

CityClerk

From: Gutierrez, Sonia
Sent: Thursday, August 6, 2020 10:53 AM
To: Williams, Kit
Cc: Norton, Susan; Stoll, Garner; CityClerk; Thurber, Lisa
Subject: Reconsider: Urban Agriculture - Goats

Dear Kit,

I would like to bring the item below for Reconsideration. I was a dissenting vote so I understand that I am one of the Council Members that can do this. Is that correct?

C. 1 2020-0638 AMEND § 164.04 URBAN AGRICULTURE:

AN ORDINANCE TO AMEND § 164.04 URBAN AGRICULTURE (FOWL, BEES & GOATS) TO REDUCE THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR GOATS

If so, the reason I would like to motion to reconsider is because I received a call from a constituent who supports the ordinance but agrees that 8000 sq feet would be a better fit, which I am willing to reconsider. Also, she says that she and three other people were trying to use Zoom to speak for the ordinance but were technically unable to do so to be in the virtual meeting. This concerns me as I am very aware that technology can be a barrier, so I would like to also reconsider so that we all may hear their feedback.

Please advise me on moving forward.

Thank you,

Sonia Gutiérrez
Fayetteville City Council Member
Ward 1, Position 1
(479) 409-5064

Report a concern:
<https://documents.fayetteville-ar.gov/Forms/ReportAConcern>

Speak up on City projects:
<https://speakup.fayetteville-ar.gov/>

Legistar ID No.:

2020-0638

AGENDA REQUEST FORM

FOR: Council Meeting of August 4, 2020

FROM: Council Member Matthew Petty

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 164.04 URBAN AGRICULTURE (FOWL, BEES & GOATS) TO REDUCE THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR GOATS

APPROVED FOR AGENDA:

Approved per email
Council Member Matthew Petty


City Attorney Kit Williams
Approved as to form

7-28-2020
Date

July 28, 2020
Date

Williams, Kit

From: Matthew Petty - Fayetteville Ward 2 <citycouncil@matthewpetty.org>
Sent: Tuesday, July 28, 2020 10:34 AM
To: Williams, Kit
Subject: Re: Proposed ordinance to reduce the minimum required square footage of lot to keep two goats
Attachments: image001.jpg

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Looks great. Let's run it. Thank you Kit.

-Matthew

On Tue, Jul 28, 2020, 9:23 AM Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

Matthew,

Attached is the proposed ordinance you have requested as well as my brief memo explaining the minor change and a copy of the existing law with the three changes shown in red. If this is satisfactory, please let me know (or tell me of any needed changes). Once it meets your approval, you can inform me, and I will get it into Legistar with your email as your approval. The Clerk and I will then notify the City Council, press and public.





DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff
Garner Stoll, Development Services Director

FROM: **Kit Williams**, City Attorney

DATE: **July 28, 2020**

RE: **Reduction in minimum square footage of lot to keep goats**

Council Member Matthew Petty has proposed that (D) *Goats* of §164.04 **Urban Agriculture** be amended to reduce the minimum required square footage of a residential or educational lot to keep goats from 10,000 square feet to 4,000 square feet (for two small, female goats). Council Member Petty also requests that in order to keep three goats, the lot minimum would be 6,000 square feet rather than the current 15,000 square feet.

All other conditions designed to ensure the goats would not be a substantial inconvenience to the neighbors would remain unchanged and effective. Attached is the proposed ordinance to be introduced by Council Member Matthew Petty this afternoon as well as the current *Unified Development Code* Section on goats showing the other restrictions on goats.



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

ORDINANCE NO. _____

AN ORDINANCE TO AMEND § 164.04 URBAN AGRICULTURE (FOWL, BEES & GOATS) TO REDUCE THE MINIMUM SQUARE FOOTAGE REQUIREMENT FOR GOATS

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals subsection (D)(4) of § 164.04 **Urban Agriculture (Fowl, Bees & Goats)** enacts a replacement subsection (D)(4) as follows:

“(4) Goats shall not be permitted on lots smaller than 4,000 square feet. The minimum number of goats kept on a lot that is 4,000 square feet and larger shall be two (2). Lots 6,000 square feet and larger shall be allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.”

PASSED and APPROVED this 4th day of August 2020.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
KARA PAXTON, City Clerk/Treasurer

(D) Goats. It shall be lawful to keep goats within the corporate limits of the city under the following terms and conditions:

- (1) Allowed goats shall be female dwarf or pygmy goats not weighing more than 85 pounds and no taller than 22.5 inches at the withers (ridge between the shoulder blades). Bucks are not allowed.

Current law

164.04

FAYETTEVILLE CODE OF ORDINANCES
TITLE XV UNIFIED DEVELOPMENT CODE

- (2) All goats shall have RFID microchips and be registered with the Fayetteville Animal Services Program.
- (3) The principal use of the property shall be educational or single family residential.
- (4) Goats shall not be permitted on lots smaller than 10,000 square feet. The minimum number of goats kept on a lot that is 10,000 square feet and larger shall be two (2). Lots 15,000 square feet and larger shall be allowed up to a maximum number of three (3) goats. Nursing off-spring may be kept on the property until the age of twelve (12) weeks and shall not be included in the number of goats allowed.
- (5) There shall be no onsite slaughter of goats.
- (6) Goats shall be provided with sufficient good and wholesome food and water.
- (7) All goats shall have a secure, fenced yard constructed with a minimum area of 200 square feet per goat and a shelter that is minimum 5 square foot per goat. Shelters shall be well ventilated and provide protection from the weather including four (4) sides with opening, roof and floor.
- (8) The shelter shall not be located closer than 50 feet to any residential structure on an adjacent lot, and shall meet the building setbacks of the underlying zoning district. The shelter and fenced yard shall be in the side or rear yard, and are not permitted in the front yard area.
- (9) The yard must be kept in a neat and sanitary condition at all times, and must be cleaned on a regular basis so as to prevent offensive odors, attraction of flies or vermin, the creation of an environment otherwise injurious to the public health and safety, or that would obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property by members of the neighborhood, city, or other persons. The owner shall provide for the storage and removal of manure. Stored manure to be used for composting shall be fully covered or placed in an enclosure. All manure not used for composting or fertilizing shall be removed and properly disposed.
- (10) Nothing in this section shall be deemed or construed to prohibit the keeping of goats within a school property or community garden for the purposes of study or education. Additionally, land owners are permitted to keep goats in one location for a maximum of two (2) weeks for the purpose of land clearing and the removal of vegetation.
- (11) The city may further restrict or prohibit the keeping of goats within residential districts, within a neighborhood or on a particular property if the City Council determines that goat(s) have created a public nuisance or public health issue.

(E) Exemptions. The above sections are not intended to apply to indoor birds kept as pets, such as, but not limited to, parrots or parakeets, nor to the lawful transportation of fowl through the corporate limits of the city. Neither shall it apply to fowl, bees or goats kept in areas of the city which are zoned R-A, Residential Agricultural, or other zoning districts in which Use Unit #6, Agriculture and Use Unit #7, Animal Husbandry are permitted uses by right.

(Code 1965, App. A., Art. 7 (3); Ord. No. 1747, 6-29-70; Code 1991, §160.078; Ord. No. 4100, §2 (Ex. A.), 6-16-98; Ord. No. 5198, 12-2-08; Ord. No. 5668, 3-18-14)