized is suspended or discontinued for a period of one (1) year, the building permit for said project shall expire. Reinstatement of a project after expiration shall require submission of the proposal for Planning Commission approval.

d. Amendments

Any amendments or changes to a planned development project after receiving final approval by the Planning Commission must be resubmitted for commission consideration and approval.

3. Purpose and Intent of Planned Commercial Development

The purpose and intent of planned commercial development is:

- a. To encourage the grouping of commercial activities within areas specifically designed to accommodate these activities and to discourage the proliferation of commercial uses along major thoroughfares and residential areas.
- b. To encourage the orderly development of commercial areas through establishment of sound design and development standards providing for suitable location of commercial activities, parking and traffic circulation, ingress and egress, loading, landscaping and open space, and utilities and other service facilities.

4. Types of Planned Commercial Development

The three (3) types of planned commercial development include:

a. Planned Commercial Development--General

Planned commercial development--general provides for a range of retail trade and service activities including neighborhood commercial special purpose shopping facilities and community shopping centers.

b. Planned Commercial Development--Office Park

Planned commercial development--office park provides for adequate regulation of activities and traffic around office parks.

c. Planned Commercial Development--Research/Technology Park

Planned commercial development--research/technology park provides for adequate regulation of activities and traffic around a research/technology park.

5. Permitted Activities in Planned Commercial Development

Activities or uses in planned commercial development shall conform to the intent and permitted uses of the particular commercial zone within which it is located. Any planned commercial development located in the Highway Service (C-2), General Commercial (C-3), and Neighborhood Convenience (C-4) Zones will come under "Planned Commercial Development--General" provisions. Any development located in the Office/Professional Service District (C-5) will come under the "Planned Commercial Development--Office Park", provisions. Any development located in the Research/Technology Park District (T-P) will come under "Planned Commercial Development--Research/Technology Park", provisions.

6. Development Standards

a. Location and Site Requirements

In all planned commercial developments:

- i. The site shall comprise a single lot or tract of land, not subdivided.
- ii. The site shall abut a public street a minimum of fifty (50) feet.
- iii. Minimum lot area **NONE**.

b. Building Area

In all planned commercial developments maximum building area shall not exceed seventy (70) percent of the total lot area. Parking, areas, open courts, and other open space uses shall not be computed in building area.

c. Maximum Permitted Height of Structures

i. Planned Commercial Development--General:

No building shall exceed seventy-five (75) feet in height.

- ii. Planned Commercial Development--Office Park:  
No building shall exceed seventy-five (75) feet in height.
- iii. Planned Commercial Development--Research/Technology Park:  
No building shall exceed seventy-five (75) feet in height.

d. Minimum Yards

|   | <b><u>Setback from<br/>Public Street<br/>Right-of-Way</u></b> | <b><u>Rear<br/>Yard</u></b> | <b><u>Side<br/>Yard</u></b> |
|---|---|-----------------------------|-----------------------------|
| <b>Planned Commercial Development--General</b>                  | <b>35 ft.</b>   | <b>20 ft.</b>               | <b>15 ft.</b>               |
| <b>Planned Commercial Development--Office Park</b>              | <b>40 ft.</b>   | <b>20 ft.</b>               | <b>15 ft.</b>               |
| <b>Planned Commercial Development--Research/Technology Park</b> | <b>35 ft.</b>   | <b>20 ft.</b>               | <b>25 ft.</b>               |

In any planned commercial development abutting a residential district, the minimum distance between any building and a residential district boundary in all cases shall be one hundred (100) feet. Not less than ten (10) feet of such required space shall be devoted to grass, trees, shrubs, and other landscaping; the remainder of such space may be used for off-street parking.

e. Building Location Requirements

- i. In all planned commercial developments, the minimum distance between any building and any internal street shall be fifteen (15) feet.
- ii. The minimum distance between buildings shall be:

|   |               |
|---|---------------|
| <b>Planned Commercial Development--General</b>                  | <b>25 ft.</b> |
| <b>Planned Commercial Development--Office Park</b>              | <b>25 ft.</b> |
| <b>Planned Commercial Development--Research/Technology Park</b> | <b>20 ft.</b> |

f. Maximum Lot Coverage

In any planned commercial development no more than eighty (80) percent of the total surface land area shall be improved with buildings, structures, parking and loading areas, streets, driveways, or roadways.

g. Minimum Off-Street Parking Space Requirements

- i. An off-street parking space shall contain a minimum of one hundred sixty-two (162) square feet, exclusive of access and maneuvering space.
- ii. The off-street parking requirements shall be as provided in CHAPTER 5, Section 14-501.
- iii. Curbs, planting strips, or similar aids to channelization of traffic shall be provided at the ends of parking tiers in order to clearly delineate and separate parking aisles.

h. Off-Street Loading Space

i. Size

An off-street loading space, open or enclosed, shall have three (3) minimum dimensions:

|                           |               |
|---------------------------|---------------|
| <b>Length</b>             | <b>55 ft.</b> |
| <b>Width</b>              | <b>12 ft.</b> |
| <b>Vertical Clearance</b> | <b>12 ft.</b> |

These dimensions shall not include driveways or entrances to, or exits from, such off-street spaces.

ii. Location

No off-street loading space and no entrance or exit thereto shall be located less than fifty (50) feet from the intersection of two (2) street lines. A location closer to such intersection may be permitted if such location is not hazardous to traffic safety and will not create traffic congestion.

- iii. In any planned commercial development there shall be one (1) off-street loading space for a floor area of from seventy-five hundred (7,500) square feet to ten thousand (10,000) square feet in a single occupancy; one (1) additional space for each additional fifteen thousand (15,000) square feet of such floor area or major fraction thereof; provided, that under no circumstances shall more than five (5) off-street loading spaces be required for any single occupancy.

i. Internal Street Design and Construction Standards

In any planned commercial development, the following shall apply:

- i. The maximum grade on any street shall be six (6) percent.
- ii. All street intersections shall be at right angles.

- iii. All internal streets, drives, roadways, and parking and loading areas shall be privately constructed and maintained.
- iv. All internal streets, drives, roadways, and parking and loading areas shall meet the construction standards for streets as set forth in the Subdivision Regulations of Fayetteville, Tennessee.
- v. The minimum pavement width of any internal street, road, or drive shall be twenty (20) feet.
- vi. All alleys shall be a minimum of fifteen (15) feet wide.

j. Access Requirements

As regulated in CHAPTER 4, Section 14-409.

k. Utility Provisions

- i. All planned commercial developments shall be serviced with public sanitary sewerage and water lines of not less than eight (8) inches and six (6) inches, respectively.
- ii. All electric, telephone, and similar service lines and wiring shall be installed underground, and there shall be no utility poles or overhead wiring in any planned commercial development.

l. Storage of Solid Waste Material

In all planned commercial developments, solid waste storage areas shall be screened from public view and shall be maintained in such a manner as to meet Lincoln County Public Health Department requirements.

m. Street Graphics

Street graphic provisions as provided in Section 14-508, are effective in planned commercial developments.

**14-609.2 Historic Zoning Overlay District**

1. Intent of the Historic District

It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archaeological, architectural or cultural value to the City of Fayetteville. These requirements are adopted pursuant to the authority granted in Section 13-7-401, of the Tennessee Code. The general intent of this provision includes, among others, the following specific purposes:

- a. To preserve and protect the historic and/or architectural value of buildings or other structures;
- b. To regulate exterior design, arrangement, texture and materials proposed to be used within the historic district to ensure compatibility;
- c. To create an aesthetic appearance which complements the historic buildings or other structures;
- d. To stabilize and improve property values;
- e. To foster civic beauty;
- f. To strengthen the local economy; and
- g. To promote the use of historical districts for the education, pleasure and welfare of the present and future citizens of the City of Fayetteville.

2. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

a. Alteration

Any act or process that changes one (1) or more exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

b. Construction

The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

c. Demolition

Any act that destroys the external walls in whole or in part of a structure.

d. Demolition by Neglect

The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose or design, by the owner or any party in possession of such site.

e. Design Guidelines

Standards adopted by the Fayetteville Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

f. An Economic Hardship

An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

g. Historic District

A group of historic resources which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values within the City of Fayetteville and which has been so designated by the Historic Zoning Commission.

h. Historic Landmark

Any individual historic resource that is significant and contributes to the historical, architectural, archaeological or cultural values within the City of Fayetteville and which has been so designated by Historic Zoning Commission.

i. Ordinary Repair and Maintenance

Any work, the purpose of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

j. Relocation

Any change of the location of a structure in its present setting or another setting.

k. Structure

A nonmoveable work made of interdependent and interrelated parts in a definite pattern of organization.

3. Creation of the Historical Zoning Commission **(Deleted and Replaced by Ordinance 2008-7, February 12, 2008)**

In order to execute the purposes of this act there is hereby established a commission to be known as the Historic Zoning Commission. The commission shall consist of seven (7) members. All members of the commission shall be appointed by the mayor and subject to confirmation by the City Board.

a. Membership of the Historical Zoning Commission Shall Be Composed of the Following Members:

- i. One (1) members of the Fayetteville Regional Planning Commission.
- ii. One (1) Architect who is a member, or meets membership requirements of the American Institute of Architects, or a cultural architect, if available.
- iii. Five (5) members from the community in general who shall meet of following categories.
  - (a) Architectural history,
  - (b) Law
  - (c) History
  - (d) Archeology
  - (e) Landscape Architecture
  - (f) Real Estate
  - (g) Planning
  - (h) Engineering
  - (i) Education
  - (j) Degree in Political Science, Public Administration, or Criminology
  - (k) Neighborhood Activist

b. Terms of Office

The members of the Historic Zoning Commission shall serve for a five (5) year term, except for the members first appointed, who shall serve respectively as follows: One (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and two (2) for five (5) years. The Planning Commission Member's term shall run concurrent with the term being served on the Planning Commission. All members shall serve without compensation and may be removed from membership by the Fayetteville City Board.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment of such member; vacancies shall be filled within sixty (60) days.

c. Organization

The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least, four (4) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of members of the commission shall constitute final action of the commission of any matter before it.

d. Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of or is affected by a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

4. Boundaries of Historical Districts and Landmarks

Upon adoption of this ordinance the Historic Zoning Commission shall delineate the boundaries of the historical district or landmark and have it approved by the Fayetteville City Board. After the boundary receives approval by the Board, it shall be shown on the zoning map or as special overlays to the zoning map. Changes in the boundaries of the historical district or landmarks may occur after a recommendation by the Historical Zoning Commission and approved by the Board.

a. Historic District Defined

A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

- i. That it is associated with an event which has made a significant contribution to local, state, or national history; or
- ii. That it includes structures associated with the lives of persons significant in local, state, or national history; or
- iii. That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- iv. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

b. Landmark Defined

A historic landmark shall be defined as a building, structure, site or object, its appurtenance and the property it is located on, of high historical, cultural, architectural or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Fayetteville and which meets one (1) or more of the following criteria:

- i. That is associated with an event which has made a significant contribution to local, state, or national history;
- ii. That is associated with the lives of persons significant in local, state, or national history;
- iii. That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;
- iv. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
- v. That is listed in the National Register of Historic Places.

5. Powers and Duties of the Historical Zoning Commission

- a. The Historic Zoning Commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in Subsection 14-609.2, 4, of this chapter. The commission shall furnish to the city council, in writing, its recommendations regarding the creation of any recommendations of the commission prior to the establishment of such districts or landmarks.
- b. Prior to the establishment of a historic district or landmark, and subsequent to adoption of the district or landmark, the Historic Zoning Commission shall adopt for each such proposed district or landmark a set of review guidelines, which it will apply in ruling upon the granting or denial of a Certificate of Appropriateness as provided for in this chapter. Such review guidelines shall be consistent with the purposes of this chapter and with regulations and standards adopted by the Secretary of the Interior pursuant to the **National Historic Preservation Act, of 1966**, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district or landmark which has been certified by the Secretary of the Interior as a registered historic district or landmark. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.
- c. It shall be the duty of the Historic Zoning Commission to make the following determinations with respect to the historic districts or landmarks when applicable:
  - i. Appropriateness of altering or demolishing any building or structure within the historic district or any landmark. The commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other

notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure. Such photographs and drawings shall be at the expense of the commission.

- ii. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.
- iii. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.
- iv. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks, along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.
- v. Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.
  - (a) historical or architectural value of the present structure;
  - (b) the relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district.
  - (c) the general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
  - (d) to any other factor, including aesthetic, which is reasonably related to the purpose of this chapter.
- d. The commission, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.
- e. Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be

disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

6. Construction, Alteration, Repair, Moving, or Demolition

- a. There shall be no construction, alteration, remodeling, or change of color that affects the external appearance of a historic site without the prior approval of the Historic Zoning Commission. Such approval shall be signified by a Certificate of Appropriateness which shall be issued by the commission in such form as the commission shall deem advisable.

i. Applications

Applications for Certificate of Appropriateness shall be made at the office of the Building Inspector of the City of Fayetteville. The Building Inspector shall notify the Historic Zoning Commission of such applications, which shall be in the form of preliminary scale drawings and specifications, and such other documents as are appropriate to acquaint the commission with the details of the proposed project. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval upon the basis of them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

ii. Consideration of Applications

All applications for Certificates of Appropriateness received by the Building Inspector ten (10) days prior to the next regularly scheduled meeting of the Historic Zoning Commission shall be considered by the commission at the next meeting date. Any application not granted final approval shall be considered at the next regular meeting before which the applicant submits whatever documentation required by the commission at its preliminary consideration of the project.

iii. Approval or Disapproval

Within thirty (30) days following the availability of sufficient data and documentation, the Historic Zoning Commission shall issue its Certificate of Appropriateness with or without attached conditions or refuse to grant a Certificate of Appropriateness. If the commission should refuse to grant a Certificate of Appropriateness, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

- b. No historic site may be demolished or partially demolished without the prior approval of the Historic Zoning Commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the Historic Zoning Commission.

7. Moratorium on Alteration or Demolition

The commission shall have the power to require a one hundred-eighty (180) day moratorium on any request to demolish or alter any structures covered by this ordinance. If no action has been taken or no provisions made for acquiring or restoring the structure within this period of time, the proposed demolition or alteration shall be deemed to have been approved by the commission.

a. Demolition by Neglect

Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control, thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

- b. The Historic Zoning Commission, on its own initiative, may file a petition with the Building Inspector requesting that he proceed under the public safety and housing regulations to require correction of defects or repairs to a structure covered under Subsection 14-609.2, so that such structure shall be preserved and protected in accordance with the purposes of this ordinance.

- c. If any structure covered by Subsection 14-609.2, shall have to be demolished as a public safety hazard and the owner of the structure shall receive two (2) or more notices from the Building Inspector of building neglect in violation of this ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any city office during this period.

8. Determination of Economic Hardship

Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

- a. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a Certificate of Appropriateness.
- b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness on any structure of the property and their suitability for rehabilitation.
- c. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- d. In the case of a proposed demolition, an estimate of value of the existing structure on the property must be obtained. The estimate of value shall be obtained from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of property.
- e. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- f. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- g. Any other information considered necessary by the commission to determine as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

## 9. Jurisdiction and Appeals

Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided by law.

Nothing in this chapter shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments.

**14-610 MIXED USE PLANNED UNIT DEVELOPMENT (Added by Ordinance 2008-4, February 12, 2008)**

A. Purpose and Intent of District

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for ownership of land, utilities, streets and facilities in common as well as the maintenance of disposition thereof.

The intent of this ordinance is two-fold:

1. Meet Fayetteville's goals through well planned, integrated, high quality mixed use in new and redevelopment projects:
  - a. Enhance health and safety goals by utilizing requirements for pedestrian orientation and high quality, durable, building materials.
  - b. Increase Fayetteville's prosperity goals and citizen welfare by appreciated property values which will support necessary public services.
  - c. Actualize our cultural heritage through citizen pride in creative, new places to walk to, shop at and work that retain a flavor of Fayetteville's rich history.
  - d. Enhance diversity goals with new types of residential uses in close-knit community design.
  - e. Improve our natural environment goal by mixed use redevelopment with incentives for more intensely landscaped buffers and open spaces designed to complement Fayetteville's parks and greenspace.
2. Improve the potential for financially attractive and high quality mixed use projects in Fayetteville.
  - a. Enhance incentives for investment by the ability to mix residential with commercial and office uses within the same development.
  - b. Facilitate flexibility in design of rigid setback and parking requirements.
  - c. Encourage redevelopment by the ability to increase square footage and dwelling units per acre.

- d. Achieve attractive and commercially successful core areas through cooperative development projects with one or more land owners.
- e. Increase the level of community amenities within mixed use developments by permitting higher density use.

B. Definitions

**Alternative Heating:** is an energy efficient and renewable means of heating ones residence or place of business.

**Assisted Living:** services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, and the like.

**Amenity:** means aesthetic, practical or other characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may differ from development to development.

**Awning:** means a roof-like cover, often fabric, metal, or glass designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

**Balcony:** means a platform that projects from the wall of a building and is surrounded by a railing or balustrade, for the private use of tenants.

**Close-Knit Community:** means a style of land development advocating smaller, narrower lots; shallower yards and setbacks; smaller and more intensely used spaces, etc., that is less land consumptive than traditional suburban development.

**Gazebo:** a free standing structure(similar to detached open patio cover), with a pitched roof design, having the maximum height of fifteen (15) feet, and a maximum area of six hundred (600) square feet, and shall be designed for recreational use only and not for habitation.

**Greywater Recycling:** is an alternative process to treat wastewater obtained from domestic sinks and tubs, but excluding that part of the plumbing waste stream that includes human waste.

**Improvement:** means alterations to any structure that do not change the intensity of its use; do not increase the gross floor area, height, or bulk of the structure by more than ten (10) percent; and/or do not block or impede public access.

**Horticultural Maintenance Plan:** means a written statement documenting the methods to be used to maintain landscaping materials in a healthy condition, free of refuse and debris.

**Nursing Home:** is a facility established for profit or nonprofit, which provides nursing care and related medical services on a 24-hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care.

**Ornamental:** means something that is either decorative or something that provides aesthetic quality to an object required for other purpose.

**Ornamental Structure:** is subordinate to the primary building and provides decorative or an aesthetic quality to the parcel of land and primary building.

**Pedestrian Oriented Development:** means development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas with design bearing a definite relationship to the human in dimension. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. A pedestrian oriented neighborhood offers variety in housing clustered around well-defined neighborhood centers which support jobs, commercial activity, and a range of amenities to sustain lively streets and gathering places. It offers a gradient density from open space to high-intensity commercial cores. The layout of pathways, streets and transportation corridors minimizes conflict between walking, biking, and driving.

**Recycling Center: - (See Salvage Yard)**

**Redevelopment:** means the process by which an existing developed area is rehabilitated, restored, renovated, expanded and/or adaptively reused. Redevelopment may also mean a site that contains an existing building(s) to be removed with the approval of the mixed use planned unit development.

**Salvage Yard:** is a facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition they may be used for production.

**Sign Program:** means a plan of all signs proposed to be installed in a Mixed Use Planned Unit Development project submitted for approval to create a coordinated project theme of uniform design elements such as color, lettering style, size, and placement consistent with the context of the project and its surroundings and the purpose and intent of this ordinance. The Building Inspector shall handle all applications and questions about the sign program.

**Solar Power Applications:** means applying the use of electrical power generation through the utilization of photovoltaic cells, typically building integrated, nonmechanical semi-conductor devices that convert sunlight into direct current electricity.

**Substantial Improvement:** means alterations to any structure that does change the intensity of its use, does increase the gross floor area, height, or bulk of the structure by more than ten (10) percent; and/or does block or impede public access.

**Townhouse:** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed brick front and a rear wall to be used for access, light, and ventilation.

C. Permitted Locations

1. Locations and Hours Open to the Public

- a. Mixed Use PUD shall be permitted in the MPUD, Zone Districts, where public water and sewer are available.
- b. All uses located in a Mixed PUD, except residential uses, religious institutions, and clinics shall comply with the following regulations governing hours open to the public, except where the planning commission further recommends such hours:

**Sunday through Thursday from 6:00 a.m. to 10:00 p.m., and  
Friday and Saturday from 6:00 a.m. to 11:00 p.m.**

D. Uses Permitted

Within an approved Mixed Use Plan Unity, the following uses and their accessory structure may be permitted by the Planning Commission as part of the approval process. Uses must have a vertical separation. Uses must have a vertical separation by a two (2) hour firewall which will meet the City of Fayetteville's current building codes

**Residential Activities**

**Assisted Living  
Dwelling, Single-Family Detached  
Nursing Homes  
Townhouses, with Attached Garages**

**Community Facility Activities**

**Administrative Services  
Community Assembly  
Community Education  
Cultural and Recreational Services  
Medical Clinic  
Place of Worship**

**Commercial Activities**

**Animal Care and Veterinarian Services  
Consumer Repair Services  
Convenience Commercial  
Entertainment and Amusement Services  
Financial, Consulting, and Administrative Services  
Food and Beverage Service**

**General Business and Communication Services**  
**General Personal Service**  
**General Retail**  
**Medical and Professional Services**  
**Personal and Group Care Facilities**

E. Uses Not Permitted

**Agricultural Services**  
**Boat and Motor Dealers**  
**Construction Related Contractor Offices**  
**(With Incidental Storage and Construction)**  
**Crop and Animal Raising**  
**Drive-In Restaurants**  
**Dwelling, Duplex**  
**Dwelling, Multi-Family**  
**Fast Food Restaurants with Drive-Thru Service**  
**Manufacturing Activities**  
**Mining, Drilling, Quarrying**  
**Mobile Home Dealers**  
**Motor Vehicle Dealers**  
**Motorcycle Dealers**  
**Recreational Vehicle and Utility Trailers Dealers**  
**Salvage Yards, Recycling Centers, and the like**  
**Stockyards**  
**Wholesale**

F. Accessory Structure Permitted

**Garage**  
**Gazebo**  
**Ornamental Structure**  
**Shed**

G. Design Standards

**Dimensional Requirements**

All Mixed PUDs shall comply with the following area regulations:

1. Minimum Size of a Mixed PUD

Three (3) acres.

2. Based Density

The base density for dwellings shall be three and one-half (3 1/2) units per acre. Excluded are public and private roads. In the case where a density bonus is being calculated, the most density a developer could request is seven (7) units per acre. The calculations for the density bonuses should be added and not multiplicative.

3. Front Yard

The minimum yard requirements for uses located in a Mixed PUD shall be as specified in the following, Table 6-1, Mixed PUD Yard Requirements.

- a. The required front yard shall be increased where the established front yard of the closest principal building originally designed for the residential purposes located on the same street face on either side of the property exceeds the front yard required in Table 6-1. In such case the required front yard shall be not less than such established front yard, provided that where there are principal buildings designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining the nearest front corners of both buildings.

**TABLE 6-1  
MIXED PUD YARD REQUIREMENTS**

| <b>Yards</b>         | <b>Required Yards for Singled Detached Dwellings (Feet)</b>                           | <b>Required Yards for Townhouses with Attached Garages and Condominiums (Feet)</b> | <b>Required Yards for All Other Uses (Feet)</b> |
|----------------------|---|--|---|
| <b>Front</b>         | <b>20</b>   | <b>5 (no parking in front yard)</b>  | <b>20 (parking in front yard)</b>               |
| <b>Interior Side</b> | <b>12 feet minimum between buildings with a minimum property setback of 2 feet **</b> | <b>0</b>   | <b>0</b>  |
| <b>Corner Side</b>   | <b>8</b>  | <b>8 + 2 X</b>   | <b>8 + 2 X</b>                                  |
| <b>Rear</b>          | <b>5</b>  | <b>5 + 2 X</b>   | <b>5 + 2 X</b>                                  |

**X = Number of stories above the first floor**

**\*\* = Minimum standards will result in no side windows and a brick or veneer finish**

4. Periphery Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the Mixed PUD of not less than thirty (30) feet. At least ten (10) feet from the peripheral boundary of the Mixed PUD must remain in a permanently landscaped manner.

5. Lot Dimension Requirements

- a. The minimum lot area and lot width for uses located in a Mixed PUD shall be as specified in Table 6-2, Lot Dimension Requirements.

- b. Office uses shall be limited to a maximum lot size of ten thousand (10,000) square feet.
- c. Clinics shall be limited to a maximum gross floor area of two thousand (2,000) square feet.

**TABLE 6-2**  
**LOT DIMENSION REQUIREMENTS**

| Uses                           | Minimum Lot Area<br>(Square Feet) | Minimum Lot Width<br>(Feet) |
|--------------------------------|-----------------------------------|-----------------------------|
| <b><u>Residential Uses</u></b> |                                   |                             |
| Detached Single Family         | As Determined by Plan             | 50                          |
| Townhomes and Condominiums     | As Determined by Plan             | 20                          |
| Live Work Unity (Attached)     | As Determined by Plan             | 30                          |
| Community Facility Activities  | None                              | 50                          |
| Commercial Activities          | None                              | 50                          |

6. Other Yard Requirements (Landscape)

- a. Each site shall be landscaped and maintained free of liter and other unsightly debris. Furthermore, the appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees, shrubs, and ground cover to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- b. Required side yards shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed. Where a rear yard abuts a required side yard, such rear yard shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed.

7. Maximum Lot Coverage

Principal and accessory structures shall not cover more than seventy (70) percent of any Mixed PUD. Total impervious surfaces shall not cover more than eighty-five (85) percent of any Mixed PUD. The remainder of the lot shall be covered with turf grass, perennial flowering plants, shrubs, trees or similar landscape material sufficient to prevent soil erosion.

H. Density Bonus

a. Aspects

When developing a mixed use area, the City of Fayetteville considers the following additional aspects to be useful in creating an ideal mixed use environment:

**Alternative Heating**  
**Cultural Venues**  
**Green Space When Greater than Underlying**  
**Regulation of Permeable Surface**  
**Grey Water Recycling**  
**Increased Pervious Surface Area**  
**Multi-Level or Underground Parking**  
**Outdoor Eating Spaces**  
**Outdoor Gathering Spaces of 300 Square Feet or more**  
**Parks**  
**Recreational Resources**  
**Redevelopment**  
**Solar Power Applications**  
**Unique Shopping Opportunities**

In order to further promote the benefits of PUD for the City and the property owner, an optional density bonus may be requested which is intended to provide added incentive to utilize the PUD process, through increased densities and reduced minimum requirements beyond the basic PUD requirements in the Design Standards located in Section 14-610, G. The residential bonus density may be awarded in exchange for substantial benefits to the community and to promote the City's purposes and intent. This density bonus is to be used only for Mixed PUDs meeting the requirements of Section 14-610

2. Less Than Ten (10) Acres

A Mixed PUD is eligible for a density bonus of up to twenty (20) percent, upon a finding by the Board of Mayor and Alderman, after recommendation by the Planning Commission, that all of the following conditions are present:

- a. The Mixed PUD allows development, redevelopment or infill of sites that are otherwise difficult or impractical to develop under conventional zoning, or natural features on the site are preserved that otherwise might be developed under conventional zoning, or other site conditions are present that make development under conventional zoning impractical; and
- b. The Mixed PUD is of sufficiently high quality in such elements as layout, design, architectural treatment, landscaping and use of innovative storm water management techniques to warrant an increase in density; and
- c. Mixed PUD of ten (10) acres or less, containing only single family detached dwellings.

3. Requirement Portion

In order to qualify for a density bonus, the property proposed for Planned Unit Development shall meet one (1) or more of the following:

- a. The applicant must demonstrate that the property proposed for a density bonus contains significant and/or unique site conditions, significant natural features, or large open spaces which would otherwise be developed but which will be preserved from development as a result of exercising the density bonus.
- b. The applicant must demonstrate, in writing and other appropriate material, that the proposed Mixed PUD, with its added density, meets the intent of this chapter, as stated in Section 14-610.
- c. The PUD provides one (1) or more of the following features:
  - i. Walking trails/bikeways/pathways through the entire PUD and/or links to adjacent facilities of a similar nature
  - ii. Active recreation areas (ball field, tennis court, small playground area or “tot lot,” swimming pool, etc.), at a ratio of at least one (1) facility per twenty-five (25) dwelling units.
  - iii. Innovative design features, such as traditional neighborhood development, traffic calming measures, innovative stormwater management, and other similar features throughout the development.

4. Open Space Calculations

A Mixed PUD density bonus shall be based on an aggregate of one (1) or more of the following elements for which the PUD qualifies, as determined during the Preliminary Plan review; provided the total density bonus shall not exceed a maximum of one hundred (100) percent of the units otherwise permitted in Section 14-610, H. Where applicable, the Board of Mayor and Alderman, after recommendation by the Planning Commission, may award a smaller bonus than the maximum permitted below. In determining the amount, if any, of a density bonus to be awarded, the Board of Mayor and Alderman and Planning Commission shall consider the location, character, quality and extent of the elements provided.

- a. Clustered development may qualify for density bonuses in accordance with the following:
  - i. Not less than thirty (30) percent open space. Five (5) percent density bonus.
  - ii. Not less than thirty-five (35) percent open space. Ten (10) percent density bonus.
  - iii. Not less than forty (40) percent open space. Fifteen (15) percent density bonus.

- iv. Not less than forty-five (45) percent open space. Twenty (20) percent density bonus.
  - v. Not less than fifty (50) percent open space. Twenty-five (25) percent density bonus.
  - vi. Not less than fifty-five (55) percent open space. Thirty-five (35) percent density bonus.
  - vii. Not less than sixty (60) percent open space. Forty-five (45) percent density bonus.
- b. Preserving natural features such as wooded areas, wetlands, floodplains, and unique vegetation areas will qualify for up to a thirty (30) percent density bonus, depending on the degree of preservation and preservation plan.
  - c. Including a restriction in the Mixed PUD agreement prohibiting the removal of tree cover (except for dead and diseased trees) beyond a fifty (50) foot distance from all dwelling units (except for roads or other necessary elements of the Mixed PUD) will qualify for up to a ten (10) percent density bonus.
  - d. Providing passive recreation opportunities for the residents of the Mixed PUD, including trails, boardwalks, nature interpretive markers, and similar amenities throughout the site will qualify for up to a ten (10) percent density bonus.
  - e. Combining three (3) or more parcels under different ownership for the Mixed PUD project will qualify for up to a ten (10) percent density bonus.
  - f. Use of innovative storm water management techniques, such as rain gardens, pervious surface paving, or vegetative swales, will qualify for up to a twenty (20) percent bonus.
  - g. Sidewalks shall be four (4) foot in width, and will be required on both sides of the street with a two (2) foot grass strip between the road to qualify for up to ten (10) percent density bonus.

5. Ten (10) Acres or More

The following development regulations apply to Mixed PUDs of ten (10) acres or over:

- a. Principal and accessory buildings shall maintain at least a fifty (50) foot setback from the boundaries of the PUD site, unless a greater distance is required by this chapter.

- b. Lot sizes for detached single family dwellings may be reduced from the minimums specified elsewhere in this chapter, but shall not be less than seven thousand (7,000) square feet in area. There shall be no minimum yard setback requirements; provided, no principal buildings shall be closer than ten (10) feet to any other building.
- c. No building site shall be permitted to gain direct access to any public or private street not constructed or planned as part of the PUD.
- d. Natural vegetation on single family residential lots shall be preserved to the greatest degree possible. The total clearance zone area of any single family residential lot shall be limited to that necessary to construct buildings, drives, sidewalks, or other facilities or structures, but in any case shall be limited to fifteen thousand (15,000) square feet, or forty (40) percent of the area of the lot, whichever is less; unless density bonus points have been granted based on more restrictive requirements, in which case the more restrictive shall prevail. In any case, the Planning Commission, as part of Final Plan review, may allow additional lot clearance zone area upon finding that the applicant has demonstrated that such a limitation does not allow sufficient area for building and lot development, due to the presence of significant natural features or other limitations related to the physical features of the site.
- e. Clearance zone areas shall be clearly staked on each lot by the developer and approved by the Zoning Administrator prior to any construction activity or land clearing and no disturbance of the site shall take place outside of the clearance zone. This does not prohibit, however, thinning of overgrowth and removal of noxious species.
- f. A development setback of at least seventy-five (75) feet shall be provided from any abutting perimeter street not part of the PUD. No building envelope shall be permitted within the development setback.
  - i. No native or natural vegetation shall be removed from the development setback, except for that necessary for entrance streets or private roads. The Planning Commission may modify this requirement; provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the intent of this chapter, as described in the Subdivision Regulations, Article V, Section 5-111.
  - ii. No grading or changes in topography shall be permitted, except as may be necessary to construct entrance streets or private roads, or provide screening as noted in Subpart iii, below.

- iii. The required seventy-five (75) foot setback may be reduced to not less than twenty-five (25) feet; provided a year-round, opaque, natural screen is present or installed which shall afford the desired screening of the development from the street view. Such screen shall consist of existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof, but shall not include fences or walls.
- iv. The development setback area shall qualify as meeting the required open space, provided that the requirements in Section 14-610, 4, Open Space Calculations.
- g. All requirements of Section 14-610, H, 4, Open Space Calculations, shall also apply and 14-610, H, 3, Requirement Portion.

I. Structure

1. Building Materials for the façade, rear and sides of the structure should include, but are not limited to, wood, brick, clapboards, beadboard, glass, and stone. Other materials, such as vinyl, aluminum, and other metal sidings are prohibited except when used as building trim. All buildings shall be completed on all sides with acceptable finishing materials. Any element not specifically mentioned in this section will need to be approved by the Planning Commission.
2. Diversity and variety in architecture is encouraged within the context of historic Fayetteville design and exterior materials.
  - a. Buildings greater than fifty (50) feet in width shall be divided into increments of no more than fifty (50) feet through articulation of the façade.
  - c. All mechanical, heating, ventilation, and air conditioning (HVAC) and like systems shall be screened from street level view on all sides by an opaque structure or landscape material selected to complement the building.
  - d. Railings, benches, trash receptacles and/or bicycle racks, if provided, shall be of commercial quality, and complement the building design and style, subject to the approval of the Building Inspector.
3. No building shall exceed two (2) stories or thirty-five (35) feet in height, except as provided in CHAPTER 7, Section 14-704, Exceptions of Height Limitations.
4. Mixed-Use Structures may be constructed for single family use above commercial uses provided that entrances and hallways for the residential uses shall be separated from those of nonresidential uses and that no commercial use shall occupy the same floor as residential use. A firewall must separate the two uses and meet Fayetteville's Building Code Requirements.

J. Parking

1. The number of required off-street parking spaces shall comply with CHAPTER 5, Section 14-501, Off Street Requirements, of the Zoning Ordinances, which outlines schedule of requirements for parking spaces. In addition to Section 14-501, the following is added:
2. Parking lots are encouraged to be on the side or in the rear of a building.
3. Bicycle parking shall be separated from automobile parking in visible locations.
4. Private individual garages may be applied toward minimum parking spaces at one-half (1/2) of the number of spaces provided.
5. Off-Street Parking requirements for townhouses will not be less than two (2) spaces per dwelling unit, plus one (1) common space per five (5) units.

K. Landscaping

Landscaping shall generally comply with the provisions of the Fayetteville Zoning Ordinance. Landscaping should be designed to preserve existing significant natural features and to buffer service areas, parking, or dumpsters; a mix of evergreen and deciduous plants and trees are preferred with seasonal accent plantings to add to the visual appeal of the area. Native plant species are encouraged and a horticultural maintenance plan shall be required. Landscaping shall also comply with other applicable provisions of this Ordinance. Maintenance of landscaped areas shall be the responsibility of Homeowners' Association and Commercial Industries residing in the Mixed PUD. Additional landscaping may be required in order to preserve and/or protect adjacent properties.

L. Lighting

All lighting standards for the Mixed PUD must be in compliance with the Fayetteville Utility Board and meet their requirements. The Preliminary and Master Plan must be signed by the Fayetteville Utility Board before presenting the plans to the Planning Commission .

M. Signs.

**See: CHAPTER 5, Section 14-508.8, Mixed Use Planned Unit Development Signage**

N. Sidewalks

Sidewalks shall be four (4) foot in width, and will be required on one-side of the street with a two (2) foot grass strip between the road and the sidewalk except in two (2) specific scenarios:

1. When the sidewalk(s) is immediately adjacent to outdoor seating cafe, the sidewalk shall be a minimum of seven (7) feet in width to provide additional maneuverability

2. When the sidewalk(s) is immediately adjacent to an off-street parking area, where vehicles may overhang on the sidewalk, the sidewalk shall be a minimum of seven (7) feet in width to provide additional maneuverability.

O. Bicycle Pathways

Shall have approval from the Planning Commission.

P. Noise Levels

No noise exceeding seventy (70) dBA shall be emitted, as measured from a property line.

Q. Maintenance

Any common areas and facilities not specifically accepted by the city during the rezoning will be maintained by the Homeowners' Association located in the Mixed PUD where the common area/facility is located.

R. Amenities

1. All new structures and substantial improvements to existing buildings shall provide amenities, as specified in this Subsection but not limited to these. The number of amenities provided shall comply with the following sliding scale:

| <u>Size of Structure</u> | <u>Number of Amenities</u> |
|--------------------------|----------------------------|
| < 2,500 sq. ft.          | 2                          |
| 2,500 – 5,000 sq. ft.    | 3                          |
| 5,000 – 10,000 sq. ft.   | 4                          |
| > 10,000 sq. ft.         | 5                          |

2. Acceptable Amenities include:

- a. Sidewalks incorporating ornamental paving treatments, including, but not limited to concrete masonry unit pavers, brick, or stone.
- b. A public outdoor seating plaza adjacent to or visible and accessible from the street, including, but not limited to, benches, or other outdoor seating, not associated with an outdoor café.
- c. Planned open space areas including privately maintained courtyards, plazas, pocket parks, and related features.
- d. Sidewalk planters, located in the vicinity of sidewalks and/or outdoor seating areas.

- e. Any public art designed to withstand natural elements and exposure to reasonable public contact for at least ten years.
  - f. Porches in any detached single family residential development of the Planned Unit Development.
  - g. Awnings and balconies. Installation of awnings on the main floor of a building or balconies on the second floor of a building shall be provided in areas immediately adjacent to a public street, and the Fayetteville Planning Commission shall establish the requirement for awnings or balconies for other portions of the building that are not immediately adjacent to the public street, but are visible from the public street.
  - h. Consolidation of multiple land parcels into one integrated plan to facilitate an integrated design.
  - i. Provision of structures for bicycle parking and storage.
  - j. Public electronic information access including wireless access points, electronic information displays sized for a single user, but excluding unsolicited electronic broadcast information.
  - k. Providing alternative heating (solar, geo-thermal) or power (wind) source, grey water recycling, or underground utilities.
  - l. Innovative lighting design.
  - m. Multi-level parking includes basement level and surface level when a dwelling structure is above the parking area.
  - n. Cultural venues include small performance spaces or outreach educational facility.
  - o. Recreational opportunities.
  - p. Underground utilities in redevelopment areas.
3. Guidelines for location, construction, and character of amenities:
- a. Access to sidewalks shall be provided via a public right-of-way or public access easement where appropriate.
  - b. The size or capacity of amenities shall be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. Minimum standards may be altered during review based on these guidelines.
  - c. Amenities shall be consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is

recommended to foster continuity in the design of pedestrian areas. Materials shall be suitable for outdoor use, easily maintained, and have at least a ten (10) year expected service life.

S. Administrative Procedure

The provisions of this section govern the procedure for approval for all Mixed PUDs as provided herein.

1. Preliminary Approval

Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent to the Building Inspector in accordance with such written general rules regarding general procedure, form of application, and required information as the Planning Commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:

- a. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the Planning Commission by general rule shall specify in order to disclose:
  - i. The location and size of the area involved,
  - ii. Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
  - iii. Location and approximate dimensions of structures to be erected, altered, or moved and of existing buildings or other structures already on the lot and the elevation of the building site including approximate height and bulk, also include the utilization of structures including activities and the number of living units
  - iv. The size and location of all yards and open areas required by this ordinance
  - v. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.
  - vi. Estimated population and density and extent of activities to be allocated to parts of the project.
  - vii. Reservations for public uses including schools, parks and other open spaces
  - viii. Other major landscaping features, and
  - ix. The location of all public water and sewer lines from which the property is to be served.

- x. The general means of disposition of storm water.
- xi. North Arrow.
- xii. The number and type of amenities being provided.
- b. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- c. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
- d. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
- e. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
- f. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

2. Zoning Amendment

After approval of the preliminary master plan, the Planning Commission shall recommend an amendment to the Mayor and the Board of Aldermen reclassifying the proposed MPUD to the appropriate planned unit development district. If the Board approved the amendment, the landowner may submit a final master plan to the Planning Commission, and the Planning Commission is authorized to proceed with all future details of the project.

3. Application for Final Approval

Within one (1) year of the preliminary approval and rezoning of a planned unit development, the landowner may make application to the Planning Commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bond as were set forth by the Planning Commission ordinance of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

4. Final Master Development Plan of a Planned Unit Development

The final master plan of a planned unit development for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. The recorded Master Plan must be an attachment to a boundary survey and must be filed with the Lincoln County Registrar.

5. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the Planning Commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the Planning Commission for an amendment to the master plan. The Planning Commission may approve such amendment so long as the original intent is not obrogated and the change does not in any way damage any part of the PUD nor any adjoining properties. Minor changes in the location, sitting, and height of the buildings may be authorized by the Planning Commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes to the Master Plan, such as the number of dwelling units or a change of use of the lots must be submitted to both the Planning Commission and the Board of Mayor and Alderman for approval.

6. Subdivision Plat Required

A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Lincoln County Registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

7. Building Reconstruction

In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master plan. No change in any dimension or location shall be permitted without an official amendment approved by the Planning Commission.

8. Zoning Considerations

When an area is submitted for MPUD approval, the Planning Commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load nor where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the planned unit development with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

9. Time Table

After final approval, the developer has one year to begin construction on the project. If construction has not begun, the Master Plan will expire and the developer will need to request approval from the Planning Commission to start the project again. In addition, if construction has begun and has ceased for over a year, the Master Plan and Zoning Classification will terminate and return back to its prior zoning classification. In either circumstance, the developer can request from the Planning Commission to reinstate the Master Plan and the Zoning Designation.

10. Enforcement

The provisions of this chapter shall be enforced in the manner provided elsewhere in Fayetteville's Zoning Ordinances. Any development that is not otherwise in conformance with these regulations shall not be approved.

11. Performance Bond

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Inspector shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.