

AGENDA REQUEST

FOR: COUNCIL MEETING OF FEBRUARY 7, 2012

FROM:

ALDERMAN RHONDA ADAMS  
ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend The Definition Of "Family" Found In Chapter 151 **Definitions** Of The Unified Development Code To Allow The City Council To Authorize Up To Five (5) Unrelated Persons In Some Units Of A Planned Zoning District

APPROVED FOR AGENDA:

Rhonda Adams 1-31-12  
Rhonda Adams Date  
Alderman

Matthew Petty 1-31-2012  
Matthew Petty Date  
Alderman

[Signature] January 31, 2012  
City Attorney (as to form) Date

left on the first Reading at the 2/7/12 CC mtg.

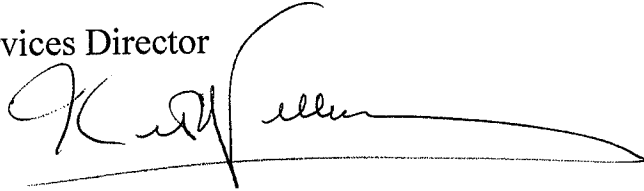
**Kit Williams**  
*City Attorney*

**Jason B. Kelley**  
*Assistant City Attorney*

**TO: Mayor Jordan**  
**City Council**

**CC: Jeremy Pate, Development Services Director**

**FROM: Kit Williams, City Attorney**



**DATE: January 26, 2012**

**RE: Possible affordable option between houses and apartment buildings  
within a new PZD**

Alderman Rhonda Adams asked Jeremy and me to consider and work on a possible amendment to the U.D.C.'s definition of "family" in order to facilitate an alternative housing model that would allow higher density than a house, but would be more "home-like" than a standard apartment building. With the U of A's recent announcement that it will continue to strive to grow by over a thousand additional students for the next few years, the City needs to plan to make new, attractive and affordable housing options allowable for our increasing student population to protect our existing single family neighborhoods. Without such an option, our neighborhoods will likely see increasing pressure and problems from over-occupied houses.

To meet this need and Alderman Adams' request, Jeremy and I worked out a possible amendment to the definition of "family" with Rhonda that would increase the maximum number of unrelated persons in a housing unit from 4 to 5 in a specific PZD approved by the City Council in a case by case consideration and with proper safeguards for the surrounding neighborhood. Such safeguards would likely include buffering from other residential housing, limitations as to the number and type of structure allowed ("free standing structure of not more than two stories") and whatever else that the City Council, after listening to public comment, would believe to be appropriate to protect the surrounding neighborhood.

Alderman Rhonda Adams has approved this proposed amendment and submits it for your consideration.

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

AN ORDINANCE TO AMEND THE DEFINITION OF "FAMILY" FOUND IN CHAPTER 151 **DEFINITIONS** OF THE UNIFIED DEVELOPMENT CODE TO ALLOW THE CITY COUNCIL TO AUTHORIZE UP TO FIVE (5) UNRELATED PERSONS IN SOME UNITS OF A PLANNED ZONING DISTRICT

**WHEREAS**, the current definition of "Family" in the Unified Development Code has been in effect over the last decade and has been approved by the United States Department of Housing and Urban Development after being challenged by a landlord or tenant; and

**WHEREAS**, the current definition of "Family" in the U.D.C. limits the number of unrelated individuals in a housing unit to three (3) for single family districts and four (4) in multifamily districts in order to protect neighborhoods; and

**WHEREAS**, in rare circumstances and with appropriate safeguards the City Council should be authorized to allow up to five (5) unrelated persons in a unit within a Planned Zoning District designed for such occupancy.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals the current definition of "Family" found in the **Definitions** Chapter of the Unified Development Code and enacts a new definition of "Family" as shown below

*"Family.* (Zoning) In R-A, Neighborhood Conservation and all single family districts including single family Planned Zoning Districts, a "family" is no more than three (3) persons unless all are related and occupy the dwelling as a single housekeeping unit. In all other zoning districts where residential uses are permitted, a "family" is no more than four (4) persons unless all are related and occupy the dwelling as a single housekeeping unit with the exception that the City Council may permit a definition of "family" as no more than five (5) persons unless all are related and occupy the dwelling as a single housekeeping unit in a specific Planned Zoning District with proper safeguards for the surrounding neighborhood such as requiring that each five person unit must be placed within a freestanding structure of not more than two stories and be

buffered from other residential districts outside the Planned Zoning District. Persons are "related" for purposes of this definition if they are related by blood, marriage, adoption, guardianship, or other duly-authorized custodial relationship. The definition of "family" does not include fraternities, sororities, clubs or institutional groups."

**PASSED** and **APPROVED** this 7<sup>th</sup> day of February, 2012.

APPROVED:

ATTEST:

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

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasurer

## Fayetteville Code of Ordinances

**Facilities handling explosives.** (Zoning) Any function that involves a process dealing with a product with explosive potential.

**Fall zone.** (Wireless Communications Facilities) The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked down, blown over or fall on its own.

**Family.** (Zoning) In single-family residential districts, a family is no more than three persons unless all are related and occupy a dwelling as a single housekeeping unit in the RSF-5 (Residential Single-family - Half Acre), RSF - 1 (Residential Single-family - One acre), RSF - 2 (Residential Single-family - 2 Acre), RSF - 4 (Residential Single-family - 4 Units per Acre), and RSF - 7 (Residential Single-family - 7 Units per Acre) zoning districts. In all other zoning districts where residential uses are permitted, a family is no more than four persons unless all are related and occupy a dwelling as a single housekeeping unit. A family is when all persons are related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship. The definition of family does not include fraternities, sororities, clubs or institutional groups.

**FCC.** (Wireless Telecommunications Facilities) The Federal Communications Commission.

**FEMA.** (Physical Alteration of Land) Federal Emergency Management Agency.

**Fenestration.** (Development) An exterior opening in the surface of a structure, such as a window, door, clerestory window, curtain wall, etc.

**Fill.** (Physical Alteration of Land) A deposit of earth material placed by artificial means.

**First or ground floor.** (DDOD). The finished floor facing a street right of way.

**Flashing sign.** (Signs) An illuminated sign on which artificial or reflected lights is not maintained stationary and constant in intensity and color at all times when in use.

**Flood or flooding.** (Flood Damage Prevention) A general and temporary condition or partial or complete inundation of normally dry land areas from the overflow of flood waters, or the unusual and rapid accumulation or run-off of surface water from any source.

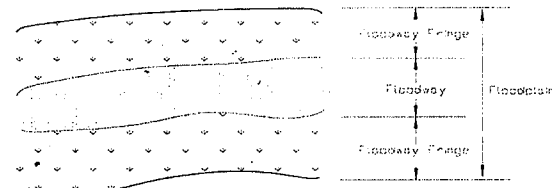
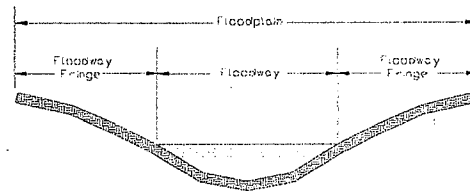
**Flood boundary and floodway map.** (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

**Flood Insurance Rate Map (FIRM).** (Flood Damage Prevention) The official map on which the Federal Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the Floodway.

**Flood Insurance Study.** (Flood Damage Prevention) The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

**Floodplain.** (Stormwater Management, Drainage and Erosion Control) For a given flood event, that area of land that is temporarily covered by water and that adjoins a watercourse. In FEMA regulated, or established floodplains, the floodplains shall mean the area subject to inundation from any source during the regulatory event.

**Floodplain or flood-prone area.** (Flood Damage Prevention) Areas that are subject to, or are exposed to, flooding and flood damage.



**Floodplain management.** (Flood Damage Prevention) 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.

**Floodplain management regulations.** (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood-proofing.** (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or

