

City of Fayetteville Staff Review Form

2022-0499

Legistar File ID

6/21/2022

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

Blake Pennington

5/26/2022

CITY ATTORNEY (021)

Submitted By

Submitted Date

Division / Department

Action Recommendation:

An ordinance to amend §159.01 Fees of the Fayetteville Code to clarify that Homeless Shelters are exempt from Building Permit Fees.

Budget Impact:

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

Purchase Order Number: _____

Change Order Number: _____

Original Contract Number: _____

V20210527

Previous Ordinance or Resolution # _____

Approval Date: _____

Comments:



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan
City Council**

FROM: **Blake Pennington**, Assistant City Attorney

A blue ink handwritten signature, appearing to be "BP", written over the printed name of Blake Pennington.

DATE: **May 26, 2022**

RE: **Homeless Shelter exemption from building permit fees**

On November 5, 2019, the City Council passed Ordinance 6255 to amend §159.01(B)(10)(f)(ii) of the Unified Development Code to clarify that homeless shelters are exempt from building permit fees, water and wastewater impact fees, police and public safety impact fees, and fire protection system impact fees.

In 2021, a series of amendments to the Unified Development Code's stormwater regulations worked its way through the review process, including Planning Commission review. Ultimately, the City Council adopted those changes on June 15, 2021, by passing Ordinance 6446.

Unfortunately, the change adopted in Ordinance 6255 exempting homeless shelters from building permit fees was inadvertently excluded in one of the exhibits to Ordinance 6446 so, upon passage, that subsection reverted to what it said prior to the passage of Ordinance 6255. The Unified Development Code continues to exempt homeless shelters from the other impact fees listed above.

The ordinance before the City Council will re-enact the language from Ordinance 6255 and ensure homeless shelters will continue to be exempt from building permit fees as was the City Council's intent in 2019.

Pennington, Blake

From: Johnson, Kimberly
Sent: Tuesday, May 24, 2022 4:39 PM
To: Pennington, Blake
Subject: RE: Municode Update - 159.01(B)(10)(f)(ii) - Ord 6255

Hi Blake,

Thank you for allowing me some time to check into this since we have been understaffed. This is what I have figured out.

Section 1 of Ordinance 6255 that passed on 11/5/19 was amended by Ordinance 6446 on 6/15/21. Ordinance 6446 in Section 7 repeals 159.01 Fees/Schedule and enacted a replacement 159.01 with Exhibit B.

So, the codification was done correctly as instructed with the amendment of Ordinance 6446, Section 7, Exhibit B. Based on what you said in your email below, it unfortunately sounds like 159.01(B)(10)(f)(ii) should not have been inserted in Exhibit B to be amended. If that is the case, then that section of code will need to go back before Council to be amended.

Please see the links for your convenience.

Link to Section 159.01:

https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH159FE_159.01FESC

Link to Ord 6446: https://library.municode.com/ar/fayetteville/ordinances/code_of_ordinances?nodeId=1092299

Thank you.

Kim Johnson, BSE, CMC, CAMC

Deputy City Clerk - Codifier
Office of the City Clerk Treasurer
City of Fayetteville, Arkansas
kjohnson@fayetteville-ar.gov
479.575.8310



CITY OF
FAYETTEVILLE
ARKANSAS

From: Pennington, Blake <bpennington@fayetteville-ar.gov>
Sent: Wednesday, April 27, 2022 2:29 PM
To: Johnson, Kimberly <kjohnson@fayetteville-ar.gov>
Subject: Municode Update - 159.01(B)(10)(f)(ii) - Ord 6255

Kim,

Not to add to the pile on your plate but, whenever you get an opportunity, would you please check Section 159.01(B)(10)(f)(ii) on Municode against the changes that were approved in Ordinance 6255 on 11/5/2019?

Link to Section 159.01:

https://library.municode.com/ar/fayetteville/codes/code_of_ordinances?nodeId=CD_ORD_TITXVUNDECO_CH159FE_159.01FESC

Link to Ord 6255: https://library.municode.com/ar/fayetteville/ordinances/code_of_ordinances?nodeId=989720

Section 1 of Ord. 6255 repealed and replaced that section but the language online does not match what is in Ord 6255.

It looks like Sections 2, 3 and 4 of Ord 6255 are correctly reflected in Municode but Section 1 didn't make it into the changes.

--

Blake E. Pennington

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