

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

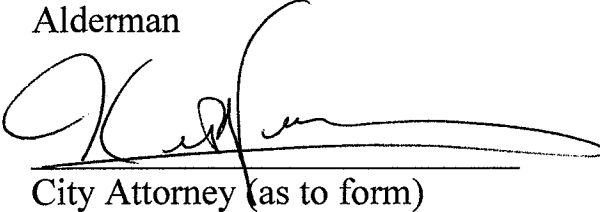
APPROVED FOR AGENDA:

 1-31-12

Rhonda Adams Date
Alderman

 1-31-2012

Matthew Petty Date
Alderman

 January 31, 2012

City Attorney (as to form) Date

left on 3rd Reading &
abled to come back with Ordinance on enforcement.
at the 3/6/12 CC mtg.
left on the Second Reading at the 2/21/12 CC mtg.
left on the first Reading at the 2/7/12 CC mtg.



**TO: Mayor Jordan
City Council
Sondra Smith, City Clerk**

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

FROM: Kit Williams, City Attorney

DATE: March 13, 2012

RE: Resuming consideration of proposed ordinance to amend definition of "family" for zoning purposes

At the last City Council meeting, the City Council approved a Motion to Table the ordinance amending the definition of "family" for zoning purposes until the Ordinance Review Committee could consider and make a recommendation concerning a possible ordinance to adopt a civil enforcement procedure to the City Council. The next afternoon at 5:00 P.M. the Ordinance Review Committee met to discuss the draft ordinance for civil enforcement of residential overcrowding issues.

At the Ordinance Review Committee meeting, Jeremy Pate and Yolanda Fields assured the Ordinance Review Committee that the current enforcement procedures in response to residential overcrowding complaints were functioning well. I then recommended to the Ordinance Review Committee that my draft ordinance should not be presented to the City Council for approval while the City Council further monitored the current enforcement procedures. The Ordinance Review Committee made suggestions to Community Services about better citizen communication to ensure residents knew of their right to lodge complaints about residential overcrowding. Additionally, a suggestion was made encouraging Community Services to report back to the citizens who had complained about residential overcrowding to explain its investigation, findings and resolution of the complaint.

The Ordinance Review Committee took my advice and unanimously agreed not to pursue the alternative civil enforcement ordinance at this time. It also asked how to bring the definition ordinance back to the full City Council. I explained

that this ordinance could be "taken from the table" during the next City Council meeting by majority vote. I recommended that the public be advised of this action at the City Council Agenda meeting.

My review of Robert's Rules of Order and the Municipal League's "Procedural Rules For Municipal Officials" confirms that a Motion To Take From The Table (Robert's Rules) or Motion To Resume Consideration (characterized by the Municipal League as the more modern version) can be made.

Since the definition ordinance was supposed to be returned to the City Council automatically when the Ordinance Review Committee had sufficiently reviewed the enforcement ordinance, I believe it is proper to place this definition ordinance back on "Old Business" now as the Ordinance Review Committee discussed the enforcement ordinance and decided not recommend it to the City Council now. We have always applied "common sense" parliamentary procedure rather than a hyper-technical interpretation. Thus, my position is that the City Council did not intend to "kill" the definition ordinance if the Ordinance Review Committee determined not to recommend the civil enforcement ordinance. Instead, the City Council wanted the Ordinance Review Committee to review and recommend what action to take on the civil enforcement ordinance before returning the definition ordinance for City Council action.

That has been accomplished so I **recommend that the definition ordinance now be placed back on the final Agenda under Old Business.** To further ensure no one can claim the City Council violated parliamentary procedure, I request Mayor Jordan ask for a Motion To Resume Consideration of the ordinance at the City Council before any discussion. Like a Motion To Table, a majority of those aldermen present and participating are needed to pass a Motion To Resume Consideration which is a "Subsidiary" motion.

OBJECT TO CONSIDERATION: To oppose discussion and decision of a main motion.

ORDER OF BUSINESS: The formal program of sequence of different items or classes of business arranged in the order in which they are to be considered.

ORDINANCE: Law made by the legislative body of a municipality.

PENDING QUESTION: A question, or motion, before the council which has not yet been voted upon.

POSTPONE DEFINITELY: To defer consideration of a motion or report until a specific time.

POSTPONE INDEFINITELY: To kill a motion or report by deferring consideration of it indefinitely.

POSTPONE TEMPORARILY: To defer consideration of a report or motion until the council chooses to take it up again. The old form of the motion was "lay on the table."

PRECEDENCE: The right of prior proposal and consideration of one motion over another, or the order or priority of consideration.

PRIVILEGED MOTIONS: The class of motions having the highest priority.

QUESTION OF PRIVILEGE: Request or motion affecting the comfort or convenience of the council or one of its members.

RECONSIDER: Motion to cancel the effect of a vote so that the question may be reviewed and redecided.

REFER TO COMMITTEE: Motion to delegate work to a small group of members for study, decision or action.

RESUME CONSIDERATION: To take up for consideration a motion that has been postponed temporarily. The old form of the motion was "take from the table."

SPECIAL COMMITTEE: A committee appointed to accomplish a particular task and to submit a special report. It ceases to exist when its task is completed.

SPECIAL MEETING: A meeting called to consider certain specific business that must be set forth in the call.

STANDING COMMITTEE: A committee to handle all business on a certain subject that may be referred to it, and usually having a term of service corresponding to the term of office of the officers of the organization.

UNFINISHED BUSINESS: Any business deferred by a motion to postpone to a definite time, or any business that was incomplete when the previous meeting adjourned. Unfinished business has a preferred status at the following meeting.

VIVA VOCE VOTE: A vote taken by calling for "ayes" and "noes" and judged by volume of voice response. Sometimes called "voice vote."

VOTE IMMEDIATELY: Motion to close debate, shut off subsidiary motion and take a vote at once.

WITHDRAW: Motion by a member to remove his motion from consideration by the council.

[114]

Rules of Order

the motion may be made again after an adjournment even when the next meeting is held on the same day. In Congress, though, the motion can't be renewed the same day. (See Section 8 for the order of precedence of this motion.)

The motion to Suspend the Rules applies only to rules of order or standing rules (see Section 49) since an organization's constitution and bylaws can't be suspended even by unanimous consent, unless they provide for their own suspension. But they should never be suspended except in the case of a bylaw relating to the transaction of business, and then the reason for the suspension should be specified.

The rules of an assembly, therefore, must not be suspended except for a definite purpose, and then a two-thirds vote is required. Also, no rule should be suspended, except by unanimous consent, that gives any right to a minority as small as one-third. It would be pointless, for example, to have a rule allowing one-fifth of the members present to order the "yeas and nays" (see Section 38 and 39) if two-thirds could simply suspend that rule.

The correct form of this motion is as follows:

I move to suspend the rules that interfere with _____

Subsidiary Motions

Section 19. To Lay on the Table

The motion to *Lay on the Table* a particular subject (set it aside temporarily) takes precedence over all other subsidiary questions (see Section 7). But it yields to any incidental motion (see Section 8) or privileged motion (see Section 9). This motion is not debatable and can't be amended or have any other subsidiary motion applied to

Motions and Their Order of Precedence [115]

it. Also, an affirmative vote on it can't be reconsidered (see Section 27); it removes the subject from consideration until the assembly votes to take it from the table.

If a member incorrectly makes a motion to Lay on the Table some question for a specified time, the chair shouldn't rule it out of order but should recognize and state it as a motion to Postpone to a Certain Time (Section 21). The motion to Lay [a subject] on the Table can't be limited in any way. Some of the correct forms of this motion are shown in these examples:

I move to lay the question of _____ on the table.

I move that the matter of _____ be laid on the table.

I move that the question of _____ lie on the table.

When someone wants to take up the question again, one of the forms here should be followed:

I move to take the question of _____ from the table.

I move that we now consider the question of _____

In organizations with sessions of a day or less, occurring as often as monthly, it should be permissible to take from the table any question that was laid there at the previous session (see Section 42). In the case of a resolution, however, it would be better to offer it again as a new resolution.

The motion to Lay [a subject] on the Table has no privilege, is undebatable, and can't have any other subsidiary motion applied to it. The object of it is to postpone a subject so that it can be taken up at any time at the same or in a future meeting. You couldn't accomplish this by a motion to Postpone Indefinitely (Section 24) or definitely. The motion also is used frequently to suppress a question (see Section 59) for a particular session; it can do this as long as there will never be a majority vote to



**TO: Mayor Jordan
City Council**

**Kit Williams
City Attorney**

**Jason B. Kelley
Assistant City Attorney**

CC: Jeremy Pate, Development Services Director

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to read "Kit Williams", written over a horizontal line.

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.

Revised

Handed out at City Council Mtg. 3/6/12

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 applying the parking requirements of §172.11 (even though this is a multifamily PZD), 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. The City Council shall consider whether an applicant's PZD with one or more five unrelated person structures would cause unreasonable traffic into an adjoining residential neighborhood before approving any such PZD. 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 6th day of March, 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.

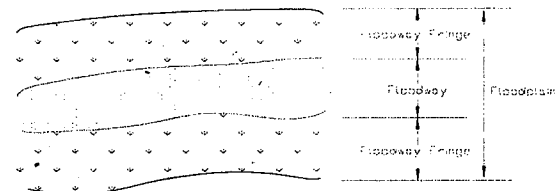
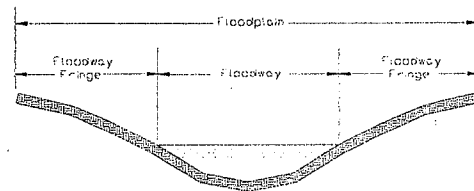
Flood boundary and floodway map. (Flood Damage Prevention) The official map on which the Federal Insurance Administration has delineated both the areas of flood hazards and the floodway.

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

From: <themucks@gmail.com>
To: <webmaster@ci.fayetteville.ar.us>
CC: <city_clerk@ci.fayetteville.ar.us>
Date: 2/23/2012 10:27 AM
Subject: [Form mail from AccessFayetteville] - Ordinance Meeting tonight @ 6pm

From: Jeffrey & Juanita Muckleroy

Email: themucks@gmail.com

To: city_clerk@ci.fayetteville.ar.us

Subject: Ordinance Meeting tonight @ 6pm

Message:

Please pass our concerns below to the Council tonight as these are major concerns for us in the Sang valley Neighborhood.

Hello City Council Members-

We are residents in the Sang Valley community. We would like to go to the meeting tomorrow night but have to be in Tulsa to pick up my Daughter. We have been out of pocket for a while now on what is going with our community, however the below email is very disturbing to us and we would like for our voice to be heard tomorrow night at this meeting.

1) We are not in favor for passing a new definition of a family! This is going to bring more unwanted traffic in our neighborhood that people in our community already complain about, plus we already have houses around this neighborhood that have more than the allotted residents in them. You can look down Ora and see more than 7 cars parked at it all the time. The corner of Sang and Weddington is another. Right on Cleveland is another.

2) If you pass the 5 instead of 3 for a definition it will not be a choice of the city approving on a case to case base. The city will do whatever brings in the most money! It doesn't care where the location is as long as it brings in revenue.

3) We have already complained about the traffic on Sang Ave. We have added a new church right down the street that has increased traffic already. With the increase of students at the University the traffic has also increased drastically. In front of our house on Sang at 7:30am - 8:30am you can't get out of the driveway easily. This is also the same at 4:30-5:30 pm every day. What will you do when one of our children get hurt due to traffic that has increased in the neighborhood?

4) We put in speed bumps but they don't work! We have enough traffic flowing through here at all times of the day and night speeding! You can hear people going over the speed bumps like crazy... Some even sound as if they have lost part of their car.

5) Although we work for the University and am an advocate for the University we do not want more residential places in our neighborhood. We bought this house because it was a nice quiet place to live

and raise our children. We now have a nephew that lives with us and we want him to grow up in a quiet neighborhood also. If the University needs more housing then look to the South by Baum stadium, the buses already run in that area. Plus there are a lot of Apartments that are needing renters...

6) We are not sure where you live Rhonda but if this were your area or road where your children grew up we do not think you would advocate for another huge community to come in.

7) We are also worried about the flooding from the creek! Although we are not on the creek our garage has flooded a lot from the rain flooding out of the drainage ditches. Which has always been an ongoing problem. The city came out on Easter last year to clean out the ditches. If you add more concrete to the mix this could be even more disastrous for this neighborhood.

8) We know that there will be some development on the Marinoni property at some point but please do not make it a burden on the already established older neighborhood and add more burden to an already existing problem.

Please consider our thoughts on the above points. When you start opening up older neighborhoods for money which the city has a lot to gain from this (as our property taxes are already way to high and will just go up with a new residential neighborhood) then we lose sight of what Fayetteville is really about!

Thank you both in advance,
Juanita & Jeffrey Muckleroy

Below is the email we received from John notifying us of this.....

From: John Faucette [jfaucette@coldwellbanker.com]
Sent: Wednesday, February 22, 2012 11:07 AM
To: Donn T. Johnson; Paula E. Johnson; Ed and Angie Baker; Darryl & Lea Criss; Deb Euculano; Tami Trzeciak; Shirley Lucas; Bill Mock; Juanita K. Muckleroy; Maliah Pinkleton; Kathy Short; Steven Skattebo; Martha Thornton; Carol Traphagan; Rania Trulley; Marcia Wells; Darrell Caplener; Vel Moses
Subject: FW: the retreat at lubbock-the ultimate living experience sang valley important
Please find below an e-mail I sent to Sarah Lewis, our current Ward 4 Representative regarding the Heckathorn property and the Marinoni property to the west a potential use of the land being considered. This is very important; if this consideration becomes a reality it will place a burden upon our existing neighborhoods and our surrounding streets, and a possible burden on drainage, and also nearby intersections such as the already somewhat dangerous intersection of Razorback and Maple, Cleveland and Sang, and etc. I just had a few e-mail addresses of folks in the Sang Valley Association, that is why I did not do a blind recipient so anyone could forward this e-mail on to others this was not sent to that live in the Sang Valley Association area, but it also needs to be sent to the Halsell Heights Association as well and I do not have any e-mail addresses there as well.

This is being considered and being supported by the higher ups at the university. Projecting student enrollment to increase by 6,000+ - over the next 5 years because of football and basketball but not academics, but will that happen if tuition keeps increasing.

Also, this Thursday evening Rhonda Adams our other current Ward 4 Representative at the Council of Neighborhoods is going to explain the new definition of a "family" with respect to the number of occupants

in a dwelling for planned zoning districts, but keep in mind this might effect existing housing. The push is to go beyond no more than 3 unrelated occupants to 5. So the housing being considered on the Heckathron property will have 1 to 5 BR family units, supposedly 600 units which would average 3.5 BRs per unit and when you look at 600 hundred units that is a lot of vehicles of college students.

The Neighborhood Council will meet Thursday February 23rd at 6:00pm in room 326 of City Hall.

If you would like to call please feel free to do so. My number is 479-871-8147 or 479-571-7730. For those of you that may not know, I live at 2104 W. Loren Circle.

John

John Faucette
Accredited Buyer Representative
Certified Marketing Specialist
Coldwell Banker Harris McHaney
& Faucette Real Estate
jfaucette@coldwellbanker.com
http://jfaucette.cbhmf.com
479-871-8147 cell
479-444-7546 fax
"Pays Attention To Details"
"Here To Help"

From: John Faucette [mailto:jfaucette@coldwellbanker.com]
Sent: Tuesday, February 21, 2012 6:06 PM
To: 'Sarah Lewis'
Subject: the retreat at lubbock-the ultimate living experience

Sarah;

Recently I was made aware that the planning commission may consider a housing development in the Sang Valley area; the reason in part why the commissioners and aldermen, and staff(Jeremy Pate, etc) are considering changing the number of non-related occupants per house hold. I am not sure to what extent you are aware of this. As I understand on the 25 acres of Heckathorn property which connects to the Marinoni property on the west there is a proposal being considered for 600 single family so called units that are to be cottages of ranging from 1 to 5 Bedrooms with one large common in several of the blocks that will act as common area backyards. If this moves forward then the Project will blend into the Marinoni property which will be commercial and I suppose possibly more housing. If you figure an average of 1-5BR units
As 3.5 BRs times the number of units that is potentially 2,100 people and figuring one car per person and when friends are over that is in addition. Isn't that a little ridiculous? Proposed outlets as I understand:
1)Sang Avenue 2)Maple Street bordering the homes on Loren Circle going east-west then to some degree north south. 3) Which Marinoni would not want to do is go out onto Wedington Drive which would require a
Dealing with the State in installing a stop light, which to me would make more sense? Oh by the way there is a proposal consideration where Maple intersects Sang on the west side to put s bus stop to pick up kids going to the campus. This may entail taking some of Patty Lanning's backyard. Plus if Maple is widen and sidewalked that will take up a lot more yard along the south side of Westwood S/D.I can just see on a Saturday night a care ending up in someone's backyard because of being drunk.

The outlet on Sang would be in the vicinity of Archer Drive in Waterman Woods, and I can see it now that Archer would to some degree be a cut through because the number of cars going up Cleveland will result

in a

congested intersection, and in turn there will be increased traffic up Halsell to the south. Cars will be moving fast up Cleveland, on Sang, and up Halsell and maybe along Maple. The considered idea that sidewalks on both side of Cleveland would be a traffic calming devise seems absurd to me. The sidewalks would have to be really wide, more than 4 feet to be considered safe, and besides that I know on the south side there is a culvert near Ashwood on the south side how would the city handle that. I have seen cars hug the curbs on Cleveland going up and going down. It is dangerous even with the side walk that is there now. Cars go fast up the hill to be able to go up the hill and traffic goes down the hill just naturally going fast and with a congested intersection at the base of the hill, no telling what would happen. Here is another thing with the increase traffic using Cleveland and Halsell there are going to be congested intersections and made more dangerous: Razorback and Cleveland; Razorback and Maple to the north, west, east, and south(pretty dangerous already), Markham and Razorback.. If there is a bus transit that is in that Sang Valley area that will make more congestion and not so careful car drivers. Car speed on Sang going to Halsell, and if the traffic is high on Halsell then the idea of using sidewalks on both sides of Halsell as well needs to be done as well as widening Halsell. I bet Rhonda Adams would love that, especially since she proposed the increase in occupants per family unit. Oh yes, if the idea too is get people to walk up Cleveland to school, well, that isn't going to happen. Maybe a few. That hill is a little hard to pull and someone may be worn out by the time they get to the top.

Also, another access would be out of Marinoni's property, the private drive that goes out onto Wedington, however, I am sure Marinoni does not want to do that nor the potential developer because then that would mean that they would have to deal with the State Highway department and install a stop light, so put the burden back on the residential areas.

Here is something else, Hamstring Creek meanders through the Heckathorn property as you well know. Part of that creek is in the flood plain, I believe that back northwest portion of the Heckathorn property. I also have a feeling that the stream ordinance will be pushed aside to some degree to allow the developer and the city staff to get what they want to achieve. There will be drainage issues. What you may not be aware of is that as the creek meanders northwestward it brings part of West Berry Street into its flood plain. The question will this development impact the creek's already existing flood plain upon the Berry street owners much greater than it is already and will there be other drainage issues. Also, what does this do to the ecological aspect of the prairie type property that the Heckathorn property seems to be? This will potentially be a drainage burden upon the Berry Street homes that are already in the flood plain. Aren't drainage and water shed concerns are in your line of work?

No one has approached the Sang Valley residents about this proposal so what's up with that. I tell you what's up with that, it is controversial so Marinoni knows already the objection that would be voiced. There is a lot of burden that will be placed upon this area that no one of course is thinking about. The city staff doesn't really care, since they want to achieve this cottage concept, and of course the developer and Marinoni probably have the blessing of the university. There is mumbling that the population of the university will increase by say 6,000 students in 5 years because of the football and basket ball program. Too bad the student population will not increase because of academics, and as more buildings go up so will the tuition which will theoretically decrease the student population.

The Sang Valley Neighborhood needs to know.

I think this idea of increasing the occupants per household is a bad idea especially if it ever gets into the existing housing. I would also like to say that I think it is very wrong for the city staff and planners, aldermen to adjust the light ordinance to suit their own convenience regarding that stupid tree on the Old Post Office property even now more so since there is now the integrity of the transaction that the has gone on in counter offer negotiations. Just so a lighted tree will look pretty on a post card. Bah !. You know a house in our S?D seems to have lights on in their backyard strung up on a tree and deck that seems to be a little bit of a bother, what about that property?

This is long, but it had to be said.

John

John Faucette
Accredited Buyer Representative
Certified Marketing Specialist
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479-444-7546 fax
"Pays Attention To Details"
"Here To Help"

Juanita Muckleroy
Administrative Support Supervisor
Arkansas Union Room 634
Office(479) 575-2146
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jmuckle@uark.edu

Harmony, Responsibility, Restorative, Empathy, Consistency

RECEIVED

MAR 05 2012

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

TO: Alderman Rhonda Adams and Matthew Petty:

RE: Ordinance to amend the definition of "family"

Pardon my late entry into the discussion of this topic, but I have been on the road working with clients for most of December, January and February and I missed the discussion and coverage of this proposed change.

I have three concerns about the long-term impact of this proposed change:

1. How will the city enhance enforcement following these changes? My personal experience from twice enforcing the family code for Waterman Woods, I found the process to be confrontative and ponderous. The complainant becomes the "bad guy," not the party violating the code. The city staff seemed passive in the enforcement with seemingly more interest in the rights of those violating the code. Finally, once there is a finding of violation-the letter had no teeth.
2. I predict that the family definition across the city will slide to the five in practice and that citizen enforcement will become even more difficult.
3. As a consultant familiar with affordable housing projects across Arkansas through my work with the Winthrop Rockefeller Foundation, I am unclear how this provides that benefit, rather it seems to help the University and developers to provide for increased student housing. I understand the value of this amendment to the developers. How will this help low income people to become homeowners? What is the value to the tax-paying residents? How does it protect the quality of life and property values in residential communities in which we have invested our life savings?

In conclusion, whatever happened to the discussion to license commercial and individual property rental agents and hold them accountable for code violations?



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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 7th day of February, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

