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# Chapter 153.214 Residential Compatibility Standards

City of Tontitown

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## § 153.214 RESIDENTIAL COMPATIBILITY STANDARDS.

The compatibility standards of this section are intended to protect low density residential uses and neighborhoods from the adverse impacts sometimes associated with higher density residential uses and nonresidential development. The standards are intended to mitigate the effects of uses with operating and structural characteristics that are vastly different than those associated with single-family uses.

(A) *Applicability (triggering property)*. Compatibility standards shall apply to all development in the **NC and C-1** zoning districts when such development is adjacent to a "triggering property," which shall include all of the following:

- (1) Property occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or
- (2) Property zoned in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district.

(B) *Exemptions*.

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards*. The following setback standards shall apply to all development that is subject to compatibility standards:

(a) Within thirty (30) feet of the property line, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional ten (10) foot setback from the boundary line of an adjacent "triggering property" for each story above the second story.

(b) Small sites. On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(c) Large sites. On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(d) Surface-level parking and driveways. Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such

standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of fifteen (15) feet from the lot line of triggering property.

~~(4) *Building height.* No structure shall exceed 35 feet in height within 50 feet from the lot line of triggering property.~~

(5) *Screening standards.* All requirements found in Chapter 153.212: Landscaping, Screening, Fencing and Buffering shall apply. Additionally:

- (a) Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.
- (b) The required perimeter buffer shall increase from the five (5) feet required in 153.212 to ten (10) feet wide when adjacent to a triggering property.

(6) *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

- (a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.
- (b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.
- (c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

(C) *Applicability (triggering property).* Compatibility standards shall apply to all development in the **R-MF-16, C-2, C-T, L-I, and I** (EU-L zoning has compatibility standards in Section 153.086) zoning districts when such development is adjacent to a "triggering property," which shall include all of the following:

- (1) Property occupied by a single-family dwelling unit that is a use permitted by-right in the zoning district in which it is located; or
- (2) Property zoned in an A, R-E, R-1, R-2, R-3L, R-3 or R-4 district.

(D) *Exemptions.*

(1) Notwithstanding the above applicability provisions, compatibility standards shall not be triggered by property that is public right-of-way, roadway, or utility easement.

(2) The following uses and activities shall specifically be exempt from compliance with compatibility standards:

(a) Construction of a use permitted by-right in an A, R-E, R-1, R-2, R-3L, R-3, or R-4 district;

(b) Structural alteration of an existing building when such alteration does not increase the building's square footage or height, or result in an increase in noise, hours of operation, or other factors which would impact surrounding properties; and

(c) A change in use that does not increase the minimum number of off-street parking spaces required.

(3) *Setback standards.* The following setback standards shall apply to all development that is subject to compatibility standards:

(a) Within fifty (50) feet of the property line, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional fifteen (15) foot setback from the boundary line of an adjacent “triggering property” for each story above the second story.

(b) *Small sites.* On sites with 20,000 square feet of area or less that also have less than two hundred feet (200') of street frontage, structures shall be set back from the lot line of triggering property one and one-half times the required setback.

(c) *Large sites.* On sites with more than 20,000 square feet of area or 200 feet of street frontage or more, structure shall be set back from the lot line of triggering property a minimum distance equal to twice the required setback for the zone in which the structure is to be located.

(d) *Surface-level parking and driveways.* Surface-level off-street parking areas and driveways shall not be subject to the above setback standards; however, such standards shall apply to parking structures. Surface-level parking areas shall be set back a minimum of twenty-five (25) feet from the lot line of triggering property.

(4) *Building height.* No structure shall exceed three (3) stories in height within 50 feet from the lot line of triggering property.

(5) *Screening standards.* All requirements found in Chapter 153.212: Landscaping, Screening, Fencing and Buffering shall apply. Additionally:

(a) Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property.

(b) The required perimeter buffer shall increase from the five (5) feet required in 153.212 to twenty (20) feet wide when adjacent to a triggering property.

(6) *Site design standards.* The following additional site design standards shall apply to development that is subject to the compatibility standards of this section:

(a) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 50 feet of the lot line of triggering property.

(b) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property.

(c) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.